

## Consultation Response Form

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### Question 1:

**Do you support the proposal to introduce a licensing scheme, to be operational until 2025, to allow higher levels of nitrogen application in certain specified circumstances? Please include any evidence to support your view.**

AHDB supports the proposal in principle.

Land use in Wales is dominated by grassland which accounts for 87% of agricultural land, and 63% of which is permanent pasture. *Synthesis of Welsh Soil Evidence* ([gov.wales](http://gov.wales))

Grass has high nitrogen uptake characteristics. Even grass crops on average Grass Growth Class soils have a Nitrogen requirement of 250 -300 Kg/Ha. <https://ahdb.org.uk/knowledge-library/rb209-section-3-grass-and-forage-crops>

The temperate climate in Wales with higher rainfall and moderate temperatures supports grass growth for much of the year resulting in year-round Nitrogen uptake. Grass growth is significant when soil temperatures at 10cm are 5 degrees C or above.

<https://www.teagasc.ie/publications/2021/how-does-grass-grow.php>

Soil temperature monitoring by Farming Connect, <https://businesswales.gov.wales/farmingconnect/land/soil/soil-temperature> provides data for several sites across Wales and records show that for most sites temperatures remain above 5 degrees year-round and only drop below 5 degrees for short periods at a limited number of sites.

Given the dominance of grassland, its high Nitrogen uptake characteristics and the suitable conditions for year-round growth there is widespread evidence to support a safe and effective higher limit of Nitrogen application.

AHDB believes that the introduction of a 170Kg/Ha N loading limit will have a detrimental effect on the Welsh dairy industry. Specialisation in agricultural production has seen a concentration of livestock production in the west of Britain where conditions favour grass growth. Analysis has determined that the introduction of the 170Kg/Ha N loading limit will result in a 17% (equivalent to 336m litres/ann.) reduction in dairy output from Welsh dairy farms. This will in turn reduce the sustainability of allied industries and reduce opportunities to add value by regional branding. <https://ahdb.org.uk/knowledge-library/potential-production-impact-of-lower-n-loading-in-welsh-dairy-farming>

Considering the strength of evidence, we see no reason why the higher limit should apply only until 2025. The evidence would support an ongoing arrangement allowing at least 250Kg/Ha. Nitrogen loading.

The Consultation document suggests that other devolved nations within the UK no longer allow derogation applications to exceed the 170Kg/Ha Nitrogen loading limit. We believe this is not the case.

**Question 2:**

**Do you agree with the proposed eligibility criteria? If not, why not and what criteria would you propose?**

AHDB agrees with the requirement for 80% of the agricultural area of the holding to be in grass. This aligns with the reasoning above that grass has a high Nitrogen uptake character.

However, we believe this should be the primary eligibility criteria. In line with the English grass derogation requirements, applicants should declare grassland as a percentage of the farmed area and provide information about grazing livestock numbers and anticipated import and export of manures to indicate the holding will remain within the proposed 250Kg/Ha. N limit. This should be the eligibility criteria. All other information should be provided after the end of the year when actuals are available to confirm all requirements were met.

Further, we believe that crops which have been undersown with grass should be classified as grass for these purposes as nitrogen uptakes will be greater than the nurse crop.

**Question 3:**

**Do you agree with the proposal to require a clear demonstration of crop need as described above?**

AHDB proposes that all eligible applicants (see response to Q2 above) should be granted a licence.

We believe that the demonstration of crop requirement is part of the Nutrient Management Plan (NMP). There is an existing requirement for a NMP within the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. This should be available for inspection on farm when required.

The requirement to submit a NMP as part of the application to demonstrate crop need is unnecessary. Scrutinising and approving all NMPs as part of the licencing process will require additional resources and cause time delays leaving applicants unable to make essential business decisions.

**Question 4:**

**Do you agree with the proposed contents of the nutrient management plan?**

AHDB feels that the requirement within the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 for NMP to be in place, including risk maps, field heap locations, imported and exported manures and records of all fertiliser applications (manufactured and organic), would cover this proposal.

**Question 5:**

**How might risks to the wider environment best be taken into account and nutrient management plans be assessed in a standardised way?**

Risk maps and field heap records are already a requirement of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. This requirement is designed to safeguard the water environment and minimise diffuse pollution.

The NMP is a dynamic document and should therefore be compiled by the applicant and be available for inspection at the farm. Assessment and approval of these documents will be a time-consuming task for the regulatory body, which is likely to delay the issuing of any licence. In line with English requirements NMP should be submitted early in the following calendar year to confirm compliance.

**Question 6:**

**Do you agree it is appropriate to require soil testing and analysis to inform nutrient management plans?**

AHDB believes that soil testing provides information to aid more accurate nutrient application planning. Without the information provided by soil analysis it is difficult to manage manure applications effectively.

Soil management for pH and P and K indexes is important to optimise the uptake and utilisation of nutrients. Soil test results are therefore key to understanding and managing nutrient utilisation. Supporting information can be seen here: <https://ahdb.org.uk/knowledge-library/rb209-section-1-principles-of-nutrient-management-and-fertiliser-use>

Applications of Phosphorous should not be limited to exact crop requirement. Although soil sample results may not show evidence of deficit, it may be beneficial to apply above the crop requirement in order to maintain healthy indexes and avoid the soil going into deficit between sample dates as rectifying deficits is an expensive and a long term process.

**Question 7:**

**Should a 'whole farm phosphorus balance approach' be considered? Please include reasons and evidence to support your view.**

If Nutrient planning is carried out with the benefit of soil analyses, there is no further requirement for whole farm accounting for phosphates.

Currently, appropriate data is not available to allow for a whole farm accounting approach for phosphate.

Whole farm accounting is difficult to administer and verify.

**Question 8:**

**Should nutrient management plans require other soil nutrient and soil condition factors other than nitrogen and phosphorus? If so which?**

Soil pH is an important factor in the soil's ability to allow crops to take up a range of nutrients. Numerous papers have been published supporting the effect of soil pH on nutrient availability:

[https://scholar.google.co.uk/scholar?q=effects+of+soil+ph+on+nutrient+availability&hl=en&as\\_sdt=0&as\\_vis=1&oi=scholar](https://scholar.google.co.uk/scholar?q=effects+of+soil+ph+on+nutrient+availability&hl=en&as_sdt=0&as_vis=1&oi=scholar)

AHDB believes that knowledge and management of soil pH is an important part of crop nutrition and should therefore be part of any soil analysis work undertaken.

Potash is another important plant nutrient and levels within the soil are part of a standard soil analysis. Nitrogen is best determined by calculating the Soil Nitrogen Supply as described in the AHDB RB209 publication. <https://ahdb.org.uk/knowledge-library/rb209-section-3-grass-and-forage-crops>

Other soil condition factors, whilst important to nutrient management planning, can be subjective and difficult to quantify so should be considered as part of a NMP but not a necessity of the licence application.

**Question 9:**

**Do you agree with the additional requirements regarding eligible livestock manure types and additional requirements for the import and export of livestock manures?**

AHDB believes **all** livestock manures should be accounted for when completing a NMP, taking account of any imported or exported manures, included those materials from non-grazing livestock. Planned import and export quantities should be accounted for in the NMP but actual quantities should be recorded after the event.

Farms rearing non-grazing livestock should not be disadvantaged by the inability to apply for a licence. Including all manures in the calculations will ensure that nutrient levels are kept within the limits of the proposed licence. There appears to be no justification or evidence for excluding farms on the basis of how their livestock are reared. For example, pigs, whether housed or grazed on a farm will be contributing to the nutrient loading and their contribution should be quantified in the same way. Similarly, pig slurry may be imported but kept within the limits of the proposed licence without detrimental effect.

**Question 10:**

**How might the risks of spreading of high nitrogen manures be managed through the licence conditions?**

AHDB feels that assessments of risks associated with spreading and the implementation of risk mitigation measures is divorced from and separate to the consideration of the nitrogen loading limit.

A NMP requires there to be a crop need for fertiliser applications to be made. This ensures the nutrients can be utilised and helps to mitigate the risk of diffuse pollution.

The Regulations currently require risks to be assessed before spreading manures, including factors such as weather conditions and slope. Other factors such as waterlogging, frozen and snow-covered ground should also be a requirement of the risk assessment to minimise the risk of nutrient loss.

**What are your views on managing this risk by specifying a period during which the spreading of such manures is restricted?**

The use of restricted periods based on calendar date is wholly inappropriate. Variations in ground conditions, weather and growing conditions can occur within any closed period (and outside of it) which will affect the suitability to spread.

Factors such as soil temperature and soil condition should be used as indicators of suitability to spread and act as mitigation of risk. It could be a requirement that records are kept demonstrating these mitigations have been considered.

Critical information is available to farmers to aid decision making based on risk factors such as soil temperature, soil moisture and weather conditions. <https://arc-csg.cymru/tywydd-tywi-weather-app/> This data is much more appropriate for risk management than calendar date.

**Question 11:**

**Do you agree with the requirements for soil protection outlined above? If not provide reasons**

**Cover crops**

AHDB agrees with proposal to include measures currently within GAEC 4 as a requirement. This is established as good agricultural practice to minimise soil erosion and eutrophication of waterways.

**Ploughing temporary grass.**

The proposal to restrict ploughing of grassland to the spring is not justified and would have a detrimental effect on productivity. This would be restrictive to many farm businesses that routinely replace temporary grassland by late summer ploughing prior to autumn establishment of the following crop. <https://ahdb.org.uk/knowledge-library/when-to-reseed-grassland-autumn-or-spring>

Spring ploughing and crop establishment results in the loss of much of the productive growing season. This is in line with the requirements of GAEC 4 as mitigation of soil erosion and diffuse pollution.

**Closed period for ploughing permanent grassland.**

This proposed requirement is unnecessary as this scenario is covered within GAEC 4. It will add to the complexity of the requirements and cause confusion.

Farmers should be encouraged to spread manure immediately before ploughing to mitigate ammonia losses.

**Crop rotation**

No comment

**Feeding and drinking locations**

The assessment of 'significant risk of pollution' is subjective and open to interpretation. Farmers should be encouraged to locate feed and water stations in positions that are not likely to result in soil erosion. This is adequately covered by existing verifiable standards (GAEC 1). Additional requirements should be based on evidence.

**Question 12:**

**Do you agree with our approach to enforcement and appeals outlined in Chapter 5?**

AHDB believes a licence should be granted if the applicant is able to meet the criteria outlined in Q2 above.

It is impracticable to revoke a licence mid-season but any breaches could result in the refusal of a licence the following year.

We agree there should be an appeals process for both refused licences and alleged breaches.

**Question 13:**

**We would like to know your views on the effects that the introduction of the proposed licensing scheme would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.**

Bilingual publishing of the requirements, guidelines and procedures will give the opportunity for those wishing to use the Welsh language to do so.

**What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

No comment

**Question 14:**

**Please also explain how you believe the proposed licensing scheme could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

See Q13

**Question 15:** We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: