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GENERAL INFORMATION

The purpose of this booklet is to give an overview of the main changes in the revised NVZ Action Programme and provide you with information which is not directly covered in the Guidance Booklets 2 to 9.

When did the rules come into force?

The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008 come into force on 1st January 2009. However, a period of adjustment is permitted for some specific rules, where significant action may be required to achieve compliance. The main changes to the Action Programme (and the dates of coming into force, if not 1st January 2009) are set out below:

- There is now a requirement to produce a risk assessment plan for organic manures.
- Minimum storage requirements for some livestock manure types:
 - 26 weeks for pig slurry
 - 26 weeks for poultry manure (that is not being stored in a temporary field heap)
 - 22 weeks for cattle slurry.
- New Nmax procedure for calculating maximum permitted nitrogen that can be applied to each crop type grown on the farm, including grassland. Compliance will now be assessed at a crop type level, rather than at an individual field level.
- 170 kg N/ha loading limit for livestock manure now applies to all land within an NVZ, not just arable land. The Scottish Government intends to apply to the EU for a derogation from this requirement for grassland farms with more than 80% grassland. See the separate leaflet “Derogation from 170 kg N/ha farm loading limit & Temporary Storage Requirement Exemption”, which is included with this pack and gives further details.
- Temporary field heaps for the storage of solid manure cannot remain in the same place for more than 12 months, and cannot return to the same site until at least 24 months have passed.
- Closed periods for organic manures with high available N content have been extended and now apply to all soil types.
- From 1st July 2009, slurry cannot be applied to land using a high trajectory splash-plate spreader. This prohibition does not apply if the application is made on land where arable crops are growing.

Full details of all the rules in the revised NVZ Action Programme Rules are contained in the other booklets that make up this guidance pack. These are detailed below.

Guidance Booklets

Booklet 2 – Summary of NVZ Action Programme Rules

Provides a summary of the main points of the Regulations, the rules you must abide by and records you must keep.

Booklet 3 – Field Application of Nitrogen Fertiliser

Explains the rules relating to the application of all nitrogen fertiliser types.

Booklet 4 – Manure Planning Part – 1

Provides guidance on preparing a risk assessment plan for organic manures, calculating the Farm Based Limit for livestock manures and calculating Field Based Limits for all organic manures.

Booklet 5 – Manure Planning Part – 2

Provides guidance on calculating the quantities of livestock manure produced and the minimum storage capacity required for different livestock businesses.

Booklet 6 – Planning Nitrogen Use – Calculating Nmax for Arable Crops and Grassland

Explains the procedure and calculations required to calculate the maximum available nitrogen that can be applied to each crop type including grass.

Booklet 7 – Record Keeping

Explains the record keeping requirement of the NVZ Action Programme. It also provides examples of records that you are required to keep which are not included elsewhere in the guidance.

Booklet 8 – Blank Tables

This booklet contains blank copies of the tables you will need to complete your annual Fertiliser and Manure Management Plan.

Booklet 9 – Nmax Standard Reference and Residue Groups

This booklet contains the standard reference information that you will require to complete the Nmax calculations for the crop types grown on your farm.

The information contained in these booklets is provided as a guide to farmers, the legal requirements of the Action Programme rules are set out in “The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008” (SSI 298) (as amended). Copies of these regulations are available from the Office of Public Sector Information – <http://www.opsi.gov.uk>.

Frequently Asked Questions

Why do we have these regulations?

The loss of nitrate to the water environment is primarily from agricultural sources and is a substantial environmental issue.

Throughout the European Union, the Nitrates Directive aims to reduce water pollution from agricultural sources. Areas where the concentrations of nitrate in water exceed, or are likely to exceed, the levels set in the Directive are designated as Nitrate Vulnerable Zones (NVZs), and legally binding rules must be put in place to reduce nitrate loss from agricultural land. These rules are known as Action Programmes. The Action Programme Regulations 2008 meet Scotland's legal and environmental obligations for the areas designated as Nitrate Vulnerable Zones.

Who is responsible for compliance with these regulations?

The occupier of any agricultural land within an NVZ. This will normally be any person who has the use of the land for 2 years or longer.

Short term lets and records, who is responsible?

In terms of the NVZ rules a "short term let" is defined as either a lease for grazing or mowing as defined in section 3 of the Agricultural Holdings (Scotland) Act 2003 or a short limited duration tenancy as defined in section 4 of that Act for a period of no more than 2 years. In either of the above situations the person letting out the land would be responsible for ensuring compliance with all aspects of the NVZ Action Programme.

How do I find out if any of my land is within an NVZ?

Online maps of the NVZ boundaries can be accessed on the Scottish Government's Nitrate Vulnerable Zones webpages at:

<http://www.gov.scot/Topics/farmingrural/Agriculture/Environment/NVZintro>

If you have registered your business online with Rural Payments and Services at www.ruralpayments.org you can log on and view a detailed map of your holding in relation to the new revised NVZ boundaries. If you cannot identify whether your location lies within the NVZ from these maps, you should contact your RPID area office – contact details are given at the end of this booklet.

What if only part of my farm is in a NVZ?

The rules only apply to the part of your farm that is located within a NVZ.

Glossary of Terms

Chemical fertiliser – means nitrogen fertiliser which is manufactured by an industrial process.

Crop requirement – means the amount of nitrogen fertiliser in kilograms which it is reasonable to apply to land in any year having regard to the nitrogen requirement of the crop and the nitrogen supplied to the crop from the soil and from organic manures.

Compost – means compost that complies with Publicly Available Specification PAS 100:2011 (Specification for composted materials) published by the British Standards Institute and does not contain livestock manure.

***Farm** – an area or areas of land and related buildings, that are used for the growing of crops or the rearing of livestock by an individual farm business;

Farmyard manure – means livestock excreta mixed with bedding material (such as straw) but does not include poultry manure other than duck manure.

Fertiliser and manure management plan – This consists of:

a risk assessment map of the farm when using organic manures

an annual assessment of the crop requirement for nitrogen fertiliser for each crop on each field each year

an annual assessment of the quantities of livestock manure produced, stored and applied to land.

Grassland means land on which the vegetation consists predominantly of grass species.

High risk area – means land where there is a tendency to flood more often than once in 5 years, or a field that has had drainage installed within the previous 12 months, or has a tendency to be water logged.

Livestock – means any animal kept for use or profit.

Livestock manure – means waste products excreted by livestock or a mixture of litter and waste products excreted by livestock, even in processed form.

Nitrate vulnerable zone (NVZ) – means any area designated as a nitrate vulnerable zone by regulation 2 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2014.

Nitrogen fertiliser – means any substance containing a nitrogen compound utilised on land to enhance growth of vegetation.

Organic manure – means:

livestock manure;

nitrogen fertiliser, not being livestock manure or chemical fertiliser, derived from organic matter; and includes sewage sludge and other organic wastes.

Organic manure with high available nitrogen content – means organic manure in which more than 30% of the total nitrogen content of the manure will be released in the year in which it is spread on land (such as cattle and pig slurry, poultry manure and liquid digested sludge).

Poultry manure – means a mixture of excreta produced by poultry and bedding material.

***RPID** – Rural Payments and Inspections Directorate.

Sandy – in relation to soil, means sandy, sandy loam and loamy sand soils where in the layer up to 40 cm deep and in the layer between 40 cm and 80 cm deep, there is:

- (a) more than 50 per cent by weight of sand sized particles (that is particles more than 0.06 mm and less than 2mm in diameter);
- (b) less than 18 per cent by weight of clay sized particles (that is particles less than 0.002 mm in diameter); and
- (c) less than 5 per cent by weight of organic carbon.

Seasonal let – means either a lease for grazing or mowing as defined in section 3 of the Agricultural Holdings (Scotland) Act 2003 or a short limited duration tenancy for a period of no more than 2 years;

***SG** – Scottish Government.

Shallow – in relation to soil, means less than 40 cm depth to rock.

Silage – means any forage crop which is being, or has been, conserved by fermentation or preservation (including the use of additives), or both, and which is intended for consumption by livestock.

Silage Effluent – means effluent from any forage crop which is being made, or has been made into silage and a mixture consisting wholly of or containing such effluent rain or groundwater emanating from a silo, silage effluent collection systems or drain.

Silo – means any structure used for making or storing silage.

Slurry – means excreta, including any liquid fraction, produced by livestock whilst in a yard or building; or a mixture of excreta, bedding, feed residues, rainwater and washings from a building or yard used by livestock, middens or manure heaps, high level slatted buildings and weeping wall structures or any combination of these, provided such excreta is present and is of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process.

Solid manure – means organic manure which can be stored or stacked in a freestanding heap without slumping and does not produce free drainage of liquid from within the stacked material.

Surface water – means all standing or flowing water on the surface of the land. This includes coastal waters, estuaries, canals, lochs, ponds, rivers, burns and ditches which contain free water.

Water environment – means all surface water, groundwater and wetlands.

Year – means, unless provided otherwise, any period of 12 months ending with 31st December.

*These terms are not standard definitions within the Action Programme rules but are added here for information

Useful Conversion Factors

Metric	Imperial
Areas, weights and volumes:	
1 hectare (ha)	2.47 acres
1 kilogram (kg)	2.205 pounds
1 tonne (t)	0.984 ton
1 litre (l)	0.22 gallons
1 cubic metre (m ³) = 1000 litres	220 gallons
1 kg (fertiliser nutrient)	2 units
N, P ₂ O ₅ , or K ₂ O contents of manures:	
1 kg/tonne (FYM)	2.0 units/ton
1 kg/m ³ (slurry)	8.9 units/1000 gallons
Application rates:	
1 kg/ha (N, P ₂ O ₅ , or K ₂ O)	0.8 units/acre
1 t/ha (FYM)	0.4 tons/acre
1 m ³ /ha (slurry)	89 gallons/acre

Inspections and Enforcement

The occupier of any agricultural land within an NVZ must allow any “authorised person” access at any reasonable time for the purposes of monitoring implementation of the NVZ Action Programme or of assessing its effectiveness in reducing nitrate pollution. This means that you must allow an authorised person to:

1. enter farm land
2. take samples
3. install and maintain equipment
4. examine all records kept under these regulations.

You must also give reasonable assistance to any authorised person undertaking an inspection by producing any record required for inspection and, if requested, you must accompany them in making an inspection of the land.

Who will be responsible for inspections and enforcement?

SGRPID is responsible for assessing farmer compliance and enforcing these Regulations. This will involve an assessment of compliance with all of the NVZ rules and record keeping requirements relevant to the farm being inspected.

What happens if my farm is non-compliant?

If you do not comply with the measures set out in the NVZ Action Programme, RPID may serve a notice on you. The notice will explain any required action to be taken and set out any other relevant steps which are considered necessary to ensure that there is no continuation or repetition of the activity to which the notice relates.

The period for compliance stated in the notice will be sufficient to allow steps to be taken or measures to be implemented to rectify the contravention and will not be less than 28 days. RPID may, at any time, withdraw the notice or extend the period for compliance. They may also modify the requirements of the notice, but only with the consent of the person on whom the notice is served.

Appeals against a notice

If you are served with a statutory notice you may appeal against the notice to the Scottish Land Court. Any appeal should be submitted within 28 days from the date the notice is served. Further details of the appeals procedure will be included with any notice served.

Offences

Failure to ensure that the Action Programme is implemented on land in a NVZ, or to comply with a notice served by RPID, is a criminal offence. You are liable on summary conviction to a fine or on conviction on indictment to a fine of an unlimited amount.

Cross Compliance

The NVZ rules are one of the Statutory Management Requirements (SMRs) for Cross Compliance under the Single Farm Payment Scheme. A breach of the NVZ rules may therefore result in a deduction from your Single Farm Payment, if you claim it, and any other schemes bound by Cross Compliance.

List of RPID Offices and Contact Details

If you have any further queries regarding Nitrate Vulnerable Zones contact your local RPID Area Office from the list below:

Email: sgrpid.areaoffice@scotland.gsi.gov.uk (for example sgrpid.ayr@scotland.gsi.gov.uk)

AYR

AFRC - RPID
Russell House
King Street
KA8 OBE
Tel: 01292 291300
Fax: 01292 291301

BENBECULA

AFRC-RPID
Balivanich
Isle of Benbecula
HS7 5LA
Tel: 0300 244 9600
Fax: 0300 244 9601

DUMFRIES

AFRC-RPID
Government Buildings
161 Brooms Road
Dumfries
DG1 3ES
Tel: 01387 274400
Fax: 01387 274440

ELGIN

AFRC-RPID
Alexander Fleming
House
8 Southfield Drive
Elgin
IV30 6GR
Tel: 01343 569500
Fax: 01343 569501

GALASHIELS

AFRC-RPID
Cotgreen Road
Tweedbank
Galashiels
TD1 3SG
Tel: 01896 892400
Fax: 01896 892424

GOLSPIE

AFRC-RPID
The Links
Golspie Business Park
Golspie
Sutherland
KW10 6UB
Tel: 01408 634063
Fax: 01408 634014

HAMILTON

AFRC-RPID
Cadzow Court
3 Wellhall Road
Hamilton
ML3 9BG
Tel: 01698 462400
Fax: 01698 462401

INVERNESS

AFRC-RPID
Government Building
28 Longman Road
Longman East
Inverness
IV1 1SF
Tel: 01463 234141
Fax: 01463 714697

INVERURIE

(Thainstone)
AFRC - RPID
Thainstone Court
Inverurie
Aberdeenshire
AB51 5YA
Tel: 01467 626222
Fax: 01467 626217

KIRKWALL

AFRC-RPID
Government Buildings
Tankerness Lane
Kirkwall
Orkney
KW15 1AQ
Tel: 0300 244 9626
Fax: 0300 244 9625

LERWICK

AFRC-RPID
Charlotte House
Commercial Road
Lerwick
ZE1 0HF
Tel: 0300 244 9599
Fax: 0300 244 9598

OBAN

AFRC-RPID
Cameron House
Albany Street
Oban
PA34 4AE
Tel: 0300 244 9340
Fax: 0300 244 9331

PERTH

AFRC-RPID
Broxden Business
Park
Lamberkine Drive
Perth
PH1 1RX
Tel: 01738 602000
Fax: 01738 602001

PORTREE

AFRC-RPID
Estates Office
Portree
Isle of Skye
IV51 9DH
Tel: 01478 612516
Fax: 01478 613128

STORNOWAY

AFRC-RPID
10 Keith Street
Stornoway
HS1 2QG
Tel: 01851 702392
Fax: 01851 705793

THURSO

AFRC-RPID
Strathbeg House
Clarence Street
Thurso
KW14 7JS
Tel: 0300 020 1234
Fax: 0300 020 1258

List of SEPA Offices and Contact Details in or near NVZ Areas

SEPA Aberdeen

Greyhope House
Greyhope Road
Torry
Aberdeen
Tel: 01224 248338
Fax: 01224 248591

SEPA Arbroath

62 High Street
Arbroath
DD11 1AW
Tel: 01241 874370
Fax: 01241 430695

SEPA Dumfries

Rivers House
Irongray Road
Dumfries
DG2 0JE
Tel: 01387 720502
Fax: 01387 721154

SEPA Edinburgh

Clearwater House
Heriot Watt Research
Park Avenue North
Riccarton
Edinburgh EH14 4AP
Tel: 0131 449 7296
Fax: 0131 4497277

SEPA Elgin

28 Perimeter Road
Pinefield
Elgin IV30 6AF
Tel: 01343 547663
Fax: 01343 540884

SEPA Galashiels

Burnbrae Mossilee Road
Galashiels
TD1 1NF
Tel: 01896 754797
Fax: 01896 754412

SEPA Glenrothes

Pentland Court
The Saltire Centre
Glenrothes
KY6 2DA
Tel: 01592 776910
Fax: 01592 775923

SEPA Newton Stewart

Penkiln Bridge Court
Minnigaff
Newton Stewart
DG8 6AA
Tel: 01671 402618
Fax: 01671 404121

SEPA Perth

7 Whitefriars Crescent
Perth
PH2 0PA
Tel: 01738 627989
Fax: 01738 630997

SEPA Perth

Strathearn House
Broxden Business Park
Lamberkine Drive
Perth
PH1 1RX
Tel: 01738 627989
Fax: 01738 630997

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