

**DUDLEY METROPOLITAN BRROUGH COUNCIL**

**CABINET – 8<sup>TH</sup> FEBRUARY 2006**

**REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT**

**APPROVAL FOR PUBLIC CONSULTATION OF THE DRAFT  
SUPPLEMENTARY PLANNING DOCUMENTS (SPDS) FOR NATURE  
CONSERVATION AND THE HISTORIC ENVIRONMENT**

**The Purpose of Report**

- 1 To seek Cabinet approval for the Council's draft Supplementary Planning Documents (SPDs), on Nature Conservation and the Historic Environment, to go forward for public consultation.

**Background**

- 2 The purpose of the draft 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 UDP 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 will 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.

- 4 The SPDs are not being prepared in isolation but in the context of a range of existing and emerging plans, policies and programmes as set out in the Local Development Scheme. As well as the UDP, the SPDs are in conformity with 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 Although the Council has prepared a draft Statement of Community Involvement (SCI) which sets down the steps the Council will undertake when consulting on the preparation of planning documents it is a requirement that the Council produces a Sustainability Appraisal (SA) and SCI which are specific to the SPD. 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. This is done by evaluating any planning document, in this case the SPDs, against a set of objectives. These need to be monitored to ensure that the objectives of the SA are being met.
- 6 The intention of the SCI is to explain how local communities and stakeholders can be involved in the production of the SPD. It sets 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 In accordance with the Council's Local Development Scheme the SPDs are programmed for public consultation for a six week period from 20<sup>th</sup> February to 31<sup>st</sup> March 2006. During this time the SPD will be available for public inspection at Council Offices and on the DUE webpage. The main focus of consultation will be key stakeholders such as local and national nature conservation and environmental agencies and potential SPD users, such as house-builders and other developers and planning and ecological consultancies. Following comments and representations received, the finalised SPDs will be presented to Cabinet for approval of adoption in July.
- 8 The Nature Conservation and Historic Environment Supplementary Planning Documents are available for inspection in the Members Library.

#### **Finance**

- 9 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**

- 10 When adopted the SPDs will become material considerations in the determination of planning applications. The SPDs are being 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.
- 11` 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.
- 12 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**

- 13 The preparation of these SPDs has been undertaken in full accordance with the Council's policy on equal opportunities. The SPDs seek to protect and enhance the historic environment and nature conservation assets of the Borough for all the community.

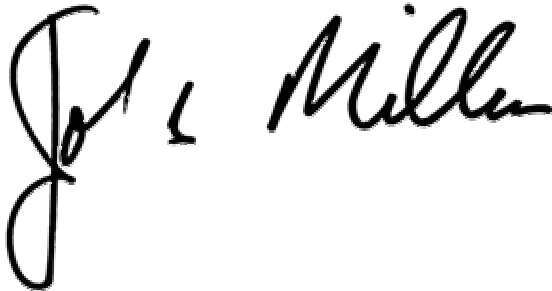
## **Recommendation**

- 14 It is recommended that Cabinet approve that the Director of the Urban Environment issue the two draft Supplementary Planning Documents for public consultation.
- 15 Following public consultation and amendments, the SPDs will be brought before Cabinet for approval of adoption in July 2006.

## **Background Papers**

- 16 Draft Dudley MBC Nature Conservation Supplementary Planning Document (SPD)
- 17 Draft Dudley MBC Historic Environment Supplementary Planning Document (SPD)

- 18 Draft Dudley MBC Nature Conservation SPD and Historic Environment SPD Sustainability Appraisal.
- 19 Draft Dudley MBC Nature Conservation SPD and Historic Environment SPD Statement of Community Involvement

A handwritten signature in black ink, appearing to read 'John Millar'. The signature is written in a cursive style with a large, stylized initial 'J'.

**John Millar**  
**Director of the Urban Environment**

Contact Officers      Ali Glaisher  
Nature Conservation Officer, Policy  
Telephone: 01384 814195  
Email: [ali.glaisher@dudley.gov.uk](mailto:ali.glaisher@dudley.gov.uk)

Peter Boland  
Principal Conservation Officer and Borough Archaeologist  
Telephone: 01384 814190  
Email: [peter.boland@dudley.gov.uk](mailto:peter.boland@dudley.gov.uk)