# EXPLANATORY MEMORANDUM TO

# The Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2014

## SR 2014 No. 308

## Introduction

1. This Explanatory Memorandum has been prepared by the Department of the Environment (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

2. The Statutory Rule is made under Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997 and section 2(2) of the European Communities Act 1972 and is subject to the negative resolution process.

## Purpose

3. The Statutory Rule aims to reduce water pollution by limiting the amount of chemical phosphorus fertiliser applied to land. It supplements the measures in the Nitrates Action Programme Regulations (Northern Ireland) 2014 (NAP Regulations), in regards to eutrophication, and also supports the implementation of Directive 2000/60/EC of the European Parliament and of the Council (establishing a framework for Community action in the field of water policy) (the Water Framework Directive).

## Background

4. The NAP Regulations provide continued implementation in Northern Ireland of Council Directive of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (91/676/EEC) (the Nitrates Directive). The Nitrates Directive requires Member States, where necessary, to put in place measures to address the issue of eutrophication (deterioration of water quality linked to nutrient enrichment). Phosphorus run-off from soil to surface waters is one of the main contributors to the eutrophication process in Northern Ireland. The Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2014 (Phosphorus Regulations) will help control eutrophication by limiting the amount of chemical phosphorus fertiliser applied to land to that required for crop growth. This reduces the amount of excess soil phosphorus potentially available for run-off.

## Consultation

5. The Departments issued an 11-week consultation in June 2014 on proposed revisions to the 2010 NAP Regulations and associated regulations (including the 2006 Phosphorus Regulations), with the aim of building on improvements in water quality and agricultural nutrient management seen in the last two nitrates action programmes. After consideration of the responses to the consultation and discussions with stakeholders and the European Commission, no adjustment was deemed necessary to the proposed revisions to the Phosphorus Regulations.

**Equality Impact Assessment**

6. In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations were assessed by a screening exercise. The Department considers that the Statutory Rule will not result in any equality differentials amongst Section 75 groups and that a full Equality Impact Assessment is not required.

**Regulatory Impact Assessment**

7. A partial Regulatory Impact Assessment was included in the consultation package. Any potential impact of the revised Phosphorus Regulations was assessed as being positive for the Northern Ireland agricultural sector. It is not anticipated that the Statutory Rule will impact any other sector.

**Financial Implications**

8. The revisions to the Statutory Rule (compared to the 2006 Phosphorus Regulations) are cost neutral and should have a positive impact on nutrient management and farm efficiency.

**Section 24 of the Northern Ireland Act 1998**

9. A Human Rights screening exercise has been completed which concluded that no Convention Rights are engaged by the Statutory Rule, which is, therefore, deemed to comply with Section 24 of the Northern Ireland Act 1998.

**EU Implications**

10. The Statutory Rule supports the obligation under European Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources, in regards to addressing eutrophication, and also supports the implementation of Directive 2000/60/EC of the European Parliament and of the Council (establishing a framework for Community action in the field of water policy).

**Parity or Replicatory Measure**

11. Due to differences in water quality issues between regions, there are no direct Phosphorus Regulations in England, Scotland or Wales. However, phosphorus issues are addressed indirectly through measures to reduce diffuse pollution.

**Additional Information**

12. Not applicable.