

Nitrates Points to Note for Agents

General Correspondence

Nitrates Section can be contacted by phone at 053 9163425 or by e-mail at nitrates@agriculture.gov.ie if you have any further queries.

All Nitrates and Derogation information can be found at:

<https://www.gov.ie/en/publication/c9563-rural-environment-sustainability-nitrates/>

Queries/correspondence/etc should be directed to the Nitrates e-mail account, not nitrates staff personal e-mail accounts, otherwise a response may be delayed if, perhaps individual staff are absent. It should be noted that Nitrates@agriculture.gov.ie receives high volumes of mail, and Nitrates staff will respond to you as soon as possible.

An automatic acknowledgement e-mail issues from Nitrates on submission of an e-mail from outside the Division. This is the only acknowledgement that will issue from Nitrates, even on request from the sender.

There is no need to thank Nitrates staff for dealing with an e-mail, as this leads to higher volumes and slows down our response time.

Please include the herd/partnership number in the subject line of e-mail(s) for ease of reference.

Correspondence by e-mail to Nitrates should include a contact number, preferably a mobile number.

Client Associations

Department staff cannot under Data Protection legislation discuss a client with you if there is no valid client/agent association in place. You will also be unable to access a herdowners information if there is no valid association in place. **New associations must be set up if a new legal entity is formed** e.g. partnership, limited company. The onus is on the agent to set up new associations in a timely manner in order to complete derogation applications or submit/verify fertiliser movements on-line.

Nitrates Derogation

- Failure to adhere to the Terms & Conditions will result in the rejection of the derogation, and automatic rejection in the following year, and the farm will be subject to the 170 kg/ha limit and may incur a penalty.
- Full Terms & Conditions of the Nitrates Derogation Application, for the relevant year will be published shortly before applications open and should be read and referred to. They can be found at the link above.
- Where a client **changes legal entity** in any format (e.g. from individual/company/partnership/joint to individual/company/partnership/joint), any relevant associations will be required to be re-created for the new entity and processed through online services, as stated above. This is a common topic of queries.
- Information on the new measures and FAQ on them can be viewed at the link above

- Applications should only be submitted for the entity in force at the time, e.g. if a partnership is in place, then the application should only be made under the partnership number. Please also remember the point above regarding valid associations.
- **Applications can only be made online.** The 2023 Derogation will open as early as possible and generally closes on 31st March. The opening date will be announced as soon as all arrangements are finalised.
- Where a new or amended Nutrient Management Plan is submitted in 2023, only a plan produced by the Teagasc Online Nutrient Management Plan programme or Farm Eye Nutrient Management Plan programme is acceptable.
- Where Fertiliser Accounts are submitted, only accounts produced by the Teagasc Online Nutrient Management Plan programme or the relevant year Fertiliser Accounts template will be accepted. This template is available at the link above.
- Under S.I. 393 of 2022, for the calendar years 2023 onward, Fertiliser Accounts shall be submitted by 31 January of the following year, **i.e.** 2024 applicants must submit Fertiliser Accounts by 31 January 2025.
- Where a derogation document is out of date (e.g. relates to 2019), regardless of whether there were no changes on the holding, a new document will be required to be submitted.

Common Errors

- A common error is uploading documents as the incorrect category, e.g. Soil Samples under Fertiliser Accounts. Please ensure that the documents are uploaded only under the correct category.
- Another common error is indicating documents under the incorrect year. When uploading documents, there is a drop down menu available, to indicate what year the document refers. e.g. if eNMP being uploaded is a 2023 plan, 2023 should be selected as the “year document created”, if eNMP being uploaded is a 2022 plan, 2022 should be selected as the “year document created”.
- Only soil samples dated 15.09.2019 – present date are valid. When uploading documents, there is a drop down menu available to indicate what year the document refers. e.g. if soils being uploaded are dated 01.11.2020, then 01.11.2020 should be the date selected from the calendar available on screen.
- Fertiliser Accounts for 2022 for those who applied in 2022 must be submitted by the deadline of the 31st March 2023 and **uploaded under the 2022 Application only.**
- It is not sufficient to have soil samples listed only on the NMP, where relevant, the soil sample analysis results are also required to be submitted with the application.
- Documents uploaded under an incorrect year or incorrect type will fail the validation check, resulting in rejection, and automatic rejection the following year, and possibly incurring a penalty.
- You must submit a Farm Map indicating location of individual fields and corresponding soil samples, unless submitted online in either 2020, 2021 or 2022.
- You must submit a fully labelled Farmyard Sketch showing manure storage facilities and livestock housing, unless submitted online in either 2020, 2021 or 2022.
- Livestock manure **cannot** be imported onto the holding. Importation will result in the rejection of the derogation and the farm will be subject to the 170 kg/ha limit and may incur a penalty.

- Derogation applicants must satisfy **all** required conditions. Listed below are the most common reasons for rejection:
 - No fertiliser accounts,
 - No eNMP,
 - No soil sample results,
 - No soil map(s),
 - No farmyard sketch,
 - Minimum stocking level
 - Minimum 80% grassland area
 - Training Requirements

Nitrates General:

Please note that movements of organic fertiliser are mandatory on line since 01.09.2021, except in certain circumstances e.g.

- exporter/importer is deceased,
 - movements to/from Northern Ireland, (which should also be logged on TRACES)
 - importer does not have a herd number,
- **Movements that could be submitted and verified on-line will be returned to the exporter unprocessed.**
 - **Exports can only be submitted using a herd owner or pig farmer number, a partnership number cannot be used.**
 - Where a partnership which contains more than one herd number, the movement(s) can be submitted under **any one** of the herd numbers within the partnership, the data will be averaged for the partnership.
 - Ensure all nitrates forms such as Record 3/4/5's, are completed **fully and legibly**. The deadline for submitting on line declaration of movement of organic manure forms (where required) for derogation applicants only is **31 October 2023.**
 - All other nitrates records must be submitted by **31 December 2023**, including Record 3's for non-derogation herdowners.
 - If e-mailing Record 3/4/5's or other correspondence, please **do not** send a duplicate by post.
 - Only Record 3/4/5's that have occurred (not proposed or intended) are to be submitted, incorrect Record 3/4/5's cannot be withdrawn or amended, Therefore, both exporter and importer should check all details carefully before signing or in the case of on line movements, verifying on line.
 - Record 3/4/5's should be submitted to Nitrates as soon as possible after they occur.
 - Record 4/5 should only be submitted if nitrates credit is required to bring the client below the 170 limit.
 - Record 4/5 should only be submitted for the relevant calendar year, Record 4/5 spanning more than one year will be returned for amendment.

- Record 4/5's are processed manually. Adjustments for Record4/5's do not reflect on the N&P system, adjustments are made manually to the full N&P data when it becomes available, e.g. full 2022 data is not available until approx. late summer 2023.
- Nitrates can amend errors on movements submitted on line. Where the movement is submitted and **not** verified, confirmation from the exporter/agent will suffice. Where the movement is submitted and verified, any amendments will require confirmation from the importer. Where an error is made on a movement, whether submitted OR submitted and verified, please do not submit a duplicate movement on line.

Reviews

A review may be requested where there are grounds for a review. Forgetting to submit/reply to correspondence/etc, are not grounds for a review.

Review requests must be made in writing and preferably submitted to the Nitrates e-mail account, or by post. Reviews may take a while to process and are processed in date received order.

Where a review is based on previous e-mail(s) submitted to Nitrates with attachments, only the original sent item e-mail showing the attachment, will be accepted.

Screenshots of personal drives or copy e-mails without the attachments displayed will not be accepted.

Similarly, where a derogation document uploaded under the incorrect type occurred, screenshots showing derogation documents uploaded (under the incorrect type) will not be accepted.

Following a review decision, the herdowner has the right to lodge an appeal with the Agricultural Appeals Office if unhappy with the decision, details of which are contained in the review decision letter.

Restrictions

It is not necessary to submit restriction notices to Nitrates, they are automatically calculated and factored into nitrates levels on the full N&P data when it becomes available for the relevant year. Should any of your clients be issued a penalty letter and disagree with the penalty, they can seek a review at that stage if they have grounds on which to do so.

Nitrates credit is only given for prescribed diseases and up the legal maximum stocking rate, i.e 170kgs/N/ha or 250 kgs for those who hold an approved derogation.

Please note that Nitrates credit is **not** given where there was a failure to test by the herd owner, as this was within the farmer's own control.

Restriction credit does not reflect on the N&P system, and is only available on the full N&P data when it becomes available, e.g. full 2022 data is not available until approx. late summer 2023.

Commonage

SI 113 of 2022 reduced the NPH applicable on commonage land from 170 to 50 on 11.03.2022. To factor in the reduced NPH on commonage, a co-efficient of 0.4276 is now applied to the total commonage area declared on BPS. This allows for the 170 NPH from 01.01.2022 to 10.03.2022 and the reduced 50 NPH from 11.03.2022 for the remainder of the 2022 calendar year. A co-efficient of **0.2941** will be applied for the full 2023 calendar year, this will result in land areas on N&P system changing again. Land areas may also change in the future due to Commission decisions and/or NAP reviews.

Example: Herd A1111111 has total Nitrates eligible land area of 62ha, (50ha of non-commonage, 12ha of commonage),

Total area (with co-efficient applied): $50 + (12 \times 0.4276 = 5.13) = 55.13\text{ha}$.

General Queries: the most common of which are Record 3/4/5's are **not fully completed**, for example:

- missing exporter/importer herd numbers (where paper forms are allowed to be submitted),
- missing signatures, (deceased exporter/importer cases to be signed by executor/beneficiary, copy will/grant of probate to be submitted if not already done)
- export type,
- quantity incorrect,
- LPIS nos are missing/incorrect/illegible
- maps not supplied where required,
- tag numbers not quoted on Record 4, this may apply to both sheep and cattle R4's,
- R3/5's land quoted is claimed by a third party (no nitrates credit is allowed)

- Records submitted spanning more than one year
e.g. Record 4 submitted with movement out of 01.09.2022 and movement back date of 01.02.2023,
a Record 4 for 2022 should be submitted for date range 01.09.2022 to 31.12.2022 and a separate Record 4 be submitted for date range 01.01.2023 to 01.02.2023 the following year.

- Copies taken of Record 3/4/5's/Derogation documents using a phone, the copy may be blurred or the full page(s) cannot be seen, **please take a full, in focus, legible picture showing the entire page(s)**,

- Record3/4/5's submitted on an obsolete form e.g. the 2022 Record 3 was updated to account for the amount of slurry spread by the importer using LESS equipment. All records should be completed on the most up to date version available on the website.

GSR, WFSR, Dairy Banding, P Build up, Derogation Training

To be advised in due course.

FAS Advisor List

List can be found at this link: [gov.ie - Farm Advisory System \(FAS\) \(www.gov.ie\)](http://www.gov.ie)

Please ensure that your contact details (phone number, e-mail address, etc) on the FAS list are up to date. Any changes required can be e-mailed to:

farmadvisorysystem@agriculture.gov.ie