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November 2025 EPAC No **3625**

Re. Submission on Ireland's sixth Nitrates Action Programme and the associated Strategic Environmental Assessment statement.

A chara,

The EPA welcomes the opportunity to engage on the Draft Sixth Nitrates Action Programme (NAP) and the associated Strategic Environmental Assessment (SEA) statement. Agriculture is an integral part of the fabric of Irish society. It has a key role in delivering, and depends on, a healthy environment.

In our role as an SEA environmental authority under the SEA Regulations, the EPA focuses on promoting the full and transparent integration of the findings of the Environmental Assessment into the Plan and advocating that the key environmental challenges for Ireland are addressed as relevant and appropriate to the plan/programme being prepared. The EPA's functions do not include approving or enforcing SEAs or plans. Appendix I provides specific comments on the Strategic Environmental Assessment statement.

This letter sets out the EPA's key messages in relation to water quality and agriculture, and the level of ambition contained within the Draft Sixth NAP. The EPA have provided comments and recommendations related to three thematic areas: the impact of agriculture on water quality, the capacity of the Draft Sixth NAP to deliver water quality outcomes and the scale and pace of NAP implementation. A key message running through each is the need for transparent insight into the type, effectiveness and location of measures being implemented under the NAP.

1. Agriculture and water quality

The State of the Environment Report 2024 (SOER, 2024) set out that our food systems are not currently meeting our sustainability targets and need urgent transformational change. Moreover, the Water Quality in Ireland Report 2019-2024 provides the latest, 3-yearly integrated assessment of the quality of Ireland's waters. The report showed that water quality in Ireland has continued to decline overall, despite improvements in some areas. The evidence presented in this report shows that the goal of restoring all waters to good status by 2027 is not going to be achieved. This is particularly evident in our estuaries which are in the worst condition overall and have seen the largest proportional decline in quality since the previous assessment.

Excess nutrients remain the dominant issue affecting water quality in Ireland; 44% of river sites, mostly in the south and southeast of the country, have high nitrate concentrations while over a

quarter of river sites (27%) and a third of lakes (32%) have elevated phosphorus concentrations. Agriculture has been identified as the most prevalent water quality significant pressure, impacting over 1000 waterbodies or approximately 60% of all waterbodies 'At Risk' of not achieving their environmental objective under the Water Framework Directive.

Despite the lack of improvement in overall water quality outcomes, the latest EPA reports indicate that there have been some improvements in the levels of nutrients in our waterways in recent years. Progress has been made where actions are targeted locally to address specific water quality issues, highlighting the importance of an Integrated Catchment Management Planning approach:

- In the Priority Areas for Action, phosphorus concentrations have improved, and on average are now meeting environmental quality standards.
- In the south and southeast, nitrogen concentrations have improved and the scale of nutrient load reductions[1] that are needed to achieve water quality objectives have reduced, in comparison to the recent peak levels in 2018-2019.

The EPA welcomes the improvement in nitrogen levels up to 2024, which were likely due to a combination of reduced chemical fertiliser usage, increased nitrogen use efficiency, reduced inputs from feed, reductions in animal numbers and measures introduced under the Fifth NAP. While progress has been made, nitrogen levels remain too high. Early insights[2] data for the first half of 2025 showed a 16% increase in levels compared to the same period in 2024. It is noteworthy that nitrogen fertiliser sales rose by 11% in 2024, relative to 2023[3]. The early insights report series provides an early warning on the direction of nitrogen trends. To ensure that the pattern of 2025 nitrogen levels do not persist, a reduction in nitrogen load losses is required in the southern half of the country. The EPA recommends that actions are targeted using the Farm and Landscape measures for Agriculture (FLAG) map[1], with an emphasis on increasing nitrogen use efficiency.

❖ **Key message:** Excess nutrients from agriculture remain the most important water quality issue. Progress is being made, but nitrogen levels remain too high in the south and southeast, and phosphorus levels remain too high in local areas where soils are poorly draining. Tools and supports are available to help target the actions to the water quality issues that need to be addressed.

2. Nitrates Action Programme Effectiveness

The Draft Sixth NAP represents a strengthening of the regulatory and voluntary regime, however, there remains a gap in understanding and data on the relative effectiveness of NAP measures to address agricultural impacts on water quality. While there are many plans and programmes in place, with positive actions being implemented at farm scale, there is no clear evidence that the current or proposed measures will collectively achieve the environmental outcomes that are required. The EPA recommends that the Departments commit in the Nitrates Action Programme to quantifying the capacity of the Fifth and Sixth NAP measures to reduce excess nitrogen and phosphorus; this should be aligned with catchment level objectives, such as nitrogen load reduction targets to protect ecological health[1].

The EPA welcomes the reference to the Agriculture Sectoral Action Plan, which emphasises the need for measures to be evaluated against specific water quality targets. The EPA notes the

[1] Evidence-based targeting of agricultural measures to reduce nitrogen in catchments to achieve water quality objectives | Environmental Protection Agency

[2] Early insights indicator report: Nitrogen concentrations in selected major rivers, January-June 2025 | Environmental Protection Agency

[3] Fertiliser Sales 2024 - Central Statistics Office

reference to the EPA evidence base, including the Farm and Landscape measures for Agriculture (FLAG) map and Pollution Impact Potential maps.

The EPA notes the recommendations that have been taken into consideration, as set out in the EPA Article 29(2) Progress Report, and welcomes the permanent implementation of the National Agricultural Inspection Programme beyond 2027.

The EPA recognises the importance of nitrogen use efficiency as a metric and welcomes the inclusion of the measure – *"Nutrient balance at individual farm level (know your number)."* Nitrogen is a catchment scale issue, therefore all farms on high-risk land have a role to play. The EPA recommends that consideration is given to the expansion of this measure to include all farms in nitrogen risky catchments, as defined by the FLAG map[1].

The EPA recommends that the DAFM's organic nutrient movement database is used in conjunction with water quality data to make an evidence-based decision on where the use of sewage sludge or biosolid derived from the treatment of sewage sludges are prohibited.

There are ongoing challenges with the availability of data on the measures being implemented. These data are critical for assessing the relative contribution and effectiveness of the measures for achieving the water quality objectives.

- **Key message:** To achieve ecological objectives at scale, assessments relating actions to water quality outcomes need to be carried out. This requires data on the measures being implemented to be collated, shared and communicated by all implementing bodies. The absence of this data limits the scope to assess the ambition of the Draft Sixth NAP.

3. Scale and Pace of Implementation

In light of continuing water quality declines, the scale and pace of implementation needs to increase. The EPA recognises that from a regulatory perspective, progress has been made. 2,598 initial farm inspections were carried out by local authorities in 2024, more than double the number undertaken in 2023. While the scale of enforcement activity has increased, the high level of non-compliance on farms (42%) is concerning. The EPA recommends that local authorities must take a stronger enforcement approach to the implementation of the Good Agricultural Practice Regulations. This includes taking appropriate enforcement actions and follow-up inspections to restore compliance. The EPA further recommends that public, private and industry delivered agricultural advisory services increase compliance promotion and awareness-raising activities as part of a compliance assurance framework.

The EPA welcomes ongoing investment in engagement initiatives such as the Agricultural Sustainability Support and Advice Programme, the Farming for Water EIP Project, the Local Authority Waters Programme and the Teagasc Better Farming for Water Campaign. In the broadest sense, it is clear that positive voluntary actions are being taken by many farmers, participating within these initiatives. However, without transparent insight into the type, scale and location of measures implemented, it is difficult to assess the effectiveness of actions or to understand which actions are driving success.

- **Key message:** To meet the objectives of the Water Framework Directive, the scale and pace of implementation of targeted voluntary actions, and compliance with mandatory measures, needs to increase. It is essential that effective mitigation strategies and measures are replicated at scale. The EPA welcomes the on-going development of Sectoral Action Work Plans and Catchment Management Work Plans, as part of the Water Action Plan 2024. The EPA recommends that both the public and private sectors engage strongly with this process and ensure that information is shared at a scale that can be used to access measure effectiveness.

If you have any queries or need further information in relation to this submission, please contact me directly. I would be grateful if you could send an email confirming receipt of this submission to: sea@epa.ie.

Yours Sincerely,

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Dr Eimear Cotter
Director
Office of Evidence and Assessment

Appendix I - Specific Comments on the SEA Environmental Report

EPA welcomes the refining of the scope of the SEA compared to previous iterations of the NAP. Further refining of the scope should be considered for future versions of the NAP based on the findings of the monitoring programme, where appropriate. This refinement of scope provides greater focus and clarity in the SEA on the specific aspects relevant to and likely to be significantly impacted by the sixth NAP and future iterations.

Environmental Assessment
Section 3.3 (*Data Gaps and Difficulties Encountered*) of SEA ER clearly shows issues and difficulties regarding certain data parameters. There is further opportunity to mitigate or promote data sharing to address some of these. With regards to water quality results from the 5th NAP (which has been gradually implemented over the period), whilst not captured fully in Water Framework Directive accounting yet, the trends are clear. This is acknowledged through the SEA ER and on page 55 of the sixth NAP. Greater effort and stronger commitment to monitoring and remedial action in relation to water quality and Nitrates should be reflected in the plan itself.

Environmental Baseline
Section 5.8 landscape. The text refers to the Regional Seascape Character Assessment and Landscape Character Assessment completed in Northern Ireland. Reference should also be made to the Marine Institute Regional Seascape Character Assessment for Ireland (2020)[4].

Consideration of Alternatives
There are some errors in the numbering of the alternatives in Table 7.1, which should be addressed.

Page 245 of the SEA ER states that the current system of monitoring and reporting does not provide a means of definitively linking individual NAP measures to their environmental outcomes and does not allow quantification of the effects of the measures, as there are so many other factors at play that can influence the environment and water quality. As detailed in this section, the SEA Team and other statutory bodies recommended specific targeting monitoring to assess effectiveness of actions from NAP on water quality and states this is being considered in the preferred alternatives (Alternative M2b). It is unclear that the specific monitoring of NAP actions is reflected in the plan itself. This is further referenced as a mitigation in Chapter 8 page 342 to enshrine independent scientific monitoring of specific NAP measures in the regulations prior to adoption. Commitment to this in the NAP and prior to SEA Statement is recommended.

Mitigation Measures
In Table 9.1 (Mitigation measures), some mitigation measures are summarised compared to those presented in Chapter 8. All mitigation measures would benefit from inclusion, along with column showing key parameters and environmental issues being addressed through each measure.

The non regulatory measures proposed under the sixth NAP are described in table 8.16. Further information on the success or otherwise of such measures (to date) would be useful to include in the SEA ER.

Pages 371 and 372 list additional general mitigation measures, which were identified during the assessment, that are not specific to the regulatory measures outlined in the proposed GAP

[4] Regional Seascape Character Assessment for Ireland 2020 Final Report

Regulations or the non-regulatory measures outlined in the draft Sixth NAP Policy Document. It is recommended to clarify if these measures are being considered and included in the final NAP.

Where the potential for likely significant effects has been identified, appropriate mitigation measures should be provided to avoid or minimise these effects. The Programme should include clear commitments to implement the mitigation measures.

Monitoring
The monitoring programme for the sixth NAP is an important element providing an evidence base for monitoring implementation of actions and environmental outcomes. The EPA suggests including a separate section in NAP6 on 'Monitoring, Review and Reporting'. This should set out the provisions for monitoring and reporting in implementing the sixth NAP and its periodic reviews. This could also be supported by providing information on the previous NAP environmental monitoring programmes carried out to date.

With regards to the monitoring indicators included in Table 9.3 the EPA makes the following comments:

1. Population and Human Health *(Nitrates in drinking water sources):* clarify the nitrate level threshold being proposed and the rational for the proposed level.
2. Land and Soil *(Soil macro- and micro- nutrients, soil carbon and indications of the presence of harmful bacteria):* clarify the data source for the presence of harmful bacteria.
3. Water (*Monitoring and reporting outlined in Section 9.2.2*): The target for the sixth NAP is *'No water bodies impacted by agricultural nutrient'*. Confirm if an interim target is proposed for mid-term review of the sixth NAP.
4. Air Quality *(Ambient ammonia concentrations)*: Ireland's Informative Inventory Report 2024 (and future iterations of this report) may also be a useful data source for this indicator.

The Monitoring Programme should be flexible to take account of specific environmental issues and unforeseen adverse impacts should they arise. It should consider and deal with the possibility of cumulative effects. Monitoring of both positive and negative effects should be considered. The monitoring programme should set out the various data sources, monitoring frequencies and responsibilities.

If the monitoring identifies adverse impacts during the implementation of the Programme, you should ensure that suitable and effective remedial action is taken.

Guidance on SEA-related monitoring is available on the EPA website at
https://www.epa.ie/publications/monitoring--assessment/assessment/strategic-environmental-assessment/06695-EPA-SEA-Statements-and-Monitoring-Report.pdf

Future Amendments to the Plan
You should screen any future amendments to the Plan for likely significant effects.

SEA Statement – "Information on the Decision"
Once the Programme is adopted, you should prepare an SEA Statement that summarises:

- How environmental considerations have been integrated into the Programme;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Programme;
- The reasons for choosing the Programme adopted in the light of other reasonable alternatives dealt with; and,

- The measures decided upon to monitor the significant environmental effects of implementation of the Programme.

You should send a copy of the SEA Statement with the above information to any environmental authority consulted during the SEA process.

Guidance on preparing SEA Statements is available at https://www.epa.ie/publications/monitoring--assessment/assessment/strategic-environmental-assessment/guidance-on-sea-statements-and-monitoring.php

Environmental Authorities

Under the SEA Regulations, you should consult with:

- Environmental Protection Agency;
- Minister for Housing, Local Government and Heritage;
- Minister for Climate, Energy and the Environment; and,
- Minister for Agriculture, Food, and the Marine.