

2014 No. 371 (W. 39)

AGRICULTURE, WALES

**The Common Agricultural Policy
Single Payment and Support
Schemes (Cross Compliance)
(Wales) (Amendment) Regulations
2014**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, amend the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004 (S.I. 2004/3280 (W. 284)) (“the Principal Regulations”) which make provision for the administration and enforcement of Council Regulation (EC) No 73/2009 (OJ No L 30, 31.1.2009, p. 16) and Commission Regulation (EC) No 1122/2009 (OJ No L 316, 21.2.2009, p. 65) in relation to cross compliance under the Common Agricultural Policy.

The requirements for cross-compliance as regards protection of groundwater have been amended in respect of the 2014 calendar year. In particular, Annex III of Council Regulation (EC) No 73/2009 has been amended to require the protection of groundwater to be included in the standards of good agricultural and environmental condition which Member States are required to develop. The relevant amendments are contained in Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No 1305/2013 of the European Parliament and of the Council as regards resources and their distribution in respect of the year 2014 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No 1307/2013, (EU) No 1306/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards

their application in the year 2014 (“Regulation (EU) No 1310/2013”).

These Regulations also give effect to regulations 21 and 22 of the Nitrate Pollution Prevention (Wales) Regulations 2013 (S.I. 2013/2506 (W. 245)).

Regulation 3 substitutes a new paragraph 27 into the Schedule to the Principal Regulations to take into account the new requirements controlling the spreading of organic manure near surface water, boreholes, springs or wells as implemented by the Nitrate Pollution Prevention (Wales) Regulations 2013.

Regulation 4 inserts a new paragraph 28 in to the Schedule to the Principal Regulations creating a new minimum standard of Good Agricultural and Environmental Condition in relation to the protection of groundwater, implementing Article 6(20) of Regulation (EU) No 1310/2013.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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2014**

Made 18 February 2014

*Laid before the National
Assembly for Wales* 20 February 2014

Coming into force 21 February 2014

The Welsh Ministers are designated for the purposes of making regulations under section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to the common agricultural policy of the European Union⁽²⁾, and they make the following Regulations in exercise of the powers conferred by that section.

Title, application and commencement

1.—(1) The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2014.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 21 February 2014.

Amendments

2. The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004⁽³⁾ are amended as follows.

(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(2) S.I. 2010/2690.

(3) S.I. 2004/3280 (W. 284) as amended by S.I. 2005/3367 (W. 264), S.I. 2006/2831 (W. 252), S.I. 2007/970 (W. 87), S.I.

3. For paragraph 27 of the Schedule (buffer strips along water courses) substitute—

□ Buffer strips for water protection

27.—(1) No person may spread manufactured nitrogen fertiliser within 2 metres of surface water.

(2) No person may spread organic manure within 10 metres of surface water unless using precision spreading equipment in which case no person may spread organic manure within 6 metres of surface water.

(3) But livestock manure (other than slurry and poultry manure) may be spread there if—

(a) it is spread on land managed for breeding wader birds or as a species-rich semi-natural grassland and the land is—

(i) notified as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981; or

(ii) subject to an agri-environment commitment entered into under Council Regulation (EC) No 1698/2005 (on support for rural development by the European Agricultural Fund for Rural Development (EAFRD));

(b) it is spread between 1 June and 31 October inclusive;

(c) it is not spread directly on to surface water; and

(d) the total annual amount does not exceed 12.5 tonnes per hectare.

(4) No person may spread organic manure within 50 metres of a borehole, spring or well.

(5) For the purposes of this paragraph—

“livestock” means cattle, chickens, deer, ducks, goats, horses, pigs, sheep, ostriches and turkeys;

“manufactured nitrogen fertiliser” means any nitrogen fertiliser (other than organic manure) manufactured by an industrial process;

“nitrogen fertiliser” means any substance containing one or more nitrogen compounds used on land to enhance growth of vegetation and includes organic manure;

“organic manure” means any nitrogen fertiliser or phosphate fertiliser derived from animal, plant or human sources and includes livestock manure;

“precision spreading equipment” means a trailing shoe, dribble bar or injector system;

“phosphate fertiliser” means any substance containing one or more phosphorous compounds used on land to enhance growth of vegetation and includes organic manure;

“poultry” means chickens, ducks, ostriches and turkeys;

“slurry” means excreta produced by livestock (other than poultry) while in a yard or building (including any bedding, rainwater or washings mixed in with it) that has a consistency that allows it to be pumped or discharged by gravity (in the case of excreta separated into its liquid and solid fractions, the slurry is the liquid fraction);

“spread” includes the application to the surface of the land, injection into the land or mixing with the surface layers of the land but does not include the direct deposit of excreta on to land by animals.□

4. In the Schedule after paragraph 27 (buffer strips for water protection) insert—

□ **Protection of groundwater**

28.—(1) No person may cause, or knowingly permit, a groundwater activity except under and to the extent authorised by an environmental permit in accordance with regulation 12(1)(b) of the Environmental Permitting Regulations (England and Wales) 2010(1).

(2) A farmer must comply with the requirements relating to groundwater activities in accordance with regulation 35(2)(p) of, and Schedule 22 to, the Environmental Permitting Regulations (England and Wales) 2010(2).

(3) For the purposes of this paragraph—

“groundwater activity” has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010;

“environmental permit” has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010.□

(1) S.I. 2010/675, amended by S.I. 2012/630; there are other amending instruments but none is relevant.

(2) S.I. 2010/675, amended by S.I. 2012/630; there are other amending instruments but none is relevant.

Alun Davies
Minister of Natural Resources and Food, one of the
Welsh Ministers
18 February 2014