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## Report of the Director of City Development

### Development Plan Panel

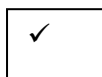
Date: 8 March 2011

Subject: Natural Resources & Waste Development Plan Document – “Formal Submission”

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#### Electoral Wards Affected:

All Wards



Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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## EXECUTIVE SUMMARY

1. At the 3 November 2010 Executive Board, and following earlier periods of consultation, members were minded to approve the “Publication” version of the Natural Resources & Waste Development Plan Document (DPD) for a further period of public consultation. Following the completion of an 8 week period of consultation (15<sup>th</sup> December – 9<sup>th</sup> February) and consideration of representations received, Development Plan Panel is recommended to request Executive Board to recommend to Council, that the NRWDPD (pursuant to section 20 of the 2004 Planning & Compulsory Purchase Act) is formally “Submitted” to the Secretary of State for Independent Examination. It should be emphasised, that once the DPD has been formally submitted for Examination, the City Council will have no power to formally withdraw the document, without the consent of the Secretary of State (Section 22 (2) Planning & Compulsory Purchase Act, 2004).
2. The Natural Resources & Waste Development Plan Document (DPD) is one of a number of planning documents currently being prepared as part of the Local Development Framework (LDF). The preparation of this document has been driven by the requirements of national planning guidance (PPS10), the implications of European Waste Management Directives and the City Council’s commitments to managing environmental resources and tackling climate change. Central to these requirements also, is the need for local authorities to develop an overall strategy for waste management (aligned to the Council’s own municipal waste strategy) and to identify specific sites to manage, municipal, commercial and industrial waste.

## **1.0 Purpose of this Report**

- 1.1 Following the completion of an 8 week period of consultation (15<sup>th</sup> December – 9<sup>th</sup> February) and consideration of representations received Development Plan Panel is recommended to request Executive Board to recommend to Council, that the NRWDPD (pursuant to section 20 of the 2004 Planning & Compulsory Purchase Act) is formally “Submitted” to the Secretary of State for Independent Examination.

## **2.0 Background Information**

- 2.1 Within the context of national guidance (PPS10), European Directives and a range of City Council strategies (including municipal waste and climate change), the Natural Resources and Waste DPD has been in production since 2007. It should be noted also, that the Department of Communities & Local Government’s Chief Planning Officer, has recently written to all LPAs to urge progress in the preparation and adoption of ‘Waste DPDs, as the Government have announced that they intend to pass on fines under the European Directives to the offending Authorities, where such plans have not been prepared.
- 2.2 Following early technical work and stakeholder engagement, wider public consultation on an Issues & Alternative Options document took place in May – June 2008. This was subsequently followed by a further 6 week period of public consultation (18<sup>th</sup> January – 1<sup>st</sup> March 2010) on a ‘Policy Position’ document and an 8 week period of consultation on the Publication draft (15<sup>th</sup> December – 9<sup>th</sup> February), following consideration of the consultation material at the Development Plan Panel (12<sup>th</sup> October 2010) and Executive Board (3<sup>rd</sup> November 2010).
- 2.3 A schedule of the proposed changes to the document, following Publication consultation, to be included as part of the Council’s proposed formal Submission, is appended to this report and the complete set of Submission documents can also be obtained from the named clerk on the front of the agenda. The background papers listed at the end of the report can be obtained from Helen Miller on 24 78132.

## **3.0 Main Issues**

- 3.1 The Natural Resources & Waste DPD Publication draft contains a range of planning policies for Land Use, Minerals & Aggregates, Water Resources, Air Quality, Sustainable Energy Use and Waste, as part of an overall integrated approach, which seeks to minimise and manage the use of natural resources. As well as containing specific planning policies and site allocations, it is also envisaged that the document will have an influencing role in supporting the City Council’s wider strategic objectives for the environment.
- 3.2 Within this overall context, a number of key issues have emerged, which are addressed through the document. These include:
- planning for minerals & aggregates supply (whilst managing environmental assets and amenity),
  - planning for municipal, commercial and industrial waste activity, including site specific allocations, (whilst seeking to reduce waste arisings overall)
  - seeking to reduce flood risk, through mitigation and adaptation, in taking into account the effects of climate change.

- 3.3 Following public consultation on the Publication draft (15<sup>th</sup> December – 9<sup>th</sup> February), the following key issues have been raised and are summarised below. A more detailed summary of the representations received and the City Council's proposed responses is included as Appendix 1 to this report and a consolidated schedule of proposed changes to the document (for submission), is set out in Appendix 2 of this report.

#### Key Issues arising from Publication Consultation

- 3.4 In total 28 representations were received, covering a number of points of representation (incorporating 'objections' – on the basis of matters being unsound and expressions of 'support') and in a number of cases detailed points of support (including Natural England and submissions from the Environment Agency, Bradford City Council, Hansons Aggregates, Biffa Waste, Yorkshire Water and Aire Valley Environmental). The main points arising from the representations, in relation to key Policy areas within the document, can be summarised as follows:

#### Minerals (Section 3):

Responses were received from: North Yorkshire County Council, the Coal Authority, Hansons Aggregates, Minerals Products Association, Lafarge Aggregates, Highways Agency and English Heritage. The main points were: within the context of the West Yorkshire sub regional apportionment for mineral extraction, the DPD does not set a specific apportionment for Leeds, the West Yorkshire sub regional apportionment is time-limited to 2016 and does not extend to 2026 (the end of the plan period), objection to the protection for east of Pool, there is a need for a specific sand and gravel allocation at Methley, a series of detailed comments regarding the need to clarify policy wording and supporting text in relation to the safeguarding of coal resources (& development issues) and there is need to give more emphasis to heritage & historic issues in relation to local landscape character and sourcing local stone for construction.

#### City Council response:

- Within the current sub regional context, it is not possible to derive a specific apportionment for Leeds. The City Council is committed to working with the other West Yorkshire local authorities, as a member of the Regional Aggregates Working Party (RAWP) to address apportionment issues (to 2016 and beyond to the end of the plan period). Notwithstanding these issues, it is considered that the NRWDPD, in its overall strategy, policies and allocations for minerals, meets current and likely future requirements to 2026.
- Through the Leeds Unitary Development Plan, the City Council has an established position to resist sand and gravel extraction to the east of Pool. Based upon the continued allocation of Midgely Farm Otley (within the context of the overall strategy for minerals within the plan) and the landscape quality of the Wharfe Valley, sand and gravel extraction to the east of Pool is not considered appropriate,
- The potential and possible extension of sand and gravel extraction at Methley quarry has been identified as part of the DPD as an 'Area of Search'. Without specific details of proven reserves, it is not possible at this stage to make a specific allocation.
- It is agreed that further amplification in the DPD would assist in recognising the significance of heritage & historic issues (see response to ref. 18 Appendix 1).

With regard to potential sources of historic building stone (also raised by English Heritage) – Minerals Policy 7 has been drafted to support the provision of stone for repairs to historic buildings.

#### **Waste (Section 4):**

Responses were received from: Aire Valley Environmental, Yorkshire Water, Caird Bardon (for Peckfield Landfill), Barton Wilmore (for Keyland Developments), Mr R Taylor (resident), Mrs L Linstrum (resident), Mr S Wigglesworth (resident), RWe Npower, Biffa Waste, Entec (for the National Grid). The main points were: a desire from land owners to have greater flexibility in respect of waste allocations and specific objections from local residents in relation to energy from waste.

#### **City Council response:**

- A key focus of the DPD is to ensure consistency with national planning guidance (PPS10) and the requirements of European Directives, in the allocation of specific waste sites as part of an overall strategy. However, in recognising the need for flexibility under changing circumstances, including the outcome of the City Council's procurement of a residual waste solution, Appendix 1 details a number of minor changes to site boundaries (Knothrop Waste Water Treatment Works) and supporting text to Waste Policy 6. It is also proposed, (for consistency with the approach to Minerals) that Waste Policy 9 is also amended to reflect the points raised by English Heritage regarding the importance of the historic and heritage environment.
- The concerns regarding technology associated with energy from waste are noted. However, the focus and purpose of the DPD is to identify sufficient sites i.e. land and premises for waste management purposes, as part of an overall strategy, rather than prescribing the use of particular forms of waste treatment. It is the role of the City Council's residual waste management project and subsequent planning application process to consider the merits of individual technologies and their impact.

#### **Air Quality (Section 6):**

Responses were received from: Highways Agency. The main points were: the impact of traffic movements upon the strategic highway network and Air Quality Management Areas (AQMAs).

#### **City Council response:**

- Through a number of initiatives and measures within the lower Aire Valley and the emerging Area Action Plan, a number of provisions are in place or are being developed to seek to minimise traffic movements and their impact. These include public transport interventions and the development of Travel Plans and 'trip' management (via Transport Assessments). In relation to Air Quality Management Zones, Policy Air 1 of the DPD seeks to minimise the impact of development upon air quality.

#### **Water (Section 6):**

Responses were received from: Environment Agency. Overall the response from the EA was generally supportive but a number of suggestions made to add further clarity to the supporting text (see response to ref 22, Appendix 1).

## **Site Allocations:**

Responses were received from: Network Rail, British Waterways, Barton Wilmore (for Towngate Estates Ltd) and Walton & Co. (for Db Schenker). The main points were: Objection to the safeguarding of specific wharves and rail sidings for alternative uses including housing.

### **City Council response:**

- A key dimension of the DPD (and its evidence base) is to seek to manage 'resource flows' across the city. Integral to this approach is the need to manage and encourage freight movements via sustainable travel modes. In the preparation and ongoing consultation on the DPD, the use of waterways and the need to safeguard appropriate wharves and railway sidings, has been an integral policy approach. Two prime sites at Old Mill Lane, Hunslet and Canal Wharfage at Stourton are therefore safeguarded. Within this context, alternative uses for housing are not considered to be appropriate, it is understood also that due to flood risk (Zone 3a ii), the sites are unsuitable for housing. This approach is consistent also with the emerging proposals for the Aire Valley Area Action Plan / Urban Eco-Settlement.

## **4.0 Implications for Council Policy and Governance**

- 4.1 As noted above, the Natural Resources & Waste DPD, forms part of the Local Development Framework and once adopted will form part of the Development Plan for Leeds.

## **5.0 Legal and Resource Implications**

- 5.1 The DPD is 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 planning policies and allocations.

## **6.0 Conclusions**

- 6.1 The preparation of the Natural Resources and Waste DPD has been through several phases. The Submission stage marks a key milestone in moving the process through to independent examination and final adoption.

## **7.0 Recommendations**

- 7.1 Development Plan Panel is recommended to request Executive Board to recommend to Council, to approve the Natural Resources and Waste Development Plan Document (together with the proposed changes detailed in Appendix 2 of this report) for submission to the Secretary of State for independent examination, pursuant to Section 20 of the Planning & Compulsory Purchase Act 2004.

## **Background Papers**

Natural Resources & Waste DPD – Publication Document

Summary map

Inset map

Map Book

Sustainability Appraisal

Topic Papers (Waste, Minerals & Energy)

Natural Resources & Waste DPD Issues & Alternative Options, 'Policy Position' documents (and supporting technical papers), Publication Document & Report of Consultation.

**Appendix 1.**

**NRWDPD Publication Draft – Representations & City Council Response**

## NRWDPD Publication Draft – Representations and LCC Response.

| Response and Reference         |     |                           | Representation  | LCC response with any suggested wording amendments.   |
|--------------------------------|-----|---------------------------|---|---|
| Respondent                     | Ref | Previous Consultation Ref | Representation  | Response  |
| North Yorkshire County Council | 1   |                           | <p><i>Summary</i></p> <p><i>Raises concerns of unsound policies (but not an outright objection) with regards to minerals.</i></p> <p><i>Para 3.16 - replace region with West Yorkshire Sub Region (see section 4.1.4 of the minerals topic paper).</i></p> <p><i>Para 3.16 – sentences on the 37year land bank are misleading. It confuses demand and the level of provision required.</i></p> <p><i>Para 3.5 is not clear how the 3.6mt figure has been derived.</i></p> <p><i>There should be a stronger policy commitment (e.g. through a revision to Policy Minerals 4) to encourage the local sources of crushed rock in acceptable locations.</i></p> <p><i>Policy Minerals 4 is too weak and the word exploration should be replaced with extraction.</i></p> <p><i>Policy Minerals 5 – A large proportion of sand and gravel resource within the Wharfe Valley lies to the east of pool. It is considered that this policy is unduly restrictive. A more flexible approach is required. It should be amended to give support in principle for</i></p> | <p>Concerns noted.</p> <p>Agreed.</p> <p>Amend text in Para 3.16 to replace 'region' with '<b>West Yorkshire sub-region</b>'.</p> <p>The Y&amp;H RAWP report identified that at Dec 2008 reserves of some 40 million tonnes of crushed rock provided a landbank of 37 years in West Yorkshire.</p> <p>Amend text in Para 3.16 to replace 'estimates of demand' with '<b>rates of extraction</b>'.</p> <p>This paragraph should have referred to the West Yorkshire Sub - Regional apportionment as set out in para. 4.1.3 of the Minerals Topic Paper. Leeds is unable to apportion on behalf of other Districts however we are committed to working with the other West Yorkshire authorities to help meet the apportionment.</p> <p>Delete the last sentence of para. 3.5. Add at the end of the second sentence after 2008 '<b>...a sub – regional apportionment for West Yorkshire has been derived. This is 5.5 million tonnes of sand and gravel and 17.8 million tonnes of crushed rock for the period 2001 to 2016.</b>'</p> <p>Given the level of provision of crushed rock already achieved within the sub region, the need to encourage further provision of crushed rock is not considered to be necessary.</p> <p>Agree replace 'exploration' with '<b>the extraction of</b>' in MINERALS 4, also add at the end of the first sentence '<b>...for proven deposits in accordance with MINERALS 10.</b>'</p> <p>LCC acknowledge the presence of sand and gravel within the Wharfe Valley identifying a potential 20 million tonnes (Topic Paper 4.1.7) however some of this resource is constrained not least by landscape designations which are considered to be fundamental to the character of the district. The Leeds Landscape Character</p> |



| Response and Reference                         |   | Representation  | LCC response with any suggested wording amendments.   |
|--|---|---|---|
|  |   | <i>sensitively designed, operated and restored sites in order to help maintain supply of sand and gravel.</i>   | Assessment 1994 evidences the high landscape quality, this Study is currently being updated and most recent indications are that the landscape quality is re-confirmed. The Study will be available in early Summer 2011.   |
| Bradford City Council                          | 2 | <p><i>We cannot find and reference to cross boundary working, only cross boundary movements. We would like to see reference to collaborative working.</i></p> <p><i>We would wish to support the policies relating to water. We would be interested in whether you consider there might be scope for joint working in terms of methodologies for investigating the potential for heat distribution networks/mapping opportunities for implementing district energy networks linked to identifying land for development.</i></p>   | <p>Add additional sentence at the end of paragraph 4.6 to state:<br/> <b>‘The City Council will continue to work with and consult with its neighbouring authorities.’</b></p> <p>Support welcomed.</p> <p>Note and action outside the NRWDPD process.</p>   |
| Caird Bardon (on behalf of Peckfield Landfill) | 3 | <p><i>Provided a plan with annual throughputs and remaining void spaces at landfill operations in Leeds, Wakefield and York/N. Yorks/E. Yorks.</i></p> <p><i>Provided a copy annual infilling report as required by planning conditions.</i></p>  | Update waste topic paper only. See separate schedule.   |
| The Coal Authority                             | 4 | <p><i>Figure 2.2 Minerals Resource Map is incorrect and does not match the data supplied in December 2009 or Map A3 of the DPD.</i></p> <p><i>Para 2.9 Minerals Resources General – Statement is not technically correct as Methley Quarry has a current surface mining license.</i></p> <p><i>Mineral Safeguarding, Coal, Map A3. Support Policy Minerals 2 – Minerals Safeguarding Area – support.</i></p> <p><i>Policy Minerals 8, Surface Coal and Development Sites. Welcomes at 3.18 recognition that fossil fuels including coal cannot be excluded as an important energy source. It supports the inclusion of a MSA for coal. However, the presumption in the test does not positively encourage further coal extraction in the MSA and it is unreasonable to include this. A criteria based policy setting out where coal extraction would be suitable would be welcomed. Coal authority seeks clarity of thresholds and the intentions of this policy.</i></p> | <p>The schematic nature of the Minerals Resource Map is designed to make it clear and accessible to all. It is based on Map A3 of the DPD which contains the data supplied by the Coal Authority in December 2009.</p> <p>Extraction of coal at Methley Quarry was incidental to the primary use of aggregate extraction and ceased in December 2010</p> <p>Action: Update Topic Paper.</p> <p>Support noted.</p> <p>Support noted.</p> <p>It has been agreed with the Coal Authority that this point could be satisfactorily dealt with by adding ‘always’ into the policy MINERALS 8, so that it reads:<br/> ‘Within the Mineral Safeguarding Area for surface coal, <b>as shown on Map A3</b>, applicants should <b>always</b> consider the opportunity to recover any coal present .....’</p> <p>This would help to improve awareness and promote the potential for surface coal extraction prior to development, whilst the requirement to undertake an assessment will only apply to major development and therefore not be unduly onerous on the applicant. The definition of ‘major development’ to be added to the glossary and to use the</p> |

| Response and Reference | Representation   | LCC response with any suggested wording amendments.   |
|------------------------|--|---|
|                        | <p><i>Policy Minerals 9, Surface Coal and Non-Development Sites. Suggest wording changes to the policy to reflect National Policy in MPG 3.</i></p> <p><i>Policy Land 1 – Contaminated Land. Contrary to the requirements of PPG 14 and that the policy is amended to address unstable land and mining legacy. Otherwise it is unsound.</i></p>  | <p>definition in Reg. 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.</p> <p>This approach will remove the difficulty in specifying a threshold when consideration of coal removal should be applied but still positively encourage further coal extraction.</p> <p>Agree inclusion of wording relating to mining legacy issues. Add to MINERALS 9 so that the final sentence reads:</p> <p>‘Weight will be attached to schemes which provide local and/or community benefits, avoid the sterilisation of mineral resources, <b>address mining legacy issues</b> or facilitate other development which is in accordance with the development plan.’</p> <p>Provide explanation of this point in the text by adding words to the end of para. 3.22 to state:</p> <p><b>‘Additionally, in areas of coal mining legacy, extraction of coal can help to improve conditions, for example by creating land stability.’</b></p> <p>LCC has a specialist Contaminated Land Team but they do not deal with land stability, consequently it is not appropriate for LCC to include a requirement on land stability within the contaminated land policy. However, we do recognise the need for Coal Mining Risk Assessments and these are part of the planning application validation criteria. We therefore suggest including the following words at the final end of para. 3.22 (i.e. after the words suggested above).</p> <p><b>‘The Coal Authority has provided Leeds City Council with information about the extent of former coal mining legacy areas. In accordance with PPG14, a Coal Mining Risk Assessment will be required for all Full and Outline non householder applications in Coal Mining Development Referral Areas where the ground will be disturbed.’</b></p> |
| Hansons<br>Aggregates  | <p>5</p> <p><i>Supports the plan and safeguarding of their interests in the various aspects of the plan (minerals and wharves).</i></p> <p><i>Asphalt Plant at Bridgewater Road South – Sound</i></p> <p><i>Howley Park Extension – Sound</i></p> <p><i>Concrete Plant at Knowthorpe Road – Sound</i></p> <p><i>Concrete plant at Cross Green Way – Sound</i></p> <p><i>Brickworks at Swillington – Sound</i></p> <p><i>Brickworks at Howley Park Quarry &amp; Brickworks– Sound</i></p> <p><i>Midgely Farm Near Otley – Sound</i></p> | <p>Support noted.</p>   |

| Response and Reference              | Representation   | LCC response with any suggested wording amendments.  |
|-------------------------------------|--|--|
| Minerals<br>Products<br>Association | <p><i>Supports the allocation for the proposed railway sidings and canal wharf at Bridgewater road for a aggregates and asphalt concrete railhead complex.</i></p> <p><i>Supports the sand and gravel allocation at Midgley Farm, Near Otley.</i></p> <p><i>Supports the preferred areas of mineral extraction at Howley Park Quarry and Brickworks.</i></p> <p><i>Minerals 6 gives the impression that these are the only areas preferred for minerals extraction during the plan period rather than the list of sites where possible extensions have been identified during the plan period.</i></p>   | <p>Support noted.</p> <p>Support noted.</p> <p>Support noted.</p> <p>Comments Noted<br/>Action: Amend Para 3.11 to include further explanation of Preferred Areas and Areas of Search as follows:<br/><b>Areas of Search (AoS) are areas where resources are known to be. However, no exploration as to potential yield or quality of the resource has been undertaken and therefore these are not proven. The Council wishes to encourage such exploration to ensure its continued contribution to sub regional levels of provision of sand and gravel and has therefore identified areas where it is appropriate that this may take place.</b></p>   |
|                                     | <p><i>Minerals Policy 1 is unsound. It does not state the apportionment or provide any commitment to it. It is impossible to monitor. The figure quoted in the minerals topic paper should be rolled forward to the end of the plan period. More provision should be provided. 8.9mt for sand and gravel and 28.8mt of crushed rock to 2026.</i></p> <p><i>Minerals Policy 2 is unsound. It is not in accordance with best practice and is not justified. Evidence base needs to be confirmed. It should an OS base.</i></p> <p><i>Minerals Policy 5: Limiting sand and gravel extraction in the Wharfe Valley. This policy begs the question of whether sufficient provision has been made and the resistance to proposals is unnecessary.</i></p> <p><i>Map A3: Minerals Safeguarding Areas – Map is not in accordance with National Policy.</i></p> <p><i>Considers the following policies to be sound:</i></p> | <p><b>“Preferred Areas” are those areas where the resource is proven and evidence as to the nature and extent of deposit is available. The Council wishes to ensure that the resources are exploited in an efficient and timely manner.</b></p> <p>Evidence to support this Chapter of the NRWDPD is set out in the Minerals Topic Paper and in supporting text.</p> <p>Sub – Regional Apportionment beyond 2016 has not yet been established.</p> <p>All spatial proposals will be consolidated on the Proposals Map which will be on an OS base.</p> <p>LCC consider that the reasoning behind the decision to limit extraction within the Wharfe Valley is adequately set out in the Minerals Topic Paper.</p> <p>All proposals will be consolidated on the Proposals Map which will be on an OS base.<br/>LCC can put an OS layer over Map A3 if necessary.<br/>Support noted.</p> |

| Response and Reference                      | Representation  | LCC response with any suggested wording amendments.  |
|---|---|--|
| David Walker for 7<br>Lafarge<br>Aggregates | <p>Minerals 6, 7, 10, 11, 12, 13, 14.<br/>Waste 1, 2, 3, 4, 7, 8, 9, 10, 11.<br/><i>Agree with vision although minerals sites could take more prominence.<br/>Should recognise at 2.29 the role that minerals site can make in flood storage capacity.</i></p> <p><i>Minerals 1 – discrepancies with the figures and targets which need to reflect the Y&amp;H Rawp. It is not supported by the evidence base.</i></p> <p><i>Midgley Farm will not meet the sub regional apportionment.<br/>Methley Quarry and the proposed extension should be allocated under Minerals 4.</i></p> <p><i>Under Minerals 3, 13 and 14, a further buffer zone of 250m around the sites would help protect them from other forms of development which may prejudice minerals and transportation operations.</i></p> | <p>Comments noted.</p> <p>Add words to para. 2.29 to state: <b>‘Additionally, the restoration of mineral sites in appropriate locations can be designed to help provide flood storage benefits’.</b></p> <p>This representation is based on the assumption that LCC must meet the level of provision set for the entire sub region in the absence of consented sites in other districts within the sub region. Enquiries of adjacent West Yorkshire (Minerals Topic Paper Para 4.1.4 – 4.1.6) MPAs indicate that whilst there are currently no consented sites within their districts, there are resources which have the potential to provide significant yields that would contribute to meeting the sub regional apportionment.<br/>LCC suggest re-ordering the words of MINERALS 1 to help clarify this point. The Policy will read:<br/>‘MINERALS 1<br/>In conjunction with other West Yorkshire Metropolitan District Councils, the Council will encourage the recycling of materials and endeavour to maintain a land bank of permitted reserves of sand and gravel in accordance with the Sub-Regional Apportionment.’<br/>The proven resource at Midgley Farm forms one part of an overall approach to meeting LCCs contribution to the level of provision required at sub regional level. It is not intended that LCC should provide exclusively the full apportionment for the sub region from the Midgley Farm site.</p> <p>The Council supports through an AoS designation the possible extension of Methley Quarry for the extraction of sand and gravel. Allocation of the site can only be considered following exploration to provide evidence as to the scale of the resource and indicative land take for a working proposal.<br/>MINERALS 2 and 3 afford protection to mineral resources and to operational sites themselves. MINERALS 10 provides development management criteria which are designed to ensure best working practices. Additional buffer zones are not considered necessary to protect either minerals sites or non mineral development</p> |

| Response and Reference                      |   | Representation  | LCC response with any suggested wording amendments.  |
|---|---|---|--|
| Arup on behalf of Aire Valley Environmental | 8 | <p><i>Policy Minerals 4 should also include Methley Quarry. There are more potential issues at delivering a scheme at Midgley than at Methley.</i></p> <p><i>Mineral policy 8 needs to refer to Map A3. It should also include reference and support for where coal can be extracted as a secondary mineral in wider extraction schemes.</i></p> <p><i>Amend point 2, 4 and 18 of Minerals 10 in accordance with suggested word changes.</i></p> <p><i>Minerals 13 should include mineral plant site areas that can be undertaken on a sustainable basis.</i></p> <p><i>Waste section should take more account that inert waste can play in restoring minerals sites. Suggest an amendment to Waste Policy 8 to reflect this.</i></p> <p><i>Water 1 could be amended to include the requirement for water efficient processing plant.</i></p> <p><i>Water 3 should be expanded to reflect PPS 25.</i></p> <p><i>Request a specific policy on Green Belt in terms of how natural resource and waste applications would be dealt with – minerals extraction is not necessarily incompatible with the Green Belt.</i></p> <p><i>General comment on the scale of some of the plans where precise locations are difficult to determine.</i></p> <p><i>Supports Policy Waste 6 in terms of the inclusion of land within the Klostrop Wastewater Treatment Works. However, the Map Book XC2 – Map E needs a slight amendment to reflect the AVE proposed facility.</i></p> <p><i>Supports Energy Policy 3 particularly that a facility should demonstrate the potential to connect to an outlet for any energy produced.</i></p> | <p>There is insufficient evidence to justify this as an allocation and this resource is not proven.</p> <p>Comment re map ref noted. This policy does not seek to identify specific sites where coal can be worked by opencast methods. It does seek to provide sufficient flexibility to allow the recovery of coal by opencast methods as an incidental activity to the primary re-development of any site within the area identified as the MSA for coal on Map A3.</p> <p>Suggested changes are not considered necessary.</p> <p>LCC supports the use of existing mineral sites for value added operations where appropriate but does not support the extended use of sites which are not appropriately located once the primary mineral use has ceased.</p> <p>The use of inerts to restore quarries can be acceptable under WASTE 8 and is provided for by WASTE 10.</p> <p>The policy applies to all development and therefore includes processing plants.</p> <p>In order to more accurately reflect national policy add the words ‘....and satisfies the Exception Test’ to the end of policy Water 3.</p> <p>National policy in relation to minerals development in the greenbelt is set out clearly in PPG 2; Green Belt. Reiteration of national green belt policy in this document is therefore considered to be unnecessary.</p> |
|   |   | <p><i>Supports Energy Policy 3 particularly that a facility should demonstrate the potential to connect to an outlet for any energy produced.</i></p>   |  |
| Yorkshire Water                             | 9 | <p><i>Supports the aspiration for a zero waste city.</i></p> <p><i>Fully support Waste 3.</i></p> <p><i>Fully support Waste 4</i></p> <p><i>Support the inclusion of land within Klostrop WWTW as being part of the Cross Green Industrial Estate preferred location for new waste management facilities.</i></p>   | <p>Support noted.</p> <p>Support noted.</p> <p>Support noted.</p> <p>Agree extension to Cross Green Industrial Estate to include land formerly suggested as a strategic waste site. This is because it has previously been identified for waste uses and it would be inconsistent</p>  |

| Response and Reference                                | Representation  | LCC response with any suggested wording amendments.  |
|---|---|--|
| Barton Wilmore<br>for Keyland<br>Developments<br>Ltd. | <p><i>It is an obvious site most notably for Anaerobic Digestion. However, suggest an amendment to Plan E. Support Waste Policy 6. Rectify typo.</i></p> <p><i>Any employment use should be compatible with the WWTW.</i></p> <p><i>Supports the energy section.</i></p> <p><i>Support Energy 3.</i></p> <p><i>Support Energy 4.</i></p> <p><i>Paragraph 1.18 of the topic paper could add utilities as one of the likely users of CHP and also reflect this in Energy 3 and 4.</i></p> <p><i>Air 1 – This should reflect that sensitive new developments close to activities such as the WWTW should not necessarily proceed. YW seeks to minimise odour emissions and has invested in a new odour control plant. However, there will always be some low level odours as a result of operations.</i></p> <p><i>Support Water Policies 1-7.</i></p> <p><i>Could include a specific policy to support the statement at para. 6.32 regarding co-location with energy.</i></p> | <p>not to include it. <b>Amend Map 206 to reflect the further area of land within the Knostrop Waste Water Treatment Works.</b></p> <p>In Waste Policy 6 replace Sewage Water Treatment works with <b>‘Waste’</b> Water Treatment Works.</p> <p>Normal development control processes will deal with this and a specific policy is not required.</p> <p>Support noted.</p> <p>Support noted.</p> <p>Support noted.</p> <p>At paragraph 5.24 alter reference in the brackets in the first sentence to: (.....industrial uses <b>including utilities providers</b>).</p> <p>Validation criteria currently requires that air quality assessments are carried out when development is proposed near to a designated industrial process.</p> <p>Support noted.</p> <p>Agree. Add an additional point on the list on page 12 under Low Carbon Economy, to state:<br/><b>‘Support the co-location of natural resource activities to minimize transportation impacts.’</b></p> <p>Note for information. Yorkshire Water have supported the allocation of the site for strategic waste management use.</p> |
|   | <p><i>Keyland is the commercial property development subsidiary of Kelda Group whose main activity is the regeneration of Yorkshire Water surplus land. YW is also a subsidiary of Kelda Group.</i></p> <p><i>Keyland is concerned that the wording of Waste 6 will make it more difficult for employment uses to proceed at the site if AVE is not successful in the Leeds Residual Waste PFI facility. The safeguarding of the site should automatically fall away if AVE is unsuccessful. There is no evidence to support the inclusion of the site beyond the PFI. It already has planning permission for storage and distribution. The wording of the policy discourages investment in employment uses.</i></p>  | <p>WASTE 6 makes provision for the site to be developed for employment uses should the site no longer be required for the strategic waste management facility. Keyland have an extant planning permission for storage and distribution which they can implement at any time.</p> <p>This concern is not consistent with those of the other interests on this site where its safeguarding is supported and synergy with other utility uses identified. This has been the position at all previous stages of the plan.</p> <p>The policy is intended to ensure that sufficient provision is made for Leeds to be able to manage its waste and demonstrates certainty about the ability to manage waste whilst allowing for the circumstances inevitably created by the procurement process.</p>  |

| Response and Reference                        | Representation  | LCC response with any suggested wording amendments.   |
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| <p>Mr R D Taylor 11<br/>Garforth resident</p> | <p><i>Under the minerals policies relating to coal, Keyland and their partners have explored the potential for recovery of sub-surface coal on land held within the joint ventures and it has been concluded that recovery of the coal deposits is not commercially viable. Minerals 2 is unduly onerous and needs amendment.</i></p> <p><i>Minerals 8 fails to clarify how major applications will be defined. Policy approach is not clear in terms of economic value. The general extents of the MSA for coal and onerous requirements will generally harm the regeneration interests of the City.</i></p> <p><i>Objects to NRWDPD:</i></p> <p><i>Garforth residents do not know about NRWDPD generally.</i></p> | <p>LCC suggests slight word changes to the introductory text to the policy to help clarify this position. Amend the second half of Para. 4.32 to delete the third sentence of the paragraph and add a further sentence regarding the procurement so the paragraph will read:</p> <p><b>‘A City Council procurement process for a residual municipal solid waste (MSW) treatment facility has been running in parallel with the preparation of the NRWDPD. Two of the three strategic waste management sites are being considered as possible locations for the facility. In the event that it can be demonstrated that a site is no longer required for strategic waste management purposes, it will be acceptable to use it for other employment uses. In the case of the two sites in the procurement process this event will arrive when the procurement process completes.’</b></p> <p>Note for information.</p> <p>LCC are required to identify Mineral Safeguarding Areas to protect finite natural resources. Failure to do so or to identify the criteria which would allow other forms of development to take place would be in direct conflict with the aims and vision set out in Section 2 of this DPD.</p> <p>Add the definition of major development to the Glossary, using the definition in regulation 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (10 dwellings or more or 1,000 sq. metres or more).</p> <p>Keyland have complied with the proposed policy and therefore demonstrate that the policy is not too onerous.</p> <p>There are many instances where developers prefer to extract coal before developing because they can make money out of it and because it helps create land stability.</p> <p>The City Council has put a significant amount of resources into a City Wide consultation throughout this plan.</p> |
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| Response and Reference | Representation   | LCC response with any suggested wording amendments.  |
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| RWe Npower<br>12       | <p><i>Does not necessarily accept EfW is a safe technology.</i></p> <p><i>Richmond works at Garforth as a safeguarded site particularly after the recent fire at the Wastecare Site. General lack of knowledge and uncertainty at this site. More appropriate for them to consolidate their operations to Cross Green.</i></p> <p><i>Have we taken into account the cumulative air quality impacts of all the developments proposed in the NRWDPD along with existing emissions?</i></p>   | <p>The role of the NRWDPD is to safeguard sites which are suitable for a range of technologies, including EfW. Emissions will need to be assessed as part of any future planning application. Any permitted proposal is also subject to separate environmental permitting by the Environment Agency. Waste development cannot operate without the relevant environmental permit.</p> <p>The sustainable management of waste is dependent on maintaining current capacity as well as planning for additional capacity.</p>  |
|                        | <p><i>Raises other matters such as explosion in Rotherham and N.Yorks decision to build a Waste Transfer Facility at Chapel Allerton.</i></p> <p><i>Objects to waste policy 6. This is because it seeks to prohibit employment uses at the site if they were to come forward. However, they have permission for B1, B2 and B8 uses which does not expire until 2017. As such development could take place at any time. The site will continue to be marketed for employment purposes. Skelton Grange should be allocated for both employment and waste uses.</i></p> | <p>The cumulative impacts of policies have been examined in the Sustainability Appraisal. However, it is acknowledged that it is difficult to assess the complete impacts of all the policies on air quality taking into account changes in the wider environment. Policy Air 1 requires new developments to demonstrate that they will not have a detrimental impact on air quality, taking into account background factors and provided mitigation where this is necessary.</p> <p>These comments are noted but by and large are matters outside the remit of the NRWDPD.</p> <p>The policy safeguards all the strategic waste sites during the plan period unless they can demonstrate that they are no longer required for this purpose.</p> <p>It ensures that sufficient provision is made for Leeds to be able to manage its waste and demonstrates certainty in the first instance whilst ensuring that the land is not unduly sterilized once provision has been met.</p> <p>There is nothing to stop the extant employment use been implemented. It is up to the land owner to decide which use takes preference or if it is possible for them to co-exist. The landowner has consistently confirmed support for waste treatment facility provision on this site and an operator has expressed a clear interest in developing a major treatment facility for residual C&amp;I waste within the footprint of this site, pre-application discussions have taken place and an application is expected soon (see representation 13 below).</p> |
|                        | <p><i>Rather than rewording the policy they we are willing to accept reducing the footprint to reflect a 'particular proposal'.</i></p>  | <p>The whole site as currently shown is still required to maintain flexibility should a planning application come forward. No other representations setting out a specific location within the site boundary on plan 200 under Section D of the map book have been received. However, National Grid has separately requested that the area of the</p>  |



| Response and Reference  | Representation   | LCC response with any suggested wording amendments.   |
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| Biffa Waste Ltd 13<br>Entec on behalf of the National Grid 14 | <p><i>Supports the NRWDPD (no other comments). This is a mainly advisory in terms of where assets are located. However, the plan for Skelton Grange shows the NG electricity substation within the proposed allocation. They object unless the plan is amended to take out the substation.</i></p> <p><i>That the assets of the substation are protected should permission for a facility on Skelton Grange be granted.</i></p> <p><i>There are overhead power lines at Methley and Skelton Ash Lagoons that will need to be maintained. There is a gas transmission pipeline bounding site 36, Highmoor Quarry.</i></p>   | <p>sub station is removed.</p> <p>Support noted.</p> <p>Comment noted.</p> <p><b>Remove sub station assets from the site boundary on Plan 200 under section D of the map book.</b></p> <p><b>Revised plan attached to the schedule for clarity.</b></p> <p>This would be a consideration should any planning application be received. All proposals would need to meet the requirements of WASTE 9.</p> <p>Note information.</p>  |
| Mrs Lyn Linstrum 15<br>(local resident)                       | <p><i>Sustainability Appraisal – It makes no reference to the EASEL Plan.</i></p> <p><i>Sustainability Appraisal – Which IMD scores have been used?</i></p> <p><i>Sustainability Appraisal – More explanation would be welcome of how the SA has taken into account housing disparity, social inclusion, job opportunities and health.</i></p> <p><i>Policy Waste 6 – The site selection study 2007 based its conclusion on inaccurate information on the Wholesale Market as it assumed that the nearest residential properties were to be demolished. The update undertaken 2009 acknowledged this but did not reduce the scoring based on the proximity to housing as it stated this had already been taken into account.</i></p> | <p>The EASEL Area Action Plan has been withdrawn..</p> <p>This is set out in the Social and Deprivation Chapter in Section 4.</p> <p>Chapter 3 provides the SA methodology, Chapter 4 provides the baseline used, and Part C presents the results of how the method was applied. These issues are clearly addressed under their appropriate topics.</p> <p>At the time of the 2007 study the EASEL plan was proposing to allocate a small part of the nearest residential areas as employment uses. The 2009 study acknowledged that this situation had changed in the intervening period. However, further information was also known about the potential layouts and designs which could be accommodated on the site by the time of the 2009 study.</p> <p>The Wholesale Market meets the tests in PPS 10. The site selection study demonstrates that there are very few alternative choices in Leeds.</p> <p>Any future proposals would need to comply with WASTE 9 and demonstrate that there are no adverse impacts on the surrounding area.</p> <p>In addition separate environmental permitting legislation requires proposals to comply with permitted environmental standards.</p> |

| Response and Reference                   | Representation   | LCC response with any suggested wording amendments.   |
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| Mr Stewart Wigglesworth (local resident) | <p><i>Policy Waste 6 – The site should have been red in the site selection study not green.</i></p>  | <p>The Wholesale Market meets the tests in PPS 10. The site selection study demonstrates that there are very few alternative choices in Leeds.</p>  |
|  | <p><i>The site selection study soundness needs to be considered by the Inspector and the Wholesale Market removed from the plan. The bidder has stated they will not be justifying the selection of the site.</i></p> <p><i>Policy WM6 has omitted ‘The Council will have regard to the proximity and cumulative effect upon residents’</i></p>                                      | <p>This will be a matter for the Examination in Public.</p> <p>Any future proposals would need to comply with WASTE 9 and demonstrate that there are no adverse impacts on the surrounding area.</p>  |
|  | <p><i>The consultation process is not sound. It has not provided adequate information or answers. Sport England has not been consulted.</i></p>  | <p>In addition separate environmental permitting legislation requires proposals to comply with permitted environmental standards. A wide range of organisations have been consulted as part of the plan making process in compliance with the adopted Statement of Community Involvement.</p> <p>Sport England are not a statutory consultee however they were consulted at Issues and Options stage and responded that the DPD was not of interest to them as they are only interested in proposals that affect playing pitches and other greenspace and sports provision. They asked not to be included in further consultation stages of the DPD.</p> <p>Opposition is noted.</p>  |
|  | <p><i>Oppose incineration at the Wholesale Market and the Yorkshire Water Land.</i></p> <p><i>The sites are too close to residential areas and businesses.</i></p> <p><i>The council has provided no justification for introducing this type of use into the area.</i></p> <p><i>The incinerator in Sheffield is dirty, noisy and the odour in the local air was disgusting.</i></p> | <p>Comments noted. These matters were considered and set out in the site selection study 2007 and the further update in 2009.</p> <p>The site selection study reflects National Planning Guidance on Sustainable Waste Management in PPS 10.</p> <p>This is anecdotal. The Sheffield facility is adjacent to a new office and supplies energy to the nearby flats and businesses. Officers and Members of LCC have also visited the Sheffield facility and did not find it to be any of these things. Sheffield residents are not reported to complain about it and the facility in Sheffield is right in the heart of the urban area.</p> <p>The plan is technology neutral but it must enable a range of technologies to be implemented to reduce the current reliance on landfill.</p> |
|  | <p><i>The council’s utopian dream is a clear attempt at sterilised propaganda to try and convince locals that the incinerator poses no threat to the area.</i></p>   |   |

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|                               | <p><i>Veolia has had several environmental breaches.</i></p> <p><i>Accept incineration is a viable concept it must be done in the correct regulated manner and located in the correct area.</i></p> <p><i>Will the council start shipping in rubbish from other areas?</i></p>  | <p>This is not a matter for the NRWDPD but WASTE 9 requires proposals to demonstrate that they would not give rise to adverse environmental impacts.</p> <p>Point noted.</p> <p>The plan objective is for self sufficiency. This recognises that Leeds must plan to meet its own waste needs. This is a significant challenge in itself. It is not the intention of the plan to provide for more than the needs of Leeds, however some existing facilities do take commercial and industrial waste from adjoining areas and vice versa (as detailed in the Waste Topic Paper).</p>   |
| English Heritage<br>SA 17     | <p><i>Re-characterise heritage assets in table B2-1 on P52 of SA.</i></p> <p><i>Table B2-5 – Add additional reference to design and operation of development.</i></p> <p><i>Table B2-6 – do not agree with scoring for the strategic waste sites.</i></p> <p><i>Part B – do not agree with scoring on heritage assets. Subsequently think Policy Waste 9 needs to be amended.</i></p> <p><i>Minerals Policy 1-8: General support for them to support conservation of historic environment.</i></p> <p><i>Part C – P41/P56: General disagreement to scoring. (Request to contribute towards SA).</i></p> | <p>Acknowledge listed buildings are of national significance and this is incorrectly referenced.</p> <p>This point is noted but it considered that the adjustment to Policy WASTE 9 should meet English Heritage requirements.</p> <p>This is noted. Additional criteria have been added to WASTE 9 to reflect the protection of heritage assets.</p> <p>See below for suggested addition to WASTE 9.</p> <p>Note support.</p> <p>This is noted.</p>   |
| English Heritage<br>(Plan) 18 | <p><i>Support the key principles at para. 2.19 but want historic interests to be given a specific reference and to be protected/enhanced.</i></p> <p><i>Seek rewording of paragraph 2.30 for clarity and to avoid confusion and to ensure the protection of the wider environment and not just certain elements of it.</i></p> <p><i>Minerals Policy 1 and 2 – English Heritage are conducting a study of other potential sources of historic building stones other than safeguarded quarries. They request that such locations are also safeguarded.</i></p>   | <p>Suggest adding another objective under A high Level of Environmental Protection</p> <p><b>‘Protect and enhance the environment including the District’s heritage’.</b></p> <p>The DPD does this because of the historic building stone policy and other policies.</p> <p>Add the following after the first sentence of para. 2.30:</p> <p><b>‘This document has a strong emphasis on environmental protection throughout and encourages the use of local stone to repair and maintain historic buildings.</b> It gives added protection for trees .....’.</p> <p>Unfortunately the site information is not yet available and therefore we cannot include it in the DPD, however, MINERALS 7 has been written to support the provision of stone for repairs to historic buildings.</p> |

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|                         |    | <p><i>However, the information of where they might be is not available until the summer.</i></p> <p><i>Para 3.14 – asked for specific reference to Midgley Farm to be referred as requiring special protection from the potential effects of quarrying.</i></p>  | <p>MINERALS 10 incorporates specific criteria designed to protect environment and landscape character. This policy is proposed to be strengthened with the addition of the word ‘historic’ to the bullet point regarding natural environment. Not considered necessary to include additional “special” measures to protect Midgley Farm.</p> <p>Point 6 of MINERALS 10 to read:<br/>‘6. Effect on the natural <b>and historic</b> environment’.</p> <p>Note support</p>  |
|                         |    | <p><i>Minerals 5 – support protection of the Wharfe Valley. Also support Minerals 7.</i></p> <p><i>Minerals 10 – add a specific reference to the protection of the historic environment.</i></p>   | <p>Agree.</p> <p>Point 6 of MINERALS 10 to read:<br/>‘6. Effect on the natural <b>and historic</b> environment’</p>  |
|                         |    | <p><i>Waste 9 – Want a reference to protecting the historic environment adding to the policy.</i></p>  | <p>Agree.</p> <p>Delete ‘all wildlife’, add ‘historic’. Point 8 of WASTE 9 to read:<br/>‘8. Effect on the natural <b>and historic</b> environment’.</p>  |
| Defence Estates         | 19 | <p><i>Support Energy 1 and 2.</i></p> <p><i>Supports the document but reiterates the need to maintain safeguarding zones for RAF Church Fenton and Linton on Ouse and consult the MOD.</i></p>   | <p>Note Support</p> <p>This is acknowledged at point 7 of ENERGY 1.</p>  |
| Clifford Parish Council | 20 | <p><i>Did not feel that there was enough time to make a reasoned response.</i></p>   | <p>Comment acknowledged. The consultation period ran for 8 weeks, thus giving 2 weeks more than normal to allow for the christmas period.</p>  |
| Highways Agency         | 21 | <p><i>Minerals 10 – request wording change to also reflect strategic highways network.</i></p>   | <p>Agree.</p> <p>Delete the word ‘local’ from Point 12 of MINERALS 10 to read:<br/><b>‘The adequacy of the highway network...’.</b></p>  |
|                         |    | <p><i>Air Quality – state they will be seeking further assurances through the Core Strategy and Sites DPD that the AQMA 8 at the A1 at Micklefield is not prolonged as a result of development. They also want to ensure that any development along the SRN corridor would not lead to the designation of further AQMA.</i></p> <p><i>Waste Policy 6 – Consider the strategic sites to be potentially unsound because their development may need to make financial contributions towards highways mitigation. This is further to discussions on the AVAAP. The NRWDPD should refer to this potential need in the policy.</i></p> <p><i>Better word item 13 in waste 9.</i></p> | <p>The AQMA at Micklefield was withdrawn in July 2010. The current AQMA’s are shown on Figure 3A of the Appendix to the DPD. The purpose of policy AIR 1 is to ensure that new developments do not increase air pollution.</p> <p>The strategic waste sites will be treated in a similar way to employment sites in the emerging Aire Valley Area Action Plan which will include a mechanism for delivering strategic highway and public transport improvements in the context of that Plan. Detailed Transport Assessments will be required as part of the planning application.</p> <p>Agree.</p> <p>Delete the word ‘local’ from Point 13 of WASTE 9 to read:</p> |

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| Environment Agency     | 22 | <p><i>Appendix maps – concerned how the spur into Skelton Grange would pass under the motorway as this could affect the maintenance arrangements for the Aire Valley viaduct.</i></p> <p><i>General support for the soundness of the NRWDPD and the waste topic paper.</i></p> <p><i>May need further qualification of amount of landfill space remaining. Wellbeck Quarry has no planning permission for landfill beyond 2018. Reference on p20 may need amendment.</i></p> <p><i>Add PPS23 and Environmental Permit Regs to table 1.2.</i></p> <p><i>Identify need for Hydrogeological Risk Assessments in landfill provision, waste management and future minerals activities.</i></p> <p><i>Microgeneration - Ground source heat pump systems to be operated sustainably.</i></p> <p><i>Paragraph 6.17 – FRA required on sites over 1ha in flood zone 1.</i></p> <p><i>If the Leeds Flood Scheme were to go ahead the SFRA would show two parallel zones of rapid inundation.</i></p> <p><i>Water 6 – Include a greater emphasis on safety. Seek advice from LCC Emergency Planning Officers.</i></p> <p><i>Para 6.14 – include PPS 25 before exceptions test.</i></p> <p><i>Water 3 – amend to read ‘Development shall not be permitted in the areas shown as functional floodplain in the Leeds SFRA unless it is water compatible or essential infrastructure and satisfies the exception test.</i></p> <p><i>No further comments. Confirm the NRWDPD does not require Appropriate Assessment.</i></p> | <p><b>‘The adequacy of the highway network...</b></p> <p>The Skelton Grange rail spur passes under the motorway via an existing tunnel. LCC will need to ensure adequate maintenance access is negotiated if the line becomes operational again.</p> <p>Support is noted.</p> <p>Topic paper to be amended.</p> <p>Add the following to Table 1.2 Summary of Legislative and Policy Framework in the all topics national column:</p> <p><b>‘PPS 23: Planning and Pollution Control 2004. Environmental Permitting Regulations (EPR) 2010’.</b></p> <p>Covered by provisions of WASTE 9 and MINERALS 10 under ‘protection of controlled waters’.</p> <p>Ground source heat pumps do not require planning permission as they are now permitted development.</p> <p>LCC require a consideration of flood risk on all sites regardless of size.</p> <p>Noted, LCC will need to update their SFRA accordingly.</p> <p>Emergency flood plans are not the same as Flood Risk Assessments as emergency plans tend to change according to the movement of flood water and specific circumstances of the flood. For this reason LCC Emergency Planning Officers do not like to comment on the safety aspects of proposed developments. However an FRA should cover safe access and egress.</p> <p>Add <b>‘Safe access and egress’</b> to the end of WATER 6 list of criteria.</p> <p>Add the words <b>‘PPS25’</b> before Exceptions Test in Para. 6.14.</p> <p>In order to more accurately reflect national policy add the words <b>‘...and satisfies the Exception Test’</b> to the end of WATER 3.</p> |
| Natural England        | 23 |   | <p>Note further confirmation that the plan does not require Appropriate Assessment.</p>  |
| Network Rail           | 24 | <p><i>Mineral 14 – Sites are acceptable except site XB21.</i></p>   | <p>Noted.</p>  |

| Response and Reference                 | Representation   | LCC response with any suggested wording amendments.   |
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|  | <p><i>Mineral 14 – bullet point 3 – site XB21. Any rail facility is unlikely to be compatible with the regeneration aspirations of the Hunslet Riverside Area. It also reduces the potential for NR to develop the site in line with these aspirations. The site is also restricted in terms of the type of rail freight operations which could be provided.</i></p> <p><i>B15 – Think there is a conflict with the allocation of the wharf area around Old Mill Lane, directly opposite the NR Riverside Site and adjacent to the Miller Homes flagship development at Yarn Street. This again could prejudice regeneration (housing) aspirations).</i></p> <p><i>Para 3.28 – change wording to railway land at Holbeck is likely to be needed for stabling.</i></p> <p><i>Mineral 14 – Change the Hunslet to Stourton Railway Line to the Leeds to Castleford rail line between Holbeck and Stourton is identified.</i></p> <p><i>Site XB21 – An area of around 20 acres in a linear form parallel to the railway (as suggested and back in 2007 as part of the previous Area Action Plan) would be a more appropriate designation for the site XB21.</i></p> <p><i>B15 – The council may wish to consider a more flexible approach to the designation to reflect the regeneration opportunities available.</i></p> <p><i>There should be more evidence particularly on the demand for waterborne freight. The response provides further information on this.</i></p> <p><i>It is important that in safeguarding wharves there is a reasonable prospect of them attracting interest otherwise the land is sterilised.</i></p> <p><i>Minerals 14: Any safeguarded wharves must have a reasonable prospect of been used for such a use.</i></p> <p><i>Map B2 - Fleet Lane – Woodlesford: Support</i></p> | <p>DPD commitment to retain the allocation is consistent with the overall strategy and the uses are compatible with the Aire Valley Area Action Plan which proposes the site for employment purposes. Aggregates are already brought in on this line and therefore this type of freight is an appropriate operation.</p> <p>The Old Mill Lane site is a proposed employment allocation in the Aire Valley Area Action Plan as is the site directly opposite on the other side of the River. This comment is based on out-of- date information. Wharf use is entirely compatible with employment use. LCC is not supporting housing on this site. The site is a high flood risk zone and it would conflict with national policy to move from a less vulnerable to a more vulnerable use (PPS25 terminology). LCC is considering potential design solutions to help housing at Yarn Street co-exist with existing and proposed employment uses in the area. Regeneration does not consist of purely housing development. Agree. Amend para. 3.28 to state: 'land at Holbeck <b>is likely to be</b> needed for locomotive storage'. Agree. Amend point 4 of MINERALS 14 to read: '4. The <b>Leeds to Castleford rail line between</b> Holbeck and Stourton is .....</p> <p>Unclear which site is being referred to. LCC to seek clarification from Network Rail.</p> <p>The purpose of the Development Plan is to give some certainty to the future changes in the area.</p> |
| Richard Newton<br>British<br>Waterways | 25   | <p>Without a wharf to be able to load and unload barges, operators cannot progress waterborne freight. Operators have requested support from LCC in protecting and allocating wharves for this purpose. The principle of promoting waterborne freight is established in national policy, in the existing UDP and Local Transport Plan (LTP 3) and in the emerging Core Strategy. Without certainty of long term use, operators are not willing to invest in wharves. Therefore LCC aims to protect wharves to give operators the assurance they need and so encourage investment. LCC consider that there are reasonable prospects of safeguarded wharves being used and the response from operators to the consultations on this DPD back this up.</p>   |

| Response and Reference                                    | Representation  | LCC response with any suggested wording amendments.  |
|---|---|--|
| Barton Wilmore<br>on behalf of<br>Towngate<br>Estates Ltd | <p><i>Map B2 - Canal Wharfage Stourton – Support</i><br/> <i>Map XB2 - Skelton Grange Road – Support but should be a review mechanism during the life of the NRWDPD.</i><br/> <i>Map B2 – Canal Wharfage Old Mill Lane: Owned by BW. Not uses as a wharf for many years – use as a wharf is now incompatible with the adjoining Miller Homes development. No evidence in the NRWDPD to show whether the use as a wharf is compatible with this use. This site is also being considered as part of the eco-settlement. Is the NRWDPD objective for the site compatible with the AVAAP?</i></p> | <p>The safeguarding of this wharf does not conflict with the housing scheme on Yarn Street or the emerging Aire Valley Area Action Plan. The character of the area is mixed use and the Aire Valley will remain a major employment area for Leeds.</p> <p>Old Mill Lane is the only remaining purpose built wharf in Leeds but it has not been adequately marketed for use as a wharf for some time. The CBOA has informed us that an operator is in fact interested in using this site but no more information is available as yet due to client confidentiality.</p> <p>Use as a wharf is compatible with the Aire Valley Area Action Plan which allocates the site for employment purposes. LCC is not supporting housing on this site. The site is in a high flood risk zone and it would conflict with national policy to move from a less vulnerable to a more vulnerable use (PPS25 terminology).</p> <p>The Yarn Street development was granted consent prior to the introduction of PPS25. Considerable flood risk mitigation has been required and the site has received substantial subsidies to enable it to happen.</p>   |
|   | <p><i>Map XB2 - Bridgewater Road – maybe appropriate and BW would be happy to assist in its assessment</i><br/> <i>Owners of land at Haigh Park Road, Stourton. There has been a failure to take into account previous representations and there is an error in the consultation report.</i></p>  | <p>Add to the end of the first sentence under Point 3 of MINERALS 14: ‘Bridgewater Road South is suitable for provision of new rail sidings <b>and may be suitable for a canal wharf</b>’.</p> <p>Previous consultations were taken in to account as evidenced by the Summary tables that went to Development Plan Panel, however at that time the decision in the Aire Valley Area Action Plan to remove the housing proposal from Towngate’s land had not been made public. This was not public until August 2010 and meant that we could not include it in our Summary table of responses which was to be published on the Leeds City Council web site in June 2010. Therefore Towngate’s comment about conflicts with their intended housing aspirations was not included in the table. It was considered that once Towngate were aware that LCC was no longer supporting housing on their land then their objection would not remain. Colleagues working on the AVAAP did inform Towngate of this prior to the NRWDPD Publication Draft consultation. The reason for the change in the AVAAP was due to the fact the site is in High Flood Risk Zone 3a(ii) and failed to pass the PPS25 Sequential Test. The housing proposal also brought an objection from the Environment Agency.</p> |

| Response and Reference                       | Representation  | LCC response with any suggested wording amendments.  |
|--|---|--|
| Walton and Co<br>on behalf of<br>Db Schenker | <p><i>Their clients land has not been formally removed from the AVAAP as a prospective residential site. Therefore, this should not hold any weight in the NWWDPD process.</i></p>  | <p>The revised Aire Valley Area Action Plan proposals released in February 2011 confirm that the site is not being proposed by LCC for housing development.</p> <p>The AVAAP Preferred Options consultation did not confer any weight on the site at that stage.</p> <p>The decision not to support housing is based on sound planning principles.</p> <p>Evidence of the site assessment is included in the Site Identification Schedule and Site Identification Schedule Update 2010 (both of which are available on the LCC website along with the consultation documents).</p> <p>Wharf use is complementary to and supports employment uses. The site is used by ASD Metals who provide 200 jobs in Leeds and need an adjacent wharf to support their waterborne transport aspirations. LCC does not support housing on this site.</p> <p>British Waterways have supported the proposed wharf safeguarding (see response 25 above).</p>   |
|  | <p><i>The previous representations were not just based on the site been retained as a residential allocation but on a number of other matters which there is still no evidence to support as part of the NRWDPD.</i></p> <p><i>No explanation why the area of land identified at Haigh Park Road needs to be safeguarded. Object to this land been included at all. It would prejudice both future residential and employment development.</i></p> <p><i>Cite that discussions with British Waterways and other comments in the NRWDPD indicate there are better sites for wharves than along Haigh Park Road.</i></p> <p><i>The safeguarded wharf area at Haigh Park Road should be either removed or drastically reduced.</i></p> | <p>Wharf use is complementary to and supports employment uses. The site is used by ASD Metals who provide 200 jobs on the site and need an adjacent wharf to support their waterborne transport aspirations. LCC wishes to retain this major employer in the Leeds District.</p> <p>LCC does not support housing on this site.</p> <p>An email was sent to D.B.Schenker on 18.3.10 strongly encouraging them to send us comments on the Policy Position because we noticed that they had not responded to the consultation. We specifically asked them to 'send us comments on any sites that you think we may have omitted'. No reply was received.</p> <p>Evidence is demonstrated in the Site Identification Schedule Update 2010 and in the demand for the site demonstrated in the representations received from Hanson Aggregates.</p> <p>The Aire Valley Area Action Plan identifies the land at Neville Hill as an Employment site and it may possibly be suitable as an additional rail siding site. Such proposals on this site will require Environmental Impact Assessment.</p> <p>The respondent was strongly encouraged to inform us of any other sites they wished us to consider in March 2010 and they did not respond.</p> |
|  | <p><i>DBs as a major landowner but its views have not been obtained.</i></p> <p><i>There is insufficient evidence to support the allocation of Bridgewater Road.</i></p> <p><i>A more logical site is for rail related minerals uses at Neville Hill. A plan of this site is included.</i></p>  | <p>This allocation is important for the efficient use of land and to make</p>  |
|  | <p><i>Bridgewater Road should not be limited to employment</i></p>  |  |



| Response and Reference       | Representation  | LCC response with any suggested wording amendments.   |
|------------------------------|---|---|
| Inland Waterways Association | <i>uses that are only associated with rail freight operations. It is unclear if the intended allocated use is for minerals and waste only.</i>  | the most of opportunities for rail freight. The NRWDPD does not directly limit movement of materials to minerals and waste, however it may indirectly do so by safeguarding a site which is adjoining a wharf or rail sidings, for example this occurs with the Tarmac site and adjacent rail sidings.                    |
|                              | <i>Bridgewater Road is currently allocated as a housing site in the UDP. The site has been put forward for consideration as part of the SHLAA and is considered by that to have medium to long term housing prospects. The Bridgewater Road site should be removed from the NRWDPD.</i>   | The housing number decided in the SHLAA was reduced to take account of the fact that the southern part of the site was no longer being supported for housing purposes. In addition consideration in a SHLAA does not imply that a site will be allocated. This site is needed to maximize opportunities for rail freight. |
|                              | <i>Support Minerals Policy 14 and the inclusion of the Canal Wharfs in B2 and XB2.</i>  | Support is noted.   |
|                              | <i>In clause 2.5 there is no mention of the Aire and Calder Navigation which is the commercial waterway that all the wharfs in B2 and XB2 are on. Whilst Clause 2.5 mentions the Leeds and Liverpool Canal to the west, it is the Aire and Calder Navigation that links Leeds to the east and the Humber Ports. On page 72 CBOA stands for Commercial Boat Operators Association.</i> | Add reference in para. 2.5 to the <b>'Aire and Calder Navigation'</b> .<br><br>In para. 2.5 add the words <b>'and Aire and Calder Navigation'</b> .<br><br>Reference to the CBOA does not exist in the DPD.   |

**Appendix 2.**

**Consolidated Changes for Submission**

## **NRWDPD: CONSOLIDATED SCHEDULE OF CHANGES FOR SUBMISSION**

**The actual alteration to the DPD is shown in bold.**

1. Add the following to Table 1.2 Summary of Legislative and Policy Framework in the Minerals National column:  
**“PPG14: Development on Unstable Land 1990”**  
  
and in the All Topics National column:  
**“PPS 23: Planning and Pollution Control 2004, Environmental Permitting Regulations (EPR) 2010.”**
2. In para. 2.5 after Leeds – Liverpool Canal add the words:  
**“and the Aire and Calder Navigation”.**
3. Add an additional objective on the list on page 12 under Low Carbon Economy, to state:  
**“Support the co-location of natural resource activities to minimise transportation impacts.”**
4. Add another objective under A high Level of Environmental Protection, to state:  
**“Protect and enhance the environment including the District’s heritage”.**
5. Add words to para. 2.29 to state:  
**“Additionally, the restoration of mineral sites in appropriate locations can be designed to help provide flood storage benefits”.**
6. Add the following after the first sentence of para 2.30:  
**“This document has a strong emphasis on environmental protection throughout and encourages the use of local stone to repair and maintain historic buildings”.**
7. Revise MINERALS 1 to state:  
**MINERALS 1: PROVISION OF AGGREGATES**  
**“In conjunction with other West Yorkshire Metropolitan District Councils, the Council will encourage the recycling of materials and endeavour to maintain a landbank of permitted reserves of sand and gravel in accordance with the Sub-Regional Apportionment.”**
8. Delete the last sentence of para. 3.5. At the end of the second sentence after “2008” add:  
**“...a sub – regional apportionment for West Yorkshire has been derived. This is 5.5 million tonnes of sand and gravel and 17.8 million tonnes of crushed rock for the period 2001 to 2016.”**
9. Include definitions of Area of Search and Preferred Areas at the end of Para. 3.11 as follows:  
**“Areas of Search (AoS) are areas where resources are known to be. However, no exploration as to potential yield or quality of the resource has been undertaken and therefore these are not proven. The Council wishes to encourage such exploration to ensure its continued contribution to sub regional levels of provision of sand and gravel and has therefore identified areas where it is appropriate that this may take place”.**  
  
**“Preferred Areas” are those areas where the resource is proven and evidence as to the nature and extent of deposit is available. The Council wishes to ensure that the resources are exploited in an efficient and timely manner”.**
10. Amend text in Para 3.16 to replace “region” with:  
**“West Yorkshire sub-region”.**
11. Amend text in Para 3.16 to replace “estimates of demand” with:  
**“rates of extraction”.**
12. Add **“and road access is poor”** to the end of Para. 3.17.
13. Replace “exploration” with **“the extraction of”** in MINERALS 4, also add at the end of the first sentence **“...for proven deposits in accordance with MINERALS 10”.**
14. Add at the end of para. 3.22 :  
**“Additionally, in areas of coal mining legacy, extraction of coal can help to improve conditions, for example by creating land stability. The Coal Authority has provided Leeds City Council with information about the extent of former coal mining legacy areas. In accordance with PPG14, a Coal Mining Risk Assessment will be required for all Full and Outline non householder applications in Coal Mining Development Referral Areas**

**where the ground will be disturbed”.**

15. Slight amendments to MINERALS 8 to state:  
“Within the Mineral Safeguarding Area for surface coal, **as shown on Map A3**, applicants should **always** consider the opportunity to recover any coal present.”
16. New Para 3.23 (Follows MINERALS 8 box ) to state:  
“**Recent advice given by the Coal Authority suggests that small scale, short term recovery operations by opencast methods are possible on small sites within heavily developed areas. The Council wishes to maintain a flexible approach to the recovery of coal by opencast methods within the MSA for coal identified on Map A3 where this is possible. Therefore applicants proposing non-householder development on previously developed land within the coal MSA will need to demonstrate that they have considered the potential for prior extraction. Where proposals involve major development (See Glossary for definition of major development) applicants will need to demonstrate that the proposal can meet the criteria attached to MINERALS 10”.**
17. Add to MINERALS 9 so that the final sentence reads:  
“Weight will be attached to schemes which provide local and/or community benefits, avoid the sterilisation of mineral resources, **address mining legacy issues** or facilitate other development which is in accordance with the development plan”.
18. Re-number the old para. 3.23 to be called 3.24.
19. Add the word ‘historic’ to point 6 of MINERALS 10 so as to read:  
“6. Effect on the natural **and historic** environment”.
20. Delete the word ‘local’ from Point 12 of MINERALS 10 to read:  
“**The adequacy of the highway network...**”.
21. Amend para. 3.28 to state:  
“land at Holbeck **is likely to be** needed for locomotive storage”.
22. Add to the end of the first sentence under Point 3 of MINERALS 14:  
“Bridgewater Road South is suitable for provision of new rail sidings **and may be suitable for a canal wharf**”.
23. Amend point 4 of MINERALS 14 to read:  
“4. The **Leeds to Castleford rail line between** Holbeck and Stourton is ...”
24. Add additional sentence at the end of paragraph 4.6 to state:  
“**The City Council will continue to work with and consult with its neighbouring authorities.**”
25. Alter the second half of Para. 4.32 to read:  
“A City Council procurement process for a residual municipal solid waste (MSW) treatment facility has been running in parallel with the preparation of the NRWDPD. Two of the three strategic waste management sites are being considered as possible locations for the facility. In the event that it can be demonstrated that **a site is** no longer required for strategic waste management purposes, it will be acceptable to use **it** for other employment uses. **In the case of the two sites in the procurement process this event will arrive when the procurement process completes**”.
26. In WASTE 6 replace Sewage Water Treatment works with “**Waste**” Water Treatment Works.
27. Delete “all wildlife”, add “historic”. Point 8 of WASTE 9 to read:  
“8. Effect on the natural **and historic** environment”.
28. Delete the word ‘local’ from Point 13 of WASTE 9 to read:  
“**The adequacy of the highway network...**”.
29. At paragraph 5.24 alter reference in the brackets to:  
(...“industrial uses **including utilities providers**”).
30. Add the words “**PPS25**” before Exceptions Test in Para. 6.14.
31. In order to more accurately reflect national policy add the words “**...and satisfies the Exception Test**” to the end of WATER 3.
32. Add “**Safe access and egress**” to the end of WATER 6 list of criteria.
33. Add the definition of major development to the Glossary, using the definition in Reg. 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (10 dwellings or more or 1,000 sq. meters or more).
34. **Map Book Changes**

**Remove sub station assets from the site boundary on Map 200.**

**Amend Map 202 to reflect accurate boundary.**

**Amend Map 206 to reflect accurate boundary.**

