

24th February 2023

TAN 15 UPDATE

Purpose

1. This report sets out the background and provides an update on the latest position in relation to TAN 15, the Welsh Government's Technical Advice Note (TAN) on development, flooding and coastal erosion.

Background and chronology of events

2. It is clear that climate change requires some serious thinking about the sustainability of new development, and how to fund the protection of communities, towns, and city centres against present and future risks. For some areas, especially rural, coastal ones, their low-lying towns and city centres are likely to be under extreme pressure from increased flood risk and sea level rise over the next 20-30 years.
3. The original TAN proposals, however, caused considerable alarm amongst many councils whose development and regeneration plans were thrown into serious question. The table below sets out a chronology of events that have taken place regarding the development of the new TAN.

Date	Significant developments
Oct 2019 to Jan 2020	<p>The Welsh Government consulted on a new TAN 15, proposing a new Wales flood map and integrating coastal erosion with flood risk issues.</p> <p>The new Flood Maps were being worked on by NRW and were not available at this time.</p>

Sep 2021	<p>Welsh Government reported the results of the consultation and undertook a 'soft launch' of a new version of the TAN on 28th September 2021, accompanied by the new Flood Map for Planning. This was the first time that the flood maps and proposed policy wording were available together and the full implications could be considered.</p> <p>The new TAN and map were intended to come into full effect on 1st December 2021. From that date, planning applications were to have taken account of existing <u>and</u> future flood risk, based on climate change predictions. Given significant the increase in the extent of the highest flood risk zones, taking in several city and town centres, the implications for a wide range of planned development raised serious concerns.</p> <p>The wording in the new TAN would have prevented a significant amount of developments that arguably should be permitted. Those include, for example, infrastructure developments aimed at tackling climate change and reducing future flood risks, public transport infrastructure, necessary enhancements of buildings already located in these areas and new non-highly vulnerable developments designed specifically to withstand floods</p>
Oct-Nov 2021	<p>Leaders and Chief Executives from Swansea, Cardiff, Newport and RCT came together to discuss the implications of the new TAN. WLGA arranged a meeting with the Minister for Climate Change (MCC) in November. After discussion, she agreed to suspend the introduction of the TAN until 1st June 2023 to allow more time for discussion.</p> <p>A letter was sent by the MCC to Chief Executives and Chief Planning Officers announcing the extension and setting a number of conditions, including a requirement in all areas to progress Strategic Flood Consequence Assessments</p>
Up to April 2022	<p>Planning Officers Society Wales (POSW) worked through the detail of the TAN identifying areas of concern. They wrote to the Welsh Government's Chief Planner and called for a joint workshop to go through the detail</p>
June 2022	<p>The joint workshop took place on 16th June, in association with flood risk specialists JBA Consulting. A report was produced from the event, which included consideration of specific case studies. Significantly, online voting at the event showed 86% of delegates were supportive of the new Flood Map for Planning, with only a few or minor concerns. In contrast, 73% of delegates did have concerns about implications arising from the wording in the policies of the new TAN 15.</p>

August 2022	<p>POSW summarised key points in a letter to the Welsh Government Chief Planner, highlighting the impact on:</p> <ul style="list-style-type: none"> • town/city centre regeneration plans • WG's Future Wales plan and councils' LDPs • The WG 'Town Centre first' policy • Infrastructure projects including renewable energy and sustainable transport projects • replacement and/or redeveloped buildings, especially on brownfield sites which could contribute to regeneration projects and deliver betterment in terms of mitigating flood risk • investment and property values, in turn affecting business survival, employment opportunities and GVA • less vulnerable development on LDP allocated, brownfield sites in some high flood risk areas • regeneration of port-based land in Wales. <p>A more detailed document was also submitted highlighting areas where changes were sought on a chapter-by-chapter basis.</p> <p>POSW offered to work with Welsh Government to look at potential changes to the wording of the TAN.</p>
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Sept- Dec 2022	<p>As no response was received from the Welsh Government, POSW went through the document itself suggesting specific wording changes. This was the first time POSW has suggested a full redraft of the Welsh Government policy.</p> <p>WLGA Spokesperson, Cllr Rob Stewart, sought a meeting with MCC – arranged on 23rd November. POSW proposals were shared in advance with the Minister and officials. Cllr Stewart fed back at the WLGA Council meeting on 25th Nov and the proposals were circulated to all Leaders.</p> <p>MCC thanked councils for providing wording suggestions and indicated they would try to accommodate these within a revised document they had been working on themselves. The document would go for translation before a 12-week statutory consultation period in the new-year. Consultation to be on amended parts of the TAN only, not the full document. The Flood map to be available as reference, but no further consultation on the map.</p> <p>MCC also made it clear there would be no roll back in terms of the purpose of TAN: it will not be weaker, and new (greenfield) housing will not be allowed in the highest risk zone (Zone 3).</p> <p>Revised version will aim to hit the 'sweet spot' which will allow regeneration and some flexibility in existing towns and cities whilst avoiding unintended consequences. It is <u>not</u> about unlocking unsustainable developments or allowing creation of new TAN15 defended zones to enable development to take place.</p>
Jan 2023	<p>On 9th Jan, the MCC met with WLGA's Spokesperson and other Leaders involved in the Nov 2021 meeting to inform them of the planned timetable for the consultation on the revised TAN. MCC reiterated that most of the changes proposed by POSW had been picked up in the revised TAN. Further WG-POSW workshop to be held</p>

Jan 2023	<p>On 27th Jan the joint workshop was held. Council planning officers broadly content with the revised version. Key points:</p> <ul style="list-style-type: none"> • new TAN introduces the requirement for Coastal Adaptation and Resilience Plans (CARPs). WG indicated that these won't apply everywhere but hinted that coastal cities would need them to assess long-term resilience and sustainability, including investing in flood defences. • POSW asked for another session before the end of the consultation period to move away from a hypothetical discussion to applying the new TAN to a few specific case studies. • No definite deadline confirmed for introduction of TAN but June 1st is now unlikely. Final version to be presented to MCC for sign-off before the summer recess with an autumn launch likely now • Clear message from WG: happy with some flexibility and supporting city centres regeneration, happy to support (no financial commitments) flood defences to enable regeneration on the coast BUT it must be sustainable. They will not accept any developments in areas where flooding is likely to happen in 20-30 years or defending is unsustainable.
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Funding support / constraints for flood defences

4. The Flood & Coastal Erosion Risk Management (FCERM) programme is the only WG capital programme which funds flood mitigation schemes. The budget is usually between £28-£36M per annum and is shared between NRW and councils through a bidding process. The budget is usually fully spent every year.
5. Schemes submitted by councils and NRW are scored using a common scoring methodology and cost/benefit ratio, with funding being awarded to the highest scoring schemes. As such, only existing 'receptors' (e.g. homes and businesses) benefitting from a scheme can be used in calculating the cost-benefit ratio, i.e. potential future developments cannot be included in the cost/benefit ratio.
6. The key eligibility criterion to access this funding is protecting existing homes against present and future flood risk, with businesses and other infrastructure benefitting if they are part of mixed developments. Industrial estates, leisure venues and key infrastructure are non-eligible on their own.
7. Funding is not accessible to enable new developments but if existing properties are already present and a scheme scores highly enough, improvement could be made to an

existing defence. A new development could then potentially take place in this area afterwards.

8. Councils therefore need to meet a range of demanding eligibility criteria to access this funding if it is to be used to create new TAN 15 defended zones or support regeneration projects. It is important to note that NRW have the responsibility to manage flood risk from the sea and the coast, and any schemes in these areas would need to be delivered by them. They are likely to refuse on the grounds of increased flood risk and being against national policies.
9. To stress, councils cannot access any other Welsh Government funding for the purpose of constructing flood defences. Private investment would be acceptable but councils would not be able to access future WG funding for their maintenance, unless councils adopt the assets, which must be built in accordance with engineering standards.

Assessment

10. Good progress has been made in securing revisions to the TAN to eliminate potential 'unintended consequences' arising from the wording of the original draft version. However further revisions are required to improve the consistency of the policy wording. However even with further revision, a range of constraints on development will still exist. That is partly because of our increased knowledge and understanding of future flood risks and partly because of limitations on the amount of, and the criteria for, accessing funding for flood defence works as set out in paras 4-9. Funding constraints will continue to impact the viability of regeneration schemes unless there is more flexibility agreed.

Recommendations

11. Leaders are asked to:

- 11.1 Note the progress and latest position regarding TAN 15;**
- 11.2 Encourage their LA to respond to the TAN consultation; and**
- 11.3 Call for a report on the latest Welsh Government consultation which closes on 17th April.**

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