

SLURRY SPREADING, CLOSED PERIOD AND REASONABLE EXCUSE INFORMATION - UFU

Why will a general extension to the closed period for Northern Ireland not be granted?

Due to legal reasons this cannot be applied in Northern Ireland. The closed period dates are set in legislation and would require a change in legislation to amend these. An extension is of limited value anyway if weather / ground conditions don't improve.

What is the alternative?

In 2005/06 the UFU secured the inclusion of the 'reasonable excuse' clause in the Northern Ireland Nitrates (now Nutrients) Action Programme. This caters for exceptional conditions, when farmers cannot fully comply with the rules, through no fault of their own. This clause has since had to be used in years when weather and ground conditions made compliance impossible. Farmers forced to spread when conditions are not suitable may be able to use the 'reasonable excuse' clause. This also allows farmers on a case by case basis to spread beyond 15 October if reasonable excuse can be shown. ***We would strongly urge farmers to proceed with caution and ensure they have exhausted every other appropriate avenue for emptying tanks, have all nitrates paperwork in order, and complete the UFU reasonable excuse template.*** Having dated photos of ground conditions, showing full tanks and rainfall data would be beneficial. Farmers should also be aware that spreading slurry under this clause also makes it more likely you will be selected for an inspection.

The "reasonable clause" should be used as a last resort and it would be advisable to speak with your UFU Technical Officer or the UFU's Environment Policy Officer, Aileen Lawson, before spreading any slurry after 15th October. The UFU reasonable excuse template is available to UFU members from UFU HQ or your local office.

What are reasonable steps to manage the situation?

In assessing whether a farmer has taken "all reasonable steps" to manage the situation NIEA would consider a number of factors including:

- If the farmer had sufficient slurry storage in accordance with the regulations, i.e 26 weeks livestock manure storage capacity for pig and poultry enterprises and 22 weeks for other enterprises.
- If the slurry has been properly managed outside the closed period and has been spread as appropriate when conditions permitted.
- If clean storm water, e.g. roof water has been diverted away from slurry storage tanks.
- If the farmer had exhausted reasonable alternatives such as renting extra storage space or using straw bedding.
- If the farmer had taken additional steps to protect against water pollution such as increasing distance spread from watercourse, spreading on flat land etc.
- If only the minimum necessary was spread to provide sufficient capacity to the end of the closed period.

Do I need to register if I am going to spread during the closed period?

It is NOT a requirement to 'register' with NIEA/DAERA to use a 'reasonable excuse'. Neither is it a requirement to 'notify' intended slurry spreading during the closed period.

What happens if NIEA are required to inspect a farm which has been spreading organic manures during the closed period?

Where it comes to the attention of NIEA that a farmer has spread slurry over the closed period, NIEA officers will do the following:

- i. Visit the farm in question
- ii. Check for evidence of water pollution arising from the spreading
- iii. Ascertain the circumstances (mainly via paperwork) that led to the farmer spreading slurry or manure during the closed period (“reasonable excuse”)
- iv. Confirm the evidence that the farmer had taken all reasonable steps to **manage the situation**, and had **no alternative**. Such evidence would include that the farmer had sufficient slurry storage under normal conditions, and had been properly managing slurry outside the closed period. Clean storm water, e.g. roof water should be diverted from slurry tanks.
- v. Check if slurry spreading to land had been done responsibly and that the farmer had adhered to conditions in the Nitrates Action Programme 2015-18. In addition, it will be expected that slurry had been **spread on low risk land** and that steps had been taken to **protect watercourses**. It would also be expected that farmers would **not totally empty tanks** – they should only remove enough slurry to provide adequate containment for immediate needs.

FARMERS SHOULD NOTE THAT NIEA WILL ALSO CONSIDER THE FOLLOWING DURING AN INSPECTION:

Land application restrictions:

- Slurry has been spread on low risk land (e.g. flat, dry)
- Slurry must not be applied
 - on waterlogged soils, flooded or land liable to flood,
 - on frozen ground or snow covered ground, if heavy rain is falling or forecast in the next 48 hours,
 - on steep slopes (that is an average incline of 20% or more on grassland or an average incline of 15% or more on all other land where other significant risks of water pollution exist. Risk factors to be considered include the proximity to waterways/lakes, the length of time to incorporation(arable), the type and amount being applied and/or the soil and weather conditions
 - on other land (with an incline of less than 20% for grassland or less than 15% for all other land) where significant risks of water pollution exist. The risk factors to be considered include the proximity to waterways/lakes, amount to be applied, soil conditions, weather forecast and time to incorporation if applied to arable land. The risk assessment for land, other than steeply sloping, is detailed in the NAP Guidance document.
 - Prevent entry of fertilisers to waters and ensure application is accurate, uniform and not in a location or manner likely to cause entry to waters.
- Organic manures including dirty water must not be applied within:-
 - 20m of lakes;
 - 50m of a borehole, spring or well;
 - 250m of a borehole used for a public water supply;

- 15m of exposed cavernous or karstified limestone features;
- 10m of a waterway other than lakes; this distance may be reduced to 3m where slope is less than 10% towards the waterway and where organic manures are spread by bandspreaders, trailing shoe, trailing hose or soil injection OR where adjoining area is less than 1 ha in size OR not more than 50m in width.
- Application rates:-
 - No more than 50m³/ha (4500 gal/ac) or 50 tonnes/ha (20t/ac) of organic manures to be applied at one time, with a minimum of 3 weeks between applications;
 - No more than 50m³/ha (4500 gal/ac) of dirty water to be applied at one time, with a minimum of 2 weeks between applications.
- **From midnight 30 September – 15 October and during February: - the buffer zones for spreading slurry are increased:**
 - **from 10m to 15m of any waterway**
 - **from 20m to 30m for lakes - The maximum slurry application rate is reduced from 50m³ (4500gal/ac) to 30m³ (2700 gal/ac). Remember to follow the appropriate risk assessment as detailed in the NAP Guidance. •**
- Slurry can only be spread by inverted splashplate, bandspreaders, trailing shoe, trailing hose or soil injection.
- Dirty water to be spread by same methods as slurry and by irrigation.
- Sludgigators must not be used
- Low Emission Slurry Spreading Equipment (LESSE) includes bandspreading, dribble bar, trailing hose, trailing shoe, soil incorporation or soil injection methods.
- LESSE must be used:
 - From 1 February 2020 for spreading anaerobic digestate.
 - From 1 February 2021 by slurry contractors.
 - From 1 February 2022 on cattle farms with 200 or more livestock units and pig farms with a total annual livestock manure nitrogen production of 20,000 kg or more from pigs.
 - Where it is not practical to spread on a field using LESSE, slurry can be spread using an inverted splash plate on that field. A record of the field number and the reason for spreading using a splash plate must be kept for inspection.

Storage requirements:

- It would also be expected that farmers would **not totally empty tanks** – they should only remove enough slurry to provide adequate containment for **immediate needs**.
Note: responsible slurry management during the closed period to avoid potential animal welfare/pollution problems is preferable to addressing these problems after they have arisen.
- Minimum of 26 weeks livestock manure storage capacity for pig and poultry enterprises.
- Minimum of 22 weeks for other enterprises (there are some exceptions – see Guidance Booklet)
- Livestock manure and silage effluent storage must be maintained and managed to prevent seepage or run-off.
- Silage and slurry stores constructed or substantially modified after 1 December 2003 must comply with certain construction standards (set out in the NAP Regulations) and be notified to NIEA at least 28 days before they are brought into use.

Can Farmyard manure (FYM) still be spread after the 31 October closed period deadline under 'reasonable excuse'?

The closed period for FYM is 31 October to 31 January. However reasonable excuse can also apply. It should be noted that FYM can be stored in a compact heap in the field where it is to be applied, but for no longer than 120 days. It must not be stored in the same location of the field year after year and must not be stored on land that is waterlogged, flooded or likely to flood.

Is there a spreading deadline under these 'reasonable excuse' circumstances?

No, there is no deadline for the spreading of slurry. The important issue is that if a farmer has exceptional circumstances and can prove 'reasonable excuse' and has therefore been forced to spread during the closed period and that slurry is managed responsibly during the closed period to avoid potential animal welfare/pollution problems.

How do I record information required?

To be able to rely on the 'reasonable excuse', if inspected, a farmer **MUST provide a record** of evidence showing that they had taken all reasonable steps to manage the situation and had no alternative other than to spread during the closed period. The UFU has a template available at local Group Offices which can be used by members.

The UFU is encouraging any farmers who plan to spread during the closed period, to carefully fill out the template provided and to provide as much information as possible and to take additional precautions when spreading to ensure no pollution will be caused.

UFU assistance?

Any UFU member who needs to discuss further or help with the records element should contact their local UFU Technical Officer or Aileen Lawson at UFU HQ.