
**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK:
TEES VALLEY JOINT MINERALS AND WASTE DEVELOPMENT PLAN
DOCUMENTS - ISSUES AND OPTIONS AND
SUSTAINABILITY APPRAISAL SCOPING REPORTS**

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

Responsible Director - John Buxton, Director of Development and Environment

Purpose of Report

1. To seek authorisation for the Tees Valley Joint Strategy Committee to carry out public consultation on a report on the future issues and options for minerals and waste development in the Tees Valley and on an accompanying scoping report for sustainability appraisal.

Information and Analysis

2. Cabinet has authorised the Tees Valley Joint Strategy Committee, through the Joint Strategy Unit, to prepare joint minerals and waste development plan documents (DPDs) on behalf of this Council and the other Tees Valley minerals and waste planning authorities (Minute C7(2)/June/06). The Entec consultancy has been appointed to carry out much of the work.
3. The key milestones for preparation of the documents are set out in the councils' mandatory local development schemes. The first milestone, set for May 2007, is public consultation on a Sustainability Appraisal Scoping Report which will accompany a report on Issues and Options. The Joint Strategy Committee in March approved the carrying out of consultation on the twin reports over a six week period, 21 May to 30 June 2007, subject to prior endorsement of the reports by the five councils.
4. The new planning system places great emphasis on this kind of 'front loading' of DPDs - the early involvement of the community and stakeholders in identifying the relevant issues and options before authorities draw up their preferred options. Sustainability appraisal of the issues and options is now an integral part of the preparation process and an initial, or 'scoping', report is required at the same time.

5. In drawing up their draft reports Entec have spent months gathering evidence on minerals and waste development in the Tees Valley. This has included discussions with industry, environmental interest groups and others, including at a workshop for stakeholders held in December 2006. There has been regular liaison with officers of the five councils.
6. The most up-to-date pre-publication versions of the reports have been used as background papers in the preparation of this Cabinet report. They are still subject to final proofing, formatting and any factual updating that may come to light, as well as any comments the respective Cabinets may wish to make. The documents are lengthy and fairly technical and summaries are provided below.

The Issues and Options Report

Vision and Strategic Objectives

7. The Issues and Options report sets out the national, regional and sub-regional contexts and factual information on minerals and waste development in the Tees Valley as well as identifying what appear to Entec to be the key issues and the options for dealing with them. The aim at this stage is not to provide definitive answers but to stimulate communities, organisations and businesses to help the authorities reach them.
8. The report proposes the following Vision, and Issue 1 asks “Is this appropriate? If not, how could it be improved?” In 2021, the Tees Valley will be a sub-region where:
 - (a) It is recognised that there are limited opportunities for the extraction of primary minerals, but that the nature of construction work over the plan period will help promote the use of secondary and recycled materials. The Tees Valley will contribute to the national, regional and local requirements for minerals by ensuring minerals are used, managed and extracted in a manner which drives mineral use up the ‘minerals hierarchy’, with opportunities for the processing and use of secondary and recycled minerals being maximised. [Government policy is to secure the long-term conservation of minerals by making the best use of them, adapting a hierarchical approach to supply, i.e. firstly reduce as far as practicable the quantity of material used; then to use as much recycled and secondary material as possible; before finally securing the remainder of material needed through new extraction.]
 - (b) A modern waste management industry is in place, which provides an adequate provision of facilities which are driving waste management up the ‘waste hierarchy’. Advantage of the opportunities presented to the waste management industry for education, training, employment, innovation and the symbiotic relationship with other environmental industries, which arise from the nature of the existing industries and available land in the Tees Valley. [Government policy is to ensure sustainable waste management by moving the management of waste up the ‘waste hierarchy’ of reduction; re-use; recycling and composting; using waste as a source of energy; and only disposing as a last resort.]

- (c) Minerals and waste related developments will be provided in a sustainable manner which contributes to the Tees Valley being a place where present and future generations have a high quality of life and where all members of the community have the opportunity to realise their full potential, through the provision of a vibrant economy, a safe and healthy environment and dynamic educational and cultural resources.
9. Strategic Objectives are suggested. Issue 2 asks “Are they appropriate? If not, how can improvements be made to them?”. They are:
- (a) To reduce the impacts on climate change.
 - (b) To make provision for the adequate and steady supply of minerals needed by society, while driving minerals supply up the minerals hierarchy.
 - (c) To safeguard minerals resources from unnecessary sterilisation.
 - (d) To drive the management of all waste up the waste hierarchy, towards the minimisation of waste production.
 - (e) To protect and enhance the environment, amenity and human health. To promote the use of sustainable transport.
 - (f) To provide sufficient waste management facilities in a timely and sustainable manner, in order for all waste to be managed as near as possible to its source.

Key Strategic Issues - Minerals

10. Issue 3 relates to the first key minerals issue. It asks “How should the Tees Valley meet the sub-regional requirement for sand and gravel set out in the Regional Spatial Strategy?” The Options identified are:
- (a) The Tees Valley’s contribution will continue to rely on the existing operations at North Gare.
 - (b) The resolution of the planning position at Stockton Quarry to allow it to continue production.
 - (c) The provision of further reserves through the allocation of additional sites and resources.
 - (d) A combination approach which takes into account elements of the above.
 - (e) The requirement can be met by combining reserves with those in County Durham.
11. Issue 4 asks “Does the Tees Valley have resources of rock of appropriate quality for aggregate use to contribute to the crushed rock landbank beyond the plan period?” The Options are:

- (a) No, it does not have sufficient resources to contribute to the crushed rock landbank, should a requirement arise in the future
 - (b) Yes, it can make a future contribution to the provision of crushed rock for aggregate use, above that which is currently provided from Hart Quarry.
12. Issue 5 asks “How can the Tees Valley increase its contribution to the recycling of alternative materials for aggregate use?” The Options identified are:
- (a) Specific sites should be allocated for the processing of materials.
 - (b) The development of processing facilities on existing minerals or waste sites should be promoted.
 - (c) The development of processing facilities on existing development sites, which are not minerals and waste related, should be promoted.
 - (d) A combination of the above options.
13. Issue 6 relates to the landing of marine dredged sand and gravel and is not directly relevant to Darlington.
14. Issue 7 asks “Are there sufficient remaining coal resources in the Tees Valley to enable it to make provision for the supply of coal in the plan period?”. The Options are:
- (a) No, the coal resources are unlikely to be viable to allow a provision to be made from the Tees Valley.
 - (b) Yes, the coal resources could provide a viable supply in the future and account should be made for this possibility.
15. Issue 8 relates to the potash mine at Boulby and is not relevant to Darlington.
16. Issue 9 asks “Are there any other minerals which should be specifically considered by DPDs?”
17. Issue 10a asks “What approach should be taken to the safeguarding of mineral deposits from sterilisation?”. The Options identified are:
- (a) Given the scarcity of viable deposits in the Tees Valley, their safeguarding should be given a high priority to protect the minerals that remain.
 - (b) There is no need to safeguard the remaining deposits, given that they are so few.
18. Issue 10b asks “Is it realistic to assume that any remaining resources in former mines may become viable again in the future and therefore these sites should be safeguarded to ensure that the resources are not sterilised?”

Key Strategic Issues – Waste

19. Issue 11 asks for suggestions of different ways in which spatial planning policies “can drive the management of waste up the waste hierarchy”.
20. Issue 12 asks “Are there any materials for which there is a shortage of waste management facilities in the Tees Valley, and need to be considered specifically in the allocation of sites?”

Development Control Policies

21. Issue 13a asks “What scope should the protective development control policies of the minerals and waste DPDs take?” The Options identified are:
 - (a) An extremely limited range of policies. The various subjects would be protected from any adverse impacts as the result of development by other legislation and organisations, which are already in place. Policies should only be included where there is no other relevant protection afforded elsewhere.
 - (b) A range of policies which does not exclude any areas of land from development, but ensures every proposal is assessed on its individual merits against the sensitivities of the location.
 - (c) A comprehensive range of policies which are specifically written with minerals and waste developments in mind, which provide a high degree of protection to local communities and rule out development in sensitive areas to ensure they are not adversely affected.
22. Issue 13b asks “Should protective development control policies be considered necessary, what subjects should these policies cover?” The Options suggested are: landscape; bio-diversity; geo-diversity; historic and cultural environment; water resources; transport; noise; dust; air quality; vibration; buffer zones; litter; vermin and birds.
23. Issue 14 asks “What subjects should be considered when the positive impacts of proposals are assessed: meeting society’s needs; employment; development of technology; after-use; community improvements; educational uses?”
24. Issue 15 asks “What approach should be taken to planning for sustainable transport?” The Options are:
 - (a) Sustainable transport will be adequately covered elsewhere in the local development frameworks (of the five councils) and as the principles for minerals and waste developments are the same as they are for all developments there is no need to repeat them in these DPDs.
 - (b) Sustainable transport relating to minerals and waste developments is distinct from other forms of development, and should therefore be specifically covered in these DPDs.

25. Issue 16 asks “What approach should be taken in respect of the reclamation of minerals and waste sites?” The Options identified are:
- (a) An approach which provides a specific focus for all reclamation schemes.
 - (b) A less focused approach which allows for reclamation proposals designed specifically for that site.
26. Issue 17 asks “In the allocation of sites for waste management facilities, what approach should be taken?” The Options identified are:
- (a) Clusters of related waste resource facilities on sites located in the traditional industrial areas around the River Tees.
 - (b) Clusters of related waste resource facilities with no particular focus on their location.
 - (c) Individual sites spread throughout the Tees Valley.
 - (d) A combination approach, which provides both individual sites throughout the area, and also clusters of facilities to provide a wider ranging focus for waste management.
27. Issue 18 asks “Are the definitions of ‘major development’ set out in (other planning legislation) appropriate for identifying the developments which will require a waste audit?” The Options are:
- (a) Yes, the limits set are appropriate.
 - (b) No, the limits are too small, and larger limits should be set (alternatives are suggested).
 - (c) No, the limits are too high, and lower limits should be set (alternatives are suggested).
28. Issue 19 asks “What approach should be taken to the allocation of sites, should it be determined that allocations are required?” The Options are:
- (a) A flexible approach, that leaves the development policies on the site open-ended to allow for changing circumstances in the future.
 - (b) A focused approach which gives more certainty as to what developments would be permitted on the site and the use of review and amendment procedures to take into account changing circumstances in the future.
29. Issue 20 asks “How should land for waste developments be identified in the DPD?” The Options are:
- (a) Site specific allocations where development would normally be permitted, subject to proposals according with other relevant policies.
 - (b) Areas of search within which development is likely to be acceptable, subject to proposals according with other relevant policies.

- (c) A combination of these.
 - (d) No allocations are made and proposals are assessed against the relevant policies.
30. Issue 21 asks “Should the allocation of sites focus on existing sites or look to provide new sites?” The Options are:
- (a) Existing sites, including extensions.
 - (b) New sites.
 - (c) A combination of these.
31. The Report concludes by inviting interested parties to submit sites for possible consideration for minerals working and waste resource handling. All such submitted sites will be identified and assessed and the sites preferred by the relevant planning authorities will be indicated at the next public stage in the DPD preparation process, in a Preferred Options report.
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The Sustainability Appraisal Scoping Report

33. This scoping report is the first main stage of sustainability appraisal. It involves setting the context, developing the appraisal framework, establishing the existing baseline and deciding on the scope. Ultimately the appraisal will be used to assess the performance in sustainability terms of the alternative options, and subsequently the preferred options.
34. The report is in five main sections:
- (a) Links with Other Plans and Programmes - a review of relevant international, national, regional and sub-regional documents.
 - (b) Key Sustainability Issues - sets out relevant baseline information for the Tees Valley as well as identifying and describing the key sustainability issues.
 - (c) Development of the Sustainability Appraisal Objectives.
 - (d) The Proposed Sustainability Appraisal Framework - sets out the proposed framework and describes how it will be used to assess policies.
 - (e) Conclusion and Next Steps - the next public stage in the process will be the publication of the Preferred Options report, which is set in the local development schemes for May 2008.

Outcome of Consultation

35. No consultation was required in the production of this Cabinet report. Approval by Cabinet will lead to extensive consultation with the community and stakeholders on the reports referred to.

Legal Implications

36. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor 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

37. 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

38. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

39. To meet the timetable for public consultation proposed by the Tees Valley Joint Strategy Committee a decision is required by this Cabinet.

Recommendation

40. It is recommended that :-
- (a) the Council agrees to the request of the Tees Valley Joint Strategy Committee to endorse the consultants' draft reports on Issues and Options and Sustainability Appraisal Scoping for the joint Tees Valley Minerals and Waste Development Plan Documents for the purposes of public consultation.
 - (b) authorisation be given for the Director of Development and Environment to agree to amendments to the draft reports prior to publication, in consultation with the Cabinet Member responsible for the Planning and Regeneration portfolio, if required in response to changed circumstances.

Reasons

41. The recommendations are supported to enable the successful achievement of the milestone of public consultation on the reports set in the Council's local development scheme for May 2007.

John Buxton
Director of Development and Environment

Background Papers

- i) Production of Minerals and Waste Development Plan Documents for the Tees Valley, Issues and Options Report, Entec UK Ltd (Pre-publication draft March 2007)
- ii) Sustainability Appraisal of the Waste and Minerals Development Plan Documents, Scoping Report, Entec UK Ltd (Pre-publication draft February 2007)

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