

Agreement to use herbicides in or near water

Guidance notes



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

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Using herbicides in or near water

The Food and Environment Protection Act 1985 (Control of Pesticides Regulations 1986, as amended) sets out the rules on using pesticides to control weeds growing in water or on land.

'Pesticides' includes herbicides as well as insecticides and fungicides. They all have information on the product labels to explain how and where they can be used.

The product labels of aquatic herbicides explain that anyone who wants to use herbicides to control weeds in water (aquatic weeds) or on the banks or banksides next to a watercourse or other body of water, should get our agreement. This is to make sure that the proposed use of the herbicide could not damage or pollute the aquatic environment (including both surface water and groundwater).

We have produced an application form (AqHerb01) to make sure that we get all the information we need to give you our agreement. You can get more copies of the form from our national Permitting Support Centre in Sheffield (contact details in section 5 of the form) or from our website at www.environment-agency.gov.uk.

Why you need to tell us your proposals for using the herbicide

Before using a herbicide you should first consider all other ways of controlling weeds. If you decide to use a herbicide, we want to be sure that the herbicide is used properly, in line with the product label, and by suitably qualified people.

The information we ask for on your application

We will only give our agreement if you provide all the information we ask for in the application form. The information you provide helps us to decide whether:

- you will do everything necessary to protect the environment;
- the proposed treatment will be effective;
- any sites downstream will be affected by the proposed treatment;
- it is necessary for you to use herbicide;
- you are following the rules and regulations on using herbicides;
- your operator or contractor is fully qualified; and
- the herbicides will only be applied in the correct weather conditions, following the advice on the product label, to keep the risk of pollution to a minimum.

The Health and Safety Executive, not us, has legal responsibility for controlling non-aerial applications of aquatic herbicides. They do this through their Chemicals Regulation Directorate. The only exception to this is if a water pollution offence is committed, in which case we have the legal powers to prosecute (under section 85 of the Water Resources Act 1991).

How your use of herbicide affects other users

You must make sure that the herbicides you use will not affect anyone else using the site, or any waterbody or watercourse downstream of the site, such as water:

- drunk by livestock;
- used for crop irrigation;
- used by fisheries; or
- used as drinking water.

You or your contractor must also give details of your proposed use of herbicide to anyone likely to be affected by it, including:

- anyone using the site to 'abstract' (extract) water; and
- people who own or use land or water downstream of the site.

We can give you a list of people licensed to abstract water from the site and land downstream of the site.

Nature conservation areas

You must make sure that the herbicide will not affect any nature conservation areas – such as nature reserves, sites of special scientific interest (SSSIs), special areas of conservation (SACs) or special protection areas (SPAs) – which are protected under the Wildlife and Countryside Act 1981, the Habitats and Birds Directives or the Countryside and Rights of Way Act 2000. For more information on such sites, contact Natural England (www.naturalengland.org.uk) or the Countryside Council for Wales (www.ccw.gov.uk).

More details are given in the Code of Practice for using plant protection products (2006), available from the Chemicals Regulation Directorate website at www.pesticides.gov.uk.

Normally, the person who owns or uses the area to be treated must contact Natural England or the Countryside Council for Wales (as appropriate) to get their permission before using herbicides. However, if you are a contractor you should talk to the person who owns or uses the site to find out whether:

- special precautions are needed to protect the site or the surrounding area; and
- they have all the permission they need from Natural England or the Countryside Council for Wales.

Who can apply the herbicide

Anyone who uses herbicides in or near water must have the necessary skills, knowledge and qualifications. They must hold a relevant NPTC certificate of competence if they:

- were born after 31 December 1964;
- are a contractor; or
- use pesticides on land which is not owned or used by them or their employer.

You do not need to hold a certificate yourself if you are working under the supervision of someone who has a certificate.

Sending samples

If you are not sure what the plants are, please contact your local area office (details are on our website at www.environment-agency.gov.uk/contactus) to arrange to send a sample for identification. **Do not send samples to the National Permitting Support Centre or to our NCCC central address.** Send your sample of them in a plastic bag. You only need to provide a small sample. Do not post samples on a Friday as they may not keep over the weekend.

General guidance on using herbicides

- Follow the manufacturer's recommendations on using, diluting and disposing of the herbicide, and cleaning containers or other equipment afterwards.
- Do not use herbicides when rain is expected, when it is windy or when the soil is saturated. This is to reduce the risk of herbicides spreading into or over other parts of the site.
- By law you must take all reasonable precautions to protect the health of people, animals, wildlife, plants and the environment. In particular you must take precautions to avoid polluting water.
- By law you must follow the instructions on the product label or in the published approval for the pesticide.
- By law you must be trained in using herbicides in a safe, efficient and humane way.
- You must follow Defra's and WAG's Code of Practice for using plant protection products for England and Wales (January 2006). You can get this from the Chemicals Regulation Directorate (CRD) website at www.pesticides.gov.uk.

Other useful information

You can find useful information on controlling weeds and using herbicides on the CRD website (www.pesticides.gov.uk) and in the following publications.

- 'Code of Practice for using plant protection products for England and Wales' (January 2006), available from the CRD website
- 'Pesticide use – the environmental issues', available by using the Pesticide Forum link on the CRD website at www.pesticides.gov.uk/pesticides_forum_home.asp
- D Spencer-Jones and M Wade, 'Aquatic plants – a guide to recognition', ICI Professional Products 1986, ISBN 0 901747 033 – a useful guide to weed identification.

You can get useful advice on managing Japanese knotweed from our booklet 'Managing Japanese Knotweed on development sites' (Environment Agency, 2006). This is available on our website at www.environment-agency.gov.uk/homeandleisure/wildlife/31364.aspx

You can find details of relevant qualifications and training on the NPTC website at www.nptc.org.uk.

Filling in your application form

Please give as much information as possible in your application form. This will help us to make a decision more quickly.

If you are not sure how to fill in any parts of the form, phone us on the number given at the end of the form.

When you have filled in your form, send it to us by email, fax or post. The relevant details are given on the application form.

Location and details of the site

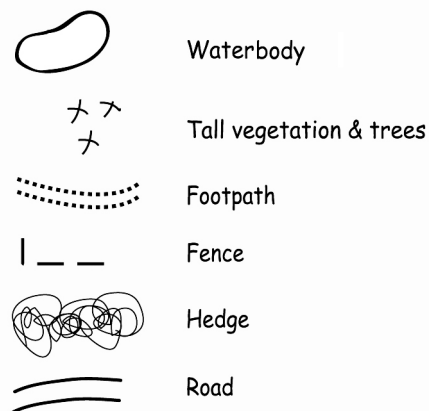
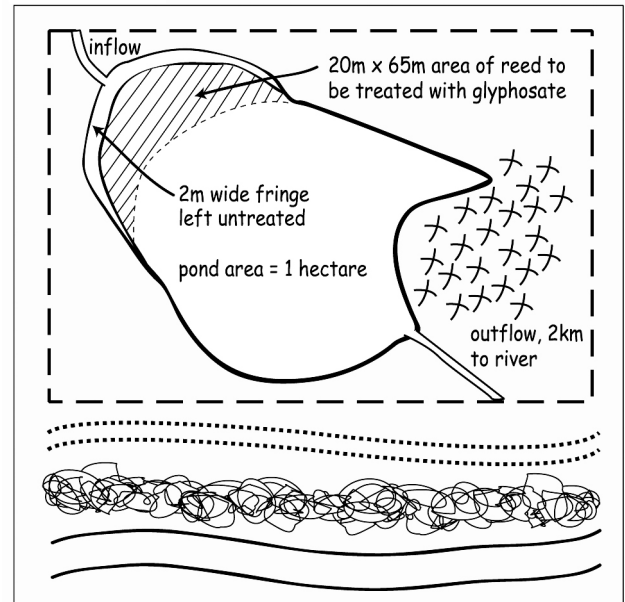
Section 1.6

We need to see a plan that shows the site and its surrounding area including inflows, outflows and neighbouring watercourses or water bodies.

You can use a photocopy from an Ordnance Survey map.

If the water body is small, you can send a sketch map showing details of the area to be sprayed, as shown below.

Sample site plan



Weed control

Section 3.5 – The herbicide you propose to use

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 product and the rate at which it should be diluted.

Amount of product

List the amount of product you will use, in litres (l) or kilogrammes (kg), and the corresponding amount of active ingredient, in grammes (g). The method you should use to work this out for both liquid and solid herbicides is given below.

Given that 1 hectare (ha) = 10,000m², the calculations are shown in the following two examples for different-sized areas.

Example 1: liquid formulation

The active ingredient in Roundup Pro Biactive is glyphosate. It is a liquid formulation containing glyphosate at a concentration of 360g in every litre. It is recommended to use 5 litres for every hectare for emergent weeds (weeds that are partially underwater).

Roundup Pro Biactive at 5 l/ha

Area (m ²)	Amount of product (litres)	Amount of active ingredient (g)
10,000	5	360g/l × 5 = 1,800
35,000	5 × (35,000/10,000) = 17.5	360g/l × 17.5 = 7,560
6,000	5 × (6,000/10,000) = 3	360g/l × 3 = 1,080
1,000	5 × (1,000/10,000) = 0.5	360g/l × 0.5 = 180
50	5 × (50/10,000) = 0.025	360g/l × 0.025 = 9

Example 2: solid formulation

Roundup Biactive Dry is a water-soluble granule containing 42g of glyphosphate in every 100g of the product (42% w/w). It is recommended to use 4.5kg for every hectare for emergent weeds.

Roundup Biactive Dry at 4.5kg/ha

Area (m ²)	Amount of product (kg)	Amount of active ingredient (g)
10,000	4.5	4.5 × 42%/100 = 1.89kg = 1,890g
35,000	4.5 × (35,000/10,000) = 15.75	15.75 × 42%/100 = 6.615kg = 6,615g
6,000	4.5 × (6,000/10,000) = 2.7	2.7 × 42%/100 = 1.134kg = 1,134g
1,000	4.5 × (1,000/10,000) = 0.45	0.45 × 42%/100 = 0.189kg = 189g
50	4.5 × (50/10,000) = 0.023	0.023 × 42%/100 = 0.010kg = 10g

NPTC certificate

We need to see a photocopy of your or the contractor's NPTC certificate.

NPTC qualifications needed to apply aquatic pesticides

See details of relevant qualifications at www.nptc.org.uk/assessment-schedules/

The details below are the most up-to-date requirements. There are some older qualifications which are still acceptable. If you are not sure whether your qualification is acceptable, contact the NPTC.

PA01 is the basic qualification needed by anyone who applies pesticides before they can add the following.

Type of applicator	Qualification
Handheld to water <ul style="list-style-type: none"> Hydraulic nozzle or rotary atomiser sprayers Granule applicators 	PA6 option A and option W PA6 option C and option W
Handheld to water or land <ul style="list-style-type: none"> Granule applicators Applicators needing minimal calibration 	PA6 option C PA6 option D
Boat-mounted applicators <ul style="list-style-type: none"> Hydraulic nozzle or rotary atomiser Granule applicator 	PA5 option A PA5 option B

