

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

**Wednesday 14 September 2022**

**Opening 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 *a Chathaoirleach* for your invitation to speak with the Committee today regarding Ireland's Fifth Nitrates Action Programme. I am joined by my colleague, Dr. Marie Archbold, who is a water policy adviser with our Department and is co-chair of the Nitrates Expert Group. Our Department has policy responsibility for the implementation of the Nitrates Directive, the Water Framework Directive and other associated water directives. We work very closely with the Department of Agriculture, Food and the Marine on these Nitrates Directive issues. Both Departments benefit from expert support provided by Teagasc and the Environmental Protection Agency (the EPA) through the Nitrates Expert Group.

*Water Quality*

Simply put, nutrient levels are too high in many of our waterbodies. The Draft River Basin Management Plan (based on data from the EPA) links agricultural pressures to 1,000 water bodies (from a total of 4,842 water bodies) – an increase of 223 over the previous period. In contrast, the number of waterbodies impacted by urban waste water is 208, which has decreased by 83 since the previous cycle. This excess of nitrogen and phosphorous compounds accelerates the growth of algae, causing an undesirable change to the natural ecology and lowering oxygen levels in waterways. This reduces biodiversity as fewer species can tolerate this change. Algal blooms can impact on wildlife, drinking water and swimming areas. Excess nitrogen can cause health issues in drinking water supplies.

As a result of the trends in the water quality monitoring programme, Ireland is required to take additional measures and reinforced actions sufficient to reduce water pollution and prevent further such pollution.

### *Fifth Nitrates Action Programme 2022 – 2025*

In response, Ireland's Fifth Nitrates Action Programme includes several strengthened and new requirements. These requirements have been developed following stakeholder dialog and three separate periods of public consultation. The key measures include changes to chemical fertiliser allowances, livestock excretion rate bands and expanded closed periods – my colleagues from Department of Agriculture, Food and the Marine will provide further details on the individual measures. In addition, there will also be an interim review of the entire Programme after two years and a review of the local authorities' agricultural inspection programme.

### *Nitrates Directive and 'derogations'*

The Directive sets a universal limit of 170 kg N per hectare per annum. Where a Member State can demonstrate that a higher limit will not lead to higher pollution, the Commission may adopt an Implementing Decision ('a derogation') that allow higher maximum limits of nitrogen subject to adherence to additional conditions. A derogation does not exempt Ireland from any of the directive's water quality objectives.

Ireland recently secured a derogation for the period from March 2022 until 31 December 2025. Only three other areas across Europe currently benefit from a derogation: Denmark until mid-2024; Northern Ireland – until the end of 2022; Belgium (Flanders region only) until December 2022. The Netherlands is currently in the process of negotiating a renewal of its derogation facility – but recent media reports from local media in the Netherlands suggest this will be on a three-year phase-out basis.

Ireland's current derogation comes with conditions, including that the 'interim review' must include a water quality assessment comparing 2021 and 2022 data to be conducted in June 2023. If this assessment shows we have eutrophic water bodies; risks of eutrophic water bodies; or water bodies with increasing trends; or exceeding an average of 50 mg NO<sub>3</sub>/litre over 3 years then farms in the catchment areas feeding into these monitoring points will face a cut in derogation limits from 250 kg N/ha to 220 kg N/ha.

*Concluding remarks*

To protect water, there needs to be broad acceptance of, and adherence to, good agricultural practice requirements. Ireland will not maintain its derogation facility in the current format if recent water quality trends are not addressed and shown to have been addressed by an improvement in water quality data.

Go raibh maith agat a Chathaoirleach.

End.