

3/9/2026



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Dear Nutrients Action Programme Review nutrientsactionprogramme@daera-ni.gov.uk

Re: Ulster Wildlife response to the Nutrients Action Programme (NAP) 2027-2030 consultation

Ulster Wildlife will not be responding to the pro-forma questionnaire, as our detailed technical views are represented through the Northern Ireland Environment Link response and our direct participation in the NAP Stakeholder Task and Finish Group.

We commend the Department and participating organisations for the considerable effort invested and for adopting a genuine co-design approach to the NAP process.

As a key principle we must not lose sight that the process remains firmly focused on its environmental purpose. The ultimate outcome of the process is cleaner water, not the continuation of business as usual for agriculture. Achieving measurable improvements in water quality and ecological condition will require real and demonstrable changes in practice, but at a scale and with support that makes it achievable and acceptable to the food and farming industry.

Ulster Wildlife welcomes the progress made through the stakeholder process and recognises that the revised proposals provide a more credible basis for action. Our support is dependent on effective implementation, adequate resourcing, transparent monitoring and full compliance with environmental legislation.

The success of the NAP should not be judged simply by whether new measures, technologies or reporting systems have been introduced (but behaviour changes and adoption rates should be an early metric). Longer term it must be assessed against reductions in nutrient losses and sustained improvements in water quality and ecological condition.

Throughout the co-design process and sign-off of the proposals we have identified that success is conditional on the following principles.

Resourcing and delivery

DAERA and NIEA must have sufficient resources and capacity to implement the programme effectively. This includes:

- Independent farm advice and training
- Capital grants and transition support
- Catchment monitoring and data analysis
- Administration and verification of the Nutrient Stewardship Programme
- Risk-based and random inspections
- Investigation and proportionate enforcement

Advice, financial support and regulation are complementary. Farmers must be supported to make the required changes, while credible inspection and enforcement are necessary to protect compliant businesses and ensure that poor practice is not rewarded.

The policy and technology assumptions underpinning the NAP must become clear delivery commitments. This includes the uptake and effectiveness of LESSE, protected urea, improved storage, anaerobic digestion controls, slurry and digestate separation, nutrient exports, digital manure-movement records, and the interaction between agricultural development, planning and ammonia policy.

The Department should identify who is responsible for delivering each area of delivery, the expected scale and timetable for delivery, and the evidence that will be used to assess its effectiveness. For example, technologies such as slurry separation redistribute nutrients but do not remove them from the system. Their environmental benefit depends on the phosphorus-rich fraction being properly accounted for and transferred to a verified destination where there is a genuine agronomic or other appropriate use.

Integrated environmental management

Nutrient management must be approached as an integrated environmental challenge. Measures should be assessed across phosphorus, nitrogen, ammonia, greenhouse gas emissions, water quality and protected sites, rather than through isolated policy frameworks. This is particularly important for technologies such as anaerobic digestion, slurry separation and nutrient recovery, which may deliver benefits in one area while transferring pollution or creating new risks elsewhere.

DAERA must also ensure that NAP, planning, ammonia, waste and permitting policies are coherent, while maintaining the legal safeguards applying to each environmental pressure. The requirement to fix the Planning impasse around Ammonia to progress NAP delivery is a clear example.

A clearer regulatory route may be needed for infrastructure that can deliver demonstrable reductions in nutrient loss or emissions. However, anticipated or diffuse benefits should not be used to bypass proper assessment or weaken the protection of

designated sites. A focus on SNAPs on designated sites should be implemented alongside any movement in changes to farm Ammonia assessments.

The NAP must also be explicitly aligned with implementation of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 and River Basin Management Planning. This is particularly important as the Programme of Measures for the fourth River Basin Management Plan cycle, beginning in 2028, is developed alongside implementation of the NAP. The two programmes must reinforce each other and must not introduce measures or incentives that undermine their shared water-quality objectives.

NAP measures should form an identifiable and measurable component of the fourth-cycle Programme of Measures. This should include water body-level identification of the pressures being addressed, the measures required, responsible delivery bodies, timescales, expected outcomes and funding. This would respond directly to the Office for Environmental Protection's call for specific environmental objectives and tangible measures capable of delivering improvement at individual water body level.

Evidence of changed agricultural practice

Farm businesses should be able to demonstrate that the programme is producing real changes in nutrient management. Auditable evidence should include:

- Slurry, manure, separated solids and digestate movements
- Whole-farm phosphorus balances
- Chemical fertiliser use
- Soil phosphorus results and trends
- Nutrient loading and storage compliance
- The destination and final use of exported nutrients

This information must be independently verifiable and capable of identifying 'paper acres', repeated use of the same receiving land, or nutrient movements without a credible destination or agronomic requirement.

Farm level indicators such as manure movements, fertiliser use and farm phosphorus balances should respond relatively quickly and are a good metric for behavioural change and adoption of measures. Changes in soil phosphorus, soluble reactive phosphorus in water and ecological condition are likely to take longer and will be affected by weather, legacy nutrients and other pollution sources. These lags must be recognised, but they should not become a justification for postponing corrective action.

We acknowledge that agriculture is not the only source of nutrient pollution. Wastewater infrastructure, septic tanks and other catchment pressures require parallel action, particularly by NI Water and government. These pressures must be incorporated into catchment assessments and the interpretation of monitoring results. However, their presence does not remove the requirement for agriculture to demonstrate its own contribution to nutrient reductions.

Importantly, soil analysis and nutrient recommendations must also be interpreted in their ecological context. Low soil nutrient status is a defining characteristic of many species-rich grasslands, peatlands, wetlands and other semi-natural habitats, not necessarily a deficiency requiring correction. Recommendations arising from the Soil Nutrient Health Scheme must not inadvertently encourage fertiliser, manure, slurry or lime applications that would damage designated sites, priority habitats or other ecologically valuable semi-natural land.

Monitoring, governance and adaptive management

The environmental benefits attributed to individual measures and technologies must be demonstrated rather than assumed from modelling. Monitoring should test whether changes in management are producing the predicted reductions in nutrient loss and whether unintended consequences are emerging elsewhere.

The governance, monitoring and review arrangements are central to the basis on which eNGOs agreed to support the revised package. The NAP Steering Group should therefore have a clear remit within the Regulations. It should agree the relevant metrics, targets, review thresholds and predetermined actions, so that expectations are clear from the outset.

Progress should be reported transparently each year, ideally through a public-facing dashboard. This should enable stakeholders and the wider public to track implementation, compliance, agricultural nutrient balances, water-quality trends, ecological indicators and the performance of the policy and technology assumptions supporting the programme. Reporting should also be capable of showing how NAP implementation contributes to the environmental objectives and Programme of Measures for individual water bodies under River Basin Management Planning, including where agricultural measures are insufficient or are being undermined by other pressures.

A substantive statutory review should take place after two years. Where uptake, compliance or environmental performance is below expectation, agreed action must follow during the NAP cycle rather than being deferred until the next set of Regulations. Depending on the measure and the reason for underperformance, this action may include additional advice or financial support, accelerated implementation, stronger controls, mandatory measures or increased inspection and enforcement.

The review must also assess progress against existing legal and policy commitments, including the Environmental Improvement Plan target to reduce the amount of phosphorus applied in chemical fertiliser by 50% from 2023 levels by 2028. If the required reduction in chemical phosphorus fertiliser or the anticipated reductions from other key measures are not achieved, the Regulations should provide for clear and timely action to bring delivery back on track.

This adaptive approach is essential because the programme relies on several behavioural, technological and regulatory assumptions that have not yet been demonstrated at the required scale.

Nutrient Stewardship

Ulster Wildlife supports the Nutrient Stewardship Programme as a means of bringing farms already operating above 170kg N/ha/year into a closely regulated system and onto a pathway towards greater nutrient efficiency and improved water quality.

Tier 2 must be explicitly transitional. Remaining in Tier 2 should not be treated as a continuing management option for a farm business. Participating farms should be required to demonstrate progress towards Tier 1 and towards the phosphorus surplus target of 10kg P/ha/year within a defined timeframe. The Regulations should establish the maximum period for remaining in Tier 2 and the action that will follow where a farm fails to make the required progress, including removal from the programme where necessary.

Tier 2 eligibility should be restricted to farms already operating above 170kg N/ha/year against an agreed historic baseline. The programme must not provide a route for farms currently operating below this threshold to increase their nutrient loading or facilitate further agricultural intensification.

The environmental justification for allowing eligible farms to operate above 170kg N/ha/year depends on enhanced measurement, recording, scrutiny and enforcement being demonstrably effective. If monitoring shows that safeguards are ineffective, records are unreliable or environmental outcomes are not improving as expected, prompt regulatory action must follow.

Legal compliance and completion of the process

The NAP and Nutrient Stewardship Programme must comply fully with the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017, the Habitats Regulations, the applicable requirements arising from the EU Habitats Directive, and wider environmental obligations. For European sites, decisions must be compatible with their conservation objectives and must not authorise additional nutrient loading where adverse effects on site integrity cannot be ruled out.

The programme must also respect the separate protections applying to Areas of Special Scientific Interest, including the requirement for consent where nutrient application or another activity is identified as an operation likely to damage the site's notified features. These protections must not be displaced or treated as satisfied through compliance with the NAP alone.

Equivalent attention is required for priority habitats and other nutrient-sensitive semi-natural habitats that meet or approach designation quality but remain undesignated. Existing agricultural EIA controls must be actively communicated, applied and enforced, including where increased nutrient application would amount to agricultural intensification. The NAP, Nutrient Stewardship Programme and Soil Nutrient Health Scheme should contain clear safeguards preventing nutrient recommendations or spreading allowances from driving the degradation of these habitats.

Post-consultation there is an urgent need for DAERA to set out a clear and credible timetable for completing the remaining process within the current Assembly mandate. This must provide sufficient time to appraise consultation responses, finalise and publish the supporting evidence, complete a thorough Habitats Regulations Assessment and any other required environmental assessment, and secure proper Assembly and Committee scrutiny and passage of the Regulations.

We recognise that this timetable is now challenging, but urgency must not create procedural shortcuts. A robust, transparent and legally compliant process is essential to avoid challenge, further delay or uncertainty for farmers, regulators and the environment.

Ulster Wildlife recognises the progress achieved through the co-design process and wants the revised NAP to succeed.

Practicality and deliverability are essential, but the final test of the programme will be whether it secures real changes in nutrient management and delivers cleaner water and recovering freshwater ecosystems across Northern Ireland.