



STATUTORY INSTRUMENTS.

S.I. No. 42 of 2025

EUROPEAN UNION (GOOD AGRICULTURAL PRACTICE FOR
PROTECTION OF WATERS) (AMENDMENT) REGULATIONS 2025

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I, JAMES BROWNE, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 91/676/EEC of 12 December 1991¹, Directive 2000/60/EC of 23 October 2000², Directive 2003/35/EC of 26 May 2003³, Directive 2006/118/EC of 12 December 2006⁴ and Directive 2008/98/EC of 19 November 2008⁵ hereby make the following regulations:

PART 1 PRELIMINARY

Citation, commencement and application

1. These Regulations may be cited as the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2025.
2. These Regulations shall come into effect on 25 February 2025.

Interpretation

3. In these Regulations:
 - (i) “The 2022 Regulations” means the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I. No. 113 of 2022), as amended.

Amendment of 2022 Regulations

4. Article 4 is amended by deleting the following:

The interpretation of “eligible area” and inserting the following:

“eligible area” in relation to a holding and the grassland stocking rate, means the eligible area of the holding or the grassland as appropriate excluding areas under farm roads, paths, buildings, farmyards, woods, dense scrub, rivers, streams, ponds, lakes, sandpits, quarries, expanses of bare rock, areas of bogland not grazed, areas fenced off and not used for production, inaccessible areas and areas of forestry (including Christmas trees), or required to be totally destocked under a Commonage Framework Plan. In the event that such an application was made, the eligible area is the lesser of the reference area or the claimed area for each

¹ O.J. No. L 375/1, 31 December 1991.

² O.J. No. L 327/1, 22 December 2000.

³ O.J. No. L 156/17, 25 June 2003.

⁴ O.J. No. L 372/19, 27 December 2006.

⁵ O.J. No. L 312/3, 22 November 2008.

Land Parcel Identification System (LPIS) parcel as submitted to the Department of Agriculture, Food and the Marine for Direct Payments for the year in question.

The interpretation of “grassland stocking rate” and inserting the following:

“grassland stocking rate” means the total nitrogen produced by grazing livestock on the holding prior to exports, across the entire eligible grassland area. In the event that such an application was made, this is the grassland area as submitted to the Department of Agriculture, Food and the Marine for Direct Payments for the year in question.

Article 4 is amended by inserting the following:

“Grassland area” means the eligible area under the relevant crops as defined by the Minister for Agriculture, Food and the Marine.

“Georeference” in the context of a soil sample means having Global Positioning System (GPS) co-ordinates linked to that soil sample.

“Hedgerow” means a line of shrubs and/or tree species, planted and maintained in such a way as to form a barrier of sufficient width to control animals or to mark the boundary of an area of land. Hedgerows can range from neatly trimmed lines of dense shrub and/or briars and tree species, which generally form a stock proof barrier, to a line of individual mature trees with no stock proofing properties and all states in between.

“National Fertiliser Database” means the database, established by the Minister for Agriculture, Food and the Marine, containing the registers of Fertiliser Economic Operators and Professional Fertiliser End Users and the prescribed data submitted by both.

“New Dairy Entrant” means a dairy producing herd where there was no supply to a milk purchaser in the preceding year.

“Purchased Lamb” means a lamb that is transferred from one holding to another in the absence of its mother.

5. The following Article 15 (6) is substituted for Article 15 (6) of the 2022 Regulations:

“A maximum crude protein content of 14% is permissible in concentrate feedstuff fed to dairy cows and other bovines aged two years old and over at grass between 15th April and 30th September. Records of crude protein content of concentrate feedstuff shall be kept in accordance with Article 23 (1)(j).”

6. Article 16 (3) of the 2022 Regulations are amended by inserting Article 16 (3) (g) after Article 16 (3) (f):

“for the purposes of paragraph (f), reports of soil analysis results issued after the 14th of September 2025 must state the corresponding georeference or Land Parcel Identification System (LPIS) parcel(s) represented by the soil sample. Soil test results issued after 14th of September 2025 that do not state the corresponding georeference or LPIS parcel(s) will be defaulted to P Index 4.”

7. The 2022 Regulations are amended by the insertion of the following Article 16 (8) after Article 16 (7):

“All new perennial rye grass (*Lolium perenne*) based reseeds on farms shall incorporate at least 1.5 kg/ha of naked clover seed or at least 2.5 kg/ha of pelleted clover seed.”

8. The following is substituted for Article 23 (1)(f) of the 2022 Regulations: “quantities and types of chemical fertilisers and lime moved on to or off the holding, including opening stock, records of purchase and closing stock as declared on the National Fertiliser Database,”

9. The following is substituted for Article 23 (1)(g) of the 2022 Regulations:

“livestock manure and other organic fertiliser moved on or off the holdings including quantities, type, dates, and details of exporters and importers, as the case may be, in a time frame and format specified by the Minister for Agriculture, Food and the Marine.”

10. The following is substituted for Table 6, Schedule 2 of the 2022 Regulations:

Table 6 Annual nutrient excretion rates for livestock

Livestock type	Total Nitrogen kg/year	Total Phosphorus kg/year
Dairy cow band 1 ^{1,2}	80 ⁵	12
Dairy cow band 2 ³	92 ⁵	13.6
Dairy cow band 3 ⁴	106 ⁵	15.8
Suckler cow	65	10
Calf (0 to 90 days of age)	1 ^a	0.1 ^a

¹ The N excretion rate of the dairy cow will be determined by the average milk yield per annum for the three preceding years or the year preceding the implementation of the respective band as explained in footnote 2, 3 and 4. For a new dairy entrant the dairy cow excretion rate band will be determined by the average milk yield for the year in question.

² <4,500 kg milk yield per annum

³ 4,500 – 6,500 kg milk yield per annum

⁴ >6,500 kg milk yield per annum

⁵ dairy cows in herds where the farmer has elected to limit the annual average crude protein in concentrate fed to dairy cows to a maximum of 15% or a value below this will be considered to have the annual nitrogen excretion rates set out in Table 6a.

⁶ Upland includes Mountain and Pure Bred Mountain types.

⁷ Lowland includes Lowland Cross, Mountain Cross, Lowland and Pure Bred Lowland types.

^a Total applicable for the 90-day period.

^b Total applicable for remainder of the animal’s first year from 91 days of age onwards.

Cattle (aged 91 days and older for the remainder of the first year of life)	20 ^b	2.8 ^b
Cattle (female 1-2 years old)	55	8
Cattle (male 1-2 years old)	61	9
Cattle > 2 years	65	10
Upland ⁶ ewe & her lambs	7	1
Lowland ⁷ ewe & her lambs	13	2
Upland ⁶ hogget	4	0.6
Lowland ⁷ hogget	6	1
Goat	9	1
Horse (>3 years old)	50	9
Horse (2-3 years old)	44	8
Horse (1-2 years old)	36	6
Horse foal (< 1 year old)	25	3
Donkey/small pony	30	5
Deer (red) 6 months — 2 years	13	2
Deer (red) > 2 years	25	4
Deer (fallow) 6 months — 2 years	7	1
Deer (fallow) > 2 years	13	2
Deer (sika) 6 months — 2 years	6	1
Deer (sika) > 2 years	10	2
Breeding unit (per sow place)	35	8
Integrated unit (per sow place)	87	17
Finishing unit (per pig place)	9.2	1.7
Laying hen per bird place	0.56	0.12
Broiler per bird place	0.24	0.09
Turkey per bird place	1	0.4

11. The following Table 6a is added to Schedule 2 of the 2022 Regulations

Table 6a Annual Nitrogen Excretion rates for Dairy Cows in herds where the farmer has elected to limit the annual average crude protein in concentrates fed to dairy cows to a maximum of 15% or a value below this.

6 [42]

Farmers who wish to avail of the nutrient excretion rates outlined below must elect to do so and provide records in a manner prescribed by the Minister for Agriculture, Food and the Marine.

Dairy Cow Band for year	Nitrogen Excretion Rate kg/cow/year		
	Band 1^a	Band 2^a	Band 3^a
Average crude protein in concentrate fed to dairy cows for the year greater than 14% but less than or equal to 15% ^b	79	90	103
Average crude protein in concentrate fed to dairy cows for the year greater than 13% but less than or equal to 14% ^b	78	89	100
Average crude protein in concentrate fed to dairy cows for the year less than or equal to 13% ^b	76	87	98

^a As set out in Table 6

^b Average crude protein is on an “as fed” basis. For the year 2025, it will be based on the average crude protein across all concentrates fed to dairy cows in 2025. For subsequent years it will be based on the average crude protein across all concentrates fed to dairy cows in the preceding calendar year.

12. The following is substituted for the footnote on Table 9 in the 2022 Regulations:

“For peat soils and/or soils with more than 20% organic matter, the 50% nutrient availability of phosphorous in fertilisers does not apply to soils with a Phosphorus index of 1 or 2.

13. The following Table 12 is substituted for Table 12 of the 2022 Regulations:

Table 12 Annual maximum fertilisation rates of nitrogen on grassland

Grassland Stocking Rate¹	Available Nitrogen^{2, 4}
(kg/ha in previous year)	(kg/ha)
≤85	90
86-130	114
131-170	185
For those greater than 170 kg/ha in previous year ³	
171-210	241
>210 ⁵	214

¹Total annual nitrogen (kg) excreted by grazing livestock averaged over the eligible grassland area (ha). Stocking rate refers to grassland area only.

²The maximum nitrogen fertilisation of grassland shall not exceed that specified for stocking rates less than or equal to 170 kg/ha/year unless a minimum of 5% of the eligible area of the holding is used to grow crops other than grass or a derogation applies in respect of the holding. Where a derogation applies on the holding derogation rates apply based on stocking rate of the holding. For a new derogation applicant they may apply the derogation rate of 214 kg/ha for the 1st year only and from year 2 onwards must use rates as per the previous year's Grassland Stocking Rate on the holding.

³This table does not imply any departure from Article 20(1) which prohibits the application to land on a holding of livestock manure in amounts which exceed 170 kg nitrogen per hectare per year, including that deposited by the animals themselves (or the appropriate higher limit in the case of a holding to which a derogation has been granted, in accordance with the Nitrates Directive).

⁴These fertilisation rates are only applicable where the fertiliser type specified by the Minister for Agriculture, Food and the Marine is used.

⁵The application of nitrogen from livestock manure (including that deposited by the animals themselves) to the eligible grassland area shall not exceed the maximum allowable nitrogen per hectare per year, as appropriate, in the case of a holding to which a derogation has been granted, in accordance with the Nitrates Directive.

14. The following Table 13A is substituted for Table 13A of the 2022 Regulations:

Table 13A Annual maximum fertilisation rates of phosphorus on grassland

Grassland stocking rate ¹ (kg/ha in previous year)	Phosphorus Index			
	1	2	3	4
Available Phosphorus (kg/ha) ^{2,3,6}				
≤85	27	17	7	0
86-130	30	20	10	0
131-170	33	23	13	0
Grassland stocking rate greater than 170 kg/ha/year ^{4,5}				
171-210	36	26	16	0
>210	39	29	19	0

¹Total annual nitrogen (kg) excreted by grazing livestock averaged over the eligible grassland area. Stocking rate refers to grassland area only.

²The fertilisation rates for soils which have more than 20% organic matter shall not exceed the amounts permitted for Index 3 soils, subject to the provisions in Article 16(3)(f).

³Manure produced by grazing livestock on a holding may be applied to Index 4 soils on that holding in a situation where there is a surplus of such manure remaining after the phosphorus fertilisation needs of all crops on soils at phosphorus indices 1, 2 or 3 on the holding have been met by the use only of such manure produced on the holding.

⁴The maximum phosphorus fertilisation of grassland shall not exceed that specified for stocking rates less than or equal to 170 kg/ha/year unless a minimum of 5% of the eligible area of the holding is used to grow crops other than grass or a derogation applies in respect of the holding.

⁵This table does not imply any departure from Article 20(1) which prohibits the application to land on a holding of livestock manure in amounts which exceed 170 kg Nitrogen per hectare per year, including that deposited by the animals themselves (or the appropriate higher limit in the case of a holding to which a derogation has been granted in accordance with the Nitrates Directive).

⁶An additional 15 kg of phosphorus per hectare may be applied on soils at phosphorus indices 1, 2, or 3 for each hectare of pasture establishment undertaken.

15. The following Table 13B is substituted for Table 13B of the 2022

Regulations:

Table 13B Annual maximum fertilisation rates of phosphorus on grassland adopting increased P build-up application rates

Grassland stocking rate ¹ (kg/ha in previous year)	Phosphorus Index			
	1	2	3	4
	Available Phosphorus (kg/ha) ^{2,3,6}			
131-170	63	43	13	0
	Grassland stocking rate greater than 170 kg/ha/year ^{4,5}			
171-210	66	46	16	0
>210	69	49	19	0

¹Total annual nitrogen (kg) excreted by grazing livestock averaged over the eligible grassland area. Stocking rate refers to grassland area only.

²The fertilisation rates for soils which have more than 20% organic matter shall not exceed the amounts permitted for Index 3 soils, subject to the provisions in Article 16(3)(f).

³Manure produced by grazing livestock on a holding may be applied to Index 4 soils on that holding in a situation where there is a surplus of such manure remaining after the phosphorus fertilisation needs of all crops on soils at phosphorus indices 1, 2 or 3 on the holding have been met by the use only of such manure produced on the holding.

⁴The maximum phosphorus fertilisation of grassland shall not exceed that specified for stocking rates less than or equal to 170 kg/ha/year unless a minimum of 5% of the eligible area of the holding is used to grow crops other than grass or a derogation applies in respect of the holding.

⁵This table does not imply any departure from Article 20(1) which prohibits the application to land on a holding of livestock manure in amounts which exceed 170 kg Nitrogen per hectare per year, including that deposited by the animals themselves (or the appropriate higher limit in the case of a holding to which a derogation has been granted in accordance with the Nitrates Directive).

⁶An additional 15 kg of phosphorus per hectare may be applied on soils at phosphorus indices 1, 2, or 3 for each hectare of pasture establishment undertaken.

16. The following will be inserted as a footnote after Table 14 Annual maximum fertilisation rates of available nitrogen on grassland (cut only, no grazing livestock on holding), and in the 2022 Regulations:

“These fertilisation rates are only applicable where the fertiliser type specified by the Minister for Agriculture, Food and the Marine is used.”

17. The following will be inserted as a footnote after Table 16 Maximum fertilisation rates of nitrogen on tillage crops, in the 2022 Regulations:

“These fertilisation rates are only applicable where the fertiliser type specified by the Minister for Agriculture, Food and the Marine is used.”

18. The following will be inserted as a footnote after Table 18 Maximum fertilisation rates of nitrogen on vegetable crops, in the 2022 Regulations:

“These fertilisation rates are only applicable where the fertiliser type specified by the Minister for Agriculture, Food and the Marine is used.”

19. The following will be inserted as a footnote after Table 20 Annual maximum fertilisation rates of nitrogen on fruit/soft fruit crops in the 2022

Regulations:

“These fertilisation rates are only applicable where the fertiliser type specified by the Minister for Agriculture, Food and the Marine is used.”

20. The following is substituted for Paragraph 1 of Schedule 5 of the 2022 Regulations:

“The amount of livestock manure from grazing livestock applied to the land each year on grassland farms, including by the animals themselves, shall not exceed the amount of manure containing 250 kg nitrogen per hectare per year, subject to the conditions laid down in paragraphs 2 to 6 of this Article. As a consequence of the two-year review specified under Article 12 of the Commission’s Decision, this maximum amount shall not exceed 220 kg nitrogen per hectare per year in the areas specified by the Minister for Agriculture, Food and the Marine.”

21. Schedule 5 of the 2022 Regulations is amended by the insertion of the following Paragraph (1a) after Paragraph (1):

“The stocking rate allowance for land located outside a 30 km radius from the main agricultural production unit on the holding shall not exceed 170 kg livestock manure nitrogen per hectare per year unless the Minister for Agriculture, Food and the Marine is satisfied there is demonstrable evidence that this land is being farmed at a stocking rate greater than 170 kg livestock manure nitrogen per hectare per year.”

22. Paragraphs 4, 5 and 11 of Schedule 5 of the 2022 Regulations are deleted.

23. The following is substituted for Paragraph 12 of Schedule 5 of the 2022 Regulations:

“Hedgerows on the holding shall be managed in accordance with guidance issued under Article 22(2) and management practices shall include, as a minimum, either of the following:

- (a) at least one mature whitethorn/blackthorn tree shall be retained in each hedgerow, or
- (b) hedgerows shall be maintained on a minimum 3-year cutting cycle.”



GIVEN under the Official Seal of the Minister for Housing,
Local Government and Heritage,
20 February, 2025.

JAMES BROWNE,
Minister for Housing, Local Government and Heritage.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022. The purpose of the amendment is to give effect to additional measures identified from the interim review of the Fifth Nitrates Action Programme, and stipulated under Article 12 of the Commission's Decision granting a derogation requested by Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources. In addition, some administrative amendments have been made for the purposes of providing clarity.

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