
**LOCAL DEVELOPMENT FRAMEWORK:
TEES VALLEY JOINT MINERALS AND WASTE DEVELOPMENT
PLAN DOCUMENTS**

**Responsible Cabinet Member(s) - Councillor David Lyonette,
Regeneration and Planning Portfolio**

Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To seek approval of a proposal for the Tees Valley Joint Strategy Committee, through the Joint Strategy Unit, to prepare joint minerals and waste development plan documents on behalf of this Council and the other Tees Valley local planning authorities.

Background

2. The new development plan system brought in by the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare a number of local development documents, which together will comprise the Local Development Framework. Within these are statutory development plan documents (DPDs). The Council has recently consulted on preferred options for the Core Strategy (excluding minerals and waste), the first DPD for the Borough (Min C64(1)/05).
3. One of the Government's key planning objectives is the preparation and delivery of planning strategies which help implement the national waste strategy. Unitary authorities, such as Darlington, are specifically required to prepare up-to-date planning policies and proposals for development involving minerals and waste management which includes all waste generated. These are separate from waste management strategies which only address municipal waste and which local authorities have to prepare pursuant to other legislation. They may be prepared as DPDs, and the preparation of DPDs jointly by two or more local planning authorities is encouraged in Government guidance.
4. Many of the existing development plan policies for minerals and waste for Darlington are outdated, having been adopted by Durham County Council before the Borough Council became a unitary authority, as long ago as 1987 (Magnesian Limestone Escarpment [Minerals and Landscape Restoration] Local Plan) and 1984 (County Durham Waste Disposal Local Plan). Other policies are contained in the Tees Valley Structure Plan (2004).

Information and Analysis

5. At a meeting of the Tees Valley planning managers in June 2004, the Tees Valley Joint Strategy Unit (JSU) was asked to draft a proposal to prepare joint minerals and waste development plan documents on behalf of the five Tees Valley planning authorities,

Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees Borough Councils. The proposal can now be put to the authorities for approval to proceed.

The Proposal

6. The JSU proposes that two new development plan documents should be prepared:
 - (a) *A Joint Tees Valley Minerals and Waste Core Strategy DPD*, which will contain the overall strategy for the development of minerals and waste. It is required to be in general conformity with the emerging Regional Spatial Strategy for the North East.
 - (b) *A Joint Tees Valley Minerals and Waste Site Allocations and Development Policies DPD*. This will identify specific sites for development for minerals and waste management and will contain detailed policies for assessing planning applications (all minerals sites and the majority of waste sites are likely to be developed by the private sector). This will be in conformity with the Core Strategy.
7. The DPDs will be subject to sustainability appraisal, and the annual monitoring reports being prepared by each authority will include assessments of the success or otherwise of the strategy and policies.
8. It is proposed that the same joint working arrangements as existed for the preparation of the Tees Valley Structure Plan should be adopted, as follows:
 - (a) the JSU will manage the project;
 - (b) the JSU will prepare most of the documents in draft, to be considered by all of the respective authorities through the Development Plans Officers (as part of a Steering Group);
 - (c) each authority will be kept informed at the key stages of preparation and will be given the opportunity to comment on draft documents;
 - (d) consolidation will be in accordance with each authority's Statement of Community Involvement;
 - (e) the results of consultation will be reported back to the Tees Valley Joint Strategy Committee and to each local authority;
 - (f) final drafts of the consultation and submission documents will be endorsed by each authority before being considered by the Tees Valley Joint Strategy Committee;
 - (g) following presentation to the Tees Valley Joint Strategy Committee, formal adoption of the DPDs in so far as they affect their area will be undertaken individually by each authority.
9. It is proposed that consultants specialising in minerals and waste planning will be engaged to assist with the preparation of the DPDs throughout the various stages. Their role will include identifying and assessing potential sites, carrying out the sustainability appraisal process and providing expert evidence on behalf of the authorities at the independent

examinations into the DPDs.

10. The costs of preparation will be split, in a way yet to be agreed, between the five Tees Valley authorities over the period 2006/07 to 2009/10, and can be met from existing budgets. In view of the difficulty of predicting, at this stage, the apportionment of work for each Borough, officers consider that a population-based split would be the most appropriate way forward.

Timetable

11. The indicative timetable for preparation is as follows:

Initial Processes:

(a) Appointment of consultants	August 2006
(b) Commencement of work	September 2006

DPD Preparation:

(a) Consultation on Issues and Options reports	May/June 2007
(b) Consultation on Preferred Options reports	Feb/March 2008
(c) Preparation of submission documents	April 2008 onwards
(d) Submission of DPDs to the Secretary of State	January 2009
(e) Pre-examination meeting	May 2009
(f) Independent examination	July 2009
(g) Receipt of Inspector's report	January 2010
(h) Adoption	April 2010

Advantages

12. The potential advantages of the JSU preparing Tees Valley-wide documents, as opposed to Council staff preparing minerals and waste DPDs for Darlington alone, are:
 - (a) it facilitates a joined-up approach to issues of sub-regional significance and, often, cross-boundary impact;
 - (b) the JSU is in the best position to prepare a joint plan covering the Tees Valley and has in-house experience;
 - (c) it requires scarce specialist expertise not readily available in all Councils on an individual basis;
 - (d) it frees up Council staff to concentrate on the preparation of other DPDs in the Council's Local Development Framework.

The Next Steps

13. Each of five Tees Valley authorities is currently being asked to approve the proposal. If the approach is agreed by all, the JSU will begin the tendering process to appoint consultants immediately.

Outcome of Consultation

14. No objections were raised following consultations within the Council. This is not a stage of the preparation process at which external consultation is necessary. Full consultation on the preparation of the development plan documents will take place at the appropriate stages in accordance with the Council's adopted Statement of Community Involvement.

Financial Implications

15. The proposal has no additional financial implications as minerals and waste documents would have to be prepared by the Council in any event. It is anticipated that the proposed approach will deliver cost/efficiency savings compared with Darlington Borough Council preparing its own DPD. It is also anticipated that the Council's share of the costs can be met from within the Planning Services Section budget.

Legal Implications

16. The preparation of minerals and waste policies is a statutory requirement for unitary authorities and must form part of the Local Development Framework. This report has been considered by the Legal Services Manager for legal implications in accordance with the Council's approved procedures. There are no issues which the Legal Services Manager considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

17. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

18. The titles, purpose and timing of the development plan documents which are intended to be prepared or adopted by a local planning authority are required to be published in a Local Development Scheme (LDS), which must be kept up-to-date. The current LDS for the Borough (covering the period 2005-08) took effect in May 2005 (Min C271(2)/05). It needs to be reviewed and rolled forward to take account, amongst other things, of the proposed joint minerals and waste documents. It is intended that the proposed LDS for 2006-09 will be brought before the July meeting of Cabinet for consideration.

Decision Deadline

19. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

Key Decisions

20. In accordance with the Council's constitution this is classed as a Key Decision as it affects one or more wards within the Borough.

Recommendation

21. It is recommended that Members approve the proposal for the Tees Valley Joint Strategy Committee, through the Joint Strategy Unit using consultants, to prepare joint minerals and waste development plan documents on behalf of the Borough Council and the other Tees Valley local planning authorities.

Reasons

22. The recommendations are supported by the following reasons:-
- (a) There is a statutory duty on local planning authorities to adopt and keep under review the development plan for their respective areas.
 - (b) Under the Planning and Compulsory Purchase Act 2004, development plan documents should include up-to-date minerals and waste policies, which may be prepared as separate minerals and waste development plan documents.

John Buxton
Director of Development and Environment

Background Papers

No background papers were used in the production of this report.

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