

Our Ref: 2020-01-16/WG/01
16 January 2020

Attn: TAN15 Consultation
Planning Policy Branch
Welsh Government

By email: planningpolicy@gov.wales

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Dear Sir / Madam

TAN15: DEVELOPMENT, FLOODING AND COASTAL EROSION CONSULTATION RESPONSE

Please find below our comments on the Technical Advice Note 15 (TAN15): Development, flooding and coastal erosion, October 2019 consultation document.

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

Neither agree nor disagree

There are aspects of the proposed change that we both agree and disagree with. We welcome the replacement of the Development Advice Map and the utilisation of flood zones to define high, medium and low risk areas. The derivation of climate change outlines to inform the Wales Flood Map is also helpful to demonstrate where flood risk should be assessed further; however, clarification should be provided on the following points:

- Will Zone 1 include climate change; this would surely overlap with Zone 2 if not.
- What allowance will be made for climate change in tidal flood risk areas; will both 75 years (less vulnerable) and 100 years (highly vulnerable) be included to reflect the nature of development proposed.

We disagree that the flood zones alone should be used to preclude development as these do not provide an accurate reflection of the real level of risk to a given area or site. This has the potential to unnecessarily sterilise significant areas of Wales and have a detrimental impact on sustaining existing settlements contrary to Planning Policy Wales (paragraph 2.1 of the TAN15 consultation document). This is likely to have a particularly significant impact on many coastal communities that will inevitably have vast Zone 3 areas, which may well cover the entire settlement/town.

Furthermore, within Zone 2 just because a site is not shown to benefit from defences does not mean that the risk would be unacceptable. It is therefore unreasonable to suggest that a development would be unjustified on that basis.

Ultimately each proposed development site should have the opportunity to demonstrate that the consequences of flooding are acceptable, through an appropriate level of assessment.

Question 2 – Roles and responsibilities

Clear in all chapters

No Comment.

Question 3 – Development categories

Neither agree nor disagree

We note the change of public buildings to less vulnerable (from highly vulnerable). In some instances we consider that development of this nature could be defined in the same bracket as schools, which are classified as highly vulnerable. As such a degree of flexibility should be allowed for.

Question 4 – Strategic Flood Consequences Assessments

Agree

We agree with the approach for flood risk to be fully considered as part of and inform Development Plans. However, in reality this will take some time to implement once the revised version of TAN15 is adopted. Guidance should be provided on what to do in the interim, which should not include a presumption against development.

There also needs to be an acknowledgement that such assessments are generally high level and development sites should not be excluded on this basis in the absence of more detailed investigations.

Development Plans should also include a degree of flexibility that allow sites to be brought forward where they have not specifically been assessed or the findings suggest that further assessment may be required.

Question 5 – Major regeneration proposals

Agree

We largely agree with the approach for major regeneration proposals; however, paragraph 7.16 states that “*decisions to regenerate areas of this type will have significant consequences, including on public finances*”. This is a strong statement in the absence of site specific information and any detailed assessment. As such we would suggest that, as a minimum, “will” is changed to “may”.

Consideration should also be given to smaller developments that would contribute to the regeneration of an area and help sustain existing communities, even where these have not been allocated.

Interim guidance should again be provided on the approach to be taken in respect of such development prior to the adoption of a Development Plan.

Question 6 – Surface water flooding

Agree

We agree with the approach to give greater prominence to surface water flooding. However, it is important that all users acknowledge that the maps quite often do not account for local infrastructure and as such may overestimate the extent and depth of flooding in a given area. As such these should be used to show where further assessment is required but not to preclude development.

Question 7 – Integrating coastal erosion issues in TAN15

Agree

It is helpful to have everything in one place.

Question 8 – Justification and acceptability test

Strongly disagree

We strongly disagree with the TAN15 justification and acceptability tests for the reasons set out below:

- Zone 3; highly vulnerable development
The consultation document states throughout that no highly vulnerable should be allowed in Zone 3. Recognising that Zone 3 will include climate change this will comprise an extensive area, within which development will be sterilised (potentially unnecessarily). The flood zones do not consider the actual risk to an area and as such it would be premature to discount a site on this basis prior to any further assessment being undertaken. This will have a negative and detrimental impact on existing communities and the ability to sustain these.
- Zone 3; less vulnerable development
We note the requirement for a site to be allocated or included in an adopted Development Plan in order to satisfy the tests within Zone 3. Where this is not the case there must be a degree of flexibility that allows developers to demonstrate, irrespective of this, that the potential consequences of flooding would be acceptable. There should also be an acknowledgement of the interim measures that should be applied where a Development Plan has not been adopted.
- Zone 2; flood defence infrastructure
As stated previously, just because a site is not shown to benefit from defences does not mean that the risk would be unacceptable. It is therefore unreasonable to suggest that a development would be unjustified on that basis prior to any further assessment or evidence being submitted to demonstrate the actual level of flood risk.
- Zone 2; adopted Development Plan
As per the comments above, where sites have not been allocated or included in an adopted Development Plan there must be some flexibility that allows developers to demonstrate that the potential consequences of flooding would be acceptable irrespective of this.

Question 9 – Resilient design and flood defences

Neither agree nor disagree

No comment.

Question 10 – Welsh language

No comment

Question 11 – Additional comments

We welcome the revision of TAN15 in order to better reflect the current stance in respect of assessing flood risk within Wales. We hope that this will simplify matters and make it easier for developers and their consultants to understand the requirements for assessing flood risk.

Weetwood believe that the exclusion of highly vulnerable development in Zone 3, less vulnerable development in Zone 3 on sites that are not allocated and development in Zone 2 in areas that do not benefit from defences or an existing allocation will be detrimental to Wales both socially and economically and careful consideration must be given to the inclusion of this within any adopted revision to TAN15.

The Wales Flood Map is precautionary and identifies where flood risk should be considered further; however, it must not be used to preclude development in the absence of any detailed assessment of the actual risk.

In addition to the above we would also make the following comments:

- We would have expected there to be some uniformity of approach across the country for addressing flood risk, which is not the case; flood risk does not reflect national boundaries, it is the same on both sides and the approach should reflect this.
- Guidance on how cross border sites are dealt with should be included.

- We would also suggest that Figure 4 and Figure 5 explicitly state that the flood event criteria include breach and blockage scenarios (assuming that this is the case). We note that reference is made to this within paragraph 11.6; however, we feel that this matter remains open to interpretation.

I trust that the above comments are of assistance and that these will be considered when finalising the revised TAN15 document.

We would be pleased to discuss our comments/concerns further with you if required.

Yours sincerely

Rebecca Murphy
Associate Director