



Bury Council Level 1 SFRA

Appendix C - Legislation and policy for flood and water management

Final Report

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Prepared by	Laura Thompson-Jones BSc FRGS Senior Analyst
Reviewed by	Mike Williamson BSc MSc CGeog FRGS EADA Principal Analyst
Authorised by	Joanne Chillingworth BSc MSc MCIWEM C.WEM FRGS Project Director

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Abbreviations

BNG	Biodiversity Net Gain
CFMP	Catchment Flood Management Plan
DWMP	Drainage and Wastewater Management Plan
EA	Environment Agency
EU	European Union
FRA	Flood Risk Assessment
FRMP	Flood Risk Management Plan
FRR	Flood Risk Regulations
GMCA	Greater Manchester Combined Authority
IWMP	Integrated Water Management Plan
LLFA	Lead Local Flood Authority
LFRMS	Local Flood Risk Management Strategy
LNRS	Local Nature Recovery Strategy
LPA	Local Planning Authority
NPPF	National Planning Policy Framework
PFRA	Preliminary Flood Risk Assessment
PPG	Planning Practice Guidance
RBMP	River Basin Management Plan
REUL	Retained European Union Law
RMA	Risk Management Authority
SuDS	Sustainable drainage systems
SWMP	Surface Water Management Plan
WCS	Water Cycle Study
WFD	Water Framework Directive
WRMP	Water Resource Management Plan

1 Key legislation for flood and water management

1.1 Flood and Water Management Act (2010)

The [Flood and Water Management Act \(2010\) \(gov.uk\)](#) was passed in April 2010 following the recommendations made within the Pitt Review (2009) following the flooding in 2007. It aims to create a simpler and more effective means of managing both flood risk and coastal erosion, establishing the lead role for Local Authorities, as Lead Local Flood Authorities (LLFAs), designed to manage local flood risk (from surface water, ground water and ordinary watercourses) and to provide a strategic overview role of all flood risk for the Environment Agency (EA).

1.2 Water Framework Directive (2000)

The European Water Framework Directive (WFD) (2000) was transposed into English Law by the [Water Environment Regulations \(2017\) \(gov.uk\)](#). The WFD aims to deliver improvements across Europe in the management of water quality and water resources. This is enforced through a series of plans called River Basin Management Plans (RBMPs). The borough falls within the [North West RBMP](#).

1.3 Flood Risk Regulations (2009)

The Flood Risk Regulations (FRRs) 2009 translated the European Union (EU) Floods Directive into UK law setting the requirement for Member States to complete an assessment of flood risk, known in England as a Preliminary Flood Risk Assessment (PFRA). This information was then used to identify areas where there is a significant risk of flooding (Flood Risk Areas), where States had to undertake Flood Risk and Hazard Mapping and produce Flood Risk Management Plans (FRMPs). This cycle was repeated on a six-yearly basis.

As of 1 January 2024, the Retained EU Law (Reform and Revocation) Bill automatically repealed any Retained EU Law (REUL) not otherwise preserved or replaced in UK law before the end of 2023, including the FRRs 2009 which transposed the EU Floods Directive into legislation. This is because much of the FRRs duplicated existing domestic legislation, namely the Flood and Water Management Act 2010.

The Government expects to see continued implementation of the Flood Risk Management Plans 2021-2027, with funding for this still in place over the six-year period. The full list of relevant measures for managing flood risk within the North West river basin district can be found on the [EA's flood plan explorer](#).

1.4 Environmental permitting

The [Environmental Permitting Regulations \(2018\) \(gov.uk\)](#) set out where developers will need to apply for additional permission (as well as planning permission) to undertake works to an ordinary watercourse or main river. This includes flood risk activities, for example:

- On or within 8 metres of a fluvial main river.
- On or within 8 metres of a non-tidal flood defence structure or culvert.
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert; and
- In a floodplain more than 8 metres from the riverbank, culvert or flood defence structure and you don't already have Planning Permission.

Environmental permits may also be required from the EA to discharge runoff, trade effluent or sewage into a main river. They may also be required in relation to groundwater activities, where there may be a risk of groundwater contamination.

The [Land Drainage Act \(1991\) \(gov.uk\)](#) sets out where developers will need to apply for additional permission (as well as planning permission) to undertake works to an ordinary watercourse. The LLFA should also be consulted before undertaking any works on ordinary watercourses.

1.5 Byelaws

Land Drainage Byelaws outline legal obligations and responsibilities when undertaking works on or close to a watercourse, for the purpose of preventing flooding, or mitigating any damage caused by flooding.

The borough is covered by the [North West Byelaws](#) enforced by the EA. These byelaws apply to activities around main rivers, flood defences and floodplains.

1.6 Additional legislation

Additional legislation relevant to development and flood risk in the borough include:

- [Town and Country Planning Act \(1990\) \(gov.uk\)](#), [Water Industry Act \(1991\) \(gov.uk\)](#), [Land Drainage Act \(1991\) \(gov.uk\)](#), [Environment Act \(1995\) \(gov.uk\)](#), which set out the regulations for development on land in England and Wales.
- The [Environment Act 2021 \(gov.uk\)](#) requires developers to provide Biodiversity Net Gain (BNG) and for Local Planning Authorities (LPAs) to develop Local Nature Recovery Strategies (LNRS). Strategic site allocations in local plans which present opportunities for BNG or areas for habitat improvement/creation identified by the LNRS could have parallel opportunities to contribute to reduced flood risk from a range of sources.
- Other environmental legislation such as the [Habitats Directive \(1992\) \(gov.uk\)](#), [Environmental Impact Assessment Directive \(2014\) \(gov.uk\)](#), and [The Environmental Assessment of Plans and Programmes \(Amendment\)](#)

[Regulations 2020 \(gov.uk\)](#) which apply as appropriate to strategic and site-specific developments to guard against environmental damage.

- The [Planning and Compulsory Purchase Act \(2004\) \(gov.uk\)](#) Section 19(1A) which requires LPAs to include in their local plans 'policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.'

2 Key national, regional and local policy documents and strategies

Table 2-1 summarises relevant national, regional, and local flood risk policy and strategy documents and how these apply to development and flood risk. Hyperlinks are provided to external documents. These documents may:

- Provide useful and specific local information to inform Flood Risk Assessments (FRAs) within the local area.
- Set the strategic policy and direction for flood risk management and drainage – they may contain policies and action plans that set out what future flood mitigation and climate change adaptation plans may affect a development site. A developer should seek to contribute in all instances to the strategic vision for flood risk management and drainage in the borough.
- Provide guidance and/or standards that inform how a developer should assess flood risk and/or design flood mitigation and sustainable drainage systems (SuDS).

The following sections provide further details on some of these documents and strategies.

Please note that the links to these documents may change over time and any requests for these documents should be directed toward the author.

Table 2-1: National, regional, and local flood risk policy and strategy documents

Policy level	Document, lead author and date	Contextual information	Policy and measures	Development design requirements	Anticipated review period
National	Flood and Coastal Management Strategy (EA) 2020 (gov.uk)	Yes	Yes	No	2026
National	National Planning Policy Framework updated in December 2024 (gov.uk)	Yes	Yes	Yes	March 2026
National	Planning Practice Guidance (PPG): Flood risk and coastal change (gov.uk) updated in September 2025	Yes	Yes	Yes	-
National	Building Regulations Part H (MHCLG) 2010 (gov.uk)	Yes	No	Yes	-
Regional	Irwell Catchment	Yes	Yes	No	-

Policy level	Document, lead author and date	Contextual information	Policy and measures	Development design requirements	Anticipated review period
	Flood Management Plan (EA) 2009 (gov.uk)				
Regional	North West River Basin District River Management Plan (EA) 2022 (gov.uk)	Yes	Yes	No	2028
Regional	United Utilities Water Resources Management Plan (2024)	Yes	No	No	-
Regional	United Utilities Drainage and Wastewater management plan (2023)	Yes	No	No	2028
Regional	Climate change guidance for development and flood risk (EA) last updated May 2022 (gov.uk)	Yes	No	Yes	-
Local	Bury Council Local Flood Risk Management Strategy (2018)	Yes	Yes	Yes	2026
Local	Greater Manchester Surface Water Management Plan (2013)	Yes	Yes	Yes	2026
Local	Greater Manchester Integrated Water Management Plan (2023)	Yes	Yes	Yes	-
Local	Greater Manchester Combined Authority Level 1 SFRA (2019)	Yes	Yes	Yes	-
Local	Greater Manchester Combined Authority Level 2 SFRA (2020)	Yes	Yes	Yes	-
Local	Places for Everyone	Yes	Yes	Yes	-

Policy level	Document, lead author and date	Contextual information	Policy and measures	Development design requirements	Anticipated review period
	Joint Development Plan (2024)				

2.1 The National Flood and Coastal Erosion Risk Management Strategy for England (2020)

The [National Flood and Coastal Erosion Risk Management Strategy for England \(gov.uk\)](#) provides the overarching framework for future action by all Risk Management Authorities (RMAs) to tackle flooding and coastal erosion in England. The Strategy looks ahead to the year 2100 and the actions needed to address the challenge of climate change.

The Strategy has been split into three high level ambitions:

- Climate resilient places.
- Today's growth and infrastructure resilient in tomorrow's climate.
- A nation ready to respond and adapt to flooding and coastal change.

The Strategy was laid before parliament in July 2020 for formal adoption and published alongside a [Policy Statement for Flood and Coastal Erosion Risk Management \(gov.uk\)](#).

The implementation of the National Strategy leads to the publication of new guidance and practice focused on resilience. It will be important to adjust the content of the SFRA, as and when required, so that changes in approach are captured in the delivery of the Local Plan.

The LFRMS for Bury should be updated to align with the National Flood and Coastal Erosion Risk Management Strategy for England.

2.2 Catchment Flood Management Plans

Catchment Flood Management Plans (CFMPs) are high-level strategic plans providing an overview of flood risk across each river catchment. The EA use CFMPs to work with other key-decision makers to identify and agree long-term policies for sustainable flood risk management.

There are six pre-defined national policies provided in the CFMP guidance, and these are applied to specific locations through the identification of 'Policy Units'. These policies are intended to cover the full range of long-term flood risk management options that can be applied to different locations in the catchment.

Bury borough is covered by the [Irwell CFMP](#). The primary policy units for the authority area are:

- Preferred policy option 3 covering Whitefield: Areas of low to moderate flood risk where we are generally managing existing flood risk effectively, is indicative of the approach across most of these areas. This policy recognises the moderate level of flood risk in these areas.

- Preferred policy option 4 covering Bury and Ramsbottom: Areas of low, moderate or high flood risk where we are already managing the flood risk effectively but where we may need to take further actions to keep pace with climate change
- Preferred policy option 5 covering Radcliffe: Areas of moderate to high flood risk where we can generally take further action to reduce flood risk.
- Preferred policy option 6 covering rural areas: Areas of low to moderate flood risk where we will take action with others to store water or manage run-off in locations that provide overall flood risk reduction or environmental benefits.

2.3 Local Flood Risk Management Strategy

Local Flood Risk Management Strategies (LFRMS) set out how the LLFA will manage local flood risk i.e. surface water runoff, groundwater, and ordinary watercourses, for which they have a responsibility, and the work that other RMAs are doing to manage flood risk across the borough.

The [Bury Council LFRMS 2018](#) has been produced to support the national flood risk management strategy and sets out how the Council will manage risk from sources of flooding such as surface water runoff, groundwater and ordinary watercourses. It is aimed at those impacted by flood risk and for organisations with flood risk management responsibilities. The key objectives set out in the strategy are to:

- Gain a strategic understanding of flood risk from all sources
- Manage the likelihood of flooding within the Borough
- Help Bury residents to manage their own flood risk
- Ensure new development in Bury reduces rather than increases flood risk
- Improve flood preparation, warning and post flood recovery
- Endeavor to balance environmental, social and economic benefits

The LFRMS for Bury should be updated to align with the National Flood and Coastal Erosion Risk Management Strategy for England.

2.4 Local policy and guidance for SuDS

The National Planning Policy Framework (NPPF) states that: 'Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.' (Paragraph 182) and 'development should only be allowed in areas at risk of flooding where... it can be demonstrated that... c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate' (Paragraph 181).

At the time of writing, the following documents and policies are relevant to SuDS and surface water in the borough. Hyperlinks are provided to external documents:

- [Defra National standards for sustainable drainage systems \(gov.uk\)](#), 2025.
- [SuDS Manual \(C753\) \(ciria.org\)](#), published in 2007 and updated in 2015.
- [Building Regulations Part H \(MHCLG\) \(gov.uk\)](#), 2010.

- [Greater Manchester's Sustainable Drainage Design Guide](#).
- [North West SuDS Pro-forma](#), 2020.

Further information on SuDS requirements and design considerations can be found in Section 9 of the main report.

2.5 Water Cycle Studies

Water Cycle Studies (WCSs) assist local authorities to select and develop growth proposals that minimise impacts on the environment, water quality, water resources, infrastructure, and flood risk and help to identify ways of mitigating such impacts.

At the time of writing there is no WCS for Bury, however the Integrated Water Management Plan (IWMP) for Greater Manchester provides a long term framework for managing water within the combined authority area. The IWMP is a collaborative approach to the way water is planned for and managed across all elements of the water cycle. There are seven connected workstreams which form the Plan, which are:

1. Living integrated opportunity programme - to join opportunities, drive investment and leverage funding
2. Digital platform - to facility the interactions and transactions between partner organisations
3. Adaptive policies and standards - to review and challenge local and regional policies and provide recommendations for change
4. The partnership - to collaborate in the development of new ways of working to meet the challenges of integrated water management
5. Skills and resources - to identify the required skills, capacity, resources and training to deliver a successful IWMP
6. Integrated investment plan - to draw together programmes of investment that have already been developed
7. Marketing and engagement - to provide targeted and effective communication and engagement to ensure a sustainable partnership in the long term.

2.6 Surface Water Management Plans (SWMPs)

SWMPs outline the preferred surface water management strategy in a given location and establish a long-term action plan to manage surface water in a particular area. They are intended to influence future capital investment, drainage maintenance, public engagement and understanding, land-use planning, emergency planning, and future developments.

The SWMP for Greater Manchester was completed in 2012 and is comprised of seven key aims and objectives:

- Using the communication and engagement strategy and through involvement with the technical work, the SWMP should support and be part of the delivery mechanism for the AGMA and unitary level capacity building initiatives.
- Deliver output that can be used to satisfy the requirements of the FRR as far as possible.

- Provide greater detailed understanding of flood risk at identified local hotspots.
- Consider interactions between surface water and other sources of flooding.
- Provide an evidence base that can be used cross-departmentally by all Greater Manchester Authorities, such as ongoing spatial planning and Local Flood Risk Management Strategies.
- Provide an evidence base that can be used by external partners, such as the Environment Agency to feed into their strategy work and local asset systems management planning, and United Utilities to feed into future planning for the AMP6 period through the Period Review process.
- Provide a robust and widely supported SWMP, which can inform, align and deliver public and private investment over the next 10-20 years.

The key hotspots within Bury that were identified in the SWMP are:

- Water Street
- Gypsy Brook
- Ramsbottom

The SWMP for Greater Manchester was based on the 2nd generation Risk of Flooding from Surface Water data. It is recommended that this is updated for Bury with the latest surface water mapping, where required.

2.7 Water Resource Management Plans (WRMPs)

Under the duties set out in sections 37A to 37D of the Water Industry Act 1991, all water companies across England and Wales must prepare and maintain a WRMP. This must be prepared at least every five years and reviewed annually.

WRMPs should set out how a water company intends to achieve a secure supply of water for their customers and a protected and enhanced environment. The water provider for the authority area is United Utilities. The WRMP that covers the authority area is the [United Utilities - Water Resources Management Plan \(2024\)](#).

2.8 Drainage and Wastewater Management Plans (DWMPs)

Water and sewage companies must produce a Drainage and Wastewater Management Plan (DWMP), covering a minimum of 25 years, which looks at current and future capacity, pressures, and risks to their networks such as climate change and population growth. They detail how a company plans to work with RMAs and drainage asset owners to manage future pressures. The sewage company for the authority area is United Utilities. The DWMP that covers the authority area is the [United Utilities Drainage and Wastewater Management Plan \(2023\)](#).

2.9 Neighbourhood plans

A neighbourhood plan is a document produced by a local community that sets out planning policies for their area and can be used to:

- Protect local green spaces;
- Encourage better designed places;
- Bring forward housing that meets local needs.

Neighbourhood planning groups can use the information in this SFRA to assess the risk of flooding to sites within their community. Prestwich Village was designated as a neighbourhood area and neighbourhood forum in 2023

Further guidance on the neighbourhood planning process within the borough can be found on the [neighbourhood planning page](#) of the Bury Council website.

2.10 Additional guidance sections

2.10.1 Supplementary planning documents

Bury Council's [supplementary planning documents](#) are used to add further detail to the policies set out in the Local Plan and to provide guidance for development on specific sites or particular issues.

The GMCA have produced two joint [supplementary planning documents](#) to support the implementation of the Places for Everyone Joint Development Plan (Section 2.10.2). The Holcroft Moss Planning Obligations supplementary planning document applies to Bury.

2.10.2 Places for Everyone Joint Development Plan

The Greater Manchester Combined Authority (GMCA) Places for Everyone Joint Development Plan provides an opportunity to drive inclusive economic growth, provide opportunities for the provision of homes and protect and enhance the natural environment, supported by the Transport 2040 Delivery Plan. The strategic objectives of the plan are:

- Objective 1 - meet our housing need
- Objective 2 - create neighbourhoods of choice
- Objective 3 - playing out part in ensuring a thriving and productive economy in all parts of Greater Manchester
- Objective 4 - maximise the potential arising from our national and international assets
- Objective 5 - reduce inequalities and improve prosperity
- Objective 6 - promote the sustainable development of people, goods and information
- Objective 7 - play our part in ensuring that Greater Manchester is a more resilient and carbon neutral city-region
- Objective 8 - improve the quality of our natural environment and access to green spaces

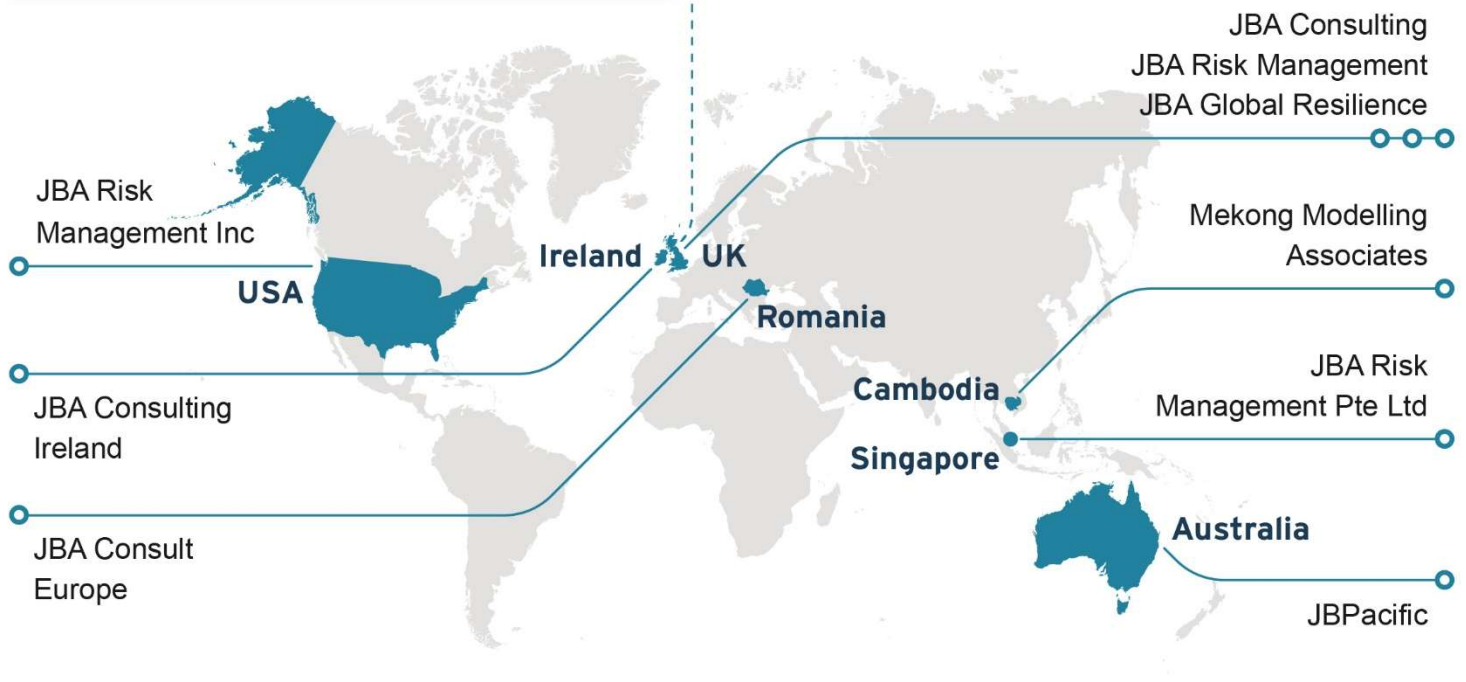
- Objective 9 - ensure access to physical and social infrastructure
- Objective 10 - promote the health and wellbeing of communities



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Registered Office

1 Broughton Park
Old Lane North
Broughton
SKIPTON
North Yorkshire
BD23 3FD
United Kingdom

+44(0) 1756 799919
info@jbaconsulting.com
www.jbaconsulting.com

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