

Water quality – Application for consent for a controlled activity within the River Dee Water Protection Zone

Guidance notes

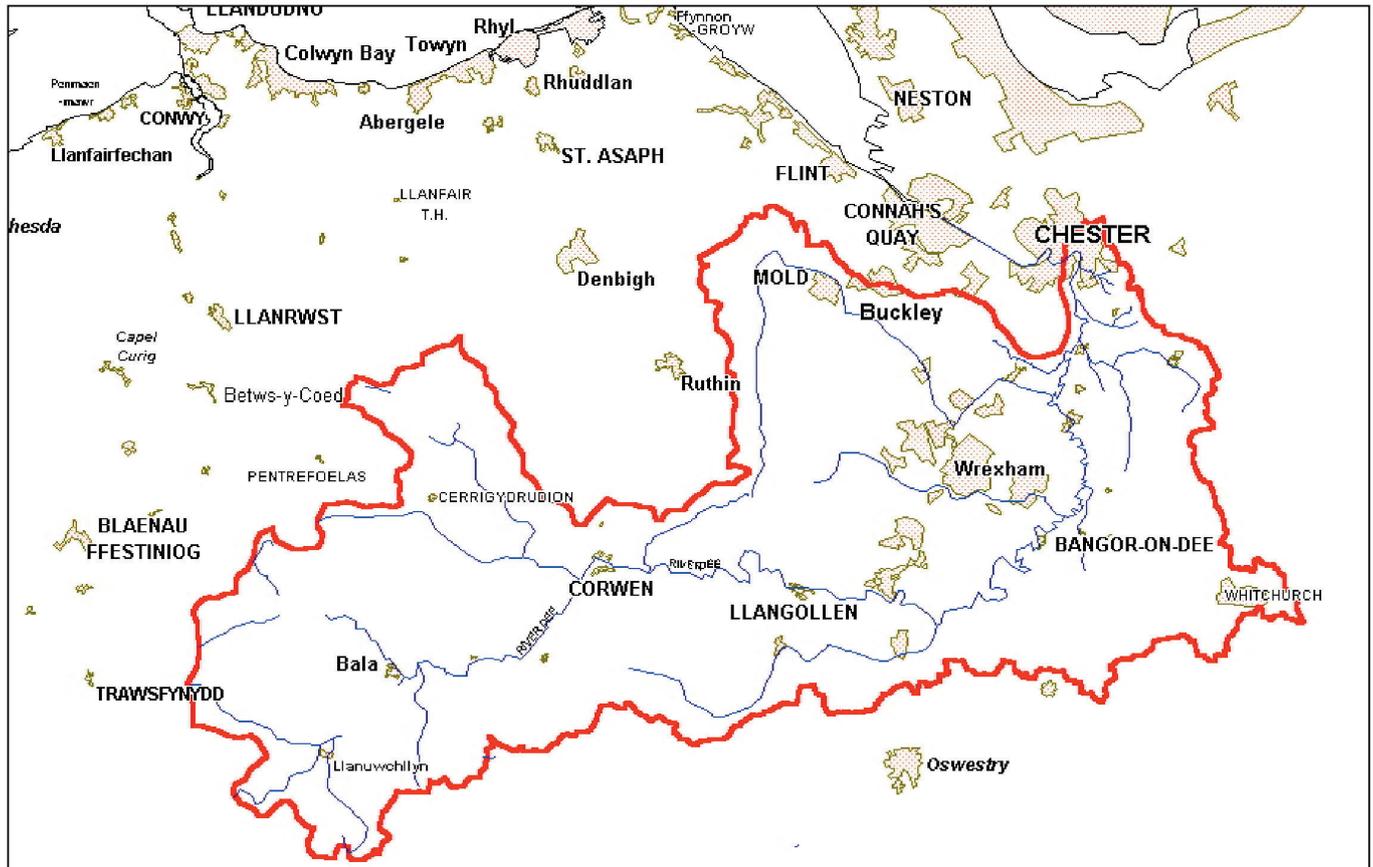
The Water Protection Zone (River Dee Catchment) Designation Order 1999 and accompanying regulations came into force on 21 June 1999 and are regulated by us, Natural Resource Wales, and the Environment Agency.

The order affects a large number of sites within the River Dee catchment area (outlined in red on the map below) where certain substances are stored and used.

The information in this document is for guidance only.



The River Dee Water Protection Zone area



Introduction

Please read through these guidance notes and the application form carefully before you fill the form in.

The River Dee is one of the largest lowland rivers used for public water supplies in England and Wales. It provides drinking water to more than two million people in north-east Wales, Cheshire and Merseyside. The river is particularly vulnerable to pollution because of the large number of industries located upstream of where water is abstracted (removed). There have been several pollution incidents caused by industries within the catchment area, some affecting drinking water.

In circumstances where there could be a risk to public health through water pollution, the law provides extra protection measures, including designating an area as a Water Protection Zone. A Water Protection Zone is a defined area where certain activities (storing or using controlled substances) are banned or restricted in order to reduce the risk of polluting drinking water.

Under the Water Resources Act 1991, we can apply for an order to designate an area as a Water Protection Zone. This action aims to prevent water pollution arising from activities that cannot be controlled using other permits.

To check whether your site is within the Dee Water Protection Zone (DWPZ), see the map in this guidance. If you are still not sure about whether your site is within the DWPZ, contact us using the details in “How to contact us” on page 6.

All of the laws relevant to the application are available on the website at www.legislation.gov.uk

Legal requirements

Catchment control sites

The order applies to the following types of site (catchment control sites):

- industrial sites
- research and development sites

- sites used as a storage or distribution centre
- sites used for storing or treating water, surface water, trade effluent or domestic sewage.

All catchment control sites within the River Dee Water Protection Zone area may be affected by the Water Protection Zone (River Dee Catchment) Designation Order 1999 (the order). The order does not apply to the following types of site:

- retail premises (any premises used totally or mainly for selling goods to the public)
- sites within an agricultural unit, as defined in the Agriculture Act 1947
- construction sites (land on, over or under which a building is being built or other civil engineering work is being carried out).

The order may also not apply to some sites where activities are already authorised under other laws (for example, the Environmental Permitting Regulations 2010 and any amendments to them). If you are not sure whether the order applies to you, contact the River Dee WPZ Consenting Officer.

If your site is in the Water Protection Zone and you store or use more than the relevant quantity of a controlled substance, you need a Water Protection Zone consent (see ‘Controlled substances’ and ‘Relevant quantities’ below).

The order allows us to identify any substances in the catchment area which could cause unacceptable pollution of the River Dee. We will require those who use or store such substances (controlled substances) to introduce precautionary measures to reduce the risk of pollution.

Controlled substances

A controlled substance is any substance (whether natural or artificial, solid or liquid) which falls within any of the following categories.

Solids	Liquids
Dangerous substances	Dangerous substances
Medicinal products	Medicinal products
Cosmetic products	Cosmetic products
Toxic substances	Toxic substances
Corrosive substances	Corrosive substances
Harmful substances	Harmful substances
Irritant substances	Irritant substances
Inorganic fertilisers	Liquid fertilisers
	Liquid food or feeding stuff
	Fuels that are not used only for providing heat and power
	Solvents
	Industrial spirits
	Lubricants

The following are not controlled substances:

- solid food and feeding stuffs
- substances that are gases or vapours under normal conditions
- fuel used only for providing heat and power
- substances that are on site for no more than 24 hours while they are being transported from one place to another
- substances in a pipeline that does not have an inlet or outlet on the site
- radioactive waste as defined in Schedule 23 (Environmental Permitting (England & Wales) Regulations 2010)
- any other solid not defined as a controlled substance under the order.

Relevant quantities

You need to apply for a consent if you use or store:

- 500 litres or more of liquid food or feeding stuffs;
- 50 litres or more of any other controlled substance in a single container; or
- 200 litres or more of any other controlled substance; within the River Dee Water Protection Zone.

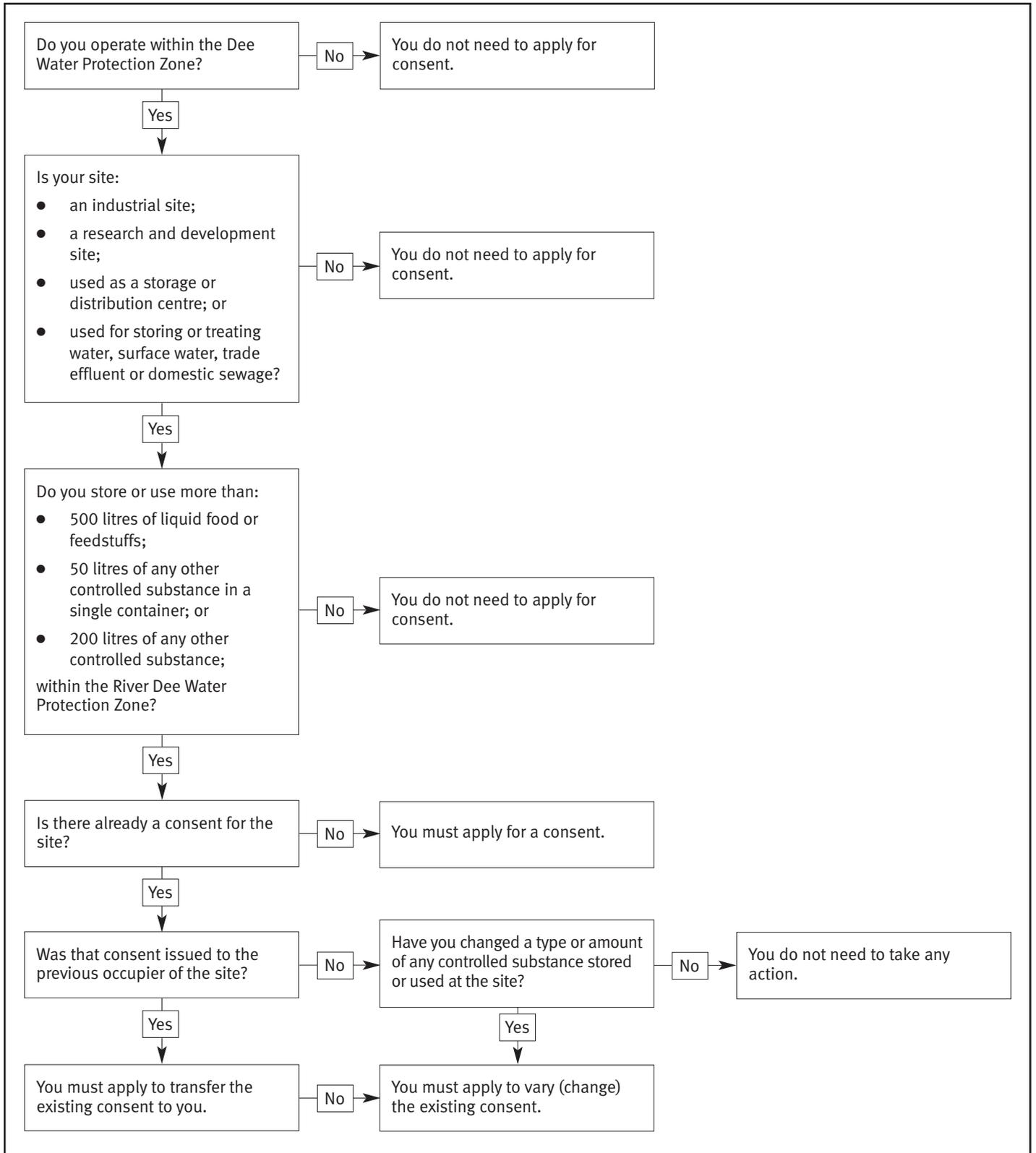
Why consent is needed

Under the Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999, you need consent (permission) to carry out a ‘controlled activity’ in the River Dee Water Protection Zone. The order defines a controlled activity as keeping or using a controlled substance within a catchment control site. If you do not have consent and you carry out or allow any controlled activity, you are committing an offence under Article 5 of the Water Protection Zone (River Dee Catchment) Designation Order 1999. If you were convicted, you could be fined an unlimited amount or be sent to prison for up to two years.

Who needs consent

You need consent if you perform a controlled activity within the River Dee Water Protection Zone.

The flowchart below will tell you whether you need to apply for consent.



Filling in the application form

Please read the following notes on how to fill in the application for consent for a controlled activity within the River Dee Water Protection Zone.

Contents

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- Part B The applicant
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- Part E Processes at the site, and the safety and emergency procedures
- Part F Payment
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- Part H Confidentiality
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- Part J Declaration

Part A What you are applying for

Tick the relevant box to tell us whether you are applying:

- for a new consent;
- to vary (change) the conditions of an existing consent (for example, change the types of controlled substances or the quantities); or
- to transfer an existing consent (if an existing consent was issued to someone else and needs to be transferred to you).

Please provide the number of the existing consent, and contact us if you need advice about any changes you want to make to your existing consent.

Part B The applicant

B1 Details of the person or organisation applying for the consent

B1.1 Type of applicant

Tick the relevant box to tell us which of the following you are applying as, and give the details asked for.

a An individual

Give:

- your full name, including your title (Mr, Mrs, Miss and so on).

b A public body

Give:

- the public body's name; and
- the name and job title of the person authorised to sign official documents on behalf of the public body.

c A company registered at Companies House

Give:

- the company's name, as registered at Companies House;
- the company's registration number; and
- the name and job title of the person authorised to sign official documents on behalf of the company.

d A company not registered at Companies House

Give:

- the company's name; and
- the name and job title of the person authorised to sign official documents on behalf of the company.

e A partnership registered at Companies House

Give:

- the partnership's registered name;

- the partnership's registration number; and
- the name and job title of the person authorised to sign official documents on behalf of the partnership.

f A partnership not registered at Companies House

Give:

- the partnership's trading name; and
- the name and job title of the person authorised to sign official documents on behalf of the partnership.

You also need to provide the names and addresses of all partners. Put them in a separate document and label it B.1f.

g A charity

Give:

- the charity's name, as registered with the Charity Commission;
- the charity's registration number; and
- the name and job title of the person authorised to sign official documents on behalf of the charity.

You also need to provide the names and addresses of all trustees. Put them in a separate document and label it B.1g.

h A club

Give:

- the club's name; and
- the name and job title of the person authorised to sign official documents on behalf of the club.

You also need to provide the names and addresses of all trustees. Put them in a separate document and label it B.1h.

If you are not sure which type of applicant you are, contact the River Dee Water Protection Zone Consenting Officer.

B1.2 Applicant contact details

Give your main address, phone numbers and email address. If you are applying as a partnership or company registered at Companies House, you must give the registered address. Also, the email address you give must be the Company Secretary's. This is where we will email the consent any information connected with the consent.

B2 Details of the person we should contact about your application

Please give the details of the person we should contact if we have any questions about your application. The person must be authorised to act on behalf of the applicant named in B1. This can be an agent or consultant.

Part C The catchment control site

C1 – Give the name of your site within the Dee Water Protection Zone, the full address, and national grid reference. To find out the 12-digit grid reference (for example, ST 12345 67890), go to the UK Grid Reference Finder website at <http://gridreferencefinder.com/>.

You should also provide a phone number in case we need to contact you if there is an emergency at your site. This needs to be a 24-hour number as we respond to emergencies 24 hours a day.

C2 – Give a brief description of what happens at the site (for example, manufacturing cleaning products).

C3 – You must send us a map and a plan of the catchment control site, as explained below.

- A general map of the local area, with the boundary of the site marked in red. Label the map C3.1 – Site map.

- A detailed plan of the premises showing:
 - site drainage;
 - storage areas; and
 - areas where substances are stored and handled.

Label the plan C3.2 – Site plan.

If you need more advice on drainage plans, visit the ‘Pollution prevention’ guidance pages on our website and our ‘Pollution prevention pays’ publication.

Part D The controlled substances

D1 – In the table, you must give details of **all** of the controlled substances you have on the site at any time. If you are applying to vary an existing consent, please list all of the substances that are stored or handled on the site. Your consent will only apply to substances you list in the table in section D of the application form.

In column A, give the product’s trade name, as shown on the label.

In column B, give the name of the chemical (for example, sodium hydroxide). For substances that are a mixture of chemicals, you should provide details of the major components in the mixture.

In column C, give the name the chemical is commonly known as (for example, caustic soda).

In column D, give the chemical abstract service (CAS) number.

In column E, give the concentration of the chemical in the product (for example, 10%). This will be shown on the product label.

In column F, state the type of container the product is kept in (for example, metal drum, plastic IBC (intermediate bulk container) and so on).

In column G, give the amount of product the container can hold, even if it is not actually full.

In column H, give the maximum number of containers you would hold at any one time.

In column I, give the maximum amount of the substance you could have on the site at any one time. This would be the figure in column G multiplied by the figure in column H.

In column J, state the type of enclosure or structure the container is stored or handled in (for example, on a drip tray in a covered storage area).

In column K, say why the product is on site (for example, stored for distribution, used in manufacturing cleaning products and so on).

Only fill in **column L** if you are applying to vary an existing consent:

- If you want to add a new substance that is not included in your current consent, write ‘new substance’.
- If the substance is on your current consent and you are not applying to change the maximum volume, write ‘same volume’.
- If the substance is on your current consent and you are applying to increase the maximum volume, write ‘increased volume’.
- If the substance is on your current consent and you are applying to reduce the maximum volume, write ‘reduced volume’.

If you prefer, you can give the details of the controlled substances in a separate document. However, you must provide all the information asked for in the table. If you do provide a separate document, label it D1.

D2 – You must provide Material Safety Data Sheets (MSDS) for each controlled substance in the table at D1. We need this information to assess the risks that each substance poses to drinking water.

You can get Material Safety Data Sheets from the substance’s manufacturer. You need to label each MSDS ‘D2.1’, ‘D2.2’ and so on. (That is ‘D2.1’ on the MSDS for substance 1, ‘D2.2’ on the MSDS for substance 2 and so on.) If you prefer you can send electronic copies of Material Safety Data Sheets. If you want to do this, contact the River Dee Water Protection Zone Consenting Officer.

Part E Processes at the site, and the safety and emergency procedures

E1 – Give a description of the processes carried out on the site, indicating the types of equipment you use and the volume of controlled substances used in any major manufacturing equipment. You must also explain the scale of operations (for example, whether it produces a single batch or several batches at a time, whether it is mainly manual or automated, and whether you change this process frequently).

E2 – You must:

- specify the processes or activities during which a controlled substance could leak or escape and contaminate land or water (for example, when substances are being delivered or mixed);
- give a summary of the emergency procedures you have in place at the site to prevent spills and so on, and how to deal with any incidents to make sure that the pollution is contained (for example, spill kits, absorbent material, drain covers) and to reduce the effect on the environment.

For guidance on how to produce emergency procedures, see the Pollution Prevention Guidance PPG 21 (Pollution incident response planning) and the PPG 22 (Dealing with spills) on our website at www.naturalresourceswales.gov.uk.

To help you identify and manage risks your business could pose to the environment, you could use one of our toolkits to produce an environment management system. For more information, visit our website.

Part F Payment

When you send us your application, you have to pay a one-off fee for processing your form. The fees are:

- £50 for 10 or fewer controlled substances; and
- £250 for more than 10 controlled substances.

If you are applying to vary an existing consent, you only need to count the substances that would be new to the consent and the substances that have increased in quantity.

We cannot process your application until we have received the correct application fee.

Payment method

You can pay in any of the following ways.

By cheque

Make your cheque payable to Natural Resource Wales. On the back of the cheque, write a reference number. The reference number should start with ‘DPZ’ followed by the first five letters or numbers of your business name and then the date. (For example, a company called Substance Store making a payment on 31 January 2013 would have the reference number ‘DPZSUBST310113’.)

If you are paying by cheque, tick the relevant box and state the payment amount, the cheque number and the reference you have written on the back of it.

Send the cheque to us with your application form. We will not accept cheques with a future date on them.

By credit card or debit card

You can pay by Visa, MasterCard or Maestro **before** you send in the application form. To pay by card, phone our finance department on 0300 065 3000. They will give you with a payment reference number which you must make a note of.

If you have paid by card, tick the appropriate box and state the payment amount and the reference number our finance team gave you.

By electronic transfer

You can pay by electronic transfer from your bank account before you send us your application. To pay by electronic transfer you will need to give your bank the following information about us:

Company name: Natural Resources Wales

Company address: PO Box 663, Cardiff, CF24 0TP

Bank: RBS

Sort code: 60-70-80

Account number: 10014438

You will need to give the payment a reference number. The reference number should start with 'DPZ' followed by the first five letters or numbers of your business name and then the date. (For example, a company called Substance Store making a payment on 31 January 2013 would have the reference number 'DPZSUBST310113'.)

If you have paid by electronic transfer, tick the relevant box, give the payment amount and the reference number you gave the payment.

You should also email your payment details and payment reference number to

Banking.Team@cyfoethnaturiolcymru.gov.uk or post it to the Income Team, PO Box 663, Cardiff CF24 0TP.

If you are making your payment from outside the United Kingdom, it must be in sterling. You will need to quote our IBAN number (GB70NWBK60708010014438) and our SWIFT/BIC number (NWBKGB2L).

Part G Data protection

This section explains how we will use the information you give us.

We have to make certain environmental information available to the public. This includes details about consents we issue and details from discharge sites. This means that we must place a copy of this application on a public register.

Under data protection laws, you have a right to see the information we have about you and the right to apply to a court to correct any information that is wrong.

Part H Confidentiality

If you feel that any of the information you have given on the application form should not be made public (on the grounds of 'commercial confidentiality') you should tick the 'yes' box and enclose a letter specifying which information you think should remain confidential and why. Label that letter H1.

We will contact you within 14 days to let you know whether we agree that the information is confidential.

Part I Checklist

In this section you must tick 'yes' or 'no' to tell us what you have sent with your application form.

We will not process your application until we have all the documents we need.

Part J Declaration

The application must be signed by the appropriately authorised person. The table below gives details of who can sign the application.

Who will hold the consent	Signature needed
Individual	The applicant themselves
Public body (for example, a local authority or NHS trust)	A person authorised to sign documents on behalf of the organisation
Registered company	Company director or company secretary
Company not registered at companies house	A person authorised to sign documents on behalf of the company
Partnership	One or more of the partners
Charity	A person authorised to sign documents on behalf of the charity
Club	A person authorised to sign documents on behalf of the club

If more than one person has to sign, make enough copies of this page for everyone to sign one.

Where to send your application

Send your application to:

River Dee Water Protection Zone Consenting Officer
 Natural Resources Wales
 Chester Road
 Buckley
 Flintshire
 CH7 3AJ.

If you need help and advice

We have made the application form as simple as possible, but please get in touch with us if you need any advice on how to set out the information we need.

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.

Phone: 0300 065 3000 (Monday to Friday, 8am to 6pm)

For technical enquiries, ask to talk to the Dee Water Protection Zone Consenting Officer.

Email: enquiries@naturalresourceswales.gov.uk

Website: www.naturalresourceswales.gov.uk

If you are happy with our service, please tell us. It helps us to identify good practice and encourages our staff. If you're not happy with our service, please tell us how we can improve it.

What happens next

When we receive your application we check that:

- the application form is complete;
- you've paid or enclosed the correct application fee; and
- you've sent all the supporting documents we need.

If anything is missing we will ask you for it.

We will assess your application and decide whether or not we can grant a consent, or vary or transfer an existing one. We may need to ask for more information.

If any of the information you gave on your application changes at any time, you must let us know straight away.

How long does it take?

The law states that we should make a decision on applications within four months of receiving all the documents we need. We aim to make a decision on your application within this time. If we cannot keep to the four-month timescale, we will usually tell you why and ask you to give us more time. If you are not happy to give us more time, you can appeal to the Secretary of State (in England) or the Welsh Ministers (in Wales), as explained below.

Issuing the consent

If we accept your application, we will usually issue the consent as soon as possible. The consent will set out the conditions we expect you to keep to at the site.

Appeals

If:

- we do not accept your application;
 - you are not happy with any of the conditions we include on your consent; or
 - we do not process your application on time;
- you can appeal to the Secretary of State (in England) or the Welsh Ministers (in Wales).

We will send details of how you can appeal when we give you our decision on your application. If we do not process your application on time, you can appeal within 28 days of the end of the four-month timescale (or at the end of any extended period you agreed to give us).

