



Information Note on the Nitrates Regulations and 5th Nitrates Action Programme

Background

The Nitrates Action Programme is designed to prevent pollution of surface waters and groundwater from agricultural sources and to protect and improve water quality.

The 5th Nitrates Action Programme is given effect by the Good Agricultural Practice Regulations (also known as the ‘GAP Regulations’ or the ‘Nitrates Regulations’) – S.I. No. 113 of 2022, effective from the 11th of March 2022, as amended.

The Department of Housing, Local Government and Heritage is the lead authority for the Nitrates Regulations. They work closely in collaboration with the Department of Agriculture, Food and the Marine in this regard.

This Information Note has been prepared by the Department of Agriculture, Food and the Marine to communicate the main changes for farmers arising from the introduction of the 5th Nitrates Action Programme. It also sets out some information on future plans and provides some guidance for farmers.

This Information Note should be read in conjunction with S.I. No. 113 of 2022 (as amended) which is available at www.gov.ie. In the event of any discrepancy between this Information Note and the Regulations the requirements set down in the Regulations will take precedence.

Why am I subject to these Regulations? What is their Purpose?

The purpose of these Regulations is to provide a basic set of measures to protect waters, including drinking water sources, against pollution caused by nitrogen and phosphorus from agricultural sources, with the primary emphasis on the management of livestock manures and other fertilisers.

The main changes under the Fifth Nitrates Action Programme:

The following sections highlight the main new measures introduced, along with most significant changes to the existing measures. For full details of all requirements see www.gov.ie

1. Slurry and Soil Water Storage and Management

- From 1st December 2023, all milk producers must have a minimum of 21 days soiled water storage capacity on the holding
- From 1st December 2024, all milk producers must have a minimum of 31 days soiled water storage capacity on the holding except for winter/liquid milk producers where this storage must be in place by 1st December 2025.
- The closed period for slurry spreading has been brought forward to commence on 8th October in 2022 and on 1st October from 2023 onwards.

Table 1: New prohibited periods for Soiled Water Spreading

Effective From	Application Prohibited from
11 th March 2022	21 st – 31 st December
1 st January 2023	10 th – 31 st December
1 st January 2024 (except winter milk producers)	1 st – 31 st December
1 st January 2025 (for winter milk producers)	1 st – 31 st December

Table 2: Changes to prohibited period for Slurry Spreading

Effective From	Application Prohibited from
11 th March 2022	8 th October
1 st January 2023 onwards	1 st October

Table 7 below provides further details on storage requirements and closed periods.

- 2. Livestock Excretion Rates** – Three new excretion rate bands are being introduced for the Dairy Cow from 2023. These are based on average milk yield (milk supplied) per cow in the previous three years. Each dairy herd will be assigned to one band for each year as set out in the Table 3.

Table 3: Annual dairy cow nutrient excretion rates from 1st January 2023

3-year rolling average herd milk yield (kg)	N Excretion Rate (kg/cow)	P Excretion Rate (kg/cow)
<4,500 kg	80	12
4,501-6,500 kg	92	13.6
>6,501 kg	106	15.8

- 3. Chemical Fertiliser Control** – For Grassland there is a 10% reduction to the maximum chemical nitrogen application that was permitted under the previous Regulation, SI No. 605 of 2017 (as amended). The new maximum rates are set out in Table 4 below.

Table 4: Annual maximum fertilisation rates of nitrogen on grassland

Grassland stocking rate (kg N/ha/year)	Maximum Chemical Nitrogen (kg/ha)
≤130	114
131-170	185
171-210	254
211-250	225
>250	225

- 4. Grazing Land Management** – for nutrient planning the maximum stocking rate permitted for commonage is 50kg N/ha with no chemical nitrogen permitted.
- 5. Green Cover on Tillage Ground** - To reduce potential losses of nutrients post-harvest, shallow cultivation or sowing of a crop must be completed post-harvest in certain counties. Shallow cultivation or sowing of a crop post-harvest is required in counties Carlow, Cork, Dublin, Kildare, Kilkenny, Laois, Louth, Meath, Offaly, Tipperary, Waterford, Westmeath, Wexford, and Wicklow. Other counties are exempt from the requirement to undertake this action.

The shallow cultivation or the sowing of a crop must be undertaken within 10 days of the chopping or baling of straw post-harvest. In all cases, where shallow cultivation or sowing of a crop is required it must take place within 14 days of harvesting (apart from where weather dictates the requirement should not apply).

This measure has been targeted to ensure its effectiveness is maximized while ensuring the minimum impact on biodiversity. As part of this, a minimum of 20% and a maximum of 25% of cereal land on each holding must not be subject to shallow cultivation post-harvest to preserve food sources for farmland birds. A crop may still be established on this land as normal.

- 6. Crude Protein in Concentrate Feeds** – On holdings with grassland stocking rates of 130 kg N/ha from grazing livestock manure, or above, prior to export of livestock manure from the holding, a maximum crude protein content of 15% is permitted in concentrate feedstuff fed to dairy cows and other bovines aged two years old and over between 15th April and 30th September.

7. Organic Matter Determination – Peat soils are defined on the Teagasc-EPA Indicative Soils map. Where a holding does not accept the soil as peat, a soil test to determine organic matter content is required and soil test analysis must be carried out by an accredited laboratory.

8. Soil Tests are compulsory for holdings above 170kg N/ha in 2022. In 2023 soil tests are compulsory for holdings above 130kg N/ha prior to export of livestock manure and for all sown arable land.

All occupiers of holdings that have a grassland stocking rate of 170 kg N/ha or above prior to export of livestock manure, shall take soil tests and shall assume Phosphorous (P) Index 4 until soil tests are taken. From 1st January 2023 all occupiers of holdings with a grassland stocking rate above 130 kg N/ha shall take soil tests and shall assume P Index 4 until soil tests are taken. From 1st January 2023 all occupiers of arable land shall take soil tests and shall assume P Index 4 until soil tests are taken.

Table 5: Soil Sampling Requirement

Effective from	Soil Sampling Mandatory For
11 th March 2022	Those stocked at >170 kg N/ha
1 st January 2023	Those stocked at >130 kg N/ha
1 st January 2023	All arable land

9. As set out in Table 6, a phased approach applies to the introduction of requirements for **Low Emission Slurry Spreading (LESS)** for farms above 100 kg N/ha.

Low Emission Slurry Spreading equipment must also be used for all applications of pig slurry from 2023. Also from 1st January 2023, low emission equipment must be used to apply livestock manure to arable land, or the livestock manure must be incorporated into the soil within 24 hours.

Table 6: Phased introduction of Low Emission Slurry Spreading (LESS) Requirement

Effective From	LESS Mandatory for those stocked at
January 2023	> 150 kg N/ha
January 2024	>130 kg N/ha
January 2025	>100 kg N/ha

Future Plans

An interim review of the Nitrates Action Programme will take place in 2023. In addition, the conditionality attached to the European Commission’s extension of Ireland’s Nitrates Derogation requires a water quality review to take place in 2023. Depending on the outcome of that review derogation farmers in some areas of the country may be limited to a maximum stocking rate of 220kg N/ha as opposed to the current limit of 250kg N/ha for derogation farmers.

In addition, under the Nitrates Action Programme:

- A National Fertiliser Database will be introduced in early 2023 to track fertiliser from point of manufacture/import to end user
- There will be continued Government and industry funding for the ASSAP, or Agricultural Sustainability Support and Advisory Programme, to support farmers along with a dedicated Water European Innovation Partnership.
- There will be an increased focus on improving compliance and enforcement. The Environment Protection Agency (EPA) will develop and implement a National Agricultural Inspection Programme for Local Authorities. These inspections will be more targeted and risk-based with a stronger focus on compliance and follow-up enforcement. Separately the Department of Agriculture, Food and the Marine will increase the inspection rate from 5% to 10% of derogation applicants annually.

Guidance for Farmers - How to avoid breaching the 170/250kg N/ha Limits?

Farmers should be conscious of their farm stocking rate during the year and take action where necessary to avoid breaching their limits.

The Department provides annual Nitrogen and Phosphorus Statements online as a service to all farmers registered with www.agfood.ie. This is a record of the annual production of Nitrogen & Phosphorus on the holding produced by **cattle only**. If there are other livestock on the holding, the farmer will have to calculate and add on their N and P production to obtain their farm's overall figures.

If there is a breach of the nitrates limits, it is strongly advised that the farmer ensures they do not breach the Regulations for a second year in any three-year cycle, as the loss of payments for a repeated breach will increase substantially. The risk of an on-farm inspection also increases where non-compliance is identified.

What can I do to avoid losses to my payments?

To avoid payment losses as a result of exceeding the 170/250kg N/ha organic manure nitrogen limit, a farmer can do any one of more of the following to achieve compliance:

- Reduce livestock numbers
- Export sufficient slurry/farmyard manure (records must be submitted and verified online by 31st December annually)
- Acquire additional land (rented/leased/owned)
- Apply for a Nitrates Derogation which allows a stocking rate of up to 250kg N/ha subject to compliance with the associated Terms and Conditions.

A farmer can also engage an Agricultural Advisor to provide farm specific advice. A list of advisors approved under the Farm Advisory Service (FAS) can be accessed through the following link:

<https://www.agriculture.gov.ie/farmerschemespayments/farmadvisorysystem>

Table 7: Storage periods for cattle manure and prohibited periods for spreading fertilisers, organic manure and soiled water

Zone	Storage Period	Prohibited Application Periods			
		Chemical Fertilisers (Nitrogen and Phosphorous)	Organic Fertilisers* (other than FYM)	Farmyard Manure (FYM)	Soiled Water (on holdings producing milk in all zones)
A	16 Weeks	15 th Sept–26 th Jan	1 st Oct–12 th Jan	1 st Nov–12 th Jan	21 st – 31 st Dec 2022
B	18 Weeks	15 th Sept–29 th Jan	1 st Oct–15 th Jan	1 st Nov–15 th Jan	
C (Donegal, Leitrim)	20 Weeks	15 th Sept–14 th Feb	1 st Oct–31 st Jan	1 st Nov–31 st Jan	10 th – 31 st Dec 2023
C (Cavan, Monaghan)	22 Weeks	15 th Sept–14 th Feb	1 st Oct–31 st Jan	1 st Nov–31 st Jan	1 st – 31 st Dec 2024 (except Winter Milk Producers)

Note* The prohibited period for application of organic fertilisers starts on the 8th of October for each Zone in 2022 and the 1st of October for each zone from 2023 onwards.

Pre-defined scientific criteria for the application of slurry up to the 15th of October have been established and in years where these criteria are met, farmers may be eligible to spread slurry up to the 15th of October.

Where can I get additional information?

The Nitrates Explanatory Handbook is a very useful guide to assist farmers to calculate their Nitrates levels, slurry storage requirement, etc. The handbook and additional Nitrates information can be found at: gov.ie - [Rural Environment & Sustainability - Nitrates \(www.gov.ie\)](http://gov.ie) Further information can also be obtained from:

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