



Appendix 8.2

RELEVANT LEGISLATION AND PLANNING POLICY

APPENDIX 8.1: Relevant Legislation and Policy

Legislation

- Water Framework Directive: The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 revoke and replace the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003, which transposed the Water Framework Directive 2000/60/EC (WFD) into UK law. The WFD introduced a comprehensive river basin management planning system to protect and improve the ecological and chemical health of our rivers, lakes, estuaries, coastal waters and groundwater. At its core the WFD aims to prevent deterioration of the water environment and improve water quality by managing water in natural river basin districts, rather than administrative boundaries.
- Groundwater (England and Wales) Regulations 2009 sets groundwater quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater. It establishes quality criteria that take local characteristics into account and provides procedures for assessing the quality of groundwater.
- The Flood Risk Regulations 2009: The purpose of the Flood Risk Regulations 2009 is to transpose the European Commission (EC) Floods Directive (Directive 2007/60/EC) into domestic law, and to implement its provisions. The regulations place duties on the EA and local authorities to prepare flood risk assessments, flood risk maps and flood risk management plans. The plans must identify areas at significant risk of flooding, for any areas classed as 'significant risk' areas. Hazard maps must also be produced along with flood risk management plans to reduce the risk of flooding.
- Nitrates Directive: The Nitrates Directive (91/676/EEC) aims to protect water quality by preventing nitrates from agricultural sources polluting ground and surface waters, and by promoting the use of good farming practices. The directive requires DEFRA to identify surface or groundwaters that are or could be high in nitrates from agricultural sources. Areas of land which drain into polluted waters or waters at risk of pollution, and which contribute to nitrate pollution can be designated as Nitrate Vulnerable Zones.
- Flood and Water Management Act 2010: The Flood and Water Management Act (FWMA) was introduced in 2010 and was intended to implement Sir Michael Pitt's recommendations following the widespread flooding of 2007. The Act requires better management of flood risk, creating safeguards against rises in surface water drainage charges and also protects water supplies for consumers. The Act gave a new responsibility to the EA for developing a National Flood and Coastal Risk Management Strategy and gave responsibility to local authorities to coordinate flood risk management in their areas.
- The Water Resources Act: The Water Resources Act 1991 (WRA) aims to prevent and minimise pollution of water. The WRA sets out the responsibilities of the Environment Agency (EA) in relation to water pollution, water resource management, flood defences, fisheries and navigation in some areas. Part II of this Act deals with the management of water resources, including the licenses required to abstract and impound controlled waters. Part III of the Act deals with the control of water pollution;

this also includes the discharge consenting system. Part IV deals with flood defence, whilst Part VII deals with anti-pollution works and works notices.

- Land Drainage Act: The Land Drainage Act 1994 consolidates various enactments relating to Internal Drainage Boards, and the functions of these boards and local authorities including Lead Local Flood Authorities, in relation to land drainage. The Act requires that a watercourse be maintained by its owner in such a condition that the free flow of water is not impeded, and details how the riparian owner must accept the natural flow from upstream but need not carry out work to cater for increased flow resulting from certain types of work upstream. The Act also details the provisions and powers in respect of the control of flow of watercourses and watercourse restoration/improvement works.
- The Climate Change Act 2008 (2050 Target Amendment) Order 2019: The Act sets up a framework for the UK to achieve its long-term goals of reducing greenhouse gas emissions and to ensure steps are taken towards adapting to the impact of climate change. In 2019, the UK Parliament passed The Climate Change Act 2008 (2050 Target Amendment) Order 2019, to amend Section 1 of the Climate Change Act 2008. The amendment requires the UK to reduce greenhouse gas emissions by 100% compared to 1990 levels. The law has ratified a target of net-zero for the UK by 2050.
- The Environment Act 2021: The Environment Act is made up of two thematic halves, the first provides the legal framework for environmental governance, whilst the second half makes provision for improvement of the environment. This includes measures on waste and resource efficiency, air quality and environmental recall, water, nature and biodiversity, and conservation covenants. Part 5 of the act relates to water, and includes provisions relating to sewage, water abstraction, and priority substances.
- The Environmental Permitting (England and Wales) Regulations 2016 (as amended). The aim of the Environmental Permitting (England and Wales) Regulations 2016 (the EP Regulations) is to streamline the legislative system for industrial and waste installations into a single permitting structure for those activities which have the potential to cause harm to human health or the environment.
- The Reservoirs Act 1975 (as amended) exists to protect public safety by reducing the risk of an uncontrolled release of water from large raised reservoirs and the potentially catastrophic flooding this can cause.
- The Environmental Protection Act 1990 provides the fundamental structure and authority for waste management and control of emissions into the environment.

Planning Policy Context

8.1.1 The following national, regional and local planning policy is relevant to the Development:

National

- National Planning Policy Framework (2021)ⁱ.

Paragraph 153 requires that plans take a proactive approach to mitigating and adapting to climate change, whilst taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes.

Paragraphs 159-168 provide a base for the consideration of flood risk in determining planning applications. It is required that developments do not increase flood risk elsewhere, and that any proposals in areas at risk of flooding are accompanied by an FRA.

Paragraph 168 details that major developments should incorporate SuDS, unless clear evidence shows this would be inappropriate. Systems used should take account of advice from the LLFA, have proposed minimum operational standards, maintenance in place and where possible provide multifunctional benefits.

Paragraph 174 notes how planning policies and decisions should contribute and enhance the natural and local environment. This includes preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. It also notes that development should where possible, improve local conditions such as water quality, taking into account relevant information such as river basin management plans (RBMPs).

Paragraph 179 this paragraph details that plans should protect and enhance biodiversity and geodiversity, including promoting the conservation, restoration and enhancement of priority habitats and ecological networks. They should also identify and pursue opportunities for securing measurable net gains for biodiversity.

- National Planning Practice Guidance (NPPG)

Climate Change 2014 (Updated 2019)

This guidance advises how mitigation and adaptation measures can be identified; it also sets out the need to consider any vulnerability of a development to climate change risk over its whole lifetime.

Flood Risk and Coastal Change 2014 (Updated 2021)

Advises on how to take account of, and address risks associated with flooding, covering how to assess, avoid, manage and mitigate flood risk. Assessment of flood risk should be informed by Strategic Flood Risk Assessments (SFRAs), and through the undertaking of site specific FRAs in areas at risk of flooding. To avoid flood risk, the sequential approach should be applied to site selection; this will ensure that development is as far as reasonably possible located where flood risk is at its lowest. Management and mitigation of flood risk will occur by ensuring that development in areas at risk of flooding are appropriately flood resilient and resistant, safe for users throughout the lifetime of the development, and will not increase flood risk overall. LPA's and developers should seek

flood risk management opportunities and reduce the causes and impacts of flooding, for example by using SuDS in developments.

Flood risk assessments: climate change allowances 2016 (Updated 2021)

This guidance sets out when and how climate change allowances should be used in FRAs. Climate change allowances are predictions of anticipated changes to: peak river flow, peak rainfall intensity, sea level rise, offshore wind speed and extreme wave height. For peak river flow and peak rainfall intensity three epochs are set out, and within each epoch three allowances are given - Upper End, Higher Central and Central. Guidance is provided on which allowance should be applied for a development.

Natural Environment 2016 (Updated 2019)

This guidance details how biodiversity should be taken in account, how it can be protected, compensated for and enhanced. It also provides details on how planning can safeguard soils.

Renewable and low carbon energy 2015

This guidance aims to help local councils develop policies for renewable and low carbon energy and identifies planning considerations.

Water supply, wastewater, and water quality 2015 (Updated 2019)

This provides details on how planning can ensure water quality, and the delivery of adequate water and wastewater infrastructure. The guidance also provides details on how impacts on water quality should be assessed.

[Regional](#)

[London Plan \(March 2021\)](#)

8.1.2 Relevant areas to the water environment within the policy framework include:

- 5.1 Climate change mitigation
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 7.19 Biodiversity and access to nature

Local

London Borough of Hillingdon Council Local Plan (2020)ⁱⁱ

8.1.3 Relevant Core Policies within the Local Plan include:

- Policy EM1: Climate Change Adaptation and Mitigation
- Policy EM3: Blue Ribbon Network
- Policy EM6: Flood Risk Management
- Policy EM8: Land, Water, Air and Noise

ⁱ Department for Communities and Local Government, (2021). National Planning Policy Framework.

ⁱⁱ London Borough of Hillingdon Local Plan (2020) – accessed at:
<https://www.hillingdon.gov.uk/local-plan>