



**Rialtas na hÉireann**  
Government of Ireland

# **Frequently Asked Questions – Review of the Nitrates Derogation**

Prepared by the Department of Housing, Planning and Local Government  
and the Department of Agriculture, Food and the Marine, Environmental Protection Agency and Teagasc

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## **FAQ – Review of the Nitrates Derogation**

### **What is the Nitrates Derogation?**

Ireland's nitrates derogation provides farmers an opportunity to farm at higher stocking rates, above 170 kg livestock manure nitrogen/ ha, subject to additional conditions designed to protect the environment. The derogation is an important facility for more intensive farmers and almost 7,000 intensively stocked farmers availed of the derogation in 2018. In effect a farmer must not exceed 2 dairy cows per Ha without a derogation but can farm at almost 3 cows per Ha if approved for a derogation.

### **Why was the review undertaken mid-term through the current 4 year cycle of the Nitrates Action Programme (NAP)?**

NAP4 which included the Derogation is approved to the 31 December 2021. However given the current environmental challenges which include a continuing trend of disimprovement in water quality and the significant expansion in the dairy herd since the abolition of quota it was considered prudent to initiate a review of the Derogation in advance of Ireland reviewing and considering an application for NAP 5 in 2021.

### **What was the purpose of the review of the Nitrates Derogation?**

The purpose of the review was to examine further opportunities for derogation farmers to improve efficiencies and continue to reduce their environmental footprint with particular regard to water, climate and air quality.

It is conducted against the background of derogation farms being a very significant intensive cohort and the increasing area being farmed under the derogation. Furthermore, recent EPA reports have highlighted deterioration in water quality and increasing green house gas and ammonia emissions. Two thirds of the measures in the recently published Climate Action Plan relate to reducing nitrogen inputs to agriculture. There are benefits to the environment as a whole from the measures being introduced on foot of this review.

Additionally, the review also focused on the increasing number of farms operating above 170 kgs N/ha livestock manure who export slurry to comply with the 170 kg limit. These are a significant cohort of 5,000 farmers which should also contribute to the environmental efficiency of Irish agriculture.

Table 1. Profile of Nitrates Derogation farms 2014-2018

	2014	2015	2016	2017	2018
No. Derogation Farms	5,800	6,300	6,800	7,000	6,891
Area under Der. Farms (ha)	332,200	351,900	409,800	432,300	445,200
Average Farm Size (ha)	58	56	60	62	65
Livestock Units/ Der. Farm	139	146	149	150	162

#### **What were the guiding principles for the evaluation of the review?**

- that the Derogation should maintain and support the environmentally progressive outcomes achieved under the current and three previous NAPs and continue to secure consistency with the EU Nitrates Directive;
- that additional measures within the Derogation regime should be designed to operate as efficiently as possible, taking into account the objectives for Irish agriculture as set out in Food Harvest 2020 and Food Wise 2025, including sustainable farming practices objectives and also climate change, water quality and biodiversity objectives;
- that the present review of the Derogation should seek incremental improvements and build on the achievements to date and contribute to the delivery of Water Framework Directive (WFD) and Nitrates Directive (ND) obligations.

#### **What was the response to the Open Consultation?**

A total of 75 written submissions were received in response to the open consultation and 225 survey responses from consultants were received as part of this review. These include submissions from local authorities, public service bodies, farmers and farming representative bodies, NGO's, agricultural co-operative societies, agricultural advisors, trade and professional bodies and Teagasc.

#### **What potential benefits will the revised measures provide for environmental challenges?**

Water quality improvements are required by approximately 50% of rivers, lakes and estuaries that are impacted by pollution or other pressures. While overall the length of unpolluted river channel has remained relatively constant, there has been a substantial loss in the number of highest quality river sites.

Agriculture is responsible for 99% of ammonia losses in Ireland. Manure spreading is responsible for 30% of those losses. Low emission slurry spreading techniques, such as band spreading or trailing shoe, place the slurry in bands or lines on the soil or crop, rather than the entire surface as with a

conventional splashplate method. Slurry applied with a low emission method has been shown to reduce ammonia losses by 30% compared to splashplate application.

The proposed new measures are aimed at further strengthening the protection of water and attaining optimum soil fertility that is consistent with both efficient agricultural production and effective water quality protection. Two thirds of the recommendations in the Climate action Plan relate to more efficient use of nitrogen and the review aims to increase efficiencies on farm and reduce fertiliser usage. The recommendations made represent the agreed common position of all the experts comprising the Group.

#### **When will the proposed measures be implemented on farm?**

All the measures proposed are for adoption on farm from the 1<sup>st</sup> January 2020 with the exception of;

- The additionality for Low Emission Spreading of Slurry will be implemented on a phased basis through 2020 and 2021
- All farmers must undertake training in Nutrient Use Efficiency and Grass Management which must be completed by 2021.

#### **Why has a Biodiversity measure being included as part of the review of the Nitrates Derogation?**

Globally biodiversity has been in decline and this is true of Ireland also. Biodiversity loss has not been halted in Ireland and agriculture remains a threat to both protected habitats and species both directly and indirectly. In this context, intensive agriculture has to provide more and Derogation farmers will be required to adopt practices to improve biodiversity on their farms.

#### **How will these measures improve Nutrient Use Efficiency?**

The purpose of the review was to consider measures that improve the environmental footprint of our more intensive farms. Correcting soil pH, the inclusion of clover in swards, LESS and grassland management provide a significant opportunity for farmers to maximise the nutrient use of both the organic and inorganic inputs into the farm while balancing production and the environment.

#### **Will there be enough Low Emission Spreading Equipment available?**

The Rural Development Programme (RDP) through the Targeted Agricultural Modernisation Scheme (TAMS) has provided significant support to date for Low Emission Spreading equipment. There have been 2,800 applications received and approximately 2,200 applications approved, with 1,175 being paid to date. This represents an investment of €15.7m under TAMS to assist farmers in purchasing this equipment. Farmers and the Department continue to invest significantly in this new equipment and at a pace that will ensure sufficient machines are available to comply with this requirement. It should be noted that LESS is the only equipment investment which has a 12 month approval window (normal is 6). It is also the only investment in all of TAMS where the max ceiling per farmer (€80k) does not apply.

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