

Nutrient Action Programme (NAP) Derogation Terms and Conditions

The original terms and conditions of the derogation are set out in the Commission Implementing Decision (EU) 2019/1325 of 27 May 2019: granting a derogation requested by the United Kingdom with regard to Northern Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources: [EUR-Lex - 32019D1325 - EN - EUR-Lex \(europa.eu\)](#)

All Nutrient Action Programme (NAP) Derogation applicants must complete an online application on or before 23.59 1 March each year (unless otherwise specified).

In order to be approved for a derogation, the following conditions apply:

- The application should indicate that 80% or more of the applicant's agricultural area available for manure application is grassland.
- The application should provide evidence that the organic nitrogen loading will not exceed 250kg nitrogen per hectare on your land which includes both all applied organic manures and from the grazing animals themselves.
- If previously granted a derogation, the applicant must not have breached any of the derogation Terms and Conditions in the previous calendar year.

All approved Nutrient Action Programme (NAP) derogated farm businesses must adhere to the Terms and Conditions below, for the year for which they have been approved to be derogated.

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Nutrient Action Programme (NAP) Derogation Terms and Conditions

- Maintain 80% or more of your agricultural area available for manure application in grassland.
- Maintain a holding with grazing livestock i.e. Cattle, Sheep, Deer, Goats and Horses.
- Prepare (on or before 23.59 1 March each year) and retain on farm, a Fertilisation Plan in accordance with Regulation 16 of NAP Regulations (Northern Ireland) 2019; update this throughout the year.
- Ensure that the organic nitrogen loading does not exceed 250kg nitrogen per hectare on your land which includes both all applied organic manures and from the grazing animals themselves.
- Ensure that the farm phosphorus balance does not exceed 10kg phosphorus per hectare per year.
- Ensure the total nitrogen inputs shall neither exceed the nutrient demand of the crop nor the maximum fertilisation rate applicable to the grassland holding.
- Maintain a nitrogen balance for the calendar year ensuring that fertiliser application rates do not exceed the maximum N application limits for grassland and other arable crops.
- Carry out a soil test at least every four years for each homogenous area of grassland with regard to crop rotation and soil characteristics. At least one soil analysis per four hectares should be carried out.
- Ensure livestock manure is not spread in the Autumn (September, October & November) before grass cultivation (ploughing & reseeded).

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- Comply with some additional restrictions on crop rotation and soil management. Ensure crop rotation shall not include leguminous or other atmospheric nitrogen fixing plants. However, crop rotations may include clover in grassland with less than 50% clover and other leguminous plants are that are undersown with grass.
- Ensure if any temporary grassland is ploughed, it is only ploughed in Spring (March, April & May).
- Ensure ploughed grass is followed immediately by a high nitrogen demand crop.
- Apply at least 50% of slurry produced on the holding is spread on or before the 15th June of each year.
- Low emission slurry spreading equipment shall be used for any slurry spread after 15th June each year.
- A Fertilisation Account for the derogated farm business must be submitted online to NIEA by 23.59 1 March (unless otherwise specified) for the previous calendar year.
- Adhere to all legislative requirements.
- Note: Where it is established that in any year, the conditions as summarised above and detailed in Schedule 8 of The Nutrient Action Programme (Amendment) Regulations (Northern Ireland) 2019 are not fulfilled, the controller shall NOT be eligible for an authorisation the following year.
- Further information and guidance can be found at the link below:

[Nutrients Action Programme 2019-2022 | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](#)

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