OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2019 Rhif 863 (Cy. 155)

2019 No. 863 (W. 155)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

DŴR, CYMRU

WATER, WALES

Rheoliadau Atal Llygredd Nitradau (Cymru) (Diwygio) 2019

The Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2019

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Atal Llygredd Nitradau (Cymru) 2013 (O.S. 2013/2506 (Cy. 245)) ("Rheoliadau 2013") sy'n ymwneud â monitro llygredd nitradau a dynodi parthau perygl nitradau.

Mae rheoliad 5 yn diwygio rheoliad 7 o Reoliadau 2013 i ddiweddaru'r broses y caiff Gweinidogion Cymru ei defnyddio i ddynodi ardaloedd yn barthau perygl nitradau. Mae'r broses ddynodi gyfredol yn dibynnu ar adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a gaiff ei diddymu unwaith y mae'r Deyrnas Unedig yn ymadael â'r Undeb Ewropeaidd.

Mae rheoliad 4 yn diwygio rheoliad 6 o Reoliadau 2013 i gyflwyno diffiniad ar gyfer "daliad newydd" yn sgil y broses ddynodi newydd.

Mae rheoliad 3 yn diwygio rheoliad 4 o Reoliadau 2013 er mwyn darparu trefniadau trosiannol ar gyfer daliadau newydd.

Mae rheoliadau 6 i 8 yn gwneud darpariaeth ganlyniadol bellach gan gynnwys cyflwyno gofynion adrodd mewn perthynas â daliadau newydd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, nid oes unrhyw asesiad effaith wedi ei lunio ar gyfer y Rheoliadau hyn gan nad oes unrhyw newid i bolisïau, nac unrhyw effaith ar fusnesau na'r sector gwirfoddol yn cael ei rhagweld.

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 2013 Regulations") relating to monitoring of nitrate pollution and designation of nitrate vulnerable zones.

Regulation 5 amends regulation 7 of the 2013 Regulations to update the process by which the Welsh Ministers may designate areas as nitrate vulnerable zones. The current designation process is reliant on section 2(2) of the European Communities Act 1972 which will be repealed once the United Kingdom leaves the European Union.

Regulation 4 amends regulation 6 of the 2013 Regulations to introduce a definition for "new holding" in light of the new designation process.

Regulation 3 amends regulation 4 of the 2013 Regulation so as to provide transitional arrangements for new holdings.

Regulations 6 to 8 make further consequential provision including introducing reporting requirements in relation to new holdings.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, no impact assessment has been produced for these Regulations as there is no change to policy, or impact on business or the voluntary sectors foreseen.

OFFERYNNAU STATUDOL CYMRU

2019 Rhif 863 (Cy. 155)

AMAETHYDDIAETH, CYMRU

DŴR, CYMRU

Rheoliadau Atal Llygredd Nitradau (Cymru) (Diwygio) 2019

Gwnaed *10 Ebrill 2019*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *12 Ebrill 2019*

Yn dod i rym yn unol â rheoliad 1

Mae Gweinidogion Cymru wedi eu dynodi(**1**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**2**) mewn perthynas â materion sy'n ymwneud â diogelu dyfroedd rhag llygredd a achosir gan nitradau o ffynonellau amaethyddol ac yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan yr adran honno.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Atal Llygredd Nitradau (Cymru) (Diwygio) 2019 a deuant i rym 21 o ddiwrnodau ar ôl y dyddiad y'u gosodir.

(**1**) *Gweler* O.S. 2001/2555 ar gyfer y dynodiad a roddir i Gynulliad Cenedlaethol Cymru. Yn rhinwedd adrannau 59 a 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 28 o Atodlen 11 iddi, mae'r dynodiad hwnnw bellach wedi ei roi i Weinidogion Cymru.

(**2**) 1972 p. 68; diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).

WELSH STATUTORY INSTRUMENTS

2019 No. 863 (W. 155)

AGRICULTURE, WALES

WATER, WALES

The Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2019

Made *10 April 2019*

Laid before the National Assembly for Wales *12 April 2019*

Coming into force in accordance with regulation 1

The Welsh Ministers are designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to matters relating to the protection of waters against pollution caused by nitrates from agricultural sources and make these Regulations in exercise of the powers conferred by that section.

Title and commencement

1. The title of these Regulations is the Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2019 and they come into force 21 days after the date on which they are laid.

(**1**) *See* S.I. 2001/2555 for the designation conferred on the National Assembly for Wales. By virtue of sections 59 and 162 of, and paragraph 28 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), that designation is now conferred on the Welsh Ministers.

(**2**) 1972 c. 68; section 2(2) was amended by section 27(1) (a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

Diwygio Rheoliadau Atal Llygredd Nitradau (Cymru) 2013

2. Mae Rheoliadau Atal Llygredd Nitradau (Cymru) 2013(**1**) wedi eu diwygio yn unol â rheoliadau 3 i 8.

Diwygio rheoliad 4 (mesurau trosiannol ar gyfer daliadau nad oeddent gynt mewn parth perygl nitradau)

3. Yn rheoliad 4—

(a) ailrifer y paragraff presennol yn baragraff (1) o'r rheoliad hwnnw;

(b) ar ôl paragraff (1) (fel y'i hailrifwyd) mewnosoder—

"(2) Mewn perthynas â daliad newydd—

(a) nid yw rheoliadau 12 i 22, 23(3), 24, 25, 30 i 33 a 36 i 46 yn gymwys hyd ddechrau'r ail flwyddyn galendr ar ôl y flwyddyn y mae Gweinidogion Cymru yn diwygio'r dynodiad o barthau perygl nitradau o dan reoliad 11(2), neu'n ychwanegu ato, er mwyn cynnwys y daliad newydd;

(b) nid yw rheoliadau 23(1) a (2), 26 i 29, 34 a 35 yn gymwys hyd nes 31 Gorffennaf yn y drydedd flwyddyn galendr ar ôl y flwyddyn y mae Gweinidogion Cymru yn diwygio'r dynodiad o barthau perygl nitradau o dan reoliad 11(2), neu'n ychwanegu ato, er mwyn cynnwys y daliad newydd."

Diwygio rheoliad 6 (dehongli)

4. Yn rheoliad 6, yn y lle priodol, mewnosoder—

"ystyr "daliad newydd" ("*new holding*") yw tir ynghyd â'i adeiladau cysylltiedig sy'n dod yn ddaliad o ganlyniad i Weinidogion Cymru yn diwygio'r dynodiad o barthau perygl nitradau yn dilyn adolygiad o dan reoliad 11(3), neu'n ychwanegu ato, ac nad oeddent yn ddaliad yn union cyn dyddiad y diwygio neu'r ychwanegu hwnnw;".

(**1**) O.S. 2013/2506 (Cy. 245), a ddiwygiwyd gan O.S. 2015/2020 (Cy. 308) ac O.S. 2018/1216 (Cy. 249). Mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.

Amendment of the Nitrate Pollution Prevention (Wales) Regulations 2013

2. The Nitrate Pollution Prevention (Wales) Regulations 2013(**1**) are amended in accordance with regulations 3 to 8.

Amendment of regulation 4 (transitional measures for holdings not previously in a nitrate-vulnerable zone)

3. In regulation 4—

(a) the existing paragraph is renumbered as paragraph (1) of that regulation;

(b) after paragraph (1) (as renumbered) insert—

"(2) In relation to a new holding—

(a) regulations 12 to 22, 23(3), 24, 25, 30 to 33 and 36 to 46 do not apply until the beginning of the second calendar year after the year in which the Welsh Ministers revise or add to the designation of nitrate vulnerable zones under regulation 11(2) so as to include the new holding;

(b) regulations 23(1) and (2), 26 to 29, 34 and 35 do not apply until 31 July in the third calendar year after the year in which the Welsh Ministers revise or add to the designation of nitrate vulnerable zones under regulation 11(2) so as to include the new holding.
"

Amendment of regulation 6 (interpretation)

4. In regulation 6, in the appropriate place, insert—

""new holding" ("*daliad newydd*") means land and its associated buildings which become a holding as a result of the Welsh Ministers revising or adding to the designation of nitrate vulnerable zones following a review under regulation 11(3), and which were not a holding immediately before the date of that revision or addition;"
.

(**1**) S.I. 2013/2506 (W. 245), amended by S.I. 2015/2020 (W. 308), 2018/1216 (W. 249). There are other amending instruments but none is relevant.

Diwygio rheoliad 7 (dynodi parthau perygl nitradau)

5. Yn rheoliad 7—

(a) yn lle paragraffau (2) a (3) rhodder—

"(2) Mae ardal wedi ei dynodi yn barth perygl nitradau at ddibenion y Rheoliadau hyn os ydyw, fel ardal o dir sy'n draenio i ddyfroedd llygredig ac yn cyfrannu at lygru'r dyfroedd hynny, wedi ei marcio yn barth o'r fath ar fap perthnasol.

(3) At ddibenion y rheoliad hwn—

(a) ar gyfer y cyfnod sy'n dechrau â 25 Hydref 2013 ac sy'n dod i ben â'r diwrnod y mae Gweinidogion Cymru yn diwygio'r dynodiad o barthau perygl nitradau o dan reoliad 11(3) neu'n ychwanegu ato nesaf, ystyr "map" yw'r map sydd wedi ei farcio "Parthau Perygl Nitradau Map Mynegai 2013" ac a adneuwyd yn swyddfeydd Llywodraeth Cymru ym Mharc Cathays, Caerdydd, CF10 3NQ;

(b) yn dilyn unrhyw adolygiad dilynol o dan reoliad 11(3), ystyr "map" yw map a adneuwyd yn swyddfeydd Llywodraeth Cymru ym Mharc Cathays, Caerdydd, CF10 3NQ ac—

(i) sydd wedi ei farcio "Mae'r map hwn yn nodi'r ardaloedd hynny o Gymru sydd wedi eu dynodi gan Weinidogion Cymru yn Barth Perygl Nitradau at ddibenion Rheoliadau Atal Llygredd Nitradau (Cymru) 2013"; a

(ii) sy'n pennu'r cyfnod y mae'n ymwneud ag ef.";

(b) ym mharagraff (4), yn lle "phob pedair blynedd fan hwyraf wedi hynny" rhodder "chyn 1 Ionawr bob pedwaredd flwyddyn wedi hynny".

Diwygio rheoliad 11 (adolygu parthau perygl nitradau)

6. Yn rheoliad 11(2), yn lle "ac o leiaf bob pedair blynedd ar ôl hynny" rhodder "a chyn 1 Ionawr bob pedwaredd flwyddyn wedi hynny".

Amendment of regulation 7 (designation of nitrate vulnerable zones)

5. In regulation 7—

(a) for paragraphs (2) and (3) substitute—

"(2) An area is designated as a nitrate vulnerable zone for the purposes of these Regulations if, as an area of land that drains into polluted waters and contributes to the pollution of those waters, it is marked as such a zone on a relevant map.

(3) For the purposes of this regulation—

(a) for the period beginning with 25 October 2013 and ending with the day on which the Welsh Ministers next revise or add to the designation of nitrate vulnerable zones under regulation 11(3), "map" means the map marked "Nitrate Vulnerable Zones Index Map 2013" and deposited at the offices of the Welsh Government at Cathays Park, Cardiff, CF10 3NQ;

(b) following any subsequent review under regulation 11(3), "map" means a map which is deposited at the offices of the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and which—

(i) is marked "This map identifies those areas of Wales designated by the Welsh Ministers as a Nitrate Vulnerable Zone for the purposes of the Nitrate Pollution Prevention (Wales) Regulations 2013"; and

(ii) specifies the period to which it relates.";

(b) in paragraph (4), for "at the latest every four years subsequently" substitute "before 1 January of every fourth year thereafter".

Amendment of regulation 11 (review of nitrate vulnerable zones)

6. In regulation 11(2), for "at least every four years subsequently" substitute "before 1 January of every fourth year thereafter".

Diwygio rheoliad 36 (cofnodi maint y daliad)

7. Yn rheoliad 36, ar ôl paragraff (2), mewnosoder—

"(3) Rhaid i feddiannydd daliad newydd gofnodi maint cyfan y daliad wedi'i gyfrifo'n unol â rheoliad 12(3)."

Diwygio rheoliad 37 (cofnodion ynglŷn â storio tail yn ystod y cyfnod storio)

8. Yn rheoliad 37, ar ôl paragraff (3), mewnosoder—

"(4) Rhaid i feddiannydd daliad newydd gyfrifo a chofnodi'r materion a restrir ym mharagraff (1)(a) i (c)."

Amendment of regulation 36 (recording the size of the holding)

7. In regulation 36, after paragraph (2), insert—

"(3) The occupier of a new holding must record the total size of the holding calculated in accordance with regulation 12(3)."

Amendment of regulation 37 (records relating to storage of manure during the storage period)

8. In regulation 37, after paragraph (3), insert—

"(4) The occupier of a new holding must calculate and record the matters listed in paragraph (1) (a) to (c)."

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
10 Ebrill 2019

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
10 April 2019

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