

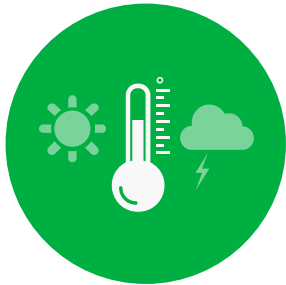


Introduction to FRAP's

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River & Asset Regulation

What the Environment Agency does

We protect and improve the environment



We help people and wildlife adapt to climate change and reduce its impacts.



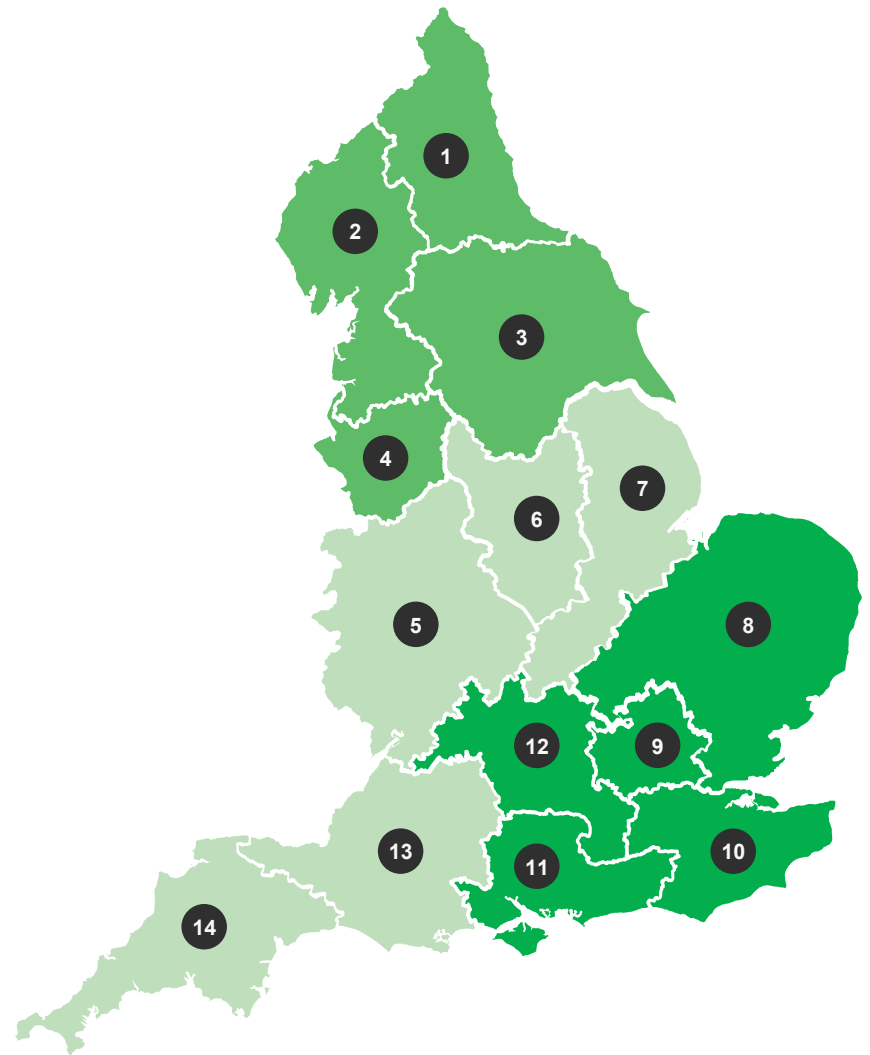
We improve the quality of our water, land and air by tackling pollution.



We work as part of the Defra group to create a better place for people and wildlife.

Where we are

- 1 North East
- 2 Cumbria and Lancashire
- 3 Yorkshire
- 4 Greater Manchester Merseyside and Cheshire
- 5 West Midlands
- 6 East Midlands
- 7 Lincolnshire and Northamptonshire
- 8 East Anglia
- 9 Hertfordshire and North London
- 10 Kent, South London and East Sussex
- 11 Solent and South Downs
- 12 Thames
- 13 Wessex
- 14 Devon Cornwall and the Isles of Scilly



Principles of permitting flood risk activities

- Managing impacts on flow
- Managing flood risk
- Managing impacts on land drainage
- Managing impacts on banks and defences
- Securing access by the regulator
- Securing environmental protection

Why we regulate?

- River flow was obstructed by scaffolding installed below bridge soffit level
- Debris caught on scaffolding, restricting flow
- River wall collapsed allowing floodwater out of the river channel
- Flooding occurred to nearby properties



What is a flood risk activity?

- Environmental Permitting (England & Wales) Regulations 2016
 - 11 definitions of flood risk activities



Exclusions

- 11 very low risk activities
- No need to apply for permit nor register exemption
- No charge, no compliance checking
- If conditions not met, may face enforcement action

Exclusions



Emergency Works

- Emergency is the risk of:
 - flooding
 - damage to or preventing land drainage
 - harm to the environment
- Conditions
 - the activity is not a pre-planned emergency activity
 - any activity which has been planned in response to an emergency before it occurs
 - You notify the EA in writing as soon as practicable of the activity, the circumstances and how it was carried out
- The EA may later instruct you to make changes to the work

Exemptions

- List of 27 exempt flood risk activities
- Conditions: location, size, timing, frequency, method, design
- Registered centrally by NCCC – Online
 - Register the operator,
 - Each Activity
 - Each Location
- Screen against maps for location conditions (habitats, species, sensitive water bodies etc)
- No Charge

Exemptions



Standard Rules

- 15 Low to medium risk activities
- No site specific assessment (generic assessment applies)
- Not available in certain locations (screening)
- No consultation
 - If site needs consultation with Natural England, MMO or public the permit will be classified as Bespoke
- We are able to add or update standard rules (after consulting nationally)

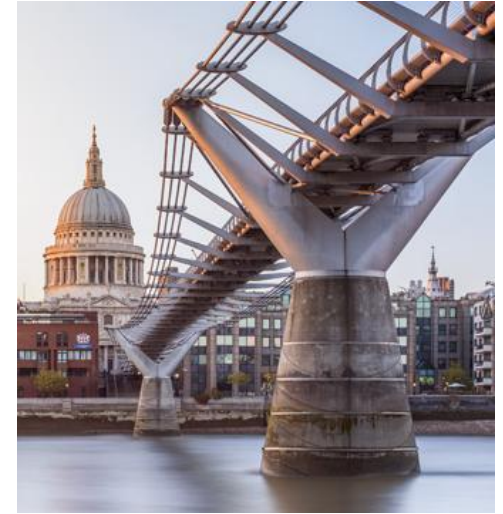
Standard Rules



Bespoke permit

- Higher risk activities, more complex applications
- Site and activity specific risk assessment required - assess effects on flood risk, land drainage, environment
- More than one activity allowed under a permit held by the same operator
- Can combine standard rules and bespoke activities
- Everything that is not excluded, exempt or a standard rule

Bespoke permit



Statutory Undertaker Status & Protected Undertakings (EPR 2016)

- Protected undertaking provisions **only** apply when exercising statutory functions.
 - Onus on the applicant. Speak with your lawyers
- In England, activities (d)–(k) are excluded from being a flood risk activity
- Activities (a)–(c) **always** require a permit:
 - a) Erecting any structure (whether temporary or permanent) in, over or under a main river;
 - b) The carrying out of any work of alteration or repair on any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect the flow of water in the main river or to affect any drainage work;
 - c) Erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river;

Application Forms

- Standard Rules
 - Form A – Operator Details
 - Form B11 – Standard Rules
 - Form F3 - Permitting fees and legal declaration
- Bespoke
 - Form A – Operator Details
 - Form B10 - Details of the activities being applied for
 - Form F3 - Permitting fees and legal declaration

Application Forms

- Form A – Operator Details
 - Provided details **must** match Companies House exactly
 - Must include the details of a named director/secretary shown on Companies House as the recipient for legal documents

Application Forms

- Form F3 – Fees and Declarations
 - Section 1 (Fee and number of activities) can be always left blank as this information will be confirmed during assessment
 - The legal declaration in Section 5 must be completed by either:
 - A named director/secretary for the company named on the Part A form
 - An individual authorised by a named director/secretary for the company named on the Part A form with proof of delegated authority in writing

The Operator

- Completes, signs and pays for permit.
- Legal responsibility for the permit, named on the Permit Document
- They have 'control' of works on the ground
- Responsible for adhering to any ongoing conditions from the permit
- Can utilise Sub Contractors
 - doesn't usually change the operator.
 - legal agreement remains with main contractor.

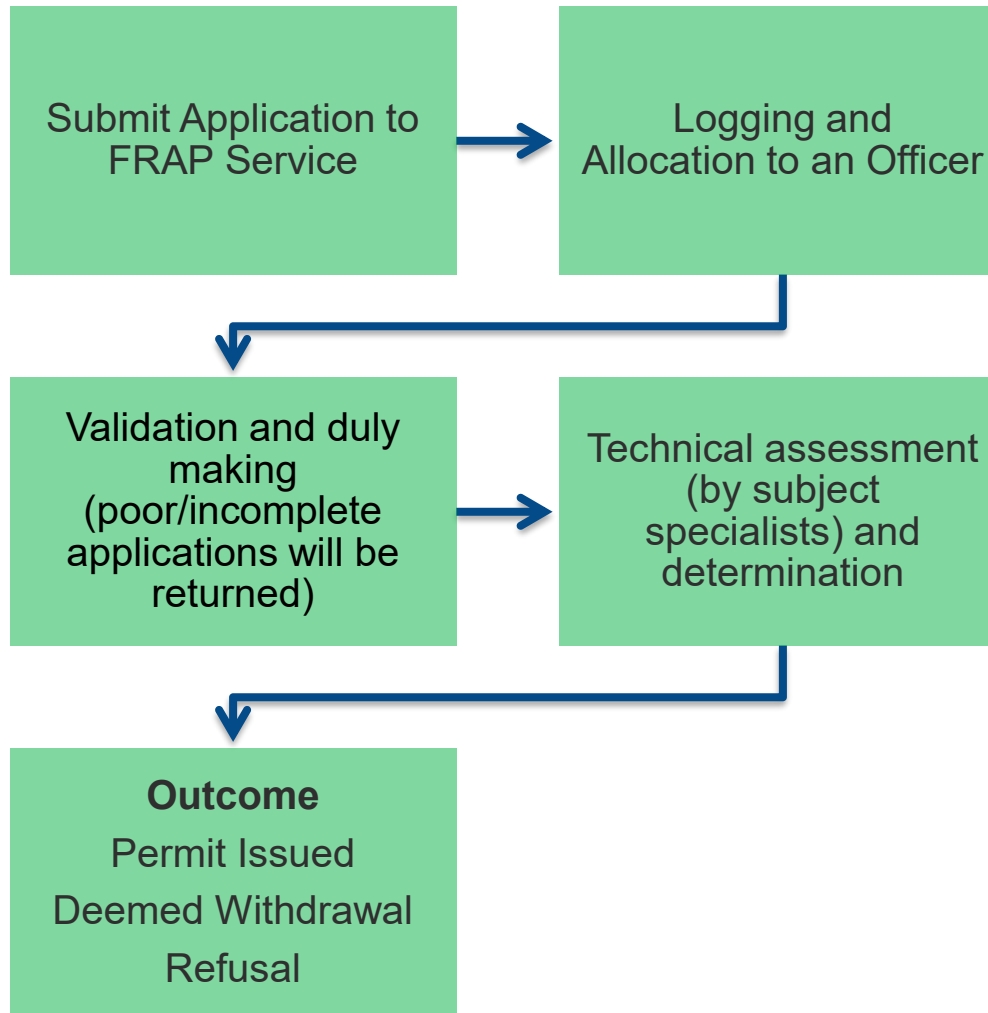
Minimum Technical Requirements

- Site plan
 - grid reference/coordinates
 - clear boundary around the location of works
- Drawings of the proposed permanent and temporary activities/works
 - cross-sections
 - plans
 - Height, Width, Crest Level etc
- Detailed Method Statement & Environmental Risk assessment
- Flood Risk Assessment
- Other supporting information

Ecological Constraints

- Designated Sites
 - SSSI's, SAC's, SPA's, Ramsar's, MCZs
 - may need a habitats regulations assessment
- Protected Species/Habitats
 - Timing for Surveys
 - In river timing restrictions
 - Cyprinid Rivers – 15th March to 15th June inclusive
 - Salmonid Rivers – 1st October to 31st May inclusive
 - Rivers featuring protected fish spawning habitats – 1st October to 15th June inclusive
- Water Framework Directive

Process



Time Frames

4 months – to allow for more complex cases and periods of high demand, you should plan to receive your permit within 4 months

3 months – most applications are processed within 3 months or less

Queue

Time it takes for us to start working on your application

- This varies depending on current workload
- An officer will be in touch as soon as your application has been allocated

Validation/duly making

Checking your application has everything we need to make an assessment

- We aim to make a duly made decision within 2 weeks
- If an application is incomplete, this will take longer, or we may return it
- Includes checking activities and taking payments
- Responding quickly to requests for information will speed things up

Determination

Technical assessment and decision if we can grant your permit

- We have a statutory timeframe of 2 months, however it varies depending on how much assessment is needed
- We consult other teams for local advice and support making a decision
- Responding quickly to requests for information will speed things up

Common Delays

- Poor/incomplete applications
- Increasing flood risk / discharge rates
- Poor access for maintenance
- Impacts on habitats or ecology
- Lack of alternatives considered (optioneering)
- High demand for FRAP service

Combat delays

- Engage with us early via pre-application service
- Ecology and other time sensitive reports (in date)
- Design for flood risk and climate change
- Allow sufficient time for processing FRAP application
- Understanding the programme of work

Post Permit

- Variations - Changes to a Permit
 - Add new activities
 - Expand site boundary
 - Revise designs
- Transfers – Change the Operator
- Surrenders – Cancel the Permit

Links

- [Flood risk activities: environmental permits - GOV.UK](#)
- Exclusions
 - [Excluded flood risk activities: environmental permits - GOV.UK](#)
- Exemptions
 - [Exempt flood risk activities: environmental permits - GOV.UK](#)
 - [Register Your Exemption](#)
- Standard Rules
 - [Standard rules: environmental permitting - GOV.UK](#)
- [Statutory Main River Map](#)
- [Develop a management system: environmental permits for flood risk activity - GOV.UK](#)
- [Flood risk activity risk assessment for your environmental permits - GOV.UK](#)

Contact Us

- FRAP service
 - Submit FRAPs – flood.permitting@environment-agency.gov.uk
- Enquiries
 - Want advice - enquiries@environment-agency.gov.uk

