



Review of Ireland's Nitrates Action Programme

Submission to:
Department of Agriculture, Food and the Marine
&
Department of Environment, Community and Local Government

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The Irish Farm Centre
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Dublin 12**

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Executive Summary

The Irish Farmers' Association (IFA) is a national organisation representing the interests and views of farmers and rural dwellers in Ireland, and the majority of farmers in Ireland are members of the IFA.

In this submission proposals are set out to address the difficulties faced by farmers as they try to implement the Nitrates Regulations on a daily basis. The proposals are also intended to support the long-term sustainable development and growth of the sector by removing unnecessary roadblocks to progress.

A summary of the IFA's proposals are set out below.

Phosphorous Deficiency in Soils

Proposal	Rationale for Proposal
The Grassland Soil P index range should be amended in line with the original pre 2006 range and the effective allowance to support build up and maintenance should be doubled.	This will support the achievement of optimal soil P levels (Index 3) and support the competitiveness of the sector by maximising the soil P reserves to a level at which the amount of available P supports the production of grass at optimum quantity and quality.

Availability of P in Concentrates

Proposal	Rationale for Proposal
An assumed availability of 50% should be used for P in concentrate feeds. That would better reflect the maximum likely contribution of P in such concentrates to the supply of fertiliser P to the holding over time.	<p>A considerable fraction of the P contained in concentrate feeds and mineral mixes fed to grazing livestock is absorbed by the growing and/or milking livestock and accordingly only a percentage of this class of P is excreted in the slurry/manure.</p> <p>Therefore the assumed 100% transfer of P in manure overstates its availability as fertilizer P to the holding.</p>

Inflexible Calendar Farming Regime

Proposal	Rationale for Proposal
<p>Similar to the action taken in 2012, the Nitrates Regulations should be amended and provision should be made for an early notification system by Government to farmers which recognises the difficulties experienced due to inclement weather.</p> <p>This notification to farmers should set out the proportionate response to alleviate the difficulties caused and may include a shorter <i>closed season</i> in late autumn and early spring.</p> <p>Tools including meteorological data should be used to support the decision to reduce the <i>closed season</i>.</p>	<p>To provide assurance to farmers who correctly do not spread fertilisers when weather and soil conditions are not suitable during the <i>open period</i> that Government will recognise this and put in place a proportionate and workable package of measures.</p> <p>To recognise situations where adverse weather and soil conditions do not allow for the proper establishment of green cover post-harvest or within the specified time period.</p> <p>To recognise that crop growth does take place during the closed season, and this growth can improve with the application of slurry and manure.</p>

Loss of Income Due to Buffer Zones

Proposal	Rationale for Proposal
<p>Similar to the compensation packages in place for turf cutting restrictions and other such land use restrictions a package of measures must be put in place, which compensated farmers for losses incurred under the Nitrates Regulations.</p> <p>An appeals mechanism should be established for farmers whose lands are designated because of the Nitrates Regulations and income and yield losses are endured because of reduced fertiliser application rates.</p>	<p>The buffer zones and set back distances prohibit the spreading of fertilisers, lead to yield losses and income losses and are essentially land designations. Precedent exists for the payment of compensation, where land designation and sterilisation arises because of EU legislation such as the Habitats and Birds Directives. More recently, where activities such as turf cutting has ceased, compensation has also been paid.</p>

N Availability and Additional Costs Associated with Storage Requirements for Farmyard Manure, Spent Mushroom Compost and Soiled Water

Proposal	Rationale for Proposal
<p>Similar to other EU Member States farmers should be allowed to store FYM and SMC in fields and spread all year around.</p> <p>Washings collected from holding yards and dairy washings with a BOD and DM content as set out in the Regulation should be considered as soiled water.</p> <p>The nutrient availability rates for FYM and SMC should be reduced to reflect the actual nutrient availability.</p>	<p>The additional obligation imposed on farmers in Ireland to store the FYM and SMC in farmyards over the winter months and the prohibition from storing in fields adds substantial farm building construction costs, when compared to farmers in Northern Ireland and other EU Member States.</p> <p>The existing interpretation of soiled water has added additional storage costs and is not supported by Teagasc surveys, which have found that 87% and 94% of soiled water samples were below the legal definition of soiled water for BOD and DM, respectively during the <i>closed period</i>.</p> <p>This excessive interpretation of soiled water results in many farmers spreading soiled water at the very end of the <i>open period</i> and thereby unnecessarily bringing their grazing season to an end early. This adds a substantial cost to Irish agriculture because every extra day at grass can reduce milk production costs by at least 0.16 c/litre or €1.54 per suckler cow per day when costs of alternative feeds are considered.</p> <p>Research conducted by Teagasc demonstrates that the current nitrogen availability values in the Regulation for FYM and SMC in the year of spreading are high. This discourages farmers from using the material. Where FYM and SMC are used, crops may not achieve full growth and yield because the high nitrogen values cannot be applied.</p>

Continuation of the Nitrates Derogation to Support Future Development of the Sector

Proposal	Rationale for Proposal
The nitrates derogation must remain in place to support the sustainable long term development of the sector.	Derogation farmers are already subject to additional administrative and compliance costs over and above all others. Furthermore the risks of inspections are also greater. The continuation of the nitrates derogation is an essential requirement for the dairy and livestock farmers who will develop and grow the agri-food sector in line with the growth potential identified under <i>Food Harvest 2020</i> .

Use of Organic Fertilisers by Farmers in Derogation

Proposal	Rationale for Proposal
Farmers in derogation with a requirement for nutrients should be allowed to import organic fertiliser to meet that requirement, as an alternative to more costly chemical fertiliser.	Presently farmers in derogation are prohibited from importing organic fertilisers to substitute chemical fertilisers. The implications of this are three-fold: <ul style="list-style-type: none"> • The farmer in derogation incurs additional costs by substituting local organic fertilizers such as slurry for more expensive imported chemical fertilisers. • The neighbouring pig farmer incurs additional costs in transporting the organic fertilisers longer distances • Farmers are not in a position to recycle locally produced organic fertilisers

Restriction on Autumn Application of Phosphorous for Autumn Sown Crops

Proposal	Rationale for Proposal
The current prohibited period for fertiliser application should not apply for chemical P fertiliser where it is incorporated into the seedbed of a crop.	The restriction on P fertiliser placement at sowing during the autumn months hinders root development and has a significant adverse impact on crop establishment and yield potential. This is extremely pronounced where planting conditions are challenging.

Competitiveness of Cereal Production being eroded by Ban on Winter Ploughing and Green Cover Requirement

Proposal	Rationale for Proposal
<p>The requirement to establish a green cover and the ban on winter ploughing should be removed, to restore the competitiveness of the sector by bringing the implementation of the Regulation in line with other EU Member States.</p>	<p>The green cover requirement and ban on winter ploughing for spring crops under the Nitrates Regulations is eroding Irish grain growers' competitiveness by up to €60 per hectare. This is threatening the future competitiveness and viability of grain production in Ireland given that Irish grain trade at world prices.</p>

Autumn Soil Remediation Prohibited During Autumn Months

Proposal	Rationale for Proposal
<p>The Regulation should be amended, to allow remedial action such as sub-soiling and or early ploughing of compacted soils, to be undertaken where needed. Natural weathering of ploughed soils reverses damage due to compaction.</p> <p>The Regulation should be amended to allow for the use of cultural control measures such as the timely destruction of carryover volunteer cereals / green cover.</p>	<p>The moving forward of the ploughing date is positive. However, the restrictive nature of the Regulation impedes normal workflows and prevents farmers from taking remedial action in the autumn to restore soil structure where compaction has occurred.</p> <p>The green cover requirement encourages the proliferation of volunteer cereals, resulting in a high carryover of disease inoculum into the succeeding crop. This not only creates unnecessary disease pressure but also increases the risk of mycotoxins developing in harvested grain. DG Sanco, the Food Safety Authority of Ireland, the Department of Agriculture and Food and Teagasc among others are advocating the adoption of practices that would reduce the risk of mycotoxins.</p>

Scutch Control

Proposal	Rationale for Proposal
Growers should be allowed to spray glyphosate for scutch and grass weed control on up to one third of their combined malting, milling and seed crop area post-harvest in a planned and managed fashion thus ensuring the supply of quality raw material to the malting, milling and seed industry.	<p>The control of scutch in malting, milling and seed crops is presenting major difficulties for both industry and farmers, as the pre-harvest use of glyphosate for scutch and grass weed control is no longer permitted in the majority of these crops and all seed crops.</p> <p>The spring application of glyphosate pre-ploughing is very ineffective and gives minimal control compared to autumn application.</p>

Current Nitrogen Recommendations for tillage and vegetable crops lead to Depletion of Organic Soil Nitrogen

Proposal	Rationale for Proposal
The current nitrogen application rates should be raised to match total crop requirements.	Current rates are resulting in a depletion of organic soil N, reduced crop yields and competitiveness.

Phosphorous to Support Crop Development on high pH soils

Proposal	Rationale for Proposal
For cereal crops where high soil P and pH levels exist together, additional allowance of P should be included when sowing, to meet the early demand for P in cereal crops.	Some Irish soils have high pH levels which can reduce the availability of soil P. Where high soil P and pH levels exist together, crops can suffer from poor root and tiller development in the early stages and overall yields suffer. This issue is emerging in important cereal producing regions of the country such as Kildare.

Poultry Technical Amendments

Proposal	Rationale for Proposal
<p>Change the volume that can be spread to be more even between 2013 and 2017, based on P</p> <p>Assuming Index 3 – broiler litter on tillage ground:</p> <ul style="list-style-type: none"> – Pre 2013 - 15.5 tonnes per hectare – 2013-2014 - 11.5 tonnes per hectare – 2015-2016 - 7.5 tonnes per hectare – Post 2017 - 4.2 tonnes per hectare 	<p>With the changes to the transitional arrangements, the volume of litter that can be applied has been substantially reduced. Poultry litter is an available source of cheap nutrients which must be utilised.</p>
<p>Provide grant-aid for the development of storage facilities on tillage farms to encourage tillage farmers to maximise the use of organic fertilisers and invest in storage facilities on farms.</p> <p>Consider allowing agricultural contractors who transport organic fertiliser to use agricultural diesel or provide an equivalent rebate.</p> <p>National Renewable Energy policy and development support from Government required for the urgent development of a central biomass plant through the planning and licencing process.</p>	<p>These alternatives and options were identified by the Working Group established by the Department of Agriculture when the extension of the transitional arrangements were put in place and now require implementation.</p>

Pig Technical Amendments

Proposal	Rationale for Proposal
<p>Retain text of Article 34(3) but amend Schedule 2 Table 22 so as to slow down the transition towards zero P allowed in excess of amounts prescribed in Article 16. Specifically, change the prescribed figures for “Total available P (kg/ha)” in excess of Article 16 limits effective on 1 Jan 2013, 1 Jan 2015 and 1 Jan 2017 from 5, 3 and 0 to 8, 6 and 4, respectively.</p>	<p>This is particularly important so to maintain a practical incentive for the continued use of pig slurry in practical though small quantities to supply all the P and a significant part of the N farmers need to fertilise grassland.</p>

Plethora of Water Quality Inspections Imposed on Farmers

Proposal	Rationale for Proposal
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<p>The water quality inspections carried out by the Department of Agriculture which cover nitrates, ground water, surface water and other water bodies must be accepted as the sectors compliance checks with water quality standards.</p> <p>This proposal is accepted by the Department of Agriculture.</p>	<p>The multi-agency duplication of inspections by over 5 different agencies who are inspecting the same issue (water) is excessive and a wasteful use of taxpayers money.</p> <p>The wasteful duplication of water quality inspections imposed on farmers must end.</p>
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Farm Development Programme to Support Improved On-Farm Efficiency

Proposal	Rationale for Proposal
<p>A Farm Development Programme should be established which provides 40% grant aid up to an investment limit of €50,000 and an additional 10% grant aid should be provided for young trained farmers.</p>	<p>Farming is a capital intensive business which requires constant re-investment to improve farm efficiency and compliance with changing standards and obligations. The sector is also going through a period of transition, with anticipated growth and development over the coming years.</p> <p>This Farm Development Programme should support the on-going investment needs of farmers across all sectors. It must help support the management of nutrients on-farm, support the adoption of new technologies on-farm and provide additional support for young farmers.</p>

Implementation of Penalties – Compliance v's Enforcement

Proposal	Rationale for Proposal
<p>Consideration should be given to a more measured penalty implementation system whereby a farmer who has made a concerted effort to comply with the Regulation receives a warning rather than a financial penalty and given an opportunity to remediate the issue identified.</p>	<p>Penalties imposed by inspecting authorities are currently being implemented bluntly with no regard for overall work done or general compliance with the requirements of the Regulation.</p>

Recording movement of slurry to other farms

Proposal	Rationale for Proposal
A simplified recording system should be developed where the slurry import could be recorded against the crop year. That is, record slurry applied to autumn 2013 sown winter cereals as part of the 2014 record keeping.	Presently the autumn crop is sown in 2013 and declared on 2014 single payment form and the imported slurry is recoded on the 2013 records as part of the 2013 organic nitrogen calculation (170kg N/ha) even if it is stored and used in 2014.

Nitrates Derogation Application Date

Proposal	Rationale for Proposal
The closing date for submitting nitrates derogation applications should be synchronised with the closing date for submitting single farm payment applications.	Currently farmers are required to submit their nitrates derogation applications forms to the Department of Agriculture by 31st March each year. However in late March farmers are still securing rented land, to avoid the need for derogation and in advance of submitting their single farm payment application in May.

Part 1: Technical Amendments Proposed

1.1 Phosphorous Deficiency in Soils

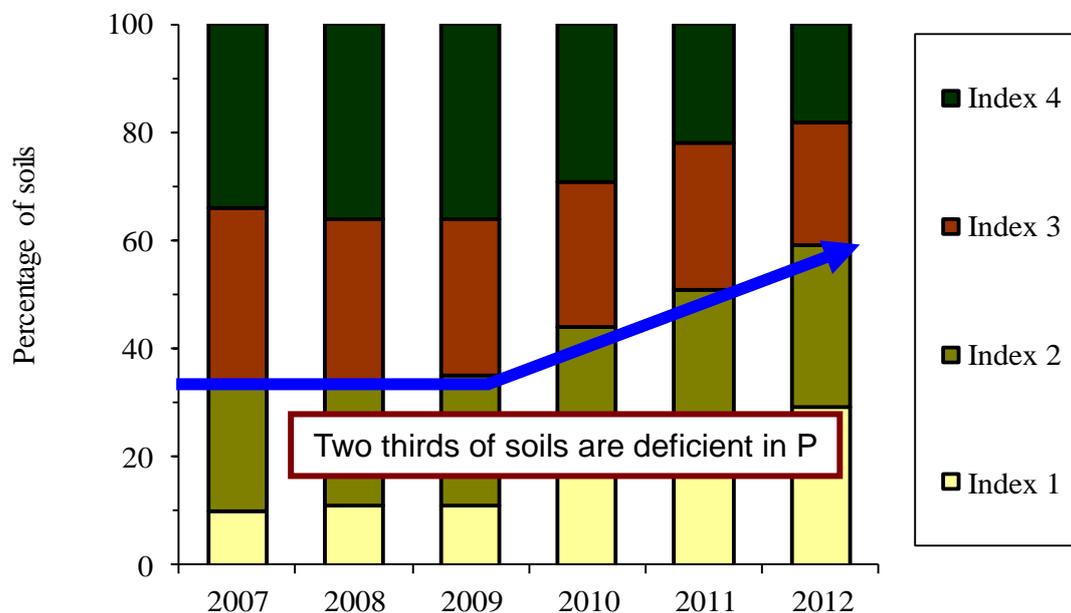
Ireland's first Nitrates Action Programme (NAP) was introduced in 2005. As part of this Programme, the phosphorous (P) usage allowances on grassland farms were reduced below existing Teagasc recommendations at that time. This is illustrated in table 1 below:

Table 1: Existing and Pre 2005 Phosphorous Use Allowances

Soil Index	1	2	3	4
	Very			
Soil P status	Low	Low	Sufficient	Excess
Response to fertilisers	Definite	Likely	Unlikely	None
	Soil P range (mg/l)			
Teagasc Recommendations 2004	0.0 - 3.0	3.1 - 6.0	6.1 - 10.0	> 10.0
SI 378 2006; 101 2009; 610 2010	0.0 - 3.0	3.1 - 5.0	5.1 - 8.0	> 8.0
Soil Index	1	2	3	4
Effective allowance (kg/ha)	20	10	1	0

This decision to reduce the allowable P use on grassland farms combined with an overall decline in P use has resulted in two thirds of soils in indices 1 and 2 and considered to be deficient in P.

Graph 1: Distribution of National Soil P samples into Indices 1 – 4



Furthermore a linear extrapolation up to 2020 of the current situation, as set out in table 2 shows that if the current rate of decline in soil P levels continues then over 80% of soils will be in Index 1 and 2 and therefore described as deficient in P.

Table 2: Speculative data on soil P status from 2007 – 2020, based on estimated data and linearly extrapolated projections based on graph 1.

Soil Index	% of samples in each Index		
	2007	2011	2020
1	14%	24%	47%
2	27%	30%	37%
3	29%	24%	13%
4	30%	22%	4%

Achieving and maintaining optimum soil fertility levels (**Index 3**) is essential not just for plant growth but also to support the dietary requirement of livestock. IFA Members continue to report on going difficulty in remaining at optimum soil Index 3 due to the narrower range at soil Index 2 and 3 and the insufficient effective allowances to build up to and maintain soils at optimum soil Index 3. This will lead to yield losses, where a mean yield reduction of up to 1.5 tonnes ha⁻¹ yr⁻¹ of grass dry matter being produced where soil P levels are at Index 1 rather than optimal Index 3. This in turn leads to a direct loss of competitiveness and growth in the sector.

Therefore is now an urgent need to address the fodder output challenge facing the sector due to the falling soil fertility levels set out above. Farmers in Ireland have the unique ability to grow grass efficiently and convert it into milk and beef better and more sustainably than most other regions of the world and the regulations should be amended to support this.

The knowledge gain with the passage of time indicates that the reduction of the Soil P range in 2005 may have being too restrictive on for grassland farms and unintentionally contributed to a rapid decline from optimal soil P levels (**Index 3**) since then.

IFA propose that the Soil P range should be amended in line with the original allowances and the effective allowance at each of the indices should be doubled.

This will support the achievement of optimal soil P levels (Index 3) and support the competitiveness of the sector by maximising the soil P reserves to a levels at which the amount of available P supports the production of grass at optimum quantity and quality.

1.2 Availability of P in Concentrate Feeds

The P in concentrates used on the farm is currently considered in the Regulation as being 100% equivalent to chemical fertiliser P. However the P in concentrates is an organic form of fertiliser which is not as readily available as chemical P to support crop growth. It is also unevenly distributed across the farm. Therefore the assumed 100% availability of P in concentrates overstates its availability and it cannot be assumed to be equivalent to chemical fertiliser P to support grassland growth.

IFA propose that an assumed availability of 50% at most, would be a more appropriate figure to use for P availability in concentrates and better reflects its availability over time.

1.3 Inflexible Calendar Farming Regime

The inflexible *calendar farming* or *farming by date* regime continue to place significant management pressures on many farmers. In recent years farmers correctly decided not to spread organic fertilisers during the open period due to poor weather conditions, which then resulted in difficulties being experienced with slurry management during the closed period. Similarly, adverse weather and soil conditions prevented many growers from establishing green cover post-harvest and/or within the specified time period.

In recognition of these exceptional circumstances the Department of Environment, Community and Local Government and the Department of Agriculture, Food and the Marine have in recent years adopted a more pragmatic approach to dealing with the situation.

In addition crop growth does take place during the closed season, and this growth can improve with the application of slurry and manure.

IFA propose that similar to the action taken in 2012, the Nitrates Regulations should be amended and provision should be made for an early notification system by Government to farmers which recognises the difficulties experienced due to inclement weather.

This notification to farmers should set out the proportionate response to alleviate the difficulties caused and may include a shorter closed season in late autumn and early spring.

Tools including meteorological data should be used to support the decision to reduce the closed season.

1.4 Loss of Income Due to Buffer Zones

The 2010 review of the NAP did provide flexibility to allow for a risk based approach to be taken when determining land spreading restrictions of organic fertilisers. However the core issues of yield and income loss arising out of the imposition of buffer zones under the Nitrates Regulations remains unresolved.

These buffer zones or set back distances prohibit the spreading of fertilisers, lead to yield losses and income losses and are essentially land designations. Precedent exists for the payment of compensation, where land designation and sterilisation arises because of EU legislation such as the Habitats and Birds Directives. More recently, where activities such as turf cutting has ceased, compensation has also been paid.

IFA propose that similar to the compensation packages in place for turf cutting restrictions and other such land use restrictions a package of measures must be put in place, which compensated farmers for losses incurred under the Nitrates Regulations.

IFA propose that an appeals mechanism should be established for farmers whose lands are designated because of the Nitrates Regulations and income and yield losses are endured because of reduced fertiliser application rates.

1.5 N Availability and Additional Costs Associated with Storage Requirements for Farmyard Manure, Spent Mushroom Compost and Soiled Water

The implementation of the Nitrates Regulations particularly regarding issues such the spreading and storage of farmyard manure (FYM), spent mushroom compost (SMC) and soiled water is unjustifiable more stringent in Ireland than other EU Member States.

For example, in Northern Ireland:

- FYM can be stored in fields,
- SMC is treated as FYM
- FYM can be spread all year around (&)

The N and P content of FYM and SMC is relatively low and therefore if stored on fields under the correct conditions, should not pose a threat to water quality.

However the additional obligation imposed in Ireland to store the FYM and SMC in farmyards over the winter months and the prohibition from storing on fields adds substantial and unnecessary additional farm building construction costs, when compared to farmers in Northern Ireland and other EU Member States.

IFA propose that similar to other EU Member States farmers should be allowed to store FYM and SMC in fields and spread all year around.

The existing interpretation in the Regulation of soiled water is excessive and has added additional storage costs, particularly for dairy farmers because it basically means that all washings coming from holding yards is regarded as slurry, regardless of its biological oxygen demand (BOD) or its dry matter (DM) content.

However this interpretation is not supported by Teagasc surveys which have found that 87% and 94% of soiled water samples were below the legal definition of soiled water for BOD and DM, respectively during the *closed period*. This excessive interpretation of soiled water results in many farmers spreading right at the very end of the open period and thereby unnecessarily brings their grazing season to an end early. This adds a substantial cost to Irish agriculture because every extra day at grass can reduce milk production costs by at least 0.16 c/litre or €1.54 per suckler cow per day when cost of winter feed is considered.

IFA propose that washings collected from holding yards and dairy washings with a BOD and DM content as set out in the Regulation would be considered as soiled water.

Research conducted by Teagasc demonstrates that the current nitrogen availability values in the Regulation for FYM and SMC in the year of spreading are high. This discourages farmers from using

the material. Where FYM and SMC are used, crops may not achieve full growth and yield because the high nitrogen values cannot be applied.

IFA propose that the nutrient availability rates for FYM and SMC are reduced to reflect the actual nutrient availability.

1.6 Continuation of the Nitrates Derogation to Support Future Development of the Sector

The continuation of the nitrates derogation is an essential requirement for the dairy and livestock farmers who will develop and grow the agri-food sector in line with the growth potential identified under *Food Harvest 2020*.

Derogation farmers are already subject to additional administrative and compliance costs over and above all others. Furthermore, the risks of inspections are also greater.

IFA propose that the nitrates derogation remains in place to support the sustainable long term development of the sector.

1.7 Use of Organic Fertilisers by Farmers in Derogation

Presently farmers in derogation are prohibited from importing organic fertilisers to substitute chemical fertilisers. The implications of this are three-fold:

- The farmer in derogation incurs additional costs by substituting local organic fertilisers (slurry) for more expensive imported chemical fertilisers.
- The neighbouring pig farmer incurs additional costs in transporting the organic fertilisers (slurry) longer distances
- Farmers are not in a position to recycle locally produced organic fertilisers

IFA propose that farmers in derogation with a requirement for nutrients should be allowed to import organic fertiliser to meet that requirement, as an alternative to more costly chemical fertiliser.

1.8 Restriction on Autumn Application of Phosphorous for Autumn Sown Crops

The restriction under the Nitrates Regulations of P fertiliser application during the autumn months is having a significant impact on root development and crop establishment of crops impacting negatively on crop yields. Cultivation and fertiliser take-up demand exists in the autumn which cannot currently be met with appropriate P fertilization due to the existing restrictions in the Regulations. This is leading to restrictions in initial crop growth which is impacting on the overall yields being achieved.

IFA propose that the current prohibited period for fertiliser application should not apply for chemical P fertiliser where it is incorporated into the seedbed at sowing.

1.9 Competitiveness of Cereal Production in Ireland Eroded by Ban on Winter Ploughing and Green Cover Requirement

The green cover requirement and ban on winter ploughing for spring crops under the Nitrates Regulations is eroding Irish grain growers' competitiveness by up to €60 per hectare. This is threatening the future competitiveness and viability of grain production in Ireland given that Irish grain trades at world prices.

Other EU Member States such as the United Kingdom have revised their implementation of the Nitrates Regulations and implemented rules which have resulted in the following significant difference emerging:

- There is no green cover required over the winter
- There is no closed period for ploughing. The UK Environmental agency actively promotes winter ploughing and sub soiling particularly where compaction is a problem in order to minimise nutrient loss and soil erosion.
- Nitrogen recommendations for the main crops are considerably higher under the UK legislation at lower yield levels.
- The UK system is more flexible as it takes account of practical situations. E.g. incorporation of straw initially leads to higher N requirement in the first two years. Ireland does not recognise this increased need and this will slow down the move to min till.
- Nitrogen availability from organic manures is calculated at higher levels than in the UK. This discourages and restricts the use of organic manures on tillage land in Ireland and reduces their attractiveness.

IFA remains opposed to the ban on winter ploughing. Natural weathering of the ploughed sod over the winter months reduces:

- The number of passes required to create a proper seedbed.
- The carryover of disease and the volume of plant protection products used &
- Carbon emissions
- Can reduce surface water runoff

Farmers must be allowed to winter plough when soil conditions are appropriate.

The absolute requirement for the establishment of a green cover is in many cases not practical and contrary to good farming practice. Given that the requirement for the establishment of a green cover is not a mandatory requirement in the EU Nitrates Directive it must be removed and the competitiveness of the sector must be restored.

IFA propose that the requirement to establish a green cover and the ban on winter ploughing are removed, to help restore the competitiveness of the sector by bringing the implementation of the Regulation in line with other EU Member States.

1.10 Autumn Soil Remediation Prohibited During Autumn Months

The exceptional wet weather in recent years has resulted in widespread varying degrees of compaction. While the moving forward of the ploughing date is positive the restrictive nature of the Regulation impedes normal workflows and prevents farmers from taking remedial action in the autumn to restore soil structure where compaction has occurred.

IFA propose that the Regulation is revised to allow for remedial action, such as sub-soiling and or early ploughing of compacted soils, to be undertaken where needed. Natural weathering of ploughed soils reverses damage due to compaction.

Europe is increasingly moving towards integrated pest control management, which relies heavily on cultural control measures. Yet the Irish nitrates regulations promotes the abandonment of such practices, e.g. breaking the green bridge (green cover). The green cover requirement encourages the proliferation of volunteer cereals, resulting in a high carryover of disease inoculum into the succeeding crop. This not only creates unnecessary disease pressure but also increases the risk of mycotoxins developing in harvested grain. DG Sanco, the Food Safety Authority of Ireland, the Department of Agriculture and Food and Teagasc among others are advocating the adoption of practices that would reduce the risk of mycotoxins.

IFA propose that the Regulation is amended to allow for the use of cultural control measures such as the timely destruction of carryover volunteer cereals/green cover.

1.11 Current Tillage Nitrogen Recommendations lead to Depletion of Organic Soil Nitrogen

The current nitrogen recommendations applicable under Irish nitrates regulations, based on standard yields will lead to the rapid depletion of organic soil nitrogen and result in reduced yields as time progresses particularly in a continuous cereal situation.

In the UK for instance growers can apply 220 kg of N per ha based on a standard yield of 8t/ha (27.5 kg N /t of grain). However Irish growers are limited to 190 kg of N/ha based on a higher standard yield of 9t/ha (21.1 kg N /t of grain produced).

The comparison for spring barley is even more stark where UK farmers can apply 150kg/ha based on a standard yield of 5.5t/ha (27.3 kg N /t of grain) where the Irish figure is 135kg/ha based on a higher standard yield of 7.5t/ha (18 kg N/t of grain produced).

Nitrogen requirements for vegetable crops particularly those grown on light sandy soils are higher than the allowances in the Regulation and the nitrogen deficiency is impacting significantly on yields. For example broccoli maximum recommended N application on low organic N sandy soils would be up to 235 kg/Ha in line with the UK recommendations (RB209). This would be required as top dressing to maximise crop uptake.

IFA propose that the current nitrogen application rates are raised to match total crop requirements, as current rates are resulting in a depletion of organic soil N, reduced crop yields and competitiveness.

1.12 Phosphorous to Support Crop Development on high pH soils

Some Irish soils have high pH levels which can reduce the availability of soil P. Where high soil P and pH levels exist together, crops can suffer from poor root and tiller development in the early stages and overall yields suffer. This issue is emerging in important cereal producing regions of the country such as Kildare.

IFA propose that for cereal crops where high soil P and pH levels exist together, additional allowance of P should be included when sowing, to meet the early demand for P in cereal crops.

1.13 Grass weed and scutch control in malting, milling and seed crops

The control of scutch in malting, milling and seed crops is presenting major difficulties for industry and farmers alike, as the pre-harvest use of glyphosate for scutch and grass weed control is no longer permitted on the majority of these crops and all seed crops. The spring application of glyphosate pre-ploughing is very ineffective and gives minimal control compared to autumn application.

IFA Proposal

IFA proposes that growers should be allowed to spray glyphosate for scutch and grass weed control on up to one third of their combined malting, milling and seed crop area post-harvest in a planned and managed fashion thus ensuring the supply of quality raw material to the malting, milling and seed industry.

1.14 Poultry Amendments

Transitional Arrangements 34 (1) Schedule 2 Table 22

In the last review of the Regulations, the transitional arrangements were amended with the volume of organic manure that could be applied reducing each year from 2013. It had been envisaged that that alternatives to land spreading would be identified by 2013. This however has not happened despite the efforts of the industry. Ultimately with the changes to the transitional arrangements, the volume of litter that can be applied has been substantially reduced. The reduction for the use of poultry litter is not gradual and its use will be curtailed considerably. This will mean less use by farmers of organics over chemical alternatives as well as additional costs for the poultry industry.

Assuming **Index 3** – broiler litter on tillage ground:

- Pre 2013 - 15.5 tonnes per hectare
- 2013-2014 - 5 tonnes per hectare
- 2015-2016 - 4.7 tonnes per hectare
- Post 2017 - 4.2 tonnes per hectare

With the aim of reaching the same end point by 2017, IFA are proposing that the volume that can be spread should be more evenly reduced between 2013 and 2017, based on P, as set out below.

Assuming **Index 3** – broiler litter on tillage ground:

- Pre 2013 - 15.5 tonnes per hectare
- 2013-2014 - 11.5 tonnes per hectare

- 2015-2016 - 7.5 tonnes per hectare
- Post 2017 - 4.2 tonnes per hectare

Despite considerable effort by the poultry sector, significant alternatives to land spreading of poultry litter have not been identified. It is now therefore essential that the options which were identified by the Working Group established by the Department of Environment when the extension of the transitional arrangements were put in place are implemented, including:

1. Provide grant-aid for the development of storage facilities on tillage farms to encourage tillage farmers to maximise the use of organic fertilisers and invest in storage facilities on farms.
2. Consider allowing agricultural contractors who transport organic fertiliser to use agricultural diesel or provide an equivalent rebate.
3. National renewable energy policy and development support is required from Government for the urgent development of a central biomass plant, through the planning and licencing process.

1.15 Pigs - Transitional Provisions – Article 34

The application to land of P contained in pig manure, poultry manure or SMC in amounts of P in excess of the quantities prescribed by Article 16 are currently planned to be reduced according to a time line in Schedule 2 Table 22. This however is too short and to a degree would have a particularly severe negative impact on demand for pig slurry for use in fertilising grassland. Accordingly, it is important that measures are put in place to promote continued use of organic fertilisers available from pig and poultry producers are included in the revised Regulations.

The following are proposed in relation to Article 34:

- Leave Article 34(3) as it currently is in S.I. 610 of 2010.
- Amend Schedule 2 Table 2 to change the figures under “Total available phosphorus (kg/ha)” 8, 6 and 4 opposite 1 January 2013, 1 January 2015 and 1 January 2017, respectively.
- Consider the removal of Article 34(1) and 34(2) unless some circumstances to which they would apply continues to exist.

Part 2: Administrative Amendments Proposed

2.1 Plethora of Water Quality Inspections Imposed on Farmers

Currently for the purposes of compliance with water quality standards in Ireland a farmer can be inspected by any one of the following:

- Local Authorities – 34.
- Department of Agriculture, Food and the Marine.
- Department of Environment, Community and Local Government.
- Environmental Protection Agency.
- Inland Fisheries Ireland.

These agencies impose their own water inspection regimes on farmers. With the exception of the Department of Agriculture there are no appeals processes in place to allow a farmer appeal the outcome of these inspections.

In April 2009, the Departments of Environment and Agriculture agreed to streamline the inspection regime imposed on farmers. Subsequently the Minister for Agriculture issued a statement confirming that his Department would avoid the duplication of inspection by taking over the nitrates regulations inspections as part the cross-compliance regime. In summary the purpose of this agreement was to end the duplication of water quality inspections in agriculture.

However, the implementation of this agreement has actually increased the number of inspections imposed on farmers. Local authorities have largely ignored the agreement and continue to conduct several hundred water quality inspections. In addition the Department of Agriculture carry out a further 1,400 nitrates regulation inspections each year at the request of the Department of Environment.

These 1,400 nitrates regulations inspections conducted on behalf of the local authorities are in addition to the nitrates inspections which the Department of Agriculture are doing as part of cross-compliance.

1,400 inspections represent 1% each year. 1% is deemed acceptable for water quality protection for septic tanks, and general cross compliance. However the scenario which now exists is that several thousands of farmers are inspected each year for water quality, in particular nitrates regulations by a plethora of agencies. This adds further costs, leads to duplication and is a wasteful use of taxpayers' money.

IFA propose that the wasteful duplication of water quality inspections imposed on farmers is ended. The water quality inspections carried out by the Department of Agriculture which cover nitrates, ground water, surface water and other water bodies must be accepted as the sectors compliance checks with water quality standards. This proposal is accepted by the Department of Agriculture.

2.2 Farm Development Programme to Support Improved On-Farm Efficiency

Farming is a capital intensive business which requires constant re-investment to improve farm efficiency and compliance with changing standards and obligations. The sector is also going through a period of transition, with anticipated growth and development over the coming years.

IFA propose that a Farm Development Programme should be established which provides 40% grant aid up to an investment limit of €50,000 and an additional 10% grant aid should be provided for young trained farmers.

This Farm Development Programme should support the on-going investment needs of farmers across all sectors. It must help support the management of nutrients on-farm, support the adoption of new technologies on-farm and provide additional support for young farmers.

2.3 Implementation of Penalties – Compliance v's Enforcement

Penalties imposed by inspecting authorities are currently being implemented bluntly with no regard for overall work done or general compliance with the requirements of the Regulation.

For example, if an inspector reviews a farm yard and finds that there is a concerted effort being made to comply with the Nitrates Regulation (storage facilities in place etc.) then any breaches of the Regulation should be penalised with a “warning” rather than a financial penalty and the farmer should be provided with an opportunity to remediate the issue identified.

IFA propose that a consideration should be given to a more measured penalty implementation system whereby a farmer who has made a concerted effort to comply with the Regulation receives a warning rather than a financial penalty and is given an opportunity to remediate the issues identified.

2.4 Recording movement of slurry to other farms.

An anomaly currently exists regarding the requirement to record the movement of organic fertilisers and their application to autumn sown crops.

Presently the autumn crop is sown in 2013 and declared on 2014 single payment form and the imported slurry is recorded on the 2013 records as part of the 2013 organic nitrogen calculation (170kg N/ha) even if it is stored and used in 2014.

IFA propose that a simplified recording system is developed where the slurry import could be recorded against the crop year. That is, for example, record slurry applied to autumn 2013 sown winter cereals as part of the 2014 record keeping.

This simplification of recording would encourage the movement of slurry between farms and maximise nutrient recycling.

2.5 Nitrates Derogation Application Date

Currently farmers are required to submit their nitrates derogation applications forms to the Department of Agriculture by 31st March each year. However in late March farmers are still securing rented land, to avoid the need for derogation and in advance of submitting their single farm payment application in May.

IFA propose that the closing date for submitting nitrates derogation applications should be synchronised with the closing date for submitting single farm payment applications.

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