
WELSH STATUTORY INSTRUMENTS

2022 No. 1305 (W. 262)

AGRICULTURE, WALES
WATER, WALES

The Water Resources (Control of Agricultural
Pollution) (Wales) (Amendment) Regulations 2022

<i>Made</i>	- - - -	<i>8 December 2022</i>
<i>Laid before Senedd Cymru</i>		<i>9 December 2022</i>
<i>Coming into force</i>	- -	<i>31 December 2022</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 92 and 219(2)(d) to (f) of the Water Resources Act 1991(1).

Title and coming into force

1.—(1) The title of these Regulations is the Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) Regulations 2022.

(2) These Regulations come into force on 31 December 2022.

Amendment of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021

2.—(1) The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021(2) are amended as follows.

(2) In regulation 2 (transitional measures for holdings not previously in a nitrate vulnerable zone)

—
(a) after “the relevant map marked “Nitrate Vulnerable Zones Index Map 2013”” insert “(the “NVZ index map”);”;

(1) 1991 c. 57. Section 92 was amended by section 120 of, and paragraphs 128 and 144 of Schedule 22 to, the Environment Act 1995 (c. 25), and by S.I. 2010/675 and S.I. 2013/755 (W. 90). There are amendments to section 219 which are not relevant to these Regulations. By virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) functions of the Secretary of State under section 92 were transferred to the National Assembly for Wales in relation to those parts of Wales which are outside the catchment areas of the rivers Dee, Wye and Severn. In relation to those parts of Wales which are within those catchment areas, functions under section 92 are exercisable by the National Assembly for Wales concurrently with the Secretary of State. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) functions of the National Assembly for Wales under sections 92 and 219 now vest in the Welsh Ministers.

(2) S.I. 2021/77 (W. 20).

- (b) for paragraphs (a) and (b) substitute—
- “(a) regulations 5 to 11, 15, 23, 27, 33 to 35, and 37 to 43 do not apply until 1 January 2023,
- (b) regulations 4 and 36 do not apply until 30 April 2023, and
- (c) regulations 17 to 21, 25, 26, and 28 to 31 do not apply until 1 August 2024.”
- (3) In regulation 3 (interpretation), in paragraph (1), after the definition of “NRBW”, insert—
- ““NVZ index map” (“*map mynegai PPN*”) has the meaning given by regulation 2;”.
- (4) In regulation 4 (application of livestock manure – total nitrogen limit for the whole holding)—
- (a) in paragraph (1), for “any year beginning 1 January”, substitute “the relevant period”;
- (b) after paragraph (3), insert—
- “(4) In paragraph (1), “the relevant period” means—
- (a) for an occupier of a holding within a nitrate vulnerable zone as shown on the NVZ index map, any 12 month period beginning 1 January;
- (b) for an occupier of a holding or part of a holding that was not previously situated within a nitrate vulnerable zone as shown on the NVZ index map, any 12 month period beginning 30 April.”
- (5) In regulation 36 (record of nitrogen produced by animals on the holding)—
- (a) in paragraph (1), for “30 April”, substitute “the relevant date”;
- (b) in paragraph (1)(a), for “previous calendar year”, substitute “previous 12 month period”;
- (c) after paragraph (5), insert—
- “(6) In this regulation—
- “previous 12 month period” (“*cyfnod o 12 mis blaenorol*”) means—
- (a) for an occupier of a holding within a nitrate vulnerable zone as shown on the NVZ index map, the 12 month period beginning 1 January and ending 31 December before the relevant date;
- (b) for an occupier of a holding or part of a holding that were not previously situated within a nitrate vulnerable zone as shown on the NVZ index map—
- (i) the first 12 month period for these purposes is 30 April 2023 to 29 April 2024, and
- (ii) subsequently, the 12 month period beginning 30 April and ending 29 April before the relevant date;
- “relevant date” (“*dyddiad perthnasol*”) means—
- (a) for an occupier of a holding within a nitrate vulnerable zone as shown on the NVZ index map, 30 April;
- (b) for an occupier of a holding or part of a holding that were not previously situated within a nitrate vulnerable zone as shown on the NVZ index map, 31 August 2024 and for all subsequent years 31 August.”
- (6) In Schedule 1 (amount of manure, nitrogen and phosphate produced by grazing livestock and non-grazing livestock), in Table 1 (grazing livestock)—
- (a) in the category “Cattle”, in the entry for “Dairy cows”, in the row for “from 13 months up to first calf”, in column 4 (daily phosphate produced by each animal (grams)), for “34” substitute “69”;

(b) in the category “Sheep”, in the entry for “After lambing or tugging”, in the row for ““weight from 60 kg”, in column 3 (daily nitrogen produced by each animal (grams)), for “3” substitute “33”.

(7) In Schedule 3 (calculating nitrogen in organic manure), in Part 1, in the Standard Table, in the entry for “Manure other than slurry”, in the row for “Manure from turkeys or broiler chickens”, in column 2 (total nitrogen in each tonne (kg)), for “10” substitute “30”.

8 December 2022

Lesley Griffiths
Minister for Rural Affairs and North Wales, and
Trefnydd, one of the Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (“the 2021 Regulations”).

Regulation 2(2) amends regulation 2 of the 2021 Regulations to change the implementation date for regulations 4 and 36 of the 2021 Regulations from 1 January 2023 to 30 April 2023 for holdings or parts of holdings not previously situated within a nitrate vulnerable zone (“NVZ”).

Regulation 2(3) inserts a definition of “NVZ index map”.

Regulation 2(4) amends regulation 4 of the 2021 Regulations so the 170kg per hectare maximum limit of nitrogen in livestock manure applies to each 12 month period beginning with 30 April for holdings or parts of holdings not previously situated within an NVZ.

Regulation 2(5) amends regulation 36 of the 2021 Regulations so the relevant record keeping period reflects the 12 month period beginning 30 April under regulation 4 for holdings or parts of holdings not previously situated within an NVZ. It also makes clear the first relevant record keeping period for occupier of holdings or parts of holdings not previously situated within an NVZ is 30 April 2023 to 29 April 2024.

Regulation 2(6) and (7) correct errors in Schedules 1 and 3 respectively to the 2021 Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.