



Llywodraeth Cymru
Welsh Government

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Welsh Government
Consultation Document

Nutrient management – Managing the application of livestock manures sustainably

Proposals for a licensing scheme to 2025.

Date of issue: 25 November 2022

Action required: Responses by 17 February 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This consultation is part of the package of measures the Welsh Government and Plaid Cymru have agreed to progress the implementation of the Co-operation Agreement commitment on agricultural pollution. It seeks views on proposals for a licensing scheme in connection with the nutrient management measure set out in the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. The measure places a limit – measured as 170kg nitrogen per hectare – on the nutrients from livestock manures that may be applied across a holding, as defined in the Regulations, annually.

The proposals in this consultation focus on proposed arrangements by which a licence might be granted in certain circumstances which would allow the above limit to be exceeded, up to a maximum of 250kg nitrogen per hectare, subject to a crop requirement and conditions designed to protect the environment. The proposals comprise an application process and licence conditions. All other measures contained within the Regulations would remain in force, or else would be subject to the relevant transition period.

How to respond

Submit your comments by 17 February 2023, in any of the following ways:

complete our online form

download, complete our response form and email
NMLS.Consultation@gov.wales

download, complete our response form and post to:

Agriculture, Sustainable Development Division

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Agriculture, Sustainable Development Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
Email: NMLS.Queries@gov.wales

This document is also available in Welsh: <https://llyw.cymru/rheoli-maethynnau-rheolir-defnydd-cynaliadwy-o-dail-da-byw>

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The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ
e-mail:
Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 01625 545 745 or
0303 123 1113
Website: <https://ico.org.uk/>

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Chapter 1: Background

Improving our rivers and waterways

The causes of water quality failures in Wales are varied, with contributions coming from a range of sectors, including transport, urban pollution, agriculture, mining and quarrying (including pollution from abandoned metal mines), and water industry discharges. This is having a direct and devastating impact on wildlife and habitat and constraining our ability to build the low carbon homes and supporting infrastructure our communities need. We must develop and implement an integrated cross-sectoral 'Team Wales' approach to ensure long-term water quality improvement and maintain a healthy environment for our future generations.

The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021¹ (the Regulations) help address the causes of pollution from agricultural activity. The measures are based on long-standing good practice carried out by many of our farmers and land managers. They are designed to prevent pollution from occurring and include actions about the planning, management, storage and application to the land of nutrients, amongst other things. They help to deliver on a wide range of our international² and domestic obligations³ and help to meet key objectives on biodiversity, air quality, ammonia and particulate matter and contribute to reducing greenhouse gas emissions.

The focus of this consultation relates to possible changes to the component of the Regulations which places a limit of 170kg nitrogen per hectare per year from livestock manure for a holding, as defined in the Regulations. The limit is based on the nitrogen from the number of livestock kept on the holding over the year and the eligible land defined in the Regulations. It also takes manure imports and exports into account. This consultation seeks views on a licensing scheme to operate until 2025, which would allow higher application of nitrogen in certain limited circumstances and subject to certain conditions. We welcome views on the proposal for such a scheme and how it is to be implemented.

Why is nutrient management important?

Wales is fortunate to have a temperate climate, plenty of rainfall and good quality grassland, which contributes towards the high quality produce our farmers and land managers are renowned for.

¹ [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) Regulations 2021 \(legislation.gov.uk\)](#)

² This includes the [United Nations Framework Convention on Climate Change; Convention on Biological Diversity](#); the UN's [Sustainable Development Goals](#), and the [Gothenburg Protocol](#)

³ The Regulations contribute to our obligations under the [Well-being of Future Generations Act \(Wales\) 2015](#) and the aims of the [Environment \(Wales\) Act 2016](#)

All plants need nitrogen and phosphorus to grow and develop and livestock manures are rich in these nutrients. Application of these and other nutrients above crop need, coupled with our high rainfall, can however result in runoff or soluble nutrients carried through soil to ground and surface waters, making their way instead to our waterways. This causes an excess of nutrients known as eutrophication. This can accelerate plant and algal growth in the aquatic environment, reducing oxygen availability and causing severe damage to our environment.

Applying livestock manures or slurry in excess of crop nutrient requirements is considered a waste disposal activity for which a permit is required. In August 2022 Natural Resources Wales published advice on how to use manures and slurries appropriately,⁴ outlining when manures and slurries are considered a waste material. It states 'When manure or slurry are applied to land with no demonstrable benefit to the soil or crop growth or when they exceed the nutrient requirements of the crop, they are considered waste materials.' and confirms the importance of crop need as the defining line between beneficial application and waste disposal activity.

Controlling the application of nutrients

The Regulations place an annual holding limit on the application of nitrogen from livestock manure, whether directly by an animal or by spreading of livestock manure or slurry. This limit is designed to prevent eutrophication within the aquatic environment from excesses of nitrogen and phosphorus. The limit is set in the Regulations at 170kg nitrogen per hectare per annum. This is consistent with limits in place elsewhere to maintain equivalence with the requirements of EU law. This requirement has been a key feature of the EU Nitrates Directive since its inception in 1991.

Whilst the limit is described by reference to nitrogen application, it also controls against the over-application of phosphorus due to the ratios in which both nutrients are present in livestock manures. We look at this issue in more detail in Chapter 4.

The current position across the UK

Wales is not alone in limiting applications of nutrients to the land to mitigate the risks of pollution to waterways. Both England and Scotland have areas in which similar limitations apply.

In England, all farms must adhere to the Farming Rules for Water which include nutrient management planning for all nutrients, soil testing for pH, Phosphorous, Potassium (K), and Magnesium, rules on soil compaction and poaching and other pollution pathways⁵. In Scotland all farms must adhere to the General Binding Rules⁶

⁴ [Natural Resources Wales / How to use manures and slurries appropriately](#)

⁵ [Farming rules for water from April 2018 - GOV.UK \(www.gov.uk\)](#)

⁶ [Reduce Diffuse Pollution Risks in Farming. Know the regulations. \(farmingandwaterscotland.org\)](#)

which include mandatory nutrient management planning for phosphorous and pH, additional restrictions on nutrient applications to shallow soils, rules on soil erosion, additional rules on pollution pathways, poaching and low emission spreading and increased storage requirements. Northern Ireland implements a Nutrients Action Programme⁷ across the whole of its territory.

Historically, the Nitrates Directive allowed Member States to apply for derogations from the 170kg/ha annual limit, subject to additional criteria and conditions, to a maximum limit of 250kg/ha. These derogations were time limited and subject to renewal by the European Commission. Following the withdrawal of the UK from the European Union, Northern Ireland is currently the only part of the UK with an extant derogation decision⁸ and this decision will expire at the end of 2022. A derogation decision for Welsh holdings in areas previously designated as Nitrate Vulnerable Zones (NVZs) expired in 2016.

Chapter 2: Proposed licence scheme

We intend the proposed licence scheme will be operational until 2025. The proposal recognises the challenges faced by the agricultural sector following the introduction of the Regulations, higher input costs relating to fertiliser and feed prices, energy and fuel costs and wider economic uncertainty.

The proposals set out in this consultation have regard to the need to maintain an equivalence with measures operating elsewhere in the UK and beyond, alongside our wider environmental and legal obligations. We have considered the arrangements applying across the UK, including the agreed derogation in Northern Ireland, and their potential to be adopted for application in a Welsh context, taking into account amongst other things geography, climate and the agricultural landscape across Wales.

Wales' agricultural landscape is dominated by grassland, 87% of agricultural land in Wales is a form of grassland or grazed, with 63% permanent grassland⁹. Grass is a crop with a high nitrogen uptake and where managed appropriately it can aid the denitrification of soils. Grass is generally managed as a permanent cover crop, which helps to limit soil loss and nutrient loss from run off.

The climatic conditions of Wales include higher rainfall and average temperatures at lower altitudes, where the majority of permanent improved grassland is located, of between 9.5 and 11 degrees also provides good conditions for grass growth, through a long growing season. The European Commission has previously issued derogation

⁷ [Nitrates Directive | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](#)

⁸ [EC Decision 2019/1325/EU](#)

⁹ [Synthesis of Welsh Soil Evidence \(gov.wales\)](#)

decisions to the Nitrates Directive to countries with similar climatic and agricultural conditions.¹⁰

The high rainfall in Wales, however, also increases risks of soil and nutrient losses through run off, particularly through the autumn and winter period. Higher application rates of manures increase the risk of nutrient losses to the environment. Any higher rate of application from livestock manures above the holding limit set out in the Regulations will require additional measures to protect the environment. These features are explored in detail in the following chapters.

Question 1: Do you support the proposal to introduce a licensing scheme, to be operational until 2025, to allow higher levels of nitrogen application in certain specified circumstances? Please include any evidence to support your view.

Chapter 3: Licence application requirements

Many farms may already be meeting the requirements of the Regulations, either because of the action they have already taken, or because of the structure of the farm business. The licence scheme will operate on an application-only basis and will mean farms, including those currently applying a higher rate of nitrogen from livestock manures, may be granted a licence to apply a higher rate in certain specified and controlled circumstances.

Eligibility

Applications will need a demonstrable crop requirement for a higher rate of livestock manure application. This is likely to require a significant portion of the holding as defined in the Regulations to be grassland given its high nitrogen uptake as a crop, its long growing season and its ability to act as a permanent cover crop, helping to limit soil and nutrient loss from run off.

It is proposed successful applicants would need to be able to show the holding is at least 80% grassland and also demonstrate the necessary levels of crop need for the planned nutrient application.

Question 2: Do you agree with the proposed eligibility criteria? If not, why not and what criteria would you propose?

Demonstration of crop requirement

We propose farms seeking a licence to apply in excess of the 170kg/ha annual limit to their holding must submit, a calculation of the nitrogen and phosphorus crop requirement as part of the application process.

¹⁰ [EUR-Lex - 52021DC1000 - EN - EUR-Lex \(europa.eu\)](#)

The calculation will need to clearly demonstrate a crop demand for both nitrogen and phosphorous to support the application of nitrogen from livestock manures above 170kg/ha annually.

If the farm business has undertaken soil analysis within the last 4 years, this calculation must incorporate existing soil conditions, including levels of nitrogen, phosphorus, potassium and pH.

The options for calculation and management of nutrients are set out in chapter 4.

Question 3: Do you agree with the proposal to require a clear demonstration of crop need as described above?

Nutrient management plans

It is proposed that the demonstration of the crop requirement is set out within a detailed nutrient management plan. In addition to the crop requirement calculations proposed above, it will be a requirement for this plan to also include:

- details of any soil sampling undertaken within the last 4 years, including field identifiers;
- any plans for the import or export of livestock manures, including type and planned application areas;
- outline of the fields where organic manures are planned to be applied on the risk map using field identifiers within the nutrient management plan;
- planned applications of any manufactured fertilisers or additional organic manures as defined in the Regulations e.g. biosolids;
- planned application of any soil conditioner or lime which may affect the soil's current condition

Question 4: Do you agree with the proposed contents of the nutrient management plan?

Legal and other considerations

The underlying aim of the Regulations is to safeguard our aquatic environment from pollution from agricultural activities.

The submitted plans will take into consideration and be assessed against the risks to the wider environment, with a particular focus on the impacts, including cumulative impacts, on, failing river catchments and designated sites, including but not limited to Special Areas of Conservation (SACs) and Sites of Special Scientific Interest (SSSIs).

Question 5: How might risks to the wider environment best be taken into account and nutrient management plans be assessed in a standardised way?

Application window

It is intended the application period shall be open for a maximum 3-month period to allow participating farms to undertake the required nutrient management planning process and understand the implications of the licence requirements on their individual farm businesses.

Although a farm may undertake activities relating to preparation and planning with the intention of applying and being awarded a licence during this 3-month period, all applications will be assessed on an individual basis and may not be granted. Farm businesses should be prepared to amend their planned activity if they are not successful.

Duration of licence

We are consulting on proposals for a licensing scheme to be operational until 2025. We welcome views on the duration and appropriate timing of licences granted under this scheme.

Chapter 4: Licence conditions

Managing phosphorus

Chapter 1 outlined the effects of nitrogen and phosphorus pollution on the environment. The holding limit set out in the Regulations, whilst measured in terms of kg nitrogen per hectare, also takes account of the ratio in which phosphorus is also present in livestock manures and protects against the application of phosphorus above crop need. This chapter explores the options available to take into account the risks posed by phosphorus pollution as a result of increased application of livestock manures.

A phosphorus management approach will be necessary. This will require calculation to demonstrate a crop requirement for phosphorus application and the use of the phosphorus being applied.

Crop requirement for phosphorus

A phosphorus crop requirement approach would require farms not to apply more phosphorus than the crop is able to utilise within a planned cropping cycle. This approach would reduce the potential impacts of accidental over-application of phosphorus by taking into account the rate of phosphorus within livestock manures.

This could be calculated by assessing the planned crop requirement for phosphorus and the planned application rates for the phosphorus. Applications above a point of requirement would require soils to be in a state of phosphorus deficit or other specific need for application to be permissible.

Under the former pre-EU exit derogation granted by the European Commission for Nitrate Vulnerable Zones (NVZs) in Wales there was a requirement to assess the phosphorus application rates as part of nutrient management plans. Values for the phosphorus content of manures are contained within Schedule 1 of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. This is also the model being used within England and Scotland for calculating the planned applications of manures for an application to the NVZ derogation scheme.

Planned nutrient applications should not be above the crop requirement based on the existing phosphorus soil supply. The fertiliser manual RB209¹¹ outlines crop requirements for phosphorus. Crop requirements for phosphorus are calculated taking account of existing soil supply, normally stated as an index and the optimum recommended application for the anticipated crop yield.

Indices are calculated on the crop-available nutrient which must be released from its fixed forms, therefore crop-available levels are smaller than the total amount contained within the soil. Managing the supply of nutrients is based upon managing this supply across the needs of several rotations, not just a single crop cycle requirement. As a result, the approach is to maintain the soil to its optimum indices across a range of nutrients, including phosphorus.

This would include a requirement for farms to know their existing soil phosphorus levels. This is not a regulatory requirement within the Regulations.

Identification of existing phosphorus levels within soils - sampling and analysis

Currently there is no regulatory requirement to undertake soil testing. Many farms do however undertake soil testing as a part of their nutrient management processes and general farm planning as best practice

Soil analysis is a feature of derogations from the Nitrates Directive, for equivalence with the directive it would need to be undertaken within 12 months of the derogation being granted on at least 75% of the holding, representative of the main activity of the holding and 100% of the agricultural area no later than 12 months after the next application is granted.

Typically soil analysis is undertaken on a 4 to 5 year cycle and is used to support the planning of nutrient application, it can take time for land management changes or nutrient applications to show within the soil analysis. For the purposes of granting a licence Welsh Government propose considering any results from tests completed within the last 4 years at the time of application to be valid.

¹¹ [Nutrient Management Guide \(RB209\) | AHDB](#)

For farms currently not undertaking soil analysis as part of their nutrient management and to ensure the values being used to plan nutrient application are accurate it is proposed farms undertake soil testing to a minimum of 75% of the holding at intervals of at least every 5 hectares before 31 December 2023, to inform plans for the 2024 calendar year.

Question 6: Do you agree it is appropriate to require soil testing and analysis to inform nutrient management plans?

The whole farm phosphorus balance approach

The ‘whole farm phosphorus balance approach’ is a more holistic approach to understanding the phosphorus cycle on farm. It takes into account external impacts beyond the individual field and application of manures or fertilisers. For example, it would take into account inputs of phosphorus onto the farm, in the content of imported feed to be consumed by the livestock and outputs in the form of produce such as milk or eggs.

This whole farm approach is utilised in Northern Ireland where there are established values for the calculation of the phosphorus balance. Currently there are not any suitable values contained within the Control of Agricultural Pollution Regulations. Further assessment would need to be undertaken to ascertain appropriate values.

Question 7: Should a ‘whole farm phosphorus balance approach’ be considered? Please include reasons and evidence to support your view.

Soil fertility and pH

The overall ability of soil to support crop growth is known collectively as soil fertility. When undertaking nutrient management planning, consideration should be given to other relevant soil fertility factors including soil pH, other nutrients such as Potash (Potassium), Magnesium and Sulphur, soil organic matter and soil structure. The outline proposals for the Sustainable Farming Scheme¹² proposes enhanced nutrient management planning encompassing a wider range of nutrients and soil conditions.

The soil pH is an important determinant of a crop’s ability to absorb nutrients as part of the growing cycle. The RB209 fertiliser manual¹³ highlights the overapplication of some nitrogen fertilisers and other practices may lead to increased acidification of soils resulting in a detrimental impact on the crop’s ability to take up nutrients, including phosphorus.

¹² [Sustainable Farming Scheme: outline proposals for 2025 | GOV.WALES](#)

¹³ [Nutrient Management Guide \(RB209\) | AHDB](#)

Soils which are regularly outside of the optimum range of pH for both the crop and soil type may increase the risk of pollution as a result of the soil not being able to utilise the nutrients applied to the land.

Maintaining appropriate levels of other nutrients within the soil is important for plant health and the ability to utilise the nitrogen and phosphorus contained within livestock manures.

Question 8: Should nutrient management plans require other soil nutrient and soil condition factors other than nitrogen and phosphorus? If so which

Non-grazing livestock

The 170kg/ha limit applies to all livestock manure types, manures from non-grazing livestock must be applied to land in the form of spreading as they are unable to graze the extent of the holding.

A feature of existing derogations from the Nitrates Directive is the exclusion of manures from non-grazing livestock from the higher nitrogen limit. These definitions have previously been used for derogations to the former Welsh Nitrate Vulnerable Zones and are currently in use in England, Scotland and Northern Ireland. It is intended the same will apply to the licensing scheme.

Plan for import or export of livestock manures

Some farms may choose to export livestock manure to another holding or to an anaerobic digestion facility as an option for reducing the amount of livestock manure spread to land. Alternatively, some may bring on additional livestock manures to address specific crop requirements.

Currently within the Regulations farms are required to record livestock manure which has been imported or exported from a holding within one week of the transaction occurring.

Some farms will undertake planning to assess when livestock manures may be exported from the holding or have recurring agreements for the export or import of these manures. It is proposed that if the holding intended to export or import manures, it is to be recorded in the nutrient management plan in advance of the transaction occurring in addition to recording the actual occurrence.

Question 9: Do you agree with the additional requirements regarding eligible livestock manure types and additional requirements for the import and export of livestock manures?

Spreading of high nitrogen organic manures

Spreading high nitrogen organic manures during periods where there is limited crop growth increases the risk of direct and diffuse pollution. This is because crops are less able to absorb the nutrient at these times. To mitigate this risk there are arrangements which restrict the spreading of organic manures with high readily available nitrogen during times of limited crop growth.

The Northern Ireland Nutrients Action Programme implements a period from midnight 15 October to midnight 31 January during which '*organic manures, including slurry, poultry litter, digestate, sewage sludge, anaerobic digestate and abattoir waste must not be applied to any land*'. The derogation decision in respect of Northern Ireland further imposes a period between midnight 1 September to midnight 31 January during which there must be no application of any organic manures, including farmyard manures and dirty water, to any parcel of land for which there is a plan to disturb soil as part of grass cultivation, for example ploughing. This is in addition to general prohibitions on application of fertiliser at any time if soil is waterlogged, flooded, frozen or snow covered, or when heavy rain is falling or forecast within the next 48 hours. Fertiliser must not be applied where land is sloping and other significant risks of water pollution exist and farmers should consider risk factors including the proximity to waterways, time to incorporation, type and amounts of fertiliser to be applied and the soil and weather conditions.

The Regulations in force in Wales currently prohibit the spreading of nitrogen fertiliser, including organic manures, if there is a significant risk of nitrogen getting into surface water at any time. Field inspections must be undertaken prior to application and must take into account the ground cover, soil type, slope, proximity to surface water, weather conditions and if the ground is waterlogged, flooded, snow covered or frozen. Similar provisions to those in Northern Ireland, to mitigate the increased risk of direct and diffuse pollution during periods of limited crop growth are also included in the Regulations on 'closed periods', during which the spreading of manures with high readily available nitrogen is restricted. These provisions are due to come into force on 1 August 2024 and will restrict the spreading of such manures between 1 September to 31 December for sandy soils and 15 October to 15 January all other soils. It is recognised some farms may not currently have sufficient storage capacity to store such manures in advance of this coming into force date. This may be the case where work is already planned to increase capacity ahead of 1 August 2024.

It is proposed to include a licence condition to mitigate the risk of direct and diffuse pollution during periods of limited crop growth.

Views are sought on how licence conditions might mitigate this risk, in particular, whether there are methods to do so without specifying a period during which the spreading of manures with high readily available nitrogen is restricted.

Views are also sought on mitigating this risk through a licence condition specifying a period during which the spreading of manures with high readily available nitrogen is restricted, in line with the closed periods due to come into force on 1 August 2024. Such an approach could include a provision for those farm businesses which do not currently have sufficient storage ahead of 1 August 2024, to include a written management plan for the handling of any excess organic manures with high readily available nitrogen as part of the licence application process for example.

Question 10: How might the risks of spreading of high nitrogen manures be managed through the licence conditions?

What are your views on managing this risk by specifying a period during which the spreading of such manures is restricted?

Soil protection measures

The intensity of land management can increase the risks to soil degradation with negative impacts on soil indicators such as soil biodiversity, nutrients, compaction and erosion.

Retaining soil on land and preventing where possible run-off into water is an important measure, it reduces excess siltation of rivers and prevents nutrients which are bound to soil particles entering water courses.

Where additional nutrients are being applied to land in the form of livestock manures it is important the nutrients are kept on the land and within the soil.

Some soil protection measures already exist within the Code of Good Agricultural Practice and within the cross compliance verifiable standards for recipients of grant funding or BPS. However, there are not currently legislative protections for all farms or those outside the cross compliance regime. It is proposed these measures currently within GAEC 4¹⁴ of the verifiable standards are made a requirement for all farms within the licensing scheme.

Ploughing of temporary grassland

Grassland cover is important to preventing soil losses, where it is ploughed additional care should be taken to ensure soil is not lost to the environment and new cover is quickly established. It is proposed that the ploughing of temporary grassland should be undertaken in Spring and no later than 31 May, a similar requirement exists within the Northern Ireland derogation.

¹⁴ [Common Agriculture Policy; Cross Compliance Farmers Factsheets \(gov.wales\)](https://gov.wales/common-agriculture-policy/cross-compliance-farmers-factsheets)

Closed period for ploughing where livestock manure has been applied

For permanent grassland where livestock manure has been applied late in the previous calendar year, it should not be ploughed until the next year as it increases the risk of nutrient losses. Where livestock manure has been applied in the autumn it is proposed to require an earliest ploughing date of 16 January.

Sowing of crops following grass and crop rotation

It is intended where any grass on the licenced holding is ploughed, the land must be sown with a crop with a high nitrogen demand within four weeks, beginning on the day of ploughing the grass, or re-sown with grass within six weeks beginning on the day after the date of ploughing the grass. Additionally, crop rotation on a licenced holding should not include leguminous or other plants fixing atmospheric nitrogen except for grass with less than 50% clover, or any other leguminous plants that are under sown with grass. These are features of previous derogations to limit nutrient losses.

Supplementary feeding and drinking locations

Ground compaction known as poaching can occur where soil is heavily used by livestock, this ground compaction reduces the ability of the crop to grow. Livestock poaching and machinery are identified as the most frequent observations of soil damage affecting up to a quarter of grasslands¹⁵.

Current provisions are contained within GAEC 1 of the verifiable standards which stipulates supplementary feeding must not take place within 10m of a water course.

Within the Northern Ireland Nutrients Action Programme if there is a significant risk of pollution to any waterway supplementary feeding sites must not be located within 20m and supplementary drinking points must not be located within 10m of any waterway. It is proposed for any scheme participants to adhere to these requirements.

<p>Question 11: Do you agree with the requirements for soil protection outlined above? If not provide reasons</p>
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Chapter 5: Enforcement and appeals

Enforcement

The enforcement of the Control of Agricultural Pollution Regulations is undertaken by Natural Resources Wales. It is proposed the licensing scheme will form part of the Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021. As the

¹⁵ Welsh Soil Evidence Review 2022

licensing scheme will form part of the Regulations, breach of the licence conditions will constitute an offence.

It is also proposed if any scheme participant breaches a condition of the licence, it may be revoked by Welsh Government or Natural Resources Wales.

Appeals

Where an application has initially been refused on the grounds it is not suitable for the holding to be granted a licence due to the application criteria not being met or a wider risk of pollution it is intended for there to be a right to appeal the decision.

Previous derogation processes have allowed applicants 30 days' notice to appeal a refused application and for the decision to be reviewed by an independent panel. It is the intention for the same appeals process to be utilised within the licensing scheme.

Question 12: Do you agree with our approach to enforcement and appeals outlined in Chapter 5?

Consultation Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Question 1: Do you support the proposal to introduce a licensing scheme, to be operational until 2025, to allow higher levels of nitrogen application in certain specified circumstances? Please include any evidence to support your view.

Question 2: Do you agree with the proposed eligibility criteria? If not, why not and what criteria would you propose?

Question 3: Do you agree with the proposal to require a clear demonstration of crop need as described above?

Question 4: Do you agree with the proposed contents of the nutrient management plan?

Question 5: How might risks to the wider environment best be taken into account and nutrient management plans be assessed in a standardised way?

Question 6: Do you agree it is appropriate to require soil testing and analysis to inform nutrient management plans?

Question 7: Should a 'whole farm phosphorus balance approach' be considered? Please include reasons and evidence to support your view.

Question 8: Should nutrient management plans require other soil nutrient and soil condition factors other than nitrogen and phosphorus? If so which

Question 9: Do you agree with the additional requirements regarding eligible livestock manure types and additional requirements for the import and export of livestock manures?

Question 10: How might the risks of spreading of high nitrogen manures be managed through the licence conditions?

What are your views on managing this risk by specifying a period during which the spreading of such manures is restricted?

Question 11: Do you agree with the requirements for soil protection outlined above? If not provide reasons

Question 12: Do you agree with our approach to enforcement and appeals outlined in Chapter 5?

Question 13: We would like to know your views on the effects that the introduction of the proposed licensing scheme would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Question 14: Please also explain how you believe the proposed licensing scheme could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and

no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 15: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

