

## Joint Oireachtas Committee on Agriculture, Food and the Marine

Wednesday 13 October 2021

### Statement by David Flynn, Principal Adviser for Water at the Department of Housing, Local Government and Heritage

#### Nitrates Directive and Ireland's Action Programme

Thank you for the invitation to speak with the Committee today on the subject of the European Union's **1991 Nitrates Directive**<sup>1</sup> and Ireland's forthcoming **Nitrates Action Programme 2022**. My colleague Donal Grant, who is a Water Policy Adviser with our Department, and is a co-chair of the Nitrates Expert Group, joins me here for this evening's discussion.

#### *Overview*

Ireland's Nitrates Action Programme must protect surface waters and groundwater from pollution arising from agricultural sources. Under the terms of the Nitrates Directive, Ireland must review and update our national Nitrates Action Programme by the end of this year. Our review must take into account the recent trends in water quality. We have conducted a broad public consultation and we have held discussions with key stakeholders including farm organisations and non-governmental environmental organisations. Our department is working closely with the Department of Agriculture, Food and the Marine on this review, and on related agri-environmental policy measures.

#### *Water Quality*

Our water quality is under increasing pressure. The Environmental Protection Agency, the EPA, has reported that almost half of our water bodies are not in satisfactory

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<sup>1</sup> Council Directive 91/676/EEC 91 concerning the protection of waters against pollution caused by nitrates from agricultural sources

condition. The most significant pressures on water are from excessive nutrients (phosphorous and nitrogen); the siltation of waterways; and changes to the physical habitats of our rivers.

People need clean water to drink, for sanitation and for swimming. Our food industry trades on Ireland's image as a clean and green source of sustainable food production. Ireland's tourism industry relies on our image as a green island with well-stocked, healthy fisheries; with unpolluted estuaries without green algae; and with clean beaches next to good quality bathing waters. Our biodiversity needs unpolluted water. All of this requires well-protected water catchments.

While I am focusing my comments today on agriculture – I want to assure the Committee that our Department is also taking action right across the full range of significant water pressures to protect and enhance our waterways.

#### *Context – the Water Framework Directive and the Nitrates Directive*

Ireland has binding obligations under the **Water Framework Directive**<sup>2</sup> to protect all water. We are obliged to prevent the deterioration of water status and we must bring all water to at least 'good status' by 2027 at the very latest. At present, we are a long way from this objective and water quality trends in many water bodies are going in the wrong direction. The situation is urgent and requires collective action across a number of policy areas to halt and reverse this deterioration in water quality.

Minister O'Brien recently published a draft River Basin Management Plan 2022 to 2027 for six months of public consultation (running until 31 March 2022). The final plan will be published in mid-2022. This draft sets out in detail over 100 proposed measures to address all pressures on our water bodies from different activities and sectors. The Nitrates Action Programme and the Agricultural Sustainability Support and Advice Programme (ASSAP) are two of the key measures for mitigating agricultural pressures.

The **Nitrates Directive** dates back to 1991. Ireland has had a long and often difficult history in the implementation of the Nitrates Directive. In 2004, the European Court of

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<sup>2</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

Justice issued a judgment against Ireland following a failure to fulfil its obligations under the directive.

There is a binding requirement in the Nitrates Directive that each member state must set a general limit not exceeding 170 kg Nitrogen per hectare. Ireland has requested a derogation up to 250 kg Nitrogen per hectare where conditions permit. Ireland's dairy industry relies heavily on this derogation facility. However, securing the derogation depends on Ireland demonstrating a robust Nitrate Action Programme that shows we will achieve the objectives of the Nitrates Directive.

### *Public Consultation on Ireland's Nitrates Action Programme*

An initial public consultation on the next Programme was open from November 2020 until January 2021. The Expert Group then developed a draft programme and we have held a second public consultation from August 2021 until September 2021. This is in addition to, and in parallel with, various stakeholder events, webinars and an ongoing dialog with key stakeholders.

### *Ireland's proposed Nitrates Action Programme 2022*

The draft measures for the next Programme were set out in detail in the recent consultation document. The measures are now being adjusted and finalised, having regard to the issues, suggestions and concerns raised by people during the consultation period. The draft measures for the next Programme include:

- new requirements for slurry and soiled water storage and management;
- revised livestock excretion rates;
- proposals for a 'Dairy Industry Nitrogen Reduction Initiative';
- new controls on chemical fertilisers;
- a chemical fertiliser register;
- green cover on tillage ground;
- new requirements on grazing land management; and

- a commitment to review compliance assurance activities by local authorities.

The draft also includes a commitment to address the sustainable reuse of sewage and industrial sludge as well as measures to help address ammonia emissions from agriculture.

Finally, the next Programme and the draft River Basin Management Plan 2022 to 2027 propose to expand the Agriculture Sustainability Support and Advisory Programme (ASSAP), to work directly with farmers, industry, and advisory services, to protect and deliver improvements in water quality.

### *Concluding remarks*

To protect water quality, individual farmers will need support from their industry. The Irish agri-food sector depends on our clean, green image. Our dairy processors, in particular, rely on the derogation facility of the Directive. Environmental sustainability also needs economic sustainability. Industry needs to provide farmers with a reasonable economic return for operating sustainably within the limits of the land. Farmers will need programmes that include both economic returns for those doing the right thing and ready access to practical farm level advice.

### *Next steps*

It is expected that, following a review of the consultation responses, we will have the draft regulations text within the next few weeks. This will be presented to the European Commission for agreement. We anticipate that our Minister will publish a final Action Programme by the end of December, along with new Good Agricultural Practice Regulations.

With regard to Ireland's application for a derogation, if the Commission decides to grant Ireland a derogation, the terms of the decision will be presented at a meeting of the EU Nitrates Committee in mid-December. Member States will vote on the derogation decision. If the vote is successful, the derogation will be published as a Commission Decision as soon as practicable, and transposed into national legislation thereafter.

I thank you for your attention and we will be happy to take any questions from the members.

End.