

MIDDLESBROUGH COUNCIL	
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Report of:	Corporate Director of Regeneration and Housing – Richard Horniman
Relevant Executive Member:	Executive Member for Development – Cllr Theo Furness
Submitted to:	Council
Date:	9 September 2026
Title:	Tees Valley Joint Minerals and Waste Local Plan
Report for:	Decision
Status:	Public
Council Plan priority:	A successful and ambitious town
Key decision:	No
Why:	Not applicable
Subject to call in?	No
Why:	Council Decision

Proposed decision(s)	
That the Council (insofar as it relates to Middlesbrough):	
• approves the commencement of the preparation of the Tees Valley Joint Minerals and Waste Local Plan in accordance with the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning) (England) Regulations 2026; and • delegates authority to the Corporate Director of Regeneration and Housing in consultation with the Executive Member for Development to: ○ explore and negotiate the terms of a new Tees Valley Joint Minerals and Waste Local Plan, in partnership with neighbouring Tees Valley authorities; ○ prepare, publish and submit a 'Notice of intention to commence the Tees Valley Joint Minerals and Waste Local Plan'; ○ publish and update the Tees Valley Joint Minerals and Waste Local Plan Timetable monthly (or as required), to ensure an up-to-date timetable is publicly available in accordance with Regulation 6 of the Town and Country Planning (Local Planning) (England) Regulations 2026; ○ undertake a 'scoping consultation' on the joint Tees Valley Joint Minerals and Waste Local Plan; and	

- produce all associated documentation to allow the joint Tees Valley Minerals and Waste Local Plan to progress through Gateway 1.

Executive summary

In accordance with the requirements of the Planning and Compulsory Purchase Act 2004, the Levelling-up and Regeneration Act 2023, and the Town and Country Planning (Local Planning) (England) Regulations 2026, Middlesbrough Council is required to review and update its planning policy framework relating to minerals and waste development.

The purpose of this report is to seek approval to commence preparation of a new Tees Valley Joint Minerals and Waste Local Plan, in partnership with neighbouring Tees Valley authorities. The new plan will provide an up-to-date statutory framework for managing mineral extraction, safeguarding mineral resources, waste management infrastructure, recycling facilities, landfill restoration, and associated development across the Tees Valley.

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

1.1 The Report seeks the approval to commence the preparation of the Tees Valley Joint Minerals and Waste Local Plan, and to secure the appropriate delegated authority to progress the Plan to Gateway 1 of the new plan-making system.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	The Tees Valley Joint Minerals and Waste Local Plan will set out policies for the delivery of sustainable development related to minerals and waste, which will support the wider development aspirations of the borough.
A healthy Place	The Tees Valley Joint Minerals and Waste Local Plan will support the aim to protect and improve our environment through the delivery of sustainable development related to minerals and waste.
Safe and resilient communities	The Tees Valley Joint Minerals and Waste Local Plan will help to ensure that the development needs of our communities are met.
Delivering best value	The Tees Valley Joint Minerals and Waste Local Plan will support best value through ensuring our statutory duties are met and that the policy framework will deliver sustainable development related to minerals and waste.

2. Recommendations

2.1 That the Council (insofar as it relates to Middlesbrough):

- approves the commencement of the preparation of the Tees Valley Joint Minerals and Waste Local Plan in accordance with the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning) (England) Regulations 2026; and
- delegates authority to the Corporate Director of Regeneration and Housing in consultation with the Executive Member for Development to:
 - explore and negotiate the terms of a new Tees Valley Joint Minerals and Waste Local Plan, in partnership with neighbouring Tees Valley authorities;
 - prepare, publish and submit a 'Notice of intention to commence the Tees Valley Joint Minerals and Waste Local Plan';
 - publish and update the Tees Valley Joint Minerals and Waste Local Plan Timetable monthly (or as required), to ensure an up-to-date timetable is publicly available in accordance with Regulation 6 of the Town and Country Planning (Local Planning) (England) Regulations 2026;
 - undertake a Scoping consultation on the joint Tees Valley Joint Minerals and Waste Local Plan; and
 - produce all associated documentation to allow the joint Tees Valley Minerals and Waste Local Plan to progress through Gateway 1.

3. Rationale for the recommended decision(s)

- 3.1 In order to meet the Council's statutory duty to prepare a development plan for the area, it is necessary to commence work on the Joint Tees Valley Minerals and Waste Local Plan.
- 3.2 To satisfy the Regulations, it is necessary to prepare and submit a 'Notice of intention to commence the Tees Valley Joint Minerals and Waste Local Plan' and the Tees Valley Joint Minerals and Waste Local Plan Timetable. It is also necessary to undertake a Scoping consultation and complete various other tasks before 'Gateway 1' is passed, and work can formally commence on preparing the Plan.

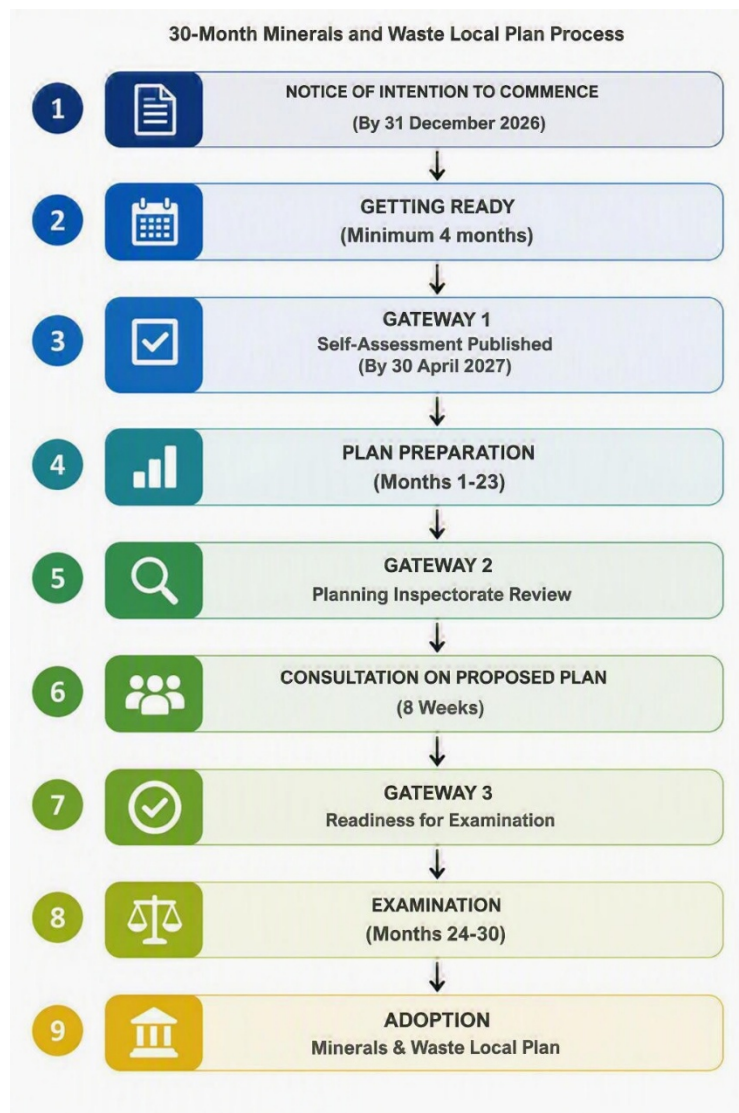
4. Background and relevant information

- 4.1 Under the provisions of the Planning and Compulsory Purchase Act 2004, the Council is required to prepare a statutory development plan that sets out the policies and land allocations to guide development in the borough. The new Local Plan, that is currently at Examination and due for adoption in December 2026, covers all development matters except for Minerals and Waste.
- 4.2 Planning for Minerals and Waste has historically been undertaken jointly by the five Tees Valley local planning authorities. This is because Minerals and Waste planning is particularly specialist and is more appropriately dealt with at a spatial level that is larger than individual local authorities. The policy framework for Minerals and Waste currently comprises:
- The Tees Valley Minerals and Waste Joint Core Strategy Development Plan Document (DPD) (2011); and
 - The Tees Valley Minerals and Waste Joint Policies & Sites DPD (2011).
- 4.3 The Joint DPDs cover the period to 2026 and are due to be reviewed. It is proposed that Middlesbrough Council continues to plan for Minerals and Waste jointly with the other Tees Valley Local Planning Authorities.

New Plan Making System

- 4.4 The Levelling-up and Regeneration Act 2023 introduced a new plan-making framework that fundamentally reshapes the development plan system with a streamlined 30-month process. The Government has subsequently introduced the Town and Country Planning (Local Planning) (England) Regulations 2026 in March 2026 confirming the procedures for this new plan-making framework.
- 4.5 The updated plan-making system has introduced new statutory requirements which the Council must comply with. This includes a 30-month timeframe for plan preparation and adoption, and involves a scoping consultation, two plan consultations and progression through three gateways as the Local Plan progresses through the system.

4.6 The overall process is outlined within the figure below:



4.7 Further details on the new plan-making system, and the various stages for preparing new plans, are included in Appendix 2.

Next Steps – the ‘Getting Ready’ Stage

4.8 The Council has agreed joint working principles with the other Tees Valley Local Planning Authorities through Terms of Reference for the Plan. An officer working group has been established with representatives from each authority. The project will be overseen by the Tees Valley Investment Board, which comprises senior managers from each authority. Each authority will be responsible for seeking political direction for the Plan, with the Local Plan Member Working Group providing political oversight for Middlesbrough Council. Decisions on the Joint Plan will need to be taken by each authority individually.

4.9 The legislation requires that a Gateway 1 self-assessment must be published by 30th April 2027 (and no earlier than 4 months after the notice is issued).

4.10 In order to achieve Gateway 1, a number of key requirements must be met:

- preparing and publishing a local plan timetable;
- issuing a notice to commence plan making (no later than 31st December 2026);
- establishing project management and governance arrangements about the preparation of the plan;
- confirming the need for a Strategic Environmental Assessment (SEA); and
- undertaking a Scoping consultation for a minimum of six weeks to provide an early opportunity for public engagement, which must seek views on:
 - developing an approach to consulting and engaging on the plan; and
 - developing the anticipated content of the plan, including base line information, vision, land availability and evidence.

4.11 To ensure this process is properly coordinated with the other Tees Valley Authorities, and to allow the completion of the initial 'Getting Ready' stage in a timely manner, this report seeks delegated authority to undertake a number of tasks including the Initial Notice, Timetable, Scoping consultation and the preparation of other documents required to reach Gateway 1.

4.12 Once Gateway 1 has been passed, a summary of the Scoping consultation must be published before the formal 30-month Plan preparation commences.

4.13 An indicative timetable for preparing the Plan is included in Appendix 3.

5. Ward Member Engagement if relevant and appropriate

5.1 Not applicable. This report seeks approval to commence work on the Tees Valley Joint Minerals and Waste Local Plan that will cover Tees Valley, including Middlesbrough.

6. Other potential alternative(s) and why these have not been recommended

6.1 There is a statutory duty to prepare a development plan for the borough. The new Middlesbrough Local Plan covers all topics except for Minerals and Waste and is at an advanced stage of preparation. Therefore, it is not feasible to include Minerals and Waste issues as part of the Local Plan.

6.2 A potential alternative would be to prepare a separate Minerals and Waste Plan that covers Middlesbrough only. However, due to their strategic and specialist nature, it is considered that these issues are more appropriately dealt with at the Tees Valley spatial level. There would also be significant resource implications if such an approach was implemented. It is, therefore, not recommended that such an approach be pursued.

7. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including Social Value)	The financial implications associated with preparing the Tees Valley Minerals and Waste Local Plan will be met through established revenue budgets.

Procurement	It is likely that there will be a need to procure specialist Minerals and Waste planning support, which may include (but not limited to) evidence base studies, environmental assessments, viability work, consultation support and specialist planning advice. This will be undertaken jointly through established procedures overseen by the Tees Valley Investment Board.
Legal	There is a statutory requirement for the Council to prepare a Local Plan for the borough. The Tees Valley Joint Minerals and Waste Local Plan will deal with the issues not covered by the Middlesbrough Local Plan. Any negotiated partnership agreements required to agree the Tees Valley Joint Minerals and Waste Local Plan will require legal review and must adhere to all appropriate governance arrangements to ensure compliance with relevant legislation and the Council's constitutional requirements. The preparation of the Local Plan must be undertaken in accordance with the Planning and Compulsory Purchase Act 2004, the Levelling-up and Regeneration Act 2023, and the Town and Country Planning (Local Planning) (England) Regulations 2026. The Levelling Up and Regeneration Act 2023 (LURA) consolidates and updates the Secretary of State's powers to intervene in a plan where the Secretary of State thinks that the local authority is failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan. Under the LURA The Secretary of State also has the ability to appoint independent Local Plan Commissioners who will act on their behalf, to investigate, analyse and report on failings that prevent a local authority from progressing its local plan. Depending on those circumstances, further interventions may also take place. Decisions on the statutory stages of the Local Plan are a non-executive function and must be made by the Council, as required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Council's Constitution.
Risk	O8-055 - If the Council doesn't respond effectively and efficiently to legislative changes it could be in breach of statutory duties in relation to service delivery and fail to make the most of opportunities.

Human Rights, Public Sector Equality Duty and Community Cohesion	An impact assessment has been completed and is attached to this report at Appendix 1. This concluded that there will not be an adverse impact on individual human rights.
Reducing Poverty	The Tees Valley Joint Minerals and Waste Local Plan does not impact on Reducing Poverty.
Climate Change / Environmental	The Tees Valley Joint Minerals and Waste Local Plan will set out a policy framework to deliver sustainable minerals and waste development, and will be subject to Strategic Environmental Assessment. The approach will consider climate change impacts.
Children and Young People Cared for by the Authority and Care Leavers	The Tees Valley Joint Minerals and Waste Local Plan does not impact on Children and Young People Cared for by the Authority and Care Leavers.
Data Protection	The preparation of the Tees Valley Joint Minerals and Waste Local Plan will require the collection and processing of personal data to fulfil the statutory requirements associated with plan preparation. This will be undertaken in accordance with the legislation.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Issue a notice to commence plan-making	Alex Conti Strategic Policy Manager	31 st December 2026
Prepare and publish a local plan timetable	Alex Conti Strategic Policy Manager	30 th April 2027
Undertake the Scoping consultation and publish a summary	Alex Conti Strategic Policy Manager	30 th April 2027

Appendices

1	Initial Impact Assessment
2	Stages for preparing plans under the new system
3	Indicative Timetable for the Tees Valley Joint Minerals and Waste Local Plan

Background papers

There are no background papers.

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