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| **Please read these guidance notes carefully before you fill in application form B8 - new bespoke permit for a flood risk activity.**  Under the Environmental Permitting (England and Wales) Regulations 2016, a Flood Risk Activity Permit is required for certain works in, over, under or near any main river or flood defence (including sea defences).  These guidance notes provide information to help you fill in application form B8 for a new bespoke permit for a flood risk activity. Please follow this guidance to help avoid delays in your application.  Where you see the term ‘document reference’, please provide the relevant document reference/s and send in the documents with your completed application form. Please note that if you provide documents that are not required these will not be assessed.  Before filling in this form we recommend that you contact us for advice on your proposal.  We have two months to make a decision on your application. Where the proposed activity is likely to have a significant adverse effect on the environment, the determination period could take up to 4 months. | **Contents**   1. About you 2. Contact details 3. About the permit 4. About the site/land 5. Description and purpose of the proposed works 6. Plans and sections 7. Construction details 8. Other Natural Resources Wales interests 9. Planning status 10. Maintaining the structure 11. Effects on the environment 12. General Data Protection Regulation (GDPR) 13. Confidentiality 14. National Security 15. Declaration 16. Where to send this form 17. Contact us |

# About you

Are you applying as an individual, an organisation of individuals (e.g. a partnership), a company or public body?

Tick the box which describes you as an applicant. If you are applying as a public body or company, give us their name. You can also give us any trading or partnership name if you are applying as an individual or organisation of individuals.

An organisation of individuals includes a group of individuals that together hold a flood risk activity permit.

**You then need to go to complete the relevant section (1b-e) on the application form.**

## 1b Applications from an individual

Fill in the details of each applicant. We can only issue permits to named individuals.

## 1c Applications from organisation of individuals

Fill in the details of the type and any trading name. If you are an organisation of individuals (for example, a charity, a partnership, a group of individuals or a club) please give the details of the **main representative**. We can only issue permits to named individuals.

We cannot issue a flood risk activity permit to a partnership. We therefore need details of each person in the partnership. If necessary, use a separate sheet to give us the details of additional applicants and tell us the document reference you have in the space provided on the form.

**Limited Liability Partnerships** – do not fill in this section; you must fill in section 1e.

## 1d Applications from public bodies

Fill in details of the type, name of the public body and the name of the executive responsible.

**Type of public body** – please choose from local health boards, other health boards, unitary authorities, other government authorities, fire authority, other public body.

**The executive** is any person within the public body who is authorised to sign on their behalf.

## 1e Applications from a registered company or other corporate body

Give us the company registration number and date your company was registered.

**Unregistered corporate bodies: If you are an unregistered corporate body, you will need to give us** evidence that you are a legal body and we can issue a permit to you.

## 1f Your main (registered office) address

All applicants must provide this. If you are applying as a limited company, provide the address of the registered office.

If you are applying as a company the email address given should be that of the company secretary as this is the one we will use to email a copy of the permit and any associated information or notices connected to the permit.

**Main UK business address (if different from above)**

This is only required if it is different from your principal business address (for example, companies registered overseas).

We can only issue permits to named individuals. We cannot issue a permit to a partnership. We therefore need details of each person in the partnership. If necessary, use a separate sheet to give us the details of additional applicants and advise us of the reference you have given this sheet in the space provided on the form.

# Contact details

It will help us if there is someone we can contact if we have any questions about your application. The person you name shouldhave the authority to act on your behalf. They can be an agent rather than the permit holder.

If the billing invoice contact is different, please advise us of this and provide the billing contact details on a separate sheet. Please provide the reference you have given this sheet in the space provided.

# About the Permit

## 3a Pre-application discussion.

If you have discussed your proposal with us before your application was submitted, please tell us the case reference and/or provide details on a separate sheet. Any separate sheets should be given a reference, which must be recorded on the application form in the space provided. This will allow us to refer back to the information you’ve already given us and help to determine your application.

If you require any further guidance on pre-application discussions, please contact us on 0300 065 3000 or by email at: [enquiries@naturalresourceswales.gov.uk](https://cyfoethnaturiolcymru-my.sharepoint.com/personal/hayley_macdonald-jones_cyfoethnaturiolcymru_gov_uk/Documents/Forms%20for%20Jenny%20Dickinson/enquiries@naturalresourceswales.gov.uk)

## 3b What type of flood risk activity are you applying for?

Please select the type of activity you are applying for. The flood risk activities for which a permit is required are listed in Schedule 23AA of the Environmental Permitting (England and Wales) Regulations 2016.

This includes

* all works (either temporary or permanent) in, over or under a main river;
* any works likely to affect the flow or direction of water into or out of a main river, that may divert or contain flood waters, or may alter the level of water of any part of a main river
* any dredging, raising or taking materials (incl. sand, silt, ballast, clay & gravel) from or off the bed or banks of a main river
* any activities within 8m of a non-tidal main river, flood defence structure or culvert on that river or within 16m of a tidal main river, flood defence structure or culvert on that river which is likely to –
* cause damage to or endanger the stability of the banks of that river or of any culvert
* cause damage to any river control works
* alter, reconstruct, discontinue or remove any river control works
* divert or obstruct flood waters or impact on the drainage of that river, or
* interfere with the regulator’s access to and along that river;
* any activity on a floodplain (other than an allowed activity) within 8m of a non-tidal main river, flood defence structure or culvert on that river, or within 16m of a tidal main river, flood defence structure or culvert on that river which is likely divert or obstruct floodwaters, to damage any river control works or to impact on drainage
* any activity within 16m of the base of a sea defence which is likely to—
* endanger the stability of, cause damage to or reduce the effectiveness of that defence
* interfere with the regulator’s access to and along that sea defence;
* any activity within 8 metres of the base of a remote defence which is likely to—

- endanger the stability of, cause damage to or reduce the effectiveness of that defence, or

- interfere with the regulator’s access to and along that defence;

* any quarrying or excavation within 16 metres of the base of a remote defence which is likely to cause damage to or endanger the stability of that defence
* any quarrying or excavation within 16 metres of a main river or any flood defence structure or culvert on that river which is likely to cause damage to or endanger the stability of the banks of that river.

Further guidance and an explanation on definitions can be found in the flood risk activities guidance section on our website.

Please note: you may need a separate permit for any temporary works associated with the proposed activity during the construction phases (e.g. scaffolding, bunding, cofferdams etc.).

**Some flood risk activities are excluded or exempt from the need for a permit under the regulations.** Further information and guidance on exclusions and exemptions can be found on our website.

# About the site/land

We need to be able to easily identify where the proposed works will be carried out. To do this, it will be helpful if you could provide as much detail as possible, including:

* the location of the site (full address/postcode);
* a national grid reference (12 figures);
* the name of the main river;

We also need to make sure that your application is for works on a ‘designated main river’ ([Main River Map](https://naturalresources.wales/our-evidence-and-reports/maps/flood-risk-map/?lang=en)). If in doubt, you should contact us to check before filling in your application.

You must advise us of your interest in the land on which the works are to take place (for example if you are the landowner or tenant). If you do not own the land it remains your responsibility to obtain permission from the landowner prior to works taking place. The issuing of a Flood Risk Activity Permit does not exclude the need for you to obtain any other permissions needed to enter land, or carry out the works.

**Note:** Ownership or having some other legal interest in the application site is not a requirement for a duly made application. The information on ownership requested in the application form is for information purposes only. This information may, however, assist at the determination stage of those applications where NRW is minded to impose ongoing maintenance or operational conditions.

# Description and purpose of the proposed works

It is important that you accurately describe the proposal in your application. Please tell us the purpose of the works and the number of structures you need consent for. Please continue on a separate sheet if required and provide a reference for this document.

# Plans and sections

To consider your proposals we will need to see appropriate plans and drawings, ideally drawn by a competent engineer or surveyor, showing Ordnance Datum Newlyn (the height above sea level).

Please provide a copy of all relevant drawings, which you can send electronically by email (pdf format) or in hard copy. The drawings must be no larger than A0 size, clearly marked with a reference and must include the following:

* **Location plan**

This should be at an appropriate scale and be based on an Ordnance Survey map. It must clearly show the general location of the site and include general features. It must also identify the watercourse or other bodies of water in the surrounding area.

* **Site plan (general arrangement)**

You must provide a plan of the site showing:

* + the existing site, including any watercourse;
  + your proposals;
  + the position of any structures which may influence local river hydraulics, including bridges, pipes and ducts, ways of crossing the watercourse, culverts and screens, embankments, walls, outfalls and so on; and
  + existing fish passes or structures intended to allow fish to pass upstream and downstream.

The plan should be drawn to an appropriate scale, which must be clearly stated.

* **Cross-sections**

Where works encroach into any watercourse, you should provide cross-sections both upstream and downstream of the proposed works. Cross-sections should be drawn as if looking downstream on the watercourse and should include details of existing and proposed features and water levels.

* **Longitudinal sections**

We need longitudinal sections taken along the centre line of the watercourse. These must show the existing and proposed features including water levels, bed levels and structures. They should extend both upstream and downstream of the proposed work.

* **Detailed drawings**

These are to show details of the existing and proposed features such as the following:

* + The location of any proposed service pipes or cables which may affect the future maintenance of the watercourse.
  + Details of any tree, shrub, hedgerow, pond or wetland area that may be affected by the proposed works.
  + Details of any planting or seeding.
  + Dams and weirs. (We need a plan showing the extent of the water impounded (held back) under normal and flood conditions so that we can assess the possible effect on land next to the river.)

# Construction details

We need to know when you are proposing to carry out the work and how long you think it will take. When you are planning the work you need to make sure that you have allowed enough time for us to consider your application.

We will need to know how you are proposing to carry out the work to ensure there is no detrimental impact to the environment. You will need to provide a ‘method statement’ that sets out what measures will be implemented during construction to minimise disruption and reduce any unwanted effects on the environment.

Pollution prevention guidance is available on our website.

Please note you may need separate permits for the permanent works and any temporary works that do not form part of the permanent works. Temporary works could include, for example, scaffolding, cofferdams (watertight enclosures) across a watercourse, or temporary diversions of water while work is carried out. If you have any queries, we recommend that you contact us to discuss further.

# Other Natural Resources Wales interests

Please tick the appropriate boxes.

If you answer ‘Yes’ to any of the questions, you will probably need extra licences or consents from us before you start work. You should make sure that you have enough time to get all approvals you need before you start work. Any outstanding approvals /consents could delay the work.

# Planning Status

Tick which situation applies to you and where appropriate, please provide the planning permission reference you hold or applying for that relates to this proposal. If it is not clear whether planning permission is required, we would recommend you speak to your relevant authority for clarification. Please be aware that the granting of planning permission by your Local Planning Authority does not guarantee that a Flood Risk Activity Permit will be issued by Natural Resources Wales, nor does the issuing of a Flood Risk Activity Permit by Natural Resources Wales guarantee the granting of planning permission.

# Maintaining the structure

We need to know who will be responsible for maintenance both during construction work and after the work has finished.

# Effects on the environment

We have a legal duty to protect and improve the environment, so we must consider the environmental effects of your proposal.

**Water Framework Directive**

It is important that as part of the application process your proposals are assessed to see if they keep to the aims of the Water Framework Directive (WFD).Some activities may cause a water body to deteriorate in WFD status or prevent its ecological objectives from being met.

To achieve the goals of the WFD, we must make sure any new scheme or activity is assessed for compliance. If in doubt, you should contact us to discuss any requirement to carry out a WFD assessment before you send us your application.

Please see our ‘Guide to your rights and responsibilities of riverside ownership in Wales’ document for more information on the Water Framework Directive. This can be downloaded on the following link <http://www.naturalresources.wales/flooding/managing-flood-risk/riverside-property-owners-know-your-rights-and-responsibilities/?lang=en>

**Habitats Regulations Assessment**

Under the European Habitats Regulations and National legislation, we must make sure that any Flood Risk Activities proposed do not have a direct or indirect negative effect on any protected site or species, including:

* special areas of conservation (SACs);
* special protection areas (SPAs);
* listed RAMSAR sites;
* Sites of Special Scientific Interest (SSSI);
* European and nationally protected species.

Any proposed works in, or adjacent to a European site may be subject to a Habitats Regulations Assessment (HRA).

Information on protected sites, species and habitats can be found on Welsh Governments geo-portal: LLe at <http://lle.wales.gov.uk/home> and the National Biodiversity Network website at [www.nbn.org.uk](http://www.nbn.org.uk).

More local information can be got from your Local Record

Centre website at www.nbn.org.uk/Tools-Resources/BusinessResources/Local-Record-Centres/LRC-database.aspx

**Land Drainage Improvement Environmental Impact Assessment (EIA) Regs**

Under the Land Drainage Improvements (EIA) Regulations we must ensure that the proposed flood risk activity does not result in any significant environmental effects. You may need to carry out an environmental impact assessment to consider the effects of the activity to the environment. You should contact us before you send us your application so that we can advise you on this. If you don’t, your application could be delayed.

Your environmental assessment should identify and consider all likely effects on the environment. You should consider the direct and indirect effects the work has on sites and features of interest and species of particular value. It should also include any specific measures you plan to implement to minimise disruption and reduce any unwanted effects while the work is ongoing, as well as set out any opportunities to improve the environmental value of the site. This may include creating water features, planting trees and shrubs that would normally grow at the site, providing bird nesting boxes or creating sustainable places for wildlife to live.

If as part of any planning permission we have asked for an environmental assessment, you must send it to us with all the other supporting documents we need.

Other

If your site falls within, is next to, or is linked in any way to a nature conservation, geological or historic site, contact us as soon as possible to discuss your proposals before you send us your application. We must consider the impacts of applications on sensitive environmental features including Local Wildlife and Geological Sites. We must also consider Scheduled Monuments. For activities that affect a scheduled monument a consent may be required from Cadw.

You may want to contact these organisations yourself to get their views on your proposal.

# General Data Protection Regulation (GDPR)

Make sure you understand how we will use the information you provide to us.

# Confidentiality

Only tick this box if you are very certain that you wish information to be confidential. This may delay your application.

Confidential information is information that is commercially or industrially confidential in relation to any person. Information may be withheld from the public registers where the regulator judges that it may be commercially or industrially confidential. When this occurs a statement must be placed on the register indicating the existence of that information.

You can find guidance on confidentiality in ‘Core Environmental permitting guidance’ published by Defra and available via our guidance webpages.

Please ensure that you include a copy of your supporting statement detailing why you are requesting confidentiality and what information you believe should be kept confidential. We advise you to have a pre-application discussion with area staff before deciding if anything is confidential information.

We will then have to assess your statement and therefore the progress of your application will take longer.

# National security

Ensure you enclose with the application a letter stating that you have written to the Welsh ministers to claim national security for your application.

You can find guidance on national security in ‘Core Environmental permitting guidance’ published by Defra and available via our guidance webpages.

# Declaration

By filling in this section you are declaring that, as far as you know, the information you have provided, including the map and any supporting documents, is true. We will not accept an application without this section being completed.

* If you are applying as a company which has trustees, all trustees must fill in the declaration.
* If you are applying as a limited company, a company secretary or a director must fill in the declaration.

# Where to send your application

Please send your completed application form to the relevant area office (details on Form B8) for the location of your proposed activity.

We will use the email address provided in Part 1 of application form B8 ‘about you’ to email all associated information or notices connected with the permit.

# How to contact us

If you need help filling in this form, please contact the person who sent it to you or contact us as shown below.

General enquiries: 0300 065 3000 (Monday to Friday, 8am to 5pm)

Email: [enquiries@naturalresourceswales.gov.uk](https://cyfoethnaturiolcymru-my.sharepoint.com/personal/hayley_macdonald-jones_cyfoethnaturiolcymru_gov_uk/Documents/Forms%20for%20Jenny%20Dickinson/enquiries@naturalresourceswales.gov.uk) / [ymholiadau@cyfoethnaturiolcymru.gov.uk](https://cyfoethnaturiolcymru-my.sharepoint.com/personal/hayley_macdonald-jones_cyfoethnaturiolcymru_gov_uk/Documents/Forms%20for%20Jenny%20Dickinson/ymholiadau@cyfoethnaturiolcymru.gov.uk)

Website: [www.naturalresourceswales.gov.uk](https://cyfoethnaturiolcymru-my.sharepoint.com/personal/hayley_macdonald-jones_cyfoethnaturiolcymru_gov_uk/Documents/Forms%20for%20Jenny%20Dickinson/www.naturalresourceswales.gov.uk) / [www.cyfoethnaturiolcymru.gov.uk](https://cyfoethnaturiolcymru-my.sharepoint.com/personal/hayley_macdonald-jones_cyfoethnaturiolcymru_gov_uk/Documents/Forms%20for%20Jenny%20Dickinson/www.cyfoethnaturiolcymru.gov.uk)

Tick the box if you wish to have all communication about this application sent via email.