

Consultation Response Form

Please respond to this consultation by using the response form. Responses can be submitted in a number of ways:

Online: <https://gov.wales/consultations>

Email: planningpolicy@gov.wales

Post: TAN 15 consultation
Planning Policy Branch,
Welsh Government,
Cathays Park,
Cardiff
CF10 3NQ

When responding please state whether you are responding in a personal capacity or are representing the views of an organisation.

Closing date for responses: 17 January 2020

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Organisation (if applicable):	Chartered Institute of Ecology and Environmental Management

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

A key principle of the revised TAN 15 is to recognise different degrees of flood risk (see section 4). A new Wales Flood Map will replace the Development Advice Map and will distinguish between high/medium risk and low risk, with policies on development reflective of the degree of risk. Flood zones on the new Wales Flood Map will incorporate climate change allowances.

To what extent do you agree or disagree with this change?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

We agree that a risk-based approach has merits.

Regarding the Wales Flood Map, we welcome the proposal to express flooding likelihood as % chance rather than 1:100 years etc. This is a clearer and more honest language for members of the public to understand.

It must be noted that floodplains (which are traditionally allowed to flood) can be valuable biodiversity resources and spaces for green infrastructure.

It is unclear how climate change is incorporated into the Wales Flood Map and we would welcome clarity on this.

Question 2 – Roles and responsibilities

The revised TAN has sought to clarify the main roles and responsibilities of key organisations and agents in the planning system in respect of flooding and coastal erosion.

To what extent do you agree or disagree that the TAN offers clarity?

Clear in all chapters	Clear in some chapters	Unclear in most or all chapters	Don't know	No opinion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please highlight where you think further detail and clarity can be added:

We are pleased to see further clarity on roles and responsibilities, which will add certainty to those engaged with the planning process.

We suggest that information on how land use change can impact flooding be added to the document, and how nature-based solutions can be used to mitigate these risks.

Question 3 – Development categories

The development categories (section 6, figure 2) have been revised and updated, with some new development types identified (e.g. renewable energy) and some development types moving into different categories (e.g. public buildings, open space).

To what extent do you agree or disagree with the development categories?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

We are pleased to see further clarity on types of developments that were previously omitted.

We suggest that “open spaces” needs to be clearly defined under Water Compatible Development in Figure 2.

The Less Vulnerable Development category includes “transport infrastructure”, however paragraph 7.11 refers to “essential transport and utilities infrastructure”. This is unhelpful and suggest that further clarification is needed.

We welcome clarification in paragraph 11.4 that “minimal disruption to the sustainable management of natural resources” is a requirement of site design.

We suggest that major “green infrastructure” be included as a development category and be given the relevant priority in national planning and development policy.

Question 4 – Strategic Flood Consequences Assessments

The revised TAN supports the plan-led system by encouraging planning authorities to build comprehensive consideration of flooding and coastal erosion into Development Plans, using evidence from Strategic Flood Consequences Assessments (section 7).

To what extent do you agree or disagree with this approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

We agree with the general approach, although we do have some concerns and queries.

We strongly suggest that more emphasis is given to nature-based solutions, as stated in Welsh Government statements. We recommend that TAN15 signposts to the *Working with Natural Processes* guidance (<https://www.gov.uk/government/publications/working-with-natural-processes-to-reduce-flood-risk>).

We suggest that SFCAs (Strategic Flood Consequence Assessments) must use as wide a range of information as possible to make them as reliable as possible.

There are concerns around how to manage the consequences of flooding in the event of prior advice having been ignored. Building insurance is a powerful driver to control where development is permitted. If however a Planning Authority committee overturns their officers' recommendations and disregards Natural Resources Wales' advice, we suggest there should be an automatic referral to the Welsh Government Planning Inspectorate.

Question 5 – Major regeneration proposals

Section 7.16 proposes new guidance in relation to major regeneration of communities located in areas at risk.

To what extent do you agree or disagree with this approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

It is recognised in Welsh Government policy that green infrastructure has an essential and significant role to play in enhancing communities and regeneration projects. Restoring and creating fully functioning natural habitats has a clear role to play in regeneration and benefits to vulnerable communities. Functioning natural habitats play a vital role in enhancing water infiltration as well as delivering other well-being, economic and biodiversity benefits.

We recommend that a paragraph is inserted into TAN15 emphasising the importance of the PWW 10 requirement for green infrastructure plans.

Question 6 – Surface water flooding

The revised TAN gives greater prominence and more guidance on considering surface water flooding in the planning system. It will be for planning authorities, with input from Lead Local Flood Authorities, to determine locally whether local planning policies on surface water flooding are required.

To what extent do you agree or disagree with this approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

We welcome this revision, including the emphasis on SUDS and on protecting natural watercourses.

We also suggest that wider consideration be taken of SUDS, to allow a broader and more integrated approach than just within development sites. We recommend that the guidance is extended by including more reference to the need for green infrastructure plans, for catchment wide assessment of land management interventions, and enhancing the role of natural habitats in intercepting rainfall and enhancing infiltration. We recommend that more connection is made between SUDS and the green infrastructure requirements set out in PPW 10.

Question 7 – Integrating coastal erosion issues into TAN 15

National planning guidance on coastal erosion is currently set out in Technical Advice Note 14 (1998). It is proposed to cancel TAN 14, with the relevant guidance on coastal erosion updated and integrated into the revised TAN 15 (section 9).

To what extent do you agree or disagree with this approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

We suggest that consideration needs to be given to whether or not coastal *erosion* should be included here. Although worthy of attention in its own right, it is an entirely different process to coastal *flooding* and we suggest should be considered separately.

We strongly support the recognition given to sand dunes as a coastal defence. This and the restoration and creation of other natural habitats need more consideration.

We strongly support paragraph 9.2 in recognising the coast as a finite place and resource and that development must be specifically justified for it to be on the coast.

We are pleased to see the risks associated with hard sea defences acknowledged in paragraph 9.11.

Question 8 - Justification and acceptability tests

We propose to maintain the existing 'TAN 15 tests', with updated guidance on how these tests should be applied to different types of development proposals (sections 10 and 11).

To what extent do you agree or disagree with guidance in relation to the justification and acceptability tests?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

No comment.

Question 9 – Resilient design and flood defences

The shift towards a risk-based approach is complemented by additional guidance on making communities and properties resilient to flooding (section 13). There is also updated guidance on the considerations when new or improved flood defences are proposed.

To what extent do you agree or disagree with this approach?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please set out your reasons

We welcome clarification in Sections 11 that is a requirement of site design (para 11.4).

We recommend that emphasis is repeated here regarding the requirement for site designs to have "minimal disruption to the sustainable management of natural resources", which directly links to the obligation on public authorities under the Environment (Wales) Act to "maintain and enhance biodiversity".

Reference to nature-based solutions and green infrastructure is again welcome, but we feel they need more emphasis given their inclusion in Welsh Government policy.

We recommend that a paragraph is inserted stating that green infrastructure plans, as advocated in PPW 10, are an important mechanism by which local authorities can enhance community resilience to flooding.

SUDS should be promoted as a positive well-being benefit to communities, through providing opportunities to develop ecologically valuable green space, as well as reducing flood risk.

The approach suggested under “New or improved flood defence infrastructure” should only be adopted if no other nature-based solution is available. There should be a strong presumption in favour of natural solutions.

Question 10: We would like to know your views on the effects that revisions to TAN 15 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

- What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

No comment.

- Please also explain how you believe the proposed document could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and
- no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No comment.

Question 11: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

This update to TAN15 is very welcome.

We suggest as much clarity as possible be given to ensure certainty for all involved in the development and planning processes. This update is the opportunity to significantly reduce the wide interpretation that is possible with the current document. Reducing uncertainty is beneficial to all in reducing delays and costs, and allows resources to be directed at positive enhancement work.

We further reiterate our desire to see nature-based solutions as the presumptive in planning considerations.

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