

WELSH STATUTORY INSTRUMENTS

2021 No. 77

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

PART 6 **E+W**

Storage of organic manure and silage

Storage of organic manure **E+W**

23. An occupier of a holding who stores any organic manure (other than slurry), or any bedding contaminated with any organic manure, must store it—

- (a) in a vessel,
- (b) in a covered building,
- (c) on an impermeable surface, or
- (d) in the case of solid manure that can be stacked in a free standing heap and that does not drain liquid from the material, on a temporary field site.

Commencement Information

II [Reg. 23](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Making or storage of silage **E+W**

24.—(1) Subject to paragraph (3), a person who has custody or control of silage that is being made or stored must ensure that—

- (a) the silage is kept in a silo that satisfies the requirements of Schedule 5, or
- (b) the silage is compressed into bales that—
 - (i) are wrapped and sealed into impermeable membranes, or enclosed in impermeable bags, and
 - (ii) are stored at least 10 metres from any inland freshwaters or coastal waters that effluent escaping from the bales could enter, or
- (c) if the silage is a crop being made into field silage (that is, silage made on open land by a method different from the baling method referred to in sub-paragraph (b)) or silage that is being stored on open land—
 - (i) [^FNRW] is given notice of the place where the silage is to be made or stored at least 14 days before the place is first used for that purpose, and
 - (ii) the place is at least 10 metres from any inland freshwaters or coastal waters, and at least 50 metres from the nearest relevant water abstraction point of any protected water supply source that silage effluent could enter if it escaped.

- (2) For paragraph (1)(c)(ii), a water supply source is a protected water supply source if—
- (a) any relevant water abstraction from the source is licensed under Part 2 of the Water Resources Act 1991(1), or
 - (b) the person making or storing the silage was aware of the source’s location—
 - (i) before the making of the silage began, or
 - (ii) if the silage was made elsewhere, before it was stored on the land in question.
- (3) Paragraph (1) does not apply to silage while it is stored temporarily in a container, trailer or vehicle in connection with its transport about the farm or elsewhere.
- (4) A person who has custody or control of a silage bale must not open or remove the wrapping of the bale within 10 metres of any inland freshwaters or coastal waters which silage effluent could enter as a result.
- (5) In this regulation—
- (a) “relevant water abstraction” means the abstraction of water for use for—
 - (i) human consumption, or
 - (ii) domestic purposes (within the meaning given by section 218 of the Water Industry Act 1991(2)) other than human consumption, or
 - (iii) manufacturing food or drink for human consumption, and
 - (b) “water supply source” means inland freshwaters or ground waters from which a relevant water abstraction is made or licensed to be made.

Textual Amendments

- F1** Word in [reg. 24\(1\)\(c\)\(i\)](#) substituted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), [regs. 1, 7\(a\)](#)
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Commencement Information

- I2** [Reg. 24](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Storage of slurry **E+W**

25.—(1) Subject to paragraph (2), a person having custody or control of slurry must have a slurry storage system that satisfies the requirements of Schedule 6 and the slurry must be stored in that system.

(2) Paragraph (1) does not apply to slurry while it is stored temporarily in a tanker that is used for transporting slurry on roads or about a farm.

Commencement Information

- I3** [Reg. 25](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Exemptions to the storage requirements **E+W**

26.—(1) Regulations 24(1) and 25(1) do not apply to a silo or slurry storage system—

(1) 1991 c. 57.
 (2) 1991 c. 56.

- (a) which, before 1 March 1991, was being used for the purpose of making silage or storing slurry,
- (b) where it was not used before 1 March 1991 for that purpose, it was constructed before that date for such use, or
- (c) in relation to which—
 - (i) a contract for its construction, substantial enlargement or substantial reconstruction was entered into before 1 March 1991, or
 - (ii) such work was commenced before that date, andin either case the work was completed before 1 September 1991.

Commencement Information

I4 [Reg. 26](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Temporary field sites **E+W**

- 27.—(1) A temporary field site must not be—
- (a) in a field liable to flooding or becoming waterlogged,
 - (b) within 50 metres of a borehole, spring or well or within 10 metres of surface water or a land drain (other than a sealed impermeable pipe),
 - (c) located in any single position for more than 12 consecutive months, or
 - (d) located in the same place as an earlier one constructed within the last two years.
- (2) Solid poultry manure that does not have bedding mixed into it and is stored on a temporary field site must be covered with an impermeable material.
- (3) Further—
- (a) topsoil must not be removed from the ground upon which a temporary field site is to be constructed,
 - (b) a temporary field site must not be located within 30 metres of a watercourse on land identified on the risk map as having an incline of greater than 12°, and
 - (c) the surface area of a temporary field site must be as small as reasonably practicable to minimise the leaching effect of rainfall.

Commencement Information

I5 [Reg. 27](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Separation of slurry **E+W**

28. Separation of slurry into its solid and liquid fractions must either be carried out mechanically or on an impermeable surface where the liquid fraction drains into a suitable receptacle.

Commencement Information

I6 [Reg. 28](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Storage capacity **E+W**

29.—(1) An occupier of a holding who keeps any of the animals specified in Schedule 1 must provide sufficient storage for all slurry produced on the holding during the storage period, and all poultry manure produced in a yard or building on the holding during the storage period.

(2) The volume of the manure produced by the animals on the holding must be calculated in accordance with Schedule 1.

(3) A slurry store must have the capacity to store, in addition to the manure, any rainfall, washings or other liquid that enters the vessel (either directly or indirectly) during the storage period.

(4) Storage facilities are not necessary for slurry or poultry manure—

- (a) sent off the holding, or
- (b) spread on land that has a low run-off risk (provided that this is done in accordance with the restrictions on spreading in these Regulations); but in this case storage facilities for an additional one week’s manure must be provided as a contingency measure in the event of spreading not being possible on some dates.

(5) For the purposes of this regulation the “storage period” (all dates inclusive) is—

- (a) the period between 1 October and 1 April for pigs and poultry;
- (b) the period between 1 October and 1 March in any other case.

Commencement Information

I7 Reg. 29 in force at 1.4.2021, see **reg. 1(3)**

Notice requiring works etc. **E+W**

30.—(1) [F²NRW] may serve, on a person who has custody or control of silage or slurry or is responsible for a silo or slurry storage system, in circumstances in which these Regulations apply, a notice (“regulation 30 notice”) requiring the person to carry out works, or take precautions or other steps, specified in the notice.

(2) The works, precautions or other steps must be, in the opinion of [F²NRW], appropriate, having regard to the requirements of these Regulations, for reducing to a minimum any significant risk of pollution of controlled waters.

(3) The notice must—

- (a) specify or describe the works, precautions or other steps that the person is required to carry out or take,
- (b) state the period within which any such requirement is to be complied with, and
- (c) inform the person of the effect of regulation 31.

(4) The period for compliance stated in the notice is—

- (a) 28 days, or
- (b) such longer period as is reasonable in the circumstances.

(5) A person on whom a regulation 30 notice has been served must comply with the requirements of that notice.

(6) [F²NRW] may at any time (including a time after the period for compliance has ended)—

- (a) withdraw the notice,
- (b) extend the period for compliance with any requirement of the notice, or

(c) with the consent of the person on whom the notice is served, modify the requirements of the notice.

(7) [F2NRW] must withdraw the notice, extend the period for compliance, or modify the requirements of the notice if so directed by the Welsh Ministers under regulation 31(5).

Textual Amendments

F2 Word in [reg. 30](#) substituted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, **7(b)**

Commencement Information

I8 [Reg. 30](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Appeals against regulation 30 notices **E+W**

31.—(1) A person served with a regulation 30 notice may, within the period of 28 days beginning on the day after the date on which the notice is served (or such longer period as the Welsh Ministers allow), appeal to the Welsh Ministers against the notice.

(2) An appeal under this regulation must be made by the appellant serving notice on the Welsh Ministers.

(3) The notice must contain or be accompanied by a statement of the grounds of appeal.

(4) Before determining an appeal under this regulation, the Welsh Ministers must, if requested to do so by the appellant or [F3NRW], afford them an opportunity of appearing before and being heard by a person appointed by the Welsh Ministers for the purpose.

(5) On determining an appeal under this regulation, the Welsh Ministers may direct [F3NRW] to—

- (a) withdraw the regulation 30 notice,
- (b) modify any of its requirements,
- (c) extend the period for compliance with any requirement, or
- (d) dismiss the appeal.

(6) The period for compliance with a regulation 30 notice against which an appeal has been made is, subject to any direction under paragraph (5), extended so that it expires on the date on which the Welsh Ministers finally determines the appeal or, if the appeal is withdrawn, the date on which it is withdrawn.

Textual Amendments

F3 Word in [reg. 31](#) substituted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, **7(c)**

Commencement Information

I9 [Reg. 31](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Notice of construction etc. **E+W**

32.—(1) This regulation applies to any silo or slurry storage system whose construction is to be begun on or after 28 April 2021 (“a new or improved store”).

Changes to legislation: There are currently no known outstanding effects for the *The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, PART 6*. (See end of Document for details)

(2) A person who proposes to have custody or control of silage or slurry that is to be kept in a new or improved store must give [^{F4}NRW] notice specifying the type of silo or storage system and its location, at least 14 days before work constructing the new or improved store is to be begun.

(3) In this regulation, “construction” includes substantial enlargement and reconstruction.

Textual Amendments

F4 Word in [reg. 32\(2\)](#) substituted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, **7(d)**

Commencement Information

I10 [Reg. 32](#) 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 6.