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Habitats Directive & Water Framework Directive: compliance when granting individual Nitrates Derogations

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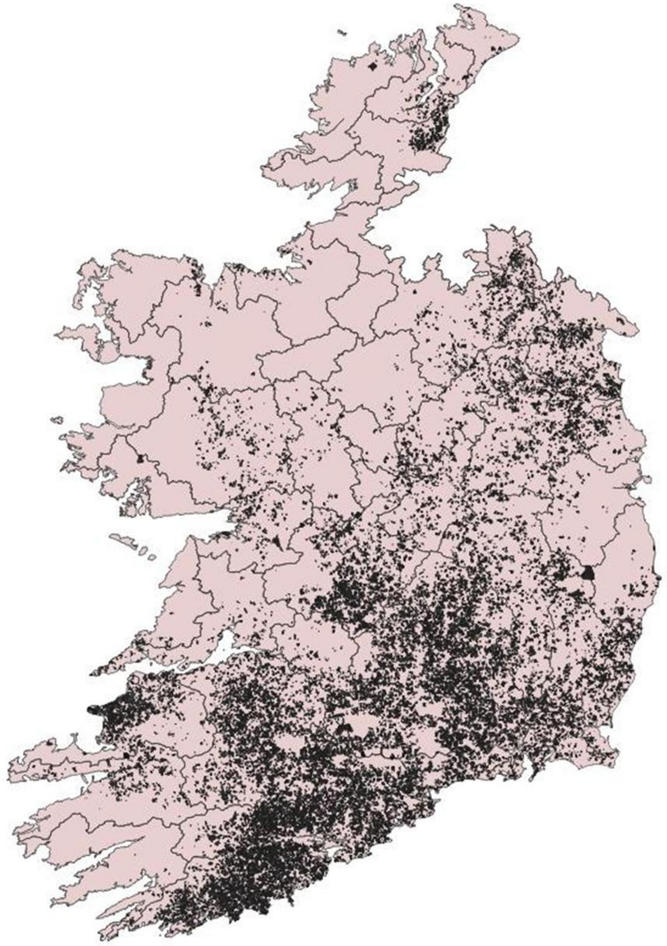
Department of Agriculture, Food and the Marine,
24/11/2026

Nitrates Directive

- The Nitrates Directive aims to protect water quality and promote good farming practice.
- Annual limit of 170kg/ha nitrogen (livestock manure).
- Provides for farming at higher level of intensity under specific scientifically-justified circumstances, by way of Nitrates Derogation (‘derogation’).
- Nitrates derogation availed of by ~ 6,500-7,000 (mostly dairy) farmers
- Nitrates Derogation secured for 3 years to end 2028…. subject to additional conditions.



Derogation farms, 2025

Nitrates Derogation

- Nitrates Derogation Implementing Decision (Dec 2025)
  - *“Ireland shall as soon as possible and at the latest by the end of 2028 complete the environmental assessments pursuant to Article 6(2) and (3) of Directive 92/43/EEC* [Habitats Directive] *and Article 4(1) of Directive 2000/60/EC* [Water Framework Directive], *taking into account the judgment of the Court of Justice of the European Union in case C-531/24”*

Habitats Directive

Article 6(2). “Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive”.

Article 6(3). “Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives….

Water Framework Directive

Article 4(1).

(a) for Surface waters

(i) Member States shall implement the necessary measures to prevent deterioration of the status of all bodies of surface water, …..

(b) for Groundwater

(i) Member States shall implement the measures necessary to prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater, ……...

Dutch Nitrates Case

ECJ -C-293/17 and C-294/17

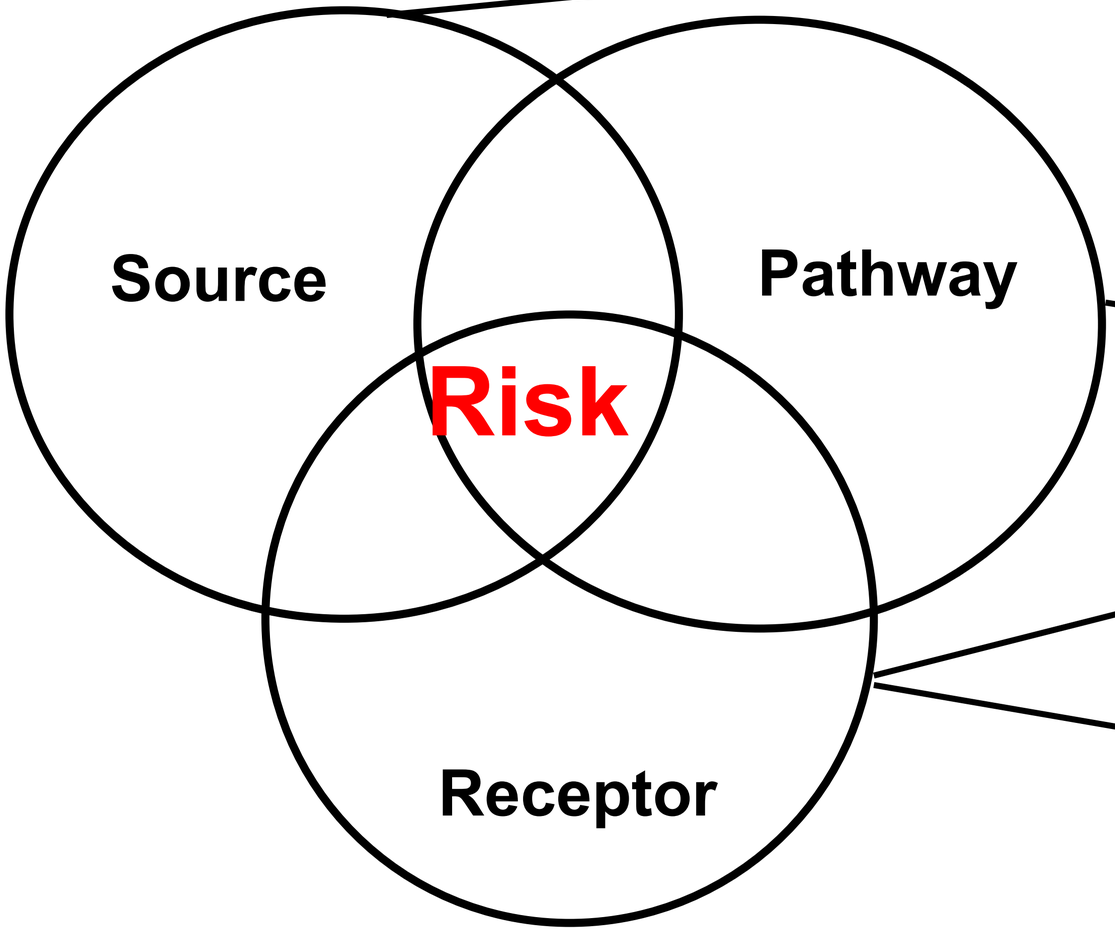
"The grazing of cattle and the application of fertilisers on the surface of land or below its surface in the vicinity of Natura 2000 sites may be classified as a 'project'"

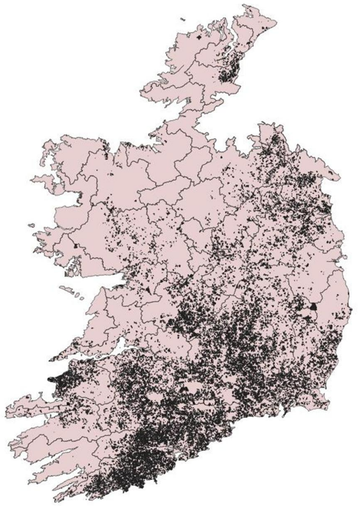
Habitats Directive

Article 6 (3). "Any plan or project ……..likely to have a significant effect……..., shall be subject to appropriate assessment of its implications for the site …..….

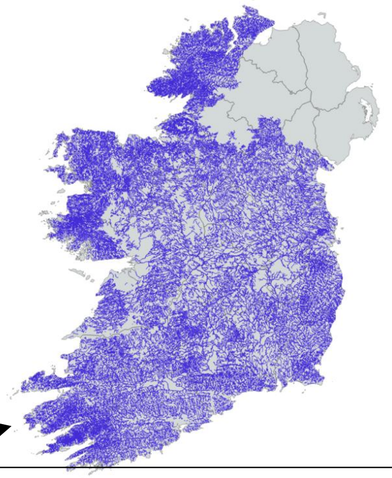
Environmental Assessments

- Source-Pathway-Receptor Framework

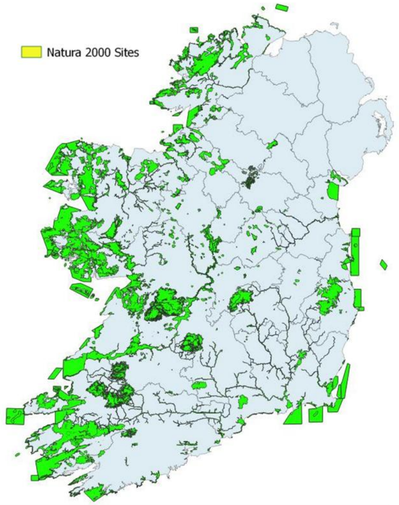




Derogation farms

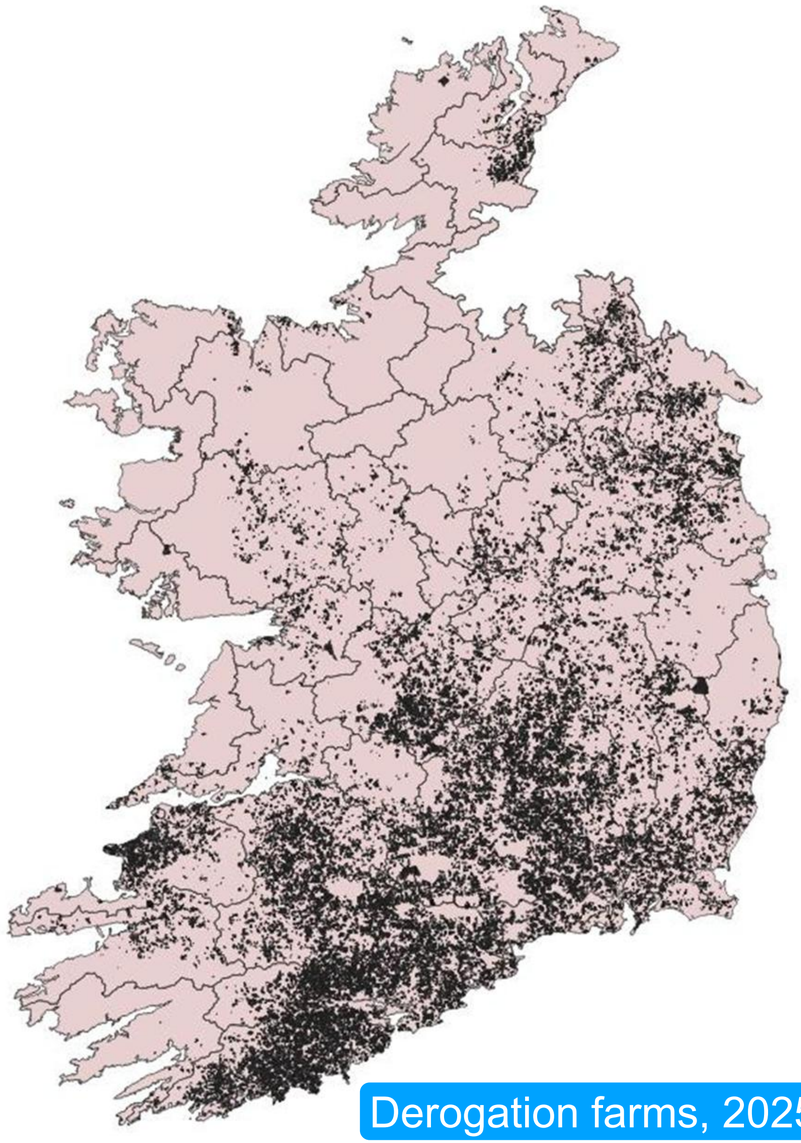


Pathway
(hydrology, soil, air)



Designated Site

Assessments at the sub-catchment scale – 583 sub-catchments



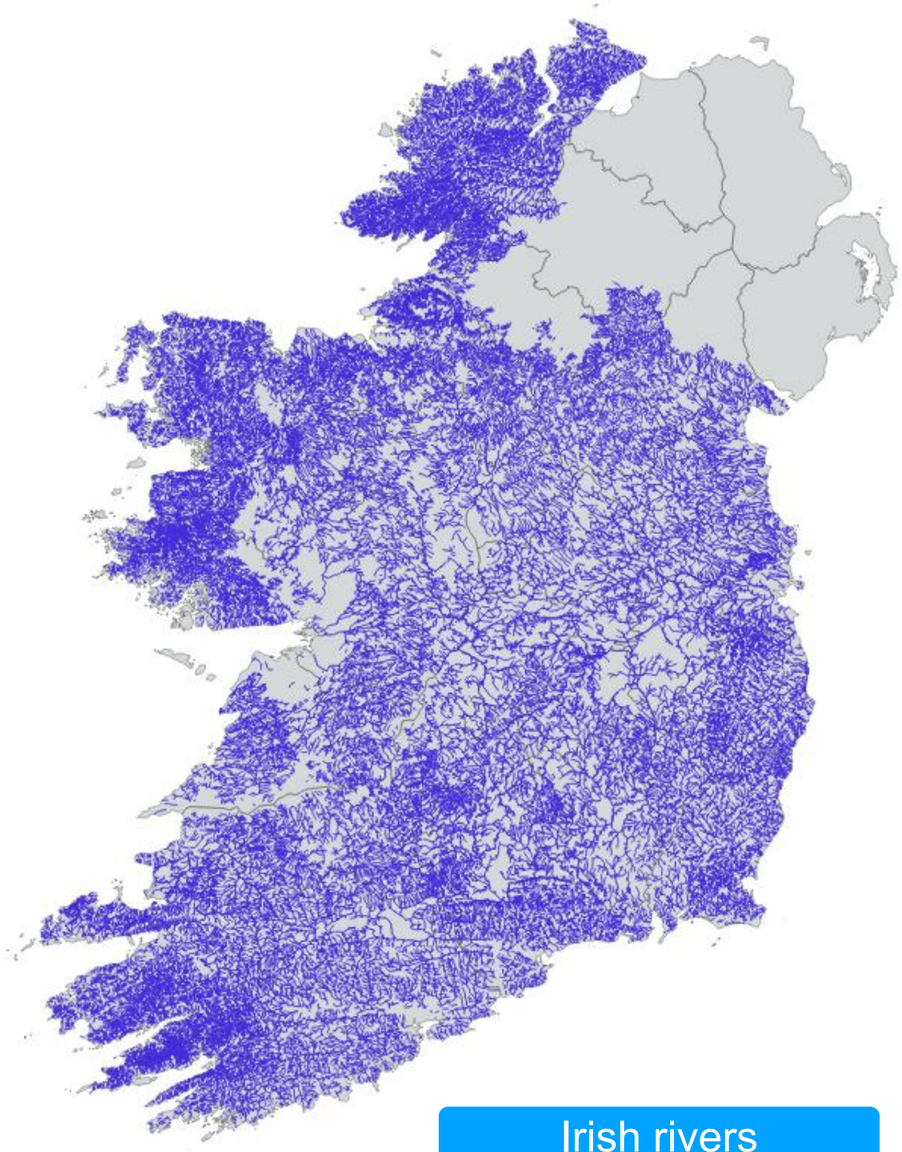
Derogation farms, 2025

Source

- **Derogation Activity**
  - 7,000 Derogation applicants
  - 140,000 Parcels
  - 600,000 hectares

- **Agricultural activity**
  - 130,000 farmers
  - >1 million parcels
  - 4.5 million hectares

Pathways



Irish rivers

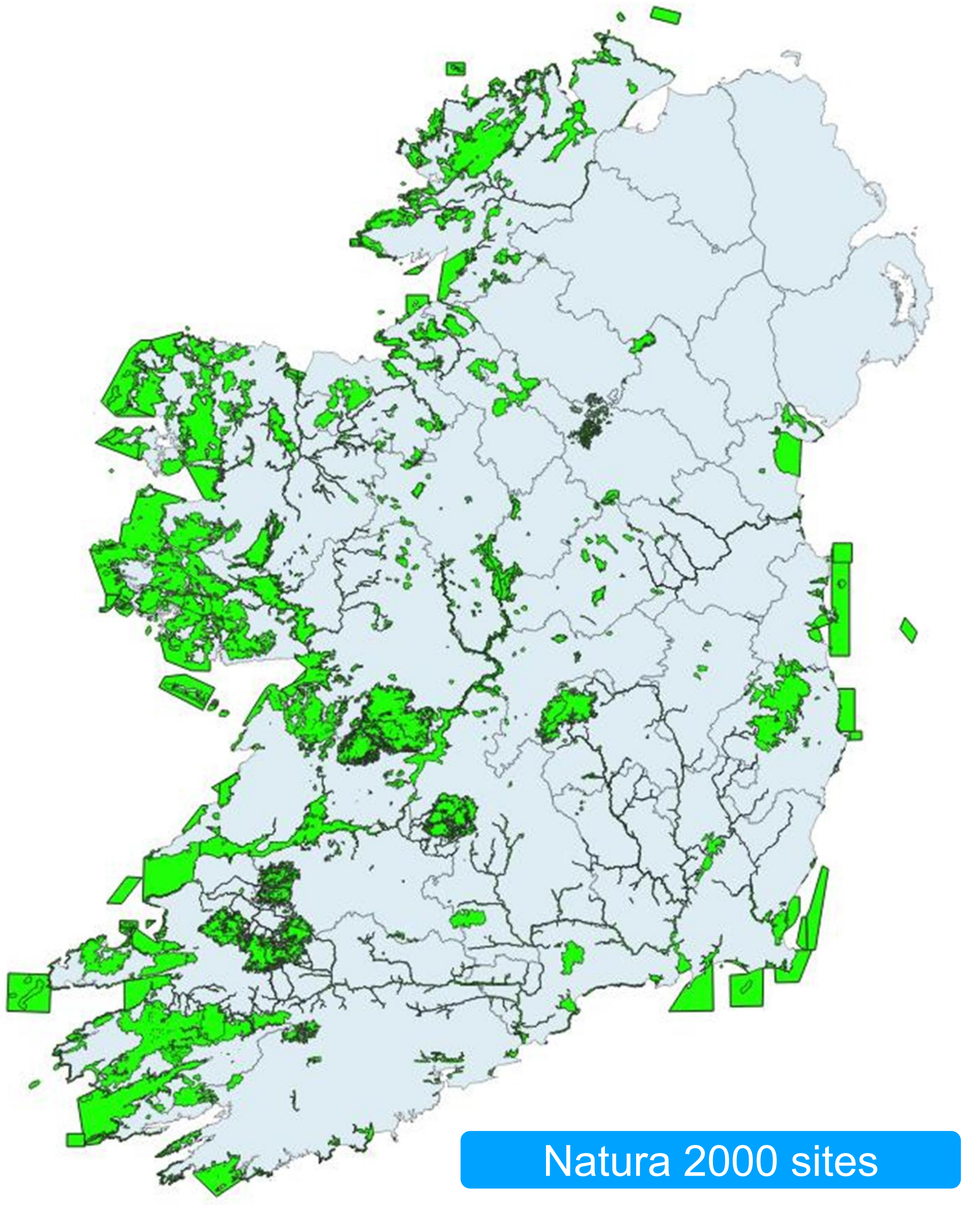
Hydrological Pathways

- Waterbodies
  - >76,000km river (mapped)
  - Lakes, transitional, coastal, groundwater
- Catchments
  - 46 WFD Catchments
  - 583 WFD Sub Catchments
  - >3100 WFD Sub Basins

Aerial Pathways

- Ammonia

Receptor - Habitats



Natura 2000 sites

- 600 designated sites (Natura 2000)
  - 442 Special Areas of Conservation
  - 168 Special Protection Areas
  - Approx. 1 million ha (terrestrial)

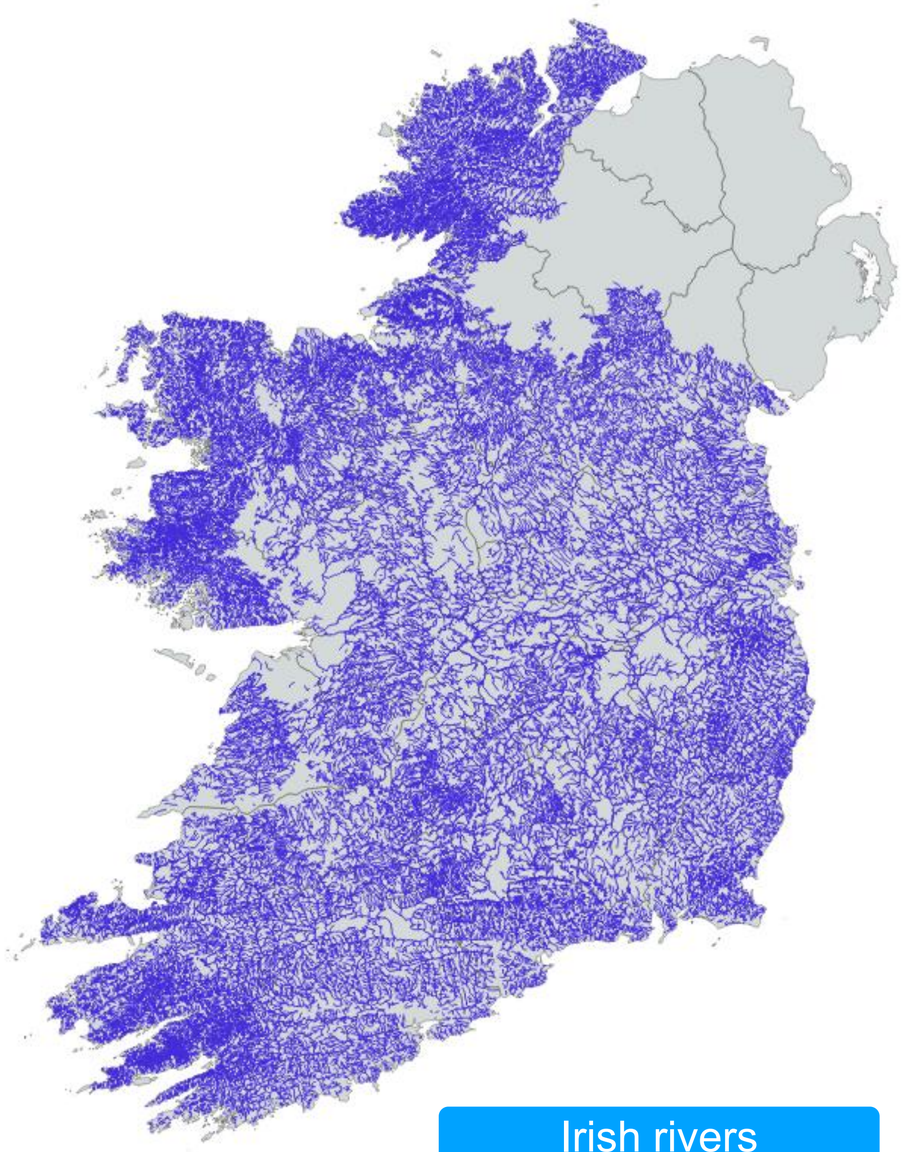
- 59 Designated Habitats (Qualifying Interests)
- 1500 records across 442 SACs

- 60 Designated Species
- >350 records across 442 SACs

- >70 Designated Bird Species
- >1000 records across 168 SPAs

- Cumulatively over 2,700 QIs

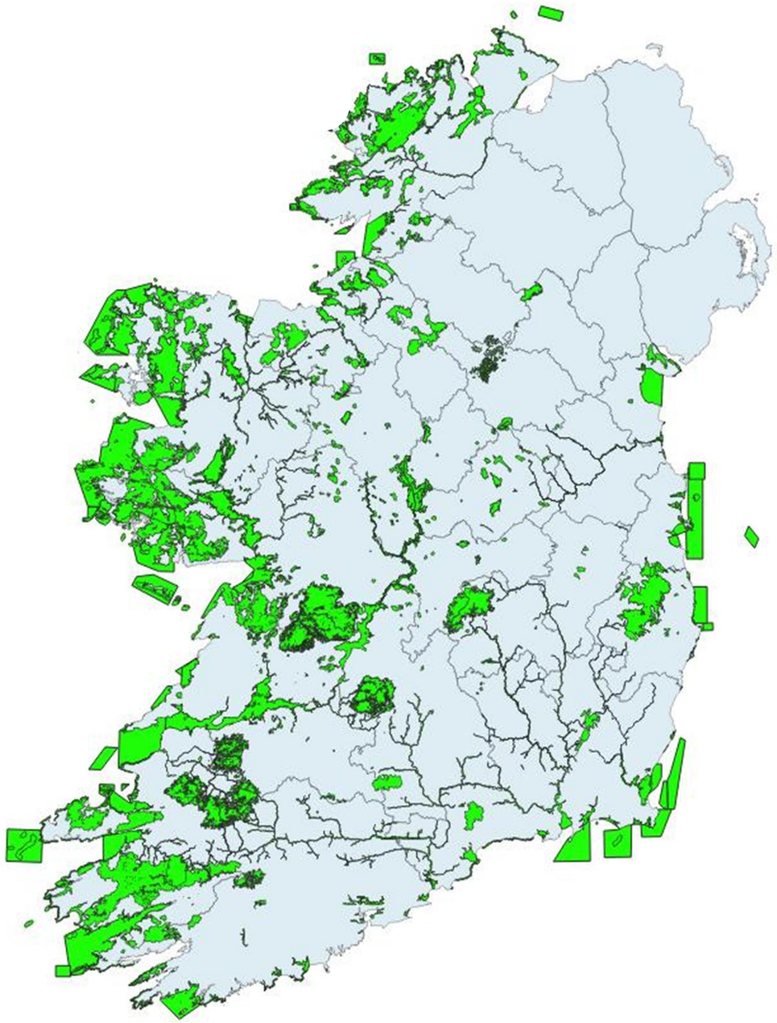
Receptor – Water bodies



Irish rivers

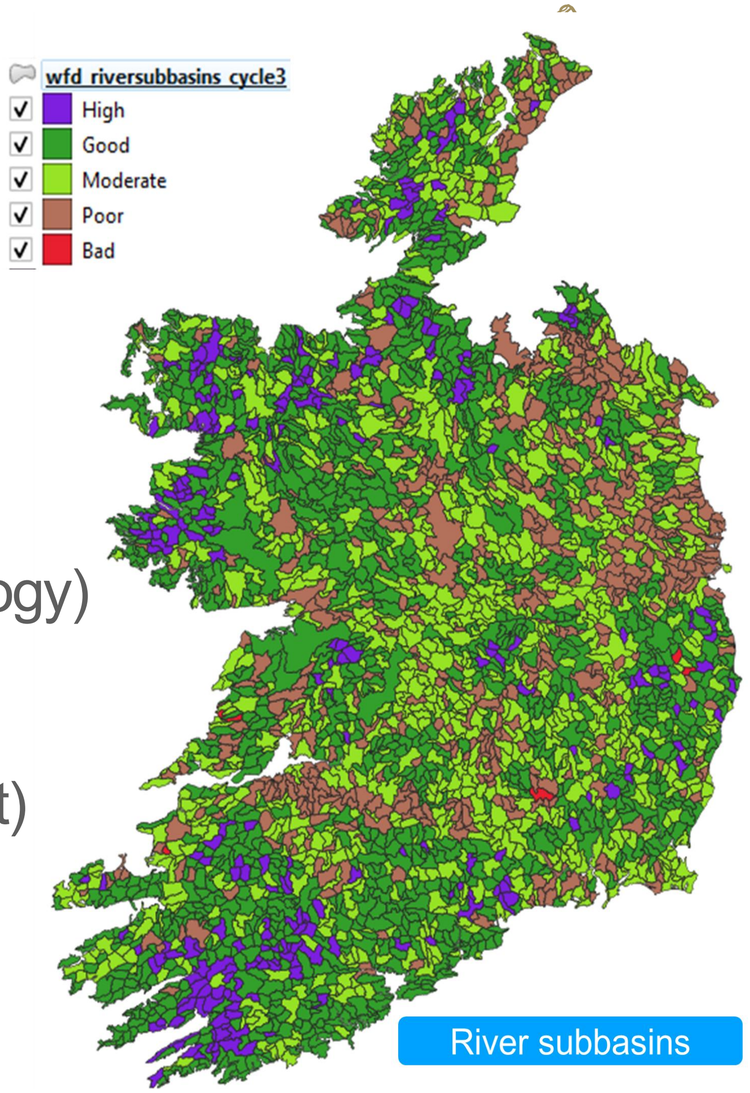
- River
- Lakes,
- Transitional,
- Coastal,
- Groundwater

Environmental Assessments



Natura 2000 sites

- Birds and Habitats Directives
- Water Framework Directive
- Screening (n = 583)
- Appropriate Assessment (N > 400)
- Data (agronomic, ecological, hydrology)
- Hydrological and aerial pathways
- Spatial scale (waterbody- catchment)
- Timeframe
- Complex biological systems



River subbasins

Project approach – Pillars

Management structures

- Management plans, Operating procedures, Governance groups

Project team

- Managers, Agricultural Inspectors, Ecologists, GIS specialists, Administrators

IT systems

- IT project, Business Analysts, IT developers, IT specialists

Communication and stakeholder engagement

- Communication Plan, Groups & Committees, Outputs

Communication and engagement

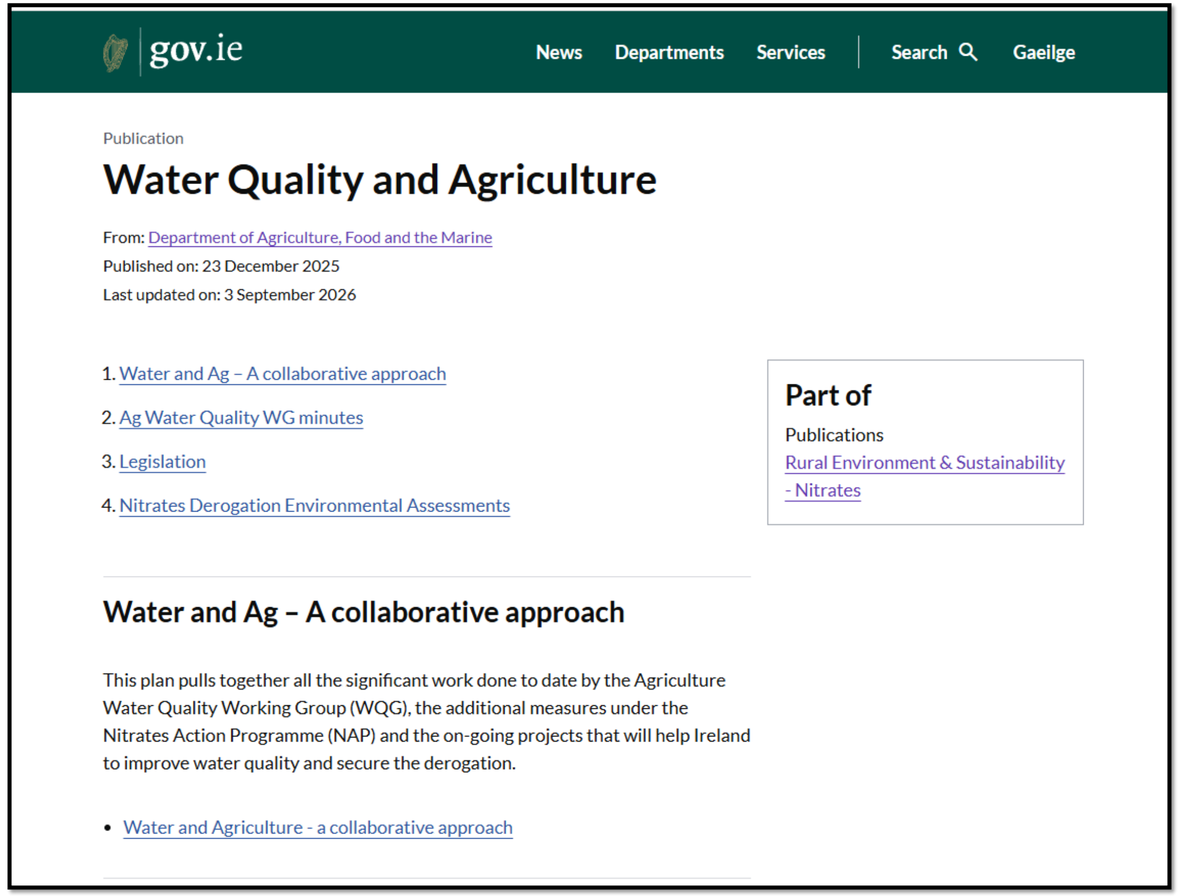
"Facilitate two-way discussion and feedback with stakeholders"

Groups & Committees

- Nitrates Expert Group
- Agriculture Water Quality Working Group
- European Commission
- Other stakeholders

Outputs

- Catchment overview reports



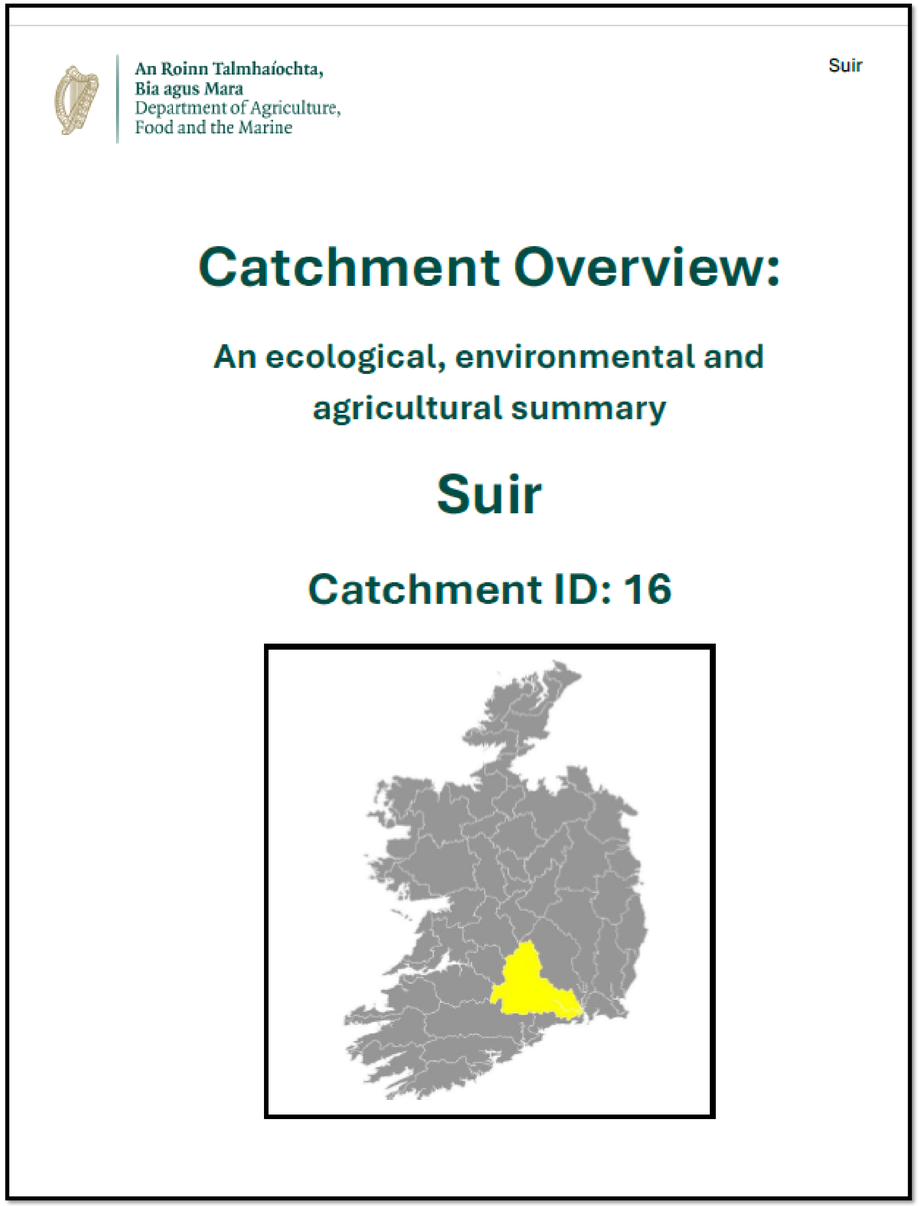
www.gov.ie/en/department-of-agriculture-food-and-the-marine/publications/water-quality-and-agriculture/

Catchment overview reports

Objective:

Present some of the key ecological, environmental and agricultural information at a catchment scale, for all 46 WFD Catchments

Not intended to be an assessment



Ecological data

Designated sites within catchment

- Table 1: List of SACs in the catchment
- Table 2: List of SPAs in the catchment

Designated sites adjacent to the catchment

- Table 3: List of SACs adjacent to the catchment
- Table 4: List of SPAs adjacent to the catchment

Table 1: List of Special Areas of Conservation within the Suir catchment (in order of size within catchment).

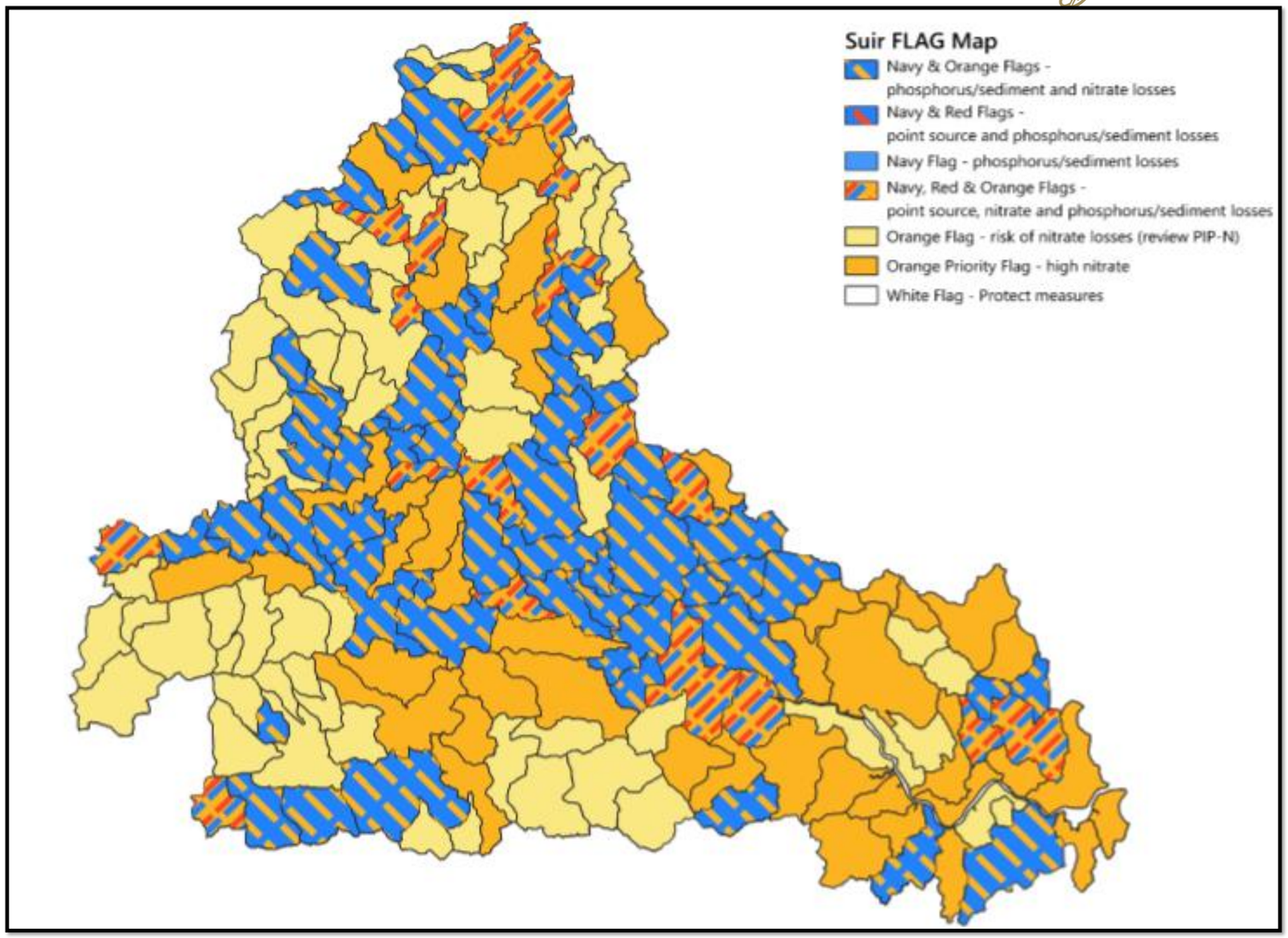
Name of Natura 2000 site	Area of Natura 2000 site (ha)	Area of Natura 2000 site in catchment (ha)	Number of Qualifying Interests in Natura 2000 site
Lower River Suir SAC	7084	5906	15
Galtee Mountains SAC	6415	5067	8
Comeragh Mountains SAC	6293	3029	10
Kilduff, Devilsbit Mountain SAC	134	129	2
Nier Valley Woodlands SAC	95	95	1
Hugginstown Fen SAC	64	53	1
Moanour Mountain SAC	48	48	2
Anglesey Road SAC	33	33	1
River Barrow and River Nore SAC	12325	2	22

Source of data: National Parks and Wildlife Service (www.npws.ie/protected-sites)

Environmental data

Water and Soil data

- Table 5 + Figure 1: Water quality status in catchment
- Table 6: Significant pressures in the catchment
- Table 7 + Figure 2: FLAG status
- Table 8: Soil hydrology class
- Table 9: PIP_P and PIP_N category



Agricultural data

- Table 10: Agriculture activity in the catchment
- Figure 3: Distribution of derogation farms in the catchment

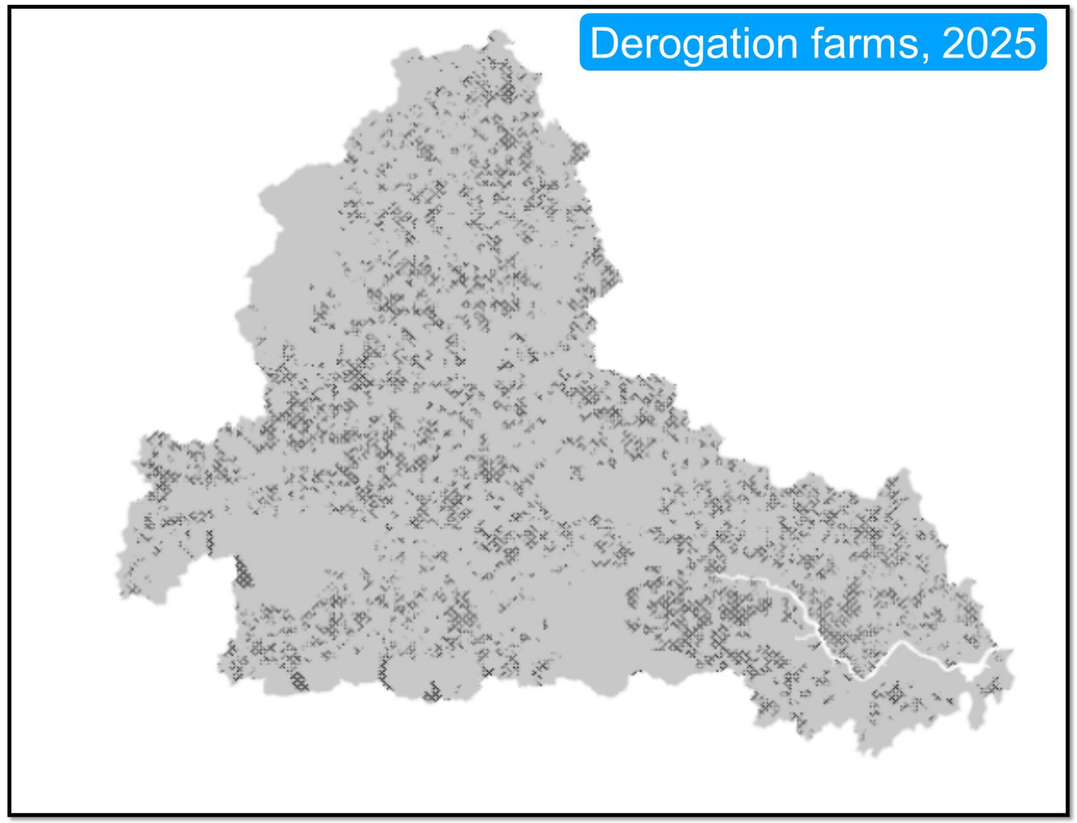


Table 10: Agricultural activity within the Suir catchment.

Agricultural overview	
Total area (ha) of catchment	355254
Total area (ha) of farmland	274102
Area (ha) of farmland <170 kg N/ha	207152 (76%)
Area (ha) of farmland >170 kg N/ha (derogation)	66950 (24%)
Total number of farmers	6165
Number of farmers <170 kg N/ha	5240 (85%)
Number of farmers >170 kg N/ha (derogation)	925 (15%)
Total grassland (ha)	245671 (90%)
Total cultivated land (ha)	25876 (9%)

Source of Data: Department of Agriculture Food and the Marine, (derived from Land Parcel Information System data (LPIS) 2024/2025).

Next Steps

- The 583 draft Screening/ Appropriate Assessment Reports will be published (simultaneously) in the first half of 2028.

- Continue to engage with stakeholders along this process
  - Agriculture Water Quality Working Group;
  - Nitrates Expert Group – Sub-Group
  - Wider stakeholders; European Commission

- Propose to publish the data that will inform the assessments
  - Sub-catchment overview reports

Thank you