



**ENVIRONMENT AGENCY**

**HERBICIDE AGREEMENT**

**(CONSENTS?)**

**USE OF HERBICIDES IN OR NEAR WATER**

# HERBICIDE AGREEMENTS (CONSENTS?)

- Why do people need them?
- Situations covered by them.
- How do people obtain them?
- Who processes them?
- How are they processed?
- Buffer zones.
- Time scales for issuing them.

# WHY DO PEOPLE NEED THEM?



- To comply with the Control of Pesticides Regulations 1986 (as amended). These sit within the Food and Environment Protection Act 1985.
- Under Schedule 4, section 2b anyone carrying out aerial applications of pesticides has to consult with the Environment Agency not less than 72 hours before starting such work if it is to take place on land adjacent to or within 250 m of water.
- Under Schedule 4, section 2c anyone carrying out aerial applications of pesticides has to have obtained the consent of the Environment Agency if the aerial application is to control aquatic or bankside weeds.
- Only products approved under the Control of Pesticide Regulations 1986 (as amended) for use in or near water can be used.
- Herbicides should not be used where there is a risk of contamination of potable water supplies and groundwater.
- If pesticide washings are disposed of onto land then a site authorisation under the Ground Water Regulations is required. Also applies to sites where helicopters are washed off on ground away from the spray area.

# SITUATIONS COVERED BY THEM.



- Drainage channels, streams, rivers , ponds, lakes, reservoirs, canals, dry ditches, moorlands, floodplains.
- No exact definition of the term '**NEAR**' water. Depends on slope of bank and water usage.
- For bracken spraying - the whole moorland area is deemed to be 'in or near water'.

# HOW DO PEOPLE OBTAIN THEM?



- By submitting a completed copy of the relevant Environment Agency form:
- **FORM WQM1** - general aquatic/bankside weed control and ground based bracken spraying.
- **FORM WQM2** - aerial bracken spraying.
- Forms can be requested via the Customer Services and Ecological Appraisal Teams.
- Majority of the applicants tend to be angling clubs and landowners (bracken spraying). Local Councils, contractors and members of the public also apply for them.
- Environment Agency staff wishing to apply herbicides on Agency land are treated the same as everyone else.

# APPROVED HERBICIDES FOR USE IN OR NEAR WATER



- **Asulam** - bracken (aerial and ground based spraying), docks.
- **2,4-D** - nettles, thistles, brambles etc. (selective herbicide).
- **Dichlobenil** - various submerged aquatic weeds.
- **Fosamine ammonium** - growth retardant for deciduous trees, shrubs and brambles.
- **Glyphosate** - emergent and floating species including reeds, rushes, sedges, waterlilies, grasses. **NON-SELECTIVE HERBICIDE.**
- **Maleic hydrazide** - growth regulator for grasses and some broad-leaved weeds.

# WHO PROCESSES THE FORMS?



- A BASIS trained member of staff.
- Nationally this person can be a biologist, ecologist, fisheries officer or water quality officer. It depends on who was originally trained when the NRA adopted the BASIS training in the mid 1990's.
- BASIS - is an independent registration scheme for the pesticide industry recognised under the Control of Pesticides Regulations 1986 (as amended). Was set up in the late 1970's at the suggestion of the Government.

# HOW ARE THEY PROCESSED?

- Each application is assessed on its own merits.
- They are checked for the following:
- The correct herbicide is being used to treat the problem weeds.
- Impact on conservation interests - where necessary Natural England are consulted if the work is in SACs or SPAs (Habitats Directive) or in SSSIs (CRoW Act 2000).
- Impact on drinking water abstractions - information obtained from Water Resources Dept and where necessary consultation with Yorkshire Water/Northumbrian Water is carried out. Buffer zones are imposed where necessary.
- Impact on agricultural use of water - irrigation intervals, livestock grazing.
- Impact on fisheries - presence of fish fry in river margins.

# BUFFER ZONES

- Are imposed to protect drinking water supplies.
- **FOR AERIAL SPRAYING THESE ARE:**
- 160m - if conventional nozzles are used.
- 50m - if raindrop nozzles are used.
- **FOR GROUND BASED SPRAYING THESE ARE:**
- 20m - for tractor and knapsack (conventional spray system).
- 5m - for tractor and knapsack (low drift spray system).
- 50m - hand held ULVA drift system.
- 1m - weedwiper.
- Above buffer zones may be increased at request of water companies.
- Natural England impose buffer zones to protect conservation interests.

# AGREEMENT LETTER (CONSENT)



- contains the following information and conditions:
- any buffer zones or **NO SPRAY** areas imposed to protect water abstractions and/or conservation areas;
- the application proceeds as notified on **Form WQM1** or **WQM2**;
- the manufacturer's instructions and the Control of Pesticides Regulations 1986 (as amended) are complied with;
- spraying is carried out in the correct weather conditions.
- Agreement letter only applies to herbicide spraying at the site in that calendar year (ie 2008) and if any further spraying is required in future years the applicant needs to reapply for the Agency's agreement.
- Timescale for issue is **2 weeks** but will be dependent on Habitats Directive and CRoW Act 2000.