



Submission to the public consultation on the  
Draft Nitrates Action Programme (NAP)  
Natura Impact Statement (NIS)

26<sup>th</sup> January 2022

## 1. Introduction

The Irish Farmers Association is Ireland's largest farming organisation with approximately 71,000 members in 940 branches nationwide. We welcome the opportunity to make a submission to the public consultation on the draft Nitrates Action Programme (NAP) Natura Impact Statement (NIS).

The NAP plays an important role to regulate and promote good management practices of agricultural nutrients (manure, slurry and chemical fertilisers) to protect water quality. The draft NAP will have significant implications for farmers across all sectors of Irish Agriculture.

IFA welcomes the findings of the assessment that the adoption of the draft NAP alone, or in combination with other plans and programmes, will not adversely affect the integrity of any European site. The assessment acknowledges that the proposed measures in the draft NAP are broadly positive or neutral in terms of protection of water quality, biodiversity and the wider environment.

As custodians of the environment, farmers understand their responsibility to comply with regulations to protect and improve water quality. Communication with farmers in advance of the introduction of the draft NAP and during the lifetime of the programme will be crucial to ensure effective implementation of the proposed measures. Effective and timely communication is critical if farmers are to be supported to make the necessary changes to improve water quality.

## 2. Assessment of the GAP Regulation Measures

### 2.1. Farmyard Management

#### 2.1.1. Collection and holding of certain substances and Provision and management of storage facilities

IFA welcomes the recognition in the assessment, in relation to significant investment costs associated with the collection and holding of certain substances and the provision and management of storage facilities, which are required by farmers to provide adequate slurry storage capacity, and as well as maintenance of storage structures to ensure there are no structural defects.

The financial implications of the proposed measures and the risk of increasing the financial vulnerability of more farms had been referenced in our submissions as the single biggest issue to support compliance.

To support compliance, where a measure has financial implications, farmers must be eligible for TAMS or the new version of the scheme in CAP 2023 – 2027. In addition, Accelerated Capital Allowance (ACA) schemes must be introduced to support adoption.

By supporting farmers to invest in additional slurry storage capacity the Government will enable farmers to realise greater environmental standards which would benefit the entire country.

#### 2.1.2. Reduced storage capacity in certain circumstances

Outwintering has several potential advantages for the health and welfare of animals. A critical component of this is ensuring adequate feed for these animals. Outwintering enables farmers to manage their farms in a manner that ensures they have adequate feed for the production cycle of the animal on the farm, for example ensuring enough winter forage is available.

The potential adverse impacts of outwintering identified in the assessment can be mitigated against through management practices and soil and drainage management. Already under Good

Agricultural and Environmental Condition (GAEC) farmers are required to ensure that severe poaching must not occur.

Within the NAP there is already a requirement that the stocking rate for the closed period must not exceed 85kgN/ha. Therefore, given that this provision is already in place there is no additional benefit to lowering the overall farm stocking rate from 140kgN/ha/year to 100kgN/ha/year. IFA proposes that rather than reducing stocking rate, that strategies to mitigate against any potential negative impacts are evaluated.

It is vital that the more extensive farming systems (livestock and sheep), which are typically the most financially vulnerable are not burdened with cost prohibitive investment to comply with proposed measures. These farms provide a range of environmental benefits in the management of these lands and have limited impact on water quality. The cost of proposed measures must be proportionate to the scientifically proven benefits to water quality.

## **2.2. Nutrient Management**

The assessment recognises the positive effect of the draft proposed measures under Nutrient Management. An area of concern highlighted in the assessment relates to the suitability of Morgan P test to determine P availability from assessing desorption of P from soils, as well as the adequacy of Soil Index 3 as a reasonable threshold to be used for the protection of surface and groundwaters.

The Morgan's P test is currently the standard soil test used by the Department of Agriculture, Food and the Marine (DAFM) for use under agri-environmental regulations and voluntary farm schemes. It has been calibrated, and translated into critical soil test thresholds, for all the major crops produced in Ireland. It is the best option available to the sector until the proposed review under the draft NAP is completed to provide future guidance on the best approach to ensure P availability is evaluated correctly.

In addition, the proposed measures to encourage more farmers to undertake soil sampling will improve P use efficiency and reduce P loss from agricultural soils. The Agricultural Sustainability Support and Advisory Programme (ASSAP) programme will also have an important role to play providing advice to farmers to reduce P loss.

The assessment outlines concern that the application of a retrospective stocking rate to determine nutrient requirements could be detrimental to water quality. The use of the previous calendar year's stocking rate to establish nutrient requirements in the coming year was introduced in the last review of the NAP in 2018. This addition was welcomed by Teagasc and the farming community as it brought clarity and certainty to nutrient management.

Prior to this, it was very difficult to plan on farm nutrient requirements based on an intended stocking rate. This resulted in a decline in soil fertility on some farms and on other farms an excessive use of nutrients. The Teagasc National Farm Survey 2020 report shows that the Dairy stocking rate declined in 2020.

The certainty provided by the use of last years' stocking rate to calculate on farm nutrient requirements has been beneficial to protecting water quality and therefore IFA recommend that it continues to be applied in the next NAP.

## **2.3. Prevention of Water Pollution from Fertilisers and Certain Activities**

### **2.3.1. Distances from a water body and other issues**

The assessment recognises that a mandatory setback distance of 2m from any surface water for the application of chemical fertilisers will have a positive effect on water quality.

The environmental effectiveness of extended buffer zones as a mitigation measure to improve water quality have not been fully evaluated. Climate, landscape factors and biophysical characteristics of the stream, along with grazing management, all play a role in influencing the impact on water quality. This makes it extremely difficult to draw generalisations from riparian studies because of the inherent variability found between and within catchments, with streams having a unique combination of characteristics including climate, morphology, geology, hydrogeology and soils.

The cost of proposed measures must be proportionate to the scientifically proven benefits to water quality.

### **2.3.2. Ploughing and the use of non-selective herbicides**

The requirement to shallow cultivate 7 days after harvest where straw is chopped is workable for tillage farmers. However, the proposed maximum 14-day interval for cultivation in fields where straw is baled remains impractical and ignores the reality that straw remains on fields post harvesting either in the swathe or in bale form for greater than 14 days.

The main harvest month of August is statistically one of the wettest months of the year in many parts of eastern Ireland where tillage farms are predominately located. In periods of difficult harvest weather, it will be necessary to get a derogation or an extension to this cultivation interval to comply with proposed measure.

The requirement to cultivate almost immediately post-harvest risks compromising the cultural control of certain invasive grassweeds such as brome species and wild oats, which require sunlight on the soil surface to germinate. IFA propose that where growers can clearly demonstrate problems with such invasive grassweeds, cultivation should not be necessary until a satisfactory chit or emergence of these weeds has taken place on the surface.

For farmers practising zero or strip till establishment systems, there must be no requirement for stubble cultivation prior to crop establishment. Where the interval between harvesting and establishment of the following crop is greater than 14 days, IFA suggests that a summer or secondary cover crop should be established by users of these establishment systems.

For growers of maize, root crops and later harvested combinable crops, clarity is needed on (i) the location of critical source areas and (ii) all watercourses which require a 6m buffer zone to be implemented.

IFA proposes that a pilot scheme for inter-row sowing of maize crops with temporary grass species should be investigated especially in counties where critical source areas have been identified.

## **2.4. Implementation of Commission Decision**

The assessment recognises that the conditions applying in relation to a Derogation make a positive contribution to minimise nutrient input and loss to protect water quality through the promotion of good

agricultural practices. This is important recognition of the positive impact of the additional conditions applied to farmers in derogation on water quality.

### **3. Proposed Non-GAP Regulation Measures**

#### **3.1. Improving Compliance**

The IFA does not condone non-compliance but considers improved communication and the provision of adequate supports integral to improving compliance.

If increased and targeted enforcement is to be adopted, as proposed in the draft NAP, it is crucial that a communication campaign is developed to support understanding of the proposed measure set out in the draft NAP.

In addition, sufficient time must be provided to adopt measures with information events and training provided for farmers and advisors to ensure all changes are properly communicated and implemented. Technical guidance must be provided prior to the introduction of any new regulation.

To improve understanding and avoid unintended breaches it would be beneficial to publish yearly updates on outcome of cross compliance inspection outcomes to avoid unintended breaches. IFA suggest the introduction of a yellow card system for minor non-compliances so that farmers are afforded the time to rectify the non-compliance without incurring a fine.

#### **3.2. Review of ASSAP**

The assessment acknowledges the high level of engagement by farmers and significant changes to agricultural practices achieved by the programme in priority areas. The assessment supports IFA's position that the ASSAP programme should be expanded significantly to support greater compliance with new proposed NAP measures by working collaboratively with farmers to identify and implement targeted measures on farms is the most effective method to improve water quality.

### **4. Conclusion**

The proposed measures in the draft NAP are intended to protect and improve water quality, therefore it is welcomed that the assessment concluded that the programme will not negatively impact Natura sites.

Farmers are acutely aware of their role in protecting water quality but it is critical that they are supported through the provision of adequate educational resources and financial support.

We trust that these comments are useful. If you wish to discuss any aspect of this submission, please contact Geraldine O'Sullivan, IFA Senior Policy Executive by email on [geraldineosullivan@ifa.ie](mailto:geraldineosullivan@ifa.ie) or on 087 9385283.

Ends.