

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**DATE 8 July 2010**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **COUNCIL DECISION/CABINET DECISION/KEY DECISION**

**Regeneration and Transport – Lead Cabinet Member – Councillor Cook**

#### **LOCAL DEVELOPMENT FRAMEWORK**

#### **TEES VALLEY JOINT MINERALS AND WASTE CORE STRATEGY AND SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENTS**

#### **PROPOSED SCHEDULE OF CHANGES SUBMISSION DRAFT AND EXAMINATION IN PUBLIC**

1. Summary

This report seeks Members' agreement to the Schedules of Proposed Changes to the Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents, the Sustainability and Environmental Report, Information in Support of a Habitats Regulation Assessment, and of an accompanying Infrastructure Strategy.

It informs members of a six-week period of public consultation for the Schedules of Proposed Changes and the Infrastructure Strategy, and seeks delegated authority.

It seeks that delegated authority for the Head of Planning, in consultation with the Chair of the LDF Members Steering Group to agree any subsequent and necessary changes to the Schedules, the Development Plan Documents and all Supporting Documents and Evidence Base prior to publication and consultation and submission to the Secretary of State for Independent Examination.

2. Recommendations

Members are recommended to:

1. Agree to the proposed actions arising from the Schedule of Proposed Changes for incorporation into the Publication Draft of the Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents; and Sustainability and Environmental Report; and Information in Support of a Habitats Regulation Assessment;
2. Delegate authority to the Head of Planning, in consultation with the Chair of the Local Development Framework Members Steering Group to make any subsequent and necessary amendments to the Schedules of Changes, Development Plan Documents and all Supporting Documents and Evidence Base prior to their

publication for public consultation and subsequent submission to the Secretary of State for Independent Examination;

3. Agree the Infrastructure Strategy;
4. Endorse a period of public consultation for the Publication Draft of the Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents; Sustainability and Environmental Report; Information in Support of a Habitats Regulation Assessment; and Infrastructure Strategy.

3. Reasons for the Recommendations/Decision(s)

To ensure members are aware of and agree the Proposed Changes to the Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents; Sustainability and Environmental Report; Information in Support of a Habitats Regulation Assessment; and Infrastructure Strategy.

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**

This report seeks Members' agreement to the Schedules of Proposed Changes to the Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents, the Sustainability and Environmental Report, Information in Support of a Habitats Regulation Assessment, and of an accompanying Infrastructure Strategy.

It informs members of a six-week period of public consultation for the Schedules of Proposed Changes and the Infrastructure Strategy.

It seeks that delegated authority for the Head of Planning, in consultation with the Chair of the LDF Members Steering Group to agree any subsequent and necessary changes to the Schedules, the Development Plan Documents and all Supporting Documents and Evidence Base prior to publication and consultation and submission to the Secretary of State for Independent Examination.

**RECOMMENDATIONS**

Members are recommended to:

1. Agree to the proposed actions arising from the Schedule of Proposed Changes for incorporation into the Publication Draft of the Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents; and Sustainability and Environmental Report; and Information in Support of a Habitats Regulation Assessment;
2. Delegate authority to the Head of Planning, in consultation with the Chair of the Local Development Framework Members Steering Group to make any subsequent and necessary amendments to the Schedules of Changes, Development Plan Documents and all Supporting Documents and Evidence Base prior to their publication for public consultation and subsequent submission to the Secretary of State for Independent Examination;

3. Agree the Infrastructure Strategy;
4. Endorse a period of public consultation for the Publication Draft of the Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents; Sustainability and Environmental Report; Information in Support of a Habitats Regulation Assessment; and Infrastructure Strategy

## **DETAIL**

5. 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 and policy documents.
6. 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: -
  1. The Core Strategy DPD which sets out overall strategy and generic development control policies for determining applications for minerals and waste developments; and
  2. The Policies and Sites DPD which identifies specific sites for future development and which contains detailed policies for assessing planning applications.
7. The first stage was the Issues and Options Report, which was consulted on in May-June 2007.
8. The second phase of this process was the Preferred Options report, which was consulted on during February – April 2008. The Publication Documents and Supporting Documents were consulted upon for a six-week consultation period beginning in August 2009.
9. The Publication Document was published in August 2009, but a number of formal representations received raised issues, which have required further investigation. A number of changes were proposed to the Publication Documents to overcome those issues.
10. It is expected that the DPD's will be submitted to the Secretary of State in October 2010, along with any representations made on both the initial Publication Documents and the proposed changes. The DPD's will then progress to Independent Examination in 2011 before adoption later that year.

## **NOTABLE PROPOSED CHANGES TO THE CORE STRATEGY DEVELOPMENT PLAN DOCUMENT**

11. The notable proposed changes to the Core Strategy are as follows:

### **Aggregates Provision – Sand and Gravel**

12. The proposed changes are to:
  1. Update figures for the Sand and Gravel requirement during the Plan period;
  2. Provide figures for Sand and Gravel produced 2001 – 2009 and an outstanding balance;

3. Acknowledge that there are sufficient sand and gravel reserves to meet requirements and maintain a 7-year land bank;
4. Acknowledge that the planning status of North Gare and Stockton Quarry and their continued contribution to the supply of sand and gravel is less than certain; and
5. In light of this, propose a new policy to guide proposals for alternative sources should the current reserves fail (**Appendix 1** Proposed Policy MWC 2 Provision of Primary Aggregate Minerals).

### **Aggregates Provision - Crushed Rock**

13. The proposed changes are to:
  1. Supply updated figures for the Crushed Rock requirement during the Plan period, production to 2009, balance outstanding, reserves and shortfall;
  2. Acknowledge that the remaining permitted crushed rock reserve is insufficient to meet neither the Regional Spatial Strategy nor the 10-year land bank requirement;
  3. Acknowledge that further reserves will need to be permitted during the plan period; and
  4. In light of this, propose a new policy to guide proposals for alternative sources. (**Appendix 1** Proposed Policy MWC 2 Provision of Primary Aggregate Minerals).

### **Explanation**

14. The Sand and Gravel Guidelines and Reserves have been amended in light of the most recent apportionment figures. The Tees Valley now has a total production requirement of 260,000 tonnes in the period 2001 to 2025. During the period to 2009, it has been assumed that 90,000 tonnes have been produced so that 170,000 tonnes still remain.
15. The sites that have planning permission and which are to provide sand and gravel in the Tees Valley are Stockton Quarry (Stockton on Tees) and North Gare (Hartlepool). Stockton Quarry is unworked. North Gare is working but within the SPA and Ramsar Site and SSSI, and will be reviewed in 2012 for its impact on the nature conservation interests. Within that process there is a mechanism, which may mean that this permission could be amended or revoked, if it is considered to be causing adverse effects on the designation.
16. Crushed Rock figures now show the reserves available within the Tees Valley to date are 950,000 tonnes and the total requirement to 2021 is 2,900,000, and extrapolated to 2026 (RSS figures) 3,600,000 and therefore there is shortfall in the order of 1,903,000 tonnes. There are insufficient reserves to provide for a land bank of 10 years supply – an annual supply of 138,000 tonnes.
17. A call for sites did not result in any new sites being proposed by operators: New sources are therefore required.
18. A new policy is proposed which would guide development of alternative sand and gravel and crushed rock sources 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

**General Locations of Waste Management Sites**

- 19. The thrust of Policy MWC8 has shifted from pinpointing the location of allocations and development sites of large waste management sites in specific industrial areas to more generalised locations. This approach better reflects the intention of the policy.
- 20. The policy now draws specific attention to the need to consider the impact of development on the SPA and Ramsar Site and any functional land required to support them; and sets out that compensatory habitats may be required.

**Safeguarding Plan – Shallow and Shallow Resources**

- 21. National minerals planning guidance advises that non-minerals development close to or on minerals deposits can sterilise them unnecessarily, and that areas of shallow and deep mineral deposits should be shown in development plans. This ensures effective consideration of the impact of non-minerals development on deposits and operational areas development. The proposed Safeguarding Plans have been amended and they now show, accurately, areas of shallow reserves of minerals in the Tees Valley. This allows proper consideration of policies MWC4 Safeguarding of Minerals Resources from Sterilisation, MWC5 Protection of Minerals Extraction Sites and MWC11 Safeguarding of Port and Rail Facilities (which allows marine dredged sand and gravel).

**Notable Proposed Changes To The Policies And Sites Development Plan Document**

- 22. The notable proposed changes to the Policies and Sites document are as follows:

**1. Policy MWP3: Haverton Hill, Stockton on Tees**

The policy is amended to state that development should be directed to the area of land within the site, which is not identified as being at risk of flooding.

**2. Policy MWP8: Construction and Demolition Waste**

The policy is amended to state that any proposals at Stockton Quarry or Haverton Hill (Both Stockton on Tees) should be directed to that land which is not identified as being at risk of flooding.

- 3. The following Appendices have been amended to reflect the relevant Core Strategy Policies

<b>Appendix A</b>	
Policy Sections relating to:	Now refer to:
Landscape and Visual Impact	Core Strategy Policy CS10
Water	Core Strategy Policy CS10
Biodiversity and Geodiversity	Core Strategy Policy CS10
Traffic	Core Strategy Policy CS2
	Core Strategy Policy CS3 and CS6

## **Appendix B Delivering the Minerals and Waste Core Strategy and Policies and Sites**

4. This Appendix is amended to reflect new policies.

### **Additional Chapter – Provision of Minerals Sites**

23. Reflecting the changes to the Core Strategy in relation to the provision of aggregates (Sand and Gravel and Crushed Rock), a new chapter sets out policies in order to address the need for sand and gravel and crushed rock.
24. In respect of crushed rock, Hart Quarry in Hartlepool is identified as a site with the potential to be extended to provide additional reserves of around 1.32 million tonnes of aggregate grade limestone. A site of 8ha is allocated for that purpose. (Additional Policy MWP2: Hart Quarry Extension (Hartlepool)).
25. This would however leave a shortfall of some 0.583 million tonnes, and planning permissions are likely to be needed.
26. An additional policy is proposed to guide proposals for additional aggregates provision. The policy is set out below:

#### **Policy MWP3: Additional Aggregates Provision**

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:
  1. Impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site
  2. 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, (Stockton on Tees), North Gare extraction site (Hartlepool) or other permitted sites
5. For crushed rock, there is a need for the crushed rock which cannot be met from planning permission or allocated land at Hart Quarry (Hartlepool) or other permitted sites



27. Proposed Minor Changes, where they do not make a material difference to the policy or thrust of the document are not included in the body of this report, but can be found in the attached **Appendices 1, 2 and 3**.

### **Sustainability and Environmental Report & Habitats Regulation Assessment**

28. Local Planning Authorities are required to undertake a Sustainability Appraisal and Strategic Environmental Assessment of development plan documents, which comprise the Local Development Framework. This is a process whereby the sustainability of a plan under preparation is assessed. In this case, it has been considered prudent to amend Sustainability Objectives to include a means of assessing the impact of the policies on matters relating to Equality. The Habitats Regulations Assessment deals with potential effects of plans and policies upon European and Ramsar Sites.
29. **Appendix 3** sets out the update to the Sustainability Appraisal and Habitats Regulations Assessment, which in both cases advised that no changes would be required to the DPD's as a result of the assessments made to the updates and amendments proposed.

### **Infrastructure Strategy**

30. The Infrastructure Strategy forms part of the evidence base for the development plan documents which sets out that the physical, social and green infrastructure needed to enable the development proposed for an area can be delivered. As far as possible, the Strategy identifies the needs and costs associated with development; any phasing of development; and funding sources and responsibilities for delivery. A copy of the document is attached at **Appendix 4**.
31. The Strategy looks at the requirements for sites at Haverton Hill, South Tees Eco-Park, and New Road, Billingham; and more generally, rail infrastructure and sewage treatment. It identifies the need for:
1. A rail connection to the Haverton Hill site;
  2. Off site highways improvements and on site access at South Tees Eco Park; and
  3. Wider improvements to the rail network

And that potentially, infrastructure may be required for

4. Rail connections to the South Tees Eco Park and New Road, Billingham;
5. Access to Port facilities for the South Tees Eco Park;

And

6. Requirements arising from Northumbrian Water's role in providing sewage treatment.

### **Haverton Hill**

32. The Strategy sets out that the infrastructure needs for this site can be met or that there are no significant obstacles to provision. Furthermore, it is clear that responsibility for their provision rests with the operator.

## **New Road, Billingham**

33. The discussion relating to the site is centred on the use of the existing rail line. The Strategy acknowledges that there do exist rail lines, which run through the site, and land either side available for loading facilities, and that this could be used, dependent on the demand arising from the success of future operations.

## **FINANCIAL IMPLICATIONS**

34. The production of these documents can be made within normal budgetary provision

## **LEGAL IMPLICATIONS**

35. 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.

## **RISK ASSESSMENT**

36. 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.

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

### **Economic Regeneration and Transport**

37. 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**

38. 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**

39. No direct implications.

### **Healthier Communities and Adults**

40. See above.

### **Environment and Housing**

41. 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.

**Supporting Themes:-**

**Stronger Communities:**

42. No direct implications

**Older Adults:**

43. No direct implications

**Arts Leisure and Culture:**

44. Restoration following completion of minerals and waste sites may, in appropriate circumstances, lead to the creation or improvement of habitats for nature conservation and provide for public access

**EQUALITIES IMPACT ASSESSMENT**

45. This report is not subject to an Equality Impact Assessment, however the Sustainability Appraisal of the Development Plan Documents themselves includes such an assessment. There are no proposed changes arising from the results of the Equality Impact Assessment.

**CORPORATE PARENTING**

46. None

**CONSULTATION INCLUDING WARD/COUNCILLORS**

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

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Education related? No

Background Papers

Tees Valley Joint Waste and Minerals Core Strategy Development Plan Document Publication Report August 2009  
Tees Valley Joint Waste and Minerals Policies and Sites Development Plan Document Publication Report August 2009  
Sustainability Appraisal Environmental Report August 2009  
Habitats Regulations Assessment Information in Support of a Habitats Regulations Assessment August 2009  
Addendum to Tees Valley Joint Minerals and Waste Core Strategy Publication Report – Schedule of Proposed Changes August 2010

Addendum to Tees Valley Joint Minerals and Waste Policies and Sites Publication Report –  
Schedule of Proposed Changes August 2010  
Addendum to Sustainability Appraisal Environmental Report and Information in Support of Habitats  
Regulations Assessment August 2009  
Tees Valley Joint Minerals and Waste Development Plans Document – Background paper No. 7  
Infrastructure Strategy May 2010  
PPS12 Local Spatial Planning  
PPS10 Waste Management

Ward(s) and Ward Councillors: N/A

Property N/A