

Report of the Director of City Development

Report to: Executive Board

Date: 9 January 2013

Subject: Natural Resources & Waste Development Plan Document – Inspector’s Report

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

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, the City Council’s commitments to managing environmental resources and tackling climate change and the need to identify sufficient sites for waste management activities (aligned to the Council’s own municipal waste strategy).
2. The Natural Resources and Waste DPD was formally submitted to the Secretary of State on 25th July 2011 and an independent Inspector, Mr Melvyn Middleton BA (ECON) MRTPI, was appointed to examine the DPD for soundness. The Examination in Public took place from 15th November to 8th December 2011 as a result of which a number of changes to the DPD were progressed at the Inspector’s recommendation. These changes were previously reported to Members of Development Plan Panel on 3rd April 2012 and agreed by Executive Board on 11th April 2012.

3. The City Council has now received the Inspector's final report, which concludes that the Plan (incorporating a number of modifications) is sound. A copy of the Report is attached. This means that the City Council can now proceed with the adoption procedures required under the Local Development Framework Regulations.

Recommendations

That the Executive Board notes the Inspector's Report including his recommendations and reasons and recommends to Council that it adopts the Natural Resources and Waste Development Plan Document (the Submitted DPD and Post Submission Changes) pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.

1.0 Purpose of this Report

- 1.1 Following the submission and independent examination of the Natural Resources and Waste Development Plan Document the City Council has now received the Inspector's report which concludes that the Plan is 'sound'. The purpose of this Report is to request the Executive Board to recommend to Council that it adopts the Plan.

2.0 Background Information

- 2.1 Within the context of national guidance, 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 wrote 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.

3.0 Main Issues

- 3.1 The Natural Resources & Waste DPD contains a range of planning policies relating to 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 A number of key issues are addressed through the document. These include:
 - planning for sufficient minerals & aggregates supply (whilst managing environmental assets and amenity),
 - planning for a shift to non-road based freight,

- planning for municipal, commercial and industrial waste activity, including site specific allocations, (whilst seeking to reduce waste raisings overall)
- Seeking to reduce flood risk, through mitigation and adaptation, in taking into account the effects of climate change.

- 3.3 Following Submission in July 2011, the Examination in Public into the DPD took place from 15th November to 8th December 2011. The Inspector recommended a number of changes to the DPD to make it sound and these changes were agreed by Members on 11th April 2012 and were then the subject of a six week public consultation. Responses to the consultation were sent to the Inspector for his consideration. The Inspector has confirmed that his conclusion was that there were no new issues arising that would warrant a re-opening of the Examination Hearing.
- 3.4 As outlined above, through the course of the examination, the Inspector has recommended a number of changes (attached to this report as 'Post Submission Consolidated Schedule of Main Modifications'), considered necessary in order to make the plan sound. These changes have arisen as a consequence of the consideration of evidence as part examination process and in some instances as a result of changes to national planning guidance. As noted in paragraph 3.3 above, these changes have been previously considered by officers (in discussion with the Planning Inspector) and subsequently by Members at Executive Board. It has been agreed that as the changes do not fundamentally alter the overall thrust and policy approach of the plan and are largely seeking to clarify, amplify supporting text and policy wording (or in one instance, see below, introduce a new policy to reflect ministerial requirements, as a consequence of the National Planning Policy Framework), they are acceptable. The Inspectors Report and the attached Schedule of 'main modifications', therefore refer to and document changes which have previously been considered by the City Council, no additional changes are required at this stage.
- 3.5 Within the context of the above, the attached 'main modifications', relate to changes to the supporting text, the introduction of a new policy and changes to the wording of a number policies contained in the plan. These include the introduction of a new General Policy to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) – main modification 2 (MM2), amendments to the supporting text and Policy wording regarding Mineral Safeguarding Areas - main modification 7 (MM7) and the supporting text and Policy wording re. Minerals 15: Criteria for Assessing Alternative Development on Protected Wharves and Rail Sidings – main modification 13 (MM13).
- 3.6 In terms of these changes, the introduction of the General Policy reflects the introduction of the NPPF in March 2012 and the desire of ministers for such a policy to be incorporated within development plans in preparation. Executive Board Members may recall that a similar policy has also been incorporated into the Core Strategy Publication draft – pre-submission changes, considered by the Board and Council in November. The issue of Mineral Safeguarding Areas (MSA) within the main urban area of Leeds attracted considerable debate with the Inspector through the examination process. Within this context, the Inspector was

keen to ensure that there are opportunities for economically viable reserves to be 'won' through the planning and development process. The City Council made the case that for a city the size, complexity and ambition of Leeds, MSA policy requirements should not result in undue delay to major regeneration and development initiatives. Following consideration of this matter previously through Executive Board, the changes subsequently incorporated in the Inspectors report and as detailed in the schedule of 'main modifications', are considered to be a realistic and workable solution. With regard to Minerals Policy 15, the focus of the policy is to support the sustainable transportation of freight in the city through the protection of canal wharves and rail sidings from other development. The broad approach and control of the policy is retained through the changes, which introduce a number of criteria which must be met by applicants, in order for alternative proposals to be considered.

4.0 Corporate Considerations

- 4.0.1 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.

4.1 Consultation and Engagement

- 4.1.1 The Natural Resources and Waste DPD has been subjected to a number of public consultation exercises as part of its preparation and as required by the LDF Regulations. The Independent Inspector who has examined the DPD has indicated that he is content with the public consultation that has been undertaken.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality Impact Assessment Screening was carried out on the Natural Resources and Waste DPD when it was submitted to the Secretary of State for Examination. This report has been updated in the light of further changes to the DPD but has not resulted in any material change to the EIA Screening conclusion. The EIA Screening Report is an appendix to this report.

4.3 Council Policies and City Priorities

- 4.3.1 The Natural Resources and Waste DPD allocates the wholesale market site as a strategic waste site and therefore supports the delivery of the Council's Residual Waste PFI which is a key priority for the Council.

4.4 Resources and value for money

- 4.4.1 The DPD has been prepared within the context of the LDF Regulations, statutory requirements and within existing resources. There are no specific resource implications for the City Council.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Natural Resources and Waste DPD enables Leeds City Council to comply with the requirements of the European Waste Directive and thereby avoid penalties incurred for non-compliance. In terms of City Council governance

arrangements, the report is not open for call in. This is due to the fact that the DPD forms part of the Council's Budget and Policy Framework and as a consequence, such matters are ultimately determined by Council. It should be noted also that the DPD has been considered by the Sustainable Economy and Scrutiny Board and that Executive Board Members will receive a summary of the Scrutiny Board's comments prior to the Executive Board meeting.

4.6 Risk Management

- 4.6.1 Throughout the preparation of the DPD the greatest risk was that the Inspector would not find it sound however the attached Inspector's Report concludes that the Plan is sound and therefore removes this risk. It also reduces the risk that the Council could be the subject of EU penalties. There is still a risk that someone could mount a High Court Challenge.

5. Conclusions

- 5.1 The preparation of the Natural Resources and Waste DPD has been through several phases of consultation and has been examined by an independent Inspector. The Inspector has concluded that the DPD is sound and the Council can now proceed to adopt the DPD.
- 5.2 This is the first of the City Council's Development Plan Documents to be subject to Independent Examination and to be found sound.

6. Recommendations

- 6.1 That Executive Board notes the Inspector's Report and recommends to Council that it adopts the Natural Resources and Waste Development Plan Document (the Submitted DPD and Post Submission Changes) pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.

7. Background documents¹

- 7.1 None

8. Appendices

Appendix 1 - Inspector's Report into the soundness of the Natural Resources and Waste Development Plan Document November 2012 including Post Submission Consolidated Schedule of Main Modifications

Appendix 2 - EIA Screening

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