Notice of aerial spraying of pesticides near water

Guidance notes

Environment Agency

Control of Pesticides Regulations 1986 as amended, Schedule 4, paragraphs 2(1), b and c.

Other related laws

- Water Supply (Water Quality) Regulations 2000 (and EU Directive 98/83/EC on the quality of drinking water)
- Water Resources Act 1991
- Food and Environment Protection Act 1985
- Control of Pesticides Regulations 1986, as amended
- Wildlife and Countryside Act 1981
- Conservation (Natural Habitats & c.) Regulations 1994 (the Habitats Regulations)

Please read these guidance notes and the whole form carefully before you start to fill the form in.

Contents

Pesticides and the law

Some pesticides are approved for aerial spraying on specific crops (for example chlorothalonil on potatoes and asulam on rough upland and amenity grassland such as playing fields, golf courses and roadside verges).

The term 'pesticide' includes herbicides, insecticides and fungicides.

You must get our agreement for aerial spraying a pesticide on land next to or within 250 metres of water or aerial spraying of pesticide to control weeds growing in water. This is because we must protect water that will be used as drinking water against contamination. The legal limit for pesticides in drinking water is 0.1micrognammes (µg) in every litre.

Levels in water supplied to customers' taps must not go over this limit. Conventional water-treatment processes do not remove pesticides and, if they are found in supplies, specialised, expensive equipment with high running costs has to be installed to remove them.

Letting us know about proposed aerial spraying

If you want to spray any pesticide to land that is next to or within 250 metres of water, you should consult us and fill in form AerHerb02: Notice of aerial spraying of pesticides near water. (**All upland areas are classed as next to water** because streams and rivulets run through these areas.)

You will need our permission if the aerial spraying is for the purposes of controlling weeds growing in water. You must give us at least 72 hours' notice before you want to do the spraying. However, to give us time to make enquiries, it would be helpful if you could send us your form at least three weeks before the spraying will take place. You must allow extra time to carry out enquiries if the land is near a conservation site (see below).

Land near conservation sites

You must consult Natural England or Countryside Council for Wales (as appropriate) if any part of the land that will be sprayed is within 1,500 metres of a:

- local nature reserve (LNR);
- marine nature reserve (MNR);
- national nature reserve (NNR);
- site of special scientific interest (SSSI);
- special area of conservation (SAC); or
- special protection area (SPA).

We must also consult Natural England or the Countryside Council for Wales (as appropriate) before we agree to any aerial spraying of a pesticide that may affect a site of special scientific interest or a Natura 2000 site (a special area of conservation or special protection area). Natural England or the Countryside Council for Wales have 28 days to respond, although they will aim to respond within two weeks.

We may agree to the spraying even if Natural England or the Countryside Council for Wales does not agree. If this is the case, we must tell Natural England or the Countryside Council for Wales and wait a further 21 days before we allow the spraying to begin.

We may refuse applications we receive less than 28 days before the proposed date of spraying if a site of special scientific interest or Natura 2000 site may be affected.

Contacting relevant organisations

Before you send us this form, you or your contractor should contact all relevant people or organisations who may be affected by the spraying. This includes water companies and the Beekeepers Association or any non-registered beekeepers who may be affected. Full details of who to contact are given in Annex G of the Code of Practice for using plant protection products for England and Wales (January 2006). This is available from the Chemical Regulation Directorate website at www.pesticides.gov.uk.

You can also find information on these and other legal conditions in the Civil Aviation Authority (CAA) booklet 'Information on requirements to be met by applicants and holders of the aerial application certificate' (CAP 414). This is available from the CAA website at www.caa.co.uk.

Other useful information

You can find useful information on controlling weeds and using herbicides at the Chemicals Regulation Directorate (CRD) website (www.pesticides.gov.uk) and in the Pesticides Forum booklet 'Pesticide use – the environmental issues' (see the Pesticide Forum link on the CRD website). This booklet provides background information on the major environmental issues associated with using pesticides.

Giving agreement for aerial spraying

We will only give our agreement for aerial spraying to control aquatic weeds, or on land next to or within 250m of water, if we believe there is little or no risk of the pesticide contaminating:

- public or private water supplies at levels of more than 0.1 micrograms per litre;

or

- conservation sites.

During the consultation process, we will identify 'buffer zones' around natural springs. These should be clearly marked for helicopter spray operators. There is more information on buffer zones below.

In vulnerable areas, such as drinking-water reservoirs and their catchment areas (areas from which water drains into the reservoir), we may advise against spraying.

Spraying and contamination

Aerial spraying on moorland is likely to result in the spray entering a watercourse (such as a stream) as a result of it drifting in the air or running off the land. This makes the risk of contamination of drinking-water sources in those catchment areas high. Extreme care should be taken in how and where spraying is carried out.

In an area where there are colonies of wild bees, the spraying should take place nearer to dawn or dusk rather than to noon.

In wet conditions

Even with a buffer zone incorporated in the spraying programme, pesticide levels in reservoir outlets (outflows) can be above the legal limit two weeks after the spraying.

In dry conditions

Even with carefully controlled spraying, indications are that asulam can persist in the environment for several months and so affect watercourses after it has rained.

Control of bracken

Controlling bracken can benefit upland moorland and aerial spraying is generally effective. However, bare soil can be left after spraying and it is important that you consider an aftercare way to restore the turf and so prevent erosion.

In some areas, non-chemical and mechanical methods of controlling weeds may be a good alternative to spraying, as long as the work can be carried out in a way that protects drinking-water supplies and the environment.

Use of asulam (Asulox)

Asulam is approved for aerial spraying and being used near water to control bracken, if we agree to the spraying.

Asulam can harm other vegetation such as ferns, some of which may be rare and protected by law. So we suggest you also consider non-chemical and mechanical ways of controlling weeds.

Using herbicides in or near water

You must get our agreement before you use any herbicide to control weeds in or near water.

The labels of pesticide products (including herbicides) state this.

Using buffer zones to minimise the effect on the environment

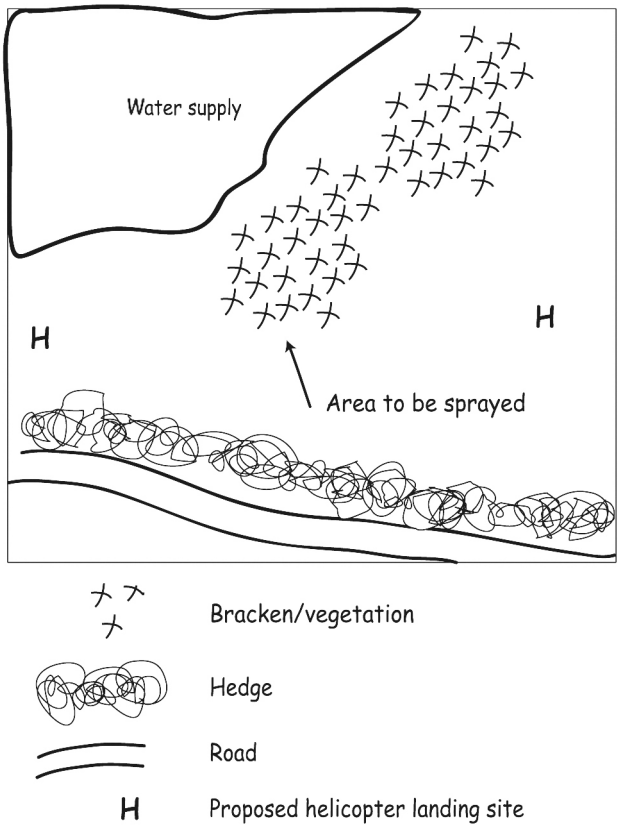
We and pesticide manufacturers have agreed on minimum 'no-spray' buffer zones around water sources to protect water supplies.

Spraying method	Zone boundary – distance from water supply
Aerial spraying (conventional nozzles)	160 metres
Aerial spraying (raindrop nozzles)	50 metres
Tractor and knapsack (conventional system)	20 metres
Tractor and knapsack (low-drift system)	5 metres
Hand-held UVLA drift sprayer	50 metres

Aerial spraying without consulting us

If you carry out aerial spraying without consulting us and cause water pollution, you may be prosecuted and fined up to £20,000.

Section 1.6 – Sample site plan



Section 2.3 – The herbicide you propose to use

List the product name and the active ingredient. The name of the active ingredient will be found on the product label.

Amount of product

List the amount of product you will use, in litres (l) or kilogrammes (kg), and the amount of active ingredient, in grammes (g), there will be in every litre or kilogramme. The product label gives information on:

- how to work out the amount of product needed to cover the area to be treated; and
- the amount of active ingredient in a set amount of the product and the rate at which it should be diluted.