



STATUTORY INSTRUMENTS.

S.I. No. 529 of 2020



EUROPEAN UNION (GOOD AGRICULTURAL PRACTICE
FOR PROTECTION OF WATERS) (AMENDMENT) (No. 3)
REGULATIONS 2020

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I, Darragh O'Brien, Minister for Housing, Local Government and Heritage, 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:

PART 1 PRELIMINARY

Citation, commencement and application

These Regulations may be cited as the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) (No. 3) Regulations 2020.

Interpretation

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 and the 2020 Regulations.

Amendments to the 2017 Regulations

1. Under Article 4 (Interpretation), the following definitions are inserted:

"grazing livestock" means cattle (with the exclusion of veal calves), sheep, deer, goats and horses.

"watercourses" means any body of water that is marked on a modern 1:5,000 scale OSi map.

2. The following sub-articles are inserted after sub-article 15(5):

(6) From 1 January 2021, on holdings with stocking rates of 170kgs nitrogen per hectare from grazing livestock manure or above prior to export of livestock manure from the holding, a maximum crude protein content of 15%

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.

is permissible in concentrate feedstuff fed to grazing livestock on the holding between 1 April and 15 September. Records of crude protein content of concentrate feedstuff shall be kept in accordance with Article 23(1)(j).

(7) From 1 January 2021, on holdings with stocking rates of 170kgs nitrogen per hectare from grazing livestock manure or above prior to export of livestock manure from the holding, a liming programme shall be prepared and must establish the following:

- (a) A calculation of liming requirements for each parcel to achieve optimum pH;
- (b) A lime application programme for the farm.

3. Article 17(18) is substituted by the following:

In the case of livestock holdings with grassland stocking rates of 170kgs nitrogen per hectare from livestock manure or above, bovine livestock shall not be permitted to drink directly from watercourses identified on the modern 1:5,000 scale OSi mapping or better, from 1 January 2021 onwards. Where bovine livestock have direct access to watercourses on the holding, a fence shall be placed at least 1.5m from the top of the riverbank or water's edge (as the case may be) by 1 January 2021. It will be permissible to move livestock across a watercourse to an isolated land parcel where necessary, provided that both sides of the watercourse are fenced.

4. Article 18 (1) is substituted by the following:

18 (1)

- (a) Livestock manure, other organic fertilisers, effluents, soiled water and chemical fertilisers shall be applied to land in as accurate and uniform a manner as is practically possible.
- (b) From 15 April 2021, low emission slurry spreading equipment shall be used for the application of slurry on holdings with stocking rates of 170kgs nitrogen per hectare from grazing livestock manure or above prior to export of livestock manure from the holding.

5. Table 6 in Schedule 2 is substituted by the following table:

Table 6 Annual nutrient excretion rates for livestock

Livestock type	Total Nitrogen kg/year	Total Phosphorus kg/year
Dairy cow	89 ¹	13
Suckler cow	65	10
Cattle (0-1 year old)	24	3
Cattle (1-2 years old)	57	8
Cattle > 2 years	65	10
Mountain ewe & lambs	7	1
Lowland ewe & lambs	13	2
Mountain hogget	4	0.6
Lowland hogget	6	1
Goat	9	1
Horse (>3 years old)	50	9
Horse (2-3 years old)	44	8
Horse (1-2 years old)	36	6
Horse foal (< 1 year old)	25	3
Donkey/small pony	30	5
Deer (red) 6 months — 2 years	13	2
Deer (red) > 2 years	25	4
Deer (fallow) 6 months — 2 years	7	1
Deer (fallow) > 2 years	13	2
Deer (sika) 6 months — 2 years	6	1
Deer (sika) > 2 years	10	2
Breeding unit (per sow place)	35	8
Integrated unit (per sow place)	87	17
Finishing unit (per pig place)	9.2	1.7
Laying hen per bird place	0.56	0.12
Broiler per bird place	0.24	0.09
Turkey per bird place	1	0.4

¹Effective from 1st January 2021.



GIVEN under my Official Seal,
16 November, 2020.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

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 recent developments in scientific knowledge, provide clarity in the interpretations and provide greater protection for water quality from agricultural activities. The amendments also give effect to some of the recommendations from the review of the Nitrates Derogation requirements in 2019.

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