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CONSULTATION PAPER ON THE PROPOSED NITRATES ACTION PROGRAMME REGULATIONS (NORTHERN IRELAND) 2014 AND REVISIONS TO ASSOCIATED REGULATIONS.

This response is submitted on behalf of the Ulster Arable Society which brings together people from throughout the arable production, processing and supply industries with a common interest in furthering the competitiveness of the sector and fostering knowledge transfer and professional development of those working in the sector. The UAS Committee contains individuals from a wide spectrum of interest areas; including horticulture, potato and combinable crop production; banking, processors/packers and the agricultural supply sector.

The Society, through our farmer members, is aware of the comprehensive response to this Consultation Paper submitted by the Ulster Farmers Union and fully supports that response.

However we welcome the opportunity to comment further on a number of issues from the specific perspective of the arable sector.

1. In principle we can see the attraction of simplifying legislation and reducing the number of different regulations but this must not be done purely for administrative convenience or at the expense, as appears to be the case in this instance, of increasing industry compliance obligations. This is particularly true when, as in this case, the existing requirements are proving effective. Throughout this consultation paper there appears to be an element of action in excess of that which is necessary to meet EC requirements and deliver the required outcomes.
2. UAS welcomes the proposed change to the limits on the land application of N fertiliser to crops. This is an excellent demonstration of sound evidence based policy built on local research and illustrates the importance of such research.
3. The EC agreement to allow continued storage of poultry litter in field heaps is also welcome and we consider that the reduction in storage time from 180 to 120 days is acceptable.
4. We support the extension of the Manure Efficiency Technology Scheme within the 2014-20 NIRDP 2014-20 but believe that this is much too narrowly focused and should include support for precision application and placement of chemical fertiliser, both of which will have very positive effects on nutrient use and losses through both leeching and ammonia volatilisation. The increased adoption of precision farming methods with applications precisely linked to crop requirements must be encouraged on the grounds of both environmental protection and production efficiency – exactly the same justification as the use of trailing shoe slurry applicators.
5. Aligning the values for availability of phosphorous in organic manures with those in RB 209 is also welcomed. This needs to be kept under review and adjusted as justified by local research.

6. The UAS recently completed a comprehensive review of the opportunities for the sector and published a strategy for growth. A fundamental tenet of that strategy is that sustainable growth of the livestock sector must be linked to a parallel growth in arable cropping, which can make effective use of the excess nutrients produced by the livestock. We are therefore very concerned to note the proposal (Regulation 26) to introduce additional bureaucracy associated with the import / export of livestock manures which puts impediments in the way of such transfers. Government should be encouraging action which facilitates the effective use of manures from intensive farms on arable crops, not placing impediments in their way. We also question the ability of the NIEA to make valid use of the volume of information which they will receive. Choice of the 31 July as the date for return of such information demonstrates a lack of understanding or sympathy for the realities of work loads on NI farms at that time. In short we believe this requirement is unnecessary and unworkable.
7. We note and can understand the EC concerns about the environmental impact of “Going for Growth”. This further emphasises the folly of Regulation 26, since in the absence of some radical solution to utilising excess organic nutrient on intensive farms, the spreading on arable land remains the only realistic option. It is therefore illogical to place further bureaucratic obstacles in the way of export / import of such nutrients.
8. Regulation 19. Our members have personal experience of trying to cover heaps of poultry litter in middens and support the UFU view that this is impractical and virtually impossible to achieve in practice. The requirement appears to be designed to meet two different requirements –
 - a. Minimising effluent leakage from the midden. However all middens have to have effective effluent provision anyway, so the covering of the heap achieves no additional environmental protection.
 - b. Botulism control which even if it were achieved by covering, is not appropriate in a Regulation directed at delivering a Nitrates Action Plan. Also in practice, as the UFU has pointed out, the covering may in fact encourage rodents with the opposite effect on botulism spread. The control of Botulism in poultry litter should be directed at eliminating the

source not controlling the contaminated product. UAS has recommended a research project based around a logical HACCP analysis of litter production but to date this has not been progressed by DARD.

9. Regulation 8. Manner and timing of the application of fertiliser.

We support the UFU submission which points out the necessity for clear and effective communication to growers of the interpretation of “demonstrable crop requirement” governing application outside the “closed” period.

10. Regulation 9 – Land application of Fertiliser.

- a. Section 9 (1) requires that “the land application of fertiliser shall be done in an accurate and uniform manner”. This perpetuates an outdated concept that crops are uniform and have identical requirements across any area. New technology used in precision farming of arable crops, allows inputs to be adjusted to accommodate in-field variability with the potential for considerable environmental as well as financial benefit. Care needs to be taken to ensure that legislative requirements such as this do not stifle the application of innovation which can now adjust applications according to crop need -- which may well be uneven across a given area.
- b. Section 9(4)(f) allows the barrier strip to be reduced to 3 m where trailing shoe / bandspread type applicators are used to apply slurry adjacent to waterways. The scientific justification for this reduction must be based on the physical process – since no reference is made to nutrient loading. We therefore argue that the same principles must apply to the application of poultry litter / FYM where this is followed immediately by soil inversion (ploughing). The Regulation should be adjusted accordingly.

11. While not of direct relevance to arable production, UAS members, as responsible members of the rural community, are concerned at the large number of fatal accidents associated with slurry gas and slurry stores. We can not therefore support any action such as covering above ground slurry tanks which, as well as imposing additional costs for NI farmers compared to competitors in the rest of the British Isles, will increase the risks to humans from slurry gas. Open above Ground stores seem to be one of the few practical ways to reduce this risk and to

insist that these are covered seems to be increasing the risk to humans to an extent which far outweighs any small reduction in gas release to atmosphere.

Finally UAS believes that efficient farming is both good for the individual business and for the environment. More sustainable progress will be achieved through education and advice than by enforcement and would urge that regulations such as these are used to underpin a vigorous and well-resourced business development and educational programme, rather than as a tool for punitive enforcement.

Robert J Moore. Chair, Ulster Arable Society.