Information on the draft Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2020

Why have the draft regulations been issued?

The draft regulations have been published for stakeholders and interested parties to understand the potential measures that could apply in Wales to tackle the unacceptable level of pollution from agricultural activity. The draft regulations are for information only. **A final decision on whether the draft regulations will be introduced has been delayed in response to the impacts of the Coronavirus pandemic not yet been made.**

When will the regulations apply?

The Minister for Environment, Energy and Rural Affairs is considering the evidence and advice and will make an announcement at the appropriate time, in light of the current Coronavirus pandemic.

If the draft regulations are introduced, transitional periods mean the regulations would be introduced over a period to be decided, providing time for farmers to become familiar with the requirements and plan for any changes.

The requirements would be included within cross compliance but only from the date from which they first apply, following any relevant transitional period.

Whilst the draft regulations would apply to all farms in Wales if introduced, the measures are targeted at agricultural activities which may cause pollution and the impact on individual farms would be highly dependent and proportionate on the type of activities being carried out. In general, intensive slurry-producing operations and poultry farms would see the greatest change, while less intensive farms, which do not produce slurry, would see little change. For all farm types, the impact on those already following good practice guidance would be considerably less than those which do not.

The draft Regulations include a requirement on the Welsh Government to review the regulations. This includes a requirement to consider any proposals for an alternative suite of measures, within 18 months of the Regulations coming into force. This would provide the agricultural industry with the opportunity to develop an earned autonomy approach, alternative measures which would be more effective in delivering the outcomes than those specified in the draft Regulations.

A summary of the draft requirements is provided below. The summary provides an example of the opportunity to group measures over a transitionary period and are provided for illustrative purposes only. The regulations, including transitional periods, are subject to Ministerial decision.
### Grouping 1

**Storage of manure and silage**

- 14 days' notice must be given to NRW before construction begins on a new or improved slurry or silage store. Currently notification is required before first use, which can lead to costly modification or a complete rebuild where issues are not identified before construction.

Main element of the draft Regulations: Part 6

### Grouping 2

**Storage of manure and silage**

- Rules on the placement of manure field heaps would apply to minimise the risk of effluent reaching waterbodies.

- Other than the requirement to notify NRW before construction of a new or improved store begins, the silage storage requirements within existing regulations would be retained.

Main element of the draft Regulations: Part 6

**Risk Map**

- If there is an intention to spread manure on the holding a risk map must be produced and maintained which highlights the areas on which spreading may cause pollution, including buffer zones, surface waters and other specified areas.

- Sites suitable for field heaps must be marked on the risk map if manure is to be stored in field heaps.

Main element of the draft Regulations: Part 4

**Controlling the spreading of nitrogen fertiliser (includes manufactured nitrogen fertiliser, slurry and other organic manures):**

- If there is an intention to spread nitrogen fertiliser a field inspection must first be undertaken to consider the risk of nitrogen getting into surface water.

- Nitrogen fertiliser must not be spread on land if there is a significant risk of nitrogen getting into surface water, taking into account factors such as weather and slope. Mandatory buffer zones apply (as per existing cross compliance requirements).

Main element of the draft Regulations: Part 4
**Closed periods for spreading manufactured nitrogen fertiliser**

- on grassland, from 15 September to 15 January*
- on tillage land, from 1 September to 15 January*

*Exemptions apply

Main element of the draft Regulations: Part 5

<table>
<thead>
<tr>
<th>Incorporation of manure</th>
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<tr>
<td>Organic manure applied to bare soil must be incorporated within 24 hours in certain circumstances.</td>
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Main element of the draft Regulations: Part 4

<table>
<thead>
<tr>
<th>Grouping 3</th>
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</thead>
<tbody>
<tr>
<td><strong>Spreading organic manure — nitrogen limits per hectare</strong></td>
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<tr>
<td>No more than 250kg of nitrogen from manure can be applied to any individual field.</td>
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Main element of the draft Regulations: Part 2

<table>
<thead>
<tr>
<th><strong>Nutrient Management Planning</strong></th>
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<tr>
<td>A Nutrient Management Plan must be established for any nitrogen fertiliser applications, which takes into account the soil nitrogen supply and the requirement of the crop.</td>
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Main element of the draft Regulations: Part 3

<table>
<thead>
<tr>
<th><strong>Nutrient applications</strong></th>
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<tbody>
<tr>
<td>Fertiliser applications must not exceed specified crop nitrogen limits.</td>
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<tr>
<td>Fertiliser must be applied as accurately as possible and spreading trajectory must be below 4 meters from the ground.</td>
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Main element of the draft Regulations: Parts 3 and 4

<table>
<thead>
<tr>
<th><strong>Records</strong></th>
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<tr>
<td>Records associated with Nutrient Management Plans and fertiliser applications must be kept.</td>
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</table>
Exemptions from certain requirements would apply where the total amount of nitrogen in organic manure applied to the holding is no more than 100 kg per hectare, the total amount of nitrogen in manufactured nitrogen fertiliser applied to the holding is no more than 90 kg per hectare, and no organic manure is imported.

Main element of the draft Regulations: Part 7

**Holding limit**

No more than 170kg of nitrogen from manure can be applied each year, averaged across the holding, either directly deposited by the animal or by spreading.

It is anticipated a derogation or exemption from this limit would be available for farms with 80% or more grassland before this requirement applies.

Main element of the draft Regulations: Part 2

### Grouping 4

**Closed periods**

The spreading of slurry (and other manures but not farmyard manure) would be prohibited during the following periods (certain exemptions would apply):

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Grassland</th>
<th>Tillage land</th>
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<tbody>
<tr>
<td>Sandy or shallow soil</td>
<td>1 September to 31 December</td>
<td>1 August to 31 December</td>
</tr>
<tr>
<td>All other soils</td>
<td>15 October to 15 January</td>
<td>1 October to 31 January</td>
</tr>
</tbody>
</table>

Spreading after the closed period until the end of February would be limited to 30 cubic metres per hectare (8 tonnes per hectare of poultry manure) at any one time is, and there must be at least three weeks between each spreading.

Main element of the draft Regulations: Part 5

**Slurry Storage capacity**

5 months of slurry storage would be required for any slurry produced by any livestock, other than pigs or poultry.

For slurry produced by pigs and poultry, 6 months of slurry storage would be required.

Note: the rainfall figures and calculations used to determine the storage
needed to meet the requirements of these draft regulations would differ from those of the existing silage and slurry storage regulations (SSAFO). Because of this, the difference between 4 months SSAFO and 5 months required by the proposed regulations is not equivalent to an additional month of storage. In some cases, such as in low rainfall areas, the new requirement may be lower than the existing SSAFO requirement. Where the requirement in the new regulations is greater, an assessment should be made to determine the most effective way to meet the new storage requirement, such as improved clean and dirty water separation.

Main element of the draft Regulations: Part 6