

Derogation for Ireland pursuant to EU Council Directive 91/676/EEC concerning the Protection of Waters against Pollution caused by Nitrates from agricultural sources



Department of  
**Agriculture,  
Food and the Marine**  
An Roinn  
**Talmhaíochta,  
Bia agus Mara**

**2017 Nitrates Derogation  
Terms and Conditions**

**Before completing the online application, please familiarise yourself with the terms and conditions of the Derogation as outlined below.**

Derogation terms and conditions, and a template for Fertiliser Accounts can be found on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie), via the link:

**[Rural Environment/Environmental Obligations/Nitrates/Nitrates Derogation](#)**

**2017 Nitrates Derogation applications can only be submitted online.**

**PLEASE NOTE THAT THE CLOSING DATE FOR ONLINE APPLICATIONS IS 31<sup>st</sup> MARCH 2017.**

**The Fertiliser Plan should also be submitted with the Nitrates Derogation application online, unless you have submitted a Fertiliser Plan to the Department in either 2014, 2015 or 2016, or have a valid REPS 4 adjusted plan in place prepared in 2014 or later.**

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 accept the terms and conditions before submitting your application.
- 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.
- Nitrates Derogation applicants cannot import livestock manure onto their holding
- You must have a Fertiliser Plan in place for your holding by 1<sup>st</sup> March. This plan must be submitted to the Department along with your application unless you have submitted a Fertiliser Plan to the Department in either 2014, 2015 or 2016, or have a valid REPS 4 adjusted plan in place prepared in 2014 or later.
- Where a new or amended Fertiliser Plan is submitted in 2017, only a plan produced by the Teagasc online Nutrient Management Plan programme (eNMP) is acceptable.
- Fertiliser plans must be based on results of soil analysis dated after 15<sup>th</sup> September 2013.
- You must submit a Farm Map indicating location of individual fields and corresponding soil samples, unless submitted online in either 2014, 2015 or 2016.
- You must submit a fully labelled Farmyard Sketch showing manure storage facilities and livestock housing, unless submitted online in either 2014, 2015 or 2016.
- You must keep Fertiliser Accounts. After the end of each calendar year, your Fertiliser Accounts must be submitted ONLINE no later than 31<sup>st</sup> March of the following year.
- Applicants who have never previously applied for a derogation, or last applied in 2012 or earlier, and do not have soil analysis results must assume P Index 3 for 2017, and must submit a fertiliser plan online before 31<sup>st</sup> March 2017. However, soil sample analysis and the fertiliser plan amended accordingly must be submitted online to the Department before 31<sup>st</sup> March 2018.

- ❑ Where fertiliser plans are subsequently amended, and these amendments require either new soil analysis, amended Farm Map and/or amended Farmyard Sketch, all such amended documentation should be submitted online.

## NITRATES DEROGATION TERMS AND CONDITIONS

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**Failure to comply with these Terms and Conditions will result in the withdrawal of the Nitrates Derogation for 2017 and will be taken into consideration when deciding on any subsequent application in 2018.**

**Cross Compliance breaches, including exceeding the 250 kg limit, will be notified to Basic Payment Scheme (BPS) and are subject to the BPS penalty schedule.**

**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 to ensure the stocking rate does not exceed 250kg/ha.

1. Nitrogen and Phosphorus Statements are available online each year at <http://www.agfood.ie> to farmers who, in the previous year (a) had cattle recorded on the Department's AIM system and (b) made application under the Basic Payment Scheme. The Statement sets 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. 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 ONLINE application to the Department in the format specified and by the specified date. No postal applications will be accepted.
- ❑ You must not import livestock manure
- ❑ You must undertake in writing to fulfil the conditions set out herein.
- ❑ You shall adhere to the requirements S.I. 134 of 2014 (Nitrates Derogation Regulations)

## 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).
- (d) "Parcel" means an individual field or a group of fields, homogenous regarding cropping, soil type and fertiliser practices.

## 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 crops, shall take into account the supply from the soil, and shall not exceed the maximum fertiliser rates applicable to the farm, established in the Nitrates Action Programme. Total nitrogen application shall be differentiated on the basis of stocking rate and grassland productivity.
3. A fertiliser plan shall be kept for the holding describing the crop rotation of the farmland and the planned application of manure and other fertilisers. It shall be available on the farm by 1st March for each calendar year and shall include at least the following:
  - a) The crop rotation plan, which must specify the area (hectares) of parcels with grass and parcels with other crops including a sketch map indicating the location of individual parcels;
  - b) the number of livestock, a description of the housing and storage system, including the volume of manure storage available **and a farmyard sketch**;
  - c) a calculation of manure nitrogen and phosphorus produced on the holding;
  - d) the amount, type and characteristics of manure delivered outside the farm or to the farm;
  - e) the foreseeable nitrogen and phosphorus crop requirements for each parcel;
  - f) the results of soil analysis related to nitrogen and phosphorus soil status if available;
  - g) the nature of the fertilisers to be used
  - h) a calculation of nitrogen and phosphorus from manure over each field.
  - i) a calculation of nitrogen and phosphorus application from chemical and other fertilisers over each field

A plan in relation to the farm shall be revised no later than seven days following any changes in agricultural practice on the holding to ensure consistency between the plan and actual agricultural practice.

4. Fertiliser accounts, including information related to management of nitrogen and phosphorus inputs and management of soiled water, shall be kept in relation to the farm and shall be submitted ONLINE no later than 31st March 2018.
5. The application made under Article 36(1), the fertiliser plan and the fertiliser accounts may be subject to control by the competent authority.

6. Phosphorus analysis in soil shall be performed for the holding at least every four years for each homogeneous area of the holding, with regard to crop rotation and soil characteristics. At least one analysis per **five hectares** of land shall be required.
7. Livestock manure shall not be spread in the autumn i.e. from 1<sup>st</sup> August to 30<sup>th</sup> October before grass cultivation.

#### **Land management**

- a) Eighty (80)% or more of the area available for manure application on farms shall be cultivated with grass.
- b) Temporary grassland shall be ploughed in spring (i.e. from 1 February to 30 April);
- c) ploughed grass on all soil types shall be followed immediately by a crop with high nitrogen demand, and
- d) crop rotation shall not include leguminous or other plants fixing atmospheric nitrogen (except in the case of clover in grassland with less than 50% clover and other leguminous plants that are 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 has an advisory system in place and the full listing is available at:

<http://www.agriculture.gov.ie/farmerschemespayments/crosscompliance/farmadvisorysystem>

#### **NITRATES SECTION**

**DEPARTMENT OF AGRICULTURE, FOOD AND THE MARINE**

**JOHNSTOWN CASTLE ESTATE**

**CO. WEXFORD.**

**Y35 PN52**

**Ph: 053 916 3444**

**Email: [nitrates@agriculture.gov.ie](mailto:nitrates@agriculture.gov.ie)**