
WELSH STATUTORY INSTRUMENTS

2021 No. 77

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

PART 4

Controlling the spreading of nitrogen fertiliser

Risk maps

11.—(1) An occupier of a holding who spreads organic manure on that holding must maintain a map of the holding (“a risk map”) in accordance with this regulation.

(2) If circumstances change the occupier must update the risk map within three months of the change.

(3) The risk map must show—

- (a) each field, with its area in hectares,
- (b) all surface waters,
- (c) any boreholes, springs or wells on the holding or within 50 metres of the holding boundary,
- (d) areas with sandy or shallow soils,
- (e) land with an incline greater than 12°,
- (f) land within 10 metres of surface waters,
- (g) land within 50 metres of a borehole, spring or well,
- (h) land drains (other than a sealed impermeable pipe),
- (i) sites suitable for temporary field heaps if this method of storing manure is to be used, and
- (j) land that has a low run-off risk (this is optional for an occupier who does not intend to spread manure on low run-off risk land during the storage period in accordance with regulation 29).

(4) If an occupier spreads organic manure by using precision spreading equipment up to 6 metres from surface water as permitted by regulation 14(1), the risk map must identify land within 6 metres of surface waters.

(5) The occupier must keep a copy of the risk map.

Commencement Information

11 [Reg. 11](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

When to spread fertiliser

12.—(1) An occupier who intends to spread nitrogen fertiliser must first undertake a field inspection to consider the risk of nitrogen getting into surface water.

(2) No person may spread nitrogen fertiliser on that land if there is a significant risk of nitrogen getting into surface water, taking into account in particular—

- (a) the slope of the land, particularly if the slope is more than 12°,
- (b) any ground cover,
- (c) the proximity to surface water,
- (d) the weather conditions,
- (e) the soil type, and
- (f) the presence of land drains.

(3) No person may spread nitrogen fertiliser if the soil is waterlogged, flooded, snow covered, frozen or has been frozen for more than 12 hours in the previous 24 hours.

Commencement Information

I2 [Reg. 12](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Spreading manufactured nitrogen fertiliser near surface water

13. No person may spread manufactured nitrogen fertiliser within 2 metres of surface water.

Commencement Information

I3 [Reg. 13](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Spreading organic manure near surface water, boreholes, springs or wells

14.—(1) [^{F1}Except where paragraph 26 of Schedule 1A applies,] No person may spread organic manure within 10 metres of surface water unless using precision spreading equipment in which case no person may spread organic manure within 6 metres of surface water.

(2) But livestock manure (other than slurry and poultry manure) may be spread there if—

- (a) it is spread on land managed for breeding wader birds or as a species-rich semi-natural grassland and the land is—
 - (i) notified as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981(1), or
 - (ii) subject to an agri-environment commitment entered into under Council Regulation (EC) 1698/2005(2), or Regulation (EU) 1305/2013(3),
- (b) it is spread between 1 June and 31 October inclusive,
- (c) it is not spread directly on to surface water, and
- (d) the total annual amount does not exceed 12.5 tonnes per hectare.

(3) No person may spread organic manure within 50 metres of a borehole, spring or well.

^{F2}(4)

(1) 1981 c. 69.
 (2) EUR 1698/2005.
 (3) EUR 1305/2013, as amended by S.I. 2019/748 and 764.

Textual Amendments

- F1** Words in [reg. 14\(1\)](#) inserted (31.12.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, **6(a)**
- F2** [Reg. 14\(4\)](#) omitted (31.12.2023) by virtue of [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1393\)](#), regs. 1, **6(b)**

Commencement Information

- I4** [Reg. 14](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Controlling how nitrogen fertiliser is spread

15.—(1) Subject to paragraph (2), any person spreading slurry must use spreading equipment with a low spreading trajectory, that is, below 4 metres from the ground.

(2) Spreading equipment with a spreading trajectory of more than 4 metres from the ground may be used on land that has a low run off risk where such equipment can achieve an average slurry application rate of not more than 2 mm per hour when it is operating continuously.

(3) Any person spreading nitrogen fertiliser must do so in as accurate a manner as possible.

Commencement Information

- I5** [Reg. 15](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Incorporating organic manure into the ground

16.—(1) Any person who applies organic manure onto the surface of bare soil or stubble (other than soil that has been sown) must ensure that it is incorporated into the soil in accordance with this regulation.

(2) Poultry manure must be incorporated as soon as practicable, and within 24 hours at the latest.

(3) Slurry and liquid digested sewage sludge (that is, liquid from the treatment of sewage sludge by anaerobic digestion) must be incorporated as soon as practicable, and within 24 hours at the latest, unless it was applied using equipment of a type described in regulation 14(4).

(4) Any other organic manure (other than organic manure spread as a mulch on sandy soil) must be incorporated into the soil as soon as practicable, and within 24 hours at the latest, if the land is within 50 metres of surface water and slopes in such a way that there may be run-off to that water.

Commencement Information

- I6** [Reg. 16](#) 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 4.