

Cabinet

16 December 2020

**County Durham Plan: Minerals and
Waste Development Plan Document and
Parking and Accessibility
Supplementary Planning Document**

Key Decision REG/04/20



Report of Corporate Management Team

**Amy Harhoff, Corporate Director of Regeneration, Economy and
Growth**

**Councillor Carl Marshall, Cabinet Portfolio Holder for Economic
Regeneration**

Electoral division(s) affected:

Countywide.

Purpose of the Report

- 1 The purpose of this report is to seek Cabinet's approval to commence work on the Minerals and Waste Policies and Allocations Development Plan Document and the Parking and Accessibility Supplementary Planning Document and the timetable for their preparation in a new Local Development Scheme. Both documents support the recently adopted County Durham Plan.

Executive summary

- 2 The recently adopted County Durham Plan seeks 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 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. Once adopted, the Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD) will replace the

saved policies currently being used from the Minerals Local Plan (2000) and Waste Local Plan (2005).

- 3 In order to provide more detailed advice or guidance on policies in the County Durham 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. One SPD that is specifically mentioned in the County Durham Plan is the Parking and Accessibility SPD. It is therefore proposed to begin work on this SPD but there will be others prepared in the near future including Developer Contributions, Hot Food Takeaways, Accessible and Adaptable Homes and Design Principles SPDs. Work will also be commencing shortly on a number of development briefs and masterplans for many of the allocations in the Plan as well as an update to the Durham City Sustainable Transport Delivery Plan.

Recommendations

- 4 Cabinet is recommended to:
 - (a) agree the Local Development Scheme (Appendix 2) and delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration the power to add further Supplementary Planning Documents and their timetables when known;
 - (b) agree the scoping letter for the Minerals and Waste Policies and Allocations Development Plan Document (DPD) (Appendix 3) and 'Call for Sites' document (Appendix 4) for consultation from 15 January to 26 February 2021. Agree to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration the power to agree the consultation draft DPD for a future consultation; and
 - (c) agree the County Durham Parking and Accessibility Supplementary Planning Document Issues and Options document (Appendix 5) for consultation from 15 January to 26 February 2021. Agree to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration the power to make minor modifications to the document following consultation for a future second round of consultation.

Background

- 5 At a meeting on the 21 October 2020 the Council adopted the County Durham Plan. The report to Members also noted that there would be a further document, the Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD), which will be prepared to complement the minerals and waste policies of the County Durham Plan. It will contain detailed development management policies and any non-strategic minerals and waste allocations which are considered necessary to meet the future needs of County Durham. Members were informed that work on the Minerals and Waste Policies and Allocations document will commence once the County Durham Plan is adopted.
- 6 In order to provide more detailed advice or guidance on policies in the County Durham 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. One SPD that is specifically mentioned in the County Durham Plan is the Parking and Accessibility SPD. It is therefore proposed to begin work on this SPD but there will be others prepared in the near future including Developer Contributions, Hot Food Takeaways, Accessible and Adaptable Homes and Design Principles SPDs Work will also be commencing shortly on a number of development briefs and masterplans for many of the allocations in the Plan as well as an update to the Durham City Sustainable Transport Delivery Plan.
- 7 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires the Council to prepare and maintain a Local Development Scheme (LDS) setting out the timetable and milestones for the preparation of a local plan and associated documents. County Durham has had a number of LDSs, the most recent being June 2019. As the Plan is now adopted the new LDS will include a timetable for the M&WDPD and the Parking and Accessibility SPD. Other SPDs will be added when their timetables are known.

Minerals and Waste Policies and Allocations Development Plan Document

- 8 The Minerals and Waste Policies and Allocations DPD has been identified in the Council's Local Development Scheme for a number of years. The scope of the document will include:
 - specific policies for a number of economically important minerals, not addressed by the strategic minerals policies of the County Durham Plan but where future planning applications for the 'winning and working of minerals' cannot be discounted such as

for conventional and unconventional oil and gas, silica sand, clay for engineering purposes and vein minerals, and for major waste management processes and technologies such as for inert landfill/landraise, non-hazardous landfill, the incineration of waste, and also for specialist wastes and hazardous substances;

- detailed minerals and waste development management policies covering, for example matters related to the processing and storage of minerals, the transport of minerals and waste (including road to rail transshipment facilities), borrow pits which are small mineral working proposals directly related to a construction project, the control of mineral working operations including standoff distances from local communities, cumulative impacts, noisy short term activities, quarry blast vibration, quarry and landfill slope stability, the restoration and after-use of mineral and landfill/landraise sites and a policy detailing the benefits of minerals development; and
- non-strategic minerals and waste allocations which are considered necessary to meet the future needs of County Durham and make an appropriate contribution, where necessary, to wider regional and national needs for mineral supply.

- 9 Three stages of consultation are planned over the next two years. Under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 preparation will commence in January 2021 through a notification letter to specific consultees identified by the regulations who will be invited to make representations about what the documents policy matters the document should contain (attached at Appendix 3). In addition, a call for sites will also be conducted (attached at Appendix 4). An initial draft plan will then be published followed by a regulation 19 consultation on a pre-submission draft plan followed by Submission and an Examination by an independent inspector.
- 11 In order to ensure that the M&WDPD is found sound at examination a number of evidence reports will be published, and assessments undertaken covering relevant matters such as Sustainability Appraisal and Habitat Regulation Assessment, which are both integral to the document's preparation process, and an Equality Impact Assessment. Consultation on the M&WDPD will be undertaken in accordance with the Council's published Statement of Community Involvement.
- 10 Once adopted, the policies and provisions of the M&WDPD will replace twenty-eight remaining saved policies of the County Durham Minerals Local Plan (December 2000) and the County Durham Waste Local Plan (April 2005).

Parking and Accessibility Supplementary Planning Document

- 11 The Council previously set out its parking and accessibility requirements in a guidance document for developers and officers to have regard to in assessing planning applications. During the Examination in Public hearings for the County Durham Plan, the planning inspector recommended that this guidance be reviewed and set out more formally as an SPD to support Policy 21 (Delivering Sustainable Transport) of the Plan. This recommendation was subsequently translated into a Main Modification which the inspector considered was necessary to make the Plan sound.
- 12 In order to comply with the relevant regulations¹ two rounds of consultation are required to prepare an SPD. The first consultation for the Parking and Accessibility SPD is an Issues and Options document (attached at Appendix 5) which seeks comments on the Council's planned approach to specific parking and accessibility issues. Following consideration of any responses received a draft SPD will then be prepared for a second round of consultation. The issues set out in the consultation document are summarised below:
- a recognition that restricting parking at origin (residential properties) does not necessarily discourage car ownership and can, in fact, lead to other problems, such as excessive pavement parking;
 - proposing standards to require a 'minimum' amount of parking provision at origin;
 - encouraging sustainable transport by proposing standards for electric vehicle (EV) charge points in new homes and at all destinations to encourage and facilitate use of electric vehicles;
 - proposing that, where garages are not provided, secure parking suitable for a cycle, mobility scooter or motorbike be provided instead;
 - setting parking requirements at trip destinations (retail, employment, leisure and other developments) to encourage the use of sustainable modes of transport;
 - suggesting a definition for an accessible location and proposing reduced parking at these locations to encourage sustainable travel; and

¹ Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012

- proposing standards for cycle parking to be required at all destinations.

13 Once adopted the Parking and Accessibility SPD will replace the current County Durham Parking and Accessibility Standards 2019.

Local Development Scheme

14 The new Local Development Scheme (LDS) is attached at Appendix 2 and sets out the timetable for the documents included in this report and estimated timescales for future documents. The key milestones for the Minerals and Waste Policies and Allocations DPD are summarised below:

Document	Scoping letter	Consult on draft	Reg19 consultation	EIP	Adoption
Minerals and Waste Policies and Allocations DPD	Jan/Feb 2021	Jun/Jul 2021	Nov/Dec 2021	Jul 2022	May 2023

15 The key milestones for the SPDs and other documents are summarised below:

Document	First consultation	Second consultation	Adoption
Parking and Accessibility SPD	Jan/Feb 2021	Jun/Jul 2021	Oct 2021
Developer Contributions SPD (incl. Affordable Housing, Specialist Housing, Open Space, Biodiversity, Education, Health, SuDs)	Summer 2021	Autumn 2021	Winter 2021
Hot Food Takeaways SPD	Summer 2021	Autumn 2021	Winter 2021

Accessible and Adaptable Homes SPD	Summer 2021	Autumn 2021	Winter 2021
Design Principles SPD	Summer 2021	Autumn 2021	Winter 2021
Durham City Sustainable Transport Delivery Plan	Summer 2021		Autumn 2021

Next Steps

- 16 If agreed, consultation will be undertaken on the Scoping letter and Call for Sites for the Minerals and Waste DPD and the Issues and Options paper for the Parking and Accessibility SPD from 15 January to 26 February 2021. All consultations, including those on future documents will be undertaken in accordance with the Council's Statement of Community Involvement.

Background papers

County Durham Plan – Adopted (2020)

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Appendix 1: Implications

Legal Implications

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out how to prepare development plan documents and supplementary planning documents. Before the SPDs and M&WDPD can be adopted, it will be necessary to undertake a public consultation process. Additionally, in the case of the Minerals and Waste Development Plan Document, an examination in public must be held. The legal requirements and timescales are fully detailed within the report.

Finance

As the DPD and SPDs progress there will be some costs for appropriate evidence gathering, consultation, printing and eventually the EIP costs, including the fees for the Inspector now that the EIP is concluded. These costs will be met from the Spatial Policy budget.

Consultation

The programme of consultation has been agreed with the Council's Corporate Communications Team and the Council's Consultation Officers Group and will be undertaken in accordance with the Statement of Community Involvement and the 2012 Local Plan Regulations.

Equality and Diversity / Public Sector Equality Duty

The Council acknowledges that, in exercising its functions, it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation.

The Council will carefully consider the likely impacts of the Plan on persons with a protected characteristic at each stage of the process. An Equality Impact Assessment (EQIA) has been prepared in partnership with the community engagement team for the Parking and Accessibility SPD (Appendix 6). An EQIA will be prepared for the Minerals and Waste DPD at the draft stage.

Human Rights

Protocol 1 Article 1: Every natural or legal person is entitled to the peaceful enjoyment of his possessions, including their property. The Minerals and Waste DPD may allocate land for development which will affect landowners' rights to develop their land. It is noted, however, that rights afforded under

this Article are not absolute but qualified. Therefore, any interference with landowner's rights must be balanced against the wider public interest in having an up to date development plan. It is lawful for a local planning authority to take action if that action is clearly necessary and proportionate.

Crime and Disorder

Issues of crime and disorder will be considered in the preparation of the DPD and SPDs as they progress.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

If required, consultants may need to be commissioned to deliver evidence studies, in accordance with the Council's procurement rules/procedures.

Climate Change

Climate change is a golden thread running through the County Durham Plan. The importance of tackling and adapting to climate change is recognised in the Plan's Vision, Objectives, Sustainable Development Statement, spatial strategy and a number of policies. As the DPD and SPDs sit below and will reflect the policies and strategies of the County Durham Plan they will similarly seek to reflect this approach.