



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Wednesday 17 May 2023**. The decisions will come into force and may be implemented from **Tuesday 30 May 2023** unless the Corporate Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Submission of Minerals and Waste Policies and Allocations Development Plan Document and Revised Statement of Community Involvement

Key Decision: REG/02/2023

Summary

The Cabinet considered a report of the Corporate Director of Regeneration, Economy and Growth which advised Cabinet on the representations received following the final statutory consultation on the Publication Draft of the Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD) and sought approval to recommend that Council agree the Publication Draft of the Minerals and Waste Policies and Allocations Development Plan Document for Submission.

The report also sought approval of a revised Statement of Community Involvement (SCI) which sets out how stakeholders are involved in local plan and neighbourhood plan preparation and the determination of planning applications.

The County Durham Plan sought to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The Plan is a comprehensive document covering all aspects of planning however it only includes high level strategic policies and allocations relating to minerals and waste. There is therefore a need to supplement those policies with more detailed development management policies and non-strategic site allocations in the M&WDPD.

The M&WDPD had been prepared in line with the latest guidance in the National Planning Policy Framework (NPPF), National Planning Policy for Waste (NPPW), the Planning Practice Guidance (PPG) and other relevant Government policies.

The Publication Draft of the Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD) is the final stage in its development. It is informed by consultation with residents, businesses, the minerals and waste industry, key stakeholders and neighbouring authorities at all stages. A total of 65 comments from 20 different respondents were received. More detail was set out in Statement of Consultation, which includes a statement setting out how the public consultation, at the First Draft (2021) and Preferred Options stage (2022), under Regulation 18 (of the Town and Country Planning (Local Planning) (England) Regulations 2012) was addressed and how the representations were reflected in the Plan.

All representations made at the Publication Draft consultation (Regulation 19) stage had been reviewed and carefully considered and it had been concluded that, subject to a number of minor text and formatting changes which need to be made, there are no matters arising from the representations that call into question the soundness of the Plan or the legality of its preparation that would prevent it being submitted to the Secretary of State for independent examination.

Subject to Council's approval on 21 June 2023, the Publication Draft Plan will be submitted to the Secretary of State by the end of June 2023 for independent examination. An independent Inspector will be appointed soon after and the timescales from that point will be determined by the Inspector although the Council anticipate that the Examination in Public (EIP) hearings will be held in the autumn. After examination and following consultation on any modifications proposed by the Inspector, the Council will be asked to adopt the M&WDPD.

The current version of the Statement of Community Involvement (SCI), which sets out how stakeholders will be involved in local plan and neighbourhood plan preparation and the determination of planning applications, was adopted in 2020. It had now been updated to reflect changes in how consultations are now undertaken including the increased emphasis on online events and the use of social media.

Decision

The Cabinet recommended Council:

- (a) Consider the representations received during the final statutory consultation on the Publication draft of the Minerals and Waste Policies and Allocations Development Plan Document;
- (b) Authorise formal submission of the of the Minerals and Waste Policies and Allocations Development Plan Document at Appendix 2 of the report and associated submission documentation to the Secretary of State pursuant to Section 20 of the Planning and

Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012; and

- (c) Authorise the Corporate Director of Regeneration Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration to:
 - (i) approve the submission of the documents required to be submitted alongside the M&WDPD to the Secretary of State as required by Section 20 of the Planning and Compulsory Purchase Act 2004 and of The Town and Country Planning (Local Planning) (England) Regulations 2012 for consideration at public examination;
 - (ii) agree statements of common ground with neighbouring authorities and other interested parties in order to demonstrate effective and on-going joint working;
 - (iii) continue discussions with interested parties and suggest to the Inspector any edits and consequential changes necessary following Council approval up to and during the Examination; and
- (d) Authorise the Corporate Director of Regeneration Economy and Growth to ask the Inspector appointed to hold the Examination in Public to recommend modifications to the M&WDPD Publication Draft under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 necessary to satisfy the requirements of Section 20(5b) of the Act and make the document sound.
- (e) Agree the Statement of Consultation at Appendix 3 of the report;
- (f) Agree the amendments identified in the 'Schedule of Minor (Additional) Modifications' at Appendix 4 of the report; and
- (g) Agree the Waste Technical Paper (Appendix 5 of the report) and an updated County Durham Local Aggregate Assessment (Appendix 6 of the report).

Cabinet:

- (a) Adopted the revised Statement of Community Involvement (SCI) at Appendix 8 of the report;

Solar Energy Supplementary Planning Document

Summary

The Cabinet considered a report of the Corporate Director of Regeneration, Economy and Growth that sought approval to commence consultation on the first draft of the Solar Energy Supplementary Planning Document. The document supported the County Durham Plan, adopted in October 2020.

The County Durham Plan sought to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The Plan is a comprehensive document covering all aspects of planning however, to provide more detailed advice or guidance on the policies in the Plan, Government guidance allows the preparation of supplementary planning documents (SPDs). SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

The Solar Energy SPD will play a role in County Durham achieving net zero carbon emissions by 2045 and contributing to energy security. It provides guidance to ensure solar panels (which range from small scale for householders to commercial solar farms) are sited, designed and of a scale which does not harm County Durham's Green Belt, unique landscape character, biodiversity, heritage assets and, protects the best and most versatile agricultural land.

Consultation would be undertaken on the SPD from 29 May to 9 July 2023. All consultation would be undertaken in accordance with the Council's Statement of Community Involvement.

Decision

The Cabinet

- (a) agreed the first draft of the Solar Energy Supplementary Planning Document at Appendix 2 of the report for consultation from 29 May to 9 July 2023.

Parking and Accessibility Supplementary Planning Document

Summary

The Cabinet considered a report of the Corporate Director of Regeneration, Economy and Growth that sought approval to commence consultation on the latest draft of the Parking and Accessibility Supplementary Planning Document. The document supported the County Durham Plan, adopted in October 2020.

The County Durham Plan sought to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The Plan is a comprehensive document covering all aspects of planning however, to provide more detailed advice or guidance on the policies in the Plan, Government guidance allows the preparation of supplementary planning documents (SPDs). SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

The Parking and Accessibility SPD sets out the parking and accessibility requirements for developers and officers to have regard to in assessing planning applications. The SPD sets out comprehensive guidance on parking requirements at residential and non-residential development sites. The guidelines define what an accessible location is and how parking may be restricted at accessible destinations to encourage more active and sustainable travel. The document includes specific guidance for disabled persons parking, parking at residential and non-residential development sites, and parking guidance for cycling and electric vehicles. These guidelines must be read in conjunction with County Durham Plan Policy 21, Councils Building for Life SPD, Residential Amenity SPD and the Highway Design Guide.

Consultation would be undertaken on the SPDs from 29 May to 9 July 2023. All consultation would be undertaken in accordance with the Council's Statement of Community Involvement.

Decision

The Cabinet

- (a) agreed the draft of the Parking and Accessibility Supplementary Planning Document shown at Appendix 2 of the report for consultation from 29 May to 9 July 2023; and
- (b) agreed to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships the power to make minor modifications and adopt the Parking and Accessibility Supplementary Planning Document following consultation.

Helen Lynch
Head of Legal & Democratic Services
19 May 2023