

WELSH STATUTORY INSTRUMENTS

2021 No. 77

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

PART 2

Limiting the application of organic manure

Application of livestock manure – total nitrogen limit for the whole holding

4.—(1) The occupier of a holding must ensure that, in [^{F1}any year beginning 1 January], the total amount of nitrogen in livestock manure applied to the holding, whether directly by an animal or by spreading, does not exceed 170 kg multiplied by the area of the holding in hectares.

(2) The amount of nitrogen produced by livestock must be calculated in accordance with Schedule 1.

(3) In calculating the area of the holding for the purposes of ascertaining the amount of nitrogen permitted to be spread on the holding, no account is taken of surface waters, any hardstanding, buildings, roads or any woodland unless that woodland is used for grazing.

^{F2}(4)

- F1** Words in [reg. 4\(1\)](#) 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(3)(a)**
- F2** [Reg. 4\(4\)](#) omitted (31.10.2023) by virtue of [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/1070\)](#), regs. 1(2), **2(3)(b)**

Commencement Information

- II** [Reg. 4](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

[^{F3}Application of grazing and non-grazing livestock manure on qualifying grassland holdings during the relevant period

4A.—(1) The occupier of a qualifying grassland holding must ensure that during the relevant period—

$$A \geq NgI / 250 \pm NngI / 170$$

where—

A is the area of the holding (hectares), as existing on 1 January 2024;

NgI is the total amount of nitrogen (kg) in grazing livestock manure applied to the holding during the relevant period, whether directly by an animal or by spreading, calculated in accordance with table 1 in Schedule 1;

Nngl is the total amount of nitrogen (kg) in non-grazing livestock manure, applied to the holding during the relevant period, whether directly by an animal or by spreading, calculated in accordance with table 2 in Schedule 1.

(2) Where the occupier of a qualifying grassland holding intends during the relevant period to apply to the holding, whether directly by an animal or by spreading, a total amount of nitrogen in grazing livestock manure which exceeds 170 kg multiplied by the area of the holding in hectares, they must—

- (a) submit a notice to NRW in accordance with regulation 4B, and
- (b) comply with the enhanced nutrient management requirements in Schedule 1A.

(3) In calculating the area of the holding for the purposes of ascertaining the amount of nitrogen to be spread on the holding, no account is taken of surface waters, any hardstanding, buildings, roads or any woodland (unless that woodland is used for grazing).]

F3 Regs. 4A, 4B inserted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, 5

[^{F3}Notice requirements

4B.—(1) A notice under this regulation must include—

- (a) the name of the occupier of the qualifying grassland holding,
- (b) the address of the qualifying grassland holding,
- (c) a written statement that the occupier intends during the relevant period to apply to the holding, whether directly by an animal or by spreading, a total amount of nitrogen in grazing livestock manure which exceeds 170 kg multiplied by the area of the holding in hectares, and
- (d) a written statement that the occupier will comply with the additional requirements set out in Schedule 1A.

(2) A notice must be submitted to NRW by 31 March 2024 and must be accompanied by the enhanced nutrient management plan for the qualifying grassland holding.

(3) The notice and accompanying enhanced nutrient management plan must be submitted to NRW by e-mail.]

F3 Regs. 4A, 4B inserted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, 5

Spreading organic manure — nitrogen limits per hectare

5.—(1) Subject to paragraph (2), the occupier of a holding must ensure that, in any 12 month period, the total amount of nitrogen in organic manure spread on any given hectare on the holding does not exceed 250 kg.

(2) The occupier of a holding must ensure that the total amount of nitrogen in organic manure exclusively in the form of certified compost applied to any given hectare on the holding does not exceed—

- (a) 1000 kg in any four year period if it is applied as mulch to orchard land, or
- (b) 500 kg in any two year period if it is applied to any other land.

(3) For the purposes of paragraphs (1) and (2), the total amount of nitrogen in organic manure must be calculated by reference to the methods described in regulation 9 for establishing nitrogen content.

(4) In this regulation—

- (a) “orchard land” means land on which any fruit listed in Schedule 2 is grown;
- (b) “certified compost” means green compost or green/food compost in relation to which the supplier confirms in writing that it meets the standards set out in the publication *PAS 100:2011* on composted materials dated January 2011 and contains no livestock manure;
- (c) the occupier must retain written confirmation that the organic manure complies with subparagraph (b).

Commencement Information

I2 [Reg. 5](#) 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 2.