



Ein cyf/Our ref:MA/LG/3213/23

Rt. Hon. Elin Jones MS
Llywydd
Senedd Cymru

15 December 2023

Dear Elin,

The Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) (No. 4) 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 31 December 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 (and air quality) pollution from agricultural activities across Wales. The 2021 Regulations include an annual limit on the amount of nitrogen in livestock manure that may be applied (whether by direct deposit or by spreading) to a holding. This annual limit is set at 170kg of nitrogen per hectare (the '170kg limit') and this applies as an average across the holding. Whilst this limit already applies to holdings that were previously in a Nitrate Vulnerable Zone (NVZ), it is not due to apply to holdings that were not previously in NVZs until 1 January 2024.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

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.

The purpose of these Regulations is to allow occupiers of holdings or part of holdings not previously situated within an NVZ where at least 80% of the agricultural area of the holding is sown with grass to continue to apply (whether by direct deposit or by spreading) in excess of 170kg of nitrogen per hectare in grazing livestock manure to the holding for the calendar year 2024, up to a maximum of 250kg per hectare. Additionally, these Regulations ensure that where such applications do occur, occupiers must comply with additional enhanced nutrient management requirements to mitigate any potential environmental impact, this includes notifying Natural Resources Wales of their intention to apply in excess of 170kg of nitrogen per hectare to their holdings. The Regulations also require, for the calendar year 2024, that occupiers of qualifying holdings limit the total amount of nitrogen in livestock manure to be applied to their holding. Such that the application of nitrogen in livestock manure does not exceed 170kg per hectare for non-grazing livestock, and 250kg per hectare for grazing livestock. Where an occupier of a qualifying holding applies both grazing and non-grazing livestock manures to the holding, the application of both must be adjusted on a pro-rata basis. The Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) (No. 4) Regulations 2023 will provide clarity on the above, and will revoke and replace the Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) (No. 3) Regulations 2023.

The reason for not adhering to the 21-day convention in this case is that if the Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) (No. 4) Regulations 2023 do not come into force on or before 31 December 2023, then the Water Resources (Control of Agricultural Pollution) (Wales) (Amendment) (No. 3) Regulations 2023 will come into force on 1 January 2024 without maximising legal clarity, accessibility, and certainty for end users regarding the combined application of manures from both grazing and non-grazing livestock.

I am copying this letter to Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Bethan Davies, 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, flowing style.

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