
STATUTORY INSTRUMENTS

2023 No. 93

The Environmental Targets (Water) (England) Regulations 2023

PART 2

Agriculture Water Target

Application of this Part

4. This Part applies to total nitrogen, total phosphorus and sediment entering the water environment through agricultural diffuse pollution from human activity undertaken on agricultural land in England.

Agriculture water target

5. The first target in respect of water is that the load of each of the following—
- (a) total nitrogen,
 - (b) total phosphorus,
 - (c) sediment,

entering the water environment through agricultural diffuse pollution is, by 31st December 2038, at least 40% lower than the baseline.

Measurement of the agriculture target

6.—(1) The load of each of the agriculture target substances entering the water environment through agricultural diffuse pollution which is to be compared with the baseline to determine whether the target in regulation 5 is met by 31st December 2038 is to be measured by determining the load of each of those substances so entering the water environment in the year from 1st January 2038 to 31st December 2038.

(2) When determining the load of each of the agriculture target substances entering the water environment through agricultural diffuse pollution in the year from 1st January 2038 to 31st December 2038, the load must include the load from human activity undertaken on land which was agricultural land when the baseline was determined but which, for land management reasons with environmental, conservation or sustainability objectives, is not agricultural land in 2038.

(3) In paragraph (2), “environmental, conservation or sustainability objectives” means objectives the main purpose of which are to contribute to environmental protection⁽¹⁾ or improve the natural environment⁽²⁾.

(1) Environmental protection is defined in section 45 of the Environment Act 2021.

(2) Natural environment is defined in section 44 of the Environment Act 2021.

Reporting date

7. For the purposes of section 6(1) of the 2021 Act, the reporting date for the target set in regulation 5 is 1st February 2040.

Interpretation of Part 2

8.—(1) In this Part—

“agricultural diffuse pollution” means the transportation of the agriculture target substances into the water environment where the transportation occurs by means of soil erosion, runoff or leaching;

“agricultural land” means land used for agriculture for the purposes of a trade or business;

“agriculture” includes—

- (a) horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping,
- (b) the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and
- (c) the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

“agriculture target substances” means the substances specified in regulation 5(a) to (c);

“the baseline” means the load of each of the agriculture target substances entering the water environment through agricultural diffuse pollution in the year from 1st January 2018 to 31st December 2018;

“groundwater” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;

“leaching” means the process by which the agriculture target substances are washed or drained from soil into the water environment by rainwater or other liquid applied to agricultural land;

“poaching” means the trampling or treading of agricultural land by livestock resulting in a layer of compacted soil with overlying mud;

“runoff” means the transportation into the water environment of rainwater or other water running over agricultural land;

“soil erosion” means soil loss caused by—

- (a) runoff or degradation over a single area of agricultural land (whether or not crossing permanent boundary features) of at least 1 hectare, or
- (b) poaching adjacent to freshwaters or coastal waters over a single stretch of agricultural land (whether or not crossing permanent boundary features) which is at least 2 metres wide and 20 metres long;

“the water environment” means—

- (a) freshwaters and groundwater in England, and
- (b) coastal waters adjacent to England.

(2) In the definition of the water environment in paragraph (1), coastal waters adjacent to England are such coastal waters adjacent to Great Britain as do not form part of—

- (a) the sea adjacent to Scotland, or
- (b) Wales.

(3) In paragraph (2)—

- (a) the sea adjacent to Scotland has the same meaning as the internal waters and territorial sea of the United Kingdom adjacent to Scotland has by virtue of section 126(2) of the Scotland Act 1998⁽³⁾;
- (b) Wales has the meaning given by section 158 of the Government of Wales Act 2006⁽⁴⁾.

(3) [1998 c. 46](#). The boundaries between waters which are to be treated as internal waters or territorial sea of the United Kingdom adjacent to Scotland and those which are not are set out in [S.I. 1999/1126](#).

(4) [2006 c. 32](#). Section 158(1) defines “Wales” as including the sea adjacent to Wales out as far as the seaward boundary of the territorial sea. Section 158(3) makes provision for the determination of any boundary between waters which are to be treated as parts of the sea adjacent to Wales and those which are not. The boundary between the sea adjacent to Wales and that adjacent to England is partly determined by article 6 of, and Schedule 3 to, [S.I. 1999/672](#). By virtue of paragraph 26 of Schedule 11 to the Government of Wales Act 2006, [S.I. 1999/672](#) continues to have effect.