
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 376

**The Designation of Nitrate Vulnerable
Zones (Scotland) Regulations 2015**

Transitional provision as regards the application of regulations 6(1), 7(1) and 20 of the 2008 Regulations

4.—(1) This regulation applies to any area of land designated under regulation 2(1) which has not previously been designated for the purposes of Article 3(4) before 1st January 2016⁽¹⁾.

(2) In any area to which this regulation applies, the 2008 Regulations apply subject to the following qualifications:—

- (a) regulations 6(1) (storage of livestock manure and silage effluent) (insofar as it applies to the storage of slurry) and 7(1) (storage of slurry from housed pigs and housed cattle and manure from housed poultry) of the 2008 Regulations do not apply where the storage capacity on a farm on 1st January 2016 is not sufficient to allow compliance with those provisions; and
- (b) regulation 20 (closed periods for organic manure with high available nitrogen content) of the 2008 Regulations does not apply where slurry collected on a farm can only be applied to land on the farm in contravention of that provision because—
 - (i) the storage capacity on the farm on 1st January 2016 is not sufficient to allow compliance with that provision; and
 - (ii) it is not reasonably practicable for the slurry to be removed from the farm.

(3) Paragraph (2)(a) applies until—

- (a) the storage capacity is sufficient to allow compliance with regulations 6(1) (insofar as it applies to the storage of slurry) and 7(1); or
- (b) 1st January 2018,

whichever occurs earlier.

(4) Paragraph (2)(b) applies until—

- (a) the storage capacity is sufficient to allow compliance with regulation 20 without the need for slurry to be removed from the farm; or
- (b) 1st January 2018,

whichever occurs earlier.

(5) Any qualification under paragraph (2) applies—

- (a) in respect of the period from 1st January 2016 to 31st December 2016, only if written notice is given to the Scottish Ministers as soon as practicable after 1st January 2016 and in any case no later than 31st March 2016; and
- (b) in respect of the period from 1st January 2017 to 31st December 2017, only if written notice is given to the Scottish Ministers no later than 1st January 2017.

(1) Nitrate vulnerable zones were previously designated for the purposes of Article 3(4) by [S.I. 1996/1564](#), [S.S.I. 2000/96](#), [S.S.I. 2002/276](#), [S.S.I. 2002/546](#) and [S.S.I. 2014/373](#).

- (6) Any notice under paragraph (5) must set out—
 - (a) whether a qualification under paragraph (2)(a) or (b) (or under both sub-paragraphs) applies;
 - (b) in the case of a qualification under paragraph (2)(a), any action being taken towards making the storage capacity on the farm comply with regulations 6(1) (insofar as it applies to the storage of slurry) and 7(1); and
 - (c) in the case of a qualification under paragraph (2)(b), the ways in which existing storage will be utilised to achieve compliance with regulation 20 so far as possible during the exemption period.
- (7) In this regulation, “farm” and “slurry” have the same meaning as in the 2008 Regulations.