

Cabinet – 13th September 2006

Report of the Director of the Urban Environment (DUE)

Approval for adoption of the Supplementary Planning Documents (SPDs) for Nature Conservation and the Historic Environment

Purpose of Report

1. To seek Cabinet approval for the formal adoption of the Council's Supplementary Planning Documents (SPDs) on Nature Conservation and the Historic Environment.

Background

2. The purpose of the Supplementary Planning Documents (SPDs) for Nature Conservation and for the Historic Environment is to provide guidance as to how the policies on nature conservation and the historic environment set out in the adopted Dudley Unitary Development Plan (UDP) need to be addressed and how the authority expects nature conservation and the historic environment to be taken into account in the development control process. Nature conservation policies in the SPD cover biodiversity, protected sites and species, geology, trees and woodlands and elements of design of development. The historic environment policies covered in the SPD refer to the policies on local distinctiveness, landscape heritage area and buildings of local historic importance.
3. The SPDs provide detailed supplementary information to support the policies in the UDP. In accordance with government guidance such detail is more appropriate for a SPD than the UDP which is primarily a strategic document. Copies of the two SPDs are available in the Members' Room and on CMIS, together with the Sustainability Appraisal, the Statement of Community Involvement and the representations received.
4. The SPDs were not prepared in isolation but in the context of a range of existing and emerging plans, policies and programmes. As well as the UDP, the SPDs are in conformity with the Local Development Scheme, national planning guidance, the Regional Spatial Strategy, the Council Plan and the Community Strategy. In addition, the Nature Conservation SPD is in conformity with Biodiversity Action Plans at the national and local level.

5. To accompany the SPDs, the Council has also produced a joint Sustainability Appraisal (SA) and a joint Statement of Community Involvement (SCI). The purpose of a Sustainability Appraisal is to promote sustainable development through better integration of social, economic and environmental issues into planning policy and to assess the sustainability implications of development plan documents.
6. The Council is producing an overarching Statement of Community Involvement which will outline how stakeholders and the local community can get involved in the planning process. Until this is approved, each SPD must be accompanied by its own SCI. Its intention is to set out how consultation will take place, who is being consulted and at what stages in the process this will occur. Effective consultation is a key objective of the new planning system in order to strengthen community involvement.
7. Following the report to Cabinet on 8th February 2006, and in accordance with the Council's Local Development Scheme, the Nature Conservation and the Historic Environment SPDs were subject to formal public consultation for a six week period from 20th February to 31st March 2006.
8. The Nature Conservation SPD received 13 formal responses. They were all broadly in support of the SPD and welcomed the guidance contained in the document. A number of comments were received and many of these have been incorporated in the SPD as amendments to the text. A list of all the comments received, the Council's response to them and any subsequent text changes are included in the amended Statement of Community Involvement.
9. The Historic Environment SPD received 9 formal responses. They were all broadly in support of the SPD and of the guidance contained in the document. A number of substantive comments and some constructive criticisms were received and these have been addressed and changes have been incorporated into the SPD as amendments to the text and supporting figures where appropriate. A list of all the comments received, the Council's response to them and any subsequent text changes are included in the amended Statement of Community Involvement.
10. In accordance with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004 the Council must make available for inspection the SPDs, the statements setting out the main issues raised from representations received and how these have been addressed in the SPDs, and an adoption statement for each SPD.

Finance

11. There will be no further financial implications of adoption of the SPDs over and above normal policy and development control costs which are met from existing budgets.

Law

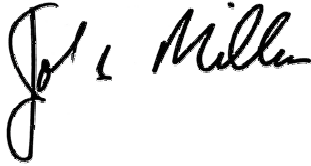
12. Once adopted the SPDs will become material considerations in the determination of planning applications. The SPDs have been prepared under the new planning system enacted by the Planning and Compulsory Purchase Act 2004. Work on the SPDs has been undertaken in line with the Town and Country Planning (Local Development) (England) Regulations 2004.
13. Section 11 of the Countryside Act (1968) requires that the Council, in the exercise of its functions, has regard for the desirability of conserving the natural beauty and amenity of the countryside. This extends to both urban and rural areas. Regulation 37 of the Conservation (Natural Habitats) Regulations 1994 states that, in the context of planning legislation, the conservation of the natural beauty and amenity of the land shall be taken to include encouraging the management of features of the landscape which are of major importance for wild flora and fauna.
14. The Nature Conservation SPD is in accordance with Government Circular 06/2005 Biodiversity and Geological Conservation- Statutory Obligations and their impact within the Planning System which provides guidance on UK and European legislation taking into account case law.

Equality Impact

15. The preparation of these SPDs has been undertaken in full accordance with the Council's policy on equality and diversity. The SPDs seek to protect and enhance the historic environment and nature conservation assets of the Borough for all the community including children and young people.

Recommendation

16. It is recommended that Cabinet formally adopt the Nature Conservation and the Historic Supplementary Planning Documents.



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Background Papers

Dudley MBC Nature Conservation Supplementary Planning Document (SPD)

Dudley MBC Historic Environment Supplementary Planning Document (SPD)

Dudley MBC Nature Conservation SPD and Historic Environment SPD Sustainability Appraisal.

Dudley MBC Nature Conservation SPD and Historic Environment SPD Statement of Community Involvement

Statement of Representations received on the Nature Conservation SPD

Statement of Representations received on the Historic Environment SPD.