

CONSULTATION STATEMENT –Historic Environment Supplementary Planning Document (SPD) (March 2017)

In connection with the preparation of the Historic Environment SPD, a Consultation Statement is required to demonstrate with whom the Council consulted and how they engaged with local people and other interested parties during the preparation stages of the SPD. The statement contains the following information:

- i) a summary of the organisations with whom the Councils consulted;
- ii) how those organisations were consulted;
- iii) a summary of the issues raised; and
- iv) how those issues have been addressed in the SPD.

A seven week consultation on the Historic Environment SPD took place between **31st March and 19th May 2017**.

The following consultees were sent either a letter or email providing a link to the Council's website to view the SPD. Comments were invited on the draft SPD:

Statutory organisations and Prescribed bodies under Duty to Cooperate	40
Organisations/developers on Consultee database by email	Approx.1000
Ward Councillors	72

In addition to being published on the Council's website, paper copies of the draft revised SPD were distributed to all main libraries throughout Dudley Borough, the Council's planning offices reception at 4 Ednam Road and to Dudley Council Plus.

As detailed in paragraphs 178-181 of the National Planning Policy Framework, public bodies have a Duty to Co-operate on strategic planning issues that cross administrative boundaries. The prescribed bodies under Duty to Co-operate were therefore consulted in relation to the draft revised SPD.

An e-bulletin containing information about the consultation on the document was sent out by the Council's Communication and Public Affairs (CAPA) team which reaches 66000 people. The link relating to the Historic Environment SPD was opened by 71 people.

During the consultation period a total of 10 generally supportive representations were received, and a number of comments made within these representations have been incorporated in the final SPD, as appropriate.

Stakeholders were asked 8 consultation questions as follows:	
Q1	Do you agree that Dudley's historic environment contributes to the enjoyment of life and provides a unique sense of identity that enriches the lives of people who live, work and visit the borough as is set out in Chapter 1 (The Benefits of Heritage) of the document? If not, please explain why.
Q2	Did Chapter 2 (Policy Context) provide a helpful overview of all the Historic Environment policies used by the local planning authority? If not, please explain why.
Q3	Did Chapter 3 (Dudley Borough Heritage Assets) explain in sufficient detail the various types of heritage assets found in the borough? If not, please explain why.
Q4	Did Chapter 4 (Finding Information about Dudley's Historic Environment) explain in sufficient detail the various ways in which sources of information can be obtained about the heritage assets of the borough? If not, please explain why.
Q5	Did Chapter 5 (Assessing Proposals affecting all Heritage Assets or their Setting) provide a helpful summary of how proposals affecting heritage assets and their setting are assessed? If not, please explain why.
Q6	Did Chapter 6 (A Positive Strategy for the Conservation and Enjoyment of the Historic Environment) provide a helpful overview of the Council's strategy for the conservation and enjoyment of the Historic Environment? If not, please explain why.
Q7	Did you find the photographic examples included within the document useful and informative? If not, please explain why.
Q8	Are there any additional comments on the document you would like to make?

Summary of Representations received, with Council Responses:

(Please note: references to page numbers are with regard to the Historic Environment SPD Consultation Draft - March 2017)

Respondent Organisation or Name	Summary of Representation	Council Response
<p>Anglian Diocese of Worcester</p>	<p>The Anglian Diocese of Worcester provided a very positive and supportive representation as summarised below:</p> <p>Q1 - Yes I do agree... Unfortunately many of the (Dudley borough) residents seem unaware or uninterested in what they have 'under their feet' and previous planning policies (or lack of them/enforcement) have in some places seriously compromised the historic environment.</p> <p>Q2 & Q3 – Yes it does</p> <p>Q4 - Yes it does. However this will require a willingness on the part of the 'developer' to do this investigative work... There will need to be a considerable 'consciousness-raising' exercise to change the mindset.</p> <p>Q5 - Yes this is very good. It is a difficult topic to get across and this document achieves it very well.</p> <p>Q6 - Yes is does. Dudley MBC has a lot to be proud of in this document.</p> <p>Q7 - Yes I did. So much so I would have liked more – maybe a separate targeted publication.</p> <p>Q8 - I have read a number of these kinds of documents:</p>	<p>Dudley Council thanks the respondent for its interest and supporting response.</p> <p>Q1 & Q8 - We support the respondent's view that relevant policies should be properly applied and enforced – this is our intention. (No changes required).</p> <p>Q4 & Q8 - We recognise that there needs to be a willingness on the part of the developer to carry out 'investigative work' as regards any heritage assets affected by his/her proposals – However, this will be a necessity for the developer in producing Heritage Statements in instances where these are required by Dudley Council as the local planning authority. (No changes required).</p> <p>Q5 - No changes required.</p> <p>Q6 - No changes required.</p> <p>Q7 - No changes required.</p>

	<p>I think this one produced by DMBC is the best one I have read. It is very comprehensive and clearly set out.</p> <p>My worry is whether it will be consulted by the people who need to read it. The examples of neglect, illegal activity and applications for demolition demonstrate there is a considerable amount of work to be done in order to change the mindset.</p> <p>Policies are part of the solution, enforcement is another. Knowledge, understanding and appreciation of best practise by the community is another essential element.</p> <p>It can be summed up in a phrase from heritage colleague: "...in Bath you wouldn't think to lift a brick without permission, in the Black Country no one gives a damn."</p>	<p>No changes required.</p> <p>No changes required (but see the Council response to the Anglian Diocese of Worcester regarding Q8 set out above).</p> <p>No changes required (but see the Council response to the Anglian Diocese of Worcester regarding Q8 set out above).</p> <p>No changes required (but see the Council response to the Anglian Diocese of Worcester regarding Q8 set out above).</p>
<p>Canal and River Trust (CRT)</p>	<p>The Canal and River Trust's (CRT) representation includes:</p> <p><i>'The draft document appears to be an informative document, compiling links to a range of reference materials in a single location for clarity and simplicity and using good local examples'.</i></p> <p>Acknowledges that Chapter 3 gives mention to canal based conservation areas (page 22), but states Chapter 3 should additionally reflect that the canal network as a whole is an important heritage asset that should also be identified and considered when assessing development proposals nearby.</p>	<p>Dudley Council thanks the CRT for its interest and largely supporting response, and will amend the draft HE SPD where appropriate as set out below:</p> <p>This is noted. Accordingly amendments have been made by inserting additional reference throughout Chapter 3 to the extensive canal network within the borough.</p> <p>Additional reference is made under the Scheduled Monument section of the document on page 20 and in</p>

		<p>the non-designated heritage assets section on Page 29. Page 22 of the draft HE SPD has not been amended further as reference is made to Canal centred conservation areas within this section.</p>
	<p>Supports that Dudley Council is willing to work with external bodies on such as Heritage Partnership Agreements (page 65) – the CRT stating <i>it might be helpful to include more detail around how this could occur.</i></p>	<p>Whilst the CRT comments on this are noted it is not felt necessary to expand further on providing examples on how this could occur. Readers who wish to know more about this as an option can click on the link provided to the Historic England guidance note on it.</p>
	<p>States Chapter 6 should mention '<i>other potential mechanisms for protecting the historic environment such as Listed Building Consent Orders and Certificates of Lawfulness of proposed works to Listed Buildings. These were introduced via the Enterprise and Regulatory Reform Act 2013, which is not referenced in the draft document</i>'.</p>	<p>The CRT comments on this are noted. Additional text has been inserted about Locally Listed Building Consent Orders and reference has been made to the Enterprise and Regulatory Reform Act 2013. It is not felt necessary to also reference certificates of lawfulness given they are more of a standard approach rather than bespoke as per these examples.</p>
	<p>The draft HE SPD should include that <i>retention of the canal network can result in a multitude of benefits, not just the preservation and interpretation of the historic network</i> (including as to sustainable travel, leisure and recreation, health and wellbeing, education, landscape significance).</p>	<p>Accepting the canal network offers a wide range of benefits, only those regarding the historic environment need be included given the context of the Historic Environment SPD.</p> <p>The Canal network is covered by specific policies in both the Adopted 2011 Black Country Core Strategy (BCCS) and the Adopted 2017 Dudley Borough Development Strategy (DBDS).</p> <p>Furthermore Dudley Council has a <i>Strategy for Dudley's Canals</i>, which was written in partnership with British Waterways and adopted in July 1999 – available at: http://www.dudley.gov.uk/resident/planning/historic-environment/dudley-canals/.</p> <p>Dudley Council has also published Conservation Area</p>

		<p>Character Appraisals for 4 of the canals that are designated as Conservation Areas.</p>
	<p>Supports that on page 42 <i>the Council encourages developers to engage in pre-application discussions to consider and address heritage matters.</i> However, this should be amended to state that the CRT is included in such discussions where schemes have the potential to affect the canal network, or that developers be encouraged to seek its advice directly, also at pre-application stage.</p>	<p>The text on page 42 of the document to which the respondent refers is part of a section of Chapter 5 that gives generic guidance on ‘what is a heritage assessment’ – this section is not intended to set out in detail how to undertake pre-application discussions and with whom but rather it is advising on the importance of having early dialogue with the local planning authority about what types of heritage assessment will be required. It would therefore be inconsistent to give specific mention to the CRT or indeed other statutory consultees in this section</p>
	<p>Other matters - The CRT then <i>offers general advice on various minor matters in the (consultation version) document:</i></p> <p>States re page 22: <i>The reference to the GDPO is out of date and should refer to the DMPO (Development Management Procedure Order).</i></p> <p>States re page 22: <i>Both the size and location of permitted extensions are more restrictive in Conservation Areas, not just the size, as stated.</i></p> <p>States re page 22: <i>The information on applications for works to trees does not make clear that the LPA can control what works are done to trees and how/why, it appears that they</i></p>	<p>Page 22 – the principal order is the Town and Country Planning (General Permitted Development) (England) Order 2015 and this is stated clearly on the Planning Portal - and is therefore what should be referenced in this section. Therefore the text has been amended to reflect this but it has not been amended in accordance with the CRT advice.</p> <p>Page 22 - Have inserted ‘location’ into the text.</p> <p>Page 22 - Have inserted some additional text to reflect that it is not just about serving Tree Preservation Orders (TPO’s).</p>

	<p><i>are (just) a mechanism to allow the LPA to consider making a TPO.</i></p> <p><i>States re page 45: The flowchart makes no mention of pre-application discussions and when these should occur, nor does it have any indication that other bodies have an opportunity to influence the process. The requirement to discharge conditions is also missing from the arm where permission is granted with conditions and a watching brief.</i></p> <p><i>States re page 51: The link to the wind energy document is out of date and needs to be corrected.</i></p> <p><i>States re page 61: The Foster & Rastrick example is helpful, but an after-completion photograph would help to illustrate the point being made here.</i></p> <p><i>States re page 62: The section around unauthorised works and heritage crime seems to suggest that the LPA has a duty to follow</i></p>	<p>Page 45 – Whilst the flow diagram does not specifically use the term ‘pre-application discussion’, it is clear from the flow diagram that the first six boxes of the flow diagram are at the pre-application stage because the 7th box is ‘Apply for Planning Permission’. Furthermore, the importance of holding pre-application discussions to ascertain what level of assessment is required is explained earlier within this section on page 42. In terms of amending the flow diagram just to insert reference to a discharge of conditions application it is not felt to be necessary. However amendments have been made to the text of the SPD at the top of page 45 introducing the concept that certain sites may require input from statutory consultees.</p> <p>Page 51 – Since writing the draft document and publishing it for public consultation Historic England have decided to archive this document and to advise that it has been superseded, in light of this therefore reference to this document will now be deleted..</p> <p>Page 61 – an ‘after’ photo of the Foster & Rastrick building has been inserted.</p> <p>Page 62 – Noted but this does not require amendments to the text.</p>
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	<p><i>enforcement procedures rather than the Act simply providing powers to use where appropriate. Whilst the Trust supports the LPA in using such powers where appropriate, it would not expect them to be followed in all cases.</i></p> <p>States re Appendix 4c: <i>It is unclear what the project achieved in 2005 was, or what WMHBY is – more information would help to identify how this example has achieved its stated aims.</i></p>	<p>Appendix 4c – this has been amended to make it clear that this is an example of collaborative working with a Building Preservation Trust.</p>
Hagley Parish Council	No comments to make	Dudley Council thanks the respondent for its interest and response (No changes required).
Highways England	No comments to make	Dudley Council thanks the respondent for its interest and response (No changes required).
Historic England	<p>Historic England provided a positive and supportive representation as summarised below:</p> <p>Supports that the revised SPD reflects the Government's National Planning Policy Framework (NPPF);</p> <p>Considers that the SPD has a sound approach, reflects updated terminology, and includes an understanding of the role of significance and setting;</p> <p>Considers the 'understanding significance' element of the SPD to be particularly useful;</p> <p>Welcomes that the SPD makes reference to and gives web site links to the many Historic England</p>	<p>Dudley Council thanks the respondent for its interest and supporting response.</p> <p>No changes required.</p> <p>No changes required.</p> <p>No changes required.</p> <p>No changes required.</p>

	<p>advice and guidance documents – including ‘Conservation Principles’ and ‘Good Practice Advice Note 3 - Setting’;</p> <p><u>Requests</u> that the SPD be amended in the near future to reflect that:</p> <ul style="list-style-type: none"> ○ Good Practice Advice Note 3 on ‘Setting’ is anticipated to be revised mid June 2017 to incorporate relevant elements of ‘Seeing the History in the View’; ○ ‘Seeing the History in the View’ has now been deleted and archived; ○ Historic England is currently preparing an advice note on enabling development and the historic environment (to be adopted later in 2017) – when available, it may be relevant to include some updated wording and an updated link in the HE SPD; <p>Supports that the SPD gives guidance to developers on producing heritage assessments, including as regards archaeology;</p> <p>Welcomes the link to local historical societies that can further inform local identity and character;</p> <p>Supports that the SPD highlights the role of heritage with regard to the economy and regeneration;</p> <p><u>Requests</u> the SPD makes uniform reference to ‘Historic England’ rather than to ‘English Heritage’ (the latter being its previous name).</p>	<p>Good Practice Advice Note 3: Regrettably the expected June update has not yet occurred and Historic England is still using its March 2016 version. To address this and the Seeing History in the View comments and Enabling Development additional text has been inserted indicating that these documents are to be used or where relevant updated versions of them.</p> <p>No changes required.</p> <p>No changes required.</p> <p>No changes required.</p> <p>Noted and the document has been amended accordingly where appropriate.</p>
Natural England	Natural England responded that it has no comments to make - stating:	Dudley Council thanks the respondent for its interest and response. (No changes required.)

	<p>'Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation'.</p>	
Network Rail	No comments to make	Dudley Council thanks the respondent for its interest and response. (No changes required.)
Ms Tina Boothroyd (Not representing Access in Dudley which she chairs – states are her 'personal comments')	<p>States: <i>Whilst we must preserve and maintain areas and buildings of historic value to the locality, we should not allow the conservation of these assets to discriminate against access to disabled people.</i></p> <p>States: <i>I agree with the importance of maintaining an historic asset for generations to come and the wellbeing of the environment.</i></p> <p>States that the historic environment adds value to our health, wellbeing and the borough's economic sustainability.</p> <p>Barriers should always be removed where possible - by making historic assets accessible to all including those with a variety of disabilities including physical and sensory.</p> <p>Outdoor areas can be made accessible without detracting from them (using carefully selected materials and colour contrasts).</p> <p>Historic visitor attractions (buildings and sites)</p>	<p>Dudley Council thanks the respondent for her interest and response</p> <p>The Council welcomes and strongly supports this comment.</p> <p>The Council welcomes and strongly supports this comment regarding the value of the historic environment.</p> <p>The respondent's various comments as to accessibility are noted and accordingly additional text has been inserted making reference to two Historic England publications providing guidance on access to historic buildings and historic landscapes.</p> <p>Note the Council's response above regarding accessibility.</p> <p>Note the Council's response above regarding accessibility.</p>

	<p>should accommodate the needs of those with hearing impairment or sight loss (e.g. hearing loop equipment, personal audio equipment, talking signage).</p> <p>Necessary adaptations to buildings and areas are not impossible or too expensive if done at the planning stage rather than retrospectively.</p> <p>Some good and tasteful/in keeping improvements have been made to Dudley Town Centre, but these upgrades/restorations would have benefited further from improved wheelchair access or colour contrast - seek help and advice from those who best understand these issues.</p> <p>States with regard to access for all that: <i>'Excuses such as it is too difficult or too expensive are not acceptable'</i>.</p> <p>Local policy should be informed by the various above access driven points - a required aspect of planning in accordance with NPPF Chapter 12 paragraph 126 requiring local authorities to set out a 'positive strategy' for the conservation and enjoyment of the historic environment.</p> <p>Dudley Council planning department should encourage the making safe, maintenance and re-use of historic/listed buildings and the protection of its features – but should accept that a landlord, new occupier, etc, may need to make some (often reversible) changes such as enclosing or covering parts of a building to make it safe for its intended use, boarding up a given feature or carpeting over a distinctive floor. States that:</p>	<p>Note the Council's response above regarding accessibility.</p> <p>Note the Council's response above regarding accessibility.</p> <p>Note the Council's response above regarding accessibility.</p> <p>Ms Boothroyd's comments regarding NPPF Chapter 12 are noted. (No changes required.)</p> <p>Dudley Council recognises the need to be pragmatic and encourage the sensitive renovation/refurbishment and re-use of historic buildings, but it is required to ensure that this is carried out sensitively so as to reasonably safeguard heritage assets and their settings. (No changes required.)</p>
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	<ul style="list-style-type: none"> o New business should not be excluded by the Council making unreasonable requests; o Controls can be a good thing but not to the point of suffocation; o Having someone looking after an historic building and covering up some features (in a temporary way and not by removing them) is better than letting the building go to rack and ruin. <p>When a historic building of value to its location is sold, the new owner should be required to retain original features, and to reinstate them if he/she removed them.</p> <p>Although sometimes necessary to protect our monuments, railings and fencing can deny access for some people and should be carefully considered – again taking advice from those who understand...</p> <p>Concludes by stating: <u><i>This document says nothing about accessibility at all and should do. I think that this omission is an error.</i></u></p>	<p>Ms Boothroyd’s comments are noted. (No changes required.)</p> <p>Ms Boothroyd’s comments are noted. (No changes required.)</p> <p>The respondent’s various comments as to accessibility are noted and accordingly additional text has been inserted making reference to two Historic England publications providing guidance on access to historic buildings and historic landscapes.</p>
Warwickshire County Council	No comments to make.	Dudley Council thanks the respondent for its interest and response. (No changes required.)
Worcestershire Regulatory Services	No comments to make.	Dudley Council thanks the respondent for its interest and response. (No changes required.)