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# **EAST YORKSHIRE SOLAR FARM**

**East Yorkshire Solar Farm  
EN010143**

## **Environmental Statement Volume 6.2**

**Appendix 9-1: Legislation, Policy and Guidance for Flood Risk, Drainage and Water  
Environment**

**Document Reference: EN010143/APP/6.2**

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# 1. Introduction

## 1.1 Purpose of this Appendix

- 1.1.1 This Environmental Statement (ES) appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant effects of the Scheme on the Water Environment.
- 1.1.2 Legislation and policy are considered at national and local levels.
- 1.1.3 This appendix does not assess the Scheme against legislation and policy instead the purpose of considering legislation and policy is twofold:
  - a. to identify legislation and policy that could influence the importance of receptors (and therefore the significance of effects) and any requirements for mitigation; and
  - b. To identify legislation and policy that could influence the methodology used within the ES assessment. For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 Instead, the relevant legislation and policy will be assessed within the Planning Statement. The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the Water Environment assessment, which has been taken into account in preparing the ES.

## 2. National Legislation, Policy and Guidance

- 2.1.1 Legislation, policy and guidance relating to the Water Environment, and pertinent to the Scheme, comprises:

### 2.2 Legislation

- 2.2.1 Regulation 5(2)(c) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires that the EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the likely significant direct and indirect effects of the Scheme on factors including water.
- 2.2.2 The legislation relevant to the Water Environment and pertinent to the Scheme includes the following (please note that details of European Directives are not included, just the national legislation that implements them):
  - a. Environment Act 2021 (Ref. 2);
  - b. Water Act 2014 (as amended) (Ref. 3);
  - c. Flood and Water Management Act 2010 (as amended) (Ref. 4);
  - d. Land Drainage Act 1991 (as amended) (Ref. 5);

- e. Water Resources Act 1991 (as amended) (Ref. 6);
- f. Environmental Protection Act 1990 (as amended) (Ref. 7);
- g. Salmon and Freshwater Fisheries Act 1975 (as amended) (Ref. 7);
- h. Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (Ref. 9);
- i. Environmental Damage (Prevention and Remediation) Regulations 2015 (as amended) (Ref. 10);
- j. Environmental Permitting (England and Wales) Regulations 2016 (as amended) (Ref. 11);
- k. Eels (England and Wales) Regulation 2009 (as amended) (Ref. 12);
- l. Control of Pollution (Oil Storage) (England) Regulations 2001 (as amended) (Ref. 13).
- m. The Control of Substances Hazardous to Health Regulations 2002 (as amended) (Ref. 14);
- n. The Anti-Pollution Works Regulations 1999 (Ref. 15); and
- o. The Water Framework Directive (Standards and Classification) Directions 2015 (as amended) (Ref. 16).

2.2.3 In respect of the effects of climate change on flood risk, this is assessed within the **Flood Risk Assessment (FRA), Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]**.

### **National Policy**

2.2.4 The Scheme's proposed energy generating technology is not currently specifically referenced by a National Policy Statement (NPS). However, the EIA takes account of the following NPSs, which are considered to be matters that will be important and relevant to the Secretary of State's decision as to whether to grant a DCO for the Scheme:

- a. Overarching National Policy Statement for Energy (EN1) (Ref. 17)
- b. National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref. 18), and
- c. National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref. 19).

2.2.5 The NPSs set out the Government's energy policy, the need for new infrastructure and guidance for determining an application for a Development Consent Order (DCO). The NPSs include specific criteria and issues which should be covered by applicants in their assessments of the effects of their scheme, and how the decision maker should consider these impacts and mitigation measures.

2.2.6 The relevant NPS requirements, together with an indication of where in the ES the information is provided to address these requirements, are provided in **Table 1**. Relevant NPS requirements for the flood risk, drainage, and water environment assessment

**Table 1. Relevant NPS requirements for the flood risk, drainage, and water environment assessment**

<b>Relevant NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
NPS EN-1		
Paragraph 4.10.3	<p>In considering an application for development consent, the IPC should focus on whether the development itself is an acceptable use of that land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. The IPC should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. It should act to complement but not seek to duplicate them.</p>	<p><b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> outlines pollution controls for the construction and operation phases of development. Other required permits and consents are listed within the chapter. A framework <b>Construction Environmental Management Plan (CEMP) [EN010143/APP/7.7]</b> has been submitted.</p>
Paragraph 4.10.6	<p>Applicants are advised to make early contact with relevant regulators, including the EA and MMO, to discuss their requirements for environmental permits and other consents. This will help ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able</p>	<p><b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1</b></p>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	<p>to provide timely advice and assurance to the IPC. Wherever possible, applicants are encouraged to submit applications for Environmental Permits and other necessary consents at the same time as applying to the IPC for development consent.</p>	<p><b>[EN010143/APP/6.1]</b> outlines consultation undertaken to date to inform the design and assessment of the Scheme. This has included consultation with the Environment Agency, Lead Local Flood Authority (LLFA) and Internal Drainage Boards (IDBs).</p>
<p>Paragraph 4.10.7</p>	<p>The IPC should be satisfied that development consent can be granted taking full account of environmental impacts. Working in close cooperation with EA and/or the pollution control authority, and other relevant bodies, such as the MMO, Natural England, the Countryside Council for Wales, Drainage Boards, and water and sewerage undertakers, IPC should be satisfied, before consenting any potentially polluting developments, that:</p> <ul style="list-style-type: none"> <li>• the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and</li> <li>• the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits.</li> </ul>	<p>The Environment Agency are responsible for Main Rivers in the study area. The LLFA and IDBs have responsibility for ordinary requirements. Consultation undertaken with these bodies is outlined in <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES</b></p>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 4.10.8	The IPC should not refuse consent on the basis of pollution impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted.	<b>Volume 1</b> <b>[EN010143/APP/6.1]</b>
Paragraph 5.7.2	Climate change over the next few decades is likely to mean milder, wetter winters and hotter, drier summers in the UK, while sea levels will continue to rise. Within the lifetime of energy projects, these factors will lead to increased flood risks in areas susceptible to flooding, and to an increased risk of the occurrence of floods in some areas which are not currently thought of as being at risk. The applicant and the IPC should take account of the policy on climate change adaptation in Section 4.8.	The ES for the Scheme includes a <b>Flood Risk Assessment (FRA), Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> which takes into account climate change, the findings of which are summarised in the ES in EIA terms. Further information is provided in <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b>
Paragraph 5.7.3	The aims of planning policy on development and flood risk are to ensure that flood risk from all sources of flooding is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new energy infrastructure is, exceptionally, necessary in such areas, policy	The ES for the Scheme includes a <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> , the findings of which will



Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	aims to make it safe without increasing flood risk elsewhere and, where possible, by reducing flood risk overall.	be summarised in the ES in EIA terms. Further information is provided in <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b>
Paragraph 5.7.4	Applications for energy projects of 1 hectare or greater in Flood Zone 1 in England or Zone A in Wales and all proposals for energy projects located in Flood Zones 2 and 3 in England or Zones B and C in Wales should be accompanied by a Flood Risk Assessment (FRA). An FRA will also be required where an energy project less than 1 hectare may be subject to sources of flooding other than rivers and the sea (for example surface water), or where the EA, Internal Drainage Board or other body have indicated that there may be drainage problems. This should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.	<b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> for the Scheme includes an <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> , the findings of which are summarised in the ES in EIA terms.
Paragraph 5.7.5	The minimum requirements for FRAs are that they should: <ul style="list-style-type: none"> <li>a. be proportionate to the risk and appropriate to the scale, nature and location of the project;</li> </ul>	The minimum requirements were noted and are incorporated in the Scheme <b>FRA, Appendix 9-3, ES</b>

<b>Relevant NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
	<ul style="list-style-type: none"><li>b. consider the risk of flooding arising from the project in addition to the risk of flooding to the project;</li><li>c. take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made;</li><li>d. be undertaken by competent people, as early as possible in the process of preparing the proposal;</li><li>e. consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure;</li><li>f. consider the vulnerability of those using the site, including arrangements for safe access;</li><li>g. consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) and identify flood risk reduction measures, so that assessments are fit for the purpose of the decisions being made;</li><li>h. consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes;</li><li>i. include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project;</li></ul>	<b>Volume 2 [EN010143/APP/6.2]</b>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	<ul style="list-style-type: none"> <li>j. consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems;</li> <li>k. consider if there is a need to be safe and remain operational during a worst-case flood event over the development’s lifetime; and</li> <li>l. be supported by appropriate data and information, including historical information on previous events.</li> </ul>	
Paragraph 5.7.7	Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions with the EA, and, where relevant, other bodies such as Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators. Such discussions should identify the likelihood and possible extent and nature of the flood risk, help scope the FRA, and identify the information that will be required by the IPC to reach a decision on the application when it is submitted. IPC should advise applicants to undertake these steps where they appear necessary, but have not yet been addressed.	<b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> outlines consultation undertaken. This has included consultation with the Environment Agency, LLFA and IDBs.
Paragraph 5.7.8	If the EA has concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the EA and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the Environment Agency’s concerns.	
Paragraph 5.7.9	<p>In determining an application for development consent, IPC should be satisfied that where relevant:</p> <ul style="list-style-type: none"> <li>a. the application is supported by an appropriate FRA;</li> </ul>	The ES for the Scheme includes a <b>FRA, Appendix 9-3, ES Volume 2</b>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	<ul style="list-style-type: none"> <li>b. the Sequential Test has been applied as part of site selection;</li> <li>c. a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk;</li> <li>d. the proposal is in line with any relevant national and local flood risk management strategy;</li> <li>e. priority has been given to the use of sustainable drainage systems (SuDs) (as required in the next paragraph on National Standards); and</li> <li>f. in flood risk areas the project is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed over the lifetime of the development.</li> </ul>	<p><b>[EN010143/APP/6.2].</b> The findings of which are summarised in the ES in EIA terms. Refer to <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1].</b></p>
Paragraph 5.7.10	<p>For construction work which has drainage implications, approval for the project's drainage system will form part of the development consent issued by the IPC. The IPC will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under Paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. In addition, the development consent order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any SuDS, including any necessary access rights to property. The IPC should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority, or another body, such as an Internal Drainage Board.</p>	<p><b>A Framework Surface Water Drainage Strategy</b> is included in <b>Appendix 9-4 ES Volume 2 [EN010143/APP/6.2].</b> This is also assessed within <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1].</b></p>

<b>Relevant NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
Paragraph 5.7.12	The Secretary of State should not consent development in Flood Zone 2 in England or Zone B in Wales unless it is satisfied that the sequential test requirements have been met. It should not consent development in Flood Zone 3 or Zone C unless it is satisfied that the Sequential and Exception Test requirements have been met. The technology-specific NPSs set out some exceptions to the application of the sequential test. However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, but should apply the sequential approach to locating development within the site.	The <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> outlines how the Sequential and Exception Tests have been applied, as necessary.
Paragraph 5.7.13	Preference should be given to locating projects in Flood Zone 1 in England or Zone A in Wales. If there is no reasonably available site in Flood Zone 1 or Zone A, then projects can be located in Flood Zone 2 or Zone B. If there is no reasonably available site in Flood Zones 1 or 2 or Zones A & B, then nationally significant energy infrastructure projects can be located in Flood Zone 3 or Zone C subject to the Exception Test. Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.4 above.	The flood risk baseline is included in <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> and the <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> . For consideration of alternative sites refer to <b>Chapter 3: Alternatives and Design Evolution, ES Volume 1 [EN010143/APP/6.1]</b> .

<b>Relevant NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
Paragraph 5.7.14	If, following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the project to be located in zones of lower probability of flooding than Flood Zone 3 or Zone C, the Exception Test can be applied. The test provides a method of managing flood risk while still allowing necessary development to occur.	The <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> outlines how the Sequential and Exception Tests have been applied, as necessary.
Paragraph 5.7.15	The Exception Test is only appropriate for use where the sequential test alone cannot deliver an acceptable site, taking into account the need for energy infrastructure to remain operational during floods. It may also be appropriate to use it where as a result of the alternative site(s) at lower risk of flooding being subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest (SSSIs) and World Heritage Sites (WHS) it would not be appropriate to require the development to be located on the alternative site(s).	
Paragraph 5.7.16	All three elements of the test will have to be passed for development to be consented. For the Exception Test to be passed: <ul style="list-style-type: none"><li data-bbox="448 1023 1545 1094">a. it must be demonstrated that the project provides wider sustainability benefits to the community that outweigh flood risk;</li><li data-bbox="448 1118 1545 1267">b. the project should be on developable, previously developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously developed land subject to any exceptions set out in the technology-specific NPSs; and</li></ul>	The <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> outlines how the Sequential and Exception Tests have been applied, as necessary.

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	c. a FRA must demonstrate that the project will be safe, without increasing flood risk elsewhere subject to the exception below and, where possible, will reduce flood risk overall.	
Paragraph 5.7.17	Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the IPC may grant consent if it is satisfied that the increase in present and future flood risk can be mitigated to an acceptable level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the IPC should make clear how, in reaching its decision, it has weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA and other relevant bodies.	
Paragraph 5.7.18	To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property	<b>A Framework Surface Water Drainage Strategy, Appendix 9-4 ES Volume 2 [EN010143/APP/6.2]</b> has been submitted. This is also assessed within <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> .

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.7.19	<p>In this NPS, the term Sustainable Drainage Systems (SuDS) refers to the whole range of sustainable approaches to surface water drainage management including, where appropriate:</p> <ul style="list-style-type: none"> <li>a. source control measures including rainwater recycling and drainage;</li> <li>b. infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities;</li> <li>c. filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns;</li> <li>d. filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed;</li> <li>e. basins ponds and tanks to hold excess water after rain and allow controlled discharge that avoids flooding; and</li> <li>f. flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding.</li> </ul>	<p><b>A Framework Surface Water Drainage Strategy, Appendix 9-4 ES Volume 2 [EN010143/APP/6.2]</b> has been submitted including use of SuDS. This is also assessed within <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b>.</p>
Paragraph 5.7.20	<p>Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts</p>	
Paragraph 5.7.21	<p>The surface water drainage arrangements for any project should be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.</p>	<p><b>A Framework Surface Water Drainage Strategy, Appendix 9-4 ES Volume 2</b></p>



Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.7.22	It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the project site, if necessary, through the use of a planning obligation.	<p><b>[EN010143/APP/6.2]</b> has been submitted including use of SuDS. This is also assessed within <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1].</b></p> <p><b>A Framework Surface Water Drainage Strategy, Appendix 9-4 ES Volume 2 [EN010143/APP/6.2]</b> has been submitted including use of SuDS. This is also assessed within <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1].</b></p>
Paragraph 5.7.23	The sequential approach should be applied to the layout and design of the project. More vulnerable uses should be located on parts of the site at lower probability and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood	The <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> outlines how the

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS.	Sequential and Exception Tests have been applied, as necessary.
Paragraph 5.7.24	Essential energy infrastructure which has to be located in flood risk areas should be designed to remain operational when floods occur. In addition, any energy projects proposed in Flood Zone 3b the Functional Floodplain (where water has to flow or be stored in times of flood), or Zone C2 in Wales, should only be permitted if the development will not result in a net loss of floodplain storage, and will not impede water flows.	The ES for the Scheme includes an <b>FRA, Appendix 9-3, ES Volume 2c[EN010143/APP/6.2]</b> covering these details.
Paragraph 5.7.25	The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood Warning and evacuation plans should be in place for those areas at an identified risk of flooding. The applicant should take advice from the emergency services when producing an evacuation plan for a manned energy project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA.	The ES for the Scheme includes an <b>FRA, Appendix 9-3, ES Volume 2c[EN010143/APP/6.2]</b> covering these details.
Paragraph 5.15.2	Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment as part of the ES or equivalent. (See Section 4.2)	<b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> presents an assessment regarding the baseline status of

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.15.3	<p>The ES should in particular describe:</p> <ul style="list-style-type: none"> <li>a. 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;</li> <li>b. 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);</li> <li>c. 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</li> <li>d. any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive (WFD) and source protection zones (SPZs) around potable groundwater abstractions.</li> </ul>	<p>the water environment and impacts that might occur as a result of the Scheme, taking into account mitigation that is embedded in the Scheme design.</p> <p><b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> presents a full water environment baseline, including existing water quality based on EA data, water resources, and physical characteristics of the water environment. An impact assessment is undertaken within the chapter covering these elements. A <b>WFD</b> assessment is included in <b>Appendix 9-2, ES</b></p>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.15.5	The IPC will generally need to give impacts on the water environment more weight where a project would have an adverse effect on the achievement of the environmental objectives established under the Water Framework Directive.	<p><b>Volume 2</b> <b>[EN010143/APP/6.2].</b></p> <p>A <b>WFD</b> assessment is included in <b>Appendix 9-2, ES Volume 2</b> <b>[EN010143/APP/6.2].</b></p>
Paragraph 5.15.6	The IPC should satisfy itself that a proposal has regard to the River Basin Management Plans and meets the requirements of the Water Framework Directive (including Article 4.7) and its daughter directives, including those on priority substances and groundwater. The specific objectives for particular river basins are set out in River Basin Management Plans. The IPC should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans and Shoreline/Estuary Management Plans.	A <b>WFD</b> assessment is included in <b>Appendix 9-2, ES Volume 2</b> <b>[EN010143/APP/6.2].</b>
Paragraph 5.15.8	The IPC should consider whether mitigation measures are needed over and above any which may form part of the project application. (See Sections 4.2 and 5.1.) A construction management plan may help codify mitigation at that stage.	A <b>Framework Construction Environmental Management Plan</b> <b>[EN010143/APP/7.7].</b> has been submitted.
<b>NPS EN-3</b>		
Paragraph 2.3.1	Part 2 of EN-1 covers the Government’s energy and climate change strategy, including policies for mitigating climate change. It refers to Section 4.8 of EN-1	The ES for the Scheme includes an <b>FRA</b> ,

<b>Relevant NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
NPS EN-5	which sets out generic considerations that applicants and the IPC should take into account to help ensure that renewable energy infrastructure is resilient to climate change.	<b>Appendix 9-3, ES Volume 2 [EN010143/APP/6.2].</b> that takes into account climate change.  <b>The Framework Surface Water Drainage Strategy, Appendix 9-4, ES Volume 2 [EN010143/APP/6.2]</b> considers climate change when addressing surface water drainage requirements.  In-combination Climate Change Impact (ICCI) assessment is also included in the ES in <b>Chapter 6: Climate Change, ES Volume 1 [EN010143/APP/6.1].</b>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 2.4.1	<p>Part 2 of EN-5 provides information regarding the Government’s energy and climate change strategy including policies for mitigating climate change. This refers to Section 4.8 of EN-1 which sets out the generic considerations that applicants and the IPC should take into account to help ensure that electricity networks infrastructure is resilient to climate change. As climate change is likely to increase risks to the resilience of some of this infrastructure, from flooding for example, or in situations where it is located near the coast or an estuary or is underground, applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it would be resilient to:</p> <ol style="list-style-type: none"> <li>a. flooding, particularly for substations that are vital for the electricity transmission and distribution network;</li> <li>b. effects of wind and storms on overhead lines;</li> <li>c. higher average temperatures leading to increased transmission losses; and</li> <li>d. earth movement or subsidence caused by flooding or drought (for underground cables).</li> </ol>	<p>The ES for the Scheme includes an <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> that takes into account climate change.</p> <p>In-combination Climate Change Impact (ICCI) assessment is also included in the ES in <b>Chapter 6: Climate Change, ES Volume 1 [EN010143/APP/6.1]</b>.</p>
Paragraph 2.4.2	<p>Section 4.8 of EN-1 advises that the resilience of the project to climate change should be assessed in the Environmental Statement (ES) accompanying an application. For example, future increased risk of flooding would be covered in any flood risk assessment (see Section 5.7 in EN-1).</p>	<p>The ES for the Scheme includes an <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> that takes into account climate change.</p>

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In-combination Climate Change Impact (ICCI) assessment is also included in the ES in **Chapter 6: Climate Change, ES Volume 1 [EN010143/APP/6.1]**.

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## Draft National Policy Statements

- 2.2.7 The Government is currently reviewing and updating the Energy NPSs. It is doing this in order to reflect its policies and strategic approach for the energy system that is set out in the Energy White Paper (Ref. 20) (December 2020), and to ensure that the Planning Policy Framework enables the delivery of the infrastructure required for the country's transition to net zero carbon emissions. As part of the Energy NPS review process, the Government published a suite of Draft Energy NPSs for consultation on 30 March 2023. These include the following Draft NPSs:
- a. Draft Overarching National Policy Statement for Energy (EN-1) (Draft NPS EN-1) (Ref. 21),
  - b. Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (Draft NPS EN-3) (Ref. 22), and
  - c. Draft National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref. 23).
- 2.2.8 The consultation on the details of these provisions closed on 23 June 2023, but the documents have not yet been designated.
- 2.2.9 The transitional provisions in the draft EN-1 state that the suite of NPS will only have effect once designated in relation to those applications that are accepted for examination after the date of designation. The date for submission of the Application may mean that there is no NPS specifically in relation to ground mounted solar, but the draft NPS are "important and relevant" matters, as defined in S.105 (2)(c) of the 2008 Act and are matters which the Secretary of State should have regard to and place significant weight on.
- 2.2.10 Given the importance and relevance of these Draft NPSs, the EIA approach takes account of these new emerging documents. Where the relevant Draft NPSs contain requirements that differ from the requirements of the NPSs, **Table 2** indicates where the information to address these requirements is provided within the ES. From review of the draft documents, it is considered that the draft provisions do not change the assessment approach



**Table 2. Relevant Draft NPS requirements for the flood risk, drainage and water environment assessment**

<b>Relevant Draft NPS paragraph reference</b>	<b>Requirement of the NPS</b>	<b>Location of information provided to address this</b>
<b>Draft NPS EN-1</b>		
Paragraph 4.9.5	In certain circumstances, measures implemented to ensure a scheme can adapt to climate change may give rise to additional impacts, for example as a result of protecting against flood risk, there may be consequential impacts on coastal change (see Section 5.6). In preparing measures to support climate change adaptation applicants should take reasonable steps to maximise the use of nature-based solutions alongside other conventional techniques.	The ES includes an <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> and <b>Framework Surface Water Drainage Strategy, Appendix 9-4 ES Volume 2 [EN010143/APP/6.2]</b> for the Scheme, and all impacts on the water environment are also assessed within <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 4.9.6	Integrated approaches, such as looking across the water cycle, considering coordinated management of water storage, supply, demand, wastewater, and flood risk can provide further benefits to address multiple infrastructure needs, as well as carbon sequestration benefits.	
Paragraph 5.8.7	Where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood.	
Paragraph 5.8.9	If, following application of the Sequential Test, it is not possible, (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk the Exception Test can be applied, as required by Annex 3 of the Planning Practice Guidance. The test provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.	

**Relevant Draft NPS paragraph reference**    **Requirement of the NPS**

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Paragraph 5.8.10	The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site. It would only be appropriate to move onto the Exception Test when the Sequential Test has identified reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified. Examples could include alternative site(s) that are subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), SSSIs and World Heritage Sites (WHS) which would not usually be considered appropriate.	
Paragraph 5.8.11	Both elements of the Exception Test will have to be satisfied for development to be consented. To pass the Exception Test it should be demonstrated that:  a. the project would provide wider sustainability benefits to the community that outweigh flood risk; and  b. the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.	
Paragraph 5.8.12	Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques.	

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Paragraph 5.8.13	<p>A site-specific flood risk assessment should be provided for all energy projects in Flood Zones 2 and 3 in England or Zones B and C in Wales. In Flood Zone 1 in England or Zone A in Wales, an assessment should accompany all proposals involving:</p> <ul style="list-style-type: none"> <li>a. sites of 1 hectare or more</li> <li>b. land which has been identified by the EA or NRW as having critical drainage problems</li> <li>c. land identified (for example in a local authority strategic flood risk assessment) as being at increased flood risk in future</li> <li>d. land that may be subject to other sources of flooding (for example surface water)</li> <li>e. where the EA or NRW, Lead Local Flood Authority, Internal Drainage Board or other body have indicated that there may be drainage problems</li> </ul>	<p>The ES for the Scheme includes an <b>FRA</b>, <b>Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> covering these details.</p>
Paragraph 5.8.14	<p>This assessment should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.</p>	
Paragraph 5.8.15	<p>The minimum requirements for Flood Risk Assessments (FRA) are that they should:</p> <ul style="list-style-type: none"> <li>a. be proportionate to the risk and appropriate to the scale, nature and location of the project;</li> <li>b. consider the risk of flooding arising from the project in addition to the risk of flooding to the project;</li> </ul>	<p>The minimum requirements were noted and are incorporated in the Scheme <b>FRA Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b>.</p>

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- c. take the impacts of climate change into account, across a range of climate scenarios, clearly stating the development lifetime over which the assessment has been made
  - d. be undertaken by competent people, as early as possible in the process of preparing the proposal;
  - e. consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure and exceedance;
  - f. consider the vulnerability of those using the site, including arrangements for safe access and escape;
  - g. consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) and include information on flood likelihood, speed-of-onset, depth, velocity, hazard and duration;
  - h. identify and secure opportunities to reduce the causes and impacts of flooding overall, making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management;
  - i. consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes;
  - j. include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that these

**A Framework Surface  
Water Drainage  
Strategy, Appendix 9-4  
ES Volume 2  
[EN010143/APP/6.2]** has  
also been submitted.

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risks can be safely managed, ensuring people will not be exposed to hazardous flooding;

- k. consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems.

Information should include:

- a. Describe the existing surface water drainage arrangements for the site
- b. Set out (approximately) the existing rates and volumes of surface water run-off generated by the site. Detail the proposals for restricting discharge rates
- c. Set out proposals for managing and discharging surface water from the site using sustainable drainage systems and accounting for the predicted impacts of climate change. If sustainable drainage systems have been rejected, present clear evidence of why their inclusion would be inappropriate
- d. Demonstrate how the hierarchy of drainage options has been followed.
- e. Explain and justify why the types of SuDS217 and method of discharge have been selected and why they are considered appropriate. Where cost is a reason for not including SuDS, provide information to enable comparison with the lifetime costs of a conventional public sewer connection
- f. Explain how sustainable drainage systems have been integrated with other aspects of the development such as open space or green infrastructure, so as to ensure an efficient use of the site
- g. Describe the multifunctional benefits the sustainable drainage system will provide

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- h. Set out which opportunities to reduce the causes and impacts of flooding have been identified and included as part of the proposed sustainable drainage system
- i. Explain how run-off from the completed development will be prevented from causing an impact elsewhere
- j. Explain how the sustainable drainage system been designed to facilitate maintenance and, where relevant, adoption. Set out plans for ensuring an acceptable standard of operation and maintenance throughout the lifetime of the development
- k. Detail those measures that will be included to ensure the development will be safe and remain operational during a flooding event throughout the development's lifetime without increasing flood risk elsewhere;
- l. Identify and secure opportunities to reduce the causes and impacts of flooding overall during the period of construction; and
- m. be supported by appropriate data and information, including historical information on previous events

Paragraph 5.8.17

Development (including construction works) will need to account for any existing watercourses and flood and coastal erosion risk management structures or features, or any land likely to be needed for future structures or features so as to ensure:

- a. Access, clearances and sufficient land are retained to enable their maintenance, repair, operation, and replacement, as necessary
- b. Their standard of protection is not reduced
- c. Their condition or structural integrity is not reduced

Refer to **Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]** where the water environment baseline is described. A 10m buffer has been applied around all watercourses where

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		there would be no development except where watercourse crossings are required.
Paragraph 5.8.18	Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions before the official pre-application stage of the NSIP process with the EA or NRW, and, where relevant, other bodies such as Lead Local Flood Authorities, Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators.	The EA, LLFA and IDBs have been consulted during development of the ES as detailed in section 9.4 of <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b>
Paragraph 5.8.19	Such discussions should identify the likelihood and possible extent and nature of the flood risk, help scope the FRA, and identify the information that will be required by the Secretary of State to reach a decision on the application when it is submitted. The Secretary of State should advise applicants to undertake these steps where they appear necessary but have not yet been addressed.	
Paragraph 5.8.20	If the EA, NRW or another flood risk management authority has reasonable concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the EA or NRW and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the authority's concerns.	
Paragraph 5.8.21	The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites with	The ES includes an <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b>

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	medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.	(including sequential test) and <b>Framework Surface Water Drainage Strategy, Appendix 9-4 ES Volume 2 [EN010143/APP/6.2]</b> for the Scheme incorporating SuDS, and all impacts on the water environment are also assessed within <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1].</b>
Paragraph 5.8.23	Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.2 above. All projects should apply the Sequential Test to locating development within the site	
Paragraph 5.8.24	To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property.	
Paragraph 5.8.25	In this NPS, the term SuDS refers to the whole range of sustainable approaches to surface water drainage management including, where appropriate: <ul style="list-style-type: none"> <li>a. source control measures including rainwater recycling and drainage</li> <li>b. infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities</li> <li>c. filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns</li> <li>d. filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed</li> <li>e. basins ponds and tanks to hold excess water after rain and allow controlled discharge that avoids flooding</li> <li>f. flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding</li> </ul>	



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Paragraph 5.8.26	Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts
Paragraph 5.8.27	The surface water drainage arrangements for any project should, accounting for the predicted impacts of climate change throughout the development's lifetime, be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.
Paragraph 5.8.28	It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the project site, if necessary, through the use of a planning obligation.
Paragraph 5.8.29	The sequential approach should be applied to the layout and design of the project. Vulnerable aspects of the development should be located on parts of the site at lower risk and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS.
Paragraph 5.8.30	Where a development may result in an increase in flood risk elsewhere through the loss of flood storage, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided

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Paragraph 5.8.31	Where it is not possible to provide compensatory storage on site, it may be acceptable to provide it off-site if it is hydraulically and hydrologically linked. Where development may cause the deflection or constriction of flood flow routes, these will need to be safely managed within the site.
Paragraph 5.8.32	Where development may contribute to a cumulative increase in flood risk elsewhere, the provision of multifunctional sustainable drainage systems, natural flood management and green infrastructure can also make a valuable contribution to mitigating this risk whilst providing wider benefits.
Paragraph 5.8.33	The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood Warning and evacuation plans should be in place for those areas at an identified risk of flooding.
Paragraph 5.8.34	The applicant should take advice from the local authority emergency planning team, emergency services and, where appropriate, from the local resilience forum when producing an evacuation plan for a manned energy project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA
Paragraph 5.8.35	Flood resistant and resilient materials and design should be adopted to minimise damage and speed recovery in the event of a flood.
Paragraph 5.8.36	In determining an application for development consent, the Secretary of State should be satisfied that where relevant: <ul style="list-style-type: none"><li>• the application is supported by an appropriate FRA</li><li>• the Sequential Test has been applied and satisfied as part of site selection</li></ul>

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- a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk
  - the proposal is in line with any relevant national and local flood risk management strategy
  - SuDS (as required in the next paragraph on National Standards) have been used unless there is clear evidence that their use would be inappropriate
  - in flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere (subject to the exceptions set out in paragraph 5.8.18)
  - the project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development
  - land that is likely to be needed for present or future flood risk management infrastructure has been appropriately safeguarded from development to the extent

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Paragraph 5.8.41 Energy projects should not normally be consented within Flood Zone 3b, or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows.

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Paragraph 5.8.42 Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk

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against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA or NRW and other relevant bodies.

Paragraph 5.16.3

Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent (see Section 4.2 and 4.9).

**Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]** presents a full water environment baseline, including existing water quality based on EA data, water resources, and physical characteristics of the water environment. A full impact assessment is undertaken within the chapter.

Paragraph 5.16.4

The applicant should make early contact with the relevant regulators, including the local authority, the Environment Agency and Marine Management Organisation, where appropriate, for relevant licensing and environmental permitting requirements.

Engagement has been undertaken with the Environment Agency as detailed in section 9.4 of **Chapter 9: Flood Risk, Drainage and Water Environment, ES**

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		<b>Volume 1 [EN010143/APP/6.1].</b>
Paragraph 5.16.5	Where possible, applicants are encouraged to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g. from car parks or other areas of hard standing, during operation	Construction mitigation measures with regard to the water environment are outlined in the <b>Framework Construction Environmental Management Plan, ES Volume 7 [EN010143/APP/7.7].</b>  The <b>Framework Surface Water Drainage Strategy, Appendix 9-4 ES Volume 2 [EN010143/APP/6.2]</b> has also been submitted.
Paragraph 5.16.6	Applicants are encouraged to consider protective measures to control the risk of pollution to groundwater beyond those outlined in River Basin Management Plans and Groundwater Protection Zones - this could include, for example, the use of protective barriers	<b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> outlines proposed mitigation for preventing pollution of the surface

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		<p>and groundwater environments. The <b>Framework Construction Environmental Management Plan, ES Volume 7 [EN010143/APP/7.7]</b> includes measures to control pollution risk.</p>
<p>Paragraph 5.16.7</p>	<p>The ES should in particular describe:</p> <ul style="list-style-type: none"> <li>a. 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</li> <li>b. existing water resource 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 Abstraction Licensing Strategies) and also demonstrate how proposals minimise the use of water resources and water consumption in the first instance</li> <li>c. 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</li> <li>d. any impacts of the proposed project on water bodies or protected areas (including shellfish protected areas) under the Water Environment (Water Framework</li> </ul>	<p><b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> presents a full water environment baseline, including existing water quality based on EA data, water resources, and physical characteristics of the water environment. A full impact assessment is undertaken.</p> <p><b>A WFD assessment, Appendix 9-2, ES Volume 2</b></p>

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	<p>Directive) (England and Wales) Regulations 2017 and source protection zones (SPZs) around potable groundwater abstractions</p> <p>e. how climate change could impact any of the above in the future</p> <p>f. any cumulative effects</p>	<p><b>[EN010143/APP/6.2]</b> has been submitted.</p>
<p>Paragraph 5.16.8</p>	<p>The Secretary of State should consider whether mitigation measures are needed over and above any which may form part of the project application. A construction management plan may help codify mitigation at that stage.</p>	<p><b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1</b></p>
<p>Paragraph 5.16.16</p>	<p>The Secretary of State should consider proposals to mitigate adverse effects on the water environment and any enhancement measures put forward by the applicant and whether appropriate requirements should be attached to any development consent and/or planning obligations are necessary.</p>	<p><b>[EN010143/APP/6.1]</b> outlines proposed mitigation for preventing pollution of the surface and groundwater environments.</p> <p><b>The Framework Construction Environmental Management Plan, ES Volume 7</b></p> <p><b>[EN010143/APP/7.7]</b> also includes measures to control pollution risk.</p>

Draft NPS EN-3

**Relevant Draft NPS Requirement of the NPS paragraph reference**

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Paragraph 3.4.10	<p>Solar photovoltaic (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>a. increased risk of flooding; and</li> <li>b. impact of higher temperature</li> </ul>	<p>The ES includes an <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b>. (including sequential test)</p>
Paragraph 3.10.51	<p>As set out above applicants will consider several factors when considering the design and layout of sites, including, proximity to available grid capacity to accommodate the scale of generation, orientation, topography, previous land – use and ability to mitigate environmental impacts and flood risk.</p>	<p>and <b>Framework Surface Water Drainage Strategy, Appendix 9-4, ES Volume 2 [EN010143/APP/6.2]</b> for</p>
Paragraph 3.10.75	<p>Where a Flood Risk Assessment has been carried out this must be submitted alongside the applicant's ES. This will need to consider the impact of drainage. As solar PV panels will drain to the existing ground, the impact will not, in general, be significant</p>	<p>the Scheme incorporating SuDS, and all impacts on the water environment will also be assessed</p>
Paragraph 3.10.76	<p>Where access tracks need to be provided, permeable tracks should be used, and localised Sustainable Drainage Systems (SuDS), such as swales and infiltration trenches, should be used to control any runoff where recommended.</p>	<p>within <b>Chapter 9 Flood Risk, Drainage and Water Environment, ES Volume 1</b></p>
Paragraph 3.10.77	<p>Given the temporary nature of solar PV farms, sites should be configured or selected to avoid the need to impact on existing drainage systems and watercourses.</p>	<p><b>[EN010143/APP/6.1].</b></p>
Paragraph 3.10.78	<p>Culverting existing watercourses/drainage ditches should be avoided.</p>	<p><b>Chapter 9: Flood Risk, Drainage and Water Environment, ES</b></p>
Paragraph 3.10.145	<p>Water management is a critical component of site design for ground mount solar plants. Where previous management of the site has involved intensive agricultural practice, solar sites can deliver significant ecosystem services value in the form of drainage, flood attenuation, natural wetland habitat, and water quality management.</p>	<p><b>Volume 1 [EN010143/APP/6.1]</b> and the <b>Framework Construction and Environmental</b></p>



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		<b>Management Plan, ES Volume 7 [EN010143/APP/7.7]</b> set out that no new culverts will be installed and set out appropriate mitigation measures regarding any works to existing culverts.
<b>Draft NPS EN-5</b>		
<b>Paragraph 2.3.2</b>	<p>As climate change is likely to increase risks to the resilience of some of this infrastructure, from flooding for example, or in situations where it is located near the coast or an estuary or is underground, applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it has been designed to be resilient to:</p> <ul style="list-style-type: none"><li>a. flooding, particularly for substations that are vital to the network; and especially in light of changes to groundwater levels resulting from climate change;</li><li>b. the effects of wind and storms on overhead lines;</li><li>c. higher average temperatures leading to increased transmission losses;</li><li>d. earth movement or subsidence caused by flooding or drought (for underground cables); and</li><li>e. coastal erosion – for the landfall of offshore transmission cables and their associated substations in the inshore and coastal locations respectively</li></ul>	<p>The ES for the Scheme include an <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> that takes into account climate change.</p> <p>In-combination Climate Change Impact (ICCI) assessment is also included in the ES in <b>Chapter 6: Climate Change, ES Volume 1 [EN010143/APP/6.1]</b>.</p>

### **National Planning Policy Framework**

- 2.2.11 The relevant National Planning Policy (NPPF) (Ref. 24) paragraphs, together with an indication of where in the ES the information is provided to address these requirements, are provided in **Table 3**.
- 2.2.12 The policies set out in the NPPF to a large extent mirror those that are explained in NPS EN-1.

**Table 3. Relevant NPPF requirements for the flood risk, drainage and water environment assessment**

<b>Relevant NPPF paragraph reference</b>	<b>Requirement of the NPPF</b>	<b>Location of information provided to address this</b>
Paragraph 159	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.	The ES includes an <b>FRA, Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</b> and <b>Framework Surface Water Drainage Strategy, Appendix 9-4, ES Volume 2 [EN010143/APP/6.2]</b> for the Scheme, and all impacts on the water environment will also be assessed within <b>Chapter 9: Flood Risk, Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1]</b> .
Paragraph 162	The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.	
Paragraph 163	If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.	
Paragraph 164	The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that	

Relevant NPPF paragraph reference	Requirement of the NPPF	Location of information provided to address this
	outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.	
Paragraph 165	Both elements of the exception test should be satisfied for development to be allocated or permitted.	
Paragraph 167	<p>When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</p> <ol style="list-style-type: none"><li>a. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;</li><li>b. the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;</li><li>c. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;</li><li>d. any residual risk can be safely managed; and</li><li>e. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.</li></ol>	

<b>Relevant NPPF paragraph reference</b>	<b>Requirement of the NPPF</b>	<b>Location of information provided to address this</b>
Paragraph 169	<p>Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:</p> <ul style="list-style-type: none"><li>a. take account of advice from the lead local flood authority;</li><li>b. have appropriate proposed minimum operational standards;</li><li>c. have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and</li><li>d. where possible, provide multifunctional benefits.</li></ul>	
Paragraph 174	<p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>(...) e) 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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.</p>	

## 2.3 Guidance

- 2.3.1 National Planning Practice Guidance (NPPG) (Ref. 25) is a web-based resource that, with reference to the Flood Risk and Coastal Change guidance (published 2014) (Ref. 26), advises on how to take account of and address the risks associated with flooding and coastal change in the planning process.
- 2.3.2 It outlines a number of main steps to be followed which are designed to ensure that if there are better sites in terms of flood risk, or if a proposed development cannot be made safe, it should not be permitted. These steps include: assess flood risk; avoid flood risk; and manage and mitigate flood risk. The guidance states that developers and applicants need to consider flood risk to and from the development site and it is likely to be in their own best interests to do this as early as possible. In addition, the guidance provides detail on the application of the Sequential Test and the Exception Test, which has been considered in the **FRA, Appendix 9-3, ES Volume 6 [EN010143/APP/6.2]**.

### Environmental Improvement Plan 2023

- 2.3.3 In 2023, the UK Government published the Environmental Improvement Plan (Ref. 28), which updates and supersedes the 25 Year Improvement Plan (see below, Ref. 27). The plan covers the provision of clean air and water; protection and enhancement of habitats, wildlife and biosecurity; reducing the risk from environmental hazards and mitigating and adapting to climate change; using resources more sustainably and efficiently, minimizing waste and managing exposure to chemicals; enhancing beauty, heritage and engagement with the natural environment.
- 2.3.4 Ten goals were set out by the original plan and the 2023 plan reviewed the progress made against each goal, specific targets and commitments and the plan to continue to deliver these goals. One of these specific goals is improving water environmental quality. Defra's goals for the forthcoming period include to tackle nutrient pollution, including by upgrading 160 wastewater treatment works by 2027 and providing increased advice and incentives to support a shift to sustainable agricultural techniques, restore 400 miles of river through the first round of Landscape Recovery projects, establish 3,000 hectares of new woodlands along England's rivers, and roll out water efficiency labelling across appliances and ensure water companies deliver a 50% reduction in leakages by 2050.
- 2.3.5 The Environmental Improvement Plan 2023 also sets out legally binding targets under the Environment Act 2021 and sets interim targets in respect of those. This includes targets of: reducing nitrogen, phosphorus and sediment pollution from agriculture into the water environment by 40% by 2038 (against a 2018 baseline); reduced use of public water supply in England per head of population by 20% from the 2019/2020 baseline, by 2038; and reduced phosphorus loadings from treated wastewater by 80% by 2038 (against a 2020 baseline).

## **A Green Future: Our 25 Year Plan to Improve the Environment**

- 2.3.6 In 2018 Defra published 'A Green Future: Our 25 Year Plan to Improve the Environment' (Ref. 28) setting out the UK Government's goals for improving the environment within a generation and leaving it in a better state than we found it. The plan covered the provision of clean air and water; protection and enhancement of habitats, wildlife and biosecurity; reducing the risk from environmental hazards and mitigating and adapting to climate change; using resources more sustainably and efficiently, minimising waste and managing exposure to chemicals; and enhancing beauty, heritage and engagement with the natural environment.
- 2.3.7 With regards to the water environment, the Plan included specific goals to reduce the environmental impact of water abstraction, meet the objectives of River Basin Management Plans under the Water Framework Directive, reduce leakage from water mains, improve the quality of bathing waters, restore protected freshwater sites to a favourable condition, and do more to protect communities and businesses from the impact of flooding, coastal erosion and drought. The foundation of the Plan incorporated a natural capital approach with the aspiring goal that there should always be a net gain in biodiversity from new development.

## **The UK Government's Plan for Water: Our Integrated Plan for Delivering Clean and Plentiful Water**

- 2.3.8 In this plan (Ref. 29), published 2023, more investments, tighter regulation and effective enforcement are being made to transform and integrate the water system, address sources of pollution and boost water supply.
- 2.3.9 Besides setting new legally binding targets to significantly reduce pollution from farming, wastewater, and abandoned metal mines, the UK Government have also initiated a significant investment in water infrastructure improvements. Monitoring of storm overflows has also been substantially increased from only 10% in 2015 to over 90% in 2023. Further actions are listed within the plan to address multiple sources of pollution that are impacting water bodies.

## **Sustainable Drainage Systems Guidance**

- 2.3.10 The following paragraphs set out the guidance documents which have been considered in relation to Sustainable Drainage Systems (SuDS).
- 2.3.11 Defra published guidance on the use, design and construction of SuDS in Non-Statutory Technical Standards for SuDS (Ref. 31).
- 2.3.12 Industry good practice guidance on the planning for and design of SuDS is also provided by CIRIA C753 The SuDS Manual (Ref. 32) and Design Manual for Roads and Bridges (DMRB) CD532 Vegetated Drainage Systems for Highways Runoff (Ref. 33).
- 2.3.13 Consideration is also given to The Building Regulations 2010 Approved Document H Drainage and Waste Disposal (Ref. 34) and Water UK: Sewerage Sector Guidance (Ref. 35).

## Water Framework Directive

- 2.3.14 PINS has produced Advice Note 18: The Water Framework Directive (Ref. 36). This contains advice on the preparation and submission of WFD assessments by applicants. This note includes advice on bodies to be consulted, and screening, scoping and impact assessment, together guidance on Article 4.7 derogations.
- 2.3.15 At a regional level, water management is coordinated through 10 River Basin Management Plans (RBMPs). Each RBMP is prepared by the Environment Agency for six-year cycles and set out how organisations, stakeholders and communities will work together to improve the water environment. The waterbodies within the study area fall under the Humber RBMP (Ref. 37). The most recent plans for the Humber River basin district were updated in October 2022.

## 3. Local Policy and Guidance

- 3.1.1 The Scheme lies within the administrative areas of East Riding of Yorkshire Council and the newly formed Unitary Authority of North Yorkshire Council. North Yorkshire Council was formed on 1 April 2023 by the merger of the administrative areas of North Yorkshire County Council and its six constituent District Councils. Therefore prior to the merger and the formation of the Unitary Authority the Scheme was located in the administrative areas of Selby District Council and North Yorkshire County Council. It is expected that over time a new Local Plan for North Yorkshire Council will be prepared, however this will not be in place (either adopted or at draft review stage) within the timescale of the DCO Application and so the planning policy for Selby District Council and North Yorkshire County Council, as described within this Appendix, along with that for the East Riding of Yorkshire will continue to be the relevant local planning policy for the Scheme.
- 3.1.2 There is no legislation relevant to flood risk, drainage, and water at a regional or local level; it applies nationally.

### 3.2 Policy

- 3.2.1 The following local policy (**Table 4.**) is relevant to the assessment of the effects of the Scheme on flood risk, drainage and water environment.

**Table 4. Relevant local policy and guidance**

Relevant Document	Relevant policies
East Riding Local Plan 2012-2029 (2016) (Ref. 38)	Policy ENV6: Managing Environmental Hazards  Policy A4: Goole & Humberhead Levels sub area
East Riding Local Plan Update 2020 – 2039 (2022) (Ref. 39)	Policy ENV6: Managing Environmental Hazards)



	Policy A4: Goole & Humberhead Levels sub area
Selby District Local Plan (2005) (Ref. 40)	Policy ENV5: Development and Flood Risk
Selby District Core Strategy Local Plan (2013) (Ref. 41)	Policy SP15: Sustainable Development and Climate Change
	Policy SP18: Protecting and Enhancing the Environment
Selby District Local Plan Publication Version (2022) (Ref. 42)	Policy SG11: Flood Risk
	Policy NE5: Protecting and Enhancing Waterbodies

### **East Riding Local Plan 2012-2029**

- 3.2.2 Within the East Riding Local Plan (Ref. 38), Policy ENV6 relates to Managing Environmental Hazards. Part B to D of Policy ENV6 relate to flood risk, and Parts H to groundwater pollution.
- 3.2.3 Flood risk requirements including application of the Sequential Test, and appropriate measures to manage flood risk from new developments including limiting surface water runoff to greenfield runoff rates, incorporating SuDS into drainage design and adherence to relevant East Riding of Yorkshire Strategic Flood Risk Assessment (SFRA) recommendations.
- 3.2.4 With the flood risk sections the policy includes the following statements which are relevant to water environment:
- a. Section D, point I (iv) “do not culvert or otherwise build over watercourses unless supported by the Risk Management Authority”;
  - b. Section D, point I (vii) Developments need to be “adequately set back from all watercourses including culverted stretches”;
  - c. Section D, point 3 “supporting the removal of existing culverting and returning these sections to open watercourse”;
- 3.2.5 Para 8.95 states that culverting will not generally be permitted as part of new development because of the adverse ecological, flood risk, safety and aesthetic impacts. It will only be permitted where there is no reasonably practicable alternative, or if the detrimental effects would be so minor that a more costly alternative is not justified.
- 3.2.6 Para 8.96 states that if a development site contains existing culverted watercourse, applicants will be required to investigate whether it is feasible or practicable to open up the culvert and restore the watercourse to a more natural state. Where this is not possible, it will be necessary to incorporate mitigation measures that compensate for any loss of capacity, and ensure

that access is maintained to any watercourse or culvert to enable maintenance works to be carried out.

3.2.7 Within the section on groundwater pollution, the following statements are included:

- a. Section H, point 1 *“Avoiding development that will increase the risk of pollution in Source Protection Zones (SPZ) and where this is not possible, ensuring that appropriate mitigation measures are employed;*
- b. Section H, point 2 *“Supporting developments which will decrease the risk of pollution of SPZs”.*

3.2.8 Policy A4 relates to the Goole and Humberhead Levels sub area. With regard to the water environment the following are of relevance:

- a. *“Support integrated approaches to habitat and species management, safeguarding and enhancing designated sites, including the Humber Estuary, Lower Derwent Valley, River Derwent, River Ouse and Thorne, Crowle and Goole Moors, green infrastructure corridors and the Humberhead Levels Nature Improvement Area, and avoid development that would have a detrimental impact, working in conjunction with neighbouring authorities where appropriate;*
- b. *Ensure the integrity of the Sherwood Sandstone aquifer, and the Pollington and Cowick Groundwater Source Protection Zones, is protected;*
- c. *Proactively manage the risk of flooding posed from the Humber Estuary and the Rivers Aire, Derwent, Don (Dutch River), Ouse, and Trent, as well as the risk of surface water flooding, having regard where appropriate to the relevant Strategic Flood Risk Assessment and flood risk management plans and strategies;*
- d. *Manage improvements to the River Aire, River Ouse, Aire and Calder Navigation and Dutch River where it would create economic, environmental and recreational opportunities, and does not adversely affect conservation initiatives or the quality of the natural environment”.*

### **East Riding Local Plan Update 2020-2039**

3.2.9 Aside from minor changes in wording, the policies ENV6 Managing Environmental Hazards and A4 Goole & Humberhead Levels sub area as described above remain essentially unchanged in the East Riding Local Plan Update 2020-2039 (Ref. 39).

### **Selby District Core Strategy Local Plan (adopted 2013)**

3.2.10 Within the Selby District Core Strategy Local Plan (Ref. 41) Policy SP15 relates to Sustainable Development and Climate Change.

3.2.11 SP15 indicates that with regard to promoting sustainable development, the Council will direct development to sustainable locations; aim to achieve the most efficient use of land while not compromising the quality of local environment; ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test; and ensure that where development must be located within

areas of flood risk that it can be made safe without increasing flood risk elsewhere. Finally they support sustainable flood management measures such as water storage areas and schemes promoted through local surface water management plans to provide protection from flooding; and biodiversity and amenity improvements.

3.2.12 With regard to design and layout of development, schemes should contribute toward reducing carbon emissions and be resilient to effects of climate change, schemes should where appropriate:

- a. Incorporate water-efficient design and sustainable drainage systems which promote groundwater recharge;
- b. Protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation;
- c. Incorporate decentralised, renewable and low-carbon forms of energy generation.

3.2.13 Policy SP18 relates to protecting and enhancing the environment. This policy states, among other things, that the high quality and local distinctiveness of the natural and man-made environment will be sustained by ensuring that new development protects water quality from all types of pollution, and by ensuring that developments minimise energy and water consumption.

#### **Selby District Local Plan Publication Version (consultation 2022)**

3.2.14 Within the emerging Selby District Local Plan Publication Version (Ref. 42), policies SG11 and NE5 are of relevance to the water environment.

3.2.15 Policy SG11 relates to flood risk. Part A states that development will only be supported where it is demonstrated that:

- a. the site falls within the lowest flood risk areas (based on EA mapping and Selby District's SFRA maps)
- b. the site has been passed through a Sequential test (as per the NPPF) (minus any exempt development), or
- c. where there are no sequentially preferable sites, the site has been assessed through the application of the Exception test (as per the NPPF) (except any exempt development),
- d. the proposal does not increase off-site flooding, and
- e. outlines requirements where essential infrastructure is located on functional floodplain (Flood Zone 3b).

3.2.16 Part B outlines requirements to be applied (where viable and feasible) for sites that have passed the Sequential and Exception tests. The criteria are:

- a. Where the development is located in areas of flood risk such as Flood Zone 2 (or higher) and does not constitute minor development or a change of use the development layout within the site will be subject to the sequential approach, with the highest vulnerability development located in areas at lowest flood risk within the site;

- b. Relevant flood resilience construction methods identified through an up to date site-specific FRA should be implemented to reduce the impact and likelihood of a flood event;
  - c. Where the development has existing trees, woodland and/or hedgerows these should be retained where the risk of flooding from surface water has been identified and it is possible, and if not retained the developer must agree a tree planting scheme in line with Policy NE6 [of the Draft Selby District Local Plan] where determined to be the best option to help reduce identified flood risk from surface water;
  - d. The features that manage surface water are commensurate with the design of the development in terms of size, form and materials and make a positive contribution to reducing flood risk; More specific development control guidance should incorporate comments from the LLFA.
  - e. SuDS where appropriate are incorporated in accordance with the National Planning Policy Framework and the non-statutory technical standards, but taking advice from those organisations that provide input through the planning process including the Lead Local Flood Authority, and in relevant areas the Internal Drainage Boards
  - f. Hard surfaces on developments should be permeable where practicable in line with highways guidance from the Local Highways Authority unless proven not to be possible by site investigation;
  - g. Watercourses are not culverted and any opportunity to remove culverts is taken. The Council also encourages that developments are suitably located away from watercourses (including culverts).
- 3.2.17 Policy NE5 relates to protecting and enhancing rivers and waterbodies. This policy states that the Council will work with designated bodies, developers, partners and communities to ensure opportunities for the restoration and enhancement of water bodies are realised, by ensuring that: all development likely to impact the water environment will have regard to the WFD objectives set out in the Humber River Basin Management Plan and ensure: there is no deterioration in water quality of surface or groundwater body; the ability of any WFD waterbody to achieve their status objective is not compromised; and that improvement to the water environment is secured where possible.
- 3.2.18 Part B of the policy requires that developments in proximity to waterbodies will protect and enhance existing and potential functions and characteristics of the waterbodies through measures including:
- a. *“Inclusion of the waterbody or asset is an integral part of development design;*
  - b. *Avoid loss, damage or deterioration of water assets;*
  - c. *Safeguard and improve the environmental quality and ecological value;*
  - d. *Protect and enhance amenity value and accessibility;*
  - e. *Contribute to the significance of heritage assets and landscape value and enhance where possible;*

- f. Consider opportunities to mitigate for climate change or flooding;*
- g. Avoid the loss of existing wharfs/associated infrastructure and safeguard long-term opportunities for alternative transport options, the development of port facilities and ships' turning basins;*
- h. Take into account the latest priorities and strategies for waterbodies, assets and all users, including the Humber River Basin Management Plan and Blue and Green Infrastructure Strategies”;*

### **3.3 Guidance**

- 3.3.1 East Riding of Yorkshire Council published a ‘Combined Planning Note and Standing Advice’ in 2016 on “Sustainable Drainage Systems (SuDS) & Surface Water Drainage Requirements For New Development: Design and Maintenance” (Ref. 43).
- 3.3.2 The guidance includes minimum design requirements, minimum information requirements that should be provided with a planning application, the requirements for an FRA, consideration of climate change, use of SuDS, and ongoing maintenance requirements of drainage systems and SuDS.

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