

EXPLANATORY MEMORANDUM TO
THE NITRATES ACTION PROGRAMME (AMENDMENT) REGULATIONS
(NORTHERN IRELAND) 2015

2015 No. 369

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment and the Department of Agriculture and Rural Development (the Departments) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and, in the case of DOE, under Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule amends The Nitrates Action Programme Regulations (Northern Ireland) 2014 (the NAP Regulations) to: (i) correct an error in the penalties framework of Regulation 31 (Penalties); (ii) amend the measures in Regulations 22 and 23, relating to cover in winter and crop management; (iii) amend the date for submission of manure export records for derogated farms; (iv) add some further agricultural products to Table 7 of Schedule 1 (Phosphorus content of agricultural products and feedstuffs); and (v) correct some minor omissions and typographical errors.

3. Background

- 3.1. The Nitrates Action Programme Regulations (Northern Ireland) 2014 (NAP Regulations) were made in December 2014 and set out an action programme for the period 01 January 2015 to 31 December 2018 under Council Directive of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (91/676/EEC) (the Nitrates Directive).

4. Consultation

- 4.1. A consultation was carried out in relation to the NAP Regulations in 2014. This consultation process included correspondence and meetings with stakeholders including industry representatives and environmental non-government organisations. All comments made during the consultation process were carefully considered by the Departments before making the recommendations for the NAP Regulations.
- 4.2. The only policy change in the proposed amendments concerns the land management measures (Regulations 22 and 23). Stakeholders who had raised concerns about the original measures were advised in writing by DARD of the proposed changes.

5. Equality Impact

- 5.1. In accordance with the Departments' obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the NAP Regulations were assessed by a screening exercise. The Departments considered that the regulations would not result in any equality differentials amongst Section 75 groups and that a full Equality Impact Assessment was not required. The proposed amendments will have no effect on this conclusion.

6. Regulatory Impact

- 6.1. The proposed amendments are likely to decrease the regulatory burden for the agricultural industry, as they simplify rules on land management and streamline record submission requirements for derogated farms.

7. Financial Implications

- 7.1. The proposed amendments have no financial implications for the agricultural sector or the Departments.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. A Human Rights screening exercise was completed which concluded that no Convention Rights are engaged by the 2014 NAP Regulations, which are, therefore, deemed to comply with Section 24 of the Northern Ireland Act 1998. The proposed amendments would have no effect on this conclusion

9. EU Implications

- 9.1. The NAP amendment Regulations will contribute to implementation of the action programme for the period 1 January 2015 to 31 December 2018 under Council Directive of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (91/676/EEC) (the Nitrates Directive).

10. Parity or Replicatory Measure

- 10.1. The Nitrates Directive is implemented through separate action programmes in England, Scotland and Wales. Each action programme takes into consideration the agricultural practices and specific water quality concerns of the different regions.

11. Additional Information

- 11.1. It is proposed that the Rule will come into operation on the 14 December 2015.