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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 9**

**MISCELLANEOUS**

**Timescale for implementation of measures**

**28.** The measures contained in these Regulations shall come into operation in accordance with regulation 1 except that:

- (a) Regulation 6(3) will apply in the case of a holding without the prescribed storage capacity in place as required under regulations 11(3) and 12(1) to 12(3) from the date on which the prescribed storage capacity as required under regulation 11(3) and 12(1) to 12(3) is put in place or at the latest by 31 December 2008;
- (b) Regulations 11(3) and 12(1) to 12(3) will apply from the date on which the prescribed storage capacity is put in place or at the latest by 31 December 2008;
- (c) Regulation 14(1) will apply from the operational date of these Regulations until 31 December 2008 only;
- (d) A notice served under regulation 4 of The Action Programme for Nitrate Vulnerable Zones Regulations (Northern Ireland) 1999(1) prior to their revocation in accordance with regulation 30 shall be deemed to be a notice served under these Regulations with the coming into operation of these Regulations.

**Consequential amendments**

**29.—(1)** The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (Northern Ireland) 2003 are amended as follows:

- (a) Before regulation 2(1) insert “2(1A) The definitions of “agricultural area”, “dirty water”, “controller”, “holding” and “slurry” shall have the same meaning as in regulation 3(2) of the Nitrates Action Programme Regulations (Northern Ireland) 2006.”
- (b) Delete from regulation 2(1) the definition of “slurry”.
- (c) Schedule 2 shall be amended as follows:

Delete paragraph 6 and replace with the following:

“**6.—(1)** Subject to sub-paragraph (2), the capacity of storage facilities for slurry of a holding shall be sufficient and adequate to provide for the storage of all the slurry which is likely to require storage on the holding for such period as may be necessary to ensure compliance with the Nitrates Action Programme Regulations (Northern Ireland) 2006.

- (2) The matters to which regard is to be had under sub-paragraph (1) are—
- (a) the likely quantities of rainfall (including any fall of snow, hail or sleet) which may fall or drain into the slurry storage tank during the likely maximum storage period;
  - (b) the need to make provision for not less than 750 millimetres of freeboard in the case of a tank with walls made of earth and 300 millimetres of freeboard in all other cases; and
  - (c) soil quality in the vicinity of the slurry storage tank.”

(2) The Waste Management Licensing Regulations (Northern Ireland) 2003 Schedule 2 shall be amended as follows—

- (a) in Part I, paragraph 9, substitute sub-paragraph (3)(c) with “where the Nitrates Action Programme Regulations (Northern Ireland) 2006 applies treatment shall be carried out in accordance with those Regulations”;
- (b) in Part I, paragraph 10, substitute sub-paragraph (1)(c) with “where the Nitrates Action Programme Regulations (Northern Ireland) 2006 applies the spreading shall be carried out in accordance with those Regulations”;
- (c) in Part I, paragraph 11, substitute sub-paragraph (3)(e) with “where the Nitrates Action Programme Regulations (Northern Ireland) 2006 applies the spreading shall be carried out in accordance with those Regulations”;
- (d) in Part I, paragraph 25, sub-paragraph (1) substitute “sub-paragraphs (2) to (4A)” for “sub-paragraphs (2) to (4)”;
- (e) in Part I, paragraph 25, delete sub-paragraph (4A);
- (f) in Part I, delete paragraph 47A, sub-paragraph (1) and replace with the following:

“**47A.**—(1) The treatment of land used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste consists only of liquid milk;
- (b) before the treatment the waste is diluted with not less than an equal quantity of water or slurry;
- (c) in any period of 30 days the land is treated with no more than 50 cubic metres (tonnes) of diluted waste per hectare; and
- (d) the treatment shall be carried out in accordance with the Nitrates Action Programme Regulations (Northern Ireland) 2006.”

- (g) in Part I, delete paragraph 47B and replace with the following:

“**47B.** The deposit of agricultural waste consisting of plant tissue at the place of production if—

- (a) there is no more than 250 cubic metres (tonnes) in any one deposit;
- (b) the deposit is not immediately adjacent to any other deposit made in reliance on this exemption; and
- (c) the deposit shall be carried out in accordance with the Nitrates Action Programme Regulations (Northern Ireland) 2006.”

- (h) in Part III, substitute paragraph 2(b) with “for exempt activities to which the Nitrates Action Programme Regulations (Northern Ireland) 2006 apply the exempt activity shall be carried out in accordance with those Regulations.”

## **Revocations**

**30.**—(1) In accordance with the Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 2004 the following statutory provisions shall be revoked in their entirety upon the coming into operation of these Regulations:

- (a) The Action Programme for Nitrate Vulnerable Zones Regulations (Northern Ireland) 1999; and
- (b) The Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 2003<sup>(2)</sup>.

(2) The Protection of Water Against Agricultural Nitrate Pollution (Amendment) Regulations (Northern Ireland) 2005<sup>(3)</sup> shall be revoked in their entirety upon the coming into operation of these Regulations.

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<sup>(2)</sup> S.R. 2003 No. 259  
<sup>(3)</sup> S.R. 2005 No. 306