

Grwp yr Economi, Sgiliau a Chyfoeth Naturiol
Economy, Skills and Natural Resources Group

Dirprwy Ysgrifennydd Parhaol • Deputy Permanent Secretary



Llywodraeth Cymru
Welsh Government

Nick Ramsay AM
Chair – Public Accounts Committee

6 January 2017

Dear Nick Ramsay AM,

During the Public Accounts Committee session on 12 December I committed to providing you with further detail on two matters concerning the planning system and flood risk:

- I. That planning permission includes conditions for developers to plant trees and restrict the use of block paving to reduce the impact of flooding; and
- II. That development has taken place on land susceptible to flooding.

The Welsh Government's national planning policies are set out in Planning Policy Wales and a series of Technical Advice Notes. At a local level, every local planning authority is required to prepare and maintain a Local Development Plan (LDP), which provides locally-specific policies and site allocations.

The planning system gives full consideration to managing flood risk both strategically and on a site-specific level. Detailed measures include restricting 'Permitted Development' rights, to allow only permeable areas of hardstanding to be created adjacent to houses and industrial and warehouse development without the need for planning permission. These restrictions were introduced in 2013 to mitigate the cumulative impact of small, incremental additions of impermeable hardstanding on surface water run-off and a subsequent increase in flood risk. As a consequence proposals for non-permeable driveways or hardstanding areas require planning permission from the local planning authority.

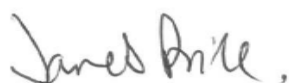
National and local planning policies set an expectation for new developments to incorporate sustainable drainage systems (SuDS) to minimise run-off, bringing water quantity and quality benefits, as well as improving local amenity and biodiversity. Furthermore, planning authorities routinely use planning conditions to ensure permeable materials are employed effectively and to ensure appropriate landscaping is incorporated into new development, including the planting of trees.

On a broader scale, Planning Policy Wales sets a precautionary approach which seeks to direct development - in particular highly vulnerable uses such as new homes, emergency services and schools - away from areas susceptible to flooding. Developments of this nature should never be located on undefended floodplains, and only where the risk to life and property can be reduced to acceptable levels should these developments be located behind flood defences. The independent examination of Local Development Plans will scrutinise whether any site allocations are proposed in areas of flood risk. At the planning application stage, developers must submit a Flood Consequences Assessment when proposing developments in flood risk areas, which will be assessed by Natural Resources Wales in its capacity as a statutory consultee. This process ensures that development only occurs on floodplains if it can be justified and if the risk to life and property is minimised as far as is practical.

The Welsh Government works closely with Natural Resources Wales to provide accurate maps showing where there is a risk of flooding. The TAN 15 Development Advice Map, which is specific for planning purposes, will become more closely aligned to the national Flood Risk Map when NRW become responsible for its management by April this year. This map gives developers and the public clarity on the location and nature of flood risk, and provides a further restriction to locating inappropriate new development in locations at risk of flooding.

Finally, a Notification Direction issued in 2012 ensures the Welsh Ministers are notified if a local planning authority is minded to approve an application for highly vulnerable development (10 or more dwellings where new homes are proposed) where the site is located on undefended floodplains (zone C2 of the Development Advice Map). This means the Welsh Ministers have the opportunity to call-in the application for their own determination. Ministers have exercised this power on several occasions.

Yours sincerely

A handwritten signature in black ink that reads "James Price," with a comma at the end. The signature is written in a cursive, slightly slanted style.

James Price

Number: WG28957



Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of response

Establishment of a Flood and Coastal Erosion Committee

January 2017

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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Introduction

Section 81(1) of the Environment Act 2016 provides Welsh Ministers with the power to establish a Flood and Coastal Erosion Committee. The intention is for this new Committee to replace the current Flood Risk Management Wales (FRMW) Committee, whose arrangements were established by the Flood and Water Management Act 2010 (the 2010 Act), and the Regional Flood and Coastal Committees (England and Wales) regulations 2011.

The central role of FRMW is defined in terms of what Natural Resources Wales (NRW) must do regarding their programme and budget and what they may not do without the consent of FRMW.

The collective responsibility of FRMW is to consent to NRW's regional flood and coastal erosion risk management programme, the issue of any levy by NRW under section 17 of the 2010 Act, and the spending of any revenue by NRW under section 118 of the Water Resources Act 1991.

Flood and coastal erosion risk management in Wales is wider than the responsibilities that fall into NRW's flood risk management programme. The 2010 Act sets out the roles and responsibilities of all 'Risk Management Authorities' which in Wales includes NRW, the 22 Local Authorities who act as Lead Local Flood Authorities (LLFAs) and the highway authorities, internal drainage boards and water and sewerage companies.

In addition, external stakeholders including Network Rail and private landowners have a role in maintaining certain assets located on or near areas of flood or erosion risk. The delivery of the Welsh Government's National Strategy for Flood and Coastal Erosion Risk Management (the National Strategy) involves joint working across a range of organisations including Welsh Government, NRW, Local Authorities, Network Rail and Dŵr Cymru Welsh Water.

Consultation Process

The consultation sought to seek wider engagement on key aspects of the new Committee to ensure that it can deliver on its aim of providing sound, accurate and representative advice to Welsh Ministers on all aspects of flood and coastal risk management.

The consultation asked six questions on various aspects of the new Committee and provided factors to consider in relation to each question.

The consultation began on 11th August 2016 and closed on 3rd November 2016, receiving a total of 38 responses. The consultation was placed on the Welsh Government website and sent to relevant stakeholders.

Executive Summary

The idea of the new Flood and Coastal Erosion Committee was broadly welcomed by the respondents to the consultation.

The key message relating to the functions of the Committee was for it to provide advice and/or monitoring of the Flood and Coastal Erosion Risk Management (FCERM) programmes.

For the size and composition of the Committee views varied but, taking all responses into consideration, most people felt there should be at least 10 people but no more than 20, with a roughly equal number of representative and appointed members. Having sub groups feeding into the Committee was also mentioned. The Committee will have to reflect the fact that it covers the whole of Wales, both in the subjects that it will look at and its composition. This was something that was pointed out in various responses, with the importance of local knowledge being stressed.

Another message which came across was that the Committee should foster links with universities and other educational institutions. Other organisations were mentioned which people felt the Committee should interact with and liaise with on a regular basis which is covered under the second question.

On the question of frequency of meetings, quarterly proved to be the most popular choice, with most responses suggesting either NRW or Welsh Government should provide the secretariat. Whilst slightly more people opted for NRW it was noticeable that NRW themselves, and influential organisations such as the WLGA, preferred the role to go to Welsh Government. It was also suggested by multiple respondents that, as the Committee would be reporting to Welsh Ministers, it would make sense for Welsh Government officials to undertake this role.

The Chair would report to Ministers twice a year and will also produce an annual report on behalf of the Committee. The Committee should have a presence on the Welsh Government website and should have an effective communications strategy in place.

The majority of those who expressed a view were supportive of remuneration for the Chair and the payment of expenses to members.

Responses to Consultation Questions

The consultation asked 6 questions to obtain views on the establishment of a Flood and Coastal Erosion Committee. A full list of respondents is provided at Annex 1.

Question 1: Other than the high level aim to advise Welsh Ministers on matters relating to flood and coastal erosion risk management, what additional functions may be imposed or conferred on the new committee?

Overall, there was a general welcome for a new Committee which could provide a holistic view and advice on the entire flood and coastal erosion sector in Wales. Only one response questioned the need for a new Committee and felt that local committees distributed across regions of Wales would enable better decision making.

In total there were a wide range of potential additional functions that could be conferred. The most popular suggested were as follows:

Suggested Committee function (in order of popularity)	No. of responses mentioned
To provide advice and/or monitoring of the Flood and Coastal Erosion Risk Management (FCERM) programmes	17
To be able to commission own programme of work and/or research programme	11
To provide better two way communication with communities and the public on flood risk	11
To provide advice on how best FCERM can contribute to the Environment and Wellbeing Acts	9
To offer advice on how FCERM could incorporate land use and planning considerations, particularly concerning Local Development Plans and natural flood management approaches and implementation	6
To encourage effective partnership working between all Risk Management Authorities (RMAs) and FCERM organisations	5
To advise on the National Strategy for FCERM	5

Four respondents suggested that the advice provided by the Committee should be specifically set out on a short, medium and long term basis, which is consistent with the original proposals set out by the Environment Act. A further four respondents felt that the Committee should facilitate co-operation with and between resilience and emergency response groups with regard to flood events.

Four respondents felt that the Committee should take account of geographical differences and local situations when providing advice on flood and coastal erosion risk management. Three respondents suggested that the Committee should be charged with exploring the potential for partnership funding for flood and coastal erosion risk management programmes. Three respondents felt that the Committee must take climate change fully into account when providing advice, with two respondents each stating that the Committee

should both conduct a review of flood and coastal erosion research and should highlight and share best practice, both nationally and internationally.

One respondent felt that the Committee should encourage innovation.

All of the above suggested functions will be considered during the formation of the Committee. There were also a number of suggestions that cannot be considered. These included a suggestion for the Committee to have the remit to consider broader water management issues, which would not be permitted under the Committee scope as set out by the Environment Act.

A suggestion to include protection against river erosion as a consideration of the Committee is not currently possible as the erosion of a watercourse bank is the responsibility of the riparian owner and Risk Management Authorities do not have powers to manage this risk under the Flood and Water Management Act.

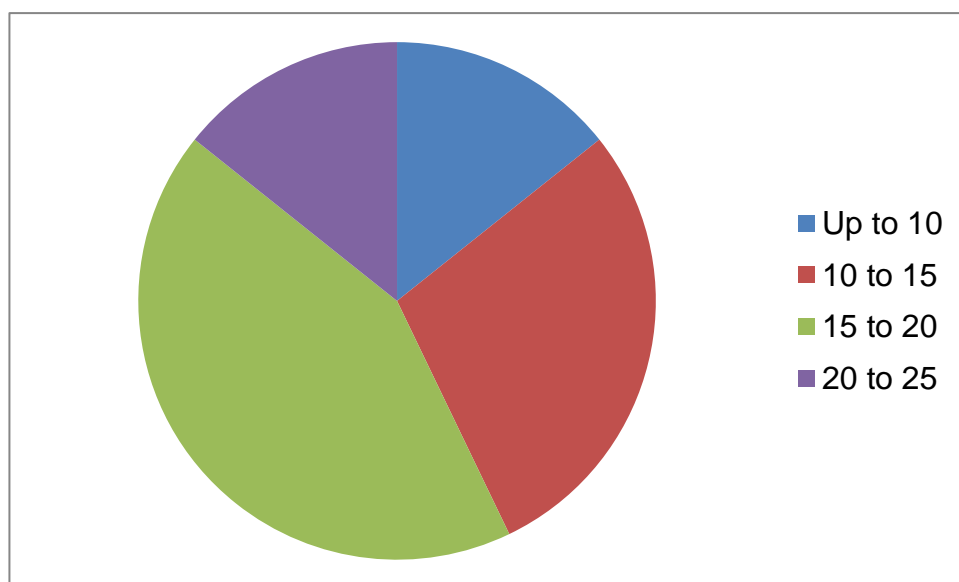
Two respondents felt that the Committee should have the power to question flood and coastal erosion risk management organisations. The Committee will potentially be permitted to invite representatives to meetings to discuss various issues. However, as the Committee will be advisory in status rather than a scrutiny Committee, it would not be appropriate for the Committee to compel any organisation to attend and receive scrutiny.

One respondent felt that the Committee should consider the links to increasing coastal erosion. As the Committee will potentially have the ability to set its own work and research programme, such tasks could conceivably be considered but not as a set and distinct function.

Question 2 - With regard to the membership of the new Committee:

- a) **What size should the membership be?**
- b) **Which organisations should be represented?**
- c) **What skills and/or knowledge should be sought?**
- d) **What would be the key links to other organisations, boards or committees?**
- e) **Should the new Committee have appointed members, representative members, or an element of both?**

There was a variation in responses received as to the optimum size of the Committee, as displayed by the following graph.



Many respondents did not offer an opinion on the size of the membership, although there were multiple views that core Committee numbers should be reduced with supporting sub-Committees providing opportunities for wider representation and greater detailed discussions.

Of the opinions expressed on the type of membership, the majority view was the Committee should contain a roughly equal number of representative and appointed members.

There was a wide range of organisations listed which respondents felt needed to be involved with the new Committee. These included:

- Welsh Government
- Natural Resources Wales (NRW)
- Lead Local Flood Authorities (LLFAs)
- Welsh Local Government Association (WLGA)
- All Water utilities
- Network Rail
- National Trust
- Community and Town Councils, potentially through One Voice Wales
- Voluntary Sector including flood wardens and residents in high risk areas
- Landowners, including National Farmers Union (NFU) Cymru and Countryside Landowners Association (CLA)
- Environmental Non-Governmental Organisations (NGOs), potentially through Wales Environment Link
- Met Office

- Universities
- Private sector
- Coastal users groups, including beach owners

It was also felt that the Committee would need strong links to:

- Association of Drainage Authorities (ADA) and other professional bodies
- Historic environment groups
- Climate change groups
- Resilience groups
- Wales Coastal Monitoring Centre (when re-established)
- The Flood and Coastal Erosion Risk Management Programme Board (when established)
- Planning departments in Local Authorities and Welsh Government

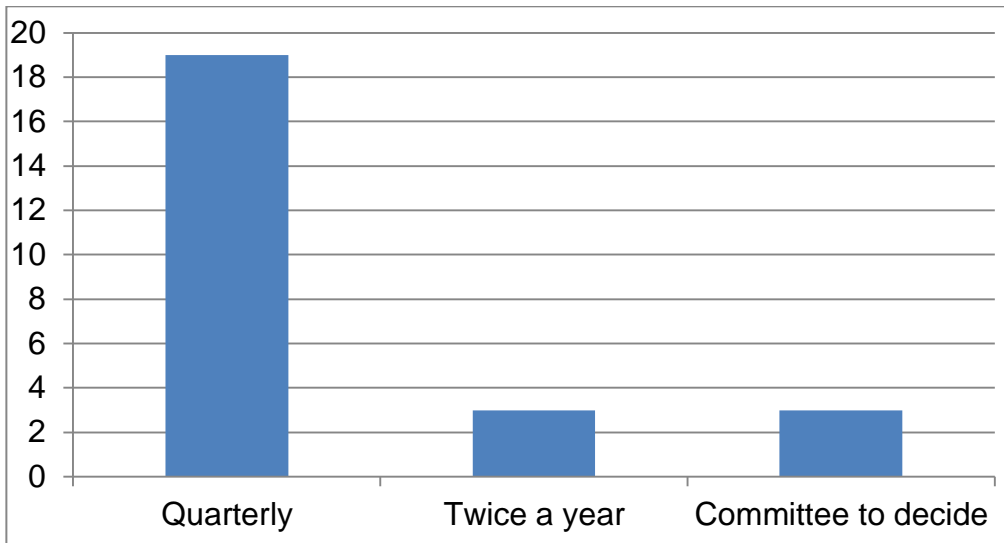
In terms of the skills needed on the Committee, again there was a wide range of responses. These included:

- Engineering, Innovation and Technology
- Independent flood and coastal practitioners
- Knowledge of Welsh Government funding
- Knowledge of different types of flooding
- Technical knowledge
- Knowledge of Capital Investment Programmes
- Communications and ability to liaise with public
- Geographical Information Systems (GIS) and mapping expertise

In addition, respondents felt the Committee should have the ability to co-opt additional expertise when required, including inviting others to attend and contribute.

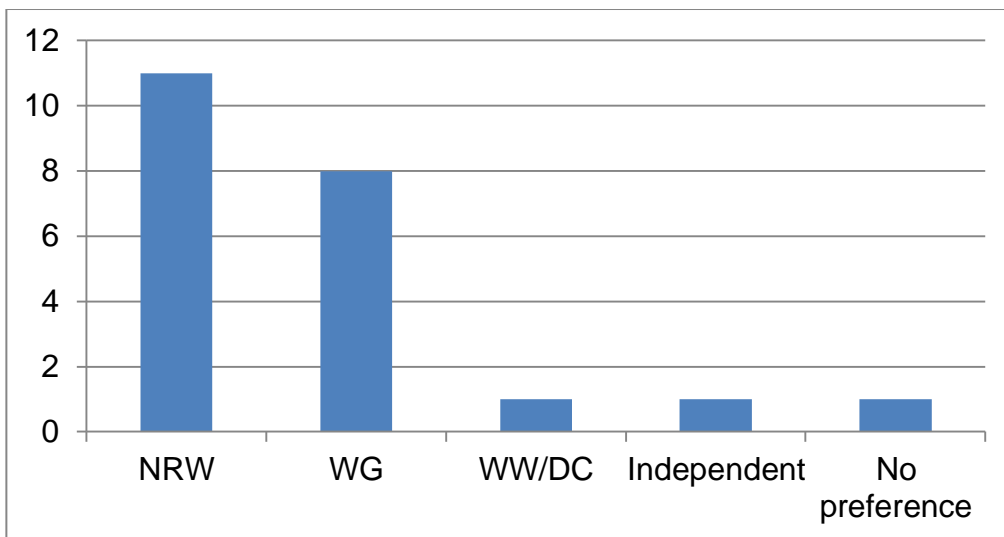
Question 3 - How often should the new Committee meetings occur, and who should perform the secretariat support?

There was an overall view that the Committee should meet in some form on a quarterly basis. The following graph displays the various responses received:



The Committee itself will have an input into the necessary frequency of meetings, with agreement from Welsh Ministers. Although the consultation responses clearly favour a quarterly frequency of meetings, when potential sub-committee meetings are also factored in, a frequency of 2-3 core committee meetings may be more appropriate.

The responses relating to secretariat support were as follows:

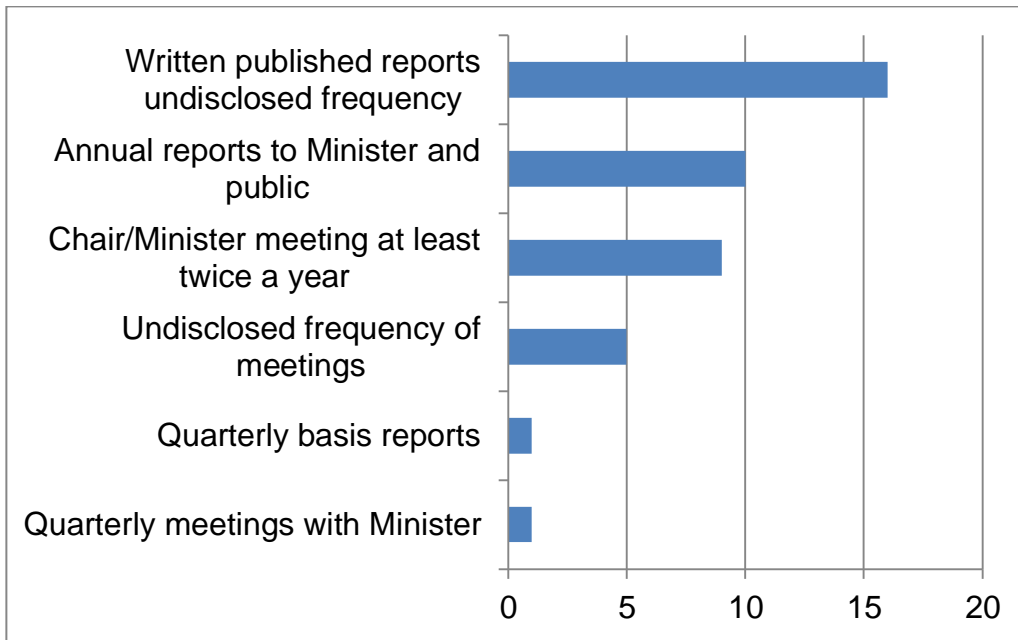


However, despite a higher amount of respondents stating that NRW should provide the secretariat support, a significant number of comments were of the opinion that Welsh Government would be more appropriate. Multiple views were expressed along the lines of “if reports are going to the Minister, then Welsh Government would be the more suitable secretariat.”

In addition, NRW themselves, the WLGA and LLFAs also indicated that Welsh Government would be the appropriate body to provide secretariat support.

Consultation question 4 - How should the new Committee communicate its advice to Welsh Ministers?

When asked about how the Committee should communicate its advice to the Minister and the public, the majority of respondents felt that some kind of written and published report would be preferable. Ten responses were more specific, with an annual report preferred. Respondents also felt that regular meetings between the Committee Chair and the Cabinet Secretary would be desirable, with 9 responses stating these meetings should occur at least twice a year. The range of received responses is displayed below.



Consultation question 5 - The 2016 Act allows for various payments to the new Committee Chair and membership.

- a) **Should the Chair of the new Committee receive remuneration and allowances?**
- b) **Should the membership receive payment of allowances?**

The respondees' views on remuneration and allowances were, in general, an agreement that the Chair should have appropriate remuneration and the membership should receive appropriate expenses.

Consultation question 6 - We have asked a number of specific questions. If you have any views on related issues which we have not specifically addressed, please let us know in the response form

We received 11 responses to this particular question, covering a range of proposals.

Various groups used this question to advocate their support for the Committee and to welcome the opportunity to engage with it. There was one response which felt that the current situation was adequate and that there was no need for a change. Another response highlighted the importance of a visible presence on the Welsh Government website. One respondent felt the Committee should look at the performance history of organisations responsible for flood protection from coastal to sewer flooding whilst another stressed that there should be balance between covering fluvial and coastal flooding.

Next steps

The Welsh Government will now use the feedback gained from this consultation to prepare the regulations needed to establish the Committee in 2017 and outline its operation. At the same time, the Flood Risk Management Wales Committee will be formally abolished.

In parallel to this, the Welsh Government will operate a recruitment process for the Committee Chair and membership that will involve both representative and publically appointed members.

Annex 1: List of respondents

*1 respondent asked not to be named

Caerphilly CBC	Local Authority
Conwy CBC	Local Authority
Monmouthshire CC	Local Authority
Farmers Union of Wales	Union
NFU Cymru	Union
Llanelli Town Council	Town Council
Martletwy Town Council	Town Council
Porthmadog Town Council	Town Council
ADA Wales	Organisation
BT	Organisation
DCWW	Organisation
ICE Wales	Organisation
Met Office	Organisation
Mott Macdonald	Organisation
N. Wales Fire and Rescue	Organisation
National Trust	Organisation
Network Rail	Organisation
NRW	Organisation
One Voice Wales	Organisation
Ordnance Survey	Organisation
RSPB	Organisation
RTPI	Organisation
WLGA	Organisation
Talybont Community Flood Group	Organisation
Cllr. K Watts	
DCC Gareth Pritchard	N. Wales Local Resilience Forum
G. Whitworth	Atrepo
H. Jones	Powysland Advisory Group Chairman ADA Wales.
Historic Environment Group	Welsh Government
John Markwick	Powysland IDD Advisory group
M. Bramley	Llanfrynach CC
M. Millett	
Madeleine Havard	Chair, FRMW
R A Falconer	Cardiff University and Independent Water Consultant
Richard Ebley	
Victor Hellier	NHW and Marlborough Flood scheme