
**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK:
TEES VALLEY JOINT MINERALS & WASTE DEVELOPMENT PLAN
- REQUESTED ALLOCATION, AYCLIFFE QUARRY EXTENSION**

**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 authorisation to carry out publicity and consultation on, and a technical assessment of, a requested site allocation in the emerging Tees Valley Joint Minerals & Waste Development Plan Documents. The request relates to a possible future extension to Aycliffe Quarry.

Summary

2. The report:
 - (a) explains that the owners of Aycliffe Quarry have requested that a possible southwards extension to that quarry into Darlington Borough be included as an allocation in the emerging Tees Valley Joint Minerals & Waste Development Plan Documents; and,
 - (b) explains that even though the request has made been late in the plan preparation process it must still be formally considered through it.

Recommendation

3. It is recommended that the Council:
 - (a) authorises officers to carry out the necessary publicity and consultation on, and technical assessment of, the requested site allocation; and,
 - (b) instructs officers to report the results of the above back to Council for a decision on whether to include such an allocation in the Tees Valley Minerals and Waste Development Plan Documents to be submitted to the Secretary of State for approval.

Reasons

4. The recommendations are supported by the following reasons:
 - (a) If the appropriate procedures for publicity/consultation and technical assessment are not carried out in respect of this request the entire Tees Valley Joint Minerals & Waste Development Plan Documents (DPDs) could be rendered unsound.
 - (b) If the DPDs are rendered unsound then the Council and the other Tees Valley authorities would be unable to comply with 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 July 2010. Failure to do so could make the councils liable to infraction fines.

Richard Alty
Assistant Chief Executive (Regeneration)

Background Papers

- (i) Tees Valley Joint Minerals and Waste Development Plan Documents: Issues and Options Report, May 2007
- (ii) Tees Valley Joint Minerals and Waste Development Plan Documents: Core Strategy, Preferred Options, February 2008
- (iii) Tees Valley Joint Minerals and Waste Development Plan Documents: Policies and Sites, Preferred Options, February 2008
- (iv) Request from Stonegrave Aggregates Ltd for inclusion of southwards extension of Aycliffe Quarry in Tees Valley Minerals & Waste DPDs, 21 November 2008

Brendan Boyle : Extension 2630

S17 Crime and Disorder	No impact.
Health and Well Being	The technical assessment of the requested allocation will consider impacts on health and well-being.
Sustainability	The technical assessment will also include a sustainability appraisal and Habitats Regulation Assessment.
Diversity	The technical assessment will include An Equalities Impact Assessment.
Wards Affected	Sadberge & Whessoe.
Groups Affected	All.
Budget and Policy Framework	The costs of the publicity/consultation and technical assessment will be shared by the five Tees Valley local authorities. The Council's share of the net cost will be met from the revenue budget allocated to the Local Development Framework for 2008/09. Preparation of the Minerals & Waste Development Plan Documents is a key milestone in LDF preparation identified in the Council's Regeneration Service Plan for 2008/09.
Key Decision	No.
Urgent Decision	This is an urgent item due to the late submission of the allocation request by the owners of Aycliffe Quarry combined with the need to progress the development plan documents (DPD's) in order to meet the requirements of Article 7 of the EU Waste Framework Directive.
One Darlington: Perfectly Placed	The Minerals & Waste Development Plan Documents are part of the LDF, which is the spatial expression of One Darlington: Perfectly Placed.

MAIN REPORT

Purpose of the Report

5. To explain that the owners of Aycliffe Quarry have requested that a possible southwards extension to that quarry into Darlington Borough be included as an allocation in the emerging Tees Valley Joint Minerals and Waste Development Plan Documents (DPDs), and to seek authorisation to carry out publicity and consultation on, and a technical assessment of, the request.
6. Approval of this report does not constitute approval or endorsement in any way by the Council of the request. It instructs officers to report the results of publicity/consultation and technical assessment back to Council for a decision on whether to include such an allocation in the DPDs which are to be submitted to the Secretary of State for approval.

Previous Consideration

7. When Darlington became a unitary council it took on the responsibilities of minerals and waste planning authority. In 2006, Cabinet authorised the Tees Valley Joint Strategy Committee to prepare Minerals and Waste Development Plan Documents on the Council's behalf, jointly with the other Tees Valley local planning authorities (Minute C7(2)/June/06). When adopted, the DPDs will form part of the Council's Local Development Framework (LDF) and will cover the period 2010-2025. The consultants Entec UK Ltd were appointed to carry out the bulk of the work, in liaison with officers of the five councils.
8. To remind Members, 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 is 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.
9. Two Minerals and Waste DPDs are being prepared:
 - (a) a Core Strategy - which will establish the strategic policies for minerals and waste planning in the Tees Valley; and,
 - (b) a Policies and Sites document - which will allocate specific sites for development and set out detailed development control policies.
10. The new planning system places great emphasis on the early involvement of communities and interested parties to help inform and shape emerging DPDs. For the Tees Valley DPDs, stakeholders were invited to a workshop to discuss possible content in late 2006. In May 2007, formal consultation was carried out with stakeholders and the public on a range of Issues and Options (publication of reports endorsed by Cabinet at Minute C189/April/07). Further extensive public consultation was held in February 2008 on Preferred Options (endorsed by Cabinet at Minute C141/Dec/07). No comments or site allocation requests specific to Darlington Borough were received during any of these consultations.

Request for Allocation: Southwards Extension to Aycliffe Quarry

11. The next stage in plan preparation was meant to be a report to Cabinet (and the other Tees Valley authorities) in early 2009 seeking approval of draft versions of the DPDs and authorisation of a final round of consultation prior to their being submitted to the Secretary of State under Regulation 27 of the LDF regulations. However, on 21 November 2008 the owners of Aycliffe Quarry, Stonegrave Aggregates Ltd, requested that a possible southwards extension to that quarry be included as a site allocation in the Tees Valley DPDs. The present quarry is just outside Darlington Borough, being within Durham County, but the extension would be into the Borough. This was the first request received from Stonegrave Aggregates in respect of the Tees Valley DPDs even though the company had been invited to participate in the plan preparation process from the beginning of it.
12. It transpires that Stonegrave Aggregates have long intended to pursue an allocation for this site, together with a smaller northwards extension (within Durham County), but they had mistakenly tried to do so through the Durham County Minerals and Waste Development Framework, believing that both sites were in that county. Equally mistakenly, Durham County Council (DCC) had received the request and publicised it in their Minerals Issues and Options Report of November 2005, identifying the site as being within Sedgefield Borough. Preparation of Durham's Minerals DPDs has not materially progressed since that time and Stonegrave and DCC have only recently realised their mistake.
13. The site is shown in Figure 1 and extends to 15 hectares. It is located midway between Aycliffe Village and Brafferton, about 600m at its nearest point from each, and some 900m from Coatham Mundeville. It is bordered by the A1(M), Lime Lane, the existing quarry and the access road to the quarry (which itself borders the East Coast Main Line railway). The land is owned by Stonegrave Aggregates and is presently in agricultural use. Stonegrave believe the site could provide approximately 7 million tonnes of magnesian limestone, the market demands for which are said to be for agricultural lime and aggregates (roadstone and construction products). They indicate that together with the proposed northwards extension (area 6.3ha, estimated tonnage 2.5m) the site would enable them to continue serving markets in North Yorkshire, Durham and the Tees Valley for approximately 15 years beyond the current end-date for Aycliffe Quarry of 2014.
14. It is proposed that the southwards extension would be accessed via the current site road (which is within Darlington Borough) and that established site infrastructure would be utilised. Phasing would begin from the access road and along the northern boundary of the site and working would be in a southwards direction. The company indicates that the void areas could be restored by engineered landfill to a mixture of agricultural use, amenity and natural habitat, in line with the approach taken at the existing quarry; this has planning permission for restoration through infilling with waste until 2042. (It should be noted that the request for extension is unconnected to the recently-agreed waste management contract between the owners of the quarry and Darlington Borough Council; those operations will take place within the existing quarry area.)

15. Although submitted regrettably late in the preparation process for the Tees Valley DPDs this request for an allocation still has to be considered or the entire Tees Valley Joint Minerals & Waste DPDs could be rendered unsound. The Government Office for the North East advise that a specific publicity and consultation exercise should be carried out for the proposal in accordance with Regulation 25 of the 2008 LDF Regulations. Following the completion of this and a technical assessment (which will include a sustainability appraisal and consideration of the proposal in the context of other allocations and policies of the emerging DPDs, including the need for the minerals, and national and regional guidance), an informed decision can be made as to whether the proposal warrants inclusion as an allocation in the Regulation 27 DPDs to be submitted to the Secretary of State.

Impact on Minerals & Waste DPDs Preparation

16. The need to carry out this specific publicity/consultation exercise and assessment clearly pushes back the schedule for preparation of the DPDs as a whole. If authorised here, the exercise will be started out as soon as possible, but officers estimate that the submission to the Secretary of State will now not be able to take place until November 2009, that examination into the DPDs' soundness by an independent Inspector will be in January 2010, and that final adoption will be in July 2010. The latter date is important as it would ensure that the Tees Valley councils comply with 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 then. Further slippage needs to be avoided as failure to comply could make the authorities liable to infraction fines. The revised schedule will be included in the Council's Local Development Scheme at its next review.

Outcome of Consultation

17. As outlined above, the emerging Tees Valley DPDs have been subject to extensive consultation with the public and stakeholders at three stages in their preparation already and will be subject to two more with the consultation on the proposed Aycliffe Quarry extension and then the general consultation prior to the DPDs being submitted to the Secretary of State. No additional consultations were required in the preparation of this report other than with the steering group of officers of the other Tees Valley local planning authorities to agree on the recommended approach and timetables.