



ICMSA Submission
Review Of Ireland's
Nitrates Action
Programme- 2nd Stage
Consultation

Overview

Ireland's Nitrates Action Programme (NAP) aims to protect surface waters and groundwater from nutrient pollution and Irish farmers have been following these regulations since the establishment of Ireland's First Nitrates Action Programme in 2005. There has been a number of amendments to the original regulations as a result of previous reviews of the NAP. In the period since the introduction of the Nitrates Regulations, Irish farmers have made significant on-farm investment in slurry management and animal housing facilities to ensure full compliance with the Regulations coupled with considerable changes to on-farm practices to comply with the Regulations in relation to organic manure management, particularly storage capacity and spreading restrictions. With each review of NAP, farmers continue to upgrade to comply with regulations at a very considerable cost to many farmers. Retention of the Derogation is absolutely essential to allow farmers to earn a reasonable income from farming and is particularly important to full time family farms. ICMSA believe the future of commercial farming in Ireland is dependent on the continuation of the derogation arrangements and ICMSA believe its continuation is crucial.

The Agricultural Sustainability Support and Advisory Programme (ASSAP) was established in 2018 and continues to offer free support and advisory services in targeted areas. Its aim is to improve water quality through working with farmers. ASSAP works on a catchment basis with farmers in the area, given the complexity of nutrient management and use on Irish farms, it is essential that support continues to be available on a voluntary basis to ensure farmer feel confident to engage and ICMSA believes that the ASSAP programme should be extended beyond the current planned period and areas. Coupled with the work and research from the Agricultural Catchments Programme (ACP) and Local Authority Water Programme (LAWPRO), the results of these programmes have not alone led to more appropriate control programmes, but they have informed better farm practices to ensure higher efficiency of nutrient use on Irish farms. ICMSA believe that both programmes are necessary to continue to produce research and further promote farmer engagement with water protection.

ICMSA believe that the future of commercial farming is based on its ability to adapt to the new status-quo on sustainability. To do so, farmers need to be supported in their efforts to continue to improve the sustainability of the agricultural industry and the financial burden

should not be imposed on farmers alone. ICMSA believes that the development of a new Agri-Environment scheme under CAP Post 2020 needs to ensure that it is relevant to commercial farmers. In recent years, environmental schemes have been unsuitable for the majority of commercial farmers and in doing so had a massive impact on their participation. ICMSA believes that the inclusion of commercial farmers would not only benefit the environment but would also contribute to the sustainability agenda and the delivery of public goods. There must be increased awareness that regulations imposed on Derogation farms reduce the options for Pillar I and Pillar II schemes and they must be co-ordinated to ensure maximum participation in all environmental schemes.

The continuation of Targeted Agriculture Modernisation Schemes (TAMS) which provide grants to farmers to improve farm buildings and equipment is a crucial support to aid farmers to switch to more environmentally conscious practices. TAMS allows farmers to improve their farm and farmyard layout to keep up with new innovations and regulations. As regulations continue to change, the equipment and facilities of farmers' needs to also adjust and therefore investment schemes must adapt too. ICMSA believe that the continuation of TAMS is fundamental in the sectors' ability to adapt and evolve at producer level and that it is essential that dairy equipment grants are available through TAMS.

Going forward, ICMSA believe that a new model of partnership and co-operation is needed to ensure the future of the agricultural sector and to improve the quality of water bodies in Ireland. Improving awareness to see the true value in protecting water courses and the environment and increasing the understanding behind regulations needs to be the focus. Irish farmers have been subjected to considerable restrictions in terms of farming practices under the Nitrates Regulations and ICMSA believe the current measures and associated programs are robust and sufficient to accommodate the planned expansion of agriculture without resulting in a reduction in the current high quality of Irish water bodies.

In relation to the current Nitrates Review, ICMSA is very concerned that the additional regulations proposed will place an unnecessary regulatory burden on farmers and believes that significant amendments are required before the proposals will be acceptable to farmers.

ICMSA Proposals On Specific Elements of Nitrates Review

Chemical Fertiliser Register:

ICMSA Proposal:

That the Terms and Conditions the register is kept simple and that there is a provision in place that a farmer can buy additional chemical fertiliser in the case of extreme weather conditions.

It is essential that the proposed chemical fertiliser register is kept simple for both the merchants who must register the chemical fertiliser and for the farmer. In addition, ICMSA believes that there should be a provision in place in the case of extreme weather conditions that allows a farmer to purchase more chemical fertiliser above the maximum legal limits with no penalties applied.

Improving Compliance:

ICMSA Proposal:

Greater promotion of importance of existing regulations is required rather than additional regulations being imposed, inspection rate to remain at current levels and TAMS grants should be increased to 60% with new investment ceiling of €120,000.

The existing regulations that are in place needs to be promoted and fully implemented prior to any introduction of new laws. The level of inspection should remain the same but there should be an emphasis on improving compliance as opposed to penalising farmers and in this regard, the benefits of the ASSAP programme need to be taken on board and applied country wide. ICMSA strongly believes that if a famer is penalised for an issue relating to lack of infrastructure and within 12 months, the famer builds the required infrastructure, they should be repaid the fine.

The need for a TAMS grant of 60% with a new investment ceiling of €120,000 is essential to assist farmers who need or want to invest in additional environmental infrastructure. Investment in modern equipment and storage is key to improving compliance.

Review of ASSAP:

ICMSA Proposal:

The current ASSAP programme is fully resourced and extended countrywide.

ICMSA believes that the ASSAP programme should be extended past the current planned period given that the ASSAP programme has proved to be effective when it comes to farmer

engagement and water quality. Cathal Somers, an ASSAP advisor stated in Teagasc's signpost series on the 10th of September that the ASSAP programme has been a huge success, in what started as ASSAP reaching out to farmers to take part in the programme has now turned into large numbers of farmers contacting ASSAP to join the programme. ASSAP provides a free and confidential service to farmers that provides them with the knowledge to farm in a more environmentally friendly way and should be continued and extended countrywide.

The Local Authority Water Programme (LAWPRO) which provides scientific knowledge for the ASSAP advisors and the farmers has been extended for two more cycles until 2027. It is logical that ASSAP should also be extended as LAWPRO provides scientific knowledge and ASSAP provides the critical advice to farmers.

ICMSA would like to see more promotion of the ASSAP programme to the public explaining that it is in fact contributing to improved water quality and highlighting the farmers voluntary involvement and enthusiasm.

Slurry Storage Management

ICMSA Proposal:

That slurry from the previous wintering period should be allowed to be spread up to September 15th and that slurry produced since can be spread up to the 15th of October. A provision should be in place to allow the spreading of slurry in the closed period if the weather was particularly bad that year.

ICMSA is proposing that farmers should be permitted to spread slurry from the previous wintering period up to the 15th of September and that slurry generated after the wintering period should be allowed to be spread up to the 15th of October. The Department proposal that the closed period should start on 15th September is totally unacceptable and farmers should have the flexibility to spread until the 15th of October.

ICMSA also believes that there should be a provision in place that if due to extreme weather conditions in a particular year, that slurry could be spread during the closed period subject to certain conditions.

Soiled Water Storage and Management

ICMSA Proposal:

Proposal for separate storage of slurry and soiled water should be dropped.

The proposal that a farmer requires separate storage facilities for slurry and soiled water is unacceptable and does not take account of individual circumstances. Where a farmer can show that he/she has adequate storage for slurry and soiled water in one tank or indeed multiple tanks, that should be sufficient and farmers should not have to re-design their facilities to meet this unnecessary requirement that could lead to significant costs for individual farmers. The mixing of soiled water and slurry is extremely beneficial especially when a farmer is using LESS to spread their slurry and as the regulators want to encourage the use of LESS, ICMSA believe that a farmer should be allowed to store soiled water and slurry if their tank has the capacity to do so.

The current storage requirements for soiled water should remain in place with the proposal for 4 weeks storage again an excessive requirement. The proposal that soiled water cannot be spread from 15th November to 15th January is totally unacceptable in particular for dairy farmers who milk all year round and farmers should be allowed to spread soiled on a year round basis where conditions allow.

Livestock Excretion Rates

ICMSA Proposal:

That the banding of cows can not come into place in three months' time and must be postponed.

ICMSA believes that introducing the banding regulations in 2022 (three months' time) is unacceptable and unrealistic and will have very serious implications for farmers with high yielding cows. A farmer cannot change their system in three months and the banding proposal will lead to a significant reduction in farmers income with high yielding cows either through reduced revenue from reduced cow numbers or increased costs due to additional land rental costs if such land is available.

ICMSA is proposing that the 89kg of N should be retained until further research on the proposed banding system is completed delivering options that will minimise the impact on individual farmers.

Chemical Fertiliser Controls

ICMSA Proposal:

The nitrogen allowances should be based on science allowing farmers to spread the required amount for sustainable farming and greater clarity is required in relation to the areas subject to a higher reduction with input from relevant stakeholders.

Group 1 should be permitted to spread chemical fertiliser after the 28th of January, Group 2 after the 3rd of February and Group 3 after the 7th of February.

The nitrogen allowances must reflect current science and must allow for sustainable farming. The proposed reductions are of concern and greater discussions are required in relation to potentially higher reductions in some areas with stakeholder input required.

ICMSA believes that the proposed new dates for when a farmer cannot spread chemical fertiliser are unrealistic. In particular, ICMSA feels that for Cavan, Donegal, Leitrim and Monaghan, the prohibition of farmers spreading chemical fertiliser from the 15th of September to the 19th of February is too severe and will prevent farmers from benefiting from early grass and extended grazing which also delivers environmental benefits. ICMSA propose the following dates to:

- In Carlow, Cork, Dublin, Kildare, Kilkenny, Laois, Offaly, Tipperary, Waterford, Wexford and Wicklow, the application of chemical fertilisers to land will be prohibited in the period from 15th September to 28th January.
- In counties Clare, Galway, Kerry, Limerick, Longford, Louth, Mayo, Meath, Roscommon, Sligo and Westmeath, the application of chemical fertilisers to land will be prohibited in the period from 15th September to 3rd February.
- In counties Cavan, Donegal, Leitrim and Monaghan, the application of chemical fertilisers to land will be prohibited in the period from 15th September to 7th February

P Build Up

ICMSA Proposal:

That Soil Index 3 should be split to ensure farmers can maintain optimum P level.

Optimising soil fertility is essential for the efficient use of nutrients and it is essential that within the legal limits, that farmers are allowed to build up to the optimum levels and then maintain soil fertility at those levels. In relation to P and in order to ensure that farmers can build-up and maintain optimum P levels, ICMSA is proposing that Soil Index 3 should be split into 3 high and 3 low with farmers allowed within the legal limits to build up to Index 3 high and maintain that level.

Green Cover on Tillage Grounds

ICMSA Proposal:

The 7-day requirement needs to be reviewed.

The proposal that farmers must within 7 days of harvest shallow cultivate the ground is too short a timeframe and needs to be reviewed to reflect the practicalities of tillage farming in Ireland.

Soils Test

Morgans P test must be retained.

ICMSA Proposal:

The Morgans P test is the most appropriate test available for P levels in soil and ICMSA believes that this must be retained along with associated recommendations until clear scientific evidence is available of a better alternative.

Grazing Land Management

ICMSA Proposal:

If a farmer can show that they have stock on land that is more than 30km from their home farm, then it should be included in stocking rate calculations.

Many farmers keep stock on land that would be over 30km away from the home farm. ICMSA strongly believes that if a farmer can show that they have stock on the land that is more than 30km from the home farm, then they have a right to include it in the stocking rate calculation.

ICMSA believes that there needs to be clarity regarding the definition of rough grazing.

Review of Technical Tables.

ICMSA Proposal:

Greater clarity is required in relation to proposed changes to technical tables.

ICMSA believes that the Department need to provide greater clarity on what is proposed under this heading given that changes in technical tables could have a substantial impact on farmers. Before any changes occur in relation to the technical tables, ICMSA is calling for detailed discussions with the farm organisations.

Air Quality

ICMSA Proposal:

That there should be a gradual phasing in of the number of farmers that must spread slurry using LESS.

ICMSA is in favour of LESS equipment for spreading slurry as it is both beneficial to the environment and allows for the optimum uptake of nitrogen by the crop. However, ICMSA believe that given that there is already a twelve month wait on tanks, that it is unrealistic to introduce the compulsory usage of LESS equipment to spread slurry for all farmers operating above 100 Kg livestock N/ha from 2023 and for all pig farmers from 2023 onwards. ICMSA believes that this should be gradually phased over seven years to allow the required number of tanks to be in place on the ground and that a 60% grant should be available for their purchase.

The family farm structure has dominated Irish farming delivering huge benefits for Ireland and rural areas in particular. The family farm structure has never been under greater threat with greater regulation under a number of headings adding significant costs and red tape. The current Nitrates Review is an example of this growing regulation and ICMSA firmly believes that the regulations need to be amended to reflect the practical realities of farming while protecting sustainability, that is economic, environmental and social sustainability.