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05/10/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: Change of use from retail to non-residential educational use

LLEOLIAD / LOCATION: 19 Lower High Street, Merthyr Tydfil, CF47 8EB

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 17 September 2021.

Recognising the particular nature of the proposed development, we offer no objection to the application as submitted. However, in our opinion, it is considered good practice for a flood consequences assessment (FCA) to be undertaken in support of the application.

The planning application proposes change of use from retail to non-residential educational use. We note that given the nature of the activity, its scale, the number of students/clients, and the hours of operation, your Authority considers the proposed development to be more akin to a business use than a school and that therefore, you class it as less vulnerable development in respect of section 5 of TAN15: Development and Flood Risk.

Section 5.2 of TAN 15 states that “*Highly vulnerable development describes development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited. Less vulnerable development describes development where the ability of occupants to decide on whether they wish to accept such risks is greater than that in the highly vulnerable category.*”

It is for your Authority to decide whether the proposal is considered highly vulnerable development or less vulnerable development and then whether the location of development is justified. We refer you to section 6 of TAN15 and also Welsh Government's Chief Planning Officer letter (Planning Policy on Flood risk and Insurance Industry Changes) and appendix on 9 January 2014 which provides further clarity and detail.

The application site lies entirely within Zone C2 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

Given the less vulnerable nature of the proposed development (and in the absence of a flood consequence assessment (FCA)) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks.

However, this application presents an opportunity to raise awareness of the flood risk to the current/ future occupiers of the property, incorporate flood resistance/resilience measures into the refurbishment works, and make provisions for flood warning and emergency access/ egress. To aid your decision making, you may wish to ask the applicant to submit an FCA.

Alternatively, the Applicant may also decide to undertake an FCA for their own benefit.

The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be proportionate to the development proposed. To help prepare an FCA, we have developed [guidance](#), which contains technical advice and recommendations.

Flood resistance/resilience measures that could be incorporated into the development include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. Appropriate measures and advice is set out in the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available at <https://www.gov.uk/government/publications/improving-the-flood-resistance-of-domestic-and-small-business-properties-interim-guidance> and information from CIRIA (www.ciria.org/flooding)

Additional guidance can be found <https://www.gov.uk/prepare-for-flooding/future-flooding>

Please be aware that "Flood Resistance" measures i.e. prevention of floodwaters entering a building, are only recommended in situations where the flood depths do not exceed 600mm.

We suggest you consult other professional advisors (e.g. Emergency Planners, Emergency Services, Building Control) on the acceptability of proposals and on matters we cannot advise on, such as, emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

New TAN15

Notwithstanding the above advice, please be aware that TAN 15 and the Development Advice Map (published in 2004) are being replaced. The new TAN 15 and Flood Map for Planning are available from 28th September 2021 to allow local planning authorities, developers, planning consultees and the public to prepare for when they come into force. The changes will then come into effect on **Wednesday 1 December 2021** and from this date onwards, applications will be determined based on the new TAN 15 and Flood Map for Planning. We therefore advise you to consider how this change may affect your determination of this application. Should you require further advice from us once the new TAN 15 has been published, please reconsult us.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Mrs C McCorkindale

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales