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WELSH STATUTORY INSTRUMENTS

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**2011 No. 2941 (W.317)**

**AGRICULTURE, WALES**

**The Common Agricultural Policy Single Payment  
and Support Schemes (Cross Compliance)  
(Wales) (Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>7 December 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>8 December 2011</i>
<i>Coming into force</i>	- -	<i>1 January 2012</i>

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, and they make the following Regulations in exercise of the powers conferred by that section.

**Title, application and commencement**

**1.**—(1) The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2011.

(2) These Regulations apply in relation to Wales and come into force on 1 January 2012.

**Amendments**

**2.** The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004<sup>(3)</sup> are amended as follows.

**Updating references**

**3.**—(1) In regulation 2 (Interpretation) substitute “2” for references to “2(a)”, “2(b)”, “2(35)” and 2(2)”.

(2) In paragraph (3) of regulation 6 (Competent Control Authorities) substitute “8” for “9”.

(3) In paragraph 3(c) of regulation 7 (Powers of authorised persons) delete “including land set aside pursuant to Articles 54 and 55(b) of the Council Regulation”.

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(1) By virtue of Article 3 of the European Communities (Designation) (No. 5) Order 2010, S.I. [2010/2690](#).

(2) [1972 c. 68](#).

(3) S.I. [2004/3280 \(W. 284\)](#), amended by S.I. [2005/3367 \(W. 264\)](#), S.I. [2006/2831 \(W. 252\)](#), S.I. [2007/970 \(W. 87\)](#) and S.I. [2010/38 \(W. 11\)](#).

**New Good Agricultural and Environmental Condition****4. In the Schedule after paragraph 26 (Protection of landscape features) insert—****“Buffer strips along water courses**

**27.—**(1) No person may spread manufactured nitrogen fertiliser within 2 metres of the surface of a water course.

(2) No person may spread organic manure within 10 metres of the surface of a water course.

(3) But livestock manure (other than slurry and poultry manure) may be spread there if—

(a) it is spread on land managed for breeding wader birds or as a species-rich semi-natural grassland and the land is—

(i) notified as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981<sup>(4)</sup>; or

(ii) subject to an agri-environment commitment entered into under Council Regulation (EC) No. 1257/1999 (on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)) <sup>(5)</sup> or under Council Regulation (EC) No. 1698/2005 (on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)) <sup>(6)</sup>;

(b) it is spread between 1 June and 31 October inclusive;

(c) it is not spread directly on to surface of a water course; and

(d) the total annual amount does not exceed 12.5 tonnes per hectare.

(4) No person may spread organic manure within 50 metres of a borehole, spring or well.

(5) For purposes of this paragraph—

“livestock” means cattle, chickens, deer, ducks, goats, horses, pigs, sheep, ostriches and turkeys;

“manufactured nitrogen fertiliser” means any nitrogen fertiliser (other than organic manure) manufactured by an industrial process;

“nitrogen fertiliser” means any substance containing one or more nitrogen compounds used on land to enhance growth of vegetation and includes organic manure;

“organic manure” means any nitrogen fertiliser or phosphate fertiliser derived from animal, plant or human sources and includes livestock manure;

“phosphate fertiliser” means any substance containing one or more phosphorus compounds used on land to enhance growth of vegetation and includes organic manure;

“poultry” means chickens, ducks, ostriches and turkeys;

“slurry” means excreta produced by livestock (other than poultry) while in a yard or building (including any bedding, rainwater or washings mixed with it) that has a consistency that allows it to be pumped or discharged by gravity (in the case of excreta separated into its liquid and solid fractions, the slurry is the liquid fraction);

<sup>(4)</sup> 1981 c. 69.

<sup>(5)</sup> OJ No. L160, 26.6.1999, p.80.

<sup>(6)</sup> OJ No. L277, 21.10.2005, p. 1.

“spread” includes the application to the surface of the land, injection into the land or mixing with the surface layers of the land but does not include the direct deposit of excreta on to land by animals;

“water course” includes coastal waters, estuaries, canals, lakes, ponds, rivers, streams and ditches which contain free flowing water and also temporarily dry ditches and blind ditches.”

7 December 2011

*Alun Davies*  
Deputy Minister for Agriculture, Food, Fisheries  
and European Programmes, under authority  
of the Minister for Business, Enterprise,  
Technology and Science, one of the Welsh  
Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations which apply in relation to Wales give effect to the requirement to establish buffer strips along water courses as a Good Agricultural and Environmental Condition (“GAEC”) with effect from 1 January 2012. GAECs are part of the Cross Compliance requirements which farmers must meet in order to receive certain payments made under the Common Agricultural Policy of the European Union (“EU”).

The requirement to establish buffer strips is an EU obligation contained in Article 6 and Annex III of Council Regulation (EC) No 73/2009 (of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003).

The GAEC buffer strips must respect, both within and outside of nitrate vulnerable zones designated pursuant to Article 3(2) of Directive 91/676/EEC, at least the requirements relating to the conditions for land application of fertiliser near water courses, referred to in point A.4 of Annex II to Directive 91/676/EEC to be applied in accordance with the action programmes of Member States established under Article 5(4) of Directive 91/676/EEC.

These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004. S.I.2004/3280 (W. 284) so as to:

- prohibit the spreading of manufactured fertiliser within 2 metres of the surface of a water course,
- prohibit the spreading of organic manure within 10 metres of the surface of a water course,
- prohibit the spreading of organic manure within 50 metres of a borehole, spring or well.

All these prohibitions being subject to specified exceptions.

These regulations also make minor amendments to update references to EU legislation.

A regulatory impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Welsh Government offices in Cathays Park, Cardiff CF10 3NQ.