
STATUTORY INSTRUMENTS

2013 No. 1001

**AGRICULTURE, ENGLAND
WATER, ENGLAND**

**The Nitrate Pollution Prevention (Amendment)
and Water Resources (Control of Pollution)
(Silage, Slurry and Agricultural Fuel Oil)
(England) (Amendment) Regulations 2013**

Made - - - - 25th April 2013

Laid before Parliament 26th April 2013

Coming into force in accordance with regulation 1(2)

The Secretary of State is designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to the environment. In respect of the amendments to the Nitrate Pollution Prevention Regulations 2008 ^{M3}, the Secretary of State makes the following Regulations under the powers conferred by that section.

In respect of the amendment to the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 ^{M4}, the Secretary of State makes the following Regulations under the powers conferred by sections 92(1) and 219(2)(e) and (f) of the Water Resources Act 1991 ^{M5}.

Marginal Citations

M1 SI 2008/301.

M2 1972 c. 68. Section 2(2) was amended by section 3(3) of, and Part 1 of the Schedule to, the [European Union \(Amendment\) Act 2008 \(c.7\)](#) and by section 27(1)(a) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#).

M3 SI 2008/2349, amended by SI 2009/3160, 2010/1159 and 2012/1849.

M4 SI 2010/639, as amended by SI 2010/1091.

M5 1991 c. 57. The functions of the Secretary of State and of the Minister of Agriculture, Fisheries and Food under section 92, so far as exercisable in relation to Wales outside of the catchments of the rivers Dee, Wye and Severn, were transferred to the National Assembly for Wales under article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672), and subsequently to Welsh Ministers under section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32.). In relation to those parts of the catchments of the rivers Dee,

Changes to legislation: There are currently no known outstanding effects for the *The Nitrate Pollution Prevention (Amendment) and Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (Amendment) Regulations 2013*. (See end of Document for details)

Wye and Severn in Wales, it was directed in the 1999 Order that the functions of the Secretary of State and of the Minister of Agriculture, Fisheries and Food be exercisable by the National Assembly for Wales concurrently with the Secretary of State. Remaining functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State under article 2 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (SI 2002/794).

Citation and commencement

1.—(1) These Regulations—

- (a) may be cited as the Nitrate Pollution Prevention (Amendment) and Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (Amendment) Regulations 2013;
- (b) apply in relation to England only.

(2) These Regulations come into force on 17th May 2013, save as follows—

- (a) the following come into force on 1st January 2014—
 - (i) regulation 9(b) and (c)(ii);
 - (ii) regulation 11, except in so far as necessary to give effect to amendments introduced by regulations 4, 6 and 10;
 - (iii) regulation 12, except in so far as the amendment it introduces refers to regulations 4(5)(b), 13(5) and 16A(4) of the Nitrate Pollution Prevention Regulations 2008;
 - (iv) regulation 24, except in so far as necessary to give effect to amendments introduced by regulations 4, 6 and 10;
- (b) regulation 20 comes into force on 16th May 2014.

(3) In paragraph (2), references to amendments are references to amendments by these Regulations to the Nitrate Pollution Prevention Regulations 2008.

Amendment of the Nitrate Pollution Prevention Regulations 2008

^{F1}2.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

Amendments in respect of the designation of nitrate vulnerable zones

^{F1}3.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

Amendments in respect of the action programme measures

^{F1}4.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F15.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F16.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F17.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F18.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F19.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F110.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F111.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F112.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

Changes to legislation: There are currently no known outstanding effects for the The Nitrate Pollution Prevention (Amendment) and Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (Amendment) Regulations 2013. (See end of Document for details)

F113.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F114.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F115.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F116.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F117.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F118.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F119.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F120.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F1 21.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

Greenhouse exemptions and transitional provisions for holdings newly in a nitrate vulnerable zone

F1 22.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

Other amendments to Schedules

F1 23.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

F1 24.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

Amendments to grassland derogation conditions

F1 25.

F1 Regs. 2-25 revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), regs. 1(2), **44(e)**

Amendment of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010

26. In the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 ^{M6}, for regulation 9 (notice of construction etc), substitute—

“**9.**—(1) This regulation applies to any silo, slurry or fuel oil storage system whose construction is to be begun on or after 15th June 2013 (“a new or improved store”).

(2) A person who proposes to have custody or control of silage, slurry or fuel oil that is to be kept in a new or improved store must give the Agency notice specifying the type of silo or storage system and its location, at least 14 days before work constructing the new or improved store is to be begun.

(3) In this regulation, “construction” includes substantial enlargement and reconstruction.”.

Changes to legislation: There are currently no known outstanding effects for the The Nitrate Pollution Prevention (Amendment) and Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (Amendment) Regulations 2013. (See end of Document for details)

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Marginal Citations

M6 SI 2010/639, as amended by SI 2010/1091.

Department for Environment, Food and Rural
Affairs

Richard Benyon
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend certain provisions of the Nitrate Pollution Prevention Regulations 2008 (S.I. 2008/2349) (“the 2008 Regulations”) which relate to the measures required in the nitrate vulnerable zones in England. They also give statutory effect to the revised designations of nitrate vulnerable zones in England made by the Secretary of State on 10th April 2013. The 2008 Regulations implement in England Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ No L375, 31.12.1991, p.1) (“the Nitrates Directive”). These Regulations also make a minor amendment to the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (“the 2010 Regulations”). The 2010 Regulations make provisions in respect of the storage of slurry on farms throughout England and in that respect form part of the implementation in England of the Nitrates Directive.

The Regulations apply in England and for the greater part come into force on 17th May 2013. Certain amendments, principally those bringing non-livestock organic manure within the requirements of regulation 16 (total nitrogen spread on a holding) of the 2008 Regulations and extending the crops to which limits apply under regulation 16, come into force on 1st January 2014. New regulation 17 introduced to the 2008 Regulations is partially brought into force on 17th May 2013 for limited purposes of giving effect to new exemptions introduced to the 2008 Regulations (for greenhouses, green composts and grass). A related new prohibition in regulation 17A inserted into the 2008 Regulations by these Regulations also comes into force partially on 17th May 2013 but is otherwise commenced on 1st January 2014. Amendments concerning temporary field sites come into force on 16th May 2014 (regulation 1).

Regulation 3 amends regulation 7 of the 2008 Regulations to recognise the latest revisions to the areas of land designated by the Secretary of State as nitrate vulnerable zones (“NVZs”). The maps referred to in that amendment are also available on the Environment Agency's website, at: <http://www.environment-agency.gov.uk/nvzmaps>.

Regulation 4 introduces new exemptions from certain aspects of the rules for greenhouse crops and low intensity grassland farming. It also makes transitional provision for those holdings which are newly in the NVZs as from 17th May 2013, with most provisions not applying to them until 1st January 2014. Provisions in the 2008 Regulations requiring fertiliser plans and records of crops sown and fertiliser which has been spread apply in respect of arable holdings from 1st July 2013. Regulation 22 inserts Schedule A1 which sets out the detail of the exemptions for greenhouse crops and the transitional provisions for new holdings.

Regulation 6 introduces a new exception to the 250 kg limit on the total amount of nitrogen in organic manure which may be spread on any given hectare. This provides for the application of certified green compost or certified green/food compost (green compost mixed with catering waste) as mulch on orchard land or as mulch or fertiliser on any land at specified volumes over specified periods. Where the exemption is relied on, no other organic manure may be spread during the period specified. Green compost to which this exemption applies is defined so as to exclude compost of non-plant origin. Similarly, green/food compost is defined so as to exclude livestock manure. Certification of these composts as defined refers to the statement of the manufacturer or supplier that the compost has been produced in compliance with a specific British Standard (PAS 100:2011) dated January 2011.

Regulations 7, 8 and 25 make provision in respect of derogations which may be granted to grassland farmers under the 2008 Regulations. The closing date for applications for the 2013 derogation is 31st May 2013. In subsequent years, the time for applying will continue to be 1st October to 31st December of the year before the derogation is required. The date for compliance

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with various record-keeping requirements in Schedule 4 of the 2008 Regulations for derogations granted in 2013 is 30th June 2013, and continues to be 1st March in subsequent years.

Regulations 9, 11, 12 and 24 make amendments concerning the introduction of non-livestock organic manure into the requirements relating to the total nitrogen spread on a holding where certain crops are grown (listed in the table in regulation 16 of the 2008 Regulations). Regulation 9 also extends the list of crops subject to these controls. Amendments are made to regulation 17 of the 2008 Regulations to provide for the calculation of nitrogen content and nitrogen available for uptake by crops in the case of organic manure other than livestock manure. Regulation 12 inserts a new regulation 17A into the 2008 Regulations, prohibiting the application of organic manure for which a value is not established in accordance with regulation 17.

Regulation 10 inserts a new regulation 16A into the 2008 Regulations to make provision for the application of nitrogen to grass grown for dehydration or for the production of chlorophyll, that is, grass which must achieve a protein content of 16% when dry, so that farmers may apply greater amounts per hectare than would otherwise be permitted where they do so on the advice of a FACTS adviser as to the appropriate amount of nitrogen which may be spread. This is subject to a maximum amount in any twelve-month period of 700 kg on any given hectare for irrigated grass and 500 kg in any given hectare for grass which is not irrigated. In relation to organic manure, this is calculated by reference to nitrogen available for crop uptake. The provisions do not alter the obligations in regulations 12 and 13 of the 2008 Regulations, which set limits on the amount of nitrogen which may be spread via livestock and organic manure respectively.

Regulations 13 and 14 make amendments to provisions allowing specified types of organic manure to be spread nearer to water where precision spreading equipment is used. Regulation 15 makes an amendment consequential to those provisions.

Regulation 16 extends the closed periods set out in regulation 25 of the 2008 Regulations ending 15th January so that these periods will end on 31st January. Regulation 17 clarifies the terms of the exemption for organic holdings in regulation 27 of the 2008 Regulations and of the exception to manufactured closed periods in regulation 29 of those Regulations. Regulation 18 amends the restriction on the amount of slurry which may be spread following the end of the closed periods, reducing the amount from 50 cubic metres to 30 cubic metres.

Regulation 20 amends regulation 32 rules for temporary field sites.

Regulation 26 amends regulation 9 of the 2010 Regulations so that persons proposing to build or improve their storage facility for slurry, silage or fuel oil will be required to notify the Environment Agency 14 days before construction work is begun, replacing the previous requirement for notification prior to the storage facility's actual use. The notice requirement applies to works which are to begin on or after 15th June 2013.

An impact assessment has been carried out in respect of these Regulations and has been placed in the libraries of both Houses of Parliament. Copies can also be obtained from the Nitrates Policy Team, Nobel House, 17 Smith Square, London SW1P 3JR and from the Defra website, www.defra.gov.uk.

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