



At: Gadeirydd ac Aelodau'r Pwyllgor
Cynllunio

Dyddiad: 15 Mawrth 2023

Rhif Union: 01824 712589

ebost: democrataidd@sirddinbych.gov.uk

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CYNLLUNIO, DYDD MERCHER, 22 MAWRTH 2023** am **9.30 AM** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN A THRWY GYNHADLEDD FIDEO**

Yn gywir iawn

G Williams
Swyddog Monitro

AGENDA

1 YMDDIHEURIADAU (Tudalennau 3 - 4)

2 DATGANIADAU O FUDDIANT (Tudalennau 5 - 6)

Aelodau i ddatgan unrhyw gysylltiad personol neu sy'n rhagfarnu mewn unrhyw fusnes a nodwyd i'w ystyried yn y cyfarfod hwn.

3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Hysbysiad o eitemau y dylid, ym marn y Cadeirydd, gael eu hystyried yn y cyfarfod fel materion brys yn unol ag Adran 100B(4) o Ddeddf Llywodraeth Leol 1972.

4 COFNODION (Tudalennau 7 - 12)

Cadarnhau cywirdeb cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 15 Chwefror 2023 (copi ynghlwm).

CEISIADAU AM GANIATÂD I DDATBLYGU (EITEM 5)

5 CAIS RHIF 43/2022/0537/ PF - STATION HOUSE, 1 BRIDGE ROAD, PRESTATYN (Tudalennau 13 - 32)

Ystyried cais i newid defnydd cyn amgueddfa ac ystafelloedd te i ffurfio un annedd yn Station House, 1 Bridge Road, Prestatyn, LL19 7ER (copi ynghlwm).

Gwybodaeth ychwanegol

6 YMATEB I LYWODRAETH CYMRU YNGLŶN Â'R NODYN CYNGOR TECHNEGOL (NCT) 15 DIWYGIEDIG FERSIWN IONAWR 2023 DATBLYGU, LLIFOGYDD AC ERYDU ARFORDIROL. (Tudalennau 33 - 62)

Ystyried adroddiad ar y diwygiadau arfaethedig i Nodyn Cyngor Technegol (TAN) 15: Datblygu, llifogydd ac erydu arfordirol (copi ynghlwm).

AELODAETH

Y Cynghorwyr

Y Cyngorydd Mark John Young
(Cadeirydd)

Y Cyngorydd Peter Scott (Is-
Gadeirydd)

Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Jon Harland
Huw Hilditch-Roberts
Alan James
Delyth Jones
Julie Matthews

Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Pete Prendergast
Gareth Sandilands
Andrea Tomlin
Cheryl Williams
Elfed Williams

COPIAU I'R:

Holl Gynghorwyr er gwybodaeth
Y Wasg a'r Llyfrgelloedd
Cyngorau Tref a Chymuned

CROESO I BWYLLGOR CYNLLUNIO CYNGOR SIR DDINBYCH

SUT Y CYNHELIR Y CYFARFOD

Oni bai y bydd Cadeirydd y Pwyllgor yn dweud yn wahanol, bydd trefn y prif eitemau a drafodir yn dilyn y rhaglen a nodir ar ddechrau'r adroddiad hwn.

Cyflwyniad cyffredinol

Bydd y Cadeirydd yn agor y cyfarfod am 9.30am ac yn croesawu pawb i'r Pwyllgor Cynllunio.

Bydd y Cadeirydd yn holi a oes unrhyw ymddiheuriadau am absenoldeb a datganiadau o gysylltiad.

Bydd y Cadeirydd yn gwahodd Swyddogion i wneud cyflwyniad byr i'r materion sy'n berthnasol i'r cyfarfod.

Bydd Swyddogion yn amlinellu eitemau fel y bo'n briodol, ble byddwn wedi cael ceisiadau am ohirio, eu tynnu'n ôl, adroddiadau arbennig ac unrhyw eitemau Rhan 2 lle gellir gwahardd y wasg a'r cyhoedd. Cyfeirir at wybodaeth ychwanegol sydd cyn dechrau'r cyfarfod, yn cynnwys sylwadau hwyr/taflenni crynhoi diwygiadau ('Taflenni Hwyr') ac unrhyw gynlluniau ategol neu ddiwygiedig yn ymwneud ag eitemau i'w hystyried.

Mae'r 'Taflenni Hwyr' yn cynnwys gwybodaeth bwysig, yn cynnwys crynodeb o'r deunydd a dderbynnir mewn perthynas ag eitemau ar y rhaglen rhwng cwblhau'r prif adroddiadau a'r diwrnod cyn y cyfarfod. Mae'r taflenni hefyd yn gosod trefn rhedeg arfaethedig ceisiadau cynllunio.

Mewn perthynas â threfn eitemau, bydd disgwyl i unrhyw Aelodau sy'n ceisio symud eitem yn ei blaen i'w hystyried, wneud cais o'r fath yn syth wedi cyflwyniad y Swyddog. Rhaid gwneud unrhyw gais o'r fath fel cynnig ffurfiol a bydd yn destun pleidlais.

Mae'r Pwyllgor Cynllunio yn cynnwys 21 Aelod etholedig ar hyn o bryd. Yn unol â phrotocol, rhaid i 11 Aelod fod yn bresennol ar ddechrau trafodaeth dros eitem i wneud cworwm ac i ganiatáu cynnal y bleidlais.

Gall Aelodau'r Cyngor Sir nad ydynt wedi'u hethol ar y Pwyllgor Cynllunio ddod i'r cyfarfod a siarad am eitem, ond nid ydynt yn gallu gwneud cynnig i roi neu wrthod cais, neu bleidleisio.

YSTYRIED CEISIADAU CYNLLUNIO

Y drefn i'w dilyn

Bydd y Cadeirydd yn cyhoeddi'r eitem a fydd yn cael sylw nesaf. Mewn perthynas â cheisiadau cynllunio, cyfeirir at rif y cais, y lleoliad a sail y cynnig, yr Aelodau lleol perthnasol ar gyfer yr ardal ac argymhelliad y Swyddog.

Os yw unrhyw Aelod o blaid cynnig gohirio eitem, yn cynnwys caniatáu bod y safle'n cael ymweliad gan y Panel Arolygu Safle, dylid gwneud y cais, gyda'r rheswm cynllunio dros ohirio, cyn unrhyw siarad cyhoeddus neu drafodaeth dros yr eitem honno.

Lle bo'n berthnasol, bydd y Cadeirydd yn cynnig y cyfle i Aelodau ddarllen unrhyw wybodaeth hwyr am eitem ar y 'Taflenni Hwyr' cyn symud ymlaen.

Cyn unrhyw drafodaeth, gall y Cadeirydd wahodd Swyddogion i roi cyflwyniad byr am eitem lle ystyrir hyn yn werthfawr o ran natur y cais.

Bydd y Cadeirydd yna'n cyhoeddi y bydd yr eitem yn agored i'w thrafod ac yn rhoi'r cyfle i Aelodau siarad a gwneud sylwadau ar yr eitem.

Os yw unrhyw gais wedi bod yn destun Panel Arolygiad Safle cyn y Pwyllgor, bydd y Cadeirydd fel arfer yn gwahodd yr Aelodau hynny a oedd yn bresennol, yn cynnwys yr Aelod Lleol, i siarad gyntaf.

Gyda phob cais arall, bydd y Cadeirydd yn caniatáu'r Aelod(au) Lleol i siarad gyntaf, pe bai ef/hi/nhw yn dymuno.

Mae Aelodau fel arfer yn gyfyngedig i uchafswm o bum munud o amser siarad, a bydd y Cadeirydd yn cynnal y drafodaeth yn unol â'r Rheolau Sefydlog.

Unwaith y bydd Aelod wedi siarad, **ni ddylai siarad eto** oni bai y ceisir eglurhad am bwyntiau sy'n codi yn y drafodaeth, ac yna dim ond wedi i bob Aelod arall gael y cyfle i siarad, gyda chytundeb y Cadeirydd.

Ar gasgliad trafodaeth yr Aelodau, bydd y Cadeirydd yn gofyn i Swyddogion ymateb fel y bo'n briodol i gwestiynau a phwyntiau a godwyd, yn cynnwys cyngor ar unrhyw benderfyniad sy'n groes i argymhelliad.

Cyn mynd ymlaen i bleidleisio, bydd y Cadeirydd yn gwahodd neu'n ceisio eglurhad am gynigion ac eilyddion o blaid neu yn erbyn argymhelliad y Swyddog, neu unrhyw benderfyniadau eraill yn cynnwys diwygiadau i gynigion. Lle mae cynnig yn groes i argymhelliad Swyddog, bydd y Cadeirydd yn ceisio eglurhad o'r rheswm/rhesymau cynllunio dros y cynnig hwnnw, er mwyn cofnodi hyn yng Nghofnodion y cyfarfod. Gall y Cadeirydd ofyn am sylwadau gan Swyddog y Gyfraith a Chynllunio ar ddilysrwydd y rheswm/rhesymau a nodwyd.

Bydd y Cadeirydd yn cyhoeddi pan fydd y drafodaeth yn cau, ac y bydd pleidleisio'n dilyn.

Y drefn bleidleisio

Cyn gofyn i Aelodau bleidleisio, bydd y Cadeirydd yn cyhoeddi pa benderfyniadau sydd wedi'u gwneud, a sut y bydd y bleidlais yn digwydd. Os oes angen, efallai y bydd angen rhagor o eglurhad am ddiwygiadau, sylwadau newydd neu ychwanegol a rhesymau dros wrthod, fel nad oes amwysedd ynghylch beth mae'r Pwyllgor yn pleidleisio o'i blaid neu yn ei erbyn.

Aelodau sy'n mynychu dros Zoom

Bydd y bleidlais yn mynd yn ei blaen wrth i'r Cadeirydd fynd o amgylch pob aelod o'r Pwyllgor Cynllunio sy'n gymwys i bleidleisio i ofyn am eu pleidlais "O blaid", "Yn erbyn" neu "Ymatal". Bydd y pleidleisiau'n cael eu nodi.

Aelodau sy'n mynychu'r Siambr

Bydd yr Aelodau'n defnyddio'r system bleidleisio electronig a bydd y Cadeirydd yn darllen y canlyniad yn uchel.

Canlyniad Terfynol

Bydd y Cadeirydd yn cyfri'r pleidleisiau ac yn cyhoeddi a yw'r cais wedi cael ei gymeradwyo neu ei wrthod.

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

YN CADARNHAU fy mod wedi datgan buddiant ***personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-
(*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(*Gweler y nodyn isod*)*

Llofnod

Dyddiad

Noder: Rhwch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

Mae tudalen hwn yn fwriadol wag

PWYLLGOR CYNLLUNIO

Cofnodion cyfarfod o'r Pwyllgor Cynllunio a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun a thrwy gynhadledd fideo, Dydd Mercher, 15 Chwefror 2023 am 9.30 am.

YN BRESENNOL

Y Cynghorwyr Karen Edwards, Gwyneth Ellis, James Elson, Alan James, Delyth Jones, Terry Mendies, Merfyn Parry, Peter Scott (Is-Gadeirydd), Andrea Tomlin a Mark Young (Cadeirydd)

Aelodau Lleol – Y Cynghorwyr Hugh Evans, Paul Keddie a Huw Williams

HEFYD YN BRESENNOL

Swyddog Cyfreithiol (CL), Rheolwr Rheoli Datblygu (PM); Prif Swyddog Cynllunio (PG); Swyddog Cynllunio - Graddfa Gyrfa (LM); Gweinyddwr Zoom (KJ); Gweinyddwr Pwyllgorau (RTJ).

Siaradwyr Cyhoeddus -
Ian Hemming
Matthew Davies
Tanya Reaich

1 YMDDIHEURIADAU

Cafwyd ymddiheuriadau gan y Cynghorwyr Gwyneth Ellis a Chris Evans.

2 DATGANIADAU O FUDDIANT

Datganodd y Cynghorydd Karen Edwards (Eitem 5 ar y Rhaglen) gysylltiad personol gan fod ei phartner yn perthyn i berchennog y siop.

Datganodd y Cynghorydd Huw Williams (Aelod nad yw ar y Pwyllgor) (Eitem 7 ar y Rhaglen) gysylltiad personol gan fod ganddo arwyddion ar gyfer ei fusnes ar safle'r felin lifio a oedd yn eiddo i deulu'r ymgeisydd.

3 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Nid oedd unrhyw faterion brys.

4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Cynllunio a gynhaliwyd ar 11 Ionawr 2023.

Ni chodwyd unrhyw faterion neu bwyntiau i'w cywiro.

PENDERFYNWYD yn amodol ar yr uchod, y dylid cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 11 Ionawr 2023 fel cofnod cywir.

5 CAIS RHIF. 21/2022/0980 - THE PADDOCK, LLANFERRES

Cyflwynwyd cais i newid defnydd tir a rhan o'r adeilad i ffurfio busnes merlota mulod a gwaith cysylltiedig (rhannol ôl-weithredol) yn The Paddock, Llanferres, yr Wyddgrug (dosbarthwyd ymlaen llaw)

Siaradwyr Cyhoeddus –

Ian Hemming (**Yn Erbyn**)– Roedd y siaradwr cyhoeddus yn breswlydd a oedd yn byw wrth ymyl y safle merlota mulod a bu iddo siarad ar ran eraill sy'n byw yn lleol. Roedd llawer o bryderon, yn cynnwys goleuadau ychwanegol, mwy o draffig a cholli amwynder drwy sŵn ac aflonyddu. Tynnwyd sylw at golli preifatrwydd gan fod rhai pobl a oedd yn merlota yn gallu gweld i mewn i'w gerddi; cafodd y pryder hwn ei ddwysau ymhellach gan y byddai'r safle ar agor tan 9:00 pm. Cafwyd rhai awgrymiadau gan Gynllunwyr a'r ymgeisydd i liniaru rhai o'r pryderon. Fodd bynnag, roedd y siaradwr cyhoeddus eisiau i'r rhain gael eu cadarnhau cyn eu cymeradwyo. Wrth gloi, tynnodd y siaradwr cyhoeddus sylw at y ffaith fod gan y Cyngor ddyletswydd gofal i'r holl breswylwyr.

Matthew Davies (**O Blaid**) – bwriad y cais oedd cael pobl i gerdded gyda chwe mul achub bach o fewn yr AHNE, i gyd o fewn ffin tir yr ymgeisydd. Roedd y pwyslais ar y manteision lles o fod allan yng nghefn gwlad a meithrin perthynas gydag anifail. Cynhaliwyd treial o ferlota ar y safle o dan hawliau datblygu a ganiateir ym mis Mehefin, Gorffennaf ac Awst 2022.

Roedd yr ymgeisydd wedi cael ei synnu gan yr ymateb i'r treial; roedd wedi denu pobl o'r tu allan i'r sir, gan eu harwain i fynd i drefi a phentrefi cyfagos. Mae'r safle wedi cael canmoliaeth uchel mewn sioeau gwobrwyo a gan Senedd Cymru. Y neges oedd y dylid dathlu mentrau fel hyn oherwydd eu manteision i'r economi wledig; roedd sawl corff wedi cysylltu â'r ymgeisydd i rannu'r manteision. Roedd yr ymgeiswyr yn bartneriaid gydag Ymddiriedolaeth Natur Gogledd Cymru ac, yn y gwanwyn, bu iddynt ddechrau cadwraeth yr ardal drwy blannu coed a phlannu dolydd blodau gwyllt. Nod strategaeth Cyngor Sir Ddinbych yw hyrwyddo a thyfu amrywiaeth o fewn y sector twristiaeth; mae gan y fferm hanes o arallgyfeirio.

Wrth gloi, dyfynnodd yr ymgeisydd wefan AHNE Bryniau Clwyd – Dylai Cymunedau wneud yr ardal yn lleoliad dymunol a chroesawgar sy'n llawn bywyd, antur a phersonoliaeth ac mae cymunedau sy'n ffynnu a busnesau llwyddiannus angen y rhyddid i ddatblygu; roedd yr ymgeisydd yn teimlo bod y cais yn glynu'n gryf at hyn.

Trafodaeth Gyffredinol –

Roedd y Cynghorydd Huw Williams (**Aelod Lleol**) yn cefnogi argymhelliad y swyddog i gymeradwyo'r cais. Dywedodd bod y swyddogion a'r ymgeisydd wedi trafod y manylion o ran y cais. Roedd yn teimlo bod mesurau lliniaru wedi'u cynnal ac roedd yr amodau wedi'u hanelu i leddfyr pryderon a godwyd. Dywedodd bod y

cais o fudd i'r ardal, gan ei fod yn arallgyfeirio busnes a byddai'n cadw cenedlaethau pellach y teulu yn yr ardal.

Ceisiodd y Pwyllgor eglurder ar oriau agor y busnes os byddai'r cais yn cael ei gymeradwyo. Mewn ymateb, tynnodd yr aelodau sylw at amod pedwar yn yr adroddiad, a oedd yn nodi

“Ni ddylai'r safle fod ar agor i ymwelwyr y busnes merlota mulod tu allan i oriau:

- dydd Llun i ddydd Gwener - 5 pm tan 8 pm.
- dydd Sadwrn - 10 am tan 3 pm a 5 pm tan 8 pm.
- dydd Sul a Gwyliau Banc - 10 am tan 5 pm.

Bydd y safle hwn ond yn gweithredu rhwng 1 Ebrill a 31 Rhagfyr.”

Eglurwyd hefyd na allai'r busnes weithredu yn y tywyllwch a rhoddwyd sicrwydd i'r Pwyllgor os byddai'r ymgeisydd eisiau ychwanegu goleuadau i'r ardal, byddai angen cyflwyno'r mater yn ôl i'r pwyllgor cynllunio er mwyn cytuno arno.

Dywedodd y Cynghorydd Terry Mendies ei fod yn teimlo bod yr ymgeisydd yn colli cyfle drwy beidio â chael toiledau ar y safle.

Bu i'r Cynghorydd Huw Williams (**Aelod Lleol**) ddiolch i'r pwyllgor am y drafodaeth; dywedodd y byddai'n addas i'r ymgeisydd gydweithio ag addysg. Wrth gloi, dywedodd y Cynghorydd Williams nad oedd y rhai a oedd wedi gwrthwynebu wedi cael eu hanwybyddu os oedd ganddyn nhw unrhyw bryderon, gallant gysylltu â'u cynghorwyr lleol i helpu ag unrhyw faterion.

Cynnig – Cynigodd y Cynghorydd Merfyn Parry y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog o fewn yr adroddiad, ac fe'i heiliwyd gan y Cynghorydd Alan James.

PLEIDLAIS:

O BLAID – 17

YN ERBYN – 0

YMATAL – 0

PENDERFYNWYD y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog a nodwyd yn yr adroddiad.

6 CAIS RHIF. 20/2022/0983 - TIR YN GRAIG COTTAGE, GRAIGADWYWYNT, RHUTHUN

Cyflwynwyd cais i Godi 1 annedd fforddiadwy, gosod tanc septig newydd a gwaith cysylltiedig ar y Tir yn Graig Cottage, Graigadwywynt, Rhuthun (dosbarthwyd ymlaen llaw)

Siaradwr Cyhoeddus –

Diolchodd Tanya Reaich (O Blaid) i'r pwyllgor am y cyfle i siarad. Bu i'r siaradwr dynnu sylw at y ffaith y byddai'r tŷ arfaethedig yn aros o dan y statws tai fforddiadwy am byth ac y byddai'n darparu cartref am oes i deulu arall yn y dyfodol.

Trafodaeth Gyffredinol –

Gofynnodd y Cadeirydd i'r Cynghorwyr a oedd wedi bod ar yr ymweliad safle os oedd ganddyn nhw unrhyw sylwadau cyn dechrau'r ddadl.

Dywedodd y Cynghorydd Peter Scott, a oedd wedi bod ar yr ymweliad safle, bod ei bryderon o ran dŵr wyneb a draenio wedi'u lliniaru, ac roedd yn teimlo y byddai'r cais yn adeilad da.

Diolchodd y Cynghorydd Hugh Evans (Aelod Lleol) i'r siaradwr cyhoeddus am ei haraith ac i'r swyddogion am y gwaith a wnaed. Fodd bynnag, tynnodd y Cynghorydd Evans sylw at bryderon o ran y deunyddiau a ddefnyddir ar gyfer yr adeilad ac a fyddant yn cyd-fynd â'r ardal.

Bu i'r swyddogion ymateb, gan awgrymu er y byddai'r deunyddiau a ddefnyddir yn wahanol i'r eiddo presennol, ni fyddant yn achosi unrhyw niwed i harddwch yr ardal.

Holodd y pwyllgor os ellir rhoi amod ar waith lle mae angen edrych ar sampl o ddeunyddiau cyn iddynt gael eu hymgorffori i'r adeilad; dywedodd y swyddogion y byddai modd gosod amod ar y mater hwn.

Cynnig – Cynigodd y Cynghorydd Peter Scott y dylid **CYMERADWYO'R** cais gydag amod ychwanegol y dylid asesu lliwiau'r deunyddiau cyn gwneud unrhyw waith ar y safle, ac fe'i heiliwyd gan y Cynghorydd Alan James.

PLEIDLAIS:

O BLAID – 17

YN ERBYN – 0

YMATAL – 0

PENDERFYNWYD y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog a nodwyd yn yr adroddiad.

7 CAIS RHIF. 03/2022/0862 42 HEOL Y FARCHNAD, LLANGOLLEN

Cyflwynwyd cais i Newid defnydd o siop (Dosbarth Defnydd A1) i siop (Dosbarth Defnydd A1) gyda siop goffi atodol (Dosbarth Defnydd A3) yn 42 Heol y Farchnad, Llangollen (dosbarthwyd ymlaen llaw)

Trafodaeth Gyffredinol –

Bu i'r Cadeirydd alw ar y rhai a oedd wedi bod ar yr ymweliad safle i rannu eu barn am y cais; tynnodd y Cynghorydd Peter Scott, a oedd wedi bod ar yr ymweliad safle, sylw at y ffaith fod y safle yn fach; fodd bynnag, y bwriad oedd cael dau fwrdd yn unig ar gyfer y siop goffi. Felly o safbwynt cynllunio, nid oedd gan y Cynghorydd Scott unrhyw bryderon.

Ni chododd y Cynghorydd Paul Keddie (**Aelod Lleol**) unrhyw bryderon gyda'r cais cynllunio fel y manylwyd yn yr adroddiad.

Cododd y Cynghorydd Karen Edwards (**Aelod Lleol**) bryderon o ran defnydd yr adeilad gan nad yw, hyd y gwyddai hi, caniatâd wedi'i roi i'r adeilad gael ei ddefnyddio ar gyfer defnydd manwerthu. Gofynnodd am eglurder ar ddefnydd yr adeilad. Amlinellwyd pryderon hefyd am y diffyg gwybodaeth yn ymwneud â niferoedd cwsmeriaid posibl i'r safle os byddai'r cais yn cael ei gymeradwyo a'r effaith y gallai hyn ei gael ar barcio; wrth gloi, nodwyd hefyd bod y cyngor tref yn gwrthwynebu'r cais.

Ymatebodd swyddogion, o'u safbwynt nhw, fod y safle wedi bod yn uned fanwerthu yn y gorffennol, a bod y newid defnydd blaenorol wedi'i ganiatáu ac yn gyfreithlon. Roedd y cais hwn ar gyfer defnydd atodol A3 bach; roedd y raddfa arfaethedig yn golygu y byddai'r effaith ar breswylwyr yn isel, ac roedd yr ardal yn safle cymysg gyda eiddo preswyl a busnesau. Cynigiwyd amodau ar gyfer rheoli'r oriau ar y safle, a fyddai'n lleihau'r effaith ar breswylwyr.

Gofynnodd aelodau a oedd unrhyw asesiadau risg tân wedi'u cynnal ar gyfer y safle. Eglurodd yr aelodau bod y rheoliadau adeiladu yn rheoli asesiadau tân os bo angen.

Cynnig – Cynigodd y Cynghorydd Peter Scott y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog a'r amodau a nodwyd yn yr adroddiad, ac fe'i heiliwyd gan y Cynghorydd Andrea Tomlin.

PLEIDLAIS:

O BLAID – **16**

YN ERBYN – **0**

YMATAL – **0**

PENDERFYNWYD y dylid **CYMERADWYO'R** cais yn unol ag argymhellion y swyddog a nodwyd yn yr adroddiad.

Mae tudalen hwn yn fwriadol wag

Eitem Agenda 5

WARD: Gogledd Prestatyn

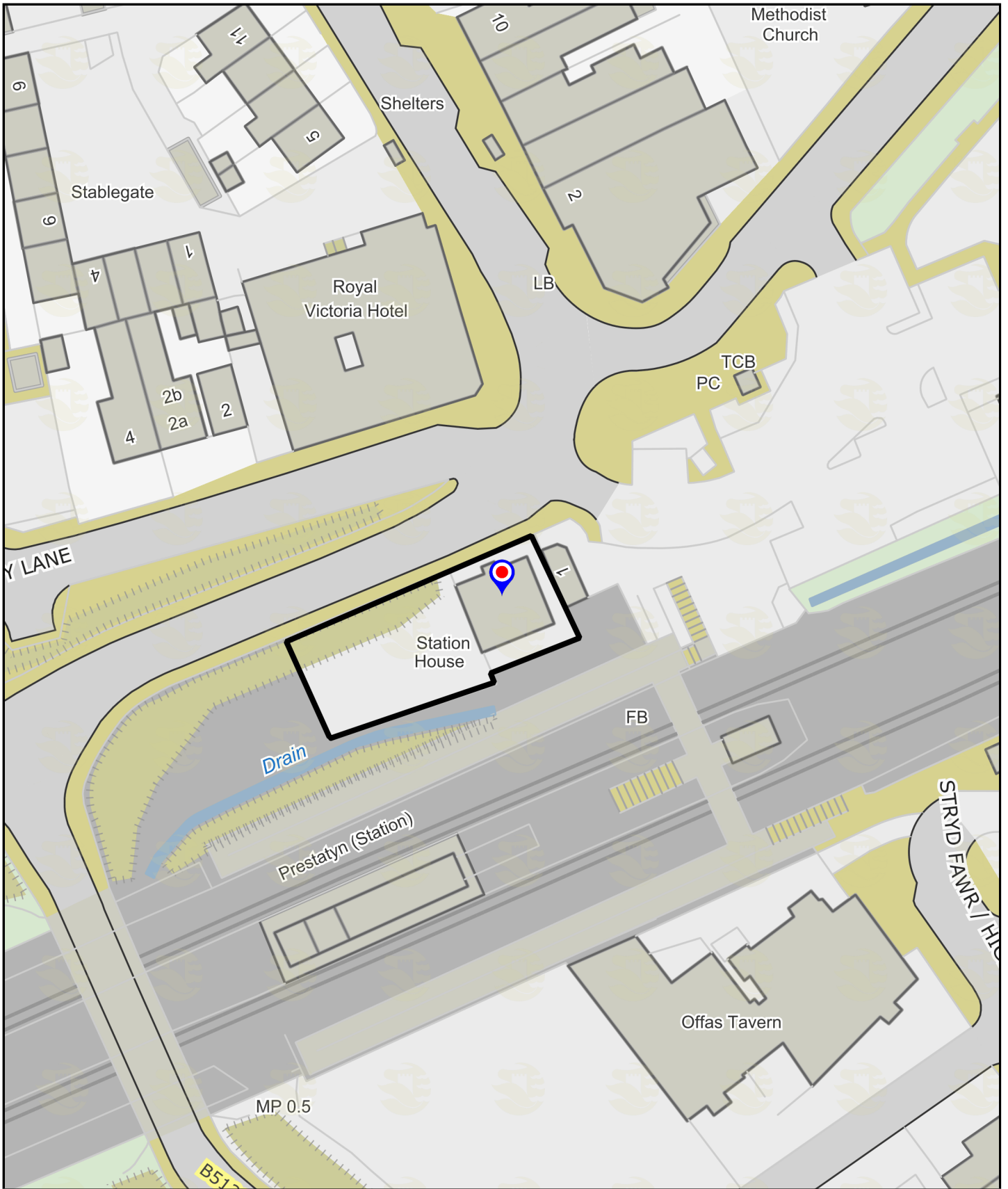
**AELOD/AELODAU'R
WARD:** Y Cyngorydd Kelly Clewett
Y Cyngorydd Gill German
Y Cyngorydd Jason McLellan

CAIS RHIF: 43/2022/0537/ PF

CAIS: Newid defnydd o hen amgueddfa a chaffi i ffurfio un annedd

LLEOLIAD: Station House, 1 Bridge Road, Prestatyn, LL19 7ER

Mae tudalen hwn yn fwriadol wag



43/2022/0537

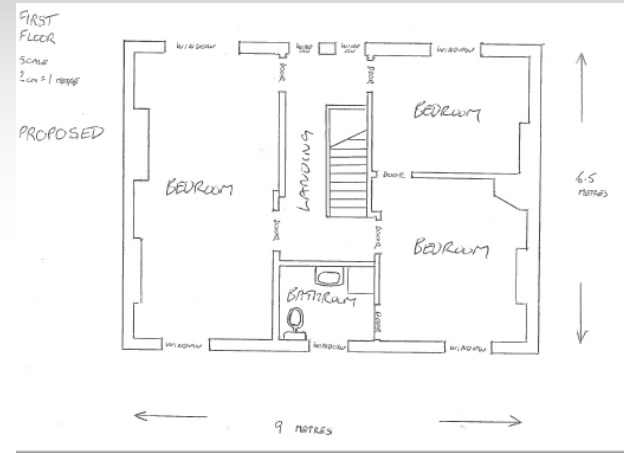
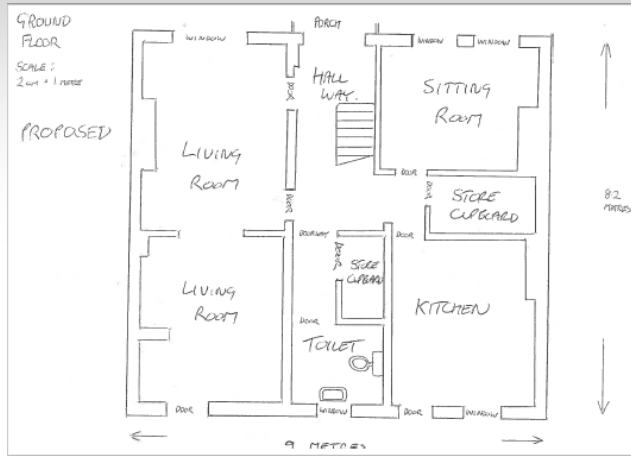


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Floor Plans

Tudalen 18

Tudalen 19



View from Bridge Road

Tudalen 20



View of site from Bridge Road (West Side)

Tudalen 22



View of site from Bridge Road (East Side)

WARD : Prestatyn North

WARD MEMBER(S): Cllr Kelly Clewett
Cllr Gill German
Cllr Jason Mclellan

APPLICATION NO: 43/2022/0537/ PF

PROPOSAL: Change of use of former museum and tea rooms to form one dwelling

LOCATION: Station House, 1 Bridge Road, Prestatyn, LL19 7ER

APPLICANT: Ms Denise Hannon & Mr Mark Thompson

CONSTRAINTS: C1 Flood Zone
Conservation Area

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL
"No observations".

NATURAL RESOURCES WALES

Objects to the proposed development as submitted and considers that the Flood Consequence Assessment (FCA) submitted has failed to demonstrate that the consequences of flooding can be acceptably managed over the development lifetime. Further detail of NRW's assessment and conclusion is contained in section 4.2.4 of the report.

NRW advise that if the Council is minded to grant planning permission, NRW should be informed of all matters that influence this decision prior to granting permission.

RESPONSE TO PUBLICITY: None

EXPIRY DATE OF APPLICATION: 23/08/2022

EXTENSION OF TIME AGREE: 22/03/2023

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

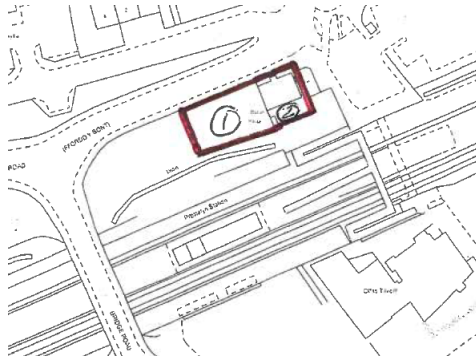
PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the "Change of use of former museum and tea rooms to form one dwelling" at Station House, 1 Bridge Road, Prestatyn.

- 1.1.2 Plans submitted in support of the application show no external alterations proposed. Nor would the internal layout be physically altered. The use of rooms would simply change to residential in the form of; living room, kitchen and wc on the ground floor and 3 bedrooms with bathroom above.
- 1.1.3 Plans show a rear/side garden (1), yard (2) with outhouse as existing, and retained for the proposed occupiers of the dwelling. See plans snip* Not to Scale and photo.



1.2 Other relevant information/supporting documents in the application

- 1.2.1 The application was supported initially by the applicants interpretation of a Flood Consequences Assessment.

1.3 Description of site and surroundings

- 1.3.1 Station House is located on the south side of Bridge Road, north of the town centre in Prestatyn. It is a distinctive two-storey brick building with slate roof presumably originally associated with the rail line which lies the south of the site.
- 1.3.2 To the east of the building is a single storey building which operates independently as a barbers shop.
- 1.3.3 The site is abutted by a drain to the south, and the railway land/ and station beyond, a car park for the railway station to the east, and Bridge Road to the north and west. In the surrounding area is a mixture of residential and commercial premises.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located within the development boundary of Prestatyn and within the Conservation area.
- 1.4.2 It is also within a C1 floodzone as defined by the DAM maps pf TAN 15 Development and Flood Risk.

1.5 Relevant planning history

- 1.5.1 Planning permission was granted in 2008 for the change of use from single dwelling to mixed use including Class A3 tea room, Class D1 museum and Class A1 gift shop. The Applicant advised that permission was only implemented in 2011, and operated until November 2021.
- 1.5.2 The property was originally a dwelling and historic records refer to two flats at the site in the 1980's.

1.6 Developments/changes since the original submission

- 1.6.1 Additional information was requested after the original consultation to address Flood Risk issues raised by NRW. A FCA by Oakshire Environmental was submitted in October 2022 to support the application and later updated in December by the same Authors.

1.7 Other relevant background information

1.7.1 The Application is being considered by Planning Committee on the request of Cllrs Jon Harland and Hugh Irving.

2. DETAILS OF PLANNING HISTORY:

2.1 43/2008/0450/ PF Change of use from single dwelling to mixed use including Class A3 tea room, Class D1 museum and Class A1 gift shop. Granted 02/07/2008

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy VOE1 - Key areas of importance

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 15 Development and Flood Risk (2004)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are

environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Drainage (including flooding)
- 4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main Local Development Plan Policy relevant to the principle of the development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

The site is located within the development boundary of Prestatyn which is defined as a lower growth town in the LDP.

The principle of change of use to residential is considered acceptable in this location. Officers suggest the acceptability of the proposal therefore has to rest on assessment of the local impacts and constraints which are reviewed within the following sections of the report.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development

proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 11) Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.

The application proposes no external alterations to the building or site. It would remain as existing in appearance (as it has been closed since 2021 with signage and outdoor seating removed).

The proposal is therefore considered acceptable in relation to the visual amenity policies and guidance listed above.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The proposed dwelling would be a three bed property. It would meet current floor space standards in terms of internal arrangements and external space. There are no immediate neighbours. Whilst the proximity to the railway line is noted, given the history of the residential use here it is considered acceptable in this instance.

The proposal is therefore considered acceptable in relation to the residential amenity policies and guidance listed above.

4.2.4 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed.

TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

The general approach adopted in TAN 15 is to advise caution in respect of new development in areas of high risk of flooding, and it sets out a 'precautionary' framework to guide planning decisions, seeking to direct new development away from areas at risk. It details specific tests for local planning authorities to apply to development proposals, requiring an authority to be satisfied a proposal is first *justified* (criteria set out in Section 6) and then that the *consequences of flooding* (set out in Section 7) are acceptable. It advises that where the risks and consequences of flooding cannot be managed to an acceptable level for the nature and type of development, development should be avoided irrespective of the justification. TAN 15 stresses the need for suitable Flood Consequences Assessments to be submitted with applications, to establish the source / mechanism of flooding, the consequences of flooding, and as appropriate, details of mitigation measures to show if risk can be managed to an acceptable level for the type of development.

The site is located within Zone C1 of the Development Advice Map (DAM) as referred to by the Technical Advice Note (TAN) 15: Development and Flood Risk. The site is also shown to lie within the Flood Zone 3 (Sea) and TAN15 Defended Zone according to the new Flood Map for Planning.

The site is situated less than 1 km south east of the Irish Sea and the Prestatyn Gutter is situated 190 metres north of the site. There are also multiple land drains in close proximity to the site, including bordering the site to the south. The site is situated within Flood Zone 3 (Sea) of the Flood risk map for planning, which the FCA acknowledges means that the land has a high probability of sea flooding (>0.5% annual probability of flooding from the sea, including the effects of climate change).

The development proposal is for the change of use from a museum and tea rooms to residential dwelling, the existing lawful planning use would be classed as 'less vulnerable', given the sites most recent use as a museum and tea rooms. As such the proposal would increase the land use vulnerability of the site, from less vulnerable to highly vulnerable land use.

NRW's detailed comments on the application are as follows:

"We have reviewed the new Flood Consequences Assessment (FCA) prepared by Oakshire Environmental (September 2022). Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

The FCA has assessed flood risk from a range of sources, including tidal flood risk. As outlined in our previous response, in order to demonstrate compliance with Section A1.14 of Technical Advice Note (TAN) 15, the FCA needs to demonstrate that the site can be designed to be flood free in the 0.5% Annual Exceedance Probability (AEP) breach event with an allowance for climate change.

The FCA refers to breach outputs from the Point of Ayr to Pensarn (2018) modelling study and states 'the majority of the site would be impacted by breaches at all the modelled locations by the year 2117'. No additional information is presented in respect to expected flood levels and depths at the site. In respect to flood risk mitigation, temporary flood resistance measures are proposed.

The mitigation measures outlined in the FCA are not considered to be sufficient, as flooding of the site would still be expected in the 0.5% AEP breach event with an allowance for climate change, and the proposal therefore still fails to comply with the

requirements of Section A1.14 of TAN15. There is repeated reference to 'residual risk' in the FCA, but as outlined above, and in the previous response, a breach should be considered as the design event.

The FCA needs to be updated to fully assess the risk of flooding for the 0.5% AEP breach event with an allowance for climate change (including expected flood levels and depths) and to show that the dwelling can be designed to be flood free in this event.

However, due to the nature of the proposal and likely flood depths at the site, we advise that it is unlikely that any updated FCA will be able to demonstrate compliance with the requirements of TAN15.

Amendments were made to the FCA and NRW re-consulted, they responded *"the FCA includes assessment of the 0.5%AEP breach events with an allowance for climate change, are acknowledged. However, the site is still subject to flood to depths up to 0.6m during the worst breach event. The 0.5%AEP breach event with climate change is the relevant 'design event' for the site and should not be considered a 'residual risk' as referred to in the FCA.*

Mitigation measures remain unchanged from the previous FCA which would not be adequate to mitigate the risks from the flood levels anticipated onsite, and therefore the application fails to demonstrate compliance with A1.14 of TAN15.

They go on to add, *"As previously advised, due to the nature of the proposal and likely flood depths at the site, we advise that it is unlikely that any updated FCA will be able to demonstrate compliance with the requirements of TAN15. We therefore object to the application."*

It is clear from the above that the flooding issues require careful assessment in relation to the general advice in PPW and the detailed contents of TAN15, all in the context of the information provided by the applicants and response from NRW.

Firstly in relation to applying the TAN 15 tests "Justification test"

Section 6.2 states that development will only be justified if it can be demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
 - ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
 - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

Having regard to the justification criteria in paragraph 6.2 of TAN15, Officers' view is that:-

- i) The proposal would comply with test i) in that the provision of a dwelling would assist the Growth Strategy for the County in Local Development Plan Policy BSC1, which is to provide housing to meet the needs of local communities and population changes, and it would contribute to expanding the range of accommodation in the town. The site is an existing building located within the development boundary of the adopted Local Development Plan. Housing development in existing settlements concurs with the aims of Planning Policy Wales.

iii) As an existing building it is a brownfield site which meets the definition of 'previously developed land' in PPW, hence the proposals comply with test iii).

iv) In respect of criterion iv) it is not considered that the potential consequences of a flooding event for the particular type of development have been found to be acceptable.

NRW have reviewed the FCA and as the expert consultee have advised that they do not consider the FCA to demonstrate that the risk and mitigation in relation to flood risks can be managed. On this basis they recommend refusal of the application. On the advice of NRW which clearly states that the proposal fails to meet policy tests Officers have no option but to accept this advice recommend refusal of the application.

4.2.5 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require consideration of the impact of development on the local highway network.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

The existing property has a permitted commercial use with no on site parking. It is located adjacent to a public carpark with on street parking in the wider area. The proposed dwelling would have 3 bedrooms. Whilst parking standards advise that 3 spaces would be required for an equivalent size dwelling the existing use/situation, proximity to the town centre and alternative means of transport (rail, bus and cycle network) are noted.

Having regard to the nature of the proposed development and existing arrangements, it is considered that the proposals would not have an unacceptable impact on highway safety. It would therefore be in general compliance with the tests of the policies referred to.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

Whilst the principle and other planning considerations on this proposal may be acceptable, NRW have made a clear objection to the application on the basis of flood risk. Officers note the history of the site, however in flood risk terms a less vulnerable use has been operating at the site for over 10 years, and the planning assessment must take the last use into account. On the advice of NRW which clearly states that the proposal fails to meet policy tests Officers have no option but to recommend refusal of the application on the grounds of flood risk.

RECOMMENDATION: REFUSE - for the following reasons:-

It is the opinion of the Local Planning Authority that the proposal is not acceptable in relation to flood risk. The FCA acknowledges that the site would be subject to flooding (to depths up to 0.6m) during the worst breach event, and mitigation measures proposed would not be adequate to mitigate the risks from the flood levels anticipated onsite. Therefore the application fails to demonstrate compliance with A1.14 of TAN15 and would be contrary to Local Development Plan Policy RD 1 test (xi) which requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding, and advice contained in Planning Policy Wales Section 6.6.22 to 6.6.29.

Adroddiad i'r	Pwyllgor Cynllunio
Dyddiad y cyfarfod	22 Mawrth 2023
Aelod / Swyddog Arweiniol	Y Cyngorydd Win-Mullen James - Aelod Arweiniol Datblygu Lleol a Chynllunio
Pennaeth Gwasanaeth	Emlyn Gwynedd Jones - Pennaeth Cynllunio a'r Gwasanaethau Gwarchod y Cyhoedd
Awdur yr adroddiad	Bethan Morris - Swyddog Cynllunio
Teitl	Ymateb i Lywodraeth Cymru ynglŷn â fersiwn ddiwygiedig Ionawr 2023 o Nodyn Cyngor Technegol (TAN) 15: Datblygu, llifogydd ac erydu arfordirol.

1. Am beth mae'r adroddiad yn sôn?

- 1.1. Mae'r adroddiad hwn yn darparu gwybodaeth ar y diwygiadau arfaethedig i Nodyn Cyngor Technegol (TAN) 15. Datblygu, llifogydd ac erydu arfordirol. Mae'n rhoi manylion am ymateb Cyngor Sir Ddinbych i'r ymgynghoriad ar gynigion Llywodraeth Cymru.

2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

- 2.1. Mae angen cymeradwyaeth i'r ymateb drafft i Lywodraeth Cymru ar y Nodyn Cyngor Technegol 15 diwygiedig arfaethedig.

3. Beth yw'r Argymhellion?

- 3.1. Fod y Pwyllgor Cynllunio yn cymeradwyo'r llythyr yn ymateb i ymgynghoriad Nodyn Cyngor Technegol 15 yn Atodiad 1 i'w gyflwyno i Lywodraeth Cymru.

4. Manylion yr adroddiad

- 4.1. Mae Nodyn Cyngor Technegol (TAN) yn ofyniad cenedlaethol sy'n rhoi arweiniad o ran lleoliad ac asesu datblygiad newydd. Mae TAN 15 yn arwain datblygiad yn nhermau'r perygl o lifogydd.
- 4.2. Cyhoeddwyd y TAN 15 newydd gyntaf gan Lywodraeth Cymru ar gyfer ymgynghoriad ym mis Hydref 2019. Ymatebodd Cyngor Sir Ddinbych i'r ymgynghoriad ar 19.02.2020 gan leisio pryder nad oedd yn gallu gweld y Map Llifogydd ar gyfer Cynllunio. Ar 28.09.2021 cyhoeddwyd TAN 15, gyda'r Map Llifogydd ar gyfer Cynllunio a dyddiad cychwyn sef 01.12.2021. Gohiriwyd dod â'r cynllun i rym tan Fehefin 2023 gan ystyried y pryderon dros ei ddiffyg hyblygrwydd yn enwedig mewn aneddiadau trefol arfordirol mawr. Cyhoeddwyd fersiwn diweddar ar 23.01.2023 ac ymgynghorir ar hwn ar hyn o bryd tan 17.04.2023. Mae'r llythyr yn Atodiad 1 yn ymateb i'r ymgynghoriad diweddaraf hwn.
- 4.3. Mae'r TAN 15 diwygiedig yn anelu i leihau'r perygl o lifogydd a galluogi datblygiad gwydn mewn meysydd lle mae llai o berygl o lifogydd. Mae erydu arfordirol nawr yn cael ei gynnwys o fewn TAN 15, tra'n flaenrol ymdriniwyd â hyn ar wahân o dan TAN 14. Fe ddylai ei gynnwys gynorthwyo i amlygu'r peryglon sy'n gysylltiedig ag erydu arfordirol. Mae'r darogan yn ymwneud â'r newid yn yr hinsawdd wedi ei ymgorffori i'r perygl o lifogydd ac mae'r canllawiau wedi eu hehangu yn benodol ar fathau a chategoriâu o ddatblygu ac asesiadau canlyniadau llifogydd.
- 4.4. Newid pwysig yw fod pedwar parth perygl llifogydd (Parthau 1, 2, 3 a pharthau a amddiffynnir TAN 15) yn cael eu cynnig sy'n disodli'r categoreiddio blaenorol yn ymwneud â pherygl llifogydd (A, B, C1 a C2).
- 4.5. Caiff perygl llifogydd A, lle mae risg isel iawn, ei ddisodli gan Barth 1, fodd bynnag nid oes cymhariaeth uniongyrchol gyda Pharthau eraill. Caiff y dosbarthiad blaenorol ei ddangos ar Fap Cyngor Datblygu. Caiff y Parthau newydd eu darparu ar Fap Llifogydd Cymru gyfan sy'n cymryd i ystyriaeth y darogan yn ymwneud â'r newid yn yr hinsawdd ac yn arddangos y perygl o lifogydd dŵr wyneb sy'n rhaid ei ystyried hefyd. Mae Map Llifogydd Cymru ar gyfer Cynllunio a'i barthau llifogydd wedi ei gynllunio i weithredu fel sbardun ar gyfer y profion cyfiawnhad a derbynioldeb.

4.6. Mae yna sawl darn newydd o ganllawiau a gofynion yn fersiwn Ionawr 2023 o Tan 15. Mae pedwar math o ddatblygiad wedi eu diffinio, ceir eglurder ar gategoriâu o fregusrwydd datblygiad, mae'n bosibl fod angen cynlluniau gwytnwch ac addasu cymunedol nawr a chaiff mathau o ddatblygiad eu caniatáu yn wahanol yn y parthau llifogydd. Caiff nodyn briffio llawn ar y TAN 15 newydd ei ddarparu yn Atodiad 2.

5. Sut mae'r penderfyniad yn cyfrannu at y Cynllun Corfforaethol 2022 i 2027: Y Sir Ddinbych a Garem?

5.1. Unwaith y bydd Llywodraeth Cymru wedi cyhoeddi TAN 15 bydd yn arwain lleoliad datblygiad newydd oddi wrth ardaloedd lle ceir perygl o lifogydd gan ystyried yr oblygiadau o ran y newid yn yr hinsawdd. Bydd yn newid canllawiau cenedlaethol a fydd yn cael effaith ar benderfynu ar geisiadau cynllunio a chreu Cynlluniau Datblygu Lleol (CDLI).

5.2. Nid oes yna effaith uniongyrchol ar y Blaenoriaethau Corfforaethol o ganlyniad i gyflwyno'r ymateb i Lywodraeth Cymru. Ond bydd TAN 15 fodd bynnag yn effeithio ar gyfeiriad datblygu yng Nghymru yn y dyfodol ac felly cyflawni Blaenoriaethau Corfforaethol yn y dyfodol a Strategaethau'r Cyngor fel y Strategaeth Dai a Digartrefedd a Chynlluniau Datblygu Lleol yn y dyfodol.

5.3. Fe fydd yr ymateb i Lywodraeth Cymru ar TAN 15 ei hun yn cael effaith niwtral ar nod y Cyngor i ddod yn Gyngor Di-garbon Net ac Ecolegol Gadarnhaol erbyn 2030. Fe fydd TAN 15 drwy gyfeirio polisiau a dyraniadau tir y CDLI Newydd 2018 i 2033 yn gwneud cyfraniad cadarnhaol tuag at nod y Cyngor i ddod yn Ddi-garbon Net ac Ecolegol Gadarnhaol erbyn 2030.

6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?

6.1. Ni fydd cymeradwyo'r ymateb i'r ymgynghoriad i Lywodraeth Cymru yn arwain at unrhyw gostau ychwanegol nac yn effeithio ar wasanaethau eraill.

7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?

7.1. Nid oes Asesiad o Effaith ar Les wedi cael ei gynnal am nad yw'r adroddiad yn ceisio penderfyniad ar bolisi, strategaeth, na rhaglen y Cyngor.

8. Pa ymgynghoriadau sydd wedi'u cynnal gyda Chraffu ac eraill?

8.1. Mae'r ymgynghoriad ar TAN 15 diwygiedig Ionawr 2023 wedi ei godi yn y Grŵp Cynllunio Strategol ar 23/02/2023 a bydd y nodyn briffio yn Atodiad 2 yn cael ei gylchredeg i'r holl aelodau.

9. Datganiad y Prif Swyddog Cyllid

9.1. Nid oes unrhyw oblygiadau cyllidebol yn codi o gytuno i'r ymateb i'r ymgynghoriad i Lywodraeth Cymru ar y TAN 15 diwygiedig arfaethedig. Fodd bynnag, os bydd unrhyw gostau'n codi, bydd angen eu cynnwys o fewn cyllidebau refeniw presennol y gwasanaethau.

10. Pa risgiau sydd yna ac oes yna unrhyw beth y gallwn ei wneud i'w lleihau?

10.1. Mae ymgysylltu mewn ymgynghoriad yn rhoi'r cyfle i leisio cefnogaeth neu fynegi gwrthwynebiadau. Drwy beidio ag ymateb i'r ymgynghoriad ni fyddai llais Cyngor Sir Ddinbych yn cael ei glywed ar bolisi cynllunio cenedlaethol.

11. Pŵer i wneud y penderfyniad

11.1. Deddf Llywodraeth Leol 2000

11.2. Deddf Cynllunio a Phrynu Gorfodol 2004

11.3. Deddf Cynllunio (Cymru) 2015 a rheoliadau a chanllawiau cysylltiedig

Atodiad 1: Ymateb i Lywodraeth Cymru mewn perthynas â fersiwn Ionawr 2023 o TAN 15.

Atodiad 2: Nodyn briffio i Aelodau ar y TAN 15 newydd.

Eich cyf/Your ref: TAN15 Consultation
Ein cyf/Our ref: BM/TAN15
Dyddiad/Date: 14.03.2023
Rhif Uniongyrchol/Direct dial: 01824 706916

APPENDIX 1

TAN 15 Consultation
Planning Policy Branch
Welsh Government
Cathays Park
Cardiff CF10 3NQ
Planconsultations-j@gov.wales

Dear Sir/Madam

Re: Technical Advice Note 15: Development, flooding and coastal erosion – further amendments

Thank you for consulting on the above document, January 2023 version.

Denbighshire County Council is mostly supportive of the January 2023 version of TAN 15. The additional flexibility within the TAN is welcomed.

The Welsh Government Consultation Response Form has been completed and is attached to this letter. Denbighshire County Council's comments are made, in this letter, as follow:

1. Paragraph 3.9, page 6

Paragraph 3.9 advises planning authorities or developers to seek the view of insurers when considering development in areas at risk of flooding and that insurers may wish to be engaged in developing Strategic Flood Consequences Assessments and Development Plans.

Response

- a. There is no clarity on how this consultation should take place or what level of weight should be reasonable given to any information provided by the insurance industry, particularly when the justification and acceptability tests of TAN 15 are met. The decision is one for the planning authority. Paragraph 3.9 could undermine investment decisions and causes confusion.
- b. It is recommended that the wording is changed from “are advised to seek” to “may choose to seek”.

2. Paragraph 3.10, page 6

Paragraph 3.10 reads as a statement of intent in saying that it is inappropriate to allow new homes to be constructed where the availability of home insurance covering coastal erosion is extremely limited. A wording change is recommended.

Response

- a. It is recommended that the sentence “It is therefore inappropriate to allow any more new homes to be constructed in such areas.” Is changed to “Planning authorities should recognise this risk and the inappropriateness of constructing new homes that may be subject to prohibitive insurance premiums or uninsurable”.

3. Paragraph 4.2, page 7

Paragraph 4.2 defines “New Development” as development on any greenfield land, development of vacant or disused brownfield sites.

Response

- a. It is agreed that “New Development” should be development on any greenfield land, but brownfield development should be defined as “Redevelopment”.
- b. This would reduce confusion, such as when considering car parks or redevelopment schemes that can take a long time to come to fruition and as part of the process the site and buildings need to be cleared prior to the planning application being submitted.
- c. It is also contradictory to paragraph 4.5 on page 8 which reads “Where a development already exists and the use of the land or building is established, further development can present an opportunity to increase the resilience of the building.”
- d. It is recommended that “development of vacant or disused brownfield sites” form part of the definition of “Redevelopment”.
- e. The definition is repeated in paragraph 10.3, page 35.

4. Paragraph 4.4, page 8

Paragraph 4.4, the last bullet point “Only permit water compatible development, essential infrastructure and less vulnerable developments by exception in areas of higher risk – areas in Zone 3”

Response

- a. Is inconsistent with paragraph 10.10 Zone 3 (Rivers and Sea) on page 37.
- b. It is believed the word “new” is missing and it should read “Only permit water compatible new development”.

5. Paragraph 5.7, page 12

Paragraph 5.7 reads “TAN 15 Defended Zones are served by defences that provide protection from at least one of the main sources of flooding – sea or river, or both in some instances.....it will be important to assess all sources of risks. It will also be important to demonstrate that any new development in the TAN 15 Defended Zones incorporates resilience and resistance measures so that it remains flood-free and safe as per the tolerable conditions set out in section 11.”

Response

- a. This paragraph is interpreted as meaning that where a new development is in a TAN 15 Defended Zone, which defends against the sea, the new development can occur even if there is also a Zone 3 flood risk from the river. The new development can be permitted as long as the new development has taken the Zone 3 river flood risk into account and incorporated resilience and resistance measures into the new development including through design principles.
- b. If Denbighshire County Council’s understanding of Paragraph 5.7 is not correct, please re-word it.

6. Paragraph 5.11, page 13

Response

- a. Denbighshire County Council supports and is grateful that paragraph 5.11 clarifies that once a challenge to the Flood Map for Planning has been accepted by NRW it will become a material consideration for decision makers, effective from when NRW accept it.

7. Paragraphs 7.14, page 21

The criteria set out in paragraph 7.14, page 21 places a higher duty and responsibility on local authority planning officers when allocating greenfield land for a Development Plan than on those planning officers determining planning applications under Section 10.10, page 36.

Response

- a. Is this correct and the intention of the drafting, particularly as it relates to TAN 15 Defended Zones?
- b. Please clarify your expectations. What are you expecting to be demonstrated to show that it is essential to future vitality? Is it sufficient to state that it is within a town centre that has been allocated as a regional growth area in Future Wales? It is sufficient to evidence the housing need for the settlement?

8. Paragraph 10.10 Heading Zone 2 (Rivers and Sea), page 37

It states that all development will be justified if it is supported in a Development Plan for regeneration AND is previously developed land.

Response

- a. It is believed that there should be an 'OR' as well so that where there is a need for greenfield land as part of regeneration in an economic strategy that it can be developed.
- b. Please redraft the sentence so that it reads "1. It will assist, or be part of, a strategy supported by the Development plan to regenerate an existing settlement or achieve key economic or environmental objectives; **AND / OR** 2. Its location meets the definition of previously developed land; **AND** 3. The potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable in accordance with the criteria contained in section 11."

9. Community Adaptation and Resilience Plans

Response

- a. Denbighshire County Council reserves it right to comment on the appropriateness of utilising Community Adaptation and Resilience Plans once their requirements are made known.
- b. Denbighshire County Council trusts that there will be an opportunity to comment on the Community Adaptation and Resilience Plans.

Yours sincerely

Councillor Win Mullen-James

Lead member for Local Development and Planning



Mae tudalen hwn yn fwriadol wag



Number: WG46419

Welsh Government
Consultation Response Form

Technical Advice Note (TAN) 15: Development, flooding and coastal erosion - further amendments

Date of issue: 23 January 2023

Action required: Responses by 17 April 2023

CONSULTATION RESPONSE FORM

Technical Advice Note 15 – Technical Advice Note (TAN) 15: Development, flooding and coastal erosion - further amendments

Name	Denbighshire County Council	
Organisation	Local Authority	
Preferred contact details (Email address, phone number or address)	C/O Bethan Morris, Planning Policy Officer planningpolicy@denbighshire.gov.uk 01824 706916	
Type <i>(please select one from the following)</i>	Business	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Local Authority Councillor responding in a personal capacity	<input type="checkbox"/>
	Government Agency / Other Public Sector	<input type="checkbox"/>
	Professional Body / Interest Group	<input type="checkbox"/>
	Voluntary sector (community councils, community groups, volunteers, self-help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other groups not listed above	<input type="checkbox"/>
	Responding in a private capacity	<input type="checkbox"/>

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

CONSULTATION QUESTIONS

Q1	Do you agree that the amended version of TAN 15 makes it sufficiently clear when appropriate redevelopment and regeneration activities can be acceptable?	X
	Agree	X
	Neither Agree nor Disagree	
	Disagree	
Comments		

Q2	The amended TAN seeks to ensure that climate change and flood risk are factored into planning decisions, and that decisions are taken in the knowledge of the associated risks. Do you agree that the TAN does this?	X
	Agree	X
	Neither Agree nor Disagree	
	Disagree	
Comments		

Q3	In seeking to allow for strategic regeneration the TAN requires local authorities to prepare Community Adaptation and Resilience Plans outlining how they intend to ensure that adequate flood defences are built and how other resilience measures will be incorporated. Do you agree with the need for such a requirement?	X
Agree		
Neither Agree nor Disagree		X
Disagree		
Comments		
<p>Denbighshire County Council reserves it right to comment on the appropriateness of utilising Community Adaptation and Resilience Plans once their requirements are made known.</p>		

Q4	Some infrastructure is essential for economic, social or environmental wellbeing. A new section on essential infrastructure has been included in the revised TAN. Do you agree that this is necessary and that it is clear?	X
Agree		X
Neither Agree nor Disagree		
Disagree		
Comments		
<p></p>		

Q5

We would like to know your views on the effects that the revised TAN 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?
- Please also explain how you believe the proposed amendments to the TAN 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.

Comments

No view to express.

Q6

We have asked a number of specific questions. Are there any other related issues which we have not specifically addressed?

Comments

Please see the attached letter which accompanies this response form for Denbighshire County Council's comments.



MEMBERS BRIEFING on

Technical Advice Note (TAN)15: Development flooding and coastal erosion

- 1.1 This is a summary of the TAN 15 January 2023 document. The full Welsh Government document can be found at:
<https://www.gov.wales/sites/default/files/consultations/2023-01/tan-15-development-flooding-and-coastal-erosion-jan-2023.pdf>

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1. TAN 15 Timeline

- i. 28/09/2021 – New TAN 15 published with intended implementation date of 1 December 2021
- ii. 15/12/2021 – WG paused the new TAN 15 until June 2023
- iii. 31/01/2022 – Deadline for when all Local Authorities had to advise WG whether they were updating or undertaking a new Strategic Flood Consequences Assessment (SFCA)
- iv. 30/11/2022 – Deadline for submitting completed SFCA to WG
- v. 23/01/2023 – WG published revised version of TAN 15 (Jan 2023 version)
- vi. 01/2023 to 17/04/2023 – WG consultation on Jan 2023 TAN 15
- vii. 30/06/2023 – Minister wants new TAN 15 to be finalised for approval
- viii. Autumn 2023 – intended implementation of new TAN 15

2. TAN 15 Overview

- i. New TAN 15 Development, flooding and coastal erosion, January 2023 version is currently out for consultation until 17 April 2023 and it is anticipated it will come into force Autumn 2023.
- ii. New TAN 15 will replace and cancel:
 - a. The existing TAN 15: development and flood risk (2004)
 - b. TAN 14: coastal planning
 - c. Development Advice Map

- iii. The objective of the new TAN 15 and Flood Map for Planning is to ensure the planning system recognises the threat of, and takes action to adapt to, the likely effects of climate change on flood risk and coastal erosion.
- iv. Minimise new development in areas at risk of flooding or coastal erosion.
- v. Insurers have had input.
- vi. The risks associated with climate change will be built into planning policies and decisions by using the new Flood Map for Planning. This new map, published by Natural Resources Wales, includes flood risk zones showing future risk under a central climate change scenario. It will be updated every six months by NRW.
- vii. TAN 15 provides advice for local planning authorities, developers and stakeholders about assessing the risk of developing in areas where different types of flooding may occur, including from rivers, the sea and surface water flooding. The advice varies according to the severity of the flood risk and the flood zone in which the development is proposed, and according to the vulnerability of the type of development proposed to flooding.
- viii. Flood risk identified as a percentage per year.
- ix. Flood risk zones are defined.
- x. Requires surface water and small watercourse consideration.
- xi. Requires new developments to be designed so that they are resilient to flood risks.
- xii. Categorises development.
- xiii. Sets justification, acceptability and assessment criteria.
- xiv. There are three categories of risk of flooding with Zone 1 being the lowest risk and Zone 3 being the highest. These zones apply to the risk of flooding from rivers, sea and surface water. There is an additional category of TAN 15 Defended Zones for rivers and sea where there is a minimum standard of protection from flooding by way of infrastructure.

3. Flood Zones for Rivers, Sea, Surface Water and Small Watercourses

3.1 Zone 1:

1 in 1000 (0.1%) (plus climate change) chance of flooding from rivers, the sea, surface water and small water courses in a given year.

3.2 Zone 2:

Risk of flooding is greater than in Zone 1. The chance of flooding from the sea is less than 1 in 200 (0.5%) and from rivers, surface water and small watercourses it is less than 1 in 100 (1%), including climate change.

3.3 Zone 3:

In a given year the chance of flooding, including climate change, from the sea is greater than 1 in 200 (0.5%) and from rivers, surface water and small watercourses it is greater than 1 in 100 (1%).

3.4 TAN 15 Defended Zone:

Areas where flood risk management infrastructure provides a minimum standard of protection. The risk of flooding from rivers is protected at a minimum standard of 1 in 100 (1%) and from the sea it is a minimum of 1 in 200 (0.5%).

4. Flood Map for Planning

- i. Flood Map for Planning is a material consideration in assessing planning applications.
- ii. It is the most up to date evidence on flood risk and includes climate change projections.
- iii. It is regularly updated with the next update being May 2023.
- iv. It accompanies the new TAN 15.
- v. It will fully replace the Development Advice Map when the new TAN 15 comes into force, anticipated Autumn 2023.

5. Categories for Development

Examples of different categories for development are listed below.

5.1 Water compatible development:

- i. Boatyards, marinas
- ii. Flood defence and management infrastructure
- iii. Hydro renewable energy generation

- iv. Open space excluding equipped play areas.

5.1.1 Acceptable, from a flooding perspective, in all flood zones.

5.1.2 Any occupied built elements of water compatible development are still subject to the acceptability test set out in TAN 15 Section 11 (See Section 12 below) and should be assessed against the criteria for less vulnerable development. This includes office spaces in boatyards, and changing rooms associated with open spaces.

5.2 Highly Vulnerable Development (HVD):

- i. All residential development, emergency services and shelters
- ii. Schools, hospitals, GP surgeries
- iii. Especially vulnerable industrial development (e.g. power stations & waste disposal sites).

5.3 Less Vulnerable Development (LVD):

- i. Transport & utilities infrastructure,
- ii. General industrial, employment, commercial & retail development
- iii. Car parks, cemeteries & equipped play areas
- iv. Public buildings including libraries, community centres and leisure centres (excluding those identified as emergency shelters)
- v. Mineral extraction sites
- vi. Renewable energy (excluding hydro).

5.4 Mixed Uses

5.4.1 Different vulnerability categories may be designated in larger mixed use schemes. This will allow flexibility and it can be considered how to best use the site that is partially in Zone 1 and partially in flood risk areas.

5.4.2 All small developments, including single dwellings, should be considered under a single vulnerability category. It is important that gardens, access paths and driveways of a residential dwelling should remain flood-free, therefore the whole area of development should be considered as highly vulnerable development.

6. Development Types referred to in TAN 15

6.1 New Development:

- i. Schemes to develop greenfield sites.
- ii. Proposals to develop vacant or unused sites. (Questions of Welsh Government are being raised as to whether these terms should be moved to the definition for redevelopment.)
- iii. Increase exposure of people, property and infrastructure to flood risk.
- iv. Are likely to adversely impact on flood storage capacity in areas at risk of flooding.
- v. Proposals for new development on undefended land should only be consented in exceptional circumstances and meet the TAN 15 Section 10.10 justifying criteria (see Section 7 below).

6.2 Redevelopment, change of use and conversions:

- i. Where buildings in flood risk areas are currently in use, there may be circumstances where redevelopment, changes of use or conversion proposals can bring clear benefits to the area and the building.
- ii. The benefits should be balanced and weighed against the flood risk considerations.
- iii. A flood consequences assessment is required in any flood risk area.
- iv. The scheme must be justifiable under TAN 15 Section 10.10 (see Section 7 below) and acceptable under TAN 15 Section 11 (see Section 12 below).

6.3 Redevelopments

- i. Redevelopments propose to replace a building with an existing use (in full or in part) with a new building.
- ii. Redevelopment schemes should be of similar scale to the existing use to avoid increasing exposure to flood risk.
- iii. Consideration of the buildings footprint, height and capacity is appropriate.
- iv. Any redevelopment must exhibit flood resilient design.
- v. Proposals for redevelopment which include residential use must ensure that such uses do not occur at ground flood level.

6.4 Change of Use or Conversions

- i. Change of use or conversion proposals seek to change how a building is used without significantly changing its appearance or footprint.
- ii. Change of use proposals that would introduce highly vulnerable development into a flood risk area, Zone 3 (Rivers and Sea) in particular, require detailed and careful scrutiny and must be resilient to flooding.

6.5 Extensions

- i. Add capacity to an existing building by extending its floorspace.

7. Flood Zones (Rivers and Seas) Justification Criteria – TAN 15 Section 10.10

7.a Any development of greenfield land in Zones other than Zone 1 have to be fully justified with an explanation on why other locations are not suitable and why previously developed land cannot be developed.

7.b The inclusion of greenfield land schemes in an adopted development plan or in a community adaptation resilience plan will strengthen their justification.

7.1 Zone 1:

- i. All types of development are acceptable in principle.
- ii. Local specific planning policies may apply.

7.2 TAN 15 Defended Zones:

- i. **All development** will be justified if it meets the acceptability criteria under TAN 15 Section 11 (see Section 12 below).
- ii. **All development** will be justified if there is an agreed Community Adaptation and Resilience Plan in place that support developments that form part of a strategic regeneration scheme.

7.3 Zone 2 (Rivers and Sea):

All development will be justified in Zone 2 if:

- i. It is part of a strategy supported in a Development Plan to regenerate an existing settlement or achieve key economic or environmental objectives; **AND**
(It is believed that there should be an 'OR' here and this is raised in the response to Welsh Government.)
- ii. It is on previously developed land; **AND**
- iii. It meets the acceptability criteria in TAN 15 Section 11 (see Section 12 below).

7.4 Zone 3 (Rivers and Sea)

7.4.1 New developments in the highly vulnerable category (e.g. homes) are not acceptable in Zone 3 except where the development:

- i. Clearly and specifically addresses the causes of climate change and cannot be located on less vulnerable land and has been designed to the highest standards of resilience.
- ii. Is for essential infrastructure which cannot be accommodated on less vulnerable land and has been designed to the highest standards of resilience.

7.4.2 New developments in the less vulnerable category (e.g. employment use) will be justified if:

- i. There are exceptional circumstances, such as in the interests of energy security or to mitigate the impacts of climate change; **AND**
- ii. It is on previously development land; **AND**
- iii. It meets the acceptability criteria in TAN 15 Section 11 (see Section 12 below).

7.4.3 Redevelopments, changes of use and conversions will be justified if:

- i. It meets the acceptability criteria in TAN 15 Section 11 (see Section 12 below); **AND**
- ii. Is designed so that the site and building are both resilient to flooding.

8. Notification Direction

8.1 If a planning authority intends to approve new highly vulnerable development in Zone 3 (Rivers and Sea) then Welsh Government have to be notified.

8.2 Welsh Ministers will have the option of calling-in the application to determine it themselves.

9. Sites in two of more flood Zones – TAN 15 Section 14

9.1 Where a site falls into two or more flood zones the planning authority must make an assessment of the proposal, taking into account each of its proposed land uses, against each of the flood zones to which it applies, in accordance with the criteria in TAN 15 Section 10 (see Section 7 above).

9.2 An assessment of flooding consequences for the proposal in accordance with TAN 15 Sections 11 and 12 will also be required (see Section 12 and 13 below).

9.3 Advice from Natural Resources Wales and the Lead Local Flood Authority should be taken into account when deciding whether the consequences of flooding are acceptable, in terms of the risks to people and property.

10. Essential Infrastructure

10.1 Local planning authorities will determine whether proposals constitute essential infrastructure, but reasons could include:

- i. Essential low carbon transport infrastructure which has to cross a high risk area.
- ii. Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distribution systems; including electricity generating power stations, grid and primary substations storage; and water treatment works that need to remain operations in times of flood.
- iii. Renewable energy generating facilities which have an appropriate locational need.

11. Community Adaptation and Resilience Plans

11.1 A Community Adaptation and Resilience Plan (CARP) must be adopted where local authorities wish to promote strategic regeneration of large areas of coastal towns and cities. It should be linked to the Development Plan.

11.2 A CARP will need to clearly set out how and when they intend to defend these places from flooding and must make provision for the ongoing maintenance of any new flood defences.

11.3 CARP should include the construction of flood defences that would move any land from Zones 2 and 3 into a defended zone together with details and priorities for phasing the new measures and the appropriate regeneration activities that would be permissible under such circumstances.

11.4 CARP should also identify resilience measures that would increase flood resilience as part of regeneration schemes.

11.5 CARPs must be compatible with and support Future Wales and the Local Development Plan.

12. Acceptability Criteria – TAN 15 Section 11

12.1 To assess whether a development is acceptable a Flood Consequences Assessment will be required with sufficient information to consider flooding implications and balance them against other considerations.

12.2 A development can only proceed where the consequences of flooding can be safely managed, and the following conditions are met:

- i. There is no increase in flooding elsewhere.
- ii. Occupiers are aware of the flood risk.
- iii. There are safe escape or evacuation routes in place.
- iv. Flood emergency plans and procedures have been agreed and are in place.
- v. The development has been designed to be flood resistant and resilient (i.e. Section 13 below and TAN 15 Section 13).
- vi. The consequences for the type of use of the development are acceptable.

12.3 The design of the site and the development itself are safe and there is:

- i. Minimal risk to life.
- ii. Minimal disruption to people living and working in the area.
- iii. Minimal potential damage to property.
- iv. Minimal impact of the proposed development on flood risk generally; and
- v. Minimal disruption to the sustainable management of natural resources.

12.4 Deep water and water which moves quickly is particularly dangerous to people and must be assessed. Welsh Government have provided a flood hazard matrix to provide guidance to assess the acceptability of risk as well as technical thresholds to ensure that development area flood free.

12.5 Developments must be flood free including an allowance for climate change over the lifetime of the development in the following events:

- i. Emergency services (command centres and hubs) must be flood free during 0.1% (1 in 1000 chance of occurring in any year) of a flood from a river or the sea.
- ii. Highly vulnerable developments (homes, schools) and less vulnerable developments (employment sites) must be flood free during 1% (1 in 100 chance of occurring in any year) of a flood from a river.
- iii. Highly vulnerable developments (homes, schools) and less vulnerable developments (employment sites) must be flood free during 0.5% (1 in 200 chance of occurring in any year) of a flood from the sea.

12.6 In the most extreme flood events, it may not be possible to keep all development flood free but there should not be a risk to life and so the development must meet tolerable conditions in a 0.1% extreme flood event. The requirements are that:

- i. Highly vulnerable developments (homes, schools), less vulnerable developments (employment sites) and built elements of water compatible development must not flood deeper than 600 mm in an extreme flood event.
- ii. Highly vulnerable developments (homes, schools) must not have water moving more quickly than 0.15 metres per second in an extreme flood event.

- iii. Less vulnerable developments (employment sites) and built elements of water compatible development must be not have water moving more quickly than 0.3 metres per second in an extreme flood event.

13. Resilient Design – TAN 15 Section 13

13.1 Design considerations will be a key factor when determining whether development is acceptable in flood risk areas.

13.2 The most effective solutions will combine both site-level and property-level resilience measures.

13.3 Strategic Flood Consequences Assessment (SFCAs) and Flood Consequence Assessments (FCAs) should provide advice on which measures offer the best and most appropriate protection from flooding.

13.4 Any development in Zones 2, 3 and TAN 15 Defended Zones must have resilience to flood built-in at site and property level.

- i. Minimise the amount of water that can enter a property.
- ii. Limit the damage caused if water does enter so that the building can be recovered quickly.
- iii. Reduce the amount of water that can enter the site.
- iv. Manage any water that does reach the site so that it does not impact on households and other occupiers/users.

14. Surface Water & Small Watercourses – TAN 15 Section 8

- i. Use Flood Map for Planning as a Guide
- ii. Risks should be considered in Strategic Flood Consequences Assessments (SFCA) for Development Plans and in undertaking detailed Flood Consequences Assessments (FCA) for planning applications.
- iii. FCA is required for development fully or partially in Zone 2 or 3 and where development outside these zones has the potential to affect the course of surface water and/or excess water from ordinary watercourses.
- iv. Consideration needs to be given to the impact of drainage. Built developments increase the surface area of impermeable ground and increase rapid surface run off

which result in precipitation entering the watercourse more quickly which can cause flooding at other locations. Sustainable drainage systems have an important role in managing run-off from a site and must be implemented in most new developments.

15. Sustainable Drainage Systems (SuDs) & Drainage

Statement – TAN 15 Section 8

- i. Planning and SuDs Approving Body (SAB) permission should be applied for at the same time.
- ii. Where planning permission is applied for before SAB approval a Drainage Statement is required for the planning application.
- iii. Specific requirements for Drainage Statement including how water is to be managed & discharged. Discharge methods are listed in priority and reasons have to be provided as to why a higher priority method cannot be utilised.
- iv. Planning authority and SAB have to be happy.
- v. Inadequate Drainage Statements and flawed drainage arrangements are reasons for the planning application to be refused.

16. Coastal risks – erosion and flooding – TAN 15 Section 9

16.1 Development Plans should indicate which parts of the coast can be developed, should be maintained in their current form or should be left to nature.

16.2 SFCA should include an assessment of the role and integrity of coastal defences and provide detailed understanding of the risks from flooding and coastal erosion in the plan area.

16.3 In making decisions on development proposals within coastal areas, planning authorities should fully consider whether there are risks to the development arising from coastal erosion or flooding. The Flood Map for Planning incorporates areas shown on the National Coastal Erosion Risk Map to be at risk of erosion. Development should not be permitted in these areas.

17. Flood Consequences Assessment (FCA) – TAN 15 Section 12

17.1 Objective of a Flood Consequences Assessment is to develop a full appreciation of:

- i. The risk and consequences of flooding on the development; and
- ii. The risk and consequences (i.e. the overall impacts) of the development on flood risk elsewhere.

17.2 They can also be used to establish whether appropriate avoidance or mitigation measures could be incorporated within the design of the development to ensure that over its lifetime, development minimises risk to life, damage to property and disruption to people living and working on the site and does not increase flood risk.

17.3 The assessment must allow for a range of potential flood scenarios up to and including that flood having a probability of 0.1% in any year. An allowance for climate change must be made in line with Welsh Government guidance.

17.4 There are specific components and data that should be included in an FCA.

18. Applications for extension and householder development

18.1 Applications for extensions or alterations in flood risk areas should not raise significant issues unless they:

- i. Are likely to have a direct and adverse effect on a watercourse or its flood defences;
- ii. Would impede access to flood defence and management facilities; or
- iii. Could have a cumulative impact on flood storage capacity or flood flows.

18.2 In such circumstances a Flood Consequences Assessment should be provided.

19. Public open space, recreation and agriculture

19.1 The use of land at risk of flooding for agriculture, recreation and as public open space is likely to be acceptable in most cases. However, ancillary buildings or structures required for these uses, which in some circumstances are subject to prior approval, may not be acceptable. TAN 15 Section 11 applies (See Section 12 above).

20. Caravan and camping sites

20.1 Caravan, camping and other temporary occupancy sites including any changes of use, extensions to seasonal occupancy and extensions to existing sites must not be permitted in Zone 3. They should only be considered in Zone 2 if the development satisfies the tests in TAN 15 Sections 10 and 11 (see Sections 7 and 12 above).

20.2 Where planning authorities are minded to grant permission for caravan / camping sites or other temporary holiday accommodation in Zone 2 or the TAN 15 Defended Zones, planning conditions are required. A planning condition should secure the preparation of effective warning and evacuation plans. The condition should also secure the provision and ongoing maintenance of suitable warning notices to inform people entering the site. The location of the notices must be approved, and the condition must include the requirement to keep the notices up to date with the latest warning and evacuation plan.

21. Planning Condition may be required when considering lifetime of a development

21.1 The Flood Map for Planning contains 100-year climate change scenarios but where new developments have shorter lifetimes it is reasonable for the flood consequences assessment to focus on potential risks during the development's expected lifetime. If on this basis planning permission is granted, a planning condition should be imposed to prevent use after the expected lifetime of the building.