# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

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| **TITLE**  | **The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 Closed Periods and changes to the Cross Compliance Verifiable Standards SMR1: Water Protection** |
| **DATE**  | **15 October 2024** |
| **BY** | **Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs** |

The Water Resources (Control of Agricultural Pollution) Regulations were introduced in April 2021 and set out an all-Wales approach to reducing the detrimental impacts of pollution from agricultural activities on our environment, including rivers.

This year sees the start of the closed periods for the spreading of manures with high readily available nitrogen including cattle slurry and poultry manure for all farms in Wales. The closed periods are evidence based and their purpose is to prevent excessive losses of nitrogen and phosphorus to water following application of manures during those periods, when crop growth is limited. During the closed periods, when crop need for nutrients is limited and rainfall is greater, leaching and run-off risks are increased and significant nutrient losses can occur.

The start of the closed period follows a significant transitional period of 174 weeks, to provide time for farms to adapt to this requirement. To support farms to invest in infrastructure, we have committed £52m in grant support since the regulations were introduced in 2021.

Given that slurry mismanagement remains one of the main causes of agricultural pollution, farmers are reminded of the requirement not to spread these manures during the closed periods or apply fertilising materials if there is a significant risk of pollution occurring. This includes when soil and weather conditions are unsuitable for spreading in advance of the closed periods.

For most farms, spreading is permitted again from the 15 January 2025, subject to the post closed period restrictions and any significant risk of pollution.

I recognise that recent wet weather has created difficult circumstances for some farmers, for example leading to difficulties for farmers and contractors wishing to empty slurry stores before the closed period begins, and further advice is provided below.

These challenges will also be considered further as part of the 4-year review which is now well underway, including as part of the assessment of alternative measures proposals.

**Advice for farms with slurry management difficulties**

Farms should identify any mitigating measures available to them to. For example, minimising any rainwater entering a slurry store by ensuring features like guttering and clean water drains are fully functioning.

If any farmers are concerned they will not have the required capacity to safely store their slurry during the closed period and have taken all available actions to prevent the need to spread when it is inappropriate to do so, including during the closed periods, they should contact NRW to identify appropriate mitigating actions to minimise the risk of pollution. Where advice is sought and followed, this may be taken into account in respect of any enforcement action, where appropriate.

**Changes to the Cross Compliance Verifiable Standards**

Recognising the challenges faced by the agricultural sector since the introduction of the Regulations I have requested officials review and make amendments to the Cross Compliance Verifiable Standards. The aim is to provide a more proportional approach, balancing the risk of pollution to the environment and the administrative and technical requirements of the Regulations. I expect revised Cross Compliance Verifiable Standards to be published by 31 October.

The changes reflect the experience of initial inspections of the Regulations undertaken by NRW and place a greater regulatory emphasis by strengthening penalties on the activities known to cause pollution, whilst introducing more proportionate penalties where full assessments of records can be made and where technical non-compliances do not present a pollution risk. Furthermore, Cross Compliance penalties will be reduced for those farm businesses who have undertaken reasonable steps to meet the new storage requirements but which are not currently compliant, up until 1 August 2025. Cases will be reviewed on an individual basis giving full consideration to the actions taken.

In addition, where non-compliance with the Regulations has occurred, my officials and NRW are also able to consider any unforeseen Exceptional Circumstances which may have resulted in a breach of Cross Compliance. Where farmers consider that any non-compliance is due to unforeseen matters beyond their control, individual circumstances can be considered on a case-by-case basis.

Where changes to the Cross Compliance Verifiable Standards are made, most breaches applied since 2021 will be reviewed based on the amended standards. Individual farm businesses will be contacted by Rural Payments Wales to inform them of any impact on their breaches and the financial penalties applied to their payments.