



Nitrates Derogation Terms and Conditions

Before completing the application, please familiarise yourself with the terms and conditions of the Derogation as outlined in this explanatory note.

The closing date for derogation applications in 2010 is the 31st March 2010

The Fertiliser Plan should also be submitted with the Nitrates Derogation application form, unless you have an approved REPS 4 plan in place.

No applications for derogations will be accepted after the closing date.

For a Nitrates Derogation Application to be valid, all terms and conditions of the Derogation must be adhered to.

- You must make an annual application to the Department in the format specified.
- You must undertake in writing to fulfil the conditions set out herein.
- You must be farming a holding that is at least 80% grass.
- You must have grazing livestock – a derogation is only available in respect of grazing livestock.
- You must have a Fertiliser Plan in place for your holding by 1st March . The Fertiliser Plan for 2010 will form part of your application and must be submitted to the Department along with your Nitrates Derogation application form, unless you have an approved REPS 4 plan in place.
- You must keep Fertiliser Accounts. After the end of each calendar year, your Fertiliser Accounts, including dockets, receipts and invoices must be submitted to the Department (address below) to be received no later than 1st March of the following year.
- Soil analysis will have to be performed at least every four years, therefore if you applied for a derogation in 2007, you must complete your soil testing in 2010.

Detailed conditions, as stipulated in the EU Commission formal decision of 22 October 2007 granting Ireland's derogation, are set out on pages 3 & 4.

Derogation terms and conditions, application form, templates for fertilisation plans and fertiliser accounts can be found on the Department's website at www.agriculture.gov.ie, via the link Rural Environment/Nitrates/*Nitrates Information*.

These documents can also be obtained from:

**NITRATES SECTION, DEPARTMENT OF AGRICULTURE, FISHERIES & FOOD,
JOHNSTOWN CASTLE ESTATE, CO. WEXFORD.**

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NITRATES DEROGATION

TERMS & CONDITIONS

IMPORTANT INFORMATION: The Nitrates Derogation is available to grassland farms on an individual basis. The derogation applies only to grazing livestock on the holding. Farmers who wish to avail of the derogation will have to make an annual application and farm in accordance with a fertiliser plan and the conditions set out below.

The Derogation allows the application of a higher amount of livestock manure than that provided for in the Nitrates Regulations (where the limit is 170kg of N per hectare per year from livestock manure) subject to certain conditions. Successful applicants will be able to apply livestock manure in excess of 170kg/ha in accordance with their fertiliser plan and up to a maximum of 250kg/ha per year. If your stocking rate exceeds 250kg/ha, you must consider alternative arrangements such as exporting some of the livestock manure.

The Department of Agriculture, Fisheries and Food will issue Nitrogen and Phosphorus Statements each year to intensively stocked farmers who, in the previous year (a) had cattle recorded on the Department's CMMS and (b) made application under the Single Payment Scheme. The Statement will set out the quantities of nitrogen and phosphorus produced by your cattle during the previous year. This will give you a clear indication of your livestock manure nitrogen status and help you to establish if you were within the 170kg limit in the previous year. It will also help you to plan for the year ahead and to decide if you need to apply for a derogation.

Remember that the statement will show the nitrogen and phosphorus produced by cattle only, so if you have other livestock on your farm (such as sheep, pigs, poultry, horses, etc) you will need to work out the N and P that they produced and add this to the figure for cattle to get the total figure.

Please read the eligibility criteria and the conditions below carefully before making an application to ensure that you are eligible for a derogation and that you can meet all of the conditions in full during the current year.

ELIGIBILITY CRITERIA

- You must be farming a holding that is at least 80% grass.
- You must have grazing livestock – a derogation is only available in respect of grazing livestock.
- You must make an annual application to the Department in the format specified and by the specified date.
- You must undertake in writing to fulfil the conditions set out herein.

DEFINITIONS

- (a) “Grassland farms” means holdings where 80% or more of the agricultural area available for manure application is grass.
- (b) “Grazing Livestock” means cattle (with the exclusion of veal calves), sheep, deer, goats and horses.
- (c) “Grass” means permanent grassland or temporary grassland (temporary implying leys of less than four years).

DETAILED CONDITIONS:

Application of manure and other fertilisers

- (1) The amount of livestock manure from grazing livestock applied to the land each year on grassland farms, including by the animals themselves, shall not exceed the amount of manure containing 250 kg nitrogen per hectare, subject to the conditions laid down in paragraphs 2 to 7.
- (2) The total nitrogen inputs shall not exceed the foreseeable nutrient demand of the considered crop and take into account the supply from the soil. Total nitrogen application shall be differentiated on the basis of stocking rate and grassland productivity.
- (3) A fertilisation plan shall be kept for each farm describing the crop rotation of the farmland and the planned application of manure and nitrogen and phosphorus chemical fertilisers. It shall be available on the farm by 1 March at the latest and submitted as part of the Derogation application.

The fertilisation plan shall include the following:

- (a) the number of livestock, a description of the housing and storage system, including the volume of manure storage available;
- (b) a calculation of manure nitrogen (less losses in housing and storage) and phosphorus produced in the farm;
- (c) the crop rotation and area of each crop, including a sketch map indicating location of individual fields;
- (d) the foreseeable nitrogen and phosphorus crop requirements;
- (e) the amount and the type of manure delivered outside the holding or to the holding;
- (f) results of soil analysis related to Nitrogen and Phosphorus soil status if available;
- (g) nitrogen and phosphorus application from manure over each field (parcels of the farm homogeneous regarding cropping and soil type);
- (h) application of nitrogen and phosphorus with chemical and other fertilisers over each field.

Plans shall be revised no later than seven days following any changes in agricultural practices to ensure consistency between plans and actual agricultural practices.

- (4) Fertilisation accounts, including information related to management of soiled water, shall be kept by each farm. They shall be submitted to the Department of Agriculture, Fisheries and Food for each calendar year in the format and by the date specified by the Department.
- (5) Each grassland farm benefiting from an individual derogation shall accept that the application, the fertilisation plan and the fertilisation accounts can be subject to control.
- (6) Nitrogen and phosphorus analysis in soil shall be performed for each farm which benefits from an individual derogation at least every four years for each homogeneous area of the farm, with regard to crop rotation and soil characteristics. At least one analysis per five hectares of land shall be required.

- (7) Livestock manure may not be spread in the autumn (from 1st August to 31st October) before grass cultivation.

Land management

- (8) 80% or more of the area available for manure application on farms must be cultivated with grass. Farmers benefiting from an individual derogation must carry out the following measures:
- (a) temporary grassland shall not be ploughed except in spring (from 1st February to 30th April)
 - (b) ploughed grass on all soil types shall be followed immediately by a crop with high nitrogen demand;
 - (c) crop rotation shall not include leguminous or other plants fixing atmospheric nitrogen. This however will not apply to clover in grassland with less than 50% clover and to cereals and pea undersown with grass.

BY SUBMITTING AN APPLICATION FORM, YOU ARE DECLARING THAT:

- (A) **YOU HAVE READ AND UNDERSTOOD THE ABOVE CONDITIONS,**
- (B) **YOU MEET THE ELIGIBILITY CONDITIONS FOR A DEROGATION AND**
- (C) **YOU WILL FARM IN ACCORDANCE WITH THE DETAILED CONDITIONS HEREIN IN THE CURRENT YEAR.**

Farm Advisory System

Under Article 13 of Council Regulation (EC) No. 1782/2003 each Member State is required to establish an approved Farm Advisory System (FAS) to advise farmers on land and farm management. The advice shall cover at least the Statutory Management Requirements (SMRs) and the Good Agricultural and Environmental Conditions (GAEC) referred to in Chapter 1 of the Regulation (Cross-compliance). Participation by farmers is voluntary.

Ireland now has an advisory system in place and the names of the approved advisory bodies are published on the Department's website www.agriculture.gov.ie under Cross-compliance.