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STATUTORY INSTRUMENTS

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**2009 No. 3160**

**AGRICULTURE, ENGLAND**  
**WATER, ENGLAND**

The Nitrate Pollution Prevention  
(Amendment) Regulations 2009 (revoked)<sup>F1</sup>

*Made* - - - - *2nd December 2009*  
*Laid before Parliament* *7th December 2009*  
*Coming into force* - - *28th December 2009*

F1 .....

**Textual Amendments**

**F1** Regulations revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), [44\(b\)](#)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Nitrate Pollution Prevention Regulations 2008 (S.I. 2008/2349) (“the Nitrate Regulations”) and the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716) (“the Habitats Regulations”).

They implement in England Commission Decision 2009/431/EC (OJ No L 141, 6.6.09, p48) granting a derogation pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution by nitrates from agricultural sources (OJ No L 375, 31.12.91, p1, amended by OJ No L 284, 31.10.03, p1, OJ No L 311, 21.11.08, p1).

Regulation 3(2) amends regulation 3 (coming into force) to extend the coming into force date of the manure storage requirements and the prohibition on high trajectory spreading equipment for those holdings identified on maps deposited at the offices of the Secretary of State as being within an area marked as a NVZ deferred slurry storage area.

Regulation 5 inserts a new Part 3A which introduces a procedure by which an application for a derogation must be made, conditions under which a deemed derogation shall be granted for 2009 and establishes an appeal procedure against refusal of a derogation application.

Regulation 7 allows the use of spreading equipment with a spreading trajectory of more than 4 metres from the ground to be used in certain circumstances.

Regulation 10 replaces Schedules 1 to 3 and inserts a new Schedule 4 which sets out additional requirements to be met by an occupier of a derogated holding.

Regulation 11 inserts new regulation 84D into the Habitats Regulations requiring the effect on a European site to be considered before granting a derogation and, subject to certain exceptions, restrict the grant of a derogation where the integrity of the European site would be adversely affected.

A transposition note setting out how the amendments transpose the provisions of the Commission Decision and a full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Water Quality Division, Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London, SW1P and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website ([www.opsi.go.uk](http://www.opsi.go.uk)).

**Changes to legislation:**

There are currently no known outstanding effects for the The Nitrate Pollution Prevention (Amendment) Regulations 2009 (revoked).