

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**16 JUNE 2011**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

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

#### **Local Development Framework**

#### **Tees Valley Joint Minerals and Waste Core Strategy Development Plan Document (DPD) Tees Valley Joint Minerals and Waste Policies and Sites Development Plan Document (DPD)**

##### 1. Summary

This report advises that following the Examination in Public of the Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents (DPD), the five Tees Valley Authorities have now received the Inspector's Final Binding Report into the soundness of those documents.

It summarises the main issues considered by the Inspector and sets out his conclusion that the DPDs provide an appropriate basis for the planning of minerals and waste in the Tees Valley for the periods of the plans. Furthermore, he took the view that the Councils have sufficient evidence to support the Core Strategy and the Policies and Sites DPDs, and can show that each has a reasonable chance of being delivered. The Inspector considered that both plans are sound and require no further changes, other than those proposed by the Councils, to make them so. Both plans are considered consistent with the principles contained in the Ministerial Statement "Planning for Growth". A copy of the Inspector's Report is attached at **Appendix 1**, and is available for inspection at the Member's Library or to download from the Council's website.

The report also sets out that the next stage is for the Council to adopt the DPDs and seeks approval of those documents for that purpose. It also seeks delegation to the Head of Planning the authority to make any necessary minor amendments to the documents prior to adoption.

It advises that once the Councils have adopted the documents, any person aggrieved by the Core Strategy or Policies and Sites DPDs may make an application to the High Court on the grounds that the document is not within the appropriate powers and/or a procedural requirement has not been complied with can be made within six weeks from the date of adoption.

The DPDs are substantial documents and have therefore been made available for inspection in the Member's Library and the Council's website.

##### 2. Recommendations

It is recommended that Cabinet: -

1. Note the contents of this report;

2. Approve the Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents for adoption; and
3. Delegate to the Head of Planning the authority to make any necessary minor amendments to the Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents prior to adoption.

3. Reasons for the Recommendations/Decision(s)

There is a statutory duty under the Planning and Compulsory Purchase Act 2004 for local authorities to adopt a development plan for their respective areas. The Minerals and Waste DPDs will be development plan documents that set out the Council's vision and strategy for meeting known and anticipated minerals and waste development requirements to 2026.

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 judgment 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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Tees Valley Joint Minerals and Waste Policies and Sites Development Plan Document (DPD)**

**SUMMARY**

This report advises that following the Examination in Public of the Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents (DPD), the five Tees Valley Authorities have now received the Inspector's Final Binding Report into the soundness of those documents.

It summarises the main issues considered by the Inspector and sets out his conclusion that the DPDs provide an appropriate basis for the planning of minerals and waste in the Tees Valley for the periods of the plans. Furthermore, he took the view that the Councils have sufficient evidence to support the Core Strategy and the Policies and Sites DPDs, and can show that each has a reasonable chance of being delivered. The Inspector considered that both plans are sound and require no further changes, other than those proposed by the Councils, to make them so. Both plans are considered consistent with the principles contained in the Ministerial Statement "Planning for Growth". A copy of the Inspector's Report is attached at **Appendix 1**, and is available for inspection at the Member's Library or to download from the Council's website.

The report also sets out that the next stage is for the Council to adopt the DPDs and seeks approval of those documents for that purpose. It also seeks delegation to Officers the authority to make any necessary minor amendments to the documents prior to adoption.

It advises that once the Councils have adopted the documents, any person aggrieved by the Core Strategy or Policies and Sites DPDs may make an application to the High Court on the grounds that the document is not within the appropriate powers and/or a procedural requirement has not been complied with can be made within six weeks from the date of adoption.

The DPDs are substantial documents and have therefore been made available for inspection in the Member's Library and the Council's website.

**RECOMMENDATIONS**

It is recommended that Cabinet: -

1. Note the contents of this report;
2. Approve the Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents for adoption; and

3. Delegate to the Head of Planning the authority to make any necessary minor amendments to the Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents prior to adoption.

## DETAIL

### Introduction and Context

1. The Tees Valley Joint Minerals and Waste DPDs have been prepared for two subjects where cross boundary issues are a common occurrence. The Core Strategy (CS) contains the long term spatial vision and strategic policies required to deliver the key objectives for minerals and waste development within the five Boroughs. The Policies and Sites (PaS) document identifies specific sites for future minerals and waste management development together with a limited range of policies, which will be used to assess minerals and waste planning applications.
2. On 8 July 2010, Cabinet agreed the detail of the Core Strategy and Policies and Sites for Examination in Public (Decision Reference: D100080). A government appointed Inspector led the discussions, which involved contributions from the Tees Valley authorities, as well as other interested parties. The Inspector concentrated on eleven issues, and reported his final findings to each Authority on 16 May 2011 in a written report that signalled the end of the examination process.

### Core Strategy Development Plan Document

3. **Issue 1 – Are the Vision and Strategic Objectives sufficiently focussed, spatial and locally distinctive?** The Inspector considered that the Vision and Strategic Objectives were developed from a clear understanding of the evidence base derived from the five Boroughs and the development pressures, which spring from the need to regenerate the industrial land and town centres in the area. He is satisfied that the vision and strategic objectives provide a sound, relevant and locally distinctive basis for the spatial strategy.
4. **Issue 2 – Whether the Minerals Strategy is consistent with the national objectives for minerals planning.** The minerals strategy pursues the prudent, efficient and sustainable use of minerals. In light of this, the Inspector concluded that by seeking to identify sources of alternatives to primary mineral resources, including secondary and recycled materials; ensuring that new build developments contribute to the efficient use of resources as well as seeking to increase in the use of construction and demolition waste as an alternative mineral, that the Minerals Strategy is consistent with the national objectives.
5. **Issue 3 – Whether the provision in the plan for the supply of land won sand and gravel from the Tees Valley appropriately reflects the constraints, which affect its extraction.** The Inspector considered that the approach to the supply of land won sand and gravel appropriately reflects the constraints, which affect its extraction. In identifying a shortfall in reserves of crushed rock, the Core Strategy sets out a sequential approach of (a) existing permitted mineral extraction sites, (b) extensions to existing sites and (c) new mineral extraction sites. The sequence reflects advice in national Mineral Planning Statement 1. The Inspector explains that he has no reason to doubt the statement in the Core Strategy that the permitted reserves and anticipated production of sand and gravel from North Gare and Stockton Quarry are likely to meet the guideline production figures for 2010 – 2026. In light of this, he concludes that the Core Strategy contains locally distinctive policies, which identifies levels of provision and the supply of important minerals in the area.
6. **Issue 4 – Whether sufficient regard has been paid to the need to safeguard economically important minerals from sterilisation.** The Councils' approach to non-

minerals related development on or close to mineral deposits is to expect applicants to demonstrate within the submission for planning permission how the minerals resources will be protected from sterilisation. The Inspector considers this approach to be founded on a robust and credible evidence base, and consistent with national policy.

7. **Issue 5 – Whether appropriate provision has been made for the supply of alternative material.** The Inspector notes that the Core Strategy supports the development of facilities to process materials, which can be used as alternatives to primary aggregates, where those materials are being produced and, in existing minerals extraction and waste management sites - with the exception of North Gare. Furthermore, he notes that policy also indicates that the environmental impacts of such development would have to be minimised. The Inspector considered the approach in accordance with national advice and fully justified by the evidence.
8. **Issue 6 – Whether the waste strategy is compatible with the key planning objectives for sustainable waste management.** The Inspector acknowledges that the Core Strategy approach is to promote facilities and development which drive waste management up the hierarchy. He considers this totally consistent with the first key planning objective in national policy: likewise the safeguarding of necessary infrastructure to enable the sustainable transport of waste. He notes that the Core Strategy waste strategy recognises the local distinctiveness of the Tees Valley and its ability to manage specialist waste streams, and furthermore that it has regard to the Joint Municipal Waste Management Strategy. He also notes the particular nature conservation interest of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site and the need to avoid any adverse impact either alone or in combination with other plans and programmes. The Inspector considers the waste strategy of the Core Strategy, both in its general approach and its particular implementation through the related policy to be justified.
9. **Issue 7: Whether there is evidence of a shortfall of management capacity of the different waste types within the Plan period.** The Core Strategy sets out the predicted arisings of Municipal Solid Waste (MSW) and Commercial and Industrial (C&I) waste, hazardous waste, and construction and demolition waste figures. The Inspector considers that the information is the latest and best available, and does not question its appropriateness. The Core Strategy also sets out the need for additional facilities for composting, a gradual reduction in the recovery of value from MSW and C&I waste, the treatment and management of hazardous waste, and the requirement for an additional facility for Household Waste Recycling Centre in the south of the Borough. The Inspector also found that the Core Strategy estimates for future waste management requirements to be founded on a robust and credible evidence base with reasoned assumptions, which look at least 10 years into the future. This approach, he concluded, is fully consistent with the approach in national policy.
10. **Issue 8 – Whether there is sufficient spatial guidance within the CS to enable suitable land allocations to be made.** The Core Strategy has two approaches to allocations depending on the scale of facilities. It sets out that waste management facilities will be delivered by a combination of large sites, including clusters, and small sites. Policies and Sites policy gives effect to the two approaches. Policy states that small waste management sites will be provided throughout the plan area and be well related to the source of waste arisings or near to the markets for any materials produced. Three general areas are proposed for large sites: one to the south of the River Tees and two to the north, each within the vicinity of the estuary. It sets out that in determining the suitability of a site within these areas, consideration will be given to the potential impact on the protected European species associated with the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site and any functional land required to support them. On considering the overall approach, the Inspector found it to be very robust and reasonable.

11. The CS sets out overarching policies and strategies, and in relation to composting, and identifies a need for one site during plan period. The Policies and Sites DPD then actions that requirement in Policy MWP3, by allocating the Haverton Hill site for composting to provide capacity of 50,000 tonnes per annum. Policy MWP9 also provides support for small scale composting facilities throughout the Tees Valley and includes criteria based policies for assessing any such proposals, which come forward. This provides a flexible approach to meeting the capacity requirements identified. If the proposal at Haverton Hill was not forthcoming, the capacity gap could be met by a number of small, scale and vice versa. If Haverton Hill were developed, and small, scale facilities are also progressed, the over provision of capacity which would result would further help to improve composting rates in the Tees Valley.
12. Having regard to all the evidence, he is satisfied that the strategy of the Core Strategy towards the spatial guidance for allocations is justified, is likely to be effective and deliverable, and is consistent with national policy objectives.
13. **Issue 9 – Whether the Plan’s provision for sustainable transport is sound.** The Inspector highlights that the Core Strategy acknowledges that the bulkiness of minerals and waste materials makes the transport of them issues of economics and sustainability. He also notes that most minerals and waste is transported by road and that there are significant stretches of the Strategic Highways Network in the Tees Valley, which are currently suffering from capacity stress. Furthermore, that the plan also refers to the numerous “freight only” rail lines, which exist along both banks of the River Tees and into individual industrial sites. Policies seek to prioritise the use of non road based transport for the movement of minerals and waste resources and also to enable users or employees of waste and minerals facilities easy access by alternatives to the private motor vehicle, and the safeguarding of port and rail facilities. The Inspector considers that this approach towards the transport of minerals and waste meets sustainability objectives and consistent with national policy. Furthermore, he finds the policies founded on a robust and credible evidence base.

#### **Policies and Sites Development Plan Document**

14. **Issue 10 – Whether the resources of aggregates which have been allocated to meet the forecast demands are adequate having regard to the particular circumstances of the Tees Valley.** The Inspector accepts the Core Strategy approach which sets out that sand and gravel requirements between 2010 and 2026 could be provided from North Gare, Hartlepool and Stockton Quarry, Stockton on Tees, should they be active. However, due to uncertainty about the continued working at North Gare and the inactivity at Stockton Quarry, he accepts the need for policies to guide proposals for alternative sand and gravel supplies. The Inspector also accepts that there is a shortfall in the reserves of crushed rock over the plan period. He notes that the plan therefore provides an extension to Hart Quarry, Hartlepool, to satisfy that need. Where the more general supply of aggregates fails, policy indicates that proposals for the extraction of aggregates will be supported where imports into the Tees Valley would be reduced, and there would be no significant adverse impact on important environmental designations, citing the Teesmouth and Cleveland Coast SPA and Ramsar site, the Teesdale Way, flood risk zones and green wedges. The Inspector considers that the approach to aggregates extraction is in accordance with national policy and justified.
15. **Issue 11 – Whether the sites identified in the Policies and Sites DPD meet the requirements for additional facilities outlined in the CS.** In making allocations in the document to deliver the requisite waste management uses, and as those at Haverton Hill, New Road, Port Clarence and the South Tees Eco-Park already have planning permission, the Inspector has no reason to doubt the deliverability of the plan. Furthermore, on the evidence presented, he saw no reason why requested allocations for the Anhydrite Mine at

Billingham and Brenda Road, Hartlepool should be made. He concluded that there was no substantive evidence to demonstrate that the DPD is unsound in this regard.

16. The inspector also endorsed a number of minor changes to the document suggested by the authorities and set them out in a table, which appended to his Report.

### **INSPECTORS CONCLUSION AND RECOMMENDATION**

17. The Inspector's Report concludes that the Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents (DPDs) provide an appropriate basis for the planning of minerals and waste in the Tees Valley for the periods of the plans. The Councils have sufficient evidence to support the Core Strategy DPD and the Policies and Sites DPD and can show that each has a reasonable chance of being delivered. Both plans are sound and require no further changes to make them so. Both plans are consistent with the principles contained in the Ministerial Statement "Planning for Growth".
18. Furthermore, he confirmed that the Tees Valley Joint Minerals and Waste Core Strategy DPD and the Tees Valley Joint Minerals and Waste Policies and Sites DPD satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in Planning Policy Statement 12. He endorsed the Councils' proposed minor changes to both plans and any proposed editorial changes to correct typographical errors or spelling errors.

### **THE NEXT STEPS**

19. Each of the Tees Valley authorities must adopt the Development Plan Documents separately. Once this has been done, a joint adoption date will be confirmed. At this time, the documents will be deposited at formal inspection points in each administrative area, and adoption generally advertised and individual notifications sent as necessary. The Proposals Map for each authority will be updated to reflect notation on the adopted plans and maps as soon as practicable after adoption.
20. For a period of six weeks, from the date of adoption, anyone aggrieved by the DPDs may make an application to the High Court, but only on the grounds that the document is not within the appropriate powers and/or a procedural requirement has not been complied with.

### **EXPLANATION FOR RECOMMENDATION: DELEGATED AUTHORITY**

21. To date, all stages of the progress of the documents and changes have, in the main, required the endorsement and approval of Members Steering Group, Planning Committee, Cabinet and Council.
22. At this stage, the changes that may be required are limited to those of an editorial nature and cannot affect strategies and policies. It is therefore considered expedient to recommend that any future decisions regarding amendments be delegated to the Head of Planning.

### **VIEWS OF THE LOCAL DEVELOPMENT FRAMEWORK MEMBER STEERING GROUP AND PLANNING COMMITTEE**

23. At the time of drafting, it was the intention to present the Minerals and Waste Development Plan Documents to the LDF Member Steering Group on 14 June and Planning Committee on 8 June 2011. Any comments and amendments arising from those meetings will be reported verbally.

## **FINANCIAL IMPLICATIONS**

24. The adoption and publication of the adopted Minerals and Waste Core Strategy and Policies and Sites DPDs can be met within existing budgetary arrangements. The cost of any subsequent challenge in the High Court is unknown.

## **LEGAL IMPLICATIONS**

25. 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.

## **RISK ASSESSMENT**

26. These Minerals and Waste Development Plan Documents are 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**

27. 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 and 'Health' above and 'Education and Lifelong Learning' below.

### **Safer Communities**

28. 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.

### **Children and Young People**

29. None specific.

### **Healthier Communities and Adults**

30. 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.

### **Environment and Housing**

31. The Mineral and Waste Development Plan Documents aim to ensure that development makes a positive contribution to sustainable development within the Borough of Stockton-



on-Tees. Sustainability is at the heart of adopted policies, and new strategies and policies will also seek to enhance the quality of the Borough's natural and built environment.

### **Stronger Communities**

32. See 'Healthier Communities and Adults'

### **Older Adults**

33. See 'Healthier Communities and Adults'

### **Education and Lifelong Learning**

34. 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.

### **Arts Leisure and Culture**

35. See above.

### **EQUALITIES IMPACT ASSESSMENT**

36. This report is not subject to an Equalities Impact Assessment because the Development Plan Documents themselves have been subject to Sustainability Appraisal which incorporated Equality Impact Assessment.

### **CONSULTATION INCLUDING WARD/COUNCILLORS**

37. As this is a Borough wide document, it is not possible to identify specific wards or ward councillors for consultation.

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Education related: No

Background Papers:

- Planning Policy Statement 12: Local Development Frameworks
- Tees Valley Joint Waste and Minerals Core Strategy Development Plan Document Submission Document November 2010
- Tees Valley Joint Waste and Minerals Policies and Sites Development Plan Document Submission Document November 2010
- Inspector's Final Binding Report dated 16 May 2011

Ward(s) and Ward Councillors: **ALL WARDS AND WARD COUNCILLORS**

Property: **N/A**