

Report from Planning Officer (Strategic Policy)

Subject: Response to the Welsh Government Technical Advice Note (TAN) 15: Development, flooding and coastal erosion – further amendments

Purpose of Report

This report seeks approval of a response to Welsh Government consultation on proposed further amendments to Technical Advice Note 15 on Flooding and Coastal Erosion.

Background:

In response to the need to deal with one of the most common and obvious impacts of climate change in Wales, the Welsh Government updated Technical Advice Note (TAN) 15 and published it in September 2021 in advance of it coming into effect in December that year. Accompanying the new TAN15 was an updated flood risk map – the Flood Map for Planning which takes climate change allowances into account, unlike the predecessor Development Advice Maps accompanying the current TAN15.

Upon publication of the new TAN and Flood Map for Planning it became evident that it would have a significant impact in some parts of Wales, in particular in lowland estuarine areas with large areas of towns and cities identified in national and local development plans and strategies for regeneration.

To allow further consideration to be given to these matters and for local authorities to be given time to develop a greater understanding of the consequences of flooding and climate change within their areas, the coming into force of the new TAN15 and Flood Map for Planning was postponed until 1st June 2023. In the meantime, local authorities were required to complete a Strategic Flood Consequence Assessment (SFCA) for their area, either individually or regionally. This National Park Authority joined with other neighbouring authorities and commissioned consultants to prepare the SFCA for the South-West Wales region. The Assessment did not highlight any issues for the National Park as none of the land allocations included in LDP2 are within flood risk areas and the policies in the Plan relating to flooding and coastal change remain relevant and implementable.

During the period prior to the revised TAN15 coming into force there has been continual liaison between Welsh Government and the local authorities, led by the Welsh Local Government Association to discuss issues and concerns.

Response to the 2021 Consultation

The Authority responded positively to the updated TAN15 published for consultation in 2021 and welcomed the changes proposed that would provide greater clarity in dealing with speculative planning applications in flood risk areas. Elsewhere in Wales it was clear however that there were major issues facing those local authorities with lowland estuarine areas which included where large-scale regeneration projects or proposals were planned. As a result of the ongoing discussions, the Welsh Government has now published further amendments to the consultation document.

The Current Consultation to Further Amendments

Whilst not re-consulting on the fundamental principles of the 2021 Draft TAN, the current consultation focuses on:

- Increased flexibility in the TAN to allow for appropriate regeneration and redevelopment in flood risk areas; and
- Provision of more detail on the issues for the plan-led system and the justification for the development.

The Flood Maps for Planning categorise land into distinct zones depending on their vulnerability to flooding. The overarching aim when considering development is to prevent exposure to risk by making locational choices in the following order of preference:

- Direct new development to areas at minimal risk of flooding – areas in **Zone 1**;
- Enable resilient new development in areas served by formal flood risk management defences that reduce the risk and consequences of flooding over the lifetime of development – areas in the **TAN15 Defended Zones**;
- Allow resilient new development in undefended areas of relatively low risk – areas in **Zone 2**;
- Only permit water-compatible development, essential infrastructure and less vulnerable developments by exception in areas of higher risk – areas in **Zone 3**.

The TAN states that **all** greenfield sites within flood zones 2 and 3 should be protected from development as it provides important capacity or space to manage or slow the flow of flood water.

The Welsh Government has stated that the following elements of the 2021 consultation draft TAN15 will remain –

- i. The Flood Map for Planning – this will be subject to regular, 6-monthly updates, reflecting the most up-to-date data to reflect modelled changes to the flood extents. Two such updates have already been undertaken, in May and November 2022. A further update is scheduled in May 2023 prior to the formal coming into force of the updated TAN on 1st June 2023.
- ii. The principle of basing decisions on a ‘risk-based approach’. The overall strategy is to ensure that strategically, risk to life and property is reduced over time and that opportunities are taken when considering individual proposals for development to move away from areas from greatest risk of flooding or

where this is not possible to ensure that flood risk is not increased and developments have built-in resilience to the flood risk.

- iii. The presumption against highly vulnerable development in the areas of greatest risk of flooding (Zone 3). Highly vulnerable development is defined in the TAN and includes all residential development, caravan and camping sites, hospitals, schools, emergency services depots, buildings used to provide emergency shelter and vulnerable industrial development such as power stations, transformers, waste and chemical plants.

The new elements introduced into this latest draft are:

- a) Increased links between the TAN and Planning Policy Wales and other TANs;
- b) Definitions of types of development – namely new development, redevelopment, changes of use or conversions and extensions. These definitions are used to determine the types of development that may be permitted in each of the defined flood risk zones;
- c) The introduction of ‘Community Adaptation and Resilience Plans (CARPs)’. Where local authorities wish to promote strategic regeneration of areas of coastal towns and cities they must develop and adopt a CARP which clearly sets out how and when they intend to defend these places from flooding, including any proposed coastal defences and the types of uses that may be permissible within the newly-created defended zone;
- d) Clearer links between Shoreline Management Plans, CARPS and flood consequence assessments;
- e) Recognition that some developments may have a shorter lifespan than the predicted flood risk;
- f) A new section on ‘essential infrastructure’ recognising that some new infrastructure will be required to address the causes of climate change or is essential for continued economic development, or both. In such instances locating development of this type in Zone 3 will require compliance with tests set out in the TAN and justification why it cannot be located in less vulnerable locations;
- g) A reworking of the justification tests. This sets out in some detail the types of development that may be permitted in each of the flood-risk zones and on the basis on which they will need to be justified.

The Authority’s response to the proposed additional changes is set out in Appendix B to this report. The Authority previously commented favourably on the initial amendments to the document in 2021 and the changes based on updated information and the inclusion of consideration for climate change is also welcomed. The reinforcement of links to other planning policy and the Shoreline Management Plans in the current consultation document are welcomed and support the National Park Local Development Plan 2 which refers to the need for relevant development proposals to take the Shoreline Management Plan into account.

Other further amendments to the TAN in relation to the definition of development types and the justification tests have added a degree of complexity to the guidance to take account of a wide range of scenarios across different local authority areas. This is also generally welcomed, with further clarity sought on one element as you will see in response to Question 1 of the questionnaire response in Appendix B to this report.

Recommendation

Approval of the draft response to Welsh Government's consultation on further amendments to Technical Advice Note 15: Flooding and Coastal Erosion as set out in Appendix A to this report.

Background Documents

[Further amendments to Technical Advice Note \(TAN\) 15: Development, flooding and coastal erosion | GOV.WALES](#)

[Flood Map for Planning \(naturalresources.wales\)](#)

(For further information please contact Sarah Hirst on ext. 4863)



Number: WG46419

Welsh Government
Consultation Response Form

Technical Advice Note (TAN) 15: Development, flooding and coastal erosion - further amendments

Date of issue: 23 January 2023

Action required: Responses by 17 April 2023

CONSULTATION RESPONSE FORM

Technical Advice Note 15 – Technical Advice Note (TAN) 15: Development, flooding and coastal erosion - further amendments

Name		
Organisation	Pembrokeshire Coast National Park Authority	
Preferred contact details (Email address, phone number or address)	Devplans@pembrokeshirecoast.org.uk	
Type (please select one from the following)	Business	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Local Authority Councillor responding in a personal capacity	<input type="checkbox"/>
	Government Agency / Other Public Sector	<input type="checkbox"/>
	Professional Body / Interest Group	<input type="checkbox"/>
	Voluntary sector (community councils, community groups, volunteers, self-help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other groups not listed above	<input type="checkbox"/>
	Responding in a private capacity	<input type="checkbox"/>

Responses to the consultation are likely to be made public, either on the internet or in a report. If you would prefer your response to remain anonymous, please tick here.	<input type="checkbox"/>
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CONSULTATION QUESTIONS

Q1	Do you agree that the amended version of TAN 15 makes it sufficiently clear when appropriate redevelopment and regeneration activities can be acceptable?	X
Agree		
Neither Agree nor Disagree		x
Disagree		
Comments		
<p>In terms of larger scale proposals, the guidance is clear. In rural locations speculative planning applications in flood risk areas are generally for small-scale or single buildings. Para 10 of the consultation document states: “It is important that areas in Zone 3 are used only as a last resort, and not at all for new highly vulnerable development.”</p> <p>Defining ‘last resort’ for very small-scale developments will be difficult when it is ‘opportunity’ rather than ‘need’ that drives the application. Applicants may argue in such cases that sites/buildings <u>are</u> the ‘last (only) resort’ as it is for example the only land in their ownership potentially leading to more development than anticipated in Zone 3 areas. It would be useful to have further clarity on the approach to be taken in such instances.</p>		

Q2	The amended TAN seeks to ensure that climate change and flood risk are factored into planning decisions, and that decisions are taken in the knowledge of the associated risks. Do you agree that the TAN does this?	X
Agree		x
Neither Agree nor Disagree		
Disagree		
Comments		

Q3	In seeking to allow for strategic regeneration the TAN requires local authorities to prepare Community Adaptation and Resilience Plans outlining how they intend to ensure that adequate flood defences are built and how other resilience measures will be incorporated. Do you agree with the need for such a requirement?	X
Agree		x
Neither Agree nor Disagree		
Disagree		
Comments		

Q4	Some infrastructure is essential for economic, social or environmental wellbeing. A new section on essential infrastructure has been included in the revised TAN. Do you agree that this is necessary and that it is clear?	X
Agree		x
Neither Agree nor Disagree		
Disagree		
Comments		

Q5

We would like to know your views on the effects that the revised TAN would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

- What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?
- Please also explain how you believe the proposed amendments to the TAN could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and
- no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Comments

Consider it to have a neutral impact on the Welsh language.

Q6

We have asked a number of specific questions. Are there any other related issues which we have not specifically addressed?

Comments

None.

