

Lesley Griffiths AM  
Minister for Environment, Energy and Rural Affairs

1 May 2019

Dear Lesley

**The Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2019**

The Constitutional and Legislative Affairs Committee considered The Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2019 at its meeting on 29 April 2019.

We identified two points for reporting under Standing Order 21.2 in respect of these Regulations, the second of which questioned whether it is necessary to insert regulations 36(3) and 37(4) into The Nitrate Pollution Prevention (Wales) Regulations 2013 (the 2013 Regulations).

Regulation 3(b) inserts a new regulation 4(2) into the 2013 Regulations. The effect of new regulation 4(2) is to make Parts 3-8 of the 2013 Regulations applicable "In relation to a new holding".

We asked for clarification as to why it is necessary to insert regulations 36(3) and 37(4) into the 2013 Regulations, when the reference to 'holding' in regulations 36(1) and 37(1) should capture a 'new holding' by virtue of new regulation 4(2).

During our meeting, we considered the Welsh Government response to these points. As regards the second reporting point, the response stated:

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"Whilst we agree that the reference to 'holding' in regulations 36(1) and 37(1) captures a 'new holding' by virtue of new regulation 4(2) it is our intention to remove any doubt and place a first time obligation to record the matters in the first instance for newly designated holding(s)."

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We would welcome further clarification as to what doubt might arise in respect of regulations 36(3) and 37(4) as a result of new regulation 4(2). Further, if there is doubt in respect of the obligations in regulations 36(3) and 37(4), please could you explain why you consider that there is not also doubt in respect of all the other obligations that will apply to new holdings.

This letter is copied to the Minister for Finance and Trefnydd.

Yours sincerely

A handwritten signature in black ink that reads "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

**Mick Antoniw AM**

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.  
We welcome correspondence in Welsh or English.

