
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace—

- (a) the Nitrate Pollution Prevention (Wales) Regulations 2013 ([S.I. 2013/2506 \(W. 245\)](#)) which control the application of nitrogen fertiliser in nitrate sensitive areas, and
- (b) the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010 ([S.I. 2010/1493 \(W. 136\)](#)) which regulate the custody and control of silage and slurry and provided the design and construction standards applicable for its storage.

These Regulations make provision concerning the protection of waters against pollution by nitrates from agricultural sources.

Principal Changes **E+W**

Whereas the requirements under the Nitrate Pollution Prevention (Wales) Regulations 2013 applied only to holdings situated in designated Nitrate Vulnerable Zones, these requirements will now apply to all holdings in Wales. The majority of the measures in the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010 will continue to apply under these Regulations but the capacity requirements for the storage of organic manure and silage in those Regulations are superseded and mirror those in the Nitrate Pollution Prevention (Wales) Regulations 2013.

Furthermore, persons proposing to build or improve their storage facility for slurry or silage will be required to notify the Natural Resources Body for Wales (“NRBW”) 14 days before construction work is begun, replacing the previous requirement for notification prior to the storage facility’s actual use.

Occupiers of organic holdings wishing to benefit from the exemption to the closed periods for spreading organic manure with high readily available nitrogen (regulation 20) must now submit an undertaking to the control system referred to in Article 27 of Council Regulation ([EC](#)) 834/2007 rather than register with the Advisory Committee on Organic Standards which has now been dissolved.

The Regulations **E+W**

Part 1 of these Regulations contains introductory provisions including transitional provision for all holdings not previously within a Nitrate Vulnerable Zone which are now required to comply with the relevant provisions and requirements under these Regulations.

Part 2 of these Regulations imposes annual limits on the amount of nitrogen from organic manure that may be applied or spread.

Part 3 establishes requirements relating to the amount of nitrogen to be spread on a crop, and requires an occupier to plan in advance how much nitrogen fertilizer will be spread.

Part 4 requires an occupier to provide a risk map of the holding, and imposes conditions on how, where and when to spread nitrogen fertilizer.

Part 5 establishes closed periods during which it is prohibited to spread nitrogen fertilizer.

Part 6 makes provision for the storage of organic manure and prescribes the capacity and construction requirements for such storage systems. It provides for exemptions from the requirements for certain storage systems; for NRBW to serve notices requiring the carrying out of works or precautions

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

for reducing the risk of pollution to controlled waters and provides an appeal process against such notices. It also requires NRBW to be notified of certain works to be carried out to such storage systems.

Part 7 specifies what records must be kept.

Part 8 requires the Welsh Ministers to review these Regulations within set time scales, including a review after two years to consider any submissions on an alternative suite of measures to those in these Regulations for preventing or reducing pollution caused by agriculture.

Part 9 of these Regulations provides for enforcement and for contravention of certain regulations to be a criminal offence. These Regulations are enforced by NRBW.

Part 10 contains miscellaneous provisions including revocations.

These Regulations repeal and re-enact (without modification) technical regulations in the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010.

British Standard publications referred to in these Regulations can be obtained from the British Standard Institute either online at <https://shop.bsigroup.com/Contact-Us/> or by writing to BSI Customer Services, 389 Chiswick High Road, London, W4 4AL, UK.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

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