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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 489**

**The Nitrates Action Programme  
Regulations (Northern Ireland) 2006**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1. These Regulations may be cited as The Nitrates Action Programme Regulations (Northern Ireland) 2006 and subject to regulation 28 shall come into operation on 1st January 2007.

**Territorial application**

2. These Regulations shall apply to the whole of the territory of Northern Ireland as required under The Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 2004(1).

**Interpretation**

3.—(1) The Interpretation Act (Northern Ireland) 1954(2) shall apply to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations:

“action programme” means measures regarding the protection of water against pollution caused by nitrates from agricultural sources as set out in Article 5 and Annex III of the Directive;

“agricultural area” means any land suitable for agricultural activities, including any common land used for grazing and excludes areas under farm roads, paths, buildings, woods, dense scrub, rivers, streams, ponds, lakes, sandpits, quarries, areas of peat cutting, bare rock, areas of forestry and areas fenced off or inaccessible other than forests where the use of the same is ancillary to the farming of land for other agricultural purposes;

“agricultural land” has the same meaning as in the Agriculture Act (Northern Ireland) 1949(3);

“Appeals Commission” means the Water Appeals Commission for Northern Ireland established under Article 7(1) of the Water and Sewerage Services (Northern Ireland) Order 1973(4);

“authorised person” means a person authorised by the Department under Article 72 of the Order in respect of fulfilling its functions;

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(1) S.R. 2004 No. 419

(2) 1954 c.33 (N.I.)

(3) 1949 c.2 (N.I.)

(4) S.I. 1973/70 (N.I. 2)

“chemical fertiliser” means any fertiliser containing a nitrogen compound which is manufactured or blended by an industrial process;

“controller” means in relation to a holding, the person charged with management of the holding for the calendar year in question and in the absence of written agreement to the contrary, the owner of the agricultural area will be taken to be charged with its management;

“crop requirement” means the amount of nitrogen fertiliser which is reasonable to apply to land in any year for the purpose of promoting the growth of the crop having regard to the foreseeable nitrogen supply to the crop from the soil and from other sources, including any previous applications of livestock and other organic manure and any chemical fertilisers estimated as described in the fertiliser technical standards and regulation 9 of these Regulations;

“Department” means the Department of the Environment;

“Departments” mean the Department of the Environment and the Department of Agriculture and Rural Development acting jointly;

“Directive” means Council Directive [91/676/EEC](#) of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources<sup>(5)</sup>;

“dirty water” means a low dry matter waste made up of water contaminated by manure, urine, effluent, milk and cleaning materials with a Biochemical Oxygen Demand (BOD) no greater than 2000 mg/litre and total nitrogen and dry matter contents as set out in Schedule 1 Table 2;

“environment” means any or all of the following media, namely the air, water and land;

“farmyard manure” means a mixture of bedding material and animal excreta in solid form arising from the housing of cattle, sheep and other livestock, excluding poultry manure, but including spent mushroom compost and the stackable solids fraction from mechanical separation of slurry excluding pig slurry;

“fertiliser technical standards” means the ‘DEFRA Fertiliser Recommendations for Agricultural and Horticultural Crops (RB209) 2000 7th edition’ (as may from time to time be re-issued) and any supplementary guidance, and any other DEFRA publication substituting the standards set out in RB209 and any supplementary guidance;

“grassland” means any land on which the vegetation consists predominantly of grass species;

“holding” in relation to a controller means all the agricultural area managed by that controller;

“lake” means a body of standing inland surface water;

“land application” means the addition of materials to agricultural land whether by spreading on the surface of the land, injection into the land, placing below the surface of the land or mixing with the surface layers of the land but does not include the direct deposition of manure onto land by animals;

“livestock” means any animal kept for use or profit;

“livestock manure” save for the purposes of regulation 14 means waste products excreted by livestock, or a mixture of litter and waste products excreted by livestock, even in processed form;

“nitrogen compound” means any nitrogen-containing substance except for gaseous molecular nitrogen;

“nitrogen fertiliser” means any substance, including chemical fertiliser, containing a nitrogen compound utilised on land to enhance growth of vegetation;

“notice” means notice in writing;

“organic manure” means

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(5) O.J. L. 375, 31/12/1991 P. 0001- 0008

- (a) livestock manure, and
- (b) nitrogen fertiliser, not being livestock manure or chemical fertiliser, derived from organic matter, and includes sewage sludge, residues from fish farms and other organic wastes;

“pig enterprise” means any enterprise with more than 10 breeding sow places or 150 finishing pig places;

“poultry enterprise” means any enterprise with more than 500 places;

“public” means such persons as appear to the Departments—

- (a) to be representative of those carrying on any business which—
  - (i) is, or is likely to be, directly affected by the action programme; or
  - (ii) relies upon the water environment; or
- (b) to have an interest in the protection of the water environment;

“scientific case” means a reasoned case, as set out in guidance issued on these Regulations, designed to demonstrate that the proposed deviation from the values set out in Schedule 1 Tables 1, 2 or 3 of these Regulations will have no worse effect on the environment than that caused by using the aforementioned values;

“silage effluent” has the same meaning as in regulation 1(1) of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (Northern Ireland) 2003<sup>(6)</sup>;

“slurry” means (a) excreta produced by livestock whilst in a yard or building or (b) a mixture of such excreta with bedding, rainwater, seepage, washings or any other extraneous material from a building or yard used by livestock or in which livestock manure is stored or (c) any other organic manure or any combination of these, of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process and includes dirty water that is stored with slurry or mixed with slurry;

“soil fertility status” means the soil reserves available for uptake by the next crop estimated as described in the fertiliser technical standards;

“steeply sloping land” means land which has an average incline of 20% or more;

“the Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997;

“underground strata” has the same meaning as in Article 2(2) of the Water (Northern Ireland) Order 1999<sup>(7)</sup>;

“water pollution” means the discharge, directly or indirectly, of nitrogen compounds from agricultural sources into the aquatic environment, the results of which are such to cause hazards to human health, harm to living resources and to aquatic ecosystems, damage to amenities or interference with other legitimate uses of water;

“waterlogged” means soil where water appears on the surface of the land when pressure is added;

“waterway” has the same meaning as in Article 2(2) of the Water (Northern Ireland) Order 1999.

- (3) Other expressions used in these Regulations have the same meaning as in the Directive.

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<sup>(6)</sup> S.R. 2003 No. 319

<sup>(7)</sup> S.I. 1999/662 (N.I. 6)