

Economy and Enterprise Overview and Scrutiny Committee

23 February 2021



Overview and Scrutiny response to the Minerals and Waste Policies and Allocations Development Plan Document and the Parking and Accessibility Supplementary Planning Document Consultations

Report of Paul Darby, Interim Corporate Director of Resources

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 The report provides members of the Economy and Enterprise Overview and Scrutiny Committee (E&E OSC) with detail of the consultation arrangements for the Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD) and the Parking and Accessibility Supplementary Planning Document (Parking and Accessibility SPD). Both documents are additional documents in relation to the County Durham Plan (CDP). In addition, the report details the Overview and Scrutiny response to both documents and it is proposed that the response detailed in paragraphs 26-38 of this report is fed into the ongoing consultations which run from the 15 January to the 26 February 2021.

Executive summary

- 2 Members will be aware that on the 21 October 2020 the Council adopted the CDP. The E&E OSC has been involved in the development of the CDP, previously providing a response which fed into the Issues and Options consultation stage of the CDP and has received regular updates on the progress of the plan.
- 3 In addition, the committee has also helped to inform the development of the Housing Strategy and continues to monitor the progress and development of this key strategy.

- 4 It was therefore considered appropriate that Overview and Scrutiny should be given the opportunity to comment on further key additional documents relevant to the CDP including the M&WDPD and the Parking and Accessibility SPD.
- 5 As the E&E OSC has taken the lead in relation to informing and monitoring the CDP, it was felt appropriate that this committee takes the lead in relation to various key additional documents in relation to the CDP. However, due to the nature and content of both of the above additional documents, it was felt appropriate that, members of the Environment and Sustainable Communities Overview and Scrutiny Committee (ESC OSC) were also given the opportunity to provide comments to feed into the ongoing consultation process.
- 6 Therefore, in January both members of the E&E and ESC OSCs received a briefing report together with a copy of the Issues and Options Document relevant to the Parking and Accessibility SPD. Members were asked to provide comments on both documents, with the comments received from members to be formulated into an Overview and Scrutiny response.
- 7 This current consultation stage runs from the 15 January to the 26 February 2021 with the proposed Overview and Scrutiny response included in paragraphs 26-38 of this report. Members are asked to consider the Overview and Scrutiny response to this first stage of consultation. It is proposed that the agreed response will be fed into the ongoing consultations which conclude on the 26 February 2021.
- 8 It is important to note that Overview and Scrutiny will be included in further consultations stages for both documents with detail of the various consultation stages included in paragraphs 39 and 40 of this report.

Recommendations

- 9 That the Economy and Enterprise OSC consider and comment on the information provided in the report and the proposed Overview and Scrutiny response.
- 10 That the Economy and Enterprise OSC agrees the proposed response which will be fed into the ongoing consultation process.
- 11 That members of the Economy and Enterprise and the Environment and Sustainable Communities OSCs are included in future consultation stages in relation to both documents.

Background

- 12 The E&E OSC has previously been involved in the Issues and Options consultation stage of the CDP and has received regular updates on the progress of the plan. In addition, the committee has also helped inform the Housing Strategy and continues to monitor its progress.
- 13 It was therefore considered appropriate that the committee should be given the opportunity to comment and feed into the consultation process in relation to additional key CDP documents.
- 14 The M&WDPD and the Parking and Accessibility SPD are both key additional documents in relation to the plan and are currently out to consultation. It was thought appropriate that members of the E&E OSC be invited to comment on both documents however due to nature and content of both documents' members of the ESC OSC have also been invited to provide comments.
- 15 The comments received from Overview and Scrutiny members have been formulated into a response which will be fed into the ongoing consultation process which concludes on the 26 February 2021. The Overview and Scrutiny response is included in paragraphs 26-38 of this report.
- 16 It is intended that Overview and Scrutiny will be included in further consultations stages for both documents with detail of the various consultation stages included in paragraphs 39 and 40 of this report.

Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD)

- 17 The M&WDPD 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.
- 18 As agreed at a meeting of Cabinet in December, 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 commences 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. In addition, a call for sites for non-strategic minerals and waste allocations will also be conducted. 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.
- 19 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.
- 20 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

- 21 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.
- 22 In order to comply with the relevant regulations 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 which was agreed by Cabinet in December 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
 - proposing standards for cycle parking to be required at all destinations.
- 23 Once adopted the Parking and Accessibility SPD will replace the current County Durham Parking and Accessibility Standards 2019.

Consultation proposals, Member and O&S involvement

- 24 Two online consultation events have been held on the 2 February and on the 10 February for the Parking and Accessibility SPD with the relevant access links circulated to both members of the E&E OSC and the ESC OSC on the 19 January 2021.
- 25 Members could also make comments via the consultation pages at: <https://consult-durhamcc.objective.co.uk/kse> or send comments by e-mail to: spatialpolicy@durham.gov.uk or alternatively, members could send comments to our freepost address: FREEPOST Spatial Policy. .

Overview and Scrutiny Response to the Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD)

- 26 In relation to the Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD), this first consultation stage is very much directed towards specific consultees identified by regulations, providing them with the opportunity to comment on what the policies and document should contain.
- 27 The purpose of the briefing report circulated to members was to make members aware of the consultation and that following this first stage of consultation work will be undertaken by the Service Grouping on an initial draft plan. When the draft plan is produced, Overview and Scrutiny members will be given the opportunity to comment on the plan during the second consultation stage planned for June/July.
- 28 Members have indicated that they feel the second stage of consultation on the draft plan will be the appropriate stage at which they will provide comments and for those comments to form the Overview and Scrutiny response to inform the development of the final M&WDPD.

Overview and Scrutiny Response to the Parking and Accessibility Supplementary Planning Document (Parking and Accessibility SPD)

Destination parking standards

Parking standards for retail, employment, leisure and other destinations

The following issues have been raised by members of the E&E and the ESC OSCs:

- 29 Need to consider parking provision at hospital sites within the County. Regular queues for visitors and limited parking for staff with example given as the parking provision at the University Hospital of North Durham.
- 30 Need to consider the parking allocation at some retail parks for specific businesses as they seem very generous with an example given as large DIY stores.
- 31 Need to reduce congestion at schools during the identified peak times, the beginning and end of the school day.
- 32 Where parking measures operate such as maximum stay or various initiatives such as free parking, there is flexibility for them to be reviewed/changed to ensure turnover.
- 33 Need to be adequate signage particularly in our town centres ensuring the residents and visitors can identify where parking provision is located including cycle parking provision.
- 34 Support for the proposals for safe and secure cycle parking particularly in our town centres and that cycle parking is provided at all destinations (a recognition of the health benefits resulting from cycling and its increased popularity as a result of the pandemic).
- 35 Need to ensure that all DCC buildings have adequate disabled parking provision at least a minimum of 2 bays or 5 % of bays in car parks of 20 spaces or more. However, DCC should aim to exceed these minimum requirements where possible.
- 36 Need to ensure that where possible GP surgeries have at least the minimum disabled parking requirements available and where new surgeries are planned more than the minimum disabled parking requirements should feature in the design proposals.
- 37 Suggestion made that going forward we need to consider how we monitor parking and accessibility provision in the county and that parking and accessibility in relation to retail should feature within the Town Centre Surveys.
- 38 Again, some members responded to say that they will comment later when the draft SPD is available and subject to consultation which is currently proposed for June/July 2021.

Further Proposed Consultation Stages

- 39 At the Cabinet meeting in December a new Local Development Scheme (LDS) which sets out the timetable for the documents referred to in this report and estimated timescales for future documents, was also agreed. The future 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

- 40 The key milestones for the Parking and Accessibility SPDs and a number of other documents linked to the CDP 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
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

Conclusions

- 41 Members of the E&E and the ESC OSCs will be aware of the first consultation stage in relation to both documents and will have had the opportunity to provide comments. The comments made by members have been compiled into the Overview and Scrutiny response detailed in paragraphs 26-38 of this report which will be fed into the ongoing consultations. In addition, members will have had the opportunity to participate in the online consultation events in relation to the Parking and Accessibility SPD.
- 42 Members of both the E&E and the ESC OSCs will have the opportunity to provide comments on the draft documents which are currently scheduled to be out to consultation in June/July 2021. Again, the comments provided by members will form the Overview and Scrutiny response which will be fed into the consultation process.
- 43 Overview and Scrutiny members will have had the opportunity to inform both the M&WDPD and the Parking and Accessibility SPD.

Background papers

Minerals and Waste Policies and Allocations Development Plan Document and the Parking and Accessibility Supplementary Planning Document – Consultations – Briefing report 20 January 2021.

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 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.

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.

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.