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## EXPLANATORY NOTE

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

These Regulations consolidate, with minor corrections and drafting changes, the provisions set out in regulation 44.

They continue to implement in England Council [Directive 91/676/EEC](#) (concerning the protection of waters against pollution by nitrates from agricultural sources) and Commission [Decision 2009/431/EC](#) granting a derogation pursuant to that Directive.

Part 2 of the Regulations provides for the designation of land as nitrate vulnerable zones. It requires the Environment Agency to make recommendations to the Secretary of State about designations and for the Secretary of State to publish proposals. It establishes an appeals procedure against a proposed designation to the First-tier Tribunal.

Part 3 imposes annual limits on the amount of nitrogen from organic manure that may be applied or spread in a holding in a nitrate vulnerable zone.

Part 4 establishes requirements relating to the amount of nitrogen to be spread on a crop, and requires an occupier to plan in advance how much nitrogen fertiliser will be spread.

Part 5 requires an occupier to provide a risk map of the holding and imposes conditions on how, where and when to spread nitrogen fertiliser. It also establishes closed periods during which the spreading of nitrogen fertiliser is prohibited.

Part 6 makes provision for how nitrogen fertiliser must be stored.

Part 7 specifies which records must be kept.

Part 8 provides for the procedure for an application for a derogation and establishes an appeals procedure against the refusal of an application. Schedule 3 sets out the additional requirements to be met by an occupier of a derogated holding.

Part 9 requires the Secretary of State to review the Regulations.

Part 10 makes provision about enforcement. Breach of the Regulations is an offence punishable with a fine on summary conviction or on conviction on indictment. The Environment Agency is responsible for enforcing the Regulations.

An impact assessment has not been produced for this instrument as, given that it is a consolidation, no additional impact on business or the private or voluntary sector is foreseen.