
**TEES VALLEY MINERAL AND WASTE PLANNING FRAMEWORK – CHANGES TO
DRAFT 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, proposed changes to the draft development plan documents (DPDs) 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 the need to publish proposed changes to the draft DPDs;
 - (b) sets out the proposed changes;
 - (c) seeks approval to publish the proposed changes to allow representations to be made on them; and
 - (d) subject to a satisfactory outcome from publication, seeks approval for subsequent submission of the draft DPDs and proposed changes to the Government.
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 proposed changes. Subject to these approvals it is anticipated that publication of the proposed changes will take place in August and, barring any substantive further changes being necessary in the light of representations, that submission to the Government will be in late October or November.
4. The Government would appoint an Inspector to hold an Examination in Public into the DPDs, report on his/her findings and make binding recommendations. Adoption of the DPDs is anticipated for summer 2011. When adopted, the DPDs as they relate to Darlington will form part of this Council's statutory Local Development Framework (LDF). 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). The report explains their relationship with the Darlington Core Strategy (see elsewhere on today's agenda).

5. The significant changes now proposed are to amend two policies of the draft Core Strategy (Policy MWC2, Provision of Primary Aggregate Minerals; and MWC8, General Locations of Waste Management Sites) and add two new policies to the draft Policies and Sites DPD (new MWP2, Hart Quarry Extension; and new MWP3, Additional Aggregates Provision). They are proposed to help meet objections which could have led to the DPDs being found 'unsound' by the appointed Inspector. Other changes are being made as a consequence of these, to improve the clarity of the documents, to reflect updated statistical information and to roll the plan end date forward to 2026. The DPDs contain no proposals for specific sites in Darlington Borough.
6. As the final DPDs will affect the policy framework of the Borough, the approval of full Council is required.

Recommendation

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

Reasons

8. The recommendations are supported 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 Report, August 2009 (Entec UK Ltd for the Tees Valley local planning authorities) www.darlington.gov.uk/planningpolicy.
- (ii) Tees Valley Joint Minerals and Waste Development Plan Documents: Policies and Sites, Publication Report, August 2009 (Entec UK Ltd for the Tees Valley local planning authorities) www.darlington.gov.uk/planningpolicy.

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 submitted to Government 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 DPDs do form part of the Council's Policy Framework and will therefore require approval by full Council.
Key Decision	No.
Urgent Decision	No.
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

9. 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; now Tees Valley Unlimited, TVU) 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 consultants Entec UK Ltd were appointed to carry out the technical work, supervised by a steering group of officers of the five councils and the JSU/TVU.
10. Joint working on minerals and waste planning has many advantages: they are specialist, but often inter-related, topics which raise cross boundary issues; it helps co-ordination on a Joint Municipal Waste Management Strategy; the Tees Valley has relatively few remaining minerals operations or viable mineral reserves; and of course economies of scale.
11. The purpose of the DPDs is to ensure:
 - (a) that sufficient quantities of minerals needed to support growth 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** - to set out 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 - to set out more the detailed policies and allocate sites of non-strategic importance.
13. The DPDs cover the period 2011-26, and relate to the whole Tees Valley except that small part within the North York Moors National Park.
14. The DPDs will form part of the Council's statutory Local Development Framework (LDF) and are being prepared in parallel with the Darlington Core Strategy (see elsewhere on this agenda), which deals with all land use and development issues affecting the Borough except for minerals and waste. When adopted, the two Core Strategies will initially need to be read together but the opportunity will be taken as soon as practicable to merge them to produce a single Core Strategy for the Borough. The Policies and Sites DPD will remain as a joint document across the five Boroughs.

Previous Stages

15. The first formal stage in preparation was consultation on issues and options and a sustainability appraisal scoping report in May 2007 (publication endorsed by Cabinet at Minute C189/April/07). The second was consultation on preferred options in February 2008 (Minute C141/Dec/07 refers). The third, in August 2009, was publication of the draft DPDs as proposed to be submitted to the Government (Minutes C8(2)/Jun/09 and 17(4)/Jul/09 refer), in accordance with Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).
16. Given the consultation that had already taken place it was anticipated that no significant representations on the soundness of the draft DPDs would be made at publication stage and they would proceed to be submitted to the Government. The Government would then have appointed an Inspector to carry out an Examination in Public into the DPDs, to report on his/her findings and make binding recommendations to the local authorities.
17. Unfortunately that was not the case. Natural England, which had not previously raised any objections, expressed concern over the potential adverse impact of future sand and gravel beach extraction at North Gare (in Hartlepool Borough) on the integrity of environmentally sensitive areas nearby, including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. They were supported by representations from the Royal Society for the Protection of Birds (RSPB). Officers explained that the reference to North Gare in the DPDs was to a site with a valid planning permission (presently until 2012) and that no significant problems had ever been attributed to its working. However, following lengthy discussions, including with the Government Office for the North East, it has been accepted that the most prudent way of ensuring the DPDs are not found unsound at an Examination in Public is to change the relevant parts of the DPDs.

Current Stage

18. The significant changes now proposed are to amend two policies of the draft Core Strategy (Policy MWC2, Provision of Primary Aggregate Minerals; and MWC8, General Locations of Waste Management Sites) and add two new policies to the draft Policies and Sites DPD (new MWP2, Hart Quarry Extension; and new MWP3, Additional Aggregates). Other changes are being made as a consequence of these, to improve the clarity of the documents, to reflect updated statistical information and to roll the plan end date forward to 2026. Schedules of all the proposed changes are attached at Appendices 2 and 3. Members should note that neither the draft DPDs nor the proposed changes contain any proposals for specific sites in Darlington Borough. Brief summaries from a Darlington perspective are attached as **Appendix 1**.
19. Planning regulations require a fresh round of consultation to be carried out on the proposed changes before they and the draft DPDs are submitted to Government. 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 proposed changes. However, it is anticipated that publication of the proposed changes can take place in August with a closing date for representations six weeks later. If no substantive further changes become necessary in the light of representations, then submission to the Government is expected to take place in late October or November.

20. This report therefore seeks authority to publish, for consultation, proposed changes to the 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. As the final DPDs will affect the policy framework of the Borough, the approval of full Council is required. To expedite progress, authority is also being sought now for the draft DPDs and the proposed changes to be subsequently submitted to the Secretary of State, subject to no substantive further changes to them being necessary following publication. Authority is sought for the Assistant Chief Executive (Regeneration) to make any necessary minor amendments to the proposed changes prior to publication or between publication and submission, in consultation with the Cabinet Member for the Economy. If substantive further changes do become necessary then the DPDs will be brought back to Members.

Related Documents

21. A Sustainability Appraisal and Habitats Regulations Assessment were published at the same time as the draft DPDs and these have been reviewed in the light of the proposed changes. It has been concluded that the changes would not result in any significant sustainability or ecology / habitat issues and an addendum explaining that will be published alongside the proposed changes. Amongst other related documents to be published will be an Infrastructure Strategy, demonstrating that the infrastructure needed for the development proposed in the DPDs can be delivered.

Changing Circumstances

22. The Draft DPDs and proposed changes have been prepared to be in conformity with the Regional Spatial Strategy (RSS), but it is the stated intention of the new Government to abolish regional planning. The removal of the RSS from the statutory development plan is unlikely to require a rethink of the strategy and policies of the DPDs. The potential for further changes to the national planning framework point to the need to continue to progress the DPDs as soon as possible, to ensure the spatial manifestation of One Darlington: Perfectly Placed can be realised.

Future Stages

23. As mentioned, 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 draft DPDs and the proposed changes to them. Examination of the Core Strategy will be held first, followed about a month later by examination of the Policies and Sites DPD. Neither is likely to last more than a handful of days. The Inspector's report could be received in May 2011. If favourable, that would allow adoption of the DPDs to take place in July 2011.

Outcome of Consultation

24. The draft DPDs have been shaped by extensive consultation at previous stages. There has been consultation with stakeholders on the main proposed changes, and these are now to be published for formal consultation to allow representations to be made.

MINERALS & WASTE DRAFT DPDS AND PROPOSED CHANGES: BRIEF DARLINGTON SUMMARIES

1. The draft DPDS were published in 2009 (Minutes C8(2)/Jun/09 and 17(4)/Jul/09 refer) and can be viewed via www.darlington.gov.uk/planningpolicy. The changes now proposed are attached at **Appendices 2 and 3**. The summaries below are of the DPDS as they would be with the proposed changes. They are intended only as quick guides to Darlington Members, drawing attention to aspects of particular relevance to the Borough. They should not be taken as comprehensive.

Core Strategy DPD - 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 currently limited. The area does, however, produce significant quantities of secondary aggregate minerals, for instance from the by-products of steel making, and marine-dredged sands and gravels are landed in the Tees.
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 (which mainly comprises household waste), commercial and industrial waste, construction and demolition waste, hazardous waste, radioactive waste, sewage waste and agricultural waste. Darlington's municipal solid waste is treated and landfilled just outside the Tees Valley at Aycliffe Quarry 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. The key challenges identified for minerals and waste planning in the Tees Valley over the plan period are: 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 2026 the Tees Valley will be a place where:
 - 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.

In addition: 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. Twelve 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 at 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 MWC2 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 in each region. This is normally then apportioned by the regional planning body to individual minerals planning authorities, but a borough-by-borough breakdown is not appropriate in the Tees Valley given the limited extraction activity taking place and a combined figure is used instead. MWC2 states that the current apportionment for the Tees Valley can be mainly met from crushed rock, with lesser amounts of land-won sand and gravel. In the draft DPD version of the policy specific sites were identified in Hartlepool (Hart Quarry and North Gare) and Stockton (Stockton Quarry) boroughs. The proposed changes would replace the site references with a criteria-based policy: "The supply of minerals will be delivered in accordance with the following sequential approach: 1) existing extraction sites and sites with planning permission for extraction; 2) extensions to existing minerals extraction sites; 3) new minerals extraction sites."
8. Policy MWC3, **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 (except North Gare) 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. MWC4 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 other forms of development. The areas to be safeguarded are identified on a proposals map. For Darlington, two minerals are identified as existing at a 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 MWC5, **Protection of Minerals Extraction Sites**, is similar in intent to MWC4 but specifically protects the Hart Quarry and Stockton Quarry sites from incompatible neighbouring development. North Gare was included in the draft DPD policy but would be removed by the proposed changes.

Chapter 5, Waste Policies

11. Policy MWC6 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 percentage targets for the amounts 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, and a handful of large sites, on which will be clustered various inter-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, north and east of Middlesbrough. The proposed changes would add riders regarding the environmentally-sensitive Teesmouth Special Protection Area and Ramsar site and flood risk.
14. MWC9 deals with **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. Policy 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.

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 both planning authority and waste management authority).

Key Diagram

17. The proposed changes would include a **Key Diagram** illustrating the broad locations of the policies and strategic site allocations. This was inadvertently omitted from the draft Core Strategy.

Policies and Sites DPD - Summary

Chapter 1, Introduction

18. 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 sets out policies against which minerals and waste planning applications can be assessed.

Chapter 2, General Development

19. This contains a single policy, MWP1, **Waste Audits**, which carries forward and makes more specific a requirement in the Regional Spatial Strategy that all major development proposals should be subject to waste audits aimed at minimising and managing the waste generated by them. 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 Minerals Sites

20. The proposed changes would add this new chapter and its two policies. They are necessary to ensure that the Tees Valley can provide the required amounts of sand and gravel and crushed rock aggregates during the plan period, in the light of uncertainty over continuing supply from the existing permitted extraction sites at North Gare and Stockton Quarry. Proposed new Policy MWP2, **Hart Quarry Extension**, would allocate land adjacent to that existing quarry where further crushed rock could be recovered.
21. Proposed new Policy MWP3, **Additional Aggregates Provision**, would be criteria based, setting out the conditions where the development of further sites for aggregates extraction could be supported. It reads as follows:

“Proposals for aggregates extraction will be supported where it can be demonstrated that:

 1. the proposals would reduce reliance on imports of sand and gravel aggregates from outside of the Tees Valley sub-region;
 2. there would be no unacceptable loss or significant adverse impact on important environmental designations or heritage assets. In particular the following will be taken into account:
 - a. the impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site,
 - b. the impact on the Teesdale Way, flood risk zones and the green wedges along the River Tees between Yarm and Preston-on-Tees (Stockton-on-Tees) and Burn Valley (Hartlepool).
 3. priority has been given to the use of non road based transport. Where this is not possible, proposals should demonstrate how impacts from any traffic generated on the highway network or its adjacent land uses will be mitigated;
 4. for sand and gravel, there is a need for the sand and gravel that cannot be met from Stockton Quarry, North Gare extraction site or other permitted sites;
 5. for crushed rock, there is a need for the crushed rock which cannot be met from planning permissions or allocated land at Hart Quarry or other permitted sites.”

Chapter 4, Provision of Waste Sites

22. This is Chapter 3 in the draft DPD, and the proposed changes would renumber policies MWP2 to MWP10 as MWP4 to MWP12 (the proposed change policy numbers are used below). The policies would be unchanged or only minimally changed in wording from the draft DPD. The first five propose specific sites for particular types of waste facility. All are outside Darlington but most will deal with waste from all over the Tees Valley:

- MWP4 - Graythorp Industrial Estate (Hartlepool)
- MWP5 - Haverton Hill (Stockton-on-Tees)
- MWP6 - New Road, Billingham (Stockton-on-Tees)
- MWP7 - Port Clarence (Stockton-on-Tees)
- MWP8 - South Tees Eco-Park (Redcar and Cleveland)

MWP9 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.

23. Policy MWP10, **Construction and Demolition Waste Recycling**, identifies sites for such development in Hartlepool, Stockton and Redcar & Cleveland boroughs. It also prioritises the use of sites where construction and demolition wastes arise and sets out criteria for the assessment of proposals.
24. Policies MWP11 and MWP12 set out the criteria for determining planning proposals for small waste management facilities. MWP11 covers **Small Scale Composting Facilities** and MWP12 **Small Scale Waste Management Operations** involving the sorting, recycling or recovery of value from municipal and commercial and industrial waste, including ‘bring sites’ such as bottle banks.

Chapter 5, Monitoring and Implementation

25. This is Chapter 4 in the draft DPD. 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.