



Llywodraeth Cymru
Welsh Government

Circular 002/2025

Guidance on The Town and Country Planning (Flood Risk Area Development) (Notification) (Wales) Direction 2025

31 March 2025

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

GUIDANCE ON THE TOWN AND COUNTRY PLANNING (FLOOD RISK AREA DEVELOPMENT) (NOTIFICATION) (WALES) DIRECTION 2025

Audience Local planning authorities; businesses; government agencies; other public sector groups; professional bodies and interest groups; voluntary groups and the general public.

Overview This Circular and Direction set out requirements for local planning authorities to refer certain planning applications to the Welsh Ministers to enable them to decide whether they wish to call in the application for their determination.

Action required For local planning authorities to be aware that from 31 March 2025 this Circular and Direction takes effect and requires:

Local planning authorities to refer applications to the Welsh Ministers where they do not propose to refuse planning permission for highly vulnerable development where the whole or part of the land for the development is within the flood risk area in Rivers and Sea - Flood Zone 3 of the Flood Map for Planning and where the whole or part of the land for the development is located on 'previously undeveloped land' (as defined in this Circular and the Direction). For residential dwellings, this rule applies to applications which would result in a net increase in the number of dwellings, including flats, where the whole or part of the land for the development is within Flood Zone 3 and where the whole or part of the land for the development is located on previously undeveloped land. It does not apply to certain types of applications for residential dwellings, including changes of use and conversions.

This Circular and Direction replaces the provisions of The Town and Country Planning (Notification) (Wales) Direction 2012 and Welsh Government Circular 07/12 regarding "Flood Risk Area Development". The provisions set out in paragraphs 12 to 15 of Circular 07/12 will no longer apply to applications for planning permission made on or after 31 March 2025.

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Related documents Planning Policy Wales (PPW); Technical Advice Note (TAN) 15: Development, flooding and coastal erosion; Flood Map for Planning.

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GUIDANCE ON THE TOWN AND COUNTRY PLANNING (FLOOD RISK AREA DEVELOPMENT) (NOTIFICATION) (WALES) DIRECTION 2025

INTRODUCTION

1. Section 77 of the Town and Country Planning Act 1990 (the 1990 Act) allows the Welsh Ministers to give directions requiring applications for planning permission, or for the approval of any local planning authority (LPA) required under a development order, to be referred to them instead of being determined by local planning authorities (LPAs).
2. Article 14(3) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (the DMPWO) allows the Welsh Ministers to give directions to a LPA requiring that authority to consult any person or body named in the directions, in any case or class of case specified in the directions. Article 18(1) of the DMPWO provides that the Welsh Ministers may give directions restricting the grant of planning permission by a LPA authority, either indefinitely or during such period specified in the directions, in respect of any development or in respect of any class so specified. In accordance with Article 18(3) of the DMPWO, a LPA must deal with applications for planning permission for development to which such a direction applies in such manner as to give effect to the direction.
3. Article 22(5) of the DMPWO provides that an LPA must provide such information about applications made under Article 5 of that Order for planning permission, including information as to the manner in which any such application has been dealt with, as the Welsh Ministers may by direction require. Any such direction may include provision as to the persons to be informed and the manner in relation to which the information is to be provided.
4. The Town and Country Planning (Flood Risk Area Development) (Notification) (Wales) Direction 2025 (the 2025 Direction) is set out at Annex 1.
5. The 2025 Direction comes into force on 31 March 2025 in order to align requirements for referring applications in areas of flood risk to the Welsh Ministers with revised national planning policy and mapping on flooding. Technical Advice Note (TAN) 15: Development, flooding and coastal erosion¹ and the Flood Map for Planning² (which both apply from 31 March 2025) provide the relevant national planning policy and mapping considerations.
6. The 2025 Direction requires LPAs, when determining applications for planning permission made on or after 31 March 2025, to refer those applications to the Welsh Ministers where they do not propose to refuse planning permission for:
 - Highly vulnerable development;
 - Where the whole or part of the land for the development is within the flood risk

¹ TAN 15 can be viewed here: <https://gov.wales/technical-advice-note-tan-15-development-flooding-and-coastal-erosion>

² The Flood Map for Planning can be viewed here: <https://flood-map-for-planning.naturalresources.wales/>

area in Rivers and Sea - Flood Zone 3 of the Flood Map for Planning; and

- Where the whole or part of the land for the development is located on 'previously undeveloped land'.
7. The definition of 'previously undeveloped land' where development is to be notified to the Welsh Ministers consists of the following:
- Land which has not at any time been occupied by a permanent structure and associated fixed surface infrastructure;
 - Land and buildings used for agricultural or forestry purposes;
 - Land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures;
 - Parks;
 - Recreation grounds;
 - Golf courses;
 - Allotments;
 - Land where the remains of a permanent structure or fixed surface structure have blended into the landscape;
 - Land that was previously developed and subsequently put to an amenity use;
 - Land identified as having nature conservation value including habitats of principal importance for the purpose of maintaining and enhancing biodiversity in Wales as defined in section 7 of the Environment (Wales) Act 2016; or
 - Sites of special scientific interest as defined in section 28 of the Wildlife and Countryside Act 1981.
8. In respect of residential dwellings falling under the definition of highly vulnerable development, the 2025 Direction captures those applications which would result in a net increase in the number of dwellings where the whole or part of the land for the development is within the flood risk area in Rivers and Sea - Flood Zone 3. This definition of dwellings includes flats. There are certain exemptions that apply to the notification of residential dwellings and the following types of applications are *not* to be notified to the Welsh Ministers:
- The extension of existing dwellings;
 - The replacement of existing dwellings with an equivalent number of new dwellings;
 - The sub-division of existing dwellings into two or more residential dwellings; and
 - The change of use or conversions of non-residential buildings into residential buildings.
9. On the 31 March 2025, the 2025 Direction replaces the current provisions on "Flood Risk Area Development", "Emergency Services Development", "Flood Risk Area" and "Highly Vulnerable Development" set out in paragraph 2 of The Town and Country Planning (Notification) (Wales) Direction 2012 (the 2012 Direction) and paragraphs 12 to 15 of Welsh Government Circular 07/12.
10. Where a LPA is required to give such notification to the Welsh Ministers, the

authority must not grant planning permission on the application until the expiry of the period of 21 days beginning with the date which the Welsh Ministers tell the authority in writing is the date upon which they received information specified in the 2025 Direction. However, the LPA may proceed to determine the application if before the expiry of that 21 day period, the Welsh Ministers notify the authority that they do not intend to call-in the application in question under section 77 of the 1990 Act, or if the Welsh Ministers do not consider the application to be for *Flood Risk Area Development* or *Flood Risk Area Residential Dwelling Development*.

11. This guidance is intended to ensure that the Welsh Ministers are notified only where necessary, and all decisions are taken at the appropriate level.

CONTEXT FOR THE 2025 DIRECTION

12. The 2025 Direction introduces revised criteria that LPAs need to use to determine whether planning applications should be referred to the Welsh Ministers. It identifies the types of highly vulnerable development within flood risk areas on previously undeveloped land which may raise issues of more than local importance and which the Welsh Ministers may wish to call in, which is the purpose of the notification process.
13. The 2025 Direction replaces the provisions regarding “Flood Risk Area”, “Flood Risk Area Development”, “Emergency Services Development” and “Highly Vulnerable Development” set out in paragraph 2 of the 2012 Direction and paragraphs 12 to 15 of Welsh Government Circular 07/12. The 2025 Direction applies to any application for planning permission made on or after 31 March 2025. It requires the Welsh Ministers to be notified of applications made on or after that date for any proposed highly vulnerable development where the whole or part of the land for the development is within the flood risk area in Rivers and Sea - Flood Zone 3 of the Flood Map for Planning; and where the whole or part of the land for the development is located on ‘previously undeveloped land’; and which the LPA does not propose to refuse.
14. The definitions of ‘highly vulnerable development’ that apply to the 2025 Direction are those contained in Figure 4 of TAN 15 (dated 31 March 2025). TAN 15 confirms that highly vulnerable development is development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited. It also includes those industrial uses where there would be an attendant risk to the public and the water environment should the site be inundated. TAN 15 clarifies that ‘emergency services’ and ‘local authority command centres’ need to be operational and accessible at all times and therefore fall under the category of highly vulnerable development. The 2025 Direction is intended to include all highly vulnerable development and the development categories explicitly listed in the 2025 Direction should not therefore be treated as exhaustive.
15. In respect of residential development, the Welsh Government is concerned about the potential for applications to be permitted which would result in risk to people

and property from future flooding events. The threshold for notifying the Welsh Ministers on applications for residential development in flood risk areas has therefore been lowered (from 10 or more dwellings, including flats, in the 2012 Direction) to a single dwelling, including flats, in the 2025 Direction (with some exceptions as discussed further below). This lower threshold for residential development will ensure the Welsh Ministers have the opportunity to consider whether appropriate scrutiny has been given to the consideration of such proposals. The Welsh Ministers may choose to call in the planning application or, if appropriate, issue a direction that the application may not be approved until such time as directed by the Welsh Ministers.

16. The changes to the notification requirement for residential development in flood risk areas alongside revised national flood risk planning policy and mapping are designed to facilitate a culture change. Ultimately, their aim is to ensure there will be a strong stance from all LPAs against any planning applications for residential development which increase the flood risk to both people and property.
17. Notwithstanding the above, the Welsh Government is applying a pragmatic approach to the notification requirement for residential development. Therefore, residential applications for extensions and like-for-like replacement dwellings, which do not result in a net increase in the number of dwellings and therefore should not increase the overall flood risk as a result of the development, are not required to be notified to the Welsh Ministers. Similarly, for applications where the principle of residential development is already established for a site in a flood risk area, in the case of sub-dividing existing dwellings, those proposals are not required to be notified. Exceptions are also provided in circumstances where the Welsh Government recognises LPAs are best placed to determine the change of use or conversions of existing buildings to residential development, balanced against the local consideration of flood risk. National planning policy recognises there may be circumstances where there is a need to redevelop existing buildings for regeneration purposes, providing proposals are designed to be flood resilient. This could include circumstances where a residential use is determined to be the most viable reuse of an existing building. In such circumstances, TAN 15 requires a flood consequences assessment (FCA) to be carried out for the proposal.
18. Further to the above in respect of residential development, it is recognised that LPAs are best placed to determine proposals on land that has previously been developed, in effect brownfield land, in flood risk areas. The Welsh Government is therefore again applying a pragmatic approach to all proposed development on brownfield land in flood risk areas and those types of applications would not be required to be notified to the Welsh Ministers. For the purposes of this Circular and the 2025 Direction, in order to ensure those types of application are not notified to the Welsh Ministers, it applies a definition that ensures only developments proposed on 'previously undeveloped land' would be notified (in effect disapplying any requirement to notify proposed development on previously developed land). The definition of 'previously undeveloped land' reverses the definition of 'previously developed land' that is contained in Planning Policy Wales.³ As applies to proposed residential developments described in the

³ Definition of Previously Developed Land at Page 37 of Planning Policy Wales, Edition 12, February 2024 can be found here: <https://www.gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf>

paragraph above, where a development is proposed in a flood risk zone on brownfield land notification will not be required to the Welsh Ministers. TAN 15 still requires a FCA to be carried out for the proposal.

19. Where the requirements of TAN 15 have not been met and the LPA still do not propose to refuse the application, stakeholders such as Natural Resources Wales will be able to request the application is called in for the Welsh Ministers to determine.
20. References to the Flood Map for Planning refer to the map hosted by Natural Resources Wales and the Data Map Wales geo-portal which identifies flood risk for planning purposes and comes into effect from 31 March 2025. The Flood Map for Planning replaces the Development Advice Map (DAM) used alongside the previous version of TAN 15.

COMMENCEMENT AND EXTENT

21. With effect from **31 March 2025**, for any application for planning permission made on or after this date to a LPA, the guidance contained in this Circular and the 2025 Direction at Annex 1 regarding “Flood Risk Area Development” and “Flood Risk Area Residential Dwelling Development” will apply.
22. **The provisions contained in the 2012 Direction and Circular 07/12 on “Flood Risk Area Development”, “Flood Risk Area”, “Emergency Services Development” and “Highly Vulnerable Development” will apply to any application for planning permission made to a LPA up to and including 30 March 2025. These provisions will no longer apply to any application made to a LPA on or after 31 March 2025.**
23. This Circular and the 2025 Direction at Annex 1 do not amend or cancel any of the remaining provisions in the 2012 Direction and Circular 07/12 in respect of:
 - Minerals Development;
 - Waste Development; and
 - Aggregates Development in National Parks and Areas of Outstanding Natural Beauty.
24. Further, they do not amend or cancel any of the provisions listed in the 2012 Direction and Circular 07/12 in respect of “Significant Residential Development”, as amended by the Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020 and Circular 001/2020 respectively.
25. This guidance and the 2025 Direction at Annex 1 apply only in relation to Wales.
26. The 2025 Direction does not affect the power of the Welsh Ministers under section 77 of the 1990 Act to direct that any particular planning application should be called in for their own determination, irrespective of whether it falls within the terms of either Direction, having regard to their policy on call-in.

PURPOSE AND SCOPE

27. The 2025 Direction clarifies the arrangements and criteria for consulting the Welsh Ministers in relation to planning applications for particular types of development in areas of flood risk and on previously undeveloped land. The purpose of the 2025 Direction is to give the Welsh Ministers an opportunity to consider whether to exercise their call-in powers under section 77 of the 1990 Act.
28. The effect of the 2025 Direction is to require LPAs to refer any application which falls within paragraphs 3 and 4 of the 2025 Direction and in respect of which the authority does not propose to refuse planning permission, to the Welsh Ministers. Applications are required to be sent to the appropriate office of the Welsh Government in accordance with the provisions in paragraph 5 of the 2025 Direction.

NOTIFICATION REQUIREMENTS

29. The 2025 Direction introduces a notification requirement for LPAs to refer applications for *Flood Risk Area Development* or *Flood Risk Area Residential Dwelling Development* on previously undeveloped land to the Welsh Ministers where the authority does not propose to refuse such an application. Such information may be sent to the Welsh Ministers electronically or in hard copy. The notification requirement is inclusive of the provision of the information specified in paragraph 5 of the 2025 Direction.
30. The 2025 Direction requires LPAs to refer applications where they do not propose to refuse planning permission for highly vulnerable development where the whole or part of the land for the development is within the flood risk area in Rivers and Sea - Flood Zone 3 of the Flood Map for Planning; and where the whole or part of the land for the development is located on 'previously undeveloped land' (as defined in this Circular and the 2025 Direction).
31. This notification requirement applies to applications for residential development falling under the definition of highly vulnerable development which would result in a net increase in the number of dwellings, including flats. Certain exemptions for residential development apply, including applications for the sub-division of existing dwellings, change of use and conversions.

RESTRICTION ON THE GRANT OF PLANNING PERMISSION

32. Where the LPA is required to notify the Welsh Ministers the 2025 Direction places a restriction on the grant of planning permission for a period of 21 days, that period beginning with the date the LPA is notified in writing by the Welsh Ministers as being the date that the information specified in paragraph 5 of the 2025 Direction was received.
33. The 2025 Direction permits the authority to proceed to determine the application before the expiry of the 21 day period in circumstances where the authority has received notification in writing that the Welsh Ministers do not intend to call in the

application or do not consider the development to be notification development.

MONITORING AND REVIEW

34. The Welsh Government will closely monitor the number of applications that are referred to the Welsh Ministers resulting from this notification requirement and the number of applications that are consequently called in. Its effect will be reviewed when the 2025 Direction has been operating for an appropriate period of time.

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The Town and Country Planning (Flood Risk Area Development) (Notification) (Wales) Direction 2025

The Welsh Ministers, in exercise of the powers conferred on them by articles 18(1), 20, 22(5) and 31 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012⁽¹⁾, give the following Direction.

Title and coming into force

1. The title of this Direction is the Town and Country Planning (Flood Risk Area Development) (Notification) (Wales) Direction 2025 and it comes into force on 31 March 2025.

Interpretation

2. In this Direction—

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation)⁽²⁾;

“flood risk area” (“*ardal risg llifogydd*”) means land at risk of flooding from rivers and the sea defined as Rivers and Sea – Flood Zone 3 in Figure 1 of TAN 15 and the Flood Map for Planning;

“flood risk area development” (“*datblygiad mewn ardal risg llifogydd*”) means highly vulnerable development where the whole or part of the land for the development is within the flood risk area in Rivers and Sea – Flood Zone 3 of the Flood Map for Planning;

“flood risk area residential dwelling development” (“*datblygiad anheddau preswyl mewn ardal risg llifogydd*”) means highly vulnerable development which would result in a net increase in the number of residential dwellings where the whole or part of the land for the development is within the flood risk area in Rivers and Sea – Flood Zone 3 of the Flood Map for Planning except for—

- (i) the extension of existing dwellings;
- (ii) the replacement of existing dwellings with an equivalent number of new dwellings;
- (iii) the sub-division of existing dwellings into two or more residential dwellings; and
- (iv) the change of use or conversions of non-residential buildings into residential buildings;

“highly vulnerable development” (“*datblygiad sydd dan fygythiad mawr*”) means—

- (a) development relating to all residential premises (including hotels, Gypsy and Traveller sites, caravan parks and camping sites);
- (b) schools and childcare establishments;
- (c) colleges and universities;

(1) S.I. 2012/801.

(2) 2000 c. 7. Section 15(1) was amended by section 406(1) of and paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

- (d) hospitals and GP surgeries;
- (e) especially vulnerable industrial development (including power generating and distribution elements of power stations, transformers, chemical plants and incinerators), and waste disposal sites;
- (f) emergency services (including ambulance stations, fire stations, police stations, command centres and emergency depots);
- (g) buildings used to provide emergency shelter in time of flood;

“local planning authority” (“*awdurdod cynllunio lleol*”) means the local planning authority within the meaning given by Part 1 of the Town and Country Planning Act 1990⁽³⁾ for an area in Wales;

“notification development” (“*datblygiad hysbysu*”) means development for which a local planning authority do not propose to refuse and is required, by direction (see below), to refer to the Welsh Ministers;

“planning permission” (“*caniatâd cynllunio*”) means permission under Part 3 (control over development) or section 293A (urgent Crown development: application) of the Town and Country Planning Act 1990;

“the Flood Map for Planning” (“*y Map Llifogydd ar gyfer Cynllunio*”) means the Flood Map for Planning hosted by Natural Resources Wales and the Data Map Wales geo-portal;

“previously undeveloped land” (“*tir sydd heb ei ddatblygu o’r blaen*”) means—

- (a) land which has not at any time been occupied by a permanent structure and associated fixed surface infrastructure;
 - (b) land and buildings used for agricultural or forestry purposes;
 - (c) land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures;
 - (d) parks;
 - (e) recreation grounds;
 - (f) golf courses;
 - (g) allotments;
 - (h) land where the remains of a permanent structure or fixed surface structure have blended into the landscape;
 - (i) land that was previously developed and subsequently put to an amenity use;
 - (j) land identified as having nature conservation value including habitats of principal importance for the purpose of maintaining and enhancing biodiversity in Wales as defined in section 7 of the Environment (Wales) Act 2016⁽⁴⁾; or
 - (k) sites of special scientific interest as defined in section 28 of the Wildlife and Countryside Act 1981⁽⁵⁾;
- “TAN 15” (“*TAN 15*”) means Technical Advice Note 15⁽⁶⁾ dated 31 March 2025.

Application

3. This Direction applies to any application for planning permission—

- (a) relating to land in Wales;
- (b) made on or after 31 March 2025;
- (c) for notification development which is—
 - (i) flood risk area development; or
 - (ii) flood risk area residential dwelling development;
 where the whole or part of the land for the development is on previously undeveloped land;

(3) 1990 c. 8.

(4) (2016 anaw 3).

(5) 1981 c. 69.

(6) Development, flooding and coastal erosion.

- (d) which the local planning authority do not propose to refuse.

Notification to the Welsh Ministers

4. Where a local planning authority do not propose to refuse an application, where the whole or part of the land for the development is on previously undeveloped land and is for flood risk area development or flood risk area residential dwelling development, they must notify the Welsh Ministers.

5. Where a local planning authority is required to notify the Welsh Ministers under paragraph 4, they must as soon as practicable send to the Welsh Ministers by means of electronic communication or otherwise—

- (a) a copy of the application (including copies of any accompanying plans and drawings and any appropriate flood risk or other assessment) and supporting information;
- (b) a copy of the requisite notice under paragraph 4;
- (c) a copy of any representations made to the authority in respect of the application (including any views expressed by a government department, another local planning authority or other consultee);
- (d) a copy of any report on the application prepared by an officer of the authority;
- (e) a copy of any screening opinion issued under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017(7);
- (f) a copy of any appropriate assessments carried out under the Conservation of Habitats and Species Regulations 2017(8);
- (g) a statement of the material considerations which they consider indicate (if that is the case) that an application on previously undeveloped land for flood risk area development or flood risk area residential dwelling development should be determined otherwise than in accordance with the local development plan adopted or approved in relation to the area where the application site is situated.

Relevant period before granting permission on a departure application

6. Subject to paragraph 7, where a local planning authority is required to notify the Welsh Ministers under paragraph 4, they must not grant planning permission for the application until the expiry of the period of 21 days beginning with the date identified in writing by the Welsh Ministers as the date upon which they received the information specified in paragraph 5.

7. The local planning authority may proceed to determine the application if, before the expiry of the period referred to in paragraph 6, the Welsh Ministers notify the authority that—

- (a) the Welsh Ministers do not intend to issue a direction under section 77 of the Town and Country Planning Act 1990(9) in respect of that application, or
- (b) the Welsh Ministers do not consider the development to be notification development.

Amendments to the Town and Country Planning (Notification) (Wales) Direction 2012

8. Paragraph 2 (interpretation) of the Town and Country Planning (Notification) (Wales) Direction 2012 is amended as follows—

- (a) omit the definition of “emergency services development” (“*datblygiad gwasanaethau brys*”);
- (b) omit the definition of “flood risk area” (“*ardal lle y gall fod perygl o lifogydd*”);
- (c) omit the definition of “flood risk area development” (“*datblygiad mewn ardal lle y gall fod perygl o lifogydd*”);
- (d) omit the definition of “highly vulnerable development” (“*datblygiad a all fod mewn perygl mawr*”); and
- (e) in the definition of “notification development” (“*datblygiad hysbysu*”) omit paragraph (a).

(7) S.I. 2017/567 (W. 136), to which there are amendments.

(8) S.I. 2017/1012, to which there are amendments.

(9) 1990 c. 8.

N. Hemington .

Signed by Neil Hemington, Head of Planning Directorate, under authority of the Cabinet Secretary for
Economy, Energy and Planning, one of the Welsh Ministers
Date 27 March 2025