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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Technical Advice Note 15: Development, flooding and coastal erosion

Date of issue: 9 October 2019

Action required: Responses by 17 January 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

This consultation is seeking your views on the draft of revised planning guidance in relation to flooding and coastal erosion.

The revised TAN 15 will replace Technical Advice Note 14, published in 1998 and Technical Advice Note 15, published in 2004, on its final publication.

How to respond

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.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

The revised TAN 15 is available as an appendix to this document.

This consultation has been shaped by the draft National Strategy for Flood and Coastal Erosion Risk Management, available from our website:

<https://gov.wales/national-strategy-flood-and-coastal-erosion-risk-management>

Contact details

For further information:

planningpolicy@gov.wales

0300 025 1543

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

What is TAN 15?

Technical Advice Notes (TANs) are land-use planning guidance documents issued by the Welsh Government to provide practical advice and guidance on areas of policy set out in [Planning Policy Wales](#). TAN 15 is focussed on development and flood risk. The existing version was issued in 2004 and a review of its effectiveness was carried out in 2017. As result of the review, the Welsh Government has prepared an updated document which is now subject to public consultation.

What are we consulting on?

A number of proposed changes and updates are included in the consultation version of TAN 15. These proposals include:

- Factual updates to terminology and references – e.g. *Environment Agency Wales* replaced by **Natural Resources Wales**
- Replacing the Development Advice Map with a new Wales Flood Map, to be maintained by Natural Resources Wales. The Wales Flood Map will show areas at high/medium risk (zone 3), low risk (zone 2) and very low risk (zone 1) as three separate flood zones.

Summary of proposed policy for the new flood zones

Name of Flood Zone	Highly Vulnerable Development (inc. housing)	Less Vulnerable Development
Zone 1 Very Low Risk	All types of development are acceptable in principle	
Zone 2 Low Risk	Flood Consequences Assessment required. Any development must meet strict tests. If tests are passed, the development should be designed to be flood-resilient as it cannot be guaranteed that development will not experience flooding. Where there are flood defences it is more likely the tests can be passed	
Zone 3 Medium and High risk	Developments should not be proposed. Planning Authorities should discourage developers from preparing speculative Flood Consequences Assessments.	Flood Consequences Assessment required. Any development must meet strict tests. If tests are passed, the development should be designed to be flood-resilient as it should be recognised that development is likely to experience flooding. Where there are flood defences it is more likely the tests can be passed

- Integrating surface water mapping into the new Wales Flood Map, to replace the Zone B advisory classification contained within the Development Advice Map.
- Changes to the Development Categories, including a new 'water compatible development' category. Land-uses such as renewable energy have been added to the guidance, and some development types have changed categories
- Emphasising the importance of the Development Plan and highlighting the need for comprehensive Strategic Flood Consequences Assessments to inform development strategies, site selection and planning policies.
- Guidance on how major regeneration initiatives affecting communities located in areas of flood risk should be progressed through national and regional levels of the planning system.
- Updating guidance on coastal erosion currently set out in TAN 14 and integrating it within TAN 15. This will enable TAN 14 to be cancelled.
- Guidance in relation to the justification and acceptability tests has been updated to make it clear that planning authorities should not consider proposals for highly vulnerable development in high and medium risk areas (zone 3).
- New advice on making development resilient to flooding and on the consideration when proposing new or improved flood defences.

Consultation Response Form

Your name:	
Preferred contact details (email/phone/post)	
Organisation (if applicable):	

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	<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

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:

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

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

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	<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

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

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	<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

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

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	<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

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?

- 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.

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:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick the box, right