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Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Paul Davies MS
Chair
Economy, Trade and Rural Affairs Committee
Welsh Parliament
Cardiff Bay
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25th May 2023

Dear Paul

Further to my response to Recommendations 8, 9 and 10 of the Economy, Trade and Rural Affairs Committee Review of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 ("the Regulations"), I wish to provide the Committee with an update regarding proposals for alternative measures made in relation to Regulation 45.

I have carefully considered all submissions. At this stage, I am unable to determine with sufficient certainty whether the proposals received would be more effective in delivering the outcomes in Regulation 44(1) of reducing or preventing water pollution from agricultural sources, than the measures currently contained within the Regulations. However, many of the proposals show promise and reflect the considerable amount of work which has been carried out in their development. I want to explore these proposals in more detail before making a final decision.

Within the submissions received, there are proposals which I believe may have the potential to be more effective in reducing or preventing water pollution from agricultural sources than the existing measures. I intend these proposals will be further assessed and consulted upon as part of the 4-year review of the Regulations.

Including these proposals in the first 4-year review will enable further detailed assessment ensure any potential changes to the Regulations are considered holistically.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Proposals to be included in the 4-year review include:

- Regulation 3 – Clarify effluent from poultry manure is slurry, to aid compliance.
- Regulation 12 and 13 - Requirements related to when to spread fertiliser and spreading near surface waters to apply to all fertilisers, not just nitrogen fertilisers.
- Regulation 16 – Define the meaning of ‘incorporated’ in respect of incorporating organic manure into the ground and include maize stubble in addition to bare soils.
- Regulation 21 – Spreading restrictions following the closed periods to be consistent for all organic manures with high readily available nitrogen.
- Regulation 23 – clarify any seepage is defined as slurry and must be contained, to aid compliance.
- Regulation 24 – to provide consistency, field silage sites should be stored and/or opened or unwrapped 50m from a well, spring or borehole and not within a groundwater Source Protection Zone 1. Specify the design and construction of a store must be carried out by a qualified person.
- Regulation 25 – greater clarity will be provided to reflect all types of slurry must be stored to aid compliance. Specify the design and construction of a store must be carried out by a qualified person.
- Regulation 26 - Replacement of the exemption enabling silos and slurry stores built prior to 199 to continue to be used, with a safety inspection regime required within appropriate timescales.
- Regulation 27 – greater clarity will be provided in the regulations on filed heap requirements to aid compliance, including in relation to poultry manure without bedding.
- Regulation 29 – clarity to be provided to reflect sufficient storage is required to meet all requirements of the regulations, to include imported manures.
- Regulation 32 - Increased notice period for a new and silo or slurry storage system, to at least 30 days before construction work is to begin, with additional information to be provided on the design and capacity specifications and the exact location.
- Inclusion of measures to protect soils from erosion based on Good Agricultural and Environmental Condition 5 of cross compliance.

There are other proposals which I believe require further development or consideration before any assessment can be made on their effectiveness. My officials will liaise further with proposers to explore these particular proposals in more detail. These proposals may also be taken forward as part of the 4-year review, following further engagement with proposers.

Proposals which will be explored further include:

- Regulations 6 to 10 – Inclusion of all fertilisers within nutrient management planning and crop limits. Allowing additional nitrogen applications to intensive, rotational grazing-based system, as per grass cut 3 times each year.
- Regulation 11 - Groundwater Source Protection Zones (SPZ) to be marked on risk maps.
- Regulations 13 and 14 – Improved relationship between buffer zones and risk factors.
- Regulation 15 – Reduce the maximum height of the fertiliser spreading trajectory, for all fertilisers.
- Regulations 18, 19 and 22 – Alternatives to the closed periods for manufactured fertilisers and organic manures.
- Regulations 24 and 25 – Controls on below ground stores in relation to the unsaturated zone.
- Regulation 28 – To consider when the liquid portion of separated slurry should no longer be classified as slurry, taking account of technological innovation.
- Regulations 36 to 40 – Provision of online data recording for records and inclusion of phosphorous within these requirements.

Finally, a number of the proposals received constituted a recommendation for changes to guidance. While these are out of scope of the alternative measures process, these recommendations have also been assessed and a number will be taken forward or considered further with stakeholders.

As Members are aware, this work is being carried out in collaboration with Cefin Campbell, the Plaid Cymru designated member, as part of the Co-operation Agreement between the Welsh Government and Plaid Cymru.

Regards

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.

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