

SCHEDULE

Regulation 6

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Regulation 13C

Derogated holdings

1. The following additional requirements apply to derogated holdings.

Introductory

2. In this Schedule “the occupier” means the occupier of a derogated holding.

Derogation from the measures governing the limit on application of livestock manure

3. An occupier of a derogated holding must ensure that in any calendar year for which the derogation has been granted—

$$A \geq \left(\frac{Ngl}{250} \right) + \left(\frac{Nngl}{170} \right)$$

where—

A is the area of the derogated holding (hectares), as existing on 1 January for that calendar year;

Ngl is the total amount of nitrogen (kilogrammes) in livestock manure from grazing livestock, whether applied directly by an animal or by spreading;

Nngl is the total amount of nitrogen (kilogrammes) in livestock manure from non-grazing livestock, whether applied directly by an animal or by spreading.

Planning the spreading of phosphate fertiliser

- 4.—(1) In addition to the production of nitrogen spreading plans under regulation 14 (planning the spreading of nitrogen fertiliser) the occupier must—

- (a) assess the amount of phosphorus in the soil that is likely to be available for uptake by the crop during the growing season (“the soil phosphorus supply”);
- (b) calculate the optimum amount of phosphate fertiliser that should be spread on the crop, taking into account the amount of phosphorus available from the soil phosphorus supply; and
- (c) produce a plan for the spreading of phosphate fertiliser for that growing season.

- (2) The occupier must do this—

- (a) in the case of any crop other than permanent grassland, before spreading any phosphate fertiliser for the first time for the purpose of fertilising a crop planted or intended to be planted; and
- (b) in the case of permanent grassland, each year beginning on 1 January before the spreading of phosphate fertiliser.

Other requirements for fertilisation plans

- 5.—(1) The fertilisation plan for the derogated holding must—

- (a) include a sketch plan indicating the location of the fields to which the plan relates; and
- (b) clearly state in relation to any field referred to in the plan the nature of the fertilizer to be used.

- (2) The fertilisation plan must record—

Status: This is the original version (as it was originally made).

- (a) the soil phosphorus supply and the method used to establish this figure;
- (b) the optimum amount of phosphate fertiliser that should be spread on the crop, taking into account the amount of phosphorus from the soil phosphorus supply;
- (c) the amount of nitrogen likely to be available for uptake by the crop from any organic manure intended to be spread for crop uptake in the growing season during the calendar year in which it is spread;
- (d) the amount of phosphate likely to be supplied to meet the requirement of the crop from any organic manure spread or intended to be spread during the calendar year;
- (e) the amount of manufactured nitrogen fertiliser required (that is, the optimum amount of nitrogen required by the crop less the amount of nitrogen that will be available for crop uptake from any organic manure spread during that calendar year); and
- (f) the amount of manufactured phosphate fertiliser required (that is, the optimum amount of phosphate required by the crop less the amount of phosphate supplied for crop uptake from any organic manure spread for the purpose of fertilising the crop during that calendar year).

Soil sampling and analysis

6.—(1) At least every four years the occupier must undertake soil sampling and analysis for the supply of phosphorus of at least every five hectares of the agricultural area of the derogated holding under the same cropping regime and soil type.

(2) An occupier may rely on the results of previous phosphorus soil sampling and analysis of the agricultural area of the derogated holding under the same cropping regime and soil type for the purposes of sub-paragraph (1), provided such sampling and analysis was carried out within four years before the derogation.

(3) Where phosphorus soil sampling and analysis of the agricultural area of the derogated holding under the same cropping regime and soil type has not been carried out within four years before the grant of the derogation, such sampling and analysis must be carried out as follows—

- (a) 75% of the agricultural area no later than 12 months after the grant of the derogation; and
- (b) 100% of the agricultural area no later than 12 months after the date on which the derogation is next granted to the occupier.

Additional information to be recorded during the year

7.—(1) In addition to the information to be recorded under regulation 15 (additional information to be recorded during the year) the occupier must, before spreading organic manure, record—

- (a) the total phosphate content of the organic manure; and
- (b) the amount of phosphate likely to be supplied from the organic manure intended to be spread for the purpose of fertilising the crop in the growing season in which it is spread.

(2) In addition to the requirements of sub-paragraph (1) the occupier must, before spreading manufactured phosphate fertiliser, record—

- (a) the amount required (that is, the optimum amount of phosphate required by the crop less the amount of phosphate that will be supplied for crop uptake from any organic manure spread); and
- (b) the planned date for spreading (month).

Risk maps

8.—(1) In addition to the requirements under regulation 19 (risk maps), the risk map must—

- (a) show each field marked with a reference number or number to enable cross reference to fields recorded in fertilisation plans;
 - (b) correspond with the agricultural area of the derogated holding; and
 - (c) be completed by 1 March in the calendar year to which the derogation applies.
- (2) Where a change in circumstances affects a matter referred to in paragraph (1), the occupier must update the map within one month of the change.

Maintaining the derogated holding as a grassland holding

9. The occupier must maintain the holding to ensure at least 80% of the agricultural area is sown with grass during the calendar year to which the derogation applies.

Closed period for ploughing grass on the derogated holding

10. No person shall—
- (a) plough temporary grassland on sandy soils between 1 July and 31 December;
 - (b) plough grass on sandy soils before 16 January where livestock manure has been spread on that grass between 1 September and 31 December in the previous calendar year; and
 - (c) plough grass on soils that are not sandy soils before 16 January where livestock manure has been spread on that grass between 15 October in the previous calendar year and 15 January.

Sowing of crops following grass on the derogated holding

11. Where any grass on the derogated holding is ploughed, the land must be—
- (a) sown with a crop with high nitrogen demand within four weeks beginning on the day after the date of ploughing grass; or
 - (b) sown with grass within six weeks beginning on the day after the date of ploughing grass.

Crop rotation on the derogated holding

12. Crop rotation on the derogated holding must not include leguminous or other plants fixing atmospheric nitrogen except for grass with less than 50% clover, or any other leguminous plants that are under-sown with grass.

Recording the size of the derogated holding

- 13.—(1) An occupier must record the total agricultural area and the area of grass within the derogated holding by 1 March in the calendar year to which the derogation applies.
- (2) If the size of the derogated holding or area of grass within it changes the occupier must update the record within one month beginning on the day after the change.

Records relating to storage of manure during the storage period

14. In addition to the requirements of regulation 37 (records relating to storage of manure during the storage period) the occupier must make a record describing the livestock housing and manure storage systems together with the volume of manure storage in place on the holding by 1 March in the calendar year to which the derogation applies.

Record of nitrogen and phosphate produced by animals

15.—(1) The occupier must make a record of the expected number and category (in accordance with the categories in Tables 1 and 2 in Schedule 1) of livestock to be kept on the derogated holding during the calendar year to which the derogation relates.

(2) Following the record making requirements in sub-paragraph (1), the occupier must then calculate and record the amount of nitrogen and phosphate in manure expected to be produced by the livestock on the holding during that year using Tables 1 and 2 in Schedule 1.

(3) The records to be made in accordance with sub-paragraphs (1) and (2) must be made before 1 March for the calendar year concerned.

Livestock manure intended to be brought on to or sent off the derogated holding

16.—(1) The occupier must—

- (a) make a record of the type and amount of livestock manure that is intended to be brought on to the holding and sent off the holding during the calendar year to which the derogation relates; and
- (b) assess and record the amount of nitrogen in the livestock manure recorded under sub-paragraph (1)(a) in accordance with regulation 39(4) and Parts 1 and 2 of Schedule 3.

(2) The records to be made under sub-paragraph (1) must be made by 1 March for the calendar year to which the derogation relates.

Records of crops sown

17. In addition to the requirements of regulation 42 (records of crops sown) an occupier who intends to spread phosphate fertiliser must, within one week of sowing a crop record—

- (a) the crop sown; and
- (b) the date of sowing.

Records of spreading phosphate fertiliser

18. In addition to the requirements of regulation 43 (records of spreading nitrogen fertiliser), an occupier must record—

- (a) within one week of spreading organic manure—
 - (i) the total phosphorus content; and
 - (ii) the amount of phosphate that was supplied for uptake by the crop; and
- (b) within one week of spreading manufactured phosphate fertiliser—
 - (i) the date of spreading; and
 - (ii) the amount of phosphate spread.

Recording the date of ploughing

19. In addition to the requirements of regulation 44 (subsequent records) an occupier must record within one week of ploughing on the derogated holding, the date of that ploughing.

Fertilisation accounts

20.—(1) An occupier, or any person on behalf of the occupier, must submit fertilisation accounts for the calendar year to the Natural Resources Body for Wales by 30 April of the following year.

(2) The Natural Resources Body for Wales must publish the manner and form in which the fertilisation account must be made.

(3) The fertilisation account must record—

- (a) the total agricultural area of the derogated holding;
- (b) the area of the derogated holding covered by—
 - (i) winter wheat;
 - (ii) spring wheat;
 - (iii) winter barley;
 - (iv) spring barley;
 - (v) winter oilseed rape;
 - (vi) sugar beet;
 - (vii) potatoes;
 - (viii) forage maize;
 - (ix) grass; and
 - (x) other crops;
- (c) the number and category of animals kept on the derogated holding during the previous calendar year in accordance with the categories described in Tables 1 and 2 in Schedule 1;
- (d) the amount of nitrogen and phosphate in the manure produced by the animals on the derogated holding during the previous calendar year using Tables 1 and 2 in Schedule 1;
- (e) the amount, type and characteristics of livestock manure brought on to or sent off the derogated holding during the calendar year to which the derogation relates;
- (f) the amount of nitrogen and phosphate in the manure recorded under sub-paragraph (3)(e) calculated in accordance with paragraph 14(2);
- (g) the weight (tonnes) and nitrogen content of all manufactured nitrogen fertiliser stocks kept on the derogated holding between 1 January and 31 December in the calendar year to which the derogation relates; and
- (h) the weight (tonnes) and nitrogen content of all manufactured nitrogen fertiliser brought on to and sent off the derogated holding between 1 January and 31 December in the calendar year to which the derogation relates.”