

DAERA Response to The Office for Environmental Protection's (OEP) Review of the Nutrients Action Programme Regulations (Northern Ireland) 2019 (NAP Regulations)

Introduction

The Department of Agriculture, Environment and Rural Affairs (DAERA) is responding to The Office for Environmental Protection's (OEP) review of the implementation of the Nutrients Action Programme Regulations (Northern Ireland) 2019 (NAP Regulations) and its overall assessment of the effectiveness of nutrient management regulation in contributing to improved water quality in Northern Ireland.

DAERA welcomes The OEP's recognition that progress has been made since the introduction of nutrient regulations, including improvements in farming practices and significant investment by government and the agri-food sector.

The Department recognises that agriculture and wastewater are key contributors to the nutrient pressures in our waterways. DAERA acknowledges and agrees with The OEP's overall assessment that further action is required to address the ongoing pressures on water quality, particularly those associated with nutrient enrichment and its impacts on rivers, lakes and protected habitats.

DAERA has therefore undertaken a review of the 2019 NAP Regulations and taken forward a consultation process in Spring 2025 on revised NAP measures. Following the feedback from that consultation, DAERA established a NAP Stakeholder Task and Finish Group in October 2025 with membership from the farming, agri-food and environmental sectors.

Through this stakeholder led process, the NAP proposals have been iteratively refined to ensure they are evidence-based, proportionate and deliverable at farm level within realistic timeframes. This approach has provided a clear and structured pathway to improved compliance, while supporting the achievement of environmental objectives and sustained improvements in water quality.

These revised NAP proposals were issued for public consultation on 29 June 2026 and that consultation will conclude on 7 September. Subject to the consideration of the consultation responses, Minister Muir intends to seek Executive approval for the revised proposals and then ensure that the regulations are taken through the Assembly processes, before the end of the current mandate.

DAERA remains committed to working constructively with stakeholders, delivery partners and The OEP to ensure that nutrient management policy is robust, legally sound and capable of delivering sustained improvements in water quality and wider environmental outcomes, whilst also supporting a sustainable agri-food industry.

Summary of The OEP's Conclusions and Recommendations

The OEP evaluated the effectiveness of the 2019 NAP Regulations in limiting nutrient pollution from agriculture and how they interrelate with legal duties owed under separate legal regimes. In doing so, The OEP has considered whether the 2019 Regulations provide a sound basis for achieving the environmental outcomes set by DAERA and the Executive.

The OEP has recognised that the agri-food industry has come a long way in addressing nutrient emissions from agriculture but has concluded that the 2019 NAP Regulations, and aspects of their implementation, are not sufficient to achieve the intended environmental outcomes.

The OEP report therefore makes 12 recommendations, grouped under three themes:

- Recommendations 1–5 are related to strengthening implementation and compliance;
- Recommendations 6-11 relate to the sufficiency of technical provisions within the NAP framework; and
- Recommendation 12 relates to ensuring more effectiveness in achieving overall environmental outcomes.

A summary of the recommendations and the Departmental responses to them is set out below.

1. Summary of the Department's Response

DAERA agrees that the nutrient management framework must be strengthened to improve environmental outcomes and better protect water quality.

The current NAP consultation is based on the proposals agreed by the NAP Stakeholder Task and Finish Group and proposes the introduction of a range of enhanced measures. DAERA notes that many of the issues identified by The OEP are already being addressed through the ongoing review, public consultation and proposed revision of the NAP Regulations. These include:

- Strengthened nutrient management requirements at farm level;
- A clearer and increased focus on phosphorus management alongside nitrogen controls;
- An improved enforcement framework, including strengthened inspection provisions, monitoring arrangements and measures to address false or misleading information;
- Enhanced advisory and support mechanisms to assist farmers in achieving improved compliance and increased nutrient efficiency; and
- Increased focus on regular and ongoing review through a new governance structure involving key stakeholder representatives.

In addition, DAERA recognises:

- The need for continued development of cross-sector solutions including wastewater, Industry and the farming sector;
- The requirement to align policy ambition with practical implementation on farms and;
- The importance of ensuring regulatory measures are deliverable within available resources.

Following completion of the NAP consultation, the Department will consider all responses alongside the supporting assessments, including Strategic Environmental Assessment and Habitats Regulations Assessment, before finalising policy proposals. Subject to Ministerial agreement, the revised NAP Regulations will then be brought forward for Executive approval and the subsequent Assembly processes.

In parallel, wider strategic measures to improve water quality will continue to be progressed through the River Basin Management Planning (RBMP) process, with the fourth cycle RBMP scheduled for public consultation in December 2026. This will provide an overarching framework to ensure that the NAP measures are integrated with broader cross-sector actions to deliver sustained environmental improvements.

More specific responses to The OEP recommendations are set out below. DAERA acknowledges that many of its responses refer to the revised draft NAP proposals that are currently being consulted upon. Therefore the intended direction for managing nutrients will be based on the adoption, implementation, enforcement and monitoring of the final agreed updated NAP measures for 2027 - 2030, following the current consultation.

2. Departmental Response to The OEP's Recommendations

2.1 Recommendations on Implementation and Compliance (recommendations 1-5)

Background

The OEP report makes several recommendations in relation to the implementation, compliance and enforcement of the Nutrients Action Programme Regulations.

In **Recommendation 1**, The OEP recommends strengthening regulatory assurance arrangements and ensuring that the operation of the derogation process is robust, legally compliant and fully aligned with wider environmental obligations, including compliance with the Habitats Regulations.

Recommendation 2 highlights the need for enhanced advisory support and guidance to improve farmer understanding of nutrient management requirements.

Recommendation 3 focuses on inspection coverage and effectiveness, recommending improvements to provide greater assurance that regulatory requirements are being met.

In **Recommendation 4**, The OEP recommends strengthening arrangements to ensure compliance with nitrogen loading limits and improve the identification of potential exceedances.

Finally, **Recommendation 5** relates to enforcement and compliance assurance, highlighting the need for stronger enforcement arrangements and greater transparency and clarity around compliance and enforcement

Collectively, these recommendations recognise that effective implementation is essential if the NAP is to deliver improved environmental outcomes.

Departmental Response to Recommendations 1 - 5

In relation to **Recommendation 1** and **Recommendation 5**, the Department acknowledges the importance of a robust and legally compliant regulatory framework, supported by effective compliance assurance and proportionate enforcement. The ongoing review of the NAP Regulations has considered the operation of derogations, compliance assurance mechanisms and their interaction with wider environmental legislation and regulatory regimes.

Based on the proposals put forward by the NAP Stakeholder Task and Finish Group, the current NAP consultation proposes introducing a revised approach to inspections which aims to make them more targeted, efficient and fair, so that effort is focused on the farms and activities that present the greatest risk to the environment.

The revised NAP proposals which have been put forward by the NAP Stakeholder Task and Finish Group have also been informed by the Strategic Environmental Assessment and Habitats Regulations Assessment processes which recommended mitigation and monitoring measures.

The NAP consultation also proposes introducing a new approach whereby derogations are replaced by the Nutrient Stewardship Programme (NSP). This aims to have an increased number of farms on a pathway to optimal nutrient efficiency, leading to lower nutrient losses and greater biodiversity-friendly farming.

Recommendation 2 focuses on strengthening advisory support and guidance to farmers, while **Recommendation 4** relates to improving compliance with nitrogen loading limits and identifying farms at risk of non-compliance.

The Department agrees that effective compliance depends on both appropriate regulation and access to practical advice and support, including on farm advice. Through the Sustainable Agriculture Programme, a range of knowledge transfer measures have been developed, including farmer training, Business Sustainability Groups, the Supporting Agri-Professionals initiative and continued enhancement of CAFRE nutrient management tools.

Support is also available through broader initiatives such as on farm advice through the Sustainable Catchment Programme (to be supplemented by on farm advice through the related Shared Island Lough Neagh Water Catchment Programme) and through industry bodies and representative organisations.

The Department also recognises the importance of compliance with the 170 kg nitrogen per hectare limit. Revised NAP proposals have been put forward by the NAP Stakeholder Task and Finish Group and they are currently under consultation. Through these updated proposals, consideration is being given to strengthening compliance assurance arrangements, improving identification of farms at risk of non-compliance and enhancing engagement with those businesses.

The Department will continue to combine advisory support with regulatory oversight to improve nutrient management and environmental outcomes.

Recommendation 3 concerns inspection coverage and effectiveness and seeks greater assurance that regulatory requirements are being met. The Department recognises the importance of maintaining a credible and proportionate inspection regime. Current arrangements include a combination of risk-based and random inspections.

The revised NAP proposals, under consultation, consider opportunities to strengthen inspection activity through greater use of intelligence-led targeting, improved use of environmental and compliance data, and enhanced monitoring and evaluation of compliance trends. The proposals aim to demonstrate more visible inspection activity with a focus on key activities that can lead to pollution if not managed properly and aim to ensure better protection of water quality, especially in high-risk areas.

The Department considers that an approach prioritising risk-based inspections over random inspections, remains the most effective means of targeting resources while maintaining overall assurance.

2.2 Recommendations about the Sufficiency of Technical Provisions (recommendations 6-11)

Background

The OEP report makes a range of recommendations about the technical provisions in the regulations.

In **Recommendation 6**, The OEP has recommended that DAERA should review the evidence relating to the current 170kg N/ha/year nitrogen limit and potentially revise the limit. **Recommendation 7** highlights the need for stronger phosphorus management, including from its key sources, and **Recommendation 8** focuses on nutrient balance approaches and soil analysis.

In **Recommendation 9**, The OEP considers the approach to “closed periods” and dirty water management. **Recommendation 10** relates to integration across environmental objectives and **Recommendation 11** highlights the need for a more adaptive and future-proofed framework, in the face of climate change.

Overall, these recommendations indicate the need for a more comprehensive, evidence-led and adaptive approach to nutrient management. DAERA notes that many of the issues raised by The OEP are being addressed through proposed revisions to the NAP Regulations.

Departmental response to Recommendations 6–11

Recommendation 6 concerns the adequacy of nitrogen loading limits and whether the current 170 kg N/ha/year limit remains sufficient to achieve environmental objectives. The Department recognises the importance of ensuring that nitrogen loading limits are supported by robust scientific evidence and remain effective in reducing nutrient losses to the aquatic environment. Through the current NAP review, DAERA has considered updated environmental monitoring data, nutrient loading evidence and stakeholder views, including concerns about nutrient pressures in sensitive catchments.

The 170 kg N/ha/year limit derives from the Nitrates Directive (91/676/EEC) and has been applied since the first Nitrates Action Programme for Northern Ireland was introduced in 2007. This reflects established regulatory standards across the UK and Europe and the evidence for this limit has therefore not been specifically reviewed within the current NAP review.

It should be noted that the higher nitrogen loading limit of 250 kg N/ha/year limit for farms operating under the Northern Ireland derogation is supported by a scientific case, based on objective criteria specified in Annex III 2 (b) of the Nitrates Directive.

This scientific case has been accepted by the EU Commission and the EU Nitrates Regulatory Committee when the Northern Ireland derogation was approved on four occasions, most recently in 2019, prior to the UK exit from the EU.

It demonstrated that grassland farms in Northern Ireland could utilise up to 250 kg Nitrogen/ha/year from grazing livestock manure, without prejudice to the achievement of the objectives of the Nitrates Directive, provided the nutrient and land management measures within the derogation are followed. This is primarily due to the high nitrogen uptake of grassland managed to achieve high yields, a long growing season and high net precipitation.

Following this current NAP review, the Department will continue to keep the evidence base under review and will consider whether future changes are required to support the achievement of water quality objectives.

Recommendations 7 and 8 focus on strengthening phosphorus management arrangements and increasing the use of nutrient balance approaches and soil analysis. The Department agrees that phosphorus management must play a greater role within the nutrient management framework, particularly given the significance of phosphorus as a driver of eutrophication and ecological deterioration in many Northern Ireland water bodies.

Therefore, the revised NAP proposals put forward by the NAP Stakeholder Task and Finish Group contain strengthened phosphorus measures. These include target reductions of the overall NI Agricultural Phosphorus balance, Phosphorus balances on more intensively stocked farms and additional measures on chemical fertiliser containing Phosphorus.

These proposals will support improved use of soil nutrient information to ensure that nutrient applications are based on crop need and existing soil phosphorus status. For example, the revised NAP proposals, which are under consultation, would specify which chemical phosphorus fertiliser products can be used on grassland. These would be a limited number of low Phosphorus fertiliser products (P content 4% or lower) and higher Phosphorus fertiliser products (P content 15% or higher). The Department considers that combining phosphorus balance measures with nutrient management planning will deliver reduced nutrient surpluses and improved nutrient use efficiency.

Other proposals in the revised NAP, which is currently under consultation, include a range of technical updates to standard nutrient values for livestock excretion values, livestock manures, separated manures and livestock feed content, based on the most recent scientific evidence. A new system for determining dairy cow nutrient excretion values based on milk yield is also proposed to deliver more accurate accounting of nutrients across the range of dairy production systems.

Recommendation 9 concerns nutrient application practices and controls, including the effectiveness of measures relating to closed periods, nutrient spreading and dirty water management. The Department recognises the importance of ensuring that nutrient application controls reflect environmental risk and support effective nutrient use.

Therefore, the current public consultation on the revised NAP proposals includes revising existing measures on maximum application rate and rainfall. These proposals seek to reduce the risk of nutrient losses to watercourses, particularly during periods when the risk of runoff, leaching or nutrient transfer is greatest.

The Department has reviewed the closed period and is not proposing changes to it or the management of dirty water in the current review. The spreading of dirty water in the autumn and winter months is not a widespread practice in Northern Ireland. The current NAP Regulations set a definition which constrains the nutrient content of dirty water to a low level and include other safeguards which prevent spreading in unsuitable soil and weather conditions. Therefore, spreading of dirty water is not considered to be a significant source of nutrient losses to water.

The Department will continue to assess the effectiveness of nutrient application controls and consider whether further refinements are needed, where supported by scientific evidence and environmental monitoring data, as part of the next NAP review cycle.

Recommendation 10 concerns integration across environmental objectives and **Recommendation 11** focuses on climate change resilience and the need for a more adaptive and future-proofed nutrient management framework.

The Department agrees that nutrient management measures should contribute to improvements across water quality, air quality and climate objectives. In addition to measures aimed at reducing nutrient losses to water, the revised NAP proposals include further ammonia reduction measures intended to reduce agricultural emissions and deliver wider environmental benefits.

These proposals include extending the requirements for the use of low-emission slurry spreading equipment and other measures designed to improve nutrient use efficiency while reducing losses to the environment.

Through the NAP review process, River Basin Management Planning and wider Environmental Improvement Plan commitments, DAERA is seeking to ensure greater integration between policies addressing water, air and climate outcomes. Through continued monitoring, periodic review of regulatory measures and integration with wider environmental planning processes, DAERA will seek to ensure that the nutrient management framework remains effective, proportionate and capable of addressing future environmental challenges, including adapting to climate change.

2.3 Recommendation on Overall Environmental Outcomes

Background

The OEP recognises that the NAP Regulations form part of a wider suite of measures to address nutrient pollution in Northern Ireland.

Recommendation 12 highlights the need for a clearer, system-wide understanding of the scale of nutrient reductions required to meet water quality objectives and how measures across sectors combine to deliver these outcomes, entailing reductions from agriculture and wastewater, among other sectors.

Departmental response to Recommendation 12

The Department agrees that achieving water quality objectives requires a coordinated, cross-sector approach and that there is a need for each sector to play its part in making appropriate nutrient reductions to improve water quality. Within its remit, this work is being progressed through:

- Integration with River Basin Management Planning;
- Use of monitoring and research to better understand nutrient sources and pathways; and
- Development of revised NAP measures to reduce nutrient surpluses in the Agricultural sector.

In addition, the Minister outlined to the Assembly on 3 March 2026 a number of key interventions to strengthen the regulation and enforcement of wastewater activities and to reduce pollution across the water environment, including:

- NIEA withdrawing from the 2007 Statement of Regulatory Principles and Intent (SORPI) administrative arrangement with Northern Ireland Water, which currently constrains the Department's ability to take enforcement action in relation to wastewater pollution;
- Identifying Inner Belfast Lough designated Shellfish Water Protected Area (SWPA) as a sensitive area under the Urban Waste Water Treatment Regulations (NI);
- Reviewing standards and putting in place new ones for discharge consents; and
- Improving the monitoring and reporting of Northern Ireland Water's activities.

This approach will help to ensure that agricultural measures contribute effectively within a broader framework to improve water quality across Northern Ireland.