An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

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8th December 2025

Determination on the Natura Impact Statement (NIS) for the Sixth Nitrates Action Programme

A Chara,

This determination on the Appropriate Assessment ("AA") was made on 8th December 2025, by the Ecological Assessment Unit ("the EAU") of the Department of Housing, Local Government and Heritage ("DHLGH") in accordance with Regulation 42A(11) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 ("the 2011 Regulations").

This determination on the AA relates to Ireland's Sixth Nitrates Action Programme (NAP).

The NAP gives effect to the requirements of the Nitrates Directive (91/676/EEC) and its purpose is to prevent pollution of surface waters and groundwater from agricultural sources, and to protect and improve water quality; while the European Union (Good Agricultural Practice for Protection of Waters) Regulations ("GAP Regulations") gives effect to the NAP in national legislation.

The Nitrates Directive forms an integral part of the Water Framework Directive and is one of the key instruments in the protection of waters from agricultural pressures. The Nitrates Directive requires Member States to undertake the following:

- Monitor waters and identify waters which are polluted or are liable to pollution by nitrates from agriculture;
- Identify the area or areas to which an action programme should be applied to protect water from pollution from nitrates from agricultural sources (note Ireland has applied its Nitrates Action Programme on a country-wide basis, thus ensuring 100% territorial coverage compared to an EU average of 45% territorial coverage);
- Develop and implement an action programme to reduce and prevent such pollution. This action programme must be implemented and updated on a four-year cycle;
- Monitor the effectiveness of the action programmes; and,
- Report to the EU Commission on progress.

The Minister for Housing, Local Government and Heritage ('the Minister') is responsible for preparing and publishing the NAP, following consultation with the Minister for Agriculture, Food and the Marine ("MAFM") and other interested parties, in accordance with the GAP Regulations.

Ireland's Fifth NAP (2022–2025), implemented through S.I. No. 113/2022 GAP Regulations, was subject to a midterm interim review in accordance with the European Commission Implementing Decision on the Nitrates Derogation. The Nitrates Derogation allows farmers to exceed the limit of 170 kg of livestock manure nitrogen per hectare as set down in the Nitrates Regulations, subject to adherence to stricter rules.

The interim review resulted in the introduction of additional measures, and reflected commitments set out in the European Green Deal and the Farm to Fork Strategy. The interim review of the Fifth NAP was finalised in February 2025.

Ireland's Sixth NAP has been developed to build on the current momentum and engagement that exists across Ireland's agri-food sector to protect and improve water quality. The Sixth NAP outlines how the State intends to deliver agricultural related water quality improvements through the correct balance of regulation, knowledge transfer/awareness raising and incentivisation, and through the implementation of targeted measures.

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites where Minister is Public Authority

The appropriate procedure for the Minister when the Minister is proposing to adopt his/her own plan or project, is provided for in Regulation 42A of the 2011 Regulations.

Regulation 42A applies where the Minister, proposes to undertake a plan or project which requires Screening for AA, and, if necessary, an AA, before the plan or project can be adopted or undertaken.

Where the Minister proposes to undertake or adopt a plan or project which is not directly connected with or necessary to the management of a European Site, the Minister shall request that a Screening for AA be carried out by the EAU to assess whether on the basis of objective information and in view of the conservation objectives of the site(s), if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.

On the 26th September 2025, in accordance with the requirements of Regulation 42A(3) of the 2011 Regulations, the Minister furnished the EAU with a request for a Screening for AA determination on the draft Sixth NAP and the associated proposed new GAP Regulations.

The EAU determined on the 23rd October 2025, in accordance with Regulation 42A(7) of the 2011 Regulations that an AA of the Sixth NAP was required.

On the 31st October 2025, in accordance with the requirements of Regulation 42A(10) of the 2011 Regulations, the Minister furnished the EAU with a request for an AA determination on the Draft Sixth NAP and the Draft Natura Impact Statement.

In accordance with Regulation 42A(13) of the 2011 Regulations, the EAU carried out a public consultation and published a notice of the Draft Sixth NAP and the Draft Natura Impact Statement[1].

The public consultation was launched on the 1st November 2025 and closed 1st December 2025[2]. The EAU have considered the submissions received during the public consultation.

Under Regulation 42A(15) of 2011 Regulations the Minister can only adopt the Sixth NAP after having received the determination of the EAU that the Sixth NAP shall not adversely affect the integrity of a European site.

The approach taken in the AA to the Sixth NAP

The NAP is a strategic plan to comply with Article 5(1) of the Nitrates Directive and is a protective measure, in the nature of a strategic plan, and is not capable of assessment on a site specific basis, and therefore it must be assessed in the context of the legal framework in which it arises.

Measures of the Sixth Nitrates Action Programme

The new measures under the draft Sixth NAP have been developed to target key issues in terms of either reducing nutrient loads impacting water quality or supporting the drive to gather a stronger evidence base to determine the spatial extent of nutrient application, which in turn will support the development of future measures. These are also in addition to those measures being carried forward and retained from the Fifth NAP and interim review of the Fifth NAP.

Regulatory measures in the Sixth NAP

- Nutrient balance at individual farm level: to aid better decision making for on-farm nutrient management.
- Improved nutrient distribution on fragmented farms: to improved on-farm nutrient management, to prevent excessive and surplus nutrients being applied to certain areas, with the subsequent risk of nutrient loss.
- Increased slurry and soiled water storage capacity requirements: to improve on-farm nutrient storage and management and ensure sufficient storage is in place for the nutrients being produced on the farm.

[1] The public consultation on the Draft Sixth Nitrates Action Programme Natura Impact Statement is located at the following link: https://www.gov.ie/en/department-of-housing-local-government-and-heritage/consultations/public-consultation-on-the-natura-impact-statement-of-the-draft-sixth-nitrates-action-programme-2026-2029/

[2] The public consultation on the Draft Sixth Nitrates Action Programme is located at the following link: https://www.gov.ie/en/department-of-housing-local-government-and-heritage/consultations/public-consultation-on-the-draft-sixth-nitrates-action-programme/

- Chemical nitrogen allowances for grassland and arable crops: to match nitrogen and phosphorus application with crop requirements in order to reduce the risk of surplus nutrients remaining in the soil, or declines in soil fertility which could give rise to a higher nitrogen balance.
- Timing of nutrient application for arable crops: to reduce the loss of nutrients from arable land.
- Expansion of DAFM's organic nutrient movement database: to encourage best practice in terms of nutrient use and reduce the risk of over-application of nutrients. This measure will also enable risk-based inspections through improved tracking and management of organic nutrient movements.
- Continued and increased focus on compliance and enforcement, and the National Agricultural Inspection Programme: to increased compliance enforcement and promotion leading to better on-farm practice and understanding.
- Overall review of the GAP Regulations: to ensure clarity of requirements.

Non-regulatory measures in the Sixth NAP

- Expansion of the Agricultural Sustainability Support and Advisory Programme (ASSAP): to enable targeted on-farm advice, knowledge transfer and better informed decisions by farmers with respect to the protection of waters on their own farms and within their own water bodies.
- Continuation of Farming for Water European Innovation Partnership (EIP) to the end of 2029: To incentivise farmers to adopt targeted measures specific to their own farm situation that go beyond minimum regulatory requirements.
- Knowledge transfer and awareness raising for both farmers and farm advisers.
- Research on Mehlich soil analysis to better quantify plant available nutrients: to reduce nutrient loses through more appropriate nutrient application rates.
- Research on cover crop establishment: to mitigate nitrogen loss, sediment and run-off from arable land through optimum use of cover crops.

Documents provided in support of an Appropriate Assessment

In conducting the AA, the EAU has considered documents provided by the Minister on the 31st October 2025, in accordance with the requirements of Regulation 42A(10) of the 2011 Regulations, notably:

- Pre-consultation Natura Impact Statement (NIS) for the Sixth Nitrates Action Programme.
- The Sixth Nitrates Action Programme (Pre-consultation Policy Document).
- A draft of the new GAP Regulations.
- List of Water Dependent European sites with the Catchments of Concern.

Notice of determination and reasons for that determination

The EAU have evaluated and analysed the information contained in the referred to above documents and carried out a determination. Reasons have been summarised below to provide a record of the decision making process.

The adoption of the Sixth NAP and the new GAP Regulations gives effect to minimisation and time limits on application of soiled water to land; the management and capacity of storage facilities; requirements for nutrient management and limits on application of fertilisers, soiled waters etc.

However, the nature of the NAP as a strategic plan is relevant to the assessment of the NAP under Article 6(3) of the Habitats Directive. The proposed measures set changes and reductions of a restrictive and preventative nature in relation to certain agricultural activities, but does not provide authorisation or permission as to where or whether such agricultural activities can or may take place.

The EAU has concluded that the Sixth NAP would not have an adverse effect on a European site for the following reasons:

- The proposed measures are preventative in nature and aim to reduce nitrates and grazing activities. As such, these measures of themselves do not permit any actual activity on or near a European Site.
- As such, these measures have no adverse effects on any particular European site.
- The Sixth NAP does not constitute permission to carry out any particular activity at a project level. An individual farmer cannot rely on the Nitrates Derogation without an express derogation from the Minister for DAFM under Regulation 35 of the GAP Regulations following an application by that farmer for such a derogation.
- Regulation 27 and 42 of the 2011 Regulations and Article 6(3) of the Habitats Directive apply.

Overarching existing obligations to Environmental Assessment

All public authorities are required under Regulation 42 of the 2011 Regulations to carry out AA screening, and where required AA, prior to granting consent for a "project" within the meaning of the EC (Birds and Natural) Habitats Regulations 2011.

Consideration of In-Combination Effects

Article 6(3) of the Habitats Directive requires that in-combination effects with other plans or projects are also considered. European Commission guidance specifically advises that "*as regards other proposed plans or projects, on grounds of legal certainty it would seem appropriate to restrict the in-combination provision to those which have been actually proposed, i.e. for which an application for approval or consent has been introduced*".

In that context, policy, plans or projects, which are completed, approved but uncompleted, or proposed have been considered in the NIS of the Sixth NAP in Section 7.2 with the assessed plans provided in Table 7.2.

Concluding Statement

Following an analysis of the NIS of the Sixth NAP, including in particular, the nature of the changes that could occur and their potential relationship with European Sites, as well as considering other plans and projects, and applying the precautionary principle, in view of the overarching existing project-level legal obligations under Regulation 35 of the GAP Regulations, Regulation 27 and 42 of the 2011 Regulations and also under Article 6(3) of the Habitats Directive, the Ecological Assessment Unit of the Department Housing, Local Government and Heritage, in accordance with Regulation 42A(15) of the 2011 Regulations, make a determination that it can be concluded beyond reasonable scientific doubt that the Sixth NAP strategic plan will not adversely affect the integrity of European sites.

The EAU is satisfied that a decision to adopt the Sixth NAP strategic plan and the European Union (Good Agricultural Practice for Protection of Waters) Regulations will not adversely affect the integrity of European sites.

Ryan Wilson-Parr

Head of Ecological Assessment

Department of Housing, Local Government and Heritage

8th December 2025

Documents provided in support of an Appropriate Assessment are publicly available at the following link:

Public Consultation on the Natura Impact Statement of the Draft Sixth Nitrates Action Programme 2026 - 2029

Or available from the EAU on request submitted to the following email address:

eau@npws.gov.ie