

G2.0 Policy Context

Overview

- G2.1 This section provides an overview of the issues from the relevant planning policies guidance and policy guidance which have been considered in assessing potentially significant effects related to the water environment.
- G2.2 A summary of policies and legislation is set out in the below tables. Further details are then provided, including on their relevance to this ES chapter.

Table G 2: Policy issues considered in preparing the water environment assessment

Policy Reference	Policy Issues
NPPF (revised, 2019)	
Paragraph 17	Achieving Sustainable Development principles (para 8c) include contributing to protecting and enhancing the natural environment and minimising pollution.
Section 14, Paragraph 150a	New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change including flood risk and water supply. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
Section 14, Paragraphs 155-165	Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
Section 15, Paragraph 170e	New and existing development should not contribute to or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
National Planning Practice Guidance (Environment Agency, 2019a)	Multiple benefits for people and the environment can be achievable through good design and mitigation. For example, flood risk can be reduced and biodiversity and amenity improved by designing development that includes permeable surfaces and other sustainable drainage systems, removing artificial physical modifications (for example, weirs and concrete channels) and recreating natural features. Water quality can be improved by protecting and enhancing green infrastructure and further information on this can be found in the planning practice guidance on the Natural Environment. Good design and mitigation measures can be secured through site specific policies for allocated sites and through non-site-specific policies on water infrastructure and protecting the water environment. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out. Local planning authorities can use planning conditions and / or obligations to secure mitigation and compensatory measures where the relevant tests are met. Planning obligations can be used to set out requirements relating to monitoring water quality, habitat creation and maintenance and the transfer of assets where this mitigates an impact on water quality. The guidance supports the NPPF.
Redcar and Cleveland Borough Council (RCBC) Local Plan (May, 2018)	

Policy SD1: Sustainable development	Protect the quality and availability of water resources and maximise the efficient use of water.
Policy SD7: Flood and water management	Flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk.

G2.3 The legislation relevant to the assessment of effects of the proposed development on the water environment is summarised below.

Table G 3: Legislation relevant to the assessment of the water environment

Legislation	Description
Water Environment (Water Framework Directive) (England and Wales) Regulations 2017	The Water Framework Directive (WFD) came into force in 2000 and is the most substantial piece of EU water legislation to date. All new activities in the water environment will need to take the Directive into account. The Directive imposes legal requirements to protect and improve the water environment. The EU Water Framework Directive was transposed into law in England and Wales by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003. The 2003 regulations were consolidated and replaced with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. The Directive requires that Environmental Objectives be set for all surface and ground waters in England and Wales to enable them to achieve Good Status (or Good Ecological Potential for Heavily Modified and Artificial Water Bodies)
Water Act 2003	This Act was a revision of the Water Resources Act (1991) which stated that it is an offence to cause or knowingly permit polluting, noxious, poisonous or any solid waste matter to enter controlled waters. The Act sets out regulatory controls for water abstraction, discharge to water bodies, water impoundment and protection of water resources. Elements of the Water Resources Act 1991 have now also been superseded by the Environmental Permitting (England and Wales) Regulations 2010.
Environmental Permitting (England and Wales) Regulations 2010	This provides a consolidated system for environmental permits and exemptions for activities which include discharges to surface waters. It also sets out the powers, functions and duties of the regulators.
Groundwater Regulations 1998	These require the prevention of List I substances (such as mercury, cadmium, polyaromatic hydrocarbons) entering groundwater and the control of List II substances (such as heavy metals, nutrients, phenols) to avoid pollution of groundwater. Within the context of the WFD, the groundwater daughter directive was brought into force in January 2009, which will seek to prevent deterioration in groundwater quality.
The Land Drainage Act 1991 & 1994	This places responsibility for maintaining flows in watercourses on landowners and gives Local Authorities powers to serve a notice on landowners to ensure works are carried out to maintain flow of watercourses.
Floods and Water Management Act 2010	This sets out the Government's proposals to improve flood risk management, water quality and ensure water supplies are more secure. In December 2009, the Flood Risk Regulations were published, which transpose the EU Floods Directive into UK law and these cover the flood issues from the Floods and Water Management Bill.

G2.4 Other policy, regulatory and best practice guidance of relevance to this assessment includes the following:

- Environment Agency ('EA') Principles and Practice for the Protection of Groundwater (GP3);
- EA Pollution Prevention Guidance (PPG) Notes¹:
 - PPG 1 General guide to the prevention of water pollution;
 - PPG 2 Above Ground Oil Storage Tanks;
 - PPG 3 Use and design of oil separators in surface water drainage systems;
 - PPG 4 Disposal of sewage where no mains available;
 - PPG 5 Works in, near or liable to affect watercourses;
 - PPG 6 Working at construction and demolition sites;
 - PPG 7 The safe operation of refuelling facilities;
 - PPG 8 Safe storage and disposal of used oils; and
 - PPG 13 Vehicle washing and cleaning: prevent pollution;
 - PPG 21 Pollution incident response planning; and
 - PPG 22 Dealing with spills.
- Construction Industry Research and Information Association (CIRIA) Report C532: Control of Water Pollution from Construction Sites;
- CIRIA Report C502: Environmental Good Practice on Site;
- CIRIA Report 515: Groundwater Control – design and practice;
- CIRIA Report C697: The SuDS manual;
- BS6031: 2009 Code of Practice for Earth Works;
- Good Practice Guide for Handling Soils (MAFF, 2000);
- Local and Regional Land Drainage Bylaws;
- Redcar and Cleveland Strategic Flood Risk Assessment (RCBC, 2016); and
- River Tees Catchment Flood Management Plan (EA, 2009).

Requirements of Flood Risk Legislation, Policy and Guidance

- G2.5 There are a number of pieces of legislation relating to flooding as shown in the flow diagram below. The EU Floods Directive 2007 was interpreted into the England and Wales legislation Flood Risk Regulations 2009 (Regulations) and the Flood and Water Management Act 2010 (Act).
- G2.6 The Regulations identify and take action in areas with the most significant flood risks and require the following to be produced:
- 1 A preliminary Flood Risk Assessment Report providing a high-level overview of flood risk from local flood risk sources and identifying the Flood Risk Areas.
 - 2 Flood hazard maps and flood risk maps for Flood Risk Areas.
 - 3 Flood risk management plans for Flood Risk Areas.
- The purpose of the Act is to:

¹ It is noted that the PPG notes are now withdrawn but are nonetheless applied in the absence of direct replacement guidance notes.

- 1 Introduce the concept of flood risk management and the framework for the delivery of flood and coastal erosion risk management through national and local strategies.
- 2 Provide definitions, for example "flood", "surface runoff", "Risk Management Authorities", "Lead Local Flood Authority."

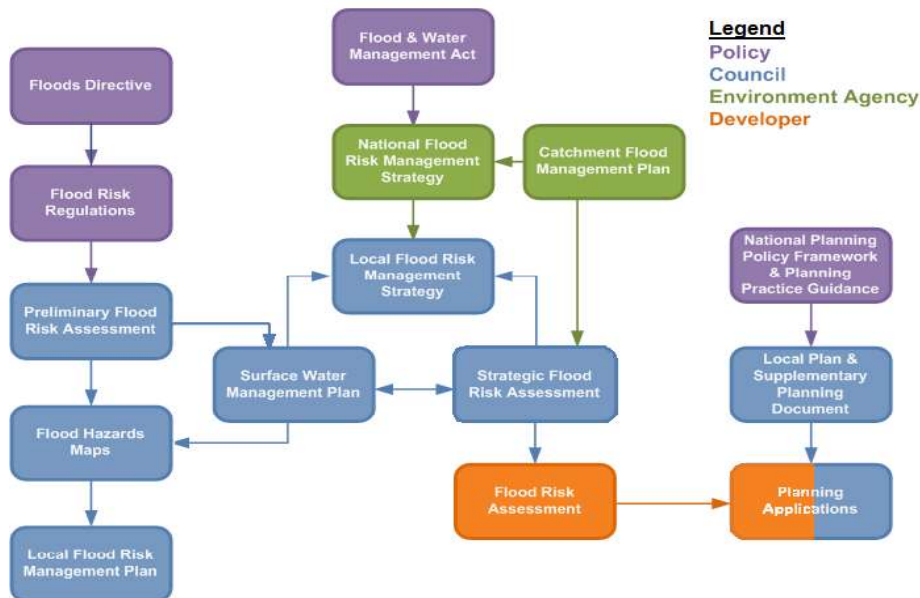


Figure G 1:Key documents and strategic planning links with flood risk

National Planning Policy

- G2.7 The new National Planning Policy Framework ('NPPF') was published in July 2018 and updated was in June 2019. The NPPF sets tests to protect people and property from flooding which all local planning authorities are expected to follow. It must be taken into account in the preparation of local plans and is a material consideration in planning decisions. Where these tests are not met, national policy is clear that new development should not be allowed. The main steps to be followed are set out below which, in summary, are designed to ensure that if there are better sites in terms of flood risk, or a proposed development cannot be made safe, it should not be permitted.
- G2.8 The NPPF is accompanied by Planning Practice Guidance ('PPG') notes which are updated to reflect changes to NPPF.
- G2.9 The key changes in the 2019 NPPF compared to the 2012 NPPF include:
- 1 Strategic policies should also now consider the 'cumulative impacts in, or affecting, local areas susceptible to flooding' (para 156), rather than just to or from individual development sites (see Section 6.5 of the main report).
 - 2 Future risk from climate change. The 'sequential approach should be used in areas known to be at risk now or in the future from any form of flooding' (para 158) (see Sections 6.6 of the main report and Appendix B).
 - 3 Natural Flood Management. 'Using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques)' (para 157c) (see Section 5.7.4 of the main report and Appendix B).