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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 447**

**The Action Programme for Nitrate Vulnerable  
Zones (Scotland) Amendment Regulations 2009**

**Insertion of regulations 14A and 14B**

6.—(1) After regulation 14, insert—

**“Application for a derogation from the annual farm limit of nitrogen in livestock manure**

**14A.**—(1) The occupier of any grassland farm within a nitrate vulnerable zone who wishes to apply to the Scottish Ministers for a derogation must submit an application—

- (a) by 30th April of the calendar year to which the application pertains (in respect of applications other than those pertaining to 2009);
- (b) by 31st January 2010 in respect of applications pertaining to 2009.

(2) The Scottish Ministers must publish electronically the manner and form in which the derogation application must be made.

(3) Where the farm in respect of which a derogation is applied for benefited from a derogation during the calendar year preceding that to which the application relates, the application shall be accompanied by the fertilisation accounts for that preceding calendar year.

(4) The Scottish Ministers must approve or refuse a derogation application within 21 days from its receipt and notify the applicant of the decision in writing.

(5) Where the Scottish Ministers refuse a derogation application, they shall give the occupier reasons for the refusal.

**Conditions of a derogation from the annual farm limit of nitrogen in livestock manure**

**14B.** A derogation shall be subject to the following conditions—

- (a) total nitrogen inputs shall not exceed the foreseeable nutrient demand of the considered crop, taking into account the supply from the soil;
- (b) livestock manure shall not be spread in the autumn before grass cultivation;
- (c) grass on sandy soils, if ploughed, shall only be ploughed in spring;
- (d) ploughed grass on all soil types shall be followed immediately by a crop with high nitrogen demand;
- (e) crop rotation shall not include leguminous or other plants fixing atmospheric nitrogen, other than clover in grassland with less than 50% clover or leguminous plants under-sown with grass;
- (f) nitrogen and phosphate soil sampling and analysis shall be carried out at least once every four years for, as a minimum, every five hectares of the farm that, having regard to crop rotation and soil characteristics, can reasonably be considered homogeneous; and

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (g) fertilisation accounts for each calendar year for which a derogation is granted shall be prepared and submitted to the Scottish Ministers by 30<sup>th</sup> April of the following year.”.