

## **Report of Environment, Planning and Countryside Committee on the evidence taken during its review of the operation and implementation of TAN 15.**

### **Introduction**

1. At its meeting on 13 July 2006, the Committee agreed to carry out a review of the implementation of Technical Advice Note 15: Development and Flood Risk (TAN 15). The Committee invited local planning authorities to submit written evidence. A total of 12 responses were received. The Committee subsequently took evidence at its meeting on 15 November 2006.
2. The organisations represented on 15 November were:
  - ◆ Environment Agency Wales
  - ◆ Welsh Local Government Association
  - ◆ Carmarthenshire County Council
  - ◆ City and County of Swansea
  - ◆ Home Builders Federation.
3. These organisations also submitted written evidence in advance of the meeting.
4. At its meeting on 30 November, the Committee considered a list of issues emerging from the evidence and agreed to produce a report with recommendations on the implementation and operation of TAN 15 to be submitted to the Minister.
5. The consultation responses are at Annex A. A summary report of the responses is at Annex B together with written evidence presented for the Committee's meeting on 15 November. The transcript of oral evidence taken at that meeting is at Annex C.
6. The report that follows summarises the main issues raised.

### **Background**

7. Technical Advice Note 15: Development and Flood Risk (TAN 15) was published by the Assembly Government in July 2004. It charges local authorities with considering flood risk when preparing development plans and taking decisions on planning applications. The policy uses development advice zones and definitions of highly vulnerable and less vulnerable development as a means of triggering when and how flood risk should be considered.
8. At its meeting on 13 July 2006, the Committee agreed to review the implementation of TAN 15. In the written and oral evidence presented to the Committee, there was general support for the overall policy approach

of TAN 15, but a number of concerns about its implementation and its impact on future development.

### **A strategic approach**

9. The Committee heard evidence of the need for a strategic and precautionary approach to flood risk resulting from climate change, rather than simply responding to the threat by providing flood defences.

We recommend that the Assembly Government should adopt a holistic approach to tackling climate change and flooding across all Ministerial portfolios. It should identify and remove any conflicts with other planning guidance and encourage the wider use of land management techniques to mitigate flooding.

### **Existing land use allocations**

10. The Committee was concerned about the potential loss of some existing land use allocations, including some where there has already been a significant level of public investment and the implications of this for social and economic regeneration. The Committee believes that the identification of alternative sites and the adoption of new and flexible approaches to flood mitigation are a priority.

We recommend that:

the Assembly Government and Environment Agency Wales should work closely with local planning authorities to ensure that the review of existing land allocations and identification of alternative sites through the Development Plan system progresses as quickly as possible;

the Assembly Government should encourage new approaches to flood mitigation in Wales through measures such as building design, the use of appropriate building materials or raising site levels within the floodplain.

### **Flood Consequence Assessments**

11. The Committee heard praise for the approach adopted by Conwy County Borough Council and others in producing Strategic Flood Consequence Assessments which have been used to inform the Development Plan process.

We recommend that the Assembly Government should issue guidance to local planning authorities on the preparation and use of Strategic Flood Consequence Assessments as a basis for future land allocations and development control decisions.

12. The Committee heard about the difficulties faced by local authorities and developers in meeting the requirements of TAN 15 and in particular the lack of skills and expertise available to enable them to carry out Flood

Consequence Assessments (FCAs). This was particularly an issue for those involved with small-scale developments.

We recommend that:

the Assembly Government should produce further detailed guidance for local authorities, the Environment Agency and developers on how to satisfy the technical requirements of TAN 15, including guidance for those involved with small-scale developments;

the Assembly Government should require the Environment Agency to provide adequate technical assistance to local authorities and developers with carrying out Flood Consequence Assessments (FCAs). The Assembly Government should provide additional resources, if necessary, to enable this work to be done.

13. Some local authorities reported that there had been a reduction on the number of small-scale infill planning applications, mostly for residential development, apparently a result of the costs of carrying out a Flood Consequence Assessment.

We recommend that the Assembly Government should undertake research into the impact of TAN 15 in discouraging small-scale infill developments and the implications of this for future housing supply.

### **Planning conditions and legal agreements**

14. The Committee heard evidence of the work being done in Swansea to use the planning system to ensure that flood mitigation measures are implemented on key sites.

We recommend that the Assembly Government should encourage the use of planning conditions and legal agreements attached to planning permissions to ensure flood mitigation measures are implemented.

### **Ministerial guidance**

15. The Committee received evidence that the Minister had recently issued a letter clarifying the role of the Environment Agency Wales in assessing planning applications. This is in response to concerns that EAW have interpreted TAN 15 as placing an obligation on them to object to certain applications on the floodplain. The letter states that in future EAW **may** object, not **will** object where the consequences of a flood event cannot be acceptably managed in terms of the risk to people and property, and natural heritage.

We recommend that the Assembly Government should ask the Environment Agency to report back regularly on the impact of the Minister's recent Circular Letter that changes the emphasis of TAN 15 with regard to the obligation on the Environment Agency to object to proposals for development within the Zone C floodplain.

### **Development Advice Maps**

16. There was considerable criticism of the Development Advice Maps (DAMs) issued with TAN 15 and also how these maps have been used and interpreted. There appears to be some confusion between the DAMs and the Environment Agency's own floodplain maps which are updated on a regular basis and contain more detailed information. Some witnesses argued that there should only be one set of maps.

We recommend that when reviewing the Development Advice Maps (DAMs) in 2007, the Assembly Government should also consider how in future to keep the maps as robust and up to date as possible and compatible with the Environment Agency's own maps.

### **Environment Agency**

17. There were also criticisms of how the Environment Agency has responded to the increased number of planning applications on which it has been consulted, arising from the requirements of TAN 15. The main criticisms concerned delays in responding and inflexible and inconsistent interpretation of the TAN. However the Committee was reassured to hear that new guidance issued recently to Environment Agency staff and internal training provided was improving the situation.

We recommend that:

the Assembly Government should monitor closely the Environment Agency's performance in responding to consultations arising from TAN 15 and if necessary should allocate additional resources to the Agency to allow this work to be done effectively.

## **Contents of Annexes**

### **Annex A – Consultation Responses**

- Consultation letter
- Brecon Beacons National Park Authority
- Blaenau Gwent County Borough Council
- Bridgend County Borough Council
- Caerphilly County Borough Council
- Conwy County Borough Council
- Cyngor Gwynedd Council (Welsh only; see Welsh report)
- Neath Port Talbot County Borough Council
- Newport City Council
- Rhondda Cynon Taf County Borough Council
- Swansea City Council
- SWWITCH Transport Consortium
- Wrexham County Borough Council

### **Annex B – Summary report of responses and written evidence presented to the Environment, Planning and Countryside Committee meeting on 15 November 2006**

- Report of written evidence
- Welsh Assembly Government submission
- Environment Agency Wales submission
- Welsh Local Government Association submission
- Home Builders Federation submission
- Country Land and Business Association submission

### **Annex C – Record of Proceedings Transcript – 15 November 2006**

# **Annex A**

## **Consultation responses**

**Pwyllgor yr Amgylchedd, Cynllunio a Chefn Gwlad**  
**Environment, Planning and Countryside Committee**  
Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff CF99 1NA

15 September 2006

Dear

**Review of the Implementation and Operation of Technical Advice Note (TAN) 15**

The National Assembly for Wales's Environment, Planning and Countryside Committee will undertake a short review of the implementation and operation of Technical Advice Note (TAN) 15 at its meeting on 15 November. I am writing to invite you to provide written evidence to the Committee. A summary of written evidence received will be produced, which the Committee will discuss on 15 November. It is also intended to take oral evidence from key stakeholders at that time. A report of all the evidence taken will be drafted.

Please send your contribution by e-mail to me at [kathryn.jenkins2@wales.gsi.gov.uk](mailto:kathryn.jenkins2@wales.gsi.gov.uk). I would be grateful to receive your response by 20 October.

A copy of the Committee's forward work programme is available on the Committee's website at <http://www.wales.gov.uk>. A detailed agenda of the meeting on 15 November will be published on 8 November.

Yours sincerely

**Dr Kathryn Jenkins**

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**Dr Kathryn Jenkins**  
 Committee Clerk  
 Committee Service  
 Cardiff Bay  
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 CF99 1NA

15 November 2006

Dear Kathryn

### **TAN 15 (Development and Flood Risk) & EPC Committee**

In response to your email conversation with Chris Morgan, please find attached our "evidence" on TAN15.

#### **Environment Agency & Flood Consequence Assessments**

The experience of our development control team is that in areas subject to TAN15 flood risk zones, the Environment Agency are submitting an objection to applications and requesting a Flood Consequence Assessment. In a number of cases the Assessment produces data which challenges that in TAN15. This data is accepted by the Environment Agency in principle. However, the response to the Authority is that they are unable to remove their objection until the data in the Assessment has been used to update the Environment Agency Maps. The current advice is that this will take 6 months.

This obviously introduces considerable delay to the processing of such applications, both in terms of the producing the assessment and then waiting for the updating of EA Maps. In addition, it appears that an inequitable situation has arisen where the weaknesses in the Environment Agency data are being addressed at the cost of the developer.

#### **Discrepancies between TAN15 Zones and Local Knowledge**

##### ***Brecon – Area around Canal – Captains Walk***

This is an area which contains the majority of the UNITARY DEVELOPMENT PLAN's allocations on previously developed land and is vital to the economic vitality of Brecon Town. Accurate flood risk data is therefore critical if this key area is to be redeveloped.

##### **a) Brecon Canal (Map 1.pdf)**

Clarification is sought on the extent to which the existence of the canal would alleviate any flood risk to the area north of the canal (currently identified within Zone C2).

Given that the canal is

- a. on a level between the canal basin and the bridge to the east of Brecon at the roundabout.
- b. not hindered by locks at any point along this stretch
- c. a live canal, fed by a water source at the canal basin.

d. protected by an embankment to the east.  
it is conceivable that in the event of a severe breach of the river, excess water would flow into the canal.

**b) Map 2 – Contour Lines (Map 2 Brecon.pdf)**

Zone C2 appears to follow the OS contour lines. It is assumed that the contour lines were taken into account in the methodology used to define the C2 Zone. If this is the case, we wish to point out that local knowledge of the areas highlighted on Map 2 shows that the contour line is not in fact correct. Each of the highlighted areas have significant slopes, which mean in reality it is unlikely that flood water would rise up the slope.

***Crickhowell***

- a) **Bridge Street (Map 3 Crick.pdf)** – Seems unlikely that the top of Bridge Street would flood as it rises quite steeply.
- b) **Legar & Llangattock** We also question whether the Zones around the Legar and Llangattock are correct. (Map 4 Crick.pdf)

Please do contact us if you require further clarification or additional maps.

We would also be grateful if you could clarify how the Committee intend to respond to the evidence gathered.

Yours sincerely,

**Rachel Willis**

Strategy & Policy Officer

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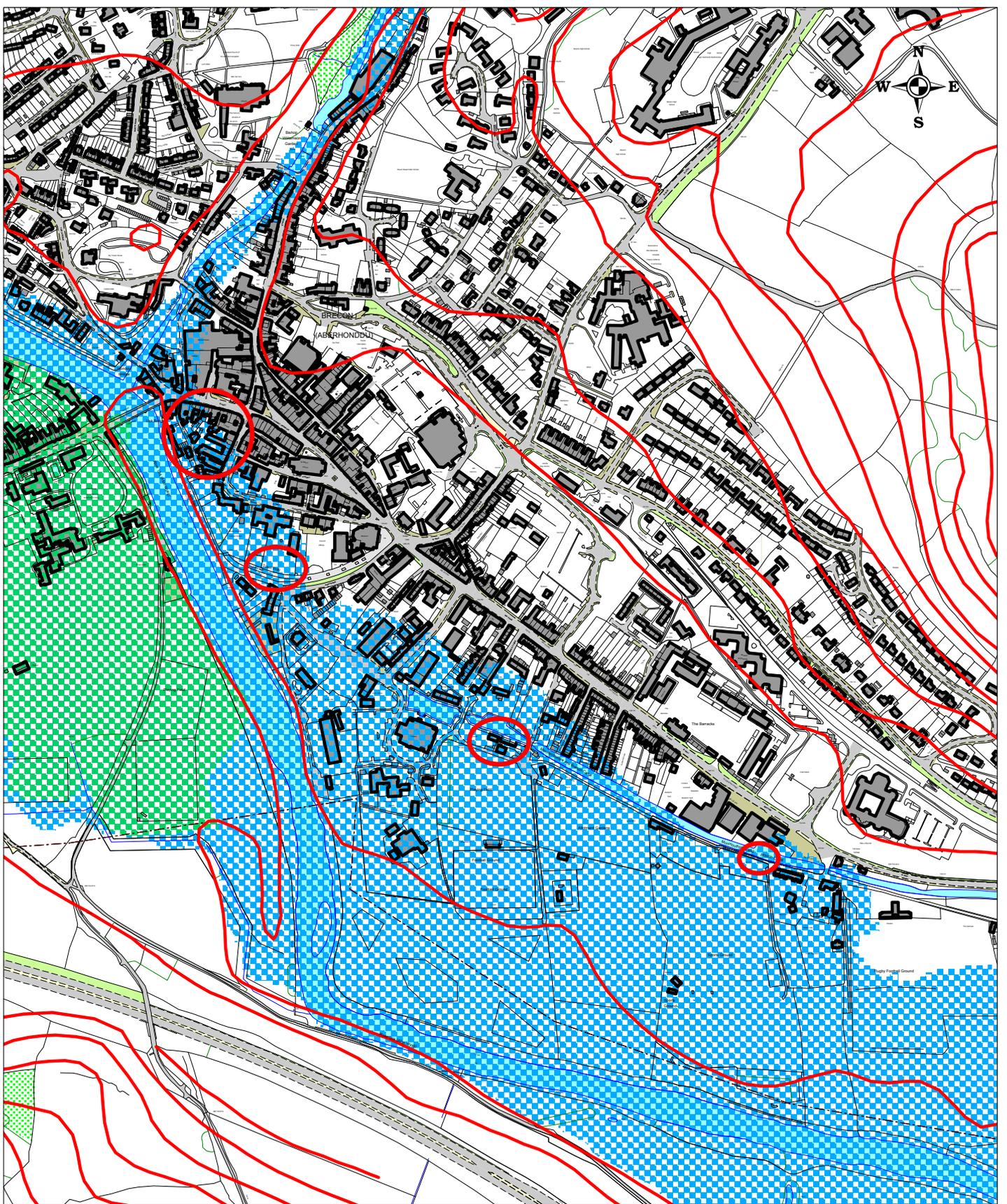
**Brecon Canal**  
 TAN15 Data

Scale: - 1:1250

Date: - 25/10/2006

Centre: - 304529.94, 228463.54

Zoom: - 233.495 (m)



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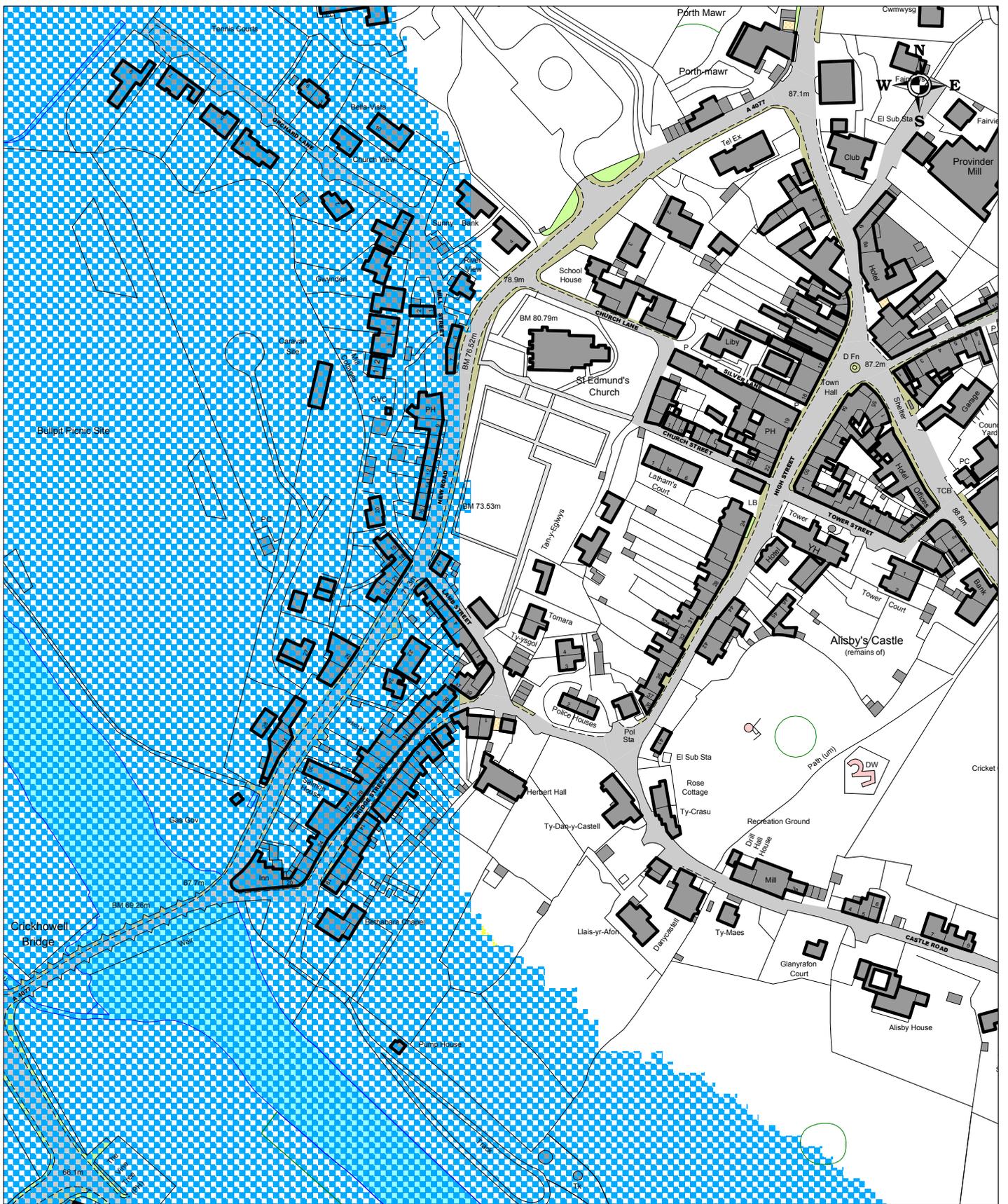
### Contour Line Queries TAN15 Flood Risk

Scale: - 1:1250

Date: - 24/10/2006

Centre: - 321572.45, 218315.88

Zoom: - 233.495 (m)



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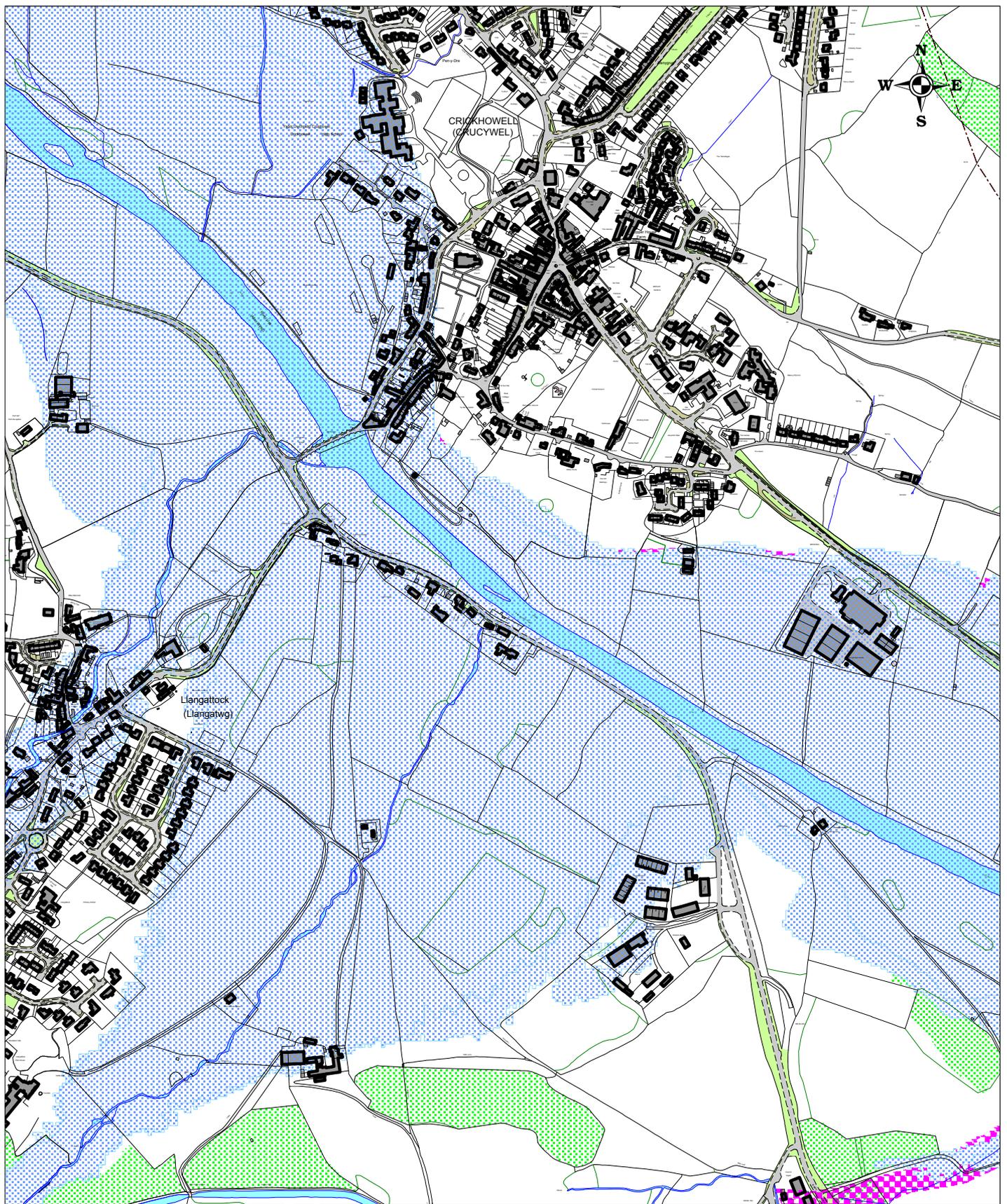
### Crickhowell - Bridge Street TAN15 Flood Risk

Scale: - 1:1250

Date: - 24/10/2006

Centre: - 321572.45, 218315.88

Zoom: - 233.495 (m)



No Window	© Brecon Beacons National Park Authority Plas y Ffynnon, Cambrian Way Brecon, Powys, LD3 7HP		Crickhowell & Llangatock TAN15 Data	
	© Awdurdod Parc Cenedlaethol Bannau Brycheiniog Plas y Ffynnon, Ffordd Cambrian Aberhonddu, Powys, LD3 7HP		Scale: - 1:1250	Date: - 25/10/2006
			Centre: - 304529.94, 228463.54	Zoom: - 233.495 (m)

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Cyngor Bwrdeisdref Sirol

**Blaenau Gwent**

County Borough Council

20<sup>th</sup> October 2006

Dear Dr Jenkins

**RE: REVIEW OF THE IMPLEMENTATION AND OPERATION OF TECHNICAL ADVICE NOTE (TAN 15)**

Thank you for your letter, of the 15 September, providing Blaenau Gwent County Borough Council with the opportunity to give written evidence for the review of the implementation and operation of Technical Advice Note 15: Development and Flood Risk.

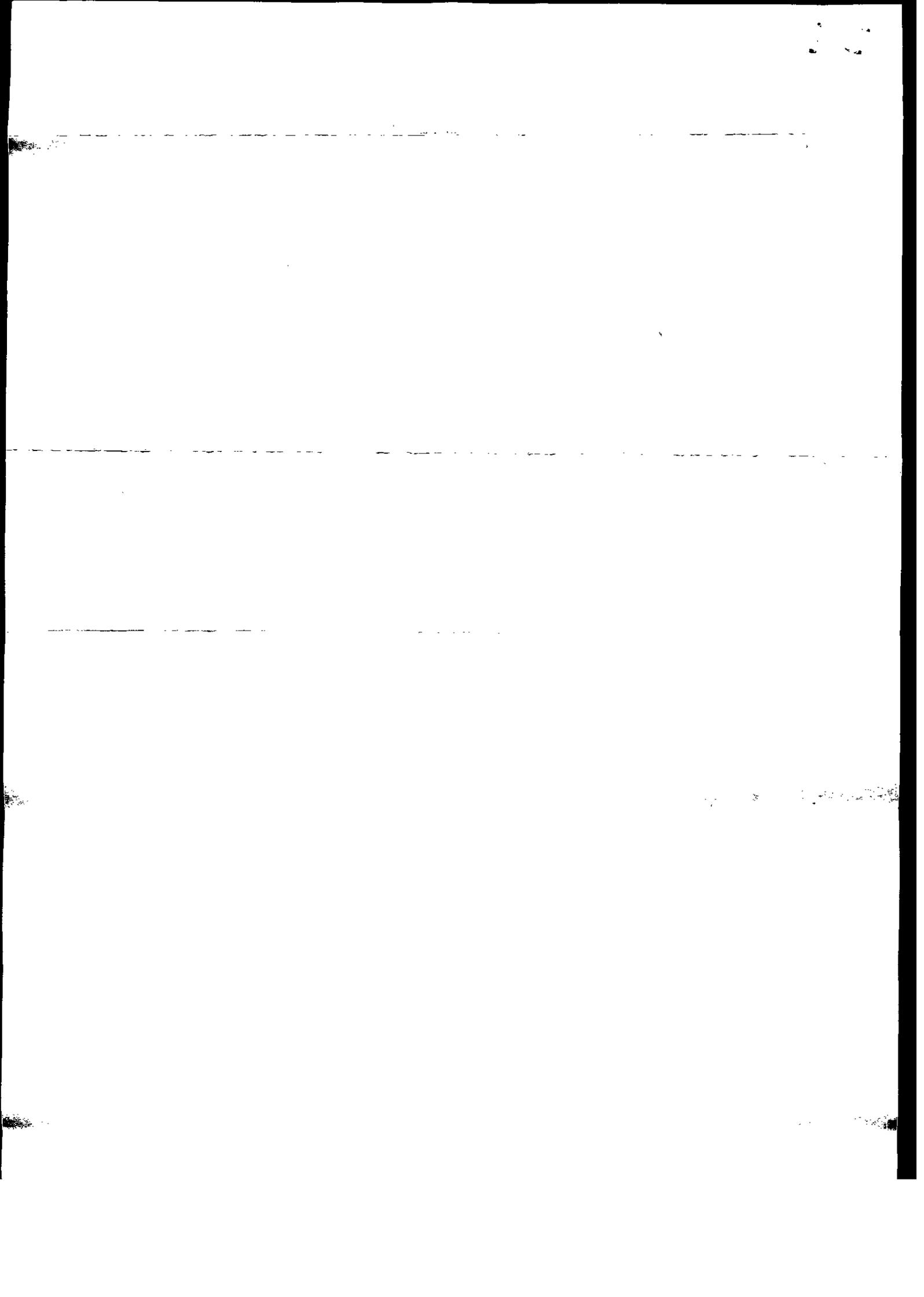
Blaenau Gwent is supportive of the overall policy approach of the document, which has introduced the precautionary principle to development in relation to flood risk. Initial teething problems with the operation of the system appear to have sorted themselves out. The requirements of the different parties are now clearer and most are able to meet expectations of them.

However, there is a concern that smaller developers find it difficult to deal with the requirements of the TAN, due to lack of expertise and knowledge in this area. It would be helpful if a simple guide for applicants were to be produced.

From our perspective, the main areas of concern are with the accuracy of the maps, the scale at which they are made available and the inability to transfer the information to Local Authority GIS systems.

Contd .....

Dr Kathryn Jenkins  
Environment, Planning & Countryside Committee  
Cardiff Bay  
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**Blaenau Gwent**

County Borough Council

Contd.....

- Accuracy of maps

There are a number of cases where land is identified as being within C1, but the level of the land is such that it is evident that the area will not flood. The TAN promised a review of the maps and this should happen as soon as possible if developers and Local Authorities are to continue to have confidence in the information provided.

- Scale of Maps

The scale of the maps makes it difficult for users to determine whether or not sites are within flood risk areas. This can result in unnecessary costs and time being wasted by all involved in the process.

- GIS Format

The maps also cause problems for the local authority in translating the information to a GIS overlay. It would be helpful if this could be a straightforward task.

I trust these comments will contribute to the summary of written evidence for the committee meeting on November 15.

Yours sincerely

**CORPORATE DIRECTOR ENVIRONMENT**



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**10 October 2006**

**Dr Kathryn Jenkins**  
Committee Clerk  
National Assembly for Wales  
Environment, Planning and Countryside Committee  
Cardiff Bay  
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Dear Dr Jenkins

### **REVIEW OF THE IMPLEMENTATION AND OPERATION OF TECHNICAL ADVICE NOTE (TAN) 15**

I refer to your letter dated 15<sup>th</sup> September 2006 regarding the above.

I have been concerned that on the introduction of TAN 15 there were insufficient specialist private sector engineers who were fully conversant on flooding issues and Environment Agency (EA) staff to properly deal with Flood Consequence Assessments (FCA) in a expeditious manner. This resulted in considerable delays to major employment schemes that by their very nature require relatively level sites, which in South Wales are more likely to be found near rivers (or towards the coast). There were warnings from developers of such schemes that they would invest elsewhere if these delays continued. In the last six months or so there appears to have been some improvement in this area by the EA in responding more promptly or requiring less detailed FCA's.

I have also been concerned that the EA has objected to sites well above the flood plain or required FCA's for such sites, when it would be clear to a layman that there is no possibility whatsoever that the site would ever be flooded. I recently had a meeting with the EA and they have reassured me on this point. They accept that their flood maps need refining for greater accuracy and will ensure any site they object to is visited by one of their officers, and the visit from a Senior EA officer from the South West region reassured me that they would be taking a more pragmatic approach to development proposals. They also seemed to be now better staffed and organised than when TAN 15 was introduced.

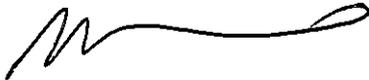
One of my original concerns was that TAN 15 appeared to reopen consideration of sites already granted outline planning permission or allocated for development in the Development Plan. Such sites may have previously been the subject of no objection from the EA or in the case of the Unitary Development Plan a failure to comment by the EA. At the above mentioned meeting with the EA I was of the impression that the EA were unlikely to seek to revisit such approved/allocated development sites.

Flooding and increasing risks to flooding are important issues and are integral to the consideration of development proposals so as to ensure a well planned and safe environment. The long term safety of existing and future residential occupiers and the safeguarding of emergency/key utility facilities is fundamental to good planning. The TAN recognises that development will continue to be necessary on valley floors, lowland areas and in the coastal fringes and that, in addition it identifies a less vulnerable category of development where the ability of the occupants to decide whether they wish to accept flood risks is greater than that in the highly vulnerable category.

Furthermore in C zones not all development is prevented and less vulnerable development can be accepted in C2 area subject to a justification test. If a FCA demonstrates that non vulnerable developments in flood risk zones do not have an adverse knock on effect and that the developer recognises and accepts the risk of flooding to his development then this should be material to the consideration of any planning application.

I trust this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to be a stylized 'M' followed by a long horizontal stroke.

**ASSISTANT DIRECTOR OF PLANNING SERVICES**

cc Rhodri Gwynn Jones



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Your ref/Eich Cyf

Our ref/Ein Cyf

Date/Dyddiad

**19<sup>th</sup> October 2006**

Dear Dr Jenkins

### **Review of the Implementation and Operation of Technical Advice Note ( TAN 15)**

I refer to your letter of 15<sup>th</sup> September 2006 concerning the above, and I would like to thank you for the opportunity to contribute to your review. Please find below some general observations based on our experience to date in respect of the implementation of the TAN.

#### **Development Plans:**

Paragraph 10.6 of TAN 15 states “ Where the local planning authority wishes to allocate a site, and can justify such an allocation, the local planning authority will need to **undertake a broad level assessment** of the consequences of flooding occurring on that site, in consultation with the Environment Agency” **(my emphasis)**

To enable Local Planning Authorities to carry out their plan making responsibilities, the Environment Agency **must be in a position to provide sufficient guidance to enable the LA to determine whether or not a site can be allocated for its preferred use through a broad level assessment.** (Please refer to Paragraph 3.5 of the TAN where the roles and responsibilities of the LA and the EA are outlined).

#### **In our view a broad level assessment should comprise:**

- 1) Consideration of the existing use of the land in question compared to the proposed future use of a site;
- 2) The contribution the redevelopment of a site will make to the regeneration of the area – having regard for other national policies.
- 3) An examination of the Environment Agency Flood Maps (the most up to date version of which should be made available to LAs free of charge) in order to determine in which flood zones sites are located;
- 4) The likelihood of site levels changing as a consequence of development and the increased likelihood therefore of flooding;
- 5) Consultation with the Environment Agency on the suitability of the site for the preferred use having regard for all other material considerations.

The TAN acknowledges that the assessment of flooding consequences is a complex, technically challenging and expensive undertaking. As such the TAN requires any assessment to be carried out by a suitably qualified person with an appropriate professional indemnity (Para A1.10). Furthermore, there is recognition in the TAN **that the developer as an integral part of the development control process will undertake the detailed assessment.**

This approach is supported, as the Local Planning Authority **does not have the resources** to undertake a **detailed assessment** of each land allocation as an integral part of the plan making process. In addition the timescales involved in plan preparation do not allow for this detailed assessment work to be undertaken.

### **Development Control:**

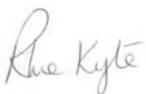
**The main issue is one of balance.** Whilst we need to consider carefully whether we should be allowing any development in areas liable to flooding, particularly what is classed as sensitive development, the approach of the EA is very dogmatic when it objects to:

- House extensions and other minor developments in towns such as Risca that are within flood areas
- Extensions to schools - how can existing schools be enhanced and extended? Does the EA expect the education authority to respond to an increase in demand, or the need to improve facilities by building new schools outside flood areas?
- Replacement development for similar purposes.
- Car parking areas associated with commercial or employment developments in a 1 in 100 year flood risk zone. It is accepted that there are rainwater run-off issue with car parks but as far as flood risk is concerned it would be beneficial to treat large car parking areas associated with commercial or employment premises in the same way as playing fields

Experience suggests (through DC) that in some cases the EA is willing to relent, but only after the applicant has produced a flood consequences assessment. Is there a more common sense approach that would allow existing circumstances to be taken into account before asking for an FCA, or where it would be clear that the FCA would only be required to clarify the finished floor levels of the development for example?

I trust these observations are of assistance, if you wish to discuss any of the above observations please do not hesitate to contact Rhian Kyte on 01495 235317.

Yours sincerely



Rhian Kyte  
***For Strategic Planning and Urban Renewal Manager***

**CONWY COUNTY BOROUGH COUNCIL  
REPORT FOR NATIONAL ASSEMBLY FOR WALES  
ENVIRONMENT PLANNING AND COUNTRYSIDE COMMITTEE**

**REVIEW OF THE IMPLEMENTATION AND OPERATION OF TECHNICAL  
ADVICE NOTE (TAN) 15**

1. Introduction

- 1.1 Conwy is an authority that has experienced a number of serious flooding events in recent years, both coastal and fluvial. Consequently the production of the TAN has been welcomed by the Council as providing necessary guidance, both for the preparation of development plan and in the development control process.
- 1.2 In light of this the Council's Planning Committee has been closely following the advice of the TAN and the associated consultation recommendations of the Environment Agency (EA) in its determination of planning applications.
- 1.3 Because of its keen interest in flooding issues the Council has had produced on its behalf the Conwy Tidal Flood Risk Assessment (CTFRA). This study, which was carried out by HR Wallingford, is understood to be the first of its kind in Wales. Conwy is therefore in a unique position to offer advice to the Assembly on TAN 15 and how local strategic studies may be utilised.
- 1.3 The evidence below is structured to follow the format of the TAN.

2. Development Advice Maps

- 2.1 Whilst the concept of the development advice maps and the associated zonings is accepted, the usage of the maps has given rise to serious practical implementation difficulties.
- 2.2 The accuracy of the delineation of C2 zones in certain locations is highly questionable. Within Conwy there have been specific examples of development being prevented or recommended for refusal by the EA in areas that have no engineering justification for a C2 designation. The C1 designation more closely follows calculated flood probability boundaries and is considered an approximate measure.
- 2.3 The CTRFA was carried out to provide a more accurate assessment of flood risk in the coastal urban areas of the County Borough. The study analyses overtopping and defence breach probabilities to produce inundation maps based on accurate ground models. It is recommended that the more accurate CTRFA maps be used to determine appropriateness of development in respect of tidal flooding in Conwy, or at least be the basis for a review of the C1 boundaries of the DAM.
- 2.4 It is considered that the requirement for a Flood Consequences Assessment (FCA) in areas where the CTRFA shows all TAN 15 conditions are satisfied should be removed. Where a robust and approved (by WAG, EA and LPA) strategic study such as the CTRFA has been completed, the Development

Advice Maps (DAMs) could be reduced to an indicative tool. The maintenance of the maps by the Local Authority would allow greater flexibility in revision and improvement of the data to reflect improved defences, climate change influence etc. There are discussions currently going on in England as to “ownership” of the new Coastal Erosion Risk Mapping project. Initial indications are that the Erosion Risk Maps, (which have a similar purpose to the flood risk DAMs) will be set up such that there is initial validation and then editing and review at Local Authority level. A similar principle should be applied to flood risk mapping.

2.5 In any event, where local studies, such as the CTFRA, do not form the basis of the flood risk advice, it is essential that consideration be given to improving the quality of the DAMs and updating them more frequently than the 3 years quoted in paragraph 4.3 of the TAN.

2.6 However it is encouraging to note that the EA recognises this problem and it is understood that the EA has been updating its own maps, on which it bases its advice, on a much more frequent basis. It is helpful that these maps can be publicly viewed on the EA’s internet site.

### 3. Assessing flood consequences

3.1 The Council recognises the need, in appropriate circumstances, for an assessment of flooding consequences to be undertaken before planning permission is granted. The consequences criteria in Appendix 1 of the TAN are considered reasonable.

3.2 However some clarification is required regarding access and escape routes. The TAN states that escape/evacuation routes “must be operational in all conditions”. This is currently being interpreted by the EA as being flood free – in other words, dry. This interpretation effectively prevents the development of a site that is flood free at 1:200 and meets the extreme event criteria but where an egress route experiences flooding at 1:200 to very shallow depths (where foot and vehicle traffic would still be possible). For coastal towns such as Llandudno and Kinmel Bay the requirement of up to 1km of dry access would seem to be unnecessarily restrictive. Clearer, more realistic guidance on interpretation of the operational escape route criteria is therefore required.

3.3 However, and notwithstanding any pre application advice that may be given by the EA, the cost of commissioning a Flood Consequences Assessment (FCA) can be a substantial additional financial burden on a significant number of planning applicants. It has been noticed that a number of planning applications for single dwellings have been withdrawn in Towyn and Kinmel Bay because of the requirement for an FCA, presumably on the grounds of cost. The development of single dwellings in such areas is an important component of windfall development and the loss of such contributions will have obvious consequences for development plan strategy.

### 4. Action through Development Plans

4.1 The Council is currently preparing its LDP. In preparing both the Plan’s land allocations and policy formulation careful regard is being given to the advice in the TAN.

- 4.2 The CTFRA will be an essential tool in identifying which land will be appropriate or not for development due to potential tidal flooding. The Council considers that it is this study that should be regarded by the EA as providing the basis for land allocations rather than the less accurate C1 boundaries indicated on the DAMs.
- 4.3 Because of its detailed nature the CTFRA may identify potential development sites within Zone C1 as not being at risk from coastal flooding. However unless the CTFRA is given precedence over the DAMs, in order to comply with the terms of the TAN the Council will have to commission detailed and costly FCAs for these sites if it wishes them to be included within the LDP. However it is accepted that there will be no similar benefit in respect of sites which may be vulnerable to fluvial flooding, such as at Llanrwst.
- 4.4 The County Borough has substantial urban areas falling within a C1 zone. Not only is most of Towyn and Kinmel Bay in such a zone, but so too are much of the central parts of Llandudno and Rhos on Sea. In preparing the LDP the Council is acutely conscious of the need to ensure the long term viability of these important urban areas. Llandudno, for example, is both a major tourist destination and a major sub regional shopping centre and it is critical that its economic viability is not compromised by overly restrictive flooding constraints. Unless this can be achieved, substantial areas could be blighted giving rise to serious implications for the sustainability of these communities.

## 5 Development Control

- 5.1 In making decisions on planning applications the Council pays close regard to the recommendations of the EA on the proposal. It is therefore of vital importance that this advice is both sound and reasonable and is supportable should the application be refused and an appeal lodged.

## 6 Climate change

- 6.1 In the CTFRA Conwy has taken steps to assess the effects of climate change on overtopping, defence breach and inundation probabilities. Initial discussions have taken place with WAG Planning and Flood Defence officers as to how CTFRA climate change inundation maps are to be interpreted. Guidance will be required before such maps are used as a planning tool for climate change.
- 6.2 It is understood that the CTFRA climate change maps will be based on a climate change scenario but with existing defences. In delineating C1/C2 zones based on the adequate operation of defences, TAN 15 accepts the principle that defences will be maintained to current levels of service. The future improvement of defences in response to climate change must therefore be considered.

## 7 Relations with the Environment Agency

- 7.1 The EA is a key element in the operation of the TAN and the Council enjoys good relations with the officers of the EA. Clearly significant problems have arisen in endeavouring to interpret and implement the TAN and numerous discussions have taken, and continue to take place between the two bodies to discuss and try to resolve these. It should be noted that the EA has also

done much on its side to improve responses and response times by the appointment of additional staff. It is also understood that the EA is conscious of continuing shortcomings and is reviewing its Tan 15 related processes.

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