

Detailed guide: Grassland derogations for livestock manure in nitrate vulnerable zones

Updated: Updated to include information for 2019 Derogation application process.

You can apply up to 170kg per hectare of nitrogen in livestock manure on your holding in a nitrate vulnerable zone (NVZ) in each calendar year.

This includes manure deposited directly by grazing livestock and what you spread. This limit is the loading limit and applies as an average across your holding.

You can't get permission to use more nitrogen from non-grazing livestock (veal calves, pigs or poultry) and must keep within the 170kg per hectare limit.

Use this guide to find out how to apply for a derogation to use up to 250kg of nitrogen per hectare.

Check if your farm is in an NVZ

Use the [What's In Your Backyard tool](#) to find out if any part of your holding is in an NVZ.

Defra continually updates this tool to show any changes to NVZ designations which may affect your derogation.

Eligibility for a grassland derogation

You can apply for a grassland derogation to use a higher limit of up to 250kg of nitrogen per hectare, if the nitrogen comes from grazing livestock manure.

Grazing livestock are:

- cattle (except for veal calves)
- sheep
- deer
- goats
- horses

You must comply with the conditions of a derogation and the NVZ rules if your application is successful.

You can only apply for a derogation if at least 80% of the agricultural area of your holding is grass.

The agricultural area is the part of your holding you use for agricultural purposes. It doesn't include, for example:

- surface waters
- areas of hardstanding
- buildings or woodland (unless the woodland is used for grazing)
- any land covered by a greenhouse.

Grassland derogations for 2019

You must apply between 1 October and 31 December 2018.

If you have a current derogation, this will finish on the 31 December 2018 and you must reapply for 2019.

You can apply by telephoning the Environment Agency (EA) on 03708 506 506 (Monday to Friday, 8am to 6pm).

When you apply, you must give the:

- farm name, address and your County Parish Holding (CPH) number
- agricultural area and grassland area of your farm in hectares on 1 January of the year for which you are applying
- amount of manure nitrogen produced by grazing livestock kept on your farm during the calendar year in kilograms of nitrogen (kgN)
- amount of manure nitrogen produced by grazing livestock you intend to bring onto or send off your farm during the calendar year (kgN)
- total amount of manure nitrogen from grazing livestock on your farm during the calendar year (kgN)
- amount of manure nitrogen produced by non-grazing livestock on your farm during the calendar year (kgN)
- amount of manure nitrogen produced by non-grazing livestock you intend to bring onto or send off your farm during the calendar year (kgN)
- total amount of manure nitrogen from non-grazing livestock on your farm during the calendar year (kgN)

The EA will use these to calculate whether you're able to stay within the 250kg of nitrogen per hectare limit from grazing livestock.

You can use [standard values tables](#) (XLSM, 128KB)

or farm software to do these calculations before you apply.

The EA will assess your application on the call, and tell you if you're eligible for a derogation. If you're eligible, they'll send you a written approval notice.

You must formally agree to fulfil the conditions of your derogation by signing and returning the approval notice to the EA.

The European Commission has ultimate control over the use of derogations. This may mean that derogations:

- are not available in 2019
- will end earlier than 31 December 2019

If this happens, the EA will tell you as soon as possible.

Apply in Northern Ireland, Scotland and Wales

You must apply for the derogation:

- through the [Northern Ireland Environment Agency \(NIEA\)](#) in Northern Ireland
- through the [Scottish Government website](#) in Scotland
- by calling the NVZ Wales helpline in Wales: 01824 704060

Find out about [call charges](#)

Reasons why your application may be unsuccessful

If you don't meet the eligibility criteria or don't apply during the specified dates your application will be rejected.

If your holding is near a [special area of conservation or a special protection area](#), the EA will carry out an assessment of risks to the environment. The EA can withdraw a previously approved derogation after they've assessed this.

The EA may also refuse to give you a derogation if you had a derogation during a previous year but didn't follow all the conditions for that derogation.

How to appeal if your application is refused

You can appeal within 30 days of your application being rejected. An independent panel will consider your appeal.

Contact the Defra Helpline or email nitratesdirectiveteam@defra.gsi.gov.uk to find out how to appeal.

Defra Helpline

Seacole Building

2 Marsham Street
London
SW1P 4DF

Contact form

<https://www.gov.uk/gui...>

Telephone (UK only)

03459 33 55 77

Telephone (from outside the UK)

+44 20 7238 6951

The quickest way to get a response is to call our Helpline which is open Monday to Friday 8:30am to 5:00pm (find out about call charges at www.gov.uk/call-charges). Alternatively you can email us, or write to us at the postal address given above. We aim to reply to emails or letters within fifteen working days.

Derogation conditions

You must meet all the conditions of your derogation and follow the [rules that apply when using nitrogen fertilisers](#) and [storing organic manures](#) in NVZs.

If you don't meet the conditions of a derogation for the year it covers:

- the EA may fine you
- you may not be eligible to apply for a derogation in the following year

You won't be allowed to apply more than 170kg of nitrogen per hectare in livestock manure, averaged across your holding, if the EA either:

- withdraws your derogation
- decides you're ineligible to apply for a derogation the following year

Ploughing grassland if you have a derogation

If you plough grassland where you have a derogation, you must plant one of the following:

- a crop with a high nitrogen demand (for example, grass, potatoes, sugar beet, maize) within 4 weeks from the date of ploughing
- grass within 6 weeks from the date of ploughing

You must not plough temporary grassland on sandy soils between 1 July and 31 December.

You must not plough any area of grass before 16 January if you've spread livestock manure on that area in the previous year between:

- 1 September and 31 December on sandy soils
- 15 October and 15 January on all other soils

Crops you can't grow in rotation with grassland

You must not grow leguminous or other atmospheric nitrogen-fixing plants in your rotation, except:

- grass with less than 50% clover
- legumes under-sown with grass

Create a phosphate plan

You must plan the amount of phosphate fertiliser you put on your land in an NVZ.

You must take the following steps before you use phosphate for the first time in a field where you're going to plant a crop or have planted a crop:

1. Calculate the amount of phosphate in the soil that's likely to be available for the crop to use during the growing season.
2. Calculate the amount of phosphate that should be applied to the crop to get the best crops, taking into account the phosphate already available in the soil.
3. Calculate the amount of phosphate from any planned applications of organic manure that's likely to be available to the crop in the growing season in which you spread it.
4. Calculate the amount of manufactured phosphate fertiliser you will need.

You must also carry out steps 3 and 4 every time you spread manure or fertiliser.

Before you use manure or fertiliser on any crop (including grass) in following growing seasons, you must:

- repeat steps 1 and 2
- plan your fertiliser use for that growing season

For permanent grassland, make your calculations based on the farming year starting on 1 January.

You can use the standard values tables (XLSM, 128KB) to calculate how much nitrogen and phosphate is contained in different types of livestock manure.

Alternatively, you can use the [PLANET](#) farm software or the '[Tried and Tested](#)' [nutrient management tools](#).

Sample and analyse your soil: field records

You must sample and analyse the soil at least once every 4 years. This will tell you the amount of phosphorus in the soil that's likely to be available for the crop to use during the growing season.

You must do this for at least every 5 hectares of your holding that has the same cropping and soil type. Use either the [PLANET Nutrient Management](#)

[software](#) or the [fertiliser manual \(RB209\)](#) to find out how to do this.

You can use existing soil sampling results if they're less than 4 years old when your derogation starts.

If you haven't got sampling data that's less than 4 years old, you'll need to sample 75% of your farm area in the first year of your derogation. You then need to sample the remaining 25% of your farm area in the year of your next derogation.

Record keeping

In your fertilisation plan and field records you must record your nitrogen use and any phosphate you use from:

- manufactured fertilisers
- organic manures

You must record how much phosphate and nitrogen any manure contains within 1 week of bringing it onto your holding.

If you don't know the phosphate content of manure you bring onto your farm, you must analyse or calculate the amount. Record the amount within a week of finding it out.

By 1 March of each year in which you have a derogation, you must have the following information recorded:

- the size of the agricultural area of your holding in hectares (update within 1 month if this changes)
- the size of the area of grassland for that calendar year in hectares (update within 1 month if this changes)
- a written description of the livestock housing and manure storage systems you have on your farm, including the volume of the manure storage available
- the numbers and type of livestock you expect to have on your holding during the remaining part of the calendar year
- an estimate of the manure nitrogen and phosphate that your livestock will produce during the current calendar year

Submit your fertilisation account

You must send the EA details about your farming practices and fertiliser use for the period 1 January to 31 December. You must send the details by 30 April in the year following the derogation. This is your fertilisation account. You must do this for each you have a derogation.

Your fertilisation account must show the total agricultural area of your derogated holding and the area (in hectares) covered by each of the following crops:

- winter wheat
- spring wheat

- winter barley
- spring barley
- winter oilseed rape
- sugar beet
- potatoes
- forage maize
- grass

You need to show the area covered by other crops (for example, vegetables, lucerne, flowers), but the specific crop does not need to be named.

Your fertilisation plan must also show the:

- number and category of livestock kept on your farm, and the amount of nitrogen and phosphate in the manure they produce (according to the categories in the [standard values tables](#) (XLSM, 128KB))
- amount and type of livestock manure brought on or sent off your farm, together with the total amount of nitrogen and phosphate in that manure
- weight in tonnes and nitrogen content of all manufactured nitrogen fertiliser stocks kept on, brought in or sent off your farm during the calendar year

You can submit your fertilisation account records by email to regaware@environment-agency.gov.uk or by post to:

Regulation Awareness Team

National Customer Contact Centre

The Environment Agency

Quadrant 2

Parkway Business Park

Sheffield

S9 4WF

Inspections

The EA may inspect your farm to make sure you're meeting conditions of your derogation.

The Rural Payments Agency may inspect you if you claim basic farm payments as part of your cross-compliance requirements.

Contact the Farming Advice Service

Contact the Farming Advice Service for more information on using nitrogen fertilisers and manures in NVZs and other requirements of cross compliance.

Telephone: 03000 200 301 (Monday to Friday, 8am to 6pm)

Email: advice@farmingadvice.org.uk