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To
All Local Authority Chief Executives
All Local Planning Authority Heads of Planning
All Local Authority Heads of Flood

15 December 2021

Dear colleagues

Technical Advice Note (TAN) 15

The Minister for Climate Change, Julie James, wrote to you on 23 November to explain the new TAN 15 is paused until June 2023 before coming into effect. In her letter, the Minister explained we would write to you with further details on the implications of her decision.

The Minister has made it clear the pause is an opportunity to build resilience, to develop detailed plans, to prioritise local authority activities to meet the challenges posed by the climate emergency and to build the necessary capability to do so. To achieve this, it is imperative the local authorities, Natural Resources Wales and Welsh Government work collaboratively, creatively and with pace.

Full consideration of flood risk and its management in the planning system remains of the highest priority. During the 18 month pause period, the existing policy framework of Planning Policy Wales, TAN 15 and the Development Advice Map (DAM), along with TAN 14 will remain in place.

This letter sets out the package of work to be completed by local authorities before June 2023, and the key implications for planning services during the pause period. In summary:

1. Strategic Flood Consequence Assessments (SFCAs) – confirmation of needs:

By the end of January 2022, we expect every local planning authority to notify the Welsh Government whether it is undertaking a new SFCA, updating an existing document, or has concluded no further work is necessary. In the case of the latter, a clear justification must be provided.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

2. SFCAs – progress reports:

Following the initial letter from each local planning authority, we expect updates on progress in conducting the SFCAs, including details of key milestones. These should include appointment of consultants or research team, agreed project plans and the delivery of draft and final reports. The Minister was clear she expects SFCAs to be finalised by 30 November 2022.

3. Development plans:

When plans are reviewed, the flood risk considerations that feed into the settlement strategy and site allocations must be in accordance with the new TAN 15 and the Flood Map for Planning. The SFCA will be the principal source of evidence to inform those elements of the plan and locally specific flood risk policies

4. Development management:

The pause means the existing policy framework remains in place for a further 18 months. Planning authorities should recognise however that it may be appropriate to take best and more recent information into account as a material consideration.

Strategic Flood Consequences Assessments (SFCAs)

SFCAs are the principal means of front-loading place-specific flood risk considerations into the planning system. They inform development plans and provide important evidence of risk for existing communities and new development areas alike. The Minister expects every authority in Wales to have reviewed their SFCA, either regionally or individually, and ensure it is up to date by 30 November 2022.

We expect every local planning authority to inform us via letter by the end of January 2022 whether it is undertaking a new SFCA, updating an existing document, or if it is content that no further work is necessary. In the case of the latter, a clear justification must be provided. We encourage regional assessments where possible because this work can inform Strategic Development Plans. Regional assessments also offer better value for money and an opportunity to consider appropriate solutions and responses to flood risk over a wider area. Regional work should be based on the footprint in [Future Wales – the national plan 2040](#), but we accept it may not be possible if one or more authority in a region has a fully up-to-date SFCA in place.

Reviewing the SFCA will help with the publication of local flood strategies. These statutory documents are required in 2023 and will set out your flood and coastal erosion risk priorities over the next decade, including your pipeline of flood and coastal erosion alleviation works. Local flood strategies will be complemented by Natural Resources Wales' long term investment strategy for projected works to manage flooding from main rivers and the sea.

Chapter 7 of the new TAN 15 described the key expectations of a SFCA, and is attached to the letter as guidance. In summary SFCAs must address the following issues:

- An assessment of current and future flood risks in strategically important locations in your area, such as town and city centres and areas of potential for development;
- Identify areas where flood management schemes could offer betterment to communities at risk of flooding;

- A recognition that climate change impacts are unpredictable – a range of scenarios must be explored and assessed, including the 1000 year event. These must inform the management of risks and consequences;
- Include information on all sources of flooding – from the sea, rivers, surface water and groundwater. For coastal areas, any risks from erosion should also be recognised and assessed;
- Take consideration of the shoreline management plan policies for the area;
- Recognise new TAN 15 and the Flood Map for Planning will be the context for planning decisions;
- Ensure involvement of internal and external stakeholders. The needs and views of the lead local flood authority, SuDS approval body, emergency planners and emergency services, insurance industry, Natural Resources Wales, coastal groups, sewerage and water providers should be sought as part of the work;
- Identify and provide robust evidence to support any locally specific policy approaches the authority wishes to propose and be tested at the development plan examination.

Following the initial letter, we expect a detailed timetable to be provided, followed by updates on progress in conducting the SFCAs, including details of key milestones. These should include appointment of consultants or research team, agreed project plans and the delivery of draft and final reports.

The importance of securing up-to-date SFCAs is to ensure every authority is fully prepared for the publication of the new TAN 15 in June 2023. The SFCAs will inform development plans and help deliver three specific and necessary outcomes before the new TAN 15 takes effect.

1. Refinement of the Flood Map for Planning (FMfP)

In 18 months' time the FMfP will become the principal source of spatial information on flood risk and coastal erosion for planning purposes. The Welsh Government and Natural Resources Wales have confidence in the FMfP, which represents better and more up-to-date information than the DAM. Nevertheless, we recognise and welcome the opportunity to further refine it and ensure it reflects all appropriate evidence from Risk Management Authorities of flood risk and mitigation schemes before it takes full effect. Natural Resources Wales will continue to undertake local modelling work and include this information in twice-yearly updates to the FMfP. This will be an ongoing process in the interim period and post implementation.

Natural Resources Wales will continue to share details of their future work programme for local modelling work with local authorities, so local authorities know where duplicated work can be avoided. Beyond these areas, the onus is on local authorities to provide evidence to inform refinements of the FMfP. This evidence can come from the up-to-date SFCA, local modelling undertaken by the authority or 3rd party information (which must be provided as a flood map challenge).

The FMfP will be updated three times before it comes into force (May 2022, November 2022 and May 2023). If the local authority consider they have evidence to support an update to the FMfP, they should provide this to Natural Resources Wales as a flood map challenge. We expect the majority of changes before June 2023 to be (a) minor amendments to the extents of zones 3 and 2, and (b) inclusion of additional Risk

Management Authority flood defences, which may be reflected as a TAN15 Defended zone where appropriate.

New TAN 15 Defended Zones will be generated when new flood defences are completed to the standard of protection defined in the new TAN 15. Details of local authority defences must be included on your Asset Register and made available to Natural Resources Wales to ensure data informing the FMfP is as accurate as possible. Natural Resources Wales, for their part, are incorporating more defences from local authorities as part of the National Asset Database work.

2. Identification of a pipeline of projects for flood and coastal erosion risk management

The Welsh Government flood and coastal erosion risk programme invites applications which reduce risk to communities as set out in the [National Strategy](#) and associated [guidance](#). Local authorities should prepare a pipeline of likely works as part of the local flood strategy, with recognition of how the climate projections will bring more areas into flood risk, and increase the depth and velocities of flooding in the future. Schemes which manage risk from main rivers or the sea will need to be agreed alongside Natural Resources Wales.

Many local authorities are understood to have ambitions to convert some Zone 3 areas into TAN 15 Defended Zones, by investing in flood defences. Authorities should be aware the flood and coastal erosion risk programme does not provide funding to enable new development in areas at high risk of flooding.

We do recognise, however, the need to develop resilience in town centres and for nationally significant infrastructure, where they face new or increased flood risks as a result of climate change. It is likely a multi-agency approach, with the support of the private sector where appropriate, will be required to deliver such outcomes. The SFCA is an important first step in identifying places where action may be needed.

Adaptive measures rather than mitigation or defence works, may be necessary in some places in the longer term. Shoreline Management Plans have identified coastal areas where this approach is required, and local authorities should not shy away from considering if gradual relocation of infrastructure and communities may be necessary. The local flood strategy and development plan policies should be used to help manage any such adaptive measures.

3. Development of locally specific policy approaches

The new TAN 15 will enable planning authorities to introduce distinct and locally specific approaches, where they are informed by strong evidence. An up-to-date SFCA is the best way of demonstrating this need. Examples of locally specific approaches are set out in paragraph 7.5 of the new TAN 15.

An approach some local planning authorities have indicated they intend to explore is in giving weight to private flood defences. Private defences and other defences not managed by a Risk Management Authority do not generate TAN 15 Defended Zones, but in some instances deliver a similarly robust standard of protection. Any local planning authority seeking to recognise private defences must satisfy itself the defence is adequately designed, constructed and operated, and appropriate long term maintenance arrangements are in place. It must also provide a standard of protection equivalent to the Risk Management Authority defences that create the TAN 15 Defended Zones.

Where a local authority has confidence in the robustness of the defence, and have aspirations for development in areas benefitting from those defences, they are encouraged to use their powers as a Risk Management Authority to take responsibility for the asset.

Locally specific approaches should be included in an adopted development plan. It may therefore be necessary to bring forward the review and revision of local development plans to allow this to happen.

Development Plans

For local development plans under review the pause in implementation of the TAN provides an opportunity to clearly factor in climate-related flood risks. It is important that settlement strategies and the site selection processes are aligned to SFCA findings. When drafting policies on flood risk the focus should be on site specific details and locally specific approaches, as there is no need to repeat national policies.

The development plan should complement the local flood strategy, by identifying key risks and setting out where flood and coastal erosion risk management schemes are to be located.

TAN 14 (1998) remains in place for coastal planning matters until it is replaced by the new TAN 15. Careful consideration should be given to the relevant Shoreline Management Plan policies for your area.

Development Management

In light of the decision to pause the new TAN 15, decisions on planning applications as well as pre-application discussions where flood risk is a consideration must be based on the existing TAN 15. Section 6 of TAN 15 sets out the sequential test to be undertaken by a planning authority to justify the location of development within a flood risk area.

Local planning authorities have a duty to consult Natural Resources Wales on planning applications for development in flood risk areas¹, where:

- The land is designated as Flood Zone C2 on the DAM; or
- The development is for *emergency services development* or *highly vulnerable development* where the land is designated as Flood Zone C1 on the DAM.

It is standard practice for Natural Resources Wales to be consulted on any development in an area of flood risk (Flood Zone C1 or C2). This should continue.

Local planning authorities can expect advice from Natural Resources Wales to highlight the FMfP where it clearly affects the context of the application. For example, if a site in DAM zone C1 will become zone 3 in the FMfP, Natural Resources Wales will highlight that fact and advise whether a flood consequences assessment should be undertaken. Natural Resources Wales may also draw attention to flood risk on sites where they are consulted for other reasons, if it is currently in zone A of the DAM but in a flood risk area on the FMfP.

This type of advice is possible because the FMfP remains publicly accessible and provides better and more up to date information than the DAM. The FMfP holds no

¹ The requirements are contained in Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and, in respect of Developments of National Significance, Schedule 5 of the Developments of National Significance (Procedure) (Wales) Order 2016, as amended.

formal weight as it is not yet national policy, but best available information may be regarded as a material consideration.

The roles and responsibilities in managing flood risks were due to be clarified in the new TAN 15. The document highlighted, for example, the important role of lead local flood authorities in respect of flooding from ordinary watercourses, surface water flooding and coastal erosion risk. We highly recommend planning authorities to engage with the relevant organisations and departments when considering risks other than flooding from main rivers and the sea if this is not already the case.

Planning and Environment Decisions Wales will continue to use the existing TAN 15 as the national planning policy basis for considering flood risk in appeals and other cases under its consideration. They will also have regard to the FMfP where it has been identified as a material consideration.

The Development Advice Map (DAM)

We have instructed Natural Resources Wales not to make any further updates to the DAM, therefore the challenge process will not be available. The challenge process for the Flood Map for Planning is open; there will be three update cycles before it comes into force (May 2022, November 2022 and May 2023). If the local authority consider they have evidence to support an update to the FMfP, they should provide this to Natural Resources Wales as a flood map challenge. More information on challenging the FMfP can be found on the Natural Resources Wales website.

<https://naturalresources.wales/flooding/challenging-our-flood-maps/?lang=en>

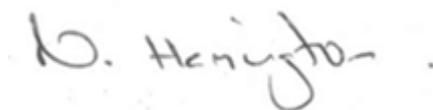
Notification Direction

The 2012 Notification Direction remains in place. Local planning authorities minded to approve highly vulnerable development located entirely in the C2 flood zone must notify the Welsh Ministers, to allow them to consider calling-in the application. The Direction applies to residential schemes of 10 or more units, to other types of development defined in the existing TAN 15 as highly vulnerable, and the emergency services.

Drainage statements

The new TAN 15 will introduce drainage statements as a formal requirement when planning and SuDS approval processes are sought separately by developers. Though no formal weight can be given to this guidance until the new TAN 15 is published we would support local initiatives, via validation criteria for example, that seek this type of information from applicants. As a minimum, we expect local planning authorities and SuDS approval bodies to continue to encourage applicants to bring both applications forward at the same time.

Yours sincerely



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> 7 Flooding and the plan-led system

7.1 Development Plans set the context for rational and consistent decision making and provide certainty for developers and the public about the type of development that will be permitted at a particular location.

Strategic Flood Consequences Assessment

7.2 A Strategic Flood Consequences Assessment (SFCA) must be undertaken to provide the evidence to inform policies and site selection processes for all Strategic and Local Development Plans. It should help the planning authority(ies) to consider flood risk issues in a way that is compatible with placemaking. The SFCA should inform development aspirations and identify ways of improving flood risk for existing communities. SFCAs should evolve and develop over the plan-making process when more information is available and more decisions regarding the content of the Development Plan are taken.

7.3 The sources and causes of flooding are not restricted to local authority boundaries therefore a SFCA which covers a river catchment area will be more effective and efficient. This approach also provides more options and flexibility for responding appropriately and sustainably to the findings of the SFCA.

7.4 SFCAs will provide planning authorities with information on current and future flood risk, using best available information about climate change and projected changes to the nature of flood risk. They should include consideration of all sources of flooding, including risks associated with rivers and the sea, coastal erosion, groundwater, ordinary watercourse and surface water flooding.

It is important that SFCAs include and consider evidence from a range of sources, including maps and models, the Flood Risk Assessment Wales, Flood Risk Management Plans, Shoreline Management Plans and Area Statements.

7.5 SFCAs will highlight at an early stage those areas where development will be in conflict with national planning policy and guidance. SFCAs may also identify a need to include locally-specific approaches in Development Plans. These may be in relation to the Recorded Flood Events information on the Flood Map for Planning, local records of surface water or ordinary watercourse flooding incidents or coastal erosion, or areas where there is an expectation that risks may increase with climate change. Planning authorities could consider area or proposal-specific actions, such as restricting some types of development, actions that reduce risks to existing communities, a need for further assessment or the integration of design features in development. Any local approaches should be set out clearly in the Development Plan.

7.6 Development Plans must be based on a sound understanding of the emergency services' ability to respond to flooding, therefore the views of key stakeholders such as Emergency Planning teams and the emergency services should be sought at this stage. Where emergency planners and services have strong views on the provision and location of access and egress arrangements, the Development Plan should communicate these requirements to prospective developers. Early involvement should also minimise the need for the emergency services to comment on planning applications.

7.7 SFCAs should include consideration of opportunities to slow and store water as part of natural flood and water management schemes, given that appropriate land management can help to reduce flood risk. Identifying areas where water can be slowed or stored, either permanently or temporarily during heavy rainfall events is particularly important in the face of climate risks facing Wales. Options such as managed coastal realignment and floodplain restoration can contribute to the sustainable management of natural resources, mitigate future flood risk and protect and enhance natural heritage. This will apply particularly in areas where existing development cannot be sustained in the face of increasing flood risk, or in sparsely developed areas where this offers a more cost effective and sustainable solution than building new defences. Proposals should be clearly outlined in the Development Plan.

Development Plan policies

- 7.8 Policies on flood risk should not repeat national policy, but rather they should focus on locally specific requirements as informed by the Strategic Flood Consequences Assessment.
- 7.9 Similarly, policies on coastal development should be specific to the characteristics of the coastline in the plan area. Policies can identify types of development that may be acceptable as well as types that will not be supported in coastal areas. The ambition of Shoreline Management Plan policies should be clearly reflected. Section 9 provides further detail on planning for development in coastal locations.

Site selection process

- 7.10 Sites should be selected to support the overarching ambitions of the Development Plan. Planning authorities should prioritise development in Zone 1. Sites may also be allocated for any types of development on brownfield land in the TAN 15 Defended Zones.

7.11 In Zone 2 (Rivers and Sea), development may be allocated on brownfield land. It should be development that implements in full or in part a strategy to regenerate or revitalise existing settlements or to achieve key economic or environmental objectives. Brownfield land in Zone 2 may also be allocated for developments that address national security or energy security needs, mitigate the impacts of climate change or that are necessary to protect and promote public health.

7.12 In Zone 3 (Rivers and Sea), allocations for residential and other highly vulnerable development must not be made as the risks and consequences of flooding are not considered acceptable for these types of development. Allocations for less vulnerable development, including essential transport and utilities infrastructure, should only be made in exceptional circumstances. Exceptional circumstances could include addressing national security or energy security needs, reasons of public health or to mitigate the impacts of climate change.

7.13 When proposing an allocation in a flood risk area the planning authority should undertake sufficient background evidence gathering to be confident the development can meet the requirements of section 11. The planning authority should request this information when sites are put forward by landowners or developers, and it will need to undertake or commission an assessment of the risk and consequences of flooding for those sites it puts forward itself in order to be sure they can be effectively and acceptably managed. This information may emerge through the SFCA or through a bespoke assessment, and will provide the basis for a more detailed Flood Consequences Assessment by the developer at a later stage. The planning authority should engage with statutory consultees and Risk Management Authorities to support it with this work.

- 7.14 If the consequences of development allocated in a flood risk area are considered acceptable in accordance with section 11, the resulting allocation should include annotation of flooding as a constraint for the individual site either in the Development Plan or on the proposals map. Any flood-related requirements for the development of that site should be specified in the Development Plan. This will include making it clear that in taking forward the allocation a developer will need to undertake detailed technical assessments prior to submitting a planning application.
- 7.15 The planning authority should be satisfied that any development it allocates will be resilient to flooding for the duration of its lifetime. Using the most up-to-date national climate change projections, planning authorities should ensure new dwellings will be safe places to live now and in the future. Generally, it is appropriate to think of new dwellings as having a lifetime of 100 years. Lifetimes for other types of development will vary, but 75 years is considered a reasonable rule of thumb. Planning authorities should apply this principle in a precautionary manner in relation to all types of development.
- 7.16 Any allocations for development in coastal locations must be made in accordance with advice in section 9. The planning authority should be satisfied the development meets the requirements of section 10 and section 11.

Urban regeneration and renewal

- 7.17 Wales's geography and industrial history means there are some large urban communities located in areas at risk of flooding, which under today's planning policies would be unlikely to have been allowed. Many of these have been recognised as National or Regional Growth Areas in Future Wales – the National Plan 2040. Communities in such areas should be supported to remain viable and vibrant, and resilient to flooding. On the Flood Map for Planning, some parts of the Growth Areas are in the TAN 15 Defended Zones but many face risks from rivers and the sea and are currently in Zone 2 or Zone 3. Prospects for development are therefore restricted, unless and until investment in improved flood defence and management infrastructure for the benefit of the existing communities is delivered and shown to meet the criteria of the TAN 15 Defended Zones.
- 7.18 Policy 8 of Future Wales – the National Plan 2040 demonstrates the Welsh Government's support for the sustainable management of flood risk in national and regional growth areas. Enabling areas in Zones 2 or 3 (Rivers and Sea) to become Defended Zones through the use of new nature-based solutions or improvements to existing flood defences is supported. This will provide important protection to existing development, and enable redevelopment and renewal to take place in a sustainable and responsible way.

Drainage

- 7.19 Sustainable drainage systems (SuDS) are required on the majority of new developments, and are encouraged in all circumstances as the most effective way of managing surface water in a sustainable way. Development Plans should promote the control of surface water as near to its source as possible for all developments. Along with other flooding considerations, drainage should be factored into the site selection process at the earliest opportunity, as the management of water will influence key issues such as layout and density of development. Information held by the local authority that may assist developers in subsequent planning application submissions should be published in or alongside its Development Plan, potentially as supplementary planning guidance.

Reservoirs

- 7.20 Reservoirs in Wales are categorised according to the risk they pose to the public and environment in the unlikely event of a breach. The amount of development in the inundation catchment is an important factor in determining a reservoir's risk category.
- 7.21 Land use planning can inadvertently lead to a reclassification of risk if new development is located within the inundation area of a reservoir. This brings additional maintenance and insurance implications for owners and operators of reservoirs. The reservoir inundation maps on the Flood Map for Planning should be consulted when preparing Development Plans. Any potential implications for reservoir owners or operators, such as allocating development in inundation areas, should be raised by the planning authorities openly and constructively.

Key roles and responsibilities

Preparation of Strategic Flood Consequences Assessments (SFCAs) – Corporate Joint Committees and planning authorities.

Advice on preparing SFCAs – Natural Resources Wales and Lead Local Flood Authorities.

Specialist input – Risk Management Authorities, Emergency Planning departments, SuDS Approving Body (SAB), local resilience forums, emergency services, insurance industry, Coastal Groups.