

Appendix 10.1 – Legislation, Policy and Guidance

Policy and Guidance (National)

- British Water Code of Practice, Flows and Loads – 4, 2013 – the sizing criteria and treatment capacity for sewage treatment systems guidance document.
- CIRIA (2004a) Interim Code of Practice for Sustainable Drainage Systems – a strategic approach to the allocation of maintenance for SuDS in England and Wales.
- CIRIA (2004b) Report C609B, Sustainable Drainage Systems – Hydraulic, Structural and Water Quality Advice – summary of the current knowledge on the best approaches to design and construction of SuDS in relation to hydrological, hydraulic, structural, water quality and ecological aspects of various SUDS features.
- CIRIA (2004c) Funders Report CP/102 Development and Flood Risk – Guidance for the Construction Industry – assesses flood risk as part of the development process and provides a toolkit to help practitioners complete the assessments.
- CIRIA (2015) Report C753, The SuDS Manual – guidance on the planning, design, construction and maintenance of SuDS.
- CIRIA C624 Development and Flood Risk – Guidance for the Construction Industry – guidance on assessing and managing flood risk as part of a development and planning process and descriptions of the mechanisms and impacts of flooding.
- CIRIA (1999) C502 Environmental Good Practice on Site – guidance on sustainable construction at a site which includes ecology, protected species and habitats, historic environments and archaeological remains, land contamination, nuisance, resources, traffic, and vehicle use.
- CIRIA (2001) C532 Control of Water Pollution from Construction Sites – advice on environmental good practice for the control of water pollution arising from construction activities.
- Design Manual for Roads and Bridges LA 104 Environmental assessment and monitoring (Revision 1 August 2020) www.standardsforhighways.co.uk. – the requirements for environmental assessment of projects, including reporting and monitoring of significant adverse environmental effects.
- Environment Agency February 2016. <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> – guidance on the climate change allowances for each Management Catchment across the UK.

- Flood and Water Management Act 1991 – act of parliament that requires water resources, water quality and pollution, and flood defence.
- Freshwater Fish Directive 2006/44/EC – concerns the quality of fresh waters and shall apply to those waters needing protection or improvement.
- Land Drainage Act 1991 – this act requires that a watercourse be maintained by its owner in such a condition that the free flow of water is not impeded.
- Office of the Deputy Prime Minister, The Building Regulations, 2000 Part H, as amended – building regulation in England and Wales for foul water drainage.
- Planning Practice Guidance ID7-020-20220825; Flood Risk & Coastal Change Department for Communities and Local Government (2014) – advises how to take account of and address the risks associated with flooding and coastal change in the planning process.
- Water Resources Act 1991 – act of parliament that regulates water resources, water quality and pollution, and flood defence.
- Water Framework Directive (WFD), 2000/60/EC – establishes a framework for community action in the field of water policy.
- WRC (2012) Sewers for Adoption, 7th Edition – guidance to support any mandatory build standards for foul sewers as well as provide guidance on the design of adoptable surface water sewers and pumping stations.

Policy and Guidance (Local)

- National Planning Policy Framework (NPPF) (2024).
- Havant Borough Council Local Plan (Core Strategy) (2011)
 - Policy CS15: Flood and Erosion Risk
 - Policy DM9: Development in the Coastal Zone
- Havant Borough Local Plan (Allocations) (2014)
 - Policy AL4: Coastal Change Management Areas
- Havant Borough Council Hayling Island Coastal Management Strategy (2023).
- Hampshire County Council Local Flood Risk Management Strategy (2020).
- Hampshire County Council Lavant Catchment Flood Management Plan (2023).
- Hampshire County Council Groundwater Management Plan (2013).

- Hampshire County Council Preliminary Flood Risk Assessment (PFRA) and associated mapping (2011).
- Partnership for South Hampshire Level 1 Strategic Flood Risk Assessment (2024).
- Havant Borough Council Strategic Flood Risk Assessment (2025)

National Policy & Legislation

- **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities & Local Government, December 2023 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 157-179 (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, September 2025 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 (1991). 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.