

Dear Sir/Madam

NITRATES DIRECTIVE DEROGATION

I wrote to you previously on 5 March 2007 in relation to the Nitrates Directive derogation and, following successful achievement of the derogation, wish to update you on the current position.

Applying for Derogation in 2008

The precise terms and conditions of the derogation are set out in the EC Decision which must be transposed into Northern Ireland legislation in early 2008. To operate under the derogation, each farmer must be able to meet the key measures summarised in the DARD Bulletin "Helping You Comply".

Whilst the EC Decision is being transposed, EHS has put in place an administrative system to allow farmers to apply to operate under a derogation in 2008. If you consider that you are able to meet the key measures to apply for a derogation in 2008, you should contact EHS at the address or telephone number above for an application form. Application forms are also available from your local DARD office. Completed application forms must be returned to EHS on or before **1 March 2008**. EHS will acknowledge receipt of your application and may contact you informally if there is any need to clarify any aspect of your application. Applications will be deemed to be approved within 28 days of receipt or the operational date of the amending regulations transposing the derogation, whichever is later. Applications that are found to be ineligible by EHS will be refused in writing within 28 days of receipt or the operational date of the amending regulations, whichever is later. If your application is refused you will be informed of any right of appeal.

In addition to CAFRE awareness workshops in early 2008, if you apply to EHS to operate under the derogation in 2008 you will receive a comprehensive guidance booklet and be registered for further training with CAFRE after the introduction of the amending regulations. In the interim, an explanatory note on completion of the application form in 2008 will be provided which also provides further useful references to the EHS/DARD "Guidance Booklet for Northern Ireland Farmers on the Requirements of the Nitrates Action Programme (NI) Regulations 2006 and the Phosphorus (Use in Agriculture) (NI) Regulations 2006" which was sent to you in March 2007.

Interim Provisions for 2007

The interim arrangements in my previous letter still apply so that if you chose to operate above the statutory 170 kg N/ha/year livestock manure limit in 2007 you will be required to demonstrate on inspection that you;


- had a grass based farming system with at least 70% of the holding under grass (note from 2008 this will be 80%); and
- the land application of manure from grazing livestock (cattle, sheep, goats and deer) did not exceed 250kg N/ha/year.

It was agreed by DOE and DARD that those farmers who met these basic criteria would not be considered to be in breach of the NAP Regulations and, therefore, not liable to penalty under the Single Farm Payment Cross-Compliance Verifiable Standard relating to the application limit for livestock manure during 2007.

It is important to note that manure from pigs and poultry will not be eligible for the higher derogation limit and therefore must not exceed the 170 kg N/ha/year limit.

If you require further information please contact EHS at the above address or telephone number.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. S. Foster' with a stylized flourish at the end.

Dave Foster
Head of Water Management