

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

11th June 2009

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION/CABINET DECISION/KEY DECISION

Local Development Framework: Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations Development Plan Documents (DPDs) First Publication Draft and Sustainability Appraisal.

1. Summary

This report updates members on progress in the production of the Joint Tees Valley Minerals and Waste Core Strategy and Site Allocations Development Plan Documents and Sustainability Appraisal. It seeks endorsement of the First Publication Draft Reports and Sustainability Appraisal for a six-week period of public consultation beginning in August 2009. The Core Strategy and Site Allocation documents are attached. The Sustainability Appraisal is an extremely large document and is available electronically on the Council web site (e genda). Hard copies are available from Democratic Services (528173) and a reference copy has been placed in the members Library.

2. Recommendations

Members are recommended to: -

- (i) Endorse the Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations Development Plan Documents First Publication Draft and Sustainability Appraisal for public consultation.
- (ii) Delegate authority, to the Head of Planning, in consultation with the Cabinet Member for Regeneration and Transport, to make amendments to the document, of an editorial nature, prior to the public consultation period.

3. Reasons for the Recommendations/Decision(s)

To ensure timely progress in the preparation of these key documents which will provide up-to-date sustainable policy framework for determining applications for minerals and waste development in the Borough.

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 (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must 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 (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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SUMMARY

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1.

RECOMMENDATIONS

2. Members are recommended to: -

- (i) Endorse the Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations Development Plan Documents First Publication Draft and Sustainability Appraisal for public consultation.
- (ii) Delegate authority, to the Head of Planning, in consultation with the Cabinet Member for Regeneration and Transport, to make amendments to the document, of an editorial nature, prior to the public consultation period.

DETAIL

3. Members will recall that the Tees Valley Joint Strategy Unit is preparing Joint Minerals and Waste Development Plan Documents on behalf of the Tees Valley Local Planning Authorities. In setting up the arrangements for this joint working, it was agreed that each authority would separately approve any consultation documents.

4. Two DPDs will provide the policy framework for determining planning applications for minerals developments for the period to 2024 and waste developments to 2021, these are:-

- The Core Strategy DPD which sets out overall strategy and generic development control policies for determining applications for minerals and waste developments,
- The Site Allocations DPD which identifies specific sites for future development and which contains detailed policies for assessing planning applications.

Both documents are accompanied by a Sustainability Appraisal of the options considered and selected.

5. The First Publication Draft Report is a key milestone in the preparation of a development plan document and represents the final stage in the production process prior to submission of the documents to the Secretary of State . The first stage was the Issues and Options Report, which was consulted on in May-June 2007. The second phase of this process was the Preferred Options report, which was consulted on during February – April 2008. It is intended to publish the Core Strategy and Site Allocations First Publication Documents and the associated Sustainability Appraisal for a six-week consultation period beginning in August 2009. Following this the documents will be submitted to the Secretary of State in December 2009, with an examination into the soundness of the documents occurring during 2010.
6. The documents have three overarching purposes:
 - To ensure the production of sufficient quantities of minerals in the sub-region to support anticipated levels of growth expected to 2024,
 - To support the development of a network of waste management facilities, which will be able to deal with the waste generated in the sub region in a sustainable manner.
 - To ensure that the environment and amenity of the residents of the Tees Valley are protected.

Core Strategy DPD

7. This document sets out the overall vision and strategic objectives for minerals and waste policy in the Tees Valley. In summary, the vision states that in 2025 the Tees Valley sub-region will be a place where:
 - Priority is given to the production of secondary and recycled aggregates for the construction industry. Whilst the limited extraction of primary aggregate minerals is carefully managed, with the remaining resources and infrastructure safeguarded.
 - The specialist industries which re-use, recycle and recover value from waste are thriving. By taking advantage of the Tees Valley and the opportunities for symbiotic relationships with existing petrochemical, steel and environmental industries, the waste management industry in the Tees Valley forms a centre of excellence
 - Local communities, industry and local authorities can identify and access the waste management facilities they require.
8. The Core strategy also sets out twelve strategic objectives:
 - To provide an agreed and appropriate contribution from sources in the Tees Valley towards the provision of a steady supply of minerals to the construction and other industries;
 - To minimise the use of primary aggregates and prioritise the use of secondary and alternative materials for construction use;
 - To safeguard minerals resources from unnecessary sterilisation;
 - To support the implementation of the Tees Valley Joint Municipal Waste Management Strategy in particular in seeking to minimise waste production;
 - To promote the re-use, recycling and recovery of value from waste;
 - To provide a network of small scale waste management facilities which is accessible to local communities;
 - To promote the development of resource recovery parks where symbiotic relationships between industries can flourish;
 - To promote the management of waste close to its point of production;
 - To safeguard sustainable minerals transport infrastructure and promote the use of sustainable transport, in particular the existing rail and port facilities in the Tees Valley;
 - To protect and enhance the quality and diversity of the natural, historic and cultural heritage of the Tees Valley through minerals and waste development;

- To ensure the highest standards in the operation, environmental management and restoration of existing and new minerals extraction and landfill sites;
- To ensure the highest standards of design, operation and environmental management of waste management and minerals processing facilities.

Minerals

9. Evidence indicates that no new sites need to be allocated for sand gravel and hard rock extraction in the Tees Valley, as there are sufficient resources at existing sites, which includes Stockton Quarry within the Borough.
10. With regard to recycled and secondary aggregate, whilst a number of facilities already exist, it is considered that opportunities should be taken to provide additional facilities where possible.
11. There are limited reserves of coal in the sub region but no interest has been expressed by operators in its extraction.

Waste

12. Tees Valley has more than sufficient existing and planned capacity to deal with recycling and recovery of predicted municipal waste arisings. However by 2020/21, it is predicted that extra capacity will be needed for composting and that this could be accommodated by one additional site.
13. Additional capacity will be needed to deal with commercial and demolition and hazardous waste. In particular additional capacity is required for incineration, physical and chemical treatment and solvent, oil, oil/water and metal recovery.
14. With regard to the spatial distribution of sites, it is proposed that a combined approach involving clusters of related waste management facilities and small individual sites should be taken. Clusters would be located in traditional industrial areas around the river Tees and should make use of existing rail and port infrastructure. Small sites would be more widely distributed throughout the Tees Valley and well related to the urban area. All sites should seek to use previously developed land.
15. When sites are allocated for waste management purposes, the type of waste to be handled on the site will be clearly defined. Site boundaries will be clearly identified and preference will be given to the use of existing sites and extensions to them.
17. Tees Valley and Tyne and Wear are the two significant producers of hazardous waste in the northern region. The Regional Spatial Strategy (RSS) requires that each make provision for additional capacity to handle the predicted growth in hazardous waste arisings over the plan period. These predictions are only undertaken on a regional basis and it is forecast that by 2010/11 hazardous waste arisings will have increased to 567,000 tonnes and that by 2021/22 the increase will be to 671,000 tonnes. For comparison, the northeast dealt with 733,062 tonnes of hazardous waste in 2006. For the region as a whole, it is estimated that there is already sufficient capacity for hazardous waste management in the North East Region. However there are 202,000 tonnes of hazardous waste which is landfilled or transferred for disposal every year. There is potential to move manage this waste in a more sustainable manner through the provision of additional facilities.
18. The DPDs concentrate on providing sufficient facilities to allow the sustainable management of the waste which will arise within the Tees Valley area over the plan period. However, the documents also recognise that some waste companies in the Tees Valley import waste from outside the sub-region to be dealt with at their sites. This provides a source of economic success which is expected to continue.

Site Allocations DPD.

16. As well as identifying specific sites where mineral and waste activity will be acceptable, this document previously included general development control criteria, which applications were to be assessed against. During the production of this latest version of the document these criteria were deleted as they were considered to be repetition of existing planning policy. It is envisaged that this deleted information will be used to develop a Supplementary Planning Document on Minerals and Waste Developments following adoption of these DPDs.
19. With regard to the site allocations:
- No new sites are allocated for mineral activity but sites submitted by operators for Haverton Hill and Augean Waste for the Port Clarence site do contain elements that will produce alternative aggregates materials.
 - With regard to the allocation of sites for waste handling, the following sites are proposed for allocation in Stockton:
 - Port Clarence (proposed by Augean Waste) for a range of advanced waste, treatment technologies focused primarily on the treatment of hazardous waste
 - Haverton Hill (proposed by SITA) proposed expansion of existing facilities (energy from waste, household waste recycling and green composting facilities) for treatment of municipal solid waste and commercial and industrial waste.
 - Household Waste Recycling Centre (proposed by Stockton Council) – a previous site at Bowesfield is considered to be unviable. However, the document contains a policy identifying an area of search for sites for this development.
20. Billingham Anhydrite Mines are not discussed within this document. NPL Estates submitted the former anhydrite mines at Billingham for consideration as a site allocation for waste management purposes for the storage of hazardous waste, such as ash and other residues, from energy from waste facilities. The proposal was to store 100,000 tonnes a year for a 20-year period. However the Preferred Options document supported the Port Clarence site for this in preference to the anhydrite mines because it was considered that it takes a more sustainable approach to the management of waste than simple storage. Therefore, it is not considered necessary at this stage to include reference to the Anhydrite mines within the document.

Next Steps

21. Following the Publication stage, the DPDs will be submitted to the Secretary of State in December 2009. The DPDs will then progress to an independent examination in March 2010 before adoption in July 2010.

FINANCIAL IMPLICATIONS

22. Any financial implications will be accommodated within normal budgetary provisions.

LEGAL IMPLICATIONS

23. The Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce Local Development Frameworks, which consist of a portfolio of local development documents (LDDs) setting out spatial planning policies for a defined area. LDDs may be produced on an area or subject basis and joint working, on issues such as minerals and waste, which frequently involves strategic issues that cut across local authority boundaries,

is particularly encouraged under the new system. All spatial planning documents must be subject to a sustainability appraisal.

RISK ASSESSMENT

24. “This report on the Local Development Framework: Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations Development Plan Documents Preferred Options and Sustainability Appraisal is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.”

COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport

25. These documents are intended to assist in the development of sustainable planning policies for the production of minerals and the handling of waste and seek to protect and enhance the quality of the Borough’s environment.

Safer Communities

26. The documents will provide a policy framework for the determination of planning applications for minerals and waste development in the Borough, which will seek to minimise or remove any potential negative impacts on the health and well being of the community.

Children and Young People

27. No direct implications.

Healthier Communities and Adults

28. See above.

Liveability

29. One of the overarching objectives of these documents is to meet the need for minerals resources and facilities for the handling of waste 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.

EQUALITIES IMPACT ASSESSMENT

30. EIA submitted to Diversity Team for approval.

CONSULTATION INCLUDING WARD/COUNCILLORS

31. No specific consultation has been undertaken with ward councillors as the purpose of the report is to seek approval for these documents to be used as a basis for a formal six week consultation period during which anyone with an interest in the Borough has an opportunity to comment.

Name of Contact Officer: Rosemary Young / David Bage
Post Title: Spatial Planning Manager / Planning Officer

Telephone No. 01642 526054 / 526051

Email Address: rosemaryyoung@stockton.gov.uk / david.bage@stockton.gov.uk

Background Papers

The Planning and Compulsory Purchase Act 2004

Minerals Policy Statement 1: Planning and Minerals

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 12: Local Spatial Planning

Ward(s) and Ward Councillors:

See above

Property N/A