# Implications of the Revised Technical Advice Note 15 on the Revised Local Development Plan

# Introduction

1.1 At the request of the Inspectors, the following paper includes a review of the contents of the revised Technical Advice Note 15: Development, Flood Risk and Coastal Erosion (TAN15) and assesses the implications of its content and the updated Flood Maps for Planning on the Revised Carmarthenshire Local Development Plan (LDP). As part of this paper, the Council sets out whether it considers any substantive changes to the Revised LDP and / or the supporting evidence base are necessary. Where it considers amendments are required, the detailed nature of these revisions are outlined.

1.2 Flood risk has been an important consideration throughout the preparation of the Plan with the following evidence being produced at key stages in the Plan’s preparation:

* CSD226 Strategic Flood Consequences Assessment of the Second Deposit Revised LDP Sites (Feb 2023);
* CSD227 South West Wales – Stage 1 Strategic Flood Consequences Assessment (Nov 2022);
* CSD228 Carmarthenshire & Pembrokeshire Stage 1 Strategic Flood Consequence Assessment (September 2019)

1.3 Additional work has also been undertaken to evaluate flood risk on specific sites and in specific localities, these included:

* CSD245, CSD246, CSD247 Stage 1b SFCA for Llanelli, Burry Port and Surrounding Areas (Dec 2019); and,
* CSD273 Llanelli Traveller Site Flood Risk Statement
  1. A further assessment of flood risk was undertaken against all proposed allocated sites in light of the then most recent Flood Map for Planning in response to the Inspector’s initial questions. This was completed prior to the Examination Hearings in October 2024 and used the data presented in the May 2024 flood maps.

1.5 The evidential work undertaken was prepared in accordance with the requirements of the adopted TAN15 (2004) at that time. However, additional evidential work undertaken in 2022 also took into consideration the guidance of the draft TAN15 which had been published for information along with the requirements of the Ministerial Letter dated 23 November 2021 following the announcement of the suspension of the new TAN15. Whilst the requirements of the draft TAN15 document in place at that time and the requirements of the Ministerial Letter do not fully reflect the guidance of the new adopted TAN15 the Council is satisfied that the work undertaken has contributed to a robust assessment of flood risk based on national guidance and considering the best available flooding data.

# Review and assessment

2.1 A review of the whole revised TAN15 has been undertaken; however, the following review and assessment relates to only those sections that the Council feels has implications for the content of the Revised LDP.

2.2 These implications include:

* Potential amendments to the Revised LDP’s policies, provisions and the proposals map;
* Potential amendments to draft SPG prior to their adoption

2.3 The Council, in recognising the content of the new TAN15 and the recent updates to the Flood Map for Planning, will undertake a further review of the plan's allocations noting where they are subject to specific flood risk. This work will build on the SFCAs presented as part of the Plan’s submission documents as well as the assessment undertaken as part of the Inspectors’ Initial Questions. This will seek to ensure the deliberations of the examination into the Revised LDP is suitably informed by updated evidence and reflective of emerging national planning policy. We propose to agree to the timescale for this work with the Inspectors.

2.4 The following paragraphs are taken from the Revised TAN 15 and relevant wording is set out; the Council’s assessment of potential implications on the Revised LDP are set out, together with the detailed nature of how these implications will be addressed.

# TAN15 – Chapter 4 – Wales Flood Map

## Paragraph 4.14

‘The reservoir inundation maps on the Flood Map for Planning should be consulted when preparing Development Plans.’

***How these implications will be addressed:***

The risk of inundation due to reservoir breach or failure of reservoirs has been assessed as part of the SFCA prepared to support the Plan and available as part of the Submission Documents. This utilised the NRW’s ‘Flood Risk from Reservoirs dataset’. Consequently, this informed the content of the 2nd Deposit Revised LDP. Whilst the Council is satisfied that the SFCA suitably considers this aspect of the revised TAN15 a proposed review of sites will be undertaken (see above) including any changes in the implications of reservoir inundation (particularly in relation to Llyn Brianne Reservoir and the River Towy catchment). The following settlements are potentially affected - Nantgaredig, Llangadog, Llandovery, Abergwili, and Carmarthen (adjacent Leisure Centre).

# TAN15 – Chapter 5. Strategic Flood Consequence Assessment

## Paragraph 5.1

‘*A Strategic Flood Consequences Assessment (SFCA) must be undertaken to provide the evidence to inform policies and site selection for all Strategic and Local Development Plans*.’

***How these implications will be addressed:***

As noted above, flood risk has been a consideration throughout the preparation of the Plan. The evidence prepared was supplemented by a further assessment of sites in response to the Inspector’s Initial Questions. We consider the evidence produced is sufficiently robust to inform and support the Plan, however it was produced at a specific point in time and should be reviewed in light of the latest version of the Flood Map for Planning, relevant changes within TAN15 and any updated evidence (see the response above in relation to paragraph 5.1).

**Paragraph 5.1** goes on to stress that *SFCAs should evolve and develop over the plan-making process when more information is available and more decisions regarding the content of the Development Plan are taken*.

Reference is made to paragraph 1.2 to 1.5 above which outlines the work undertaken in relation to understanding and developing the evidence base in relation to flood risk during the Plan period. This clearly indicates the role SFCAs, and other assessments have played in informing the decision making in relation to the content of the Plan (specific reference is made to submission document CSD226 and the Council’s response to the Inspector’s Initial Questions in the evidence base). This is further supplemented by the additional re-assessment outlined in this note and in light of the latest iteration of the Flood Map for Planning and in response to the content of the revised TAN15. Consequently, we consider that the Plan and the evidence is sufficiently robust however, the Council proposes to undertake a re-assessment of the implications of the Revised TAN as outlined above.

# TAN15 Chapter 6. Flood Consequence Assessment

## Paragraph 6.1

- Reference to Flood Zones 2 and 3 in this paragraph has implications for certain policies in the Deposit Revised LDP, which refer to the former DAMS zones C1 and C2. Two such policies are:

* Policy CCH5 Flood Risk Management and Avoidance (and supporting paragraphs 11.525 and 11.526)
* SP16 Climate Change

***How these implications will be addressed:***

Reference in policies and or supporting text to the former DAMS zones will be amended to reference the flood zones set out in the Revised TAN.

Also add an explanation of the new zones set out in TAN15 in the reasoned justification of Policy CCH5 Flood Risk Management and Avoidance.

In addition, **Paragraph 6.1** also requires the following:

*“An assessment should also be undertaken for development on sites outside of these zones, but which has the potential to affect the course of surface water and/or excess water from ordinary watercourses. Planning authorities may provide specific local advice on this issue in Development Plans. “ and*

*“Planning authorities should ensure any new development adjacent to Flood Zones 2 and 3 for Surface Water and Small Watercourses is appropriately set back to allow for extreme flood events.*

***How these implications will be addressed:***

The above requirements will be added to the reasoned justification of Policy CCH5 Flood Risk Management and Avoidance.

# TAN15 Chapter 7. Sustainable Drainage

## Paragraph 7.6

*‘Where planning permission is sought prior to SAB approval, the applicant will be expected to provide a Drainage Statement as part of the planning application.’*

***How these implications will be addressed:***

**Policy CCH4: Water Quality and Protection of Water Resources** could be amended to make reference to the above requirement that is in paragraph 7.6 and Figure 3 in the Revised TAN.

The Council will be publishing additional guidance to support the interpretation and the use of the TAN as part of the Development management process. Thia will include requirements in relation to the submission of drainage statements.

## Paragraph 7.11

‘*Sustainable drainage systems (SuDS) … Development Plans should promote the control of surface water as near to its source as possible for all developments. Along with other flooding considerations, drainage should be factored into the site selection process at the earliest opportunity, …Information held by the local authority that may assist developers in subsequent planning application submissions should be published in or alongside its Development Plan, potentially as supplementary planning guidance*

***How these implications will be addressed:***

Reference is made to the advanced stage of the plan making process. However, the plan makes adequate provision through Policy SP12: Placemaking and Sustainable Places criteria d) and k) in relation to proposals being adaptable to climate change and managing water sustainably – principles which capture the ethos of paragraph 7.11. Supplementary Planning Guidance is also being prepared which will consider any additional needs arising from the TAN where not matters of policy. This SPG will be published concurrent with the adoption of the Revised LDP. As a general point, the Infrastructure Paper will be updated to reflect any changes/updates as required.

# TAN15 Chapter 8. Principle of the TAN for development plan and development management purposes

## Paragraph 8.3, 8.4 and 8.5

8.3 ‘*Throughout this TAN there are references to new development and redevelopment which is defined below.*’

|  |  |
| --- | --- |
| New Development | Any development on greenfield land |
| Redevelopment | Any development on previously developed land as defined in Planning Policy Wales |

**8.4** ‘*PPW generally gives preference to the reuse of previously developed land before greenfield land but does recognise that this may not be appropriate in all cases. The TAN does not change this preference’*

**P8.5** *The approach set out in this TAN is based on:*

*• A Flood Map for Planning identifying flood zones;*

*• Defining developments by their vulnerability during flood events;*

*• Advice on permissible uses in relation to the location of development and the consequences of flooding;*

*• The preparation of strategic flood consequences and flood consequences assessments at the local level to refine understanding of flood risk;*

*• Planning authorities incorporating local flood risk considerations into their planning policies and decisions.*

***How these implications will be addressed:***

Matters Arising Change – In respect of 8.3 and 8.4, reference will be made to the TAN in respect of the above definitions and preferences.

In regard to paragraph 8.5, we will review the relevant policies in the Plan to be satisfied that we have addressed all the bullet points.

# TAN15 Chapter 10. Flooding and the plan-led system

## Paragraph 10.5

‘*Where it is clear that the strategy of an LDP is affected by flood risk then the plan must contain appropriate measures to mitigate and defend areas at highest risk informed by the Strategic Flood Consequences Assessment*’ …and ‘*Any LDP that includes policies or proposals affected by flood risk as set out in the Flood Map for Planning must be supported by an Infrastructure Plan which incorporates appropriate flood mitigation measures*’

***How these implications will be addressed:***

The SFCA and Infrastructure Paper as prepared as part of the Plans evidence base is considered sufficient and robust. In light of the evidence base and the plans strategy it is not considered that the strategy of the Revised LDP is affected by flood risk. A small-scale re-appraisal of both the SFCA and Infrastructure Paper taking account of the most recent flood maps will be undertaken to ensure that they remain fit for purpose for the adoption of the Plan.

## Paragraph 10.6

‘*Local Authorities must consider how mitigation measures will be funded and maintained. All options including leveraging private sector contributions through the Community Infrastructure Levy must be considered and fully explored.’*

***How these implications will be addressed:***

To be considered in the relevant policies (specific reference is made to CCH5: Flood Risk Management and Avoidance) and incorporated as part of the Matters Arising Changes where relevant.

The existing policy INF1: Planning Obligations captures the requirements of contributing towards improving infrastructure and is therefore unlikely to require amendments in this respect. Note the Council does not operate a Community Infrastructure Levy.

## Defended Zones

## Paragraph 10.16

‘*Before allocating land in Defended Zones, Local Planning Authorities will have undertaken a full flood risk assessment through an SFCA, and other additional studies if necessary, to understand the probability and potential consequences of flooding in the area.’*

***How these implications will be addressed:***

Work undertaken to date in the SFCA of the Second Deposit Revised LDP Sites (Feb 2023) (CSD226) and the South West Wales – Stage 1 SFCA (Nov 2022) (CSD227) both took account of Defended Zones. This will be revisited, and a refresh (a mapping exercise) will be carried out to ensure it remains fit for purpose.

## Paragraph 10.18

‘*In Zone 2 allocations may be made for new development and redevelopment of any vulnerability that is necessary to implement the strategy of an LDP, a strategy to regenerate or revitalise existing settlements or to achieve key economic or environmental objectives, provided that a Strategic Flood Consequences Assessment has identified an acceptable level of risk*.’

The paragraph goes on to say:

*‘Flood resilient design is more important in Zone 2 than Zone 1 and authorities should make it a requirement through the inclusion of appropriate LDP policies and use of planning conditions.’*

***How these implications will be addressed:***

The mapping exercise and refresh to the SFCA of the Second Deposit Revised LDP Sites will address any allocations in zone 2 to ensure that the requirements of the TAN are met.

In terms of flood resilient design, the relevant policies in the plan will be amended, if necessary, to ensure that the Plan is reflective of these requirements. Consideration will be given to Strategic Policy SP12 Placemaking and Sustainable Places as the most appropriate policy to cover this issue.

## Paragraph 10.20

*In Zone 3 allocations for highly vulnerable new development must not be made as the risks and consequences of flooding are not considered acceptable for these types of development’*

***How these implications will be addressed:***

The SFCA of the Second Deposit Revised LDP Sites identifies individual sites that are affected and the level of risk flooding presents. A number fall within zone 3 for flooding from surface water and small watercourses. The mapping exercise and further assessment of sites will identify any allocations affected to ensure that the requirements of the TAN are met.

## Paragraph 10.27

‘*Land allocated for new development in flood risk zone 2 or 3 should include annotation of flooding as a constraint for the individual site either in the Development Plan or on the proposals map. Any flood-related requirements for the development of that site should be specified in the Development Plan. This will include making it clear that in taking forward the allocation a developer will need to undertake detailed technical assessments prior to submitting a planning application*.’

***How these implications will be addressed:***

Where land may have been allocated for new development in flood risk zone 2 or 3 they have beenidentified and considered as part of the SFCA. However, this requirement in the revised TAN15 means that such implications will need to be indicated in the Plan and *that* in taking forward the allocation a developer will need to undertake detailed technical assessments prior to submitting a planning application. The Council notes this requirement, and it is proposed that this could be done by using a symbol on the affected site on the Proposals Map and by using an asterisk and footnote in the written statement. This will be subject to agreement with the Inspectors.

# TAN15 - Chapter 11. Acceptability of flood consequences

Paragraph 11.3

*Whether a development should proceed or not will depend upon whether the consequences of flooding can be safely managed, including its effects on flood risk elsewhere.*

## Paragraph 11.4

*There are requirements that must be in place for any development that is permitted to be located in flood risk areas. In all circumstances, developers and planning authorities should ensure the following conditions are met:*

*• No increase in flooding elsewhere*

*• Occupiers aware of flood risk*

*• Escape/evacuation routes present*

*• Flood emergency plans and procedures agreed and in place*

*• Flood resistant and resilient design*

*• Acceptable consequences for type of use*

***How these implications will be addressed:***

Amendments to the made to the wording of the Revised LDP to make reference to the acceptability of flood consequences criteria set out in chapter 11 and to remove reference to the Justification Test which was including within the previous TAN15 guidance.

# TAN15 - Chapter 12. Coastal risks – Erosion and Flooding

## Paragraph 12.6

‘*The Development Plan should clearly define coastal areas considered suitable for development and also those areas subject to significant constraints. Sites should not be allocated for development where there is a risk of flooding or land instability from coastal erosion over the lifetime of the development. Where a planning authority does allocate coastal land for development they should ensure they have adequate information and have considered all relevant technical advice*.’

***How these implications will be addressed:***

The Revised LDP contains three individual policies relating to coastal areas, Policies NE5, NE6 and NE7. A review of these policies will be undertaken and, where necessary, any amendments/updates will be made as matters arising changes to ensure that the policies accord with the revised TAN15 – chapter 12 in general as well as specific paragraph 12.6.

# TAN15 – Chapter 15. Further consideration for planning applications

## Paragraph 15.13

‘*In some circumstances, development may be permitted subject to appropriate mitigation measures or improvements to existing flood defence infrastructure to manage the risk of flooding’ …’ Planning authorities should, where necessary, require developers to contribute financially via the Community Infrastructure Levy or enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure the infrastructure improvements can be provided.’*

***How these implications will be addressed:***

A policy review of the relevant policies will be undertaken (the most relevant being INF1 Planning Obligations and CCH5 Flood Risk Management and Avoidance) and, where necessary, any amendments/updates will be made to ensure that the policies accord with the Revised TAN15

In addition, the SPG on Planning Obligations will be amended to address the requirements of paragraph 15.13, as necessary.

# General Point

Policy CCH5 Flood Risk Management and Avoidance as contained within the second Deposit Revised LDP uses the term “pluvial”. This term is not used in the Revised TAN. Consequently, it is proposed that this term is removed from the policy, in order to be consistent with the revised TAN15.