

**From the Deputy Secretary of
Environment Marine and Fisheries Group**



Department of
**Agriculture, Environment
and Rural Affairs**

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Our reference:

16 November 2023

Dear Helen,

Nutrient Action Programme for Northern Ireland

Thank you for your letter of 30 October sought further information on the Nutrients Action Programme (NAP) and the Urban Waste Water Treatment Regulations (Northern Ireland) 2007 (UWWTR).

We discussed briefly at our meeting on 7 November, and I hope that the detail set out below in response to the points raised in your letter will be helpful.

1. Nutrient Action Programme (NAP)

Regarding your request for an update on work undertaken to date, DAERA continues to review water quality data. This includes assessing trends in soluble reactive phosphorus in freshwater and assessing the initial results of a large scale research project examining the impact of the NAP in the Upper Bann and Ballinderry catchments.

There is also ongoing work to examine ways in which the implementation and administration of NAP can be improved. In addition, DAERA has progressed its consideration of Low Emission Slurry Spreading Equipment (LESSE) and the extent to which this requirement should be extended in an updated NAP. DAERA is also progressing the Strategic Environmental Assessment (SEA) that will be required for the revised NAP, which will go to tender in the coming weeks.

At our meeting on 7 November, we set out our broad approach and timeline to complete the NAP Review. I have attached the outline timetable for the NAP Review to this letter. You will note that it includes key actions and milestones as requested in your letter of 30 October.

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We intend to progress the NAP review at pace, and a key factor determining the timescale for public consultation on the revised NAP (which will be Northern Ireland's fifth Action Programme – NAP5) is the associated Strategic Environmental Assessment (SEA) process. We estimate that following the appointment of a contractor in January, the SEA Environmental Report will be available for consultation in June. This should facilitate a full consultation and engagement process on both the SEA and NAP5 between June and September next year.

You indicated in your letter that the implementation report should be published no later than 11 April 2024, however the implementation report for the 4-year period 2020-2023 can only be published when the water quality monitoring data for 2023 is available. This data will be available in March 2024 when the laboratory analysis of the 2023 water quality sampling is completed. Subsequent analysis of the data for inclusion in the report will take 8 weeks to complete, and we aim to finalise the report by the end of June.

Please note that the 4 yearly period for the Implementation Report is different to the 4 yearly period of the NAP and associated review. The two cycles are different, and the Implementation Report is a separate document to the NAP Review Report.

2. Urban Waste Water Treatment Regulations (UWWTR) Review

The Sensitive Area Review Report (SAR) for 2019 UWWTR review was approved by the former Minister in October 2022 and shared with the Minister for Infrastructure. Any additional designation(s) of Sensitive Areas as a result of the review will be subject to the NI (Executive Formation etc.) Act process in the continued absence of a Minister.

3. Decision making in the absence of Ministers

The Guidance associated with the Northern Ireland (Executive Formation etc.) Act 2022 (and Northern Ireland (Interim Arrangements) Act 2023) indicates “any major policy decisions, such as the initiation of a new policy, programme or scheme, including new major public expenditure commitments, or a major change of an existing policy, programme or scheme, should normally be left for Ministers to decide or agree.”

Bearing this in mind, DAERA will progress both the NAP review and UWWTR review of Sensitive Areas to a conclusion. However, the implementation of recommendations coming out of the reviews (including any new policy and legislation) will be subject to consideration by an incoming Minister (and NI Executive as appropriate) or, in the absence of Ministers, under the Northern Ireland (Executive Formation etc.) Act 2022 (and Northern Ireland (Interim Arrangements) Act 2023).

I trust the above information provides you with assurance on the actions that DAERA is taking to improve water quality and their related timescales.

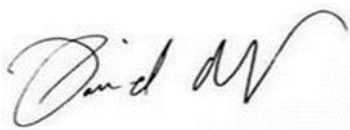
I would be happy discuss the actions and timelines that have been outlined in this letter at a follow up meeting with you and your team.

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Yours sincerely

A handwritten signature in black ink, appearing to read 'David Reid', with a stylized flourish at the end.

**DAVID REID
DEPUTY SECRETARY
ENVIRONMENT MARINE AND FISHERIES GROUP**

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