

Y Pwyllgor Llifogydd ac Erydu Arfordirol Cymru
Wales Flood and Coastal Erosion Committee

Annual Report 2023

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Foreword

1. The Committee has now completed its fourth year since it first met in 2019. It was established by the Environment (Wales) Act in 2016 to advise Ministers on flood and coastal erosion risk management. It has, as anticipated, been another busy year in developing and offering advice, not only to the Welsh Government, but also to Risk Management Authorities across Wales and to wider stakeholders. The scope of topics embraced by the Committee continues to widen.

2. Wales in 2022/23 saw less storm events than over each of the previous two years. Nonetheless, over 80 households still experienced the devastation of being flooded. Measures taken by Natural Resources Wales and local authorities will have safeguarded thousands more properties. However, evidence is growing that much more needs to be done to keep pace with climate risks, particularly in adapting our communities and in making them more resilient to flooding when it does occur. While there are lots of examples of good practice, these need to be adopted far more widely. Maintaining flood defences will clearly continue to be important, but the focus is growing on how land is managed, particularly at the scale of whole river catchments. Mechanisms for facilitating coastal adaptation will also need further development as the risks from rising sea levels become better understood.

3. It is clear that the skills and capacity of our dedicated teams of flood risk management professionals need to keep pace with these heightened risks. But now, co-ordinated action needs to extend beyond these teams, to embrace communities, businesses and other organisations acting together with a common purpose. Collaboration and partnership working, based on longer term perspectives, will need to become the normal way in which society responds to these challenges. These are the conclusions of the Committee's Resources Report, which was submitted to ministers in May 2022. Similarly, our report on the need for legal change, published in September 2022, makes a compelling case for the nation's legal framework to keep pace with the climate emergency.

4. Governments are, of course, responding to these challenges, but building consensus around how things need to be done differently requires high levels of engagement across society. The Committee continues to play a leading role in responding to consultations on a wide range of policy initiatives. The debate around how statutory planning decisions impact on flood risk management has continued from 2021-22. There remain significant challenges in securing agreement on a new technical advice note (TAN15), on planning and flood risk management, with a further draft published for consultation in January 2023. New development need to be steered to locations where people, property, investment and infrastructure are safeguarded from the risks of climate change. The focus on "not knowingly exposing communities to unacceptable risk" remains of critical importance.

5. Within Wales, the Programme for Government has further raised the profile of flood risk management, with growing recognition of the scale of resources required. From an early stage, the Committee has been collaborating with the National Infrastructure Commission for Wales on the Programme for Government proposal that it should advise on mitigating flood risks in the longer term. This will remain a substantial commitment over the year ahead.

Martin Buckle

Chair, Wales Flood and Coastal Erosion Committee

1. **How We Work**

Committee Members

- 1.1 Members of the Committee over the year 2022/23 are listed below.

Paul Blackman	Natalie Haines	Dominic Scott
Martin Buckle (Chair)	David Harris	Andrew Stone
Lorna Davis	Anne-Marie Moon	Darren Thomas
Jean-Francois Dulong	Jeremy Parr	Michael Wellington
Geraint Edwards	Karen Potter	Catherine Wilson

Members were initially appointed in 2019 for a three-year term. All were then invited to extend their terms by a further year. One member stood down in March 2022, with Dominic Scott filling the vacancy. All of the other members have completed four years of service on the Committee.

- 1.2 A recruitment process for Committee members for a new three year term was initiated towards the end of 2022/23. The Chair has been re-appointed for a further three year term.

Committee Meetings

- 1.3 Since its inception, the full Committee has met three times each year. All agendas and minutes are published on the Committee's website <https://gov.wales/flood-coastal-erosion-committee>. All papers, other than those of a confidential nature, are available from the Committee's Secretariat:

floodcoastalrisk@gov.wales

- 1.4 The Committee meetings held in 2022-23 are set out below.

Committee	Date	Location
FCEC9	26 th May 2022	Remote
FCEC10	29th September 2022	Newport
FCEC11	3 rd February 2023	Remote

- 1.5 With the Committee meetings now alternating between remote and in-person meetings, it has been agreed that, commencing in 2023-24, the Committee will meet four times per year.

Terms of Reference

- 1.6 The Committee's terms of reference can be found in Annex 1. They are derived from the Flood and Coastal Erosion Committee for Wales Regulations 2017.¹

Remuneration and Allowances

- 1.5 Details of remuneration and allowances can be found in Annex 2.

¹ <http://www.legislation.gov.uk/wsi/2017/827/contents/made>

Work Programme

- 1.6 At the September 2022 meeting, the Committee updated its three-year Work Programme, and rolled it forward to 2024-25. The Work Programme is organised around twelve work themes, and is closely integrated with the National Strategy².
- 1.7 The Work Programme was signed off by the Minister prior to the Committee's meeting in January 2022. It has subsequently been updated to reflect the situation at the end of the financial year. The programming of activity around each of the themes is summarised in the remaining sections of this report.

Sub-Committees

- 1.8 In progressing two of the themes in the Work Programme, the Committee has established two sub-committees. Theme 4: "*Explore opportunities to maximise resources for FCERM in Wales, including partnership funding contributions*" is being taken forward by the Resources Sub-Committee. Having met for the first time in August 2020, the Sub-Committee had six further meetings in 2022-23.
- 1.9 In addition, the Policy and Legislation Sub-Committee is progressing Theme 5 in the Work Programme: "*Review of the policy and legislation around FCERM in Wales*". The Sub-Committee had its first meeting in December 2020, and met twice during 2022-23.
- 1.10 An overview of the work of the Sub-Committees is set out in Section 3 of this report. Membership of the Sub-Committees up to March 2023 is set out below.

Resources Sub-Committee

Martin Buckle (Chair)	Anne-Marie Moon	Karen Potter
Jean-Francois Dulong	Jeremy Parr	Darren Thomas

Policy & Legislation Sub-Committee

Paul Blackman	David Harris	Andrew Stone (Chair)
Lorna Davis	Jeremy Parr	Michael Wellington
Natalie Haines		

- 1.11 The Policy and Legislation Sub-Committee has also benefited from participation by and contributions from Jean-Francois Dulong.
- 1.12 Secretariat support for the Sub-Committees has been secured from the Severn Estuary Partnership, hosted by Cardiff University.

² www.gov.wales/national-strategy-flood-and-coastal-erosion-risk-management-wales

2. Flood & Coastal Erosion Risk Management in Wales

The National Strategy – Committee Work Theme 1

- 2.1 The National Strategy was published in October 2020. Its publication represented a major step forward in tackling the challenges Wales faces in managing flood and coastal erosion risks.
- 2.2 The first Theme within the Committee’s Work Programme is to help to implement the National Strategy, along with assisting in its monitoring, updating and review. All of the Committee’s remaining work themes (see sections 3 and 4) are linked to delivering the National Strategy. The Strategy sets out 24 measures, including three measures which directly involve the Committee: firstly, to consider the need for changes to legislation; secondly, to explore opportunities to maximise investment; and thirdly to establish guidance for local authority flood investigation reports.

Programme for Government Commitments

- 2.3 With the formation of a new Welsh Government, following elections in May 2021, a new Programme for Government for the five year Senedd term was published in June 2021. This was updated in December 2021³ following the conclusion of the co-operation agreement between the Welsh Government and Plaid Cymru. Within a suite of commitments to address the challenges of climate change, the Programme includes a number of specific commitments to help address flood and erosion risks, with implications for the Committee’s work programme:
- Fund additional flood protection for more than 45,000 homes;
 - Deliver nature-based flood management in all major river catchments to expand wetland and woodland habitats;
 - Commission an independent review of the local government Section 19⁴ and Natural Resources Wales reports into extreme flooding in winter 2020-21;
 - Ask the National Infrastructure Commission to assess how the nationwide likelihood of flooding of homes, businesses and infrastructure can be minimised by 2050;
 - Legislate to strengthen the requirements for the use of sustainable drainage systems that provide wildlife habitat;
 - Establish a targeted scheme to support restoration of seagrass and saltmarsh habitats along our coastline.

Flooding Events in 2022-23

- 2.4 The winter of 2022-23 saw a number of flooding events, with rivers breaking their banks, road and rail transport disrupted, and 80 properties flooded, particularly in the Conwy, Ely, Taff and Usk Valleys. While this was clearly tragic for the householders involved, the scale of inundation was less severe than in earlier years. Areas of coastline again came under pressure during the year, with Newgale in Pembrokeshire again experiencing significant problems. Learning the lessons from the extreme flooding of 2020-21 caused by Storms Ciara, Dennis, Jorge and Christoph continues to be a focus of attention. The much anticipated independent review into the local government Section 19 and Natural Resources Wales reports on these flooding events, being undertaken by Professor Elwen Evans KC, is expected to report in 2023.

³ [Welsh Government - Programme for Government - Update](#)

⁴ [Flood and Water Management Act 2010 \(legislation.gov.uk\)](#)

A Picture of Flood Risk Management in Wales

2.5 During the course of 2022, and in preparation of an update on their 2016 report⁵ the Committee was joined at its meetings by representatives of the Auditor General for Wales (AGW). At the meeting in September 2022, the Committee was able to discuss the AGW's draft conclusions. Drawing in part on our feedback and on our work, December 2022 saw the publication of the report: *A Picture of flood Risk Management in Wales*⁶. It concludes:

"Flooding can have a devastating impact on individuals, the economy and the environment and despite continued investment, continues to be a big risk to the country. Climate change, rising sea levels and larger amounts of rainfall are increasing the chances of flooding occurring. Our report highlights several key challenges facing the flooding sector, with workforce capacity being the most pressing one."

2.6 The report identifies the following key issues:

- *"Significant long-term investment will likely be needed to tackle the increasing flood risks associated with climate change. There are likely to be tough decisions about how to invest finite resources to manage flood risk."*
- *"Increasing workforce capacity is the most immediate priority for the flooding sector. Without investment in the future flood risk management workforce, it will be difficult to achieve the ambitions in the National Strategy."*
- *"There are gaps in collective leadership and policy integration. There is no Wales-wide forum for senior leaders to discuss flood risk management and drive strategic change. There are also opportunities to better integrate policy and funding arrangements across public services to improve flood risk management."*
- *"There are gaps in flood risk data and the risks themselves keep changing with climate change."*
- *"Building development in high flood risk areas could be exposing households and businesses to avoidable flood risk. National data on planning consents shows significantly higher levels of development in high flood risk areas in 2016-17 to 2018-19 compared to 2015-16. However, beyond 2018-19 there is no national data to judge new risks resulting from development."*

2.7 Looking ahead, the report concludes:

"We will consider looking again at flood risk management in Wales over the next few years to see how well the Welsh Government, Natural Resources Wales (NRW) and local authorities are responding to the issues identified in the Flood and Coastal Erosion Committee's review of resources and the broader challenges facing the flooding sector."

⁵ Auditor General for Wales, Coastal Flood and Erosion Risk Management in Wales, July 2016

⁶ [Audit Wales](#)

3. Committee Progress in 2022-23

Work Theme 2 – Natural Resources Wales (NRW) Section 18 Reports

- 3.1 The Committee provides an independent review of the reports prepared by NRW under Section 18 of the Flood and Water Management Act 2010⁷. These reports detail progress on the implementation of the National Strategy, with detail on how flood risk and coastal erosion are being managed. The Report for the period 2016-19, was reviewed by the Committee prior to its submission to the Minister in January 2020.
- 3.2 Since that time, NRW has adopted a revised approach to Section 18 Reports, which will now include two components. The first component involves annual reports on flood risk management from NRW, detailing key achievements and progress on delivery programmes, and including information on flood events. The first of these reports was reviewed by the Committee in September 2021, with a further report twelve months later. The second component will cover the three years to 2022/23, and will be a progress update against the objectives and measures listed in the National Strategy. This will be reviewed by the Committee in September 2023.

NRW's Annual Report on Flood Risk Management

- 3.3 In reviewing NRW's annual report in September 2022, the Committee was advised of NRW's key activities delivered in 2021-22:
- Investment of £39m of Welsh Government funding on flood risk management
 - The launch of a new Flood Map for Planning to replace the former Development Advice Map in Summer 2023, as well as the launch of the "check your risk" webservice app, which allows simpler access to flood risk information.
 - The progression of flood schemes, including the completion of schemes at Cadoxton (Vale of Glamorgan) and Leckwith (Cardiff) which reduce the flood risk to 242 properties. Significant projects at locations such as Ammanford, and Stephenson Street (Newport) were also progressed.
 - A comprehensive maintenance programme.
 - The progression of asset management improvement projects to ensure that data and processes enable investment in the priority locations. These projects included further improvements to the asset inventory, and the publication of the first National Flood Asset Database in December 2021.
 - The progression of improvement works to ensure reservoirs are safe and fit for purpose at Llyn Tegid, (Bala) and Crafnant Loop (Trefriw).
 - The continued improvement to digital services to provide comprehensive flood risk, river level, rainfall, and sea level information.
 - The development of policies on the role of Natural Flood Management (NFM) in reducing flooding, as well as progressing work on four NFM projects at Llanfair Talhaiarn, Dinas Powys, Glyneath and Teifi Uchaf (Tregaron).
 - The progression of work to implement actions that were identified as part of the February 2020 Floods Review.

NRW's Flood Risk Management Plan

- 3.4 Along with the Annual Report, the Committee in September also received a presentation on NRW's proposals for the preparation of its new Flood Risk Management Plan (FRMP). Under the Flood Risk Regulations (2009), NRW has a duty to identify and map areas at risk of flooding via a Preliminary Flood Risk Assessment, and then to produce a FRMP outlining its measures and priorities for

⁷ <https://www.legislation.gov.uk/ukpga/2010/29/contents>

managing these risks over the next six years. The first such plan was prepared in 2015. The consultation on the new plan was launched in March 2023, with a twelve week consultation period. A response on behalf of the Committee is under preparation.

Long Term Investment Requirements

- 3.5 Also at the September meeting, the Committee received an update on the work being undertaken by NRW to deliver its obligation under Measure 23 of the National Strategy to assess long term investment requirements. This will draw on recent work on the National Asset Database, the Flood Risk Assessment for Wales, and the latest climate change projections. At this stage the focus is on capital funding requirements. The Committee looks forward to receiving the conclusions of this work when available.

Work Theme 3 - Highlighting good practice in FCERM

- 3.6 As in previous years, the past year has seen considerable sharing of good practice through the meetings of the Committee. Presentations have been received from a number of Risk Management Authorities highlighting examples of good practice. These included:
- Newgale Coastal Adaptation Scheme: Pembrokeshire Council;
 - Park Lane Flood Alleviation Scheme, Aberdare: Rhondda Cynon Taff Council;
 - South East Wales Regional Strategic Flood Consequences Assessment: Rhondda Cynon Taff Council;
 - Coastal Loss Innovative Funding and Financing (CLIFF), North Norfolk Council
 - National Flood Asset Database, Further Update: NRW.
- 3.7 During the course of the year, we also received presentations from several Welsh Government colleagues on good practice in linking to wider related aspects of policy and practice, including:
- Health, Well-being, Climate Change and Flooding: Public Health Wales;
 - Wales Infrastructure Investment Strategy: Commercial Assurance Team.

Work Theme 4 - Exploring opportunities to maximise resources for FCERM in Wales, including partnership funding contributions

- 3.8 This Theme in the Work Programme reflects the obligation placed on the Committee by Measure 24 of the National Strategy, and has been taken forward by our Resources Sub-Committee. Following consultations on a Draft Final Report in early 2022, a Final Report⁸ was approved by the Committee for approval in May 2022, and submitted to the Minister. The Minister's response, together with those of other key stakeholders, will be considered by the Committee at its meeting in May 2023.
- 3.9 The 20 proposals in the Final Report are organised into six main elements;
- Capital Funding and the Schemes Pipeline;
 - Partnerships;
 - Revenue Funding;
 - Skills and Capacity;
 - Governance and Collaboration;
 - Community Engagement.

⁸ www.gov.wales/resources-flood-and-coastal-erosion-risk-management-wales-final-report

Opportunities for Maximising Resources for FCERM

- 3.10 Several of the proposals are of significant breadth, and involve proposals to prepare more detailed action plans on particular topics, with guidance on the proposed content. The report also identifies the agencies which would need to play a role in taking forward each proposal, including a continuing role for the Committee on eight of the proposals. In order to take the proposals forward, a significant commitment of organisational capacity will be needed, and will need to be phased over several years. Of particular significance and urgency therefore is a proposal to create the capacity to lead a programme of resource improvement across Wales, with the Flood and Coastal Risk Programme Board potentially identified for a leadership role.

Skills and Capacity – Key Priorities

- 3.11 As the Sub-Committee progressed its workload, it became increasingly evident that a critical constraint on the delivery of effective FCERM services, and on the achievement of the objectives of the National Strategy, lies in the capacity of our Risk Management Authorities, and that of the Welsh Government Water and Flood Team. The issues and proposals set out in the section on Skills and Capacity are therefore seen to merit particular urgency.

Resources Sub-Committee – Ongoing Activity

- 3.12 Since the report was submitted, the Sub-Committee has been reviewing what needs to be done to move the proposals forward, and capturing information where proposals are already being taken forward. In this context, it is encouraging to see that progress is being made across all six elements of the Final Report.

Governance & Collaboration

- 3.13 In September 2022, the Sub-Committee received a presentation from the Environment Agency on research undertaken across England and Wales to understand the critical factors in ensuring the effectiveness of FCERM governance. The research will be particularly valuable in taking forward the Governance and Collaboration proposals in the Final Report.

Research

- 3.14 The Sub-Committee has also initiated a wider discussion about the role of the Committee in relation to research resources and programmes. Following an initial meeting to focus on this topic in January 2023, proposals have been prepared for the Committee to establish a Research Sub-Committee, for consideration at the May 2023 meeting (See paras 3.27 – 3.30).

Community Engagement

- 3.15 The publication of the Final Report and its sharing with stakeholders, has prompted some further feedback, in particular in the field of community engagement, from One Voice Wales and Planning Aid Wales. The latter has delivered a training event on planning and flooding aimed at local authorities, community and town councils, and community groups. A round table discussion is being convened in May 2023 to explore how further progress may be made on community engagement.

Work Theme 5 - Review of the policy and legislation around FCERM in Wales

- 3.16 This Theme in the Work Programme reflects Measure 1 of the National Strategy, and has been taken forward by our Policy and Legislation Sub-Committee. A Draft Final Report was agreed by the Committee in May 2022. Following a period of

consultation, the Final Report⁹ was agreed in September 2022 for consideration by the Minister. The Minister's response is awaited.

- 3.17 Having reviewed a wider list of issues, the Sub-Committee had been focusing its attention on the following topics, and these are reflected in the ten proposals set out in the Final Report:
- The control of FCERM assets, including the designation of features under Schedule 1 of the Flood & Water Management Act 2010;
 - Roles and responsibilities;
 - Flood risk adaptation, both on the coast and inland, and flood resilience.
- Of the ten proposals, the Committee has identified a potential continuing role for it in taking forward three of them.
- 3.18 The work of the Sub-Committee has been aided significantly by the Law Commission for England and Wales, who had been undertaking a consultation on proposals for a further programme of law reform. This has developed into a dialogue between the Committee and the Commission, with Commission representation at the meetings of the Committee in 2021 and 2022. Confirmation of the Commission's new programme is awaited.
- 3.19 Following completion of the Final Report, the role of the Sub-Committee was reviewed by the Committee in February 2023. This identified opportunities to maintain momentum on several of the proposals, while awaiting the Welsh Government's response to the broader Final Report. Maintaining the dialogue with the Law Commission was agreed as a key focus, with a further review of priorities once the Welsh Government's response to the Final Report has been received.

Work Theme 6 – Establishing links with other stakeholders

- 3.20 The Committee at an early stage recognised the importance of links with other stakeholders, with the Wales Coastal Groups Forum (WCGF) and the regional flood risk management groups identified as particularly important. It was agreed to focus on the following measures:
- The Committee appointed an additional member to the WCGF, with the Forum reporting annually on progress to the Committee;
 - Regional groups to be supported, and given the opportunity to raise issues and make presentations at meetings of the Committee;
 - Strengthening communications at Local Authority Director level.

The Wales Coastal Groups Forum

- 3.21 The annual report to the Committee from the WCGF was considered at the September 2022 meeting. The Forum brings together the Chairs of the four Coastal Groups in Wales along with wider stakeholders. It also acts as the advisory panel to the Wales Coastal Monitoring Centre. Over the past year, the Committee has been represented on the WCGF by Jean-Francois Dulong and David Harris, with the former chairing the Forum.
- 3.22 For a second year, the focus of the Forum's work had been on the Shoreline Management Plan Refresh Programme. A particular priority focus has been those areas which will transition from a *Hold the Line* policy, to one of *No Active Intervention* or of *Managed Realignment*. The forum has also taken a particular

⁹ www.gov.wales/case-change-legislation-and-associated-policy-flood-and-coastal-erosion-risk-management-wales-final

interest in innovative financing mechanisms, leading to the presentation on CLIFF (see para 3.05) to the February 2023 Committee.

- 3.23 The Wales Coastal Monitoring Centre (WCMC) has been making steady progress with some strengthened resources. A notable innovation has been its Schools Programme on Climate Change, which fits with the core curriculum, with Seven Primary Schools involved in 2022, and 400 Year 6 Pupils completing the 12 lesson programme.

Regional Flood Risk Management Groups

- 3.24 Committee agendas provide opportunities for the regional groups to provide input and feedback, while the regional groups have also been a valuable resource in testing the proposals brought forward by the Committee's two Sub-Committees. In addition, the regional groups continue to bring presentations on issues of regional significance or examples of good practice to the Committee (see para 3.05). The presentation on the South East Wales Regional Strategic Flood Consequences Assessment also identified the importance of engaging with wider stakeholders at the regional level, and this has been further emphasised by the discussions on TAN15 (see paras 3.38 – 3.41)

Wider Stakeholders

- 3.25 The Committee also recognises the importance of wider links, and the Chair continues to meet with a range of other key stakeholders. Links with the Flood and Coastal Risk Programme Board continue to be important, particularly in the context of the Committee's Resources Report. Given the common challenges, shared legislation and cross boundary issues, regular contact also continues to be maintained with the Regional Flood and Coastal Committees in England.

Work Theme 7 – Advising on the integration of FCERM policies and priorities with other relevant policies and legislation

- 3.26 This Theme remains underdeveloped within our work programme. However, our reports on resources and on legislative change have drawn attention to some key interfaces with wider policy and legislation in the fields of regeneration, planning, highways and the water industry. A number of consultation responses progressed under Theme 10 below are also of direct relevance, including responses to consultations on planning matters (TAN 15) and on coal tip safety.

Work Theme 9 – Influence research needs and programmes, and disseminate research once complete

- 3.27 While the Committee has also yet to fully engage with this Theme, in reviewing the work programme in September 2022, the Committee agreed that a report to move this theme forward should be prepared for the meeting in May 2023.

FCEC and Research to Date

- 3.28 Some progress has been made in recent years with disseminating research. Most recently, the Resources Sub-Committee received a presentation from the Environment Agency on a research report on FCERM governance and partnerships (part of the joint England and Wales Research Programme) in September 2022. and both the Resources and the Policy and Legislation Sub-Committees continue to draw on academic papers and research in progressing their work programmes. In addition, Committee Members Karen Potter, Jean-Francois Dulong and Jeremy Parr have continued to play a role in advising on the Joint Research Programme.

- 3.29 The Committee was consulted for its views on the Joint Programme's Policy, Strategy & Investment theme. Key elements of the Committee's response included the following:
- *The importance of clear linkages with government direction, helping inform policy decisions, being informed by national FCERM strategies, but also influencing their next update;*
 - *While individual research projects may focus specifically on England or Wales, given the level of common interest, projects should explicitly be progressed on a cross-boundary basis;*
 - *Key research topics arising from our Committee's Resources and Legislative Change reports which would benefit from research resources include:*
 - i) Skills and capacity for FCERM;*
 - ii) Surface water flooding;*
 - iii) The potential role of building regulations and planning mechanisms in the uptake of property level resilience;*
 - iv) How to improve both the effectiveness of Place Plans (Neighbourhood Plans in England) in engaging with FCERM and the interface with Community Flood Plans.*

Moving forward on Research

- 3.30 Further to those recent discussions, the Committee in February received a presentation from the Environment Agency, providing an overview of the programme. This prompted a discussion about how collaboration can be improved, and what role the Committee might play. Further discussions have centred around the case for establishing a research sub-committee, and this will be the focus of the report to our May 2023 meeting.

Work Theme 10 Responding to consultations relevant to FCERM in Wales in 2022-23

- 3.31 As in previous years, key consultations continue to arise regularly, and this Theme continues as the focus for much of the Committee's work.

The National Infrastructure Commission for Wales

- 3.32 Having engaged in a dialogue with the Commission in preparing the Committee's Resources Report, early discussions were initiated on how the Committee might collaborate with the Commission in responding to the Programme for Government request (see para 2.3) for its advice on mitigating flood risks in the longer term. The appointment of four members of the Committee to the Project Advisory Group for this work is now providing opportunities to contribute expertise as the project moves forward.
- 3.33 The Committee received an update on the terms of reference at its February 2023 meeting. Towards the end of March 2023, the Committee's comments were invited on the project scoping report. These will be reported for confirmation to the Committee's next meeting in May.

Coal Tip Safety (Wales) White Paper – Welsh Government

- 3.34 The Committee responded to this consultation in August 2022. Extracts from the response follow:

"In 2021, the Committee responded to the Law Commission's consultation paper, indicating our support for the proposals, including their benefits for flood risk management. Similarly, we endorse the proposals in the White Paper for the same reasons.

It is important that proposals for addressing coal tip safety recognise the critical interfaces between water, flood risk management and coal tips. Springs and watercourses are often a key trigger for coal tip failures, while failures themselves can often lead to blockages in watercourses which heighten flood risks for properties in the vicinity. Additionally, in some instances, coal waste has been deposited in flood plains, adding to levels of flood risk. Consultation and collaboration between the proposed supervisory authority and Flood Risk Management Authorities, as defined by the Flood and Water Management Act 2010, will therefore be of key importance.

We note in particular and welcome the proposals for addressing the skills gap to ensure sufficient capacity and capability to deliver the on-going inspections and maintenance programmes. However, in addition to establishing a register of professionals competent to undertake tip safety work, there will be a need to go further in developing a joined-up approach to the shortage of individuals with relevant skills on a cross-sectoral basis, given in particular the transferability of skills between flood and coastal erosion risk management and coal tip safety. This reflects proposals contained within the report "Resources for Flood and Coastal Erosion Risk Management in Wales" recently submitted by our Committee to the Minister for Climate Change.

We would also particularly endorse the proposal that the supervisory authority should be a statutory consultee in development applications, where the development could change the categorisation of a tip from a lower status to a higher status tip.

It is also important to stress that the proposals in the White Paper will have additional implications in terms of organisational capacity, resources and skills for local authorities as well as those of the supervisory authority itself, and mechanisms will need to be found by which these implications can be addressed."

Coastal Adaptation Guidance – Welsh Government

- 3.35 The Committee in May 2022 received a presentation on an early draft of the guidance, which was under preparation by the Welsh Government. The discussion that followed came to the following broad conclusions:

"The draft guidance collates a lot of useful information and is a good basis to build upon. However, the purpose of the document and target audience should be clarified. If the document is intended as guidance for risk management authorities (RMA) then there is significant scope to remove extraneous material and focus on the key areas of guidance required by RMAs. Coastal adaptation is one of the mega challenges which Wales will face in future decades because of the climate emergency. While it is good to see initial progress being made, the guidance should become one to be viewed as of strategic significance. After all, it reflects one of the 24 measures in the National Strategy."

Property Flood Resilience Policy Review – Welsh Government

- 3.36 At its September 2022 meeting, the Committee received a presentation on the interim report for this review. The final report is awaited.

Sustainable Urban Drainage Systems (SuDS) Review – Welsh Government

- 3.37 In February 2023, the Committee received an update on the interim findings of this review. Following further consultation with practitioners, a Post Implementation Review Report is scheduled to be completed in the Spring of 2023. A subsequent period of public consultation is anticipated in due course.

Planning Technical Advice Note 15 (TAN 15) on Development, Flooding and Coastal Erosion - Welsh Government

- 3.38 The Committee has responded extensively to consultations at a number of stages since 2020. The new TAN had been launched in September 2021, along with the new Flood Map for Planning which includes climate change projections, with the intention that the TAN would come into effect in December 2021. The TAN would reflect a determination to restrict development taking place in the highest flood risk areas, demonstrating a commitment to prevent problems for future generations. The TAN sought to avoid development which places extra requirements on main river and coastal defences. The appropriateness of locations for development would need to be more carefully considered, along with future maintenance costs.
- 3.39 While the new TAN had been well-received and criticised in equal measure, it was announced in November 2021 that it would not come into effect until June 2023. This would provide local authorities with sufficient time to undertake or update their strategic flood consequence assessments, which will then help to inform whether the TAN and Flood Map require any adjustment.
- 3.40 As a result of further representations, another round of consultation was initiated on a further draft of the TAN in January 2023. This would increase flexibility to allow for appropriate regeneration and redevelopment in flood risk areas, and provide more detail on the issues for the plan-led system and the justification for development. It is understood that, after analysis of the consultation results has been completed, the new TAN will come into force towards the end of 2023.
- 3.41 Extracts from the Committee's response can be found below.

1 The Committee does not agree that the draft TAN makes it clear when redevelopment and regeneration can be acceptable.

2 There is a lack of clarity on what can be considered 'appropriate', and the criteria for determining when such activities in a flood risk area are 'acceptable' are far from clear. As a result, there is a substantial risk that the draft TAN will result in redevelopment and regeneration being permitted which are neither appropriate nor acceptable.

Betterment

3 In addition, the draft TAN misses the opportunity to require 'betterment' where risks can be reduced and resilience improved. The draft TAN refers to redevelopment "avoiding increasing exposure to flood risk", but it needs to go further, indicating that redevelopment schemes will need to reduce exposure to flood risk.

Wider Welsh Government Policy on Climate Change

4 The draft TAN proposes a reliance on public investment in flood defences which will be undeliverable. Placing additional financial burdens on future generations to sustain flood defences is neither compatible with the Well-being of Future Generations Act, nor with the Welsh Government's Climate Change Adaptation Plan. The National Strategy for Flood and Coastal Erosion Risk Management (FCERM) makes it clear that there should be a strong steer away from strengthening defences to enable development, towards other measures for managing flood risk.

5. The Committee does not agree that the draft TAN will ensure that climate change and flood risk are factored into planning decisions.

Protecting People, Property, Investment and Infrastructure

6. While the draft TAN should ensure that climate change and flood risk are considered as part of planning decisions, it does so with less clarity than the December 2021 version. The more flexible approach proposed would increase the likelihood that planning decisions will not sufficiently protect people, property, investment and infrastructure from the risks of climate change, and will increase the risks of flooding for future generations. The changes proposed to the draft TAN, in comparison with the December 2021 version, do not have our support as currently worded.

The Need for New Funding Mechanisms

7. The flexibility proposed by the draft TAN in terms of decision making by local planning authorities would open the door to wide interpretation, with the risk of substantial future costs as more investment on flood risk management is required to keep pace with climate change. This is a major concern, as it is already clear that increasing funding will be needed to protect communities as they currently exist. In order to finance the provision, upgrading and maintenance of flood defences for proposed areas of regeneration in flood risk areas, new funding mechanisms will be essential.

Justifying Development in Flood Risk Areas

8. The changes made to the justification criteria are confusing and lack clarity. There are also concerns that the draft TAN does not sufficiently embrace the risk based approach to flooding. This section needs significant amendment to provide a robust framework for decision making that accounts for climate change, and to ensure that safeguards are implemented to protect future property occupiers and investors. As currently drafted, these concerns would compromise the intent of the TAN.

Community Adaptation and Resilience Plans (CARPs)

9. Where development and regeneration are proposed in flood risk areas, it is clear that detailed planning and programming mechanisms will be needed. However, the approach proposed for CARPs gives rise to a wide range of concerns in terms of its implications and lack of clarity. It is evident that a much fuller guidance document will be needed on the purpose, content and preparation process for CARPs. In the circumstances, therefore, **the proposals for CARPs do not have our support as currently worded.**

CARPs – Resources for their Preparation

10. Given the well-documented under-resourcing of both local planning and lead local flood authorities, these authorities would need to be provided with the capacity to undertake the preparation, monitoring, implementation and review of these CARPs. Similar issues would apply for Natural Resources Wales. The TAN therefore needs to include a section setting out its resource implications, and how these will be met.

CARPs – Resources for their Implementation

11. It would appear that lead local flood authorities would be tasked with securing funding for flood risk management purposes, including preparing business cases. Local authorities currently lack the capacity to take on this additional work. The necessary resources will need to be found. The draft TAN suggests that infrastructure will be funded through a mixture of public and private investment. However, the National FCERM Strategy has a clear position that WG FCERM investment is prioritised to protect existing communities, and is not available to facilitate new development.

CARPs Content – Community, Adaptation, Resilience and the Status Quo

12. The references to constructing flood defences in the draft TAN suggest that it is leaning towards maintaining the status quo, rather than supporting climate change adaptation. Despite the use of the word "community" within the term CARPs, references to community engagement are largely absent. Cross references to appropriate standards of flood resilience would help to strengthen the TAN, particularly given the statement that, within flood risk areas, "any redevelopment must exhibit flood resilient design". This para should go further to make it clear that all proposals for redevelopment in these areas will be assessed on their role in contributing to resilience. Ultimately, CARPs will need to justify why regeneration is of such significance that it over-rides concerns about community safety, climate change and flood risk.

Concluding Comments

13. The progress towards a TAN which provides a framework for strategic regeneration to take place without compromising flood risk management is welcomed. The focus on "not knowingly exposing communities to unacceptable risk" is very important. However, the draft TAN, in promoting flood defences as the primary mechanism to manage flood risk, rather than emphasising adaptation and resilience, represents a backward step.

14. The draft TAN as now proposed no longer functions as well as the December 2021 draft, as a practical guide for planners and FCERM practitioners to implement. There are too many areas of detail not covered, areas that will be left to local interpretation, with risks of a wide divergence of practice across Wales."

Committee Members Feedback

- 3.42 As is the norm, annual appraisals of Committee Members have been undertaken towards the end of 2023/24. These appraisals provide feedback on the Committee's processes and outputs, as well as on the individual performance of members. With members in the main coming to the end of a four year term, the appraisals have also provided an opportunity to take a longer term perspective.
- 3.43 Attendance levels at meetings continue to be good. The main Committee sustained attendance at 84% for the three meetings, with 88% for the eight meetings of the Sub-Committees, again reflecting high levels of support from employers in releasing Members from work. Participation in the Committee is viewed as a learning opportunity and continues to be highly valued, and contributions to the work of the Sub-Committees have remained at a substantial level.
- 3.44 Two of the meetings of the Committee and all of the Sub-Committees were held remotely, with general satisfaction at arrangements. Nevertheless, the opportunity for Members to meet in person for the first time since the pandemic, at Newport Civic Centre in September, was highly valued. Organisational transparency and culture are seen as inclusive, positive and collaborative. Engagement levels with colleagues from Welsh Government, from the Risk Management Authorities and from wider stakeholders, are recognised for their importance in maintaining momentum on the work programme. However, as with the flood risk management sector in general, organisational capacity is seen as a growing constraint at all levels. Nonetheless, the work programme is viewed as effective in maintaining clarity of purpose over the longer term.
- 3.45 The two Sub-Committees have been recognised as a dominant factor in the Committee's workload, but their outputs are highly valued by Committee Members, and are gaining traction amongst wider stakeholders. However, being

able to influence policy, programmes, legislation and guidance within Welsh Government and other organisations, through consultations as well as focused advice, continues to be recognised as of critical importance.

- 3.46 The Committee's ability not only to focus broadly and strategically, but also to address detail, is seen as a particular strength. There is considerable enthusiasm for extending the work programme into themes and key priorities which remain under-developed, and for taking on a stronger promotional and advocacy role, but growing concerns about the Committee's capacity to initiate further workload. While outputs have been delivered as programmed, given the long term nature of flood risk management, their translation into outcomes remains to be demonstrated.

4. Looking Ahead

- 4.1 With the decision to move from three to four meetings per annum, the Committee will be alternating between physical and remote meetings. The meeting of the Committee in May 2023 takes place in Colwyn Bay. The next physical meeting will be in South West Wales in December, with remote meetings in September and February 2024. The September meeting will look to extend the Committee's work programme into 2025-26, in accordance with our custom to maintain a three-year work programme,

The Work Programme in 2023-24 and 2024-25

- 4.2 Section 2 and 3 outline much detail in terms of how the Committee will be moving forward with its work themes. Key highlights for the year ahead are anticipated to include the following:

- **Themes 1 & 2** – NRW's Annual Report and their **Section 18 Report** will be reviewed in September 2023, with the latter's review of progress on the **National Strategy** prompting a refresh of the Strategy;
- **Theme 4** - The Minister's response to the Committee's **Resources Report** together with those of other key stakeholders, will be considered by the Committee in May 2023, and will shape the work programme for our Resources Sub-Committee;
- **Theme 5** – The Minister's response to the Committee's **Legislative Change Report**, which we hope to receive for our September 2023 meeting, will shape the work programme for our Policy and Legislation Sub-Committee, and the continuing dialogue with the Law Commission;
- **Theme 8** – It is anticipated that the preparation of the Welsh Government's **Coastal Adaptation Guidance** will gather momentum during the year, with the Committee contributing to its development;
- **Theme 9** – The Committee, at its May 2023 meeting, will consider proposals for a **Research** Sub-Committee to be formed, with its first task to prepare a research work programme.
- **Theme 10 Consultations** - As the **Sustainable Farming Scheme** moves into its outline final stage, there will be more information on proposals to deliver flood mitigation measures on farms, with opportunities for the Committee to respond further to consultations.
- **Theme 10 Consultations** – As the **National Infrastructure Commission for Wales** progresses its work on mitigating flood risks in the longer term, there will be further opportunities for the Committee to contribute its expertise, with a draft report available in the summer of 2024.
- **Theme 12** - The independent review of the local government **Section 19**¹⁰ and Natural Resources Wales reports into extreme flooding in winter 2020-21, being led by Professor Elwen Evans KC, is expected to report in Summer 2023, and this should facilitate a report to our September meeting on progressing our proposed advice on requirements and guidance for these Section 19 reports.

¹⁰ [Flood and Water Management Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

Annex 1: Committee Terms of Reference

(References to “Regulations” refer to the Flood and Coastal Erosion Committee for Wales Regulations 2017).¹¹

Purpose

1. The Committee has been established by the Environment (Wales) Act 2016, Section 81. Its purpose is to advise the Welsh Ministers on matters relating to flood and coastal erosion risk management.

Scope (regulation 8)

2. The scope of the Committee is to advise on any matters relating to flood and coastal erosion risk management.

Membership (regulations 3-5)

3. The Committee shall be made up of a Chair and up to 14 Committee members who are either an expert on matters deemed relevant by Welsh Ministers, or a nominated representative of an organisation associated with flood and coastal erosion risk management.

Duties (regulation 9)

4. The Committee must advise the Welsh Ministers on:

- i. The management of risk from all sources of flooding and coastal erosion;
- ii. Wider resilience and emergency issues from a flood risk management perspective;
- iii. The National Strategy for Flood and Coastal Erosion Risk Management; and
- iv. Work being carried out by flood and coastal erosion risk management organisations.

Powers

5. The Committee may:

- i. Establish its own programme of advisory work on flood and coastal erosion risk management in Wales (regulation 10);
- ii. Advise Welsh risk management authorities on the management of risk from all sources of flooding and coastal erosion (regulation 10);
- iii. Advise Welsh risk management authorities on wider resilience and emergency issues from a flood risk management perspective (regulation 10);
- iv. Advise Welsh risk management authorities on the National Strategy for Flood and Coastal Erosion Risk Management (regulation 10);
- v. Enter into agreements with other bodies, subject to the approval of the Welsh Ministers (regulation 10);
- vi. Appoint members of the Committee as its representatives on other fora or committees.

Meetings (regulation 11)

6. Meetings shall be held at intervals of no more than 6 months.

¹¹ <http://www.legislation.gov.uk/wsi/2017/827/contents/made>

7. The Committee is a public body within the meaning of the Public Bodies (Admission to Meetings) Act 1960. Accordingly meetings of the Committee will be open to the public [Environment (Wales) Act 2016, Section 81 (3) and Schedule 2 Part 4].

Reports (regulation 12)

8. The Committee must submit a report to the Welsh Ministers on the exercise and performance of its functions for each period of 12 months, following the appointment of members to the Committee.

Procedure (regulation 13)

9. The Committee may regulate its own procedure, including making provision in relation to the quorum for its meetings (subject to the approval of the Welsh Ministers), and its voting procedure.

Sub-Committees (regulation 14)

10. The Committee may establish sub-committees by majority vote, to meet on the direction of the Committee. The Committee may regulate the procedure of any sub-committee, including its quorum and voting procedure. The terms of reference of a sub-committee are subject to the approval of the Welsh Ministers.

Communications & Working with others

11. Requests for interviews should be sent to the Minister for Environment in the first instance via the Secretariat. If the Minister is unavailable, the Chair may be asked to speak on behalf of the Flood and Coastal Erosion Committee.

Programme of work

12. The annual programme of work will be agreed with Welsh Ministers to ensure it includes current priorities.

Annex 2: Remuneration & Allowances

The Chair is entitled to remuneration on a per-day basis. Other Members of the Committee are not entitled to remuneration, but, as with the Chair, they are entitled to claim for travel and subsistence expenses. Expenditure under these headings is set out below.

£	Remuneration	Expenses	Total
2019-20	14,295	2,279	16,574
2020-21	14,520	80	14,600
2021-22	16,020	175	16,195
2022-23	17,203	129	17,332