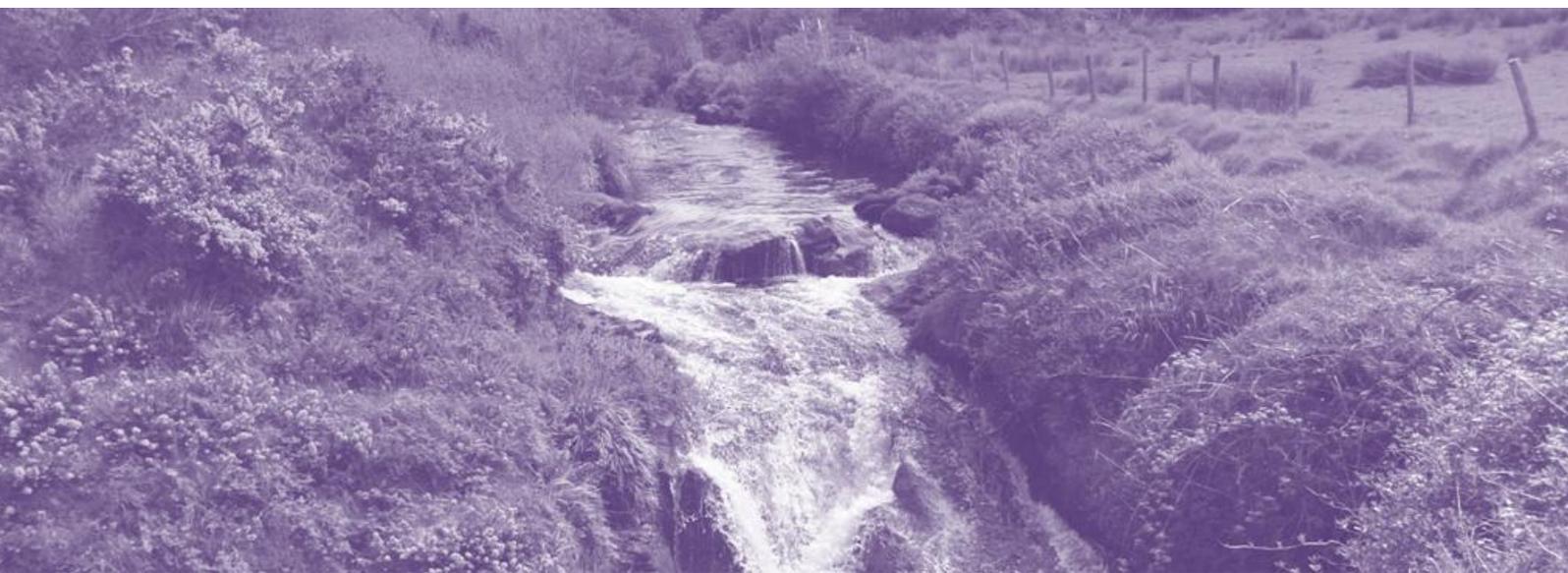




IRISH CATTLE AND SHEEP FARMERS' ASSOCIATION



ICSA Submission on the
Second Review of Ireland's Nitrates Action Programme

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Introduction

ICSA welcomes this opportunity to make a submission relating to the *Second Review of Ireland's Nitrates Action Programme*. Given the very difficult conditions experienced by Irish farmers over the past 18 months, ICSA wishes to reiterate its concerns as to the impact that the inflexible restrictions contained within the Action Programme may continue to have on the farming sector. While ICSA appreciates that there is a limitation in the scope for change due to several fundamental aspects of the Nitrates Directive, it wishes to highlight its members' concerns over its implementation and potential impacts to productive farming.

The farming sector has already made substantial investment with regards to the Nitrates Directive. The Farm Waste Management Scheme alone represents an investment of €2 billion by farmers, aided by some €1 billion grant aid. This is on top of previous substantial investments by farmers in pollution control over many years.

These investments, combined with good practice on farms, especially as required under cross-compliance for the Single Farm Payment Scheme and due to participation in REPS and AEOS, means that the record of farming in terms of pollution management and control is much more exemplary than heretofore. Indeed, it is now the case that the farming sector has done far more, in line with its resources, than any other sector. It is hoped that the Agricultural Mini-Catchment research programme will in due course provide a reliable measurement of the value of the significant effort by the farming community.

Key Issues

2012 and the first half of 2013 have shown the dramatic effect weather can have on farming conditions in Ireland; many of the problems experienced by farmers directly resulted from a lack of flexibility in the restrictions imposed by the current Nitrates Action Programme. It is the opinion of ICSA that given the improvements to farms made via investment in yard infrastructure and agri-environment measures, that the entire concept of 'calendar farming' in Ireland needs to be addressed. Farmers, as outlined above, have gone to inordinate lengths in terms of investment in line with advice given to them by state agencies. There is little more that the farming community can be expected to contribute without putting them out of business entirely and completely undermining food production.

This plethora of strict deadlines and closing dates imposed on vital farming activities have been brought into sharp focus as a result of the significant rainfall levels seen in the second half of 2012 and by the delayed spring of early 2013. The aforementioned continuous rainfall made the ordinary, everyday business of running a farm exceptionally difficult; this was made all the worse by the rigid deadlines for spreading slurry and fertiliser. During this period, ICSA were continually vocal, stating that it was time for legislators to realise that the rules were making a tough job impossible, and that farmers need to be able to do their work as and when the weather and ground conditions allow. Such negative impacts are felt even more strongly by those farmers on poorly draining land, and those in the north and west, where the local climate is most strongly influenced by Atlantic weather systems. It is worth noting that low-margin drystock enterprises are predominant in these regions and are thus most vulnerable to the negative impact of bureaucracy.

ICSA's concern is shared by Teagasc. In their 2010 review of the Regulations, the authors noted that *"The use of calendar dates to allow or prohibit the landspreading of animal manures does not account for significant inter-annual variation in weather and/or spreading conditions. Teagasc's main concern is that the use of fixed dates to determine the extent of the closed period has led to situations where the "closed" period and the "open" period have not equated to "unsuitable" and "suitable" spreading conditions, respectively."* Teagasc studies of recent years' Met Eireann data indicated that there were more suitable spreading days during the last month of the respective closed periods than during the first month of the respective open periods at weather stations in all three Irish zones. The authors concluded that *"In practice, this means that the current use of inflexible calendar dates may inadvertently have led to increased risk of nutrient loss to water."*

In summary, farming decisions must be guided by prevailing conditions, not dates on a calendar. Even with the short spreading extensions facilitated by the Department of Agriculture, the prevailing conditions of 2012 had the potential to force many farmers to go against best farming practice, i.e. forcing them to spread slurry on land that was not in appropriate condition, in order to simply comply with bureaucracy. This situation had obvious implications for subsequent land productivity and potential water pollution and could have been avoided. The lack of flexibility on slurry spreading dates can lead to animal welfare dilemmas, when slatted tanks are full before the start of the open period.

ICSA is further concerned that any tightening in the regulations would add to the burden of compliance. Effective and coherent water legislation should include the potential of compliance and determination of threshold values should take into account what is achievable in real terms.

Food production in Ireland predominantly requires the use of fertilisers and obviously, livestock production which is the predominant form of agriculture in Ireland, gives rise to significant production of waste materials. In the context of the targets for expansion under the Food Harvest 2020 strategy and a progressively more unpredictable Irish climate, it is critical that a revised Action Programme should contain an inherent level of flexibility that will better facilitate farmers in both the production of food and the protection of the environment.

With regards to Phosphorus, there exist two distinct problems under the current regime. Firstly, soil P deficits have developed in many areas for a variety of reasons, and are now too low to facilitate optimum agricultural production. The Regulations at present are too rigid to facilitate the replenishment of Phosphorus in these soils (particularly Index 1 and Index 2 soils), and need to be made more flexible so as to allow this issue to be progressively addressed in future years. Secondly, in the context of the last 18 months, poor weather and fodder shortages led many farmers to increase their use of concentrates. A situation has now arisen where these farmers will now find themselves highly constrained in relation to allowable P application.

It is important to note that any potential changes to the Action Programme must be practical and workable, and should only be implemented based on an understanding of what is achievable, while recognising the very real commitment shown already by farmers to achieve best practice.

ICSA Recommendations

ICSA propose that the current system of open and closed periods be made significantly more flexible in its implementation and more cognisant of the actual climate and ground conditions. **Spreading of slurry should therefore be facilitated outside the open period as it currently defined**, assuming conditions are appropriate to maintain cross-compliance. Low-volume spreading should be allowed on zonally-notified '**suitable spreading days**'. ICSA advocate the Teagasc definition of a suitable spreading day as "*a day which is followed by at least five days during which soil moisture contents stay below field capacity, and during which average soil temperatures at 5cm depth are above 4°C.*" Soil monitoring technology and weather forecast models are now significantly more reliable than in the past, and so can readily be used to predict when spreading can be carried out with no environmental risk. Furthermore, it is envisaged that water quality may be improved using this approach, as spreading during the first week of an open period (due to slurry tanks approaching capacity), may in practice lead to increased run-off in cases of sub-optimal spreading conditions. ICSA's more 'common sense' approach is therefore likely to *contribute to delivering upon the objectives of the Nitrates Directive*, as opposed to working against them. ICSA are similarly highlighting concerns over the constraints in relation to Phosphorus application, and is advocating a less rigid approach that is more reflective of actual farming conditions from year to year.

In summary, ICSA are calling for:

- **More flexibility in relation to appropriate dates for the spreading of slurry**
- **Advisory service-led guidelines for the practical implementation of spreading of slurry to inform best practice and utilise all available information sources**
- **More flexibility for the application of Phosphorus to address deficits and better reflect farming realities**

Conclusions

ICSA's core message of this submission is simple: the rigidity of the calendar-based regulations and their lack of flexibility in facilitating farming operations when conditions are suitable pose an ongoing risk to productive, compliant and responsible farming in Ireland. The positive cumulative impact of yard improvements, agri-environment schemes, slurry storage and application technology and better climate prediction tools now need to be taken into account.

ICSA is therefore calling upon those responsible for the review of the Nitrates Action Programme to take this into account when considering any future changes. ICSA advocate that increased flexibility and a move away from the calendar farming approach, when utilised properly under correct guidance from farm advisory services, can be implemented without any negative environmental impacts. This needs to be considered as a viable alternative to the currently implemented open and closed periods that have been noted to have the potential to negatively impact upon water quality in Ireland.