

WELSH STATUTORY INSTRUMENTS

2021 No. 77

The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021

PART 1

Introduction

Title, application and commencement

1.—(1) The title of these Regulations is the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 1 April 2021.

Commencement Information

11 Reg. 1 in force at 1.4.2021, see **reg. 1(3)**

Transitional measures for holdings not previously in a nitrate vulnerable zone

2. In a holding or part of a holding that was not previously situated within a nitrate vulnerable zone as shown on the relevant map marked “Nitrate Vulnerable Zones Index Map 2013”^[F1](the “NVZ index map”)]—

^[F2](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 ^[F3]1 January 2024^[F4]however, regulation 4 does not apply to qualifying grassland holdings until 1 January 2025], and

(c) regulations 17 to 21, 25, 26, and 28 to 31 do not apply until 1 August 2024.]

Textual Amendments

F1 Words in **reg. 2** inserted (31.12.2022) by **The Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) Regulations 2022 (S.I. 2022/1305)**, regs. 1(2), **2(2)(a)**

F2 **Reg. 2(a)-(c)** substituted for **reg. 2(a)(b)** (31.12.2022) by **The Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) Regulations 2022 (S.I. 2022/1305)**, regs. 1(2), **2(2)(b)**

F3 Words in **reg. 2(b)** substituted (31.10.2023) by **The Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) (No. 2) Regulations 2023 (S.I. 2023/1070)**, regs. 1(2), **2(2)**

(1) Under regulation 7(3) of the Nitrate Pollution Prevention (Wales) Regulations 2013 (S.I. 2013/2506) (W. 245) such a map was required to be deposited at the offices of the Welsh Government at Cathays Park, Cardiff, CF10 3NQ. The map can be viewed at <http://lle.gov.wales/catalogue/item/NitrateVulnerableZonesNVZ/?lang=en> and at the offices of the Welsh Government at Cathays Park, Cardiff, CF10 3NQ.

F4 Words in [reg. 2\(b\)](#) inserted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, 3

Commencement Information

I2 [Reg. 2](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Interpretation

3.—(1) In these Regulations—

“agricultural area” (“*ardal amaethyddol*”) means any agricultural land used for agricultural purposes;

“agriculture” (“*amaethyddiaeth*”) has the meaning given in section 109(3) of the Agriculture Act 1947(2);

“construct” (“*adeiladu*”) includes install;

“controlled waters” (“*dyfroedd a reolir*”) has the meaning given in section 104 of the Water Resources Act 1991;

“crop with high nitrogen demand” (“*cnwd â galw mawr am nitrogen*”) includes, but not limited to, grass, potatoes, sugar beet, maize, wheat, oilseed rape, barley, brassicas, rye and triticale;

[^{F5}“enhanced nutrient management plan” (“*cynllun rheoli maethynnau uwch*”) means a plan prepared in accordance with paragraphs 6 and 7 of Schedule 1A;]

“fertilisation plan” (“*cynllun gwrteithio*”) means a plan prepared under regulation 6(1)(c);

“grass” (“*porfa*”) means—

- (a) permanent grassland or temporary grassland (temporary means for less than four years),
- (b) that exists between the sowing and ploughing of the grass, and
- (c) includes crops under-sown with grass,

but does not include grassland with 50 % or more clover;

“grazing livestock” (“*da byw sy’n pori*”) means any animal specified in Table 1 in Schedule 1;

“holding” (“*daliad*”) means all land and its associated buildings that are at the disposal of the occupier and which are used for the growing of crops in soil or rearing of livestock for agricultural purposes;

“land that has a low run-off risk” (“*tir y mae’r risg o oferu drosto yn isel*”) means land that—

- (a) has an average slope of less than 3° (3 degrees),
- (b) does not have land drains (other than a sealed impermeable pipe), and
- (c) is at least 50 metres from a watercourse or conduit leading to a watercourse;

“livestock” (“*da byw*”) means any animal (including poultry) specified in Schedule 1;

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

“manufactured phosphate fertiliser” (“*gwrtaiith ffosffad a weithgynhyrchwyd*”) means any phosphate fertiliser (other than organic manure) manufactured by an industrial process;

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

(2) 1947 c. 48. There are amendments to subsection (3) but none is relevant.

“non-grazing livestock” (“*da byw nad ydynt yn pori*”) means any animal specified in Table 2 in Schedule 1;

“notice” (“*hysbysiad*”) means notice in writing;

[^{F6}“NRW” (“*CNC*”) means Natural Resources Wales;]

[^{F7}“NVZ index map” (“*map mynegai PPN*”) has the meaning given by regulation 2;]

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

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

“poultry” (“*dofednod*”) means poultry specified in Schedule 1;

[^{F8}“precision spreading equipment” (“*cyfarpar taenu manwl*”) means a trailing shoe, dribble bar or injector system;]

[^{F8}“qualifying grassland holding” (“*daliad glaswelltir cymhwysol*”) means a holding or part of a holding that was not previously situated within a nitrate vulnerable zone as shown on the NVZ index map, where 80% or more of the agricultural area of the holding is sown with grass]

“reception pit” (“*pydew derbyn*”) means a pit used for the collection of slurry before it is transferred into a slurry storage tank or for the collection of slurry discharged from such a tank;

[^{F9}“relevant period” (“*cyfnod perthnasol*”) means the period beginning with 1 January 2024 and ending with 31 December 2024;]

“sandy soil” (“*pridd tywodlyd*”) means any soil over sandstone, and any other soil where—

- (a) in the layer up to 40 cm deep, there are—
 - (i) more than 50 % by weight of particles from 0.06 to 2 mm in diameter,
 - (ii) less than 18 % by weight of particles less than 0.02 mm diameter, and
 - (iii) less than 5 % by weight of organic carbon, and
- (b) in the layer from 40 to 80 cm deep, there are—
 - (i) more than 70 % by weight of particles from 0.06 to 2 mm in diameter,
 - (ii) less than 15 % by weight of particles less than 0.02 mm diameter, and
 - (iii) less than 5 % by weight of organic carbon;

“shallow soil” (“*pridd tenau*”) is soil that is less than 40 cm deep;

“silage” (“*silwair*”) includes a crop being made into silage;

“silage effluent” (“*elifiant silwair*”) means effluent from silage;

“silo” (“*seilo*”) means a structure used for making or storing silage;

“slurry” (“*slyri*”) means liquid or semi-liquid matter composed of—

- (a) excreta produced by livestock (other than poultry) while in a yard or building (including that held in wood chip corrals), or
- (b) a mixture wholly or mainly consisting of livestock excreta, livestock bedding, rainwater and washings from a building or yard used by livestock,

of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process;

“slurry storage tank” (“*tanc storio slyri*”) includes a lagoon, a pit (other than a reception pit) or tower used for the storage of slurry;

“spreading” (“*taenu*”) includes 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;

“watercourse” (“*cwrs dŵr*”) has the meaning given in section 221 of the Water Resources Act 1991.

(2) A reference in these Regulations to a slurry storage system includes a slurry storage tank and—

- (a) any reception pit and any effluent tank used in connection with the tank, and
- (b) any channels and pipes used in connection with the tank, any reception pit or any effluent tank.

(3) A requirement in these Regulations for a silo or slurry storage tank to conform to a British Standard (in whole or in part) is satisfied if the silo or tank conforms to a standard or specification that provides an equivalent level of protection and performance and is recognised for use in a member State, Iceland, Liechtenstein, Norway or Turkey.

Textual Amendments

- F5** Words in [reg. 3](#) inserted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, **4(a)**
- F6** Words in [reg. 3](#) substituted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, **4(b)**
- F7** Words in [reg. 3\(1\)](#) inserted (31.12.2022) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) Regulations 2022 \(S.I. 2022/1305\)](#), regs. 1(2), **2(3)**
- F8** Words in [reg. 3](#) inserted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, **4(c)**
- F9** Words in [reg. 3](#) inserted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, **4(d)**
-

Commencement Information

- I3** [Reg. 3](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, PART 1.