



# Mallard Pass

Solar Farm

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### Environmental Statement Volume 2 Appendix 11.1: Water Resources and Ground Conditions - Policy Context

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## **Appendix 11.1 Legislation and Planning Policy Relevant to Water Resources and Ground Conditions**

1.1.1. This Appendix presents the relevant legislation, planning policy and guidance relevant to the assessment in Chapter 11: Water Resources and Ground Conditions.

### **Legislation**

1.1.2. The following legislation have been considered in carrying out this assessment.

- a. Water Framework Directive (2000/60/EC) as implemented in England via the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 [Ref 1];
- b. The Groundwater Directive (GWD) (2006/118/EC) as implemented by the Groundwater (Water Framework Directive) (England) Direction 2016 [Ref 2];
- c. The Groundwater Daughter Directive to WFD (2006/118/EC) as implemented Environmental Permitting (England and Wales) Regulations 2016 [Ref 3];
- d. The Bathing Water Directive (2006/7/EC) as implemented by the Bathing Water Regulations 2013 [Ref 4];
- e. Flood and Water Management Act 2010 [Ref 5]; and
- f. Land Drainage Act 1991 [Ref 6].

1.1.3. Table 1 presents the legislation, Table 2 presents the national planning policies and Table 3 presents the relevant local planning policies that have been considered in carrying out this assessment.

**Table 1 Legislation Relevant to Water Resources and Ground Conditions Assessment**

Legislative Instrument	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
Water Framework Directive (2000/60/EC) as implemented in England via the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017	Environmental and ecological protection of surface water and groundwater.	Assessment of surface water and groundwater quality in Section 11.4 of <b>Chapter 11: Water Resources and Ground Conditions</b> of the ES [EN010127/APP/6.1], with mitigation measures to ensure no degradation of WFD status, as outlined in the outline Water Management Plan (oWMP) [EN010127/APP/7.13].
The Groundwater Directive (GWD) (2006/118/EC)	Protection of groundwater against pollution and deterioration.	Assessment of groundwater within Section 11.4 of <b>Chapter 11: Water Resources and Ground Conditions</b> , with mitigation measures, as outlined in the oWMP to ensure no degradation of groundwater unit status.
The Groundwater Daughter Directive to WFD (2006/118/EC)	Protection of groundwater against pollution and deterioration.	Assessment of groundwater within Section 11.4 of <b>Chapter 11: Water Resources and Ground Conditions</b> , with mitigation measures, as outlined in the oWMP to ensure no degradation of groundwater unit status.

Legislative Instrument	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
The Bathing Water Directive (2006/7/EC)	The management, monitoring, and classification of bathing water quality.	No designated bathing waters in Hydrological Study Area.
Flood and Water Management Act 2010	Management of risks in connection with flooding and coastal erosion.	The Proposed Development has been designed to avoid placing sensitive infrastructure within Flood Zones 2 and 3 (see <b>Appendix 11.5: Flood Risk Assessment</b> of the ES Appendices [EN010127/APP/6.2]). No PV Arrays are located in Flood Zone 3.
Land Drainage Act 1991	Any watercourses be maintained to such a condition that the free flow of water is not impeded.	Assessment of any watercourse crossings and impediments to flow outlined in Section 11.4 of <b>Chapter 11: Water Resources and Ground Conditions</b> . Mitigation measures, such as the use of wide bottomless arched culverts, as outlined in the oWMP.

**Table 2 National Planning Policy Relevant to Water Resources and Groundwater Conditions Assessment**

National Planning Policy	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
<p>Overarching National Policy Statement (NPS) for Energy EN-1 [Ref 7] Section 5.15</p>	<p>The ES should in particular describe:</p> <p>The existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges;</p> <p>Existing water resources affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Catchment Abstraction Management Strategies);</p> <p>Existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics; and</p>	<p>The existing baseline water quality is outlined in Section 11.2 of <b>Chapter 11: Water Resources and Ground Conditions</b> of the ES, while effects on water quality are discussed in Section 11.4. Mitigation measures to ensure no degradation of WFD status, as outlined in Table the oWMP.</p> <p>Abstractions are outlined in Section 11.2 of <b>Chapter 11: Water Resources and Ground Conditions</b> of the ES, while effects on water quality are discussed in Section 11.4. Mitigation measures to ensure no degradation of WFD status, as outlined the oWMP.</p> <p>The Proposed Development will not interact with or alter the morphology of the West Glen River, as HDD is proposed for cabling works.</p>

National Planning Policy	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
NPS for Renewable Energy EN-3 [Ref 8] Section 2.3	<p>Solar PV sites may also be proposed in low lying exposed sites. For these proposals, applicants should consider, in particular, how plant will be resilient to:</p> <ul style="list-style-type: none"> <li>• increased risk of flooding</li> <li>• impact of higher temperatures</li> </ul>	<p>The Proposed Development has been located outside Flood Zone 3, including the appropriate allowance for climate change (see <b>Appendix 11.5: Flood Risk Assessment</b> of the ES Appendices.</p>
NPS for Electricity Networks EN-5 [Ref 9]	<p>Protection of surface water and groundwater sources, and to demonstrate resilience of the Proposed Development to flooding and changes to groundwater levels.</p>	<p>The assessment of surface and groundwater sources is set out in Section 11.4 of <b>Chapter 11: Water Resources and Ground Conditions</b>. Mitigation measures, such as the use of wide bottomless arched culverts, as outlined in the oWMP.</p> <p>Resilience to flooding is assessed in <b>Appendix 11.5: Flood Risk Assessment</b> of the ES Appendices and includes measures such as locating Solar Stations outside Flood Zones 2 and 3.</p>

National Planning Policy	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
Draft NPS EN-1 [Ref 10]	Assessment and management of the impacts of the Proposed Development on, water quality, water resources and physical characteristics of the water environment.	<p>The assessment of water quality is set out in Section 11.4 of <b>Chapter 11: Water Resources and Ground Conditions</b>. Mitigation measures, such as the use of wide bottomless arched culverts, as outlined in the oWMP.</p> <p>The Proposed Development will not interact with or alter the morphology of the West Glen River, as HDD is proposed for cabling works.</p>
Draft NPS EN-3 [Ref 11]	Flood Risk Assessment, Water Quality Management, and consideration of the presence of peat at the Proposed Development.	<p>Assessment of superficial deposits and absence of peat outlined within Section 11.4 of <b>Chapter 11: Water Resources and Ground Conditions</b> of the ES. Assessment of surface water and groundwater quality within Section 11.4 of <b>Chapter 11: Water Resources and Ground Conditions</b> of the ES, with mitigation measures to ensure no degradation of WFD status, as outlined in the oWMP.</p> <p>Resilience to flooding is assessed in <b>Appendix 11.5: Flood Risk Assessment</b> of the ES</p>

National Planning Policy	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
		Appendices and includes measures such as locating solar stations outside Flood Zones 2 and 3.
National Planning Policy Framework (NPPF) [Ref 12]	Mitigation and adaptation to climate change, taking into account long term implications of flood risk and conservation of the natural environment.	Resilience to flooding is assessed in <b>Appendix 11.5: Flood Risk Assessment</b> of the ES Appendices and includes measures such as locating solar stations outside Flood Zones 2 and 3. accounting for climate change impacts.



**Table 3 Local Planning Policy Relevant to Water Resources and Ground Conditions Assessment**

Local Planning Policy	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
<p>Rutland Core Strategy 2011 – 2026 (adopted 2011) [Ref 13] Policy EN5 Surface water management, water supply, foul drainage and Sustainable Drainage Systems</p>	<p>Surface water management and the utilisation of appropriate SuDs techniques</p>	<p>Surface water management and the utilisation of appropriate SuDs techniques is set out in <b>Appendix 11.6: Outline Surface Water Drainage Strategy</b> of the ES.</p>
	<p>All planning applications should be accompanied by a statement of how surface water is to be managed and in particular where it is to be discharged, including allowing for climate change effects.</p>	<p>Surface water quantity and quality will be controlled using SuDS techniques, as outlined set out in <b>Appendix 11.6: Outline Surface Water Drainage Strategy</b> of the ES.</p>
	<p>Surface water management should be undertaken, wherever practicable through the utilisation of appropriate SuDS techniques which mimic natural drainage patterns, and where appropriate achieve net gains for nature through the creation</p>	

Local Planning Policy	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
	of ponds and wetlands onsite or within close proximity.	
	Details of the proposed SuDS measures must be provided in a Water Management Strategy (WMS), which must also identify long-term ownership and maintenance strategy for all elements of SuDS techniques proposed within a scheme, including adequate proposals for the regular maintenance and management of such measures over the life expectancy of the development.	SuDS measures and the long-term maintenance of these structures are outlined in set out in <b>Appendix 11.6: Outline Surface Water Drainage Strategy</b> of the ES.
	Supporting documentation to accompany planning applications for major developments which explain how contaminated water arising during the construction process will be addressed.	Good practice measures to control surface water and reduce the potential for pollution, such as silt fencing, silt traps, check dams and settlement lagoons, are outlined in the oWMP.
Rutland Core Strategy 2011 – 2026 (adopted 2011), Policy	The Development should be located in the lowest areas of flood risk in line with	The majority of the Order limits are located in Flood Zone 1 and all PV Arrays and solar stations are

Local Planning Policy	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
EN6 - Reducing the risk of flooding	<p>areas defined by the Environment Agency.</p> <p>Where this is not possible the sequential approach to development will be applied. Where the requirements of the sequential test are met, the exception test will be applied, where necessary.</p>	<p>located outside of Flood Zones 2 and 3, demonstrating a sequential approach to site design, as outlined in <b>Appendix 11.5: Flood Risk Assessment</b> of the ES Appendices.</p>
	<p>All development must avoid increasing flood risk elsewhere. Runoff from the site post development must not exceed pre-development rates for all storm events up to and including the 1% Annual Exceedance Probability (AEP)* storm event with an additional allowance for climate change. The appropriate climate change allowances should be defined using relevant Environment Agency guidance.</p>	<p>Surface water quantity will be controlled using SuDS techniques, including limiting the discharge from the Proposed Development to in accordance with LCC Sustainable Drainage Design and Evaluation Guide, as outlined in <b>Appendix 11.6: Outline Surface Water Drainage Strategy</b> of the ES.</p>

Local Planning Policy	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
Rutland Core Strategy 2011 – 2026 (adopted 2011), Policy EN7 – Pollution Control	Development should seek to minimise pollution and where possible contribute to the protection and improvement of the quality of air, land and water. In achieving this development should be designed from the outset to improve air, land and water quality and promote environmental benefits	Good practice measures to control surface water and reduce the potential for pollution, such as silt fencing, silt traps, check dams and settlement lagoons, are outlined in the oWMP.
	Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards required by the Water Framework Directive will not be permitted.	Mitigation measures to ensure no degradation of WFD status, as outlined in the <b>oWMP</b> .
South Kesteven District Council Local Plan 2011 – 2036 (adopted 2020) [Ref 14], Policy EN4: Pollution Control	Development should seek to minimise pollution and where possible contribute to the protection and improvement of the quality of air, land and water.	Good practice measures to control surface water and reduce the potential for pollution, such as silt fencing, silt traps, check dams and settlement lagoons, are outlined in the oWMP.

Local Planning Policy	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
	<p>Development will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals.</p>	<p>Good practice measures to control surface water and reduce the potential for pollution, such as silt fencing, silt traps, check dams and settlement lagoons, are outlined in the oWMP and effects on the water environment are assessed in Section 11.4 of <b>Chapter 11: Water Resources and Ground Conditions</b> to be of Not Significant in terms of the EIA Regulations.</p>
	<p>Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards in the Anglian River Basin Management Plan (required by the Water Framework Directive) will not be permitted.</p>	<p>Assessment of groundwater within Section 11.4 of <b>Chapter 11: Water Resources and Ground Conditions</b>, with mitigation measures, as outlined in the oWMP to ensure no degradation of groundwater unit status.</p>

Local Planning Policy	Requirement in relation to Water Resources and Ground Conditions	How/Where has this been addressed in the EIA
South Kesteven District Council Local Plan 2011 – 2036 (adopted 2020), Policy EN5: Water Environment and Flood Risk Management	Wording is almost identical to Rutland Core Strategy 2011 – 2026 (adopted 2011), Policy EN6 - Reducing the risk of flooding	See response to Rutland Core Strategy 2011 – 2026 (adopted 2011), Policy EN6 - Reducing the risk of flooding
Joint Lincolnshire Flood Risk and Water Management Strategy 2019-2050 [Ref 15]	Manage the impact of flood risk to people, businesses, and the environment across Lincolnshire	Surface water quantity will be controlled using SuDS techniques, including limiting the discharge from the Proposed Development to in accordance with LCC Sustainable Drainage Design and Evaluation Guide, as outlined in <b>Appendix 11.6: Outline Surface Water Drainage Strategy</b> of the ES.

## References

- Ref 1 European Parliament (2000). Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy” (“The Water Framework Directive”) [online].
- Ref 2 European Environment Agency Groundwater Directive (GWD) 2006/118/EC (2006) [online].
- Ref 3 The Groundwater Framework Directive England Direction 2016 (2016) [online].
- Ref 4 The Bathing Water Directive (2006/7/EC)
- Ref 5 Flood and Water Management Act 2010
- Ref 6 Legislation.gov.uk (2022) Land Drainage Act 1991 [online].
- Ref 7 Department of Energy and Climate Change (2011) Overarching National Policy Statement for Energy (EN-1) [online].
- Ref 8 Department of Energy and Climate Change (2011) National Policy Statement for Renewable Energy Infrastructure (EN-3) [online].
- Ref 9 Department of Energy and Climate Change (2011) National Policy Statement for Electricity Networks Infrastructure (EN-5) [online].
- Ref 10 Department for Business, Energy & Industrial Strategy (2021) Draft Overarching National Policy Statement for Energy (EN-1) [online].
- Ref 11 Department for Business, Energy & Industrial Strategy (2021) Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) [online].
- Ref 12 Ministry of Housing, Communities and Local Government (2021). National Planning Policy Framework [Online].
- Ref 13 Rutland County Council (2020) Rutland Local Plan 2018 - 2036 [online].
- Ref 14 South Kesteven District Council (2020) Local Development Scheme 2020 – 2023 [online].
- Ref 15 Joint Lincolnshire Flood Risk and Water Management Strategy 2019-2050 [online].

