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Sent: 15 January 2015 10:32
To: Port Talbot Power
Cc: Tracey Williams
Subject: Tata Steel EN010062
Importance: High

FAO Tracey Williams

Our Ref. EN010062

Please find attached the Natural Resources Body for Wales Representation for Tata Steel, the following attachments are included:

- Annex A - Written Representation
- Annex B – Our response to the ExA questions
- Annex C – Our Flood Risk guidance
- Letter sent from Welsh Government to Local Authorities in Wales regarding Flood Risk and Climate Change (WG LPAs 090114)

In addition to the above we would request to attend all hearings and also request that Alex Harding, our Senior Environmental Impacts Advisor, accompany the Examining Authority on his site visit.

Thank you for providing us with the opportunity to comment on the above proposal, if you have any queries please get back to me.

Please could you confirm receipt of this e-mail

Regards
Louise

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Ein pwrpas yw sicrhau fod adnoddau naturiol Cymru yn cael eu cynnal, gwella a'u defnyddio yn gynaliadwy, yn awr ac i'r dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

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Ein cyf / Our ref: SH/2014/117386/2

Planning Inspectorate ref. EN 010062

Dyddiad/Date: 15 January 2015

Annwyl Syr/Madam / Dear Sir/Madam

**PROPOSED PORT TALBOT STEELWORKS (POWER GENERATION
ENHANCEMENT) ORDER.**

PROJECT REFERENCE: EN 010062

**WRITTEN REPRESENTATIONS BY THE NATURAL RESOURCES BODY FOR
WALES.**

These Written Representations are submitted by the Natural Resources Body for Wales (NRW) in pursuance of Rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 in relation to an application by Tata Steel (the Applicant) to the Secretary of State under the Planning Act 2008 for a Development Consent Order (DCO) for the construction and operation of an electrical generating station located on the site of the Port Talbot Steelworks (the Project).

The proposed power station will comprise a Combustion Activity under Part A1 (a) of Schedule 1 Part 2 of the Environmental Permit Regulations (EPR) 2010 and will therefore require an Environmental Permit to operate. The EPR permit discussions started on the 09 January 2015, however no EPR application has been made at this time.

Our written representations expand upon the issues outlined in the Relevant Representations and are structured as follows:

1. Habitats Regulations Assessment (HRA) including aerial emissions in relation to nature conservation interests.
2. Flood Consequence Assessment

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www.naturalresourceswales.gov.uk

Natural Resources Wales, Maes Newydd, Llandarcy, Neath Port Talbot, SA10 6JQ

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

3. Local Air Quality Management
4. Noise
5. Groundwater and Contaminated Land

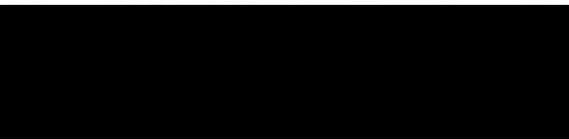
In Annex A below we provide NRW's Written Representations. Annex B contains our response to the first set of written questions from the Examining Authority and Annex C contains our Flood Risk Guidance and Rosemary Thomas letter to Local Planning Authority's dated 09 January 2014.

NRW's comments are made without prejudice to any additional comments we may wish to make when consulted on any other documents provided by the applicant, the ExA or any of the regulating bodies who are involved in authorising different aspects of the overall development proposals (including NRW).

Our comments are also provided without prejudice to any decision NRW may make on any future application made to it by the applicant for an Environmental Permit under the Environmental Permit Regulations 2010 (EPR), or Abstraction Licence under the Water Resources Act 1991

Please contact Louise Edwards, louise.edwards@cyfoethnaturaolcymru.gov.uk or telephone 03000 65 3573 for further advice about this representation.

Yn gywir / Yours faithfully



Martyn Evans

Rheolwr Cynllunio Ecosystemau a Phartneriaethau De Cymru / Ecosystems
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Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

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Annex A – Written Representation by the Natural Resources Body for Wales (NRW)

The main focus for NRW is which construction scheme will be taken forward, our preference being Option 1 (Full construction in a single phase). We have expanded on this issue below.

1.0. Habitats Regulations Assessment (HRA) including aerial emissions in relation to nature conservation interests.

1.1 NRW agrees with the conclusions of the applicant's 'Habitats Screening Report' and 'Report to Inform an Appropriate Assessment', dated December 2014. The reports conclude no adverse effect on the integrity of any Natura 2000 or Ramsar site, from the proposed development. Subject to the scenarios assessed within the above documents (i.e. timings and operation of Options 1 and 2) being secured via the DCO requirements and/or other regulation, we have no further comments to make on this issue.

2.0. Flood Consequence Assessment (FCA)

2.1 We are satisfied that the risk of flooding to the site has been properly assessed in line with Technical Advice Note 15: Development and Flood Risk. We accept that the risk can be managed in accordance with the conclusions and recommendations of the FCA and that there is no increased flood risk elsewhere as a result of the development.

2.2 However, in our Relevant Representation we referred to Welsh Government's letter, dated 09 January 2014 (enclosed, Annex C) which addressed Planning Policy on Flood Risk and Insurance Industry Changes. This letter was directed to all Chief Planning Officers in Wales and clarified flood risk assessment requirements, including the need to take account of climate change over the lifetime of development including a flood event which has a 0.1% (or 1 in 1000 chance) probability of occurrence.

2.3 Our guidance on how to implement the changes contained within this letter advises that any new development proposals within a fluvial or tidal flood risk area should be supported by an assessment to take account of the potential impact of climate change over the lifetime of development up to the 0.1% probability of occurrence.

2.4 It is a matter for the Examining Authority to determine whether this additional assessment is required to be undertaken for this proposal. If you consider it necessary we suggest the following combinations need to be considered.

- 1 in 1000 annual probability fluvial flood flow + climate change **AGAINST** Mean High Water Spring tide level + climate Change
- Qmed fluvial flood flow + climate change **AGAINST** 1 in 1000 annual probability tide level + climate change

3.0. Local Air Quality Management.

3.1 The applicant states that the completed development (Option 1) will result in a reduction in the mass emissions to air from the installation and an improvement in Air Quality, the new power generating plant will minimise flaring emissions and provide a more efficient power generation plant with reduced stack emissions and the de-commissioning of some of the older combustion plant.

3.2 However, the Option 2 phase 1 does not include the de-commissioning of some of the older combustion plant. That plant would remain available to be online following completion of the commissioning of phase 1. The applicant proposes to increase the combustion plant capacity without demonstrating how there will be no increase in overall air emissions. This will be considered as part of the Environmental Permit application.

3.3 The completions of Option 2 (phases 1 and 2) would bring the project to same point as the completion of Option 1. With the de-commissioning of some of the older combustion plant and minimised flaring emissions will result in a reduction in the mass emissions to air from the installation and an improvement Air Quality,

3.4 Should Option 2 be chosen the Best Available Technique (BAT) for phase 2 might not be the same as for phase 1 due to improvements in combustion techniques in the time between the phase 1 and phase 2. The use of BAT, at the time of installation of phase 2, would be required to comply with EPR.

3.5 The environmental and health impacts of the discharges to air is an important consideration for the determination of an EPR permit; during which an in depth examination of the air modelling is undertaken, considering the impact of the proposed installation on air quality and the deposition of pollutants. An important aspect of this is the use of the appropriate chimney height and discharge velocity of the emissions to air. In this location, consideration of the complex terrain and its coastal location and the effect of these on the dispersion of the pollutants from the proposed chimney is also important. These form an important consideration in the determination of the EPR permit, especially given the close proximity of a local air quality management area (AQMA) for PM10's and local public concerns regarding air quality and health.

3.6 EPR pre-application discussions began as of 09 January 2015. The applicant has not submitted an EPR permit application.

3.7 Based upon the information currently available, it appears to NRW that it would be possible in principle to issue a permit for the proposed development, however NRW is unable to provide any binding commitments at this stage as to the subsequent determination of the application and it should be noted that consent may be granted or refused.

3.8 For the avoidance of doubt comments regarding EPR permitting are made by NRW in its regulatory capacity under the Environmental Permitting (England and Wales) Regulations 2010 distinct from its role as interested party for the purposes of the Planning Act 2008 examination).

4.0 Noise

4.1 British Standard 4142 has recently undergone a substantial review. The October 2014 version (Methods for rating and assessing industrial and commercial sound) replaced the 1997 version. BS4142:2014 is now the appropriate standard to use for the assessment of noise from industrial installations and future noise assessments should be undertaken in accordance with the provisions of that standard.

4.3 Based on the noise reports submitted, we make the following comments:

I. The exclusion of technical data relating to the design specification of the proposed plant prevents the full analysis of operational noise.

II. As part of an assessment of an EPR application the noise aspects of operational activity to protect the public and the environment from noise and vibration from the installation will be considered.

5.0 Groundwater and Contaminated Land

The proposed site lies within the existing EPR installation boundary. We are aware that Site Investigations are being carried out to determine the extent of contamination and await the results of these investigations before commenting further on proposed remediation.

We anticipate that our concerns could be addressed through adequately worded DCO requirements.

Annex B: Examining Authority's First Round of Questions – 18 December 2014

5.0 Environmental

5.14 - Operational Air Quality Effects – Can NRW and NPTCBC state whether they are satisfied with the applicant's assignment of significance for ecological receptors described in Environmental Statement paragraphs 5.4.105-5.4.106

We consider the implied assignment of significance in sections 5.4.105 – 5.4.106 to be satisfactory for the purposes of EIA and assessment of significant effects relating to the Environmental Statement itself. However, NRW advise that specifically for the purposes of Habitats Regulations Assessment (HRA), these definitions do not apply, although the definitions of 'significance' used for such purposes from the Environment Agency's H1 Annex F guidance (pages 18/19), are broadly similar, subject to a site's Conservation Objectives.

5.20 – Air Quality – Can NRW state whether they are satisfied with the applicant's methodology and conclusions with respect to effects on air quality in relation to the future granting of an Environmental Permit.

We are satisfied that the applicant has used a suitable model and used meteorological data from local measurement stations to give 10 years of data. They have considered a range of worst case options and show that potential impact of the proposed development would, as a worst case, have only a minimal negative impact on air quality and aerial deposition of pollutants.

However in the absence of further data which is to be provided by the applicant in support of its EPR application, we are not in a position to state whether or not the conclusions are correct. In any event this would be a matter falling within NRW's regulatory role and outwith of the Planning Act 2008 examination.

5.36 – Surface Water Environment – Abstraction volumes – Can NRW state whether they have any concerns regarding the estimated abstraction volumes during construction and confirm whether these would fit comfortably within the existing permit.

We have no concerns regarding the estimated abstraction volumes during the construction period or longer term, as the proposed volumes do not exceed the existing licensed quantities.

5.38 – Surface Water Environment – Abstraction volumes – Can NRW state whether they are satisfied with the assessment of abstraction volumes for construction and operation, and whether they are satisfied that these would be acceptable under the existing permit.

As 5.36, we have no concerns regarding the estimated abstraction volumes during the construction period or longer term, as the proposed volumes do not exceed the existing licensed quantities.

5.40 – Surface Water Environment – Abstraction modelling – Can NRW state whether they have any residual concerns regarding the abstraction modelling.

The abstraction modelling carried out by Halcrow during the original assessment investigated the impact on residual river flows of recent actual rates of abstraction and maximum licensed quantities for Tata Steel. The work carried out by AECOM has shown that the proposed rates of abstraction will not exceed the existing licensed quantities.

NRW is therefore satisfied from the recent modelling that impacts on the residual flows in the River Afan will be no worse than those predicted in the original abstraction modelling carried out by Halcrow and that no further modelling be undertaken.

The recent modelling has however shown that there may be some changes to the Dock water levels caused by changes to how water is managed within the system. This is a consideration for ABP in the event that it may affect their current operations.

5.44 – Surface Water Environment – Dissipation of discharges – Can NRW state whether they agree with the applicant’s conclusion that discharges from the development will be dissipated more easily from the long-sea outfall.

We are not in a position to state whether or not we agree with the conclusions at this time, as this would be a matter which falls within NRW’s regulatory role.

5.45 – Surface Water Environment – Cumulative Assessment – Can NRW state whether they are in agreement with the approach and findings of the cumulative assessment relating to the surface water environment contained in Environmental Statement Tables 14.15 and 14.16.

We can confirm that the approach and findings within the tables are appropriate.

5.46 – Surface Water Environment – Water Abstraction Hierarchy – Can the applicant and NRW confirm whether a water abstraction hierarchy has been agreed and if so provide a copy.

The water abstraction hierarchy has only been proposed in principle but not agreed. The purpose would be to minimise where possible the impact of abstractions on low flows in the Afan with particular purpose to protect fish pass flows. The hierarchy still needs to be developed, within it there needs to be facility to modify, change or improve the hierarchy and it must comply with the conditions of the existing abstraction licence. NRW considers that the Afan Water Management Group should be the consultative group or forum that manages the hierarchy.

5.47 – Surface Water Environment – Monitoring of River Afan flows – Can NRW confirm their agreement to monitor River Afan flows at Marcroft gauging station and to issue an operating advisory notice to the applicant when low flows are not expected to meet the additional abstraction requirements. Can NRW also state whether such agreement will extend throughout the life of the development.

We can confirm that NRW will monitor flows in the river Afan and issue an operating advisory notice. The notice will be determined by the abstraction hierarchy agreement which is still to be developed.

The agreement should include a provision to allow changes to the abstraction hierarchy so that the objectives of the hierarchy are achieved. The agreement will extend throughout the life of the development if required.

5.48 – Surface Water Environment – Water abstraction hierarchy – Can NRW state whether they are satisfied with the current wording of DCO Requirement 18 with respect to monitoring and/or trigger points and how these will be delivered and by whom.

The water abstraction hierarchy is an agreement that has been proposed by AECOM and Tata steel to manage the abstractions to minimise the impact on low flows. As the proposed development will operate within the limits of the existing abstraction licence, under NRW’s regulatory control, we are of the opinion that DCO Requirement 18 should be removed.

5.49 – Surface Water Environment – Applicable Environmental Permit – Can NRW state whether, in principle, they think an applicable Environmental Permit could be agreed to enable the discharges from the proposed development.

NRW is not in a position to agree any aspect of the permitting, such issues will be considered further during the Environmental Permit application process and in pre-application discussions.

5.50 – Surface Water Environment – Ecological assessment – Can NRW state whether they have any concerns regarding the assessment of ecological impacts on Port Talbot Dock.

We are satisfied with the assessment of the ecological impacts on Port Talbot Dock and therefore have no concerns.

5.59 – Scoping Out – Can NRW, NPTCBC and GGAT state whether they are in agreement with the Applicant’s Scoping In/Scoping Out comments (Environmental Statement Table 2.1).

We have been part of a comprehensive pre-examination consultation process with Tata Steel and as a result we are in agreement with the applicant’s Scoping In/Scoping Out comments.

6.0 Habitats, Ecology and Nature Conservation

6.01 – Can NRW and the local Authorities state whether they are satisfied that all relevant European sites and features have been considered in the applicant’s Habitat Regulations assessment?

We are satisfied that the applicant's Habitats Regulations Assessment has considered all relevant protected sites and features.

6.02 – Can NRW confirm which features of the Crymlyn Bog Ramsar site are the designated features which need to be considered for the purposes of Habitat Regulations assessment

Whilst the features of the Ramsar are less easily defined than those of the overlapping SAC, a list of 'general ecological features' can be found at the following URL; <http://jncc.defra.gov.uk/pdf/RIS/UK14006.pdf>

The features of the SAC are broadly similar to the features of the Ramsar and as such, consideration of the SAC habitats and their conservation objectives is considered to be applicable to the assessment of the overlapping Ramsar features, for the purposes of HRA.

6.03 – Can the applicant and NRW confirm whether they have reached agreement on the likelihood of significant effects on European sites resulting from acid deposition from the project in combination with other power station proposals in the vicinity and/or from nutrient nitrogen deposition.

We have reached agreement with the applicant on the likelihood of significant effects on European sites from the proposed development in-combination, as reflected in the updated documents relating to the HRA (Habitats Screening Report and Report to Inform an Appropriate Assessment, December 2014). We agree with the overall conclusions of these documents.

6.04 – Can NRW confirm whether the existing levels of atmospheric pollution are affecting the favourable conservation status of the transition mire and calcareous fen features of the Crymlyn Bog Ramsar Special Area of Conservation.

Current levels of atmospheric deposition as modelled by the APIS website are; <http://www.apis.ac.uk/src/select-a-feature?site=UK0012885&SiteType=SAC&submit=Next>

The data highlights the implications of increased Nitrogen deposition above the minimum critical load (and maximum critical load for Transition Mires feature). The level of acid deposition upon the Transition Mires features also exceeds the maximum critical load for the feature. The critical loads used by the applicant for this project were more stringent than those quoted on APIS at present, based on site-specific information (Environment Agency Review of Consents).

It is likely that the levels of acid and Nitrogen deposition on Crymlyn Bog SAC are currently contributing to the high nutrient levels on the site and, therefore, having a negative effect on the above features, based on APIS data. No official status is recorded for the above features but condition assessments show both to be Unfavourable (see <http://www.ccw.gov.uk/landscape--wildlife/protecting-our-landscape/special-sites-project/cors-fochno-to-cwm-sac-list/crymlyn-bog--cors-crymlyn-sac.aspx>).

However, it is considered that other influences on these features such as historic contamination, lack of grazing and hydrological issues are of far greater significance on condition and status at this site, compared to deposition of aerial emissions. Nonetheless, aerial deposition should be controlled in order to contribute to the aim of achieving Favourable Conservation Status, as guided by the sites Conservation Objectives. A number of actions are underway to tackle existing management issues and as such, aerial emissions are considered to be a factor that is currently under control as a result of a variety of actions, measures and former/current regulatory regimes contributing to a downward trend in emissions.

6.05 – Can NRW and the Local Authorities state whether they agree with the conclusions of the ‘No Significant Effects’ Report (NSER) with respect to the effects of water pollution from surface run-off, noise and vibration, dust blanketing, direct habitat loss or fragmentation, direct disturbance to species, alteration of management, increase in lighting and the spread of invasive species.

We agree with the conclusions of the updated ‘Habitats Screening Report’ which has now superseded the ‘No Significant Effects Report’.

6.06 – Can NRW and local authorities state whether they are satisfied that all the relevant developments have been included in the applicant’s in-combination assessment in the ‘No Significant Effects’ Report Rev.2.

We confirm that to the best of our knowledge, all relevant developments have been considered in the ‘Habitats Screening Report’.

6.10 – In combination Effects – Can NRW state whether they consider the reference documents quoted by the applicant in the NSER Section 5 to be the most up to date for the purpose of determining in-combination effects (ERM 2008b, RPS 2008, CERC 2008, SKM 2006).

We confirm that to the best of our knowledge, relevant documents have been considered in the ‘Habitats Screening Report’ in-combination assessment.

6.11 – Can all interested parties confirm whether they have any issue relating to Revision 2 of the ‘No Significant Effects’ Report presented as the Habitats Screening Report (Doc.Ref. 5.03 Rev 2).

We can confirm that we have no outstanding issues with the ‘Habitats Screening Report’.

NRW 15/01/15

Annex C. NRW Guidance on Flood Risk and Climate Change.

The consideration of fluvial flooding consequences in Flood Consequences Assessments (FCAs)

NRW will advise that any development proposal within a fluvial flood risk area should be supported by an assessment take account of the potential impact of climate change over the lifetime of development up to the 0.1% probability of occurrence.

It has been agreed that an assessment of climate change for the 0.1% extreme fluvial flood is not required due to the level of uncertainty in its calculation. This is consistent with Section A1.4 of TAN15 which states "*Confidence in estimation of extreme flood events are generally not high*"....."*It is important these uncertainties are acknowledged and taken fully into account to ensure decisions are made in a sensible and pragmatic manner*".

Our current FCA methodology advises developers to assess flood risk including the predicted influence of climate change over a 75 or 100 year lifetime of development. As such we will advise that a FCA should include assessment of the 1% + climate change (1 in 100 year + cc) fluvial flood event and the 0.1% (1 in 1000 year) fluvial flood in order to satisfy the requirements of current national planning policy.

NRW will normally object to a development proposal on the grounds of an inadequate FCA where the potential impact of climate change has not been applied to the 1% fluvial probability event.

The consideration of tidal flooding consequences in FCAs

NRW will advise that any development proposal within a tidal flood risk area should be supported by an assessment take account of the potential impact of climate change over the lifetime of development up to the 0.1% probability of occurrence.

Unlike fluvial flood risk, the application of climate change to the 0.5% tidal event alone is not sufficient to assess the acceptability of a proposal against the criteria set out in Table A1.15 of TAN15. The application of climate change on the 0.1% tidal probability event also reflects the greater degree of confidence which exists in calculating predictions for sea level rise.

NRW will therefore advise that any development proposal within a tidal flood risk area should take account of climate change effects for both the 0.5% (1 in 200 year) and the 0.1% (1 in 1000 year) probabilities of occurrence.

NRW will normally object to a development proposal on the grounds of an inadequate FCA where the potential impact of climate change has not been applied to both the 0.5% and the 0.1% tidal probability events.



Our ref: WG0701-14

To all Chief Planning Officers

9th January 2014

Dear Colleague,

Planning Policy on Flood Risk and Insurance Industry Changes

Given recent flooding and storm events I am writing to update you on a number of issues that have arisen in relation to the interpretation and use of national planning policy in respect of development and flood risk.

Insurance Industry Flood Cover

Flood insurance as a financial activity is classed as a reserved matter for which the UK Government is responsible. DEFRA consulted last summer (2013) on [proposals](#) for how the insurance industry will provide flood cover to domestic properties in the future. The consultation was accompanied by a draft Memorandum of Understanding between the UK Government and Association of British Insurers which has influenced flood insurance clauses in the Water Bill. These clauses may have an impact on planning applications, and the ability to demonstrate a 5 year housing land supply.

The new proposals are based upon introducing "Flood Re", which is a reinsurance pool of funding for high risk households, and in effect caps flood insurance premiums. Premiums would be set according to property council tax bands, and therefore home owners, and prospective purchasers, will know the maximum they could be asked to pay for flood insurance cover.

However these proposals will only apply to properties built before 2009, and therefore new developments built after this date will be subject to uncapped risk reflective premiums. Consequently, in order to ensure that insurance cover will be obtainable, new developments should only be permitted in a flood risk area where it can be made safe, resistant and resilient to flooding for a given flood event (e.g. 1 in 100 chance or 1 in 200 chance of occurring in any year), and does not increase flood risk elsewhere.

In Wales the standard of mitigation that should be achieved is set out in Technical Advice Note 15: Development and Flood Risk. A summary of these requirements is included as an Annex to this letter.

Why is flood insurance a planning consideration?

Mortgage lenders in the UK generally require mortgage holders to purchase buildings insurance which includes cover for flooding. Therefore if new homes, which are built after 2009, do not provide an appropriate standard of mitigation then the ability to get insurance cover may be limited or not even possible. This in turn will affect the ability of purchasers to secure mortgages which means properties cannot be sold. This lack of market certainty may mean that the development does not get built thereby resulting in those units not contributing towards providing a 5 year supply of housing.

As new properties will pay risk-reflective prices for insurance, it provides further incentive to consider the lifetime of the development and how residents will be able to cope with flood risk in the long term.

How will the Insurance Industry know whether new development meets the appropriate standard of flood mitigation?

The Water Bill will contain provisions for data sharing between the insurance industry, Natural Resources Wales, Lead Local Flood Authorities, and Welsh Government.

This includes the annual High Level Target (HLT) 13 report prepared by Natural Resources Wales in association with the Welsh Local Government Association. HLT13 identifies those planning applications that were approved in areas of flood risk, and those approved contrary to Natural Resources Wales' advice. This information will be used by the insurance industry to determine whether the residual risk of flooding is acceptable for insurance cover for individual developments.

Surface Water Flood Risk

The Flood Risk Regulations 2009 have introduced a requirement for surface water flood maps to be produced by the end of December 2013. Lead Local Flood Authorities have been working with Natural Resources Wales and the Environment Agency to produce an online surface water flood map. Details of the maps can be found at: <http://watermaps.environment-agency.gov.uk>

Section 8 of TAN15 identifies that consultation with regard to surface water may be required with Land Drainage Authorities. Therefore it may be necessary to consult internally with colleagues fulfilling the role of Lead Local Flood Authority to determine whether surface water flood risk is an issue when considering allocations in local development plans or determining individual planning applications.

In respect of river and tidal flood risk, reference should still be made to the Development Advice Maps published by the Welsh Government. The latest version of these was published in March 2013, and can be found at: <http://data.wales.gov.uk/apps/floodmapping/>

Climate Change and the Lifetime of Development

Paragraph A1.5 of TAN15 identifies that a proposed development must provide a safe and secure living and/or working environment throughout its life and that an assessment should include a flood event which has a 0.1% (or 1 in 1000 chance) probability of occurrence in any year.

Natural Resources Wales advise that the lifetime of development for residential development is 100 years, and for other development it is considered to be 75 years.

Therefore it is necessary to take account of the potential impact of climate change over the lifetime of development including a flood event which has a 0.1% probability of occurrence.

Consultation with Natural Resources Wales

Section 6 of TAN15 sets out the tests that should be considered in order to justify the location of development within a flood risk area. This is a matter for the Local Planning Authority to undertake, and these should be undertaken sequentially. Therefore the Local Planning Authority should be able to identify how a proposed development meets tests i, ii, and iii of Paragraph 6.2 prior to consulting NRW on any detailed Flood Consequence Assessment necessary

to demonstrate test iv. **In particular paragraph 6.2 identifies that highly vulnerable development (e.g. housing) should not be permitted in Zone C2, and paragraph 10.8 states that allocations should not be made for highly vulnerable development in Zone C2.**

The latest HLT13 report identifies that in 2012/13 the majority of sustained objections by NRW were in relation to applications that were not supported by the submission of a Flood Consequence Assessment.

Paragraph 3.4 of TAN15 identifies that the planning authority will need to be satisfied that a proposal is justified and that the consequences of flooding are acceptable, and that developers will need to provide information to demonstrate that their proposal satisfies the tests contained in the TAN. TAN 15 advises that the first step in undertaking an assessment must be for the developers to consult Natural Resources Wales about the objectives of the assessment.

In providing their expert technical advice, NRW will comment on the acceptability of flooding consequences in terms of the risks to people and property within the development. However they will not comment on whether safe access and egress can be achieved to and from the site as this is a matter for the emergency services to determine on a site by site basis depending upon operational capabilities and equipment. The Local Resilience Forum for your area may be able to provide further advice in liaison with Local Authority Emergency Planners. The responses back from NRW to the LPAs have identified this issue; however from the sample of planning committee reports we have seen it is not clear how local planning authorities have been addressing this.

We expect Local Planning Authorities to reflect on the issues raised in this letter, and consider how this may impact upon development viability and supply in flood risk areas.

Yours sincerely,



Rosemary Thomas
Chief Planner / Deputy Director
Department for Housing and Regeneration

CC: Local Authority Chief Executives
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