

Report to	Planning Committee
Date of meeting	22 March 2023
Lead Member / Officer	Cyng/Cllr Win Mullen-James – Lead Member for Local Development and Planning
Head of Service	Emlyn Gwynedd Jones – Head of Planning and Public Protection Services
Report author	Bethan Morris – Planning Officer
Title	Response to Welsh Government on the revised, January 2023 version, of the Technical Advice Note (TAN) 15: Development flooding and coastal erosion.

1. What is the report about?

1.1. This report provides information on the proposed revisions to Technical Advice Note (TAN) 15: Development, flooding and coastal erosion. It details Denbighshire County Council's consultation response to Welsh Government's proposals.

2. What is the reason for making this report?

2.1. Approval is required of the draft response to Welsh Government on the proposed revised TAN 15.

3. What are the Recommendations?

3.1. That Planning Committee approve the letter responding to the TAN 15 consultation at Appendix 1 for its submission to Welsh Government.

4. Report details

- 4.1. Technical Advice Notes (TANs) are national requirements that guide the location and assessment of new development. TAN 15 guides development in terms of flood risk.
- 4.2. The new TAN 15 was first published by Welsh Government for consultation in October 2019. Denbighshire County Council responded to the consultation on 19.02.2020 raising its concern in not being able to view the Flood Map for Planning (FMfP). On 28.09.2021 TAN 15 was published, with the FMfP and a start date of 01.12.2021. It's coming into force was delayed until June 2023 given significant concerns over its lack of flexibility particularly in large coastal urban settlements. A recent version was published on 23.01.2023 and is currently out for consultation until 17.04.2023. It is to this latest consultation that the letter at Appendix 1 responds.
- 4.3. The revised TAN 15 aims to minimise the risk of flooding and enable resilient development in areas of lesser flood risk. Coastal erosion is now included within TAN 15, whilst previously it was dealt with separately under TAN 14. Its inclusion should assist in highlighting the risks associated with coastal erosion. Climate change predictions are incorporated into the risk of flooding and the guidance has been expanded particularly on development types, categories and flood consequences assessments.
- 4.4. A critical change is that four flood risk zones (Zones 1, 2, 3 and TAN 15 defended zones) are proposed which replace the previous categorisation of flood risk (A, B, C1 and C2).
- 4.5. Flood risk A, very low risk, is being replaced by Zone 1 however there is no direct comparison to other Zones. The previous categorisations are shown on a Development Advice Map. The new Zones are provided on an all Wales Flood Map which takes into allowance predictions for climate change and displays the risks of surface water flooding that must also be considered. The Wales Flood Map for Planning and its flood zones are designed to function as a trigger for the justification and acceptability tests.
- 4.6. There are several new pieces of guidance and requirements in the January 2023 TAN 15 version. Four types of development have been defined,

development vulnerability categories have been clarified, community adaptation and resilience plans may now be required, and types of development are permitted differently in the flood zones. A full briefing note of the new TAN 15 is provided at Appendix 2.

5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

- 5.1. Once Welsh Government publishes TAN 15 it will guide the location of new development away from flood risk areas considering climate change implications. It will change national guidance which will impact on the determination of planning applications and the creation of Local Development Plans (LDPs).
- 5.2. There is no immediate impact on the Corporate Priorities for submitting the response to Welsh Government. TAN 15 will however impact the direction of future development in Wales and therefore the delivery of future Corporate Priorities and Council Strategies such as the Housing & Homelessness Strategy and future LDPs.
- 5.3. The response to Welsh Government on TAN 15 itself will have a neutral effect on the Council becoming Net Carbon Zero and Ecologically Positive by 2030. TAN 15 in directing the policies and land allocations of the Replacement LDP 2018 to 2033 will make a positive contribution to the Council becoming Net Carbon Zero and Ecologically Positive by 2030.

6. What will it cost and how will it affect other services?

- 6.1. Approval of the consultation response to Welsh Government will not incur any additional costs or impact on other services.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1. A Well-being Impact Assessment has not been carried out because the report does not seek a decision on a Council policy, strategy or programme.

8. What consultations have been carried out with Scrutiny and others?

8.1. The revised January 2023 TAN 15 consultation has been raised at the Strategic Planning Group on 23/02/2023 and the briefing note at Appendix 2 will be circulated to all members.

9. Chief Finance Officer Statement

9.1. There are no budget implications arising from agreeing the consultation response to the Welsh Government on the proposed revised TAN 15. However, if any arise then these will need to be contained from within existing service revenue budgets.

10. What risks are there and is there anything we can do to reduce them?

10.1. Engaging in consultation provides an opportunity to voice support or raise objections. In not responding to the consultation Denbighshire County Council would not have their voice heard on national planning policy.

11. Power to make the decision.

11.1. Local Government Act 2000

11.2. Planning and Compulsory Purchase Act 2004

11.3. Planning (Wales) Act 2015 and associated regulations and guidance

Appendix 1: Response to Welsh Government in respect of January 2023 version of TAN 15.

Appendix 2: Members briefing note on new TAN 15