

Consultation Response Form

Please respond to this consultation by using the response form. Responses can be submitted in a number of ways:

Online: <https://gov.wales/consultations>

Email: planningpolicy@gov.wales

Post: TAN 15 consultation
Planning Policy Branch,
Welsh Government,
Cathays Park,
Cardiff
CF10 3NQ

When responding please state whether you are responding in a personal capacity or are representing the views of an organisation.

Closing date for responses: 17 January 2020

Your name:	Ceri Davies, Executive Director of Evidence, Policy and Permitting.
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Organisation (if applicable):	Natural Resources Wales

Question 1 – Evolving from a precautionary framework to a risk-based approach

A key principle of the revised TAN 15 is to recognise different degrees of flood risk (see section 4). A new Wales Flood Map will replace the Development Advice Map and will distinguish between high/medium risk and low risk, with policies on development reflective of the degree of risk. Flood zones on the new Wales Flood Map will incorporate climate change allowances.

To what extent do you agree or disagree with this change?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

Section 4 Principles of the TAN: A risk-based approach to development

Natural Resources Wales (NRW) supports the move towards a risk-based approach based on evidence (paragraph 4.1) and one which is underlined by a clear policy direction for no Highly Vulnerable Development (HVD), including Emergency Services (ES) development, in Zone 3 on the Flood Map. This links well with the National FCERM Strategy and the policy objective of “preventing more people becoming exposed to risk” and the advice set out in Planning Policy Wales (paragraph 6.6.2) where planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.

Throughout the TAN15 consistency in policy wording is sought. In the summary of National Policy Requirements (Figure 3) it is recommended that the text around HVD in Zone 3 is made consistent with other sections of the document. For example, advice in paragraph 7.11 states that “*In Zone 3, allocations for residential and other HVD should not be made*”, then Section 10 states that HVD in Zone 3 is “*not allowed*”, in paragraph 14.10 new HVD “*cannot be justified in Zone 3*” and in paragraph 14.5 new HVD in Zone 3 are “*not acceptable...*”. We recommend that the wording should be “HVD must not be permitted in Zone 3” as the consistent language throughout the document. This would help provide clarity and certainty to the planning authority and others that should a planning application for HVD in Zone 3 be submitted, then planning permission will not be granted. Strengthening the policy can help to prevent unnecessary resources from being used early in the development planning or management processes.

Regarding the advice on the Notification Direction in paragraph 4.6 we seek further discussions with Welsh Government on proposed changes to the Notification Direction and flood risk criteria. We also refer to our response to questions 3 and 7 in considering sites partially in flood zone 3 or where a proposal is permitted in an area identified as being at risk of coastal erosion.

Section 5 Wales Flood Map and Figure 1: New Wales Flood Map, Zones and climate change allowances

NRW is supportive of a move to a new Wales Flood Map to replace the Development Advice Map (DAM). However, reference to very low, low, medium and high flood risk should be deleted and the Zones (1, 2, 3) used as the main definition of the risk area. The current terminology may cause confusion when comparing risk in a defended or undefended scenario and with or without a climate change allowance. If retained, there may be a need to provide supplementary guidance on how these zones differ from those in the DAM and flood risk hazard mapping, for example high is >1.30 , a distinction which is important for sectors such as the insurance industry.

Clarity is required around Zone 1. There will be no spatial boundary to represent zone 1 on the Flood Map. We consider this area to be everything outside of Zone 2 (i.e. everything beyond the limit of the 1000 year with climate change (CC) flood). We therefore recommend the outer extent of Zone 2 (0.1% +CC) forms the boundary of Zone 1 in order to avoid any overlapping.

Welsh Government should consider if an additional column is required to reference surface water and smaller ordinary watercourse risk, as the TAN15 identifies this as a key source of flooding. It also needs to be clear that the zones include an allowance for climate change (currently excluded from the description) and that the zones indicate risk in an undefended scenario.

NRW strongly supports the inclusion of climate change allowances in the Flood Map. This will enable a broader understanding of future risk and help to steer new development away from areas that may not be suitable in the longer term and can be designed with sustainability and resilience to future risks in mind. This also supports Welsh Government's (WG) declaration of a climate emergency and aligns with the goals of the Well Being of Future Generation Act including a resilient, prosperous, healthy, equal Wales of cohesive communities. However, paragraph 5.4 states the map reflects flood risk now and in the future. This is not the case. It instead shows predicted risk once climate change has been applied. Current risk can be shown on the Flood Map but would be presented as a separate layer. Paragraph 5.4 also advises that detailed Flood Consequences Assessments (FCAs) will need to consider a range of scenarios including upper end estimates. This is the only reference in the TAN15, but it does not expand on why they need to be assessed and how these estimates would inform a planning decision, for example, as a sensitivity test to check on the robustness of proposed mitigation measures. To strengthen this policy, we recommend the inclusion of a reference to WG's climate change guidance; for example, "*...consider a range of climate change guidance scenario's using WG's climate change guidance.*"

NRW would welcome more detailed discussions with Welsh Government around the Flood Map Zones, their application and interpretation. We anticipate further dialogue to determine how the different sets of information outlined in Section 5 are to be displayed and utilised. For example, the inclusion of surface water, climate change, flood defences, reservoirs and coastal erosion.

NRW supports the approach for policies on development reflective of the degree of risk. However, we seek clarity on how this will be applied in practice. For example, we note the acceptability criteria for fluvial and tidal flooding but recommend further clarity is provided throughout the TAN15 to indicate what may be an acceptable or unacceptable level of risk from surface water flooding. The TAN15 should therefore be clear on what type of assessment is needed to support a planning application in an area identified as at risk of surface water flooding.

Section 14 Specific considerations for planning applications and further guidance for specific circumstances

Whilst there is a policy steer that HVD should not be permitted in Zone 3 (page 24), Section 14 refers to “*Specific considerations for planning applications*” and “*further guidance for specific circumstances*”. We seek clarity in the approach taken in Section 14 and how this extends to HVD in Flood Zone 3. For example, change of use proposals.

Question 2 – Roles and responsibilities

The revised TAN has sought to clarify the main roles and responsibilities of key organisations and agents in the planning system in respect of flooding and coastal erosion.

To what extent do you agree or disagree that the TAN offers clarity?

Clear in all chapters	Clear in some chapters	Unclear in most or all chapters	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please highlight where you think further detail and clarity can be added:

Roles and responsibilities

The revised TAN15 has greatly improved clarity over roles and responsibilities and the summary boxes provided throughout are a useful addition. For completeness, we recommend that these summary boxes are included at the end of each section, including Sections 10,11 and 12, and roles are clarified in relation to Figures 4, 5 and 6.

NRW, the Lead Local Flood Authority (LLFA), Planning Authority, reservoir owners and operators, Local Resilience Forum (LRF) the SuDS Approval Body (the SAB) and developers/applicants should be included in the relevant roles and responsibilities boxes to clarify what is expected of them and each other for development planning and management purposes.

Sections 5 and 8 Natural Resources Wales (NRW)

While we welcome the advice in Figure 3 and footnote 6 (page 36) in reference to NRW, we recommend that a roles and responsibilities box is included at the end of Section 10 and it should be made explicit in that NRW should not be consulted on HVD in Zone 3 because the development proposals do not meet the tests and cannot be justified. We would prefer this approach to be embedded in the main body of the TAN15.

Having regard to roles and responsibilities set out in the box in Section 8, the Development Management Procedure (Wales) Orders currently require planning authorities to consult NRW under specific circumstances, for example if a development involving ES or HVD is on land designated as Flood Zone C1. However, it is not appropriate for NRW to advise on surface water flooding risks within these Flood Zones in its response to a planning consultation. Rather it will be for other bodies for example, the LLFA to provide this advice. The Schedules included in the Development Management Orders should be amended to better reflect roles and to ensure a consistent

understanding where the planning authorities should not consult NRW for HVD schemes in Flood Zone 3. We would welcome further discussions on changes to the Development Management Orders.

Roles and Responsibilities: Section 4 Determining body

We recommend that the advice in the TAN15 provides a stronger message that it is for the planning authority to request a FCA where found necessary (normally acting on advice of NRW as a specialist consultee and/or other interests including the LLFA) in order to ensure that the justification tests are considered sequentially and the request is formally made from the determining body.

Section 4 and 14 Applicant and determining body

We believe there are instances where the current wording in the TAN15 can lead to uncertainty on roles and responsibilities. For example, advice in paragraph 4.11 states that “*decision makers are responsible for determining whether a proposal is justified and the consequences of flooding are acceptable*”, yet in paragraph 14.1 it states that “*developers will need to demonstrate, to the satisfaction of the planning authority that the development can be justified at that location and the consequences associated with flooding are acceptable*”. Clarity is required and we recommend rephrasing these paragraphs to the following: In paragraph 4.11 “*Decision makers are responsible for determining if a development proposal is justified and the consequences of flooding are acceptable to permit development*”. In paragraph 14.1 “*Developers will need to demonstrate, to the satisfaction of the planning authority, how their planning application submission will meet the sequential tests for a flood zone including technical requirements and acceptability criteria*”.

Section 4, 9, 12 and 14 the Lead Local Flood Authority (LLFA)

NRW are not the only body who can advise on the scope and findings of a FCA and in some cases the LLFA may be best placed to offer advice on flood risk within their area of expertise. The LLFA should be consulted on relevant revisions to the TAN15. Flooding, including surface water and ordinary watercourse risk are both material planning considerations and the TAN15 should be clear on the acceptability criteria for all sources to be applied in assessing these relevant considerations. The TAN15 should be amended to clarify the role of the LLFAs and their ability to recommend the planning authority request a FCA where they consider there to be a surface water and ordinary watercourse flood risk.

The roles and responsibilities summary box at the end of Section 9 (Coastal Risks) states that NRW will provide information on coastal defences and refers to our National Asset Database. This system does not hold all information on Local Authority or third-party assets. It is recommended the LLFA is also included in this list for completeness and to ensure the planning authority can obtain all available information.

We recommend that advice in paragraphs 14.2 and 14.3 include reference to the LLFAs to ensure advice on the risks and consequences of surface water and local sources of flooding are fully captured and provided by the LLFA.

Section 4, 9 and 14 Coastal Protection Authorities in Wales

There needs to be greater clarity in the TAN15 over coastal erosion risks and who is responsible for providing advice on the risks to help determine whether a proposed development can be justified and if the risks and consequences are acceptable (paragraphs 4.11, 4.12 and 9.10). NRW does not have a statutory duty to provide this advice and we would like to discuss our role and the role of other interest bodies further.

To help provide clarity around coastal protection works (paragraph 14.21), it should be noted that Coastal Protection Authorities in Wales need to apply to NRW for consent under Section 5 (5) of the Coast Protection Act 1949 to deliver *new* coast protection schemes. Furthermore, in paragraph 14.23, it would be helpful if NRW could be included as the relevant authority for works that fall under the Marine Works (EIA) Regulations.

Section 7 Strategic Flood Consequences Assessment (SFCA)

We refer you to our response in answer to Question 4.

Section 7 Reservoir owners and operators

Neither the LLFA or reservoir owners are identified in the summary box against 'advice on preparing Strategic Flood Consequences Assessments' (SFCAs) and they should be included.

Section 8 The SuDS Advisory Body (The SAB)

The roles and responsibilities summary box at the end of Section 8 should reference the SAB to be clear that they are the body responsible for agreeing and approving drainage schemes associated with new development.

Section 11: Assessing Flood Consequences

NRW recommends that planning authorities should consult LRFs and/or emergency planners for advice on safe evacuation and to inform their understanding of potential hazards when determining if a development scheme is acceptable.

Section 11: Risks, consequences and safe management of site access and evacuation routes

We refer you to the letter from Chief Planner, Rosemary Thomas dated 9th January 2014 (ref. WG0701-14), which explains that NRW will not comment on whether safe access and egress can be achieved to and from a development site. The letter identifies that it is not clear from committee reports how planning authorities have been addressing this issue. The revised TAN15 is an opportunity to set out clear guidance on who is responsible to assess, advise and determine if the flood risks to access, egress and evacuation routes can be managed to ensure that people are safe in the event of a flood. This includes the ability to use these routes for evacuation, both within and outside of a development boundary. Whilst this issue is referenced in paragraph 11.3, there is no further information to identify who advises or decides on the acceptability of risks and consequences.

Section 12: Figure 7 Technical requirements of a flood consequence assessment

It would be useful to have a box of roles and responsibilities at the end of Section 12 and in the table contained within Figure 7 to explain who is responsible for providing advice against each technical requirement. This could be included as an additional column. For example, for technical requirement number 12 it should be made clear that the LLFA and the SAB will comment on the assessment for run-off (not NRW). It is also not clear from the proposed TAN15 who will advise the planning authority on coastal erosion.

Section 13: Resilient and resistant design measures

We refer you to our response in answer to Question 9. We seek clarity on roles and responsibilities in providing advice and in agreeing flood resilience and resistance measures.

Question 3 – Development categories

The development categories (Section 6, figure 2) have been revised and updated, with some new development types identified (e.g. renewable energy) and some development types moving into different categories (e.g. public buildings, open space).

To what extent do you agree or disagree with the development categories?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

Additional development vulnerability categories

NRW welcomes the revision to the development categories, which are more comprehensive than set out in the current TAN15. Although it is stated in paragraph 6.5 that the list is not exhaustive, it would be helpful for this statement to be made earlier as part of the introduction to Figure 2. This will help provide early recognition that further discussion may be required on categorisation of development type if it is not included in the table.

With reference to paragraph 4.2, to avoid confusion 'essential transport and utilities infrastructure' should be removed because this type of development is clearly referenced within the Less Vulnerable Development category (LVD) in Figure 2. Reference to essential transport and utilities infrastructure should also be deleted from the wording in paragraph 7.11 and the text for Zone 3 Justification Test (beneath paragraph 10.2).

We note waste disposal sites are categorised as HVD. However, we recommend the range of waste management facilities and their vulnerability is identified in Figure 2. We would welcome the opportunity to discuss this aspect with you further.

Water compatible development category

NRW welcomes the addition of the water compatible development category, which helps recognise the uniqueness of such development. It is recommended that lifeboat stations are included within footnote number 3. Further clarification would also be welcomed in paragraph 6.4 to better understand what constitutes the "built development" element of water compatible developments, for example to clarify whether they extend to offices and fuel storage areas. These structures are subject to the acceptability of consequences test and would need to be flood free in the design event.

Nature of development and land use

We refer to the approach set out in paragraphs 6.5 and 6.6 to consider size of development i.e. "small" and "large" developments and their vulnerability. There remains some ambiguity on the approach to be taken for developments greater than a single dwelling and those developments that do not fall under the category of a large development. References to "small" and "large" developments are not defined in planning terms i.e. in the Development Management Orders.

More clarity is required on how to apply flexibility in assessing the risks and consequences of flooding for medium or smaller sized developments and development within the red line boundary. To minimise any conflict in meeting the frequency thresholds set out in Figure 4, the TAN15 should be explicit to advise that all parts of a dwelling boundary including gardens and driveways should be designed flood free and this should also apply to larger sites. The policy intent of flexibility should be made clearer i.e. flexibility will only be considered where there is limited or shallow flooding on “lower vulnerability” parts of larger sites, for example, open spaces and car parking not directly associated with HVD and within the development site boundary.

Regarding the advice in paragraphs 6.5 and 6.6 we seek clarity if and how component parts of a development proposal should be assessed against the justification tests (Section 10) including the assessment of flooding consequences (Section 11). Such an approach would appear to contrast with the advice in the TAN15 consultation, which requires the location of development as a whole and not the parts of a development proposal to be justified.

In paragraph 6.6 we recommend that the advice in paragraph 6.6 is simplified to state that for “mixed-use developments a single vulnerability category may not be appropriate”.

Additional advice in paragraph 6.6 should help clarify the approach to be adopted where development is partially located within a flood zone or across zones. Whilst we acknowledge that this is addressed to an extent in paragraph 14.2, we would welcome additional advice in the TAN15 to explain how a planning authority will judge and apply Section 10 to sites located partially in the flood zone. This is also a consideration in deciding if a site partially in the flood zone would meet the criteria for referral to Welsh Government (paragraph 4.6). We seek clarity in the TAN15 on the approach for development and its site partially within Zone 3 and if these would meet the requirements of the Notification Direction.

We would welcome further discussions with the WG on these matters.

Question 4 – Strategic Flood Consequences Assessments

The revised TAN supports the plan-led system by encouraging planning authorities to build comprehensive consideration of flooding and coastal erosion into Development Plans, using evidence from Strategic Flood Consequences Assessments (section 7).

To what extent do you agree or disagree with this approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

[Strategic Flood Consequences Assessments, opportunities natural flood risk management and alignment with Development Plans](#)

NRW agrees and strongly supports the approach for a plan led system underpinned by a robust and comprehensive SFCA, which will be beneficial in improving the understanding

of flood and coastal erosion risks to ensure long term sustainable development, and in taking account of climate change. However, we seek further consideration on the need for and scope of detailed guidance (outside of the TAN15) to help developers, consultees and determining bodies to prepare a staged SFCA and to capture how place-making and wider benefits can be delivered.

Place-making, wider benefits and opportunities

It is recognised that flood risk issues should be considered in a way that is compatible with placemaking. SFCAs will evolve and develop over the plan-making process (paragraph 7.2), highlighting at an early stage those areas where development conflicts with national planning policy and guidance, or where there is a need for a locally-specific approach (paragraph 7.5).

The preparation of a Development Plan and supporting SFCA may enable Local Authorities (LAs) to deliver against other statutory duties and policies, for example, Section 6 biodiversity duties and Shoreline Management Plan (SMP2) policies. It can also be an opportunity to identify measures such as appropriate flood storage and natural flood risk management and/or green infrastructure measures, which in turn will help deliver environmental protection and enhancement. Reference to wider benefits and duties could be done through a slight amendment to the wording in paragraph 7.5 and would also link well with paragraph 7.7, which refers to opportunities for natural flood and water management schemes.

Aligning the revised TAN15 and new SFCA requirements with the Development Plan Preparation process

There could be concerns about when and how any new TAN15 requirements should apply to those SFCAs currently in preparation to inform Development Plans or plans currently being reviewed. It would be beneficial for the TAN15 to advise on how different stages in the preparation of a Development Plan should align to the SFCA process or if needed provide detailed guidance separate from the TAN15. Clarity should also be provided on how allocated sites in existing Local Development Plans (LDPs) should be managed if they progress to planning application stage soon after the publication of a new TAN15 as a new relevant or material planning consideration.

Groundwater Flooding

Regarding groundwater flooding (paragraph 7.4), no detail is provided of how this should be obtained or represented in a FCA and who would advise on this risk. It may be helpful to reference the British Geological Survey for example as a source of data.

Locally specific needs

In paragraph 7.5 it states the SFCA *may* highlight any locally specific needs. It is recommended that stronger terminology is used, for example “should”, as this will help to address surface water and coastal erosion risks at the planning application stage.

Shoreline Management Plan (SMP) policies

Advice in paragraph 7.15 specifies coastal allocations but makes no links to Shoreline Management Plan (SMP2) policies. We advise that sites should only be allocated where they can meet the justification tests and are not in conflict with SMP2 policies for that area. SMP2 policies should be considered as a material planning consideration in planning decisions. We advise this should be explicit in this section of the TAN15, which then refers to Section 9 for more information.

Roles and responsibilities

We refer to our response to question 2 (roles and responsibilities) above.

Given the range of roles and responsibilities several bodies can help to scope and inform a SFCA. The TAN15 should be amended and refer to the following;

It should be identified in paragraph 7.2 that the developer also has a responsibility to provide enough evidence to support a site proposal.

The LLFA will play a key role in the preparation of a SFCA, which appears to be the main mechanism for identifying surface water and small watercourse flood risks.

The views of the Coastal Groups should be sought to ensure coastal erosion risks are appropriately captured and assessed. Their views should not just be communicated (paragraph 7.6) but used to inform the SFCA, subsequent site allocations and Development Plan policies.

We would also suggest the advice in paragraph 7.6 is expanded to include the views of the LRF from an emergency response perspective. This advice is supported by Planning Policy Wales (PPW) (Ed 10) paragraph 6.6.29, which states that “*the ability of emergency services to respond to flood events should be taken into account when determining if development in a flood risk area is appropriate*”. Whilst advice in paragraph 7.6 of the draft TAN15 requires engagement with Emergency Planners during the Development Plan process we advise further wording could be added to the TAN15, to describe when and how consultation is carried out during this process. It may also be beneficial to refer to how the Hazard Matrix should inform engagement with, and the advice from, Emergency Planners and responders to help put depth and velocity information into context, for example, by advising when it is not appropriate to expect anyone, including emergency responders to go into areas defined as ‘Danger to All’.

Betterment for existing communities

We support the ambition set out in paragraph 7.7 but consider the TAN15 could go further. SFCAs should consider how Development Plans can provide betterment for existing communities, for example, opportunities to reduce and **adapt** to flood risk. Advice in paragraph 3.6 sets out the intention to support communities and people to avoid being affected by flooding and to develop resilience where it cannot be avoided. The SFCA would be an ideal means to identify such opportunities. We note reference to coastal realignment in this section, but we would also like to see coastal adaptation mentioned, which will be increasingly required to address the pressures from climate change around the coastline of Wales.

Development Plan site selection process, Broad Level Assessments (BLA) and planning application site- specific assessments

Having regard to the advice on a SFCA in Section 7, we seek clarity on how the SFCA aligns with different types of development plan and process stages.

Regarding the site selection process (paragraph 7.11) it is noted that allocations of LVD should only be made in ‘*exceptional circumstances*.’ We seek clarity in the TAN15 on those bodies who would determine the criteria to be met. We also refer you to our response to question 1.

The need to undertake or commission a Broad Level Assessment (BLA) is explained in paragraph 7.12. From our experience with SFCAs, the term BLA can cause confusion and we recommend its deletion from the TAN15 and to be replaced with the term SFCA, which more accurately reflects its staged approach. The initial stage considers the risks from all sources flooding at a strategic level and as the development plan evolves a more detailed assessment is undertaken where a better understanding of risks and consequences is required to confirm viability and deliverability of site allocations.

Having regard to the advice in paragraph 7.13 there may be a risk of challenge from developers at the planning application stage that a site specific FCA is not required where the principle of development has been agreed through an allocation in an adopted Plan and is supported by a robust assessment that shows flood risks can be managed over the lifetime of development (paragraph 7.14). Whilst the advice in paragraph 7.13 states “*This will include that making it clear that in taking forward the allocation a developer will need to undertake detailed technical assessments*” it should be made clear that such assessment will be required “*at the planning application stage*”.

Question 5 – Major regeneration proposals

Section 7.16 proposes new guidance in relation to major regeneration of communities located in areas at risk.

To what extent do you agree or disagree with this approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

Development planning and justification of major regeneration schemes

We have some concerns regarding the general support this section gives to large scale regeneration in areas of flood risk. However, we recognise the need to maintain existing communities as vibrant and viable and as such agree that large scale regeneration is best covered through national and regional plans. To ensure consistent understanding, we advise the TAN15 confirms that ‘only’ the National Development Framework (NDF) and Strategic Development Plans (SDPs) can identify such sites (i.e. growth areas) and explains how they should be justified by the plan-making authority and supported by an adequate assessment of risks and consequences for the lifetime of development.

The National Development Framework (NDF), TAN15 and speculative development in regeneration areas.

The advice given in paragraph 7.16 is not clear and could be interpreted as development supporting viable and vibrant communities could be considered without having full consideration to the justification tests, including the risks and consequences of flooding. We seek clarity on how the NDF (growth areas) and requirements of TAN15 are to be considered in comparison with each other. The TAN15 should be clear on how the justification test will be applied to individual applications of small-scale development, for example industrial extensions, new or conversions to flats that are located in a major regeneration area.

Terminology of wording Major Regeneration

Regeneration schemes can be quite wide-ranging in the types of development they include, and intensification is generally associated with regeneration initiatives. We do have concerns that this section may lead to increased exposure to flood risks, which could be seen to contravene WG’s National FCERM Strategy objective of “preventing more people becoming exposed to risks”. Clarity in the TAN15 on this matter would be useful.

Flood defence infrastructure

The advice in paragraph 7.16 refers to the need for ongoing maintenance and investment in flood defences to keep “*the population safe from flooding*”. We would seek an amendment to this wording to reflect the true nature of flood defence infrastructure, which helps to manage flood risks. Development behind defences can only be protected to a certain degree and may not be safe should a breach or overtopping occur.

Question 6 – Surface water flooding

The revised TAN gives greater prominence and more guidance on considering surface water flooding in the planning system. It will be for planning authorities, with input from Lead Local Flood Authorities, to determine locally whether local planning policies on surface water flooding are required.

To what extent do you agree or disagree with this approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

Mapping surface water flooding risks

The advice in paragraph 8.2 notes that surface water and ordinary watercourse flood risk will be mapped and displayed in the new Flood Map. We are seeking clarity from Welsh Government on how surface water risk will be displayed as part of the Flood Map, for example as a separate layer and this will be part of our on-going discussions.

Consideration of surface water requirements at site level

We support the development of local planning policies on surface water flood risk. However, given the increasing risks and consequences from surface water flooding, such risks should also be given greater prominence at the individual site level. The views of the LLFA will be useful on this matter in informing the revisions of TAN15.

Development Plans and surface water requirements

We welcome the advice in paragraph 8.2, which suggests surface water and ordinary watercourse flood risks are considered as part of the SFCA and that it will be appropriate for the planning authority to seek an assessment in Zone 3. However, the current wording is not clear as to whether this applies only where a local planning policy has been developed, or if this applies only to all planning proposals shown to be in Zone 3, or both situations. We recommend this is clarified in the TAN15. Additionally, we recommend clarity is provided as to why an assessment of surface water and ordinary watercourse flood risk would not be required in zone 2.

We also refer you to Figure 3, Summary of National Planning Policy Requirements. The approach set out in the table may prevent more up to date information from being realised and assessed if a Development Plan has not been updated. We recommend rewording to emphasise that the best available information should be utilised in assessing the surface water requirements and where none is available, further work may need to be undertaken and agreed with the planning authority and LLFA.

Assessing surface water flood risks

The final sentence in paragraph 8.2 is misleading and should be amended: The advice should be amended to explain that “*Surface water flood risk should be assessed to ensure the risks and consequences are fully understood, managed to an acceptable level and do not increase flood risk elsewhere.*”

The roles and responsibilities box correctly identifies the LLFA as being responsible for the assessment of surface water flood risks. However, this advice is not included in paragraphs 8.1- 8.6. The TAN15 should be clear that if necessary, the LLFA can recommend to the planning authority that a FCA is undertaken to understand the risks and consequences of surface water flooding to the proposed development and elsewhere.

Safeguarding an ordinary watercourse

NRW recommends amendments to the wording in paragraph 8.4. This includes removing “*significantly*” in the second sentence and amending the third sentence to read “... *watercourses must not be channelled into culverts beneath new buildings (unless for access purposes)*”. We would also welcome the inclusion of the following: “*Opportunities to open up or remove culverts should be explored at every opportunity.*”

Acceptability criteria for flooding consequences

Having regard to surface water and ordinary water course flood risks, clarity is required on the acceptability criteria to be applied in assessing risks to enable a planning authority to be confident in its decision making (Section 8 and paragraphs 11.3-11.5). The criteria on acceptability of development should be clear that in making a planning decision, surface water and ordinary water course flood risks should be considered fully in addition to river and tidal risks.

Roles and responsibilities

Please refer to the role and responsibilities of the SuDS Advisory Body should also be included in the summary box as explained in our response to Question 2.

Question 7 – Integrating coastal erosion issues into TAN 15

National planning guidance on coastal erosion is currently set out in Technical Advice Note 14 (1998). It is proposed to cancel TAN 14, with the relevant guidance on coastal erosion updated and integrated into the revised TAN 15 (section 9).

To what extent do you agree or disagree with this approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

Combining TAN14 and TAN15

NRW supports the proposal to update and integrate guidance on coastal erosion into TAN15 due to the limited use of TAN14, which is largely outdated, and therefore carries the risk that coastal erosion risks are not currently given due weight in decision making.

Coastal Changes, adaption and resilience

Combining TAN14 and TAN15 brings all relevant flood risk and coastal erosion considerations into a single document and this should help to raise the profile of coastal erosion as a material planning consideration. However, we have some concerns that the advice in TAN14 on coastal processes has been limited in the revisions to the TAN15. For example, it is important that a developer assess the potential effects of a proposal at the sediment sub-cell level (as defined in SMPs and referred to in TAN14), which is often a wider zone of potential influence than might otherwise be assessed. Parts of the TAN14 advice should provide useful background knowledge and context to inform planning applications and decisions (paragraph 9.10). We would welcome the opportunity to discuss further the coastal aspects of a revised TAN15 with WG to ensure it provides a robust base on which to assess coastal flooding and erosion risks to and from development.

We also suggest that the revised TAN15 explicitly provides clear advice on the need for coastal adaptation and longer-term resilience of coastal communities because this appears to have been omitted from Section 9. The risk of coastal change along parts of the Welsh coastline should not be under played and coastal adaptation is an integral part of addressing future coastal management challenges.

We also have concerns that the difference between coast protection and coastal defences are not clear throughout Section 9. The management of coastal defences (against tidal flooding by NRW) and coast protection (against erosion by coastal protection authorities i.e. local authorities) should be made clear. If both are intended to be referred to together, then we would suggest that term 'coastal assets' or 'coastal structures' is used. The section also alternates between the term 'coastal location' and 'coastal areas'. These terms should be defined and explained if it is intended for them to mean different things. If not, then we advise one term should be used consistently throughout the TAN15.

Shoreline Management Plans 2 (SMP2)

Although SMP2s are currently non-statutory documents they should not be overlooked in the planning process as they are the best available source of evidence for informing present and future coastal management over the next 100 years. It is therefore recommended that advice in paragraphs 9.2 and 9.8 refer to SMP2 policies to ensure planning policies and site allocations are not in conflict. It should also be acknowledged that the SMP2 epochs do not align with the lifetime of development and climate change requirements set out in planning policy. We seek clarity in the TAN15 to explain how the application of both factors i.e. how the resulting outcomes of an assessment of lifetime of development and SMP2 epochs should be considered in development proposals, for example in design and to inform planning decisions.

Supplementary Planning Guidance (SPG)

We welcome the proposal for Supplementary Planning Guidance (SPG) set out in paragraph 9.9. It also could provide an overview of coastal processes along with a summary of Coastal Groups and their remit and identify the need for improved cross-sectoral alignment (i.e. increased collaboration with sectors such as highways, tourism, regeneration and environment), all of whom have a stake in actively and sustainably managing planning, operations and development at the coast. We suggest this is promoted in the revised TAN15.

Justifying development in a coastal location

We advise the TAN15 should provide clarity on what forms of development would justify a coastal location, for example water compatible development only. NRW is aware of the drive to regenerate deprived coastal regions and there is a risk that this could outweigh coastal flood and erosion risks as a means for justification. Clarity would also be

welcomed on whether the Notification Direction would be triggered if a proposal was permitted in an area identified as being at risk of coastal erosion.

The advice in paragraph 9.11 should be clear in its reference to the construction of coastal defences and that these defences should not be considered to facilitate new development.

National Coastal Erosion Risk Management Map (NCERM)

It would be helpful to include guidance on if and how the National Coastal Erosion Risk Management Map (NCERM) should be used during the Development Planning and development management processes. It is not clear in the TAN15 if this map would act as a trigger for further assessment at the individual site level, or only in developing the planning strategy for coastal areas. We advise the NCERM should also be included in the list of reference documents in paragraph 4.8.

Impact of wave action

It is recommended that the impact of wave action is included as a consideration in both SFCA (paragraph 9.4) and development management proposals (paragraph 9.10) where appropriate, for example where development is proposed in a coastal location. This is an issue along some parts of the coast (for example, Aberystwyth), where wave action can be the main source of flood risk but is potentially not reflected on the Flood Map.

Roles and responsibilities

As highlighted in our response to Question 2, the TAN15 should be clear on who should advise the planning authority on coastal erosion issues and/or conflicts with SMP2 polices. We also seek clarity in the TAN15 on the criteria that needs to be satisfied in assessing coastal erosion issues and/or conflicts with SMP2 polices, and the planning decision taken if the assessment outcomes demonstrate that coastal erosion risks cannot be appropriately managed. The roles and responsibilities summary box should be amended to reflect the role of Coastal Groups in ‘managing’ the NCERM Map.

The roles and responsibilities summary box in Section 9 should include the LLFA as a provider of information for coastal defences and assets because NRW does not hold all information on local authority assets. It would also be beneficial to identify Coastal Groups and the Wales Coastal Group Forum as having a role in providing advice and information to inform strategic planning for coastal areas.

Question 8 – Justification and acceptability tests

We propose to maintain the existing ‘TAN 15 tests’, with updated guidance on how these tests should be applied to different types of development proposals (sections 10 and 11).

To what extent do you agree or disagree with guidance in relation to the justification and acceptability tests?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

Justification

There appears to be an omission in Section 10 where the advice should clarify that there is an approach to be adopted to justify the development in a specific location, which requires tests to be undertaken and sequentially.

The advice for paragraph 10.1 states “*Where development...will need to be satisfied that the location is justified.*” In seeking consistent wording and clarity throughout the TAN15, we recommend that the advice refer to the “the development is justified in a location” when considering location and development proposals.

Policy requirement of no Highly Vulnerable Development in zone 3.

While we support the policy direction of no HVD in zone 3, we highlight the following areas to be considered in making further changes to the TAN15.

Flexibility, specific considerations and circumstances

We note the advice in paragraph 10.2 states “some flexibility” is needed but we recommend this advice must confirm that this does not extend to HVD in Zone 3. We also refer to our response to Question 1 where we seek clarity to confirm if flexibility applies to all HVD development or if there are some exceptions, for example change of use proposals and speculative development sites (also please refer to our previous comments to Question 5).

Clarity is also required over how much emphasis can be placed on defended areas when applying the justification tests, in meeting the tolerable conditions and in determining what is acceptable (please refer to response in Question 1).

The sequential approach to the justification tests

Guidance is needed in Section 10 to advise the planning authority to go through specified tests and sequentially before consulting other bodies such as NRW or the LLFA. We advise that if the TAN15 tests are to be followed sequentially before consulting NRW then NRW should assume that the planning authority has undertaken the sequential tests when consulted.

Roles and responsibilities

It would be helpful to include a roles and responsibilities summary box at the end of Section 10. Within this box we seek wording to confirm that NRW should not be consulted on HVD in Zone 3 because a development proposal does not meet the tests and cannot be justified. We also refer to our response to Question 2 in this regard.

Defining and ensuring consistency in advice throughout the TAN15

As stated previously, NRW would recommend the removal of very low, low, medium and high risk labels to flood zones (paragraph 10.1) and to keep to the relevant zones, for example, flood zones 1, 2 and 3.

Within the TAN15 clarification is needed on what is understood as a Development Plan with reference to the National Development Framework, Strategic Plan, Local Development Plan, light Local Development Plan and Place Plans.

Question 9 – Resilient design and flood defences

The shift towards a risk-based approach is complemented by additional guidance on making communities and properties resilient to flooding (section 13). There is also updated guidance on the considerations when new or improved flood defences are proposed.

To what extent do you agree or disagree with this approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

Resilient Design

We agree in principle to the approach for resilient design in Section 13. However, we advise caution that this must not be seen to conflict with the flood free threshold requirements set out in Section 11. It would be helpful for the TAN15 to clarify that resilient design is more about future proofing and reducing the impact of flooding in more extreme events (>1:100). For example, it could be stated that *“In first instance, development must be designed to meet flood free thresholds in Figure 4. Beyond this there are opportunities to build in flood resilient and/or resistance measures at both the site-level and property-level.”*

Roles and responsibilities

We agree that the FCA should be used to provide advice on most appropriate flood resilience, resistance design and other measures. However, in keeping with our response to Question 2 we seek clarity on roles and responsibilities in providing advice and in agreeing flood resilience and resistance measures. For example, this may involve the building regulation officers, as paragraph 13.2 states that *“Planning and building standards have a complimentary role...”*. We recommend a roles and responsibilities summary box is included at the end of the section to help clarify this matter.

Application of planning policy where there is new or improved flood defence infrastructure

Clarity is needed in paragraph 5.5 where development is proposed in areas benefitting from flood defence infrastructure, i.e. there needs to be a clear definition or criteria for such areas to help prevent sites from being promoted behind inadequate defences. We welcome future discussions to agree what is meant by appropriate flood defence structures and how this would be displayed in the flood map.

Development behind defences, tolerable conditions, the hazard matrix, a safe environment and resilient design

Advice in paragraph 5.6 explains that development behind defences will need to demonstrate resilience so that they remain dry and safe as per the tolerable conditions set out in Section 11. However, the requirements in Section 11 does allow for some flooding at a site if acceptably managed, i.e. there is no requirement for the development to remain 'dry'. Therefore, we recommend this wording is amended to simply state 'safe' as per the tolerable conditions.

The TAN15 should explain how a planning authority will determine whether all users of a proposed development will be in a safe environment during an extreme flood event with

reference to the hazard matrix in Figure 6, Section 11. We recommend that the TAN15 advice is amended to explain how to apply this matrix in decision making and which expert should be consulted to provide this advice in coming to a view on whether a development and its impacts are at a safe level. A roles and responsibilities box should be included at the end of Section 11. We also recommend the maximum tolerable conditions are marked on the matrix in Figure 6 to help guide determining bodies in making planning decisions.

Proposed new or improved flood defence infrastructure

NRW welcomes the inclusion of guidance around considerations when new or improved flood defences are proposed (paragraphs 13.6-13.10). The approach is pragmatic only if there is full transparency and exploration of all options to mitigate risks and impacts. However, it needs to be made clear that this section relates to defences planned, constructed and maintained by a Risk Management Authority (RMA) to protect existing communities and places only, and does not relate to private defences to enable *new* development. This is in accord with advice set out in PPW and the National FCERM Strategy. It should be recognised that the appraisal of RMA schemes is subject to a separate process to help inform investment decisions and to further support this, it is suggested that advice in paragraph 13.7 is amended and the word 'development' replaced with "community" to reinforce that a RMA will not build defences to facilitate new development.

Question 10: We would like to know your views on the effects that revisions to TAN 15 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?

We have no comments.

- Please also explain how you believe the proposed document 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.

We have no comments.

Question 11: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Section 3 Background

Paragraph 3.3: We advise a source reference is identified in the TAN15 for coastal erosion data.

Section 3 Background: Insurance

Paragraph 3.9: It would be beneficial for the TAN15 to identify that the Insurance Industry have their own flood maps and that even where an assessment can demonstrate the risks and consequences of flooding can be managed down to an acceptable level and planning permission is subsequently granted, it may still attract high insurance premiums for future owner or occupiers.

Section 4 Principles of the TAN

Coastal Erosion

Paragraph 4.8: We recommend reference to the Welsh National Marine Plan is included as a relevant strategy when developing planning policies for coastal areas.

Figure 3: Summary of National Policy Requirements

In Figure 3 there is a table which provides a summary of national policy requirements, however this table appear to be unconnected to other parts of the TAN15 with no links to the advice sections. We therefore seek appropriate links between the table and advice provided.

Figure 3 table, [Wales Flood Map Zone 2 and 3](#): 'Effective flood warning' is included as one of the acceptability criteria however, the advice sections within the TAN15 do not explain what is meant by an effective flood warning except for the provision and use at caravan and camping sites (paragraph 14.13 and 14.14). Clarity is also sought to confirm if flood warning is an essential or desirable criterion. We recommend that reference to "desirable is removed because Figure 3 title explains that the table identifies "requirements".

Section 11: Assessing Flood Consequences

Paragraph 11.1 and 14.4: The TAN15 advises that an FCA is "*appropriate to the size and scale of the proposed development*". However, Section 12 notes that a full assessment of flooding consequences will be required. It may be useful for additional guidance to be prepared to help explain that the level of an assessment may vary depending on the nature and scale of development.

Paragraph 11.2: We note that the technical advice recognises the uncertainty in flood modelling, however, it is important that the uncertainty in predicting flooding for extreme events outlined in TAN15 is also identified. It can be difficult to gain buy-in from developers and their consultants to factor uncertainty in modelling parameters, which in turn could impact on site design. We would welcome further discussion with WG on how this can be identified within the TAN15.

Acceptability criteria for flooding consequences

Paragraph 11.4: NRW would recommend that the bullet list in paragraph 11.4 is removed because there are no parameters to define what is 'minimal'. This is not consistent with the policy stance of 'no flood risk elsewhere' and could be used to argue that an assessment of flood risk elsewhere is not required as it is considered 'minimal'.

Frequency Thresholds: Designing development to be flood free

Paragraph 11.6: We seek amendment so that the advice requires an allowance for climate change to be applied to the 0.1% flood event for emergency services, command centres and hub development to ensure consistency with the frequency thresholds set out in Figure 4. We would also recommend that the last sentence in paragraph 11.6 is amended to read “*An assessment against a breach and blockage scenario should be undertaken against these parameters wherever it represents a realistic scenario.*”

Paragraphs 11.3 – 11.15, Figures 4, 5 and 6: The acceptability criteria for flooding consequences refer to frequency thresholds and tolerable conditions for fluvial and tidal flooding, however the views of the LLFA should be sought on the acceptability criteria for surface water flooding risks and consequences. This advice should also link to earlier sections of the TAN15, for example Figure 3, Sections 8 and 10.

Paragraph 11.12: The advice in TAN15 states that ES development are not shown in Figure 5 because they should be flood free in 0.1% event. It then indicates that tolerable conditions for HVD should be applied. This paragraph should be amended to be clear that ES command centres and hubs development are not shown in Figure 5 as they should be flood free in the 0.1% event, plus an allowance for climate change, but that all other ES development should meet the tolerable conditions for HVD. We recommend amendment to the third sentence in paragraph 11.12 to state “Emergency services development, **command centres and hubs...**”. We also seek amendment to Figure 4 to remove the brackets around emergency services so that it reads “Emergency Services, commands centres and hubs only”.

Paragraph 11.14: The final sentence should be amended to state that “*The matrix can be used to assess the levels of danger in an extreme flood event (0.1% +CC) flood event.*”

Section 3 Background and Section 12 Flood consequences assessments

The advice in paragraph 3.1 should be amended to include the environmental cost of a flooding event. While we support of the advice in paragraph 12.8 about the effects of flooding on the environment, we recommend that this advice also refer to the environmental costs of flooding including the after-effects associated with pollution incidents and clean-up costs. This would then provide a better link to the advice given in paragraph 3.1.

Figure 7 Technical Requirements of a flood consequence assessment

Regarding items in the table;

Technical Requirement Number 4: NRW would recommend the inclusion breach and blockage assessments wherever it represents the realistic scenario. For example, assessing the predicted flood levels for a 1% flood event with an allowance for climate change and a factor for blockage would be considered a realistic scenario.

Technical Requirement Number 4: NRW would ask that the text “from the threshold to the probable max flood” is removed as this is incorrect.

Technical Requirement Number 6: The thresholds should also refer to 0.1% threshold for Emergency Services development.

Technical Requirement Number 6: An assessment of the risks of flooding from surface water and ordinary watercourse appears to have been omitted from the table and should be included.

Section 14: Specific Considerations for Planning Applications

Pre-application discussions

Paragraph 14.4: While the advice encourages “multi-lateral engagement” as best practice, there is nothing in this paragraph to promote the benefits of pre-application consultation and the Service provided by respective bodies.

Consultation

Paragraph 14.5: We recommend that the advice around no requirement for NRW to respond to HVD proposals in Zone 3 is set out in the main text in addition to the footnote. We refer you to our comments in response to Question 2 roles and responsibilities.

Change of use and conversions

Paragraph 14.10 and 14.11: We welcome the steer in paragraph 14.11 to confirm that change of use proposals and conversions should be held to a higher standard and made resilient to flood risks.

We recommend that the advice in the TAN15 is clear on the types of development to be considered in Section 14 and identify how they should be assessed to help provide an understanding of what may be acceptable. The advice should distinguish between the need to justify and the need for an assessment for new built development compared with proposed changes of use or conversions, the demolition of existing structures and rebuild where there is no change, for example size, footprint or vulnerability. More advice should be provided on how to assess these types of development where there are increased risks of flooding, increased risk to people, property and the natural environment. The TAN15 should be explicit where an assessment is not required, for example, where a development does not propose a change in vulnerability (Less Vulnerable Development to Less vulnerable Development or Highly Vulnerable Development to Highly Vulnerable Development).

Caravan and camping sites

Paragraphs 14.13 and 14.14: We recommend that the advice is expanded to include other areas that are subject to planning applications, for example, extensions to an existing site, an increase in the number of pitches within an existing site, changes of location within an existing site and changes from mobile units to static pitches.

Developer Contributions

Paragraph 14.17: We have concerns with the way advice is presented. The first sentence could be read so that new defences may be acceptable to enable development and we recommend that this sentence is deleted. This advice is incorrect and contradicts advice in Planning Policy Wales (paragraph 6.6.23) and policy within WGs National FCERM Strategy (paragraphs 196 and 228) where development schemes reliant on the provision of new flood defences is not sustainable. If this section is intended for planning applications that propose flood mitigation and flood storage as part of the development, this should be clarified and reworded to ensure the appropriate justification and acceptability tests are undertaken at the outset. If developers rely on new flood defences then they should be compelled to ensure that their development also results in a reduction in flood risk for existing communities, either as a direct result of the flood defences they are constructing or via a contribution to other works and measures.

Environmental Impact Assessment

Paragraph 14.21: Coastal defences may also fall under Schedule A2 of the Marine Works (EIA) Regulations 2007 (as amended). This should be referenced.

Paragraph 14.22: The wording in this paragraph should be amended to read “If the works are seaward of mean high-water spring tide level...”