
**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK:
TEES VALLEY JOINT MINERALS & WASTE DEVELOPMENT PLAN -
DRAFT SUBMISSION DOCUMENTS**

Responsible Cabinet Member - Councillor John Williams, Economy Portfolio

Responsible Director - Richard Alty, Assistant Chief Executive (Regeneration)

SUMMARY REPORT

Purpose of the Report

1. To seek authority to publish, and subsequently submit to Government, the development plan documents which will guide future minerals and waste development in Darlington.

Summary

2. The report:
 - (a) explains the stage which has been reached in the preparation of the two development plan documents (DPDs) dealing with future minerals and waste development in the Tees Valley, including Darlington Borough, namely that final drafts have been prepared;
 - (b) summarises the proposed policies as they relate to Darlington;
 - (c) seeks approval for the documents' publication to allow representations to be made; and,
 - (d) subject to a satisfactory outcome from (c), seeks approval for subsequent submission of the documents to the Secretary of State.
3. The report explains how the DPDs are being prepared jointly by the five Tees Valley boroughs and that progress is dependent on all five councils being satisfied with the content of the final drafts. However, as these follow on from Preferred Options which were placed before the councils and subject to consultation, delays are not expected. Subject to the council approvals, it is anticipated that publication of the DPDs will take place in August 2009 and, barring substantive changes being necessary following publication, that submission to the Government will be in November 2009.
4. This timetable should enable adoption of the DPDs by July 2010, meeting the requirements of the EU Waste Framework Directive. When adopted the documents, as they relate to Darlington, will form part of this Council's statutory Local Development Framework

(LDF).

5. The documents are a **Core Strategy** DPD (Tees Valley Joint Minerals and Waste Development Plan Documents: Core Strategy) which sets out the strategic policies, and a more detailed **Policies and Sites** DPD (Tees Valley Joint Minerals and Waste Development Plan Documents: Policies and Sites).
6. The report explains that the draft documents contain no proposals for specific sites in Darlington Borough.
7. As the DPDs affect the policy framework of the Borough the approval of full Council is required.

Recommendations

8. It is recommended that:
 - (a) Members approve the publication of the Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents in so far as they relate to the Borough of Darlington and refer the matter to Council for approval;
 - (b) subject to no substantive changes to the documents being necessary following publication, approval is also given for subsequent submission to the Secretary of State for Communities and Local Government; and
 - (c) authority is given for the Assistant Chief Executive (Regeneration), in consultation with Cabinet Member for the Economy, to make any necessary minor amendments to the documents prior to publication and submission.

Reasons

9. The recommendations are needed to enable the adoption in due course of minerals and waste policies in this Council's Local Development Framework.

Richard Alty
Assistant Chief Executive (Regeneration)

Background Papers

- (i) *Tees Valley Joint Minerals and Waste Development Plan Documents: Core Strategy, Publication Document* (Entec UK Ltd for the Tees Valley local planning authorities, pre-publication draft)
- (ii) *Tees Valley Joint Minerals and Waste Development Plan Documents: Policies and Sites, Proposed Publication Document* (Entec UK Ltd for the Tees Valley local planning authorities, pre-publication draft)

Brendan Boyle : Extension 2630

S17 Crime and Disorder	No impact.
Health and Well Being	Beneficial impact: the policies of the DPDs will ensure the proper planning and management of future minerals and waste development in the Borough, including through the setting out of planning conditions which will control the operation of sites.
Sustainability	The principles of sustainability are overarching throughout both documents. A formal sustainability appraisal has been prepared alongside them and will be published at the same time.
Diversity	No impact.
Wards Affected	All.
Groups Affected	All.
Budget and Policy Framework	This report has no additional budgetary implications for the Council. The Council's share of the procedural and consultancy costs will be met from existing approved budgets. When adopted, the relevant parts of the DPDs will become part of the statutory development plan for the Borough.
Key Decision	Yes.
Urgent Decision	Yes.
One Darlington: Perfectly Placed	The DPDs would contribute strongly towards the Perfectly Placed priority within the Prosperous, Healthy and Greener themes.
Efficiency	The DPDs do not have any direct impact on efficiency. The decision to prepare the documents jointly (rather than for the Five Boroughs separately) was to achieve efficiencies (as well as good policy-making).

MAIN REPORT

Information and Analysis

Background and Earlier Stages

10. When Darlington became a unitary council, it took on the responsibilities of minerals planning authority and waste planning authority. In 2006, Cabinet authorised the Tees Valley Joint Strategy Unit (JSU) to prepare Minerals and Waste Development Plan Documents (DPDs) on the Council's behalf, jointly with the other Tees Valley local planning authorities (Minute C7(2)/June/06).
11. The purpose of the DPDs is to ensure:
 - (a) that sufficient quantities of minerals needed to support growth in the Tees Valley will be available at the right time;
 - (b) that waste generated in the area will be dealt with in a sustainable manner through a network of waste management facilities which reduce the use of landfill; and,
 - (c) that, at the same time, the environment and amenity of residents is safeguarded.
12. Two linked DPDs are being prepared:
 - (a) a **Core Strategy** - which will establish the strategic policies for minerals and waste planning in the Tees Valley and identify sites of strategic importance; and,
 - (b) a **Policies and Sites** document - which will set out detailed development control policies and allocate sites of non-strategic importance.
13. The DPDs will form part of the Council's statutory Local Development Framework (LDF) and will cover the period 2010-2025 (previously described as 2010-2021). The consultants Entec UK Ltd were appointed to carry out the bulk of the work, supervised by a steering group of officers of the five councils and the JSU.
14. At an early date, an informal workshop was convened of potential stakeholders, ranging from industry representatives to amenity groups. The first formal stage in preparation came in May 2007 with consultation with the general public and stakeholders on **issues and options** and the related sustainability appraisal scoping report (publication endorsed by Cabinet at Minute C189/April/07).
15. The second formal stage was consultation on worked-up **preferred options** in February 2008 (endorsed by Cabinet at Minute C141/Dec/07).

Current Stage

16. The next key stage, in accordance with Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004 as amended, is for the five Tees Valley councils to formally **publish** the DPDs as they propose to **submit** them to the Secretary of State. Publication is to allow representations to be made over a six-week period on the

soundness of the DPDs. It is not intended as an additional round of consultation - the opportunities for consultation have already passed, as described above. Duly-made representations will be forwarded to the Secretary of State with the submission documents.

17. This report seeks authority to publish the final draft Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites DPDs, in so far as they relate to the Borough of Darlington. Summaries are set out in **Appendix 1** as a quick guide for Darlington Members.
18. To expedite progress, authority is also being sought now for the DPDs to be subsequently submitted to the Secretary of State, subject to no substantive changes to them being necessary following publication. If the latter was the case, the DPDs would be brought back to Members.
19. As the DPDs are being prepared jointly by the five Tees Valley councils, progress is dependent on all five being satisfied with the content of the final drafts. However, as these follow on from the Preferred Options version which were placed before the councils and subject to consultation, delays are not expected. Subject to the council approvals it is anticipated that publication of the DPDs will take place in August of this year and, barring any substantive changes becoming necessary, that submission will be in November 2009.
20. The final pre-publication draft DPDs are attached in full as **Appendix 2**. Authority is sought for the Assistant Chief Executive (Regeneration) to make any necessary minor amendments to these drafts prior to publication and between publication and submission, in consultation with the Cabinet portfolio holder.
21. It should be noted that, because of the nature of the Borough, its present lack of minerals resources of significant economic value, and the arrangements for waste treatment, none of the policies in the DPDs allocate or identify specific sites in Darlington.
22. Members will recall receiving a report in February of this year (Minute C140/Feb/09 refers) in respect of a requested site allocation for future minerals working at a possible southwards extension of Aycliffe Quarry into Darlington Borough. The owners of the quarry subsequently decided not to pursue quarrying in this extension area; the site is therefore not included in the DPDs (other than the mineral resource being safeguarded from incompatible future development, see Appendix 1, para. 9). If a future planning application is submitted it will be assessed against the policies of the LDF.

Related Documents to be Published

23. The DPDs will be accompanied by a proposals map locating sites and safeguarding areas which are the subject of policies. There is also a requirement to publish with the DPDs: the sustainability appraisal report (including habitats regulations assessment) which has been carried out during the course of preparation; a statement of the consultation process and issues that were raised through it, including how they were addressed; and the evidence base to justify the policies and show they will be effective.

Future Stages

24. Following submission, the Secretary of State will appoint an Inspector to hold a public examination (or examinations) into the legal compliance and soundness of the DPDs. Examinations differ from local plan inquiries under the old planning system in that they do not focus on individual objections. Examination of the Core Strategy will be held first, probably in February 2010, followed after a pause of about a month by the examination of the Policies and Sites DPD. Neither is likely to last more than a handful of days.
25. The Inspector's report could be received in May, which, if favourable, would allow adoption of the DPDs in July 2010. That would ensure the Tees Valley boroughs meet the requirements of Article 7 of the EU Waste Framework Directive, which requires planning authorities to have waste disposal sites identified 'through maps or sufficiently precise criteria' by 2010. Failure to do so would leave the Government open to infraction fines.

Outcome of Consultation

26. The publication documents covered by this report have been shaped by extensive consultation with the public and stakeholders at previous stages, leading directly to the content of the final drafts. As explained, these will be published to allow representations before their submission to the Secretary of State.

MINERALS & WASTE PUBLICATION DPDS - SUMMARIES

1. The final draft DPDs are attached as Appendix 2. The summaries here are intended only as quick guides for Darlington Members and should not be read alongside the full drafts. They draw attention to aspects of particular relevance to the Borough.

Core Strategy - Summary

Chapters 1 & 2, Introduction and Context

2. These set out the policy and factual contexts for minerals and waste in the Tees Valley. They explain that, whilst historically important, the extraction of primary **minerals** in the Tees Valley is today small in scale. The area does, however, produce significant quantities of secondary aggregate minerals, for instance from the by-products of steel making and from marine-dredged sands and gravels.

3. The quantities of **waste** generated in the area, and the present means of dealing with them, are explained by individual waste ‘stream’: municipal solid waste (MSW, which mainly comprises household waste), commercial and industrial waste (C&I), construction and demolition waste (C&D), hazardous waste, radioactive waste and sewage waste. Darlington’s municipal solid waste is treated and landfilled just outside the Tees Valley at Aycliffe but the report points out that composting of green waste is carried out by the Borough Council. The main source of radioactive waste in the Tees Valley is Hartlepool Power Station although hospitals and some other organisations produce small amounts of low-level material.

Chapter 3, Vision and Strategic Objectives

4. This says that the key challenges for minerals and waste planning in the Tees Valley over the plan period of 2010-2025 will be: dealing with development pressures; balancing the use of secondary and primary minerals; sustainable waste management; the spatial distribution of waste sites; and ensuring that amenity and the environment are protected. The Vision that flows from these is that in 2025 the Tees Valley will be a place where, in brief:

- priority is given to the production of secondary and recycled aggregate minerals ... extraction of primary aggregates is carefully managed ... remaining primary minerals and essential infrastructure are safeguarded;
- specialist industries which re-use, recycle and recover value from waste are thriving ... the waste management industry forms a centre of excellence;
- communities, industry and authorities can identify and access the waste management facilities they require.

Important areas of biodiversity and the area’s historic, cultural and natural assets are protected from harmful developments ... opportunities are taken to enhance the environment, contributing to a high quality of life for present and future generations.

5. Ten more detailed Strategic Objectives are set out to shape the policies of the DPDs.

Chapter 4, Minerals Policies

6. The Tees Valley minerals context is set out here at a little greater length. Strategic policies are put forward, some of which identify sites of strategic importance. The first policy, MWC1, sets out the overall **Minerals Strategy** for the sub-region.

7. Policy MCW2 shows how the Tees Valley can meet its guideline requirements for the **Provision of Primary Aggregate Minerals**. Aggregates are materials used in construction processes, including for concrete manufacture and road making. Guidance is provided by the Government on the amounts which should be produced by each region. This is then apportioned to minerals planning authorities by the regional planning body. However, given the limited natural resources available such a borough-by-borough breakdown is not appropriate in the Tees Valley and a combined figure is used instead (ie. there is no separate apportionment for Darlington). MCW2 states that need in the Tees Valley can be mainly met from crushed rock, with lesser amounts of land-won sand and gravel. The identified sites are in Hartlepool and Stockton boroughs.

8. Policy MCW3, **Alternative Materials for Aggregates Use**, identifies the kind of locations where facilities for producing alternative aggregates will be supported. These are at existing minerals and waste sites and at places where the source materials themselves are produced. The policy also spells out the restrictions which will be set on such developments.

9. MCW4 is a policy for **Safeguarding Minerals Resources from Sterilisation**. Minerals can only be extracted where they are found and this policy ensures that resources which could one day be needed are not jeopardised by incompatible forms of development. The areas to be safeguarded are identified on a map. For Darlington, two minerals are identified as existing at shallow level - limestone (in the north-west third of the Borough) and sand and gravel (alongside the River Tees and to the north-east of the town). Gypsum (underlying most of the south-eastern half of the Borough) is identified at a deep level. The policy sets out the circumstances when non-minerals development can be permitted.

10. Policy MCW5 is similar in intent in protecting three existing or committed sites in Hartlepool and Stockton from incompatible neighbouring development.

Chapter 5, Waste Policies

11. Policy MCW6 sets out the overall **Waste Strategy** which will apply across the Tees Valley. It aims to drive the management of waste up the 'waste hierarchy' (ie. to more sustainable options) and to provide sufficient facilities to enable waste to be managed as near as possible to its source. Drawing on national and regional figures, the policy sets targets for the proportions of the sub-region's waste to be recycled, composted and recovered for value.

12. MWC7, **Waste Management Requirements**, translates the targets and data on predicted waste arisings and existing capacities into a detailed policy, setting out the tonnages of each waste stream which will have to be managed through the provision of additional facilities.

13. MWC8 is a policy establishing the **General Locations of Waste Management Sites**. It proposes a combination of *small sites* for individual facilities (eg. household waste recycling centres) spread across the plan area together with a handful of *large sites*, on which will be clustered various related waste activities. The large sites are proposed to be on the extensive areas of industrial land which lie north and south of the River Tees east of Middlesbrough.

14. Policy MWC8 covers **Sewage Treatment** facilities. It supports further development at the Bran Sands regional centre, near Redcar, and sets out general criteria for the development of smaller facilities elsewhere.

Chapter 6, Transport Policies

15. MWC10 emphasises the particular importance to minerals and waste development of **Sustainable Transport**, given the bulky nature of the materials involved. MWC11, specifically identifies the importance of **Safeguarding Port and Rail Facilities**, naming three port facilities as well as mentioning existing rail infrastructure.

Chapter 7, Monitoring and Implementation

16. A table sets out how the effectiveness of the policies will be measured, how they will be delivered, the timescales and the bodies mainly responsible for implementation (including the Borough Council as planning authority and waste management authority).

Policies and Sites DPD - Summary

Chapter 1, Introduction

17. This explains how this more detailed DPD must be in conformity with the Core Strategy, that it identifies land to provide for the requirements of the former, and provides policies against which minerals and waste planning applications can be assessed.

Chapter 2, General Development

18. A noticeable change from the Preferred Options version of the DPD is that most of the development control policies, covering issues such as landscape and amenity, biodiversity, flood risk and operational practices, have been removed as they either duplicated policies in other LDF planning documents or were of a detail more appropriate in a Supplementary Planning Document (SPD).

19. The one remaining policy in this section, Policy MWP1, carries forward and makes more specific a requirement from the Regional Spatial Strategy that all major development proposals should be subject to **Waste Audits**, aimed of minimising and managing waste. The policy will apply to developments of 10 or more dwellings and to other developments which create at least 1,000sqm of floorspace or involve sites of 0.5ha or more.

Chapter 3, Provision of Waste Sites

20. The first policies in this chapter propose specific sites for particular types of waste facilities. All are outside Darlington but most will deal with waste from all over the Tees Valley:

- MWP2 - Graythorp Industrial Estate (Hartlepool)
- MWP3 - Haverton Hill (Stockton-on-Tees)
- MWP4 - New Road, Billingham (Stockton-on-Tees)
- MWP5 - Port Clarence (Stockton-on-Tees)
- MWP6 - South Tees Eco-Park (Redcar and Cleveland)

MWP7 is of no relevance to Darlington as it identifies an area of search for a household waste recycling centre to serve the south of Stockton.

21. Policy MWP8, **Construction and Demolition Waste Recycling**, identifies sites for such development in Stockton and Redcar & Cleveland boroughs but extends beyond these to also prioritise the use of sites where construction and demolition wastes arise. It also sets out criteria for the assessment of proposals.

22. Policies MWP9 and MWP10 set out the criteria for determining planning proposals for small waste management facilities. MWP9 covers **Small Scale Composting Facilities** and MWP10 **Small Scale Waste Management Operations** involving the sorting, recycling or recovery of value from municipal and C&I waste, including 'bring sites' such as bottle banks.

Chapter 4, Monitoring and Implementation

23. As with the Core Strategy, a table sets out how the effectiveness of the policies will be measured, how they will be delivered, the timescales and the bodies mainly responsible for implementation (including the Borough Council as planning authority and waste management authority).