

Report of the Director of City Development

Report to Council

Date: 16th September 2015

Subject: Adoption of Policies Minerals 13 and 14 of the Natural Resources & Waste Local Plan

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): City and Hunslet, Burmantofts and Richmond Hill, Garforth and Swillington and Rothwell wards		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number: 2		

Summary of main issues

1. The Natural Resources & Waste Local Plan was adopted by the Council in January 2013 as part of the Local Development Framework ('local plan'). Following adoption, a High Court Challenge was received into Policies Minerals 13 and 14 which are concerned with protection of railway sidings and canal wharves. As a result, the Council has revised and updated the Policies and these are attached as Appendix 1. The revised Policies have been the subject of public consultation, as required by the LDF Regulations.
2. The revised Policies Minerals 13 and 14 were formally submitted to the Secretary of State on 12th February 2015 for public examination and an independent Inspector, (Mr Andrew Freeman) was appointed to examine the Policies for soundness. As part of the Examination in Public a Hearing took place on 27th and 28th May 2015 as a result of which a small number of modifications to the Policies were agreed at the Inspector's recommendation. The modifications have also been the subject of public consultation for six weeks. The document attached as Appendix 1 is the final version of the revised Policies with the modifications incorporated in it.
3. The City Council has now received the Inspector's Report, which concludes that the Policies (incorporating the modifications) are sound. A copy of the Report is attached as Appendix 2. This means that the City Council can now proceed with the adoption procedures required pursuant to the Planning and Compulsory Purchase

Act 2004 and associated regulations. Once adopted, the Policies will form part of the Leeds Local Development Framework ('local plan').

Recommendations

Council is recommended to:

- 1 Adopt Policies Minerals 13 and 14 and the supporting text as part of the Natural Resources and Waste Local Plan (the submitted Policies and modifications), with 16th September 2015 as the date of Adoption, pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.

1 Purpose of this report

- 1.1 The purpose of this report is to seek Council approval to adopt Policies Minerals 13 and 14 and their supporting text as part of the Natural Resources and Waste Local Plan following independent examination and the receipt of the Inspector's Report.
- 1.2 The revised Policies Minerals 13 and 14 were formally submitted to the Secretary of State on 12th February 2015 for public examination and an independent Inspector (Mr Andrew Freeman) was appointed to examine the Policies for soundness. As part of the Examination in Public a Hearing took place on 27th and 28th May 2015 as a result of which a small number of changes to the Policies were agreed at the Inspector's recommendation
- 1.3 The City Council has now received the Inspector's final report. This concludes that Policies Minerals 13 and 14 of the Leeds Natural Resources and Waste Local Plan (incorporating a number of modifications) are sound, legally compliant and capable of adoption and provide an appropriate basis for the planning of the City until 2026. A copy of the Report is attached as Appendix 2. In the light of the conclusions of the Inspector's Report, the City Council may now adopt the Policies with the modifications.

2 Background information

- 2.1 Following a recommendation by the Executive Board, Full Council agreed to the submission of Policies Minerals 13 and 14 to the Secretary of State at their meeting on 14th January 2015. The Policies have been examined and during the Hearing a small number of modifications were agreed. The modifications do not affect the Council's intent to encourage a greater use of railway sidings and canal wharves for the movement of freight. They were the subject of a six week public consultation which did not result in any significant objections.

3 Main issues

- 3.1 The City Council has an ambition to maximise the use of rail and water freight in the city. Policies Minerals 13 and 14 are an important step towards achieving this objective. The Policies support the City Council's wider strategic objectives for the environment by encouraging a form of freight transport that has lower carbon emissions compared to road. They are also relevant for the following Best Council Objective:
 - Promote Sustainable and Inclusive Economic Growth. This will be achieved by giving the support needed to business to invest in a modal shift from road to rail and water freight, as these are low carbon forms of freight transport that also help business to remain competitive.
- 3.2 Full Council is asked to agree to the adoption of the Policies as shown in Appendix 1. These are the Policies complete with the modifications that have been agreed at the Hearing. The adoption of these Policies is a significant success for the Council. Leeds City Council is the first authority outside London to protect its wharves through the planning process.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Minerals 13 and 14 have been subjected to a number of public consultation exercises as part of their preparation and as required by the LDF Regulations. The Independent Inspector who examined the Policies indicated that he was content with the public consultation undertaken.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality Impact Assessment Screening was carried out on Policies Minerals 13 and 14. The EIA Screening was published when the report went to Executive Board in June 2014.

4.3 Council policies and City Priorities

4.3.1 The Natural Resources and Waste Local Plan Policy Minerals 13 protects sites for non-road based freight and therefore helps to further the Council's objectives for sustainable transport and low carbon investment.

4.4 Resources and value for money

4.4.1 Policies Minerals 13 and 14 are being prepared within the context of the LDF Regulations, statutory requirements and within existing resources. There are no specific resource implications for the City Council arising from the consultation.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The Natural Resources and Waste Local Plan Policy Minerals 13 has potential to lead to a modal shift from road freight to rail and water freight and it therefore enables Leeds City Council to comply with the requirements of the European Air Quality Directive and thereby avoid penalties incurred for non-compliance. The Government operates a 'Water Preferred Policy' for the movement of abnormal loads and Minerals 13 aids the compliance with that policy by ensuring that there are waterside sites for loading and unloading. The decision as to whether to adopt the Policies is being referred to Full Council as part of the Budget and Policy Framework and therefore this report is not eligible for Call In.

4.6 Risk Management

4.6.1 Policies Minerals 13 and 14 have been prepared in accordance with the LDF Regulations and have now been found sound by an independent Inspector. From adoption there is a 6 week period during which any person feeling so aggrieved may submit a High Court Challenge. However the Council has taken all reasonable steps to reduce the risk.

5 Conclusions

5.1 Following submission to the Secretary of State, an independent Inspector has examined Policies Minerals 13 and 14. The City Council has now received the Inspector's final report. This concludes that policies Minerals 13 and 14 of the

Leeds Natural Resources and Waste Local Plan (incorporating a number of modifications) are sound, legally compliant and capable of adoption and provide an appropriate basis for the planning of the City until 2026. A copy of the Report is attached as Appendix 2. In the light of the conclusions of the Inspector's Report, the City Council may now adopt the Policies with the modifications (as shown in Appendix 1).

6 Recommendation

6.1. Council is recommended to:

- 1). Adopt Policies Minerals 13 and 14 and the supporting text as part of the Natural Resources and Waste Local Plan (the submitted Policies and modifications), with 16th September 2015 as the date of Adoption, pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.

7 Background documents¹

7.1 Although there are no formal Background Documents to this report, a substantial number of documents are available representing various stages in preparation of the Policies. These are available on the Natural Resources and Waste Local Plan web pages or by contacting Helen Miller on Leeds 2478132.

8 Appendices

- 8.1 Policies Minerals 13 and 14 (incorporating modifications) and their explanatory text are attached as Appendix 1.
- 8.2 The Inspector's Report is attached as Appendix 2.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.