



Llywodraeth Cymru
Welsh Government

PUBLICATION, DOCUMENT

Statutory review of the Control of Agricultural Pollution Regulations: terms of reference

Explains the terms of reference for the review.

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Introduction

The Water Resources (Control of Agricultural Pollution) Regulations 2021 (the Regulations) came into force on 1 April 2021. Transitional provisions provided a phased introduction, with the Regulations fully implemented from January 2025.

The **Written Statement** and **Explanatory Memorandum** accompanying the Regulations provide further detail on their purpose, which in summary is to address the detrimental impacts of agricultural pollution on public health, the environment and biodiversity. The Regulations reflect Welsh Government's ambition to support farmers contribute to healthy waterways. The regulations do this through measures designed to prevent or reduce emissions of agricultural pollutants, including nitrates, phosphorus, ammonia and nitrous oxide, to the environment. The Regulations were also designed to contribute to fulfilling Wales' statutory and international obligations and acknowledge compliance and regulatory equivalence is necessary for trade purposes.

As required by Regulation 44, at least every four years, the Welsh Ministers must review the effectiveness of the measures imposed by the Regulations as a means of reducing or preventing water pollution from agricultural sources and if necessary revise them. When carrying out a review, the Welsh Ministers must take into account:

- available scientific and technical data, particularly with reference to respective nitrogen contributions originating from agricultural and other sources, and
- regional environmental conditions.

The review is to be completed by the end of March 2025.

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Objectives

The following high-level objectives will need to be considered as part of the review:

- review effectiveness of the Regulations to tackle water pollution. This includes consideration of the accessibility, complexity, practical implementation, and impact (including social and economic) of the Regulations, in addition to the effectiveness of the measures imposed to reduce or prevent environmental pollution from agricultural sources
- consider Welsh Government's Sustainable Land Management Duty of the Agriculture (Wales) Act 2023 and obligations of the Well-being of Future Generations (Wales) Act 2015 and Environment (Wales) Act 2016. Additionally, the impact of the Regulations in relation to wider environmental statutory and international obligations, including in relation to emission reduction commitments established by the National Emission Ceilings Regulations 2018, biodiversity (COP 15 target 7), climate change (Net Zero Wales)
- consider the impact of the Regulations upon trade, including the EU-UK Trade and Co-operation Agreement, other international agreements and future trade opportunities
- review the evidence base in relation to the alternative measures proposals submitted under Regulation 45 and take account additional innovation and what provisions may be required within the Regulations to facilitate their use
- consider links and relationships within the wider regulatory environment and compliment the additional review of the Control of disposal of organic material to land

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Primary methodology and outputs

The review is to determine if the Regulations are fit for purpose as they stand or should be modified to be more effective in achieving the outcomes, to prevent or reduce agricultural pollution. To assess this the review will consider:

- evidence obtained from NRW to support the review
- compliance data from initial inspection process undertaken to date, to note currently targeted at 'high risk' farms, including those handling either slurry or poultry manure
- stakeholder feedback on the environmental effectiveness of the regulations
- stakeholder feedback via engagement of the 'on the ground' issues relating to the implementation and usability of the regulations. Including record keeping and other regulatory requirements and impacts on farm businesses and processes
- stakeholder feedback in relation to the agri-food supply chain on impacts on production
- the economic assessment of the 170kg/N/ha limit whole holding limit for livestock manure
- evidence relating to the current regulatory measures

Further areas of consideration can be included at the discretion of the review chair.

The main output of the review is expected to be a report, detailing the findings of the review, which makes recommendations for any improvements to the Regulations which could or should be made to more effectively achieve the intended outcomes.

Outside of scope

The scope of the review is specific to the Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021. The following are examples of areas which would be considered outside the scope of the review:

- Enforcement approach and actions of NRW which would otherwise be governed by the [Regulators code](#).
- Non-regulatory interventions to be supported by funding from farm payment support schemes e.g. Sustainable Farming Scheme
- Funding recommendations for research and development or new technologies, unless the structure of the Regulations prevents or currently prohibits their use.
- Grant support schemes for on-farm infrastructure investment including value and intervention rate.

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