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INSTRUMENTS

2023 Rhif 466 (Cy. 70)

2023 No. 466 (W. 70)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

DŴR, CYMRU

WATER, WALES

**Rheoliadau Adnoddau Dŵr (Rheoli
Llygredd Amaethyddol) (Cymru)
(Diwygio) 2023**

**The Water Resources (Control of
Agricultural Pollution) (Wales)
(Amendment) Regulations 2023**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) 2021 ("Rheoliadau 2021").

These Regulations amend the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 ("the 2021 Regulations").

Mae rheoliad 2(2) yn diwygio rheoliad 2 o Reoliadau 2021 er mwyn newid y dyddiad gweithredu ar gyfer rheoliadau 4 ac 36 o Reoliadau 2021 o 30 Ebrill 2023 i 31 Hydref 2023 ar gyfer daliadau neu rannau o ddaliadau nad oeddent gynt wedi eu lleoli o fewn parth perygl nitradau ("PPN").

Regulation 2(2) amends regulation 2 of the 2021 Regulations to change the implementation date for regulations 4 and 36 of the 2021 Regulations from 30 April 2023 to 31 October 2023 for holdings or parts of holdings not previously situated within a nitrate vulnerable zone ("NVZ").

Mae rheoliad 2(3) yn diwygio rheoliad 4 o Reoliadau 2021 fel bod y terfyn uchaf o 170kg yr hectar o nitrogen mewn tail da byw yn gymwys i bob cyfnod o 12 mis sy'n dechrau â 31 Hydref ar gyfer daliadau neu rannau o ddaliadau nad oeddent gynt wedi eu lleoli o fewn PPN.

Regulation 2(3) amends regulation 4 of the 2021 Regulations so the 170kg per hectare maximum limit of nitrogen in livestock manure applies to each 12 month period beginning with 31 October for holdings or parts of holdings not previously situated within an NVZ.

Mae rheoliad 2(4)(a) yn diwygio'r diffiniad o "cyfnod o 12 mis blaenorol" yn rheoliad 36(6) o Reoliadau 2021 fel bod y cyfnod cadw cofnodion perthnasol yn adlewyrchu'r cyfnod o 12 mis sy'n dechrau ar 31 Hydref o dan reoliad 4 ar gyfer daliadau neu rannau o ddaliadau nad oeddent gynt wedi eu lleoli o fewn PPN. Mae hefyd yn ei gwneud yn glir mai'r cyfnod cadw cofnodion perthnasol cyntaf ar gyfer meddianwyr daliadau neu rannau o ddaliadau nad oeddent gynt wedi eu lleoli o fewn PPN yw 31 Hydref 2023 i 30 Hydref 2024.

Regulation 2(4)(a) amends the definition of "previous 12 month period" in regulation 36(6) of the 2021 Regulations so the relevant record keeping period reflects the 12 month period beginning 31 October under regulation 4 for holdings or parts of holdings not previously situated within an NVZ. It also makes clear that the first relevant record keeping period for occupiers of holdings or parts of holdings not previously situated within an NVZ is 31 October 2023 to 30 October 2024.

Mae rheoliad 2(4)(b) yn diwygio'r diffiniad o "dyddiad perthnasol" yn rheoliad 36(6) o Reoliadau 2021 fel bod rhaid i feddianwyr daliadau neu rannau o ddaliadau nad oeddent gynt wedi eu lleoli o fewn PPN gofnodi'r data perthnasol sy'n ofynnol o dan reoliad 36(1) cyn 28 Chwefror 2025 ac 28 Chwefror ar gyfer pob blwyddyn ddilynol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

Regulation 2(4)(b) amends the definition of "relevant date" in regulation 36(6) of the 2021 Regulations so that the occupiers of holdings or parts of holdings not previously situated within an NVZ must make a record of the relevant data required under regulation 36(1) before 28 February 2025 and 28 February for all years subsequently.

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 Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

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(Diwygio) 2023

The Water Resources (Control of
Agricultural Pollution) (Wales)
(Amendment) Regulations 2023

Gwnaed 25 Ebrill 2023

Made 25 April 2023

*Gosodwyd gerbron Senedd
Cymru* 26 Ebrill 2023

Laid before Senedd Cymru 26 April 2023

Yn dod i rym 29 Ebrill 2023

Coming into force 29 April 2023

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 92 a 219(2)(e) i (f) o Ddeddf Adnoddau Dŵr 1991(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 92 and 219(2)(e) to (f) of the Water Resources Act 1991(1).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) (Diwygio) 2023.

(2) Daw'r Rheoliadau hyn i rym ar 29 Ebrill 2023.

Title and coming into force

1.—(1) The title of these Regulations is the Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) Regulations 2023.

(2) These Regulations come into force on 29 April 2023.

(1) 1991 p. 57. Diwygiwyd adran 92 gan adran 120 o Ddeddf yr Amgylchedd 1995 (p. 25), a pharagraffau 128 a 144 o Atodlen 22 iddi, a chan O.S. 2010/675 ac O.S. 2013/755 (Cy. 90). Mae diwygiadau i adran 219 nad ydynt yn berthnasol i'r Rheoliadau hyn. Yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo, trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 92 i Gynulliad Cenedlaethol Cymru o ran y rhannau hynny o Gymru sydd y tu allan i ddalgylchoedd afon Dyfrdwy, afon Gwy ac afon Hafren. O ran y rhannau hynny o Gymru sydd o fewn y dalgylchoedd hynny, mae swyddogaethau o dan adran 92 yn arferadwy gan Gynulliad Cenedlaethol Cymru ar y cyd â'r Ysgrifennydd Gwladol. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi, mae swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 92 a 219 bellach wedi eu breinio yng Ngweinidogion Cymru.

(1) 1991 c. 57. Section 92 was amended by section 120 of, and paragraphs 128 and 144 of Schedule 22 to, the Environment Act 1995 (c. 25), and by S.I. 2010/675 and S.I. 2013/755 (W. 90). There are amendments to section 219 which are not relevant to these Regulations. By virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) functions of the Secretary of State under section 92 were transferred to the National Assembly for Wales in relation to those parts of Wales which are outside the catchment areas of the rivers Dee, Wye and Severn. In relation to those parts of Wales which are within those catchment areas, functions under section 92 are exercisable by the National Assembly for Wales concurrently with the Secretary of State. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) functions of the National Assembly for Wales under sections 92 and 219 now vest in the Welsh Ministers.

Diwygio Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) 2021

2.—(1) Mae Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) 2021(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(b) (mesurau trosiannol ar gyfer daliadau nad oeddent gynt mewn parth perygl nitradau), yn lle “30 Ebrill 2023” rhodder “31 Hydref 2023”.

(3) Yn rheoliad 4(4)(b) (dodi tail da byw – y terfyn o ran cyfanswm y nitrogen ar gyfer yr holl ddaliad), yn lle “30 Ebrill” rhodder “31 Hydref”.

(4) Yn rheoliad 36(6) (cofnod o'r nitrogen a gynhyrchwyd gan anifeiliaid ar y daliad)—

- (a) yn y diffiniad o “cyfnod o 12 mis blaenorol”, ym mharagraff (b)—
 - (i) yn is-baragraff (i), yn lle “30 Ebrill 2023 i 29 Ebrill 2024” rhodder “31 Hydref 2023 i 30 Hydref 2024”, a
 - (ii) yn is-baragraff (ii), yn lle “30 Ebrill ac sy'n gorffen ar 29 Ebrill” rhodder “31 Hydref ac sy'n gorffen ar 30 Hydref”;
- (b) yn y diffiniad o “dyddiad perthnasol”, ym mharagraff (b), yn lle “31 Awst 2024 ac ar gyfer pob blwyddyn ddilynol 31 Awst” rhodder “28 Chwefror 2025 ac ar gyfer pob blwyddyn ddilynol 28 Chwefror”.

Amendment of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021

2.—(1) The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021(1) are amended as follows.

(2) In regulation 2(b) (transitional measures for holdings not previously in a nitrate vulnerable zone), for “30 April 2023” substitute “31 October 2023”.

(3) In regulation 4(4)(b) (application of livestock manure – total nitrogen limit for the whole holding) for “30 April” substitute “31 October”.

(4) In regulation 36(6) (record of nitrogen produced by animals on the holding)—

- (a) in the definition of “previous 12 month period”, in paragraph (b)—
 - (i) in sub-paragraph (i), for “30 April 2023 to 29 April 2024” substitute “31 October 2023 to 30 October 2024”, and
 - (ii) in sub-paragraph (ii), for “30 April and ending 29 April” substitute “31 October and ending 30 October”;
- (b) in the definition of “relevant date”, in paragraph (b), for “31 August 2024 and for all subsequent years 31 August” substitute “28 February 2025 and for all subsequent years 28 February”.

Lesley Griffiths

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd, un o Weinidogion Cymru
25 Ebrill 2023

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a gorchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

Minister for Rural Affairs and North Wales, and Trefnydd, one of the Welsh Ministers
25 April 2023

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(1) O.S. 2021/77 (Cy. 20), a ddiwygiwyd gan O.S. 2022/1305 (Cy. 262).

(1) S.I. 2021/77 (W. 20), amended by S.I. 2022/1305 (W. 262).

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