



The Planning  
Inspectorate

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# **Report to Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees Borough Councils**

**by Andrew Mead BSc(Hons) MIQ MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 16<sup>th</sup> May 2011**

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

## **REPORT ON THE EXAMINATION INTO THE TEES VALLEY JOINT MINERALS AND WASTE DEVELOPMENT PLAN DOCUMENTS**

**A. CORE STRATEGY**

**B. POLICIES AND SITES**

Documents submitted for examination on 12 and 15 November 2010

Examination hearings held on 8, 9 and 23 February 2011

File Refs: PINS/N1350/429/7 and PINS/N1350/429/8

## ABBREVIATIONS

§	Paragraph
AA	Appropriate Assessment
APC	Air Pollution Control
C&D	Construction and Demolition
C&I	Commercial and Industrial
CS	Core Strategy
CSC	Core Strategy Change
DPD	Development Plan Document
HRA	Habitats Regulations Assessment
HWRC	Household Waste Recycling Centre
LDS	Local Development Scheme
MPS	Minerals Planning Statement
MSA	Minerals Safeguarding Area
MSW	Municipal Solid Waste
mt	Million tonnes
NE	North East
NNR	National Nature Reserve
PaS	Policies and Sites
PPS	Planning Policy Statement
RAWP	Regional Aggregates Working Party
ROMP	Review of Old Minerals Permissions
RSS	Regional Spatial Strategy
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
t	Tonnes
tpa	Tonnes per annum
TVJMWMS	Tees Valley Joint Municipal Waste Management Strategy
WS	Waste Strategy

## Non-Technical Summary

This report concludes that the Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents (DPDs) provide an appropriate basis for the planning of minerals and waste in the Tees Valley for the periods of the plans. The Councils have sufficient evidence to support the Core Strategy DPD and the Policies and Sites DPD and can show that each has a reasonable chance of being delivered. Both plans are sound and require no further changes to make them so. Both plans are consistent with the principles contained in the Ministerial Statement "Planning for Growth"<sup>1</sup>.

## Introduction

1. This report contains my assessments of the *Tees Valley Joint Minerals and Waste Core Strategy (CS)* and the *Tees Valley Joint Minerals and Waste Policies and Sites (PaS) Development Plan Documents (DPDs)* in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPDs are compliant in legal terms and whether each is sound. Planning Policy Statement (PPS) 12 (§§4.51 – 4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authorities have submitted what they consider to be sound plans. The basis for my examination is the submitted draft CS (November 2010) DPD amended by the Schedule of Minor Changes (November 2010)<sup>2</sup> and the submitted PaS (November 2010) DPD.
3. Prior to the submission of the two DPDs, the Councils issued Publication versions of the plans. The Councils then considered the representations which were subsequently received and made certain changes to the DPDs in order to overcome potential shortcomings which might have resulted in issues of soundness.
4. Some further changes have been put forward by the Councils as factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse the Councils' view that they improve the plans. These are shown in Appendix A. I am content

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<sup>1</sup> Written Ministerial Statement "Planning for Growth" 23 March 2011

<sup>2</sup> CSDOC004 Schedule of Minor Changes

for the Councils to make any additional minor changes to page, figure, paragraph numbering etc and to correct any spelling errors prior to adoption.

5. All of the minor changes which the Councils have proposed following the submission of the plans have been subject to public consultation and I have taken the consultation responses into account in writing this report.
6. References in my report to documentary sources are provided in footnotes, quoting the reference number in the examination library.

## **Assessment of Soundness**

### ***Overview***

7. The Tees Valley Joint Minerals and Waste DPDs have been prepared for two subjects where cross boundary issues are a common occurrence. The CS contains the long term spatial vision and strategic policies required to deliver the key objectives for minerals and waste development within the five Boroughs. The PaS document identifies specific sites for future minerals and waste management development together with a limited range of policies which will be used to assess minerals and waste planning applications.
8. The simultaneous assessments of soundness of both the CS and the PaS offer the opportunity to consider the interaction of the two levels of forward planning for minerals and waste. This interaction will enable the effectiveness and deliverability of the CS to be tested at the PaS scale of consideration and whether the PaS can accept the functions handed down by the CS. The joint approach adopted by the five Councils was wholly appropriate in considering the issues of minerals and waste forward planning which frequently transcend local authorities' boundaries.
9. Although the assessment of both DPDs is contained within the report, each assessment is considered separately so that the reasoning behind the overall conclusions and recommendations can be seen to stand alone.

### **Main Issues**

10. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 11 main issues upon which the soundness of the plans depend.

## **A CORE STRATEGY DPD**

### **Vision and Strategic Objectives**

#### **Issue 1 – Are the Vision and Strategic Objectives sufficiently focussed, spatial and locally distinctive?**

11. The CS demonstrates that it has developed from a clear understanding of the evidence base derived from the five Boroughs and the development pressures which spring from the need to regenerate the industrial land and town centres in the area. The emerging masterplan for Teesport to create a "Northern

Gateway" deep sea terminal, the Redcar and Cleveland Regeneration Masterplan and the North and South Tees Industrial Development Framework set the context for the need for the provision of minerals and the additional waste management capacity.

12. Although the Tees Valley has a rich history of mineral extraction, especially focussed on supporting the local chemical and steel making industries, the current range of primary mineral extraction is limited to crushed rock, sand and gravel, small scale clay working and brine extraction. Significant amounts of secondary and recycled materials are used for aggregate purposes: ie; blast furnace slag and construction and demolition waste, together with marine dredged sand and gravel.
13. There is a comprehensive range of waste management facilities within the Tees Valley which include those which have evolved from the products of the ship building, petrochemical and other heavy industries on Teesside, as well as the more usual demands to deal with normal Municipal Solid Waste (MSW) and Commercial and Industrial (C&I) waste.
14. A visioning exercise was carried out in the evidence gathering stage of the preparation of the DPD which involved stakeholder workshops considering issues facing minerals and waste in the Tees Valley. The vision emphasises the production of secondary and recycled aggregates and seeks to safeguard facilities for the transport and landing of minerals. The specialist nature of the waste re-use, recycling and recovery facilities is recognised in the vision which notes the specific locational advantages of the Tees Valley. The vision also states that local communities and industry should be able to identify and access the appropriate waste management facilities. Reference is made to the protection and enhancement of the international and nationally important areas of biodiversity within and adjacent to the Tees Valley.
15. Therefore, I consider that the vision is focussed, locally distinctive, includes sufficient recognition of the spatial dimension to minerals and waste development in the Tees Valley and is consistent with advice in PPS12 (§2.1).
16. The strategic objectives to achieve the vision accept the need to provide an appropriate contribution of minerals from sources indigenous to the Tees Valley and prioritise the use of secondary and alternative materials over the extraction of primary aggregates. These objectives are consistent with national guidance in MPS1 as is the objective to safeguard mineral resources from unnecessary sterilisation.
17. The objectives include supporting the implementation of the Tees Valley Joint Municipal Waste Management Strategy (TVJMWMS) which follows advice in PPS10 (§16). The promotion of re-use, recycling and recovering the value from waste will help to drive waste up the waste hierarchy as advised in one of the key planning objectives in PPS10 (§3). The aim to provide a network of small scale waste management facilities accessible to local communities complies with the desirability of minimising transport costs in order to promote sustainability as does the aim to safeguard the port and rail facilities in the Tees Valley.
18. The high environmental constraints which affect the choice of locations for mineral extraction and waste management in the Tees Valley are recognised,

together with the need for high standards of environmental management and restoration.

19. The links between the strategic objectives and the policies are clearly set out in Appendix B of the CS. The objectives will be monitored in the Annual Monitoring Reports prepared by each of the five Boroughs. The Councils have justified the spatial vision and strategic objectives in the CS. Consequently, I consider that the vision and strategic objectives provide a sound, relevant and locally distinctive basis for the spatial strategy.

## **MINERALS**

### **Minerals Strategy**

#### **Issue 2 – Whether the Minerals Strategy is consistent with the national objectives for minerals planning**

20. The CS states that the most sustainable option for the supply of minerals is to reduce their use. However, there is little that the DPD can do to promote the use of fewer minerals. Indeed, in the case of many non aggregate minerals, their extraction may be a source of valuable employment and a basis for local industry which is consistent with a national objective in MPS1 which includes "to secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment..." .
21. The CS minerals strategy is set out in Policy MWC1. The first two parts of the policy seek to identify sources of alternatives to primary mineral resources, including secondary and recycled materials and ensure that new build developments contribute to the efficient use of resources and seek an increase in the use of construction and demolition waste as an alternative mineral. These strands of the policy are consistent with national objectives to ensure the prudent, efficient and sustainable use of minerals.
22. Policy MWC1 also seeks the efficient use of permitted reserves of primary minerals and the driving of minerals supply up the hierarchy with the use of alternative and secondary materials being located above the primary extraction minerals. This supports the national objective to conserve minerals resources so far as possible.
23. The policy seeks to facilitate the use of alternatives to primary extraction by providing for the identification of wharves which can be used for landing marine dredged sand and gravel, a significant contribution to aggregates supply in the Tees Valley. The policy also aims to safeguard the use of existing rail and port facilities which encourages the sustainable transport of minerals. Therefore the policy is consistent with the national objective for minerals planning to promote the sustainable transport of minerals by rail, sea or inland waterways.
24. Finally, the statement in Policy MWC1 that the mineral resources underlying the Tees Valley will be identified and protected from unnecessary sterilisation by built development satisfies the national objective to safeguard mineral resources as far as possible. Accordingly, overall, I consider that the minerals strategy in the CS is justified, is consistent with national policy and is sound.

## Aggregate Minerals

### **Issue 3 – Whether the provision in the plan for the supply of land won sand and gravel from the Tees Valley appropriately reflects the constraints which affect its extraction**

25. The land won primary aggregates extracted in the Tees Valley are sand and gravel from North Gare, Hartlepool and crushed rock from Hart Quarry, also in Hartlepool.
26. Guidance on the amount of aggregate minerals which should be produced from each region in England is through an apportionment process. Minor change CSC6 clarifies that the agreed apportionment figures for the Tees Valley are set out in the Regional Spatial Strategy (RSS). Recommendations from the Regional Aggregates Working Party (RAWP) to up date the figures have not yet been approved. Therefore, the CS correctly ascribes 170,000t of sand and gravel to be produced between 2010 and 2026 and 2,853,000t of crushed rock during the same period. In 2009, there were 2,500,000t of sand and gravel in permitted reserves and 950,000t of crushed rock. Consequently there are sufficient permitted reserves of sand and gravel to meet the guideline production figures 2010 – 2026, but insufficient permitted reserves of crushed rock, where a shortfall of about 1.9mt is identified<sup>3</sup>. The CS accepts that further reserves of crushed rock will need to be permitted during the plan period.
27. Policy MWC2 states that provision will be made for the supply of primary aggregates between 2010 and 2026 to meet the identified need and that it will be delivered in accordance with the sequential approach of (a) existing permitted mineral extraction sites, (b) extensions to existing sites and (c) new mineral extraction sites. The sequence reflects advice in MPS1 §15.
28. The assumptions about sand and gravel production include the continued production from the site at North Gare. This is a self replenishing beach extraction site which is located within the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site, the Teesmouth National Nature Reserve (NNR) and the Seaton Dunes and Common Site of Special Scientific Interest (SSSI). Sand and gravel extraction from the North Gare site is capped at 48,000tpa by the Crown Estates licence, but only about 25,000tpa are taken.
29. The Conservation of Habitats and Species Regulations 2010 require that an assessment is made of the potential effects of the DPD on European and Ramsar sites. A Habitats Regulations Assessment (HRA) has been undertaken

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<sup>3</sup> The full calculations and assumptions are described in CSDOC013 (Minerals Background Paper Aug 2009) as amended by CSDOC018 (Addendum to Background Papers Nov 2010).

where the screening exercise examined the likely impacts of the DPD either alone or in combination with other projects or plans and considered whether these impacts are likely to be significant. Policy MWC2 was identified as "amber" in the screening exercise in that the policy has the potential to cause significant effects. The policy was therefore examined further under an Appropriate Assessment (AA)<sup>4</sup>.

30. The North Gare site is due for review under Review of Old Mineral Permissions (ROMP) procedures in 2012 and also under the Habitats Regulations 2010<sup>5</sup>. The review will determine whether the long term operation of the site is compatible with the SPA and Ramsar designations, or whether the permission needs modification or revocation to prevent any further adverse effects from occurring. The AA examined the possible adverse effects of operations at North Gare including the disturbance from operational activities, the impact on sand and sediment and the impact on vegetation control.
31. The AA concluded that continued working of sand and gravel from North Gare will not have an adverse effect on the SPA or Ramsar site over the period until the forthcoming review is expected to take place. When the review occurs it is expected that the effects will be assessed in far greater detail than would be appropriate at the plan making stage. Therefore, I am satisfied that nature conservation interests have been taken into consideration at North Gare, that the findings of the review have not been pre-empted and that it is reasonable to take into account the supply of sand and gravel from the site when assessing the future production of aggregate in the Tees Valley.
32. The other possible supply of sand and gravel is from Stockton Quarry, Stockton-on-Tees, where there are an estimated 2.5mt of permitted reserves. This site is currently not being worked and the planning permission is due to expire in 2015 if not renewed. There is no evidence to suggest that the constraints at the site are such that planning permission to extend its life would not be forthcoming should an application be made. Furthermore, should the operation at North Gare cease due to revocation or modification upon review, there is no reason to doubt that Stockton Quarry would not be able to make good the deficit.
33. Accordingly, I have no reason to doubt the statement in the CS that the permitted reserves and anticipated production of sand and gravel from these two sites are likely to meet the guideline production figures for 2010 – 2026.
34. Therefore, I consider that the CS includes locally distinctive policies which address the important minerals in the area. It also identifies the levels of provision for the supply of land won aggregate minerals as set out in the latest approved apportionment. Consequently, I consider that this aspect of the CS, and Policy MWC2 in particular, is sound.

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<sup>4</sup> CSDOC011 Habitats Regulations Assessment August 2010.

<sup>5</sup> There is a requirement under Regulation 63 of the the Habitats Regulations for extant planning permissions granted prior to the designation of a European site to be reviewed to assess whether they are creating adverse effects on the designation.

## Minerals Safeguarding Areas

### Issue 4 – Whether sufficient regard has been paid to the need to safeguard economically important minerals from sterilisation

35. The sterilisation of minerals occurs when other non mineral related development takes place on or close to mineral deposits and so prevents those minerals from being extracted. MPS1 advises that Mineral Safeguarding Areas (MSAs) should be identified in DPDs in order that proven resources of minerals are not needlessly sterilised<sup>6</sup>. Policy MWC4 explains the circumstances whereby non minerals development will be permitted within MSAs where (i) the mineral occurs at depth and extraction would not be prejudiced or the mineral resource has been depleted by previous extraction, (ii) prior extraction of the mineral and (iii) the need for the non mineral development can be demonstrated to outweigh the need for the mineral.
36. It was indicated at the hearing session that Policy MWC4 will be implemented by Councils expecting applicants for a non minerals development in an MSA to demonstrate within the submission for planning permission how the policy has been taken into account. Therefore, an applicant will have to show that at least one of the three criteria in the policy applies in that particular case.
37. The key diagram indicates that MSAs are shown on two separate plans. The Deep Resources MSA Plan shows potash, deep coal, salt and brine and gypsum. The Shallow Resources MSA Plan shows shallow coal, sand and gravel and limestone. The information submitted describing mineral resources in the Tees Valley demonstrates that the range and extent of mineral resources which have been identified in the plan is reasonable<sup>7</sup>.
38. The CS has also defined land around two mineral extraction sites, Hart Quarry and Stockton Quarry, as operational safeguarding areas in Policy MWC5. These are locations where existing mineral operations might be prejudiced in circumstances where sensitive receptor development is allowed too close. A typical example is where housing is permitted so close to the boundary of an operational quarry that the residents incur seriously adverse living conditions. The two safeguarding areas are located on the key diagram and then delineated on separate ordnance based plans. Minor change CSC17 corrects the planning permission boundary for Hart Quarry shown on the safeguarding plan. The policy indicates that within these safeguarding areas applicants will have to show that the non mineral development is compatible with the permitted mineral operations.
39. I conclude that the general approach to the MSAs in the CS and in Policy MWC4 and also the policy towards the operational safeguarding areas as provided for in Policy MWC5, to be founded on a robust and credible evidence base, consistent with national policy and therefore sound.

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<sup>6</sup> MPS1 §13

<sup>7</sup> DPD26: Mineral Resources Information for Development Plans - Durham and the Tees Valley: Resources and Constraints

## **Other Sources of Aggregate Material**

### **Issue 5 – Whether appropriate provision has been made for the supply of alternative material**

40. A national objective in MPS1 is to minimise the requirement for new primary extraction and one means of achieving this is to encourage the provision of appropriate facilities where aggregates can be recycled and other secondary sources can be processed. Secondary sources of aggregate include blast furnace slag, power station ash, glass chips and shredded tyres.
41. Policy MWC3 states that the development of facilities to process materials which can be used as alternatives to primary aggregates will be supported where those materials are being produced and in existing minerals extraction and waste management sites, with the exception of North Gare. The policy indicates that the environmental impacts of such development would have to be minimised.
42. Tees Valley, together with County Durham, produced over 410,000t of alternative materials in 2005, thereby avoiding significant additional demands on land won sources of aggregate. I consider that the approach of the CS to alternative materials and Policy MWC3 is consistent with national advice, fully justified by the evidence and therefore is sound.

## **WASTE**

### **Issue 6 – Whether the waste strategy is compatible with the key planning objectives for sustainable waste management**

43. Policy MWC6 states that provision will be made to enable 40% of household waste from the Tees Valley to be recycled or composted from 2010, rising to 46% from 2016. In addition, value will be recovered from 53% of MSW from the Tees Valley from 2010, rising to 72% from 2016. These targets are consistent with those in Waste Strategy (WS) for England 2007. Provision to increase the recovery of value from C&I waste from the Tees Valley to 73% from 2016 is derived from RSS Policy 46 following WS 2007.
44. The promotion of facilities and development which drives waste management up the hierarchy is totally consistent with the first key planning objective stated in PPS10. Safeguarding the necessary infrastructure to enable the sustainable transport of waste is consistent with PPG13<sup>8</sup>. The CS waste strategy recognises the local distinctiveness of the Tees Valley and its ability to manage specialist waste streams. The strategy also notes the particular nature conservation interest of the Teesmouth and Cleveland Coast SPA and Ramsar site and the need to avoid any adverse impact either alone or in combination with other plans and programmes. The CS has had regard to the Joint Municipal Waste Management Strategy.

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<sup>8</sup> PPG13 §§4 (1) and 6 (10)

45. Therefore, I consider that the waste strategy of the CS, both in its general approach and its particular implementation through Policy MWC6, is consistent with national policy, is justified and therefore is sound.

**Issue 7 – Whether there is evidence of a shortfall of management capacity of the different waste types within the Plan period**

46. The CS indicates that the predicted arisings of MSW and C&I waste are based on an update by the NE Assembly from those published in the RSS. The construction and demolition (C&D) waste figures are from the Further Proposed Changes to the then-emerging RSS. Predicted arisings of hazardous waste are from the RSS<sup>9</sup>. The information is the latest and best available and I have no reason to question their appropriateness.
47. The CS illustrates the recycling, composting and recovery capacity gap in Table 5.1. This shows that there is sufficient capacity for recycling household waste. However, Stockton-on-Tees Borough Council wishes to provide a recycling centre in a more southerly location within the Borough in order to promote wider access to such a facility for all residents and the provision of a joint facility for Middlesbrough and Redcar and Cleveland is also seen as desirable in order to address a further spatial imbalance.
48. There is insufficient capacity for composting household waste given that the material is exported outside Tees Valley and it is preferable to reduce the distance over which such waste would travel. The CS states that there will be a shortfall of facilities for the recovery of value from MSW and C&I waste<sup>10</sup>.
49. The CS indicates that there is sufficient capacity for the landfilling of MSW and C&I waste over the period of the plan and no additional provision needs to be made at the present time.
50. Based on a comparison between the estimates of the future arisings of C&D waste and the recycling target of 80% from 2016 onwards, the CS states that facilities to enable a further 791,000tpa to be recycled are required.
51. There is already sufficient capacity for the management of hazardous waste in the North East. However, about 130,000tpa from the Tees Valley is landfilled or transferred for disposal elsewhere. There is the potential to move the management of this waste up the waste hierarchy through the provision of additional facilities.
52. Radioactive waste is produced from a number of sources within the Tees Valley, but the main source is Hartlepool Power Station. Low level waste is sent to the Low Level Waste Repository in Cumbria or the high temperature incineration facility at Hythe. Intermediate level waste is stored on site. Spent fuel is sent to Sellafield, Cumbria for reprocessing. Decisions on the future treatment and disposal of nuclear waste will be set out at national level

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<sup>9</sup> As explained in Minor Change CSC11

<sup>10</sup> The supporting data is contained in Waste Background Paper May 2009 (CSDOC014) as amended and updated by CSDOC0018 November 2010

and so is not considered further in the CS. Low level radioactive waste from other sources, such as medical facilities can be dealt with at landfill sites, incineration or despatched to Cumbria.

53. Therefore, the CS sets out in Policy MWC7 the need to provide additional facilities for composting at least 31,000tpa of MSW by 2021, the recovery of value from MSW and C&I waste from at least 103,000t from 2010 falling to 83,000tpa in 2021, the recycling of 791,000tpa of C&D waste by 2021 and the treatment and management of hazardous waste. Provision is also sought in the policy for Household Waste Recycling Centres (HWRCs) in Stockton-on-Tees and in the south Tees area. The demands for waste management facilities of the various types will be monitored through the Policies and Sites DPD and through the submission and determination of planning applications.
54. Accordingly, I consider that the CS estimates for future waste management requirements are founded on a robust and credible evidence base with reasoned assumptions, look at least 10 years into the future and are fully consistent with the approach in national policy.

### **Spatial Distribution of Waste Management Sites**

#### **Issue 8 – Whether there is sufficient spatial guidance within the CS to enable suitable land allocations to be made**

55. National policy in PPS10 indicates that core strategies should ensure that there are sufficient opportunities for the provision of waste management facilities in appropriate locations, including for waste disposal.
56. The CS proposes two approaches to allocations depending on the different scales of facilities. One approach is the allocation of large sites which can incorporate clusters of waste management facilities in specific locations. PPS10 advises that, in searching for suitable sites and areas, waste planning authorities should consider a broad range of locations, including industrial sites, looking for opportunities to co-ordinate facilities together and with complementary activities reflecting the concept of resource recovery parks. Therefore the CS reflects this section of advice in PPS10.
57. The other approach is to promote small sites in a more dispersed manner which will enable them to be accessible to a wider number of users, especially where household waste recycling is concerned. The resultant shorter journeys to transport waste will be wholly consistent with sustainability objectives.
58. The stages of the preparation of the CS prior to its submission had considered the strengths and weaknesses of identifying a general location for clusters of waste management facilities and then a site selection process in order to select appropriate areas<sup>11</sup>. Three broad locations for large scale waste management sites were identified within the general industrial areas to the north and south of the River Tees.

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<sup>11</sup> Waste Background Paper May 2009

59. Policy MWC8 gives effect to the two approaches by indicating that waste management facilities will be delivered by a combination of large sites, including clusters, and small sites. The policy states that small waste management sites will be provided throughout the plan area and be well related to the source of waste arisings or near to the markets for any materials produced.
60. Three general areas are proposed for large sites: one to the south of the River Tees and two to the north, each within the vicinity of the estuary. The policy states that in determining the suitability of a site within these areas, consideration will be given to the potential impact on the protected European species associated with the Teesmouth and Cleveland Coast SPA and Ramsar site and any functional land required to support them. Minor change CSC13 has clarified that where likely adverse impacts are identified, avoidance or appropriate mitigation measures may be required. In addition, minor change CSC16 has amended the key diagram in order to identify areas a, b, and c within the general location for large waste management facilities already shown on the key diagram and fully described in Policy MWC8.
61. The extent to which there could be conflict between Policy MWC8 and the SPA and Ramsar designations was taken into consideration in the preparation of the CS. The SPA and Ramsar site and the associated functional land was not excluded from the CS because the existing development plans and national policy provides adequate protection ensuring they will be considered in any proposals. Additionally, it is only the general areas which have been identified rather than making specific allocations.
62. The Conservation of Habitats and Species Regulations 2010 require that an assessment is made of the potential effects of the DPD on European and Ramsar sites. A Habitats Regulations Assessment (HRA) was undertaken where the screening exercise examined the likely impacts of the DPD either alone or in combination with other projects or plans and considered whether these impacts would be likely to be significant. Policy MWC8 was identified as "amber" in the screening exercise in that the policy has the potential to cause significant effects. The policy was therefore examined further under an AA<sup>12</sup>. The AA found that there would not be any significant adverse effects on the designations and there would be no impact on the overall integrity of the designations, including consideration of the in-combination effects.
63. Part of the spatial area identified in Policy MWC8 overlaps with a spatial strategy identified by Stockton-on-Tees BC in their CS for the development of chemical production and processing facilities. Policy CS4 of the Stockton CS states that up to 240ha of land will be developed for these uses north of the River Tees. No definitive boundaries are provided, but it can be estimated that about 1,500ha of land is covered. It is estimated that the area of land covered by Policy MWC8 is about 7,000ha. Given that Policy MWC8 identifies three areas for large waste management sites and that such facilities would normally take up an area of less than 10ha, I consider that the overall

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<sup>12</sup> CSDOC011 Habitats Regulations Assessment August 2010.

approach is very robust and reasonable. Having regard to all the evidence, I am satisfied that the strategy of the CS towards the spatial guidance for allocations is justified, is likely to be effective and deliverable and is consistent with national policy objectives.

## **TRANSPORT**

### **Issue 9 – Whether the Plan's provision for sustainable transport is sound**

64. The bulkiness of minerals and waste materials makes the transport of them issues of economics and sustainability. The CS highlights the fact that most minerals and waste is transported by road and that there are significant stretches of the Strategic Highways Network in the Tees Valley which are currently suffering from capacity stress. The plan also refers to the numerous "freight only" rail lines which exist along both banks of the River Tees and into individual industrial sites.
65. Policy MWC10 seeks to prioritise the use of non road based transport for the movement of minerals and waste resources and also to enable users or employees of waste and minerals facilities easy access by alternatives to the private motor vehicle.
66. The plan indicates that significant quantities of sand and gravel, potash and salt are transported in and out of the Tees Valley via the port and rail facilities of the area. Policy MWC11 provides for the safeguarding of port and rail facilities with locations specified at Tees Dock (Teesport), Graythorpe Yard, Hartlepool and Billingham Reach Industrial Estate, together with other existing rail infrastructure in the Tees Valley. Development in or in the vicinity of those locations will only be permitted where it would not prejudice the transportation of minerals resources or waste materials by water and rail.
67. I consider that the policy approach of the CS towards the transport of minerals and waste meets sustainability objectives of MPS1, PPS10 and PPG13 and so is consistent with national policy. The Policies MWC10 and 11 are founded on a robust and credible evidence base and are therefore sound.

## **B POLICIES AND SITES DPD**

### **MINERALS**

#### **Issue 10 – Whether the resources of aggregates which have been allocated to meet the forecast demands are adequate having regard to the particular circumstances of the Tees Valley**

68. The CS identified the requirement to produce 170,000t of sand and gravel between 2010 and 2026 with North Gare, Hartlepool and Stockton Quarry, Stockton-on-Tees shown as sources for this material. It is clear from the evidence that either one or both sites would be capable of supplying the future demand should they be active. But due to uncertainty about the continued working at North Gare and the inactivity at Stockton Quarry, the CS also set

out a need for policies to guide proposals for alternative sand and gravel supplies.

69. The CS identified a shortfall of about 1.9mt of crushed rock. A potential extension to Hart Quarry, the only active quarry in Tees Valley, would provide an additional 1.3mt of aggregate quality limestone. This is allocated in Policy MWP2.
70. Although there is a requirement for additional crushed rock reserves, no suitable sites were promoted by operators during the production of the DPD. The apparent shortfall is a result of the demand for crushed rock in the Tees Valley being met largely by material from North Yorkshire and County Durham. The adjoining mineral planning authorities do not question the soundness of the current DPDs, but there may well be concerns when the plans are revised.
71. The possible cessation of sand and gravel production from the North Gare extraction site and failure to activate Stockton Quarry has resulted in the inclusion of Policy MWP3 which deals with the provision of additional aggregates. The policy indicates that proposals for the extraction of aggregates will be supported where imports into the Tees Valley would be reduced and there would be no significant adverse impact on important environmental designations, with the Teesmouth and Cleveland Coast SPA and Ramsar site, the Teesdale Way, flood risk zones and green wedges specifically mentioned.
72. Policy MWP3 also states that the additional aggregates will only be permitted where there is a need which cannot be met from the existing sites at North Gare, Stockton Quarry or Hart Quarry or other permitted sites, thereby giving effect to Policy MWC2 in the CS, which prioritises supplies firstly from existing sites and then any extensions before new mineral extraction sites.
73. Therefore, I consider that the approach to aggregates extraction is in accordance with national policy and is justified. This aspect of the DPD is flexible; it is able to be monitored and it is deliverable. A representation sought the allocation of a site at High Coniscliffe, near Darlington, for sand and gravel extraction. However, in the event that North Gare continues to operate and/or Stockton Quarry becomes active, there would then be overprovision. Any planning application to extract sand and gravel would be subject to Policy MWP3 and other policies in the development plan. Consequently, despite the representation seeking a further allocation of sand and gravel at High Coniscliffe, I consider that the Policies and Sites DPD is sound in respect of the policies for aggregates extraction.

## **WASTE**

### **Issue 11 – Whether the sites identified in the Policies and Sites DPD meet the requirements for additional facilities outlined in the CS**

74. Policy MWC7 in the CS indicates a requirement for the plan period of between 16,000tpa and 31,000tpa for composting MSW; between 83,000tpa and 103,000tpa for the recovery of value from MSW and C&I waste; between 700,000tpa and 791,000tpa for the recycling of C&D waste, additional facilities

for hazardous waste management and two Household Waste Recycling Centres (HWRCs), one in Stockton-on-Tees and one in the south Tees area.

75. The requirements are met by the following allocations in the PaS DPD:

- MSW composting: 50,000tpa at Haverton Hill;
- MSW and C&I waste recovery: 65,000tpa at Graythorp Industrial Estate, 256,000tpa at Haverton Hill, 200,000tpa at New Road; 450,000tpa at South Tees Eco-Park;
- C&D recycling: 125,000tpa at Port Clarence, Stockton-on-Tees; together with prioritising locations at Hart Quarry, Stockton Quarry and allocated waste sites at South Tees Eco-Park, Haverton Hill, Port Clarence and New Road;
- Hazardous waste: 175,000tpa at Port Clarence;
- HWRCs: an allocation at South Tees Eco-Park and an area of search within the southern part of Stockton-on-Tees Borough.

76. The allocations made at Haverton Hill, New Road, Port Clarence and the South Tees Eco-Park already have planning permission for the requisite waste management uses and I have no reason to doubt the deliverability of the plan.

77. A representation sought the use of the former anhydrite mines beneath Billingham for the disposal of hazardous waste, specifically APC (Air Pollution Control) residues which are typically created by energy from waste or incineration processes. APC residues are currently transported to an underground facility in Cheshire. However, a facility has been permitted at Port Clarence, Stockton-on-Tees which can accept hazardous waste and where appropriate management technology could be developed if the processing of APC residues is specifically sought in order to move the material up the hierarchy. I agree with the Councils that the allocation of the Billingham site is unnecessary. Any planning application for waste management use or operation here would be judged under the policies of the development plan for the particular area.

78. Similarly, although a representation proposed an allocation for the extraction of clay with subsequent landfill at Brenda Road, Hartlepool, the CS indicates that sufficient provision has already been made for the landfilling of MSW and C&I waste over the period of the plan and no further capacity needs to be added at the present time. There was no substantive evidence to demonstrate that the DPD is unsound in this regard.

79. I have considered the remainder of the content of the DPDs and the representations but can find no issues that require any changes to be made to the plans in the interest of soundness.

## Legal Requirements

80. My examination of the compliance of the CS and PaS DPDs with the legal requirements is summarised in the table below. I conclude that the DPDs meet them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Schemes (LDS)	Both the CS DPD and the PaS DPD have been included in the LDSs for each of the constituent authorities from between 2006 to 2011 and have been updated to reflect the current position.
Statements of Community Involvement (SCI) and relevant regulations	The SCIs for each DPD and in each constituent authority were adopted between 2005 and 2010 and consultation has been compliant with the requirements therein, including the consultation and engagement during the final stages prior to the submission of the DPDs.
Sustainability Appraisal (SA)	SA has been carried out at all stages during the preparation of the CS and the PaS DPDs with a Sustainability Appraisal Environmental Report published in 2009. The SAs are adequate.
Appropriate Assessment (AA)	The DPDs have been the subject of Habitats Regulations Assessments with Policies MWC2 and MWC8 the subject of further examination under AA. The AA found that the policies would not result in any significant adverse effects on the designations and would not impact on the overall integrity of the designations.
National Policy	The CS and PaS DPDs comply with national policy.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS of each authority.
2004 Act and Regulations (as amended)	The CS and PaS DPDs comply with the Act and the Regulations.
Regional Strategy (RS)	The CS is in general conformity with the RS.

## Overall Conclusion and Recommendation

**81. I conclude that the Tees Valley Joint Minerals and Waste Core Strategy DPD and the Tees Valley Joint Minerals and Waste Policies and Sites DPD satisfy the requirements of s20(5) of the 2004 Act and meet the criteria for soundness in PPS12. For the avoidance of doubt, I endorse the Councils' proposed minor changes to both plans, set out in Appendix A, and any proposed editorial changes to correct typographical errors or spelling errors.**

A Mead

Inspector

This report is accompanied by: Appendix A (attached) Councils' Minor Changes

## Appendix A: Councils' Minor Changes

### Core Strategy (CS) DPD

Page, section, sentence numbers etc refer to CSDOC003 CS Submission DPD.

Ref No.	Page No.	Para/ Policy	Text Removed	Text Added
CSC1	1	Foreword	All text	A new Foreword will be provided as the existing text relates to the Publication Stage.
CSC2	2	1.1.3	In addition, the Tees Valley has relatively few remaining minerals operations or viable mineral reserves and the preparation of minerals-only DPDs would not be justifiable.	In addition, the Tees Valley has relatively few remaining minerals operations and the preparation of minerals-only DPDs would
CSC3	2	1.1.4 and 1.1.5	All text	The text will be updated as the existing text relates to the Publication Changes stage.
CSC4	4	Section 1.2.3	The Government announced in July 2010 that regional planning policy as contained within the North East of England Plan, Regional Spatial Strategy to 2021, will be revoked. Further advice on the revocation advised that the evidence used to formulate the Regional Spatial Strategy could continue to be used where it was appropriate. Where such evidence has been used in the Minerals and Waste DPDs this situation is clearly stated.	Regional planning policy is contained within the North East of England Plan, Regional Spatial Strategy to 2021, which was issued by the Government in July 2008. Policy 43 concerns the provision of aggregates minerals in the region and identifies the tonnages that each sub-region should provide from 2001 to 2021. Policy 44 sets out the regional approach to open cast coal mining. Policies 45, 46 and 47 concern waste management, with 45 ensuring that all waste management takes place in a sustainable manner, 46 detailing what provision should be made for

Ref No.	Page No.	Para/ Policy	Text Removed	Text Added
				dealing with household waste, municipal solid waste and commercial and industrial waste in each sub-region and 47 dealing with the provision of hazardous waste management at a regional level.
CSC5	4	1.2.4	n/a new text	Stockton-on-Tees Core Strategy (2010)
CSC6	17	4.2.1	n/a new sentences added at end of paragraph	The agreed figures for the Tees Valley are set out in the Regional Spatial Strategy. The Regional Aggregates Working Party made recommendations in 2010 for the apportionment across the North East of updated aggregates figures provided on the regional level in 2009. These recommendations would see increases in guideline figures for the Tees Valley. However, to date these recommendations have not been approved. Once new guideline figures are approved, this DPD will be reviewed and revised as necessary.
CSC7	17	Table 4.1 footnotes	# Figures agreed by the then North East Assembly in 2004 * Assumed figures based on guideline production figures - see Minerals Background Paper	# North East of England Plan Regional Spatial Strategy to 2021, Government Office North East 2008 * Assumed figures based on guideline production figures in Regional Spatial Strategy - see Minerals Background Paper
CSC8	18	Table 4.2 footnotes	# Figures agreed by the then North East Assembly in 2004	# North East of England Plan Regional Spatial Strategy to 2021, Government Office

Ref No.	Page No.	Para/ Policy	Text Removed	Text Added
				North East 2008
CSC9	20	4.3.2	However, it is unlikely that the coal reserves of the Tees Valley would be utilised to supply these development due to issues of quality, cost and working arrangements.	However, no operators have expressed any interest in working coal reserves in the Tees Valley during the production of this DPD.
CSC10	20	4.3.2	n/a	New text added after 5 <sup>th</sup> sentence. Although no licenses have been issued in the Tees Valley, the deep coal resources present opportunities for new energy technologies , such as coal bed methane or underground coal gasification.
CSC11	24	5.2.1	The predicted arisings of municipal solid waste and commercial and industrial waste were approved by the North east Assembly in 2008.  ...Predicted arisings of hazardous waste were approved by the North East Assembly in 2005.	The predicted arisings of municipal solid waste and commercial and industrial waste have been updated by the North East Assembly from those published in the Regional Spatial Strategy  ... Predicted arisings of hazardous waste are included in the Regional Spatial Strategy and those figures are used.
CSC12	28	5.2.13	The agreed figures on hazardous waste are based on information from 2002 and identify that the North East...	The Regional Spatial Strategy uses figures from 2002 to identify that the North East...
CSC13	33	Policy MWC8	Where potential adverse impacts are identified, appropriate compensatory habitats will be required.	Where likely adverse impacts are identified, avoidance or appropriate mitigation measures may be required.
CSC14	35	6.1.1	n/a	New text added after first sentence. For instance minerals can only be extracted

Ref No.	Page No.	Para/ Policy	Text Removed	Text Added
				where they naturally occur.
CSC15	36	6.2.1	...Figures approved by the then North East Assembly show that 9,000,000 tonnes of such material...	.... <i>The Regional Spatial Strategy</i> advises that 9,000,000 tonnes of such material....
CSC16	After 42	Key Diagram	n/a	Amend diagram to show locations of a, b and c identified in Policy MWC8 (see attached plan Kay Diagram, 27333-r01a)
CSC17	Appendix A	Hart Quarry, Hartlepool (27333-r15)	Boundaries of site location shown	Replaced with correct boundaries (see attached plan Hart Quarry, Hartlepool 27333-r15a)

### Policies and Sites (PaS) DPD

Page, section, sentence numbers etc refer to PSDOC003 PaS Submission DPD.

Ref No.	Page No.	Para/ Policy	Text Removed	Text Added
PSC1	Various	Various	n/a new text added	Where reference is made to national and local policy, new text is inserted to also reference regional policy.
PSC2	1	Foreword	All text	A new Foreword will be provided as the existing text relates to the Publication Stage.
PSC3	2	1.1.3	All text	The text will be updated to reflect the status of the DPDs
PSC4	3	2.2.1	n/a new text added before first sentence	The Regional Spatial Strategy states that minerals and waste development frameworks should develop policies requiring the submission of waste audits for major developments and provide detail on the in-house or on-site waste management facilities which will be provided.
PSC5		Appendix A	n/a additions made to tables	See 'Appendix A Tables' below

<b>Ref No.</b>	<b>Page No.</b>	<b>Para/ Policy</b>	<b>Text Removed</b>	<b>Text Added</b>
PSC6		Appendix C. Hart Quarry, Hartlepool (27333-13a)	Boundaries of site location shown	Replaced with correct boundaries (see attached plan Hart Quarry, Hartlepool 27333-r13a)

## **Appendix A Tables**

<b>Landscape and Visual Impact</b>
<b>Policy</b>
<i>Regional Spatial Strategy Policy 31: Landscape Character</i>
<b>Water</b>
<b>Policy</b>
<i>Regional Spatial Strategy Policy 34: The Aquatic and Marine Environment</i>
<i>Regional Spatial Strategy Policy 35: Flood Risk</i>
<b>Cultural Heritage</b>
<b>Policy</b>
<i>Regional Spatial Strategy Policy 32: Historic Environment</i>
<b>Biodiversity and Geodiversity</b>
<b>Policy</b>
<i>Regional Spatial Strategy Policy 33: Biodiversity and Geodiversity</i>
<b>Traffic</b>
<b>Policy</b>
<i>Regional Spatial Strategy Policy 48: International gateways</i>
<i>Regional Spatial Strategy Policy 54: Parking and Travel Plans</i>
<i>Regional Spatial Strategy Policy 57: Sustainable Freight Distribution</i>
<b>Recreation and Leisure</b>
<b>Policy</b>
<i>Regional Spatial Strategy Policy 16: Culture and Tourism</i>
<b>Specific Minerals and Waste Related Matters, including Design, Operational Practices, Environmental Management and Reclamation</b>
<i>Regional Spatial Strategy Policy 24: Delivering Sustainable Communities</i>

*Regional Spatial Strategy Policy 42: Overall Minerals Strategy*

*Regional Spatial Strategy Policy 44: Opencast Coal*