

AGENDA ITEM

CORPORATE AFFAIRS COMMITTEE

4TH August 2009

**TEES VALLEY JOINT MINERALS AND WASTE DEVELOPMENT PLAN
DOCUMENTS: CORE STRATEGY AND POLICIES AND SITES PUBLICATION
REPORTS**

KEVIN PARKES – INTERIM DIRECTOR OF REGENERATION

PURPOSE OF THE REPORT

1. The purpose of this report is to endorse:
 - a) the publication of the Tees Valley Minerals and Waste Development Plan Documents and accompanying Sustainability Appraisal Report, for the purposes of public consultation; and,
 - b) the submission to the Secretary of State of the Tees Valley Minerals and Waste Development Plan Documents.

Once adopted, the DPDs will form part of the Middlesbrough Local Development Framework (LDF).

BACKGROUND AND EXTERNAL CONSULTATION

2. Each local authority in the country is required to produce a Local Development Framework (LDF) for their respective area. LDFs must contain clear and up to date spatial planning frameworks to enable the efficient delivery of new development and spatial planning policies for Minerals and Waste. The Middlesbrough LDF is made up of a portfolio of documents, including the adopted Core Strategy and Regeneration DPD.
3. LDF's must contain spatial planning policies for minerals and waste. In Tees Valley, the local authorities (Darlington, Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees) have joined together with consultants (Entec

UK) to prepare planning policies on minerals and waste. This approach provides a number of advantages including economies of scale and a joined-up approach to deal with cross-boundary issues.

4. Two Minerals and Waste DPDs are being prepared, which will cover the period from 2010 to 2025. These are the:
 - a) Core Strategy; and,
 - b) Policies and Sites document.

In addition, the production of the DPDs has been subject to a Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) and a Habitats Regulations Assessment.

5. The Publication Documents represent the third stage of the preparation process following the Issues and Options (May 2007) and Preferred Options (February 2008) stages. Extensive public and stakeholder consultation was undertaken during the preparation process, with involvement from the public, community groups, the minerals and waste industry and statutory and non-statutory organisations. The consultation responses to the Issues and Options Report and Preferred Options Reports are available in the Members Library. In accordance with legislation the DPDs need to be approved by full Council.

Objectives of the Tees Valley Minerals and Waste DPDs

6. The Minerals and Waste Core Strategy contains the long term spatial vision and strategic policies needed to achieve the key objectives for minerals and waste developments in the Tees Valley.
7. The Minerals and Waste Policies and Sites DPD will, in conformity with the Minerals and Waste Core Strategy, identify specific sites for future minerals and waste development. It will also provide a limited range of policies to assess minerals and waste planning applications coming forward on un-allocated sites within the Tees Valley.
8. The strategic objectives of the DPDs are set out in the Minerals and Waste Core Strategy, and include:
 - a) providing an agreed and appropriate contribution towards the provision of a steady supply of minerals;
 - b) minimising the use of primary aggregates and prioritising secondary and alternative materials for construction use;
 - c) safeguarding minerals resources from unnecessary sterilisation;
 - d) supporting the implementation of the Tees Valley Joint Municipal Waste Management Strategy particularly in minimising waste production;
 - e) promoting the re-use, recycling and recovery of value from waste;
 - f) providing a network of accessible small scale waste management facilities;
 - g) promoting the development of resource recovery parks where symbiotic relationships between industries can flourish;

- h) promoting the management of waste close to its point of production whilst recognising the existing role and future potential of the Tees Valley in specialist waste management;
 - i) safeguarding sustainable minerals transport infrastructure and promoting sustainable transport, particularly the existing rail and port facilities;
 - j) ensuring minerals and waste development protects and enhances the quality and diversity of public amenity and natural, historic and cultural heritage;
 - k) ensuring the highest standards in the operation, environmental management and restoration of existing and new minerals extraction and landfill sites; and,
 - l) ensuring the highest standards of design, operation and environmental management of waste management and minerals processing facilities.
9. The strategic objectives and policies contained in the DPDs aim to drive minerals supply and waste management up their respective hierarchies. This means that with regards to minerals, the most sustainable option is to reduce the amount used, followed by sourcing minerals from secondary and recycled materials, and finally through the primary extraction of materials. For waste, the most sustainable option is waste minimisation, followed by re-use, then recycling and composting, before energy recovery and finally, disposal.

Minerals

10. The Minerals and Waste Core Strategy identifies that no further minerals extraction sites are required in the Tees Valley over the plan period.
11. The provision of primary aggregate minerals will be delivered by permitted reserves outside Middlesbrough, for example Stockton Quarry (Stockton-on-Tees Borough). In addition, the development of facilities to process materials, which can be used as alternatives to primary aggregate resources, will be supported at existing minerals extraction and waste management sites and sites where these materials are being produced. Safeguards are also in place, which seek to protect potential sources of minerals from sterilisation.

Waste

12. Whilst the Minerals and Waste Core Strategy identifies that no further minerals extraction sites are required in the Tees Valley over the plan period, additional waste management capacity is required.
13. The sustainable management of waste arising in the Tees Valley will be delivered by:
- a) making provision for sufficient annual waste capacity;
 - b) promoting facilities and development that contribute to the minimisation of waste production;
 - c) ensuring that the distribution of waste management sites across the Tees Valley is well related to the source of waste arisings, related industries or the markets for products created; and

- d) safeguarding necessary infrastructure to enable sustainable transport of waste; and, developing the regional and national role of the Tees Valley for the management of specialist waste streams.
14. The requirements for the Tees Valley are as follows:
- a) composting at least 16,000 tonnes of municipal solid waste and commercial and industrial waste per year from 2010, rising to at least 24,000 tonnes per year in 2016 and 31,000 tonnes per year by 2021;
 - b) recovery of value from at least 80,000 tonnes of municipal solid waste and commercial and industrial waste per year from 2010, rising to 83,000 tonnes per year by 2021;
 - c) recycling of at least 700,000 tonnes of construction and demolition waste per year from 2016, rising to 791,000 tonnes per year by 2021; and
 - d) additional treatment and management facilities to reduce the amount of hazardous waste that is sent to landfill for disposal each year from the 2007 level of 130,000 tonnes.
15. Specific sites allocated in the Policies and Sites DPD to provide this capacity include:
- a) Greythorp Industrial Estate (Hartlepool Borough) to manage and recycle commercial and industrial waste;
 - b) Haverton Hill (Stockton-on-Tees Borough) for the recovery of value of municipal solid waste and commercial and industrial waste;
 - c) New Road, Billingham (Stockton-on-Tees Borough) to deal with municipal solid waste and commercial and industrial waste;
 - d) Port Clarence (Stockton-on-Tees Borough) to recover value from hazardous waste and soils;
 - e) South Tees Eco Park (Redcar & Cleveland Borough) to recover value from municipal solid waste and commercial and industrial waste;
 - f) Stockton South Area of Search (Stockton-on-Tees Borough) for a household waste recycling centre; and
 - g) Hart Quarry (Hartlepool Borough), Stockton Quarry (Stockton-on-Tees Borough), South Tees Eco Park, Haverton Hill, Port Clarence, New Road and sites where it is being produced, as priority locations for the recycling of construction and demolition waste.

Implications of the DPDs for Middlesbrough

16. Due to the predominant urban character of the town and the fact that no minerals or waste sites have been specifically identified within the borough, the implications of Minerals and Waste DPDs for Middlesbrough are understandably lower than for the other Tees Valley authorities.
17. In previous versions of the Minerals and Waste Core Strategy, wharves on the River Tees within Middlesbrough were identified for the landing of marine dredged sand and gravel, together with the safeguarding of associated land for the development, extension and continuation of this activity. However, to ensure

that the successful regeneration of Middlesbrough is not hindered, references to the wharves within Middlesbrough have now been deleted from the DPDs. The policy framework is now considered to be flexible enough to allow such activities to continue and related development to come forward, whilst ensuring the regeneration aspirations for Greater Middlesbrough are not compromised. This approach will ensure that there is no conflict between the policies within the Minerals and Waste Core Strategy and those in the Regeneration DPD. Such conflict could lead to the Minerals and Waste DPDs being found unsound at the Public Examination.

18. That notwithstanding, a number of policies remain which have potential implications for Middlesbrough. These are detailed below in paragraphs 19 to 21.
19. Minerals and Waste Core Strategy Policy MWC8 specifies that land will be provided in the industrial area south of the River Tees for a waste management site. Whilst this facility is envisaged for Redcar and Cleveland Borough, it will serve the South Tees area, including Middlesbrough. In addition, the policy sets out that small waste management sites and any landfill sites required will be provided throughout the plan area and will be well related to the source of waste arisings, or the markets for any materials produced. It is possible that such schemes may come forward within Middlesbrough but these could be effectively controlled through relevant policies in the Minerals and Waste Core Strategy, Middlesbrough LDF Core Strategy and Regeneration DPD.
20. Minerals and Waste Policies and Sites DPD Policy MWP1 sets out the requirement for a waste audit to be completed for all major development proposals (for a definition of major development see Appendix A), including residential, retail, employment and industrial development. The audit should identify the amount and type of waste expected to be produced by the development during the construction phase and once it is in use, how waste will be minimised, and where it will be managed.
21. The Minerals and Waste Policies and Sites DPD also includes criteria based policies for construction and demolition waste, small scale green waste composting facilities and small scale waste management operations. Schemes of this nature could take place within Middlesbrough, but any such development coming forward could be effectively controlled through the criteria contained in the respective policies, in addition to relevant policies in the Minerals and Waste Core Strategy, Middlesbrough LDF Core Strategy and Regeneration DPD.
22. The preparation of a Tees Valley Minerals and Waste Core Strategy will result in Middlesbrough having two Core Strategies in its LDF; the overarching Core Strategy, and the other specific to minerals and waste. To avoid confusion, these will be merged as soon as practicable via the review process, to produce a single Core Strategy. The Minerals and Waste Policies and Sites DPD will remain as a joint document across the five boroughs.

Consultation Process and Next Steps

23. The Core Strategy and Policies and Sites DPD will be published for public consultation in August 2009, for the statutory period of six weeks. They will be published alongside the accompanying Sustainability Appraisal Report, which has informed the policies contained within the DPDs. Entec UK will undertake consultation on behalf of the five Tees Valley authorities and the Joint Strategy Unit (JSU). This consultation will be undertaken in accordance with the requirements of each of the authority's Statement of Community Involvement (SCI).
24. The views of the Middlesbrough Partnership have already been sought on the content of the DPDs. The Executive Board of the Middlesbrough Partnership endorsed the policies and proposals within the Tees Valley Minerals and Waste DPDs on 20th April 2009.
25. Following the statutory public consultation process, the DPDs will progress to submission to the Secretary of State (Government Office North East). This is envisaged for November 2009. Following submission, the Secretary of State will appoint an Inspector to hold a Public Examination for each DPD. These examinations are planned for February 2010 and will assess the 'soundness' of the DPDs. If found sound, the DPDs are likely to be adopted by July 2010.
26. Minor amendments to the DPDs may be required prior to both their publication for public consultation, and submission to the Secretary of State. Such changes may be made to improve legibility or ensure the DPDs are up to date, for example. These changes can be made to a DPD without further public consultation.

OPTION APPRAISAL/RISK ASSESSMENT

27. This stage of consultation is a requirement under the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. Failure to undertake it may result in the LDF being found unsound by an independent inspector and, consequently, delay the adoption. This would have an impact upon achievement of the milestones identified in the LDS and, consequently, any assessment of the Council's performance. If, as a consequence of the LDF being found unsound, it is necessary to go out to consultation again, there may be financial implications. This is also likely to delay the delivery of some of the Council's main regeneration activities and priorities.
28. Failure to undertake consultation in August 2009 on the Core Strategy and Policies and Sites Publication Reports could delay the Public Examination and Adoption of the DPDs. Article 7 of the EU Waste Framework Directive requires planning authorities to have waste disposal sites identified 'through maps or sufficiently precise criteria' by July 2010. Failure to do so could make the Tees Valley authorities liable to infraction fines.

FINANCIAL, LEGAL AND WARD IMPLICATIONS

29. The costs of preparation of the documents and the associated consultation is being shared between the five authorities. The Council's contribution for the preparation of the Minerals and Waste DPDs have been identified within the LDF budget for 2009/10 and 2010/11. These are as follows:

2009/10	2010/11
£26,791	£11,505

30. The preparation of Tees Valley Joint Minerals and Waste DPDs, in that it will address issues of waste disposal and minimisation, will potentially have an impact upon all of the wards within the town.
31. The preparation of minerals and waste policies is a statutory requirement for unitary authorities and must form part of the LDF.

SCRUTINY CONSULTATION

32. Scrutiny has not been consulted on this report

RECOMMENDATIONS

33. It is recommended that the Council approves:
- a) the publication of the Tees Valley Minerals and Waste Development Plan Documents and accompanying Sustainability Appraisal Report, for the purposes of public consultation;
 - b) the submission to the Secretary of State of the Tees Valley Minerals and Waste Development Plan Documents, subject to no substantive changes to the documents being necessary following publication and the public consultation process; and,
 - c) giving authority for the Director of Regeneration, in consultation with the Executive Member for Regeneration and Economic Development, to make any necessary minor amendments to the documents prior to both their publication for public consultation and submission to the Secretary of State.

REASONS

34. The recommendation is supported by the following reasons:
- a) 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, DPDs should include minerals and waste policies;

- b) supporting the above recommendation will enable progress to be made on the preparation and adoption of the LDF in accordance with the timetable agreed in the LDS; and,
- c) Article 7 of the EU Waste Framework Directive requires planning authorities to have waste disposal sites identified through maps or sufficiently precise criteria by July 2010. Failure to do so could make the Tees Valley authorities liable to infraction fines.

BACKGROUND PAPERS

36. The following background papers were used in the preparation of this report:

Planning Policy Statement 10: Planning for Sustainable Waste Management
Planning Policy Statement 12: Local Spatial Planning

AUTHOR: David Marjoram
TEL NO: 729067