



# One Earth Solar Farm

**Volume 6.0 Environmental Statement [EN010159]**

**Volume 3: Technical Appendices Supporting ES Volume 2**

**Appendix 7.1: Summary of Relevant Legislation, Policy and Technical Guidance**

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## A.7 Hydrology Legislation, Planning Policy and Guidance

### A.7.1 Review of Policy, Legislation and Relevant Guidance

A.7.1.1. Legislation, planning policy and guidance relating to hydrology and hydrogeology, and pertinent to the Proposed Development comprises:

#### Legislation

##### The European Water Framework Directive (WFD) (2000)

A.7.1.2. The WFD establishes a framework for the protection of inland surface waters, transitional waters, coastal waters, and groundwater. It requires:

- > environmental objectives should be set to ensure that good status of groundwater is achieved and that its deterioration is avoided. This includes any upward sustaining trend in the concentration of a pollutant must be identified and reversed;
- > a good status of groundwater requires early action and stable long-term planning of protective measures, owing to the natural time lag in its formation and renewal; and
- > monitoring programmes should cover monitoring of the chemical and quantitative status of groundwater.

##### The Flood Directive (2007)

A.7.1.3. The aim of this Directive is to reduce and manage the risks that floods pose to human health, the environment, cultural heritage and economic activity. It sets the strategic level for flood risk that any development will need to comply with.

##### Environmental Protection Act (1990)

A.7.1.4. Part 2A provides a statutory regime for the identification and remediation of 'Contaminated Land'. It introduces a statutory definition of 'contaminated land' based on significant harm or the likelihood of significant harm or the pollution or likely pollution of controlled waters (all groundwater, inland waters, and estuaries, excluding water perched above the zone of saturation). Local authorities are the primary regulators under the Part 2A regime, with a duty to identify contaminated land in their area.

##### Water Resources Act (1991) (as amended)

A.7.1.5. This Act, specifically Part 3 sets controls of pollution of water sources. It contains information about water quality objectives, powers to prevent and

control pollution and pollution offences. This Act requires the Environment Agency to give consent for works in, over, under or adjacent to 'main rivers'. Main rivers are classified watercourses over which the EA has jurisdiction.

#### Land Drainage Act (1991)

- A.7.1.6. This Act requires that landowners maintain the flow of water in watercourses.

#### Environment Act (1995)

- A.7.1.7. This Act established the Environment Agency and transferred to it powers over the control of pollution and the conservation and enhancement of natural resources and the environment.

#### The Groundwater (England and Wales) Regulations (2009)

- A.7.1.8. Under these regulations, rules are set out for the approval/granting of Environment Agency permit, consent to which is under other regulations. Through these regulations, further enforcement powers are given to the Environment Agency, detail penalties and offences, if discharge of a hazardous substance or non-hazardous pollutant into a watercourse occurs without a permit.

#### The Flood Risk Regulations (2009).

- A.7.1.9. Protecting the community from the risk and impact of flooding is at the centre of the Floods Directive 2007/60/EC. This Directive, implemented via these Regulations in the UK, provides a new approach to managing flood risk on a catchment-wide scale which applies to all sources of flooding (river, lakes, flash floods, urban floods, coastal floods, including storm surges).

### National Planning Policy

#### Overarching National Policy Statement for Energy (EN-1) (2023)

- A.7.1.10. This provides overarching government policy on energy NSIPs, how planning applications relating to energy will be assessed, and the way in which any impacts and mitigation measures will be considered. Part 5, Section 5.8 of this policy statement specifically relates to Flood Risk.
- A.7.1.11. Paragraph 5.8.13 states that:

*“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:*

- *sites of 1 hectare or more;*

- *land which has been identified by the EA or NRW as having critical drainage problems*
- *land identified (for example in a local authority strategic flood risk assessment) as being at increased flood risk in future;*
- *land that may be subject to other sources of flooding (for example surface water); and*
- *where the EA or NRW, Lead Local Flood Authority, Internal Drainage Board or other body have indicated that there may be drainage problems.”*

### National Policy Statement for Renewable Energy Infrastructure (EN-3) (2023)

- A.7.1.12. This provides specific government policy on how renewable energy NSIPs should be assessed and determined, and the way in which any impacts and mitigation measures will be considered. Specific extracts relating to our Project are as follows:
- A.7.1.13. Paragraph 2.10.84 states that “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.”
- A.7.1.14. Paragraph 2.10.154 states that “Water management is a critical component of site design for ground mount solar plants. Where previous management of our 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.”

### National Policy Statement for Renewable Energy Infrastructure (EN-5) (2023)

- A.7.1.15. There are no policies that specifically relate to hydrology and hydrogeology.

### National Planning Policy Framework (2024)

- A.7.1.16. The National Planning Policy Framework (NPPF) is an overarching document which sets out government planning policy for development outside of the NSIP regime in England, and how this is expected to be applied by local authorities and developers. The NPPF can be an important and relevant consideration for NSIPs as well, but in the event of any conflict, the NPS policy prevails.
- A.7.1.17. Section 14 sets out the Government’s over-arching planning policies in relation to meeting the challenge of climate change, flooding and coastal change.

## Local Planning Policy

- A.7.1.18. Local planning policy relevant to our Site is set out below. Local policies can be an important and relevant consideration for NSIPs as well, but in the event of any conflict, the NPS policy prevails.

Newark and Sherwood District Council (2023) Local Development Framework, Amended Allocations and Development Management Development Plan Document (AADMDPD), Submission Version, January 2024

- A.7.1.19. This amended local Development Plan Document (DPD) has been compiled to ensure that the wider development framework within Newark and Sherwood District Council sufficiently allocates land for development to meet the needs of the area, up until 2033.

- A.7.1.20. Relevant to our Project is Policy DM5(b) 10. Flood Risk and Water Management, states:

“The Council will, in line with Policy DM5(c) aim to steer new development away from areas at highest risk of flooding. Development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones.

Where development is necessary within areas at risk of flooding it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere and where possible, pursue opportunities to reduce flood risk overall.

All application for new development shall demonstrate that all surface water discharges have been carried out in accordance with the principles laid out within the drainage hierarchy, in such that a discharge to the public sewerage systems are avoided, where possible.

All major developments shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate.

All schemes for the inclusions of SuDS should demonstrate they have considered all four aspects of good SuDS design, Quantity, Quality, Amenity and Biodiversity, and the SuDS and development will fit into the existing landscape.

The completed SuDS schemes should be accompanied by a maintenance schedule detailing maintenance boundaries, responsible parties and arrangements to ensure that the SuDS are maintained in perpetuity.

Where possible, all non-major development should look to incorporate these same SuDS principles into their designs.”

- A.7.1.21. In addition Policy DM5(c) Sequential Test states:

“In-line with Core Policy 10 of the Amended Core Strategy, the Council will follow a sequential approach to development and flood risk, seeking to steer new development away from those areas at highest risk. Development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding.

*The area of search within which to undertake the Test will normally be District-wide, unless it is appropriate for this to be further refined having had regard to relevant policy objectives within the Development Plan and/or any valid functional requirements of the proposed use. With specific regard to housing development, the presence of a settlement-level housing needs assessment will not normally justify restricting application of the test to that location, except in the circumstances outlined below.*

*In order to help maintain the viability and vitality of rural villages below the Principal Village level of the Settlement Hierarchy greater flexibility will be provided, where the presence of large areas in Flood Zones 2 and 3 constrains the availability of suitable land and the proposed development is necessary to sustain the existing community. To demonstrate that housing development is necessary to sustain an existing community, proposals will be expected to be supported by:*

*An up-to-date and appropriately constituted Housing Needs Survey, specific to that community and identifying a form of need which the proposal would contribute towards meeting; and/or*

*Provision of a robust case that the proposal would make a meaningful contribution towards the sustaining of services and facilities in that community.*

*Where a ‘made’ Neighbourhood Plan provides support for housing development within a defined settlement boundary, or for rural affordable housing adjacent to that boundary under Core Policy 2, then this will provide justification for restriction of the Test to the Neighbourhood Area.*

*Where the undertaking of the Test is necessary then applicants are encouraged to positively engage with the District Council at an early stage in order to agree appropriate parameters.”*

Newark & Sherwood District Council, Amended Core Strategy Development Plan (2019)

- A.7.1.22. The Amended Core Strategy for Newark and Sherwood District is part of the Local Development Framework for the area. This strategy outlines the overarching issues and objectives to address over a 20-year period, contextualising this into wider vision, series of objectives and core policies toward delivery.

- A.7.1.23. Core Policy 9 “Sustainable Design” states that:

*“The District Council will expect new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Therefore all new development should:*

- > Through its design, pro-actively manage surface water including, where feasible, the use of Sustainable Drainage Systems...
- > The District Council will prepare an SPD which provides guidance to developers on the sustainable design of development and the consideration of making homes fit for purpose over their lifetime including ensuring adaptability and provision of broadband."

A.7.1.24. Core Policy 12 "Biodiversity and Green Infrastructure" is relevant to our Project and states that:

"The District Council will seek to conserve and enhance the biodiversity and geological diversity of the District by working with partners to implement the aims and proposals of the Nottinghamshire Local Biodiversity Action Plan, the Green Infrastructure Strategy and the Nature Conservation Strategy. The District Council will therefore:

Expect proposals to take into account the need for continued protection of the District's ecological, biological and geological assets. With particular regard to sites of international, national and local significance, Ancient Woodlands and species and habitats of principal importance identified in Section 41 of the Natural Environment and Rural Communities Act 2006 and in the Nottinghamshire Local Biodiversity Action Plan;

Seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District;

Promote the appropriate management of features of major importance for wild flora and fauna;

Provide for Suitable Alternative Natural Green Space to reduce visitor pressure on the District's ecological, biological and geological assets, particularly in the Newark area and for 5kms around the Birklands and Bilhaugh Special Area of Conservation;

...."

Central Lincolnshire Local Plan (2023)

A.7.1.25. The Local Plan for the central Lincolnshire area sets out the approach to planning policy and overarching development allocations to drive growth in the area over a 20-year period. The Local Plan is contextualised into a wider vision, series of objectives and core policies toward delivery.

A.7.1.26. Specific policies detailed in the Local Plan and are relevant to our Project, as below.

A.7.1.27. Policy S20 "Resilient and Adaptable Design" states that:

*"the nature of the development makes it impracticable to incorporate a green roof.*

### *Adaptable design*

*Applicants should design proposals to be adaptable to future social, economic, technological and environmental requirements in order to make buildings both fit for purpose in the long term and to minimise future resource consumption in the adaptation and redevelopment of buildings in response to future needs. To meet this requirement, applicants should undertake the following, where applicable:*

*...*

*8. Is resilient to flood risk, from all forms of flooding (see Policy S21)."*

A.7.1.28. Policy S21 "Flood Risk and Water Resources" states that:

#### *"Flood Risk*

*All development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test. Through appropriate consultation and option appraisal, development proposals should demonstrate:*

- a) that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;*
- b) that the development does not place itself or existing land or buildings at increased risk of flooding;*
- c) that the development will be safe during its lifetime taking into account the impacts of climate change and will be resilient to flood risk from all forms of flooding such that in the event of a flood the development could be quickly brought back into use without significant refurbishment;*
- d) that the development does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies, where adoption, ongoing maintenance and management have been considered and any necessary agreements are in place;*
- e) how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and*
- f) that they have incorporated Sustainable Drainage Systems (SuDS)/ Integrated Water Management into the proposals unless they can be shown to be inappropriate.*

#### *Protecting the Water Environment*

*Development proposals that are likely to impact on surface or ground water should consider the requirements of the Water Framework Directive. Development proposals should demonstrate:*

- g) that water is available to support the development proposed;*

- h) that adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development. Non mains foul sewage disposal solutions should only be considered where it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible;*
- i) that they meet the Building Regulation water efficiency standard of 110 litres per occupier per day or the highest water efficiency standard that applies at the time of the planning application (see also Policy S12);*
- j) that water reuse and recycling and rainwater harvesting measures have been incorporated wherever possible in order to reduce demand on mains water supply as part of an integrated approach to water management (see also Policy S11);*
- k) that they have followed the surface water hierarchy for all proposals:*
- i. surface water runoff is collected for use;*
  - ii. discharge into the ground via infiltration;*
  - iii. discharge to a watercourse or other surface water body;*
  - iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*
  - v. discharge to a combined sewer;*
- l) that no surface water connections are made to the foul system;*
- m) that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;*
- n) that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated;*
- o) that development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive;*
- p) that development with the potential to pose a risk to groundwater resources is not located in sensitive locations to meet the requirements of the Water Framework Directive;*
- q) how Sustainable Drainage Systems (SuDS)/ Integrated Water Management to deliver improvements to water quality, the water environment and to improve amenity and biodiversity net gain wherever possible have been incorporated into the proposal unless they can be shown to be impractical;*
- r) that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);*

*s) that suitable access is safeguarded for the maintenance of watercourses, water resources, flood defences and drainage infrastructure; and*

*t) that adequate provision is made to safeguard the future maintenance of water bodies to which surface water and foul water treated on our Site of the development is discharged, preferably by an appropriate authority (e.g. Environment Agency, Internal Drainage Board, Water Company, the Canal and River Trust or local Council).*

*In order to allow access for the maintenance of watercourses, development proposals that include or abut a watercourse should ensure no building, structure or immovable landscaping feature is included that will impede access within 8m of a watercourse, or within 16m of a tidal watercourse. Conditions may be included where relevant to ensure this access is maintained in perpetuity and may seek to ensure responsibility for maintenance of the watercourse including land ownership details up to and of the watercourse is clear and included in maintenance arrangements for future occupants.”*

**Bassetlaw District Council (2011) Publication Core Strategy and Development Management Policies.**

A.7.1.29. The Core Strategy for the Bassetlaw District sets out the overarching vision for the area up until 2026, including the policy approach to deliver this.

A.7.1.30. Policy DM12 “Flood Risk, Sewerage and Drainage” is related to our Project and states:

#### *“A. Flood Risk*

*Proposals for the development of new units in Flood Zones 2, 3a, and 3b that are not defined by national planning guidance (43) as being suitable for these zones will not be supported while development sites remain available in sequentially superior locations across the District. Reference should be made to the Council's Strategic Flood Risk Assessment when making assessments about likely suitability. Site-specific Flood Risk Assessments will be required for all developments in flood risk areas, even where flood defences exist, as defined on the Proposals Map. Where suitable redevelopment opportunities arise, the Council will require, in liaison with the Environment Agency, the opening up of culverts, notably in Worksop and Retford, in order to reduce the blocking of flood flow routes. Particular support will be given to the Flood Alleviation Scheme for Retford Beck.*

#### *B. Sewerage and Drainage*

*All applications for new development (other than minor extensions) in:*

- *Beckingham*
- *Clarbrough and Hayton*
- *East Drayton*
- *East Markham*
- *Harworth*
- *Bircotes*
- *North Leverton*

- North Wheatley
- Misterton
- South Wheatley
- Sturton-le-Steeple
- Welham
- Walkeringham

*will be required to contain a Surface Water Drainage Assessment, to be produced in discussion with the District Council. This Assessment must show to the Council's satisfaction that the proposed development will not exacerbate existing land drainage and sewerage problems in these areas.*

*All new development will be required to incorporate Sustainable Drainage Systems (SuDS) and provide details of adoption, ongoing maintenance, and management. Proposals will be required to provide reasoned justification for not using SuDS techniques, where ground conditions and other key factors show them to be technically feasible.*

*Preference will be given to systems that contribute to the conservation and enhancement of biodiversity and green infrastructure in the District."*

**Draft Bassetlaw Local Plan 2020-2038: Main Modifications Version, August 2023.**

A.7.1.31. This Local Plan sets out Bassetlaw District's planning and policy framework, development strategy and site allocations to inform effective delivery of the overall vision up until 2038.

A.7.1.32. Policies set out in the Local Plan relate to our Project are:

A.7.1.33. Policy ST50 "Flood Risk and Drainage" states that:

*"1. Proposals are required to consider and, where necessary, mitigate the impacts of the proposed development on flood risk, on-site and off-site, commensurate with the scale and impact of the development. Proposals, including change of use applications, must be accompanied by a Flood Risk Assessment (where appropriate), which demonstrates that the development, including the access and egress, will be safe for its lifetime, without increasing or exacerbating flood risk elsewhere and where possible will reduce flood risk overall.*

*2. Where relevant, proposals must demonstrate that they pass the Sequential Test and if necessary the Exceptions Test in Flood Zones 2 and 3 and ensure that where land is required to manage flood risk, it is safeguarded from development.*

*River Ryton Flood Management Impact Zone*

*3. All development within the River Ryton Flood Management Impact Zone, as identified on the Policies Map, will need to demonstrate through a Design and Access Statement that they will not prejudice the delivery of a future flood management scheme for the River Ryton catchment through prior agreement with the Environment Agency.*

*Surface Water Flood Risk*

*4. All development (where practicable) should incorporate sustainable drainage systems (SuDS) in line with national standards. These should:*

- a) be informed by the Lead Local Flood Authority, sewerage company and relevant drainage board;*
- b) have maintenance arrangements in place to ensure an acceptable standard of operation and management for the development's lifetime;*
- c) prevent surface water discharge into the sewerage system;*
- d) maximise environmental gain through: enhancing the green/blue infrastructure network, including urban greening measures; contributing to biodiversity net gain where possible; and, securing amenity benefits along with flood storage volumes;*
- e) seek to reduce runoff rates in areas at risk from surface water flooding, and that any surface water is directed to sustainable outfalls."*

A.7.1.34. Policy ST53 "Protecting Water Quality and Management" states that:

*"1. In line with the objectives of the Water Framework Directive, the quantity and quality of surface and groundwater bodies will be protected and where possible enhanced. Development adjacent to, over or in, a main river or ordinary watercourse will be supported where proposals consider opportunities to improve the river environment and water quality where possible by:*

- a) actively contributing to enhancing the status of the waterbody through positive actions or ongoing projects;*
- b) naturalising watercourse channels;*
- c) improving the biodiversity and ecological connectivity of watercourses;*
- d) safeguarding and enlarging river buffers with appropriate habitat in accordance with Policy ST39; and*
- e) mitigating diffuse agricultural and urban pollution.*

*Proposals within a Source Protection Zone will need to demonstrate that any risk to the Sherwood Sandstone Principal Aquifer and its groundwater resources and groundwater quality will be protected throughout the construction and operational phase of development, by demonstrating the satisfactory resolution of all relevant identified impacts.*

*3. All proposals must ensure that appropriate infrastructure for water supply, sewerage and sewage treatment, is available or can be made available at the right time to meet the needs of the development. Proposals should:*

- a) utilise the following drainage hierarchy:*
  - i. into the ground (infiltration);*
  - ii. to a surface water body;*
  - iii. to a surface water sewer, highway drain, or another drainage system; to a combined sewer.*

- b) ensure that foul and surface water flows are separated with foul water being disposed to a public sewer or to a private self-treatment plant and that the design of the waste disposal system will be safe over the lifetime of the development.*
- c) ensure that development that discharges water into a watercourse incorporates appropriate water pollution control measures;*
- d) ensure that drainage design take into account an appropriate climate change allowance as agreed with the relevant authority(s);*
- e) ensure that infiltration-based SuDS incorporate appropriate water pollution control measures;*
- f) consider use of water recycling, rainwater and storm water harvesting, wherever feasible, to reduce demand on mains water supply.*

### **National Guidance**

#### **Planning Practice Guidance (2023) Flood Risk and Coastal Change Planning Practice Guidance (PPG) (updated 2022)**

- A.7.1.35. This guidance sets out how practitioners and assessors can account for and address risks associated with flooding and coastal change. Relevantly, it provides commentary on the sequential test, site-specific requirements for flood risk assessment (including a checklist), the role of the EA and local authorities in assessing planning applications, addressing residual risk and sustainable drainage.

#### **DEFRA Non-statutory technical standards for sustainable drainage systems (2015)**

- A.7.1.36. This DEFRA guidance focuses on standards for sustainable drainage systems from a non-statutory perspective and should be used by practitioners in tandem with the NPPF and PPG. The standards listed in this report focus on peak control flow, volume control, flood risk within the development, structural integrity, maintenance and construction.

#### **Construction Industry Research and Information Association (CIRIA) Report C753 The SuDS Manual (2015)**

- A.7.1.37. This report sets out key guidance for local authorities and developers to assist with the implementation of SuDS within new and existing infrastructure projects. This further covers the cycle of SuDS from design to maintenance. Overarching supporting information also looks at the effectiveness of SuDS to help maximise benefits.

### **Local Guidance**

#### **Bassetlaw District Level 1 Strategic Flood Risk Assessment (SFRA) (2019)**

- A.7.1.38. An SFRA is a requirement under Planning Policy Statement 25 on “Development and Flood Risk” and is a tool to account for all sources of

flooding and climate change impacts to inform local development outcomes. An SFRA is further used to refine data on specific areas which may flood, which is further contextualised into mapping outputs.

#### Newark and Sherwood District Level 1 SFRA (2016)

- A.7.1.39. The completed SFRA for Newark and Sherwood District provides an assessment of the overall risk of flooding and associated implications for land use planning and local development outcomes, within the overall District. This is a requirement under Planning Policy Statement 25 on “Development and Flood Risk.”

#### West Lindsey Level 1 SFRA (2009)

- A.7.1.40. The completed SFRA for West Lindsey provides an assessment of the overall risk of flooding and associated implications for land use planning and local development outcomes, within the overall District. This is a requirement under Planning Policy Statement 25 on “Development and Flood Risk.”

#### Lincolnshire Sustainable Drainage Design and Evaluation Guide (2018).

- A.7.1.41. This guidance document takes a similar approach to the CIRIA SuDS manual guidance and applies it to a local context. This guide aims to align the design approach to SuDS with the planning process in Lincolnshire. The guidance further details three stages to SuDS design and what it should demonstrate at each stage.



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