



March 2019

Consultation response from Friends of the Earth Northern Ireland

Proposed Nitrates Action Programme

Northern Ireland is at a crisis point with regards to nitrates and ammonia pollution. It has been confirmed that around 90% of European protected sites in Northern Ireland (SPAs and SACs) exceeded thresholds at which adverse damage occurs. Agriculture is the main contributor of nitrates and ammonia pollution, with the rise in livestock numbers as a result of Going for Growth being responsible for the significant increase in recent years.

The Nitrates Action Programme (NAP) is aiming to reduce nitrates from agricultural sources entering the aquatic environment. These measures are mainly aimed at the agricultural community to implement. However without:

- A moratorium on factory farming;
- mandatory compliance on all proposed measures;
- inclusion of NAP measures for all livestock;
- withdrawal of the request for the third derogation;
- mandatory content labelling on all feedstock;
- strictly monitored transboundary compliance (Espoo Convention);
- protection of the smaller family farms;
- the revoking of the Memorandum of Understanding (MoU) with the Ulster Farmers Union, and
- an independent environmental regulator,

the aquatic and wider environment will continue to be polluted with little prospect for improvement.

This consultation looks like it has been timed to enable the renewal of the Northern Ireland Nitrates Derogation which is due to go before the Nitrates Committee for a vote on approval before we exit from the EU. Friends of the Earth does not support a third derogation.

A further derogation without considering impacts of the emissions loading on the Republic of Ireland, the implications for catchments covered by the Water Framework Directive (majority of wetlands are not achieving Good Ecological Status), the absence of a Strategic Environmental Assessment (SEA) for the intensification strategy Going for Growth, and breaches of the Habitats and Emissions Directive, is not acceptable. Encouragement of farmers to take up the derogation is counterproductive when measures are also being put in

place to prevent pollution. Allowing additional nutrient loading is likely to undermine attempts to prevent pollution from excess nutrients.

1. What are your views on the proposed Water Protection Measures?

The proposed water protection measures are potentially meaningless with the current MoU with the Ulster Farmers Union because of the light-touch regulation in it. If the proposal for the third derogation goes ahead, this is another potentially damaging activity putting our aquatic environments at risk. A moratorium on all new factory farm developments would enable a baseline for data on nitrates for accurate modelling, planning and implementing of stronger measures to protect our environment.

The 2018 Water Quality Monitoring Programme results, with 69% of rivers, 76% of lakes and 60% of marine water bodies failing WFD standards, these demonstrate that the current NAP was ineffective.

The water quality results for nitrates have been misrepresented claiming, "*100% of surface water sites*", when there was actually a 60% reduction in sample frequency and site locations during the period. As the same sites were not monitored continuously between periods, longitudinal trends in nitrate water quality cannot be relied upon, due to lack of independence in validation.

The report states that, "*Compliance with derogation controls and NAP measures has in general been very good*", but rising levels of phosphates and nitrates would indicate it was ineffective in some areas where derogation had been applied. With respect to the Derogation, 75% of Derogated farms were compliant with the terms but only 5% were inspected. This equates to 16 farms inspected out of 298 and 95% of farms not inspected. With the current crisis we are in, we cannot afford to put our protected sites at greater risk.

7.1(1) Further restrictions on slurry applications in February and October.

With the current MoU with the Ulster Farmers Union and low farm inspection rates, these restrictions can easily be breached with minimal deterrent to adhere to regulations. The MoU needs to be revoked, with a significant increase in unannounced inspections and enforcement for all pollution offences.

It is unclear what models have been used to establish the buffer zones. They appear to be arbitrary, and no evidence is provided to support the claim they will improve water quality.

7.1(3) Siting of livestock drinking points a minimum of 10m from a waterway.

Again with the MoU and current poor regulation in place, Friends of the Earth would be concerned that the take up of these new measures may not be adhered to. Increase of unannounced inspections and enforcement is required.

In the NAP, the furthest point from waterways for potential polluting source is 30m (slurry spreading in Feb and October near lakes). There's considerable variance with the distances, depending on the potential point of pollution. Without having the evidence that each distance will provide the reassurance of reducing run off into an aquatic environment, it is difficult to be convinced these distances will be beneficial for water quality.

The target date for implementation is 2022 and is after the WFD deadline of 2021 for Northern Ireland to have 70% of water bodies at Good Status. This could prove to be a significant, if not impossible, challenge.

2. What are your views on the proposed measures on Phosphorus Reduction and Efficiency?

Friends of the Earth has called for a moratorium on all new factory farm developments. Continuing to issue planning approval for factory farms is likely to result in an increase in livestock numbers in Northern Ireland. Because of this, the reduction of phosphorous in animal feed may have little or no affect. This is because the phosphorus reduction in animal feed is likely to be negated by the rise in animal numbers.

The type and volume of animal feeds by species has a bigger impact than the document suggests. Increasing numbers of pigs and poultry, and the subsequent increase in the tonnage of their feed, is having a bigger impact than grazing livestock. Pigs and poultry excrete higher levels of phosphorous in their waste, but the measures are targeted primarily against grazing livestock. Pig manure has higher levels of inorganic water soluble phosphorous than the other species and therefore contributes more to phosphorous diffuse pollution as pig numbers are increasing. Poultry litter appears to be omitted. As the poultry industry continues to grow, the subsequent litter will continue to impact on our aquatic systems. All livestock should be included in this action programme.

Self-declarations and voluntary measures provide no guarantee that the proposed procedures will be effective and efficient at reducing phosphorous in our water bodies. All measures must be rigorously monitored and be mandatory.

For these measures to reduce pollution, we need not only a moratorium on all new factory farms but also a cap on animal numbers. The cap on animal numbers would be applied to current farms who are wanting to grow their livestock. These farms will need to prove they have mitigation measures in place to ensure the impact of the rise in animal numbers does not increase nutrient pollution. This should be applied to all farms, and especially those increasing their livestock numbers while remaining under the threshold for a PPC licence.

This practice of smaller farms increasing numbers is predominantly happening in the pig sector. Pigs from factories are being dispersed to farms for rearing and fattening, most of which will fall under the threshold for IPPC regulations (known as project splitting). Consequently, the cumulative impacts of all these smaller farms are not being assessed adequately, and therefore falling under the radar with regards their pollution contribution. All farms should have a mandatory requirement to adhere to strict pollution prevention, under this action programme and others.

7.2(1) Voluntary declaration of Phosphorus content in animal feeds to be provided to farmers by all animal livestock feed supply companies.

There is already a requirement to label animal feed, and if this isn't currently mandatory, it should be. We are in a nitrates crisis so content information should be clear and accessible for the farmer to make the appropriate decision for their livestock and the subsequent waste.

There should be promotion and support for grass fed agricultural systems to reduce the import of feed and emissions.

7.2(2) Including the Phosphorous Regulations under the Cross Compliance requirements.

Phosphorous regulations should be part of the cross compliance inspection. Fertiliser plans are essential and should be regulated. Unannounced inspection rates need to be increased significantly from the current low level of 1% of farms. There should be a priority to target high risk catchments close to protected habitats/sites with random unannounced inspections.

7.2(3) Requirement for all farms using chemical phosphorus, phosphorus-rich manure and anaerobic digestate to have a fertilisation plan.

All animal rearing farms and those who take slurry/litter for land spreading need to have a mandatory fertilisation plan. The MoU with UFU needs to be revoked, and regulation and inspection needs to be unannounced and rigorous. All fertilisation plans on farms that impact on transboundary aquatic ecosystems should have their plans inspected prior to application with cumulative assessment of neighbouring farms in the Republic of Ireland.

Dairy cattle, pigs, and poultry all need to be included in this fertilisation plan due to their phosphate rich manure. These are all significant contributors to the problem and strict measures should be implemented.

3. What are your views on the proposed measures to promote Nitrogen Efficiency?

The compulsory dates for slurry spreading and farms with 100 units or more (cattle and pigs) are after the WFD deadline of 2021 which will make the assessment potentially meaningless as the damage will have been done before it has been assessed.

7.3(1) Introduction of mandatory use of low emission slurry spreading equipment (LESSE).

If LESSE reduces ammonia emissions to the air, there could be a real opportunity to include other technologies for ammonia reduction to support these measures such as air scrubbers with mandatory monitoring. While LESSE technologies are effective at reducing airborne emission, it doesn't reduce the volume of slurry that is a consequence of high livestock numbers. A reduction in headage numbers is the most effective way of reducing the volume of slurry. LESSE shouldn't be used as an opportunity to spread more slurry under the guise of reducing airborne emissions. If the third derogation is passed then the benefits of the LESSE system may be compromised.

Thorough training and ongoing support will be required for the appropriate use of LESSE equipment to ensure the dilution rate is appropriate and the technology is being used appropriately without risk of run off due to too much liquid.

As mentioned before, the act of 'project splitting' undermines the intentions of the LESSE proposal. The different stages of breeding, rearing and finishing are conducted in different farms, each of which may fall under the IPPC thresholds, and potentially the 10,000kg nitrogen threshold for mandatory use of LESSE.

The proposed ban on supply of splash plates does not prohibit the use of splash plates and thereby is an ineffective measure.

7.3(4) Proposed development and introduction of a licensing system for slurry contractors.

Friends of the Earth would support this proposal and would encourage this to be implemented as soon as possible with accurate drawings and fertilisation plans available to be inspected at any time.

5. What are your views on the proposed measures to promote better slurry and manure storage on farms?

7.4(1) Covering of new above ground slurry stores and lagoons.

Friends of the Earth acknowledges and agrees with the proposal for slurry stores and lagoons to be covered.

7.4(2) Covering existing above ground stores with a floating or fixed cover.

Friends of the Earth acknowledges and agrees that all above ground slurry stores and lagoons should be covered.

7.4(3) Siting of new slurry tanks 50m from a waterway.

Bunding of all above ground stores, in addition to the 50m position, will support mitigation in the event of storage failure. This could be another positive measure to protect our special sites and water bodies. Without the MoU with UFU, any pollution offences will be enforceable and an incentive for good practice.

6. What are your views on the proposed controls on farms applying anaerobic digestate as a fertiliser?

Digestate needs to have rigorous controls akin to its previous form. Friends of the Earth would encourage farms to use their own slurry/digestate to fertilise their land thus reducing the use/reliance of chemical fertilisers. Smaller family farms with appropriate sized ADs for their own farm waste is a positive approach as it would also have a vast reduction of the chemicals and heavy metals in the digestate than that of an industrial factory farm. AD, therefore, is a useful tool for small to medium, extensive farms.

However, the volume and content of digestate from industrial scale AD units is problematic. Friends of the Earth believes that rigorous and robust compliance is necessary for the control of AD plants and digestate. Continuous monitoring and strict reporting methods, plus movement of digestate/fertiliser needs to be compliant with the Espoo Convention. All measures must be regulated and in line with fertiliser management plans. Restrictions close to protected habitats must be prioritised with unannounced inspection and Habitats Regulation Assessments and appropriate waste licensing measures carried out.

7. What are your views on the proposed controls on anaerobic digestion plant operators?

Friends of the Earth believes that industrial scale AD plants must be subject to at least the same scrutiny as a 10,000kg nitrogen farm under IPPC and WML regulations as they increase the volume of phosphorous produced by the addition of feedstocks (including non-agricultural) to animal manures.

Robust regulation by NIEA of all anaerobic digesters by unannounced inspections and sampling of feedstocks, digestate and emissions to verify the self declarations by the operator and importing farm is required. Heavy metal soil sampling must be included with Nutrient Management Plans.

While it may appear to be a good policy to encourage farmers to import and export slurry/digestate between farms, a strategic environmental assessment (including transboundary measures) of this policy needs to be undertaken to determine its impact on biodiversity here and in the Republic of Ireland given the sharing of water catchments and the volumes of waste being transported out of Northern Ireland.

Conclusion

Friends of the Earth welcomes measures proposed to tackle our nitrates crisis. However, without robust regulation, continuous inspection, and enforcement these measures may not achieve the reduction in nitrates necessary to protect our aquatic environment and protected sites.

Friends of the Earth recommends significant action be taken, which is more likely to produce the reductions needed. To comply with domestic and European law we require as a minimum;

- A moratorium on all new factory farms;
- Mandatory compliance on all measures;
- Inclusion of measure on all livestock;
- A cap on animal numbers;
- Withdrawal of the request for a third derogation
- Promotion of grass fed agricultural systems to reduce importing of high protein feed;
- Revocation of the MoU with the Ulster Farmers Union; and
- An independent environmental protection agency with stronger enforcement controls against pollution offences.