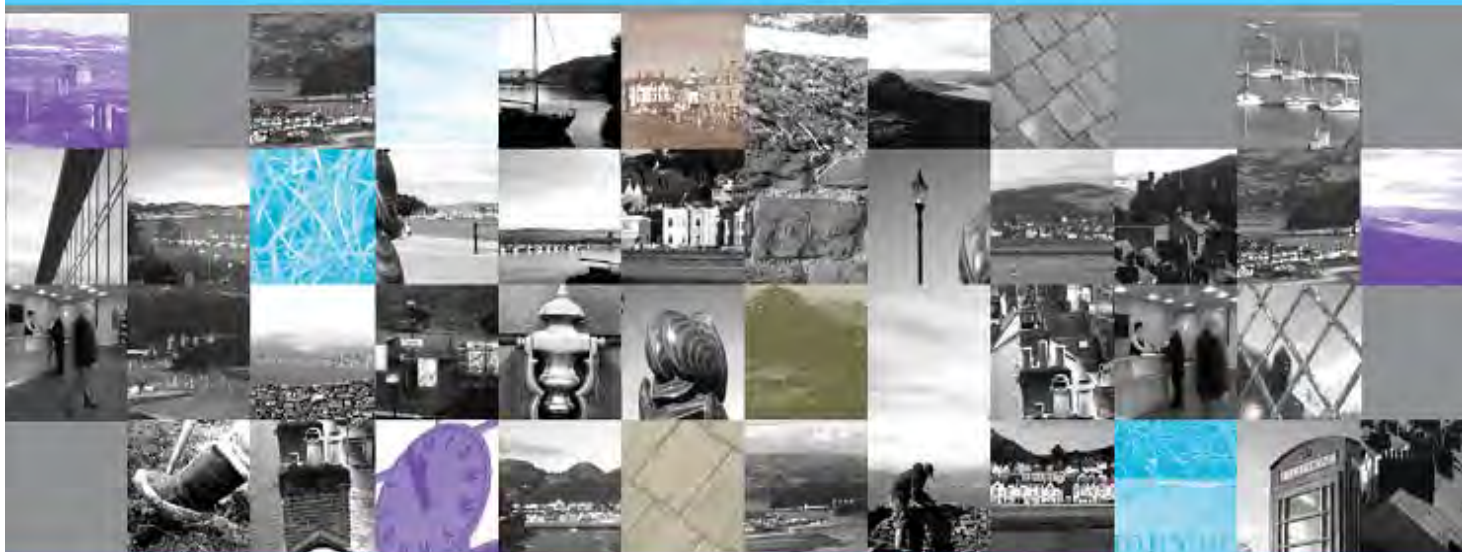


# Conwy Local Development Plan 2007 – 2022



## SUPPLEMENTARY PLANNING GUIDANCE LDP27: Coastal Flood Risk Protocol

Adopted July 2015

This document is available to view and download on the Council's web-site at: [www.conwy.gov.uk/ldp](http://www.conwy.gov.uk/ldp) . Copies are also available to view at main libraries and Council offices and can be obtained from the Strategic Planning Policy Service, Muriau Building, Rosehill Street, Conwy LL32 8LD or by telephoning (01492) 575461. If you would like to talk to a planning officer working on the Local Development Plan about any aspect of this document please contact the Strategic Planning Policy Service on (01492) 575181 / 575445 / 575124 / 574232.

**If you would like an extract or summary of this document on cassette, in large type, in Braille or any other format, please call the Strategic Planning Policy Service on (01492) 575461.**

#### Statement of Consultation

This Supplementary Planning Guidance document was issued for a period of six weeks public consultation between 9 February 2015 and 20 March 2015

It was adopted by Cabinet on 14 July 2015

Copies of the representations received, together with the Council's response are available to view on-line at <http://conwy.jdi-consult.net/ldp/>

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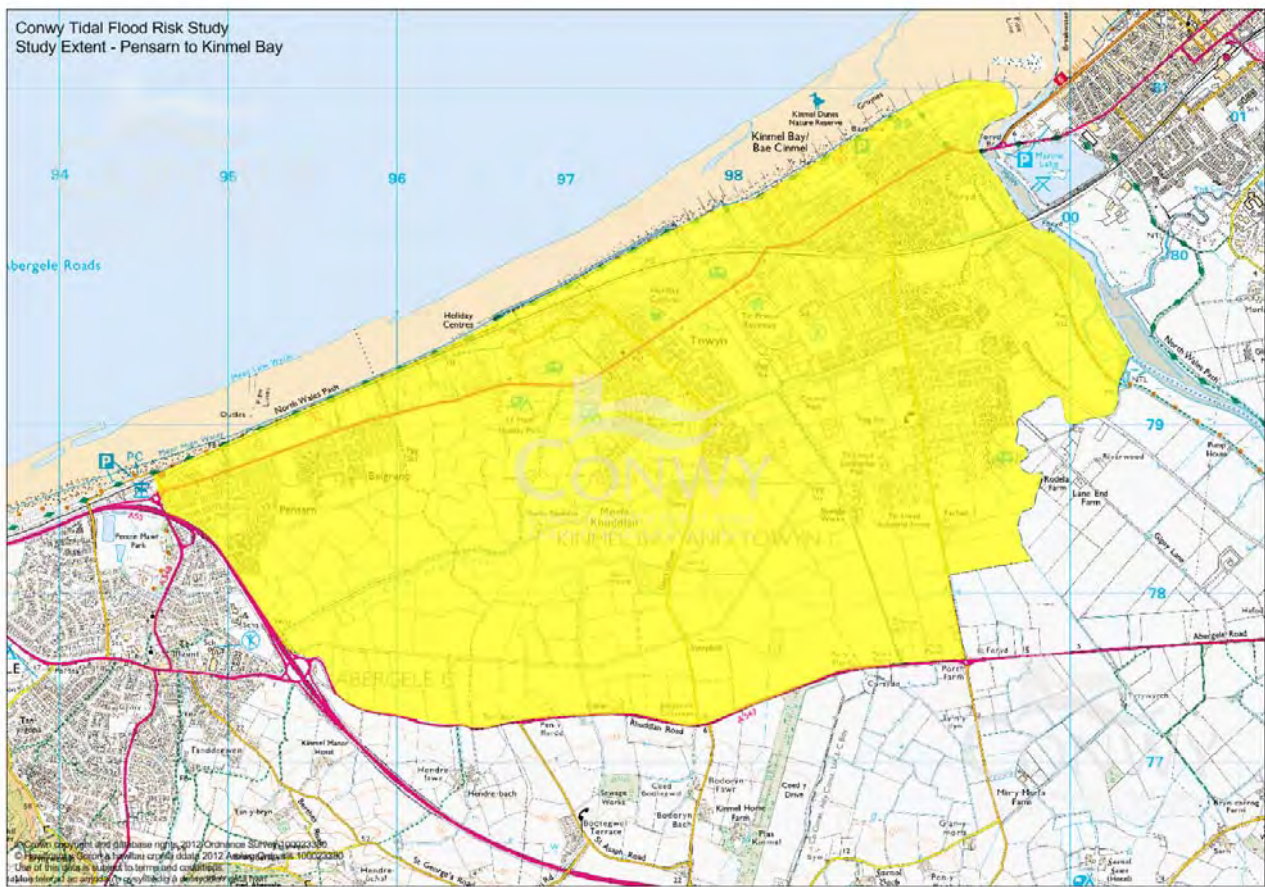
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# Pensarn to Kinmel Bay

## Joint Position Statement of Conwy County Borough Council and Natural Resources Wales



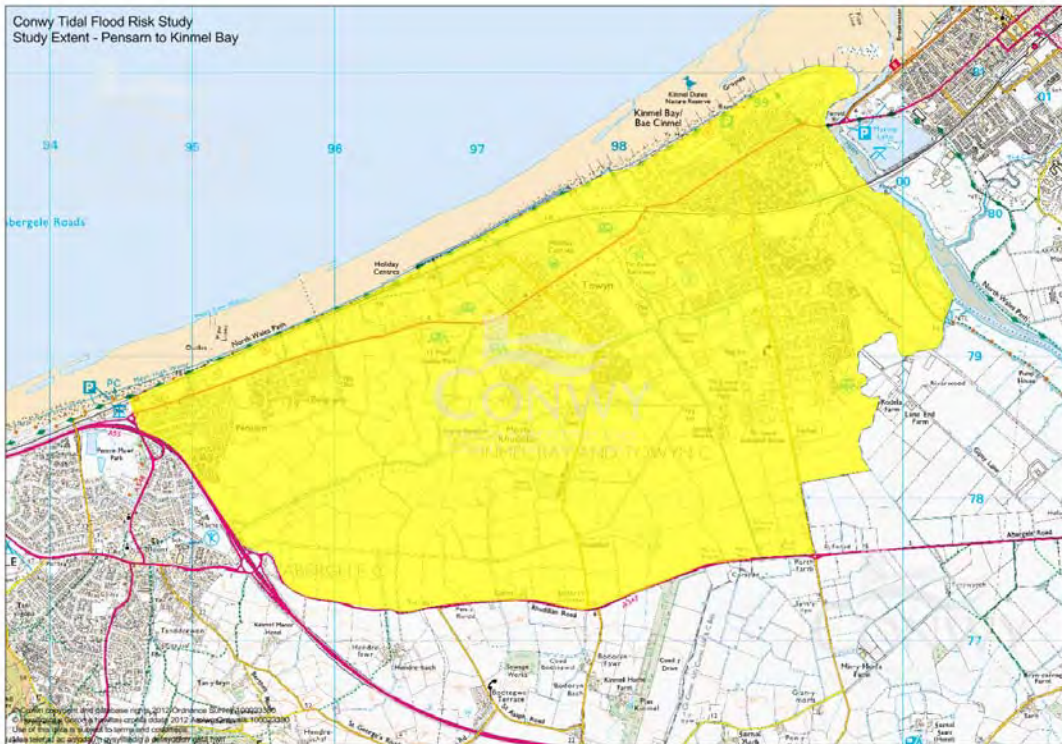
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## 1. Reason for this Protocol

- 1.1 The Conwy Tidal Flood Risk Assessment, November 2010 (CTFRA) has demonstrated a significant level of Tidal flood risk to the Towyn and Kinmel Bay area when future predictions for sea level rise are taken into consideration. This risk assessed in the study comprised the potentials for overtopping of the current coastal defences and overtopping and breach of the existing earth defences along the River Clwyd. Outputs from this study confirm that the defences, in their current form, are not of a standard to provide the level of protection necessary for new development (particularly vulnerable development such as residential) and for the lifetime of the development. This is pursuant to the 1:100 year risk as detailed in Technical Advice Note 15 (TAN 15).
- 1.2 A number of high level plans and strategies have been carried out by Natural Resources Wales (NRW) in partnership with the Local Authority to understand how flood risk needs to be managed into the future.
- 1.3 A Shoreline Management Plan has identified high level policies on how coastal flooding issues should be managed over the next 100 years.
- 1.4 A draft Tidal Flood Risk Management Strategy has been produced to look at the future management of the River Clwyd Defences. This aims to produce a plan that sets out how we should adapt, improve and generally prepare an area for dealing with flooding in the short, medium and long term.
- 1.5 This protocol has been produced jointly by NRW and Conwy County Borough Council (CCBC) to inform those who are considering submitting planning applications in the area reliant on the current flood defences, about the current and future constraints for new development. This protocol aims to discourage proposals for inappropriate development in this area and thereby avoid unnecessary cost and effort.

## 2. Protocol Objective

- 2.1 The purpose of this protocol is to inform potential applicants, interested parties and those determining planning applications of the controls on and constraints to development within the coastal flood risk area of the North Wales Coast, from Pensarn to Kinmel Bay with specific reference to **tidal flood risk** along this part of the coastline.



Map showing the geographical area to which the protocol applies

The coastal area to which the protocol applies is shown in the above map. The areas of flood risk (shown as hatched in green) are delineated within the CTFRA Climate Change Maps.

### 3. Planning Policy Context

3.1 This joint protocol has been prepared to accord with national and local planning policy.

Planning Policy Wales: Technical Advice Note 15: Development and Flood Risk (TAN 15)

TAN 15 sets out the Government’s position on development and the existing, or potential future, implications of flood risk.

TAN 15 recognises the risk that flooding poses as well as the increasing danger posed by sea level rise. Paragraph 3.1 states:

*‘The general approach of PPW, supported by the TAN, is to advise caution in respect of new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions. The overarching aim of the precautionary framework is, in order of preference, to:-*

- *Direct new development away from those areas which are at high risk of flooding.*

- *Where development has to be considered in high risk areas (zone C) only those developments which can be justified on the basis of the tests outlined in section 6 and section 7 are located within such areas’.*

#### Local Development Plan (LDP)

Relevant guidance in the Conwy LDP is contained at Policy DP/1 ‘Sustainable Development Principles’, which states the following:

*Development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development. All developments are required to:*

- a) *Accord with national guidance in line with Policy DP/6 ‘National Guidance’*
- f) *Take account of and address the risk of flooding.....*

Policy DP/4 ‘Development Criteria’ contains the following statement:

*Planning permission will not normally be granted where the proposal would have an unacceptable adverse impact :*

- g) *On flooding and flood risk.*

## 4. Draft Shoreline Management Plan (2014)

4.1 The Shoreline Management Plan (SMP2) is a multi-agency but non-statutory policy document for coastal flood and erosion risk management planning. It takes account of other existing planning initiatives and legislative requirements, and is intended to inform wider strategic planning. In accordance with TAN15 local planning authorities must consider SMP policies when formulating their statutory land use development plans.

4.2 The SMP2 aims to:

- *identify sustainable and deliverable policies for managing coastal risks while working with natural processes wherever possible;*
- *promote management policies for the coastline over the next 100 years, to achieve long-term objectives that are technically sustainable, environmentally acceptable and economically viable; and,*
- *be realistic and consider known legislation and constraints, both human and natural, and not promise what cannot be delivered.*

4.3 Recommendations of the SMP2 are a policy of “Hold the Line” for the Coastal frontage defence between Pensarn and Kinmel Bay and a combination of “Hold the Line” and “Managed Realignment” for the River Clwyd embankments.

<b>Hold The Line</b>	maintenance of existing defences in their current position, with or without upgrades to counter climate change and sea level rise
<b>Managed Realignment</b>	movement landwards or seawards of defences to form a more sustainable defence in the long term

- 4.4 The SMP provides valuable information that may be material to the determination of planning applications: for example it could indicate the likely timescale within which action may need to be taken to manage risk to communities. This may influence decisions on the appropriateness of development or the nature and timing of any possible mitigation measures.
- 4.5 Options have been considered as to how best progress the recommendation of the SMP2 for the river Clwyd estuary within the NRW's' flood risk management strategy for the tidal Clwyd.
- 4.6 It is important to note that the SMP does not guarantee any funding for future works or provide any certainty that such works will be undertaken.

## **5. Flood Risk Management Strategy**

- 5.1 The overarching recommendation of NRW's flood risk management strategy for the tidal Clwyd (FRMS) is that all properties in this area should be protected to their current standard or better. This should be through a combination of improvements to the existing defences in the short term, and by realigning defences in the medium to long term.
- 5.2 The Strategy does not guarantee any funding for future works or provide any certainty that they will be undertaken but does indicate the preferred way forward.
- 5.3 Recent works have been completed on the embankments to raise the embankment to an intermediate level whilst longer term solutions are investigated (these works have been incorporated into the latest release of the CTFRA). These short term works have provided an increased level of protection to the existing community but do not cater for flood risk in the future and are not sufficient to comply with the requirements of TAN15 in respect of new development. The strategy confirms that additional works will be needed at some point in the future to ensure an appropriate level of protection for the existing community.

## **6. Planning Applications**

- 6.1 Taking into account the standard of flood defence protection, the level of flood risk, the SMP2 and FRMS, the following planning principles that will be relevant to planning applications in the protocol area relating to the following:
- a. Vulnerable and New Development
  - b. Replacement and Extensions to Dwellings
  - c. Change of Use
  - d. Seasonal Occupancy
  - e. Existing Park Homes & Mobile Homes/Caravans



## **a. Vulnerable and New Developments**

### **Within Tidal Flood Zone as designated on the CCBC CTFRA Climate Change Maps**

- **There will be a presumption against granting permission in respect of Highly Vulnerable development and Emergency Services development**
- **Proposals for other forms of development will be evaluated against the requirements of TAN 15 but in the context of identified levels of risk it is highly unlikely that new low vulnerability development will be able to satisfy the requirements of the TAN**

**Reason:** New development within this area will increase the amount of people and property at risk, increasing the burden on emergency services. Certain uses will also present a greater risk to life than others. Other new development, will be assessed on its own merits but is likely to be restricted to 'water compatible' development as defined in Para. 5.3 of TAN15.

## **b. Replacement and Extensions to Dwellings**

Current levels of flood risk and uncertainties in future funding for additional flood defence works (with consequences for insurance) mean that all opportunities should be taken to improve the flood resistance and resilience of properties. The replacement of a dwelling and extensions that require planning permission (being above permitted development levels) give the only real opportunity to ensure that all appropriate mitigation can be incorporated in to the buildings fabric to minimise the impacts and risks to the future users of the site.

**Replacement dwellings will only be permitted where all of the following four criteria are satisfied:-**

- I. A Flood Consequence Assessment (FCA) has been undertaken for the development and satisfactory risk mitigation has been identified.**

**Reason:** Technical Advice Note 15: Development and Flood Risk requires that an FCA is undertaken for all development in Zone C as identified on the Development Advice Map.

**Advice:** Careful layout of internal space can be an effective measure to minimise the impacts of flooding. Habitable accommodation, essential services and equipment should be designed to be located above predicted flood levels. Further advice can be obtained from NRW. The Council also advises developers to engage in the pre-application advisory service.

The design of any replacement dwelling would need to respect the form and character of the surrounding area as well as the amenity of any neighbouring residential

properties. It should not be assumed that an increase in height to provide safe refuge will automatically be acceptable in all instances.

- II. The dwelling will incorporate flood mitigation and resiliency measures in accordance with CLG publication Improving the flood performance of new buildings: flood resilient construction (this can be viewed at**

**<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>**)

**Reason:** To reduce the risk of flooding to the property and future inhabitants.

- III. The building must be appropriately designed to withstand and be resilient to hydrostatic pressure resulting from a breach/ overtopping of the tidal defences.**

**Reason:** To reduce the risk of flooding to the property and future inhabitants.

- IV. A flood warning and evacuation plan has been prepared for the property and is to be displayed on site.**

**Reason:** To reduce the risk of flooding to the property and future inhabitants.

The above four criteria are required to ensure that replacement dwellings secure an appropriate level of flood risk mitigation and control that is adequate to safeguard occupants and relate to risk management planning and emergency services criteria.

**Where the extension of a dwelling requires planning permission it will be expected to avoid vulnerable ground floor extension, to incorporate flood resistance and resilience measures and to provide reduced levels of risk to occupants by taking on board the principles identified above for replacement dwellings.**

### **c. Change of Use**

**There will be a presumption against the grant of permission for a change or intensification of use that would materially increase the degree of flood risk including:**

- **An increase in the number of planning units,**
- **An increase in user numbers or users with particular vulnerabilities.**

**Reason:** To prevent the increase of flood risk through more intensive use of the site or by a more vulnerable user (as outlined in Figure 2 of TAN 15).

#### **d. Seasonal Occupancy**

Extensions to the holiday season will only be considered provided the site is suitable for such an extended use for holiday purposes. In line with TAN15, extending the holiday season to sites that are highly vulnerable to flood risk will be resisted to ensure safety and overall risk.

**Reason:** To prevent the use of developments during annual periods where the risk of flooding is increased.

#### **e. Existing Park/ Mobile Homes and Caravans**

Proposals for the extension of existing sites or location of new sites for caravans, mobile homes or park homes within the area defined by the Tidal Flood Zone as designated on the CCBC CTFRA Climate Change Maps will not be supported by the Council.

**Reason:** To prevent increased occupancy and therefore risk to life in a high flood risk area.

**Advice:** Proposals for the 'improvement' of existing sites will be permitted provided the remodelling results in the overall improvement of the facilities, layout and landscaping and does not result in an increase in the site area or the number of static caravans or chalet units. A reduction in the number of caravans and/or chalets units, through the improved remodelling scheme, will be encouraged where it results in a reduction of the number of people residing on site and incorporates flood risk mitigation measures (including flood resistance / resilience techniques and flood warning/evacuation plans and signage).

## **7. NRW Flood Defence Consent**

- 7.1 Any development may also require a Flood Defence Consent from NRW. Please contact the Development and Flood Risk team 0300 065 3783 for further information or the Council's flood risk team [www.conwy.gov.uk/erf](http://www.conwy.gov.uk/erf).
- 7.2 Under the terms of the Water Resources Act 1991 and associated Land Drainage Byelaws, the prior written Consent of NRW is required for any proposed works or structures either affecting or within 7 metres of the landward toe of the tidal flood defence or any works between the primary and secondary defence. This would include any planting of trees or shrubs.
- 7.3 Please note that formal Consent is required from NRW irrespective of any Town and Country Planning Act 1990 approvals/permissions. Consent is not implied by these comments.

## **8. Protocol Status**

- 8.1 This position statement has been agreed between CCBC and NRW. The document will be treated as formal Supplementary Planning Guidance and provides clarity to land owners, developers and decision makers around the implementation of related National and Local Guidance.

**This position will be subject to regular review.**