

granted under Article 42(2) of the Air Navigation Order 1985 (SI 1985/1643); and unless the pesticide to be used has been approved for the intended aerial application.

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 relevant authority if any part of land which is a Site of Special Scientific Interest, a National Nature Reserve, a Local Nature Reserve, or a Marine Nature Reserve, lies within a distance of three-quarters of 1 nautical mile from any part of the land to which the pesticide is to be applied;
- (b) no 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.

A notice of an intended aerial application under paragraphs (e) or (f) of this condition shall be in writing and include details of the name, address and telephone number (if any), of the person intending to carry out the 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.

3. 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 10 knots, unless the approval given in relation to that pesticide permits aerial application thereof when such wind velocity exceeds 10 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; and
- (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 5 below.

4. 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, its rate of product and volume of application, type and specification of application system eg nozzle and its size, 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 by the end of January 1989, summaries of the records required by paragraph (a) of this condition relating to the 1988 calendar year, to Ministers, in a manner required by them under section 16 (11) of the Food and Environment Protection Act 1985;
 - (c) provide within 30 days of the end of the calendar month to which the records required by paragraph (a) of this condition relate, summaries of those records to the Ministers, in a manner required by them under section 16(11) of the Food and Environment Protection Act 1985.
5. 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; and
 - (d) confine the application of the pesticide to the land intended to be treated.

6. For the purposes of these conditions:

- (a) each of the following expressions has the meaning ascribed to it in Regulation 2(1) of the regulations—"aerial application", "approval", "curtilage", "local beekeepers' spray warning scheme";
- (b) each of the following expressions has the meaning ascribed to it in paragraph 7 of Schedule 4 to the regulations—"ground marker" and "water";
- (c) "Local Nature Reserve" means a nature reserve established by a local authority under section 21 of the National Parks and Access to the Countryside Act 1949 and "the relevant authority" in regard thereto shall be the local authority which is providing or securing the provision of, the reserve;
- (d) "Marine Nature Reserve" means an area designated as such by the Secretary of State under section 36 of the Wildlife and Countryside Act 1981, and the "relevant authority" in regard hereto shall be the Nature Conservancy Council;
- (e) "National Nature Reserve" means any land declared as such by the Nature Conservancy Council under section 19 of the National Parks and Access to the Countryside Act 1949, or under section 35 of the Wildlife and Countryside Act 1981, and "the relevant authority" in regard thereto shall be the Nature Conservancy Council;
- (f) "Site or Special Scientific Interest" means any area of land designated as such by the Nature Conservancy Council under section 28 of the Wildlife and Countryside Act 1981, or in respect of which the Secretary of State has made an Order under section 29 of the Wildlife and Countryside Act 1981, and "the relevant authority" in regard thereto shall be the Nature Conservancy Council.

G. M. Trevelyan, Assistant Secretary for the Minister of Agriculture, Fisheries and Food.

N. J. King, authorised by the Secretary of State for the Environment.

20th January 1989.

(11 SI)