

The Control of Pesticide Regulations 1986 and The Food and Environment Protection Act 1985:

Guidance for Form AqHerb01 - Agreement to use herbicides in or near water

Background

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 and 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 in Wales should get our agreement as the regulating body. 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). Application form (AqHerb01) is for use in these instances.

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

Higher Risk Agreements (Previously referred to as 'Complex')

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:

- it is necessary for you to use herbicide;
- you are following the rules and regulations on using herbicides;
- you will do everything necessary to protect the environment;

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 surface water (river, lake or wetland) downstream of the site; this includes water used by livestock, fisheries or 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.

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 please see our website:

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<http://naturalresources.wales/conservation-biodiversity-and-wildlife/?lang=en>

Please note that if your proposal affects a conservation area that spans the Wales/England border, you will need to contact Natural England before you send in your application form to us, and provide evidence that they have given their permission.

Impact of spraying upon Bees

We advise you to contact your local National Bee Unit or the Welsh Bee Keepers Association to ensure your proposed activities will not have an adverse impact upon any local Bee population.

Information on the potential impact upon bees from the application of herbicide can be found at <http://www.nationalbeeunit.com/index.cfm?sectionid=33> and states that The Code of Practice for Using Plant Protection Products (pages 61-62) also tells the user that they should inform beekeepers or the local spray liaison officer 48 hours before applying pesticides at times of year when bees are at risk or if a particular pesticide specifically harms bees to allow the beekeeper time to take any necessary precautions”

Contact details for your local Bee Unit Liaison Officer can be found at:

<http://www.nationalbeeunit.com/public/Contacts/contacts.cfm>

Contact details for the Welsh Bee Keepers Association Spray Liaison Officer can be found at: <http://www.wbka.com/associations/>

Who can apply the herbicide

To apply herbicides in or near water, you must hold the relevant NPTC certificate of competence.

The only exception to this is if you do not hold a certificate yourself but you are working under the supervision of someone who has a certificate.

Plant identification

If you are not sure what the plants are, please contact your local area office to arrange sample identification. For contact details, please see our website www.naturalresourceswales.gov.uk or call our Customer Care Centre 0300 065 3000 (Mon-Fri, 9am-5pm).

Do not send samples to the Permit Receipt Centre or to our central address as we do not have the facilities to handle them at these locations; only the area offices are able to provide this service.

General guidance on using herbicides

You must follow Defra’s and Welsh Government’s Code of Practice for using plant protection products for England and Wales (January 2006). You can get this from the HSE’s website at:

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<http://webarchive.nationalarchives.gov.uk/20151023155227/http://www.pesticides.gov.uk/guidance/industries/pesticides/topics/using-pesticides/codes-of-practice/code-of-practice-for-using-plant-protection-products>

Other useful information

- You can find useful information on controlling weeds and using herbicides on the HSE website <http://www.hse.gov.uk/pesticides/> and in the following publications.
- D Spencer-Jones and M Wade, 'Aquatic plants – a guide to recognition', ICI Professional Products 1986, ISBN 0901747 033 – a useful guide to weed identification.
- The Health and Safety Executive has legal responsibility for controlling 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).
- You can get useful advice on managing Japanese knotweed from the Environment Agency's booklet 'Managing Japanese Knotweed on development sites' (Environment Agency, 2006). This can be found at the Environment Agency 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. If you are not sure how to fill in any parts of the form, please phone us on the number given at the end of the form. When you have filled in your form, send it to us, the relevant details are given on the application form.

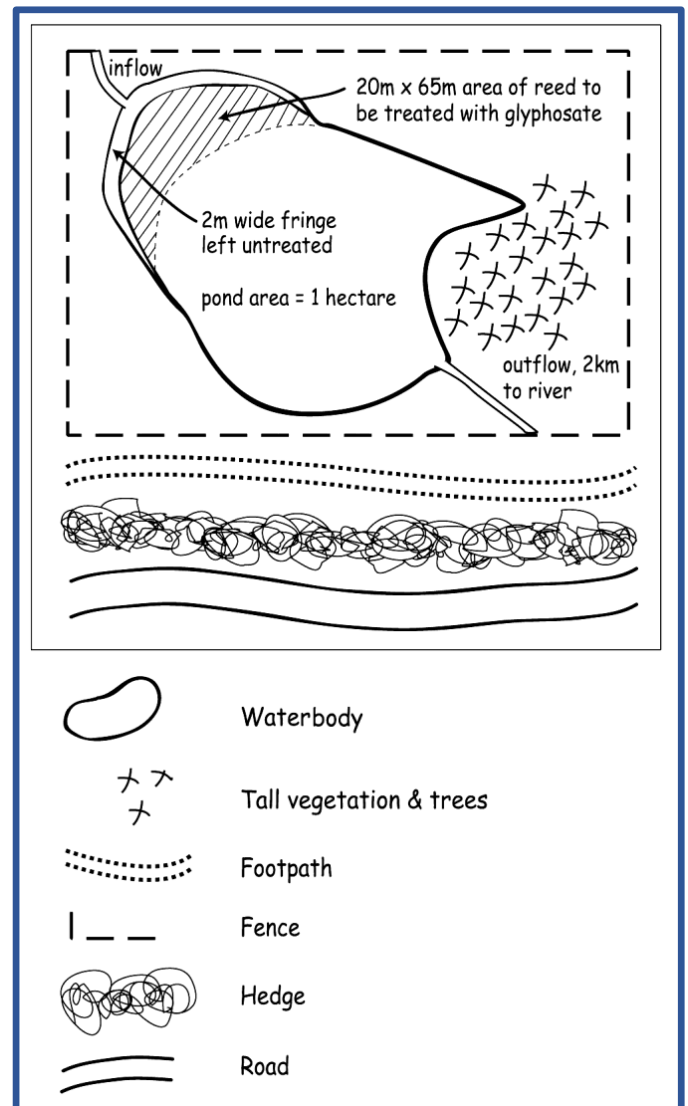
Site owner's agreement

If we agree to your application, and you do not own the site the herbicide is to be used on, you cannot carry out the treatment until the owner of the site agrees to this.

Location and details of the site

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 in Figure 1.

Figure 1: Example Sketch Map



Weed control

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

The application form requires you to 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 (litres)	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 can be found 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.

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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