

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref MA/JJ/3967/21

Elin Jones AM  
Llywydd  
National Assembly for Wales  
Cardiff Bay  
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23 November 2021

Dear Llywydd

### **The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) (Amendment) Order 2021**

In accordance with section 11A(4) of the Statutory Instruments Act 1946 (as inserted by Schedule 10 paragraph 3 of the Government of Wales Act 2006), I am notifying you that the statutory instrument referred to above comes into force less than 21 days from the date of laying. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2021 contains provisions that are intended to support the implementation of a new planning policy framework for development in areas of flood risk and coastal erosion. The new Technical Advice Note (TAN) 15 and accompanying Flood Map for Planning were due to be issued on 1 December. This new framework necessitated a technical change to the legislative provisions that ensure Natural Resources Wales (NRW), the principal advisor on issues relating to the environment and natural resources to government, industry and the wider public sector, is consulted on planning applications where flood risk may be a relevant issue.

On 25 October I signed an Order that would ensure continuity in the types of planning applications that would be subject to consultation with NRW, as well as creating new requirements to consult with Fire and Rescue Authorities<sup>1</sup>.

Since the Order was laid, the Welsh Government has received correspondence and communications from local authorities that highlight legitimate and reasonable concerns

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<sup>1</sup> The provisions related to Fire and Rescue Authorities in The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2021 are entirely unaffected by recent events and are not subject to amendments covered by this letter.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

with the arrangements for bringing TAN 15 and the Flood Map for Planning into effect on 1<sup>st</sup> December. These had been subject to a 9-week 'soft launch' period, following their informal release to stakeholders on 29 September. The 9-week period allowed for a transition between current and new policy frameworks in recognition that many planning applications would have been made on the basis of the existing policy framework, i.e. the 2004 version of TAN 15 and the Development Advice Map. It was expected that the majority of planning applications already submitted and in the system could be determined by 30 November, and therefore not be inadvertently affected by the new policy advice.

Local authorities and the development industry have demonstrated that the 9-week transition period has been insufficient for the purposes of enabling an orderly transition to the new policy framework. Among the types of schemes that may be adversely affected by the new TAN 15 taking effect on 1 December are flood defence schemes, whose rationale is to make communities more resilient to flooding. Another concern raised by local authorities specifically is that they feel they have not been able to fully contribute local evidence and knowledge into the national Flood Map for Planning. Unlike the previous Development Advice Map, the Flood Map for Planning includes climate change projections, resulting in significantly larger flood zones in some areas. Pausing the publication of TAN 15 and the Flood Map for Planning will allow for refinement of the mapping and the identification of appropriate climate change adaptation strategies.

The pause in bringing TAN 15 and the Flood Map for Planning into effect has meant it has been necessary to omit provisions relating to Natural Resources Wales and flood risk development from the Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2021. To do so, I will be laying the Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) (Amendment) Order 2021, to come into force on 25 November 2021.

I am copying this letter to the Minister for Rural Affairs, North Wales and Trefnydd, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely



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