

Designation of Conservation Areas

1. Purpose of Report

- 1.1 To clarify the decision making process concerning the designation of Conservation Areas.

2. Recommendation

- 2.1 That the report be noted.

3. Links to the Corporate Business Plan

- 3.1 This report clarifies a procedural issue and is not linked to the Corporate Business Plan.

4. Background

- 4.1 Conservation Areas are designated by the local planning authority under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.2 Historically, the designation of Conservation Areas operated entirely outside the local plan preparation process although it was customary for the local plan to contain policies of conservation and protection applicable to Conservation Areas.
- 4.3 The position has not changed under the Local Development Framework. The procedure for designating Conservation Areas remains a self-contained statutory procedure although local authorities should express in their Core Strategy how their broad strategy for conservation is integrated with other policies. Supplementary Planning Documents can also be used to give greater specific guidance on development control matters relating to Conservation Areas.

5. Consultation

- 5.1 PPG 15 – Planning & the Historic Environment states that there is no statutory requirement to consult prior to designation of a Conservation Area, but it is highly desirable that there should be consultation with local residents, businesses and other local interests e.g. amenity bodies.
- 5.2 The Council's Statement of Community Involvement (SCI) is the Council's policy with regard to involving people in preparation and revision of local development documents.
- 5.3 The Local Development Framework work programme includes the production of a Supplementary Planning Document relating to conservation area criteria and character guidance by March 2007, which will be prepared in compliance with the Council's SCI.
- 5.4 The work programme also includes the production of Conservation Area Management Plans for Chippenham, Malmesbury, Wootton Bassett, Calne, Cricklade and Corsham which will be prepared in compliance with the SCI

and in compliance with current English Heritage published guidance on “Management of Conservation Areas”, August 2005 BVPI 219.

- 5.5 It is clearly good practice to consult the local community about the designation of a Conservation Area. In the past, consultation has normally taken place through the Parish Councils and, where appropriate, public meetings. Under BVPI 219 the Guidance states that “community involvement with the designation and management of conservation areas represents best practice and provides an opportunity to develop an environment that attracts economic benefits such as inward investment. This should be consistent with the local authority’s SCI”. To extend the consultation process so that it is to be carried out in accordance with the SCI for all designations would involve considerable increased resources and it is no currently the intention to do this except for the settlements mentioned above in para 5.4.

6. The Decision to Designate or amend the Designation of a Conservation Area.

- 6.1 The power to designate Conservation Areas is an Executive function.
- 6.2 Executive functions can only be exercised by the Executive, an Executive Committee, an Executive Member, an Area Committee or an officer.
- 6.3 The Terms of Reference for Area Committees are wide enough to enable the Area Committees to make decisions about designating Conservation Areas. In accordance with the general principles of delegation the Executive can exercise a concurrent power or reserve any particular decision to itself.
- 6.4 The most recent decision involved the extension of the Great Somerford Conservation Area and was taken by the Area Committee.
- 6.5 The documents mentioned in paragraphs 5.3 and 5.4. are part of the Local Development Framework delegated to the Spatial Plans Team Leader in consultation with the Spatial Planning Advisory Group which is a Working Group .

7. Financial Implications

There are none.

8. Human Resource Implications

There are none.

9. Legal Implications

These are dealt with in the Report.

10. Equal Opportunity Implications

Equal Opportunity issues have been identified in the Statement of Community Involvement.

**REPORT OF THE CORPORATE SERVICES STRATEGIC MANAGER TO
THE OVERVIEW AND SCRUTINY COMMITTEE MEETING ON 20TH JULY
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