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Guidance note

Technical Guidance: Flood risk activity exclusions

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Introduction

This document provides you with the conditions that you will need to meet should you wish to undertake a Flood Risk Activity exclusion under the Environmental Permitting Regulations (England and Wales) 2016.

If any of your proposed works exceed or do not meet the conditions set by the relevant exclusion, you will not be able to undertake the activity without registering for an exemption or applying for a bespoke Flood Risk Activity Permit.

Good Practice Guide 220: Technical guidance on flood risk activity definitions is available from the Natural Resources Wales website and will help you to interpret the meaning of any terms in this guidance that you might be unsure of.

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Flood Risk activity exclusion 2: Emergency activity

Activity description: Any activity carried on in an emergency.

Types of activity you cannot carry out: Pre-planned responses to emergency situations such as designed defences.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Design conditions

- The activity is not a pre-planned emergency activity. This means any activity which has been planned in response to an emergency before it occurs.

Time and manner conditions

- The person carrying on the activity provides the regulator with notice in writing as soon as practicable of the carrying on of the activity and circumstances in which it was carried on.
- The power of the regulator to serve a remediation applies where an activity has been carried on in reliance on this exclusion as if that activity were an unauthorised activity.

Other things you need to know

You can use the [Flood Risk Map](#) on the Natural Resources Wales' website to check for the location of Main Rivers.

Flood Risk activity exclusion 4: A licensable marine activity in Wales

Activity description: A licensable marine activity in Wales.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Spatial conditions

- The activity is not carried out in or within 100m of a main river that is classified high morphological status.

Time and manner conditions

- An application for a marine licence has been made in respect of that activity.

Other things you need to know

More information on [Marine Licences](#).

Flood Risk activity exclusion 5: Ladders and scaffold towers

Activity description: The erection and use of ladders and scaffold towers (“equipment”).

Types of activity you can carry out: Use of a ladder and/or scaffold tower to gain access for example to a bridge arch, wall, parapet etc.

Types of activity you cannot carry out: Erecting scaffolding across the channel or face of a bridge.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Spatial conditions

- The activity is not carried out in or within 100m of a main river that is classified high morphological status.

Time and manner conditions

- The suitability of river conditions is reviewed by the person undertaking the activity each working day.
- The equipment is erected on each working day on which it is required.
- The equipment is removed at the end of each working day and is stored outside the river and its banks.

Other things you need to know

You can use the [Flood Risk Map](#) on the Natural Resources Wales’ website to check for the location of Main Rivers.

This exclusion does not cover any temporary works needed for construction. Before undertaking this activity, you should contact your local NRW office to discuss if a bespoke permit might be needed for any temporary works required during the construction phases of the project.

Flood Risk activity exclusion 6: Service crossing within an existing structure

Activity description: The construction and use of service crossings within an existing structure.

Types of activity you can carry out: Installing a duct under the footway and/or deck of a road bridge.

Types of activity you cannot carry out: Installing a duct to the external face of a bridge or below its soffit level.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Spatial conditions

- The activity is not carried out in or within 100m of a main river that is classified high morphological status.

Design conditions

- The crossing is entirely within the original profile of the existing structure.

Time and manner conditions

- The regulator has not sent a notification to the landowner that the structure has been identified for removal or modification in order to achieve the measures set out in the relevant River Basin Management Plan, within the meaning of Article 13 of the Water Framework Directive, that are designed to move a water body to good status pursuant to article 4 of the Water Framework Directive.
- Equipment associated with the works is not stored on the bed or banks of the main river; and
- No works are carried out from the main river or from the banks of the main river.

Other things you need to know

You can use the [Flood Risk Map](#) on the Natural Resources Wales' website to check for the location of Main Rivers.

This exclusion does not cover any temporary works needed for construction. Before undertaking this activity, you should contact your local NRW office to discuss if a bespoke permit might be needed for any temporary works required during the construction phases of the project.

Flood Risk activity exclusion 7: Flood protection devices attached to building

Activity description: The attachment of a flood protection device directly to a building in order to protect the interior of that building.

Types of activity you can carry out: fitting door boards/gates and air brick covers as flood protection measures attached directly to the building.

Types of activity you cannot carry out: Erecting flood banks and/or flood gates around a property i.e. away from the actual building.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Spatial conditions

- The activity is not carried out in or within 100m of a main river that is classified high morphological status.

Time and manner conditions

- The flood protection provided by the device extends only to the building to which the device is fitted.

Other things you need to know

You can use the [Flood Risk Map](#) on the Natural Resources Wales' website to check for the location of Main Rivers.

Flood Risk activity exclusion 8: Minor works on or affecting bridges and culverts

Activity description: The carrying out of minor works on or affecting bridges and culverts for highways and public rights of way (“minor works”).

Types of activity you can carry out: Works for highways and public rights of way; re-pointing masonry; removal of weeds.

Types of activity you cannot carry out:

- Lining of an existing culvert.
- Extension of the existing bridge structure.
- Fitting of trash screens or solid parapets.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Spatial conditions

- The activity is not carried out in or within 100m of a main river that is classified high morphological status.

Time and manner conditions

- The minor works do not affect, or have the potential to affect, the bed, banks, water level, normal flow or flood flow in the main river.
- Equipment associated with the minor works is not stored on the bed or banks of the main river.
- No works are carried out from the main river or from the banks of the main river.

Other things you need to know

You can use the [Flood Risk Map](#) on the Natural Resources Wales’ website to check for the location of Main Rivers.

This exclusion does not cover any temporary works needed for construction. Before undertaking this activity, you should contact your local NRW office to discuss if a bespoke permit might be needed for any temporary works required during the construction phases of the project.

Flood Risk activity exclusion 9: Fencing

Activity description: The erection of fencing.

Types of activity you can carry out: Erection of agricultural style fencing.

Types of activity you cannot carry out:

- Construction of a brick/concrete wall or other like structure.
- Solid wall or fence.
- Palisade fencing.
- Chicken wire
- Construction of any fencing, railings or barrier across a main river channel.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Spatial conditions

- The activity is not carried out in or within 100m of a main river that is classified high morphological status.

Design conditions

- The fencing is constructed of:
 - Post and rail;
 - Post and wire mesh with greater than 100 millimetres spacing; or
 - Post and wire strands.

Time and manner conditions

- The fencing is not located on the bed or banks of the main river;

Other things you need to know

You can use the [Flood Risk Map](#) on the Natural Resources Wales' website to check for the location of Main Rivers.

This exclusion does not cover any temporary works needed for construction. Before undertaking this activity, you should contact your local NRW office to discuss if a bespoke

permit might be needed for any temporary works required during the construction phases of the project.

Flood Risk activity exclusion 10: Fish traps

Activity description: The temporary use of fish traps.

Types of activity you can carry out: Installation of a fish trap type structure.

Types of activity you cannot carry out: Fish traps adjacent to a weir.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Spatial conditions

- The activity is not carried out in or within 100m of a main river that is classified high morphological status.
- The trap is located more than 50 metres upstream or downstream of any dam or other in-channel structure.

Design conditions

- The trap has dimensions no greater than 2 metres x 1 metre x 0.75 metres.

Time and manner conditions

- Any trap, or combination of traps, placed in the main river is less than one third of the width of the channel.
- The trap is not used when the main river is in a condition of high flow.

Other things you need to know

You can use the [Flood Risk Map](#) on the Natural Resources Wales' website to check for the location of Main Rivers.

This exclusion does not cover any temporary works needed for construction. Before undertaking this activity, you should contact your local NRW office to discuss if a bespoke permit might be needed for any temporary works required during the construction phases of the project.

Flood Risk activity exclusion 11: Notice boards

Activity description: Erection of notice boards.

Types of activity you can carry out: Erect an interpretation board.

Types of activity you cannot carry out: Noticeboard structures within the channel of a main river and/or within the design channel of a flood alleviation scheme.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Spatial conditions

- The activity is not carried out in or within 100m of a main river that is classified high morphological status.
- The board is more than 2 metres from any culvert, remote defence or flood defence structure on the main river and from any sea defence.
- The board is more than 2 metres from the landward side of the bank.

Design conditions

- The board is attached to existing fencing or freestanding, permanent posts.

Other things you need to know

You can use the [Flood Risk Map](#) on the Natural Resources Wales' website to check for the location of Main Rivers.

This exclusion does not cover any temporary works needed for construction. Before undertaking this activity, you should contact your local NRW office to discuss if a bespoke permit might be needed for any temporary works required during the construction phases of the project.

Care should be taken to ensure the sign does not restrict access for maintenance vehicles.

Flood Risk activity exclusion 12: Purpose-built sediment traps

Activity description: Clearance of purpose built sediment traps.

Types of activity you can carry out: The removal of sand and silt from a purpose built sediment trap.

Types of activity you cannot carry out: Removal of silt from the natural river bed.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Spatial conditions

- The activity is not carried out in or within 100m of a main river that is classified high morphological status.

Time and manner conditions

- Only sand and silt is cleared from the trap.
- The works does not result in sand or silt being transmitted downstream.
- Where the sand and silt from the clearance is spread on the floodplain, it is spread to a depth of no more than 100mm and no closer than 8 metres from the landward side of either bank.

Other things you need to know

You can use the [Flood Risk Map](#) on the Natural Resources Wales' website to check for the location of Main Rivers.

This exclusion does not cover any temporary works needed for construction. Before undertaking this activity, you should contact your local NRW office to discuss if a bespoke permit might be needed for any temporary works required during the construction phases of the project.

Flood Risk activity exclusion 13: Site investigation boreholes and trial pits

Activity description: Site investigation boreholes and trial pits within a flood plain.

Types of activity you can carry out: Site investigation boreholes.

Types of activity you cannot carry out: Works affecting the integrity of existing structures.

Key conditions

You should not do any more than this exclusion allows otherwise your activity will not be excluded.

Spatial conditions

- The activity is not carried out in or within 100m of a main river that is classified high morphological status.
- The works are more than 5 metres from any culvert, remote defence or flood defence structure on the main river and from any sea defence.
- The works are more than 8 metres from the banks of a non-tidal main river.
- The works are more than 16 metres from the banks of a tidal main river.

Time and manner conditions

- The works are completed, including refilling of the borehole or pit, within 48 hours.

Other things you need to know

You can use the [Flood Risk Map](#) on the Natural Resources Wales' website to check for the location of Main Rivers.

This exclusion does not cover any temporary works needed for construction. Before undertaking this activity, you should contact your local NRW office to discuss if a bespoke permit might be needed for any temporary works required during the construction phases of the project.

It is recommended that drilling rigs and all associated equipment are removed from the main river channel and flood plain upon completion of works.