

WELSH STATUTORY INSTRUMENTS

2021 No. 77

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

PART 7

Calculations and records

Recording the size of the holding

33.—(1) The occupier of a holding must maintain a record of the total size of the holding calculated in accordance with regulation 4(3).

(2) If the size of the holding changes this record must be updated within one month.

Commencement Information

I1 Reg. 33 in force at 1.4.2021, see **reg. 1(3)**

Records relating to storage of manure during the storage period

34.—(1) The occupier of a holding with livestock must maintain a record—

- (a) of the amount of manure that will be produced by the anticipated number of animals that will be kept in a building or on hardstanding during the storage period referred to regulation 29, using the figures in Schedule 1;
- (b) the amount of storage capacity (slurry vessels and hardstanding) required to enable compliance with regulation 29, taking into account—
 - (i) the amount of manure intended to be exported from the holding,
 - (ii) the amount of manure intended to be spread on land that has a low run-off risk, and
 - (iii) in the case of a slurry vessel the amount of liquid other than slurry likely to enter the vessel;
- (c) the current capacity for storage on the holding.

(2) An occupier who introduces animals on to a holding for the first time must comply with paragraph (1) within one month of the introduction of the animals.

(3) If the amount of storage capacity changes the occupier must record the change within one week.

Commencement Information

I2 Reg. 34 in force at 1.4.2021, see **reg. 1(3)**

Annual records relating to storage

35.—(1) Before 30 April each year the occupier of a holding with livestock must record, for the previous storage period referred to in regulation 29 the number and category of animals in a building or on a hardstanding during the storage period.

(2) The occupier must also record the sites used for field heaps and the dates of use.

Commencement Information

I3 Reg. 35 in force at 1.4.2021, see **reg. 1(3)**

Record of nitrogen produced by animals on the holding

36.—(1) Before [^{F1}the relevant date] every year the occupier must make a record of—

- (a) the number and category (in accordance with the categories in Schedule 1) of animals on the holding during the [^{F2}previous 12 month period], and
- (b) the number of days that each animal spent on the holding.

(2) The occupier must then calculate the amount of nitrogen in the manure produced by the animals on the holding during that year using the Table in Schedule 1.

(3) Alternatively, in the case of permanently housed pigs or poultry, the occupier may use—

- (a) software approved by the Welsh Ministers, or
- (b) in the case of a system of keeping livestock that only produces solid manure, sampling and analysis in accordance with Part 2 of Schedule 3.

(4) The occupier must make a record of the calculations and how the final figures were arrived at.

(5) An occupier who used software approved by the Welsh Ministers must keep a printout of the result.

[^{F3}(6) In this regulation—

“previous 12 month period” (“*cyfnod o 12 mis blaenorol*”) means—

- (a) for an occupier of a holding within a nitrate vulnerable zone as shown on the NVZ index map, the 12 month period beginning 1 January and ending 31 December before the relevant date;
- (b) for an occupier of a holding or part of a holding that were not previously situated within a nitrate vulnerable zone as shown on the NVZ index map—
 - (i) the first 12 month period for these purposes is [^{F4}1 January 2024 to 31 December 2024], and
 - (ii) subsequently, the 12 month period beginning [^{F5}1 January and ending 31 December] before the relevant date;

“relevant date” (“*dyddiad perthnasol*”) means—

- (a) for an occupier of a holding within a nitrate vulnerable zone as shown on the NVZ index map, 30 April,
- (b) for an occupier of a holding or part of a holding that were not previously situated within a nitrate vulnerable zone as shown on the NVZ index map, [^{F6}30 April 2025 and for all subsequent years 30 April].]

Textual Amendments

- F1** Words in [reg. 36\(1\)](#) substituted (31.12.2022) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) Regulations 2022 \(S.I. 2022/1305\)](#), regs. 1(2), **2(5)(a)**
- F2** Words in [reg. 36\(1\)\(a\)](#) substituted (31.12.2022) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) Regulations 2022 \(S.I. 2022/1305\)](#), regs. 1(2), **2(5)(b)**
- F3** [Reg. 36\(6\)](#) inserted (31.12.2022) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) Regulations 2022 \(S.I. 2022/1305\)](#), regs. 1(2), **2(5)(c)**
- F4** Words in [reg. 36\(6\)](#) substituted (31.10.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/1070\)](#), regs. 1(2), **2(4)(a)(i)**
- F5** Words in [reg. 36\(6\)](#) substituted (31.10.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/1070\)](#), regs. 1(2), **2(4)(a)(ii)**
- F6** Words in [reg. 36\(6\)](#) substituted (31.10.2023) by [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/1070\)](#), regs. 1(2), **2(4)(b)**

Commencement Information

- I4** [Reg. 36](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Livestock manure brought on to or sent off the holding

37.—(1) Subject to paragraph (3), an occupier who brings livestock manure on to a holding must, within one week record—

- (a) the type and amount of livestock manure,
- (b) the date it is brought on to the holding,
- (c) the nitrogen content, and
- (d) if known the name and address of the supplier.

(2) An occupier who sends livestock manure off a holding must within one week record—

- (a) the type and amount of livestock manure,
- (b) the date it is sent off the holding,
- (c) the nitrogen content,
- (d) the name and address of the recipient, and
- (e) details of a contingency plan to be used in the event that an agreement for a person to accept the livestock manure fails.

(3) If the nitrogen content of the livestock manure brought on to a holding is not known, the occupier must ascertain it, as soon as is reasonably practicable after arrival, and record it within one week of ascertaining it.

(4) All nitrogen content of the livestock manure must be ascertained using either the standard figures in Part 1 of Schedule 3 or by sampling and analysis as set out in Part 2 of that Schedule.

Commencement Information

- I5** [Reg. 37](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Sampling and analysis

38. Any person using sampling and analysis to determine nitrogen content in organic manure must keep the original report from the laboratory.

Commencement Information

I6 [Reg. 38](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Records of crops sown

39. An occupier who intends to spread nitrogen fertiliser must record within one week of sowing a crop—

- (a) the crop sown, and
- (b) the date of sowing.

Commencement Information

I7 [Reg. 39](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Records of spreading nitrogen fertiliser

40.—(1) Subject to paragraph (3), within one week of spreading organic manure the occupier must record—

- (a) the area on which organic manure is spread;
- (b) the quantity of organic manure spread;
- (c) the date or dates;
- (d) the methods of spreading;
- (e) the type of organic manure;
- (f) the total nitrogen content;
- (g) the amount of nitrogen that was available to the crop.

(2) Subject to paragraph (3), within one week of spreading manufactured nitrogen fertiliser the occupier must record—

- (a) the date of spreading, and
- (b) the amount of nitrogen spread.

(3) Paragraphs (1) and (2) do not apply to the occupier of a holding in any calendar year in which 80 % of the agricultural area of a holding is sown with grass, and—

- (a) the total amount of nitrogen in organic manure applied to the holding, whether directly by animal or a result of spreading, is no more than 100 kg per hectare,
- (b) the total amount of nitrogen in manufactured nitrogen fertiliser applied to the holding is no more than 90 kg per hectare, and
- (c) the occupier does not bring any organic manure onto the holding.

Commencement Information

I8 [Reg. 40](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Subsequent records

41.—(1) An occupier who has used nitrogen fertiliser must record the yield achieved by an arable crop within one week of ascertaining it.

(2) Before 30 April each year an occupier must record how any grassland was managed in the previous calendar year.

Commencement Information

I9 [Reg. 41](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Keeping of advice

42. An occupier must keep a copy of any advice from a person who is a member of the Fertiliser Advisers Certification and Training Scheme that is relied on for any purpose under these Regulations for five years.

Commencement Information

I10 [Reg. 42](#) in force at 1.4.2021, see [reg. 1\(3\)](#)

Duration of records

43. Any person required to make a record under these Regulations must keep it for five years.

Commencement Information

I11 [Reg. 43](#) 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 7.