
WELSH STATUTORY INSTRUMENTS

2014 No. 1792 (W. 185)

PLANT HEALTH, WALES

The Plant Health (Fees) (Wales) Regulations 2014

<i>Made</i>	- - - -	<i>6 July 2014</i>
<i>Laid before before the National Assembly for Wales</i>	- -	<i>8 July 2014</i>
<i>Coming into force</i>	- -	<i>2 August 2014</i>

The Welsh Ministers make these Regulations, with the consent of the Treasury, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973⁽¹⁾ and now vested in them⁽²⁾.

Title, application, commencement and interpretation

1.—(1) The title of these Regulations is the Plant Health (Fees) (Wales) Regulations 2014. They apply in relation to Wales and come into force on 2 August 2014.

(2) In these Regulations—

- (a) “the Directive” (“*y Gyfarwydddeb*”) means Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽³⁾; and
- (b) “the PHO” (“*y GIP*”) means the Plant Health (Wales) Order 2006⁽⁴⁾.

(3) Terms used in these Regulations which are also used in the Directive have the meaning they have in the Directive.

Import inspection fees

2.—(1) This regulation applies in relation to a consignment of, or such part of a consignment as consists of—

- (a) plants, plant products and other objects of a description specified in column 1 of Schedule 1 that are listed in Part B of Annex V to the Directive, or
- (b) seeds of *Solanaceae* whether or not listed in that Part,

(1) [1973 c. 51](#). Subsection (1) was amended by [S.I. 2011/1043](#), article 6(1)(e).

(2) By virtue of section 59(5) of the Government of Wales Act [2006 c. 32](#).

(3) OJ No L 169, 10.7.2000, p. 1, as last amended by Commission Implementing Directive 2014/19/EU (OJ No L 38, 07.02.2014, p. 30).

(4) [S.I. 2006/1643 \(W. 158\)](#); relevant amending instruments are [S.I. 2008/2781 \(W. 248\)](#), [2009/1376 \(W. 137\)](#), [S.I. 2011/1043](#) and [S.I. 2013/888 \(W. 100\)](#).

that are introduced into Wales from a country or territory other than one within the European Union or are the subject of an agreement made under article 12(6) of the PHO.

(2) Upon import of a consignment to which this regulation applies, an importer must pay to the Welsh Ministers—

- (a) the fee specified—
 - (i) in column 3 of Schedule 1 in respect of a consignment of, or such part of a consignment as consists of, a plant, plant product or other object listed in column 1 of that Schedule, other than a consignment of, or such part of a consignment as consists of, a plant or plant product to which paragraph (ii) of this sub-paragraph applies, and
 - (ii) in column 4 of Schedule 2 in respect of a consignment of, or such part of a consignment as consists of, a plant or plant product listed in column 1 of that Schedule and originating from a country listed in column 3 of that Schedule; and
- (b) the fees specified in column 3 of Schedule 3 for a documentary check and an identity check.

(3) But where, at the request of an importer or any other person responsible for the consignment, a plant health check is carried out on a consignment outside daytime working hours, the fee payable under paragraph (2)(a) in respect of that consignment is—

- (a) the fee specified in column 4 of Schedule 1 to the extent (if any) that the consignment is a consignment to which paragraph (2)(a)(i) applies; or
- (b) the fee specified in column 5 of Schedule 2 to the extent (if any) that the consignment is a consignment to which paragraph (2)(a)(ii) applies.

(4) In this regulation “daytime working hours” (“*oriau gwaith yn ystod y dydd*”) means any time between the hours of 8.30 a.m. and 5.00 p.m. on any day except a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971⁽⁵⁾.

Seed potatoes: fees

3.—(1) The fees specified in Schedule 4 are payable in respect of the functions specified in column 1 of that Schedule, which relate to an application for—

- (a) certification of seed potatoes in accordance with regulation 9 of the Seed Potatoes (Wales) Regulations 2006⁽⁶⁾;
- (b) an authorisation to market seed potatoes in accordance with regulation 8 of those Regulations.

(2) The fee payable in respect of a function is subject to any minimum fee specified in column 3 of Schedule 4 in relation to that function.

(3) The fee in respect of a function specified in Schedule 4 must be paid to the Welsh Ministers or to any person authorised by the Welsh Ministers to carry out that function under the Seed Potatoes (Wales) Regulations 2006 on behalf of the Welsh Ministers.

Plant health licence fees

4.—(1) Fees payable under this regulation relate to a licence described in article 40 or 41 of the PHO.

(5) 1971 c. 80; see section 1 and Schedule 1.

(6) S.I. 2006/2929 (W. 264), to which there are amendments not relevant to these Regulations.

(2) In respect of an application or inspection of a type described in column 2 of Schedule 5, a person must pay to the Welsh Ministers the fee specified in column 3 of that Schedule in relation to that type of application or inspection.

Plant passport authorisation fees

5.—(1) The fee specified in paragraph (2) must be paid to the Welsh Ministers in respect of an inspection (which may include an inspection of business records) carried out in connection with—

- (a) an application for an authority; or
- (b) ensuring compliance with any requirements imposed on the holder of an authority.

(2) The fee is £46.10(7) for each quarter of an hour or part of quarter of an hour (including time spent on an inspection, on travelling and on associated administration), subject to a minimum fee of £92.19(8) per visit.

(3) In this regulation “authority” (“*awdurdod*”) means an authority to issue plant passports conferred under article 8 of the Plant Health (Phytophthora ramorum) (Wales) Order 2006(9) or article 29 of the PHO.

Potatoes originating in Egypt: fees

6.—(1) Where an inspector takes a sample of potatoes originating in Egypt in order to ascertain whether, for the purposes of paragraph 5 of the Annex to the Decision, those potatoes are infected with *Ralstonia solanacearum* (Smith) Yabuuchi et al., the importer must pay to the Welsh Ministers £117.36 in respect of each lot sampled.

(2) In this regulation “the Decision” (“*y Penderfyniad*”) means Commission Implementing Decision 2011/787/EU authorising Member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt(10).

Potatoes originating in Lebanon: fees

7.—(1) Where an inspector takes a sample of potatoes originating in Lebanon in order to ascertain whether, for the purposes of Article 4 of the Decision, those potatoes are infected with *Clavibacter michiganensis* subspecies *Sepedonicus* (Spieckermann and Kotthoff) Davis et al., the importer must pay to the Welsh Ministers £117.36 in respect of each lot sampled.

(2) In this regulation “the Decision” (“*y Penderfyniad*”) means Commission Implementing Decision 2013/413/EU authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon(11).

Unpaid fees

8.—(1) Where any sum due by way of, or on account of, any fee or any part of a fee payable by a registered plant trader under these Regulations remains unpaid, the Welsh Ministers may—

- (a) recover the sum as a civil debt;

(7) The equivalent fee payable under regulation 5(2) of the Plant Health (Fees) (Wales) Regulations 2013 (S.I. 2013/1700 (W. 164)) before commencement of these Regulations was £38.05.

(8) The equivalent minimum fee payable under regulation 5(2) of the Plant Health (Fees) (Wales) Regulations 2013 before commencement of these Regulations was £76.10.

(9) S.I. 2006/1344 (W. 134), to which there are amendments not relevant to these Regulations.

(10) OJ No L 319, 2.12.2011, p. 112.

(11) OJ No L 205, 1.8.2013, p. 13.

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(b) after giving one month's written warning, suspend the trader's registration until the sum has been paid.

(2) In this regulation, "registered" ("*cofrestredig*"), "plant trader" ("*masnachwr planhigion*") and "registration" ("*cofrestriad*") have the meaning given by article 2(1) of the PHO.

Revocation

9. The Plant Health (Fees) (Wales) Regulations 2013(12) are revoked.

6 July 2014

Alun Davies
Minister for Natural Resources and Food, one of
the Welsh Ministers

SCHEDULE 1

Regulation 2(1)(a), (2)(a)(i) and (3)(a)

Import Inspection Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Plant, plant product or other object</i>	<i>Quantity</i>	<i>Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	up to 10,000 in number	47.87	71.80
	each additional 1,000, or part thereof	1.91, up to a maximum of 382.92	2.87, up to a maximum of 574.38
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	up to 1,000 in number	47.87	71.80
	each additional 100, or part thereof	1.17, up to a maximum of 382.92	1.76, up to a maximum of 574.38
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	up to 200 kg	47.87	71.80
	each additional 10 kg, or part thereof	0.44, up to a maximum of 382.92	0.65, up to a maximum of 574.38
Seeds, tissue cultures	up to 100 kg	20.51	30.77
	each additional 10 kg, or part thereof	0.47, up to a maximum of 382.92	0.70, up to a maximum of 574.38
Other plants intended for planting, not specified elsewhere in this Schedule	up to 5,000 in number	47.87	71.80
	each additional 100, or part thereof	0.47, up to a maximum of 382.92	0.70, up to a maximum of 574.38
Cut flowers	up to 20,000 in number	47.87	71.80
	each additional 1,000, or part thereof	0.37, up to a maximum of 382.92	0.55, up to a maximum of 574.38
Branches with foliage, parts of conifers (other than cut Christmas trees)	up to 100 kg	47.87	71.80
	each additional 100 kg, or part thereof	4.76, up to a maximum of 382.92	7.14, up to a maximum of 574.38
Cut Christmas trees	up to 1,000 in number	47.87	71.80
	each additional 100, or part thereof	4.76, up to a maximum of 382.92	7.14, up to a maximum of 574.38

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Plant, plant product or other object</i>	<i>Quantity</i>	<i>Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
Leaves of plants, such as herbs, spices and leafy vegetables	up to 100 kg	47.87	71.80
	each additional 10 kg, or part thereof	4.76, up to a maximum of 382.92	7.14, up to a maximum of 574.38
Fruits, vegetables (other than leafy vegetables)	up to 25,000 kg	47.87	71.80
	each additional 1,000 kg, or part thereof	1.91	2.87
Tubers of potatoes	up to 25,000 kg	143.60 (for each lot)	215.39 (for each lot)
	each additional 25,000 kg, or part thereof	143.60 (for each lot)	215.39 (for each lot)
Soil and growing medium, bark	up to 25,000 kg	47.87	71.80
	each additional 1,000 kg, or part thereof	1.91, up to a maximum of 382.92	2.87, up to a maximum of 574.38
Grain	up to 25,000 kg	47.87	71.80
	each additional 1,000 kg, or part thereof	1.91, up to a maximum of 1914.60	2.87, up to a maximum of 2871.90
Other plants or plant products not specified elsewhere in this Schedule, except forest trees	each consignment	47.87	71.80

SCHEDULE 2

Regulation 2(2)(a)(ii) and (3)(b)

Import Inspection Fees: Reduced Rates

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
Cut Flowers				

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<i>Column 1</i> <i>Genus</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Country of origin</i>	<i>Column 4</i> <i>Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5</i> <i>Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
<i>Dianthus</i>	up to 20,000 in number	Colombia	1.43	2.15
		Ecuador	7.18	10.77
		Kenya	2.39	3.59
		Turkey	11.96	17.95
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ecuador	0.05, up to a maximum of 57.43	0.08, up to a maximum of 86.15
		Kenya	0.02, up to a maximum of 19.14	0.03, up to a maximum of 28.71
		Turkey	0.09, up to a maximum of 95.73	0.13, up to a maximum of 143.59
<i>Rosa</i>	up to 20,000 in number	Colombia	1.43	2.15
		Ecuador	1.43	2.15
		Ethiopia	4.78	7.18
		Kenya	2.39	3.59
		Tanzania	7.18	10.77
		Zambia	11.96	17.95
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ecuador	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
Ethiopia		0.04, up to a maximum of 38.29	0.06, up to a maximum of 57.43	
Kenya		0.02, up to a maximum of 19.14	0.03, up to a maximum of 28.71	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
		Tanzania	0.05, up to a maximum of 57.43	0.08, up to a maximum of 86.15
		Zambia	0.09, up to a maximum of 95.73	0.13, up to a maximum of 143.59
Branches with foliage				
<i>Phoenix</i>	up to 100 kg	Costa Rica	16.75	25.13
	each additional 100 kg or part thereof	Costa Rica	1.66, up to a maximum of 134.02	2.49, up to a maximum of 201.03
Fruit				
<i>Citrus</i>	up to 25,000 kg	Egypt	7.18	10.77
		Israel	4.78	7.18
		Mexico	7.18	10.77
		Morocco	2.39	3.59
		Peru	7.18	10.77
		Tunisia	11.96	17.95
		Turkey	1.43	2.15
		Uruguay	7.18	10.77
		USA	7.18	10.77
	each additional 1,000 kg or part thereof	Egypt	0.28	0.43
		Israel	0.19	0.28
		Mexico	0.28	0.43
		Morocco	0.09	0.14
		Peru	0.28	0.43
		Tunisia	0.47	0.71
		Turkey	0.05	0.08
		Uruguay	0.28	0.43
		USA	0.28	0.43
<i>Malus</i>	up to 25,000 kg	Argentina	11.96	17.95

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		Brazil	11.96	17.95
		Chile	2.39	3.59
		New Zealand	4.78	7.18
		South Africa	2.39	3.59
		USA	23.93	35.90
	each additional 1,000 kg or part thereof	Argentina	0.47	0.71
		Brazil	0.47	0.71
		Chile	0.09	0.14
		New Zealand	0.19	0.28
		South Africa	0.09	0.14
		USA	0.95	1.43
<i>Mangifera</i>	up to 25,000 kg	Brazil	23.93	35.90
	each additional 1,000 kg or part thereof	Brazil	0.95	1.43
<i>Passiflora</i>	up to 25,000 kg	Colombia	4.78	7.18
		Kenya	4.78	7.18
		South Africa	16.75	25.13
		Zimbabwe	35.90	53.85
	each additional 1,000 kg or part thereof	Colombia	0.19	0.28
		Kenya	0.19	0.28
		South Africa	0.66	1.00
<i>Prunus</i>	up to 25,000 kg	Argentina	23.93	35.90
		Chile	4.78	7.18
		Morocco	23.93	35.90
		South Africa	4.78	7.18
		Turkey	7.18	10.77
		USA	7.18	10.77

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<i>Column 1</i> <i>Genus</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Country of origin</i>	<i>Column 4</i> <i>Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5</i> <i>Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
	each additional 1,000 kg or part thereof	Argentina	0.95	1.43
		Chile	0.19	0.28
		Morocco	0.95	1.43
		South Africa	0.19	0.28
		Turkey	0.28	0.43
		USA	0.28	0.43
<i>Pyrus</i>	up to 25,000 kg	Argentina	4.78	7.18
		Chile	11.96	17.95
		China	23.93	35.90
		South Africa	4.78	7.18
	each additional 1,000 kg or part thereof	Argentina	0.19	0.28
		Chile	0.47	0.71
		China	0.95	1.43
		South Africa	0.19	0.28
<i>Vaccinium</i>	up to 25,000 kg	Argentina	11.96	17.95
	each additional 1,000 kg or part thereof	Argentina	0.47	0.71
Vegetables				
<i>Capsicum</i>	up to 25,000 kg	Israel	2.39	3.59
	each additional 1,000 kg or part thereof	Israel	0.09	0.14
<i>Momordica</i>	up to 25,000 kg	Surinam	16.75	25.13
	each additional 1,000 kg or part thereof	Surinam	0.66	1.00
<i>Solanum melongena</i>	up to 25,000 kg	Kenya	4.78	7.18
		Turkey	4.78	7.18

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<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
	each additional 1,000 kg or part thereof	Kenya	0.19	0.28
		Turkey	0.19	0.28

SCHEDULE 3

Regulation 2(2)(b)

Import Inspection Fees: Documentary and Identity Checks

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Check</i>	<i>Quantity</i>	<i>Fee (£)</i>
Documentary	each consignment	5.71
Identity	each consignment up to the size of a truck load, a railway wagon load or the load of a container of comparable size	5.71
	each consignment bigger than the above size	11.42

SCHEDULE 4

Regulation 3

Seed Potatoes: Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Function</i>	<i>Fee⁽¹⁾ (£)</i>	<i>Minimum fee (£)</i>
Inspection of growing crops and provision of labels and seals in respect of applications		
Certification as pre-basic seed potato	129.84*	n/a
Certification as basic seed potato, classified as:	super elite 1, super elite 2 or super elite 3	64.92
		129.84

(1) Of the rates listed in this column and in column 3, those that are marked with an asterisk are per hour or part of an hour, and those not so marked are per half-hectare.

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<i>Column 1</i>		<i>Column 2</i>	<i>Column 3</i>
<i>Function</i>		<i>Fee⁽¹⁾ (£)</i>	<i>Minimum fee (£)</i>
	elite 1, elite 2 or elite 3	64.92	129.84
	A	61.71	123.43
Certification as certified seed potato		56.10	112.20
Authorisation to market seed potatoes		129.84*	n/a
Inspection of harvested tubers			
Up to two inspections		19.24	38.47
Third and subsequent inspections		129.84*	n/a

(1) Of the rates listed in this column and in column 3, those that are marked with an asterisk are per hour or part of an hour, and those not so marked are per half-hectare.

SCHEDULE 5

Regulation 4(2)

Plant Health Licence Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Type of application or inspection</i>	<i>Fee (£)</i>
1	Application for a licence other than a licence covered by item 2 or 3 or 5	809.83
2	Application for a licence in respect of soil or other growing medium for analysis	584.14
3	Application for a licence for scientific or trial purposes covering 5 or more types of article	809.83, plus 31.86 per type of article in excess of 5
4	Application for renewal or variation of a licence with changes requiring scientific or technical assessment	265.21
5	Application for a licence authorising the introduction of potatoes, other than potatoes intended for planting, originating in the region of Akkar or Bekaa of Lebanon	31.86
6	Application for renewal of a licence with no changes, or for renewal or variation of a licence with only minor changes requiring no scientific or technical assessment	31.86
7	Inspection and associated activities (including travelling time and office time) for monitoring compliance with licence terms and conditions	46.11 per hour or part of an hour

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, specify fees payable to the Welsh Ministers in the field of plant health. They revoke and replace the Plant Health (Fees) (Wales) Regulations 2013 (S.I. 2013/1700 (W. 164)) (“the 2013 Regulations”) (regulation 9).

The fees are payable in relation to specified inspections and other operations carried out pursuant to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 169, 10.7.2000, p. 1).

The fees for documentary, identity and plant health checks in relation to certain imports of plants, plant products and other objects from third countries (regulation 2 and Schedules 1, 2 and 3) are specified pursuant to the requirement in Article 13d of Council Directive 2000/29/EC.

The fee levels provided for in these Regulations form the final part of a phased move towards full cost recovery of fees over a period of three years. These Regulations provide for average decreases and increases in, and the continuation unchanged of, the fees specified in the 2013 Regulations as follows:

- (1) import inspection fees (other than documentary and identity checks) decrease by 3.5% (regulation 2 and Schedules 1 and 2);
- (2) fees for import inspection documentary and identity checks increase by 24.5% (regulation 2 and Schedule 3);
- (3) fees relating to seed potato inspections remain unchanged (regulation 3 and Schedule 4);
- (4) licensing fees increase by 2.2% (regulation 4 and Schedule 5);
- (5) fees for plant passporting services increase by 21.2% (regulation 5); and
- (6) fees for inspections of potatoes originating in Egypt remain unchanged (regulation 6).

New fees are introduced in relation to potatoes originating in Lebanon as follows: £31.86 for an application for a licence (Schedule 5, item 5) and £117.39 for an inspection (regulation 7).

Regulation 8 sets out the consequences of failure to pay any fee.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, regulatory impact assessments have been prepared (for the majority of fees specified) as to the likely costs and benefits of complying with these Regulations. With regard to fees in relation to potatoes originating in Lebanon, it was not considered necessary to carry out a regulatory impact assessment. Copies of the regulatory impact assessments can be obtained from the Natural Environment and Agriculture Team, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, regulatory impact assessments have been prepared (for the majority of fees specified) as to the likely costs and benefits of complying with these Regulations. With regard to fees in relation to potatoes originating in Lebanon, it was not considered necessary to carry out a regulatory impact assessment. Copies of the regulatory impact assessments can be obtained from the Natural Environment and Agriculture Team, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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