



Nitrates Derogation and the move to 220.

Frequently Asked Questions

Updated: 01/12/2023

Introduction

The [European Commission Implementing Decision \(EU\) 2022/696](#) granting Ireland's current Nitrates Derogation, required Ireland to undertake a two-year review of water quality in 2023. Any area that failed the review is obliged to move to a reduced derogation limit of 220 kg N/ha from January 2024.

This document provides answers to several Frequently Asked Questions relating to the Nitrates Derogation and the reduction in the maximum limit for derogation farmers.

Questions and Answers

Q How do I know if I am impacted by the reduction in the maximum limits for derogation farmers?

A The Implementation Map identifying areas that are subject to a reduction in limit is published at www.gov.ie/nitrates. Farmers and advisors can access this interactive map to obtain information necessary to assess their individual nitrates derogation limit for 2024.

The Department has written to individual farmers most likely to be potentially impacted by the reduction in maximum organic N limits or concerned regarding how it may impact their farming activity (ie those with higher Organic N/Ha).

Q: How is my Organic limit calculated?

A. All animal types have a designated Nitrogen excretion figure. This overall figure for the farm is based on the number of animals present on a daily basis and compared to the land area declared for BISS. Importantly, compliance is determined as the 'average' over the year and as a farmer, you are not required to remain under the limit every day.

Q How will maximum limit per farm be calculated?

A It will apply on a LPIS parcel by LPIS parcel basis. Where any part of a LPIS parcel is within the areas identified as remaining at the 250 kg limit, the whole parcel will remain at that higher limit for 2024.

Q: How will farmers who have a mix of parcels that are at 220, 250 on their holding estimate what their potential organic Nitrogen limit will be from 2024.

A: A Nitrates Calculator has been published on the Department's website at www.gov.ie/nitrates This calculator allows farmers and advisors to estimate a farm's maximum nitrates allowance for 2024 compared to the nitrates likely to be produced by livestock on the holding.

This tool is provided to assist understanding of the implications of the new limits. Actual compliance for 2024 will be verified after year-end based on land declared under the farmer's 2024 BISS application and livestock data held by the Department.

Q: Where can I get information to assist me to determine what my nitrates levels will be for the year overall?

A: The Department has published a number of interim N&P statements using 2023 bovine and land data. Values for any non-bovine livestock on the farm should be added to bovine data to get the overall excretion rate. Further updated statements will issue before year end. Cattle farmers can view their statements by logging onto www.agfood.ie

Q: I am a derogation farmer stocked over 220. All my land is moving to the new lower maximum stocking rate. When do I have to comply with the new lower limit?

A: Limits for nitrates purposes are determined across the whole year. The lower limit applies for impacted farmers from the 1st of January 2024. This means a farmer with all their land at 220 will have to achieve a stocking rate no greater than 220 kg N/ha for the year 2024 overall. The 220 limit does not have to be achieved on the 1st of January 2024, however where a change is required to achieve the new lower limit, the longer that change is delayed the more significant it may have to be.

Q: What can I do to achieve the lower stocking rate limit?

A: The best approach will vary by farm and therefore it is recommended that you contact a Farm Advisory Service (FAS) accredited advisor, if you have not already done so, to discuss your own circumstances.

Farmers may choose one or a combination of options to achieve compliance with the lower limit..

Q: Is the Department considering any changes to assist farmers transition to the lower maximum stocking rate?

A: To reduce the pressure to move young calves off-farm as nitrates limits fall, Teagasc have been asked to establish a nutrient excretion rate for young calves rather than the current situation where they are considered in the overall bovine category aged 0-12 months. Teagasc have also been asked to investigate the impact of reducing the maximum crude protein content of concentrates fed to dairy cows at grass. This may justify a reduction in the dairy cow's nutrient excretion rate due to the lower crude protein intake. Any changes arising from this research are intended to apply from January 2024. These new excretion rates will be published immediately the research has concluded and the practical implementation has been agreed.

Teagasc are reviewing the calculation of the nutrient content of cattle slurry, however any changes are likely to be relatively modest. . Approval has been sought from the European Commission to secure changes to TAMS 3 to allow introduction of a dedicated measure providing 70% grant aid for manure storage facilities on farms importing livestock manure under a contract. Approval has also been sought to introduce of a separate €90,000 TAMS investment ceiling for farmers investing in additional manure storage facilities on farm, beyond regulatory compliance. Accelerated Capital Allowances remain available for investments in slurry storage facilities.

Q: Why does the Implementation Map not follow the full boundary of a field?

A: The Map identifies areas draining to the waterbodies that are monitored by the Nitrates Monitoring Network which includes rivers, groundwaters, lakes, transitional and coastal water stations.

The boundary of these areas is based on the boundary of where water collects and flows within the landscape. This can be above or below the surface of the ground, hence the boundaries don't always follow the topography of the ground, such as in free draining land areas

Where any part of a LPIS parcel is within the areas identified as remaining at the 250 kg limit, the whole parcel will remain at that higher limit for 2024.

Q: What other EU Member States currently have a nitrates derogation?

A: At present Denmark, Ireland and The Netherlands are the only EU Member States in receipt of a nitrates derogation.

Denmark's derogation permitting a maximum stocking rate of 230 kg N/ha expires in July 2024. They are engaging regarding an extension.

The Netherlands' derogation is being phased out by the end of 2025. In 2024 The Netherlands will be permitted maximum stocking rate of up to 210 kg N/ha in "nutrient polluted areas" and 230 kg N/ha in "other" areas. These values will drop further in 2025 with no derogation being allowed in The Netherlands after December 2025.