

SCHEDULE 2

Regulation 15(3)

Aerial spraying permits

1. An application for an aerial spraying permit must be made to the appropriate United Kingdom competent authority.

2. The appropriate United Kingdom competent authority must publish the deadlines by which applications for aerial spraying must be submitted to the competent authorities and the deadlines by which the competent authorities must communicate their decisions on applications for aerial spraying to the applicants.

3. An application for an aerial spraying permit must be accompanied by the following (“the required information”)—

- (a) a request for approval of an application plan or confirmation that an application plan has already been approved by the appropriate United Kingdom competent authority;
- (b) information about the provisional time of spraying and the amount and type of plant protection product or products to be applied; and
- (c) evidence to show that the conditions set out in paragraph 7, other than at sub-paragraph (b), are satisfied.

4. If an applicant for an aerial spraying permit—

- (a) has been informed by the appropriate United Kingdom competent authority that the application plan accompanying that application has been approved; but
- (b) has not received confirmation that an aerial spraying permit covering all or part of the applications referred to in that plan has been granted before the published deadline for the appropriate United Kingdom competent authority to communicate that decision,

the application for that aerial spraying permit is deemed to be approved.

5. If the application for an aerial spraying permit—

- (a) is not accompanied by the required information; or
- (b) has not been submitted by the relevant deadline established under paragraph 2,

the relevant United Kingdom competent authority must inform the applicant of that fact by a notice in writing and need not consider the application.

6. Where an application for an aerial spraying permit is not accompanied by the required information, the application is only treated as being submitted when the last piece of that information is submitted to the appropriate United Kingdom competent authority.

7. An aerial spraying permit must not be issued unless the application plan is approved and the following conditions are met—

- (a) there must be no viable alternatives, or there must be clear advantages in terms of reduced impacts on human health and the environment as compared with land-based application of plant protection products;
- (b) the application contains information about the provisional time of spraying and the amounts and type of plant protection product or products to be applied;
- (c) the plant protection product or products to be used must be explicitly authorised for aerial spraying by the appropriate United Kingdom competent authority following a specific assessment addressing the risks from aerial spraying;
- (d) the application contains the reference numbers of the specified certificates of all individuals who will be carrying out the aerial spraying or any part of it;

Status: This is the original version (as it was originally made).

- (e) every aircraft to be used for aerial spraying must be identified in an aerial application certificate granted by the Civil Aviation Authority under article 131(2) of the Air Navigation Order 2009⁽¹⁾ and held by the operator of such aircraft;
 - (f) the area to be sprayed must not be in close proximity to any residential area; and
 - (g) after 31st December 2012, the aircraft is equipped with accessories that constitute the best available technology to reduce spray drift.
- 8.** The appropriate United Kingdom competent authority must specify in each aerial spraying permit it issues—
- (a) the conditions under which aerial spraying must be carried out;
 - (b) the conditions which apply to the individual carrying out the aerial spraying (“the pilot”) or the holder of the aerial spraying permit (“the permit holder”) or to both;
 - (c) specific risk management measures to ensure that there are no adverse effects on the health of bystanders if the area to be sprayed by way of aerial spraying is in close proximity to areas open to the public; and
 - (d) the necessary measures to be taken by the permit holder for warning residents and bystanders in due time, and the measures necessary to protect the environment in the vicinity of the area sprayed.
- 9.** A United Kingdom competent authority may withdraw or amend an aerial spraying permit it has issued where—
- (a) any of the conditions in paragraph 7, other than sub-paragraph (b), are not or are no longer satisfied;
 - (b) false or misleading information was supplied concerning the facts on the basis of which the permit was granted;
 - (c) a condition in the permit has not been met;
 - (d) on the basis of developments in scientific and technical knowledge, the manner of use of the plant protection product or products referred to in the permit or the amounts used or both can be amended; or
 - (e) the permit holder or the pilot has contravened or has failed to comply with any of the obligations imposed upon them under these Regulations, the Plant Protection Products Regulations 2011⁽²⁾ or the Plant Protection Products Regulations (Northern Ireland) 2011⁽³⁾.
- 10.** The appropriate United Kingdom competent authority may withdraw or amend an aerial spraying permit it has issued at the request of the permit holder.
- 11.** If the permit holder requests that the permit be amended or withdrawn by the appropriate United Kingdom competent authority, that person must state the reasons for the request.
- 12.** If the appropriate United Kingdom competent authority withdraws or amends an aerial spraying permit it has issued in accordance with paragraph 9 or 10, it shall immediately inform the permit holder.

(1) [S.I. 2009/3015](#).

(2) [S.I. 2011/2131](#).

(3) [S.R. \(NI\) 2011 No 295](#) amended by [S.R. \(NI\) 2012 No 12](#).