
STATUTORY INSTRUMENTS

2015 No. 668

The Nitrate Pollution Prevention Regulations 2015

PART 5

Controlling the spreading of nitrogen fertiliser

Risk map

15.—(1) An occupier of a holding who spreads organic manure on that holding must produce and maintain a map of the holding (a “risk map”) which shows the following—

- (a) each field, with its area in hectares;
- (b) all surface waters;
- (c) any boreholes, springs or wells on the holding or within 50 metres of the boundary of the holding;
- (d) areas with sandy or shallow soils;
- (e) land with an incline greater than 12 degrees;
- (f) land within 10 metres of surface waters;
- (g) land within 50 metres of a borehole, spring or well;
- (h) land drains (other than a sealed impermeable pipe);
- (i) sites suitable for temporary field heaps if this method of storing manure is to be used;
- (j) land that has a low run-off risk.

(2) The information under paragraph (1)(j) need not be included in a risk map produced by an occupier who does not intend to spread manure on land that has a low run-off risk during the storage period as referred to in regulation 25.

(3) Where a change in circumstances affects a matter referred to in paragraph (1), the occupier must update the risk map within three months of the change.

(4) The occupier must keep a copy of the risk map for the holding.

(5) Paragraph (1) does not apply to a holding on which organic manure is spread only in a greenhouse.

Restrictions on spreading nitrogen fertiliser

16.—(1) Before spreading nitrogen fertiliser, the occupier of a holding must undertake a field inspection to consider the risk of nitrogen getting into surface water.

(2) A person must not spread nitrogen fertiliser on that land if there is a significant risk of nitrogen getting into surface water; and in the assessment of that risk, account must be taken of the following in particular—

- (a) the slope of the land (especially if the slope is greater than 12 degrees);
- (b) any ground cover;

- (c) the proximity to surface water;
 - (d) the weather conditions;
 - (e) the soil type;
 - (f) the presence of land drains.
- (3) A person must not spread nitrogen fertiliser if the soil—
- (a) is waterlogged, flooded or snow covered, or
 - (b) has been frozen for more than 12 hours in the previous 24 hours.
- (4) A person must not spread manufactured nitrogen fertiliser within 2 metres of surface water.
- (5) A person spreading nitrogen fertiliser must do so in as accurate a manner as possible.
- (6) This regulation does not apply to land which is covered by a greenhouse.

Spreading organic manure near surface water, boreholes, springs or wells

17.—(1) A person must not spread organic manure within 10 metres of surface water, except in so far as doing so is permitted by paragraph (2) or (4).

- (2) Livestock manure (other than slurry or poultry manure) may be spread if—
- (a) it is spread on land managed for breeding wader birds or as a species-rich semi-natural grassland and the land comes within paragraph (3),
 - (b) it is spread in the period that begins with 1st June and ends with the following 31st October,
 - (c) it is not spread directly on to surface water, and
 - (d) the total annual amount does not exceed 12.5 tonnes per hectare.
- (3) Land comes within this paragraph if it is—
- (a) notified as a site of special scientific interest under the Wildlife and Countryside Act 1981(1), or
 - (b) subject to an agri-environmental commitment entered into under Council Regulation (EC) 1698/2005(2) or Regulation (EU) 1305/2013.
- (4) Organic manure in the form of slurry, sewage sludge or anaerobic digestate (or any combination of those) may be spread, except within 6 metres of surface water, if the spreading equipment used is—
- (a) a trailing hose band spreader or a trailing shoe band spreader,
 - (b) an injector which injects the organic manure no deeper than 10cm below the surface of the soil, or
 - (c) a dribble bar applicator.
- (5) In paragraph (4)—
- “anaerobic digestate” means the product of anaerobic digestion other than from sewage or material in a landfill;
- “sewage sludge” means sludge within the meaning of the Sludge (Use in Agriculture) Regulations 1989(3) the use of which complies with regulation 3 of those Regulations.
- (6) A person must not spread organic manure within 50 metres of a borehole, spring or well.
- (7) This regulation does not apply to land which is covered by a greenhouse.

(1) 1981 c.69. See section 28 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37).

(2) Council Regulation (EC) 1698/2005 was repealed by Article 88 of Regulation (EU) 1305/2013 but commitments entered into under it remain in force by virtue of the transitional provision in that Article.

(3) S.I. 1989/1263; see regulation 2.

Restrictions on spreading slurry

- 18.**—(1) Where a person uses equipment to spread slurry by broadcasting, the equipment must—
- (a) have a trajectory of less than 4 metres from the ground, or
 - (b) have a trajectory of 4 metres or more from the ground and be able to achieve a maximum slurry application rate of 1 mm per hour when it is operating continuously.
- (2) This Regulation does not apply to a new holding until 1st January 2016.

Incorporating organic manure into the ground

- 19.**—(1) A person who applies organic manure on to the surface of bare soil or stubble (other than soil that has been sown) must ensure that it is incorporated into the soil in accordance with this regulation.
- (2) Poultry manure must be incorporated as soon as practicable (and within 24 hours at the latest).
- (3) Slurry or liquid from the treatment of sewage sludge by anaerobic digestion must be incorporated as soon as practicable (and within 24 hours at the latest), unless it was applied using—
- (a) equipment of a kind described in regulation 17(4)(a) or (c), or
 - (b) an injector which injects the organic manure into the ground.
- (4) Any other organic manure (other than organic manure spread as a mulch on sandy soil) must be incorporated as soon as practicable (and within 24 hours at the latest), if the land—
- (a) is within 50 metres of surface water, and
 - (b) slopes in such a way that there may be a run-off to that water.
- (5) This regulation does not apply to nitrogen fertiliser spread in a greenhouse.

Closed periods for organic manure

- 20.**—(1) A person must not spread organic manure with high readily available nitrogen on land during the closed period.
- (2) The closed period is—
- (a) in the case of grassland with soil of a type specified in the first column of the table in paragraph (3), the period which begins with the first date specified in relation to soil of that type in the second column of the table and ends with the second date so specified;
 - (b) in the case of tillage land with soil of a type specified in the first column of the table, the period which begins with the first date specified in relation to soil of that type in the third column of the table and ends with the second date so specified (but see paragraph (4)).
- (3) This is the table referred to in paragraph (2)—

<i>Soil type</i>	<i>Grassland</i>	<i>Tillage land</i>
Sandy or shallow soil	1st September to following 31st December	1st August to following 31st December
All other soils	15th October to following 31st January	1st October to following 31st January

- (4) A person may, in spite of paragraph (2)(b), spread organic manure with high readily available nitrogen on tillage land with sandy or shallow soil during the period that begins with 1st August and ends with the following 15th September if the next crop sown on the land is sown on or before 15th September.

- (5) Between the end of the closed period and the end of the following February—
 - (a) the maximum amount of slurry that may be spread at any one time is 30 cubic metres per hectare;
 - (b) the maximum amount of poultry manure that may be spread at any one time is 8 tonnes per hectare;
 - (c) there must be at least three weeks between any spreading of either of the descriptions specified in paragraph (a) or (b).
- (6) This regulation does not apply to a new holding until 31st July 2015.
- (7) This regulation does not apply to the spreading of nitrogen fertiliser in a greenhouse.
- (8) In this regulation and regulation 21, “organic manure with high readily available nitrogen” means organic manure in which more than 30% of the total nitrogen content is available to the crop at the time of spreading.

Exemption for organic holdings

21.—(1) The occupier of a holding who has submitted his or her undertaking to the control system referred to in Article 27 of Council Regulation (EC) 834/2007 may at any time, in spite of regulation 20, spread organic manure with high readily available nitrogen—

- (a) on winter oilseed rape, asparagus, brassica, grass, over-wintered salad onions, parsley or bulb onions;
 - (b) on any other crop in accordance with written advice from a FACTS adviser.
- (2) Paragraph (1) applies only if each hectare on which the organic manure is spread does not receive more than 150kg total nitrogen between the start of the applicable closed period under regulation 20 and the end of the following February.
- (3) In the case of winter oilseed rape, nitrogen must not be spread after 31st October.
- (4) In the case of brassica, an additional 50kg of nitrogen per hectare may be spread every four weeks during the applicable closed period under regulation 20 up to the date of harvest (but not so as to exceed the limit imposed by paragraph (2)).
- (5) In the case of grass—
- (a) nitrogen must not be spread after 31st October, and
 - (b) a maximum of 40kg of nitrogen per hectare may be spread at any one time.
- (6) This regulation does not apply to a new holding until 31st July 2015.
- (7) This regulation does not apply to the spreading of nitrogen fertiliser in a greenhouse.

Closed period for manufactured nitrogen fertiliser

22.—(1) A person must not spread manufactured nitrogen fertiliser on land during the closed period.

- (2) The closed period is—
- (a) in the case of grassland, the period that begins with 15th September and ends with the following 15th January;
 - (b) in the case of tillage land, the period that begins with 1st September and ends with the following 15th January.
- (3) But a person may spread fertiliser during the closed period on a crop specified in the first column of the table in paragraph (5) if the rate of nitrogen specified in the second column is not exceeded.

(4) A person may spread fertiliser during the closed period on a crop not specified in the table in paragraph (5) if the spreading is in accordance with written advice from a FACTS adviser.

(5) This is the table referred to in paragraphs (3) and (4)—

<i>Crop</i>	<i>Maximum nitrogen rate (kg/hectare)</i>
Winter oilseed rape	30
Asparagus	50
Brassica	100
Grass	80
Over-wintered salad onions	40
Parsley	40
Bulb onions	40

(6) In the case of winter oilseed rape, nitrogen must not be spread after 31st October.

(7) In the case of brassica, an additional 50kg of nitrogen per hectare may be spread every four weeks during the closed period up to the date of harvest.

(8) In the case of grass—

(a) nitrogen must not be spread after 31st October, and

(b) a maximum of 40kg of nitrogen per hectare may be spread at any one time.

(9) This regulation does not apply to the spreading of nitrogen fertiliser in a greenhouse.