
WELSH STATUTORY INSTRUMENTS

2023 No. 1070 (W. 182)

AGRICULTURE, WALES
WATER, WALES

**The Water Resources (Control of Agricultural Pollution)
(Wales) (Amendment) (No. 2) Regulations 2023**

<i>Made</i>	- - - -	<i>6 October 2023</i>
<i>Laid before Senedd Cymru</i>		<i>10 October 2023</i>
<i>Coming into force</i>	- -	<i>31 October 2023</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 92 and 219(2)(e) 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) (No. 2) Regulations 2023.

(2) These Regulations come into force on 31 October 2023.

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(b) (transitional measures for holdings not previously in a nitrate vulnerable zone), for “31 October 2023” substitute “1 January 2024”.

(3) In regulation 4 (application of livestock manure – total nitrogen limit for the whole holding)—

(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) the 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), amended by S.I. 2022/1305 (W. 262) and S.I. 2023/466 (W. 70).

- (a) in paragraph (1) for “the relevant period” substitute “any year beginning 1 January”;
 - (b) omit paragraph (4).
- (4) In regulation 36(6) (record of nitrogen produced by animals on the holding)—
- (a) in the definition of “previous 12 month period”, in paragraph (b)—
 - (i) in sub-paragraph (i), for “31 October 2023 to 30 October 2024” substitute “1 January 2024 to 31 December 2024”, and
 - (ii) in sub-paragraph (ii), for “31 October and ending 30 October” substitute “1 January and ending 31 December”;
 - (b) in the definition of “relevant date”, in paragraph (b), for “28 February 2025 and for all subsequent years 28 February” substitute “30 April 2025 and for all subsequent years 30 April”.

6 October 2023

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

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 31 October 2023 to 1 January 2024 for holdings or parts of holdings not previously situated within a nitrate vulnerable zone (“NVZ”).

Regulation 2(3) 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 1 January for holdings or parts of holdings not previously situated within an NVZ. This corresponds with the 12-month period already in force for holdings previously situated within an NVZ.

Regulation 2(4)(a) amends the definition of “previous 12 month period” in regulation 36(6) of the 2021 Regulations so the relevant record keeping period reflects the 12 month period beginning 1 January under regulation 4 for holdings or parts of holdings not previously situated within an NVZ. It also makes clear that the first relevant record keeping period for occupiers of holdings or parts of holdings not previously situated within an NVZ is 1 January 2024 to 31 December 2024.

Regulation 2(4)(b) amends the definition of “relevant date” in regulation 36(6) of the 2021 Regulations so that the occupiers of holdings or parts of holdings not previously situated within an NVZ must make a record of the relevant data required under regulation 36(1) before 30 April 2025 and 30 April for all years subsequently.

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.