OFFERYNNAU STATUDOL CYMRU

2011 Rhif 2941 (Cy.317)

AMAETHYDDIAETH, CYMRU

Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2011

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn rhoi effaith i'r gofyniad i sefydlu lleiniau clustogi ar hyd cyrsiau dŵr fel Cyflwr Amaethyddol ac Amgylcheddol Da ("CAAD") gydag effaith o 1 Ionawr 2012. Mae CAADau yn rhan o'r gofynion trawsgydymffurfio y mae'n rhaid i ffermwyr eu bodloni er mwyn derbyn taliadau penodol a wneir o dan Bolisi Amaethyddol Cyffredin yr Undeb Ewropeaidd ("UE").

Mae'r gofyniad i sefydlu lleiniau clustogi yn rwymedigaeth yr UE sydd wedi ei chynnwys yn Erthygl 6 ac Atodiad III o Reoliad y Cyngor (EC) Rhif 73/2009 (ar 19 Ionawr 2009 yn sefydlu rheolau cyffredin am gynlluniau cymorth uniongyrchol i ffermwyr o dan y polisi amaethyddol cyffredin ac yn sefydlu cynlluniau cymorth penodol i ffermwyr, ac yn diwygio Rheoliadau (EC) Rhif 1290/2005, (EC) Rhif 247/2006, (EC) Rhif 378/2007 ac yn diddymu Rheoliad (EC) Rhif 1782/2003).

Rhaid i'r lleiniau clustogi CAAD barchu, o fewn Parthau Perygl Nitradau a ddynodwyd yn unol ag Erthygl 3(2) o Gyfarwyddeb 91/676/EEC, a thu allan iddynt, o leiaf y gofynion mewn perthynas â'r amodau ar gyfer rhoi gwrtaith ar dir ger cyrsiau dŵr, y cyfeirir atynt ym mhwynt A.4 o Atodiad II i Gyfarwyddeb 91/676/EEC i'w chymhwyso'n unol â rhaglenni gweithredu Aelod-wladwriaethau a sefydlwyd o dan Erthygl 5(4) o Gyfarwyddeb 91/676/EEC.

WELSH STATUTORY INSTRUMENTS

2011 No. 2941 (W.317)

AGRICULTURE, WALES

The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which apply in relation to Wales give effect to the requirement to establish buffer strips along water courses as a Good Agricultural and Environmental Condition ("GAEC") with effect from 1 January 2012. GAECs are part of the Cross Compliance requirements which farmers must meet in order to receive certain payments made under the Common Agricultural Policy of the European Union ("EU").

The requirement to establish buffer strips is an EU obligation contained in Article 6 and Annex III of Council Regulation (EC) No 73/2009 (of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003).

The GAEC buffer strips must respect, both within and outside of nitrate vulnerable zones designated pursuant to Article 3(2) of Directive 91/676/EEC, at least the requirements relating to the conditions for land application of fertiliser near water courses, referred to in point A.4 of Annex II to Directive 91/676/EEC to be applied in accordance with the action programmes of Member States established under Article 5(4) of Directive 91/676/EEC.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) 2004. O.S 2004/3280 (Cy. 284) fel eu bod yn:

— gwahardd taenu gwrtaith sydd wedi ei weithgynhyrchu o fewn 2 fetr i wyneb cyrsiau dŵr,

— gwahardd taenu tail organig o fewn 10 metr i wyneb cyrsiau dŵr,

— gwahardd taenu tail organig o fewn 50 o fetrau i dwll turio, pistyll neu ffynnon.

Mae pob un o'r gwaharddiadau hyn yn ddarostyngedig i eithriadau penodedig.

Mae'r rheoliadau hyn hefyd yn gwneud mân ddiwygiadau i ddiweddaru'r cyfeiriadau at ddeddfwriaeth yr UE.

Mae asesiad effaith rheoleiddiol ar yr effaith y bydd yr offeryn hwn yn ei gael ar gostau busnes, y sector gwirfoddol a'r sector cyhoeddus ar gael gan Lywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004. S.I. 2004/3280 (W. 284) so as to:

— prohibit the spreading of manufactured fertiliser within 2 metres of the surface of a water course,

— prohibit the spreading of organic manure within 10 metres of the surface of a water course,

— prohibit the spreading of organic manure within 50 metres of a borehole, spring or well.

All these prohibitions being subject to specified exceptions.

These regulations also make minor amendments to update references to EU legislation.

A regulatory impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Welsh Government offices in Cathays Park, Cardiff CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 2941 (Cy.317)

AMAETHYDDIAETH, CYMRU

Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2011

Gwnaed	*7 Rhagfyr 2011*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*8 Rhagfyr 2011*
Yn dod i rym	*1 Ionawr 2012*

Mae Gweinidogion Cymru wedi eu dynodi(**1**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**2**) mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan yr adran honno.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2011.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac yn dod i rym ar 1 Ionawr 2012.

Diwygio

2. Mae Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2004(**3**) wedi eu diwygio fel a ganlyn.

Diweddaru cyfeiriadau

3.—(1) Yn rheoliad 2 (Dehongli) rhodder "2" yn lle'r cyfeiriadau at "2(a)", "2(b)", "2(35)" a "2(2)".

(**1**) Yn rhinwedd Erthygl 3 o Orchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 5) 2010, O.S. 2010/2690.

(**2**) 1972 p.68.

(**3**) O.S. 2004/3280 (Cy. 284), a ddiwygiwyd gan O.S. 2005/3367 (Cy. 264), O.S. 2006/2831 (Cy. 252), O.S. 2007/970 (Cy. 87) ac O.S. 2010/38 (Cy. 11).

WELSH STATUTORY INSTRUMENTS

2011 No. 2941 (W.317)

AGRICULTURE, WALES

The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2011

Made	*7 December 2011*
Laid before the National Assembly for Wales	*8 December 2011*
Coming into force	*1 January 2012*

The Welsh Ministers are designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, 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 2011.

(2) These Regulations apply in relation to Wales and come into force on 1 January 2012.

Amendments

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

Updating references

3.—(1) In regulation 2 (Interpretation) substitute "2" for references to "2(a)", "2(b)", "2(35)" and 2(2)".

(**1**) By virtue of Article 3 of the European Communities (Designation) (No. 5) Order 2010, S.I. 2010/2690.

(**2**) 1972 c.68.

(**3**) S.I. 2004/3280 (W. 284), amended by S.I. 2005/3367 (W. 264), S.I. 2006/2831 (W. 252), S.I. 2007/970 (W. 87) and S.I. 2010/38 (W. 11).

(2) Ym mharagraff (3) o reoliad 6 (awdurdodau rheolaethu cymwys) rhodder "8" yn lle "9".

(3) Ym mharagraff 3(c) o reoliad 7 (pwerau personau awdurdodedig) dileer "including land set aside pursuant to Articles 54 and 55(b) of the Council Regulation".

Cyflwr Amaethyddol ac Amgylcheddol Da Newydd

4. Yn yr Atodlen ar ôl paragraff 26 (Gwarchod nodweddion tirwedd) mewnosoder—

"**Buffer strips along water courses**

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

(2) No person may spread organic manure within 10 metres of the surface of a water course.

(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(**1**); or

(ii) subject to an agri-environment commitment entered into under Council Regulation (EC) No. 1257/1999 (on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)) (**2**) or under Council Regulation (EC) No. 1698/2005 (on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (**3**);

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

(c) it is not spread directly on to surface of a water course; 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 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;

(**1**) 1981 p.69.

(**2**) OJ Rhif L160, 26.6.1999, t.80.

(**3**) OJ Rhif L277, 21.10.2005, t.1.

(2) In paragraph (3) of regulation 6 (Competent Control Authorities) substitute "8" for "9".

(3) In paragraph 3(c) of regulation 7 (Powers of authorised persons) delete "including land set aside pursuant to Articles 54 and 55(b) of the Council Regulation".

New Good Agricultural and Environmental Condition

4. In the Schedule after paragraph 26 (Protection of landscape features) insert—

"**Buffer strips along water courses**

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

(2) No person may spread organic manure within 10 metres of the surface of a water course.

(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(**1**); or

(ii) subject to an agri-environment commitment entered into under Council Regulation (EC) No. 1257/1999 (on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)) (**2**) or under Council Regulation (EC) No. 1698/2005 (on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (**3**);

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

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

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

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(5) For 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;

(**1**) 1981 c.69.

(**2**) OJ No. L160, 26.6.1999, p.80.

(**3**) OJ No. L277, 21.10.2005, p. 1.

"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;

"phosphate fertiliser" means any substance containing one or more phosphorus 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 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;

"water course" includes coastal waters, estuaries, canals, lakes, ponds, rivers, streams and ditches which contain free flowing water and also temporarily dry ditches and blind ditches."

"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;

"phosphate fertiliser" means any substance containing one or more phosphorus 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 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;

"water course" includes coastal waters, estuaries, canals, lakes, ponds, rivers, streams and ditches which contain free flowing water and also temporarily dry ditches and blind ditches."

Alun Davies

Y Dirprwy Weinidog Amaethyddiaeth, Bwyd, Pysgodfeydd a Rhaglenni Ewropeaidd, o dan awdurdod y Gweinidog Busnes, Menter, Technoleg a Gwyddoniaeth, un o Weinidogion Cymru

Deputy Minister for Agriculture, Food, Fisheries and European Programmes, under authority of the Minister for Business, Enterprise, Technology and Science, one of the Welsh Ministers

7 Rhagfyr 2011

7 December 2011

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