



**LAND NORTH-WEST OF
SOUTHWATER, HORSHAM**

**ENVIRONMENTAL STATEMENT,
VOLUME II, APPENDIX 5.2: POLICY,
GUIDANCE AND LEGISLATION (ALL
CHAPTERS)**

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5. APPENDIX 5.2: LEGISLATION, POLICY AND GUIDANCE

5.1. INTRODUCTION

- 5.1.1. This appendix sets out the legislation, policy and guidance relevant to the Proposed Development and all technical topics within the Environmental Statement (ES). The aim of the appendix is to provide an overview of how the chapters have been prepared with reference to specific legislation, policy and guidance during construction and operation.
- 5.1.2. All technical topics listed within this appendix have been prepared considering relevant policy in the Horsham District Local Plan 2023-2040 (Regulation 19) and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5.2. GENERAL LEGISLATION, POLICY AND GUIDANCE

Table 5-1 - Overarching and General Legislation, Policy and Guidance

Legislation	
Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ¹	<p>The process of Environmental Impact Assessment in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the '2017 Regulations'). These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990.</p> <p>These regulations apply the amended EU directive “on the assessment of the effects of certain public and private projects on the environment” (usually referred to as the ‘Environmental Impact Assessment Directive’ to the planning system in England.</p> <p>The process for progressing through EIA include Screening, Scoping, Environmental Statement, Planning Application and Consultation, and Decision Making.</p>
The Environmental Protection Act 1990 ²	Establishes the core framework for pollution control, waste regulation, statutory nuisance and contaminated land. It empowers regulators to control emissions, enforce environmental permits and manage pollution risks.
The Environment Act 1995 ³	Created the Environment Agency and Scottish Environment Protection Agency, assigning them powers for pollution control, contaminated land and environmental management. Introduced to strengthen environmental governance and consolidate regulatory responsibilities across pollution, natural resources, and National Parks. Used as a statutory basis for environmental regulation and sustainable development duties, underpinning many subsequent environmental regulations.
The Environment Act 2021 ⁴	Introduces legally binding long-term environmental targets for air quality, water, biodiversity, and waste, and establishes the Office for Environmental Protection. Created to fill the governance gap left

¹ UK Government (2017) *The Town and Country Planning (Environmental Impact Assessment) Regulations 2017*. [Online] Available at: <https://www.legislation.gov.uk/uksi/2017/571/contents>

² The National Archives (1990) *Environmental Protection Act 1990*. [Online] Available at: <https://www.legislation.gov.uk/ukpga/1990/43/contents>

³ The National Archives (1995) *Environment Act 1995*. [Online] Available at: <https://www.legislation.gov.uk/ukpga/1995/25/contents>

⁴ The National Archives (2021) *Environment Act 2021*. [Online] Available at: <https://www.legislation.gov.uk/ukpga/2021/30/contents/>

Legislation	
	after Brexit and ensure the UK maintains high environmental standards independently of EU oversight. Used to drive environmental improvement through biodiversity net gain, Local Nature Recovery Strategies, and strengthened enforcement mechanisms.
Water Framework Directive 2000/60/EC ⁵	The EU framework for protecting and enhancing surface waters, coastal waters and groundwater, with the aim of achieving “good status.” Requires river basin management planning in six-year cycles. Adopted in 2000 and transposed into UK law in 2003.
Policy	
Horsham District Emerging Local Plan, 2023-2040 (Regulation 19) ⁶	A statutory framework allocating sites for 13,212 new homes and infrastructure across the district, excluding the South Downs National Park. It establishes legally binding policies on issues like water neutrality, biodiversity, and climate change. The plan acts as the official guide for deciding planning applications, protecting the district while addressing social and economic needs.
Horsham District Planning Framework (HDPF) (November 2015) ⁷	The HDPF (overarching planning document for Horsham District outside the South Downs National Park) sets out the planning strategy for the years up to 2031 to deliver social, economic and environmental needs of the HDPF plan area, as well as looking beyond its boundaries.
The National Planning Policy Framework (NPPF) ⁸	Sets out the Government’s planning policies for England and how these are expected to be applied. Provides the national framework within which local development plans are prepared, and planning decisions are made, ensuring that development is delivered in a sustainable manner. Establishes

⁵ Directive 2000/60/EC establishing a framework for Community action in the field of water policy. Official Journal L 327, 22.12.2000. [Online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060>

⁶ Horsham District Council (2024) Horsham District Local Plan 2023-2040 (Regulation 19). [Online] Available at: <https://strategicplanning.horsham.gov.uk/gf2.ti/-/1583938/192184357.1/PDF/-/Horsham%20District%20Local%20Plan%20Regulation%2019.pdf>

⁷ Horsham District Council (2015) Horsham District Planning Framework (excluding South Downs National Park). [Online] Available at: https://www.horsham.gov.uk/data/assets/pdf_file/0016/60190/Horsham-District-Planning-Framework-November-2015.pdf

⁸ Ministry of Housing, Communities & Local Government (2024) National Planning Policy Framework (last updated 7 February 2025). [Online] Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>



Legislation	
	expectations for housing delivery, infrastructure provision, economic growth and environmental protection, and is a material consideration in planning decisions
Southwater Neighbourhood Plan, June 2021 (2019 – 2031) ⁹	A community-led statutory planning document that forms part of the local development plan, providing locally specific policies for development, design, green infrastructure and community priorities within Southwater parish.
Guidance	
National Planning Practice Guidance ¹⁰	Provides detailed online guidance that supports and explains how the national planning policies in the National Planning Policy Framework (NPPF) should be applied in practice. It offers topic-based guidance for plan-making and decision-taking across areas such as air quality, design, viability, environmental assessment, flood risk, heritage, housing need, and transport. The Planning Policy Guidance (PPG) ensures consistent interpretation of planning policy by supplying up-to-date procedural and technical advice for local planning authorities, applicants and communities.

⁹ Southwater Parish Council (2021). *Southwater Neighbourhood Development Plan (2019 – 2031): Referendum Edition*. [Online] Available at: <https://www.horsham.gov.uk/planning/neighbourhood-planning/southwater>

¹⁰ Ministry of Housing, Communities and Local Government (2024) *National Planning Practice Guidance*. [Online] Available at: <https://www.gov.uk/government/collections/planning-practice-guidance>

5.3. AIR QUALITY

Table 5-2 – Relevant Air Quality Legislation, Policy and Guidance

Legislation	
The Air Quality (England) Regulations 2000 ¹¹	Sets legally binding air quality objectives for key pollutants (such as NO ₂ , PM ₁₀ , SO ₂ , CO, benzene and lead) and requires local authorities to review and assess air quality under Part IV of the Environment Act 1995, ensuring pollutant concentrations are monitored and controlled to protect human health and the environment.
The Air Quality (England) (Amendment) Regulations 2002 ¹²	Amends the Air Quality (England) Regulations 2000 by updating national air quality objectives for key pollutants, ensuring local authorities apply revised statutory pollutant standards when reviewing and managing air quality under Part IV of the Environment Act 1995.
The Air Quality Standards Regulations 2010 ¹³	Establishes the statutory UK framework for assessing and managing ambient air quality in line with EU-derived limit and target values. Sets legally binding duties for authorities to monitor pollutants, classify zones, and operate compliant air-quality monitoring networks.
The Air Quality Standards (Amendment) Regulations 2016 ¹⁴	Updates the UK’s 2010 Air Quality Standards Regulations by revising technical requirements for sampling points and data quality. Sets legally binding duties for UK authorities through amendments to Schedule 1, including updated monitoring and site-selection criteria.
The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019 ¹⁵	Ensures UK air quality regulations remain operational post-Brexit. Transfers regulatory and reporting duties from EU institutions to UK bodies without altering pollutant limits.

¹¹ The National Archives (2000) *The Air Quality (England) Regulations 2000*. [Online] Available at: <https://www.legislation.gov.uk/ukxi/2000/928/contents/made>

¹² The National Archives (2002) *The Air Quality (England) (Amendment) Regulations 2002 – Statutory Instrument No. 3043*. [Online] Available at: <https://www.legislation.gov.uk/ukxi/2002/3043/contents/made>

¹³ The National Archives (2010) *The Air Quality Standards Regulations 2010*. [Online] Available at: <https://www.legislation.gov.uk/ukxi/2010/1001/contents/made>

¹⁴ The National Archives (2016) *The Air Quality Standards (Amendment) Regulations 2016 – Statutory Instrument No. 1184*. [Online] Available at: <https://www.legislation.gov.uk/ukxi/2016/1184/contents/made>

¹⁵ The National Archives (2019) *The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019 No.74*. [Online] Available at: <https://www.legislation.gov.uk/ukxi/2019/74/contents/made>

Legislation	
The Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020 ¹⁶	Makes technical amendments to UK environmental legislation after EU Exit so that regulatory processes, reporting, and enforcement continue to function correctly.
The Environment Targets (Fine Particulate Matter) (England) Regulations 2023 ¹⁷	Introduces statutory PM2.5 reduction targets under the Environment Act 2021. Ensures long-term air quality improvements to protect public health.
Policy	
Environmental Improvement Plan 2023 ¹⁸	Government's statutory plan for restoring nature, improving air and water quality, reducing waste and strengthening environmental resilience. Sets legally binding environmental targets required under the Environment Act 2021. Provides clear actions and interim targets guiding progress to 2030 and beyond.
The Air Quality Strategy Framework for Local Authority Delivery ¹⁹	Provides operational guidance for local authorities to meet mandatory air quality duties. Sets expectations for monitoring, modelling, action planning and local mitigation measures.
Guidance	
IAQM Guidance ²⁰	IAQM publishes best-practice guidance for air quality assessments, including dust, odour and ecological impacts. Guidance supports proportionate, transparent and technically robust assessment methods. Widely referenced by planners and environmental health teams in review of air-quality-relevant applications.

¹⁶ The National Archives (2020) *The Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020*. [Online] Available at: <https://www.legislation.gov.uk/ukSI/2020/1313/made>

¹⁷ The National Archives (2023) *Environmental Targets (Fine Particulate Matter) (England) Regulations 2023*. [Online] Available at: <https://www.legislation.gov.uk/ukSI/2023/96/contents/made>

¹⁸ Department for Environment, Food and Rural Affairs (2023) *Environmental Improvement Plan 2023*. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1133077/environmental-improvement-plan-2023.pdf

¹⁹ Department for Environment, Food and Rural Affairs and the Devolved Administrations (2023) *Policy paper: The Air Quality Strategy for England*. [Online] Available at: <https://www.gov.uk/government/publications/the-air-quality-strategy-for-england>

²⁰ Institute of Air Quality Management (2024) *Guidance on the Assessment of Dust from Demolition and Construction (version 2.2)*. [Online] Available at: <https://iaqm.co.uk/wp-content/uploads/2013/02/Construction-Dust-Guidance-Jan-2024.pdf>

Legislation	
SUSSEX-air Air Quality and Emissions Mitigation Guidance for Sussex (2021) ²¹	Provides a consistent framework for assessing air quality impacts and calculating required mitigation for developments. Includes emissions calculators, mitigation checklists and requirements for an Emissions Mitigation Statement. Uses damage-cost principles to determine minimum financial contributions for on-site or off-site mitigation
Defra Interim Planning Guidance on PM _{2.5} Targets ²²	Supports the Environment Act 2021 PM _{2.5} targets by requiring developments to Introduces a shift from limit-value compliance to designing-in mitigation from the earliest stages. Applies to applications submitted after 4 October 2024.
Natural England Advice for Local Authorities on Air Pollution ²³	Provides standing advice for assessing air-pollution impacts on protected sites (SAC, SPA, Ramsar, SSSI). Covers ammonia, NO _x , nitrogen deposition and other pollutants, with step-by-step screening and assessment guidance. Forms a material consideration in planning and aligns with Habitats Regulations Assessment processes
Defra Local Air Quality Management Technical Guidance LAQM (TG22) ²⁴	Provides the technical framework for local authorities to carry out statutory air quality review, assessment and monitoring. Updates tools, methods and evidence to support action planning and assessment of pollutant concentrations. Used across the UK to ensure statutory compliance under the Environment Act 1995 as amended

²¹ SUSSEX-air (2021) Air Quality and Emissions Mitigation Guidance for Sussex (2021). [Online] Available at: <https://www.sussex-air.net/wp-content/uploads/2022/09/Sussex-AQ-Guidance-V.1.2-2021.pdf>

²² Department for Environment, Food and Rural Affairs (2024) Interim Planning Guidance on the Consideration of the Environment Act PM2.5 Targets in Planning Decisions. [Online] Available at: <https://uk-air.defra.gov.uk/pm25targets/planning>

²³ Natural England (2025) Air Pollution and Development: Advice for Local Authorities - How to assess sector-specific planning applications that could affect air quality on a protected site (last updated 19 December 2025). [Online] Available at: <https://www.gov.uk/guidance/air-pollution-and-development-advice-for-local-authorities>

²⁴ Department for Environment, Food and Rural Affairs (2025) Local Air Quality Management Technical Guidance (TG22). [Online] Available at: <https://laqm.defra.gov.uk/wp-content/uploads/2021/03/LAQM-TG22-May-25-v2.1.pdf>

Legislation

IAQM Odour Guidance²⁵

Sets best-practice methods for assessing odour impacts in planning, including FIDOL factors and receptor sensitivity. Provides tools such as sniff testing, dispersion modelling and odour risk matrices. Recommends Odour Management Plans and clear reporting structures to support planning decisions

²⁵ Bull et al (2018) IAQM Guidance on the assessment of odour for planning – version 1.1, Institute of Air Quality Management, London. [Online] Available at: <https://www.iaqm.co.uk/text/guidance/odour-guidance-2014.pdf>



5.4. CULTURAL HERITAGE AND ARCHAEOLOGY

Table 5-3 – Relevant Cultural Heritage and Archaeology Legislation, Policy and Guidance

Legislation	
Planning (Listed Buildings and Conservation Areas) Act 1990 ²⁶	Provides the statutory framework for protecting listed buildings and conservation areas of special architectural or historic interest in England and Wales. Sets legal duties for consent before altering or demolishing listed buildings and for preserving or enhancing the character of conservation areas. Ensures local planning authorities apply specific heritage protections when assessing planning applications affecting designated heritage assets.
Ancient Monuments and Archaeological Areas Act 1979 (amended by the National Heritage Act 1983 & 2002, updated in April 2014) ²⁷	Provides the statutory framework for protecting ancient monuments and nationally important archaeological sites across the UK. Sets legal controls requiring Scheduled Monument Consent for works affecting protected sites and empowers authorities to investigate, preserve and record archaeological remains. Designates Archaeological Areas where development is regulated to safeguard buried heritage.
Policy	
Guidance	
BS 7913: 2003 Guide to the Conservation of Historic Buildings ²⁸	Provides best-practice guidance for the conservation, repair and management of historic buildings, focusing on understanding significance and appropriate intervention. Sets out principles for condition assessment, maintenance, project management and decision-making to ensure competent, sensitive conservation work. Ensures consistent, informed conservation practice for owners, professionals and authorities working with traditional and protected buildings across the UK.

²⁶ UK Government (1990) Planning (Listed Buildings and Conservation Areas) Act 1990. [Online] Available at: <https://www.legislation.gov.uk/ukpga/1990/9/contents>

²⁷ UK Government (1979) Ancient Monuments and Archaeological Areas Act 1979 (As amended). [Online] Available at: <https://www.legislation.gov.uk/ukpga/1979/46>

²⁸ British Standards Institution (2026) BS 7913:2013 Guide to the conservation of historic buildings. [Online] Available at: <https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-cumulative-effects-assessment>

Legislation	
Historic Environment Good Practice Advice in Planning (GPA1, GPA2, GPA3) ^{29 30 31}	Provides good-practice guidance (not policy) to support implementation of NPPF heritage requirements in plan-making and decision-taking. Promotes proportionate, evidence-based, staged approaches to ensure heritage assets are properly understood, conserved and integrated into planning.
Shaping Development in Horsham District (SDPAN) ³²	Provides non-statutory planning guidance to support consistent decision-making for development proposals in Horsham District. Sets out how current local and national planning policies should be applied, including housing land supply, emerging Local Plan weight and design considerations. Ensures development is guided in a sustainable way that aligns with the Horsham District Planning Framework and the emerging Local Plan 2023 -2040.
Farm Buildings and Traditional Farmsteads guidance documents	The key guidance documents relating to Traditional Farmsteads that includes: Farmstead Assessment Framework ³³ ; Historic Farmsteads: Preliminary Character Statement - South East region ³⁴ ; and South East Farmsteads Character Statement and Adapting Traditional Buildings - Best Practice Guidelines for Adaptive Reuse ³⁵ .

²⁹ Historic England, *Historic Environment Good Practice Advice in Planning: 1 The Historic Environment in Local Plans July 2015 unpublished document*

³⁰ Historic England, *Historic Environment Good Practice Advice in Planning: 2 Managing Significance in Decision-Taking in the Historic Environment July 2015 unpublished document*

³¹ Historic England, *Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets December 2017 unpublished document*

³² Horsham District Council (2025) *Shaping Development in Horsham District Planning Advice Note (SDPAN)*. [Online] Available at: <https://www.horsham.gov.uk/planning/planning-policy/shaping-development-in-horsham-district>

³³ Historic England (2015) *National Farmstead Assessment Framework*. [Online] Available at: <https://historicengland.org.uk/images-books/publications/national-farmstead-assessment-framework/farmsteads-assessment-framework-2015/>

³⁴ English Heritage (2006) *Historic Farmsteads. Preliminary Character Statement: South East Region*. [Online] Available at: <https://historicengland.org.uk/images-books/publications/historic-farmsteads-preliminary-character-statement-south-east/historic-farmsteads-south-east-part1/>

³⁵ Historic England (2014) *South East Farmsteads Character Statement*. [Online] Available at: <https://historicengland.org.uk/images-books/publications/south-east-farmsteads-character-statement/se-farmsteads-guidance/>



5.5. ECOLOGY AND ARBORICULTURE

Table 5-4 – Relevant Ecology and Arboriculture Legislation, Policy and Guidance

Legislation	
Wildlife and Countryside Act 1981 (as amended) ³⁶	The primary UK legislation for wildlife protection, implementing the EU Birds Directive and Bern Convention. It provides protection for wild birds, animals, plants and strengthens the designation and safeguarding of Sites of Special Scientific Interest (SSSIs). Enacted in 1981.
Hedgerow Regulations 1997 ³⁷	Introduced to protect important countryside hedgerows from removal. A hedgerow must meet set archaeological, historical, landscape or ecological criteria to be classed as “important,” and removal normally requires permission from the local planning authority. Came into force in 1997.
Countryside and Rights of Way Act 2000 ³⁸	Establishes the public “right to roam” on mapped open countryside and common land. It strengthens enforcement for SSSI protection, modernises rights of way legislation, and enhances provisions for biodiversity conservation. Enacted in 2000.
Natural Environment and Rural Communities Act 2006 ³⁹	Established Natural England and introduced the statutory duty (Section 40) for all public bodies to conserve biodiversity. It restructured nature conservation governance and updated provisions relating to wildlife, SSSIs and rural community interests. Enacted in 2006.
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³⁶ UK Government (1981) *Wildlife and Countryside Act 1981*, c.69. [Online] Available at: <https://www.legislation.gov.uk/ukpga/1981/69>

³⁷ UK Government (1997) *The Hedgerows Regulations 1997 (SI 1997/1160)*. [Online] Available at: <https://www.legislation.gov.uk/uksi/1997/1160/contents>

³⁸ UK Government (2000) *Countryside and Rights of Way Act 2000*, c.37. [Online] Available at: <https://www.legislation.gov.uk/ukpga/2000/37/contents>

³⁹ UK Government (2006) *Natural Environment and Rural Communities Act 2006*, c. 16. [Online] Available at: <https://www.legislation.gov.uk/ukpga/2006/16/contents>

Legislation	
Wild Mammals (Protection) Act 1996 ⁴¹	Makes it an offence to intentionally cause unnecessary suffering to any wild mammal, including through beating, drowning, impaling or other cruel acts. Contains limited exemptions for humane dispatch or lawful activities. Enacted in 1996.
Conservation of Habitats and Species Regulations 2017 (as amended) ⁴²	Transposes the EU Habitats and Wild Birds Directives into UK law. Provides legal protection for European sites (SACs, SPAs) and European Protected Species, requiring appropriate assessment of plans/projects likely to affect designated sites. Consolidated in 2017, amended post-Brexit.
Policy	
Sussex Biodiversity Opportunity Areas ⁴³	A strategic framework identifying priority areas across Sussex where habitat creation, restoration and enhancement can deliver the greatest biodiversity gains. Used to guide local planning and conservation initiatives.
South East River Basin District Basin Management Plan (2022) ⁴⁴	Statutory plan required under the Water Framework Directive setting out environmental objectives for water bodies within the South East River Basin District. Includes measures to improve ecological and chemical water quality.
West Sussex Draft Local Nature Recovery Strategy (LNRS) ⁴⁵	A strategic document identifying local habitat priorities, nature recovery opportunities and ecological network enhancements across West Sussex. Supports delivery of national biodiversity objectives and the Environment Act 2021.

⁴¹ UK Government (1996) *Wild Mammals (Protection) Act 1996*, c.3. [Online] Available at: <https://www.legislation.gov.uk/ukpga/1996/3>

⁴² UK Government (2017) *The Conservation of Habitats and Species Regulations 2017* (SI 2017/1012). [Online] Available at: <https://www.legislation.gov.uk/uksi/2017/1012/contents>

⁴³ *Sussex Nature Partnership* (2009) *Sussex Biodiversity Opportunity Areas*. [Online] Available at: <https://sussexlnp.org.uk/boa/>

⁴⁴ GOV.UK (2022) *South East river basin district river basin management plan: updated 2022*. [Online] Available at: <https://www.gov.uk/guidance/south-east-river-basin-district-river-basin-management-plan-updated-2022>

⁴⁵ *West Sussex County Council* (2025) *West Sussex LNRS - Help shape your Local Nature Recovery Strategy*. [Online] Available at: <https://yourvoice.westsussex.gov.uk/lnrs-west>

Legislation	
Weald to Waves Connecting Nature Across Sussex ⁴⁶	A landscape-scale nature recovery initiative aiming to link habitats from the High Weald to the Sussex coast. Focuses on building ecological connectivity, wildlife corridors and long-term biodiversity enhancement.
Wilder Horsham District Partnership ⁴⁷	A collaborative programme promoting nature recovery, habitat enhancement and community involvement across Horsham District. Supports local biodiversity actions and aligns with wider regional conservation objectives.
Guidance	
Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (2005) ⁴⁸	Provides statutory guidance on the consideration of biodiversity and geodiversity within the planning system.
CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine (2024) ⁴⁹	Provides the standard approach for Ecological Impact Assessment (EclA).
Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th Edition (2023) ⁵⁰	Sets out best-practice methods for bat surveys and assessments.

⁴⁶ Weald to Waves (2025) Weald to Waves – Connecting nature across Sussex. [Online] Available at: <https://www.wealdtowaves.co.uk/>

⁴⁷ Horsham District Council (2025) Wilder Horsham District. [Online] Available at: <https://www.horsham.gov.uk/climate-and-environment/climate-action-across-the-district/wilder-horsham-district>

⁴⁸ Office of the Deputy Prime Minister (ODPM) (2005) Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005). ODPM, London.

⁴⁹ CIEEM (2024) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine, Version 1.3 updated September 2024. Chartered Institute of Ecology and Environmental Management, Winchester.

⁵⁰ Colins, J (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London.

Legislation	
BS 5837:2012 – Trees in Relation to Design, Demolition and Construction: Recommendations ⁵¹	British Standard for tree survey, protection and construction constraints.
Environment Agency – Pollution Prevention for Businesses (2019) ⁵²	Guidance for pollution prevention across business and construction activities.
Natural England & Forestry Commission Standing Advice – Ancient Woodland and Veteran Trees (2022) ⁵³	Planning decision guidance for ancient woodland and veteran tree protection.
[REDACTED]	[REDACTED]
Hazel Dormouse Conservation Handbook – 2nd Edition (2006) ⁵⁵	Guidance on dormouse ecology, habitat management, and survey methods.
Hazel Dormouse Conservation Handbook – 3rd Edition (2025) ⁵⁶	Updated dormouse conservation guidance and survey best practice.
Guidelines for the Selection of Biological SSSIs (2024) Guidelines for the Selection of Biological SSSIs (2024) ⁵⁷	Scientific criteria for selecting Sites of Special Scientific Interest.

⁵¹ BSI (2012) BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. British Standards Institution, London.

⁵² Environment Agency (2019) Pollution prevention for businesses. Available from: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

⁵³ Natural England and the Forestry Commission (2022) Ancient woodland, ancient trees and veteran trees: advice for making planning decisions. [Online] Available at: <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

⁵⁵ Bright, P., Morris, P. and Mitchell-Jones, T. (2006) *The Dormouse Conservation Handbook, 2nd Edition*. English Nature, Peterborough.

⁵⁶ Bullion, S., Wolton, R. & White, I. (2025) *Hazel Dormouse Conservation Handbook, 3rd Edition*. English Nature, Peterborough.

⁵⁷ JNCC (2024) *Guidelines for the Selection of Biological Sites of Special Scientific Interest (SSSIs)*. [Online] Available from: <https://jncc.gov.uk/our-work/guidelines-for-selection-of-sssis/>

Legislation	
Reptile Survey – An Introduction to Planning, Conducting and Interpreting Surveys (1999) ⁵⁸	Standard reptile survey methodology and interpretation guidance.
The Herpetofauna Worker’s Manual (1998) ⁵⁹	Manual covering amphibian and reptile survey, handling and conservation.
Great Crested Newt Mitigation Guidelines (2001) ⁶⁰	Guidance for surveys, licensing, mitigation and compensation for GCNs.

⁵⁸ *Froglife (1999). Reptile survey. An introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10. Froglife, Halesworth.*

⁵⁹ *Joint Nature Conservation Committee (Gent, T & Gibson, S. Eds) (1998). The Herpetofauna Worker’s Manual. JNCC, Peterborough.*

⁶⁰ *English Nature (2001). Great Crested Newt Mitigation Guidelines. English Nature, Peterborough.*



5.6. LANDSCAPE AND VISUAL

Table 5-5 – Relevant Landscape and Visual Legislation, Policy and Guidance

Legislation	
Policy	
<p>Southwater Neighbourhood Development Plan⁶¹:</p> <ul style="list-style-type: none"> ▪ SNP2 Proposals for new residential development ▪ SNP12 Outdoor Play Space ▪ SNP16 Design ▪ SNP18 A Treed Landscape ▪ SNP19 Parish Heritage Assets 	<p>The Southwater Neighbourhood Development Plan provides a clear framework to guide residents, local authorities and developers as to how the community wish to shape future development from 2019 - 2031.</p> <p>SNP2 summarises the criteria for a development built on the Land west of Southwater, as identified on the Neighbourhood Plan Policies Map, to be deemed appropriate.</p> <p>SNP12 sets out the requirements for outdoor play space for a development of 10 or more dwellinghouses or is equal to or exceeds 0.5 hectares in size.</p> <p>SNP16 sets out the definition of ‘high quality design’ in the context of a development near Southwater.</p> <p>SNP18 sets out the requirements for Biodiversity Net Gain (BNG) in the context of a development near Southwater.</p> <p>SNP19 lists the Parish Heritage Assets within Southwater and the requirements for assessing the impact on these by a development.</p>
<p>Horsham District Local Plan 2023 - 2040 (Reg 19)⁶²:</p>	<p>The Horsham District Local Plan 2023 – 2040 aims to help bring forward the environmental, social and economic needs for the Land in Horsham District that is outside the South Downs National Park.</p>

⁶¹ Southwater Parish Council (2020) Southwater Neighbourhood Development Plan (2019 - 2031). [Online] Available at: <https://southwater.joomla.com/component/downloads/send/19-the-plan/104-southwater-neighbourhood-plan-made.html>

⁶² Horsham District Council (2024) Horsham District Local Plan 2023 – 2040. [Online] Available at: <https://strategicplanning.horsham.gov.uk/af2.ti/-/1583938/192184357.1/PDF/-/Horsham%20District%20Local%20Plan%20Regulation%2019.pdf>

Legislation	
<ul style="list-style-type: none"> ▪ Strategic Policy 13: The Natural Environment and Landscape Character ▪ Strategic Policy 17: Green Infrastructure and Biodiversity ▪ Strategic Policy 19: Development Quality ▪ Strategic Policy 20: Development Principles ▪ Strategic Policy 21: Heritage Assets and Managing Change within the Historic Environment ▪ Strategic Policy 28: Community Facilities and Uses ▪ Strategic Policy HA3: Land North West of Southwater 	<p>Strategic Policy 13 covers the protection of the natural environment and landscape character, together with protected landscapes and habitats, of Horsham District from inappropriate development and sets out the criteria for an appropriate development.</p> <p>Strategic Policy 17 covers the requirements for green infrastructure and biodiversity in a development within Horsham District including a criteria on BNG.</p> <p>Strategic Policy 19 sets out the criteria for a high-quality and inclusive design for an appropriate development within Horsham District.</p> <p>Strategic Policy 20 sets out the criteria for conserving and enhancing the natural and built environment as well as delivering beautiful and sustainable buildings for an appropriate development within Horsham District.</p> <p>Strategic Policy 21 sets out the criteria for preserving and enhancing the historic environment through positive management of a development within Horsham District affecting designated and non-designated heritage assets and their settings.</p> <p>Strategic Policy 28 sets out the criteria for new or improved community facilities or services which are required to meet the identified needs of local communities as highlighted within a number of relevant studies or updates and local engagement.</p> <p>Strategic Policy HA3 sets out the detailed criteria for a development Land North West of Southwater including a council-approved comprehensive masterplan, site-wide Design Code, and clear phasing plan.</p>
<p>Horsham District Planning Framework (HDPF)⁶³:</p> <ul style="list-style-type: none"> ▪ Policy 4 Strategic Policy: Settlement Expansion ▪ Policy 25 Strategic Policy: The Natural Environment and Landscape Character 	<p>The Horsham District Planning Framework (HDPF) sets out the planning strategy for the years up to 2031 to deliver the social, economic and environmental needs of the HDPF plan area, as well as looking beyond its boundaries.</p> <p>Policy 4 sets out the criteria where the expansion of settlements, outside built-up area boundaries, will be supported by Horsham District Council (HDC).</p> <p>Policy 25 sets out the criteria on protection of the natural environment and landscape character of Horsham District which a development must follow to be supported by HDC.</p>

⁶³ Horsham District Council (2015) Horsham District Planning Framework. [Online] Available at: https://www.horsham.gov.uk/data/assets/pdf_file/0016/60190/Horsham-District-Planning-Framework-November-2015.pdf

Legislation	
<ul style="list-style-type: none"> ▪ Policy 31 Green Infrastructure and Biodiversity ▪ Policy 32 Strategic Policy: The Quality of New Development ▪ Policy 34 Cultural and Heritage Assets 	<p>Policy 31 sets out the criteria on the maintenance and enhancement of existing and new green infrastructure and biodiversity net gain for a development to be supported by HDC.</p> <p>Policy 32 sets out the requirements on both the quality and inclusivity of the Development’s design in order to be supported by HDC.</p> <p>Policy 34 sets out the requirements for sustaining and enhancing Horsham District’s historic environment in which a development must follow to be supported by HDC.</p>
Guidance	
Guidelines for Landscape and Visual Impact Assessment’ (third edition), Landscape Institute and Institute of Environmental Management and Assessment, 2013 ⁶⁴	<p>Provides principles and methods for assessing landscape and visual effects of development.</p> <p>Covers scope from baseline characterisation to significance and cumulative effects. Used to ensure assessments are consistent, transparent and based on professional judgement.</p>
Visual Representation of Development Proposals’ Technical Guidance Note 06/19, Landscape Institute, 17 September 2019 ⁶⁵	<p>Guides how to produce accurate, proportionate visualisations (photos, wirelines, photomontages).</p> <p>Covers methods, equipment, verification and selecting appropriate visualisation types. Ensures visuals fairly represent proposed development to support sound decision-making.</p>
Residential Visual Amenity Assessment’ Technical Guidance Note 2/19, Landscape Institute, 2019. ⁶⁶	<p>Sets method for assessing effects on private residential views and outlook. Covers thresholds, baseline, and how to judge when visual effects become unacceptable. Ensures decision-makers understand when visual amenity impacts affect living conditions.</p>

⁶⁴ Landscape Institute & Institute of Environmental Management & Assessment (LIIEMA) (2013). *Guidelines for Landscape and Visual Impact Assessment. 3rd Edition. Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment. Third Edition. Spon Press. (GLVIA3).*

⁶⁵ *Visual Representation of Development Proposals: Technical Guidance Note 06/19* Landscape Institute (2019) *Visual Representation of Development Proposals: Technical Guidance Note 06/19.*

⁶⁶ *Residential Visual Amenity Assessment: Technical Guidance Note 2/19* Landscape Institute (2019) *Residential Visual Amenity Assessment: Technical Guidance Note 2/19*

Legislation	
The Setting of Heritage Assets', Historic England, 2017 ⁶⁷	Provides guidance for assessing how development affects the setting of heritage assets. Scope includes identifying assets, understanding contribution of setting, and evaluating harm. Ensures planning decisions protect heritage significance in line with NPPF.
National Design Guide ⁶⁸	Sets out the Government's principles for achieving high-quality, well-designed places through ten characteristics covering context, identity, movement, nature and built form. Provides practical guidance for applying good design in planning decisions and plan-making. Forms part of national planning practice guidance and supports preparation of local design codes.
National Model Design Code ⁶⁹	Provides detailed guidance for local authorities on preparing design codes that set clear expectations for design quality. Expands on the National Design Guide's ten characteristics to inform place-specific design standards. Ensures consistent, high-quality, locally responsive design across new development.
Landscape Character Guidelines ⁷⁰	Provides guidance for identifying, assessing and describing the unique character of landscapes to inform planning and land-management decisions. Sets out methods for mapping landscape types, evaluating sensitivity and understanding how landscapes are experienced. Supports evidence-based decision-making for conservation, development and landscape change.
The Horsham District Sport, Open Space and Recreation Assessment, February 2014 ⁷¹	Assesses the quantity, quality and accessibility of sport, open space and recreation facilities across Horsham District. Identifies needs, standards and shortfalls to inform planning policy and investment priorities. Provides an evidence base for ensuring adequate provision in future development.

⁶⁷ The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 Historic England (2017) The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2nd edition).

⁶⁸ Ministry of Housing, Communities & Local Government (2021) National Design Guide. [Online] Available at: https://assets.publishing.service.gov.uk/media/602cef1d8fa8f5038595091b/National_design_guide.pdf

⁶⁹ Ministry of Housing, Communities & Local Government (2021) National Model Design Code. [Online] Available at: <https://www.gov.uk/government/publications/national-model-design-code>

⁷⁰ Horsham District Council (2003) Horsham District Landscape Character Assessment. [Online] Available at: https://www.horsham.gov.uk/_data/assets/pdf_file/0009/66546/Landscape-Character-Assessment-2003.pdf

⁷¹ Kit Campbell Associates / Horsham District Council (2014) The Horsham District Sport, Open Space and Recreation Assessment. [Online] Available at: https://beta.horsham.gov.uk/_data/assets/pdf_file/0003/66504/Sport-Open-Space-Recreation-Assessment-February-2014.pdf

Legislation

<p>Open Space, Sport & Recreation Review, 2021⁷²</p>	<p>Updates the District's evidence base on open space, sport and recreation provision, including quality, quantity and accessibility assessments. Sets revised standards and catchments to guide future provision and developer contributions. Supports planning decisions and infrastructure needs for new and existing communities.</p>
<p>Green Infrastructure Strategy Horsham District Planning Framework, April 2014⁷³</p>	<p>Sets a strategic framework for protecting, enhancing and expanding Horsham District's green infrastructure network. Identifies existing assets, opportunities and priority areas to support ecosystems, health and sustainable development. Provides evidence for planning policy and guides delivery of multi-functional green spaces.</p>

⁷² Knight, Kavanagh & Page / Horsham District Council (2021) Horsham District Council Open Space, Sport & Recreation Review. [Online] Available at: https://www.horsham.gov.uk/data/assets/pdf_file/0020/104249/Open-Space-Rprt-Jun2021FINAL.pdf

⁷³ Green Infrastructure Strategy Horsham District Council (2017) Green Infrastructure Strategy

5.7. NOISE AND VIBRATION

Table 5-6 – Relevant Noise and Vibration Legislation, Policy and Guidance

Legislation	
Environmental Noise Directive 2002/49/EC, as implemented by the Environmental Noise (England) Regulations 2006 ⁷⁴	Requires strategic noise mapping and action planning to assess, manage and reduce environmental noise from major roads, railways, airports and agglomerations. Ensures consistent public information and long-term noise management to protect health and quality of life.
The Control of Pollution Act (CoPA), 1974 ⁷⁵	Provides statutory powers for local authorities to control noise from construction sites through Section 60 notices and Section 61 prior consents. Sets enforceable requirements on working hours, plant use and noise limits using “best practicable means”. Ensures protection of local communities from noise nuisance during construction and industrial activities.
Environmental Impact Assessment Directive 2014/52/EU ⁷⁶	Strengthens the EIA process by requiring early environmental consideration, improved public participation and assessment of health, climate and resource-efficiency impacts. Sets minimum requirements for project descriptions, alternatives and mitigation within EIAs across Member States. Ensures major projects undergo rigorous environmental scrutiny before approval.
Policy	
Defra Noise Policy Statement for England (NPSE) (2010) ⁷⁷	Provides the long-term vision to “promote good health and quality of life through effective noise management”. Sets aim to avoid significant adverse noise impacts, minimise adverse effects, and contribute to improved health and amenity. Applies to all environmental, neighbour and neighbourhood noise sources except occupational noise.

⁷⁴ The European Parliament and the Council of the European Union (2002) Directive 2002/49/EC relating to the assessment and management of environmental noise (the Environmental Noise Directive). [Online] Available at: <https://www.legislation.gov.uk/ukksi/2006/2238/contents>

⁷⁵ UK Government (1974) Control of Pollution Act 1974. [Online] Available at: <https://www.legislation.gov.uk/ukpga/1974/40/contents>

⁷⁶ The European Commission (2014) Environmental Impact Assessment Directive 2014/52/EU. [Online] Available at: <https://eur-lex.europa.eu/eli/dir/2014/52/oj/eng>

⁷⁷ Department for Environment, Food and Rural Affairs (2010) Noise Policy Statement for England. [Online] Available at: <https://assets.publishing.service.gov.uk/media/5a7956e0ed915d0422067947/pb13750-noise-policy.pdf>

Legislation

Guidance

British Standard 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise ⁷⁸ and Part 2: Vibration ⁷⁹	BS 5228 Parts 1 & 2 provide guidance for predicting, assessing and controlling construction-related noise and vibration. They set out methods, criteria and practical mitigation measures to minimise community disturbance and prevent building damage. The standards support demonstrating Best Practicable Means and inform Section 61 consent applications under CoPA.
Highways England (2020). Design Manual for Roads and Bridges, LA 111 Noise and vibration ⁸⁰	Defines requirements for assessing construction and operational noise and vibration for road schemes. Sets methods for baseline, significance, mitigation and reporting within road project EIAs. Ensures nationally consistent assessment aligned with CRTN and BS 5228.
Department of Transport and Welsh Office memorandum (1988). Calculation of Road Traffic Noise ⁸¹	Provides the UK-standard method for predicting road traffic noise using LA10,18h. Accounts for traffic flow, speed, gradient, road surface and screening to estimate façade levels. Used in highway assessments, Noise Insulation Regulations and DMRB methodologies.
British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings ⁸²	Provides recommended indoor noise level criteria for dwellings, offices, hospitals and schools. Gives design guidance on façade sound insulation, internal transmission and noise control. Supports planning assessments for new residential developments.

⁷⁸ British Standards Institute (2014) BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. [Online] Available at: <https://knowledge.bsigroup.com/products/code-of-practice-for-noise-and-vibration-control-on-construction-and-open-sites-noise>

⁷⁹ British Standards Institute (2014) BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. [Online + Book] Available at: <https://knowledge.bsigroup.com/products/code-of-practice-for-noise-and-vibration-control-on-construction-and-open-sites-noise>

⁸⁰ Highways England (2020) Design Manual for Roads and Bridges LA 111 Noise and Vibration. [Online] Available at: <https://www.standardsforhighways.co.uk/tses/attachments/by-attachment-id/4b6c3ac3-c00d-41f2-8531-4744d1ed0a7c?inline=true>

⁸¹ Department of Transport Welsh Office (1988) Calculation of Road Traffic Noise.

⁸² British Standards Institute (2014) BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. [Online] Available at: <https://knowledge.bsigroup.com/products/guidance-on-sound-insulation-and-noise-reduction-for-buildings>

Legislation

<p>Professional Practice Guidance (2017). Planning and Noise: New Residential Development⁸³</p>	<p>Provides a two-stage approach combining risk assessment and good acoustic design for new residential development. Links NPSE and NPPF policy to technical design requirements for internal and external noise. Ensures proportionate, consistent decision-making on noise in planning.</p>
<p>Planning Noise Advice Document: Sussex (2023)⁸⁴</p>	<p>Establishes a consistent framework for managing acoustic impacts in East and West Sussex, providing guidance for assessing noise and vibration in planning applications and setting duties for local authorities to prevent adverse health impacts.</p>

⁸³ Institute of Acoustics, Association of Noise Consultants and Chartered Institute of Environmental health (2017) Professional Practice Guidance on Planning and Noise.

⁸⁴ Mid Sussex District Council (2023) Planning Noise Advice Document: Sussex. [Online] Available at: <https://www.midsussex.gov.uk/media/3qvetbsi/pnads-final-v3-nov-2023.pdf>

5.8. SOCIO-ECONOMICS

Table 5-7 – Relevant Socio-economic Legislation, Policy and Guidance

Legislation	
No Legislation	There are no legislative requirements which exist in relation to socio-economics, and therefore the assessment is guided by the Government's planning policy and guidance.
Policy	
National Planning Policy Framework 2024, Horsham District Planning Framework 2015, Horsham District Emerging Local Plan 2019	Outlined above in Table 5-1
Guidance	
GVA on behalf of Homes and Community Agency (HCA) (2015) Employment Density Guide 3rd Edition ⁸⁵	Provides standard employment density benchmarks to estimate job creation from commercial floorspace. Ensures consistent and transparent employment calculations across planning and economic assessments. Used to support robust, evidence-based decision-making on employment impacts in development proposals.
Homes and Communities Agency (2014) Additionality Guide 4th Edition ⁸⁶	Explains how to assess the additional economic impact of an intervention beyond what would occur anyway. Sets out core factors (deadweight, leakage, displacement, substitution, multipliers) to calculate net additionality.

⁸⁵ Homes and Communities Agency, (2015). *Employment Density Guide 3rd Edition*. [Online] Available at: https://www.kirklees.gov.uk/beta/planning-policy/pdf/examination/national-evidence/NE48_employment_density_guide_3rd_edition.pdf

⁸⁶ Homes and Communities Agency (2014). *Additionality Guide 4th Edition*. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378177/additionality_guide_2014_full.pdf

5.9. TRAFFIC AND TRANSPORT

Table 5-8 – Relevant Traffic and Transport Legislation, Policy and Guidance

Legislation	
No Legislation	There are no relevant legislative documents that have been directly referred to in the preparation of this chapter.
Policy	
West Sussex Transport Plan (WSTP) 2022-2036 ⁸⁷	The WSTP sets out how the council intends to address key challenges by improving, maintaining and managing the transport network in the period up to 2036.
Guidance	
Institute of Environmental Management and Assessment (IEMA) (now Institute of Sustainability and Environmental Professionals (ISEP's)) 'Environmental Assessment of Traffic and Movement' ⁸⁸	Provides updated good-practice guidance for assessing traffic and movement effects within statutory and non-statutory environmental assessments. Covers impacts such as severance, delay, amenity, fear and intimidation, safety and interactions with air quality, noise, vibration and health. Ensures consistent, modern assessment methods informed by 30 years of practice, applicable across UK EIA regimes.
Design Manual for Roads and Bridges (DMRB) LA104 Environmental Assessment and Monitoring ⁸⁹	Sets requirements for environmental assessment, reporting and monitoring of significant effects for road projects. Covers scoping, methodology, significance, mitigation and change management across all environmental topics. Ensures compliance with national planning policy and consistent environmental appraisal throughout a project's lifecycle.

⁸⁷ West Sussex County Council (2022) West Sussex Transport Plan 2022-2036. [Online] Available at: <https://www.westsussex.gov.uk/media/17428/wstp.pdf>

⁸⁸ ISEP (2023) Institute of Environmental Management and Assessment Guidelines, Environmental Assessment of Traffic and Movement. [Online] Available at: <https://www.iema.net/media/5mrmquib/iema-report-environmental-assessment-of-traffic-and-movement-rev07-july-2023.pdf>

⁸⁹ Highways England (2020) Design Manual for Roads and Bridges (DMRB) LA104 Environmental assessment and monitoring. [Online] Available at: <https://www.standardsforhighways.co.uk/tse/attachments/by-attachment-id/c326ef05-0bda-4e02-9903-de8d02640cea?inline=true>

Legislation

<p>Design Manual for Roads and Bridges (DMRB) LA112 Population and Human Health⁹⁰</p>	<p>Provides requirements for assessing effects on population, land use, accessibility and human health from highway construction and operation. Covers impacts on private property, community assets, businesses, agricultural land and walkers, cyclists and horse-riders. Ensures human health outcomes are considered using appropriate evidence and linked to wider environmental determinants.</p>
<p>Department for Transport TAG Unit A4-1 Social Impact Appraisal guidance⁹¹</p>	<p>Provides methods for assessing social impacts in transport appraisal, including accidents, physical activity, security, severance and journey quality. Supports robust, evidence-based business cases in line with UK transport appraisal requirements.</p>

⁹⁰ Highways England (2020) Design Manual for Roads and Bridges (DMRB) LA112 Population and Human Health. [Online] Available at: <https://www.standardsforhighways.co.uk/tses/attachments/by-attachment-id/b1d18281-4f2d-4648-abc6-c2c17ee8064f?inline=true>

⁹¹ Department for Transport (2019) TAG Unit A4-1 Social Impact Appraisal guidance. [Online] Available at: https://assets.publishing.service.gov.uk/media/63a32a8d8fa8f539198d9bf3/TAG_Unit_A4.1_-_Social-impact-appraisal_Nov_2022_Accessible_v1.0.pdf.pdf

5.10. WATER RESOURCES, FLOOD RISK AND DRAINAGE

Table 5-9 – Relevant Water Resources, Flood Risk and Drainage Legislation, Policy and Guidance

Legislation	
The Water Environment Regulations 2017 ⁹²	Implements the Water Framework Directive by requiring protection, improvement and sustainable management of surface and groundwater bodies in England. Sets duties for River Basin Management Plans, environmental objectives and monitoring. Ensures water quality, ecology and hydromorphology are managed holistically.
The Water Resources Act 1991 ⁹³	Provides the legal framework for water resource management, abstraction licensing and pollution control in England and Wales. Controls discharges to water bodies and sets offences for pollution. Ensures protection of water environments through regulation and enforcement.
The Water Act 2003 ⁹⁴	Modernises abstraction and impoundment licensing to promote sustainable water use. Strengthens regulation of water companies and improves drought management powers. Aligns national water resource planning with environmental protection.
The Water Act 2014 ⁹⁵	Introduces market reform in the water industry, enabling competition for business customers. Strengthens Ofwat’s regulatory powers and sets resilience duties for water companies. Supports long-term sustainable water management and customer choice.
The Anti-Pollution Works Regulations 1999 ⁹⁶	Allows the Environment Agency to require polluters to undertake works to prevent or remedy pollution of controlled waters. Provides formal notice powers and cost recovery mechanisms. Ensures timely intervention to prevent environmental harm.

⁹² UK Government (2017) *The Water Environment (Water Framework Directive) Regulations 2017*. [Online] Available at: <https://www.legislation.gov.uk/uksi/2017/407/>

⁹³ UK Government (1991) *The Water Resources Act 1991*. [Online] Available at: <https://www.legislation.gov.uk/ukpga/1991/57/>

⁹⁴ UK Government (2003) *Water Act 2003*. [Online] Available at: <https://www.legislation.gov.uk/ukpga/2003/37/>

⁹⁵ UK Government (2014) *Water Act 2014*. [Online] Available at: <https://www.legislation.gov.uk/ukpga/2014/21/>

⁹⁶ UK Government (1999) *The Anti-Pollution Works Regulations 1999*. [Online] Available at: <https://www.legislation.gov.uk/uksi/1999/1006/made>

Legislation	
The Water Industry Act 1991 ⁹⁷	Sets out the statutory functions and duties of water and sewerage companies in England and Wales. Regulates water supply, wastewater services, infrastructure and customer protection. Provides powers for adoption of assets, drainage duties and enforcement.
Land Drainage Act 1991 ⁹⁸	Defines responsibilities for drainage boards, local authorities and landowners in managing watercourses and land drainage. Provides powers for maintenance, flood risk management and byelaws. Supports effective land drainage to reduce flood and waterlogging risks.
Flood and Water Management Act 2010 ⁹⁹	Strengthens flood risk management by giving duties to Lead Local Flood Authorities (LLFAs). Improves coordination between authorities on surface water, groundwater and ordinary watercourse flood risk. Introduces sustainable drainage (SuDS) provisions and resilience planning.
The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 ¹⁰⁰	Implements the Environmental Liability Directive requiring prevention and remediation of serious environmental damage. Covers damage to water, land and protected species/habitats. Places responsibilities on operators to prevent harm and remedy impacts.
Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 ¹⁰¹	Updates the Environmental Permitting regime governing regulated water, waste, industrial and radioactive activities. Ensures permitting reflects updated EU and national requirements. Supports effective control of activities with potential environmental impact.
West Sussex LLFA Policy for the Management of Surface Water (2018) ¹⁰²	Sets LLFA requirements for surface water drainage, including SuDS design expectations. Provides guidance for managing runoff, flood risk, infiltration and discharge hierarchy. Ensures new development delivers sustainable, safe and compliant drainage systems.
Policy	

⁹⁷ UK Government (1991) *Water Industry Act 1991*. [Online] Available at: <https://www.legislation.gov.uk/ukpga/1991/56>

⁹⁸ UK Government (1991) *Land Drainage Act 1991*. [Online] Available at: <https://www.legislation.gov.uk/ukpga/1991/59>

⁹⁹ UK Government (2010) *Flood and Water Management Act 2010*. [Online] Available at: <https://www.legislation.gov.uk/ukpga/2010/29>

¹⁰⁰ UK Government (2015) *Environmental Damage (Prevention and Remediation) (England) Regulations 2015*. [Online] Available at: <https://www.legislation.gov.uk/uksi/2015/810>

¹⁰¹ UK Government (2016) *Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016*. [Online] Available at: <https://www.legislation.gov.uk/uksi/2016/475>

¹⁰² *West Sussex District Council (2018) LLFA Policy for the Management of Surface Water*.

Legislation	
Sustainable drainage systems: non-statutory technical standards ¹⁰³	Provides national minimum technical standards for SuDS design relating to runoff volume, discharge rate, and structural integrity. Ensures surface water is managed sustainably to reduce flood risk and pollution. Supports Lead Local Flood Authorities (LLFAs) in assessing SuDS proposals for new development.
PPG for Flood Risk and Coastal Change ¹⁰⁴	Provides national planning guidance for assessing and managing flood risk, including Sequential/Exception Tests and mitigation requirements. Sets expectations for site-specific Flood Risk Assessments (FRAs) and integration of SuDS. Ensures development is directed away from high-risk areas and remains safe for its lifetime.
PPG for Water Supply, Wastewater and Water Quality ¹⁰⁵	Offers planning guidance on protecting water resources, infrastructure capacity and water quality. Covers foul drainage strategies, water efficiency, and safeguarding drinking water sources. Ensures development does not compromise water environment objectives or utility networks.
Guidance	
Sustainable Design and Construction Supplementary Planning Guidance (2014) ¹⁰⁶	Provides design guidance for energy, water efficiency, SuDS, materials and climate-resilient construction. Encourages integration of sustainable drainage into site layout and landscaping. Supports local plan policies requiring environmentally responsible development.
TAG Unit A3 EIA – Impacts on the Water Environment Chapter ¹⁰⁷	Sets out methods for assessing water environment impacts in transport EIAs, including hydrology, flood risk, geomorphology and water quality. Supports consistent evaluation of construction and

¹⁰³ UK Government (2025) Sustainable drainage systems: non-statutory technical standards. [Online] Available at: <https://www.gov.uk/government/publications/national-standards-for-sustainable-drainage-systems>

¹⁰⁴ UK Government (2014) PPG for Flood Risk and Coastal Change. [Online] Available at: <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

¹⁰⁵ UK Government (2015) PPG for Water Supply, Wastewater and Water Quality. [Online] Available at: <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality>

¹⁰⁶ Mayor of London (2014) Sustainable Design and Construction Supplementary Planning Guidance. [Online] Available at: https://www.london.gov.uk/sites/default/files/qla_migrate_files_destination/Sustainable%20Design%20%26%20Construction%20SPG.pdf

¹⁰⁷ Department for Transport (2025) TAG Unit A3 Environmental Impact Appraisal, Chapter 10: Impacts on the Water Environment. [Online] Available at: <https://assets.publishing.service.gov.uk/media/69984e7ba58a315dbe72c082/tag-unit-a3-environmental-impact-appraisal.pdf>

Legislation	
	operational effects of transport schemes. Ensures significance is assessed using accepted environmental appraisal principles.
CIRIA 753 2015: The SuDS Manual ¹⁰⁸	Provides comprehensive best-practice guidance on SuDS design, construction and maintenance. Covers SuDS components (e.g., swales, ponds, basins, infiltration systems) and design criteria. Supports delivery of multi-benefit SuDS for water quantity, water quality, biodiversity and amenity.
Horsham District Council Strategic Flood Risk Assessment ('SFRA') (2020) ¹⁰⁹	Identifies flood risk across the District using national, regional and local datasets. Supports application of the Sequential and Exception Tests in plan-making. Informs strategic growth decisions, site allocations and flood mitigation requirements.
Horsham District Council Strategic Flood Risk Assessment Update (2024) ¹¹⁰	Provides updated flood risk evidence incorporating latest modelling, climate allowances and LLFA datasets. Refines understanding of fluvial, surface water and groundwater flood mechanisms. Supports the emerging Local Plan and site-specific planning decisions.
Horsham District Council Sequential and Exception Flood Risk Tests (2024) ¹¹¹	Applies national flood risk tests to proposed site allocations within the emerging Local Plan. Assesses alternative sites to steer development towards areas of lowest flood risk. Justifies allocation of higher-risk sites only where necessary, safe and appropriately mitigated.
Water Research Centre ('WRC') Code for Adoption 2020 ¹¹²	Provides standards and procedures for the design and construction of surface water and foul sewers intended for adoption by water companies. Defines technical requirements, testing and documentation for adoptable assets. Ensures long-term performance and maintainability in line with Water Industry Act duties.

¹⁰⁸ The Construction Industry Research and Information Association (2015) CIRIA 753 2015: The SuDS Manual. [Online + Book] Available at: https://www.ciria.org/CIRIA/Books/Free_publications/C753F.aspx

¹⁰⁹ Horsham District Council (2020) Strategic Flood Risk Assessment ('SFRA'). [Online] Available at: https://www.horsham.gov.uk/_data/assets/pdf_file/0018/80127/Strategic-Flood-Risk-Assessment-main-report.pdf

¹¹⁰ Horsham District Council (2024) Strategic Flood Risk Assessment Update.

¹¹¹ Horsham District Council (2024) Sequential and Exception Flood Risk Tests. [Online] Available at: https://www.horsham.gov.uk/_data/assets/pdf_file/0007/139606/SFRA-Sequential-and-Exception-Test.pdf

¹¹² Water Research Centre ('WRC') (2020) Code for Adoption.

Legislation	
Design Manual for Roads and Bridges – Road Drainage and the Water Environment HD 45/09 (2020) ¹¹³	Sets requirements for assessing and designing road drainage systems and protecting the water environment. Covers pollution control, runoff management, flood risk, and hydraulic design. Ensures highways projects comply with environmental legislation and best practice.
Pollution Prevention Guidelines ('PPG') (2014) ¹¹⁴	Provides practical guidance to prevent water, land and air pollution during construction and operational activities. Covers storage of fuels, spill response, drainage protection and site management. Supports compliance with environmental permitting and pollution control laws.
National SuDS Standards (2025) ¹¹⁵	Establish future statutory standards for SuDS design, performance, maintenance and adoption. Aim to ensure consistency in climate-resilient surface water management across England. Will strengthen mandatory SuDS delivery for new development once enacted.

¹¹³ National Highways (2009) The 'Design Manual for Roads and Bridges ('DMRB') HD 45/09: Road Drainage and the Water Environment; Design Manual for Roads and Bridges (2009) Volume 11, Section 3, Part 10 Road Drainage and the Water Environment'

¹¹⁴ While the EA has withdrawn their 'good practice' guidance, the Pollution Prevention Guidance are still relevant to this assessment.

¹¹⁵ UK Government (2025) National SuDS Guidance. [Online] Available at: <https://www.gov.uk/government/publications/national-standards-for-sustainable-drainage-systems/national-standards-for-sustainable-drainage-systems-suds>

5.11. GROUND CONDITIONS AND CONTAMINATION

Table 5-10 – Relevant Ground Conditions and Contamination Legislation, Policy and Guidance

Legislation	
Part IIA of the Environmental Protection Act 1990 (EPA 1990) ¹¹⁶ & Contaminated Land Statutory Guidance (EPA 2012) ¹¹⁷	This Guidance explains how local authorities should implement the regime, including how they should decide whether land is contaminated land in the legal sense of the term. The guidance also provides further detail on the remediation provisions of Part 2A, such as the goals of remediation, and how regulators should ensure that remediation requirements are reasonable. This Guidance also explains specific aspects of the Part 2A liability arrangements, and the process by which the enforcing authority may recover the costs of remediation from liable parties in certain circumstances.
The Contaminated Land (England) Regulations 2000 ¹¹⁸ & 2006 ¹¹⁹	The regulations, which apply to England only, set out provisions relating to the identification and remediation of contaminated land under Part 2A of the 1990 Act. The 2006 regulations consolidated earlier regulations, defined 'special sites', and set procedures for identifying and remediating land to remove significant risks to health and the environment.
Policy	
Land Contamination Risk Management (LCRM) Environment Agency updated June 2025. ¹²⁰	A process required to be followed by landowners, regulators, developers, planners, or others involved in or responsible for managing risks from historic land contamination. The LCRM is required to identify and assess if there is an unacceptable risk of contamination, assess what remediation options are suitable to manage the risk, plan and carry out remediation, and verifying that remediation has worked.

¹¹⁶ UK Government (2025) Environmental Protection Act 1990, Part IIA. Available at: <https://www.legislation.gov.uk/ukpga/1990/43/part/IIA>

¹¹⁷ Department for Environment, Food & Rural Affairs (2012) Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance. Available at: <https://assets.publishing.service.gov.uk/media/5a757dfa40f0b6360e47489d/pb13735cont-land-guidance.pdf>

¹¹⁸ UK Government (2000) The Contaminated Land (England) Regulations 2000. Available at: <https://www.legislation.gov.uk/uksi/2000/227/contents/made>

¹¹⁹ UK Government (2006) The Contaminated Land (England) Regulations 2006. Available at: <https://www.legislation.gov.uk/uksi/2006/1380/contents>

¹²⁰ Environment Agency (2025) Land Contamination Risk Management (LCRM). Available at: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

Legislation	
Model Procedures for the Management of Contaminated Land, CLR11, DEFRA and Environment Agency 2004 (withdrawn). ¹²¹	Technical guidance and 'model procedures' for use as part of a risk management process when dealing with land affected by contamination. The Model Procedures are intended to assist all those involved in 'managing' the land.
BS10175:2011+A1:2017 - Investigation of Potentially Contaminated Sites - Code of Practice, BSI 2013. ¹²²	The key British Standard relating to the investigation and development of potentially, and proven, contaminated land. This was superseded by BS 10175:2011+A2:2017
BS5930: 2015+A1:2020 - Code of Practice for Site Investigations, BSI 2020 ¹²³ .	Provides guidelines for conducting ground investigation of construction sites. It specifies tests and equipment to ensure that the ground is suitable for the planned building design. These include classification tests, chemical tests, and erodibility or dispersibility tests. Ensures that the neighbouring land and property are not affected by the planned construction.
EN ISO 14688 Geotechnical Investigation and Testing Part 1-2002 ¹²⁴ and Part 2-2004 ¹²⁵ .	Establish the basic principles for the identification and classification of soils on the basis of those material and mass characteristics most commonly used for soils for engineering purposes.
BS1377: 1990 - Soils for Civil Engineering Purposes, BSI1990 ¹²⁶ .	Specifies general requirements for the testing of soils for civil engineering purposes and describes methods for the calibration of equipment and the preparation of test samples.

¹²¹ Environment Agency (2004) Model procedures for the management of land contamination – CLR11 [Withdrawn]. Available at: <https://www.gov.uk/government/publications/withdrawn-model-procedures-for-the-management-of-land-contamination-clr11>

¹²² British Standards Institution (2017) Investigation of Potentially Contaminated Sites – Code of Practice. Available at: <https://www.iso.org/standard/25260.html>

¹²³ British Standards Institution (2020) Code of practice for ground investigations. Available at: <https://knowledge.bsigroup.com/products/code-of-practice-for-ground-investigations>

¹²⁴ International Organization for Standardization (2002) Geotechnical investigation and testing – Identification and classification of soil [withdrawn]. Available at: <https://www.iso.org/standard/25260.html>

¹²⁵ International Organization for Standardization (2004) Geotechnical investigation and testing – Identification and classification of soil [withdrawn]. Available at: <https://www.iso.org/standard/34082.html>

¹²⁶ British Standards Institution (1990) Methods of test for soils for civil engineering purposes – General requirements and sample preparation [withdrawn]. Available at: <https://knowledge.bsigroup.com/products/methods-of-test-for-soils-for-civil-engineering-purposes-general-requirements-and-sample-preparation-1>

Legislation	
NHBC Standards Chapter 4.1 Land Quality - Managing Ground Conditions. • NHBC Standards Chapter 4.2 Building Near Trees. ¹²⁷	Define the technical requirements and performance standards for the design and construction of new homes registered with the National House Building Council (NHBC) and provide guidance on how these can be achieved.
CIRIA C665 – Assessing risks posed by hazardous ground gases to buildings (2007) ¹²⁸ .	This guidance aims to ensure a consistent approach to decision making around the assessment of risk of ground gases, particularly with respect to the need for, and scope of, remedial / protective design and mitigation measures while remaining flexible enough to be relevant to site-specific and development variabilities.
NHBC Report NF94 – Hazardous ground gas - an essential guide for housebuilders (April 2023) ¹²⁹ .	Advice for housebuilders around the risks of hazardous ground gas including recognising high risk sites, avoiding unnecessary gas protections on low / minimal sites, appointment of appropriate competent professionals, completion of the process (assessment, design, implementation and verification) and implementation of monitoring strategies.
BS8485:2015+A1:2019 Code of practice for the characterisation and remediation from ground gas in affected developments ¹³⁰ .	To be used by designers of protection measures for methane and carbon dioxide ground gases for new buildings and by regulators involved in the assessment of design solutions.
BRE Special Digest 1 (SD1:2005), BRE Bookshop (2005) ¹³¹ .	Provides practical guidance on the specification of concrete for installation in natural ground and in brownfield locations.

¹²⁷ National House Building Council (2026) NHBC Standards, Chapters 4.1 – 4.2. Available at: <https://www.nhbc.co.uk/technical/nhbc-standards>

¹²⁸ Construction Industry Research and Information Association (2007) Assessing risks posed by hazardous ground gases to buildings (C665) [Online + Book]. Available at: https://www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductCode=C665&Category=BOOK

¹²⁹ National House Building Council (2023) Hazardous Ground Gas – An essential guide for housebuilders [Online]. Available at: <https://www.nhbc.co.uk/insights-and-media/foundation/publications/hazardous-ground-gas-an-essential-guide-for-housebuilders>

¹³⁰ British Standards Institution (2019) Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings [Online + Hard Copy]. Available at: <https://knowledge.bsigroup.com/products/code-of-practice-for-the-design-of-protective-measures-for-methane-and-carbon-dioxide-ground-gases-for-new-buildings>

¹³¹ Building Research Establishment (2005) Concrete in aggressive ground, BRE Bookshop [Book]. Available at: <https://bregroup.com/store/bookshop/concrete-in-aggressive-ground-sd-1>



Legislation	
MAFF (1988) Agricultural Land Classification of England and Wales ¹³²	Provided revised guidelines and criteria for grading the quality of agricultural land using the Agricultural Land Classification (ALC) of England and Wales.
The Building Regulations (2010) updated October 2025 ¹³³	Establish the legal framework for most types of building work in England and Wales. Updates in 2025 included fire safety for dwellings and buildings other than dwellings.
Guidance	
CLR 8: Potential Contaminants for the Assessment of Land Contamination (2002) ¹³⁴ .	Provides information on a wide selection of hazardous substances that are commonly encountered in contaminated sites in the UK.

¹³² Ministry of Agriculture, Fisheries and Food (1988) *Agricultural Land Classification of England and Wales* [Online]. Available at: <https://webarchive.nationalarchives.gov.uk/ukgwa/20130402151656/http://archive.defra.gov.uk/foodfarm/landmanage/land-use/documents/alc-guidelines-1988.pdf>

¹³³ UK Government (2025) *The Building Regulations 2010* [Online]. Available at: <https://www.legislation.gov.uk/uksi/2010/2214/data.pdf>

¹³⁴ Department of Environment, Food & Rural Affairs / Environment Agency (2002) *Contaminated Land Research Report 8 Potential contaminants for the assessment of land* [Book]. Available at: <https://www.thenbs.com/publicationindex/documents/details?Pub=EA&DocId=257018>

5.12. CUMULATIVE EFFECTS

Table 5-11 – Relevant Cumulative Effects Legislation, Policy and Guidance

Legislation	
The EIA Regulations 2017 ¹³⁵	As per General Legislation in Table 5-1
Policy	
The London Plan 2021 ¹³⁶	Sets the statutory Spatial Development Strategy for Greater London, establishing the Mayor’s long-term framework for how the city should grow sustainably over the next 20–25 years. Guides decisions on planning applications, requiring borough Local Plans to be in general conformity with its policies. Promotes “Good Growth” by coordinating housing, infrastructure, design quality, transport, and environmental protection across London
Guidance	
Institute of Sustainability & Environmental Professionals (ISEP) [formerly IEMA] Demystifying Cumulative Effects (2020) ¹³⁷	Provides professional guidance for EIA practitioners on understanding and assessing cumulative effects, an area where standardised methods are often lacking. Explains approaches for evaluating inter-project cumulative effects and combined (in-combination) effects on receptors such as people, wildlife, and the physical environment. Supports consistent, robust CEA practice by summarising challenges, methodologies, and practical considerations within EIA
Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment (2024) ¹³⁸	Non-statutory Planning Inspectorate guidance outlining a staged process for undertaking cumulative effects assessment for NSIPs under the Planning Act 2008. Summarises legal and policy

¹³⁵ UK Government (2017) *The Town and Country Planning (Environmental Impact Assessment) Regulations 2017* [Online]. Available at: <https://www.legislation.gov.uk/ukxi/2017/571/data.pdf>

¹³⁶ Mayor of London (2021) *The London Plan 2021* [Online]. Available at: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

¹³⁷ Institute of Sustainability and Environmental Professionals (2020) *Demystifying Cumulative Effects* [Online]. Available at: <https://www.isepglobal.org/media/nbsdihlf/ia-outlook-journal-vol-7.pdf>

¹³⁸ Planning Inspectorate (2024) *National Significant Infrastructure Projects: Advice on Cumulative Effects Assessment* [Online]. Available at: <https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-cumulative-effects-assessment>



Legislation

requirements derived from the EIA Directive and sets expectations for identifying, shortlisting, and assessing other relevant developments. Provides practical recommendations to ensure proportionate, transparent and consistent CEA in major infrastructure applications.



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