OFFERYNNAU STATUDOL CYMRU

2023 Rhif 1070 (Cy. 182)

AMAETHYDDIAETH, CYMRU

DŴR, CYMRU

Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) (Diwygio) (Rhif 2) 2023

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) 2021 ("Rheoliadau 2021").

Mae rheoliad 2(2) yn diwygio rheoliad 2 o Reoliadau 2021 er mwyn newid y dyddiad gweithredu ar gyfer rheoliadau 4 ac 36 o Reoliadau 2021 o 31 Hydref 2023 i 1 Ionawr 2024 ar gyfer daliadau neu rannau o ddaliadau nad oeddent gynt wedi eu lleoli o fewn parth perygl nitradau ("PPN").

Mae rheoliad 2(3) yn diwygio rheoliad 4 o Reoliadau 2021 fel bod y terfyn uchaf o 170kg yr hectar o nitrogen mewn tail da byw yn gymwys i bob cyfnod o 12 mis sy'n dechrau â 1 Ionawr ar gyfer daliadau neu rannau o ddaliadau nad oeddent gynt wedi eu lleoli o fewn PPN. Mae hyn yn cyfateb i'r cyfnod o 12 mis sydd eisoes mewn grym ar gyfer daliadau a oedd gynt wedi eu lleoli o fewn PPN.

Mae rheoliad 2(4)(a) yn diwygio'r diffiniad o "cyfnod o 12 mis blaenorol" yn rheoliad 36(6) o Reoliadau 2021 fel bod y cyfnod cadw cofnodion perthnasol yn adlewyrchu'r cyfnod o 12 mis sy'n dechrau ar 1 Ionawr o dan reoliad 4 ar gyfer daliadau neu rannau o ddaliadau nad oeddent gynt wedi eu lleoli o fewn PPN. Mae hefyd yn ei gwneud yn glir mai'r cyfnod cadw cofnodion perthnasol cyntaf ar gyfer meddianwyr daliadau neu rannau o ddaliadau nad oeddent gynt wedi eu lleoli o fewn PPN yw 1 Ionawr 2024 i 31 Rhagfyr 2024.

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

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.

Mae rheoliad 2(4)(b) yn diwygio'r diffiniad o "dyddiad perthnasol" yn rheoliad 36(6) o Reoliadau 2021 fel bod rhaid i feddianwyr daliadau neu rannau o ddaliadau nad oeddent gynt wedi eu lleoli o fewn PPN gofnodi'r data perthnasol sy'n ofynnol o dan reoliad 36(1) cyn 30 Ebrill 2025 ac 30 Ebrill ar gyfer pob blwyddyn ddilynol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

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.

OFFERYNNAU STATUDOL CYMRU

2023 Rhif 1070 (Cy. 182)

AMAETHYDDIAETH, CYMRU

DŴR, CYMRU

Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) (Diwygio) (Rhif 2) 2023

Gwnaed	*6 Hydref 2023*
Gosodwyd gerbron Senedd Cymru	*10 Hydref 2023*
Yn dod i rym	*31 Hydref 2023*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 92 a 219(2)(e) i (f) o Ddeddf Adnoddau Dŵr 1991(**1**).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) (Diwygio) (Rhif 2) 2023.

(2) Daw'r Rheoliadau hyn i rym ar 31 Hydref 2023.

(**1**) 1991 p. 57. Diwygiwyd adran 92 gan adran 120 o Ddeddf yr Amgylchedd 1995 (p. 25), a pharagraffau 128 a 144 o Atodlen 22 iddi, a chan O.S. 2010/675 ac O.S. 2013/755 (Cy. 90). Mae diwygiadau i adran 219 nad ydynt yn berthnasol i'r Rheoliadau hyn. Yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo, trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 92 i Gynulliad Cenedlaethol Cymru o ran y rhannau hynny o Gymru sydd y tu allan i ddalgylchoedd afon Dyfrdwy, afon Gwy ac afon Hafren. O ran y rhannau hynny o Gymru sydd o fewn y dalgylchoedd hynny, mae swyddogaethau o dan adran 92 yn arferadwy gan Gynulliad Cenedlaethol Cymru ar y cyd â'r Ysgrifennydd Gwladol. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi, mae swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 92 a 219 bellach wedi eu breinio yng Ngweinidogion Cymru.

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

Made	*6 October 2023*
Laid before Senedd Cymru	*10 October 2023*
Coming into force	*31 October 2023*

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.

(**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.

Diwygio Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) 2021

2.—(1) Mae Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) 2021(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(b) (mesurau trosiannol ar gyfer daliadau nad oeddent gynt mewn parth perygl nitradau), yn lle "31 Hydref 2023" rhodder "1 Ionawr 2024".

(3) Yn rheoliad 4 (dodi tail da byw – y terfyn o ran cyfanswm y nitrogen ar gyfer yr holl ddaliad)—

(a) ym mharagraff (1) yn lle "y cyfnod perthnasol" rhodder "unrhyw flwyddyn sy'n dechrau ar 1 Ionawr";

(b) hepgorer paragraff (4).

(4) Yn rheoliad 36(6) (cofnod o'r nitrogen a gynhyrchwyd gan anifeiliaid ar y daliad)—

(a) yn y diffiniad o "cyfnod o 12 mis blaenorol", ym mharagraff (b)—

(i) yn is-baragraff (i), yn lle "31 Hydref 2023 i 30 Hydref 2024" rhodder "1 Ionawr 2024 i 31 Rhagfyr 2024", a

(ii) yn is-baragraff (ii), yn lle "31 Hydref ac sy'n gorffen ar 30 Hydref" rhodder "1 Ionawr and sy'n gorffen 31 Rhagfyr";

(b) yn y diffiniad o "dyddiad perthnasol", ym mharagraff (b), yn lle "28 Chwefror 2025 ac ar gyfer pob blwyddyn ddilynol 28 Chwefror" rhodder "30 Ebrill 2025 ac ar gyfer pob blwyddyn ddilynol 30 Ebrill".

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

2.—(1) The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021(**1**) 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)—

(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".

Lesley Griffiths

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd, un o Weinidogion Cymru
6 Hydref 2023

Minister for Rural Affairs and North Wales, and Trefnydd, one of the Welsh Ministers
6 October 2023

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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(**1**) O.S. 2021/77 (Cy. 20), a ddiwygiwyd gan O.S. 2022/1305 (Cy. 262) ac O.S. 2023/466 (Cy. 70).

(**1**) S.I. 2021/77 (W. 20), amended by S.I. 2022/1305 (W. 262) and S.I. 2023/466 (W. 70).

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