
**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK:
TEES VALLEY JOINT MINERALS & WASTE DEVELOPMENT
PLAN DOCUMENTS - PREFERRED OPTIONS**

Responsible Cabinet Member - Councillor John Williams, Economy Portfolio

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

Purpose of Report

1. To seek authorisation for the Planning and Economic Strategy Board of Tees Valley Unlimited to carry out public consultation on preferred options for future minerals and waste development in the Tees Valley.

Information and Analysis

2. When Darlington Borough became a unitary council it took on the responsibilities of minerals planning authority (MPA) and waste planning authority (WPA). Last year, Cabinet authorised the Tees Valley Joint Strategy Committee (now succeeded by the Planning and Economic Strategy Board of Tees Valley Unlimited) 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). 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.
3. There will be two linked DPDs:
 - (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 set out detailed development control policies and allocate specific sites for development.
4. The DPDs will form part of the Council's Local Development Framework. The DPDs will cover the period 2010-2021, with reviews as necessary. The consultants Entec UK Ltd have been appointed to carry out the bulk of the work, in liaison with officers of the five councils. The first formal stage in preparation was in May 2007 with consultation with the

public and stakeholders on *issues and options*, and on a scoping report on sustainability appraisal (publication of reports endorsed by Cabinet at Minute C189/April/07).

5. The next key milestone, set in this Council's mandatory local development scheme for February 2008, is public consultation on *preferred options*. Subject to Cabinet and the other councils endorsing the draft preferred options for consultation purposes, this will take place over a six week period through to April 2008.
6. The schedule for preparation of the DPDs is tight and failure to meet the milestone would put at risk the target date for the DPDs' adoption of April 2010. That in turn would jeopardise the councils' ability to meet 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 authorities liable to infraction fines.
7. The new planning system places great emphasis on the early involvement of communities and stakeholders and comments received at the issues and options stage have helped shape the preferred options. Entec have separately gathered evidence on minerals and waste development in the Tees Valley and have taken into account local municipal waste management strategies as well as national and regional policy and strategies. The DPDs will also be subject to continuous sustainability appraisal and habitats assessment (in accordance with EU and national requirements) to ensure that they conform to the principles of sustainable development and do not adversely affect Special Areas of Conservation and Special Protection Areas. The sustainability appraisal will include equality impact assessments.
8. The tight preparation schedule means that Entec's working drafts of the preferred options reports have had to be used in the preparation of this Cabinet report, and they are still being finalised at the time of writing. Updates will be given orally to Cabinet at its meeting. Summaries of the latest versions are set out below.

Core Strategy DPD Preferred Options

Context

9. The report sets out the national, regional and sub-regional planning policy and factual contexts for minerals and waste in the Tees Valley.
10. It explains that, whilst historically important, primary *mineral* extraction in the Tees Valley is today small in scale, presently consisting of only one sand and gravel extraction site and one crushed rock site (both in Hartlepool Borough). The area does, however, produce significant quantities of secondary aggregates from the material produced in steel making processes and from marine-dredged sands and gravels landed at wharves on the River Tees. Potash is produced at Boulby, partly within the Tees Valley, but planning decisions for the site are the responsibility of the North York Moors National Park Authority.
11. The amount of *waste* generated in the area and covered by the DPDs is considered by individual waste stream: municipal solid waste (MSW), commercial and industrial waste (C&I), construction and demolition waste (C&D), hazardous waste and sewage waste.

Nuclear waste issues are dealt with at national level and are not matters for the DPDs.

Strategy and Objectives

12. The report puts forward the following preferred Strategy:

In 2021, the Tees Valley will be a sub-region where:

- (i) An appropriate contribution is made 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. It is recognised that there is a limited extraction of primary aggregates minerals, but that the nature of construction work over the plan period will help promote the use of secondary and recycled aggregates;*
- (ii) 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 will be taken of the opportunities presented to the waste management industry for environmental improvements, 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;*
- (iii) Minerals and waste related developments will be provided and located 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, though the provision of a vibrant economy, a safe and healthy environment and dynamic educational and cultural resources.*

13. The preferred Strategic Objectives are:

- (a) To reduce the impacts of development on the causes of climate change and the effects of climate change on development.*
- (b) To make provision for the adequate and steady supply of the minerals needed by society, whilst 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.*
- (f) To promote the use of sustainable transport.*

- (g) *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.*

General Policies

14. Two general policies are put forward that will need to be taken into account for all minerals and waste proposals. They reflect a commitment to working in a sustainable manner to meet the Strategic Objectives in relation to climate change, the environment and amenity:

Policy CS1: Sustainable Development

All proposals for minerals and waste related developments shall demonstrate that they meet the principles of sustainable development that are set out in national and regional planning documents.

Policy CS2: Principles of Development

Planning permissions for minerals and waste developments will only be permitted where they demonstrate:

*How they will assist in adapting to the effects of climate change;
That measures have been included in the proposals to reduce greenhouse gas emissions and other causes of climate change; and
That they will not cause significant adverse effects on the environment, public amenity or the transport network.*

In particular, proposals shall be assessed against the following matters:

- (i) The external appearance of the development and its impact on the character and quality of the landscape and/or townscape;*
- (ii) Its location and relationship with the existing land use and the surrounding area;*
- (iii) The effect of the development on biodiversity and geodiversity, and in particular on nationally and internationally important sites;*
- (iv) The effect of the development on historic and cultural heritage;*
- (v) How the proposals will reduce the need for transportation by motorised vehicles on the highway network and how they will not lead to a decrease in highway safety;*
- (vi) The effect of the development on natural resources including water, air and soil;*
- (vii) The effect of the development on public amenity, which can include the emissions of noise, odour, dust, light and vibration, the effect on privacy, public rights of ways and open spaces; and any benefits afforded by the proposals;*
- (viii) The effect of the development on the causes of, and the impacts of, flooding;*
- (ix) The standard of operational practice to be adopted for the development, operation, management, restoration and aftercare of the site;*
- (x) How the proposals accord with other policies in the Development Plan.*

Core Strategy Policies for Minerals

15. This section sets out the Tees Valley context at greater length and puts forward specific policies by type and source of minerals, alongside reasons and rejected other options. The policies pursue Strategic Objectives (b) and (c) above.

16. The first policies are for **aggregates** - materials used in construction processes, including for concrete manufacture and road making. Guidance is provided by the Government on the amount which should be produced by each region. This should then be apportioned by the regional planning body to provide a guideline figure for each minerals planning authority. The Government states that landbanks should also be used to indicate when new permission for aggregates extraction are likely to be needed: a landbank of less than 7 years for sand and gravel and less than 10 years for crushed rock is suggested as being an indicator of when new permissions may be needed. However, for reasons of commercial confidentiality, details of sales, reserves, landbanks, etc, at borough level, and even for the Tees Valley as whole, are difficult to obtain and information is generally combined with that for County Durham. The following policies have therefore had to be put forward on the basis of imperfect information, albeit the best available. Members should note that no separate apportionment has been possible for Darlington.

Policy CS3: Aggregates

Land will be made available to enable the supply of at least 210,000 tonnes of sand and gravel in the period up to 2021. The Tees Valley authorities will aim to maintain a landbank of reserves for seven years extraction of sand and gravel and ten years extraction of crushed rock.

Policy CS4: Alternative Materials for Aggregates Use

Land will be made available in the Policies and Sites DPD for the development of facilities to process materials which can be used as alternatives to primary aggregate resources. New sites, existing minerals and waste sites, as well as other existing developed sites will all be considered, with a preference given to previously developed land wherever possible.

Policy CS5: Marine Dredged Sand and Gravel

Land connected with the two wharves on the River Tees ... will be safeguarded from development which would prejudice their ability to land marine dredged sand and gravel.

17. Turning to **coal**, the report explains that there are potential, but limited, resources of deep coal within the Tees Valley, including in very limited areas within Darlington borough, and that shallow coal resources also potentially exist within the very north-western part of the borough. However:

“During the consultation process, there has been no interest from the coal industry in developing workings in the Tees Valley area. There have been no representations ... despite direct contact, and no sites for coal extraction have been submitted for consideration. It is therefore considered that no specific policy on coal is required, any viable resources will be adequately protected by the safeguarding policy (CS7 below) and any proposals which do come forward for coal extraction can be assessed against other policies in the Minerals and Waste DPDs and the Development Plan.”

18. Although Boulby **potash** mine itself is not a planning issue for the Tees Valley a policy (CS6) is put forward safeguarding rail and port infrastructure within the Tees Valley used in its operation. This is unlikely to be relevant to Darlington.
19. The issues and options consultation asked if there were any **other minerals** which should be specifically covered by the DPDs but no responses were received requiring additional

specific policies.

20. A preferred policy relating to the **safeguarding** of mineral deposits is proposed as follows:

Policy CS7: Minerals Sterilisation

Land shall not normally be allocated, or have planning permission granted, for development which would lead to the sterilisation of important, viable mineral resources. Land which is subject to existing permissions, is currently used for, or that has been allocated for minerals related development, will be safeguarded from other development which would sterilise the minerals resource.

In particular the land identified on the Proposals Maps adjacent to the existing hard rock extraction at Hart Quarry, and the allocated sand and gravel extraction at Stockton Quarry, shall be safeguarded to prevent the minerals operations at these two sites being prejudiced by other developments.

The extraction of mineral resources in advance of other development will normally be permitted providing it accords with the other policies in the Minerals and Waste DPDs.

Core Strategy Policies for Waste

21. This section puts forward specific policies in furtherance of Strategic Objectives D (to drive the management of waste up the waste hierarchy, ie. to more sustainable options), and G (to provide sufficient waste management facilities for all waste to be managed as near as possible to its source). They are based on the latest information and forecasts but amendments to the numeric detail may be necessary as the DPD progresses if more up-to-date information becomes available. There is no breakdown in the policies to local authority level, and again no specific reference to Darlington.

Policy CS8: Waste Management Capacity

Land shall be made available for the development of facilities:

- (i) For the composting of 37,000 tonnes of municipal solid waste per year by 2021;*
- (ii) For the recovery of value of 505,000 tonnes, and the landfilling of 160,000 tonnes, of commercial and industrial waste per year by 2105;*
- (iii) For the recycling of 500,00 tonnes of construction and demolition waste per year by 2021; and*
- (iv) To allow the Tees Valley to make a significant contribution to the provision of at least 285,000 tonnes of hazardous waste treatment and management, per year across the North East.*

Policy CS9: Sewage Treatment

Proposals for the increase of capacity or the improvement of treatment standards at existing sewage treatment facilities will be permitted provided that the applications can prove the need for the proposals and that the proposals will not have unacceptable impacts on local communities or the environment.

Proposals for new sewage treatment facilities will only be permitted where it can be shown that the proposals can not be accommodated at existing sites and they conform with other relevant policies in the Minerals and Waste DPDs and the rest of the LDF.

Policy CS10: Spatial Location of Waste Management Sites

A combination of both larger sites, containing 'clusters' of related waste management facilities, and smaller sites for more individual facilities, shall be allocated to meet the capacity requirements set out in Policy CS8. Wherever possible, all proposed waste sites should seek to utilise previously developed land. Larger 'cluster' sites shall be located in the traditional industrial areas around the River Tees, as defined on the Proposals Map, and should seek to make use of the rail and port infrastructure available in these locations wherever possible. Smaller 'individual' sites shall be located throughout the Tees Valley.

Policy CS11: Allocation of Waste Management Facilities

The site allocations made in the Minerals and Waste DPDs shall seek to:

- (i) give a focussed description of the type of development(s) which would normally be permitted on the site;*
- (ii) provide a clear cut location and boundaries for the site; and*
- (iii) utilise existing sites, including extensions to these sites.*

If it is not possible for an allocation to follow these points, the reasons why this is not possible, and a statement of how the allocation would still be sustainable, must accompany the allocation.

Policies and Sites DPD Preferred Options

22. This second DPD puts forward detailed policies against which minerals and waste planning applications will be assessed and identifies sites where particular minerals and waste development would be permitted. It must be in conformity with the Core Strategy DPD.

Development Control Criteria Policies

23. Applications for minerals and waste developments will be assessed against all the policies of the development plan, including the regional spatial strategy and relevant parts of the LDF. However, the following specific policies will be of particular significance. They pursue Strategic Objectives A and B, relating to climate change and the protection and enhancement of the environment, amenity and human health:

Policy PS1: Assessing the Benefits

Proposals for minerals and waste developments will not be permitted unless the benefits which would arise from the proposal outweigh any negative impacts created.

Benefits which will be assessed include, but are not limited to:

- (i) meeting society's needs;*
- (ii) employment and economic growth;*
- (iii) development of technology;*
- (iv) community improvements;*
- (v) biodiversity;*
- (vi) educational uses; and*
- (vii) the after-use of the site.*

Regard will be had to the other policies in the Minerals and Waste DPDS, along with the rest of the LDF, in the examination of the balance between the benefits and any negatives

created.

Policy PS2: Landscape and Visual Impact

Proposals for minerals and waste developments will only be permitted where:

- (i) *the application provides evidence that a proposal which would have a significant adverse effect on the North Yorkshire and Cleveland Heritage Coast can not be located in a less sensitive location;*
- (ii) *they are in keeping with the landscape or townscape character of their location;*
- (iii) *they include, where appropriate, suitable measures to screen or mitigate any adverse visual or landscape impacts;*
- (iv) *they include, where appropriate, a restoration scheme which assimilates the restored site into the existing landscape character of the area.*

In exceptional circumstances planning permission will be granted for proposals which have an adverse visual impact on the landscape character of an area where the application provides evidence the benefits of the proposals would outweigh the effects created.

Policy PS3: Bio-diversity

Proposals for minerals and waste developments will only be permitted where:

- (i) *they would not have a significant adverse effect on sites, features, habitats or species which are designated within the LDF, the Tees Valley Bio-diversity Action Plan, or the appropriate parts of the Durham Bio-diversity Action Plan;*
- (ii) *where there are likely to be adverse effects on bio- or geo-diversity features, deliverable and appropriate mitigation or compensation measures are proposed;*
- (iii) *the operation and reclamation of the site, provides appropriate measures for enhancing the existing bio- and geo-diversity features of an area.*

In exceptional circumstances planning permission will be granted for proposals which have an adverse effect on bio- and geo-diversity interests where the application provides evidence the benefits of the proposals would outweigh the effects created.

Policy PS4: Flood Risk

Proposals for minerals and waste developments will only be permitted within the areas identified as being at flood risk by the Environment Agency where:

- (i) *they can not be located within a less sensitive area in terms of flood risk;*
- (ii) *they will not lead to an unacceptable increase in the risk of flooding occurring;*
- (iii) *the design of the development has taken account of the effects of flooding; and*
- (iv) *appropriate mitigation measures have been put in place to reduce the risk of harm arising from flooding.*

Policy PS5: Operational Practices

Proposals for minerals and waste developments will not be permitted where the proposed operations would lead to an unacceptable effect on the amenity of surrounding land uses, from issues which include, but are not limited to, dust, noise, vibration, odour, vermin and litter.

The assessment of planning applications for minerals and waste developments will therefore take into account how the site would be managed and the operational working techniques

proposed.

Policy PS5a: Transport

Proposals for minerals and waste development will not be permitted where:

- (i) the proposals would lead to the safety of other transport users being put at risk; and*
- (ii) the use of non-road based transportation, particularly the rail network and the port facilities on the River Tees and at Hartlepool, have not been considered in the proposals.*

Proposals should be located so that the need to travel and the length of journeys are both minimised. Consideration will therefore need to be given to how easily accessible the proposals are to potential employees and users of the facilities, as well as the locations where freight will be moved to.

Policy PS6: Reclamation

Where relevant, reclamation schemes must be included as part of the planning application for minerals and waste developments. Reclamation schemes must consider both the restoration, and the aftercare, of a site, propose reasonable timescales for restoration work and should seek to utilise phased restoration during the operational phase of sites. Proposals will not be permitted where the reclamation scheme does not enhance the environment and the public's amenity, and which is not appropriate to the character of the area and the surrounding land uses.

24. The following additional policy is aimed at minimising and managing waste in respect of all major development proposals:

Policy PS7: Waste Audits

Proposals for all major developments must be accompanied by a waste audit. The audit must identify the amount and type of waste which would be produced by both the construction and the operation of the development and how this waste will be minimised and managed in accordance with the waste hierarchy.

Major developments will be defined as in the Town and Country Planning (General Development Procedure) Order 1995, which is as follows:

Development involving any one or more of the following:

- a) the winning and working of minerals or the use of land for mineral-working deposits;*
- b) waste development;*
- c) the provision of dwelling houses where –*
 - i) the number of dwelling houses to be provided is 10 or more; or*
 - ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);*
- d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or*
- e) development carried out on a site having an area of 1 hectare or more.*

Allocating Minerals Sites

25. Minerals can only be extracted from where they occur so the allocation of minerals sites will be influenced by the geology of an area. The Core Strategy identifies that one sand and gravel extraction site should be allocated in the Tees Valley. Although there are no sand and gravel quarries currently operational in the sub-region, a site in Stockton borough which until recently had planning permission for extraction is estimated to contain sufficient resources to meet the sub-regional apportionment and provide an appropriate landbank.

Allocating Waste Sites

26. The Core Strategy (Policy CS8 above) establishes the quantities of waste that facilities need to be provided for in the Tees Valley. These correspond to the following additional sites:
- (a) two or more composting sites for municipal solid waste (MSW);
 - (b) up to three sites for commercial and industrial (C&I) waste recovery;
 - (c) one landfill site for commercial and industrial waste;
 - (d) sites for the recycling of 500,000 tonnes of construction and demolition (C&D) waste per year;
 - (e) sites for the management and treatment of hazardous waste.
27. The waste industry has put forward a number of specific sites for allocation (none within Darlington Borough) but more are required and Entec are continuing discussions to see if more can be identified before publication of the preferred options. Any updated information will be given orally at the Cabinet meeting.
28. A site at Haverton Hill has been put forward for a range of waste management facilities which includes the **composting of MSW**. At least one more site will be needed.
29. In respect of the **recovery of commercial and industrial (C&I) waste**, three sites have been submitted, within Hartlepool, Redcar and Cleveland and Stockton Boroughs (the latter at Haverton Hill). However, the capacity of the second of these has already been considered when identifying the capacity gap and the third site has been submitted primarily for MSW waste but has the option of also dealing with C&I waste. Work is continuing on clarifying these issues.
30. No sites have been submitted by the industry for **landfill of C&I wastes** but a site not currently in use in east Cleveland has planning permission so an allocation may prove not to be needed.
31. A site in east Cleveland has been submitted for the **recycling of construction and demolition (C&D) waste**. It would have a capacity of up to 100,000 tonnes per year, meaning further facilities will be required.
32. Two site submissions have been made relating to the management and treatment of **hazardous waste**, at Port Clarence and Billingham within Stockton Borough.
33. A site is also proposed in the report for a new household waste recycling centre in Stockton Borough.

Outcome of Consultation

34. 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 preferred options reports detailed above.

Legal Implications

35. 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

36. 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

37. The issues contained within this report do not at this consultation stage in the DPD process represent change to Council policy or to the Council's policy framework.

Decision Deadline

38. In order to meet the milestone for public consultation on preferred options for the joint Minerals and Waste Development Plan Documents set out in the Council's local development scheme a decision is required by this Cabinet.

Recommendation

39. It is recommended that :-
- (a) the Council endorses the preferred options reports for the joint Tees Valley Minerals and Waste Development Plan Documents for the purposes of public consultation by the Planning and Economic Strategy Board of Tees Valley Unlimited;
 - (b) authorisation be given for the Assistant Chief Executive (Regeneration) to agree to amendments to the draft report and appraisal prior to publication, in consultation with the Cabinet Member responsible for the Economy portfolio, if required in response to changed circumstances.

Reasons

40. The recommendations are supported by the following reason: the need to meet the milestone in the Council's local development scheme of public consultation on the joint minerals and waste preferred options in February 2008.

Richard Alty
Assistant Chief Executive (Regeneration)

Background Papers

Tees Valley Joint Minerals and Waste Development Plan Documents: Core Strategy, Preferred Options (Entec UK Ltd for the Tees Valley local planning authorities, pre-publication draft November 2007)

Tees Valley Joint Minerals and Waste Development Plan Documents: Policies and Sites, Preferred Options (Entec UK Ltd for the Tees Valley local planning authorities, pre-publication draft November 2007)

Tees Valley Joint Minerals and Waste Development Plan Documents: Sustainability Appraisal, Options Appraisal Report, (Entec UK Ltd for the Tees Valley local planning authorities, October 2007)

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