

APPENDIX 8.1 LEGISLATION, POLICY, AND GUIDANCE

1.1 Legislative Framework

1.1.1 Following the exit of the UK from the European Union (EU), the Environment (EU Exit) Regulations 2019 came into force on exit day. This includes updates to some of the legislation outlined below, to ensure that they continue to function properly following exit. There are outstanding changes yet to be made to the 1991 Water Resources Act following the exit of the UK from the EU.

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

1.1.2 Directive 2000/60/EC of the European Parliament and Council (the Water Framework Directive) came into force on 22 December 2000 and established a framework for community action in the field of water quality. The WFD has been transposed into regulations in England, following the UK departure from the European Union, by The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, which required good chemical and ecological status to be reached in inland and coastal waters by 2027. The WFD is designed to enhance the status and prevent deterioration of aquatic ecosystems and associated wetlands, to promote sustainable water use, to reduce pollution of water and to ensure a progressive reduction in groundwater pollution. The WFD established a strategic framework for managing the water environment and requires a Management Plan for each river basin to be developed every six years.

European Directive: The Groundwater Daughter Directive (2006/118/EC)

1.1.3 Directive 2006/118/EC of the European Parliament and Council (the Groundwater Daughter Directive) came into force on 12th December 2006 and aims to protect groundwater against pollution and deterioration. The Groundwater Daughter Directive was developed in response to the requirements of Article 17 of the WFD (2000/60/EC) and specifies measures to prevent and control groundwater pollution (by providing criteria for the assessment of good groundwater chemical status, criteria for the identification and reversal of significant and sustained upward trends and for defining a baseline status).

European Directive: The Priority Substances Directive (2008/105/EC)

1.1.4 Directive 2008/105/EC of the European Parliament and Council (the Priority Substances Directive) came into force on 16th December 2008 and sets environmental

quality standards in the field of water policy. The Priority Substances Directive amended and subsequently repealed Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amended the WFD of the European Parliament and Council. The Priority Substances Directive was developed in response to the requirements of Article 16 of the WFD and requires the identification of priority substances to set Environmental Quality Standards (EQSs) for the concentrations of the priority substances in surface waterbodies and to review periodically the list of priority substances.

Act of Parliament: The Environmental Protection Act 1990

- 1.1.5 The Environmental Protection Act 1990 brought in a system of integrated pollution control for the disposal of wastes to land, water and air and covers statutory nuisances.

Act of Parliament: The Land Drainage Act 1991

- 1.1.6 The Land Drainage Act 1991 requires the owner of a watercourse to maintain the watercourse in such a condition that the free flow of water is not impeded. The owner must accept the natural flow from upstream, but need not carry out work to cater for increased flows resulting from some types of works carried out upstream, for example a new housing development.

Act of Parliament: The Water Resources Act 1991, Water Act 2003 and Water Act 2014

- 1.1.7 The Water Resources Act 1991 aims to prevent and minimise pollution of water (surface and groundwater) and tasks the policing of this Act to the EA. The Water Act 2003 amended the Water Resources Act 1991 to improve long-term water resource management by making changes to licensing. The Water Act 2003 also aims to promote water conservation, increase competition, strengthen the voice of consumers and promote the suitable use of water resources. The Water Act 2014 aims to reform the water industry to make it more responsive to customers and to increase the resilience of water supplies to droughts and flooding. It also brings in measures to address the availability and affordability of insurances in high flood risk areas.

1.2 Policy

Future Wales: The National Plan 2040

- 1.2.1 Future Wales: The National Plan 2040 was published in February 2021 and forms the National Development Framework for Wales, setting out the direction for

development to 2040. Future Wales: The National Plan 2040 contains numerous paragraphs concerning water resources, flooding, water quality and protection of the environment during development.

Planning Policy Wales (Edition 11)

- 1.2.2 Planning Policy Wales (PPW) was republished in February 2021 alongside the National Plan. PPW outlines land use planning policies, supported by topic based Technical Advice Notes, and includes numerous paragraphs concerning water resources, flooding, water quality and the protection of the environment during development.

Technical Advice Note (TAN) 15: Development and Flood Risk

- 1.2.3 Technical Advice Note (TAN) 15: Development and Flood Risk was published in July 2004 and provides supplementary guidance to Planning Policy Wales in relation to development and flooding. It advises on development and flood risk as this relates to sustainability principles and provides a framework within which risks arising from both river and coastal flooding, and from additional run-off from development in any location can be assessed.

Cardiff Council Local Development Plan

- 1.2.4 Cardiff Council's Local Development Plan (LDP) was adopted on 28th January 2016 and is the basis for decision making on land use planning in Cardiff. The LDP is supported by Supplementary Planning Guidance covering a range of planning based topics. The relevant objectives and policies of the Cardiff Council LDP are summarised below:

- KP4(i)10: Innovative and creative energy, management of surface water and water management solutions are adopted to make new developments more environmentally sustainable.
- KP18: In the interests of the long-term sustainable development of Cardiff, development proposals must take full account of the need to minimise impact on the city's natural resources and minimise pollution, in particular the following elements: protecting the quality and quantity of water resources, including underground surface and coastal waters.
- Paragraph 4.187: Development has the potential to affect water quality and quantity. It is important that development is only allowed where there would be no unacceptable harm to the quality or quantity of water resources and where provision can be made for any infrastructure require to safeguard water quality

and quantity. New developments should have adequate water supply and sewerage system to serve the development.

- EN10: Water Sensitive Design. Development should apply water sensitive urban design solutions (the process of integrating water cycle management with the built environment through planning and urban design). To include the management of: water demand and supply, waste water and pollution, rainfall and runoff, watercourses and water resource, flooding, and water pathways.
- EN11: Protection of Water Resources. Development will not be permitted that would cause unacceptable harm to the quality or quantity of underground, surface or coastal waters.
- Paragraphs 5.162 – 5.169: Expand on Policy KP18 and its purpose to maintain and enhance the quality and quantity of water resources.
- EN14: Flood Risk. Development will not be permitted: within tidal or fluvial flood plains unless it can be demonstrated that the site is justified in line with national guidance and an appropriate detailed technical assessment has been undertaken to ensure that the development is designed to alleviate the threat and consequences of flooding over its lifetime; where it would increase the risk of flooding from fluvial and/or tidal flooding from additional runoff from the development in any location; where it would hinder future maintenance or improvement schemes of flood defences and watercourses; where it would cause adverse effects on the integrity of tidal or fluvial defences. Where appropriate the developer should demonstrate that they have considered the need to incorporate environmentally sympathetic flood risk mitigation measures such as Sustainable Urban Drainage Systems (SUDS).