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## EXPLANATORY NOTE

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

These Regulations implement Commission Decision [2007/863/EC](#) granting derogation to Northern Ireland pursuant to Council Directive [91/676/EC](#) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Regulation 2 applies the provisions of the Interpretation Act (N.I.) 1954.

Regulation 3 amends the Nitrates Action Programme Regulations (Northern Ireland) 2006 (NAP Regulations) as follows:

Paragraphs (1) and (2) define terms used for the derogation.

Paragraph (3) redefines the conditions in closed periods for the spreading of all manures on a derogated holding.

Paragraphs (4) to (10) establish the requirements to seek derogation and sets out the terms and conditions applicable to a derogated holding.

Paragraphs (11) to (14) provide a right of appeal to the Water Appeals Commission against refusal of derogation application, amend offences, and correct the wording of regulation 25 of the NAP Regulations to read “A controller guilty of an offence...”.

Paragraph (15) establishes the duty on the Department to submit an annual report of the monitoring results including a report on water quality evolution and evaluation practice to the European Commission in accordance with Article 10 of the Commission Decision.

Paragraph (16) amends Schedule 1, Table 1 of the NAP Regulations to include nitrogen excretion figures for deer and horses.

Paragraph (17) amends Schedule 1, Table 4 of the NAP Regulations to limit a derogated holding to the 2010 nitrogen application standards for grassland crops.

Paragraphs (18) to (20) insert tables on P excretion values, P content of agricultural products and P content of organic manures into Schedule 1 of the NAP Regulations and paragraph 19 also inserts the procedure for calculating the phosphorus balance.

Copies of the Derogation Guidance Booklet may be obtained from the Environment and Heritage Service, 17 Antrim Road, Lisburn, BT28 3AL or Department of Agriculture and Rural Development Countryside Management offices. Alternatively, copies are available on the following websites: <http://www.ehsni.gov.uk/> and <http://www.dardni.gov.uk>.