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Nitrates Consultation
Water Advisory Unit,
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Custom House,
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Ref EPAC3621

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Re: Fourth review of Ireland's Nitrates Action Programme – 2nd stage consultation

Key Points

- The 4th Nitrates Action Programme has not delivered the required water quality outcomes. Agriculture is the most significant pressure with excess nutrients impacting on water quality and trends going in the wrong direction.
- Measures must be more targeted to achieve our water quality objectives. They must also be joined up and aligned across agricultural and other environmental policy to achieve multiple environmental benefits.
- While the measures outlined may be challenging to implement in full, they must be taken as a matter of urgency to protect our environment. These actions must be substantial and sustained with full accountability.
- The current levels of non-compliance with existing minimum statutory standards is unacceptable. Securing compliance with all existing and new regulations needs to be given priority. The full suite of enforcement tools should be utilised, including support and advice, incentives and a strengthened enforcement and inspection regime.

The Environmental Protection Agency (EPA) welcomes the opportunity to engage in this second stage consultation on the measures being considered as part of the 4th review of the Nitrates Action Programme (NAP). This submission builds on our submission made in February 2021 on the first consultation, and previous submissions on the interim review of the nitrates action programme in 2019, the Agrifood2030 strategy (now known as FoodVision2030) and the Agclimatise strategy. The EPA has also provided a submission to support the scoping for the Strategic Environmental Assessment.

We note that the consultation document includes a comprehensive summary of the environmental issues to be addressed, as outlined in our previous submissions and in various EPA reports, including the Water Quality Indicators Report 2020 and our recent Assessment of Catchments that Need Reductions in Nitrogen Concentrations to Achieve Water Quality Objectives.

Impacts of agriculture on water quality

Just over half of our monitored surface water bodies have satisfactory water quality. Agriculture is the most widespread and significant pressure impacting on the water environment. The key issues arising from agriculture are:

- excess nitrogen and phosphorus from organic and inorganic fertilisers causing eutrophication;
- pesticides which impact on ecological health and on drinking water quality; and
- excess fine sediment arising largely from erosion and runoff, land drainage practices and digging out water courses, which impact on aquatic habitat condition.

As we have outlined in our most recent water quality reports, nutrient concentrations are too high in a significant proportion of our water bodies, and the trends are going in the wrong direction.

The key water quality indicators show:

- Nearly half (47%) of river sites have unsatisfactory nitrate concentrations. 38% of sites are showing an increasing nitrate trend for the period 2013-2020.
- Over a fifth (22%) of estuarine and coastal water bodies have unsatisfactory dissolved inorganic nitrogen (DIN) concentrations. The highest DIN concentrations are in the south and south east of the country.
- Loads of total nitrogen and total phosphorus to the marine environment from our rivers have increased by 26% and 35% respectively, since 2012-2014.
- Over one quarter (29%) of river monitoring sites have unsatisfactory phosphate concentrations, and one quarter (24%) of river sites are showing an increasing phosphate trend for the period 2013-2020.
- Almost one quarter (24%) of groundwater monitoring sites have high (>25mg/l NO_3) nitrate concentrations, and three sites exceed the drinking water standard (50 mg/l NO_3).
- Almost half (47%) of all groundwater sites had increasing nitrate concentrations for the period 2013-2020.
- There is a strong regional pattern in all waters that have excess nitrogen concentrations and increasing trends. The areas of greatest concern are the south and south east of the country, which is also the area where the highest levels of intensive farming takes place.

This evidence shows that the 4th Nitrates Action Programme has not delivered on its objectives to protect water quality from nutrient pollution from agriculture.

It is recognised that on an individual farm, and farm-type basis, there is evidence of exemplary and low impact practice. However, taking the agricultural sector as a whole, the increase in agricultural output in recent years has happened at the expense of the environment, as witnessed by the trends in water quality, biodiversity and in greenhouse gas and ammonia emissions. This is one of the key messages of the EPAs latest State of the Environment report (SoER) (EPA, 2020). Urgent and effective action is needed to address these trends.

The EPA evidence base shows that water quality problems are not just a concern for the more intensive farms, but are pertinent to all farmers. At farm scale, it is soil type, climatic conditions, the environmental sensitivity of the catchment, as well as farm practice that drives water quality outcomes. A one size fits all approach will not be adequate to achieve the environmental outcomes that are required – measures must be targeted specific to the soils and risks on the farm. Consideration should be given to implementing a holistic integrated farm planning system, that places the farm and farming enterprise in the context of its environment and the overall catchment,

and sets farm specific management targets that will deliver for the local environment as well as the catchment as a whole.

Policy integration

As noted in the SoER, there are many interlinkages and dependencies between environmental policies and legislation, particularly agricultural legislation, and better alignment between them is an essential step towards achieving our environmental ambitions. The EPA welcomes the acknowledgement in the NAP that better cross-policy integration is needed. We support the integration of climate and biodiversity measures with the Nitrates Action Programme measures, and the linking and coordination with the 3rd cycle river basin management plan. The Nitrates Action Programme is a key measure in the river basin management plan to reduce nutrient pollution from agriculture in waters. It is essential that the objectives and outcomes of the NAP are aligned with, and assessed against, the objectives of the Water Framework Directive.

The consultation document outlines the linkages between the NAP and other recent and current policy developments within the agricultural sector, such as the AgClimatise strategy, FoodVision2030, the Climate Adaptation Plan for agriculture, and the pending CAP Strategic Plan. These strategies also overlap with the farm sector based Teagasc roadmaps for dairy, beef, sheep and tillage. We urge the need for coherence and alignment within all these agricultural plans and policies to join up the measures and make sure there is a coherent approach to protecting the environment within the agricultural sector. For example, the AgClimatise strategy has set a target of reducing nitrogen fertiliser use to a maximum of 325,000 tonnes by 2030 to support achievement of the greenhouse gas targets for climate. Based on the extent of water quality impacts when fertiliser use was last at that level in 2013, this target may not be adequate to protect water quality. Reductions would also need to be spatially targeted into the catchments that have unsatisfactory water quality, and more specifically into the critical source areas within those catchments to deliver both water quality and climate objectives.

Proposed measures

We support the range and breadth of proposed measures outlined in the first and second consultation phase documents. If implemented, as proposed, we consider that they will strengthen the protection for the environment. While they may be challenging to implement in full, it is important that a very high level of environmental ambition is set to reduce nutrient losses from agriculture. Ireland has declared climate and biodiversity emergencies and substantial and sustained action must be taken as a matter of urgency to protect our environment, as the foundation for our health and wellbeing, and a sustainable agricultural industry.

We welcome the inclusion of measures to reduce losses of ammonia given that Ireland is in breach of the ammonia limit under the National Emissions Ceilings Directive and the agricultural sector is responsible for 99% of the ammonia emissions. This is a good example of where multiple benefits can be achieved if measures are targeted in the right place. The use of LESS means that nitrogen that would otherwise be lost to the air can be used for agricultural production, thereby reducing the need for extra chemical nitrogen fertiliser, and potential losses to waters. Recent EPA funded research has indicated that ammonia emissions from licensed pig and poultry facilities are impacting on protected areas in some areas, which will have implications for future licensing decisions.

The expansion of the NAP to include measures that go beyond the Good Agricultural Practice Regulations, such as the implementation of a chemical fertiliser registration system; an increased focus on an effective compliance and enforcement regime; and the review of the Agricultural Sustainability Support and Advice Programme (ASSAP) is welcome. This approach provides an opportunity for a more holistic perspective on all the actions that need to be taken, both regulatory actions and those that foster collaboration, engagement and support, to achieve the required outcomes.

We note that the consultation document has called out the need to review the management of sewage and industrial sludges, including those from the dairy processing industry operating under EPA licences. Improved tracking of movement of organic manures between farms has also been raised as an issue for review by the National Technical Implementation Group, which is chaired by the Agency. The EPA looks forward to engaging with the Nitrates Expert Committee on these issues.

Securing compliance

It is clear from the consultation document that there are issues with achieving compliance with the Good Agricultural Practice regulations, for example with respect to adequate slurry storage capacity and spreading outside the season. Securing compliance with existing and any new regulations needs to be addressed urgently, using the full suite of tools available from support and advice, incentives and a strengthened enforcement and inspection regime. We support the need to further strengthen and resource the enforcement mechanisms, including the Local Authority and DAFM inspection regimes. Consideration should be given to conducting a full review of where the compliance gaps are. Robust monitoring and review processes to track progress and report on implementation should be established. Compliance promotion initiatives such as the Smart Farming and ASSAP Programmes and the results-based payment schemes and the European Innovation Partnership projects should also be expanded.

The EPA would encourage a mid-programme review to assess and report publicly on whether the programme is being effective. The review process would encourage transparency and further public engagement on the issues. It may also provide a helpful opportunity to publicise any early successes and/or serve as a reminder to sustain the level of effort required. Any changes to the Programme on foot of this review should also be screened for Strategic Environmental Assessment and Appropriate Assessment.

The EPA is committed to working constructively and collaboratively with both Departments to protect and restore Ireland's natural environment. We look forward to continued engagement as the development of the NAP progresses.

Yours sincerely,

Dr Eimear Cotter
Director