

SCHEDULE 4

Regulation 6(c)(ii)

ADDITIONAL BASIC CONDITIONS SUBJECT TO WHICH THE USE OF PESTICIDES APPLIED FROM AN AIRCRAFT IN FLIGHT MAY BE GIVEN

1. No person shall carry out an aerial application unless he holds an aerial application certificate granted under S.I. 1985/1643 article 42(2) of the Air Navigation Order 1985.
2. No person shall undertake an aerial application unless he, or a person on his behalf, has—
 - (a) not less than 72 hours before the commencement of the aerial application, consulted the Nature Conservancy Council if any part of land which is subject to an order made under section 29(1) of the Wildlife and Countryside Act 1981, lies within a distance of three-quarters of one nautical mile from any part of the land to which the pesticide is to be applied;
 - (b) not less than 72 hours before the commencement of the aerial application, consulted the water authority for the area in which he intends to apply the pesticide if the land to which he intends to apply the pesticide is adjacent to water;
 - (c) obtained the consent of the water authority for the area in which the aerial application will take place if he intends to apply the pesticide for the purpose of controlling aquatic weeds or weeds on the banks of watercourses or lakes;
 - (d) not less than 24 hours and (so far as is practicable) not more than 48 hours before the commencement of the aerial application, given notice of the intended operation to the Chief Environmental Health Officer for the district in which he intends to apply the pesticide;
 - (e) not less than 24 hours and (so far as is practicable) not more than 48 hours before the commencement of the aerial application, given notice of the intended operation to the occupants of each building within 75 feet of any boundary of the land to which he intends to apply the pesticide, and to the owner, or his agent, of any livestock or crops within 75 feet of any boundary of the land on which he intends to apply the pesticide;
 - (f) not less than 24 hours and (so far as is practicable) not more than 48 hours before the commencement of the aerial application, given notice of the intended operation to the person in charge of any hospital, school or other institution any part of the curtilage of which lies within 500 feet of any flightpath that he intends to use for the aerial application of the pesticide;
 - (g) not less than 48 hours before the commencement of the aerial application, given notice of the intended operation to the appropriate reporting point of the local beekeepers' spray warning scheme operating within the district in which he intends to apply the pesticide.
3. A notice of an intended aerial application under subparagraph 2(e) or (f) above shall be in writing and include details of the name, address and telephone number (if any) of the person intending to carry out that aerial application, the pesticide to be applied, the intended time and date of application and also an indication that similar details have been given to the Chief Environmental Health Officer for the district.
4. No person shall undertake an aerial application of a pesticide unless—
 - (a) the wind velocity at the height of application at the place of intended application does not exceed ten knots;
 - (b) before the aerial application, he has provided and put in place within 200 feet of the land to which he intends to apply the pesticide signs adequate to warn pedestrians and drivers of vehicles of the time and place of the intended application;

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- (c) before the aerial application he has provided ground markers in all circumstances where a ground marker will assist the pilot to comply with the provisions of paragraph 6 below.
5. Any person who undertakes the aerial application of a pesticide shall—
- (a) keep and retain for not less than 3 years after each application, records of the nature, place and date of that application, the registration number of the aircraft used and the name and permanent address of the pilot of that aircraft, the name and quantity of pesticide applied, the method of application, the flight times of the aerial application, the speed and direction of the wind during that application and any unusual occurrences which affected that application;
 - (b) provide, within one month of the end of the calendar year to which the records required by subparagraph (a) relate, summaries of those records to the Ministers in a form prescribed by them under section 16(11) of the Act.
6. The pilot of an aircraft engaged in an aerial application shall—
- (a) maintain the aircraft at a height of not less than 200 feet from ground level when flying over an occupied building or its curtilage;
 - (b) maintain the aircraft at a horizontal distance from any occupied building and its curtilage, children's playground, sports ground or building containing livestock of—
 - (i) not less than 100 feet, if he has the written consent of the occupier; and
 - (ii) not less than 200 feet, in any other case;
 - (c) maintain the aircraft at a height of not less than 250 feet from ground level over any motorway, or of not less than 100 feet from ground level over any other public highway, unless that public highway has been closed to traffic during the course of the application;
 - (d) confine the application of the pesticide to the land intended to be treated.
7. In this Schedule—
- “ground marker” includes a person who is instructed by a person intending to carry out an aerial application to place himself on or near to the land to which the pesticide is to be applied so that he is able to communicate with the pilot of the aircraft engaged in the aerial application for the purpose of ensuring the safe application of the pesticide;
- “water” means—
- (a) water held in sources of public water supplies, including reservoirs, upland catchment streams, lakes and rivers;
 - (b) estuarial and coastal waters;
 - (c) water used for fishing, including spawning sites, small watercourses and lake fisheries;
 - (d) water used for fish farming;
 - (e) water used for the growing of watercress;
 - (f) water used for the watering of livestock or for the irrigation of land.