



Agenda:

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Report of the Director of City Development

Development Plan Panel

Date: 11 October 2011

Subject: Natural Resources & Waste Development Plan Document – Independent Examination & Schedule of Changes

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No All Wards
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input 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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. 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.
2. Following consideration by the Development Plan Panel, Executive Board and Full Council (in July), the Natural Resources & Waste Development Plan Document (DPD) (pursuant to section 20 of the 2004 Planning & Compulsory Purchase Act) has been formally "Submitted" to the Secretary of State for Independent Examination. An Inspector has now been appointed (Mr Melvyn Middleton), together with a Programme Officer (Ms Carmel Edwards), with the sitting days of examination due to commence w/c 14th November 2011. A detailed programme for the topics to be considered at each of the sitting days is yet to be finalised but once available copies can be circulated to members on request.
3. In preparing for formal examination, local planning authorities are required to respond to inspectors questions (to address points of clarification and queries) and also, as appropriate and as a basis for objections to be withdrawn, seek to meet and negotiate

with representors. The purpose of this report is therefore to draw Panel member's attention to a series of further minor changes being considered by the Inspector following these discussions (at Appendix 1 to this report).

Recommendations

Development Plan Panel is recommended to:

- i) note and support the attached changes.

1.0 Purpose of this Report

- 1.1 In preparing for formal examination, local planning authorities are required to respond to inspectors questions (to address points of clarification and queries) and also, as appropriate and as a basis for objections to be withdrawn, seek to meet and negotiate with representors. The purpose of this report is therefore to draw Panel member's attention to a series of further changes being considered by the Inspector following these discussions (at Appendix 1 to this report). Whilst these will amend the DPD as approved for Submission by Full Council in July, they are minor amendments that do not materially alter the approach set out in the DPD. Due to the nature of the Examination process it is likely that the need for further minor changes may arise as the process continues.

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 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.
- 2.3 Following consideration by the Development Plan Panel, Executive Board and Full Council (in July), the Natural Resources & Waste Development Plan Document (DPD) (pursuant to section 20 of the 2004 Planning & Compulsory Purchase Act) has been formally submitted to the Secretary of State for Independent Examination. An Inspector has now been appointed (Mr Melvyn Middleton), together with a Programme Officer (Ms Carmel Edwards), with the sitting days of examination due to commence w/c 14th November 2011. A detailed programme for the topics to be considered at each of the sitting days is yet to be finalised but once available copies can be circulated to members on request.

3.0 Main Issues

- 3.1 The attached changes (see Appendix 1), have arising following the preparation of responses to Inspector's questions and ongoing discussion with representors. The changes are concerned with clarifying and amplifying the City Council's position and in some instance are a result of minor mapping or typographical errors.
- 3.2 It is an inherent part of the process at this stage that dialogue with the Inspector and representors could lead to proposals for change. Officers need some flexibility to deal with these as they arise if the examination process is not to be constrained and

delayed. Members may recall that a similar approach was used with the UDP. The attached changes suggested to date are illustrative of the sort of minor alteration that officers have in mind. If officers are uncertain about the significance of any suggested change, then they will seek the advice of the Panel Chair or the Executive Member in the first instance.

4.0 Corporate Considerations

4.1 Consultation & Engagement

4.1.1 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. The document has been subject to several phases of public consultation and engagement prior to submission. This is detailed in the Report of Consultation provided at submission stage.

4.2 Equality & Diversity / Cohesion and Integration

4.2.1 The NRWDPD has been previously subject to an Equality Impact Assessment Screening and a comprehensive Sustainability Appraisal.

4.3 Council Policies and City Priorities

4.3.1 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.

4.4 Resources and Value for money

4.4.1 There are no issues arising from this report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The NRWDPD has been progressed through a statutory process consistent with the current LDF Regulations. In terms of Access to Information, Examination pages have been included on the City Council's web site, see:

[http://www.leeds.gov.uk/Business/Planning/Planning_consultations/Natural_resources_and_waste_DPD_Submission_\(LDF\).aspx](http://www.leeds.gov.uk/Business/Planning/Planning_consultations/Natural_resources_and_waste_DPD_Submission_(LDF).aspx)

4.6 Risk Management

4.6.1 The purpose of this report has been to advise members of changes arising from the examination process

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 and is now reaching a conclusion through the Independent Examination. The attached changes are considered to be minor and are a consequence of the ongoing examination process.

7.0 Recommendations

- 7.1 Development Plan Panel is recommended to note and support the attached changes.

Appendix 1:

Natural Resources & Waste DPD: Schedule of Changes 2

1. Para 2.11 Add the bring sites so the sentence reads **‘Only municipal waste is collected by Leeds City Council, which includes that collected through 11 household waste sorting sites and 430 bring communal recycling points distributed around Leeds.’**
2. Para 2.27 After this paragraph create a new paragraph 2.28 to expand on the strategic objectives regarding movement of freight on the canal and rail systems.
3. The new paragraph to state: **‘ This DPD encourages the use of the canal and rail systems for moving freight so as to reduce the amount of heavy goods vehicles on the roads and thereby reduce congestion and greenhouse gas emissions. The protection for wharves and rail sidings maximises the potential to bring marine-won sand and gravel into the sub-region and thereby reduce the reliance on land-won extraction.’**
The remainder of chapter 2 will need to be re-numbered accordingly.
4. Para 3.18 Add to the end of the last paragraph **‘Quarries that produce building stone also help to maintain provision of aggregate.’**
5. Para 3.29 Delete the sentence **‘Use of the canal is hampered by the need for costly dredging’.**
6. Para 4.12 Where there is reference to the Core Strategy, need to add an explanation of the current status, suggest changing to: **‘The emerging Core Strategy (approaching Publication at the time of writing) requires all development....’.**
7. Para 4.32 Policy WASTE 6 Add the following wording to the end of the Policy: **‘Any application for a Strategic Waste Management facility should be accompanied by a Travel Plan and a Transport Assessment which considers the impact on the Strategic Road Network’.**
8. Para. 6.26 add the following to the end of the paragraph: **‘Where hard surfaces are to be constructed on land between a wall forming the principal (front) elevation of the dwelling and the highway, alternatives to impermeable surfacing must be considered first and it will be necessary to demonstrate why these are not feasible before planning approval will be considered for impermeable surfacing’.**
9. Chapter 7 Table 7.1 In the Minerals 1 / Target box change 1.1 million tonnes to **5.5 million tonnes**, change 3.6 million tonnes to **17.8 million tonnes** and add **‘for the West Yorkshire sub-region’.**
In the Minerals 1 / Implementation Partners box add **‘neighbouring Local Authorities’.**
10. Chapter 8 In the glossary add the definition for Energy Recovery as follows **‘Energy recovery: The production of energy in the form of electricity, heat and/or gas through the biological or thermal treatment of waste in a controlled environment’.**
11. Map Changes
Map 200 Strategic Waste Site at Skelton Grange, revised boundary to reflect operational land now identified.
12. Map 139 Aggregate recycling site at Warren House Lane, Yeadon, revised boundary to reflect recent planning approval.
13. Map 14 Canal Wharfage at Stourton, revised boundary to correct an earlier error.
14. Map 18, Fleet Lane wharf, revised boundary to correct an earlier error.

Background Papers

Natural Resources & Waste DPD – Publication Document & Schedule of Changes

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