
STATUTORY INSTRUMENTS

2008 No. 2349

The Nitrate Pollution Prevention Regulations 2008

PART 1

Introduction

Citation

1. These Regulations may be cited as the Nitrate Pollution Prevention Regulations 2008.

Application

- 2.—(1) These Regulations apply in England.
(2) Parts 3 to 8 only apply in relation to a holding in a nitrate vulnerable zone designated as such in these Regulations (in the case of a holding partly in a nitrate vulnerable zone, they apply only in the part of the holding inside the zone, and a reference to a holding is a reference to that part).

Coming into force

- 3.—(1) These Regulations (other than regulation 22(1) and Part 7) come into force on 1st January 2009.
(2) Regulation 22(1) and Part 7 come into force on 1st January 2012.

Transitional measures for holdings not previously in a nitrate vulnerable zone

4. In a holding or part of a holding which was not part of a nitrate vulnerable zone under the Protection of Water Against Agricultural Nitrate Pollution (England and Wales) Regulations 1996⁽¹⁾ or the Nitrate Vulnerable Zones (Additional Designations) England (No. 2) Regulations 2002⁽²⁾, but which is designated as part of a nitrate vulnerable zone under these Regulations—
 - (a) Parts 3 and 4, regulations 19 to 21, 22(2), 23, Part 6 and Part 8 do not apply until 1st January 2010, and
 - (b) the requirements in regulations 35(1) and 36(1) to record the size of the holding and storage capacity do not apply until 30th April 2010.

Meaning of “polluted water”

5. Water is polluted if—
 - (a) it 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) it is eutrophic or may in the near future become eutrophic if these Regulations were not to apply there.

(1) S. I. 1996/888.
(2) S. I. 2002/2614.

Interpretation

6. In these Regulations—

“eutrophic” means water that is 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 concerned;

“land that has a low run-off risk” means land that has an average slope less than 3°, does not have land drains (other than a sealed impermeable pipe), and is at least 50 metres from a watercourse or conduit leading to a watercourse;

“livestock” means any animal (including poultry) specified in Schedule 1;

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

“nitrogen fertiliser” means any substance containing one or more nitrogen compounds used on land to enhance growth of vegetation and includes organic manure;

“poultry” means poultry specified in Schedule 1;

“organic manure” means any nitrogen fertiliser derived from animal, plant or human sources and includes livestock manure;

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

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

“shallow soil” is soil that is less than 40 cm 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 (in the case of excreta separated into its liquid and solid fractions, the slurry is the liquid fraction);

“spreading” includes application to the surface of the land, injection 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.