



STATUTORY INSTRUMENTS.

S.I. No. 40 of 2020



EUROPEAN UNION (GOOD AGRICULTURAL PRACTICE FOR
PROTECTION OF WATERS) (AMENDMENT) REGULATIONS 2020

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PROTECTION OF WATERS) (AMENDMENT) REGULATIONS 2020

I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 91/676/EEC of 12 December 1991¹, Directive 2000/60/EC of 23 October 2000², Directive 2003/35/EC of 26 May 2003³, Directive 2006/118/EC of 12 December 2006⁴ and Directive 2008/98/EC of 19 November 2008⁵ hereby make the following regulations:

¹ O.J. No. L 375/1, 31 December 1991.

² O.J. No. L 327/1, 22 December 2000.

³ O.J. No. L 156/17, 25 June 2003.

⁴ O.J. No. L 372/19, 27 December 2006.

⁵ O.J. No. L 312/3, 22 November 2008.

PART 1 PRELIMINARY

Citation, commencement and application

1. These Regulations may be cited as the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2020.

Interpretation

2. In these Regulations:

(i) “The 2017 Regulations” means the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (S.I. No. 605 of 2017) as amended by the 2018 Regulations.

(ii) “The 2018 Regulations” means the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2018 (S.I. No. 65 of 2018).

Amendment of 2017 Regulations

3. Schedule 5 of the 2017 Regulations, as inserted by Article 10 of the 2018 Regulations, is substituted by the following Schedule 5:

“Schedule 5

Conditions applying in relation to Derogation

The following are the conditions for the purposes of Article 36 (1) of these Regulations in relation to the application to land on a holding in any year of livestock manure in excess of the amount specified in Article 20(1):

Application of manure, other fertilisers and lime

1. The amount of livestock manure from grazing livestock applied to the land each year on grassland farms, including by the animals themselves, shall not exceed the amount of manure containing 250 kg nitrogen per hectare, subject to the conditions laid down in paragraphs 2 to 7.
2. The total nitrogen inputs shall neither exceed the foreseeable nutrient demand of the considered crop, nor the maximum fertilisation rate applicable to the grassland farm, established in the Nitrates Action Programme and shall take into account the supply from the soil. Total nitrogen application shall be differentiated on the basis of stocking rate and grassland productivity.

3. A fertilisation plan shall be prepared and kept for each grassland farm describing the crop rotation of the farmland and the planned application of manure and other fertilisers. The livestock manure and chemical fertiliser allowance for the holding in the fertiliser plan shall not include parcels of commonage or rough grazing, as declared by the applicant on their Basic Payment Scheme application in 2019, at rates greater than those applicable to 170 kg N/ha. The fertilisation plan shall be available at the grassland farm for each calendar year before 1 March of that year. The fertilisation plan shall comprise at least the following:
- (a) The crop rotation plan, which must specify the acreage of parcels with grass and parcels with other crops, including a sketch map indicating the location of individual parcels;
 - (b) the number of livestock on the grassland farm, a description of the housing and storage system, including the volume of manure storage available;
 - (c) a calculation of manure nitrogen and phosphorus produced on the grassland farm;
 - (d) the amount, type and characteristics of manure delivered outside the grassland farm or to the grassland farm;
 - (e) the foreseeable nitrogen and phosphorus crop requirements for each parcel;
 - (f) results of soil analysis related to nitrogen and phosphorus soil status if available;
 - (g) the nature of the fertiliser to be used;
 - (h) a calculation of nitrogen and phosphorus application from manure for each parcel;
 - (i) a calculation of nitrogen and phosphorus application from chemical and other fertilisers for each parcel;
 - (j) a calculation of liming requirements for each parcel to achieve optimum soil pH;
 - (k) a lime application programme for the grassland farm;
 - (l) a record of the grass produced annually on the holding.

The fertilisation plan shall be revised no later than seven days following any change in agricultural practices at the grassland farm.

4. Fertilisation accounts, including information related to management of lime, nitrogen and phosphorus inputs and management of soiled water, shall be prepared and kept for each grassland farm. They shall be submitted to the competent authority for each calendar year by 31 March of the following calendar year.
5. Information related to manure transferred off the holding shall be submitted to the competent authority by 31 October each year.

6. Periodic pH, nitrogen and phosphorus analysis in soil shall be done for each grassland farm.

Sampling and analysis shall be carried out at least once every four years for each homogeneous area of the grassland farm, with regard to crop rotation and soil characteristics.

At least one analysis per five hectares of farmland shall be carried out.

The results of pH, nitrogen and phosphorus analysis in soil shall be available at the grassland farm.

7. Livestock manure shall not be spread in the autumn before grass cultivation.
8. At least 50% of slurry produced on the holding shall be applied by 15 June each year. Low emission slurry spreading equipment shall be used for any slurry applications after 15 April 2020.
9. Crude protein in concentrate feeds for grazing livestock shall be reduced in accordance with guidance issued under Article 22(2).

Land management

10. Temporary grassland shall be ploughed in Spring.
11. Ploughed grass on all soil types shall be followed immediately by a crop with high nitrogen demand.
12. Crop rotation shall not include leguminous or other plants fixing atmospheric nitrogen. This shall, however, not apply to clover in grassland with less than 50% clover and to other leguminous plants that are under sown with grass.
13. Grass reseeding on grassland farms shall include a minimum clover content of 1.5kg/ha naked seed and 2.5 kg/ha pelleted seed and not exceed 50% of the sward mixture.
14. Hedgerows on the holding shall be managed in accordance with guidance issued under Article 22(2) and management practices shall include, as a minimum, the following:
 - (a) one mature whitethorn/ blackthorn tree shall be retained in each hedgerow;
 - (b) hedgerows shall be maintained on a minimum 3-year cutting cycle.

Training

15. From 1st January 2022, any repeat application under Article 36(1)(a) shall be accompanied by evidence of participation in an approved training programme in nutrient use efficiency and the protection of water.

Definitions

16. In these schedules, the following definitions shall apply:

- (a) ‘grassland farms’ means holdings where 80 % or more of the agricultural area available for manure application is grass;
- (b) ‘grazing livestock’ means cattle (with the exclusion of veal calves), sheep, deer, goats and horses;
- (c) ‘grass’ means permanent grassland or temporary grassland (temporary implying leys of less than four years);
- (d) ‘parcel’ means an individual field or a group of fields, homogeneous regarding cropping, soil type and fertilisation practices;
- (e) ‘fertilisation plan’ means an advance calculation about the planned use and availability of nutrients;
- (f) ‘fertilisation account’ means the nutrient balance based on the real use and uptake of nutrients;
- (g) ‘Commonage’ means a parcel which is held by two or more persons in specified shares or jointly and originally purchased from the Irish Land Commission under the Land Purchase Acts, including land over which two or more persons have grazing rights or the right to take turf;
- (h) ‘Rough grazing’ means parcels which are permanent grazings with low yield, and which are only suitable for extensive grazing;
- (i) ‘Basic Payment Scheme’ is a financial support scheme under the Common Agricultural Policy. ”



GIVEN under the Official Seal of the Minister for Housing,
Planning and Local Government,

6 February, 2020.

EOGHAN MURPHY,

Minister for Housing, Planning and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations amend the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017. The purpose of the amendment is to give effect to the review of the Nitrates Derogation requirements in 2019 and provide greater protection for water quality from agricultural activities.

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