

Cyngor Gwynedd Council

**Submission only available in
Welsh**

**Review of the Implementation and Operation of Technical Advice
Note (TAN) 15
By The National Assembly for Wales's Environment, Planning and
Countryside Committee**

On 15th November 2006 (Deadline 20th October)

Written Evidence By Neath Port Talbot County Borough Council

- 1 The County Borough Council welcomes this review of the implementation and operation of TAN 15. The Authority is fully committed to addressing the implications of climate change and flood consequences. However, much of the developable land within the County Borough is affected by potential flooding risk. This includes large areas of the coastal urban areas and valley floors extending to the top of the Neath Valley.
- 2 Where there is a realistic risk of flooding this should be fully investigated before any planning proposal is considered. However, the Environment Agency continues to respond to planning consultations (concerning both Development Plan preparation and planning applications) in a negative and pedantic manner. Despite lengthy and repetitive discussions with the Environment Agency it continued to pursue many objections to the Authority's UDP.
- 3 Within the coastal plain and valley areas it can be particularly difficult to identify land that is outside the floodplain and is well located in relation to existing communities, services and facilities. In some instances the boundaries of the TAN maps appear incorrect and the authority considers that in such instances the land could be allocated but with a requirement that any necessary flood consequences assessment is satisfactorily undertaken. At Glynneath Business Park, the Environment Agency maintained an objection to the UDP concerning an employment site that lay partly in zone C2 and partly in zone B. The site had already been prepared for development some years ago, flood prevention works had been undertaken to the river and there did not appear to be any obstructions to the river's flow that would be likely to cause

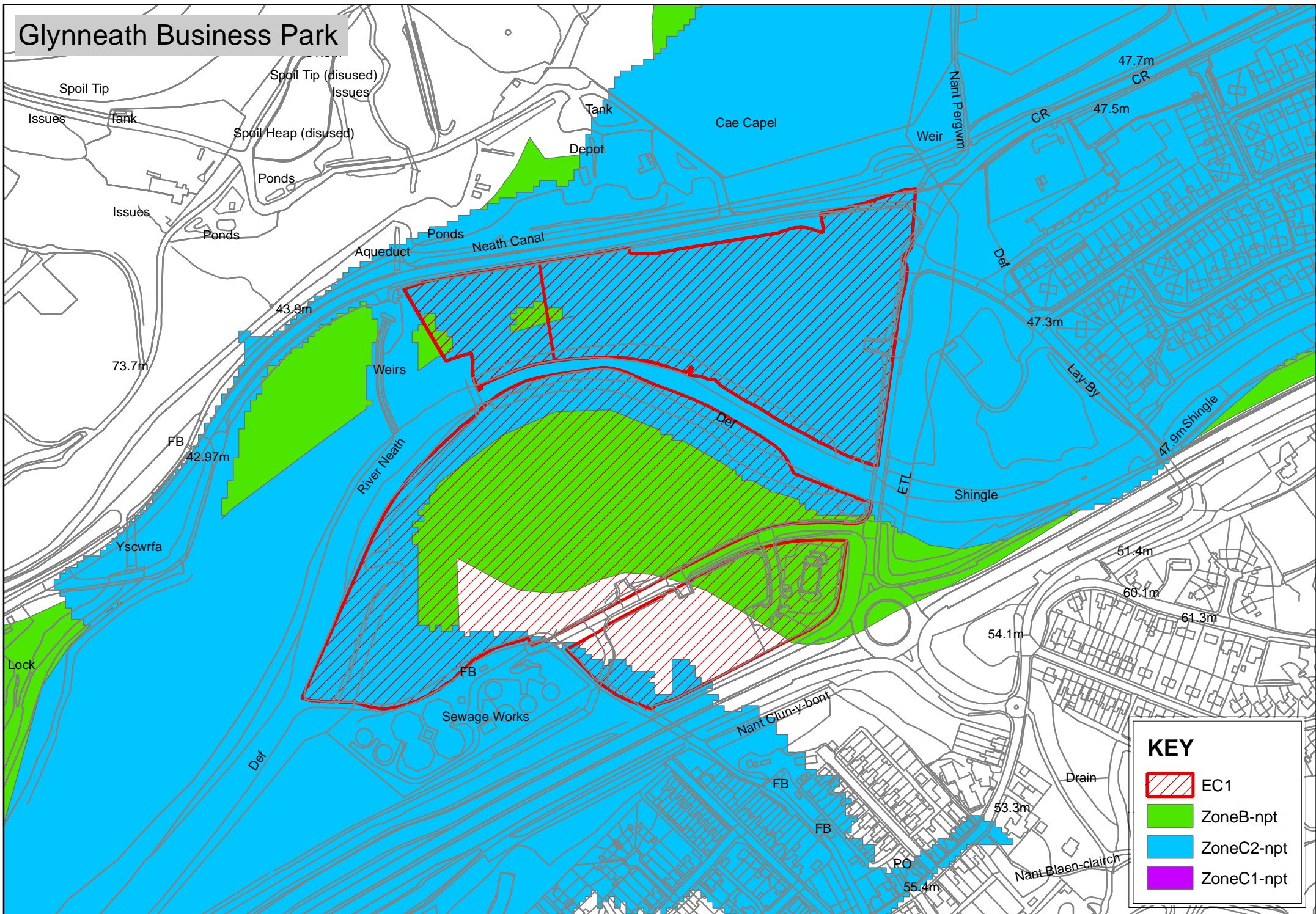
localised flooding of the site. A plan of the site is attached for information.





- 4 Officers understand that in the near future the Environment Agency propose to publish a guidance note for their officers which will advocate a more pragmatic approach to dealing with applications for development.
- 5 Another instance is where the Environment Agency objected to an extension to an existing garage to include a car wash because the land was in zone C2 despite the fact that the car wash was not identified as being a vulnerable form of development. In the last 2 months however Environment Agency officers have indicated that they are now taking a more realistic approach.
- 6 One of the major problems facing this Authority is the fact that a fair proportion of existing development lies within the flood plain. In areas such as Aberafan where properties are unused eg old commercial/residential properties. Any proposals to redevelop/regenerate these areas are thwarted by Tan 15. In accordance with the requirements of TAN 15 developers are asked to submit a FCA in support of the proposal. Despite assurances previously given that only basic information in relation to levels etc are required as FCA, the Environment Agency are increasingly requesting full assessments, which due to the costs associated with such assessments are further decreasing the economic viability of some of these sites. After completion of these assessments the Environment Agency are still maintaining objection to the redevelopment of schemes within existing urban areas. Whilst it is acknowledged that some objections are justified, the Environment Agency are not adopting a common sense approach to their responses and are issuing blanket objections to many areas. Insufficient consideration is given to the siting of proposals within an existing urban area and the fact that if a flood occurs a large number of properties closer to the watercourse would have already flooded and therefore emergency procedures would already be in place and risk to life is reduced. This applies to the coastal plain and to valley settlements.
- 7 Paragraph 6.2 of TAN 15 indicates that in certain circumstances Local Planning Authorities can justify the approval of developments despite objections from the Environment Agency ie brownfield sites where a FCA has been completed which justifies

the redevelopment of the site. However there is resistance to this approach from developers for a number of reasons. If planning permission is granted contrary to the advice of the Environment Agency, house builders may find it increasingly difficult to raise the funding for such development. Concern has also been expressed that they will be unable to sell the properties if they have been approved contrary to the advice of the Environment Agency and if they are able to sell them, the householders may not be able to obtain reasonable insurance for the properties.

- 8 Concern is expressed that continued objections from the Environment Agency in relation to proposed developments within an existing settlement boundary could lead to an increase in development pressure on Greenfield sites and will frustrate regeneration strategies within the County Borough.
- 9 Originally the Environment Agency only proposed to highlight 1 in 100 year flooding events but WAG decided to implement 1 in 1000 year. It may be appropriate to reconsider this timeframe, or introduce different timeframes for different forms of development ie 1 in 1000 year for vulnerable forms of development only.
- 10 Smaller developers are finding it increasingly difficult to obtain data to support the 1:1000 flood event and provide a meaningful FCA.
- 11 Officers understand that a review of the Development Advice Maps (DAM) will be undertaken in 2007 and that more appropriate and up to date data for the NPT area will be available in approximately 2 years.
- 12 The National Flood Forum report that the Association of British Insurers (ABI) recommend that the minimum level of protection, which would enable insurers to offer cover at normal terms for residential properties, is at least 0.5% probability (1:200 return period) up to the year 2050, taking climate change into account. Whilst this recommendation is related to PPG25 in England it may also be something that is applied in Wales by the ABI.

Glynneath Business Park



KEY	
	EC1
	ZoneB-npt
	ZoneC2-npt
	ZoneC1-npt

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Dr Kathryn Jenkins
Committee Clerk
Environment, Planning & Countryside Committee
National Assembly for Wales
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19th October 2006

Dear Dr Jenkins,

Review of the Implementation and Operation of Technical Advice Note (TAN) 15

Thank you for your letter, which I received on the 22nd September 2006.

Unfortunately due to timing issues we have not been able to take a report on this issue to our Cabinet for their agreement. Consequently the views expressed below should be considered to be reflective of the Planning Officers within the authority working with TAN15, and not of the Council itself.

1) Errors & Practicability of Development Advice Maps

Newport Planning Department has found a number of discrepancies regarding the extent of the 1 in 1000 year flood risk area shown on the Development Advice Maps (DAM). These include showing flood risk to parts of the M4, which are significantly elevated across the Rivers Ebbw, Usk, Malpas Brook, and Monks Ditch.

In addition conflict and confusion arises between the static DAM's produced as part of TAN15 and the Environment Agency's (EAW) own Indicative Floodplain Maps (IFM) as the extreme 1 in 1000 year boundaries are not the same. A common sense approach would be for TAN15 to refer to the need to consult EAW's maps (IFMs) as these are updated on a regular basis, and, provide a greater level of information (for example a site may be within the 1 in 1000 year flood risk area but outside the 1 in 200 year – which would greatly assist in, and reduce the cost of, producing a Flood Consequence Assessment)

2) Consistency of Advice and Need for Flexibility

Newport's experience of how the TAN has been previously interpreted by EAW is that a blanket approach has been adopted with heavy reliance on standard paragraphs in response letters. There was little recognition as to the type of application or that each site should be considered on its own merits. A clear example of this would be a change of use application for a building in an existing residential area, where the standard response came back that slab levels should be set at 8.87mAOD +600mm. It is recognised that EAW has gone through a period of restructuring back to three area teams, and hopefully

this opportunity will now allow for more constructive responses that are flexible and relevant to the issue at hand and do not rely on standard paragraphs.

The heavy reliance on standard paragraphs and blanket holding objections, whilst being a useful mechanism for saying that a response has been made in 21 days (High Level Target 12), does not benefit the overall process and just results in additional correspondence and delays in determining applications. It would be more beneficial if EAW could state in the initial response what specific information they hold in relation to the site, and what specific information they require in order to consider the issue of flood risk in line with TAN15.

There has been significant confusion and inconsistency in advice in relation to the acceptability of residual risk to development proposals. Some EAW officers have referred consistently to the need to provide "safe dry access", yet TAN15 identifies (tolerable conditions page 27) that up to 600mm of water across an access road in an extreme (1 in 1000 year) event could be considered acceptable.

3) Clarification on the Vulnerability of Certain Land Uses

The Regional Waste Plans are placing great emphasis that B2 (General Industrial) sites are suitable for waste processing and transfer facilities in order to meet the regional requirements for minimising landfill through recycling and re-using waste. However TAN15 is not clear as to what category these waste processing facilities would fall under. It is clear that Waste Disposal sites are considered Highly Vulnerable Development, whilst General Industrial is considered Less Vulnerable Development. However, as a certain amount of waste material would be stored awaiting processing or transfer at any one time then should it not be highly vulnerable development, in that there could be an attendant risk to the public and water environment should the site be inundated (paragraph 5.2 TAN15)? This matter needs to be clarified urgently if regional requirements are to be soundly incorporated into Local Development Plans.

I trust that these comments will be considered constructively by the Committee at its meeting on the 15th November 2006.

Yours sincerely

James Hooker

James Hooker
Planning Contributions Manager



Dr. Kathryn Jenkins

National Assembly for Wales
 Environment, Planning and Countryside Committee
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20 OCT 2006

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My Ref/Fy Nghyf:

Your Ref/EichCyf:

Date/Dyddiad:

17th October 2006

Dear Dr Kathryn Jenkins

**REVIEW OF THE IMPLEMENTATION AND OPERATION OF TECHNICAL
 ADVICE NOTE 15.**

Thank you for your letter of 15th September 2006 inviting written evidence to be presented to the Committee.

The Council certainly welcomes the review of TAN 15, however, it is felt that this is such a significant issue that a more fundamental review should be undertaken. Subject to the Committee's consideration of the evidence submitted, I would recommend that it is resolved to carry out a major review of the TAN.

It is clear that flooding and future flood risk are of enormous significance for Wales. The future impact of not taking flooding into account could not only have a traumatic effect on peoples' lives, but also on the economic well being of the Country. The development of policy to address flooding at a national and local level is therefore important.

It is the operation of TAN 15 and the impact of its implementation which is the cause of concern, rather than the principle of the policy. The clear aim of the TAN is to provide a precautionary framework, and in section 6 it states:-

"Further development in such areas (flood risk areas), whilst possibly benefiting from some protection, will not be free from risk and could in some cases exacerbate the consequences of a flooding event for existing development and therefore a balanced judgement is required."

In practise however this precautionary framework has become an inflexible tool which is serving to thwart regeneration.

George Jones

Acting Group Director Environmental Services | Cyfarwyddwr Gweithredol, Cyfadran y Gwasanaethau Amgylchedd



The main areas of concern are outlined below:-

C2 LAND INFLEXIBILITY

The fact that the TAN does not make provision for development which is proposed, along with extensive mitigation measures which effectively reduce the flood risk to a level which brings a site outside C2, without causing any significant increased risk in terms of the flood consequences. That is, if vulnerable development is proposed within C2 land, it will ALWAYS be in breach of national policy, regardless of what mitigation is developed.

In areas such as Rhondda Cynon Taf where there are significant areas of C2 land, but relatively little developable land outside this due to the valley topography, this creates an insurmountable difficulty for the regeneration of some of the most deprived communities in Wales. This was surely not the aim of TAN 15.

As the quote from TAN15 indicates, a balanced judgement is required, however now having experience of the practical application, the balance is not tipped in favour of regeneration.

UNCERTAINTY IN RELATION TO THE MAPS AND TECHNICAL INFORMATION

This causes difficulty at all stages of the planning process as not being able to reach agreement about the extent of C2 or other zones is fundamental to the process. This not only results in delays, but costly protracted negotiations.

The TAN indicates in relation to the maps "Whilst robust for triggering the application of the tests (for both forward planning and decision making) at the present time it is inevitable that information will be improved and refined over time."

Whilst the difficulty of being precise on a map is appreciated, the consequences of a site being shown within a C2 zone are immense. There is often dispute about whether a site is C2 or not, but if it is shown to be on the plan, there will ALWAYS be a breach of national policy when vulnerable development is proposed.

Attached is a copy of an appeal decision where the Inspector clearly acknowledges that there is uncertainty.

This appeal also suggests a further problem with the application of TAN15. The development proposed was small scale residential. It was clear that a full FCA had not been undertaken by the appellant. However due to the relatively small scale of this development and consequently limited increase in land value generated by the granting of planning permission, the commissioning of a full FCA before the grant of planning permission is potentially not viable financially. In such circumstances therefore the very need for and FCA would in itself inhibit development in large areas of the valleys.

DELAYS IN THE PLANNING SYSTEM

It is recognised that the resource implications for the Environment Agency Wales (EAW) in terms of assessing Flood Consequences Studies (FCA) have been significant. Unfortunately the ability of EAW to deal with these quickly is lacking, and major delays in the planning system are resulting.

Land at Gwaun Elai, Llantrisant

- A planning application was received on 8 August 2006 for a mixed use development, comprising an office park, orthopaedic centre of excellence, A3 pub/restaurant with associated parking and landscaping.
- The EAW were consulted regarding the application on 21 August. On 12 September the Council received their response confirming that the submitted assessment of flooding consequences had been passed to their technical specialists for review and that this process takes approx. **4 months**.
- Accordingly, they have asked in their letter that the application be deferred for this period and if the Council is unable to defer the matter that they recommend that the application be refused.

This planning application was the subject of fairly detailed pre-application discussions. It is a major inward investment proposal for the borough. A delay of 4 months with at this stage in the process is unsustainable.

Land at Parc Nantgarw, Nantgarw

- An application for a new B1 office development adj. to the roundabout at the southern end of Nantgarw Business Park was received in February 2006.
- This proposal had also been the subject of pre-application discussions when the applicant's (former WDA) agent was strongly advised to contact EAW regarding potential TAN 15 issues.
- At this time the issues regarding flooding have still to be resolved. There have, I understand been numerous meetings between the applicant/agent and EAW but there is still no confirmation of the EAW position.

TAN 15 issues are the only reason that this has not been presented to the Council's Development Control Committee for determination.

Mixed Use Proposals – Robertstown

This example shows that as a result of the application being “called in” in November 2005, there is still no decision made on this planning application. The chronology is set out in the bullet points below.

Delays such as these can result in considerable costs to the developer, potentially causing them to invest elsewhere and the consequent loss of valuable regenerative development.

- The planning application was valid in January 2005. There was extensive negotiation resulting in the application being reported to the Cynon Area Development Control Committee on 22nd September 2005 with a recommendation to approve.
- The principle reasons for support were that the proposal was a genuine mixed use development which would deliver significant regeneration benefits; and it would deliver wider flood defences that would be to the benefit of the whole of Robertstown not just the site itself.
- Though there was a resolution to approve the matter was referred to WAG as the proposal was out of accord with the development plan. Notification of the Section 77 referral was received on 17th November 2005.
- As a consequence the Public Inquiry into the proposal was held on 13th, 14th and 19th June.
- The Council has since received notification that the Inspector has prepared his report and that it will be presented to the WAG planning committee this autumn for final determination, but we have no fixed date.

VARYING ADVICE AND DELAY

OCD development, Pencoed

- An application for a major investment project coming into Rhondda Cynon Taf, for the development of a medical devices manufacture plant.
- The site of the application has the benefit of previous outline permission granted to the former WDA in March 2004. The application was received on 16 March 2006. EAW were consulted on 31 March.
- A report was prepared for the 11 May Taff Ely Development Control Committee.

- On the afternoon of 11 May an email letter was received from EAW indicating that the applicants FCA needed to be validated by their Flood Mapping Team, a process which takes "8-10 weeks". This correspondence was reported to Members and Committee deferred determination.
- However, a letter dated 16 May from EAW was subsequently received confirming no objection, subject to 2 conditions.
- The application had to wait until the next Committee on 13 June to be able to go back for approval.

Because of the delay, which is attributable to EAW's late 11 May communication, OCD's Project Director wrote to the Council advising that the delay would cost the company approx. £500,000.

Mountain Ash Hospital Site

- Pre-application discussions with NHS Trust for a new hospital. No objection from EAW.
- Application received on 30th March 2005.
- Consultation carried out in April 2005.
- A letter, dated 30th June 2005 from EAW indicated that they had considered the FCA, submitted with the application, and found it acceptable. Thus, there were no objections from EAW subject to a number of conditions.
- On 12th September 2005 a further letter was received from EAW stating that they now considered the FCA to be incomplete. This letter requested further details that related to an ordinary watercourse, which is located to the east boundary of the site.
- Following, extremely protracted negotiations and meetings, a final letter from the EAW dated 31st July 2006 removed their objections to the proposal.
- Application reported to a Development Control Committee on 1st August 2006. Application approved subject to s106 Agreement.

It is clear from these last two examples that it is not only delay which is a problem in the operation of TAN15, but also inconsistent advice from EAW. The developer has set out in financial terms the cost of that in the Penceod example.

In the Mountain Ash Hospital case, the period of 11 months had an enormous cost in terms of officer and consultant time for both the Trust, the Board, and the Council. Such delays seriously jeopardise the viability of schemes.

INHIBITING SMALL SCALE INFILL DEVELOPMENT

In many of the valleys communities the settlement pattern is characterised by high density development along the valley sides. The potential for major developments to support the regeneration of these communities is therefore limited. However the cumulative impact of small scale infill developments can be significant. An example of this would be development of a single dwelling or a very small-scale residential scheme, as an infill development within an existing community of tightly developed terraced property. The Council receives many planning applications of this type.

This type of development is wholly supported by the Council's policies e.g. "...maintaining a substantial Valley community." (adopted Rhondda Local Plan) and Planning Policy Wales which seeks to "Promote resource efficient settlement patterns..." and "Ensure that local all local communities - both urban and rural - have sufficient good quality housing for their needs...". There are no substantial housing allocations within these communities due to the nature of the existing development patterns and the topography, but small-scale developments can have, both in themselves and cumulatively, a very positive impact on the regeneration of the communities.

Many of these existing communities fall within C2 areas which mean that these infill sites within tightly built residential terraces are effectively sterilised. Both in environmental terms and in the context of regeneration therefore, these communities loose out due to TAN15.

CONCLUSION

As noted above, the Council welcomes the review of TAN 15, however considers that a more fundamental review should be undertaken. It is therefore recommended that there is a major review of the TAN.

It is agreed that the development of policy to address flooding at a national and local level is therefore important. However, it is the operation of TAN 15 and the impact of its implementation which is the cause of concern, rather than the principle of the policy.

In practise however this precautionary framework is inhibiting regeneration.

Thank you again for inviting comments. Due to the short timescale available, it has not been possible for the Council's Cabinet to consider these comments. However they have been endorsed by the Leader, Deputy Leader and Cabinet Member for Economic Development and Skills. Should you need any further information, do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Jones', written in a cursive style.

George Jones
Acting Director Environmental Services

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Adroddiad

Ymweliad â safle a wnaed ar 04/07/05
 Gwrandawriad a gynhaliwyd ar 01/11/05

Report

Site visit made on 04/07/05
 Hearing held on 01/11/05

gan/by Anthony H Vaughan BSc CEng MICE MRTPI

Arolygydd penodwyd gan Cynulliad
 Cenedlaethol Cymru

an Inspector appointed by the National
 Assembly for Wales

Dyddiad/Date

18-11-2005

Rhondda Cynon Taff County Borough Council

Section 77

Town and Country Planning Act 1990

Planning Application

By

Mrs R C Sullivan

Concerning

Land Formerly Known as The Botanical Beer Bottling Store

East of The Paddocks, Aberaman, Aberdare.

Report: APP/L6940/X/05/514687

File Ref: APP/L6940/X/05/514687

Site address: Land Formerly Known as The Botanical Beer Bottling Store, East of The Paddocks, Aberaman, Aberdare.

- The outline planning application was called in for decision by the National Assembly for Wales by a direction, made under section 77 of the Town and Country Planning Act 1990, on 6 April 2005.
- The outline planning application is made by Mrs R C Sullivan to Rhondda Cynon Taff County Borough Council.
- The outline planning application Ref:04/1749 is dated 13 September 2004.
- The development proposed is residential development.
- The reason given for making the direction was that the proposed development raises issues of more than local importance, including issues that may be in conflict with national planning policy.
- On the information available at the time of making the direction, the following were the matters on which the National Assembly for Wales particularly wished to be informed for the purpose of its consideration of the application: The visual and environmental implications of the proposed development on the site and surrounding areas; the relevant national policies as set out in Planning Policy Wales (March 2002) particularly those relating to residential development and Technical Advice Note (TAN) 15, Development and Flood Risk; policies in the Mid Glamorgan (Rhondda Cynon Taff County Borough) Replacement Structure Plan and the Cynon Valley Local Plan.

Summary of Recommendation: That the grant of planning permission be refused.

1. Preamble

- 1.1 This report contains a description of the application site (the site) and its surroundings, the material points of the cases for the Council, the Applicant and the Environment Agency Wales (EAW) and interested persons, together with Conclusions and a Recommendation and finally a list of persons present at the hearing and the relevant documents.

2. The Site and Surroundings

- 2.1 The site comprises an irregular-shaped area of land measuring approximately 0.14 hectares and located east of the A4059 Aberdare Bypass road on the opposite side of the A4059 from the 'The Paddocks', Aberaman, Aberdare. The site is bounded to the east by the Afon Cynon (statutory main river) and the Nant Gwawr lies to the north, with the A4059 being separated from the site by a private access roadway, which serves Ynysllwyd Farm to the north.
- 2.2 The site is accessed from Davis Street via a single lane bridge which crosses the A4059 to reach the accommodation road serving the site, together with the farm and a nearby recreation area. The access is narrow and twisting, providing a shared function as a public footpath, but there are inter-visible passing places available for opposing vehicles.
- 2.3 There is a bridge crossing the Afon Cynon just downstream of the site.
- 2.4 The site is gently sloping in a northerly and easterly direction. It is covered with the remains of car breaking operations and rubble. Vegetation is present in parts, especially close to the site boundaries to the south and east. Japanese Knotweed is present in these vegetated areas.
- 2.5 The western site boundary is defined by parts of a wall, which comprises the remains of a building formerly located in this part of the site, and lengths of unkempt metal fencing. Building waste has been dumped on the appeal site. The site has an appearance of neglect, untidiness and dereliction.
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2.6 On the opposite side of the river from the appeal site there are large flat areas of undeveloped ground indicative of a floodplain. The A4059 which is to the west of the site provides a degree of separation between the conurbation on its western side and the undeveloped land of the river valley on its eastern side.

3. Planning Policy

Local Plan – The Cynon Valley Local Plan including waste policies (Part of the Development Plan).

3.1 The site is unallocated and is outside the defined development limits, but within a green wedge (ENVP2-E) and within the Cynon and Taff River Park. Policy ENV1 gives general criteria for new development. Policy ENV2 restricts development outside the development limits. Policy ENV17 states that development in flood risk areas will not be permitted without flood protection and flood compensation schemes. Proposal ENVP2 states that only development that does not prejudice the open nature of the land will be allowed within the defined green wedges. Proposal ENVP3 requires development in the river park not to prejudice the environment.

Structure Plan – The Mid Glamorgan (Rhondda Cynon Taff) Replacement Structure Plan (Part of the Development Plan).

3.2 Policy EV1 restricts development in the countryside. Policy EV12 states that development at risk of flooding or likely to increase flood risk will not be permitted. Policy H2 restricts housing development in the countryside to special needs only, and subject to criteria including prevention of coalescence of settlements.

National Guidance - Planning Policy Wales (March 2002) & Technical Advice Note (TAN)15 Development and Flood Risk (July 2004).

3.3 Planning Policy Wales, paragraph 2.4.5 states that the countryside must be preserved and where possible enhanced. Paragraph 2.6.16 states that the construction of new buildings in a green wedge is inappropriate development, with limited exceptions, for example for development that maintains the openness of the green wedge. Inappropriate development should not be granted planning permission except in very exceptional circumstances. Paragraph 2.7.1 expresses the preference for re-use of previously developed land. Paragraphs 9.2.18 and 9.3.6 state that new house building in the countryside should be strictly controlled. Paragraph 9.3.1 states that new housing development should be well integrated with and connected to the existing pattern of settlements. Coalescence of settlements should be avoided. Paragraphs 9.3.3 and 9.3.4 state that housing development should not damage an area's character or amenity.

3.4 TAN 15, paragraph 5:1 (Fig 2) describes all residential premises as highly vulnerable development in the context of flood danger. The site is classed as being within an area of floodplain, without significant flood defence infrastructure, defined as C2. Paragraph 6.2 of the TAN states that highly vulnerable development and emergency services in zone C2 should not be permitted.

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4. The Case for The Council

The material points are:

- 4.1 The main issues in respect of this proposal are firstly: the potential for a satisfactory form of development on the land to make a significant improvement to the appearance of the local area; secondly, the acceptability of the access arrangements to the site.
- 4.2 The site has a brownfield character, being an untidy area of land largely covered with rubble and elements of debris arising from the former activities on the site which concerned car breaking and related operations. It is currently bounded by unkempt and dilapidated walling and fencing which exacerbate the negative appearance of the site upon the local area.
- 4.3 Since 1975 a succession of time limited planning permissions have been granted for the use of the site for car dismantling and vehicle storage. The permissions that were granted were made personal to Mr R G Welch the former land owner. Sadly Mr Welch died last month (October) and the formerly extant planning permission has therefore lapsed.
- 4.4 There is scrub growth on large parts of the site. Nearest to the site margins particularly those parts near the Afon Cynon, and Nant Gwawr, there are stands of Japanese Knotweed. This is a form of aggressively invasive perennial plant growth alien to the locality and which is nationally recognised as a noxious weed. However, the retention of native scrub/woodland on the northern and western boundaries would have the positive benefits of reducing potential disturbance to adjacent habitats and of retaining the best features of the visual screening present on site.
- 4.5 Whilst it is recognised that powers exist under S 215 of the Town and Country Planning Act 1990 to secure the proper maintenance of land, it is also recognised that this provision has practical limitations in its effectiveness. Any action under S.215 would either be unlikely to succeed, or to result in little in the way of major improvement to the overall appearance of the site.
- 4.6 Given the history of the site, which was originally used for a form of manufacturing activity and more recently for car breaking and related uses, it is considered that the erection of residential development would provide a suitable and satisfactory solution to the long-standing problem of the untidy and neglected appearance of the site. This is obviously harmful to the appearance of the locality.
- 4.7 An attractive modern building with a residential curtilage and suitable boundary treatment would represent a positive gain to the public interest in terms of the impact on local amenity. It is accepted that the site is within the green wedge, but it is more coherently related to the conurbation than the open undeveloped land of the flood plain and river valley. Therefore, residential development would not harm the green wedge or undermine its status.
- 4.8 The bridge over the A4059 from Davis Street provides access to the site and other uses (Ynysllwyd Farm and the nearby recreation areas). It has sub standard horizontal and vertical alignment, it is also narrow and provides a shared function as a public footpath. However, it is unrealistic to suggest that the small traffic volumes generated by the proposed use, (and also when taking into account the previous uses on the land), would be likely to give rise to a material worsening in the highway safety provision in the vicinity of

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the site. The entrance to the site, from Davies Street to the site entrance point, is comparable to other site accesses nearby. The highway situation is not in any sense detrimental to the interest of safety or the free flow of traffic such as to outweigh the merits of the development in terms of amenity and the appearance of the area.

- 4.9 In respect of potential flooding issues, the site is not known to have flooded in the memory of local representatives and officers, and the likelihood of flooding is considered in practical terms to be remote. The EAW's views are understood, and it is considered that flooding issues can properly be addressed by the provision of a suitable flood consequence study within the context of the acceptance of the proposed development.
- 4.10 Notwithstanding the concerns expressed by certain parties, the development of the site is considered to make a clear and positive overall benefit to the local area and the amenity of its surroundings, subject to the inclusion of suitable conditions along the following lines:-
- (i) Time limit for submission of reserved matters and commencement of development.
 - (ii) Details of access parking of manoeuvring.
 - (iii) Provision of a flood consequences assessment and implementation of approved protection measures.
 - (iv) Removal of Japanese Knotweed.
 - (v) Landscaping details to include boundary and surface treatment.
 - (vi) Provision of drainage for approval and subsequent implementation.
 - (vii) Details of finished site and floor levels in relation to levels of adjacent land.
 - (viii) Measures to protect the riverbank environment and the scrub/woodland along the northern and western boundaries, to assist reduction in potential disturbance to adjacent habitats and to retain the best features of visual screening on the site.

5. The Case for the Environment Agency Wales (EAW)

The material points are:

- 5.1 The site is next to the river and is not protected by any flood defences. Immediately south of the site there is an existing bridge crossing the Afon Cynon where there is a potential for localised flooding in the event of trees or other flood debris accumulating on the pier of this structure.
- 5.2 The site is located within zone C2 of the Assembly Government's development advice maps, issued in support of Technical Advice Note 15. Development and Flood Risk (July 2004) (TAN15). Zone C is described in TAN 15 as the "extreme flood outline, equal to or greater than 0.1%, and Zone C2 as "Areas of floodplain without significant flood defence infrastructure", where "emergency service and highly vulnerable development should not be considered". Highly vulnerable development includes all residential development.
- 5.3 In addition to its location within zone C2, the site lies within the 1% (1 in 100 year) flood plain of the Afon Cynon; this is supported by studies and river models undertaken by EAW. The EAW's historical records identify flooding of this site during previous flood events. It is estimated that the 1% flood event would produce river levels of 116.230mAOD against a site level of about 116.248 to 116.385mAOD. There is little room for error. It might be possible to raise the surface level of the site out of danger of known flood levels, but this would take up water storage volume within the flood plain. It is accepted that this would

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- result in minimal increase in height of flood water, but no information has been submitted to assess its impact. Furthermore, no Flood Consequences Assessment (FCA) has been submitted to demonstrate the height of any flood with a potential return period of 0.1% (1 in 1000 year).
- 5.4 The downstream bridge structure will influence water levels within this area during flood events. The 1% flood level has been established to be in the order of 300mm above the soffit of the bridge at its central point. The pier of this bridge has accumulated flood debris during previous flood events causing a partial blockage within the river channel.
- 5.5 Planning Policy Wales, issued March 2002, includes guidance set out below which is of particular relevance to flood risk.
- 5.5.1 Paragraph 13.2.3 - "Meeting the Assembly Government's objectives for sustainable development requires action through the planning system to move away from flood defence and the mitigation of the consequences of new development in areas of flood hazard towards a more positive avoidance of development in areas defined as being of flood hazard. Planning Authorities should therefore adopt a precautionary approach when formulating UDP policies on development and flood risk, and when considering planning applications. In this context, the precautionary principle should be applied on the basis that climate change is likely to increase the risk of coastal and river flooding as a result of sea-level rise and more intense rainfall".
- 5.5.2 Paragraph 13.2.2 - "Flooding as a hazard therefore involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring".
- 5.5.3 Paragraph 13.3.2 - "In areas of flood plain currently unobstructed, where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure".
- 5.5.4 Paragraph 13.2.1 - "... All development on land within the flood plain of a watercourse... is at some risk of flooding and whilst flood risk can be reduced it can never be completely eliminated".
- 5.5.5 Paragraph 13.4.1 - "Development proposals in areas defined, as being of high flood hazard should only be considered: where new development could be justified in that location...."
- 5.5.6 Paragraph 13.4.4 - "Planning Authorities should bear in mind that the Environment Agency will not automatically provide or extend a flood warning service... Increasing the number of new properties in areas at risk from flooding will place increasing pressure on the emergency services and therefore consideration should be given to refusing development".
- 5.6 Technical Advice Note 15: Development and Flood Risk (July 2004) incorporates development advice maps based on the best available information considered sufficient to determine when flood risk issues need to be taken into account in planning decisions. Three development advice zones are described on the maps, to which are attributed different planning actions.
- 5.6.1 Paragraph 4.2 of TAN 15 describes the composition and use of these zones to control and manage development. Zone C is based on Environment Agency's extreme flood outline, equal to or greater than 0.1%. This zone is subdivided into C1 ("areas of the floodplain which are developed and served by significant infrastructure, including flood defences"),

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and C2 ("areas of the floodplain without significant flood defence infrastructure"). The site location plan attached to the representations illustrates that the proposed development site lies within zone C2, shown shaded in blue. (Document 5 - Appendix 1)

- 5.6.2 Figure 1 (Paragraph 4.2) of TAN 15 states that zone C2 is "used to indicate that only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered". Figure 2 (Paragraph 5.1) of TAN 15 includes "all residential premises" within the definition of highly vulnerable development.
- 5.6.3 Paragraph 6.2 of TAN 15 states "New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted".
- 5.7 In summary, the site is within the 1% (1 in 100 year) floodplain of the Afon Cynon and is not protected by flood defences. The Agency's historical records confirm that the site has previously flooded.
- 5.8 Planning Policy Wales states that development in such areas should be wholly exceptional and limited to essential transport and utilities infrastructure. The Assembly Government's development advice maps further confirm that the site is within Zone C2, where, in accordance with the guidance set out in TAN15, residential development should not be permitted.
- 5.9 In view of this strong and clear guidance planning permission for residential use should not be granted.

6. The Case for Interested Persons

- 6.1 Councillor Anthony Christopher supports the application to develop the site. The site has a history of commercial use which has been carried out without any problems. At present the site is a fly tippers' paradise and has already been cleared of accumulated debris on several occasions. If the site is not developed these problems will persist. The views of EAW are understood but not accepted. Moreover, the views appear contradictory as no objections were offered to development at Tirfounder Fields which is in the same area and downstream but apparently on a much lower plateau and nearer the river. The EAW is being inflexible over development projects within flood plains. If it persists with such policies it will result in major development blight.
- 6.2 Mrs I Evans of Ynysllwyd House Farm objects to the project on the basis of an inadequate access. The road is too narrow with no footways making it dangerous for cars and pedestrians. Forward visibility is poor on both sides of the bridge over the highway. A large amount of traffic negotiates the bridge to get to the local football pitch. Frequently on a Saturday the path is grid locked. The route cannot support the additional traffic likely to be generated by the project. Together with Mr G Bolton she is concerned about flooding, confirming that the site has flooded recently. However, no information is provided as to whether this was caused by increased river levels or from retained rain water on the site.

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7. The Case for The Applicant supported by the Technical Submission of JODA Topographics Ltd

The material points are:

- 7.1 A maximum of 4 detached high quality houses is intended for the appeal site together with an appropriate landscaping scheme to improve the area generally.
 - 7.2 The site, until around 2000, was used as a car dismantling business, which involved heavy traffic travelling to and from the site as well as customer based vehicular access. This arrangement proved satisfactory during the 25 year business life of the site. The former owner stated there were never any problems with flooding on the site. Prior to the previous use a bottling plant was located at the site, together with a store which again necessitated both commercial and private vehicular movement. The site was originally developed as 6 cottages in 1856, which it is believed were demolished in 1921 to make way for the bottling plant business.
 - 7.3 The site has had a varied and useful history and can be considered as brownfield land despite its surprising location within the Green Wedge. It is the type of land that should, according to current government policy, be utilised in whatever is an appropriate manner. A residential proposal would be a suitable development.
 - 7.4 With respect to the reservation held by the EAW over possible flooding, the nearby area of Tirfounder Fields, has been developed, albeit for commercial uses. However, further residential development on a very large scale has recently had approval within the last 12 months. This involves more than 100 dwellings and it is believed they are located at a level below that of the application site.
 - 7.5 The application site is currently subject to fly tipping by builders and residents and is known for this use. The project would improve the area to the benefit of the immediate residents, business users and others by removing this unwanted illegal use.
 - 7.6 The site does not wholly lie within the 1% (1 in 100 year) flood plain of the Afon Cynon; part of the site is not included within this apparently arbitrary line. (Document 5) An opportunity has not been given for inspecting and/or analysing the flood prediction models prepared by the EAW. The elevations of the site itself are generally constant and it is difficult to accept that such a variation in depth could occur over a relatively level area of land. Neither the Applicant, the previous owner nor local residents have any knowledge of the site ever having flooded within living memory. The EAW statement that there are historical records of such an event is not accepted.
 - 7.7 The soffit of the footbridge structure (at the centre of span on the north eastern side) spanning over the Afon Cynon has an elevation of 116.006mAOD; if the EAW statement that the 1% flood level is 300mm above this level is correct this means that the 1% flood level is 116.306m AOD. Levels taken at the site recently indicate that the site is already at or about this level. As this is the case, there are inconsistencies in the EAW statement that under the 1% flood there would be 0.5m to 1.2m depth of water across the site under such an occurrence. The zone C2 is incorrect and the plans indicating that the site lies within zone C2 should be amended to wholly exclude the site.
 - 7.8 The wording of TAN 15, specifically Section 6 "Justifying the location of development", deals with new development. It is acknowledged by the LPA that the site is brownfield in character and has been the subject of numerous planning applications stretching back to
-

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December 1971. Research of historical maps has shown that there was also a candle manufactory at the site.

- 7.9 The sensible interpretation of this background is that, although TAN 15 should be used as a guide to good practice, it is not prescriptive in this case because the site is a brownfield site. The Applicant accepts that, even though the site is probably outside of the true C2 zone in this locality, it would be prudent to commission a flood risk assessment and to raise the levels at the site to minimise any future risk of flooding.
- 7.10 Although the site is shown partly to be within the 1% floodplain of the Afon Cynon, the information supplied by the EAW is contradictory and that the flood plain map is probably in error and should be re-drawn to exclude the site. The EAW historical records are at odds with the previous owner's (who owned the site pre 1971) contention that the site had never flooded. Even though there are currently no formal flood defences at the site, apart from its elevated level, the Applicant will install defences, based on a detailed flood risk assessment, should the appeal be successful. The detail of any defences will be agreed with EAW prior to construction.
- 7.11 It is recognised that, should the application be successful and the site re-developed for domestic use, property insurers will only offer cover if flood risks can be shown to have been identified and then minimised or eliminated. The Applicant will undertake a flood risk assessment by a firm of specialist consulting engineers and be bound by their recommendations. The implications of the recommendations will be discussed with EAW prior to implementation and re-development of the site.
- 7.12 The Applicant has not submitted a Flood Consequences Assessment in support of the scheme. An Assessment was requested, but not submitted by the 12 July 2005 deadline.

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8. Conclusions

[Source material is identified in brackets throughout the text.]

Main Issues

- 8.1 In my opinion there are three main issues to be considered in the determination of this planning application. These concern the Green Wedge, development in the flood plain and access to the site. They are outlined as follows:-
- 8.1.1 Whether the development comprises inappropriate development in a Green Wedge;
- 8.1.2 the effect of the development on the character, appearance and openness of the Green Wedge;
- 8.1.3 whether there are any material considerations which would comprise the very exceptional circumstances needed to outweigh the harm by reason of inappropriateness and any other harm to the openness of the Green Wedge.
- 8.1.4 whether the development conflicts with policies concerning development in flood plains;
- 8.1.5 whether there are any material considerations which justify a departure from policies restricting development in a C2 zone;
- 8.1.6 the effect of the project on highway safety.

Green Wedge Issues

- 8.2 The application site is within a Green Wedge as defined by development plan policy. [p3.1]
- 8.3 By definition residential development is inappropriate within a Green Wedge. Inappropriate development should not be granted planning permission except in very exceptional circumstances. [p3.3].
- 8.4 The appeal site is currently in a dreadful mess. It is accepted that residential development would tidy up the appearance of the site and remove the dereliction. It is also accepted that the site has a commercial history as brownfield land, but has no present extant commercial use or planning permission. However, in my opinion, the untidy and derelict condition of the site (Photographs in Document 6) does not translate into the very exceptional circumstance that is needed to outweigh the harm by reason of inappropriateness and any other harm to the openness of the Green Wedge. The untidiness could be cured by other remedial works more appropriate to a rural area. Moreover, it would, to my mind be a dangerous precedent to consider an untidy and derelict condition as a very exceptional circumstance. To do so could encourage others to allow their land to fall into decay and disrepair in the hope they too might be accorded the very exceptional circumstances needed to construct inappropriate development in the Green Wedge. [p2.4;3.3;4.6;4.7;6.1;7.5]
- 8.5 The site had a commercial history but no live planning permission. This ceased with the death of Mr Welch. Despite the commercial history of the site it is, in my opinion, more closely related to the rural aspects of the river valley than it is to the built up area on the opposite side of the A4059. From this perspective I consider that its residential development would harm the rural character and appearance of the area, mar the openness of the Green Wedge in this location and contribute to the coalescence of settlements. These

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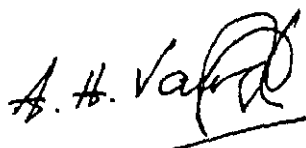
been able to conclude favourably on the first two issues, I would not have considered that the provision of an access would be harmful to highway safety.[p4.8]

Summary of Conclusions

- 8.12 Firstly, I find no very exceptional circumstances that would permit inappropriate development within the Green Wedge. Secondly, on the matter of flooding, I find no material considerations which justify a departure from policies restricting development in a C2 zone. Thirdly, I find that it would be possible to provide an acceptable access. Overall I consider that the negative aspect of the first two issues overwhelms the favourable conclusion on the third issue, to the extent that planning permission should not be granted.
- 8.13 In reaching this conclusion, consideration has been given as to whether the development could be made acceptable by the imposition, on a grant of planning permission, of appropriate conditions, as suggested in outline by the Council. However, it is not considered that any conditions could be framed which would comply with the recommendations of the relevant Circular, and which would overcome the planning objections which are set out in the first two issues. However, should the decision be made to grant planning permission then the planning conditions suggested in outline by the Council offer appropriate guidance for this route.(p4.10)

9. Recommendation

- 9.1 That planning permission be not granted for the project.



Anthony H Vaughan

Dr. Kathryn Jenkins,
National Assembly for Wales,
Environment, Planning and Countryside Committee,
Cardiff Bay,
Cardiff CF99 1 NA

Gail Evans
(01792) 637273

gail.evans@swansea.gov.uk

GE/svale/tan15

October 24th 2006

Dear Dr.Jenkins

RE: Review of the Implementation and Operation of Technical Advice Note (TAN 15).

I refer to your letter of September 15th 2006 with regard to the review of the implementation and operation of TAN15 which is to be undertaken by the Assembly on November 15th. The Technical Advice Note has raised a number of issues in terms of strategic regeneration areas and individual planning applications across the City and County of Swansea. The attached briefing note is a joint response from the Planning Services and the Economic and Strategic Development Division of the City and County of Swansea, and highlights in detail to the Assembly the significant planning and development issues being experienced.

The implications have been particularly critical for Swansea Vale development area, because of the large strategic nature of the site, its topography, relationship with the River Tawe, the extent of remaining development land and the considerable public sector investment in this project over the last 10 years. Over the last 18 months the City and County of Swansea have had a lengthy dialogue with the Environment Agency to establish a way forward through reducing and managing the flood risks. This work has not yet been concluded, and new private sector investment has effectively ceased in this development area since the TAN 15 was introduced.

If you require any further information on the matters raised in the attached note please do not hesitate to contact me, and we look forward to receiving information on the conclusions of the review.

Yours sincerely

**GAIL EVANS
REGENERATION CO ORDINATOR**

CITY AND COUNTY OF SWANSEA IMPLICATIONS OF TECHNICAL ADVICE NOTE 15 : DEVELOPMENT AND FLOOD RISK(TAN 15)

1.0 Introduction

- 1.1 Technical Advice Note (TAN)15 introduced in July 2004 has had considerable implications for new development and regeneration proposals in many areas of Swansea, including the City Centre, Swansea Bay, Swansea Vale, Swansea Enterprise Park, Swansea West Industrial Park, and areas of Gorseinon ,Gower, Pontarddulais and Loughor.
- 1.2 The Development Advice Maps accompanying the TAN indicate the broad outline of 1 in 1000 year flood event, but the detailed implications can only be determined through undertaking Flood Consequence Assessments. A number of these have been undertaken, both by individual developers and at a strategic level by the City and County of Swansea on a number of key regeneration areas and these are now revealing the full implications of TAN 15 for Swansea.
- 1.3 This report summarises the implications and current position on key regeneration areas, and development proposals within the City and County of Swansea and concludes with some general comments on the operation of TAN15.

2.0 Implications for the Lower Swansea Valley

- 2.1 Large parts of the Lower Swansea Valley are defended to a 1 in 100 year level and are located within area C1 shown on the development advice maps, as shown on plan 1 and 2. The 1 in 1000 year (0.1%) extreme flood event would overtop these defences and have a considerable impact on the strategic investment areas of Swansea Vale and the Swansea Enterprise Park.
- 2.2 The Swansea Vale development area (which is shown on plan 3), is a 190 hectare mixed use development area established as part of a Joint venture between the City and County of Swansea and the WDA some 15 years ago. The area is a strategic employment site, is identified in the City's emerging draft Unitary Development Plan (2006) and previous Swansea Local Plan Review (1999). The development was granted outline planning permission in 1991 and the overall project was the subject of a comprehensive Environmental Appraisal and consultation with the Environment Agency/NRA. To facilitate new investment proposals at Swansea Vale, in excess of **£25 million** has been spent by the public sector over the last 10 years on various infrastructure improvements and site preparation. The area was also defended to a 1

in 100 year flood level in accordance with the Environment Agency Advice at the time.

- 2.3 The detailed Preliminary Strategic Flood Risk Assessment for Swansea Vale (Feb 2006) shows the potential for depths of 0.6-1.5 metres throughout much of the Swansea Vale business parks .The 1 in 1000 year flood event affects an area totalling some 43 hectares (104 acres) of business park and some 500,000 sq ft of office and industrial floorspace has been built or is under construction in the Swansea Vale business park area and approximately 1790 people are currently employed here.
- 2.4 The Environment Agency's preliminary comments on the conclusions of the Strategic Flood Risk Assessment for Swansea Vale were that they were unlikely to support new planning applications on the majority of the Swansea Vale Business Parks as they will not comply with the indicative guidance of TAN 15. Their conclusions are drawn from a rigid interpretation of this planning guidance, and as a consequence there is are least 64 acres (26 hectares) of vacant land prepared for investment in Swansea Vale where the future position on development is uncertain due to the implications of the TAN.
- 2.5 The overtopping of the River Tawe flood bund in a 1 in 1000 year event similarly affects an area of approximately 142 hectares in the Swansea Enterprise Park and River Tawe corridor where an estimated 10,000 people are employed. The Flood Risk Assessment has shown that depths of 1.5 and 2 metres would be widespread in the Enterprise Park for the 1 in 1000 year event. The Enterprise Park is largely developed, but there are sites allocated for business use adjacent to the river including Beaufort Reach, Beaufort Training works and a 7 acre development site off Clase Road.
- 2.6 A number of planning applications for sites in Swansea Vale and the Enterprise Park are on hold or have been withdrawn due to issues with TAN 15, these include:
 - *Land at Beaufort Reach, Enterprise Park*- Development of B1, B2, B8 use (renewal of outline Planning permission). Held in abeyance since August 2004 due to Environment Agency objection.
 - *New purpose built print facility and ancillary offices for the DVLA* -this development would have extended their current campus development at Swansea Vale and had the potential to accommodate a further 50 jobs. The Environment Agency raised a formal objection to the proposal, and the DVLA sought an alternative site outside of Swansea Vale.
 - *The Welsh Industrial partnership project* -to build 70,000 sq ft of industrial units. The planning application is on hold and WIP are considering alternative sites.
 - *The DVLA* employ over a 1000 staff at their Swansea Vale campus and have severe parking issues, but the Council is unable to offer a site for

temporary parking in the light of TAN 15 and the emerging Flood Consequence Assessment.

- 2.7 Whilst there has not yet been any adverse publicity or media attention on the implications of this guidance, the issue is eroding developer confidence and will in due course have a negative impact on the marketability and the value of development land at Swansea Vale. There is also an issue with the impact on existing businesses in Swansea Vale and the Enterprise Park. The identification of the risks in the Strategic Flood Consequence Assessment may impact on the ability of businesses to obtain flood risk insurance cover and the funding of projects. There is also a concern about liabilities on the Council as landowner and as planning authority.
- 2.8 In order to address the concerns being expressed by the Environment Agency, the Council and their consultants have discussed a number of technical solutions for the Swansea Vale and Enterprise Park area. These measures will not necessarily prevent flooding in the 1 in 1000 year event, but may reduce the effects of it. The Council are also about to commission a Strategic Flood Protocols Plan which will provide a risk mitigation strategy through establishing flood management protocols, flood forecasting and emergency plans to evacuate the area in advance of any extreme flood event which would overtop the flood defences. With the combination of reducing the risks from a flood event and in demonstrating that any risks can be managed, it is hoped that this will enable the Environment Agency to provide a positive response to future development proposals.

3.0 Implications for Swansea City centre and Swansea Bay

- 3.1 A large part of the City centre is identified as a Zone C2 (unprotected area) and C1 (defended) and consequently are considered to be at risk of flooding by the Environment Agency. Hyder Consulting (UK) has been commissioned by the City and County of Swansea to carry out a Flood Consequence Assessment in respect of key City Centre locations. The results of the assessment show that at the extreme event flooding would be localised around the bank of the river Tawe. It follows therefore that the flood zone classification as defined in TAN15 is incorrect and consequently the city centre is largely not at risk. Further detailed assessment work is being undertaken at the localised level for sites close to the river.
- 3.2 The draft Swansea Bay Strategy identifies a number of potential development opportunities on the seafront between the City's waterfront and Mumbles, and there are areas of the Bay that lie within zone C2. Our preliminary discussions with the EA have suggested that there will be a need for a Strategic Flood Consequence Assessment to consider the constraints and any mitigation measures.

4.0 Implications for Swansea West Industrial Park

- 4.1 Sixty hectares of land have been allocated in the draft Unitary Development Plan for employment use on land adjacent to the Swansea West Industrial Park in the Fforestfach area of the City.
- 4.2 The site lies in close proximity to the River Llan and an estimated 40 hectares lie within Zones C1 and C2. A Flood Consequence Assessment has been recently commissioned by Swansea Council to establish the extent of the implications of the 1 in 1000 year flood and consider any possible flood mitigation measures.

5.0 General Comments

- 5.1 TAN 15 has been introduced without an adequate detailed knowledge of what the implications were for development and investment in Wales. There was inadequate information available on the implications of a 1 in 1000 year event and there were inconsistencies in advice on acceptable uses in areas affected by TAN15. Previous advice from the Environment Agency in 2002 and in April 2004 was that there would be no embargo on development at Swansea Vale and business uses would be acceptable on the development areas immediate adjacent to the river . There was only considered to be an issue where there was highly vulnerable development such as housing and public buildings, and buildings which had 'night time occupation'. The lack of a clear position on acceptable uses led to delays and confusion in bringing forward development.
- 5.2 The purpose of the TAN is to provide technical guidance in relation to development and flooding, and the role of the Environment Agency in this context is to advise on the consequences of flooding and in assisting planning authorities in coming to a decision on whether the consequences of flooding are acceptable in terms of risk to life and property. The EA are best placed to assess the risk, and are taking the indicative thresholds of TAN as prescriptive. Risks to life and property are material planning considerations and the planning officers at Swansea do not wish to make recommendations that contradict that advice. The Environment Agency need to adopt an approach which is pragmatic and balanced particularly when considering proposals which lie within areas of defended flood plain which have well established plans for development for 'less vulnerable uses' such as business and commercial uses.
- 5.3 We would question the scientific basis for using the 1 in 1000 year extreme flood event as a threshold for TAN 15. The draft Planning Policy Statement 25: Development and Flood Risk published in December 2005 by OPDM is the new English equivalent of TAN 15 and there are considerable differences between the Welsh and English guidance in terms of the flood thresholds. There is a need for clarity and consistency at national, regional and local level to deliver realistic and sustainable planning for areas of flood risk.

Lewis, Michael (APS - Committee Service)

From: Whitehead, David [David.Whitehead@swansea.gov.uk]
Sent: 20 October 2006 15:43
To: Jenkins, Kathryn (APS - Committee Service)
Subject: Review of Implementation and Operation of Technical Advice Note (TAN) 15

I am writing on behalf of the SWWITCH Transport Consortium, which represents the transport interests of Carmarthenshire, Neath Port Talbot, Pembrokeshire and Swansea Councils.

SWWITCH welcomes the review of the implementation and operation of TAN 15 by the Assembly's Environment, Planning and Countryside Committee. The consortium supports the need for a review of TAN 15. SWWITCH considers that the advice contained in TAN 15 and its interpretation by the Environment Agency is having a negative impact on new development across South West Wales. Detailed information on this impact is being provided by individual Councils.

Anthony O'Sullivan

SWWITCH Lead Chief Officer

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Lewis, Michael (APS - Committee Service)

From: Bob Dewey [bob.dewey@wrexham.gov.uk]
Sent: 06 October 2006 16:19
To: Jenkins, Kathryn (APS - Committee Service)
Subject: TAN 15 Consultation

Attachments: InterScan_Disclaimer.txt



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Whilst we have no particular comments about the text of TAN 15 we are concerned about the maps and the apparent lack of procedure to update or correct them. They will never be perfect but we do need to put in place a mechanism that allows them to be updated/corrected as problems are resolved or it transpires that the maps are wrong.

As an example the maps which deal with Island Green shopping development in the centre of Wrexham have small areas excluded because the mapping of two different elements does not dovetail. It also includes an area of the multi storey car park which is 2 metres higher than the area which could flood but it only includes what appears to be a random pattern which bears no resemblance to what might happen.

R A Dewey
Planning Control Manager
Wrexham C B C

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