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## DEVELOPMENT PLAN PANEL

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Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Tuesday, 3rd April, 2012  
at 1.30 pm

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Councillors

MEMBERSHIP

J Lewis  
R Lewis  
K Mitchell  
E Nash  
N Taggart  
(Chair)  
N Walshaw

C Campbell  
M Hamilton

B Anderson  
C Fox

T Leadley

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Implementation:  
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# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:</p> <p><b>No exempt items or information have been identified on the agenda</b></p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstance shall be specified in the minutes).</p>	
4			<p><b>DECLARATION OF INTERESTS</b></p> <p>To declare any personal / prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence.</p>	
6			<p><b>MINUTES - 6TH MARCH 2012</b></p> <p>To approve as a correct record the minutes of the Development Plan Panel meeting held on 6<sup>th</sup> March 2012.</p>	1 - 2
7			<p><b>NATURAL RESOURCES AND WASTE DEVELOPMENT PLAN DOCUMENT - "POST SUBMISSION CHANGES"</b></p> <p>To consider a report of the Director of City Development on public consultation into the Post Submission Schedule of Changes regarding the Natural Resources and Waste Development Plan Document.</p>	3 - 54
8			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Tuesday 8<sup>th</sup> May 2012 at 1.30pm in the Civic Hall, Leeds.</p>	

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## Development Plan Panel

Tuesday, 6th March, 2012

**PRESENT:** Councillor N Taggart in the Chair

Councillors B Anderson, C Campbell,  
C Fox, T Leadley, R Lewis, E Nash and  
N Walshaw

### **34 Chair's Opening Remarks**

The Chair welcomed all in attendance to the March meeting of Development Plan Panel.

### **35 Declaration of Interests**

There were no declarations of interest at this stage, however a declaration was made at a later point in the meeting. (Minute No. 38 refers)

### **36 Apologies for Absence**

Apologies for absence were submitted by Councillors Hamilton and Mitchell.

### **37 Minutes - 6th December 2011**

**RESOLVED** – That the minutes of the meeting held on 6<sup>th</sup> December 2012 be approved as a correct record.

### **38 Leeds Site Allocations Development Plan Document (DPD) Scoping Paper**

The Director of City Development submitted a report which requested the Development Plan Panel's consideration and agreement to the proposed scope of Leeds Site Allocations Development Plan Document (DPD).

Appended to the report was a copy of the initial draft timetable for Leeds Site Allocations DPD.

The Chair welcomed the following officers to present the report and respond to Members' questions and comments:

- David Feeney, Head of Forward Planning and Implementation
- Lois Pickering, Team Leader – Local Plans West.

The key areas of discussion were:

- Concern about the process undertaken under 3.2 to the report which stated that the Council was asking known operators and agents if they wished to suggest any sites for retail use (a 'call for sites') in a similar way to that established for the Strategic Housing Land Availability Assessment (SHLAA). It was agreed that clarification was required on the Council's website to emphasise that responses were also being sought from members of the public. There should also be appropriate cross referencing, e.g. DPD and SHLAA, etc.

- Development of housing within S2 centres and boundaries, particularly issues around car parking.
- Confirmation that Core Strategy Policy SP10 will inform the assessment of sites, including an assessment against the 5 purposes of greenbelt.
- Acknowledgement that some communities engaged more effectively than others in developing neighbourhood plans. Members discussed the role of Community Planners working at a local level, particularly in areas that weren't supported by Town or Parish Councils.
- Update on the National Planning Policy Framework (NPPF). It was anticipated that the NPPF would be finalised at the end of March 2012.
- Acknowledgement of the need to provide adequate transport links in accommodating housing growth.
- Promoting the expansion of local employment.
- Safeguarding existing employment land through Core Strategy Policy EC3 and application of an evidence based approach.

**RESOLVED –**

- (a) That the contents of the report and appendices be noted
- (b) That the scope of the Development Plan Document (DPD), as outlined in the report, be approved.

(Councillor Anderson joined the meeting at 1.42pm during the consideration of this item.)

(Councillor Nash declared a personal interest in this item in her capacity as a Member of The Co-operative Group – Leeds and Wakefield Group.)

(Councillor Fox withdrew from the meeting at 3.04pm during the consideration of this item.)

**39 Date and Time of Next Meeting**

To note that the next meeting will take place on Tuesday, 3<sup>rd</sup> April 2012 at 1.30pm in the Civic Hall, Leeds.

(The meeting concluded at 3.10pm.)



Report author: David Feeney /  
Helen Miller Tel: 2474539 /  
2478132

**Report of the Director of City Development**

**Report to: Development Plan Panel**

**Date: 3<sup>rd</sup> April 2012**

**Subject: Natural Resources & Waste Development Plan Document – “Post Submission Changes”**

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. At the Full Council meeting on 6<sup>th</sup> April 2011, and subsequent to the recommendation by Executive Board Members on the 30<sup>th</sup> March 2011, Members agreed to the formal Submission of the Natural Resources and Waste DPD to the Secretary of State for independent Examination in Public. The DPD was submitted to the Secretary of State on 25<sup>th</sup> July 2011 and an independent Inspector, Mr Melvyn Middleton BA (ECON) MRTPI, as appointed to examine the DPD for soundness. The Examination in Public took place from 15<sup>th</sup> November to 8<sup>th</sup> December 2011 as a result of which a number of minor changes to the DPD were proposed. Officers of the Council have subsequently received correspondence

from the Inspector (attached) advising that further changes are required to the DPD in order to make it 'sound'.

### **Recommendations**

Development Plan Panel is requested to consider this report and recommend that Executive Board is asked to agree the attached Post Submission Schedule of Changes for a 6 week period of public consultation, and to authorise the Director of City Development to take such steps as he considers necessary to progress the DPD in the light of any representations received and the Inspector's considerations of these, prior to the Inspector issuing his report.



## **1.0 Purpose of this Report**

- 1.1 Following the Examination in Public of the Natural Resources and Waste Development Plan Document from 15<sup>th</sup> November to 8<sup>th</sup> December 2011, Executive Board is requested to agree a 6 week public consultation into the Post Submission Schedule of Changes.

## **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 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.
- 2.2 The Natural Resources and Waste DPD has been subject to previous consultations with the aim of achieving consensus on, or 'front-loading', the policies of the DPD. 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 The Publication Draft and First Schedule of Changes were approved for formal Submission to the Secretary of State by Full Council on 6<sup>th</sup> April 2011 (subsequent to the recommendation by Executive Board on the 30<sup>th</sup> March 2011). The DPD was submitted to the Secretary of State on 25<sup>th</sup> 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 15<sup>th</sup> November to 8<sup>th</sup> December 2011 as a result of which a number of minor changes to the DPD were proposed. Officers of the Council have subsequently received correspondence from the Inspector advising that further changes are required to the DPD in order to make it 'sound'.
- 2.4 These changes have been included in the attached Post Submission Schedule of Changes. They are the changes that arose during the Examination process as a result of the need to pass the 'Tests of Soundness' as set down in the PDF Regulations. The Council will not be able to adopt the DID unless it has been found to be 'sound' by an independent Inspector.

## **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 have emerged, which 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 Examination in Public into the DPD took place from 15<sup>th</sup> November to 8<sup>th</sup> December 2011. Key attendees included the Mineral Products Association, British Waterways and North Yorkshire County Council. The Inspector thoroughly explored the issues raised by objectors and also other issues that he had identified as needing further investigation. The Inspector wrote to the Council on 14<sup>th</sup> December to advise us that a number of changes were required to the DPD in order to make it 'sound' (letter attached as Appendix 1). This included a recommendation that the Mineral Safeguarding Area for sand and gravel should be extended to include parts of the urban area. The Council wrote back to the Inspector on 18<sup>th</sup> January explaining our concerns with some of the things that he was suggesting (this letter is attached as Appendix 2). Primarily we were concerned that a requirement to consider prior extraction on development sites might deter developers by creating uncertainty and additional costs or slow down delivery of other important objectives on employment and housing.

3.4 The Council also sought legal advice on the Inspector's recommendations. The response from Counsel was that it was not unreasonable for the Inspector to seek these changes to the plan. Counsel advised that the Council ran a serious risk of the DPD being found unsound if we did not do as the Inspector recommended. A final reply came back from the Inspector on the 8<sup>th</sup> February (attached as Appendix 3). The Inspector reaffirmed that changes were required however he did suggest some ways that the changes could be progressed in a way that took account of the Council's concerns. Since receiving the Inspector's correspondence the Chief Executive has raised our concerns at a senior level with Communities and Local Government and there has also been correspondence with the Secretary of State. The response on both counts was that whilst economic objectives are important, so are minerals and MSAs are the best way to ensure that minerals are not needlessly sterilized. It is reasonable to conclude that the Council has little or no option but to incorporate the changes advocated by the Inspector if it wishes to progress to an adopted plan.

- 3.5 The Natural Resources and Waste DPD is vitally important for the future of Leeds, it provides sufficient sites to enable us to manage all our waste for the next 15 years and thereby avoid penalties from the European Union and it sets out sufficient locations where minerals should be extracted from and thereby reduces pressure on other locations that we want to protect. It has a whole suite of policies designed to help us manage flood risk and contains the LDF's only policy on air quality. Additionally, the DPD has reached a very advanced stage now and has generally achieved a very high level of consensus and support. For these reasons a new MSA policy has been written which attempts to deal with the Inspectors recommendations in a sensible way, enabling the DPD to be found sound but not creating a burden for developers. We have done this by defining the sand and gravel MSA as only the area most likely to have viable deposits and not the whole resource, by writing a criteria policy with a 1 hectare threshold, recognising that the need for and benefits of development might outweigh those associated with sand and gravel and by not including buffer zones in the policy.
- 3.6 The complete list of Post Submission Schedule of Changes is attached to this report as Appendix 4. The majority are minor word changes however a very small number are more significant and these are summarised below:

#### **Key Issues in the Post Submission Schedule of Changes**

1. Inclusion of Leeds targets for waste arisings until 2026.  
The Regional Spatial Strategy included waste arisings till 2021 so the DPD also included waste arising till 2021. The Inspector asked for targets to be shown till 2026 as the Plan period is until 2026. The proposed changes therefore include annual targets that have been extrapolated to 2026.
2. Inclusion of Leeds targets for aggregates until 2026.  
The Inspector asked for the DPD to include targets for sand and gravel and for crushed rock till 2026, to show how the District proposed to meet the Leeds share of the Sub-regional apportionment for West Yorkshire.
3. The re-drawing of the Mineral Safeguarding Areas (MSAs) for sand and gravel to include urban areas along the Aire Valley but excluding the tributaries.  
This is accompanied by the re-drafting of the Minerals 2 Mineral Safeguarding Area Policy to include a policy specific to coal and a policy specific to sand and gravel. The sand and gravel MSA policy only applies to sites over 1 hectare in size and the text explains that there are unlikely to be many instances where prior extraction would actually be viable.
4. A new criteria-based policy for assessing planning applications for alternative uses on safeguarded and allocated wharves and rail sidings.
5. Minor word changes to Policy Minerals 5 Limiting Sand and Gravel Extraction in the Wharfe Valley. The original wording stated:

*'Proposals for the extraction of sand and gravel within the area to the east of Pool in the Wharfe Valley will be resisted.'*

The proposed word change is:

*'It is unlikely that proposals for the extraction of sand and gravel within the area to the east of Pool in the Wharfe Valley will be supported.'*

This still delivers the same message but is more factually correct.

#### **4.0 Corporate Considerations**

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 is examining the DPD has indicated that he is content with the public consultation that has been undertaken so far. The Post Submission Schedule of Changes are changes that have arisen during the Examination process and therefore also need to be subject to a 6 week period of public consultation. Responses to the consultation will be sent to the Inspector and considered by him.

#### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 An Equality Impact Assessment Screening was carried on the Natural Resources and Waste DPD and submitted with the DPD to the Secretary of State for Examination. The Post Submission Changes are changes to the main DPD and do not result in any specific implications for equality and diversity / cohesion and integration. The EIA Screening Report is one of the background documents 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 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 consultation since it will largely be handled by the Planning Inspector and Programme Officer.

## **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. The DPD is being prepared within the context of the LDF Regulations and statutory requirements. The DPD is a Budgetary and Policy Framework document and as such this report is exempt from call-in by Scrutiny.

## **4.6 Risk Management**

- 4.6.1 Without the changes in the Post Submission Schedule of Changes the Natural Resources and Waste DPD is not likely to be found sound and the Council would not be able to adopt it. This would create uncertainty over how and when the matters covered in the DPD would otherwise be addressed through the LDF. It would also expose the Council to potential EU penalties.

## **5. Conclusions**

- 5.1 The preparation of the Natural Resources and Waste DPD has been through several phases of consultation and Examination by an independent Inspector. The Post Submission Schedule of Changes represent the changes that the Inspector has indicated are necessary in order to make the DPD sound. The 6 week consultation on the changes is a necessary requirement of the LDF Regulations. It will be for the Inspector to consider any new representations received as a result of re-consultation. He may decide to reopen the Hearing Sessions as a result or may simply have regard to these in his report. When that point is reached the conclusions and recommendations of the Inspector will be reported back to Executive Board.

## **6. Recommendations**

- 6.1 Development Plan Panel is requested to consider this report and recommend that Executive Board is asked to agree the attached Post Submission Schedule of Changes for a 6 week period of public consultation, and to authorise the Director of City Development to take such steps as he considers necessary to progress the DID in the light of any representations received and the Inspector's considerations of these, prior to the Inspector issuing his report.

## **7. Background documents<sup>1</sup>**

- 7.1 A substantial number of documents are available representing various stages in preparation of the DPD and the background evidence base and Equalities Impact Assessment Screening. A Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) of the post submission changes has also been completed. These are all available on the Natural

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<sup>1</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Resources and Waste DPD web pages or by contacting David Feeney on Leeds 2474539.

## **Appendices**

Appendix 1 Letter from Mr Middleton to Leeds City Council 14.12.11

Appendix 2 Letter from Leeds City Council to Mr Middleton 18.1.12

Appendix 3 letter from Mr Middleton to Leeds City Council 8.2.12

Appendix 4 Schedule of Post Submission Changes including maps

Address for correspondence

C/O Programme Office  
Leeds City Council  
Leonardo Building  
2 Rossington Street  
Leeds  
LS2 8HD

Date: 14 December 2011

David Feeney  
Head of Forward Planning & Implementation  
Leeds City Council  
(by email)

Dear David

**Natural Resources and Waste Development Plan Document  
Examination into the Soundness of the Leeds Resources and  
Waste DPD**

At the conclusion of last Wednesday's Hearing, the Inspector agreed to reflect on a number of unresolved issues before deciding whether or not to invite you to take further action. Having done that he has now asked me to write to you, setting out the conclusions of his deliberations.

1 Proximal development

PPS1 encourages the efficient use of mineral resources and in non-unitary areas recommends the inclusion of Minerals Consultation Areas in minerals plans. This has a dual function of alerting the development industry, as well as the district planning authority, to the presence of recoverable minerals on adjacent land and the fact that the protection of the ability to optimise the extraction of this resource will be a significant material consideration when considering a planning application for development on such land. Additionally, Policy Minerals 2 says that "minerals resources will be protected from development which could sterilise them for future use". However, the inclusion of Minerals Consultation Areas in Unitary plans is not mandatory. The absence of such areas could nevertheless result in developers unwittingly bringing forward development proposals that could conflict with future mineral extraction.

In this context the Inspector considers the inclusion of 'stand-off' areas, backed by an appropriate policy, to be the preferred solution. However, although he considers the inclusion of such areas in unitary plans to be preferable, providing the Council introduces a system that alerts its development control officers to the presence of minerals on appropriate adjacent sites and proceeds with its proposed amendment to paragraph 3.23 (Post Submission Schedule of Changes No. 10), he does not consider the exclusion of proximal development from the plan to be unsound. Unless you propose to amend the plan to include 'stand-off' areas, I would be grateful if you would confirm in writing that before the plan is adopted an appropriate notation

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identifying 'stand-off' areas around all safeguarded minerals sites (including transport sites) will be included on the Council's CAPS system.

### 2 Safeguarding sand and gravel resources within the urban area.

At the Hearing it was agreed that in addition to coal, only sand and gravel deposits were likely to offer possibilities for extraction within the urban area, thereby justifying their safeguarding for future exploitation. Appendix 1 to the Council's response for the 'Rounding off Session' explains the criteria you used to define Mineral Safeguarding Areas (MSA's), pointing out that the three purposes of MSA's are to

- Prevent "proven resources" being needlessly sterilised.
- Encourage prior extraction when practicable, where non mineral surface development is proposed.
- Alert non-mineral developers to the presence of valuable mineral resources, directing them to relevant policies.

Unfortunately the evidence base is not detailed and relies on the information contained on the British Geological Survey Maps (BGSMs). In particular there is no detailed assessment of where mineral extraction is likely to be practicable or economic. As well as outlining the extent of sand and gravel deposits in the rural area, the BGSMs indicate the presence of sand and gravel within the urban area. For consistency these areas ought to be identified on the Mineral Safeguarding Area Map and accompanied by an appropriate criteria based policy similar to that which refers to the recovery of coal present on major development sites.

Whilst the Inspector accepts that it will not be practicable to remove sand and gravel from many sites within the urban area where it is found, in the absence of firm evidence that demonstrates that it is not practicable to remove sand and gravel from any location within the urbanised part of the Aire Valley where it is found, then the omission is not justified and the plan is unsound in this respect because it does not comply with national guidance. His site inspections, which were far from comprehensive, nevertheless suggest that there could be sites in the Lower Aire Valley of sufficient size to facilitate the economic removal of sand and gravel, if the quality of the resource is proven.

Additionally, although the Inspector accepts all of your points about after use and flooding, these are not justifications for excluding the urban deposits of sand and gravel from the safeguarding area but could be a part of a criteria based policy that identifies the circumstances where sand and gravel would or would not be expected to be extracted from under urban development sites. Evidence from his site visits suggest that not all sites, if commercially exploited for sand and gravel, would result in the creation of a void below the water table that required back-filling.

The Inspector therefore invites you to either amend the sand and gravel Minerals Safeguarding Area Map to include all of the unworked deposits in the Aire Valley and to include an appropriate policy(s) to encourage the practicable recovery of this mineral resource or provide robust evidence that demonstrates that there are no potential sites within this area where such an outcome would be practicable. The criteria in Policy Minerals 8 could be used but you could add additional or use different criteria if you considered them to be more appropriate.



### 3 The protection of wharves and rail sidings.

The principle of Policy Minerals 14 is supported by national policy and the evidence suggests that there is interest in the development of canal and rail freight terminals that could handle minerals and other bulky products. However, there is little evidence, other than in the case of the remaining canal wharf that is in use (adjacent to site 18) and this is away from the main Leeds urban area, to suggest that bulky freight could be economically transported by canal to or from the urban core of Leeds. In this context, the suggested amendment at paragraph 3.30 to review the policy is appropriate and the Inspector agrees that in the circumstances, a period of at least 5 years is necessary to establish whether or not the plan's aspirations in this respect are economically viable.

Whilst there may be a much larger network of wharves in London than in Leeds, many of the wharves in London are currently used and the Thames as a navigable waterway is far superior to the Aire and Calder canal. The plan proposes to safeguard or allocate 5 wharves and 4 rail sidings, only two of which are currently in use. There are also other potential Transport sites that are not safeguarded by the plan. The evidence before this examination is not sufficiently compelling to justify the long term safeguarding of all of these sites irrespective of other considerations.

Nevertheless, the plan says nothing about how applications for other forms of development on these sites, some of which may be equally valuable to the future development and well being of the city, as a canal wharf or rail siding, will be judged. The evidence base does not support a total presumption against other forms of permanent development on these sites. The Policy is therefore not justified and the plan in this respect is unsound. The Inspector therefore invites you to either amend Policy Minerals 14 or to introduce a new policy, to provide a set of criteria which decision makers can apply to proposals that conflict with the desire to preserve the Transport Modes sites for uses that involve canal or rail freight. The amendments to the London Plan viability criteria suggested by British Waterways could be used but you may consider it more appropriate to define others that are more appropriate to the particular circumstances pertaining in Leeds.

The Inspector does not have a copy of your suggested amendment to Site 18 but has asked me to clarify whether or not all of the revised site is currently in a use associated with canal wharfage or whether the area originally safeguarded is not used and therefore available for a new user?

### 4 Protection of the Wharfe Valley east of Pool.

Paragraph 24 of Planning Policy Statement 7: *Sustainable Development in Rural Areas* says that whilst the government accepts that there are areas outside of nationally designated areas that are particularly highly valued locally, it considers carefully drafted, criteria based policies in LDDs, utilising tools such as landscape character assessment, should provide sufficient protection for these areas without the need to unduly restrict acceptable sustainable development. Even policy N37 of the Leeds Unitary Development Plan points out that development within Special Landscape Areas will be acceptable providing it would not seriously harm the character and appearance of the landscape.

In the Inspector's opinion Minerals Policy 5 as written is too prescriptive and not in accordance with national policy or indeed UDP Policy N37. He therefore invites the

## Leeds Natural Resources and Waste DPD – Public Examination

Council to either remove the policy and supporting text from the plan, leaving any proposals for mineral development to be judged against UDP Policy N37 and its successor or suggest an appropriate minerals specific policy that is not prescriptive.

### 5 Hazardous waste.

Page 17 and Table 2.1 of the Waste Topic Paper point out that there will be an increase in Hazardous Waste during the plan period, that the city is a net importer of this waste stream and that as well as protecting existing effluent and clinical waste treatment facilities at Knostrop, provision may need to be made for the disposal of solid hazardous waste within Leeds by the plan. The plan points to the capacity for solid hazardous waste at Swillington and Howley Park landfill sites but it also says that disposal to landfill is the last option, to be used only when other alternatives are not feasible and that over the long term the amount of waste sent to landfill will be reduced to the minimum. Its not entirely clear what the long term strategy is for the treatment of solid hazardous waste in Leeds but the Waste Strategy for England 2007 says that as well as seeking to reduce the amount of hazardous waste there is a need for additional treatment facilities and infrastructure for hazardous waste to assist in meeting changes brought about by the Landfill Directive. If Leeds is to continue to rely on disposal in former quarries, irrespective of government policy, then the plan should justify this course of action. Otherwise the long term solutions should be discussed in the plan.

Are the hazardous waste facilities at Knostrop actually protected by the plan?

### 6 Consultation

The schedule of changes introduces a number of fundamental alterations to the plan. For example specific targets for minerals production and waste disposal facilities in Leeds have been introduced and the period covered by the plan for both minerals and waste has been extended to 2026. At paragraph 5.23 PINS Procedure Guidance for Local Development Frameworks says:-

"If the change would alter the thrust of a policy, extend the range of development that a policy would apply to, delete a policy or introduce a new policy, two very important considerations need to be borne in mind. First, the change must not undermine, or possibly undermine, the sustainability credentials of the plan. Second, is the change a matter that has been subject to adequate community engagement? If there is a problem with either of these matters the change may, in some instances, be acceptable provided the LPA has taken appropriate steps to demonstrate that the sustainability credentials of the plan are intact or that further adequate community engagement has occurred".

In the Inspector's opinion, minerals producers, waste operators and others not present at the Hearings could disagree with your forecasts and apportionments and challenge the plan on the grounds that an absence of specific consultation on the changes prejudiced their interests.

Although the Cumbria judgement refers to the re-introduction of a site, the judgement is applicable to any situation where a part of the plan is altered on "Soundness Grounds". The Inspector has to consider whether or not the plan meets the legal requirements set out in the regulations and in particular whether those concerning the Statement of Community Involvement have been met. In his opinion and to avoid any

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Public Examination

potential comeback, all the proposed changes will need to be advertised for a period of 6 weeks before he can certify that the plan meets the requirements in this respect. Any representations received on the proposed soundness changes would be taken into account by the Inspector before concluding the Examination and finalising his report. Additionally, you will need to demonstrate that the sustainability credentials of the plan are not affected by any of the proposed changes.

Yours sincerely



C K Edwards  
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18th January 2012

Dear Mr Middleton

**Natural Resources & Waste Development Plan Document, Examination into the Soundness of the Leeds NRWDPD**

Further to your letter of 14<sup>th</sup> December, regarding a number of matters in respect of the above DPD (Proximal Development, Safeguarding Sand & Gravel resources within the urban area, the protection of wharves & rail sidings, protection of the Wharfe Valley east of Pool, Hazardous waste and consultation), the City Council has prepared the attached response.

In preparing this response, the City Council has given careful consideration of the issues you have raised and how these relate to the overall approach and intent of the NRWDPD (and its relationship to delivering the ambitions of the Community Strategy – Vision for Leeds), government policy and the planning challenges in a city the size and complexity of Leeds. Central to these challenges, is the need to manage many competing demands, including stimulating economic investment, delivering priorities for regeneration and to deliver requirements for housing growth, whilst seeking to maintain (and where necessary enhance) environmental quality.

In a number of respects the City Council has reflected your views in suggesting a way forward, in other areas however (minerals safeguarding and mineral extraction in the Wharfe valley east of Pool), there are fundamental concerns that the suggested approach would undermine wider objectives and is likely to be undeliverable in practice.

The Council respectfully requests that you give further consideration to the representations contained within this letter, in respect of the issues of soundness raised. If having done so, you remain minded to consider the DPD unsound, then, in accordance with S20(7C) of the Planning and Compulsory Purchase Act 2004, please could you indicate in respect of each of your concerns the modifications that would be appropriate to overcome the lack of soundness. In so doing, can you provide the Council with an opportunity to make further representations on the precise wording to be included.

Thank you for your assistance.

Yours sincerely

A handwritten signature in black ink that reads "David Feeney". The signature is written in a cursive style with a large initial 'D' and 'F'.

David Feeney  
Head of Forward Planning & Implementation

## **Natural Resources & Waste DPD**

### **Response to Inspector's Letter of 14 December 2011**

1. Proximal Development

LCC will add a buffer around all the NRWDPD minerals and transport sites on the internal CAPS system, as a basis to alert City Development staff & inform the Development Management process.

2. Safeguarding sand & gravel resources within the urban area

As explained at the examination and in our submissions the Council has significant reservations about the appropriateness and practicalities of such safeguarding. Based on BGS maps this would affect an extensive swathe of brownfield land through the heart of the main built up area of the district (as shown on the attached map). This includes a significant part of the City Centre and employment land in the Aire Valley. Both are recognised to be critical to the employment prospects not just of Leeds but to the economic success of the City Region more generally. This is acknowledged in RSS, which of course still sets the context for the NRWDPD. These areas and the main urban area more generally are the focus for growth in the emerging Core Strategy consistent with government guidance.

If safeguarding were to be applied then Policy Minerals 2 would apply and a new policy for the sand and gravel MSA would need to be written similar to the Policy Minerals 8 (for coal). The implication would then be that an applicant whose site fell within the safeguarding area would need to demonstrate that the site did not contain viable deposits or would otherwise be expected to extract the sand and gravel prior to development. The Council is of the view that very few if any proposals will emerge on which extraction is viable. Yet the blanket safeguarding will create uncertainty and will place the burden and cost of proof on the developer.

Furthermore, even where on-site extraction is not viable the developer will be expected to take account, in some way, of the potential extraction of sand and gravel on adjoining land, however uncertain and remote the prospects, in order not to sterilise that possibility. This seems to us to create a level of uncertainty that is likely to be a serious deterrent to would be developers and funders. This could have significant implications for job growth and the economy with the likely real gains from safeguarding being wholly outweighed by these potential disbenefits. The extent of this effect is increased by the need to take safeguarding into account in relation to proximal development.

For information, a plan based on BGS maps is provided showing the extent of deposits through the urban area. We have calculated that this covers an area of 1,462.15 hectares. Adding a notional 50m around this area to account for proximal development adds a further 300 hectares.

The thrust of current planning guidance, ministerial statements & the emerging National Planning Policy Framework is for planning to help stimulate economic growth. Planning Guidance needs to be considered in the round, a point emphasized in the draft NPPF. Minerals Planning Guidance is only one of many strands of such national policy. Indeed MPS1 recognises this point. It says that minerals policies "complement, but do not replace or overrule other national planning policies".

The draft NPPF as well as seeking to support economic development places great emphasis on seeking to balance competing considerations. Safeguarding should not be seen in isolation but is only one issue among many. MPS1 also recognises this. It acknowledges that there can be conflict between extraction and impacts and states that an integrated approach is needed. It goes on to suggest avoidance where, presumably unacceptable, environmental impacts arise (para1). In addition para 9 advocates safeguarding "as far as possible" (para 9). The clear implication being that there will be circumstances in which safeguarding is not

appropriate. It is recognised that the 2006 Practice Guide para 32 advises that safeguarding areas should be identified in DPDs. That same document (para 13) also recognises that not all locations will be economically viable and environmentally acceptable. It is also noted that the BSG Good Practice Advice published in 2011 (by the minerals industry) draws particular attention to the draft NPPF and advises that “it is important to recognise that this good practice should be read in the context of a changing framework for planning”.

Paragraph 13 of the NPPF states ‘ the Government is committed to ensure that the planning system does everything it can to support sustainable economic growth’. The Council is therefore concerned that the approach advocated by the Inspector does not reflect these broad priorities and at a local level, would place additional burdens and uncertainty on the development process. The Council notes that in the recently published Select Committee Report on the draft NPPF reference is made to the “abattoir effect” (Section 2 para11). This reflects concern that the planning system should deliver certainty for developers so that they can be confident that their investment will not be devalued in future by some form of “bad neighbour” development. The Council is concerned that safeguarding would create just the position that the Select Committee report is concerned with.

Neither is the Council convinced that its concerns could be overcome by an exceptions policy. The BGS Good Practice Advice refers to concern for opportunities beneath brownfield sites and large regeneration projects particularly on the fringes of urban areas. The exceptions policy given as an example makes no reference to any distinction between the urban fringe and elsewhere and moreover advises that size thresholds should not be applied. Its exemptions list goes down to householder level applications.

In seeking to achieve longer term economic growth and to help stimulate investment in the immediate term, the Council, with a range of partners has a number of key strategic initiatives in place. This includes the establishment of an Enterprise Zone (identified as a City Region priority via the Local Enterprise Partnership) within the Aire Valley as well as emerging proposals for the Riverside area of the city centre. The Council is therefore concerned that at a time when the Council is seeking to support government priorities for growth, additional impositions, potential delays and uncertainties for businesses and the community, would be imposed on the development process (i.e. in identifying the urban locations of safeguarded resources & the boundaries that would also need to be identified for ‘standoff areas’).

Many of the sites coming forward throughout the urban area are relatively small in scale and highly unlikely to give rise to viable extraction of sand and gravel. Yet safeguarding would require developers to go through an additional process to verify this. Furthermore, having passed this hurdle, development would be required to take into account the potential for a neighbouring site to be subject to extraction, without any real basis for establishing whether this is ever likely to happen. What impact this would have is difficult to judge but there must be a real prospect that this very uncertainty would deter investors and funders. Placing this additional burden on development and the uncertainty that policy coverage would create seems completely at odds with the thrust of government policy. In the Council’s view safeguarding is not warranted in these circumstances.

Should the opportunity arise, the sand and gravel resource can still be extracted prior to development. Experience in the city would suggest that where resources are located and are viable to remove, this would occur through the normal development management process because the developer would see value in doing so. Proposals would be dealt with in the context of Policy Minerals 10. Revised wording in the supporting text is being suggested as a Proposed Change to emphasise this point. The Council suggests adding the following wording to the end of paragraph 3.8 “**Valuable resources may exist outside of an MSA (refer to the Minerals Resource Map in figure 2.2) and developers are encouraged to explore the potential for extraction prior to (and well in advance of) site development**”.

This is a similar approach to the one taken in the Wakefield Core Strategy, adopted April 2009, which has identified mineral safeguarding areas for sand and gravel in the rural area

only, not in the urban area even though the resource exists there. It also encourages prior extraction but does not require it. Such an approach would be much more acceptable to Leeds and strikes a balance between different planning objectives for minerals and for economic growth.

An important element of the test for soundness, is that the Plan is 'Effective', namely that it is deliverable, flexible and able to be monitored. Paragraph 4.46 of PPS12 states that a strategy (or a DPD) is unlikely to be effective if it cannot deal with changing circumstances. Given the concerns raised by the Council above, the Council would urge the Inspector to consider the Council's proposal to include the suggested additional wording above. The Council considers that such an approach would provide the flexibility required within the local and national policy context.

The Council would welcome the Inspector's consideration of our proposed wording and if it is still not deemed to be sufficient then we would ask if the Inspector could suggest how we might be able to write the policy in a way that deals with those issues that the Council is concerned about (i.e. the detrimental effect on other housing and employment objectives for the city).

3. The protection of wharves & rail sidings

The Council considers that it would be helpful if the Inspector could clarify these comments. The first paragraph clearly accepts the overall approach, regarding the importance of retaining wharves and rail infrastructure and for the policy to be reviewed after a period of 5 years. This approach however appears to conflict with the comments made in para. 3 of section 3, regarding the need for the plan to specify how applications for alternative forms of development (i.e. for development which is not canal wharf or rail siding dependent) which may come forward in the meantime should be determined. When these circumstances currently arise across the city, applications are considered on their merits against a range of considerations including the policy provisions of the Development Plan, national guidance and other evidence that may be provided by prospective applicants. This is true of many types of development which are judged in this way without criteria to cover every possible eventuality. Debate at the Examination supports the notion that the introduction of criteria would be seen by landowners as encouragement to pursue other interests. The Council is therefore concerned that introducing criteria to consider applications for alternative uses undermines the very essence of the policy and could potentially make the plan unsound in not providing a robust policy framework to support the retention of wharves and rail sidings consistent with national guidance (including the draft NPPF). For these reasons the Council remains of the view that the introduction of a criteria policy is inappropriate. However, if such an approach is deemed necessary the Council would suggest the following:

**“Applications for uses that do not make use of the safeguarded wharf or rail siding will be considered in terms of their benefits weighed against the loss of the non-road freight opportunity and using the following criteria:**

- i) **the use would not sterilise the longer term potential of the site for wharf or rail siding use,**
- ii) **the applicant is able to demonstrate that there are no suitable alternative sites for the proposed use,**
- iii) **a sufficient supply of sites will remain in the district, readily available and of at least the same functional capability, so as not to prejudice the objective of encouraging a shift from non-road freight.”**

The Inspectors further consideration of these matters would therefore be welcomed.

4. Protection of the Wharfe Valley, east of Pool

Through the Hearing process and the additional papers provided by the Council, we have demonstrated that sufficient provision has been made across the district and for the plan period, for sand & gravel. The protection proposed for the area east of Pool need not last forever but it is appropriate for the duration of the Plan. The Council has committed also to



the ongoing monitoring of the plan (and ongoing research & development re. the potential for marine aggregates) and for intervention and review at the appropriate time. The letter of 14<sup>th</sup> December, does not question the Council on the soundness of this approach. The Council is therefore concerned that amendments to Policy Minerals 5 would lead to uncertainty. Significantly, this approach is likely to direct the mineral industry away from preferred and less sensitive locations within the Aire Valley, to the detriment of the spatial integrity of the plan and its ability to direct development to more appropriate locations at a local level. The NRWDPD provides an evidence based approach and a strategy for mineral extraction in the most appropriate locations.

Meeting minerals planning obligations whilst reflecting local priorities is entirely in keeping with the government's devolved planning agenda. In addition, the Council is concerned also that given the sensitivity on this issue, re-consultation on revised wording, will give rise to further representations being made, and cause further uncertainty and delay, through the need for re-examinations.

The Council does not consider that its approach is inconsistent with national policy and the current UDP. Policy needs to be considered in the round and consistent with national and local policy. Some forms of development will be acceptable in the Wharfe Valley. The policy is simply making clear that there are forms of development, i.e. sand and gravel extraction, that are inappropriate, given that provision is already made elsewhere.

5. Hazardous Waste

The Council notes that this matter has not previously been raised through the Inspector's questions, the hearings or via any representations. The Council has evidenced that the plan makes provision for a wide variety of waste sites, in a number of locations and is supported by a criteria based policy (Waste 9), to deal with waste applications on their merits. This policy approach does not therefore preclude applications for hazardous waste coming forward. In order to clarify this further, additional wording could be added to the supporting text as necessary.

The Council can confirm that the hazardous waste facilities at Knostrop have been safeguarded, these are Sites 87, 88 and 89 in the Mapbook. The Council suggests adding the following wording to the end of paragraph 4.17 **"Whilst some solid hazardous waste is exported out of the district, overall Leeds is a net importer of hazardous waste. Liquid hazardous waste arising in the district and beyond is treated at the White Rose Environmental Clinical Waste Incinerator and WRG Effluent Treatment Plant. These are important facilities for the treatment of hazardous waste and are safeguarded in this DPD. New solid hazardous waste cells could potentially be provided at Swillington and Howley Park which are also safeguarded. There is scope for further hazardous waste treatment, such as soil-washing or bio-remediation and this could be accommodated on any of the strategic waste sites or industrial estates that are identified as suitable for waste treatment facilities"**.

6. Consultation

The Council accepts that the plan changes advocated in the Inspector's letter 14<sup>th</sup> December, if implemented, will require a further 6 week consultation. The Council is concerned that such plan changes, especially with regards to minerals safeguarding of sand and gravel within the urban area, criteria for the relaxation of safeguarding of wharves & rail sidings and the weakening of the protection of the Wharf Valley to the east of Pool would attract substantial objections. This would be at odds with the spirit of the front-loading process recommended in PPS12.

The Council recognises that the potential for changes to generate opposition is not of itself a good basis for rejecting such change. However, the Council believes there are sound planning reasons why these changes are not all appropriate and these reasons are set out in this response.

In this response the Council has given a reasoned justification for its position and suggested further amendments to help move the process forward. The Inspector's further consideration of these matters as set out in this response would therefore be welcomed.

Address for correspondence

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Date: 08 February 2012

David Feeney  
Head of Forward Planning & Implementation  
Leeds City Council  
(by email)

Dear Mr Feeney

**Examination into the Soundness of the Leeds Resources and Waste  
DPD**

The Inspector has asked me to thank you for your considered response to his letter of 14 December, explaining in depth the City Council's concerns about the outstanding issues. Having given considerable thought to the matters that you raised he has asked me to reply as follows:-

**Re-consultation**

It is not clear from your response whether your observations in section 6 imply an acceptance that a further round of consultation is necessary, regardless of the conclusions of the discussions on the outstanding matters or simply refer to the fact that you consider a re-consultation would only be necessary if changes similar to those suggested in my letter of 14th December are agreed. For the avoidance of doubt he has therefore asked me to point out that in any event he considers that to comply with the consultation requirements contained in Section 19.3 of the 2004 Act and Regulation 27 of the 2004 Regulations, as interpreted in paragraph 5.23 of Examining Development Plan Documents: Procedure Guidance 2009, the proposed changes to the plan will have to be the subject of further consultation. If it is not then he will be unable to find the plan legally sound. This is because a number of your suggested changes that go to soundness could be of concern to third parties and without an opportunity to respond to a consultation, their interests could be seen to be prejudiced.

To take just one example, you have introduced mineral production targets broken down from the Aggregates Working Party's forecasts to 2016 but extrapolated to 2026. Had you not done so, then their absence would have made the plan unsound in the context of a lack of effective delivery targets, which is contrary to national guidance. Whilst the suggested targets may be perfectly reasonable and sensible and no one who had sight of them at

the Hearing session, when they were discussed, wished to object further to this aspect of the plan, that is not the point. Anyone could come forward and say that they disagreed with your apportionment and the forecasting assumptions that led to the introduced targets, for whatever reason, and claim (quite rightly) that they had not had an opportunity to make comments on them. In consequence they could successfully challenge the legality of the plan. In the Court's eyes, it is not whether what they are putting forward by way of objection is justified or reasonable, it's the fact that they were denied the opportunity to make the representation. Following the two recent court cases on Local Development Document (LDD) consultation, Inspectors are now advised to think very carefully before not asking for re-consultation if there are any soundness changes at all. At the present time you have suggested 21.

If the re-consultation brings forth further objections then the Inspector would have to consider them. However, unless they affect the soundness of the amended plan, they are not going to result in further changes. The Inspector has also asked me to tell you that if a further Hearing session was necessary, he would not be expecting you to defend changes that you were not fully committed to.

### **Sand and gravel**

Whilst the Inspector has accepted your sand and gravel targets and is proposing to endorse them as the most appropriate in the circumstances, he has reservations as to their deliverability and the long term appropriateness of extrapolating past outputs. It is in this context that you should consider his reservations about policy for safeguarding aggregate resources within the urban area and extraction in the Wharfe valley.

The sand and gravel targets are based on the assumption that unproven reserves will be proven and extracted during the plan period. It is by no means certain that reserves to the extent anticipated will be proven and extracted. The current landbank is about a year rather than seven, as recommended in Minerals Policy Statement (MPS) 1. There is only one allocation (Midgely Farm) which could notionally produce 1.6 million tonnes or nearly 11 years of supply. However, Midgely Farm was allocated in the Unitary Development Plan (UDP) but has not been taken up during the past decade and in the absence of evidence from the industry to suggest that it is about to be, it cannot be confidently relied upon as the panacea to the recent serious under-performance in sand and gravel output from Leeds and West Yorkshire. At the same time the one current producer in Leeds, at Methley Quarry, offered no evidence on the viability of potential reserves in this area and declined an invitation to attend the Hearing to discuss its objection to the plan. There is therefore no certainty that contributions to the target will come from the Methley Area. This situation does not inspire confidence in your forecasts or represent the adequate and sustainable supply of minerals required by national policy. The evidence suggests that the position in the other West Yorkshire Authorities is no better.

The 2007 Yorkshire and Humber Sand and Gravel Study suggested that at that time the region had a shortfall of permitted reserves of 32 million tonnes for the period 2006-21 and by implication that additional resources needed to be identified for the period beyond 2015. The majority of this shortfall is required to meet the needs of Leeds and West Yorkshire. Consequently, on sustainability grounds, the Yorkshire and Humber Sand and Gravel Study recommended a dramatic increase in West Yorkshire production. Whilst the subsequent British Geological Survey (BGS) study concluded that the potential for an increased sub-regional apportionment for West Yorkshire is limited, it did not say that opportunities to increase West Yorkshire's contribution should not be exploited.

The national desire to reduce production of aggregate in the National Parks, some of which is used in Leeds for concrete making, is a further consideration that points to the desirability of maximising the production of concrete quality sand and gravel from within West Yorkshire. Historically, the shortage of good quality, easily exploitable reserves in areas without planning constraints within West Yorkshire has been made up by the exploitation of resources in North and South Yorkshire. The evidence before the examination suggests that at the same time as it is becoming difficult to identify economically viable sand and gravel resources within West Yorkshire, the historically exploited resources in North and South Yorkshire, to meet West Yorkshire's needs, are becoming exhausted. The BGS study confirms that the possibilities for new sand and gravel developments in southern North Yorkshire to supply the Leeds-Bradford area are quite limited and that materials coarse enough for concreting are becoming scarce in this area.

Taken together, these considerations suggest a need for caution when considering policies that would lead to constraints on the exploitation of sand and gravel resources within West Yorkshire.

### **Safeguarding sand and gravel resources within the urban area.**

MPS1 requires mineral resources to be safeguarded as far as possible, in order that proven deposits are not needlessly sterilised by non-mineral development. It encourages the prior extraction of minerals where practicable. Its Practice Guide (PG) also says that the safeguarding exercise should safeguard proven deposits of minerals which are or may become of economic importance. Additionally this document requires minerals LDD's to set out clear and appropriate Development Control policies, which should include the safeguarding of minerals resources with potential for future extraction.

Whilst recognising that not all safeguarded land will be worked for minerals, BGS specifically says that the safeguarding of minerals should not be constrained by other planning designations such as urban areas, without sound justification. There is no such justification in the plan or its supporting documents. The BGS also specifically refers to the need to

highlight the existence of river terrace sand and gravel resources where it exists beneath potential regeneration projects and brownfield sites. A number of areas within the Aire valley fall into this category.

Defining Mineral Safeguarding Areas (MSA) alongside environmental and cultural designations also ensures that the impact of any proposed development/redevelopment on mineral resources will be able to be taken into account alongside other considerations when development decisions are being made. MPS1 says that in unitary planning areas MSAs should alert prospective applicants for non-minerals development to the existence of valuable resources, although there is no presumption that resources in MSAs will ever be worked.

Given the locational constraints on mineral working and the difficulty in finding suitable new sites in order to maintain the supply of materials to support economic growth, it is imperative that scarce minerals are protected for the long term. Sand and gravel resources, because they tend to be associated with river valleys, where there are existing settlements and continual development pressures, are particularly vulnerable. Sand and gravel resources are not plentiful in West Yorkshire and in order to maximise indigenous supply and minimise unsustainable movements of sand and gravel, over the long term it is essential that all economic resources are exploited.

The plan already has an extensive coal safeguarding area that does not appear to have given rise to the concerns you have expressed in relation to sand and gravel. As sand and gravel is a much scarcer resource than coal in a West Yorkshire context, there is more justification for safeguarding sand and gravel than coal. The Inspector has considered the planning guidance in the round and would point out that safeguarding in urban areas is not meant to compete with other policies and guidance and that if an integrated approach is adopted, the fears that you express should not arise. He is therefore of the view that in the above circumstances there is a justification for a policy mechanism to alert developers to the presence of sand and gravel under urban sites and a framework to determine whether or not they should be extracted prior to development taking place.

The Inspector accepts that defining an urban safeguarding area, based on the BGS maps, would affect an extensive swath of brownfield land through the heart of the main built up area. He also notes your emphasis on the importance of this area for employment generation. In such circumstances he agrees that it would be preferable if the safeguarded area did not apply to locations where prior extraction is unlikely for economic or other reasons, although as minerals become scarcer what is uneconomic today may be economic tomorrow! Nevertheless, the MPS says that economically unviable and environmentally unacceptable sites should ideally not be in safeguarded areas. Unfortunately there is no evidence base before the Examination that would enable these differentials to be easily established so unless you are able to point to more detailed examinations of the resource or wish to

undertake a more in-depth analysis, the BGS maps may be the best data source available?

He agrees that the application of Policy Minerals 2 to sites within the urban area may send out the wrong message to some developers. It probably already would with regard to coal. He also notes that the BGS exceptions policy does not make a distinction between urban areas and elsewhere. However, that is not to say that it is never appropriate to do so. A new or sub policy that applied to safeguarded minerals on previously developed land and removed the need to demonstrate that there will be no sterilisation, could be introduced. Additionally, the BGS exceptions policy does not say that size thresholds should not be used, only that they should be avoided in most cases. However, the BGS is talking about all minerals and notes that coal has been extracted successfully from relatively small sites in advance of development. If there is evidence of a threshold below which sand and gravel would not be extracted on economic grounds, even with the use of portable equipment, then it should be used. Otherwise your reference to major applications in Policy Minerals 8, would suffice.

The Inspector does not accept that in a previously developed situation it is essential for developers to have regard to the potential for future extraction on adjacent land. This is presumably not your intention with regard to coal? Each case should be considered on its merits and the existence of development on adjacent land would be a factor considered under Policy Minerals 10 when the appropriateness of extraction on a particular site was being considered. Arguments about sterilising redevelopment and thwarting regeneration do not stand up to scrutiny. If considered early enough in the development process, prior extraction need not delay essential development and in some instances the commercial value of the extracted mineral can help to support marginal regeneration projects. Unfortunately, the evidence suggests that where the need to consider prior extraction is not facilitated through policy, then in the normal course of events and by the time developers realise that there are valuable mineral resources to be extracted, the development process is too far advanced for it to happen without delaying the development. The Inspector wishes to avoid this.

The wording of policies is really a matter for yourselves but if it assists, the Inspector would suggest that the second part of Policy Minerals 2 is split into two parts. The first part could refer to applications for development on land that is not previously developed within a MSA and the whole of the current paragraph should apply. The additional paragraph could refer to applications for development on previously developed land within a MSA only needing to demonstrate that extraction of the mineral will take place prior to or during development if appropriate as detailed in Minerals 8 below. Minerals 8 could be amended to refer to sand and gravel as well as coal with an additional demonstration that: there is coal and/or sand and gravel but its recovery would give rise to unacceptable environmental harm. (something along these lines probably ought to have been included in any event). Environment should be treated in its wider sense and include matters such as flooding and highway safety etc.

The Inspector notes your points about Wakefield and Greater Manchester. The Wakefield LDD was a Core Strategy where unlike Leeds the issue of MSAs within the urban areas was not raised. The absence of an MSA under the developed parts of Greater Manchester has been raised by third parties and is to be the subject of discussion at a Hearing session.

### **Wharfe valley**

Having visited the area, the Inspector fully supports your desire to prevent sand and gravel extraction within the Wharfe valley to the east of Pool, whilst ever there are viable resources within the areas that you have identified and available resources from less environmentally sensitive areas within the region. He intends to stress this in his report. His concerns arise from the uncertainties surrounding the delivery of the strategy that you have put forward and discussed above and the overall shortage of resources within the region as a whole in the medium and long terms. In this context the BGS study suggests that the Wharfe valley has some of the largest and highest quality unworked sand and gravel deposits in the region. In his opinion there will need to be a comprehensive review of resources serving West Yorkshire long before 2026, if major supply problems are not to arise. Extraction within the Wharfe valley both within Leeds and North Yorkshire should be objectively compared with other available resources. However, if in the meantime there is little progress re extraction elsewhere in Leeds and appeals arise in the Wharfe valley without a criteria based policy you would be fighting the proposal on the hoof and against national policy that says that you should maintain a landbank of at least 7 years for sand and gravel.

In the above circumstances the resisting of proposals for the extraction of sand and gravel within the area to the east of Pool in the Wharfe Valley without qualification is not justified. Local Planning Authorities are meant to look at development proposals put before them impartially and objectively. To say in a DPD that from the outset you will strive against proposals with the intention of preventing them in all circumstances does not imply that you would look at proposals objectively and on their merits, given the circumstances pertaining at the time. In his "Soundness considerations" presented to the Round Up Hearing session, the Inspector suggested a less prescriptive version of Policy Minerals 5, in the event that you preferred not to have a criteria based policy. "Proposals" at the beginning of Policy Minerals 5 could be prefaced by "It is unlikely that" and "Resisted" at the end could be changed to "not supported" and the reason why they are not being supported i.e. "The plan makes more than adequate notional supply for the provision of sand and gravel from within Leeds for the plan period. Unless it can be clearly demonstrated that the extraction of the reserves from the allocated site and area of search are not viable then there is no justification for considering extraction from within the Wharfe valley to the east of Pool." inserted into the supporting text.



### **The protection of wharves & rail sidings**

My letter of 14 December was not meant to imply that the Inspector does not fully support the intentions of Policy Minerals 14. He does. However, it is not fair and reasonable to simply introduce a policy that has the intention of preventing land from being used for uses other than a freight interchange, in circumstances where there is as yet not a proven demand for such facilities to the extent being proposed. Land owners should have a reasonable expectation of knowing what they would have to do, no matter how arduous, to obtain planning permission for other uses. Applications will be inevitable at some point and decision makers should be able to judge all of the proposals on the same basis in the interests of fairness. Therefore in the Inspector's opinion there should be some criteria against which all proposals to use these sites other than for freight interchanges should be judged. The ones that you have suggested would be acceptable. You may in addition like to consider "the applicant is able to conclusively demonstrate that the site is no longer appropriate for use as a freight interchange, including marketing evidence". This would cover most of the points raised by British Waterways in their letter of 5 December 2011.

On the matter of encouraging landowners to pursue other interests, the Inspector's observations suggest that the opposition to this Policy from land owners, for the most part stems from encouragements within the City Planning Department to the effect that these sites are appropriate for residential development. Providing the Council as a whole makes it clear that these sites are not appropriate for residential development, then much of the opposition to the policy is likely to dissipate. In a number of instances this could easily be achieved by reference to the current flooding guidance.

The Inspector has asked me to clarify whether in the context of your suggested amendment to Site 18, all of the revised site is currently in a use associated with canal wharfage or whether the area originally safeguarded is not used and therefore available for a new user?

### **Hazardous waste**

Your suggested additional wording at the end of paragraph 4.17 goes a long way towards explaining your strategy for hazardous waste. Your response suggests that landfill is indeed the last resort for the disposal of this waste stream and that every effort should be made to reduce the amount of hazardous waste. It would be appropriate to say this in the revised text and to accommodate the proposed changes in a separate section on Hazardous Waste, rather than as an amendment to paragraph 4.17. To cover this, the Inspector would suggest amending the second part of the amendment as follows:-

"These are important facilities for the treatment of hazardous waste and are safeguarded in this DPD. The Waste Strategy for England 2007 says that as well as seeking to reduce the amount of hazardous waste there is a need for

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additional treatment facilities and infrastructure for hazardous waste to assist in meeting changes brought about by the Landfill Directive. There is scope for further hazardous waste treatment in Leeds, such as soil-washing or bio-remediation and this could be accommodated on any of the strategic waste sites or industrial estates that are identified as suitable for waste treatment facilities. The Council will encourage the provision of hazardous waste treatment facilities in preference to disposal at landfill sites. As a last resort solid new hazardous waste cells could potentially be provided at Swillington and Howley Park landfill sites, which are also safeguarded".

I trust that the above answers your questions and enables you to suggest further changes to the plan as appropriate. Should you require further clarification, please get in touch and I will ask the Inspector to comment further.

Yours sincerely



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## **Post Submission Schedule of Changes 31.1.12**

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. 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.

3. Para 3.1. Delete reference to MPS1 and add definition of sustainable minerals development as follows:

**‘The objectives of sustainable development for minerals planning are:**

- i. to conserve minerals as far as possible, whilst ensuring an adequate supply to meet the needs of society for minerals;**
- ii. to minimise production of waste and to encourage efficient use of materials, including appropriate use of high quality materials, and recycling of wastes;**
- iii. to encourage sensitive working practices during minerals extraction and to preserve or enhance the overall quality of the environment once extraction has ceased;**
- iv. to protect areas of designated landscape or nature conservation from development, other than in exceptional circumstances where it has been demonstrated that development is in the public interest.’**

4. Para 3.2 Add the following text to create a new para 3.2:

**‘3.2 Minerals can be worked only where they are found. Their extraction is a temporary activity. Mineral extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored. ‘**

The remainder of Chapter 3 will need to be re-numbered accordingly.

5. Add a new para 3.4 to state:

**‘ Policies in this DPD will be monitored in accordance with the monitoring framework in Section 7. Where targets are repeatedly not being met, this may lead to a review of the DPD and consideration of the sub-regional apportionment through the Yorkshire and Humber Regional Aggregates Working Party. Policy Minerals 14 will be subject to a five yearly review to allow sufficient time for businesses to respond to the opportunities created by this DPD. Towards the end of the Plan Period it is anticipated that marine-won aggregate will contribute towards supply’.**

The remainder of Chapter 3 will need to be re-numbered accordingly.

6. Para 3.8. Change reference to Map A3 to **‘Proposals Map’**.

Add wording to encourage and raise awareness of the potential for prior extraction of minerals before sites are developed. Add the following wording to the end of the

paragraph:

**'Valuable resources may exist outside of an MSA (refer to the Minerals Resource Map in figure 2.2) and developers are encouraged to explore the potential for extraction prior to (and well in advance of) site development.'**

7. Policy MINERALS 1, change to the wording of proposed change PC7. Change the words 'sand and gravel' to **'aggregate'**.

This is because the Policy applies to both sand and gravel and crushed rock.

Additionally, the targets should be added into the Policy and therefore the final Policy wording should read as follows:

#### **'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 aggregate in accordance with the Sub-Regional Apportionment.**

**Leeds will aim to meet the following targets for aggregate provision:**

**Sand and gravel = 146,000 tonnes per annum**

**Crushed rock = 440,000 tonnes per annum'.**

8. Paras 3.8 and 3.9 and Policy MINERALS 2. This change should be considered in relation to the additional Sand and Gravel MSA map included as Change 26.

Replace para 3.8 and 3.9 and MINERALS 2 with the following wording and delete paras. 3.21 and 3.22 and combine MINERALS 8 and 9 and re-name as MINERALS 3.

#### **'MINERAL SAFEGUARDING AREAS**

**3.8 The mineral resources of economic importance in the Leeds District are coal, sand and gravel, clay and building stone. Where it is viable to do so, the council will seek to ensure that these resources are protected from developments that may prejudice their future extraction. There is insufficient information to know where the very extensive deposits of sandstone and limestone are of a quality which would enable them to be viably worked. Reserves of clay are sufficient to support need well beyond the plan period. Therefore this DPD defines protected areas for coal and for sand and gravel only. These Mineral Safeguarding Areas (MSAs) are shown on the Proposals Map that accompanies this DPD. The purposes of MSAs are to alert potential developers to the possible presence of economic minerals and to prevent the avoidable sterilisation of minerals which may be needed within the plan period and beyond.**

**3.9 The Sand and Gravel Mineral Safeguarding Area identifies the surviving alluvial deposits within the district in which the sand and gravel resource may be found in amounts that could be viable to remove. Based on information in the British Geological Survey Technical Report WA/92/1, Leeds : A Geological Background for Planning and Development, the MSA excludes areas already worked, tributary areas which are very unlikely to contain significant amounts of sand and gravel, areas already worked primarily for surface coal and areas where the resource is overlain by a substantial depth of made ground, for example by deposited waste materials.**

- 3.10 The sand and gravel resource is extensively overlain by existing development within the urban area and in site specific circumstances there may be occasions where it can be economically removed prior to, or as part of, the redevelopment of that land. The removal of sand and gravel from existing developed sites under 1 hectare in size and / or where reconstruction to original levels is necessary, is however considered by the council to be most unlikely to be viable. Extracting sand and gravel from sites less than 1.0 ha in area will incur high unit costs in relation to the deployment of suitable extractive equipment, the temporary storage of unsuitable material to be backfilled (which may have to be off site), the procurement of compressible material for infilling the workings, the testing of such materials for contamination, the placement and dynamic compaction of such material, supervision, load bearing tests and warranty costs in addition to environmental costs such as wheel and road cleaning. Additionally, the need to support adjoining land will mean that approx 20% of the land is unworkable. In most circumstances buildings cannot be erected which bridge worked and unworked boundaries. On small sites this would prevent much of the land being built upon. These factors - combined with the low value of the dug material, mean that the extraction of sand and gravel from small sites in urban Leeds under 1.0 ha where rebuilding is to take place will be uneconomic. This DPD makes adequate provision for the Leeds share of the West Yorkshire sub-regional apportionment for sand and gravel through an Area of Search and an Allocation, any mineral resulting from prior removal at development sites is over and above the provision to meet the sub regional apportionment.**
- 3.11 Coal is a valuable resource and has been extracted from a very diverse range of sites in Leeds. Therefore the full extent of the surface coal field in Leeds has been identified as the Coal Mineral Safeguarding Area. The MSA designation does not imply that planning permission for extraction will be granted within a particular area. The surface coal resource is extensively overlain by existing development and in site specific circumstances there may be occasions where it can be economically removed prior to, or as part of, the redevelopment of that land. Removal of coal from development sites can help prepare the site for development by removing problems of combustion and instability. In the case of surface coal present beneath undeveloped land national planning guidance makes a presumption against opencast coal mining, therefore this DPD does not allocate land for surface coal extraction.**
- 3.12 The presence of a mineral safeguarding area does not mean that other development within an MSA is unacceptable. However the potential presence of an economic mineral is a material consideration. In rural areas development is controlled by green belt policy. In the urban area the MSA does not preclude development from taking place but encourages developers to consider prior extraction of important minerals at the earliest possible stage in the development process. Planning applications will need to include sufficient information to demonstrate that applicants have considered prior extraction. Where an applicant is able to provide evidence that prior extraction of minerals is not viable the council does not expect the minerals to be extracted. Relevant factors may be the poor**

quality of the mineral, an insufficient quantity, physical constraints or where there are insurmountable risks associated with potential flooding. Proposals for prior extraction will be subject to environmental assessment and the criteria in MINERALS 10.

3.13 The policy requirement to consider prior extraction applies to all development sites over 1 hectare within the Sand and Gravel MSA and to all non-householder development within the Coal MSA. Examples of exceptions include applications for change of use, extensions, Conservation Area, Listed Building and Advertisement applications and any other proposals which do not include excavation of the ground. Temporary development is not generally considered to sterilize the resource.

#### **MINERALS 2: MINERAL SAFEGUARDING AREAS (MSA) - SAND AND GRAVEL**

Within the Sand and Gravel Minerals Safeguarding Areas shown on the Proposals Map, applications for development over 1 hectare in size must demonstrate that removal of the sand and gravel will take place prior to or during development unless:

1. it can be shown it is not economically viable to do so, or
2. it is not environmentally acceptable to do so, or
3. the need for the development outweighs the need to extract the sand and gravel, or
4. the sand and gravel will not be sterilized by the development.

#### **MINERALS 3 : MINERAL SAFEGUARDING AREAS – SURFACE COAL**

##### **DEVELOPMENT SITES**

Within the Surface Coal Mineral Safeguarding Area shown on the Proposals Map applications for non-householder development must demonstrate that the opportunity to recover any coal present at the site has been considered. Coal present should be removed prior to or during development unless:

1. it can be shown it is not economically viable to do so, or
2. it is not environmentally acceptable to do so, or
3. the need for the development outweighs the need to extract the coal, or
4. the coal will not be sterilized by the development.

##### **NON-DEVELOPMENT SITES**

There will be a presumption against working of surface coal deposits beneath undeveloped land which is not going to be developed for other uses, unless applicants are able to demonstrate the environmental acceptability of their proposal, that the highest operational standards will be met and that restoration will enhance landscape quality and biodiversity. Weight will be attached to schemes which provide local and/or community benefits, avoid the sterilisation of mineral resources or facilitate other development which is in accordance with the development plan.'

9. Para. 3.16 Delete the first sentence referring to the landbank for crushed rock in the region and substitute with the sub-regional figure so the sentence reads:  
**The landbank for crushed rock in the West Yorkshire sub-region has sufficient capacity to satisfy estimates of demand for a period of 28.3 years.**

10. Policy MINERALS 5. Add the words 'It is unlikely that' to the beginning of the policy and exchange 'resisted' for 'supported' so that the Policy reads:  
**'It is unlikely that proposals for the extraction of sand and gravel within the area to the east of Pool in the Wharfe Valley will be supported.'**

11. Para 3.18 Add to the end of the last paragraph **'Quarries that produce building stone also help to maintain provision of aggregate (crushed rock and sand).'**

12. Para 3.23 Add sentence to the end of the text as follows:  
**'Applicants for development of sites adjacent to safeguarded sites, allocations, preferred areas or the area of search will be expected to ensure that they have adequately considered the effect of mineral processes or wharf / rail related freight on the proposed land use.'**

13. Para 3.29 Delete the sentence **'Use of the canal is hampered by the need for costly dredging'**.

14. Add new para. 3.30 as follows:

**'There are limited opportunities for rail and wharf facilities in Leeds and it is important that the sites identified in this plan have every opportunity to develop and flourish for these uses. Nevertheless the Council recognises that land should not be sterilised indefinitely if there is no reasonable prospect of the sites being used for such purposes. It is therefore necessary to strike a balance between the policy objectives and making effective and efficient use of land. To this end the Council will therefore undertake a review of the policy as part of its Annual Monitoring Report in the first such Report prepared after a period of 5yrs from the date of adoption. Given that there are only limited opportunities available it should not be assumed that lack of interest in the preceding 5 years will automatically result in the removal of the safeguarding policy from any or all of the sites in question. The Report will need to consider a range of issues and how circumstances have changed since adoption. This will include the issue of viability and in this respect the redevelopment of safeguarded or proposed wharves/ rail sidings for other land uses will only be considered where it can be demonstrated that the wharf / rail siding is no longer viable or capable of being made viable for freight handling, or in the case of safeguarded wharves/ rail sidings where an adequate replacement wharf/ rail siding has been provided.**

**The following factors will be taken into account when considering viability:**

- **site size, shape, navigational access, road access, rail access (where possible), planning history, environmental impact and surrounding land use context, including existing uses, extant planning permissions and development plan allocations;**
- **geographical location, in terms of proximity and connections to existing and potential market areas and other freight-handling sites;**

- the existing and potential contribution the site can make towards reducing road based freight movements;
- demand for the use of the site for waterborne/ rail-based freight having regard to marketing and other evidence.

15. Create a new Para 3.31 as follows:

**“ 3.31 Applications for alternative uses on a safeguarded or allocated wharf or rail siding will be considered in terms of their benefits weighed against the loss of the non-road freight opportunity using the following criteria based policy.**

**MINERALS 15 : CRITERIA FOR ASSESSING ALTERNATIVE DEVELOPMENT ON PROTECTED WHARVES AND RAIL SIDINGS**

**Canal wharves and rail sidings are protected from other development unless the applicant can demonstrate compliance with the following criteria:**

1. The development would not sterilise the longer term potential of the site for wharf or rail siding use, or
2. The applicant is able to demonstrate that there are no suitable alternative sites for the proposed development, and
3. A sufficient supply of sites will remain in the district, readily available and of at least the same functional capability, so as not to prejudice the objective of encouraging a shift from road freight, and
4. The applicant is able to conclusively demonstrate, including marketing evidence, that the site is no longer appropriate for use as a freight interchange.”

16. Alterations to para 4.4. Delete the first two sentences of the paragraph and replace with the following sentence: **‘Future waste arisings have been provided till 2026 in Table 4.1. These are based on projections till 2021 that have been extrapolated to 2026.’**

Alterations to Table 4.1 of the DPD. Change the title of the table to state:

**‘Table 4.1 Future Waste Management Needs In Leeds till 2026 (tonnes per annum)’.**

Change the heading of the arisings column to read **‘Arisings at 2026’**.

17. 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....’**

18. 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’.**

19. Add the following wording to the end of paragraph 4.17 **“Whilst some solid hazardous waste is exported out of the district, overall Leeds is a net importer of hazardous waste. Liquid hazardous waste arising in the district and beyond is treated at the White Rose Environmental Clinical Waste Incinerator and WRG Effluent Treatment Plant. These are important facilities for the treatment of**



hazardous waste and are safeguarded in this DPD. The Waste Strategy for England 2007 says that as well as seeking to reduce the amount of hazardous waste there is a need for additional treatment facilities and infrastructure for hazardous waste to assist in meeting changes brought about by the Landfill Directive. There is scope for further hazardous waste treatment in Leeds, such as soil-washing or bio-remediation and this could be accommodated on any of the strategic waste sites or industrial estates that are identified as suitable for waste treatment facilities. The Council will encourage the provision of hazardous waste treatment facilities in preference to disposal at landfill sites. As a last resort solid new hazardous waste cells could potentially be provided at Swillington and Howley Park landfill sites, which are also safeguarded".

20. 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'.**

21. Chapter 7 Table 7.1

The monitoring framework has been revised and updated. The revised framework is included as Appendix 1.

22. 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'.**

23. Create new section entitled **'List of Saved UDP Policies to be Replaced by this DPD.'**

Add new text to state:

**'The following saved policies from the Leeds Unitary Development Plan (Revised) 2006 are replaced by policies in this Natural Resources and Waste Development Plan Document:**

**N45, N46, N46A, N46B, GM4, GM4A, EM9, N47, WM1, WM2, WM3, WM4, WM5, WM6, WM7, WM8, WM9, WM10, WM11, WM13, WM14, WM15, WM16, WM17, WM18, N54, N38A, N38B, N39A.**

#### Map Changes

24. For all map references within the DPD, remove reference to the mapbook and change this to **'Proposals Map'**.

25. Specific alterations to site boundaries as follows:

Map 200 Strategic Waste Site at Skelton Grange, revised boundary to reflect operational land now identified.

Map 139 Aggregate recycling site at Warren House Lane, Yeadon, revised boundary to reflect recent planning approval.

Map 14 Canal Wharfage at Stourton, revised boundary to reduce the extent of the site area proposed for safeguarding.

Map 18, Fleet Lane wharf, revised boundary to correct an earlier error.

26. Additional Sand and Gravel MSA in the urban area.

#### Minerals and Waste Topic Papers

The Council proposes to incorporate the additional papers that have been prepared on Crushed Rock Targets and Sand and Gravel Targets into the Minerals Topic Paper and also to incorporate the additional report on Waste Targets into the Waste Topic Paper.

**Leeds City Council**

**Natural Resources and Waste DPD**

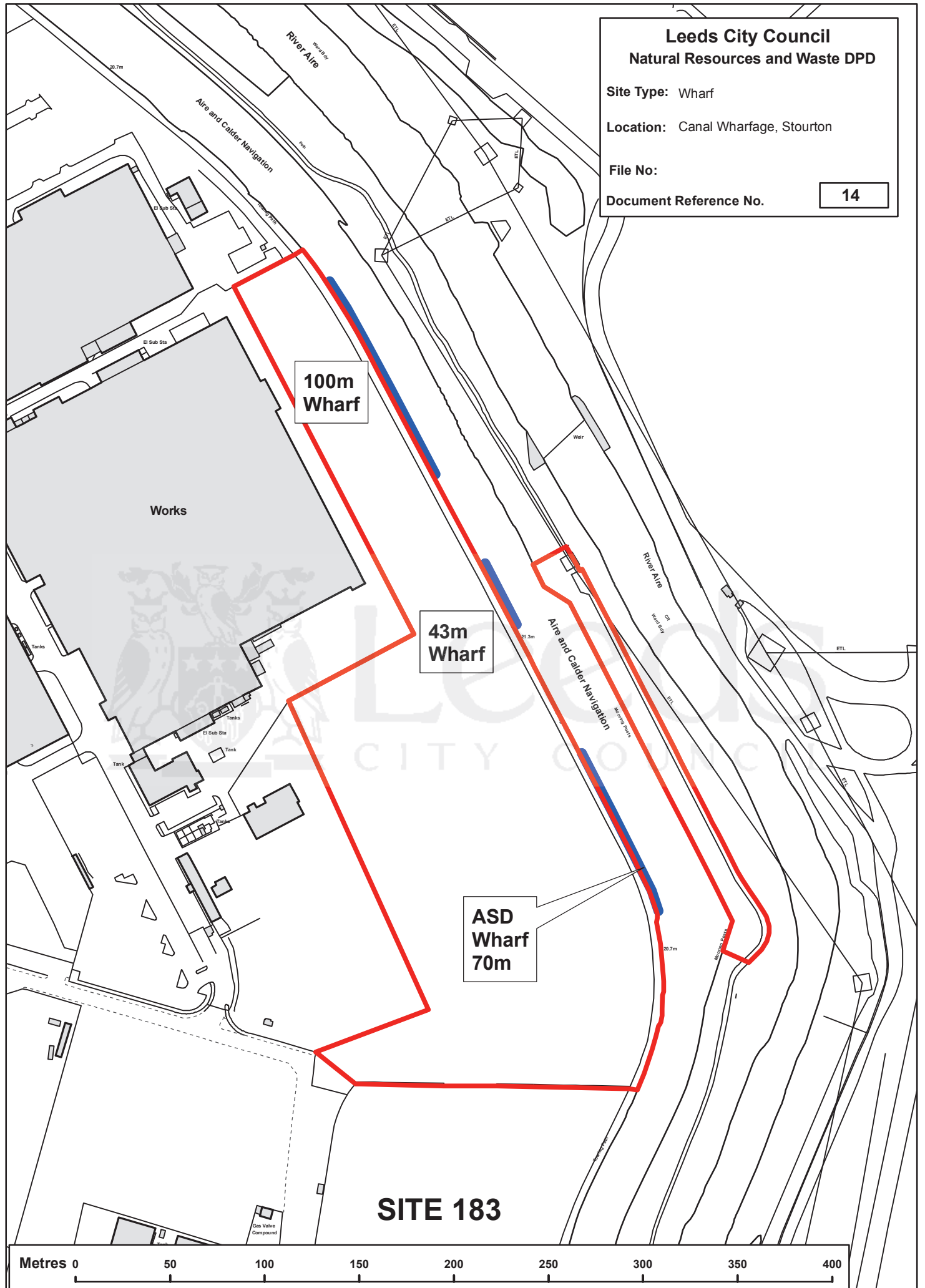
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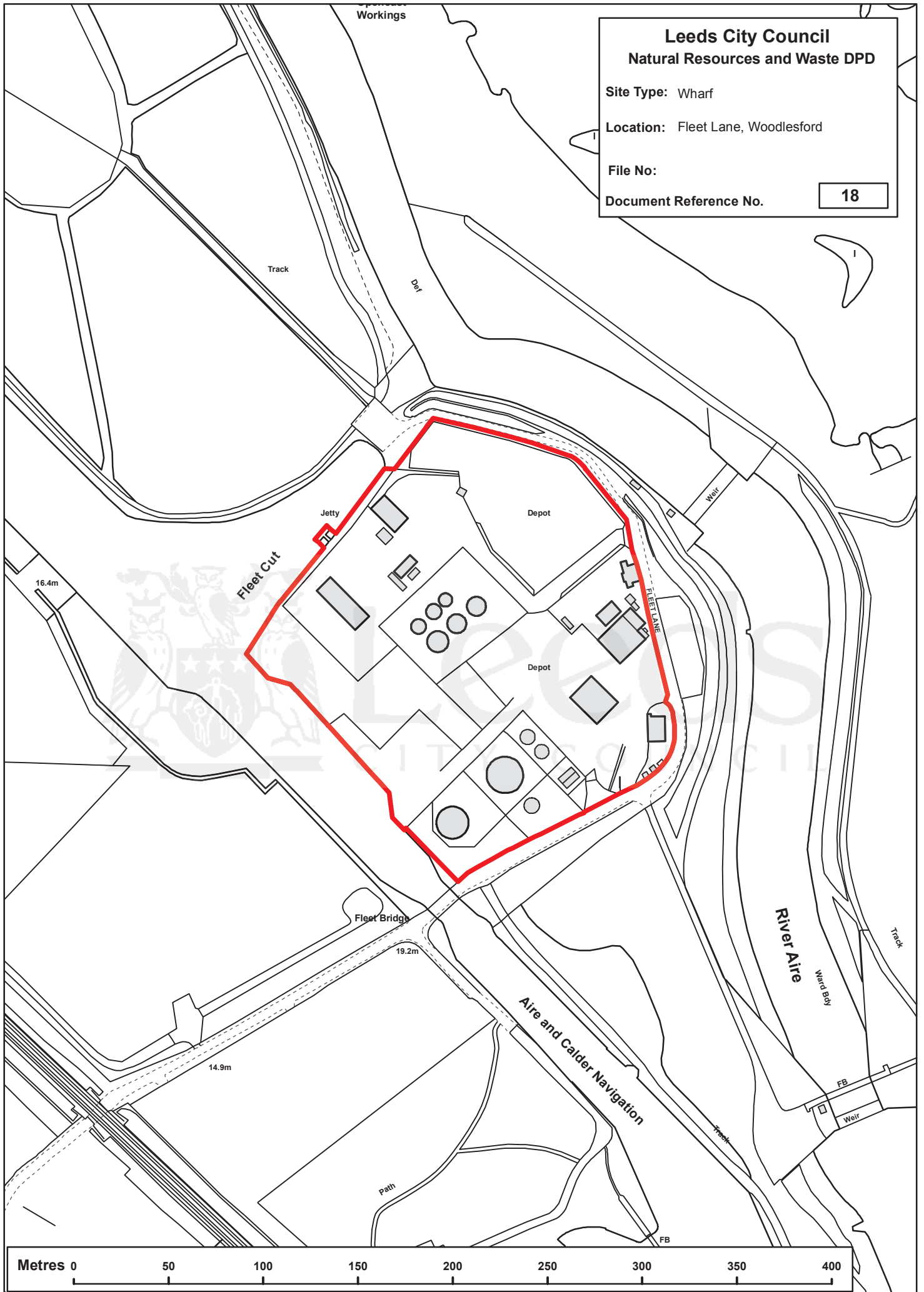
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**14**





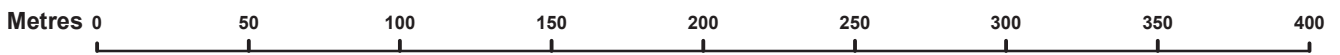
**Leeds City Council**  
**Natural Resources and Waste DPD**

**Site Type:** Wharf

**Location:** Fleet Lane, Woodlesford

**File No:**

**Document Reference No.** 18



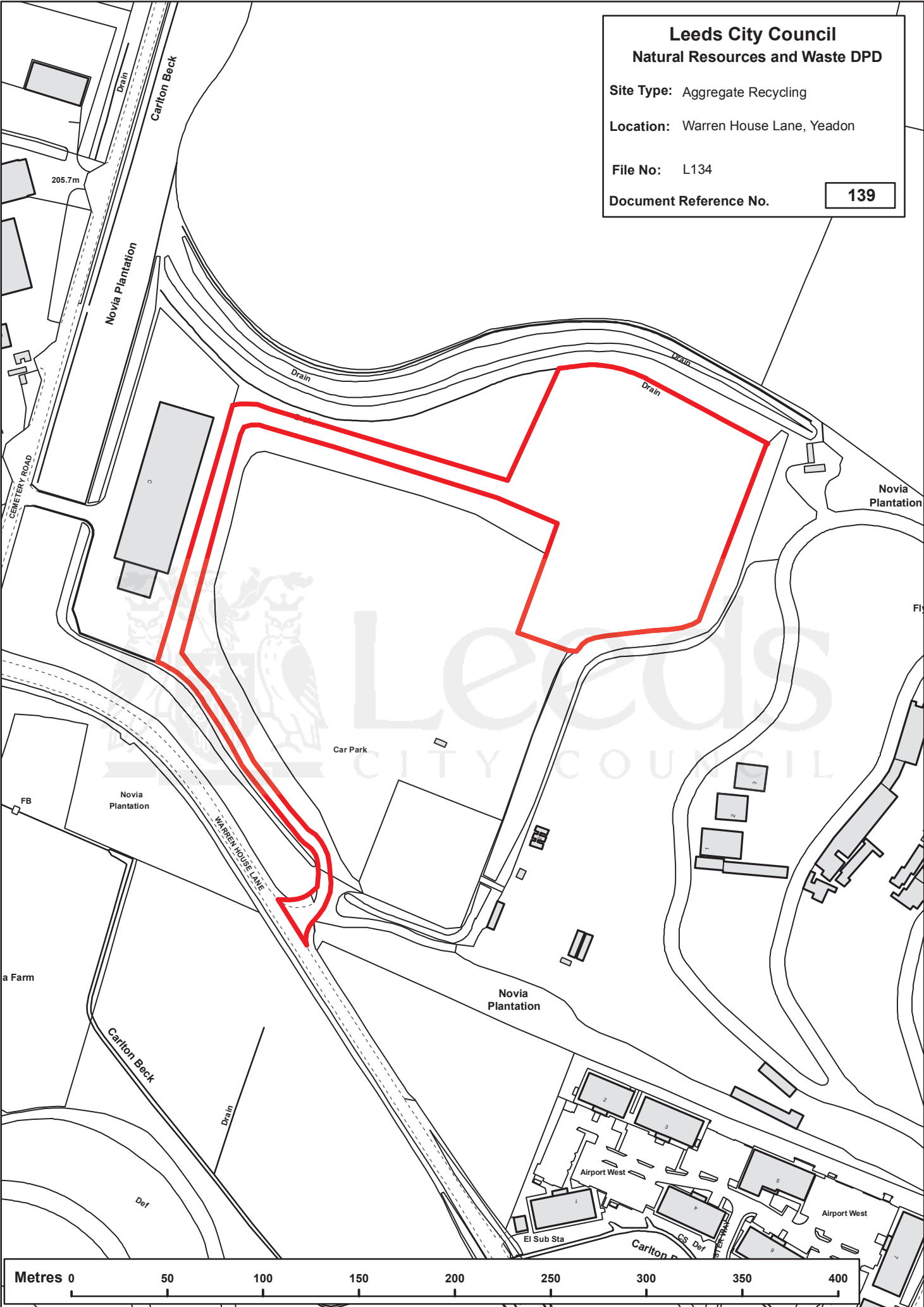
**Leeds City Council**  
**Natural Resources and Waste DPD**

**Site Type:** Aggregate Recycling

**Location:** Warren House Lane, Yeadon

**File No:** L134

**Document Reference No.** 139



**Leeds City Council**

**Natural Resources and Waste DPD**

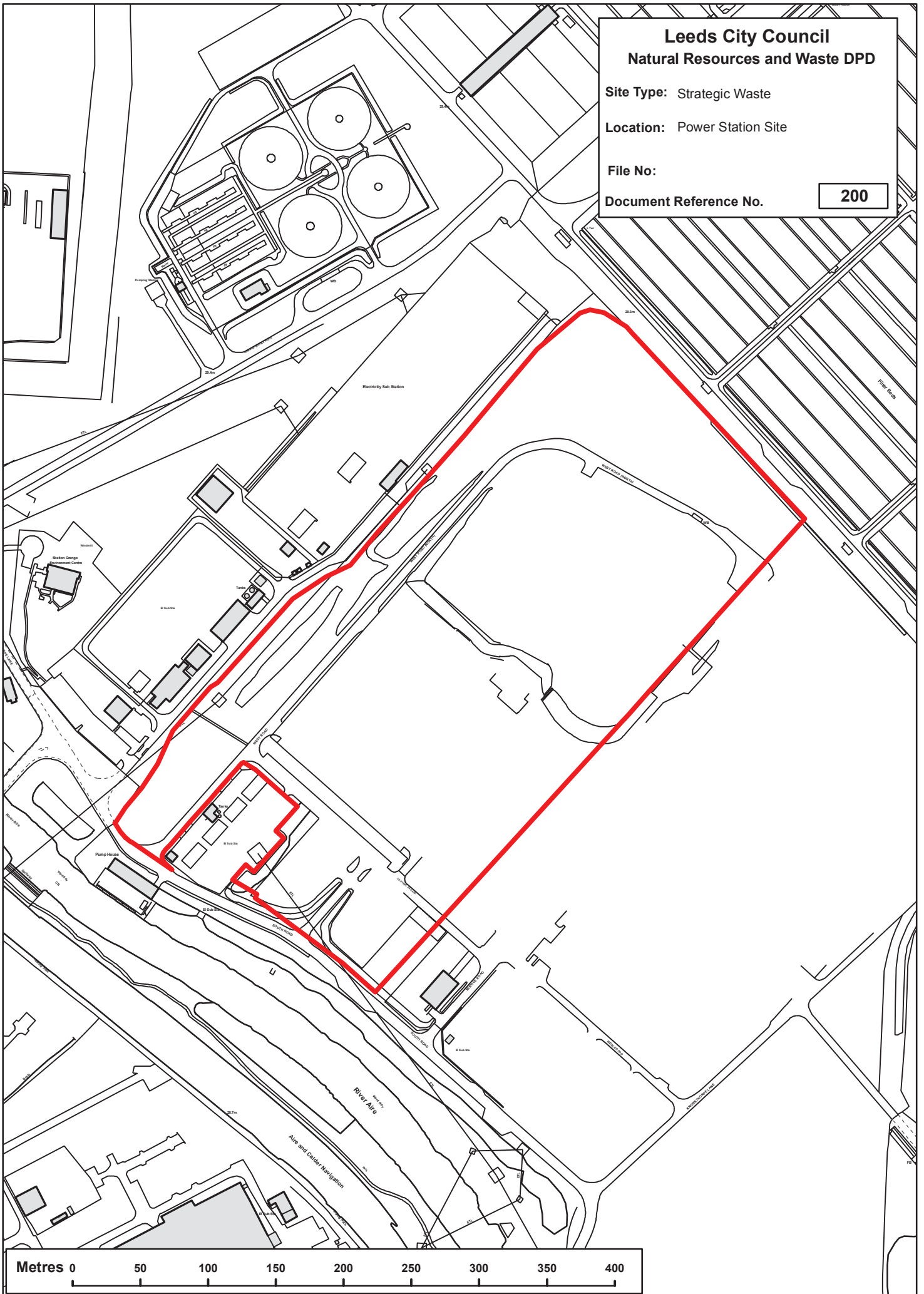
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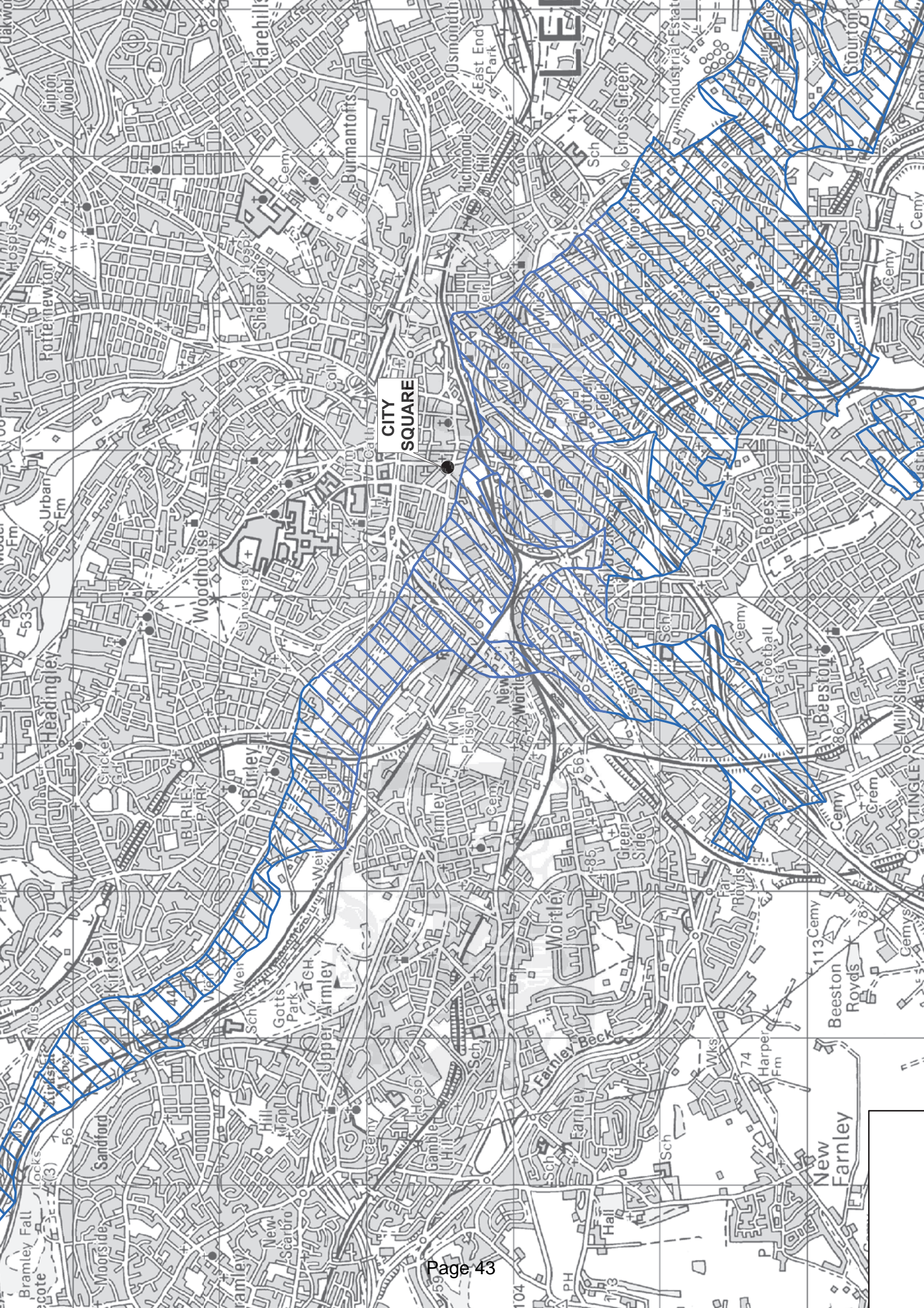
**Location:** Power Station Site

**File No:**

**Document Reference No.**

**200**





CITY  
SQUARE

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**Proposed NRWDPD Monitoring Framework**

Policy ID	Policy	Objectives Link	Key Performance Indicator	Implementation Partners	Monitoring Comment	Targets	Trigger Point for correction/mitigation measures	Proposed Actions if not meeting targets
Minerals 1	Provision of Aggregates	The prudent use of natural resources is at the heart of the way things are done in Leeds	Amount of aggregate produced in line with the plan period provision in the NRW DPD	Minerals Industry Regional Aggregates Working Party	Annual collection in AMR (annual collection and contribution towards overall target)	Average annual production of sand and gravel of at least 146,000 tonnes per annum until 2026.	Provision undershoots 25% over five years of the plan period	Review apportionment alongside the other West Yorkshire Authorities. Feedback to the YHRAWP to review the sub-regional apportionment.
Minerals 4	Mineral Extraction through Area of Search and Allocation for sand and gravel. Preferred Areas for Crushed Rock	Ensure sufficient contribution to supply for local and regional minerals demand is provided but look to use secondary/recycled materials first	Amount of aggregate produced in line with the plan period provision in the NRW DPD	Leeds City Council West Yorkshire Authorities	Annual review of approved applications in MSAs.	Average annual production of crushed rock of at least 440,000 tonnes per annum until 2026.	Provision undershoots 25% over five years of the plan period	Review apportionment alongside the other West Yorkshire Authorities. Feedback to the YHRAWP to review the sub-regional apportionment.
Minerals 2	Mineral Safeguarding Areas	Avoid sterilising future mineral resources The prudent use of natural resources is at the heart of the way things are done in Leeds	Key resources in MSAs safeguarded or extracted prior to development. Monitored by responses received from the Coal Authority through the Coal Referral Areas. Through the planning application process for sand and gravel.	Leeds City Council Development Industry Minerals Industry Coal Authority	Annual review of approved applications in MSAs.	Amount of resource (estimated tonnage) protected.	Unacceptable level of resource sterilized by development.	Review development control processes. Review Coal Referral process.
Minerals 3	Safeguarding Existing Mineral Extraction Sites	Ensure sufficient contribution to supply for local and regional minerals demand is provided but look to use secondary/recycled materials first Avoid sterilising future mineral resources	Monitoring through the Extraction Site Monitoring Programme run by the Minerals and Contaminated Land Team. Amount of aggregate produced in line with the plan period provision in the NRW DPD	Leeds City Council Development Industry Minerals Industry	Annual review of approved extraction sites to check for compliance with planning conditions.	No loss of minerals facilities to an alternative use unless suitable provision made elsewhere in the district	Loss of mineral extraction site (other than through exhaustion of the supply).	Review safeguarded sites to determine if have sufficiency of supply to meet forecasted need over remainder of Plan period.

Policy ID	Policy	Objectives Link	Key Performance Indicator	Implementation Partners	Monitoring Comment	Targets	Trigger Point for correction/mitigation measures	Proposed Actions if not meeting targets
Minerals 6	Preferred Areas – Stone and Clay Extraction	Ensure sufficient contribution to supply for local and regional minerals demand is provided but look to use secondary/recycled materials first	Sufficient stone and clay extraction takes place from the Preferred Areas as allowed by the Planning Permission	Leeds City Council Mineral operators Minerals Industry Leeds City Council	Review tonnage produced from extraction sites. This data is required to be submitted annually to Leeds City Council	Estimates for production for the plan period as follows: Highmoor, Bramham – 960,000 tonnes, Hook Moor, Micklegatefield – 8.8 million tonnes, Kings Road, Bramhope – 2.16 million tonnes, Moor Top, Guiseley – 500,000 tonnes, Britannia Quarry, Morley – 960,000 tonnes, Howley Park, Morley – 2.4 million tonnes of clay. Sandstone several million tonnes. Majority of stone and clay comes from the Preferred Areas	The majority of stone and clay extraction is located outside of the Preferred Area	If the majority of stone and clay extraction is taking place out of the Preferred Areas, need to review to determine if sites continue to represent the best sites and provide sufficiency of supply to forecasted arisings.
Minerals 8	Surface Coal and Previously Developed Land	Ensure sufficient contribution to supply for local and regional minerals demand is provided but look to use secondary/recycled materials first Efficient use of previously developed land, especially contaminated land The prudent use of natural resources is at the heart of the way things are done in Leeds	The proportion of applications, subject to referral to the Coal Authority, resulting in a permission requiring the removal of coal prior to development.	Leeds City Council Coal Producers Coal Authority	A process is in place for referring applications to the Coal Authority within the Coal Referral Area. This can be compared with the number of those applications that actually result in coal removal	Coal extracted prior to development	No applications approved in the monitoring year requiring removal of coal prior to development	Discussions with the Coal Authority to identify why the policy is not working. Review of the application process to identify lessons learnt. Better training of DC colleagues to raise awareness of the Policy.
Minerals	Restoration of	A high level of	Leeds City Council	Minerals		Restoration and aftercare meets	Minerals Team	Enforcement action or prosecution

Policy ID	Policy	Objectives Link	Key Performance Indicator	Implementation Partners	Monitoring Comment	Targets	Trigger Point for correction/mitigation measures	Proposed Actions if not meeting targets
11	Mineral Extraction Sites	environmental protection	currently has a process in place for monitoring compliance with restoration and aftercare conditions.	Industry Leeds City Council Minerals and Contaminated Land Team		an acceptable standard	identifies the failure of an operator to carry out the approved works	for non-compliance with planning conditions
Minerals 12	Aftercare of Restored Proposals							
Minerals 13	Safeguarding Minerals Processing Sites	Efficient use of previously developed land, especially contaminated land  The prudent use of natural resources is at the heart of the way things are done in Leeds  Ensure sufficient contribution to supply for local and regional minerals demand is provided but look to use secondary/recycled materials first	Mineral processing sites are safeguarded from development of non minerals related use unless it can be shown that it is not needed within the district for that purpose and that there is an adequate distribution of sites.	Leeds City Council  Development Industry  Minerals Industry		Leeds capacity for minerals processing is retained	Approval of an application without any demonstration that capacity is being maintained	Review of development control processes and better training of DC officers

Policy ID	Policy	Objectives Link	Key Performance Indicator	Implementation Partners	Monitoring Comment	Targets	Trigger Point for correction/mitigation measures	Proposed Actions if not meeting targets
Minerals 14	Transport Modes	<p>The prudent use of natural resources is at the heart of the way things are done in Leeds</p> <p>Ensure sufficient contribution to supply for local and regional minerals demand is provided but look to use secondary/recycled materials first</p> <p>The canal and rail systems are used for moving freight so as to reduce the amount of heavy goods vehicles on the roads and thereby reduce congestion and greenhouse gas emissions.</p> <p>Make better use of the water and rail transportation networks</p> <p>Promote sustainable movement of freight including minerals</p>	<p>Modal change from road to rail and waterborne freight</p> <p>Leeds City Council Transport Policy</p> <p>Monitoring section collects data on HGV movements in and out of Leeds using Automatic Traffic Count technology. The Council has 20 AMPR cameras in the district and also makes use of police AMPR cameras to monitor HGVs on the road</p> <p>Using the list of consultee respondents the Council will gather data on water and rail freight movements</p>	<p>British Waterways</p> <p>Network Rail</p> <p>Commercial Boat Operators Association</p>	<p>Leeds City Council to undertake a five yearly review</p>	<p>The target is for a switch from road-based freight movements to waterborne and rail freight</p>	<p>After adequate marketing there is no take up of freight activity by rail/ water over a five year period</p>	<p>Review the need for the site retention.</p> <p>Seek evidence of appropriate marketing activity</p>
Waste 1	Self Sufficiency for Future Waste	Provide sufficient management	Existing and new capacity meets annual	Waste Industry		To provide for the projected	Failure to meet targets over a five	Review how to improve capacity on sites

Policy ID	Policy	Objectives Link	Key Performance Indicator	Implementation Partners	Monitoring Comment	Targets	Trigger Point for correction/mitigation measures	Proposed Actions if not meeting targets
	Management in Leeds	facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill	requirement figures The gap between capacity of existing facilities and forecasted arisings is met	Leeds City Council Environment Agency DEFRA		arisings by waste stream to 2026 as follows: Tonnes per annum: MSW 383,976 C&I 1,212,000 CD&E 1,556,000 Hazardous 103,026  Continued progress towards meeting the gap between capacity of facilities and forecasted arisings	Review if any new national waste management targets are set for after 2020.	
Waste 2	Safeguarding Existing Waste Management Capacity	Maximise the reuse of waste Maximise recycling and composting waste where possible Recover energy from waste Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill	Facilities for waste processing are safeguarded from development of non waste related uses. Continued uptake of waste management other than landfilling The gap between capacity of existing facilities and forecasted arisings is met	Leeds City Council Development Industry Waste Industry Environment Agency		No loss of waste facilities to an alternative use unless provision made or no need for particular facility proved  Ongoing progress towards increasing non-landfill waste management  No loss of waste facilities to an alternative use unless provision made or no need for particular facility proved  Continued progress (measured in five year intervals) towards meeting the gap between capacity of facilities and forecasted arisings	Landfill, as a % share of total waste, increases over a 2 year period  Loss of a waste management site (as identified on C1, C2, C3, C4, or C5)	Better education and awareness raising of businesses.  Working with W.R.A.P to promote recycling  Review of sites  If a site on C1, C2, C3, C4, and C5 is developed for non waste uses, a review of forecasted arisings, set against current capacity should be undertaken to determine if new sites need to be found.
Waste 3	City Wide Network of Waste Management Sites and Facilities							
Waste 5	Waste Uses within Existing Industrial Areas	Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill	The gap between capacity of existing facilities and forecasted arisings is met	Leeds City Council Development Industry Waste Industry		Majority of new facilities for waste management, other than strategic facilities, are located within the defined industrial areas.	Undertake a review of approvals every five years: If at that point the majority of approved new waste management facilities are not located within existing industrial areas as defined in	Review to determine if more appropriate locations have arisen during Plan Period  Review to determine if loss of sites in areas identified in Waste 5 has detrimentally impacted ability for waste facility operations in those locations.

Policy ID	Policy	Objectives Link	Key Performance Indicator	Implementation Partners	Monitoring Comment	Targets	Trigger Point for correction/mitigation measures	Proposed Actions if not meeting targets
Waste 6:	Strategic Waste Management Sites	Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill Maximise the reuse of waste Maximise recycling and composting waste where possible Recover energy from waste	Waste treatment facilities are delivered that effectively shift waste from landfill  The gap between capacity of existing facilities and forecasted arisings is met	Environment Agency  Leeds City Council Development Industry Waste Industry Environment Agency		Planning permission granted for new strategic waste facilities providing substantial capacity for waste management on the allocated sites	Waste 5 – with subsequent follow up reviews in each five year period  Planning permission refused for a strategic facility on the allocated sites (representing non-delivery of capacity)	Review to determine if sites identified in Waste 6 are appropriate for Strategic Waste Facilities and if there remains sufficiency of sites to support provision of strategic facilities
Waste 7	Waste Allocation for C D and E waste	Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill	The Cinder Oven Bridge Site is developed for Construction, Demolition and Excavation purposes	Leeds City Council Development Industry Waste Industry Environment Agency	Use of the Environment Agency Waste Data Interrogator	The Cinder Oven Bridge Site is developed for Construction, Demolition and Excavation Waste purposes providing substantial capacity for waste management	The Cinder Oven Bridge Site has a planning permission for development of a use other than Construction Demolition and Excavation	Review of the policy to determine if sufficient sites exist for Construction, Demolition or Excavation arisings to the end of the Plan period
Waste 8	Waste Proposals at Other Locations	Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill Maximise the reuse of waste Maximise	Approved waste proposals are situated on the sites identified in policies Waste 2, Waste 5, Waste 6 and Waste 7	Leeds City Council Development Industry Waste Industry Environment Agency	Use of the Environment Agency Waste Data Interrogator	Majority of waste facilities approved are on identified sites in Waste 2, Waste 5, Waste 6 and Waste 7	If the majority of approvals for waste facilities (measured at five year increments of the Plan) are not located on those sites identified in policies Waste 2, Waste 5, Waste 6 and Waste 7	Review of sites in Waste 2, Waste 5, Waste 6 and Waste 7 to determine if they have sufficient capacity to meet the forecasted arisings remaining over the period of the Plan, at the time of the review.

Policy ID	Policy	Objectives Link	Key Performance Indicator	Implementation Partners	Monitoring Comment	Targets	Trigger Point for correction/mitigation measures	Proposed Actions if not meeting targets
Waste 9	Waste Management Facilities – Potential Issues and Impacts	recycling and composting waste where possible Recover energy from waste Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill	Continued uptake of waste management other than landfilling  The gap between capacity of existing facilities and forecasted arisings is met	Waste Industry Leeds City Council		Ongoing progress (measured in five year intervals) towards increasing non-landfill waste management  Continued progress (measured in five year intervals) towards meeting the gap between capacity of facilities and forecasted arisings	No specific trigger points	
Waste 10	Planned Reduction in Landfill	Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill Maximise the reuse of waste Maximise recycling and composting waste where possible Recover energy from waste	No additional landfill capacity permitted except in the case of inert excavated waste	Leeds City Council Development Industry Waste Industry Environment Agency		Additional treatment capacity for up to 500,000 tonnes per annum diverted from landfill over the plan period.  Additional recycling capacity of at least 450,000 tonnes per annum for C&I.  To continue to support the reuse and recycling of CD&E on safeguarded sites and through the delivery of an additional site at Cinder Oven Bridge.	Five yearly review of progress on facilities provided and in the pipeline	Discussions with major waste operators to identify barriers / blockages to progress
Waste 11	Waste Disposal: Landfill and Landraising Sites	A high level of protection for the environment	Satisfactory restoration Note: landfill gas monitoring is dealt with under ENERGY 3	Leeds City Council Development Industry Waste Industry	Site Monitoring Programme administered by the Council's Minerals, Waste and Contaminated Land Team	Satisfactory restoration	Unsatisfactory restoration	Enforcement and/or prosecutions for non-compliance with planning conditions

Policy ID	Policy	Objectives Link	Key Performance Indicator	Implementation Partners	Monitoring Comment	Targets	Trigger Point for correction/mitigation measures	Proposed Actions if not meeting targets
Energy 1	Large Scale Wind Energy Generation	Identify opportunities for renewable energy generation and heat distribution	Ongoing annual progress towards meeting the overall requirement, as set out in Table 5.1	Leeds City Council Development Industry Energy Industry	Leeds City Council Environmental Policy section monitors this	Leeds produces 20 MW of installed, grid-connected renewable energy from wind power by 2026	Measured in five year periods: Review of progress towards meeting the plan requirement – if not on track to meeting requirement	Review applications that have been refused to determine if policy is being implemented correctly.
Energy 2	Microgeneration Development	Identify opportunities for renewable energy generation and heat distribution	Ongoing annual progress towards meeting the overall requirement, as set out in Table 5.1	Leeds City Council Development Industry Energy Industry	Leeds City Council Environmental Policy section monitors this	Leeds produces 10 MW of grid connected renewable energy from micro-generation by 2026	Measured in five year periods: Review of progress towards meeting the plan requirement – if not on track to meeting requirement	Review applications that have been refused to determine if policy is being implemented correctly.
Energy 3 Energy 4	Heat and Power Energy Recovery Heat Distribution Infrastructure	Identify opportunities for renewable energy generation and heat distribution	Ongoing annual progress towards meeting the overall requirement, as set out in Table 5.1	Leeds City Council Development Industry Energy Industry	Leeds City Council Environmental Policy section monitors this	Leeds produces 35 MW of grid connected renewable energy from energy from waste by 2026	Measured in five year periods: Review of progress towards meeting the plan requirement – if not on track to meeting requirement	Review applications that have been refused to determine if policy is being implemented correctly.
Air 1	The Management of Air Quality through Development	A high level of protection for the environment	Continued improvement of the District's Air Quality	Leeds City Council Development Industry University of Leeds	Air Quality is monitored by the Council through its air quality monitoring stations. Action to improve air quality is monitored and reported to DEFRA through the Air Quality	Reduction in nitrogen dioxide and particulates measured Overall improvement in the District's Air Quality	A new AQMA is designated	Review of policy and planning permissions subject to the policy to determine if being implemented correctly



Policy ID	Policy	Objectives Link	Key Performance Indicator	Implementation Partners	Monitoring Comment	Targets	Trigger Point for correction/mitigation measures	Proposed Actions if not meeting targets
Water 1	Water Efficiency	Support better management of the water cycle and application of efficient uses of water	Reduction in consumption of water per capita over the plan period	Leeds City Council Development Industry Yorkshire Water	Action Plan Yorkshire Water carry out monitoring of water consumption	Use of water reduces over the plan period	Five yearly review	Review of the implementation of water efficiency policy with Yorkshire Water  Review of the Code for Sustainable Homes Policy in the Core Strategy
Water 2	Protection of Water Quality	Ensure the protection of the quality of watercourses and other sources of water	The water quality of sensitive water bodies is protected and applications are refused on grounds of water pollution Measured by looking at number of sustained objections to applications by EA on basis of water quality	Leeds City Council Development Industry Environment Agency		All approvals have considered water quality and ensured that sensitive bodies are protected  No sustained objections by the EA on basis of water quality each year	Annual Review of planning permissions where water quality has been affected Sustained increase in total applications (over a two year period) where water quality issues have not been addressed as identified by the EA	Review issues which overrode water quality
Water 3	Functional Flood Plain	Ensure flood risk is managed, taking into account the effects of climate change	Applications for new development or a change of use are refused if they are located in the functional flood plain Measured by looking at number of sustained objections to approved applications by EA on basis of flood risk	Leeds City Council Development Industry Environment Agency	SFRA updates will be used to compare differences in functional floodplain	No sustained objections by the EA on basis of flood risk	Sustained increase in total applications (over a two year period) where flood risk issues have not been addressed  SFRA updates indicate the need to review flood risk policies	Review issues which overrode flood risk through the Planning and Flood Risk Forum.
Water 4	Development in Flood Risk Areas	Ensure flood risk is managed, taking into account the effects of climate change	Applications are refused where flood risk has not been considered and the criteria has not been met Measured by looking at number of sustained objections to approved applications by EA on	Leeds City Council Development Industry Environment Agency		All approvals meet the criteria and minimise flood risk -- No sustained objections by the EA on basis of flood risk	Annual Review of planning permissions where flood risk has been affected Sustained increase in total applications (over a two year period) where flood risk issues have not been addressed	Review issues which overrode flood risk through the Planning and Flood Risk Forum

Policy ID	Policy	Objectives Link	Key Performance Indicator	Implementation Partners	Monitoring Comment	Targets	Trigger Point for correction/mitigation measures	Proposed Actions if not meeting targets
Water 5	Zones of Rapid Inundation	Ensure flood risk is managed, taking into account the effects of climate change	basis of flood risk Applications are refused where rapid inundation has not been considered and the criteria has not been met Measured by looking at number of sustained objections to approved applications by EA on basis of flood risk		SFRA updates will be used to compare differences in Zones of Rapid Inundation	All approvals meet the criteria and minimise flood risk No sustained objections by the EA on basis of flood risk	Annual Review of planning permissions where flood risk has been affected Sustained increase in total applications (over a two year period) where flood risk issues have not been addressed	Review issues which overrode flood risk through the Planning and Flood Risk Forum
Water 6	Flood Risk Assessments	Ensure flood risk is managed, taking into account the effects of climate change	Approved applications for new developments have considered flood risk and where there is a risk of flooding have submitted a flood risk assessment. Measured by looking at number of sustained objections to approved applications by EA on basis of flood risk	Leeds City Council Development Industry Environment Agency		All approvals have considered flood risk and submitted a flood risk assessment where necessary No sustained objections by the EA on basis of flood risk	Annual Review of planning permissions where flood risk has been affected --Sustained increase in total applications (over a two year period) where flood risk issues have not been addressed	Review issues which overrode flood risk through the Planning and Flood Risk Forum
Land 1:	Contaminated Land	Efficient use of previously developed land, especially contaminated land	No formal enforcement has been necessary to secure the remediation of a site prior to development	Leeds City Council Developers		Development does not take place on contaminated land until the contamination is remediated	Development takes place on contaminated land necessitating enforcement action	Enforcement action and /or prosecution for non-compliance with conditions Review of development control procedures