

Appendix 10.2 – Legislation, Policy and Guidance

Policy and Guidance (National)

- British Water Code of Practice, Flows and Loads – 4, 2013
- CIRIA (2004a) Interim Code of Practice for Sustainable Drainage Systems
- CIRIA (2004b) Report C609B, Sustainable Drainage Systems – Hydraulic, Structural and Water Quality Advice
- CIRIA (2004c) Funders Report CP/102 Development and Flood Risk – Guidance for the Construction Industry
- CIRIA (2015) Report C753, The SuDS Manual
- CIRIA C624 Development and Flood Risk – Guidance for the Construction Industry
- CIRIA (1999) C502 Environmental Good Practice on Site
- CIRIA (2001) C532 Control of Water Pollution from Construction Sites]
- Design Manual for Roads and Bridges LA 104 Environmental assessment and monitoring (Revision 1 August 2020) www.standardsforhighways.co.uk.
- Environment Agency February 2016. <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>
- Flood and Water Management Act 1991
- Freshwater Fish Directive 2006/44/EC
- Land Drainage Act 1991
- National Planning Policy Framework (NPPF) paragraphs 99-104 Department for Communities and Local Government 2012
- Office of the Deputy Prime Minister, The Building Regulations, 2000 Part H, as amended
- Planning Practice Guidance ID7-030-20140306; Flood Risk & Coastal Change Department for Communities and Local Government (2014)
- Water Resources Act 1991
- Water Framework Directive (WFD), 2000/60/EC
- WRC (2012) Sewers for Adoption, 7th Edition

Policy and Guidance (Local)

- Havant Draft Local Plan 2036: Havant Borough Council:
 - Policy E2: Green infrastructure
 - Policy E11: Chichester Harbour Area of Outstanding Natural Beauty

- Policy E12: Managing Flood Risk in New Development
- Policy E13: Drainage infrastructure in New Development
- Policy E14: Ecological Conservation
- Policy E16: Solent Protection Area
- Policy E20: Amenity and Pollution
- Policy E21: Contamination
- Havant Borough Core Strategy, March 2011.
 - CS15 – Flood and Erosion Risk
 - CS19 – Effective Provision of Infrastructure
 - CS21 – Developer Requirements.
- Partnership for Urban South Hampshire (PUSH) Strategic Flood Risk Assessment 2016
- North Solent Shoreline Management Plan.
- Coastal Defence Strategies.
- East Hampshire Abstraction Licensing strategy (2013).

National Policy & Legislation

- **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities & Local Government, 20 July 2021 as updated) sets out Government planning policies for England and how these are expected to be applied. The framework acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications.

NPPF Section 14 Paragraphs 159-169 (planning and flood risk) set out the need for an appropriate assessment of flood risk on a site-specific basis. Guidance on the minimum requirements for such an assessment is in Planning Practice Guidance (PPG) on 'Flood risk and coastal change' PPG Ref ID 7 (see below).

The NPPF requires the application of a sequential, risk-based approach to determining the suitability of land for development in flood risk areas, and that flood risk assessment should be carried out to the appropriate degree, at all levels of the planning process.

Footnote 55 states that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the EA as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

- **Planning Practice Guidance, online**

PPG on Flood Risk and Coastal Change Ref ID 7 (Ministry of Housing, Communities and Local Government, 20 August 2021 as updated) provides guidance to ensure effective implementation of the NPPF planning policy for development in areas at risk of flooding.

- **The Pitt Review**

In June 2008 Sir Michael Pitt published his final report into the summer 2007 flooding across the UK. The report examined both how to reduce the risk and impact of floods, and the emergency response to the floods in June and July 2007.

- **Flood and Water Management Act 2010**

The Flood and Water Management Act 2010 provides comprehensive management of flood risk for people, homes and businesses. It gives the Environment Agency an overview of all flood and coastal erosion risk management and unitary and county councils the lead in managing the risk of all local floods and introduce an improved risk-based approach to reservoir safety. The Act also encourages the uptake of sustainable drainage systems (SUDS) by removing the automatic right to connect to sewers and providing for unitary and county councils to adopt SUDS for new Developments and redevelopments.

- **Land Drainage Act and Water Resources Act 1991**

In addition to the national planning policy the application is liable for consideration by the Environment Agency under the Land Drainage Act (1191) and the Water Resources Act (19910. Consent from the Environment Agency is required for any proposed discharges to controlled waters. Consent would also be required for any Development in 8m of a designated main river under the Environment Agency's Land Drainage Byelaws.

- **CIRIA Report C624 – Development and Flood Risk – Guidance for the Construction Industry**

This report provides practical guidance to assist the construction industry meet the challenge of achieving sustainable communities that consider flood risk. It recommends a tiered approach to flood risk assessment. Three levels of assessment are defined:

- Level 1: Screening study to identify whether there are any flooding issues related to the Development site which need further consideration.
- Level 2: Scoping study to be undertaken if the Level 1 assessment indicated that the site may lie in an area which is at risk of flooding or may increase flood risk elsewhere. A level 2 assessment is also used to confirm possible sources of flooding that may affect the site.
- Level 3: Detailed study to be undertaken if the Level 2 assessment concludes that quantitative analysis is required to assess fully the flood risk issues related to the Development site,

CIRIA Environmental Good Practice on Site (C502) (1999), CIRIA Control of Water Pollution from Construction Sites (C532) (2001), provide guidance on hydrology, flood risk and water quality for consultants and contractors.

Local Policy

A Local Development Framework (LDF) is the spatial planning strategy introduced in England and Wales by the Planning and Compulsory Purchase Act 2004 and given detail in Planning Policy Statements 12. Local Development Frameworks (LDFs) comprise various local planning policy documents, these include: Development Plan Documents that have been subject to independent examination and have the weight of development plan status as defined by Section 38(6) of the Act; and Supplementary Planning Documents, which are not subject to independent examination and do not have development plan status.

The emerging Havant Borough Local Plan 2036 went out to public consultation between 8th January and 16th February. The council has an adopted Local Plan made up of the Core Strategy (2011) and the Site Allocations Plan (2014).

In terms of flood risk, the adopted Local Plan is supported by the Partnership for Urban South Hampshire SFRA (2016).