

Cabinet

15 September 2021

County Durham Plan: Minerals and Waste Development Plan Document



Key Decision REG/04/21

Report of Corporate Management Team

Amy Harhoff, Corporate Director of Regeneration, Economy and Growth

Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economic Regeneration and Partnerships

Electoral division(s) affected:

Countywide.

Purpose of the Report

- 1 The purpose of this report is to seek Cabinet's approval to commence consultation on the Minerals and Waste Policies and Allocations Development Plan Document which supports 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 in a Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD). This requires a number of rounds of consultation and once agreed by Full Council will be submitted for an Examination in Public by an independent Inspector. Once adopted it will replace the saved policies currently being used from the Minerals Local Plan (2000) and Waste Local Plan (2005).

Recommendations

3 Cabinet is recommended to:

- (a) agree the draft Minerals and Waste Policies and Allocations Development Plan Document (Appendix 2) for consultation from 24 September to 5 November 2021.

Background

- 4 At a meeting on 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.

Minerals and Waste Policies and Allocations Development Plan Document

- 5 At a meeting of Cabinet on 16 December 2020 a notification letter to specific consultees identified by the regulations and a call for sites document were both agreed for consultation from 15 January to 26 February 2021. In response, 23 representations were received, 10 regarding the scope of the DPD and 13 regarding potential site allocations. A Statement of Consultation detailing the responses is attached at Appendix 3. A report which appraises the proposed site allocations is also attached at (Appendix 4).
- 6 Taking into account the strategic framework of the County Durham Plan and the comments received on the scoping letter and the call for sites the draft of the Minerals and Waste Policies and Allocations DPD includes the following:
 - 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, vein minerals, silica sand, ganister, lithium and for major waste management processes and technologies such as for inert recovery, inert landfill/landraise and non-hazardous landfill;
 - 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, noise, dust, 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 extraction; and

- two non-strategic minerals and waste allocations which are considered necessary to meet the future needs of County Durham and make an appropriate contribution to wider regional needs for mineral supply. These are for Basal Permian Sand and overlying Magnesian Limestone at a northern extension to Crime Rigg Quarry and for Basal Permian Sand by deepening at Thrislington West Quarry.
- 7 Following consultation on this draft there will be a further regulation 19 consultation on a pre-submission draft plan which then must be agreed by Full Council before it can be Submitted for Examination by an independent inspector.
- 11 In order to ensure that the M&WDPD is found sound at examination a number of evidence reports have also been published including a Sustainability Appraisal (Appendix 5 and Appendix 6) and Habitat Regulation Assessment (Appendix 7), which are both integral to the document's preparation process and an Equality Impact Assessment (Appendix 9).
- 8 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).

Next Steps

- 9 If agreed consultation will be undertaken on the draft Minerals and Waste Policies and Allocations DPD from 24 September to 5 November 2021. The consultation 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 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.

Finance

As the DPD progresses there will be some costs for appropriate evidence gathering, consultation, printing and eventually the EIP costs. 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 EQIA has been prepared for the Minerals and Waste DPD (Appendix 8), the nature of this document means that there are no identified negative or positive impact on the public in general, including all protected characteristics and so a full assessment is not required; it will be reviewed as appropriate.

Climate Change

Climate change is a 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 sits below and reflects the policies and strategies of the County Durham Plan they similarly reflect this approach.

The M&WDPD Draft Plan has been subject to a Sustainability Appraisal (SA) which predicts the impact of the Plan against a number of social, economic and environmental objectives, including reducing the causes of climate change. The SA predicts that the M&WDPD will have positive, overriding cumulative effects on climate change, despite negative effects being predicted against a few of its policies.

The positive cumulative aspects of the M&WDPD which are considered to outweigh negative effects include the following collective measures:

- the M&WDPD ensures that minerals and waste proposals will not significantly affect County Durham's ability to transition to a net zero future;
- particular regard will be given to benefits arising from minerals development which help to mitigate climate change e.g. after uses such as community woodland creation;
- policies work together to reduce the need to travel and promotes sustainable transport options which contribute towards minimising vehicular related emissions;
- particular regard will be given to opportunities to help meet the UK's demand for lithium locally, to create the batteries to decarbonise the power sectors and meet net zero targets;
- confirms that no commercial peat extraction will take place in County Durham;
- requires waste recovery and disposal proposals to demonstrate that they cannot be managed at a higher level of the waste hierarchy in the first instance;
- requires the full recovery of energy from landfill gas along with measures to offset residual emissions;
- recognises that the treatment methods for sludge are changing and greater emphasis is now being placed on its recovery to provide biogas;

- requires any oil or gas proposals (if they are forthcoming) to demonstrate carbon neutrality; and
- encourages grid connections to mineral sites or local renewable energy generation with battery storage to power processing plant and equipment.

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 as it progresses.

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.