


**COFNOD O BENDERFYNIAD WEDI'I DDIRPRWYO GAN SWYDDOG  
RECORD OF DELEGATED OFFICER DECISION**

**Penderfyniad Allweddol | Key Decision** ✓

**PWNC | SUBJECT: Consultation response on the new TAN 15 – Development, Flooding & Coastal Erosion.**

**DIBEN YR ADRODDIAD | PURPOSE OF THE REPORT: To seek approval to submit representations on behalf of Rhondda Cynon Taf County Borough Council to the Welsh Government consultation on the revised TAN 15 – Development, Flooding & Coastal Erosion (formerly Development & Flood Risk – 2004)**

**PENDERFYNIAD WEDI'I DDIRPRWYO | DELEGATED DECISION: To submit representations on behalf of Rhondda Cynon Taf County Borough Council to the Welsh Government consultation on the revised TAN 15 – Development, Flooding & Coastal Erosion.**

 <b>Llofnod y Prif Swyddog</b> Chief Officer Signature	<b>SIMON GALE</b> <b>Enw (priflythrennau)</b> Name (Print Name)	<b>19.12.19</b> <b>Dyddiad</b> Date
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**Mae'r penderfyniad yn cael ei wneud yn unol ag Adran 15 o Ddeddf Llywodraeth Leol 2000 (Swyddogaethau'r Corff Gweithredol) ac yn y cylch gorchwyl sy wedi'i nodi yn Adran 5 o Ran 3 o Gyfansoddiad y Cyngor.**

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution.



**YMGYNGHORI | CONSULTATION**

*R Ben*

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*19/12/19*

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**LLOFNOD YR AELOD YMGYNGHOROL O'R CABINET**  
**CONSULTEE CABINET MEMBER SIGNATURE**

**DYDDIAD | DATE**

**LLOFNOD SWYDDOG YMGYNGHOROL**  
**CONSULTEE OFFICER SIGNATURE**

**DYDDIAD | DATE**



**RHEOLAU'R WEITHDREFN GALW-I-MEWN | CALL IN PROCEDURE RULES.**

**A YW'R PENDERFYNIAD YN UN BRYN A HEB FOD YN DESTUN PROSES GALW-I-MEWN GAN Y PWYLLGOR TROSOLWG A CHRAFFU?:**

**IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:**

**NAC YDY | NO**

**Rheswm dros fod yn fater brys | Reason for Urgency:**

***Os yw'n cael ei ystyried yn fater brys - llofnod y Llywydd, y Dirprwy Lywydd neu Bennaeth y Gwasanaeth Cyflogedig yn cadarnhau cytundeb fod y penderfyniad arfaethedig yn rhesymol yn yr holl amgylchiadau iddo gael ei drin fel mater brys, yn unol â rheol gweithdrefn trosolwg a chraffu 17.2:***

***If deemed urgent - signature of Presiding Member or Deputy Presiding Member or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:***

*NA*  
.....  
**(Llywydd | Presiding Member)                      (Dyddiad | Date)**

**DS - Os yw hwn yn benderfyniad sy'n cael ei ail-ystyried yna does dim modd galw'r penderfyniad i mewn a bydd y penderfyniad yn dod i rym o'r dyddiad mae'r penderfyniad wedi'i lofnodi.**

**NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.**

AT DDEFNYDD Y SWYDDFA YN UNIG | FOR OFFICE USE ONLY

DYDDIADAU CYHOEDDI A GWEITHREDU | PUBLICATION & IMPLEMENTATION DATES

CYHOEDDI | PUBLICATION

Cyhoeddi ar Wefan y Cyngor | Publication on the Councils Website:- 20<sup>th</sup> December 19

DYDDIAD | DATE

GWEITHREDU'R PENDERFYNIAD | IMPLEMENTATION OF THE DECISION

**Nodwch:** Fydd y penderfyniad hwn ddim yn dod i rym nac yn cael ei weithredu'n llawn nes cyn pen 3 diwrnod gwaith ar ôl ei gyhoeddi. Nod hyn yw ei alluogi i gael ei "Alw i Mewn" yn unol â Rheol 17.1, Rheolau Gweithdrefn Trosolwg a Chraffu.

**Note:** This decision will not come into force and may not be implemented until the expiry of 3 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Yn amodol ar y drefn "Galw i Mewn", caiff y penderfyniad ei roi ar waith ar / Subject to Call In the implementation date will be

6<sup>th</sup> January 20

DYDDIAD / DATE

WEDI'I GYMERADWYO I'W GYHOEDDI: ✓ | APPROVED FOR PUBLICATION : ✓

**Rhagor o wybodaeth | Further Information:**

Cyfadrn   Directorate:	Prosperity and Development
Enw'r Person Cyswllt   Contact Name:	Simon Gale
Swydd   Designation:	Director of Prosperity and Development
Rhif Ffôn   Telephone Number:	01443 281114



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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**A REPORT TO ACCOMPANY A DECISION OF THE DIRECTOR OF  
PROSPERITY AND DEVELOPMENT**

**DECEMBER 2019**

**WELSH GOVERNMENT CONSULTATION RESPONSE TO THE REVISED  
TECHNICAL ADVICE NOTE 15 - DEVELOPMENT, FLOODING & COASTAL  
EROSION**

**AUTHOR: Chris Jones – Head of Major Development & Investment**

**1.0 PURPOSE OF THE REPORT**

- 1.1 To seek approval to submit representations on behalf of Rhondda Cynon Taf County Borough Council to the Welsh Government consultation on the revised TAN 15 – Development, Flooding & Coastal Erosion.
- 1.2 The closing date for responses is 17<sup>th</sup> January 2020.

**2.0 RECOMMENDATIONS**

- 2.1 It is recommended that approval is given to submit representations on behalf of Rhondda Cynon Taf County Borough Council to the Welsh Government, in response to the consultation on the revised **TAN 15 – Development, Flooding & Coastal Erosion**. These are set out in detail in Section 5 below.

**3.0 REASON FOR RECOMMENDATION**

- 3.1 The revised TAN 15 has been prepared to take over from the 2004 (the first and only) version entitled **Development & Flood Risk**. The proposed version has been extended to include matters pertaining to “coastal erosion” which, in itself, is not relevant to Rhondda Cynon Taf. It also enhances the policy position on flooding from surface water.
- 3.2 The response has been prepared in consultation with the Council's Flood Risk Team (Andrew Stone & Owen Griffiths) and the Planning Policy Team (Clare Hewitt).
- 3.3 The document sets out the Welsh Government’s approach to developing in areas which are susceptible to flood risk. The TAN will play an important role in both determining planning applications and, more strategically, in the



preparation of the new Local Development Plan where directing development away from areas of flooding will be a key principle in its preparation.

## **4.0 BACKGROUND**

4.1 TAN 15 – Development and Flood Risk was first published in 2004. Welsh Government carried out a review of its effectiveness in 2017.

4.2 The original document caused much confusion when it was first published and its interpretation has always led to uncertainty by the decision maker as to its actual intent. What has resulted is an uneasy operation whereby, key stakeholders in the decision making process give different weight to the risk associated with a site's potential to flood. This has led to increasing uncertainty and confusion in the Planning system..

4.3 The revised TAN 15 seeks to remove this uncertainty by enhancing and clarifying how it expects developments to be considered.

## **5.0 PRINCIPAL CHANGES**

5.1 The proposed changes can be summarised as follows:-

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

## **6.0 WHAT DOES THIS MEAN FOR RCT?**

- 6.1 Leaving aside “coastal erosion” which is not of relevance to RCT, the implications for developing sites within RCT are substantially similar to all other Local Authorities in Wales, although the County Borough does have a greater problem with surface water flooding than many other Council areas.
- 6.2 The preparation of the new LDP will mean that site selection may be more rigorous than previous iterations however, the Council may be in the fortunate position of having the knowledge of what this will entail at the start of the process rather than if it was trying to implement the new TAN part of the way through the process or shortly after adoption. That said, it is essential that WG advice, through the TAN, is clear and consistent in order to avoid unnecessary and abortive work.
- 6.3 The proposed TAN provides much more clarity and is clear that no “highly vulnerable” development can be located within Zone 3 (Medium to High Flood Risk). Planning Authority decisions which seek to support development of this type are subject to a mandatory referral / call in to Welsh Government.
- 6.4 “Less vulnerable” developments can be proposed in these areas but are subject to a “test” for acceptability. As a frame of reference, it would seem that developments such as the new industrial units at Robertstown, the Surgery at Mountain Ash and the Department of Work & Pensions office development in Treforest, could still be acceptable as part of the new TAN.

## **7.0 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It concluded that a full report is not required at this time.

## **8.0 CONSULTATION**

- 8.1 The review of TAN 15 is currently out to public consultation by the Welsh Government. Consultation has been carried out internally to ensure a consistent response on behalf of the Council..

## **9.0 FINANCIAL IMPLICATION(S)**

- 9.1 There are no financial implications associated with the proposed consultation responses.

## **10.0 LEGAL IMPLICATIONS *OR* LEGISLATION CONSIDERED**

- 10.1 There are no legal implications associated with the proposed consultation responses.

## **11.0 LINKS TO THE COUNCILS CORPORATE PLAN/OTHER CORPORATE PRIORITIES/SIP**

11.1 There are no direct links to the above in relation to the content of the proposed consultation responses.

## **12.0 CONCLUSION**

12.1 In conclusion, it is recommended that the proposed responses to the TAN 15 – Development, Flooding and Coastal Erosion are approved, as set out in section 5 above.



## Planning Policy Wales TAN 15: Development, flooding and coastal erosion – Oct 19

Key areas for improvement: -

- Limited surface water flood risk considerations within Strategic Flood Consequences Assessment and acceptability tests (Section 11).
- Distinction between the role of the LLFA and the SAB – 2 separate bodies.
- Over-reliance on NRW's advisory role and an exclusion of the LLFA's statutory consultee role.
- The role of NRW as risk management authority needs to be clearly defined and not subject to interpretation.
- It is not clear what information is available to allow an LPA to know, with certainty, that an allocation won't be subject to flooding in the future (for the life of the development – which in the case of housing could be more than 100 years)

### 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?

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

#### **RCT Neither Agrees or Disagrees**

It appears that the categories allow for highly vulnerable development to take place in "very low" risk and "low" risk areas but then the categories jump to just one more comprising all "medium & high" risk as one amalgamated group. This may have the consequence of not allowing for the variance in development layouts and site considerations that may occur in such a large category. Something which is just outside a "low risk" category will now be treated as though it is a development at the highest risk category. This is combined with what would appear to be a mandatory call-in / referral for all highly vulnerable development in this higher risk category. It may be better to follow a traffic light system of classification – with "Amber" being in a category that allows the consideration of the risk having regard to all other material planning considerations.

It is generally agreed that the replacement of the Development Advice Map with the new **Wales Flood Map** has capitalised on the advances in data, modelling and assessments since 2004 to improve flood mapping and development advice and support the adoption of a risk-based approach. Discrepancies between the DAM maps and NRW Flood maps will no longer cause confusion for many decision-makers using the planning system and instead one source of flood map data can be better utilised and maintained. Recognising the different degrees of flood risk by distinguishing between the varying levels of risk, whilst also making allowances for future climate change will allow better policies and development decisions to be made which are reflective of the degree of risk.

There are concerns regarding the maintenance of the new Wales Flood Map by NRW. Questions surrounding the accuracy of this data, especially in terms of estimating the flood risk from surface water and ordinary watercourses, which fall under the responsibility of the LLFA, should be asked. To

ensure flood risk from these sources are mapped and accounted for accurately will require close collaboration between NRW and the LLFAs to better understand the local risks. Closer collaboration between RMAs has been set as an aim within the updated National Strategy and should be echoed within the updated TAN 15 as a priority when maintaining and updating the flood maps.

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Regular engagement between NRW and the LLFAs will allow for local flood alleviation and defence schemes made by the LLFA to be accounted for within the updated Wales Flood Maps. The scale and extent of flood zones will vary to account for local flood alleviation/defence schemes and these changes should be regularly incorporated into the updated flood maps. This in turn could allow for greater development within areas previously at risk from flooding.

Is there a mechanism to challenge the Wales Flood Maps, either the extent of a flood zone or the classification? No nationally consistent flood map can achieve the detail and accuracy of a site-specific assessment or keep pace with new methods/improved data, therefore, a clear process for updating and/or challenging the NRW maps should be in place and included within the TAN.

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## 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?

### **RCT Neither Agrees or Disagrees**

TAN 15 does offer better clarity on the main **roles and responsibilities** of key organisations and agents in relation to different aspects of the planning process throughout the document. The revised TAN encourages information and knowledge sharing between relevant departments within local authorities and with other RMAs to provide planning authorities with advice and evidence for consideration within the SFCA.

A key limitation that still remains in TAN 15 is giving appropriate weight to and capturing the role of the Lead Local Flood Authority (LLFA) in promoting development and flood risk policy. There may be an over reliance on NRW's technical/advisory role, leading to the exclusion of review and consideration of evidence by the LLFA. The new TAN 15 should clarify the statutory consultation role of the LLFA to encourage pre-application discussions with the LLFA on local flood risks and surface water drainage. There are many advantages to be gained by the introduction of strategic provisions to address surface water flooding and drainage, including the implementation of sustainable drainage (SuDS), innovative flood resilience and wider catchment management.

It should be noted, within paragraph 8.2, it states that surface water and ordinary watercourse flooding are the responsibility of Lead Local Flood Authorities, however, the Flood and Water Management Act 2010 Section 10 states, that LLFAs are responsible for managing the risk of flooding from surface water, ordinary watercourses, as well as groundwater which has limited mention within the TAN. The absence of groundwater flood risk consideration could be resolved at a local scale by an evidence led approach within SFCA.

There is a concern that the democratic ability of LPAs to determine applications within their respective areas, on their own individual merits, having regard to ALL material planning considerations is being eroded by a mandatory referral / call-in procedure by WG. .

The role of NRW as risk management authority needs to be clearly defined and not subject to interpretation – unless it remains the role of the LPA to balance any risk against all other material considerations.

### 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?

#### **RCT Neither Agrees or Disagrees**

The introduction of the water compatible development type identifies land uses that may be able to manage infrequent or low-level flooding in an acceptable way. These types of development include boatyards, marinas and open spaces which will hopefully encourage the take-up of green and blue spaces in areas of high flood risk (especially Zone 3) which can provide multiple benefits for not only the areas at risk but also areas elsewhere through natural water attenuation.

There is reference to Natural Flood and Water Management within much of the updated TAN 15, as well as the use of green infrastructure, which is welcomed as a priority option to deliver effective flood risk management.

When considering how best to use sites that are partially within flood zones, the revised TAN 15 provides greater flexibility in terms of how vulnerability might be viewed to vary across a development site.

It is unclear whether the roads and other infrastructure leading to these revised categories also need to be flood free in order for a development to be acceptable.

There is some concern in respect of the comments that even garden areas of new dwellings must remain free from flooding (and therefore the entire development being treated as highly vulnerable) even though the house itself will remain flood free. This may place an onerous burden on LPAs to identify sufficient housing sites / meet housing targets that meet this criteria.



#### 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?

#### **RCT Neither Agrees or Disagrees**

The plan-led system encourages planning authorities to develop strategic local flood risk evidenced base to inform the preparation of Local Development Plans which strengthens the integrity and strategic role of the Local Development Plans in managing flood risk collaboratively to achieve long term benefit. Capturing the significance of influential local features and development will help to locally refine the flood zones.

TAN 15 has strengthened the role of LDPs and SFCAs to use local evidence and encourage collaborative working across administrative boundaries and catchments to manage flood risks effectively. By identifying the sources and causes of flooding across a river catchment area rather than being restricted by local authority boundaries will allow much more effective and efficient responses to the implications identified within the SFCAs. Looking at the catchment as a whole will identify more opportunities to reduce flood impact and consequences by, for example, identifying sites for natural flood management. This would directly support Local Planning Authorities' in achieving sustainable growth and regeneration by utilising land in the most sustainable locations.

We particularly support the comments that the SFCAs should evolve and develop over the plan-making process as more information becomes available and wider decisions are taken. Flood risk is not static over time and developments should be designed to account for both actual and residual flood risk.

Using a plan-led system will encourage early conversation and information sharing between key stakeholders to build a comprehensive consideration of flooding into Development Plans. It will provide greater focus on locally-specific requirements and approaches within the Development Plan, for example, in relation to local records of surface water flooding incidents. Surface water flood risk should be considered at not only catchment scale but at a strategic scale as part of a SFCAs to highlight the significant risks from surface water flooding. The LLFA's statutory consultee role should be stressed here.

The Draft NDF seeks that new development takes place around existing centres which are the most sustainable areas. However, in many areas, especially in the Valley communities, these areas are often in flood zones (being next to a river) and have actively evolved directly as a result of this relationship. . It will be very difficult for the LPA to meet this approach advocated by the NDF in respect of consolidating development around existing settlements.

Similarly, the TAN is not clear on the appropriateness of allowing residential developments on the upper floors of buildings within a town centre. These are the most sustainable locations and, due to their location, will likely be free from the risk of flooding, even though the surrounding areas may be liable to flood. It may be that, unless clarification is given, the TAN may be in conflict with other Welsh Government policies and initiatives.

## 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?

### **RCT Disagrees**

Section 7.16 in relation to major regeneration of communities at risk is weak. It focusses on maintaining the level of flood risk rather than mitigating the risk. It can be agreed that our large urban communities should be supported to remain viable, however, focussing solely on maintaining existing infrastructure is not our options to make improvements to said infrastructure. Linking TAN 15 to TAN 16 will help to address and integrate wider benefits, such as issues of amenity, viability, and flood risk into the role of design in managing flood risk.

The United Nations Office for Disaster Risk Reduction (UNISDR, 2017) proposes actions for communities to better equip themselves to 'Build Back Better' during periods of recovery, rehabilitation and reconstruction after a flooding event to increase community resilience, reduce the likelihood of future flooding and increase sustainable development opportunities. Enhancing community resilience at a strategic and development control stage should help urban communities manage and mitigate the impacts and consequences of flooding.

There needs to be a definition of what "large scale regeneration of populated areas" actually means. Further justification is also needed as to why this should automatically be dealt with at a NDF or SDP level. Unless there are significant cross-border issues, it further erodes the ability of the LPA to be responsible for developments in its own administrative area.

## 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?

### **RCT Agrees**

The greater prominence and guidance on flooding from surface water is welcomed. Seeking views from the LLFA on how to incorporate surface water and ordinary watercourse flood risk considerations into local planning policies will require close collaboration. LLFAs focus on two key areas, the discharge rates from a site and the overall risk of flooding to and conveyance from the site.

Sustainable Drainage Systems (SuDS) are mentioned regularly within TAN 15 and are encouraged in all circumstances as the most effective way of managing surface water in a sustainable way. It should be noted however, the SuDS Approval Body (SAB) are responsible for managing surface water, the LLFA is responsible for managing this risk. The updated TAN recognises both bodies but should do more to show that they are separate. The LLFA looks at the wider flood risk impact, while the SAB are restricted by the site boundary of a proposed development. The LLFA can therefore account and assess the flood risk impact and provide wider opportunities to manage and mitigate risk, while the SAB will be site-restricted.

Again, more should be done within TAN 15 to promote the LLFA's statutory consultation role in providing pre-application discussions with the LLFA on local flood risks and surface water drainage. Surface water flooding is not isolated to particular areas, it is a universal issue affecting all parts of Wales, and it should be given greater attention to within TAN 15. There should be a requirement for all development to consider surface water flood risk and drainage, irrespective of flood zones, as development in Zone 1 may also be at risk from surface water flooding.

## 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?

### **RCT has No Opinion**

### 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?

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#### **RCT Neither Agrees or Disagrees**

From a Flood Risk Management perspective, the stricter criteria and policy triggers for developers and planning authorities is supported as the updated TAN 15 is likely to succeed in deterring development away from flood risk areas.

The justification test for development within Zone 2 and 3 does state that development will only be justified if it complies with Clause 3: "It conforms with the placemaking policies of PPW and meets the definition of previously developed land". This criterion set out in the justification tests will only allow development within brownfield sites, meaning development on virgin land and floodplains will not be considered. Restricting unsustainable development on undeveloped land is fully supported to better manage and mitigate current and future flood risk.

Assessing the frequency thresholds within the acceptability criteria for Flood Consequence Assessments (Section 11) are limited to fluvial and tidal flood events, with no mention of these tests being applied to flooding from surface water flooding, and as such the policy trigger for an FCA is failing to recognise all aspects of flood risk.

The presumption that planning authorities should seek advice from relevant LLFA on the consequences from surface water and ordinary watercourse flooding allows interpretation because it uses "should" and not "must". Assembling local flood risk data from the LLFA will enable the planning authority to produce robust FCAs and arrive at a more comprehensive judgement on the acceptability of the flooding consequences.

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### **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?

#### **RCT Neither Agrees or Disagrees**

Adopting a risk-based approach to flood risk management has changed the focus from building flood defences to living with flood risk, allowing a stronger focus on resilience and accounting for both residual and actual flood risk. This approach supports the implementation of SuDS, encourages innovative and flood resilient design and integrates catchment approaches to water sensitive design.

Property level resilience measures may be more appropriate for less vulnerable development, including commercial developments. Under the Civil Contingencies Act 2004, it is required for businesses to have a contingency plan to assess potential risks and identify ways to mitigate these risks. This kind of risk assessment and control is not as straight forward for residential properties. There should be a distinction between the property-level resilience measures required for different types of developments and it should recognise that resilience measures for less vulnerable development will offer greater opportunities and flexibility.

It should be noted that TAN 15 does acknowledge that new or improved flood defences should not cause increased flooding to residential properties elsewhere, however, this could be expanded further to recognise that the standard of protection provided by flood defence infrastructure will vary within a river catchment and vary between different flood sources. For example, the actual risk of flooding from a fluvial source may be low for a settlement behind defences, however the risk from surface water is moderate due to water ponding behind defences in low spots and being unable to discharge into the river at high water levels.

Improving the resilience of our communities at risk of flooding through design is a key priority for planning authorities, however, it is important to recognise that the greatest threat will be for existing developments unable to adapt to increasing flood risk.

At 14.9 it may be impractical to make an Article 4 Direction to restrict permitted development rights on extensions and could potentially lead to planning blight if houses in such areas are thought to be at risk of flooding (where the implications of individual extensions are being considered). While a SFCAs will identify areas at risk, it may be that it will be a requirement for householders to undertake an individual FCA for such minor works making such development unviable and reducing a community's ability to improve the quality of its housing stock.

**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.

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

**RCT has No Opinion**

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**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:

**There is appropriate consideration for climate change throughout the document as one of the key challenges facing Wales now and in the future. There is a recognition to take action on climate change and think into the long-term to ensure the prosperity and resilience of our communities. The aims of the updated TAN 15 addresses national policy with links to the well-being goals and the National Strategy's strategic objectives to build resilience into the future.**

**Clear guidance will need to be given by WG as to how it expects the monitoring to be captured. This may not be possible with existing back office systems and it is important that ALL LPAs capture the same information in the same way.**

