

Compliance with the Nitrates Directive: Implications for Ireland **Joint Committee on Agriculture, Food and the Marine**

20th March 2024

Opening Statement by
Fintan Towey, Assistant Secretary of the Water Division, Department of Housing, Local
Government and Heritage,

Cathaoirleach, committee members, I would like to thank the Committee for inviting the Department here today to discuss compliance with the Nitrates Directive.

I am joined today by my colleagues, Dr Colin Byrne, Principal Adviser, and Dr Marie Archbold, Water Policy Adviser, who are both based in the Department's Water Advisory Unit of the Water Division.

The Department is responsible for the Nitrates Action Programmes and the Good Agricultural Practice or GAP Regulations, as well as the national River Basin Management Plan. We work in close collaboration with Department of Agriculture, Food and the Marine (DAFM) in developing these, and DAFM is responsible for authorising and implementing the derogation under the Nitrates Action Programme. The Department co-chairs the Nitrates Expert Group with DAFM.

In relation to the six questions posed by the Committee, the Department is in a position to respond to respond to four of those questions.

Currently, 54% of over 4,800 waterbodies are achieving their environmental objective of at least Good status, however, 46% are not according to Environmental Protection Agency (EPA) monitoring. We urgently need to demonstrate improvements in water quality where our waterbodies are not achieving at least Good status, and ensure there is no deterioration in those waterbodies that are achieving at least Good status.

Agriculture is the most significant pressure on waters posing a risk to over 1,000 waterbodies. Local authority inspection data for 2022 shows that approximately 30% of farms inspected were non-compliant with the Regulations. Therefore, in response to Question 3, on the possibility of maintaining Ireland's Nitrates Derogation at its current level while improving water quality, we feel that this is significantly more likely if full compliance with the GAP Regulations is achieved. However, we must face the reality that a significant reduction in nitrogen loads being lost to water in the Catchments of Concern identified by the EPA will be necessary to resolve eutrophication problems in

their receiving coastal waters. It is our view that farm advisory services and agri-industry will be essential in supporting farmers to achieve compliance with the regulations. Their advice on reducing nitrogen loads will also be essential.

In response to Question 4 on whether the Nitrates Action Programme is fit for purpose in protecting Ireland's water quality, the answer is yes. The Programme provides a strong common baseline standard of environmental practice across the State. The Programme implements and is compliant with the Nitrates Directive which is a basic measure under the Water Framework Directive. The purpose of the Nitrates Action Programme and the GAP Regulations are to provide a regulatory framework to protect water quality from agricultural impact arising from nitrogen and phosphorus losses to water. Compliance with the regulations is the critical first step to ensuring the protection and improvement of water quality. However because of the diversity of Irish landscape, the NAP alone will not deliver all Water Framework Directive objectives where agriculture is a pressure.

While a "common standard of farming environmental practices" will provide a baseline level of protection on all farms in the State, assuming full compliance with the regulations, risk mapping by the EPA has identified risks at farm level which require more spatially targeted protection measures, which go beyond the regulatory standards. This targeted approach known as "the right measure, in the right place, at the right time" must be supported by supplemental measures.

In response to this challenge, the Department, as part of the 2nd River Basin Management Plan, established the Local Authority Waters Programme (LAWPRO). LAWPRO works in conjunction with the Agriculture Sustainability and Support Advisory Service (ASSAP) which is co-funded by DAFM, the dairy Industry and my department. These initiatives will be continued in the 3rd River Basin Management Plan. Following a review of ASSAP, which identified the need to provide agri-environmental advice and financial support for costly supplementary measures, a new *Farming for Water* EIP has been established by DAFM and my Department.

With an investment of €60million it is the largest EIP ever undertaken in the State. This initiative has broad support across all stakeholders. It is collaborative in nature, it is focussed on environmental outcomes and provides the opportunity for the farming community to co-lead in improving water quality. My colleagues from LAWPRO will provide further details on the *Farming for Water* project.

In response to Question 5 which asks whether '*additional supports are required to ensure farmers can be compliant with the Nitrates Action Programme?*' the Interim Review of the Fifth Nitrate

Action Programme has identified that more awareness raising and knowledge transfer are required. Knowledge transfer from ASSAP, the *Farming for Water* EIP, the *Waters of LIFE* Integrated Project and other EIPs are critical to informing the broader advisory services on the key water quality issues on the ground. In addition, the whole agri-food sector has a role to play in supporting farmers.

In response to the final question, additional resources are being provided by the Department to ensure the measures required by the Nitrates Action Programme are adequately enforced. In 2022, the CCMA identified that an additional 57 staff were required to undertake local authority agricultural inspections. In 2023 and 2024, the Department has allocated funding for these 57 agricultural inspectors, in addition to the 11 staff already in place. The Department also allocated funding to the EPA for 5 staff to establish and provide oversight to the local Authority National Agricultural Inspections Programme, and 4 staff in LAWPRO to provide assistance for inspection co-ordination and to support training of staff. In 2024, the local authorities are scheduled to undertake inspections on at least 3,300 farms, increasing to 4,500 farms in 2025.

Go raibh maith agat a Chathaoirleach.

End.