



An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

DAFM conditionality inspection procedure

Ronan Gleeson,
Assistant Agricultural Inspector,
DAFM, Integrated Controls Division, Portlaoise.

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Presentation overview



- DAFM's Integrated Controls Division (ICD)
- Conditionality
 - the SMR's and GAEC's
 - How will holdings be selected for a conditionality inspection
 - Overview of a conditionality inspection (nitrates elements)
 - Types of non-compliance
 - What happens after a conditionality inspection
 - Cross reporting
 - Main nitrates breaches
- Nitrates Farmers Record template

What is DAFM's Integrated Controls Division (ICD)



- Design, plan and implement an annual inspection programme for CAP Pillar I schemes including the **conditionality** component of BISS inspection programme and the **LA nitrates** inspection programme
- Headquartered inspectorate staff based in Portlaoise
- District inspectorate and technical staff located across 7 regions



The SMRs under Conditionality



- **SMR 1** Implementation of certain requirements under the Water Framework Directive
- **SMR 2** Protection of waters from pollution caused by nitrates
- **SMR 3** Conservation of wild birds
- **SMR 4** Conservation of natural habitats and of wild flora and fauna
- **SMR 5** Food & Feed Hygiene
- **SMR 6** Restrictions on the use of substances having hormonal or thyrostatic action & beta-agonist in farm animals
- **SMR 7** Proper & safe use of Plant Protection Products
- **SMR 8** Sustainable use of Plant Protection Products
- **SMR 9** Welfare of Calves
- **SMR 10** Welfare of Pigs
- **SMR 11** Welfare of Farm Animals

The GAECs under Conditionality



- **GAEC 1** Maintenance of permanent grassland based on a ratio of permanent grassland in relation to agricultural area. **NEW**
- **GAEC 2** Minimum protection of wetland and peatland. **NEW but not applicable until 2024**
- **GAEC 3** Ban on burning arable stubble, except for plant health reasons.
- **GAEC 4** Establishment of buffer strips along water courses.
- **GAEC 5** Tillage management, reducing the risk of soil degradation and erosion, including consideration of the slope gradient.
- **GAEC 6** Minimum soil cover to avoid bare soil in periods that are most sensitive
- **GAEC 7** Crop rotation in arable land except for crops growing under water **(previously part of BPS Greening). Not applicable in 2023.**
- **GAEC 8** Minimum share of agricultural area devoted to non-productive areas or features **(previously part of BPS Greening)**, retention of landscape features, ban on cutting hedges and trees during the bird breeding and rearing season & measures for avoiding invasive plant species.
- **GAEC 9** Ban on converting or ploughing permanent grassland designated as environmentally-sensitive permanent grasslands in Natura 2000 sites.
(previously part of BPS Greening)

How will holdings be selected for a conditionality inspection?



- 1% of CAP beneficiaries will be selected for a conditionality inspection (c.1300 + associates)
- Approx. 25% are selected at **random**, with the remainder selected on the basis of **risk** analysis
- Risks are designed to take into account the likelihood of a breach occurring, or to take into consideration the risk of a particular activity on the objective.
- Possible that some degree of notice will apply under conditionality

What is involved in a nitrates inspection under conditionality



Conditionality SMR 2 (Nitrates) **Part 1** (ground) checks

Farmyard and field compliance checks carried out by DAFM technical staff

Information on the holding is gathered to include

- dimensions of storage facilities and soiled areas
- out-wintering arrangements
- data used to measure slurry and dairy soiled water output
- fertiliser closing stocks physically present

The farmer is also provided with a Nitrates Record template (NRT)

What happens after the conditionality inspection



The nitrates record template (NRT) is provided to the farmer after a conditionality inspection

The NRT requires details on

- Manufactured fertilisers imported, applied or exported (+ statements)
- Non-bovine livestock counts
- Soil samples (incl. maps to link soil samples)
- If the holding is availing of certain N & P bonus measures

The NRT, and all associated documentation, must be returned to DAFM **by the 31st of March** in the year following the inspection

What is involved in a nitrates inspection under conditionality



Conditionality SMR 2 (Nitrates) **Part 2** (desk) checks

A desk check carried out by DAFM inspectorate staff following the return of nitrates records (post 31/03)

This inspection assesses

- the completeness of records furnished following the Nitrates Part 1 check,
- available storage capacity and/ or compliance with out-wintering rules
- compliance with available N and P allowances.
- compliance with the Nitrates Admin check (i.e. 170/ 250 kg N ha) is further examined

Types of non-compliance



Non-intentional non-compliance

Under conditionality, DAFM apply a system of weightings to assess the **extent, severity and permanence** of the non-compliance

Weighting	Sanction
0	Clear inspection (0%)
1-6	Clear inspection with tolerance (0%, however, the farmer must remedy minor breaches)
7-26	1%
27-46	3%
47-140	5%
≥ 141	10%

Intentional non-compliance

Under conditionality, the sanction scale for intent will commence at 15% (again, depending on the severity, it can increase to 100%)

What happens after the conditionality inspection



Procedures where no breaches are detected,

- A **clear formal notice** (CL/ FN*) is issued on a date after the inspection confirming no detected breaches

* FNs issued at the Nitrates Part 1 (ground) check are interim pending the closing out of the Part 2 (desk) check

What happens after the conditionality inspection



Procedures where a breach is detected, however, the breach does not result in a sanction

- A **notice form** (NF), describing the breaches detected, is issued to the farmer on day of the inspection
- A **clear with tolerance formal notice** (CLT/ FN*) is subsequently issued advising that no sanction will ensue for the minor breach, however, the breach must be corrected.
- If re-inspected within 3 calendar years, and the same minor breach persists, then a sanction will apply

* FNs issued at the Nitrates Part 1 (ground) check are interim pending the closing out of the Part 2 (desk) check

What happens after the conditionality inspection



Procedures where a breach is detected, and the breach results in a sanction

- An **NF** is issued as per previous slide. The farmer has 14 days to respond to the findings outlined in the NF
- A **conditionality formal notice** (C/ FN*) is issued detailing the final sanction (if applicable)

* FNs issued at the Nitrates Part 1 (ground) check are interim pending the closing out of the Part 2 (desk) check

The farmer may seek a review of the C/ FN decision from the District Inspector (DI) within 28 days of receipt of the FN

Decisions upheld by the DI may be appealed to the Agricultural Appeals Office within 3 months of the DI review decision

Cross-reporting of nitrates breaches



The CAP Regulations provides for a system whereby conditionality breaches can be cross-reported to DAFM ICD

The cross-reporting system operates within DAFM, for example,

- A DAFM nitrates derogation inspection detects a conditionality breach

The cross-reporting system operates external to DAFM, for example,

- A Local Authority reporting slurry spreading during prohibited spreading period

A cross-report form details the *extent*, *severity* and *permanence* of the breach. ICD do not carry out any additional ground checks on cross-reports

Main nitrates cross compliance breaches



Nitrate Part 1 check

Inadequate collection of livestock manure accounted for **28%** of detected breaches in 2021, for example,

Stacked silage bales or silage clamps discharging effluent,

Soil areas or feeding yards leading to direct/ indirect discharges

Nitrates Part 2 check

Between 2015 and 2017, detected breaches for **inadequate storage** increased by **25%**

Detected breaches for inadequate storage have improved post 2017, however, breaches for inadequate storage remain around **12%** mark.

Soiled water being managed with long-term slurry storage is a significant contributing factor to storage deficits

Nitrates Records Template



Department of Agriculture, Food and the Marine

2022 Cross Compliance Nitrates Records Template

As part of your 2022 Cross Compliance inspection, you are now required to submit your completed nitrates record template and furnish supporting documentation (e.g., fertiliser dockets) for 2022.

The checklist overleaf details the type of records which may be applicable to your holding. Please complete this checklist in full and enclose any supporting documentation as detailed in this document (e.g. fertiliser statements/ invoices) where applicable. This completed and signed Nitrates Record template, together with applicable supporting documentation, must be returned by the **31st March 2023**, to the following address:

*Nitrates Records,
Department of Agriculture, Food and the Marine,
Government Buildings,
Old Abbeylax Road,
Portlaoise,
Co. Laois.
R32 RPA6*

Failure to submit this completed Nitrates Record template and supporting documentation on time may put some or all your payments from the Department. It is recommended that these records are submitted by Express or Registered post. Please note that the only acceptable proof of postage will be an *Express Post receipt* or a *Registered Post receipt*. A Certificate of Posting, obtained from the Post Office, will not be accepted as proof of postage.

The Explanatory Handbook for the Nitrates Regulations¹ contains sample records. These handbooks are available on the Department website or from the Departments Regional Offices. The Department already has cropping regime information from your Basic Payment Scheme application, but you should maintain a record of cropping areas for your own use.

Your nitrates records should be maintained for five years.

More information about the Nitrates Regulations are available on the Department of Agriculture website². Also, on the same website, there is also a list of agricultural consultants and advisors who have been trained under the Farm Advisory System (FAS) in cross compliance by the Department. This information on the FAS can be found on the Departments website³.

Please complete in full Sections 1 to 7 of this form and return it, together with supporting documentation, to the above address by the **31st March 2023**.

¹ European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and 2022

² <https://www.gov.ie/en/publication/c9563-rural-environment-sustainability-nitrates/>

³ <https://www.gov.ie/en/publication/b41a6-farm-advisory-system/>

Section 1: Registered Farm Partnership (RFP)	Tick as appropriate
<p>Was/ is your herd part of a registered farm partnership (RFP) in 2022?</p> <p>If you answered YES to the above, and the RFP includes more than one herd, then separate 2022 cross compliance nitrates record templates individual to each partner herd, including "nil" returns where applicable, must be submitted. Alternatively, a single 2022 cross compliance nitrates record template may be prepared and submitted to include all other partner herds in instances where <u>all</u> nutrient management activities (e.g. purchase of fertiliser etc.) are carried out in the name of the <u>registered farm partnership</u>.</p>	<p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>If YES, provide the RFP number here:</p>

Section 2: Animal number records for 2021 (grazing livestock only) & 2022		
Animal category	Description	Tick as appropriate
<i>Bovine numbers</i>	You are not required to submit bovine animal numbers. The Department maintain a record of your bovine animal numbers on the AIM database.	<input checked="" type="checkbox"/> n/a
<i>Sheep numbers</i>	Complete Table A (pg.7) by detailing the numbers and type of sheep (lowland ewes and lambs, Mt. ewes and lambs, rams) you had on the holding for the first day of each quarter in 2021 & 2022	<input type="checkbox"/> completed <input type="checkbox"/> n/a
<i>Other grazing livestock</i>	Complete Table A (pg.7) by detailing the number of other grazing livestock (e.g. horses, deer) on the holding for the first day of each quarter in 2021 & 2022	<input type="checkbox"/> completed <input type="checkbox"/> n/a
<i>Pig numbers</i>	Complete Table A (pg.7) by detailing the number of occupied pig places on the holding for the first day of each quarter in 2022.	<input type="checkbox"/> completed <input type="checkbox"/> n/a
<i>Poultry numbers</i>	Complete Table A (pg.7) by detailing the number of occupied poultry places on the holding for the first day of each quarter in 2022.	<input type="checkbox"/> completed <input type="checkbox"/> n/a

Section 3: Nitrates Derogation	
Farmers who applied for a Nitrates Derogation for 2022 must separately submit their 2022 Nitrates Derogation Fertiliser Accounts on-line to the Nitrates Section, DAFM, Johnstown Castle, Co. Wexford in 2023.	Tick as appropriate
Have you applied for a Nitrates Derogation in 2022?	<input type="checkbox"/> yes
If you answered NO to this question, proceed to the SECTION 4 checklist.	<input type="checkbox"/> no
<p>If you have answered YES to the above, have you provided the Nitrates Section, DAFM, Johnstown Castle, Co. Wexford with your 2022 Nitrates Derogation Fertiliser Accounts?</p> <p>If you have answered YES to this question, there is no requirement to complete and submit the enclosed NITRATES RECORD 2 (pg. 6) as your 2022 Nitrates Derogation Fertiliser Accounts satisfy this requirement. However, you are requested to <u>provide feed and fertiliser dockets</u> with this Nitrates Records template where these were not included with your 2022 Nitrates Derogation Fertiliser Accounts (see farm input records checklist on pg.3)</p>	<input type="checkbox"/> yes <input type="checkbox"/> no

Section 4: Farm input records			
Input type	Description	Tick as appropriate	
		Record 2 completed	Dockets enclosed
<i>Chemical fertiliser 2022</i>	<p>Complete the enclosed NITRATES RECORD 2⁴ (pg.6) by providing details of 2022 opening fertiliser stocks, records of chemical fertiliser purchases in 2022, and 2022 closing fertiliser stocks.</p> <p>Provide a full calendar year trading statement(s) detailing fertiliser purchased by the holding in 2022. DAFM will only accept individual purchase dockets where 2022 trading statements are not available.</p> <p>Note that where no chemical fertilisers were purchased or applied in 2022, you still must complete NITRATES RECORD 2 by submitting a 'nil' return.</p>	<input type="checkbox"/> yes	<input type="checkbox"/> yes <input type="checkbox"/> n/a
<i>Concentrates fed to grazing livestock in 2021</i>	<p>In the space provided at the bottom of NITRATES RECORD 2⁴ (pg.6), give the total amount of concentrate (tonnes of meals, including cereals produced on your holding) fed to grazing livestock in 2021. Wet feed (crimped grain, maize, silage) should not be included here.</p> <p>Provide a full calendar year trading statement(s) detailing concentrate feed purchased by the holding in 2021. DAFM will only accept individual purchase dockets where 2021 trading statements are not available.</p> <p>Note that where no concentrates were purchased or fed in 2021, you still must complete the bottom of NITRATES RECORD 2 by submitting a 'nil' return.</p>	<input type="checkbox"/> yes	<input type="checkbox"/> yes <input type="checkbox"/> n/a

Section 5: Grassland farmers availing of Phosphorus (P) build-up allowances in 2022	
This action is only applicable to farmers who had a grassland stocking rate greater than 130kg N ha in 2022. In addition, these farmers must have provided DAFM with a Nutrient Management Plan ⁵ (NMP) prepared by an approved FAS advisor together with valid soil samples ⁶ . Participation in a dedicated Knowledge Transfer (KT) module before 31/12/22 is/ was also a requirement for this action.	Tick as appropriate
Were you availing of P build-up allowances on the P Index 1 and 2 soils present on your farm in 2022?	<input type="checkbox"/> yes <input type="checkbox"/> no
If you have answered YES to the above, have you provided DAFM with a NMP ⁵ and valid soils samples ⁶ , and participated in a dedicated Knowledge Transfer (KT) module before 31/12/22	<input type="checkbox"/> yes <input type="checkbox"/> no

⁴ Except holdings that have applied for a 2022 Nitrates Derogation and have submitted their 2022 Nitrates Derogation Fertiliser Accounts (see SECTION 3 checklist). However, trading statements are still required from these farmers.

⁵ Derogation farmers availing of P build up allowances were required to submit an online NMP to include P build up as a standard derogation requirement. Farmers who did not apply for a 2022 Nitrates derogation and qualify for P build up allowances and wish to avail of the P build up allowances, are required to submit to DAFM an NMP to include P build-up.

⁶ Organic Matter (OM) sample results are required where land intended for P build-up intersects with the Teagasc/ EPA OM layer.

Section 6: Other records which may be applicable to your holding		
Record type	Description	Tick as appropriate
Valid soil samples	<p>Soil samples may be mandatory to your holding. Soil sample results and areas must be identifiable with either a corresponding LPIS number, or a reference number with accompanying map.</p> <p>Individual soil sample results certified on or before the 31st December 2017 are valid for 5 years and must not represent an area >8ha. Individual soil sample results certified after this date are valid for 4 years and must not represent an area >5ha.</p> <p>Invalid or unsampled areas of your farm shall, depending on your organic N loading, assume Phosphorus Index 3 or Index 4.</p> <p>Land on your holding which occurs within the Teagasc/ EPA OM indicative layer⁷ will be assumed as organic soil unless an OM sample of that soil indicates otherwise.</p>	<input type="checkbox"/> enclosed <input type="checkbox"/> n/a
Nutrient Management Plan	Enclose a Nutrient Management Plan if one has been prepared for your farm	<input type="checkbox"/> enclosed <input type="checkbox"/> n/a
Organic manures applied on P Index 1 and 2 soils	Complete Table B (pg.8) where livestock manure/ slurry (incl. SMC) was applied to P Index 1 & 2 soils in 2022. Note that valid soil samples will be required with this record.	<input type="checkbox"/> completed <input type="checkbox"/> n/a
Grassland establishment	Complete Table C (pg.8) where grassland establishment was undertaken in 2022 allowing additional P at establishment on P Index 1, 2 and 3 soils. Note that grass seed receipts, though not required to be submitted with these records, may be requested.	<input type="checkbox"/> completed <input type="checkbox"/> n/a
P fertilisation of winter cereals	Complete Table D (pg.8) where a source of P was applied to winter cereal crops established between the 15 th of September and the 31 st of October 2022	<input type="checkbox"/> completed <input type="checkbox"/> n/a
Hay or silage produced for sale off the holding	Complete Table E (pg.9) where hay or silage is produced for sale off the holding in 2022. Available N and P allowances for this activity is contingent on the holdings grassland stocking rate.	<input type="checkbox"/> completed <input type="checkbox"/> n/a
Lime application on holdings with a GSR >170kg N ha before organic N exports	Complete Table F (pg.9) where lime was applied to the holding in 2022. Lime receipts should also be enclosed, including pre-2021 lime receipts associated to current valid soil samples. Applicable only to holdings with a grassland stocking rate >170 kg N ha before organic N exports have been accounted for.	<input type="checkbox"/> completed <input type="checkbox"/> n/a
Use of LESS on holdings with a GSR >170kg N ha before organic N exports	Complete Table F (pg.9) where low emission spreading systems (trailing shoe etc.) were used on the holding in 2022. Applicable only to holdings with a grassland stocking rate >170 kg N ha before organic N exports have been accounted for.	<input type="checkbox"/> completed <input type="checkbox"/> n/a
Exclusive access to storage facilities off holding	If you had the use of livestock manure storage facilities off your holding for the 2021/2022 winter period, please submit a copy of the rental agreement/contract for the exclusive use of the store(s).	<input type="checkbox"/> enclosed <input type="checkbox"/> n/a

⁷ The indicative OM status of your land parcels can be viewed by logging on to www.agfood.ie

<i>Cereal bonus yields</i>	To avail of bonus N and P rates, proof of cereal yields and moisture content (e.g. merchant grain statement) must be provided. Contracted milling wheat and malting barley may also attract additional N. Submit purchaser contacts/ agronomic justification where applicable.	<input type="checkbox"/> enclosed <input type="checkbox"/> n/a
NITRATES RECORD 3	Record of movement of livestock manures 2022. To gain nitrates credit, this form must be/ have been submitted to Nitrates Section, DAFM, Johnstown Castle, Co. Wexford.	Submit form separately if applicable
NITRATES RECORD 4	Temporary movement of animals 2022. To gain nitrates credit, this form must be/ have been submitted to Nitrates Section, DAFM, Johnstown Castle, Co. Wexford before 31/12/22.	Submit form separately if applicable
NITRATES RECORD 5	Short-term rental grazing agreement 2022. To gain nitrates credit, this form must be/ have been submitted to Nitrates Section, DAFM, Johnstown Castle, Co. Wexford before 31/12/22.	Submit form separately if applicable

Section 7: Declaration	
<p>I declare that all information given in this form and in any documentation supplied is, to the best of my knowledge and information, true and accurate.</p> <p>I understand that any false information provided, or failure to submit this completed Cross Compliance Nitrates Record template and supporting documentation on time, may put at risk some or all my payments from the Department.</p>	
Signature(s)	
Herd number(s)	
Date	

NITRATES RECORD2:

CHEMICAL FERTILISERS COMING ONTO YOUR HOLDING (“IMPORTED”) OR BEING SENT OUT OF IT (“EXPORTED”)

Date		Type of fertiliser			Quantity (tonnes)	kgs of N	kgs of P
		N % (i)	P % (ii)	K % (iii)	(iii)	(i) x (iii) x 10	(ii) x (iii) x 10
Opening stocks							
01/01/2022							
Purchases/moved onto holding	Name/address of supplier						
Sales/moved off holding	Name/address of receiver ⁸						
Closing stocks							
31/12/2022							
Total kgs of chemical nitrogen and phosphorus used (opening stock + purchases – sales – closing stock)							

Concentrates fed to grazing livestock (in 2021) _____ tonnes.

⁸ In the case of farm-to-farm movements of chemical fertiliser, DAFM may request documentary evidence to support the movement e.g. evidence of an associated financial transaction.

2022 Cross Compliance (SMR1) Records Template

Table A: Record the number of non-bovine livestock on your holding	Category type	2021				2022			
		1 st Jan	1 st Apr	1 st July	1 st Oct	1 st Jan	1 st Apr	1 st July	1 st Oct
Sheep & goats	<i>Lowland ewe & lambs</i>								
	<i>Lowland hogget</i>								
	<i>Mountain ewe & lambs</i>								
	<i>Mountain hogget</i>								
	<i>Goats</i>								
	<i>Rams</i>								
Horses	<i>>3 year old horse</i>								
	<i>2-3 year old horse</i>								
	<i>1-2 year old horse</i>								
	<i>Foal (<1 year old)</i>								
	<i>Donkey/ small pony</i>								
Other grazing livestock e.g. Deer (Red, Fallow, Sika by age); free range (pig, poultry)									
Pigs (per pig place) e.g. Breeding, integrated or finishing unit									
Poultry (per bird place) e.g. layers, broilers, turkeys									

Table B: Record of organic manures (cattle slurry, pig slurry, poultry manure, FYM and SMC) applied on P Index 1 & 2 soils/parcels in 2022* (if applicable)

EXAMPLE

Livestock Manure Type	Land parcel ID (LPIS no. or ref no. with maps)	Soil sample reference number	P Index (1 or 2)	Size of P index 1 or 2 application area (Ha)	x	Application rate (m ³ ha)	=	Amount of Livestock Manure applied (m ³)
Cattle slurry	A1234567	ABC123	1	5ha	x	25	=	125
					x		=	
					x		=	
					x		=	
					x		=	
					x		=	

*Valid soil samples analysis certificates and soil sample area identification must be submitted. OM samples may also be required. See Section 5 and Section 6 (valid soil samples).

Table C: Record of grassland establishment on your holding in 2022 (if applicable)

EXAMPLE

Land Parcel No. (LPIS no. or ref no. with maps)	Area of parcel reseeded (Ha)
A1234567	3

Table D: Record of chemical P applied to autumn sown cereals between 15th of Sept and 31st of October 2022 (if applicable)

EXAMPLE

Land parcel ID (LPIS no. or ref no. with maps)	Crop	P Index (1 or 2)	Size of P index 1 or 2 application area (Ha)	P application rate (kg P ha)	Date of application
A1234567	Winter barley	1	5ha	20	15 th Oct 2022

Table E: Record parcels where silage or hay was cut for sale off the holding in 2022. An available N allowance will only be applicable to holdings with no grazing livestock but cutting silage for sale off the holding. An additional available P allowance (non-P Index 4 soils) will only be applicable to holdings with a grassland stocking rate <85kg N ha but cutting silage for sale off the holding.

Land parcel ID (LPIS no. or ref no. with maps)	1 st cut silage area (ha) for sale off the holding	2 nd cut silage area (ha) for sale off the holding	3 rd cut silage area (ha) for sale off the holding	Hay (ha) for sale off the holding
A1234567	Entire parcel	5 ha		

Table F: Record of lime applied, and slurry applied using low emission spreading systems, on the holding in 2022. Applicable only to holdings with a grassland stocking rate >170 kg N ha before organic N exports are accounted for.

Land parcel ID (LPIS no. or ref no. with maps)	Liming programme				Low emission slurry spreading (LESS)			
	Product type	Date of application	Area treated (ha)	Volume applied (t/ ha)	Method of application	Date of application	Area treated (ha)	Volume applied (m ³ / ha)
A12345678	-	-	-	-	Trailing shoe	17 th June 2022	7	20
A12345679	Ground limestone	12 th March 2022	Entire parcel	5	-	-	-	-



Thank you