

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

DATE 18 MAY 2006

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION/CABINET DECISION/KEY DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Cook

TEES VALLEY JOINT MINERALS AND WASTE DEVELOPMENT PLAN DOCUMENTS - LOCAL DEVELOPMENT FRAMEWORK

1. Summary (expanded report summary)

This item deals with the proposal for the preparation of Tees Valley Joint Minerals and Waste Development Plan Documents by the Joint Strategy Unit, on behalf of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees Borough Councils.

2. Recommendations

Members are recommended to:

- (i) note the content of this report, and endorse the principle of the Joint Strategy Committee taking responsibility for the preparation of the Tees Valley Joint Minerals and Waste Development Plan Documents on behalf of Stockton-on-Tees Borough Council and the other four unitary Tees Valley Authorities
- (ii) endorse the appointment of consultants to carry out this work
- (iii) approve the expenditure of about £60,000 over four years from the Local Plan budget.

3. Reasons for the Recommendations/Decision(s)

There is a statutory duty for all local planning authorities to adopt and keep under review the development plan for their respective areas. Under the Planning and Compulsory Purchase Act 2004, development plan documents should include minerals and waste policies, which may be prepared as separate minerals and waste development plan documents.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.

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LOCAL DEVELOPMENT FRAMEWORK**

SUMMARY

This item deals with the preparation of Tees Valley Joint Minerals and Waste Development Plan Documents by the Joint Strategy Unit, on behalf of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees Borough Councils.

RECOMMENDATIONS

Members are recommended to:

- (i) note the content of this report, and endorse the principle of the Joint Strategy Committee taking responsibility for the preparation of the Tees Valley Joint Minerals and Waste Development Plan Documents on behalf of Stockton-on-Tees Borough Council and the other four unitary Tees Valley Authorities
- (ii) endorse the appointment of consultants to carry out this work
- (iii) approve the expenditure of about £60,000 over four years from the Local Plan budget.

DETAIL

1. The new Local Development Framework will include a number of development plan documents that form part of the statutory development plan. Development plan documents (DPD) in unitary authorities should include minerals and waste policies, which may be prepared as separate minerals and waste development plan documents.¹ One of the Government's key planning objectives is the preparation and delivery of planning strategies which help implement the national waste strategy, and supporting targets, and are consistent with obligations required by European legislation.²
2. Joint working on local development documents is particularly encouraged. Two or more local planning authorities may work jointly to prepare minerals and waste development plan documents.³
3. At the meeting of the Tees Valley Planning Managers in June 2004, the Joint Strategy Unit (JSU) was invited to prepare joint Minerals and Waste Development Plan Documents on behalf of the five Tees Valley authorities (Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees Borough Councils).

¹ Planning Policy Statement 12 : Local Development Frameworks, para. 2.6.

² Planning Policy Statement 10: Planning for Sustainable Waste Management, para. 3.

³ Planning Policy Statement 12: Local Development Frameworks, paras. 2.34 – 2.36.

THE PROPOSAL

4. New Minerals and Waste development plan documents will replace the minerals and waste policies in the adopted Tees Valley Structure Plan. It is proposed that these will comprise:
 - ❑ A Joint Minerals and Waste Core Strategy DPD, which will contain the overall strategy for the development of waste and minerals in the Tees Valley. The Core Strategy is required to be in general conformity with the emerging Regional Spatial Strategy for the North East
 - ❑ A Joint Minerals and Waste Site Allocations and Development Policies DPD. This will identify specific sites for future development, and will contain detailed development plan policies for assessing minerals or waste planning applications in the Tees Valley. This will be in conformity with the Joint Minerals and Waste Core Strategy.
5. The Minerals and Waste development plan documents will be subject to a sustainability appraisal, and an Annual Monitoring Report will assess the success (or otherwise) of the strategy and policies.
6. It is proposed to adopt the joint working arrangements originally set up for the Tees Valley Structure Plan for the preparation of the Minerals and Waste development plan documents. The arrangements are proposed, as follows:
 - ❑ The JSU will manage the project
 - ❑ The JSU will prepare most of the documents in draft, to be considered by all of the respective authorities through the Development Plans Officers (as part of a Steering Group)
 - ❑ Each authority will be kept informed at the key stage of preparation and will be given the opportunity to comment on draft documents
 - ❑ Results of consultation will be reported back to the Tees Valley Joint Strategy Committee and to each local authority
 - ❑ Final draft documents at each stage will be endorsed by each local authority before being considered by the Tees Valley Joint Strategy Committee
 - ❑ Adoption of the development plan documents will be undertaken by each local authority, following presentation to the Tees Valley Joint Strategy Committee.
7. It is proposed to engage consultants to assist with the preparation of the Minerals and Waste development plan document. The role of the consultants will be to identify and assess individual sites (including Environmental Impact Assessments), to undertake the sustainability appraisal process and to provide expert opinion at the independent examinations.

COSTS

8. It is estimated that the total costs involved in progressing the Minerals and Waste Core Strategy and Site Allocations development plan documents to adoption will be in the region of £165,650. This figure is only a guide until tenders are received.
9. The distribution of costs between the Boroughs is yet to be decided. However, if for example, the costs were split based on a population pro-rata basis, Stockton's contribution would be in the order of £53,000. An alternative might be to distribute the costs between the Boroughs to reflect the number of sites in each authority, or to derive a "hybrid" costing system which combines the "population" basis with the "site" basis. The costs would be spread over the financial years 2006/07 to 2010/11.

THE TIMETABLE

10. The indicative timetable at the present time is as follows:

Initial Processes

Appointment of consultants	August 2006
Commencement of work	September 2006

Core Strategy and Site Allocations Development Plan Document Preparation

<input type="checkbox"/> Issues and Options Reports consultation	May/June 2007
<input type="checkbox"/> Preferred Options Reports consultation	Feb./March 2008
<input type="checkbox"/> Preparation of Submission Documents	April 2008 onwards
<input type="checkbox"/> Submission of Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations Development Plan Documents to Government	January 2009
<input type="checkbox"/> Pre-examination meeting	May 2009
<input type="checkbox"/> Independent Examination	July 2009
<input type="checkbox"/> Receipt of Inspector's report	January 2010
<input type="checkbox"/> Adoption of the Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations Development Plan Documents	April 2010.

ADVANTAGES

11. The advantages of the Joint Strategy Unit preparing Tees Valley wide Minerals and Waste Development Plan Documents are as follows:
- Economies of scale
 - A joined-up approach to a sub-regional issue. Waste management involves many cross-boundary issues and plans are best prepared at a sub-regional level. The JSU is in the best position to prepare a joint plan covering the Tees Valley and has in-house experience
 - Frees up Council staff to concentrate on the preparation of other development plan documents
 - Allows the documents to be prepared early in order to meet the national waste management targets
 - Will coordinate with the revised Waste Management Strategy, also being produced by the Joint Strategy Unit

SUMMARY

12. To summarise:
- Development plan documents in unitary authorities should include minerals and waste policies, which may be prepared as separate Minerals and Waste Development Plan Documents. This is a statutory requirement and is required to meet the national waste management targets.
 - Joint working to prepare Minerals and Waste Development Plan Documents is encouraged. It is proposed that the Tees Valley Joint Strategy Unit coordinate the preparation of this work on behalf of the five unitary Tees Valley Authorities
 - It is proposed that consultants are engaged to assist with the preparation of the Minerals and Waste Development Plan Documents
 - Costs incurred will be split between the five Tees Valley authorities, over the period from 2006/07 to 2009/10
 - The JSU has the remit to carry out all the processes and procedures involved, with the exception of the adoption of the final Minerals and Waste Core Strategy and Site Allocation Development Plan Documents. Each individual authority will be responsible for the adoption of the documents, and will have the opportunity to comment at each stage of preparation.

THE NEXT STEPS

13. Once the joint approach set out above is agreed by all the five Tees Valley Authorities, the JSU will begin the tendering process to appoint consultants to undertake the preparation of the two Development Plan Documents.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

14. The financial implications are the costs to the council incurred in the appointment of consultants to prepare and produce the Tees Valley Joint Minerals and Waste Development Plan Documents. This is likely to be in the order of £50,000 - £60,000, the bulk of which will be split over four years i.e. something in the order of £15,000 per annum from 2006/07 until 2009/2010. The project would be financed from the Local Plan budget.

Legal

15. The preparation of minerals and waste policies is a statutory requirement for unitary authorities and must form part of the Local Development Framework.

RISK ASSESSMENT

16. It is necessary to prepare Minerals and Waste Development Plan documents, in accordance with PPS12. Failure to do so would lead to an incomplete Local Development Framework. There would also be a knock-on effect, in that the Council would not be in a position to comply with Planning Policy Statement 10: Planning for Sustainable Waste Management, in that these local development documents will inform (and be informed by) the preparation and review of municipal waste management strategies.
This (subject matter of report) is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COMMUNITY STRATEGY IMPLICATIONS

17. The local development documents which form part of the LDF, will take into account other strategies and programmes which affect the area, especially the Community Strategy. The government identifies LDFs as one of the key mechanisms for delivering Community Strategy objectives.

CONSULTATION INCLUDING WARD/COUNCILLORS

18. Formal consultation on the preparation of development plan documents will take place in accordance with the principles set out in the Statement of Community Involvement.

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Background Papers

Planning Policy Statement 10: Planning for Sustainable Waste Management
Planning Policy Statement 12: Local Development Frameworks

Ward(s) and Ward Councillors: N/A

Property N/A