
STATUTORY INSTRUMENTS

2015 No. 668

The Nitrate Pollution Prevention Regulations 2015

PART 1

Introductory

Citation, commencement and application

- 1.—(1) These Regulations may be cited as the Nitrate Pollution Prevention Regulations 2015.
(2) These Regulations come into force on 1st May 2015.
(3) These Regulations apply in relation to England only.
(4) Parts 3 to 8 apply only in relation to holdings that are in nitrate vulnerable zones designated for the purposes of these Regulations (see regulation 3).

Interpretation

- 2.—(1) In these Regulations—
“the Agency” means the Environment Agency;
“agricultural” has the meaning given by section 109(3) of the Agriculture Act 1947(1);
“agricultural area” means agricultural land used for agricultural purposes;
“anaerobic digestion” has the meaning given in paragraph 1 of section 1.1 of Chapter 1 of Part 2 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2010(2);
“derogated holding” means a holding over which a derogation has effect;
“derogation” and “derogation conditions” each have the meaning given by regulation 36;
“eutrophic”, in relation to water, means enriched by nitrogen compounds, causing an accelerated growth of algae and higher forms of plant life that produces an undesirable disturbance to the balance of organisms present in the water and to the quality of the water;
“FACTS adviser” means a person who is a member of the Fertiliser Advisers Certification and Training Scheme(3) and qualified to advise on matters relating to crop nutrient management;
“fertilisation plan” has the meaning given by regulation 10(1)(c) (and see also paragraph 4 of Schedule 3);
“grass” includes—
(a) permanent grassland or temporary grassland (with “temporary” meaning for a period of less than four years) which exists between the sowing and ploughing of the grass, and
(b) crops under-sown with grass,

(1) 1947 c.48

(2) SI 2010/675; relevant amendments were made by SI 2012/630.

(3) The scheme is administered by Basis Registration Ltd, and a list of qualified persons is available from them on request at <http://www.basis-reg.com/contact.aspx>

but does not include grassland with at least 50% clover;

“greenhouse” means a structure such as a glasshouse or polytunnel in which crops are grown under cover in an enclosed space, but does not include a structure in which livestock are kept;

“holding” (except in the phrase “relevant holding”, as to which see regulation 5(5)) means all the land located within a nitrate vulnerable zone and its associated buildings which are at the disposal of the occupier and which are used for the growing of crops in soil or rearing of livestock for agricultural purposes;

“livestock” means cattle, sheep, goats, deer, horses, poultry or pigs as specified in Schedule 1;

“manufactured nitrogen fertiliser” means a nitrogen fertiliser (other than organic manure) manufactured by an industrial process;

“manufactured phosphate fertiliser” means a phosphate fertiliser (other than organic manure) manufactured by an industrial process;

“new holding” means land and buildings which became a holding after 16th May 2013;

“nitrogen fertiliser” means a substance containing one or more nitrogen compounds used on land to enhance growth of vegetation;

“organic manure” means a nitrogen fertiliser or phosphate fertiliser derived from animal, plant or human sources (and includes livestock manure);

“phosphate fertiliser” means any substance containing one or more phosphorus compounds used on land to enhance growth of vegetation;

“poultry” means chicken, turkey, duck or ostrich as specified in Schedule 1;

“risk map” has the meaning given in regulation 15(1);

“sandy soil” means soil over sandstone, and any other soil in which—

- (a) in the layer up to 40cm deep, there are—
 - (i) more than 50% by weight of particles from 0.06 to 2mm in diameter,
 - (ii) less than 18% by weight of particles less than 0.02mm diameter, and
 - (iii) less than 5% by weight of organic carbon, and
- (b) in the layer from 40 to 80cm deep, there are—
 - (i) more than 70% by weight of particles from 0.06 to 2mm in diameter,
 - (ii) less than 15% by weight of particles less than 0.02mm diameter, and
 - (iii) less than 5% by weight of organic carbon;

“shallow soil” means soil that is less than 40mm deep;

“slurry” means excreta produced by livestock (other than poultry) while in a yard or building (including any bedding, rainwater or washings mixed with it) that has a consistency that allows it to be pumped or discharged by gravity (and in the case of excreta separated into its liquid and solid fractions, the slurry is the liquid fraction);

“spreading”, in relation to land, includes applying to the surface of the land, injecting into the land or mixing with the surface layers of the land, but does not include the direct deposit of excreta on to land by animals.

(2) A reference in these Regulations to polluted water is (subject to regulation 4(6)) a reference to water which—

- (a) is freshwater and contains a concentration of nitrates greater than 50 mg/l (or could do so if these Regulations were not to apply there), or
- (b) is eutrophic (or may in the near future become so if these Regulations were not to apply there),

and a reference in these Regulations to pollution, in relation to water, is to be read accordingly.

(3) In these Regulations—

“Council [Directive 91/676/EEC](#)” means Council [Directive 91/676/EEC](#) of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources⁽⁴⁾;

“Council [Directive 98/83/EC](#)” means Council [Directive 98/83/EC](#) of 3 November 1998 on the quality of water intended for human consumption⁽⁵⁾;

“Council Regulation [\(EC\) 1698/2005](#)” means Council Regulation [\(EC\) No. 1698/2005](#) of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development⁽⁶⁾;

“Council Regulation [\(EC\) 834/2007](#)” means Council Regulation [\(EC\) No. 834/2007](#) of 28 June 2007 on organic production and labelling of organic products and repealing Regulation [\(EEC\) No. 2092/91](#)⁽⁷⁾;

“[Directive 2000/60/EC](#)” means [Directive 2000/60/EC](#) of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy⁽⁸⁾;

“Regulation (EU) 1305/2013” means Regulation (EU) No. 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development and repealing Council Regulation [\(EC\) No 1698/2005](#)⁽⁹⁾.

(4) OJ No. L 375, 31.12.1991, p.1.

(5) OJ No. L 330, 5.12.1998, p.32.

(6) OJ No. L 277, 21.10.2005, p.1. This was repealed by Regulation (EU) 1305/2013 subject to transitional provisions (see Article 88).

(7) OJ No. L 189, 20.7.2007, p.1.

(8) OJ No. L 327, 22.12.2000, p.1.

(9) OJ No. L 347, 20.12.2013, p.487.