

Number: WG15461



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Welsh Government

Summary of responses

Consultation on the review of nitrate vulnerable zones in Wales 2012

Welsh Government summary of responses and Government
response to question 1

Background

The EC Nitrates Directive (91/676/EEC) is intended to reduce water pollution caused by nitrates from agricultural sources and to prevent any further pollution. The Directive is transposed in Wales by the Nitrate Pollution Prevention (Wales) Regulations 2008. Since the introduction of the Directive in 1991, Member States are required to assess and designate areas as Nitrate Vulnerable Zones (NVZs) and produce an Action Programme of measures to reduce levels of nitrogen entering watercourses.

Member States are required to review their implementation of the Directive every four years. The outcome of the review is used to make appropriate amendments to the NVZs and/or the measures in the Action Programme. The last review undertaken by the Welsh Government in 2007 resulted in the designation of 2.3% of the land area of Wales as Nitrate Vulnerable Zones and introduced a strengthened range of measures in the Nitrates Action Programme that farms located within NVZs must implement to comply with the Directive.

The consultation opened on 23 December 2011 and closed on 16 March 2012.

The consultation was sent to a wide range of stakeholders and published on the Welsh Government website. The consultation was also available in hard copy.

The consultation document focussed on both the designation of NVZs and the Action Programme to be applied in these areas. A total of 25 responses were received from both individuals and a variety of organisations. A breakdown of responses is as follows:

- Regulators – 3
- Assembly Members – 2
- Farming Unions – 3
- Individual citizen – 3
- Farmers – 3
- Water Company – 1
- Charity – 2
- Community Council – 1
- Consultant – 1
- Farmer and Agricultural Association – 4
- Business - 2

Summary of response to question 1 and Government response

Q1. Do you prefer Option 1 (continuing with discrete NVZ designations), or Option 2 (applying the Action Programme to a 'Whole Wales' NVZ designation)? Please include comments on the advantages and disadvantages of the two options and the reasons why you prefer one over the other.

Twenty respondents were firmly in favour of option 1, highlighting the fact that a whole territory designation would place an unfair burden on landowners whose land does not significantly contribute to nitrate pollution.

One respondent was in favour of option 2, citing that a whole territory approach would lead to a reduced administrative burden and would feed into a single over-arching diffuse pollution strategy.

Four respondents did not respond to question 1.

Government response

Following consideration of all the responses to question 1 of the consultation, the Welsh Government acknowledge there is some merit in adopting a Whole Territory approach in Wales as it avoids the need to undertake four yearly reviews. A four yearly cycle of reviewing could create uncertainty for farmers, whose land may be removed from NVZ designation at one round and then re-designated at the next, or vice versa. This can make it difficult for farmers to take a long term view and make the right investment decisions for their business. The four-yearly cycle also requires a significant resource from both the Welsh Government and the Environment Agency in both developing and implementing the appropriate methodologies.

The designation of discrete NVZ's, as used previously encapsulates the 'polluter pays principle'. It also ensures that burdens are not imposed on those whose land does not drain to nitrate-polluted waters and therefore ensures that any costs are directly associated with implementation of the Directive.

Whilst we agree that there is an argument for adopting the whole territory approach, we have decided that it would unfairly penalise farmers who are already complying with the Directive. Given this and the strong level of support for continuation of the targeted approach, we have taken the decision to continue using a targeted approach to NVZ designations.

Next Steps

We intend to publish a full summary of response and Government response to the consultation and aim to have detailed maps showing the proposed NVZ designations on the Environment Agency website by the end of April.

All landowners directly affected by these designations will receive a notification letter from the Welsh Government.

Any appeals will be heard independently by the Planning Inspectorate Wales and they will publish details of the appeals mechanism in due course.

It is our intention for the new Regulations to come into force on the 1 January 2013.

Annex A

Respondents to the Consultation

1. Drinking Water Inspectorate
2. Environment Agency
3. D. T. Jones & Son
4. Tennant Farmers Association
5. Antoinette Sandbach AM
6. Pen-Y-Bryn Farm
7. Kirsty Williams AM
8. Clerk, Llangorse Community Council
9. Central Association of Agricultural Valuers
10. Crickie Farm, Llangorse
11. Country Land & Business Association
12. Welsh Lamb & Beef Producers Ltd.
13. Brecon & Radnor Branch of the Farmers Unions Wales
14. Marine Conservation Society
15. Dwr Cymru Welsh Water
16. RSPB
17. Countryside Council for Wales
18. Permastore Tanks & Silos
19. 4R Environmental Consultants
20. Dairy UK
21. NFU Cymru
22. Farmers Union of Wales
23. David Nattress
24. Mr D Gatehouse
25. Richard Roberts