

## **The Water Resources (Control of Agricultural Pollution)(Wales) 2021 Regulations**

### **Frequently Asked Questions (FAQs)**

#### **Nitrate Vulnerable Zones (NVZs)**

Q. What is happening to NVZs in Wales?

A. The Water Resources (Control of Agricultural Pollution)(Wales) 2021 regulations revoke and replace the Nitrate Pollution Prevention (Wales) Regulations 2013. As a result the existing NVZ designations will become obsolete.

Q. Why do the transition periods not apply to farms in an existing NVZ?

A. The transition periods are designed for farms that were not previously with NVZs to allow time to prepare for the introduction of the regulations. To continue to protect the environment within existing NVZs it is not possible to extend the transition period to NVZ areas. Many of the processes and requirements will remain so there is expected to be little change to the farm management. You may also continue to use the existing NVZ workbooks and calculations.

Q. How do I know if land was previously in a NVZ area?

A. You can view existing NVZ designations on the Welsh Government DataMapWales portal. Alternatively maps can be made available on request.

#### **Cross Compliance Requirements**

Q. Will there be any changes to cross compliance as a result of the regulations?

A. The regulations will form part of the cross compliance requirements and the existing system of verifiable standards will form the basis of the cross compliance regime. The cross compliance fact sheets will be updated to reflect the introduction of the regulation and the transition periods.

Q. Can I use evidence from other schemes, e.g. Glastir to demonstrate Nutrient Management Planning and risk maps?

A. Yes, if the existing scheme requirements meet the minimum requirements for record keeping for the regulations you can use the same nutrient management plans as evidence.

#### **Temporary Land (Less than 364 days per year)**

Q. Can I include any land that I graze on a temporary basis into my holding calculations?

A. Yes, changes to your holding size must be recorded within 1 month and your limits will be re-calculated for the period which you graze the temporary land.

Q. Can I spread manure on any land that I am using/grazing on a temporary basis?

A. Only on land which where you are the responsible land manager. You may with permission spread manure on that land but it would need to be recorded as an

export of manure from your holding and must be recorded as an import by the land manager.

Q. I have 'tack' sheep on my land over winter from another keeper, do I need to include them in my holding calculations?

A. Yes, you must record any animals that are on holding for the full duration that they are on the holding. Even if you are not the responsible keeper.

### **Common Land**

Q. I graze animals on common land, can it be included when calculating the size of the holding?

A. Yes, common land to which you have rights to graze livestock may be included when calculating the total area of your holding. You may only include the area of common land to which you have the rights to graze.

Q. I have common rights for only 1 species, how do I account for this within my holding calculations?

A. The Nitrogen limit is calculated for the whole holding, including the common land, regardless of species.

### **Farm Software for Nutrient Management Planning**

Q. I use existing farm software to complete nutrient management planning, can I continue to use this software?

A. Yes, you should ensure that the software is capable of meeting the minimum requirements of the regulations and if not you may need to keep additional records. Records need to be stored for a minimum of 5 years and be made available on request.

The Welsh Government also provide a digital workbook to allow a basic level of nutrient management planning which complies with record keeping requirements.

Q. Can I use the outputs of the farm management software for the purposes of record keeping?

A. Yes, however you must ensure that the software is capable of meeting the minimum record keeping requirements and records are stored for a minimum of 5 years and can be made available on request.

### **Calculating Slurry Storage Capacity**

Q. I do not know how many animals will be on the holding during the storage period, how can I calculate the required capacity?

A. The storage capacity is calculated from the 'anticipated' number of animals on the holding during the storage period. This means that a calculation is required on or in advance of 1 October for the number of animals that you expect, under normal conditions, to have on your holding for the duration of the storage period. You may consider using information from previous years to inform your expected number.

Animals added or removed from the holding must be updated within 1 month of the changes and new calculations provided for the storage period. You may wish to calculate the 'maximum' number of animals that relate to your storage systems capacity and manage accordingly.

If you increase the number of animals on the holding you will need to ensure that you meet the capacity requirements of the regulations.

Q. Only a proportion of my livestock produces slurry, how do I account for this?

A. You are only required to record the expected slurry production. If this is only a proportion of your livestock at any one time you can utilise the expected figures for those animals.

Q. I would like to expand my storage capacity with temporary storage such as AG Bags, are these allowed within the regulations?

A. No, all slurry storage must meet the minimum construction requirements outline in schedule 5 of the the Water Resources (Control of Agricultural Pollution)(Wales) 2021 regulations.

Q. What rainfall data can be used to calculate storage capacity?

A. Average rainfall data is available via the Welsh Government DataMapWales portal based upon the met office's 1980 – 2010 historical monthly averages. The data is provided on to a 1km grid to reflect the wide geography of Wales and provide accurate localised data.

You may use your own rainfall data, if collected on farm, to provide more accurate rainfall figures. You must discuss the suitability of the monitoring equipment with Natural Resources Wales before using the data to make your calculations.

Q. Can I use slurry wizard to calculate my storage requirements?

A. Yes, you can use the Slurry Wizard tool developed by AHDB, additionally there is a storage calculator included in the Welsh Government digital workbook. Additionally you can use your own calculations provided you are able to demonstrate the methodology for your calculations.

### **Cross Boarder Land**

Q. I am a Wales based farmer but I have land in England, how do the regulations apply?

A. The Water Resources (Control of Agricultural Pollution)(Wales) regulations 2021 applies to all land within Wales therefore the regulations will apply to all fields in Wales. All calculations and record keeping must be undertaken for these fields. You must also calculate for the farms as a whole the following:

- Minimum storage capacity for livestock manure;
- Livestock manure total nitrogen farm limit (170 kg/ha)

Further information of the requirements for land in England, including Nitrate Vulnerable Zones (NVZs) is available on the UK Government website <https://www.gov.uk/government/collections/nitrate-vulnerable-zones> .

Q. I am an England based farmer but I have land in Wales, how do the regulations apply?

A. The Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021 applies to all land within Wales therefore the regulations will apply to all fields in Wales. All calculations and record keeping must be undertaken for these fields. You will not be required to any whole farm calculations.

### **Anaerobic Digestion (AD)**

Q. I have onsite/export directly to an AD plant, am I still required to meet the storage period criteria?

A. You must have capacity to store any digestate containing livestock manure produced during the storage period.

If you have a formal slurry export arrangement to an AD plant you are not required to meet the requirements of the storage period, however, you must have storage facilities for a minimum of 1 weeks capacity as a contingency in the event of AD plant failure and to allow time for additional arrangements. In the case of slurry export you must demonstrate that you have a contract to export to an AD plant for the full duration of the storage period.

### **Non-Agricultural Holdings**

Q. I keep a small number of livestock animals for non-agricultural purposes; do I need to comply with the regulations?

A. Yes, An exemption from the full record keeping requirements is available if the holding has, within a calendar year, less than 100kg/ha Nitrogen from organic manures (either directly deposited or spread), less than 90kg/ha of Manufactured Nitrogen applied and no manure or slurry is imported to the land. Please refer to annex 2 of the guidance.

### **Funding Support**

Q. Will there be any financial assistance for on farm upgrades?

A. Future funding programmes have not yet been confirmed, however there may be eligibility under existing schemes. Please visit the farming section of the Welsh Government website for up to date lists of current and planned funding schemes. <https://gov.wales/farming-countryside>

### **Record keeping**

Q. What does the exemption to record keeping requirements mean?

A. You will be exempted from the requirement to record the actual spreading of organic or manufactured nitrogen fertilisers if the following criteria is met and evidence provided.

- 80% of the agricultural area of the holding is sown with grass;
- The total amount of organic manure applied to the holding, whether directly by animal or by spreading is no more than 100kg/ha
- The total amount of nitrogen in manufactured fertiliser applied to the holding is no more than 90kg/ha; and
- No organic manure is brought onto the holding

The Nutrient Management Planning requirements will highlight if this exemption will apply.

You will not need to apply to either the Welsh Government or NRW for an exemption. However must retain records of the above requirements as evidence of meeting the exemption requirement. If your situation changes and you are no longer eligible for the exemption you should begin recording the spreading activities.

Q. Can I store my records digitally?

A. Yes, You should save a new version and date it to provide a digital history of your calculations and not overwrite previous calculations.

Q. I am moving farms what do I do with my records?

A. If you are moving farms or choosing to no longer farm the land yourself you should pass copies of the records onto the next tenant of the farm to ensure continuity. You should also retain a copy for a minimum of 5 years if required.

Q. Do I have to use the Welsh Government workbook?

A. No you do not have to use the Welsh Government workbook but you must ensure that you are capable meeting the minimum record keeping requirements, ensure that records are stored for a minimum of 5 years and can be made available on request.

Q. Do I need separate records for each CPH holding location?

A. No, you can manage your farm business records as one, regardless of how many CPHs you have. The number of animals used for the calculations should include all of your animals.

### **Spreading or exporting slurry/manure when under TB restrictions**

Q. I am under TB restrictions, will I be able to export slurry/manure?

A. You should discuss all slurry/manure movements in advance with your APHA case vet in advance of any planned movements. Typically you will not be able to export to other holdings with cattle or spread on land used for grazing. You must record any movements of slurry/manure on or off your holding. If you are concerned about any compliance or nutrient management issues you should contact NRW for advice <https://naturalresources.wales/about-us/contact-us/>.

## Spreading Bio solids

Q. I currently spread bio-solids, can I continue?

A. Yes you may continue to spread bio-solids but you must consider the application limits set out in the guidance. You should discuss these requirements with your bio-solids supplier to identify your optimum bio-solid amounts and include within import records.

## Exempt structures

Q. What structures are exempt from the construction standards of the regulations?

A. The Regulations apply to all installations used, constructed, substantially reconstructed, or substantially enlarged after September 1991. Installations that were in use or built before March 1991 or where a contract for construction was entered into before March and completed before September 1991 are "exempt structures". You must ensure that there is sufficient storage capacity available for the storage period.

Q. Are there any limitations to exempt structures?

A. NRW can require work to be carried out on "exempt" structures to reduce to a minimum any significant risk of pollution of surface or groundwater by issuing a Notice under regulation 30 detailing the required improvements and the time period for compliance.

Q. Does a structure remain exempt if it is modified?

A. When a previously "exempt", (or any other installation), has been (or is being), substantially enlarged or reconstructed, the Regulations will apply to that structure, and will apply to the **whole** installation and not just the newly extended or reconstructed part. For example, a major refit of an "exempt" store would bring the store and its associated drains and tanks inside the scope of the Regulations, but repairs or minor changes to a reception pit or channels would not necessarily cause a *slurry* storage tank to lose its exemption, "Substantially reconstructed" will often mean requiring significant structural alterations. If you are considering changes to the structure of your store you should contact NRW for advice.

Q. Does the exemption cover the capacity requirement for storage period?

A. No, the capacity of the exempt structure will count towards your total storage capacity. You must ensure that there is sufficient storage capacity available for the storage period and to meet the other requirements of the regulations. Improved clean and dirty water separation may be needed to reduce your storage needs. Alternatively, additional storage may be required or an expansion of an existing structure.

## Temporary Field heaps

Q. If my poultry manure doesn't include bedding why am I required to cover with an impermeable material?

A. Temporary field heaps may be used for solid manure that can be stacked in a free standing heap (i.e. doesn't slump) and that does not drain liquid from the material. However, poultry manure without bedding is prone to slumping if any rainfall or water is allowed to come into contact with it and would result in it becoming unsuitable for temporary field heaps. Covering with impermeable material is a method of mitigating against these instances