



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 489 (Cy.55)

2010 No. 489 (W.55)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

DŴR, CYMRU

WATER, WALES

**Rheoliadau Atal Llygredd Nitradau
(Cymru) (Diwygio)
2010**

**The Nitrate Pollution Prevention
(Wales) (Amendment) Regulations
2010**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Atal Llygredd Nitradau (Cymru) 2008 (O.S. 2008/3143) ("y Rheoliadau Nitradau") a Rheoliadau Cadwraeth (Cynefinoedd Naturiol, &c.) 1994 (O.S. 1994/2716) ("y Rheoliadau Cynefinoedd").

These Regulations amend the Nitrate Pollution Prevention (Wales) Regulations 2008 (S.I. 2008/3143) ("the Nitrate Regulations") and the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716) ("the Habitats Regulations").

Maent yn gweithredu yng Nghymru Benderfyniad y Comisiwn 2009/431/EC (OJ Rhif L 141, 6.6.09, t.48) sy'n caniatáu rhanddirymiad yn unol â Chyfarwyddeb y Cyngor 91/676/EEC ynghylch diogelu dyfroedd rhag llygredd gan nitradau sy'n dod o ffynonellau amaethyddol (OJ Rhif L 375, 31.12.91, t.1, a ddiwygiwyd gan OJ Rhif L 284, 31.10.03, t1, OJ. Rhif L 311, 21.11.08, t.1).

They implement in Wales Commission Decision 2009/431/EC (OJ No L 141, 6.6.09, p48) granting a derogation pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution by nitrates from agricultural sources (OJ No L 375, 31.12.91, p.1, amended by OJ No L 284, 31.10.03, p.1, OJ No L 311, 21.11.08, p.1).

Mae rheoliad 3 yn diwygio rheoliad 6 (Dehongli). Mae rheoliad 5 yn mewnosod Rhan 3A newydd sy'n cyflwyno gweithdrefn y mae'n rhaid i gais am randdirymiad gael ei wneud drwyddi ac mae'n sefydlu gweithdrefn apelio yn erbyn gwrthod cais am randdirymiad.

Regulation 3 amends regulation 6 (Interpretation). Regulation 5 inserts a new Part 3A which introduces a procedure by which an application for a derogation must be made and establishes an appeal procedure against refusal of a derogation application.

Mae rheoliad 7 yn caniatáu defnyddio cyfarpar taenu a chanddo daflid taenu sy'n fwy na 4 metr o'r ddaear mewn amgylchiadau penodol.

Regulation 7 allows the use of spreading equipment with a spreading trajectory of more than 4 metres from the ground to be used in certain circumstances.

Mae rheoliad 10 yn disodli Atodlenni 1 i 3 ac yn mewnosod Atodlen 4 newydd sy'n pennu gofynion ychwanegol y mae meddiannydd daliad a randdirymwyd i'w bodloni.

Regulation 10 replaces Schedules 1 to 3 and inserts a new Schedule 4 which sets out additional requirements to be met by an occupier of a derogated holding.

Mae rheoliad 11 yn mewnosod rheoliad 84E newydd yn y Rheoliadau Cynefinoedd sy'n ei gwneud yn

Regulation 11 inserts new regulation 84E into the Habitats Regulations requiring the effect on a

ofynnol i ystyried effaith ar safle Ewropeaidd cyn caniatáu rhanddirymiad ac, yn ddarostyngedig i eithriadau penodol, yn cyfyngu ar y caniatâd i rhanddirymu pe byddai effaith andwyol ar gyfanrwydd y safle Ewropeaidd.

Nid oes asesiad effaith reoleiddiol wedi cael ei baratoi ar gyfer y Rheoliadau hyn.

European site to be considered before granting a derogation and, subject to certain exceptions, restrict the grant of a derogation where the integrity of the European site would be adversely affected.

No Regulatory impact assessment has been prepared for these Regulations.

2010 Rhif 489 (Cy.55)

AMAETHYDDIAETH, CYMRU

DŴR, CYMRU

**Rheoliadau Atal Llygredd Nitradau
(Cymru) (Diwygio)
2010**

<i>Gwnaed</i>	<i>1 Mawrth 2010</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>2 Mawrth 2010</i>
<i>Yn dod i rym</i>	<i>24 Mawrth 2010</i>

Mae Gweinidogion Cymru wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) o ran materion sy'n ymwneud â diogelu dyfroedd rhag llygredd a achosir gan nitradau o ffynonellau amaethyddol a chadwraeth cynefinoedd gwyllt o fflora a ffawna ac maent yn gwneud y Rheoliadau canlynol o dan y pwerau a roddwyd gan yr adran honno.

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Atal Llygredd Nitradau (Cymru) (Diwygio) 2010, maent yn gymwys o ran Cymru a deuant i rym ar 24 Mawrth 2010.

**Diwygio Rheoliadau Atal Llygredd Nitradau
(Cymru) 2008**

2. Diwygir Rheoliadau Atal Llygredd Nitradau (Cymru) 2008(3) yn unol â rheoliadau 3 i 11.

(1) Rhoddodd O.S. 2001/2555 ac O.S. 2002/248 bwerau i Gynulliad Cenedlaethol Cymru. Yn rhinwedd adran 59 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 28(1) o Atodlen 11 iddi, mae'r dynodiad hwnnw bellach wedi breinio yng Ngweinidogion Cymru.

(2) 1972 p.68.

(3) O.S. 2008/3143.

2010 No. 489 (W.55)

AGRICULTURE, WALES

WATER, WALES

**The Nitrate Pollution Prevention
(Wales) (Amendment) Regulations
2010**

<i>Made</i>	<i>1 March 2010</i>
<i>Laid before the National Assembly for Wales</i>	<i>2 March 2010</i>
<i>Coming into force</i>	<i>24 March 2010</i>

The Welsh Ministers are designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to matters relating to the protection of waters against pollution caused by nitrates from agricultural sources and the conservation of wild habitats of flora and fauna and make the following Regulations under the powers conferred by that section.

Title, application and commencement

1. The title of these Regulations is the Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2010, they apply in relation to Wales and they come into force on 24 March 2010.

**Amendments to the Nitrate Pollution Prevention
(Wales) Regulations 2008**

2. The Nitrate Pollution Prevention (Wales) Regulations 2008(3) are amended in accordance with regulations 3 to 11.

(1) S.I. 2001/2555 and S.I. 2002/248 conferred powers on National Assembly for Wales. By virtue of section 59 of and paragraph 28(1) of Schedule 11 to the Government of Wales Act 2006, that designation now vests with the Welsh Ministers.

(2) 1972 c.68.

(3) S.I. 2008/3143.

Diwygio Rhan 1

3.–(1) Diwygir Rhan 1 (Rhagarweiniad) fel a ganlyn.

(2) Yn lle rheoliad 6 (dehongli), rhodder–

"Dehongli

6. Yn y Rheoliadau hyn–

mae i "amaethyddiaeth" yr ystyr a roddir i "agriculture" yn adran 109(3) o Ddeddf Amaethyddiaeth 1947;

ystyr "ardal amaethyddol" ("*agricultural area*") yw unrhyw dir amaethyddol a ddefnyddir at ddibenion amaethyddol;

ystyr "yr Asiantaeth" ("*the Agency*") yw Asiantaeth yr Amgylchedd;

ystyr "cais i randdirymu" ("*derogation application*") yw cais ar gyfer rhanddirymiad;

mae "cnwd â galw mawr am nitrogen" ("*crop with high nitrogen demand*") yn cynnwys, ond heb fod yn gyfyngedig iddynt, porfa, tatws, betys siwgr, indrawn, gwenith, rêp had olew, haidd, bresych, rhyg a rhygwenith;

ystyr "cynllun gwртеithio" ("*fertilisation plan*") yw cynllun a gafodd ei baratoi o dan reoliad 14(1)(c) neu gynlluniau eraill tebyg y mae'n ofynnol eu cael o dan Atodlen 4;

ystyr "da byw" ("*livestock*") yw unrhyw anifail (gan gynnwys dofednod) a bennir yn Atodlen 1;

ystyr "da byw nad ydynt yn pori" ("*non-grazing livestock*") yw unrhyw anifail a bennir yn Nhabl 2 yn Atodlen 1;

ystyr "da byw sy'n pori" ("*grazing livestock*") yw unrhyw anifail a bennir yn Nhabl 1 yn Atodlen 1;

ystyr "daliad" ("*holding*") yw'r holl dir sydd o fewn parth perygl nitradau ynghyd â'i adeiladau cysylltiedig sydd ar gael i'r meddiannydd ac sy'n cael eu defnyddio i dyfu cnydau mewn pridd neu fagu da byw at ddibenion amaethyddol;

ystyr "daliad a randdirymwyd" ("*derogated holding*") yw daliad y rhoddwyd rhanddirymiad ar ei gyfer;

ystyr "dofednod" ("*poultry*") yw dofednod a bennir yn Atodlen 1;

ystyr "ewtroffig" ("*eutrophic*") yw dŵr sydd wedi'i gyfoethogi gan gyfansoddion nitrogen, sy'n peri i algâu a ffurfiau uwch ar fywyd planhigol dyfu'n gyflymach, gan darfu mewn modd annymunol ar gydbwysedd yr organeddau sy'n bresennol yn y dŵr ac ar ansawdd y dŵr o dan sylw;

ystyr "gwртеith ffosffad" ("*phosphate fertiliser*") yw unrhyw sylwedd sy'n cynnwys un neu fwy o

Amendment of Part 1

3.–(1) Part 1 (Introduction) is amended as follows.

(2) For regulation 6 (interpretation), substitute–

"Interpretation

6. In these Regulations–

"Agency" ("*yr Asiantaeth*") means the Environment Agency;

"agricultural area" ("*ardal amaethyddol*") means any agricultural land used for agricultural purposes;

"agriculture" ("*amaethyddiaeth*") has the same meaning as in section 109(3) of the Agriculture Act 1947;

"crop with high nitrogen demand" ("*cnwd â galw mawr am nitrogen*") includes, but not limited to, grass, potatoes, sugar beet, maize, wheat, oilseed rape, barley, brassicas, rye and triticale;

"derogated holding" ("*daliad a randdirymwyd*") means a holding over which a derogation has been granted;

"derogation" ("*rhanddirymiad*") means a derogation from the limit of the total amount of nitrogen in livestock manure that can be applied to land each year as provided for in paragraph 2(b) of Annex III of Council Directive 91/676/EEC granted by the Commission Decision 2009/431/EEC(1) granted by the Agency or, on appeal, the derogation application appeals panel under regulation 13B;

"derogation application" ("*cais i randdirymu*") means an application for a derogation;

"eutrophic" ("*ewtroffig*") means water that is enriched by nitrogen compounds, causing an accelerated growth of algae and higher forms of plant life that produces an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned;

"fertilisation plan" ("*cynllun gwртеithio*") means a plan prepared under regulation 14(1)(c) or other similar plans required under Schedule 4;

"grass" ("*porfa*") means–

(a) permanent grassland or temporary grassland (temporary means for less than four years);

(b) existing between the sowing and ploughing the grass; and

(c) including crops under-sown with grass, but does not include grassland with 50% or more clover;

(1) OJ No L 141, 6.6.09, p.48.

gyfansoddion ffosffad a ddefnyddir ar dir i wella twf y llystyfiant ac mae'n cynnwys tail organig;

ystyr "gwartaith ffosffad a weithgynhyrchwyd" ("*manufactured phosphate fertiliser*") yw unrhyw wrtaith ffosffad (ac eithrio tail organig) sydd wedi'i weithgynhyrchu drwy broses ddiwydiannol;

ystyr "gwartaith nitrogen" ("*nitrogen fertiliser*") yw unrhyw sylwedd sy'n cynnwys un neu fwy o gyfansoddion nitrogen a ddefnyddir ar dir i wella twf y llystyfiant ac mae'n cynnwys tail organig;

ystyr "gwartaith nitrogen a weithgynhyrchwyd" ("*manufactured nitrogen fertiliser*") yw unrhyw wrtaith nitrogen (ac eithrio tail organig) sydd wedi'i weithgynhyrchu drwy broses ddiwydiannol;

ystyr "porfa" ("*grass*") yw—

- (a) glaswelltir parhaol neu laswelltir dros dro (ystyr dros dro yw am gyfnod llai na phedair blynedd);
- (b) yr hyn a geir rhwng hau'r borfa ac aredig y borfa; ac
- (c) gan gynnwys cynydau wedi'u hau o dan y borfa,

ond nid yw'n cynnwys glaswelltir sydd a 50% neu ragor o feillion;

mae "pridd tenau" ("*shallow soil*") yn bridd y mae ei ddyfnder yn llai na 40 cm;

ystyr "pridd tywodlyd" ("*sandy soil*") yw unrhyw bridd sy'n gorwedd ar dywodfaen, ac unrhyw bridd arall—

- (a) pan fo yn yr haen hyd at ddyfnder o 40 cm—
 - (i) mwy na 50 y cant yn ôl pwysau o ronynnau y mae eu diamedr o 0.06 i 2 mm,
 - (ii) llai na 18 y cant yn ôl pwysau o ronynnau y mae eu diamedr yn llai na 0.02 mm, a
 - (iii) llai na 5 y cant yn ôl pwysau o garbon organig; a
- (b) pan fo, yn yr haen o ddyfnder 40 i 80 cm—
 - (i) mwy na 70 y cant yn ôl pwysau o ronynnau y mae eu diamedr o 0.06 i 2mm,
 - (ii) llai na 15 y cant yn ôl pwysau o ronynnau y mae eu diamedr yn llai na 0.02 mm, a
 - (iii) llai na 5 y cant yn ôl pwysau o garbon organig;

ystyr "rhanddirymiad" ("*derogation*") yw rhanddirymiad o derfyn y cyfanswm o nitrogen mewn tail da byw y gellir ei ddodi ar

"grazing livestock" ("*da byw sy'n pori*") means any animal specified in Table 1 in Schedule 1;
"holding" ("*daliad*") means all the land located within a nitrate vulnerable zone and its associated buildings that are at the disposal of the occupier and which are used for the growing of crops in soil or rearing of livestock for agricultural purposes;

"land that has a low run-off risk" ("*tir y mae'r risg o oferu drosto yn isel*") means land that—

- (a) has an average slope less than 3°;
- (b) does not have land drains (other than a sealed impermeable pipe); and
- (c) is at least 50 metres from a watercourse or conduit leading to a watercourse;

"livestock" ("*da byw*") means any animal (including poultry) specified in Schedule 1;

"manufactured nitrogen fertiliser" ("*gwartaith nitrogen a weithgynhyrchwyd*") means any nitrogen fertiliser (other than organic manure) manufactured by an industrial process;

"manufactured phosphate fertiliser" ("*gwartaith ffosffad a weithgynhyrchwyd*") means any phosphate fertiliser (other than organic manure) manufactured by an industrial process;

"nitrogen fertiliser" ("*gwartaith nitrogen*") means any substance containing one or more nitrogen compounds used on land to enhance growth of vegetation and includes organic manure;

"non-grazing livestock" ("*da byw nad ydynt yn pori*") means any animal specified in Table 2 in Schedule 1;

"organic manure" ("*tail organig*") means any nitrogen fertiliser or phosphate fertiliser derived from animal, plant or human sources and includes livestock manure;

"phosphate fertiliser" ("*gwartaith ffosffad*") means any substance containing one or more phosphorus compounds used on land to enhance growth of vegetation and includes organic manure;

"poultry" ("*dofednod*") means poultry specified in Schedule 1;

"sandy soil" ("*pridd tywodlyd*") means any soil over sandstone, and any other soil where—

- (a) in the layer up to 40 cm deep, there are—
 - (i) more than 50 per cent by weight of particles from 0.06 to 2 mm in diameter,
 - (ii) less than 18 per cent by weight of particles less than 0.02 mm diameter, and
 - (iii) less than 5 per cent by weight of

dir bob blwyddyn fel a ddarperir ym mharagraff 2(b) o Atodiad III o Gyfarwyddeb y Cyngor 91/676/EEC a roddwyd gan Benderfyniad y Comisiwn 2009/431/EEC(1) a roddwyd gan yr Asiantaeth neu, ar apêl, gan y panel apelau ar gais i randdirymu o dan reoliad 13B;

ystyr "slyri" ("*slurry*") yw carthion a gynhyrchir gan dda byw (ac eithrio dofednod) tra bônt mewn buarth neu adeilad (gan gynnwys unrhyw sarn, dŵr glaw neu olchiadau a gymysgwyd gyda'r carthion hynny) ac y mae eu tewdra yn caniatáu iddynt gael eu pwmpio neu eu gollwng drwy ddisgyrchiant (yn achos carthion sydd wedi'u gwahanu i'w ffracsiynau hylifol a'u rhai solet, y ffracsiwn hylifol yw'r slyri);

mae "taenu" ("*spreading*") yn cynnwys doddi arwyneb y tir, chwistrellu i mewn i'r tir neu gymysgu â haenau arwyneb y tir ond nid yw'n cynnwys dyddodi carthion yn uniongyrchol ar y tir gan anifeiliaid;

ystyr "tail organig" ("*organic manure*") yw unrhyw wrtaith nitrogen neu wrtaith ffosffad sy'n dod o ffynonellau anifail, planhigyn neu ddydol ac mae'n cynnwys tail da byw;

ystyr "tir y mae'r risg o oferu drosto yn isel" ("*land that has a low run-off risk*") yw tir—

- (a) y mae ei oleddf cyfartalog yn llai na 3°;
- (b) nad oes ganddo ddraeniau tir (ac eithrio pibell anhydraidd sydd wedi'i selio); ac
- (c) sydd o leiaf 50 o fetrau o gwrs dŵr neu ddyfrffos sy'n arwain at gwrs dŵr."

Diwygio Rhan 3

4.–(1) Diwygir Rhan 3 (Cyfyngu ar ddodi tail organig) fel a ganlyn.

(2) Ar ddechrau paragraff (1) o reoliad 12 (dodi tail da byw - y terfyn o ran cyfanswm y nitrogen ar gyfer yr holl ddaliad), mewnosoder "Ac eithrio pan fo'r meddiannydd wedi cael rhanddirymiad,".

Mewnosod Rhan 3A newydd

5. Ar ôl Rhan 3 (Cyfyngu ar ddodi tail organig), mewnosoder—

organic carbon; and

(b) in the layer from 40 to 80 cm deep, there are—

- (i) more than 70 per cent by weight of particles from 0.06 to 2mm in diameter,
- (ii) less than 15 per cent by weight of particles less than 0.02 mm diameter, and
- (iii) less than 5 per cent by weight of organic carbon;

"shallow soil" ("*pridd tenau*") is soil that is less than 40 cm deep;

"slurry" ("*slyri*") 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);

"spreading" ("*taenu*") includes 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."

Amendment of Part 3

4.–(1) Part 3 (Limiting the application of organic manure) is amended as follows.

(2) At the beginning of paragraph (1) of regulation 12 (application of livestock manure - total nitrogen limit for the whole holding), insert "Except where the occupier has been granted a derogation,".

Insertion of new Part 3A

5. After Part 3 (Limiting the application of organic manure), insert—

(1) OJ Rhif L 141, 6.6.09, t.48.

"RHAN 3A

Rhanddirymu

Cais i rannirymu

13A.—(1) Caiff meddiannydd unrhyw ddaliad neu unrhyw berson ar ran y meddiannydd ("y ceisydd") wneud cais i'r Asiantaeth am rannirymiad os cafodd 80% neu fwy o'r ardal amaethyddol ei hau â phorfa.

(2) Rhaid cyflwyno cais i rannirymu—

- (a) erbyn 30 Ebrill 2010 am rannirymiad 2010;
- (b) o ran cais ar gyfer unrhyw flwyddyn ar ôl 2010, rhwng y dyddiadau 1 Hydref a 31 Rhagfyr yn y flwyddyn galendr o flaen honno y gwneir y cais ar ei chyfer.

(3) Rhaid i Weinidogion Cymru gyhoeddi'r dull a'r ffurf y mae'n rhaid i'r cais gael ei wneud ynddynt.

(4) Rhaid i'r Asiantaeth ganiatáu neu wrthod cais i rannirymu cyn gynted ag y bo'n ymarferol a hysbysu'r ceisydd o'r penderfyniad yn ysgrifenedig ac, os bydd yr Asiantaeth yn gwrthod cais i rannirymu, rhaid iddi ar yr un pryd roi rhesymau dros wrthod.

(5) Rhaid i'r Asiantaeth wrthod cais i rannirymu os yw o'r farn y byddai caniatáu rannirymiad yn cael effaith andwyol ar gyfanrwydd—

- (a) safle Ewropeaidd; neu
- (b) safle morol alltraeth Ewropeaidd,

pan fo'r safleoedd hynny'n wedi bod yn ddarostyngedig i asesiad priodol o dan reoliad 48 o Reoliadau Cadwraeth (Cynefinoedd Naturiol, &c.) 1994(1).

(6) Pan fo'r Asiantaeth wedi gwrthod caniatáu'r cais i rannirymu, caiff y ceisydd apelio yn unol â'r weithdrefn a osodir yn rheoliad 13B.

(7) Pan fo'r Asiantaeth wedi caniatáu'r cais i rannirymu, rhaid i'r Asiantaeth ddynodi'r daliad y mae'r rannirymiad yn gymwys ar ei gyfer yn ddaliad a rannirymwyd am y flwyddyn galendr y gwnaed y cais ar ei chyfer.

(8) Rhaid i'r meddiannydd gadw cofnod o'r cais i rannirymu a'r penderfyniad.

(9) Yn y rheoliad hwn—

- (a) ystyr "safle morol alltraeth Ewropeaidd" yw safle morol alltraeth Ewropeaidd o fewn ystyr rheoliad 15 (ystyr safle morol alltraeth Ewropeaidd) o Reoliadau

"PART 3A

Derogation

Application for a derogation

13A.—(1) An occupier of any holding or any person on the occupier's behalf ("the applicant") may apply to the Agency for a derogation where 80% or more of the agricultural area is sown with grass.

(2) A derogation application must be submitted—

- (a) by 30 April 2010 for a 2010 derogation;
- (b) in relation to an application for any year after 2010, between the dates of 1 October and 31 December in the calendar year preceding that in respect of which the application is made.

(3) The Welsh Ministers must publish the manner and form in which the application must be made.

(4) The Agency must grant or refuse a derogation application as soon as practicable and notify the applicant of the decision in writing and, where the Agency refuses a derogation application, must give reasons for the refusal at the same time.

(5) The Agency must refuse a derogation application where it considers the granting of the derogation would have an adverse effect on the integrity of—

- (a) a European site; or
- (b) a European offshore marine site,

where those sites have been subject to an appropriate assessment under regulation 48 of the Conservation (Natural Habitats, & c.) Regulations 1994(1).

(6) Where the Agency has refused to grant the derogation application, the applicant may appeal in accordance with the procedure set out in regulation 13B.

(7) Where the Agency has granted the derogation application, the holding to which the derogation applies must be designated by the Agency as a derogated holding for the calendar year in respect of which the application was made.

(8) The occupier must keep a record of the derogation application and decision.

(9) In this regulation—

- (a) "European offshore marine site" means a European offshore marine site within the meaning of regulation 15 (meaning of European offshore marine site) of the

(1) O.S. 1994/2716.

(1) S.I. 1994/2716.

Cadwraeth Morol Alltraeth (Cynefinoedd Naturiol, &c.) 2007(1); a

- (b) ystyr "safle Ewropeaidd" yw safle Ewropeaidd o fewn ystyr rheoliad 10 (ystyr safle Ewropeaidd) o Reoliadau Cadwraeth (Cynefinoedd Naturiol, &c.) 1994.

Apelio yn erbyn gwrthod cais i randdirymu

13B.—(1) Pan fo'r Asiantaeth wedi gwrthod cais i randdirymu, caiff y ceisydd drwy hysbysiad apelio yn erbyn y penderfyniad i banel annibynnol a benodwyd gan Weinidogion Cymru at ddibenion y Rheoliadau hyn ("y panel apelau ar gyfer cais i randdirymu").

(2) Rhaid i apêl yn erbyn gwrthod cais i randdirymu gael ei chyflwyno o fewn 30 o ddiwrnodau sy'n dechrau drannoeth dyddiad y gwrthod.

(3) Rhaid i Weinidogion Cymru gyhoeddi'r dull a'r ffurf y mae'n rhaid i'r cais gael ei wneud ynddynt.

Trafodion y panel apelau ar gyfer cais i randdirymu

13C.—(1) Rhaid i'r panel apelau ar gyfer cais i randdirymu gael ei ffurfio o odrif o bersonau, heb fod yn llai na thri pherson, a dod i benderfyniad drwy fwyafrif syml.

(2) Rhaid i'r panel apelau ar gyfer cais i randdirymu ystyried yr apêl a phenderfynu p'un ai caniatáu'r apêl ai peidio.

(3) Rhaid i'r panel apelau ar gyfer cais i randdirymu ddod i benderfyniad yn seiliedig ar ddogfennau a gyflwynwyd iddo gan yr apelydd a'r Asiantaeth, oni fydd yn penderfynu fod arno angen gwybodaeth ychwanegol i ffurfio barn, ac os felly caiff—

- (a) gofyn i'r apelydd, neu'r Asiantaeth, ddarparu deunyddiau ychwanegol; a
(b) mewn amgylchiadau eithriadol caiff gynnal gwrandawriad llafar.

(4) Mewn gwrandawriad llafar mae gan yr apelydd a'r Asiantaeth yr hawl i ymddangos.

(5) Rhaid i bob parti ysgwyddo ei gostau ei hun.

Effaith canfyddiadau panel apelau ar gyfer cais i randdirymu

13CH.—(1) Os bydd y panel apelau ar gyfer cais i randdirymu yn caniatáu'r apêl, rhaid i'r daliad y mae'r cais i randdirymu yn gymwys iddo gael ei ddynodi gan yr Asiantaeth fel daliad a randdirymwyd am y flwyddyn galendr honno.

(2) Rhaid i'r panel apelau ar gyfer cais i randdirymu—

- (a) hysbysu'r Asiantaeth, y ceisydd a Gweinidogion Cymru, cyn gynted ag y

Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(1); and

- (b) "European site" means a European site within the meaning of regulation 10 (meaning of European site) of the Conservation (Natural Habitats, &c.) Regulations 1994.

Appeal against refusal of a derogation application

13B.—(1) Where the Agency has refused a derogation application, the applicant may by notice appeal the decision to an independent panel appointed by the Welsh Ministers for the purpose of these Regulations ("the derogation application appeals panel").

(2) An appeal against a refusal of a derogation application must be submitted within 30 days beginning on the day after the date of the refusal.

(3) The Welsh Ministers must publish the manner and form in which an appeal must be made.

Proceedings of the derogation application appeals panel

13C.—(1) The derogation application appeals panel must consist of an odd number of persons, not being less than 3 persons, and make its decision by a simple majority.

(2) The derogation application appeals panel must consider the appeal and determine whether or not to allow the appeal.

(3) The derogation application appeals panel must arrive at its decision based on documentation submitted to it by the appellant and the Agency, unless it decides that it needs additional information to form a judgement, in which case it may—

- (a) request the appellant, or the Agency, to provide additional material; and
(b) in exceptional circumstances may convene an oral hearing.

(4) At an oral hearing the appellant and the Agency have the right to appear.

(5) All parties must bear their own costs.

Effect of derogation application appeals panel findings

13D.—(1) If the derogation application appeals panel allows the appeal, the holding to which the derogation application applies must be designated by the Agency as a derogated holding for that calendar year.

(2) The derogation application appeals panel must—

- (a) notify the Agency, the applicant and the Welsh Ministers, as soon as reasonably

bo'n rhesymol ymarferol, o'i ganfyddiadau;
a

- (b) os gwrthodir yr apêl, rhoi'r rhesymau dros wrthod.

Daliadau a randdirymwyd

13D. Mae Atodlen 4 yn cael effaith o ran daliadau a randdirymwyd."

Diwygio Rhan 4

6.–(1) Diwygir Rhan 4 (Y gofynion ar gyfer cnydau) fel a ganlyn.

(2) Yn lle paragraff (3) o reoliad 15 (Yr wybodaeth ychwanegol sydd i'w chofnodi yn ystod y flwyddyn), rhodder–

"(3) Cyn taenu gwrtaith nitrogen a weithgynhyrchwyd, rhaid i'r meddiannydd gofnodi–

- (a) faint sydd ei hangen; a
(b) y dyddiad a drefnwyd ar gyfer taenu (mis)."

(3) Yn rheoliad 16 (cyfanswm y nitrogen sydd i'w daenu ar ddaliad)–

- (a) yn lle paragraff (a), rhodder–
"(a) y nitrogen o wrtaith nitrogen a weithgynhyrchwyd, a";
(b) yn lle paragraff (b) rhodder–
"(b) y nitrogen sydd ar gael i'r cnwd ei amsugno o dail da byw yn y tymor tyfu y caiff ei daenu ynddo, wedi'i gyfrifo yn unol â rheoliad 17,";
(c) ar ôl "a daenir ar y cnydau canlynol" hepgorer ", wedi'i gyfrifo'n unol â rheoliad 17,"; ac
(ch) yn lle troednodyn (d), rhodder–
"(d) Mae hyn yn cynnwys unrhyw nitrogen a ddodir fel esemptiad i'r cyfnod gwaharddedig ar gyfer gwrtaith nitrogen a weithgynhyrchwyd. Ceir cynyddu'r swm a ganiateir hyd at 30 kg yr hectar am bob hanner tunnell y mae'r cynnyrch a ddisgwylir yn uwch na'r cynnyrch safonol."

Diwygio Rhan 5

7.–(1) Diwygir Rhan 5 (Rheoli'r broses o daenu gwrtaith nitrogen) fel a ganlyn.

(2) Yn lle rheoliad 20 (taenu gwrtaith a weithgynhyrchwyd wrth ymyl dŵr wyneb), rhodder–

"Taenu gwrtaith a weithgynhyrchwyd wrth ymyl dŵr wyneb

20. Ni chaiff neb daenu gwrtaith nitrogen a weithgynhyrchwyd o fewn 2 fetr o ddŵr wyneb."

practicable, of its findings; and

- (b) where the appeal is refused, give reasons for the refusal.

Derogated holdings

13E. Schedule 4 has effect in relation to derogated holdings."

Amendment of Part 4

6.–(1) Part 4 (Crop requirements) is amended as follows.

(2) For paragraph (3) of regulation 15 (additional information to be recorded during the year), substitute–

"(3) Before spreading manufactured nitrogen fertiliser, the occupier must record–

- (a) the amount required; and
(b) the planned date for spreading (month)."

(3) In regulation 16 (total nitrogen spread on a holding)–

- (a) for paragraph (a), substitute–
"(a) nitrogen from manufactured nitrogen fertiliser, and";
(b) for paragraph (b), substitute–
"(b) nitrogen available for crop uptake from livestock manure in the growing season in which it is spread, calculated in accordance with regulation 17,";
(c) after "spread on the following crops" omit ", calculated in accordance with regulation 17,"; and
(d) for table footnote (e), substitute–
"(e) This is inclusive of any nitrogen that is applied as an exemption to the closed period for manufactured nitrogen fertiliser. The permitted amount may be increased by up to 30 kg per hectare for every half tonne that expected yield exceeds the standard yield."

Amendment of Part 5

7.–(1) Part 5 (Controlling the spreading of nitrogen fertiliser) is amended as follows.

(2) For regulation 20 (spreading manufactured fertiliser near surface water), substitute–

"Spreading manufactured nitrogen fertiliser near surface water

20. No person may spread manufactured nitrogen fertiliser within 2 metres of surface water."

(3) Yn lle rheoliad 22 (rheoli'r modd y mae gwrrtaith nitrogen yn cael ei daenu), rhodder–

"Rheoli'r modd y mae gwrrtaith nitrogen yn cael ei daenu

22.–(1) Yn ddarostyngedig i baragraff (2), rhaid i unrhyw berson sy'n taenu slyri ddefnyddio cyfarpar taenu sydd â thafliad taenu sy'n llai na 4 metr o'r ddaear.

(2) Gellir defnyddio cyfarpar taenu sydd â thafliad taenu sy'n fwy na 4 metr o'r ddaear ar dir y mae'r risg o oferu drosto yn isel pan fydd cyfarpar o'r fath yn gallu cyflawni cyfartaledd cyflymder dodi slyri heb fod yn fwy na 2 filimedr yr awr pan fydd wrthi'n gweithredu'n ddi-dor.

(3) Rhaid i unrhyw berson sy'n taenu gwrrtaith nitrogen wneud hynny mewn modd sydd mor gywir â phosibl."

Diwygio Rhan 6

8.–(1) Diwygir Rhan 6 (Cyfnodau gwaharddedig ar gyfer taenu gwrrtaith nitrogen) fel a ganlyn.

(2) Yn lle paragraff (a) o reoliad 27 (esemptiadau ar gyfer daliadau organig), rhodder–

"(a) ar gnydau a bennir yn y tabl yn Atodlen 3 (cnydau a ganiateir am y cyfnod gwaharddedig), neu".

Diwygio Rhan 8

9. Ym mharagraff (2) o reoliad 42 (cofnodion o daenu gwrrtaith nitrogen) o Ran 8 (Cyfrifiadau a chofnodion), o flaen "a weithgynhyrchwyd" mewnosoder "nitrogen".

Diwygio'r Atodlenni

10. Yn lle Atodlenni 1 i 3, rhodder cynnwys yr Atodlen i'r Rheoliadau hyn.

Diwygio Rheoliadau Cadwraeth (Cynefinoedd Naturiol, &c.) 1994

11.–(1) Diwygir Rheoliadau Cadwraeth (Cynefinoedd Naturiol &c.) 1994(1) fel a ganlyn.

(2) Ar ôl rheoliad 84D (rhanddirymiaidau o dan Reoliadau Atal Llygredd Nitradau 2008), mewnosoder–

"Derogations under the Nitrate Pollution Prevention (Wales) Regulations 2008

84E.–(1) Regulations 48 (assessment of implications for European site) and 49 (considerations of overriding public interest) apply in relation to the granting of a derogation under Part 3A

(3) For regulation 22 (controlling how nitrogen fertiliser is spread), substitute–

"Controlling how nitrogen fertiliser is spread

22.–(1) Subject to paragraph (2), any person spreading slurry must use spreading equipment with a spreading trajectory less than 4 metres from the ground.

(2) Spreading equipment with a spreading trajectory of more than 4 metres from the ground can be used on land that has a low run off risk where such equipment can achieve an average slurry application rate of not more than 2 millimetres per hour when it is operating continuously.

(3) Any person spreading nitrogen fertiliser must do so in as accurate manner as possible."

Amendment of Part 6

8.–(1) Part 6 (Closed periods for spreading nitrogen fertiliser) is amended as follows.

(2) For paragraph (a) of regulation 27 (exemptions for organic holdings), substitute–

"(a) crops specified in the table in Schedule 3 (permitted crops for the closed period), or".

Amendment of Part 8

9. In paragraph (2) of regulation 42 (records of spreading nitrogen fertiliser) of Part 8 (Calculations and records), after "manufactured" insert "nitrogen".

Amendment to Schedules

10. For Schedules 1 to 3, substitute the contents of the Schedule to these Regulations.

Amendment of the Conservation (Natural Habitats, & c.) Regulations 1994

11.–(1) The Conservation (Natural Habitats & c.) Regulations 1994(1) are amended as follows.

(2) After regulation 84D (derogations under the Nitrate Pollution Prevention Regulations 2008), insert–

"Derogations under the Nitrate Pollution Prevention (Wales) Regulations 2008

84E.–(1) Regulations 48 (assessment of implications for European site) and 49 (considerations of overriding public interest) apply in relation to the granting of a derogation under Part 3A

(1) O.S. 1994/2716.

(1) S.I. 1994/2716.

of the Nitrate Pollution Prevention (Wales) Regulations 2008(1).

(2) Where regulations 48 and 49 apply, the competent authority may, if they consider any adverse effects of the plan or project on the integrity of a European site or European offshore marine site would be avoided if the derogation were subject to conditions, grant the derogation, subject to those conditions."

of the Nitrate Pollution Prevention (Wales) Regulations 2008(1).

(2) Where regulations 48 and 49 apply, the competent authority may, if they consider any adverse effects of the plan or project on the integrity of a European site or European offshore marine site would be avoided if the derogation were subject to conditions, grant the derogation, subject to those conditions."

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

1 Mawrth 2010

Minister for Rural Affairs, one of the Welsh Ministers

1 March 2010

(1) O.S. 2008/3143.

(1) S.I. 2008/3143.

YR ATODLEN

Rheoliad 10

"ATODLEN 1

Rheoliadau 6 a 38

Faint o dail, nitrogen a ffosffad a gynhyrchir gan dda byw sy'n pori a da byw nad ydynt yn pori

Tabl 1

Da byw sy'n pori

<i>Categori</i>	<i>Y tail a gynhyrchir bob dydd gan bob anifail (litrau)</i>	<i>Y nitrogen a gynhyrchir bob dydd gan bob anifail (gramau)</i>	<i>Y ffosffad a gynhyrchir bob dydd gan bob anifail (gramau)</i>
Gwartheg			
Llo (pob categori ac eithrio ar gyfer cig llo) hyd at 3 mis:	7	23	12.7
Buwch odro—			
O 3 mis a llai na 13 mis:	20	95	34
O 13 mis tan ei llo cyntaf:	40	167	69
Ar ôl ei llo cyntaf ac y mae—			
ei chynnyrch llaeth blynyddol yn fwy na 9000 o litrau:	64	315	142
ei chynnyrch llaeth blynyddol rhwng 6000 a 9000 o litrau:	53	276	121
ei chynnyrch llaeth blynyddol yn llai na 6000 o litrau:	42	211	93
Buchod neu fustych cig eidion ^(a) —			
O 3 mis a llai na 13 mis:	20	91	33
O 13 mis a llai na 25 mis:	26	137	43
O 25 mis—			
gwartheg benyw neu fustych i'w cigydda:	32	137	60
gwartheg benyw ar gyfer bridio—			
sy'n pwyso 500kg neu lai:	32	167	65
sy'n pwyso'n fwy na 500kg:	45	227	86
Teirw			
Nad ydynt yn bridio, 3 mis a throsodd:	26	148	24
Bridio—			
o 3 mis a llai na 25 mis:	26	137	43
o 25 mis:	26	132	60

Defaid

O 6 mis hyd at 9 mis oed:	1.8	5.5	0.76
O 9 mis oed hyd at wyna am y tro cyntaf, hwrdda am y tro cyntaf, neu gigydda:	1.8	3.9	2.1
Ar ôl wyna neu hwrdda ^(b) –			
yn pwyso llai na 60 kg:	3.3	21	8.8
yn pwyso dros 60kg:	5	33	10.0
Geifr, ceirw a cheffylau			
Geifr:	3.5	41	18.8
Ceirw–			
bridio:	5	42	17.6
arall:	3.5	33	11.7
Ceffyl:	24	58	56

^(a) Gwryw wedi'i sbaddu.

^(b) Yn achos mamog, mae'r ffigur hwn yn cynnwys un neu fwy o wyn sugno nes bod yr wyn yn chwe mis oed.

Tabl 2**Da byw nad ydynt yn pori**

<i>Categori</i>	<i>Y tail a gynhyrchir bob dydd gan bob anifail (litrau)</i>	<i>Y nitrogen a gynhyrchir bob dydd gan bob anifail (gramau)</i>	<i>Y ffosffad a gynhyrchir bob dydd gan bob anifail (gramau)</i>
Gwartheg			
Llo ar gyfer cig llo:	7	23	12.7
Dofednod^(a)			
Iâr a ddefnyddir i gynhyrchu wyau i'w bwyta gan bobl–			
llai na 17 wythnos:	0.04	0.64	0.47
o 17 wythnos (mewn caets):	0.12	1.13	1.0
o 17 wythnos (heb fod mewn caets):	0.12	1.5	1.1
Ieir a fegir am eu cig:	0.06	1.06	0.72
Ieir a fegir ar gyfer bridio–			
llai na 25 wythnos:	0.04	0.86	0.78
o 25 wythnos:	0.12	2.02	1.5

Twrci–			
gwryw:	0.16	3.74	3.1
benyw:	0.12	2.83	2.3
Hwyaden:	0.10	2.48	2.4
Estrys:	1.6	3.83	18.5
Moch			
Pwysau o 7kg ac yn llai na 13kg:	1.3	4.1	1.3
Pwysau o 13kg ac yn llai na 31kg:	2	14.2	6.0
Pwysau o 31kg ac yn llai na 66kg–			
bwydo sych:	3.7	24	12.1
bwydo hylif:	7.1	24	12.1
Pwysau o 66kg ac–			
a fwriadwyd ar gyfer eu cigydd–			
bwydo sych:	5.1	33	17.9
bwydo hylif:	10	33	17.9
hwch a fwriadwyd ar gyfer bridio na chafodd ei thorraid gyntaf hyd yn hyn:	5.6	38	20
hwch (gan gynnwys torraid hyd at 7kg) wedi'i bwydo ar ddeiet gydag atchwanegiadau asidau amino synthetig:	10.9	44	37
hwch (gan gynnwys torraid hyd at 7kg) wedi'i bwydo ar ddeiet heb asidau amino synthetig:	10.9	49	37
baedd bridio o 66kg hyd at 150kg:	5.1	33	17.9
baedd bridio o 150kg:	8.7	48	28

^(a) Nodyn: mae pob ffigur ar gyfer dofednod yn cynnwys sarn.

SCHEDULE

Regulation 10

"SCHEDULE 1

Regulations 6 and 38

Amount of manure, nitrogen and phosphate produced by grazing livestock and non-grazing livestock

Table 1

Grazing livestock

<i>Category</i>	<i>Daily manure produced by each animal (litres)</i>	<i>Daily nitrogen produced by each animal (grams)</i>	<i>Daily phosphate produced by each animal (grams)</i>
Cattle			
Calf (all categories except veal) up to 3 months:	7	23	12.7
Dairy cow—			
From 3 months and less than 13 months:	20	95	34
From 13 months up to first calf:	40	167	69
After first calf and—			
annual milk yield more than 9000 litres:	64	315	142
annual milk yield between 6000 and 9000 litres:	53	276	121
annual milk yield less than 6000 litres:	42	211	93
Beef cows or steers ^(a) —			
From 3 months and less than 13 months:	20	91	33
From 13 months and less than 25 months:	26	137	43
From 25 months—			
females or steers for slaughter:	32	137	60
females for breeding—			
weighing 500kg or less:	32	167	65
weighing more than 500kg:	45	227	86
Bulls			
Non-breeding, 3 months and over:	26	148	24
Breeding—			

from 3 months and less than 25 months:	26	137	43
from 25 months:	26	132	60
Sheep			
From 6 months up to 9 months old:	1.8	5.5	0.76
From 9 months old to first lambing, first tuppung or slaughter:	1.8	3.9	2.1
After lambing or tuppung ^(b) –			
weight less than 60kg:	3.3	21	8.8
weight from 60kg:	5	33	10.0
Goat, deer and horses			
Goat:	3.5	41	18.8
Deer–			
breeding:	5	42	17.6
other:	3.5	33	11.7
Horse:	24	58	56

^(a) Castrated male.

^(b) In the case of a ewe, this figure includes one or more suckled lambs until the lambs are aged six months.

Table 2

Non-grazing livestock

<i>Category</i>	<i>Daily manure produced by each animal (litres)</i>	<i>Daily nitrogen produced by each animal (grams)</i>	<i>Daily phosphate produced by each animal (grams)</i>
Cattle			
Veal calf:	7	23	12.7
Poultry^(a)			
Chicken used for production of eggs for human consumption–			
less than 17 weeks:	0.04	0.64	0.47
from 17 weeks (caged):	0.12	1.13	1.0
from 17 weeks (not caged):	0.12	1.5	1.1
Chickens raised for meat:	0.06	1.06	0.72
Chickens raised for breeding–			
less than 25 weeks:	0.04	0.86	0.78
from 25 weeks:	0.12	2.02	1.5

Turkey–			
male:	0.16	3.74	3.1
female:	0.12	2.83	2.3
Duck:	0.10	2.48	2.4
Ostrich:	1.6	3.83	18.5
Pigs			
Weight from 7kg and less than 13kg:	1.3	4.1	1.3
Weight from 13kg and less than 31kg:	2	14.2	6.0
Weight from 31kg and less than 66kg–			
dry fed:	3.7	24	12.1
liquid fed:	7.1	24	12.1
Weight from 66kg and–			
intended for slaughter–			
dry fed:	5.1	33	17.9
liquid fed:	10	33	17.9
sow intended for breeding that has not yet had its first litter:	5.6	38	20
sow (including litter up to 7kg) fed on a diet supplemented with synthetic amino acids:	10.9	44	37
sow (including litter up to 7kg) fed on a diet without synthetic amino acids:	10.9	49	37
breeding boar from 66kg up to 150kg:	5.1	33	17.9
breeding boar, from 150kg:	8.7	48	28

^(a) Note: all figures for poultry include litter.

Cyfrifo'r nitrogen sydd mewn tail

RHAN 1

Tabl safonau

Cyfanswm y nitrogen mewn tail

<i>Tail ac eithrio slyri</i>	<i>Cyfanswm y nitrogen ym mhob tunnell (kg)</i>
Tail ac eithrio slyri o'r anifeiliaid a ganlyn—	
gwartheg:	6
moch:	7
defaid:	7
hwyaid:	6.5
ceffylau:	7
geifr:	6
Tail o ieir dodwy:	19
Tail o dyrewn neu ieir brwylio:	30
<hr/>	
<i>Slyri</i>	<i>Cyfanswm y nitrogen ym mhob metr ciwbig (kg)</i>
Gwartheg:	2.6
Moch:	3.6
Slyri gwartheg wedi'i wahanu (ffracsiwn hylifol)—	
blwch hidlo:	1.5
wal hidlo:	2
hidl fecanyddol:	3
Slyri gwartheg wedi'i wahanu (ffracsiwn solet):	4
Slyri moch wedi'i wahanu (ffracsiwn hylifol):	3.6
Slyri moch wedi'i wahanu (ffracsiwn solet):	5
Dŵr budr:	0.5

SCHEDULE 2

Regulation 17

Calculating nitrogen in manure

PART 1

Standard table

Total amount of nitrogen in manure

<i>Manure other than slurry</i>	<i>Total nitrogen in each tonne (kg)</i>
Manure other than slurry from–	
cattle:	6
pigs:	7
sheep:	7
ducks:	6.5
horses:	7
goats:	6
Manure from laying hens:	19
Manure from turkeys or broiler chickens:	30
<hr/>	
<i>Slurry</i>	<i>Total nitrogen in each cubic metre (kg)</i>
Cattle:	2.6
Pigs:	3.6
Separated cattle slurry (liquid fraction)–	
strainer box:	1.5
weeping wall:	2
mechanical separator:	3
Separated cattle slurry (solid fraction):	4
Separated pig slurry (liquid fraction):	3.6
Separated pig slurry (solid fraction):	5
Dirty water:	0.5

RHAN 2

Samplu a dadansoddi

Slyri

1.–(1) O ran slyri, rhaid cymryd o leiaf bum sampl a phob un ohonynt yn 2 litr.

(2) Rhaid i'r sampl gael ei chymryd o lestr dal slyri, ac—

- (a) os yw'n rhesymol ymarferol, rhaid i'r slyri fod wedi'i gymysgu'n drylwyr cyn i'r samplau gael eu cymryd, a
- (b) rhaid i bob sampl gael ei chymryd o le gwahanol.

(3) Ond os oes falf addas wedi'i gosod ar dancer sy'n cael ei ddefnyddio ar gyfer taenu, caniateir i'r samplau gael eu cymryd wrth daenu, a rhaid i bob sampl gael ei chymryd bob hyn a hyn yn ystod y broses daenu.

(4) Rhaid i'r samplau gael eu harllwys i gynhwysydd mwy ei faint, eu troi'n drylwyr a rhaid i sampl 2 litr gael ei chymryd o'r cynhwysydd hwnnw a'i harllwys i gynhwysydd glân llai.

(5) Rhaid i'r sampl honno gael ei hanfon wedyn i gael ei dadansoddi.

Tail solet

2.–(1) O ran tail solet, rhaid cymryd y samplau o domen dail.

(2) Rhaid cymryd o leiaf ddeg sampl 1kg yr un, a phob un ohonynt o fan gwahanol mewn tomen.

(3) Rhaid i bob is-sampl gael ei chymryd o leiaf 0.5 metr o wyneb y domen.

(4) Os yw samplau yn cael eu casglu i gyfrifo i ba raddau y cydymffurfiwyd â'r terfyn fferm gyfan ar gyfer moch a dofednod, rhaid cymryd pedair sampl i'w dadansoddi mewn blwyddyn galendr (gan gymryd un ym mhob chwarter) o domenni tail nad ydynt yn fwy na 12 mis oed.

(5) Rhaid doddi'r is-samplau ar hambwrdd neu ddalen sy'n lân a sych.

(6) Rhaid i unrhyw dalpiau gael eu torri a rhaid cymysgu'r is-samplau â'i gilydd yn drylwyr.

(7) Rhaid i sampl nodweddiadol, sy'n pwyso o leiaf 2 kg, gael ei hanfon wedyn i gael ei dadansoddi.

PART 2

Sampling and analysis

Slurry

1.–(1) In relation to slurry, at least five samples, each of 2 litres, must be taken.

(2) The sample must be taken from a slurry vessel, and—

- (a) if reasonably practicable, the slurry must be thoroughly mixed before the samples are taken, and
- (b) each sample must be taken from a different location.

(3) But if a tanker used for spreading is fitted with a suitable valve, the samples may be taken while spreading, and each sample must be taken at intervals during the spreading.

(4) The samples must be poured into a larger container, stirred thoroughly and a 2 litre sample must be taken from that container and poured into a smaller clean container.

(5) That sample must then be sent for analysis.

Solid manures

2.–(1) In relation to solid manures, the samples must be taken from a manure heap.

(2) At least ten samples of 1kg each must be taken, each from a different location in a heap.

(3) Each sub-sample must be taken at least 0.5 metres from the surface of the heap.

(4) If samples are being collected to calculate compliance with the whole farm limit for pigs and poultry, four samples for analysis must be taken in a calendar year (one taken in each quarter) from manure heaps not more than 12 months old.

(5) The sub-samples must be placed on a clean, dry tray or sheet.

(6) Any lumps must be broken up and the sub-samples must be thoroughly mixed together.

(7) A representative sample of at least 2kg must then be sent for analysis.

ATODLEN 3

Rheoliadau 27 a 29

Y cnydau a ganiateir am y cyfnod gwaharddedig

<i>Y cnwd</i>	<i>Y gyfradd uchaf o nitrogen (kg/hectar)</i>
Rêp had olew, gaeaf ^(a)	30
Merllys	50
Bresych ^(b)	100
Porfa ^{(a) (c)}	80
Sgaliwns wedi'u gaeafu	40
Perllys	40
Bylbiau winwns	40

^(a) Rhaid peidio â thaenu nitrogen ar y cnydau hyn ar ôl 31 Hydref.

^(b) Caniateir i 50 kg ychwanegol o nitrogen yr hectar gael ei daenu bob pedair wythnos yn ystod y cyfnod gwaharddedig hyd at ddyddiad y cynhaeaf.

^(c) Caniateir i uchafswm o 40kg o nitrogen yr hectar gael ei daenu ar unrhyw un adeg.

SCHEDULE 3

Regulations 27 and 29

Permitted crops for the closed period

<i>Crop</i>	<i>Maximum nitrogen rate (kg/hectare)</i>
Oilseed rape, winter ^(a)	30
Asparagus	50
Brassica ^(b)	100
Grass ^{(a) (c)}	80
Over-wintered salad onions	40
Parsley	40
Bulb onions	40

^(a) Nitrogen must not be spread on these crops after 31 October.

^(b) An additional 50kg of nitrogen per hectare may be spread every four weeks during the closed period up to the date of harvest.

^(c) A maximum of 40kg of nitrogen per hectare may be spread at any one time.

Daliadau a randdirymwyd

1. Mae'r gofynion ychwanegol a ganlyn yn gymwys i ddaliadau a randdirymwyd.

Rhanddirymiad oddi wrth y mesurau sy'n llywodraethu'r terfyn wrth ddodi tail da byw

2. Rhaid i feddiannydd daliad a randdirymwyd sicrhau yn unrhyw flwyddyn galendr y rhoddwyd rhanddirymiad ynglŷn â hi bod—

$$A \geq (Ngl \div 250) + (Nngl \div 170)$$

lle—

A yw ardal y daliad a randdirymwyd (hectarau), fel y mae ar 1 Ionawr ar gyfer y flwyddyn galendr honno,

Ngl yw cyfanswm y nitrogen (cilogramau) mewn tail da byw gan dda byw sy'n pori, p'un a ddodir ef yn uniongyrchol gan anifail neu wrth ei daenu, a

Nngl yw cyfanswm y nitrogen (cilogramau) mewn tail da byw gan dda byw nad ydynt yn pori, p'un a ddodir ef yn uniongyrchol gan anifail neu wrth ei daenu.

Cynllunio'r modd y mae gwrrtaith ffosffad yn cael ei daenu

3.—(1) Yn ychwanegol at lunio cynlluniau ynghylch taenu nitrogen o dan reoliad 14 (cynllunio'r modd y mae gwrrtaith nitrogen yn cael ei daenu) rhaid i'r meddiannydd—

- (a) asesu faint o ffosfforws yn y pridd sy'n debygol o fod ar gael i'w amsugno gan y cnwd yn ystod y tymor tyfu ("y cyflenwad ffosfforws yn y pridd");
- (b) cyfrifo'r maint gorau posibl o wrtaith ffosffad y dylid ei daenu ar y cnwd, gan gymryd i ystyriaeth faint o ffosfforws sydd ar gael o'r cyflenwad ffosfforws yn y pridd; ac
- (c) llunio cynllun ar gyfer taenu gwrrtaith ffosffad ar gyfer y tymor tyfu hwnnw.

(2) Rhaid i'r meddiannydd wneud hyn—

- (a) yn achos unrhyw gnwd ac eithrio glaswelltir parhaol, cyn taenu unrhyw wrtaith ffosffad am y tro cyntaf at ddibenion gwrrteithio cnwd a blannwyd neu y bwriedir ei blannu; a
- (b) yn achos glaswelltir parhaol, bob blwyddyn gan ddechrau ar 1 Ionawr cyn taenu gwrrtaith ffosffad.

4. Yn ychwanegol at y gofynion o dan baragraff 3 rhaid i'r cynllun gwrrteithio gofnodi—

Derogated holdings

1. The following additional requirements apply to derogated holdings.

Derogation from the measures governing the limit on application of livestock manure

2. An occupier of a derogated holding must ensure that in any calendar year for which the derogation has been granted—

$$A \geq (Ngl \div 250) + (Nngl \div 170)$$

where—

A is the area of the derogated holding (hectares), as existing on 1 January for that calendar year,

Ngl is the total amount of nitrogen (kilogrammes) in livestock manure from grazing livestock, whether applied directly by an animal or by spreading, and

Nngl is the total amount of nitrogen (kilogrammes) in livestock manure from non-grazing livestock, whether applied directly by an animal or by spreading.

Planning the spreading of phosphate fertiliser

3.—(1) In addition to the production of nitrogen spreading plans under regulation 14 (planning the spreading of nitrogen fertiliser) the occupier must—

- (a) assess the amount of phosphorus in the soil that is likely to be available for uptake by the crop during the growing season ("the soil phosphorus supply");
- (b) calculate the optimum amount of phosphate fertiliser that should be spread on the crop, taking into account the amount of phosphorus available from the soil phosphorus supply; and
- (c) produce a plan for the spreading of phosphate fertiliser for that growing season.

(2) The occupier must do this—

- (a) in the case of any crop other than permanent grassland, before spreading any phosphate fertiliser for the first time for the purpose of fertilising a crop planted or intended to be planted; and
- (b) in the case of permanent grassland, each year beginning on 1 January before the spreading of phosphate fertiliser.

4. In addition to the requirements under paragraph 3 the fertilisation plan must record—

- (a) y cyflenwad ffosfforws yn y pridd a'r dull a ddefnyddir i gadarnhau'r ffigur hwn;
- (b) cyfrifo'r maint gorau posibl o wrtaith ffosffad y dylid ei daenu ar y cnwd, gan gymryd i ystyriaeth faint o ffosfforws sydd ar gael o'r cyflenwad ffosfforws yn y pridd; ac
- (c) faint o nitrogen sy'n debygol o fod ar gael i'w amsugno gan y cnwd o unrhyw dail organig y bwriedir ei daenu i'w amsugno gan y cnwd yn y tymor tyfu yn ystod y flwyddyn galendr y taenir ef ynddi;
- (ch) faint o ffosffad sy'n debygol o gael ei gyflenwi i fodloni gofyniad y cnwd o unrhyw dail organig a daenir neu y bwriedir ei daenu yn ystod y flwyddyn galendr;
- (d) faint o wrtaith nitrogen a weithgynhyrchwyd sydd ei angen (hynny yw, y maint gorau posibl o nitrogen y mae ei angen ar y cnwd gan ddiwyddu faint o nitrogen a fydd ar gael i'r cnwd ei amsugno o unrhyw dail organig a daenir yn ystod y flwyddyn galendr honno); ac
- (dd) faint o wrtaith ffosffad a weithgynhyrchwyd sydd ei angen (hynny yw, y maint gorau posibl o ffosffad y mae ei angen ar y cnwd gan ddiwyddu faint o ffosffad a gyflenwir i'r cnwd ei amsugno o unrhyw dail organig a daenir at ddibenion gwrteithio'r cnwd yn ystod y flwyddyn galendr honno).

Samplu a dadansoddi pridd

5.–(1) Bob pedair blynedd o leiaf rhaid i'r meddiannydd ymgymryd â samplu a dadansoddi pridd ar gyfer cyflenwad o ffosfforws o bob pum hectar o leiaf o ardal amaethyddol y daliad a randdirymwyd sydd o dan yr un drefn gnydio a math o bridd.

(2) Caiff meddiannydd ddibynnu ar ganlyniadau blaenorol samplu a dadansoddi pridd ffosfforws o ardal amaethyddol y daliad a randdirymwyd sydd o dan yr un drefn gnydio a math o bridd at ddibenion is-baragraff (1), ar yr amod y cyflawnwyd y samplu a'r dadansoddi hwnnw o fewn pedair blynedd cyn y rhanddirymiad.

(3) Os na chyflawnwyd samplu a dadansoddi pridd ffosfforws o ardal amaethyddol y daliad a randdirymwyd sydd o dan yr un drefn gnydio a math o bridd cyn 2010, rhaid cyflawni'r samplu a dadansoddi hwnnw fel a ganlyn—

- (a) 75% o'r ardal amaethyddol erbyn 1 Mawrth 2011, a
- (b) 100% o'r ardal amaethyddol erbyn 1 Mawrth 2012.

Yr wybodaeth ychwanegol sydd i'w chofnodi yn ystod y flwyddyn

6.–(1) Yn ychwanegol at yr wybodaeth sydd i'w chofnodi o dan reoliad 15 (yr wybodaeth ychwanegol

- (a) the soil phosphorus supply and the method used to establish this figure;
- (b) the optimum amount of phosphate fertiliser that should be spread on the crop, taking into account the amount of phosphorus from the soil phosphorus supply;
- (c) the amount of nitrogen likely to be available for uptake by the crop from any organic manure intended to be spread for crop uptake in the growing season during the calendar year in which it is spread;
- (d) the amount of phosphate likely to be supplied to meet the requirement of the crop from any organic manure spread or intended to be spread during the calendar year;
- (e) the amount of manufactured nitrogen fertiliser required (that is, the optimum amount of nitrogen required by the crop less the amount of nitrogen that will be available for crop uptake from any organic manure spread during that calendar year); and
- (f) the amount of manufactured phosphate fertiliser required (that is, the optimum amount of phosphate required by the crop less the amount of phosphate supplied for crop uptake from any organic manure spread for the purpose of fertilising the crop during that calendar year).

Soil sampling and analysis

5.–(1) At least every four years the occupier must undertake soil sampling and analysis for the supply of phosphorus of at least every five hectares of the agricultural area of the derogated holding under the same cropping regime and soil type.

(2) An occupier may rely on the results of previous phosphorus soil sampling and analysis of the agricultural area of the derogated holding under the same cropping regime and soil type for the purposes of sub-paragraph (1), provided such sampling and analysis was carried out within four years before the derogation.

(3) Where phosphorus soil sampling and analysis of the agricultural area of the derogated holding under the same cropping regime and soil type has not been carried out before 2010, such sampling and analysis must be carried out as follows—

- (a) 75% of the agricultural area by 1 March 2011, and
- (b) 100% of the agricultural area by 1 March 2012.

Additional information to be recorded during the year

6.–(1) In addition to the information to be recorded under regulation 15 (additional information to be

sydd i'w chofnodi yn ystod y flwyddyn) rhaid i'r meddiannydd, cyn taenu tail organig, gofnodi—

- (a) cyfanswm cynnwys ffosffad y tail organig; a
- (b) faint o ffosffad sy'n debygol o gael ei gyflenwi o'r tail organig y bwriedir ei daenu at ddibenion gwrteithio'r cnwd yn y tymor tyfu y taenir ef ynddo.

(2) Yn ychwanegol at ofynion is-baragraff (1) rhaid i'r meddiannydd, cyn taenu gwrtaith ffosffad a weithgynhyrchwyd, gofnodi—

- (a) faint sydd ei angen (hynny yw, y maint gorau posibl o ffosffad y mae ei angen ar y cnwd gan ddiwynnu faint o ffosffad a gyflenwir i'r cnwd ei amsugno o unrhyw dail organig a daenir); a
- (b) y dyddiad a drefnwyd ar gyfer taenu (mis).

Mapiau risg

7.–(1) Yn ychwanegol at y gofynion o dan reoliad 18 (mapiau risg), rhaid i'fap risg—

- (a) dangos pob cae wedi'i farcio â rhif cyfeirnod neu rif sy'n galluogi croesgyfeirio at gaeau a gofnodwyd yn y cynlluniau gwrteithio;
- (b) cyfateb i ardal amaethyddol y daliad a rannir ymwyd; ac
- (c) cael ei gwblhau erbyn 1 Mawrth 2011 a 1 Mawrth 2012 ar gyfer y blynnyddoedd calendr hynny.

(2) Rhaid i'r meddiannydd ddiweddarau'r map risg o fewn mis o unrhyw newid mewn amgylchiadau.

Cynnal y daliad a rannir ymwyd yn ddaliad glaswelltir

8. Rhaid i'r meddiannydd gynnal y daliad i sicrhau bod 80% neu fwy o'r ardal amaethyddol sydd ar gael i ddodi tail arni yn cael ei hau â phorfa yn ystod y flwyddyn galendr honno.

Cyfnod gwaharddedig ar gyfer aredig porfa ar y daliad a rannir ymwyd

9. O ran unrhyw borfa a gafodd ei haredig ar neu ar ôl 1 Ebrill 2010, ni chaiff neb—

- (a) aredig glaswelltir dros dro ar briddoedd tywodlyd rhwng 1 Gorffennaf a 31 Rhagfyr;
- (b) aredig porfa ar briddoedd tywodlyd cyn 16 Ionawr lle y cafodd tail da byw ei daenu ar y borfa honno rhwng 1 Medi a 31 Rhagfyr yn y flwyddyn galendr flaenorol; ac
- (c) aredig porfa ar briddoedd nad ydynt yn briddoedd tywodlyd cyn 16 Ionawr lle y cafodd tail da byw ei daenu ar y borfa honno rhwng 15 Hydref yn y flwyddyn galendr flaenorol a 15 Ionawr.

recorded during the year) the occupier must, before spreading organic manure, record—

- (a) the total phosphate content of the organic manure; and
- (b) the amount of phosphate likely to be supplied from the organic manure intended to be spread for the purpose of fertilising the crop in the growing season in which it is spread.

(2) In addition to the requirements of sub-paragraph (1) the occupier must, before spreading manufactured phosphate fertiliser, record—

- (a) the amount required (that is, the optimum amount of phosphate required by the crop less the amount of phosphate that will be supplied for crop uptake from any organic manure spread); and
- (b) the planned date for spreading (month).

Risk maps

7.–(1) In addition to the requirements under regulation 18 (risk maps), the risk map must—

- (a) show each field marked with a reference number or number to enable cross reference to fields recorded in fertilisation plans;
- (b) correspond with the agricultural area of the derogated holding; and
- (c) be completed by 1 March 2011 and 1 March 2012 for those calendar years.

(2) The occupier must update the risk map within one month of any change in circumstances.

Maintaining the derogated holding as a grassland holding

8. The occupier must maintain the holding to ensure 80% or more of the agricultural area available for manure application is sown with grass during that calendar year.

Closed period for ploughing grass on the derogated holding

9. In relation to any grass ploughed on or after 1 April 2010, no person may—

- (a) plough temporary grassland on sandy soils between 1 July and 31 December;
- (b) plough grass on sandy soils before 16 January where livestock manure has been spread on that grass between 1 September and 31 December in the previous calendar year; and
- (c) plough grass on soils that are not sandy soils before 16 January where livestock manure has been spread on that grass between 15 October in the previous calendar year and 15 January.

Hadu cnydau ar ôl porfa ar y daliad a randdirymwyd

10. O ran hadu cnydau neu borfa ar unrhyw borfa a gafodd ei haredig ar neu ar ôl 1 Ebrill 2010, rhaid bod y tir—

- (a) wedi'i hau gan gnwd sydd â galw mawr am nitrogen o fewn pedair wythnos sy'n dechrau drannoeth dyddiad aredig y borfa; neu
- (b) wedi'i hau gan borfa o fewn chwe wythnos sy'n dechrau drannoeth dyddiad aredig y borfa.

Cylchdro cnydau ar y daliad a randdirymwyd

11. Rhaid i gylchdro cnydau beidio â chynnwys codlyisiau neu blanhigion eraill sy'n trosi nitrogen atmosfferig ac eithrio porfa sydd â llai na 50% o feillion a chodlyisiau eraill gyda phorfa wedi'i hau oddi tanynt.

Cofnodi maint y daliad a randdirymwyd

12.–(1) Rhaid i feddiannydd gofnodi cyfanswm yr ardal amaethyddol a'r ardal o borfa o fewn y daliad a randdirymwyd erbyn 1 Mawrth 2011 a 1 Mawrth 2012 ar gyfer y blynyddoedd calendr hynny.

(2) Os bydd maint y daliad a randdirymwyd neu ardal o borfa yn newid rhaid i'r meddiannydd ddiweddarau'r cofnod o fewn mis sy'n dechrau drannoeth y newid.

Cofnodion ynglŷn â storio tail yn ystod y cyfnod storio

13. Yn ychwanegol at ofynion rheoliad 36 (cofnodion ynglŷn â storio tail yn ystod y cyfnod storio) rhaid i'r meddiannydd wneud cofnod sy'n disgrifio'r systemau siediau da byw a storio tail ynghyd â faint o le storio tail sydd ar gael ar y daliad erbyn 1 Mawrth 2011 a 1 Mawrth 2012 ar gyfer y blynyddoedd calendr hynny.

Cofnod o'r nitrogen a'r ffosffad a gynhyrchir gan anifeiliaid

14.–(1) Rhaid i'r meddiannydd gofnodi nifer y da byw a ddisgwyilir a'r categori (yn unol â'r categorïau yn Nhablau 1 a 2 yn Atodlen 1) i'w cadw ar y daliad yn ystod y flwyddyn galendr honno.

(2) Yn dilyn y gofynion ynghylch cofnodi yn is-baragraff (1), rhaid i'r meddiannydd wedyn gyfrifo a chofnodi faint o nitrogen a ffosffad mewn tail y disgwyilir i'r da byw eu cynhyrchu ar y daliad yn ystod y flwyddyn honno gan ddefnyddio Tablau 1 a 2 yn Atodlen 1.

(3) Rhaid i'r cofnodion sydd i'w gwneud yn unol ag is-baragraffau (1) a (2) gael eu gwneud cyn 1 Mawrth 2011 a 1 Mawrth 2012 ar gyfer y blynyddoedd calendr hynny.

Sowing of crops following grass on the derogated holding

10. In relation to the sowing of crops or grass on any grass ploughed on or after 1 April 2010, the land must be—

- (a) sown with a crop with high nitrogen demand within four weeks beginning on the day after the date of ploughing grass; or
- (b) sown with grass within six weeks beginning on the day after the date of ploughing grass.

Crop rotation on the derogated holding

11. Crop rotation must not include leguminous or other plants fixing atmospheric nitrogen except for grass with less than 50% clover and other leguminous plants that are under-sown with grass.

Recording the size of the derogated holding

12.–(1) An occupier must record the total agricultural area and the area of grass within the derogated holding by 1 March 2011 and 1 March 2012 for those calendar years.

(2) If the size of the derogated holding or area of grass changes the occupier must update the record within one month beginning on the day after the change.

Records relating to storage of manure during the storage period

13. In addition to the requirements of regulation 36 (records relating to storage of manure during the storage period) the occupier must make a record describing the livestock housing and manure storage systems together with the volume of manure storage in place on the holding by 1 March 2011 and 1 March 2012 for those calendar years.

Record of nitrogen and phosphate produced by animals

14.–(1) The occupier must make a record of the expected number and category (in accordance with the categories in Tables 1 and 2 in Schedule 1) of livestock to be kept on the holding during that calendar year.

(2) Following the record making requirements in sub-paragraph (1), the occupier must then calculate and record the amount of nitrogen and phosphate in manure expected to be produced by the livestock on the holding during that year using Tables 1 and 2 in Schedule 1.

(3) The records to be made in accordance with sub-paragraphs (1) and (2) must be made before 1 March 2011 and 1 March 2012 for those calendar years.

Tail da byw y bwriedir dod ag ef i'r daliad a rannir ymwyd neu ei anfon oddi yno

15.–(1) Rhaid i'r meddiannydd–

- (a) gwneud cofnod o'r math o dail da byw a faint ohono y bwriedir dod ag ef i'r daliad a'i anfon oddi yno yn ystod y flwyddyn galendr honno; a
- (b) cyfrifo a chofnodi faint o nitrogen yn y tail da byw a gofnodwyd o dan is-baragraff (1)(a) yn unol â rheoliad 39(4).

(2) Rhaid i'r cofnodion sydd i'w gwneud o dan is-baragraff (1) gael eu gwneud cyn 1 Mawrth 2011 a 1 Mawrth 2012 ar gyfer y blynyddoedd calendr hynny.

Cofnodion o'r cnydau a heuwyd

16. Yn ychwanegol at ofynion rheoliad 41 (cofnodion o'r cnydau a heuwyd) rhaid i feddiannydd sy'n bwriadu taenu gwrtaith ffosffad, o fewn wythnos o hau cnwd gofnodi–

- (a) y cnwd a heuwyd; a
- (b) y dyddiad hau.

Cofnodion o daenu gwrtaith ffosffad

17. Yn ychwanegol at ofynion rheoliad 42 (cofnodion o daenu gwrtaith nitrogen), rhaid i feddiannydd gofnodi–

- (a) o fewn wythnos o daenu tail organig–
 - (i) cyfanswm y cynnwys ffosfforws; a
 - (ii) faint o ffosffad a gyflenwyd i'w amsugno gan y cnwd; a
- (b) o fewn wythnos o daenu gwrtaith ffosffad a weithgynhyrchwyd–
 - (i) y dyddiad taenu; a
 - (ii) faint o ffosffad a daenwyd.

Cofnodi dyddiad yr aredig

18. Yn ychwanegol at ofynion rheoliad 43 (cofnodion dilynol) rhaid i feddiannydd gofnodi o fewn wythnos o'r aredig, ddyddiad yr aredig hwnnw.

Cyfrifon gwrteithio

19.–(1) Rhaid i feddiannydd, neu unrhyw berson ar ran y meddiannydd, gyflwyno cyfrifon gwrteithio ar gyfer y flwyddyn galendr i'r Asiantaeth erbyn 30 Ebrill o'r flwyddyn ganlynol.

(2) Rhaid i'r Asiantaeth gyhoeddi'r dull a'r ffurf y mae'n rhaid i gyfrif gwrteithio gael ei wneud ynddynt.

(3) Rhaid i'r cyfrif gwrteithio gofnodi–

- (a) cyfanswm ardal amaethyddol y daliad a rannir ymwyd;

Livestock manure intended to be brought on to or sent off the derogated holding

15.–(1) The occupier must–

- (a) make a record of the type and amount of livestock manure that is intended to be brought on to the holding and sent off the holding during that calendar year; and
- (b) calculate and record the amount of nitrogen in the livestock manure recorded under sub-paragraph (1)(a) in accordance with regulation 39(4).

(2) The records to be made under sub-paragraph (1) must be made by 1 March 2011 and 1 March 2012 for those calendar years.

Records of crops sown

16. In addition to the requirements of regulation 41(records of crops sown) an occupier who intends to spread phosphate fertiliser must, within one week of sowing a crop record–

- (a) the crop sown; and
- (b) the date of sowing.

Records of spreading phosphate fertiliser

17. In addition to the requirements of regulation 42 (records of spreading nitrogen fertiliser), an occupier must record–

- (a) within one week of spreading organic manure–
 - (i) the total phosphorus content; and
 - (ii) the amount of phosphate that was supplied for uptake by the crop; and
- (b) within one week of spreading manufactured phosphate fertiliser–
 - (i) the date of spreading; and
 - (ii) the amount of phosphate spread.

Recording the date of ploughing

18. In addition to the requirements of regulation 43 (subsequent records) an occupier must record within one week of ploughing, the date of that ploughing.

Fertilisation accounts

19.–(1) An occupier, or any person on behalf of the occupier, must submit fertilisation accounts for the calendar year to the Agency by 30 April of the following year.

(2) The Agency must publish the manner and form in which the fertilisation account must be made.

(3) The fertilisation account must record–

- (a) the total agricultural area of the derogated holding;

- (b) yr ardal o'r daliad a randdirymwyd a orchuddiwyd gan—
- (i) gwenith gaeaf,
 - (ii) gwenith gwanwyn,
 - (iii) haidd gaeaf,
 - (iv) haidd gwanwyn,
 - (v) rêp had olew gaeaf,
 - (vi) betys siwgr,
 - (vii) tatws,
 - (viii) indrawn porthi,
 - (ix) porfa, a
 - (x) cynydau eraill;
- (c) nifer a chategori'r anifeiliaid a gadwyd ar y daliad a randdirymwyd yn ystod y flwyddyn galendr flaenorol yn unol â'r categorïau a ddisgrifir yn Nhablau 1 a 2 yn Atodlen 1;
- (ch) faint o nitrogen a ffosffad oedd yn y tail a gynhyrchwyd gan yr anifeiliaid ar y daliad a randdirymwyd yn ystod y flwyddyn galendr flaenorol gan ddefnyddio Tablau 1 a 2 yn Atodlen 1;
- (d) faint o dail da byw a pha fath a ddygwyd i'r daliad a randdirymwyd neu ei anfon oddi yno yn ystod y flwyddyn galendr flaenorol;
- (dd) faint o nitrogen a ffosffad oedd yn y tail a gofnodwyd o dan is-baragraff (3)(d) a gyfrifwyd yn unol â pharagraff 14(2);
- (e) pwysau (tunelli) a chynnwys nitrogen yr holl stociau gwrtaith nitrogen a weithgynhyrchwyd a gadwyd ar y daliad a randdirymwyd rhwng 1 Ionawr a 31 Rhagfyr yn y flwyddyn galendr flaenorol; a
- (f) pwysau (tunelli) a chynnwys nitrogen yr holl wrtaith nitrogen a weithgynhyrchwyd a ddygwyd i'r daliad a randdirymwyd a'i anfon oddi yno rhwng 1 Ionawr a 31 Rhagfyr yn y flwyddyn galendr flaenorol."

- (b) the area of the derogated holding covered by—
- (i) winter wheat,
 - (ii) spring wheat,
 - (iii) winter barley,
 - (iv) spring barley,
 - (v) winter oilseed rape,
 - (vi) sugar beet,
 - (vii) potatoes,
 - (viii) forage maize,
 - (ix) grass, and
 - (x) other crops;
- (c) the number and category of animals kept on the derogated holding during the previous calendar year in accordance with the categories described in Tables 1 and 2 in Schedule 1;
- (d) the amount of nitrogen and phosphate in the manure produced by the animals on the derogated holding during the previous calendar year using Tables 1 and 2 in Schedule 1;
- (e) the amount and type of livestock manure brought on to or sent off the derogated holding during the previous calendar year;
- (f) the amount of nitrogen and phosphate in the manure recorded under sub-paragraph (3)(e) calculated in accordance with paragraph 14(2);
- (g) the weight (tonnes) and nitrogen content of all manufactured nitrogen fertiliser stocks kept on the derogated holding between 1 January and 31 December in the previous calendar year; and
- (h) the weight (tonnes) and nitrogen content of all manufactured nitrogen fertiliser brought on to and sent off the derogated holding between 1 January and 31 December in the previous calendar year."

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