Higher Level Stewardship Scheme
Countryside Stewardship Scheme
Environmentally Sensitive Areas & Habitat Scheme

Derogation request

Form replaced 16 August 2019.
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Office Address	For official use: date received

ERDR/HLS2

How to use this form

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

- This form should be completed if you wish to request a time limited temporary variation from option/tier rules e.g. weed control under Higher Level Stewardship (HLS), Countryside Stewardship (CSS) and Environmentally Sensitive Area (ESA) or Habitat (HAB) agreements. Please complete a separate form for each variation.
- If you wish to apply for a time limited variation on **conventional land** in your HLS, CSS, ESA or HAB agreement, please complete sections 1, 2 and 4 of this form before passing it to your Natural England contact to complete sections 5, 6 and, Annex 1, where appropriate.
- If you wish to apply for a time limited variation on **organic land** in your HLS agreement, please complete sections 1, 2, 3 and 4 of this form before passing it to your Natural England contact to complete section 6.
- Your Natural England contact may complete this form on your behalf, in which case **it is your responsibility to check that the details given are correct before you sign the declaration.**
- Your Natural England contact will send you a signed copy of this form notifying you of the outcome of your derogation request. You must **NOT** carry out any work until you have received confirmation that your derogation request has been approved. **If you act without approval you will be in breach of your agri-environment agreement.**
- 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.
- Please write clearly in **black ink** and BLOCK letters. Any alterations must be initialled and dated. Do **NOT** use correction fluid.
- This form is available from your Natural England Office or the Natural England web site at http://www.naturalengland.org.uk/ourwork/farming/funding/es/forms/default.aspx

Section 1: Details of agreement holder(s)

1. (a) Agreement reference number

(b) Name(s) of agreement holder(s)

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

(i) Main Holding number County / Parish / Holding

/ /

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

(a) I am an agent completing this form on behalf others Yes ☐ No ☐

If 'NO', please go to Section 2.

(b) If 'YES' the individual(s) 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 letter or form is attached ☐

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

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Section 2: Request for derogation

RLR Field number(s)	Options/Tiers	RLR Field number(s)	Options/Tiers

Land status: (Please tick) Conventional ☐ Organic ☐

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

Field operations	☐	Fertilizer and lime	☐
Meadow or Pasture management	☐	Weed control	☐
Permitted works by a statutory undertaker	☐	Permit to allow other short term use	☐
Other	☐		

HLS, CSS and ESA ONLY:

Drainage and water levels	☐	Stocking	☐
Boundary management	☐	Access	☐

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 and not exceed one year or the remaining life of the agreement)

Start ☐ Finish ☐

In the box below please confirm the following:

- why the derogation is required
- what exactly the proposed course of action is; 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 ☐

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Section 3 : 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 your 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 summarized 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

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Section 4: Agreement holder(s) declaration

I/we declare that:

- I/we have read and understand the provisions of my/our 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/our knowledge correct and I/we accept full responsibility for it.

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

Signature(s)	Name(s) 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.

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Section 5 : Agrochemical use on conventional land ONLY

Is the use of agrochemicals involved in the derogation? Yes ☐ No ☐

If '**YES**' please provide as much information as possible about the agrochemical variation required in support of the derogation request in the table at Annex 1. Where a derogation involves the use of agrochemicals Section 6 must be signed by a British Agrochemical Standards Inspections Scheme (BASIS) Registered Natural England contact.

Section 6 : Natural England approval/rejection

Approved ☐ Rejected ☐

Comments:

ALWAYS READ THE LABEL. USE PESTICIDES SAFELY.

Signature	Name in BLOCK letters	Date

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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[1] apply? Yes ☐ No ☐

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

   Arable field ☐ Arable field margin ☐

   Newly sown grass ☐ Low value established grass ☐

   Species rich grassland ☐ Hedgerow ☐

   Watercourse ☐

   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.

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