

Environment and Communities Committee Report

Date of Meeting:	11 November 2021
Report Title:	Draft Jodrell Bank Observatory Supplementary Planning Document
Report of:	Paul Bayley; Director of Environment and Neighbourhood Services
Report Reference No:	EC/11/21-22
Ward(s) Affected:	Gawsworth Ward; Brereton Rural Ward

1. Executive Summary

- 1.1.** This report seeks approval to carry out four weeks of public consultation on the draft Jodrell Bank Observatory Supplementary Planning Document ("SPD").
- 1.2.** Jodrell Bank Observatory (JBO) and its buffer zone of operations was designated a World Heritage Site on 7th July 2019. This designation recognises the Outstanding Universal Value of the Jodrell Bank Observatory and is based on the tremendous scientific endeavours of the observatory and its role in achieving a transformational understanding of the Universe.
- 1.3.** The preparation of an SPD involves two rounds of public consultation. This is the first consultation stage and will be followed by another opportunity to comment on a final draft version of the SPD, which is consulted upon alongside a consultation statement. Having also considered comments made at that stage, the SPD may then be considered for adoption by the Council.
- 1.4.** Once adopted, the SPD will provide additional planning policy guidance on the implementation of Local Plan Strategy policies SE14 'Jodrell Bank', and SE7 'The Historic Environment'. It will also provide guidance to support implementation of policy HER9 'World Heritage Site', of the Site Allocations and Development Policies Document (SADPD). The SPD, once adopted, will be a material consideration in decision making and support the delivery of key policies in the Development Plan.

2. Recommendations

- 2.1.** To approve the draft Jodrell Bank Observatory Supplementary Planning Document (Appendix A) for four weeks of public consultation.
- 2.2.** To publish the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (“SEA”) (Appendix B).
- 2.3.** To publish the associated Equalities Impact Assessment Screening Report (“EQIA”) (Appendix C).

3. Reasons for Recommendations

- 3.1.** Policy SE14 of the CELPS seeks to ensure that the efficacy of the telescopes, historic environment and visual landscape setting of the telescopes is not harmed. Policy HER9 of the SADPD, requires applications to consider their impact on the World Heritage Site and highlights that conditions may require specialised construction techniques in this area. This SPD provides guidance to applicants on how the Council expects these requirements to be achieved, and the relevant planning matters that will be considered when determining proposals.
- 3.2.** An SPD is not part of the statutory development plan. It is a recognised way of putting in place additional planning guidance and a material consideration in determining planning applications in the borough.
- 3.3.** Providing clear guidance up front about policy expectations should enable applicants to better understand policy requirements. The SPD should assist applicants when making relevant planning applications, and the Council in determining them.

4. Other Options Considered

- 4.1.** The Council could choose not to prepare an SPD on Jodrell Bank Observatory. Any relevant planning application would continue to be assessed against existing planning policies. However, this would not allow the Council to provide additional practical guidance to support the delivery of positive development at the JBO site and to provide clarity on the approach taken to development in the wider buffer zone.

5. Background

- 5.1.** Cheshire East Council’s Corporate Plan sets out three aims. These are to be an open and enabling organisation, a Council that empowers and cares about people, and to create thriving and sustainable places. In striving to be create thriving and sustainable places, a key objective is to support jobs and the visitor economy. As a truly unique cultural attraction that supports world leading scientific research, Jodrell Bank is both a scientific leader in its field and an important asset to the visitor economy in Cheshire East. As such, this SPD sets out guidance on policies contained in the Local Plan Strategy (LPS) that will support the continued operation of the telescopes, the future development of the main site and protect the World Heritage Site from harm that may arise through development.

- 5.2.** One of the key objectives of the LPS is for the Plan to support and enhance heritage assets in the borough. The LPS includes policy SE7 (The Historic Environment) which sets out heritage assets should be treated as part of a planning application and SE14: Jodrell Bank that seeks to protect the observatory from harm arising from development. Policy HER9 'World Heritage Site' of the SADPD also emphasises the importance of the site and the need to consider impact of development on the identified Outstanding Universal Value of the whole site.
- 5.3.** This SPD aims to give greater clarity to developers, landowners, communities and decision makers on the issues of landscape, heritage and design across the World Heritage Site. The draft Jodrell Bank Observatory SPD provides additional guidance to applicants on how they should respond to the policy requirements in the LPS. It also 'signposts' sources of information, including relevant documentation and Council services.
- 5.4.** The draft SPD has been jointly prepared by the Strategic Planning Team and Manchester University, with key input from the Environmental Planning Team.
- 5.5.** Subject to the approval of the recommendations in this report, the SPD will be consulted on in accordance with the Council's Statement of Community Involvement for a period of four weeks.
- 5.6.** The process for preparing an SPD is similar in many respects to that of a local plan document. However, they are not subject to independent examination by the Planning Inspectorate. There are several stages in their production:

Stages in Producing an SPD	Estimated Timing
Publish the initial draft SPD for four weeks public consultation	November / December 21
Consider feedback received and make any changes necessary	Spring 22
Publish the final draft SPD, along with a consultation statement setting out who has been consulted in its preparation, the main issues raised in feedback and how those issues been addressed in the final draft SPD	May 22
Having considered representations, the SPD may then be adopted:	July 22

- 5.7.** Following adoption, the SPD must be published and made available along with an adoption statement in line with the 2012 Regulations. The adoption of the SPD may be challenged in the High Court by way of judicial review within three months of its adoption.
- 5.8.** Once adopted, the effectiveness of this SPD will be monitored as part of the Authority Monitoring Report, using information from planning

applications and decisions. The outcome of this ongoing monitoring work will help inform future decisions about the SPD.

6. Consultation and Engagement

- 6.1.** It is proposed that the draft SPD will be subject to four weeks consultation. Following this, all comments will be considered, and changes made to the SPD, as appropriate, before a final version of the SPD is prepared for approval and further consultation.
- 6.2.** The Draft SPD has been prepared in consultation with the University of Manchester.

7. Implications

7.1. Legal

- 7.1.1.** The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012 provide the statutory Framework governing the preparation and adoption of SPDs. These include the requirements in Section 19 of the 2004 Act and various requirements in the 2012 Regulations including in Regulations 11 to 16 that apply exclusively to producing SPDs.
- 7.1.2.** Amongst other things, the 2012 regulations require that an SPD contain a reasoned justification for the guidance contained within it and for it not to conflict with adopted development plan policies.
- 7.1.3.** The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which SPDs should be prepared.
- 7.1.4.** SPDs provide more detailed guidance on how adopted local plan policies should be applied. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.
- 7.1.5.** Strategic Environmental Assessment involves evaluation of the environmental impacts of a plan or programme. The requirement for SEA is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 7.1.6.** The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements are met by incorporating it within a Sustainability Appraisal (“SA”), which is a requirement for development plan documents.

- 7.1.7. There is no legal requirement for SPDs to be accompanied by SA, and this is reinforced in Planning Practice Guidance (PPG ref: 11-008-20140306). However, “in exceptional circumstances” there may be a requirement for SPDs to undertake Strategic Environmental Assessment where it is felt they may have a likely significant effect on the environment that has not been assessed within the SEA/SA of the local plan.
- 7.1.8. A screening assessment has been undertaken (in Appendix B) which has determined that a SEA (or an appropriate assessment under the Habitats Regulations) is not required for the SPD.

7.2. Finance

- 7.2.1. There are no significant direct financial costs arising from consultation on the SPD. The costs of printing and the staff time in developing the SPD are covered from existing budgets of the planning service.

7.3. Policy

- 7.3.1. The SPD will provide guidance on the application of existing development plan policies related to the protection of the heritage significance of Jodrell Bank Observatory. An SPD will give additional advice to applicants on how they can demonstrate they have complied with relevant policies of the development plan, within the defined World Heritage Site.

7.4. Equality

- 7.4.1. The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it.
- 7.4.2. The draft Jodrell Bank Observatory SPD provides further guidance on the factors that should be considered when proposing development within the World Heritage Site. The SPD is consistent with the LPS which was itself the subject of an Equalities Impact Assessment (EQiA) as part of an integrated Sustainability Appraisal. A draft EQiA on the draft Jodrell Bank Observatory SPD has been prepared (appendix C) and will be published alongside the draft SPD for comment.

7.5. Human Resources

- 7.5.1. There are no direct implications for human resources.

7.6. Risk Management

- 7.6.1.** The adoption of planning documents can be subject to judicial review. The risk is managed by closely following the process for the preparation of an SPD, which is governed by legislative provisions (as set out in the legal section of the report).

7.7. Rural Communities

- 7.7.1.** The draft Jodrell Bank Observatory SPD seeks to provide further guidance on the management development across a largely rural area. Planning policy in this area already restricts development that may harm the operation of the telescopes, this SPD provides further guidance on these matters.

7.8. Children and Young People/Cared for Children

- 7.8.1.** The draft SPD seeks to provide additional guidance on protecting the heritage significance of the World Heritage Site. It does not have a direct implication for children and young people or cared for children.

7.9. Public Health

- 7.9.1.** The draft SPD does not have any public health implications.

7.10. Climate Change

- 7.10.1.** The draft SPD does not have any direct climate change implications.

Access to Information	
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Appendices:	Appendix A: Draft Jodrell Bank Supplementary Planning Document Appendix B: SEA / HRA Screening Report Appendix C: Draft Equalities Impact Assessment Screening Report
Background Papers:	N/A