



**SUBMISSION TO THE DEPARTMENT OF AGRICULTURE, FOOD
AND THE MARINE IN RELATION TO THE PUBLIC
CONSULTATION PROCESS ON THE 2019 NITRATES
DEROGATION REVIEW**

MAY 2019



Introduction to An Fóram Uisce

An Fóram Uisce (the Water Forum) was established in June 2018 in accordance with the provisions of Part 5 of the Water Services Act 2017. An Fóram is the only statutory body representative of all stakeholders with an interest in the quality of Ireland's water bodies. An Fóram consists of 28 members including representatives from a wide range of organisations with direct connections to issues relating to water quality and also public water consumers. Approximately 50 different organisations were involved in the nomination of members. While this submission reflects the view of An Fóram, it does not necessarily reflect the full views of any constituent stakeholder group.

An Fóram welcomes this mid-term review which is being carried out by the DAFM in relation to the operation of the Nitrates Derogation and would like to acknowledge the presentation given on same at a recent meeting of An Fóram.

Initial observations

In noting that there are specific questions raised as part of this Review which it has been invited to address, An Fóram would like, in the first instance, to raise a number of issues which it considers should guide this and subsequent consultation processes and also the drafting of the next Nitrates Action Plan.

Best practice for public consultation

In the context of its role in supporting and promoting public consultation and engagement on all matters relevant to water, An Fóram is concerned that any public consultation process accommodates full understanding of all relevant issues pertaining to the subject matter; that all appropriate information and data is provided to assist understanding and that the consultation process facilitates sufficient time to enable stakeholders and members of the public to give an informed and considered response.

An Fóram is concerned that there is an absence of detailed information and data in this current consultation process which it considers is necessary for it to reach an informed view on the issues of concern. However, it is also appreciated that this is a mid-term review

which is being undertaken in order to ascertain details on current issues and as such, is not a formal or statutory review. Having regard to same, An Fóram would recommend that, in advance of the formal review, more detailed briefing documentation is prepared which provides all relevant, current information and data as is available in order to inform consultees. In particular, information currently being collated as part of the detailed catchment characterisation process should be linked to information (including data and maps) which has been prepared in relation to the derogation farms so that joined up understandings and approach are possible.

The documentation with associated maps and data should be drafted to accord with best practice examples in terms of effective consultation, a number of examples of which are available. An Fóram considers that this approach will assist in a meaningful engagement process and is the minimum requirement in order to facilitate same.

Overview in relation to Catchment Management

Having regard to the provisions of the EU Water Framework Directive and also the River Basin Management Plan 2019 -2021(the Plan) which was published in 2018, An Fóram considers that there are a number of key objectives which should be considered in the context of this Review and indeed the next Nitrates Derogation. The Plan is based on an integrated catchment management approach to water management. As part of the development of the Plan and, indeed since its publication, a significant amount of research and catchment characterisation has occurred which provides emerging information with regard to river quality and pressures on a catchment by catchment basis. The understandings which are being gathered from this process make it very clear that the identification of pressures and the selection of measures in relation to water quality issues arise not alone on a catchment basis, but further at individual water body level. While ‘one size fits all’ approaches are relevant and needed, it is clear that on their own they will not be effective and that targeted measures will be needed. Based on this understanding, it is clear that any policies, plans and programmes, including the Nitrates Derogation, which have the potential to impact on water quality, should be grounded on these basic understandings and principles.

An Fóram previously submitted on the draft Fourth Nitrates Action Plan in November 2017 and set out its primary concerns and considerations in relation to same. In that submission, An Fóram expressed its concern at the vulnerability of our water resources; with the challenge of addressing the poor quality of a major proportion of Ireland’s water bodies and with the need in a general sense to reconcile the economic needs and aspirations of Irish society with the needs of maintaining a high quality aquatic environment. These concerns are applicable in relation to the management of the nitrates derogation.

In referring to the then *Draft* River Basin Management Plan for Ireland (2018 – 2021),An Fóram asked that the requirements contained in the Draft Plan be respected and provided

for in all ensuing Plans and Regulations so as to ensure the realisation of the commitments in the Draft Plan.

An Fóram understands that primary agricultural production is a *'key source of rural diffuse and point source pollution. The catchment characterisation process found agriculture to be a significant pressure in approximately 53% of 'at risk' water bodies'*. The Plan also states that *'excess nutrients, chemicals including those used in pesticides and sediment loss due to poor land management have all been identified as likely pressures in certain water bodies'*. (refer to pg 52 of the Plan)

Clearly, phosphates and nitrates present significant challenges to the aquatic environment and the agriculture sector is a heavy user of both. In the context of managing nitrates and phosphates in agriculture, three main factors are the N and P load, the drainage characteristics of the soil and the quality of farm management. It is understood that, depending on local conditions, these three factors will combine and interact in different ways. Bearing in mind the individual localised nature of any potential loss of N and P to watercourses, it is absolutely essential that future nitrates derogations are drafted to ensure that these potential variations are taken into account.

An Fóram is very mindful of the challenges presented to farmers in the context of increasing productivity in order to meet with the objectives and targets set in Foodwise 2025. In that context, it considers that Plans going forward should have a much stronger focus on the circular economy and in particular how N and P produced as animal waste could be recovered and used as a replacement for chemical fertilisers. As previously stated in its 2017 submission, An Fóram considers that such a focus would result in economic benefits for farming; incentivise farmers to take measures to prevent N and P loss; contribute to meeting Ireland's renewable energy and climate change objectives and take cognisance of the fact that phosphates, in particular, are a finite resource which need to be used and re-used in an optimal manner.

An Fóram notes the measures referred to in the NAP and which are incorporated in the derogation, are designed to assist in the protection of water sources as part of catchment management initiatives. Measures including focusing on intercepting and breaking nutrient transport pathways and preventing sediment and nutrient losses to waters; the exclusion of bovines from watercourses; measures associated with pig farming; timing of spreading; farmyard management and knowledge transfer programmes; distances from water courses; crop requirements and soil analysis are all important. Unfortunately, the effective date for some of these measures is 1st January 2021. An Fóram would re-iterate its concern with same and would encourage the introduction of schemes (e.g. the re-introduction of a new agri-environmental scheme) at the earliest possible date which would support an earlier and more comprehensive implementation of these measures.

In relation to the specific issues raised, An Fóram would like to advise as follows:

Over-arching recommendation

An Fóram considers that agriculture supports should be expanded and restructured in ways which more effectively support farmers to engage in more environmentally sustainable farming practices including additional financial supports and programmes.

Question 1

Our livestock systems are based on the maximum utilisation of grassland. How can we increase the efficiency of grassland management on derogation farms, while protecting the environment?

An Fóram understands that UCD School of Agriculture and Food Science is undertaking relevant research projects called SmartGrass and SmartSward and would recommend that the learnings emerging from same be considered.

An Fóram would also recommend as follows:

- Using multi-species swards, including grasses with deep roots and that are drought tolerant.
- Applying fertilizers little and often to facilitate uptake by crops.
- Applying liming where needed to facilitate optimum use of nutrients in and applied to the soil.
- Supporting and expanding the Smart Farming programme.

Question 2

How can livestock manure be best managed to ensure its impact on the environment is minimised?

An Fóram notes that this question relates to manure. However, as manure is only a proportion of the nutrients applied to land, it considers that this question needs to be expanded to deal with all fertilizers – organic and inorganic.

An Fóram would also recommend as follows:

- In relation to the application of organic manure applied in the Spring, An Fóram supports the current requirement that 50% of slurry produced on the holding shall be applied by 15 June and recommends that, in addition, best practice should be encouraged for optimum utilisation and management of nutrients thus further reducing the risk to water bodies.
- That further research is undertaken and evidence produced to establish the optimum time period for spreading manure from the perspective of minimising nutrient losses and reducing the risk to water bodies.
- Placing greater emphasis on low emission land spreading with slurry injection and band spreading, where practical.
- Provisions to encourage the use of precision placement of nutrients based on nutrient management plans with a field based approach.

- Consideration is given to provision of advice on land-spreading that takes account of the soil hydrogeology, i.e. the Teagasc/EPA soil drainage map, particularly in areas where phosphate is a significant issue.
- Further consideration is required in order to evaluate the adequacy of manure/slurry storage requirements on derogation farms, particularly those that have expanded in the recent past and which are situated in areas with poorly drained soils.
- Supporting and expanding the Smart Farming programme.

Question 3

How should agricultural impact on soil be minimised on derogation farms?

An Fóram recommends consideration of the following:

- Introducing measures to minimise compaction and to encourage soil aeration.
- The introduction of new incentives to encourage increased biodiversity along field margins and in buffer zone areas.
- Increasing awareness amongst farmers on the importance of soil quality, role of earthworms, etc.
- Supporting and expanding the Smart Farming programme.

Question 4

What specific actions can derogation farms take to minimise their impact on the environment?

In water body catchments where phosphate is a significant issue, An Fóram is concerned that a 'one size fits all' approach is not appropriate on its own as pressure is not the primary driver, whereas the hydrological/hydro-geological pathway is. Therefore, An Fóram considers that specific actions are needed in critical source areas. Based on same, An Fóram recommends consideration of the following:

- There is a concern that while the current setback distances (or buffer zones) provided in the Regulations are beneficial, they are not sufficient in poorly draining areas. Therefore, targeted pathway interception measures are needed that are additional to the current GAP Regulations measures.
- Examples of possible mitigation actions targeted in critical source areas for minimising phosphorus and sediment loss from diffuse sources are as follows:
 - i) Riparian buffers.
 - ii) In-field grass buffer strips.
 - iii) Hedgerows.
 - iv) Woodlands.
 - v) Ponds/wetlands/constructed wetlands.
 - vi) Ditch management.
 - vii) Field drain management.
 - viii) Mounds alongside streams.

An Fóram also considers that there is great potential for the use of trees and woodlands, which also benefit biodiversity, flood mitigation and carbon sequestration.

An Fóram recommends that further research is necessary to establish scientific evidence and significance in relation to intermittent streams and drains which may be an important pathway for phosphate and sediment to reach river water bodies.

In water body catchments where nitrate is the significant Issue, An Fóram recommends that more information is provided with regard to same in the context of increased information arising out of the detailed fieldwork by the Local Authority Catchment Assessment teams and the ASSAP advisors that is currently on-going.

In general, An Fóram also recommends consideration of the following:

- Source control and mobilisation control measures need to have priority in this situation.
- Examples for consideration include:
 - i) Use of protected area.
 - ii) Use of clover and over-sowing clover. (While there is evidence that this can be effective both in terms of grass production and reduction of inorganic N fertilizers, it requires more management of the grass sward and of the animals (due to the danger of bloat).)
 - iii) Applying N fertilizer 'little and often' to facilitate N usage.
 - iv) Introducing incentives for farmers to use slow release fertilizer, e.g. nitrogen inhibitors.
 - v) Enabling an increase of areas that have environmental services as their objective as a means of diluting nitrate concentrations, while at the same time increasing biodiversity and carbon sequestration.

Question 5

Should all intensive livestock farms be subject to the conditions of the derogation whether they apply or not?

An Fóram recommends that in catchment areas where water bodies are *At Risk* of not meeting the WFD objectives and where phosphate is a significant issue, consideration should be given to introducing a programme for non-derogation farms to comply with the protective measures which are currently applicable to derogation farms.

Conclusion

An Fóram Uisce wishes to thank the DAFM for this opportunity to engage in its mid-term review of the Nitrates Derogation and considers same to be a welcome process. It understands the challenges for the Agricultural Sector in implementing Food Wise 2025 whilst ensuring the protection of the environment on which its success or otherwise is deeply rooted and further notes the growing realisation within the farming community of the inextricable relationship between a clean environment and a progressive food sector. This is evidenced by significant new initiatives within farming e.g. the dairy sustainable

initiative and the smart farming initiative. It is further noted that the pressures of maintaining quality food access to economically stretched consumers must also be a consideration in policy making.

An Fóram wishes to emphasise the importance of adapting the Derogation to accommodate the requirements of the River Basin Management Plan 2018- 2021 which has adopted an overriding governing principle of '*the right measure in the right place*'. An Fóram would need assurance that the future operation of the Nitrates Derogation will, in fact, support this principle.

An Fóram would also recommend that ongoing research on the derogation is essential in order to assess the catchment impact, if any, of the derogation; to establish the impact on agricultural production and value of the derogation; to model the impact on CO2 and other emissions of the derogation and finally to model the impact of any decision to abandon the derogation.

An Fóram would also re-iterate its recommendation that a detailed and informed consultation document be prepared in advance of the formal review which will best assist consultees in responding to same.

An Fóram hopes that its views will be of assistance in this review and, having regard to its status in the context of the Water Framework Directive and the River Basin Management Plan looks forward to further engagement in due course

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