
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Nitrate Pollution Prevention (Wales) Regulations 2013 ([S.I. 2013/2506 \(W.245\)](#)) (“the Nitrate Regulations”) and Conservation of Habitats and Species Regulations 2010 ([S.I. 2010/490](#)) (“the Habitats Regulations”).

They implement in Wales Commission Decision [2013/781/EC](#) (OJ No L 346, 20.12.13, p65) granting a derogation pursuant to Council Directive [91/676/EEC](#) concerning the protection of waters against pollution by nitrates from agricultural sources (OJ No L 375, 31.12.91, p1, amended by OJ No L 284, 31.10.03, p1, OJ No L 311, 21.11.08, p1).

Regulation 3 amends regulation 6 (Interpretation) of the Nitrate Regulations. Regulation 5 inserts a new Part 3A into the Nitrate Regulations which introduces a procedure by which an application for a derogation must be made and establishes an appeal procedure against refusal of a derogation application.

Regulation 6 inserts a new Schedule 5 into the Nitrate Regulations which sets out additional requirements to be met by an occupier of a derogated holding.

Regulation 7 makes consequential amendments to the Habitats Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result, it was not necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.