

Derogation notice

Office address

For official use: date received



How to use this form

Important: before you complete this form, please read your Entry Level Stewardship or Organic Entry Level Stewardship agreement, handbook and supplements (if any). If you need further guidance please contact Natural England.

- This form should be completed if you wish to notify Natural England of a derogation whereby a temporary change from the agreed management requirements is needed on a single occasion.
- If you need to notify Natural England of a derogation on **conventional land** in your Entry Level Stewardship (ELS) or Organic Entry Level Stewardship (OELS) agreement, please complete sections 1, 2, 3, 5 and where appropriate Annex 1 of this form.
- If you wish to notify Natural England of a temporary derogation on **organic land** (i.e. land registered with an Organic Inspection Body as 'in conversion' or fully organic) in your OELS agreement, please complete sections 1, 2, 3, 4 and 5 of this form.
- Please note if you require a derogation on your Higher Level Stewardship agreement (including ELS and OELS options) you must complete a Higher Level Stewardship Derogation Request which can be obtained from your Natural England office or Natural England web site at www.naturalengland.org.uk.
- Please write clearly in **black ink** and BLOCK letters. Any alterations must be initialled and dated. Do **NOT** use correction fluid.
- If you require more space for any section please continue on a separate sheet, ensuring that you add the agreement reference, sign and date each sheet.
- When completed please take a copy of the derogation notice for your records and send the *original* to your Natural England office. **You must not carry out the derogation works until this completed form has been sent to Natural England.**
- This form is available from your Natural England Office or the Natural England web site at www.naturalengland.org.uk.

Section 1: Details of applicant/agreement holder

1. (a) Agreement reference number

(b) Name of agreement holder

Title (Mr/Mrs/Miss/Ms)	Initials	Forename	Surname

(c) Business name

(d) Correspondence address

Town

County

Postcode

(e) Tel number (incl. national dialling code)

(f) Fax number (incl. national dialling code)

(g) Mobile number

(h) Email address

2. Authorisation for an agent to complete a derogation notice.

(a) I am an agent completing this form on behalf of the agreement holder. Yes No

If 'NO', please go to Section 2.

(b) If 'YES' the individual on whose behalf you are completing this form must have authorised you to complete it. If no written authorisation has been supplied previously for this agreement you must submit it with this completed form.

Please tick to confirm if an authorisation form is attached.

Please tick to confirm if an authorisation form has been previously supplied

Section 2: Request for Derogation

RLR Field number(s)	Option(s)	RLR Field number(s)	Option(s)

Land status: (Please tick) Conventional Organic

Derogation type: (Please tick one box only, this should be the main reason for the derogation.)

- | | | | |
|---|--------------------------|--------------------------------------|--------------------------|
| Field operations | <input type="checkbox"/> | Boundary management | <input type="checkbox"/> |
| Meadow or Pasture management | <input type="checkbox"/> | Weed control | <input type="checkbox"/> |
| Permitted works by a statutory undertaker | <input type="checkbox"/> | Permit to allow other short term use | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | | |

Start and finish date of the variation from scheme management requirements:

e.g. 20.03.07 – 16.04.07 (this should be for the minimum period necessary)

Start Finish

In the box below please confirm the following.

- why the derogation is required
- what exactly the proposed course of action is including choice of pesticide and pesticide application rate where relevant; and
- that the situation was unforeseen and that other solutions which are within the allowed management requirements have been considered.

Please feel free to illustrate details in the box below, or on a supplementary sheet. Please ensure you label any supplementary sheets with your agreement reference number and that you sign and date them.

Please enter the number of continuation sheets used in the box

Section 3: Countersignature by an independent adviser

You must obtain the countersignature of an independent adviser to confirm that this temporary derogation from the rules of the option(s) specified above is reasonable, will not compromise the objectives of your agreement and is the most appropriate response to the situation concerned. Suitably qualified independent advisers include Farm Wildlife Advisory Group (FWAG) Association advisers, National Parks Authority (NPA) officers, Conservation Officers or local Land Agents. Please see the Scheme Handbook and supplements (if any) for further information.

Please note that where the derogation involves the use of agrochemicals on conventional land, you must obtain the countersignature of a British Agrochemical Standards Inspections Scheme (BASIS) registered agronomist and Annex 1 must be completed.

This declaration must be completed by an independent adviser.

Signature	Name and address in BLOCK letters	Organisation	Date

Section 4: Organic Inspection Body declarations

Before a derogation request on land registered with an Organic Inspection Body as 'in conversion' or as fully organic can be accepted, it must first be authorised by an Organic Inspection Body. This is to ensure that this temporary derogation from the rules of the option(s) specified above is reasonable, will not compromise the objectives of the agreement, complies with the standards for organic farming and is the most appropriate response in the situation concerned.

Supporting statement by your Organic Inspection Body

I declare that:

- the temporary derogation notification summarised in Section 2 of this form has been approved by the Organic Inspection Body identified below;
- all the information entered into this form is correct to the best of my knowledge; and
- the proposed temporary derogation is compatible with the specified standards established by Council Regulation 2092/91 (as amended) and set out in the Compendium of Organic Standards.

This declaration must be completed by a representative of your Organic Inspection Body

Signature	Name and address in BLOCK letters	Name of Organic Inspection Body	Date

Section 5: Agreement holder signature and declarations

I declare that;

- I have read and understand the provisions of my agreement and have complied with its terms, except as otherwise approved in writing by Natural England; and
- The information given in this form is to the best of my knowledge correct and I accept full responsibility for it.

This declaration must be signed by either the signatory to the agreement or by an agent who has written authority from the named signatory.

Signature	Name in BLOCK letters	Status	Date

WARNING

If you knowingly or recklessly make a false or misleading statement to obtain aid for yourself or anyone else, you risk prosecution (which could result in imprisonment, a fine or both), the loss of all aid paid to you under the scheme(s) in respect of which you have made a commitment, and exclusion from certain schemes for up to two years.



Using and sharing your information

The data controller is Natural England, Foundry House, 3 Millsands, Riverside Exchange, Sheffield S3 8NH.

Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate.

It will be used for administering and analysing applications/agreements under agri-environmental schemes. It will be circulated and discussed in confidence with those persons or organisations helping Natural England to assess and monitor applications/agreements. Some information will be shared with other grant distribution bodies and Government Departments to enable them to detect fraudulent applications/agreements and to co-ordinate the processing of complementary applications/agreements. To do this we may have to discuss applications/agreements with third parties or disclose information about funding decisions. Because participation in this scheme involves expenditure of public money and there is public interest in how the money is spent, Natural England may make the information you provide publicly available.

Natural England or its appointed agents may use the name, address and other details to contact you in connection with occasional customer research aimed at improving the services that Natural England provides to you.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.

ANNEX 1 – Agrochemical use on conventional land ONLY

Supplementary form to support an Agrochemical Derogation

1. Field Name Adjacent to watercourse? Yes No
RLR Field Number Does LERAP¹ apply? Yes No

2. Non-target vegetation: (base crop, please tick):

- | | | | |
|------------------------|--------------------------|-----------------------------|--------------------------|
| Arable field | <input type="checkbox"/> | Arable field margin | <input type="checkbox"/> |
| Newly sown grass | <input type="checkbox"/> | Low value established grass | <input type="checkbox"/> |
| Species rich grassland | <input type="checkbox"/> | Hedgerow | <input type="checkbox"/> |
| Watercourse | <input type="checkbox"/> | | |

Growth stage and height in (cm): Ground cover (%):

3. Weeds to be controlled (target): Growth stage & height (cm):
Ground cover (%):

4. Category of product Product rate (l/ha):
Product choice
(Trade name & active ingredient):

5. Off-label approval required? Yes No

6. Application method: (Please tick)

- Boom sprayer Weed wiper Spot spray

7. Proposed date of application

¹ LERAP is the Local Environment Risk Assessment For Pesticides. Certain pesticides have an aquatic buffer zone requirement. If you want to reduce this aquatic buffer zone there is a legal obligation to carry out and record a LERAP. Further information is available from the Pesticide Safety Directorate.