

## **Compliance with the Nitrates Directive: Implications for Ireland**

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

#### **Opening Statement by The Department of Agriculture, Food and the Marine, 6<sup>th</sup> March 2024**

Cathaoirleach, committee members, I would like to begin by thanking the Committee for devoting its time to this important topic.

I am joined today by my colleagues, Ted Massey, Senior Inspector, and Dr Leanne Roche, Agricultural Inspector who are both based in the Department's Water and Air Quality Division.

At the outset, I would like to provide some background information.

The Nitrates Directive has the objectives of reducing and preventing water pollution caused by agriculture. It sets an application limit of 170kg livestock manure nitrogen per hectare of land. It does not set a limit on stock numbers on the holding but rather limits the amount of manure that can be applied to land.

The Directive, however, states a different amount may be permitted, provided that won't prejudice achievement of the Directive's objectives and is justified based on objective criteria.

Those criteria may include:

1. long growing season
2. predominance of crops with high nitrogen requirement, i.e., grass
3. high net precipitation
4. soils with exceptionally high denitrification capacity.

Ireland's grass based system, coupled with a relatively long growing season and high net precipitation have been the basis for Ireland's derogation application.

However, granting a derogation is dependent on a positive vote by Member States and the Commission must be assured they can justify granting a derogation before they will present their Implementing Decision for a vote by the Member States.

It is clear that there is increased scrutiny when granting a derogation, especially as we approach the 2027 Water Framework Directive deadline for achieving at least good status.

Most, if not all, Member States will not achieve that target and at an EU level there has been limited overall progress on improving water quality over the last 10 years. This has led to the Commission's

current position that to be granted another derogation, water quality must be at least stable in areas that are already achieving good or high status and must be improving in areas that are at moderate, poor or bad status. We must all work together to achieve this.

I shall now proceed to give an overview of the Department's response to the Committee's questions. More detailed written responses have been provided already.

As regards Questions 1 and 2, derogation farmers represent a small but an economically very important minority of Irish farmers.

In 2022 6700 Irish farmers sought a nitrates derogation . A further reduction in Ireland's maximum derogation stocking rate below 220 kg N/ha will impact significantly more farmers than impacted by the reduction to 200 Kg N/Ha based on commission criteria. The extent of those impacts, both socially and economically, will depend on how farmers react to and mitigate such a scenario, however one likely outcome would be increased competition for land.

On the questions, of whether it is possible to maintain Ireland's Nitrates Derogation at its current level, while improving water quality and whether the Nitrates Action Programme (NAP) is fit for purpose, the answer to both is, Yes. However it will require all stakeholders to work together to deliver on improving water quality nationally.

Factors that influence nutrient loss to water, be it nitrogen or phosphorous, include weather, soil type, topography and the overall nutrient load. However, how that load is managed is extremely important to reduce losses to the environment.

This makes water quality an issue for every farmer. Everyone across the agri-food industry has a role to play in ensuring the load is managed so losses are minimised.

Ireland's current NAP is our strongest yet. However, there is potential to improve things further as proposed under the current Interim Review through increased awareness raising and advice on water quality as well as increased compliance and enforcement activity.

There is also a requirement for all stakeholders to play their part in implementing the Action Program with the advisory service and industry having key roles along with additional targeted measures, where necessary to protect and improve water quality.

The advisory service also has a key role to play on the issue of supports. However the Government also has invested in supporting farmers through:

- Continued support, with industry, for the ASSAP programme.
- €60 million investment in a water quality project – the Water EIP.

- Accelerated Capital Allowances for farmers investing in slurry storage.
- The Multi Species Sward and Red Clover Silage Measures, the Soil Sampling and Analysis Programme and the National Liming Programme, all of which help farmers reduce reliance on chemical nitrogen.

In addition, approval has recently been secured from the Commission for:

- a) a separate investment ceiling for farmers investing in additional organic manure storage facilities on-farm, beyond regulatory compliance.
- b) 70% grant aid for manure storage facilities on farms importing livestock manure under a contract.

Finally on the issue of enforcement we have seen a significant increase in the Department's activity since 2022 with a doubling of inspection numbers for derogation farmers. Furthermore, last year the Department also conducted over 500 nitrates inspections on behalf of the Local Authorities. The Department is also involved in the EPA's National Agricultural Inspection Programme working group which is seeking to harmonise inspections across the Department and the Local Authorities and move those inspections to a risk-based approach.

I am now happy to take questions, thank you.