

## REPORT TO THE OVERVIEW & SCRUTINY COMMITTEE Report No.14

<b>Date of Meeting</b>	<b>29<sup>TH</sup> March 2007</b>
<b>Title of Report</b>	<b>Designation of Conservation Areas</b>
Link to Corporate Priorities	This is a procedural matter not linked to a corporate priority.
Public Report	Yes

### Summary of Report

The report describes how the statutory Conservation Area regime has changed in the light of new legislation and guidance.

### Officer Recommendations

To note the report.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
NONE	YES	NONE	NONE	Yes

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## **1. Purpose of the Report**

- 1.1 To examine the effect of new legislation and guidance on the statutory Conservation Area regime.

## **2. Options and Options Appraisal**

- 2.1 No decision needs to be taken in connection with this report.

## **3. Background Information**

- 3.1 Conservation Areas are designated by the local planning authority under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.2 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.
- 3.3 The position has not changed under the Local Development Framework. The procedure for designating Conservation Areas remains a self-contained statutory procedure with no formal links to planning policy documentation.
- 3.3 English Heritage published new guidance in relation to the management and appraisal of Conservation Areas in February 2006. This updates their previously published Conservation Area Practice guidance published in 1993 (revised 1995). The new guidance has taken account of many changes and recent publications in the fields of planning and conservation. In particular, the Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 have been updated by The Planning and Compulsory Purchase Act 2004. Additionally, the government has introduced Local Development Frameworks (LDFs), which is a new planning system to replace previous Local Plans whereby community involvement and monitoring systems are strengthened. Furthermore, 'Best Value Performance indicators (BVPs)' for 2005-6 require local authorities to record their management of Conservation Areas.
- 3.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 defines a conservation area as 'an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Local Planning authorities have a duty to review the overall extent of designation in their areas and if appropriate, to designate additional areas. Designation remains the principal means by which local authorities can apply conservation policies to a particular area. Following designation, local planning authorities have a duty: 'from time to time, to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts and to consult the local community about these proposals; in exercising their planning powers, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas'.
- 3.5 Planning Policy Guidance Note 15 (PPG15) stresses the need for local planning authorities to define and record the special interest, character and appearance of all conservation areas in their districts, and the 2005-6 heritage Best Value Performance Indicator (BVP 219) requires authorities to record the number of conservation areas which have an up-to-date character appraisal and which have published management proposals.

- 3.6 The new English Heritage guidance notes that defining the 'special interest' of an area is the main purpose of an appraisal. The guidance states that it is vital ". . . for the special interest justifying designation to be clearly defined and analysed in a written appraisal of the area's character and appearance. This will not only provide a sound basis, defensible on appeal, for policies in the relevant supplementary planning documents and area action plans and for development control decisions, but will also form the framework for developing a management strategy for the area".
- 3.7 The new guidance also notes that Supplementary Planning Documents (SPDs) ". . . can supplement higher level policy in controlling erosion of the special interest that warrants designation and where appropriate, guiding the form of new development. Whilst a proliferation of policy documents should be avoided, it is envisaged that separate supplementary planning documents will be used to detail conservation area policies for major or complex conservation areas, or to produce a conservation area policy SPD covering part or all of a local authority's district, if this is appropriate. Such SPD should be supported by adopted and published character appraisals which define the specific character that is to be preserved and enhanced and proposed management strategies for the individual conservation areas concerned. A conservation area character appraisal, with or without a related management strategy, cannot itself be a SPD and therefore does not require sustainability appraisal."

#### **4. The North Wiltshire Approach**

- 4.1 In taking account of this above recent guidance North Wiltshire District Council have programmed to produce a suite of complementary documents to supplement Local Plan policies HE1 and HE2, (Annex A), as follows:

A District-wide Conservation Area Criteria and Character Supplementary Planning Document  
Conservation Area Appraisals for each of the District's six towns  
Conservation Area Management Plans for each of the District's six towns as  
Supplementary Planning Documents  
Conservation Area Appraisals for each of the District's other village and rural  
Conservation Areas

#### **5. Consultation**

- 5.1 PPG 15 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 is a statement of the Council's policy with regard to involving people in the preparation and revision of local development documents.
- 5.3 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 not currently the intention to do this except for the settlements mentioned above in para 4.1

**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 decision 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.

**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.

<b>Appendices:</b>	<b>Local Plan Policies HE1 and HE2</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>None</b>

**Previous Decisions Connected with this Report**

<b>Report</b>	<b>Committee &amp; Date</b>	<b>Minute Reference</b>
None	Overview & Scrutiny 20.07.06	038