

Jane Davidson AC/AM

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
Minister for Environment, Sustainability and Housing



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Mike German AM
Chair, Sustainability Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

12 May 2010

Dear Mike,

Further to the recent debate on the report of the Sustainability Committee's inquiry into flooding in Wales, I am writing to respond to a number of the points raised by the Assembly Members who spoke.

As you are aware, there was insufficient time for me to respond to these points on the day of the debate and while many of the speakers welcomed the Government's response, there was some disappointment that not all of the recommendations were accepted. Given the concerns raised by the speakers, I thought you might appreciate some further explanation.

A number of the speakers, yourself included, expressed concern that the recommendations in respect of planning policy, TAN 15 and the Development Advice Maps were not accepted. As I explained during the debate, the overall aim of TAN 15 is to ensure new development, and in particular highly vulnerable development, is directed away from the floodplain wherever possible. However, we must accept that in some areas and some circumstances such development may be necessary and this is reflected in the wording of the TAN. In those circumstances TAN 15 and the associated Development Advice Maps make it clear how local authorities should make decisions about development on flood plains, providing clear tests for justification and acceptability of flooding consequences, and enabling the consideration of risks over the lifetime of the new development. I read out details of those tests during the debate including, for example, in Newport where the new university development will help diminish the flood risk.

I have always said that I will reconsider the case for reviewing the TAN when I see evidence that it is not working. The evidence indicates that TAN 15 is working and I provided some of the statistics to Assembly Members during the debate. The Environment Agency says that there is some 96% compliance now and of the 39 appeals from developers across Wales where TAN 15 was listed as one of the reasons for the rejection of the application, 70% were dismissed. TAN 15 is providing local planning authorities with the framework and criteria they require to turn down unsuitable developments and it is clear that the advice of the Environment Agency is being adhered to in the majority of cases.

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Tan 15 may also affect applications for renewal of planning consent, reserved matters or detailed consents. Paragraph 11.3 of the TAN explains that

“It is considered perfectly reasonable for planning authorities to require all development permitted in zone C, including those already granted outline permission or where renewal of planning consent is sought, to plan for the consequences of flooding”.

Turning to the Development Advice Maps, while I rejected the recommendation that they be updated annually, I have requested officials to appraise with EAW each year whether a further update is necessary. Where there is evidence of a need to update a map in advance of the regular cycle we will consider this carefully, however, this needs to be balanced with the requirement for stability in decision making.

There were also calls within the debate for water and sewerage companies to be statutory consultees on all planning applications. TAN 15 already advocates consultation with water, sewerage and drainage authorities where appropriate. It also requires local planning authorities to consult neighbouring authorities where they would be affected by an application. I have already indicated my willingness to make the water companies operating within Wales statutory consultees for planning application purposes. This will require an amendment to the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995 419). As part of the current review of the Planning Application Process I intend to consult on changes to statutory consultee arrangements later this year. This will include proposals to give the water companies operating in Wales statutory consultee status.

In response to the specific comment about extending the scope of TAN15 to refer to mobile homes and caravans used by tourists made by Darren Millar, AM, I would like to draw your attention to paragraph 11.2 of TAN15, which states:

“Caravan, camping, and other temporary occupation sites give rise to special problems in relation to flooding. Such development should be refused in zone C2, as should proposed changes of use to residential mobile homes or permanent housing and only considered in Zone C1 following application of the tests in Section 6,7, and Appendix 1”.

In addition to this paragraph 11.3 of TAN15 states:

“Where permission is granted for caravan/camping sites or other temporary holiday accommodation, a planning condition should require the erection of suitable warning notices to inform people entering the site and the preparation of effective warning and evacuation plans, enforcement action should be taken if such signs become out of date, to ensure that effective warning notices are always present.

Appendix 6 of TAN15 provides specific advices on warning notices and signs at caravan and camping sites at risk of flooding.

Darren Millar, AM, also commented on my rejection of recommendation 27 in relation to Home Information Packs. Information on flooding is already included within Home Information Packs. The recommendation was rejected because it is already in place, as was explained in my response to the report and in my speech during the debate.

At several points in the debate reference was made to the rejection of recommendation 3, which called for the establishment of Internal Drainage Boards on a Wales wide basis. In rejecting the recommendation the intention was not to call into question the work done by Internal Drainage Boards or their continued existence as was suggested by some of the comments made by Nick Ramsey, AM.

Internal Drainage Boards perform specific drainage functions, mainly within agricultural areas. There are only three in Wales covering a small proportion of land at risk of flooding in Wales. Flood risk management is a secondary, though very important, aspect of their work and the recommendation was rejected because extending this specialised role to cover the whole of Wales would not be appropriate.

I recognise that Internal Drainage Boards hold significant information on local flood risks within their areas which could help inform local flood risk management strategies and response plans. The Flood and Water Management Act 2010 places responsibility for leading on local flood risks on local authorities, however, it is our intention that local authorities and Internal Drainage Boards work together to manage local risks.

The Internal Drainage Boards in Wales are playing a central role in the development of the National Strategy for flood and coastal erosion risk management in Wales and I expect them to play a similar role in the development of the local strategies.

Several of the speakers raised points that were not related to specific recommendations within the Committee's report, but which I would like to address.

Joyce Watson, AM, raised some points in relation to surface water flooding and the consequences of paving over green spaces. Surface water flooding is included with the Flood and Water Management Act 2010 as one of the local flood risks that are the responsibility of local authorities. The Act includes provisions to allow the increased use of sustainable drainage systems, in line with the terms of the Hard Surfaces LCO Ms Watson proposed in July 2009, and later this year I will be consulting on proposals to amend householder permitted development rights to encourage 'porous' surfaces.

Angela Burns, AM, mentioned some concerns about the use of consultants to compile reports before homeowners can access the individual property owners grant administered by the Welsh Assembly Government. I have undertaken to review this grant in this year and will consider this point as part of that review.

Finally, William Graham, AM, raised a number of concerns about the flood risks in South East Wales and the work of the Gwent Flood Defence Alliance. I am conscious of the flood risks within South East Wales and steps are being taken to manage them.

The Shoreline Management Plan for the area includes a commitment to hold the current coastline and the new Gas Fired Power Station at Uskmouth is above the 1 in 1000 year floodplain. Whilst the current coal fired power station could be affected by flooding, Welsh Power indicated in 2008 that it could be recommissioned very quickly following a flood. There is a more significant risk to the electrical substation and this is currently being addressed following the Pitt review recommendations.

The Flood Consequence Assessment for the Llanwern Steelworks site identified that the greatest flood risk to this site was actually from a breach along the River Usk north of the Southern Distributor Road Bridge and not the Sea Defences on the coast. This risk has been substantially reduced to an appropriate level that is compliant with TAN15, through the implementation of the River Usk East Bank Flood Defence Strategy.

The Welsh Assembly Government has been able to accept in full or in principle, the vast majority of the recommendations put forward by the Committee. Work is already underway on many of these recommendations and I was pleased to be able to announce that we will be conducting a trial of a single point of contact for advice and information on flood risk over the summer, in line with the first of the Committee's recommendations.

A copy of this letter has been issued to all Assembly Members

Yours,



Jane Davidson AM

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