

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

