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David Reid
Deputy Secretary
Jubilee House
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By email only

30 October 2023

Dear David,

Nutrient Action Programme for Northern Ireland

Thank you for your letter of 16 October responding to my earlier letter of 26 September.

I note the information set out in the annex to your letter, providing further information concerning actions to be undertaken to address the failure to progress an implementation report and review of the Nutrient Action Programme (NAP) required by 11 October 2023. Whilst these actions are welcome, they do not, in our view, sufficiently address the significant failure to meet these important legal requirements.

While you have indicated that work on the NAP review is ongoing, you have not provided detail in respect of what work has been undertaken, and a clear plan for delivery. We would expect to see a delivery plan setting out key actions and milestones, the plan for public consultation and engagement, together with proposed dates. Please provide us with this information.

The regulations make provision for review to take 6 months. We would therefore expect that an implementation report (incorporating review) should be available, at the latest, by 11 April 2024 (6 months on from the original, missed statutory deadline). If work has already commenced, then we would expect delivery ahead of this. Please confirm the planned date for publication of the implementation report.

As you are aware, the NAP is just part of the picture in terms of addressing nutrient pollution in Northern Ireland. The Urban Waste Water Treatment Regulations (Northern Ireland) 2007 (UWWTR), require four yearly review of sensitive areas and high natural

dispersion areas¹. It appears that the 2019 review is still underway², and therefore outstanding. I would welcome further information on the progress of this review and when it will be delivered.

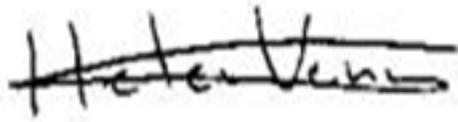
Together, the NAP and UWWTR reviews present a valuable opportunity to identify (and where appropriate legislate for) the changes that are needed to reduce the contribution that urban and rural sources of nutrients are having on waterbodies across Northern Ireland, including Lough Neagh.

We note that previous correspondence from DAERA attributed the lack of progress in reviewing the NAP to the absence of Ministers. We asked for further information in this regard in my letter of 26 September. This was not addressed in your letter, and I would appreciate clarification on this point.

These matters are serious. Whilst we recognise the pressures you are facing, the failure to meet these legal requirements must be avoided in the first instance, and in the alternative, rectification prioritised.

Please respond to our requests, set out in this letter and summarized in the annex, by **14 November 2023**. I would also be happy to facilitate a meeting between our respective teams, should you feel that would be useful.

Yours sincerely,



Helen Venn

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¹ The Urban Waste Water Treatment Regulations (Northern Ireland) 2007, Regulation 3(2)

² <https://www.daera-ni.gov.uk/articles/review-sensitive-areas>

Annex – OEP request for information from DAERA

30 October 2023

By the 7 November 2023, please provide:

1. Nutrient Action Programme (NAP)

- a) The detail in respect of what work has been undertaken to date.
- b) A clear delivery plan, to include (but not necessarily be limited to):
 - i. Key actions and milestones (with associated dates).
 - ii. The plan for public consultation and engagement (with associated dates).
 - iii. A date by which the implementation report (incorporating review) will be published. This should be no later than 11 April 2024.

2. Urban Waste Water Treatment Regulations (UWWTR) Review

- a. Update on progress of this review (required by regulation 3(2)), and its planned delivery.

3. Decision making in the absence of ministers

- a. Confirmation as to your understanding of:
 - i. DAERA's position in respect of undertaking both the NAP and UWWTR reviews in the absence of ministers.
 - ii. Implications regarding the making of any new regulations, if deemed necessary following the NAP review.