



Our ref: MA/LG/1025/23

Elin Jones MS  
Llywydd  
Senedd Cymru

26 April 2023

Dear Llywydd,

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

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument will come into force on 29 April 2023, less than 21 days after it has been laid.

A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 seek to tackle the causes of water pollution from agricultural activities across Wales. Phase 2 of the regulations came into force on 1 January 2023, but, in relation to holdings or part of holdings not previously situated within a nitrate vulnerable zone ("NVZ"), the transitional provision for the 170kg/ha annual nitrogen holding limit on the spreading of livestock manures (the '170kg limit') and associated reporting requirements were extended until 30 April 2023.

These Regulations extend the transitional provision for the 170kg/ha annual nitrogen holding limit on the spreading of livestock manures (the '170kg limit') and the associated reporting requirements in relation to holdings or part of holdings not previously situated within an NVZ again from April 2023 to 31 October 2023.

We recently consulted on proposals to introduce a licensing scheme for farm businesses not previously situated within an NVZ to work to a higher annual nitrogen holding limit of 250kg/ha, subject to crop need and other legal considerations. There were more than 1,500 responses to the consultation and stakeholders were concerned that a licensing scheme could be costly and complicated to implement. We are therefore undertaking further work to consider options for the regulation of nitrogen application and need more time to complete this work before implementing the 170kg/ha annual limit. In light of that, we need to extend the transitional period in relation to the 170kg/ha limit for a further six months.

The reason for not adhering to the 21-day convention in this case is that if these Regulations do not come into force before 30 April 2023, then the transitional period in relation to the 170kg limit for holdings or part of holdings not previously situated within an NVZ expires, and there would be a gap in the transitional provision. This extension of the transitional provisions in relation to the 170kg limit and associated reporting requirements while we continue to develop our proposals further provides farm businesses not previously situated within an NVZ with legal certainty.

I am copying this letter to Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

**Lesley Griffiths AS/MS**  
**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd**  
**Minister for Rural Affairs and North Wales, and Trefnydd**