



DEVELOPMENT PLAN PANEL

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Wednesday, 19th December, 2012
at 1.30 pm

MEMBERSHIP

Councillors

M Coulson	C Campbell	B Anderson	T Leadley
P Gruen		C Fox	
R Harington			
J Lewis			
K Mitchell			
N Taggart (Chair)			
N Walshaw			

Agenda compiled by:
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Governance Services
Civic Hall
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A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</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>RESOLVED – 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>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</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>DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
6			<p>MINUTES - 26TH SEPTEMBER 2012</p> <p>To approve as a correct record the minutes of the Development Plan Panel meeting held on 26th September 2012.</p>	1 - 6
7			<p>NATURAL RESOURCES & WASTE DEVELOPMENT PLAN DOCUMENT - INSPECTOR'S REPORT</p> <p>To receive a report of the Director of City Development seeking formal adoption of the Natural Resources & Waste Development Plan by the City Council.</p>	7 - 80

Item No	Ward	Item Not Open		Page No
8			<p data-bbox="676 181 1394 286">LEEDS COMMUNITY INFRASTRUCTURE LEVY - RESULTS FROM THE LEEDS ECONOMIC VIABILITY STUDY</p> <p data-bbox="676 331 1394 544">To receive a report of the Director of City Development providing an overview of the findings and recommendations of the Economic Viability Study undertaken by consultants GVA as the key evidence base for the development of the CIL for Leeds.</p>	81 - 102
9			<p data-bbox="676 618 1230 647">DATE AND TIME OF NEXT MEETING</p> <p data-bbox="676 689 1190 723">1:30pm, Monday 14th January 2013.</p>	

Development Plan Panel

Wednesday, 26th September, 2012

PRESENT: Councillor N Taggart in the Chair

Councillors C Campbell, M Coulson, C Fox,
J Hardy, T Leadley, J Lewis, J Procter and
N Walshaw

47 Chair's Opening Remarks

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

48 Late Items

In accordance with his powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair agreed to accept the following late information, which was not available at the time of agenda despatch:

- Affordable Housing Thresholds – response in relation to previous issues raised by Councillor Leadley
- Further clarification provided in relation to Policy CC3
- Amendments to reflect Council's duty to improve Public Health.

These documents were not available at the time of the agenda despatch, but were subsequently made available to the public on the Council's website.

Affordable Housing Threshold

Members expressed concern that the report on affordable housing threshold had not addressed key issues raised at the July Development Plan Panel meeting. In particular, Members suggested that all schemes made a contribution to affordable housing provision and that this be reflected in Policy H5. It was agreed that officers should review the revised wording in the light of Members' comments and circulate to the Chair in the first instance. Subject to the Chair's considerations, for the matter to be decided by email or by a future Panel Meeting as necessary.

49 Declaration of Disclosable Pecuniary and Other Interests

There were no declarations of interest made at this stage, however a significant interest was declared at a later point in the meeting. (Minute No. 55 refers)

50 Apologies for Absence

Apologies for absence were submitted by Councillors B Anderson, P Gruen, R Harington and K Mitchell. Notification had been received that Councillor J Procter was substituting for Councillor B Anderson and Councillor J Hardy for Councillor P Gruen.

Draft minutes to be approved at the meeting
to be held on Tuesday, 2nd October, 2012

51 LDF Core Strategy – Publication Draft, Analysis of Consultation Responses: The Housing Requirement (SP6) and Distribution (SP7)

The Director of City Development submitted a report which reviewed the consultation responses in relation to the housing requirement (Policy SP6) and housing distribution (Policy SP7).

A copy of the proposed changes were appended to the report.

The following officers attended the meeting and responded to Members' questions and comments:

- David Feeney, Head of Forward Planning and Implementation
- Steve Speak, Deputy Chief Planning Officer
- Robin Coghlan, Team Leader (Policy).

The key areas of discussion were:

- Policies SP6 and SP7 concluding that the windfall allowance of 500 dwellings per annum should be presented as a conservative figure that could be higher.
- Concern that there was a suggestion of sequential testing in section 4.6.9 of the report. Officers subsequently agreed to delete the last sentence of paragraph 4.6.9 (reference to PAS land, UDP Allocations and Green Belt being an alternative to windfall be deleted entirely).
- The need for a built-in mechanism for re-appraisal of SP6. Officers advised that the policy was subject to annual monitoring through the Authority Monitoring Report and substantial deviation from expectations would be a prompt for an early review of the plan.
- The importance of ward based meetings as part of the site allocations process.

RESOLVED – That the Development Plan Panel endorses the analysis of the issues raised and suggested Core Strategy text changes, subject to amendments, for presentation to Executive Board for approval.

52 LDF Core Strategy – Publication Draft, Analysis of Consultation Responses: Housing Policies H1 (Phasing), H2 (Development on non-allocated sites), H3 (Density), H4 (Mix) and H8 (Independent Living)

The Director of City Development submitted a report which reviewed the consultation responses in relation to Housing Policies H1 (Phasing), H2 (Development on non-allocated sites), H3 (Density), H4 (Mix) and H8 (Independent living).

A copy of the proposed changes were appended to the report.

The following officers attended the meeting and responded to Members' questions and comments:

- David Feeney, Head of Forward Planning and Implementation
- Steve Speak, Deputy Chief Planning Officer
- Robin Coghlan, Team Leader (Policy).

The main areas of discussion were:

- Understanding how the managed approach will work with site criteria set out in the Core Strategy and the placing of sites into sequential phases in subsequent plans, including the Site Allocations DPD.
- Agreed to improve clarification by adding a footnote to the word 'phase' in line 1 of Policy H1. This will explain that "phase" means to establish a series of sequential bandings of sites.
- Clarification sought about the density levels reported in Policy H3.

RESOLVED – That the Development Plan Panel endorses the analysis of the issues raised and suggested Core Strategy text changes, subject to amendments, for presentation to Executive Board for approval.

(Councillor M Coulson withdrew from the meeting at 3.30pm during the consideration of this item.)

53 LDF Core Strategy – Publication Draft, Analysis of Consultation Responses: Policy SP12 'Managing The Growth Of Leeds Bradford International Airport'.

The Director of City Development submitted a report which reviewed the consultation responses in relation to Policy SP12 'Managing the Growth of Leeds Bradford International Airport (LBIA)'.

A copy of the proposed changes were appended to the report.

The following officers attended the meeting and responded to Members' questions and comments:

- David Feeney, Head of Forward Planning and Implementation
- Steve Speak, Deputy Chief Planning Officer
- Robin Coghlan, Team Leader (Policy).
- Tim Harvey, Project Manager (Transport Initiatives).

The main areas of discussion were:

- Concerns about the long term ambitions of LBIA to develop on green belt and the impact on the surrounding area.
- Suggested amendment to 4.9.13 of the report to reflect that the public transport network to and from LBIA was insufficient. Officers agreed to amend the report.

RESOLVED – That the Development Plan Panel endorses the analysis of the issues raised and suggested Core Strategy text changes, subject to amendments, for presentation to Executive Board for approval.

Draft minutes to be approved at the meeting to be held on Tuesday, 2nd October, 2012

(Councillor J Lewis withdrew from the meeting at 4.30pm during the consideration of this item.)

54 LDF Core Strategy – Publication Draft, Analysis of Consultation Responses: Spatial Policy 10: Green Belt

The Director of City Development submitted a report which reviewed the consultation responses in relation to Spatial Policy 10: Green Belt.

A copy of the proposed changes were appended to the report.

The following officers attended the meeting and responded to Members' questions and comments:

- David Feeney, Head of Forward Planning and Implementation
- Steve Speak, Deputy Chief Planning Officer.

The key areas of discussion were:

- Cross boundary issues and ensuring a duty to co-operate with other local authorities.

RESOLVED – That the Development Plan Panel endorses the analysis of the issues raised and suggested Core Strategy text changes, subject to amendments, for presentation to Executive Board for approval.

(Councillor C Fox withdrew from the meeting at 4.45pm during the consideration of this item.)

55 LDF Core Strategy Consultation Responses in Relation to Miscellaneous Topics (including Soundness, NPPF compliance, General Environment & Economy, Consultation, Habitat Regulations Assessment, Sustainability Appraisal, Equality Impact Assessment and Health Impact Assessment)

The Director of City Development submitted a report which reviewed the consultation responses in relation to Miscellaneous Topics (including Soundness, NPPF compliance, General Environment & Economy, Consultation, Habitat Regulations Assessment, Sustainability Appraisal, Equality Impact Assessment and Health Impact Assessment)

A copy of the proposed changes were appended to the report.

The following officers attended the meeting and responded to Members' questions and comments:

- David Feeney, Head of Forward Planning and Implementation
- Steve Speak, Deputy Chief Planning Officer.

RESOLVED – That the Development Plan Panel endorses the analysis of the issues raised and suggested Core Strategy text changes, subject to amendments, for presentation to Executive Board for approval.

(Councillor Taggart declared significant interest in this item in his capacity as Chair of West Yorkshire Joint Services Committee.)

56 LDF Core Strategy – Publication Draft, Analysis of Consultation Responses: Spatial Policy 1: Location of Development

The Director of City Development submitted a report which reviewed the consultation responses in relation to Spatial Policy 1: Location of Development.

A copy of the proposed changes were appended to the report.

The following officers attended the meeting and responded to Members' questions and comments:

- David Feeney, Head of Forward Planning and Implementation
- Steve Speak, Deputy Chief Planning Officer.

RESOLVED – That the Development Plan Panel endorses the analysis of the issues raised and suggested Core Strategy text changes, subject to amendments, for presentation to Executive Board for approval.

57 Date and Time of Next Meeting

Tuesday, 23rd October 2012 at 1.30pm.

(The meeting concluded at 5.00pm.)

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

Report of the Director of City Development

Report to: Development Plan Panel

Date: 19 December 2012

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

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

Summary of main issues

1. The Natural Resources & Waste Development Plan Document (DPD) is one of a number of planning documents currently being prepared as part of the Local Development Framework (LDF). The preparation of this document has been driven by the requirements of national planning guidance, the implications of European Waste Management Directives, the City Council’s commitments to managing environmental resources and tackling climate change and the need to identify sufficient sites for waste management activities (aligned to the Council’s own municipal waste strategy).
2. The Natural Resources and Waste DPD was formally submitted to the Secretary of State on 25th July 2011 and an independent Inspector, Mr Melvyn Middleton BA (ECON) MRTPI, was appointed to examine the DPD for soundness. The Examination in Public took place from 15th November to 8th December 2011 as a result of which a number of changes to the DPD were progressed at the Inspector’s recommendation. These changes were previously reported to Members of Development Plan Panel on 3rd April 2012.
3. The City Council has now received the Inspector’s final report, which concludes that the Plan (incorporating a number of modifications) is sound. A copy of the Report is

attached. This means that the City Council can now proceed with the adoption procedures required under the Local Development Framework Regulations.

Recommendations

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

1.0 Purpose of this Report

- 1.1 Following the submission and independent examination of the Natural Resources and Waste Development Plan Document the City Council has now received the Inspector's report which concludes that the Plan is 'sound'. The purpose of this Report is to seek formal Adoption of the Plan by the City Council.

2.0 Background Information

- 2.1 Within the context of national guidance, European Directives and a range of City Council strategies (including municipal waste and climate change), the Natural Resources and Waste DPD has been in production since 2007. It should be noted also, that the Department of Communities & Local Government's Chief Planning Officer wrote to all LPAs to urge progress in the preparation and adoption of 'Waste DPDs, as the Government have announced that they intend to pass on fines under the European Directives to the offending Authorities, where such plans have not been prepared.

3.0 Main Issues

- 3.1 The Natural Resources & Waste DPD contains a range of planning policies relating to Minerals & Aggregates, Water Resources, Air Quality, Sustainable Energy Use and Waste, as part of an overall integrated approach, which seeks to minimise and manage the use of natural resources. As well as containing specific planning policies and site allocations, it is also envisaged that the document will have an influencing role in supporting the City Council's wider strategic objectives for the environment.
- 3.2 A number of key issues 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 Following Submission in July 2011, the Examination in Public into the DPD took place from 15th November to 8th December 2011. The Inspector recommended a number of changes to the DPD to make it sound and these changes were agreed by Members in April 2012 and then the subject of a six week public consultation. Responses to the consultation were sent to the Inspector for his consideration. The Inspector has confirmed that there were no new issues arising that would warrant a re-opening of the Examination Hearing.

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 has examined the DPD has indicated that he is content with the public consultation that has been undertaken.

4.2 Equality and Diversity / Cohesion and Integration

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

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. This Report is also to be discussed at Scrutiny Board on 20th December 2012.

4.6 Risk Management

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

5. Conclusions

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

6. Recommendations

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

7. Background documents¹

- 7.1 None

Appendices

Appendix 1 Copy of the Inspector's Report into the soundness of the Natural Resources and Waste Development Plan Document November 2012.

¹ 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.

Appendix 1:

Natural Resources & Waste DPD – Inspectors Report



The Planning
Inspectorate

Report to Leeds City Council

by Melvyn Middleton BA(Econ) Dip TP Dip Mgmt MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 7th December 2012

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE LEEDS NATURAL RESOURCES AND
WASTE**

LOCAL PLAN

Document submitted for examination on 22 July 2011

Examination hearings held between 15 November and 7 December 2011

File Ref: PINS/N4720/429/9

Abbreviations Used in this Report

AA	Appropriate Assessment
BGS	British Geological Survey
CDE	Construction, Demolition and Excavation
CG	Companion Guide to Planning Policy Statement 10: <i>Planning for Sustainable Waste Management</i>
C&I	Commercial and Industrial
CS	Core Strategy
CSCS	Consolidated Schedule of Changes for Submission
DP	Development Plan
DPD	Development Plan Document
Framework	National Planning Policy Framework
HRA	Habitats Regulations Assessment
LCC	Leeds City Council
LDD	Local Development Document
LDF	Local Development Framework
LDS	Local Development Scheme
LP	Local Plan
LPA	Local Planning Authority
MM	Main Modification
MPA	Mineral Planning Authority
MSA	Mineral Safeguarding Area
MSW	Municipal Solid Waste
NP	National Park
NRWLP	Natural Resources and Waste Local Plan
PD	Publication Document
Plan	Leeds Natural Resources and Waste Local Plan
PMS	Proposed Modifications at Submission
PPS	Planning Policy Statement
RAWP	Regional Aggregates Working Party
RSS	Regional Spatial Strategy for Yorkshire and the Humber 2008
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
tpa	tonnes per annum
UDP	Unitary Development Plan
WFD	Waste Framework Directive
WSE	Waste Strategy for England

Non-Technical Summary

This report concludes that the Leeds Natural Resources and Waste Local Plan provides an appropriate basis for the planning of the City over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All of the modifications to address this were proposed by the Local Planning Authority and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- the insertion of a policy and supporting text confirming the Council's commitment to the presumption in favour of sustainable development as set out in the National Planning Policy Framework;
- revisions to the justification for the strategic objectives that seek to achieve sustainable minerals development and make better use of the water and rail transportation networks;
- changes to the minerals and waste targets and their justifications and revisions to the monitoring framework;
- the safeguarding of viable sand and gravel resources under the urban area;
- a change to the policy that seeks to prevent the extraction of sand and gravel within the Wharfe Valley to the east of Pool to enable it to be justified;
- revisions to the policies and supporting texts that seek to safeguard minerals and transport interchange sites, in order to justify them;
- an explanation of the provisions and opportunities for the treatment of hazardous waste;
- changes to the *Strategic Waste Management Sites* Policy to make it effective;
- the identification of policies in the existing Unitary Development Plan that are to be replaced by the policies of this plan;
- a number of other changes to make the Plan compliant with the National Planning Policy Framework;
- a number of other changes that ensure the effectiveness of the Plan.

Introduction

1. This report contains my assessment of the Leeds Natural Resources and Waste Local Plan (NRWLP) (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the Framework), at paragraph 182, makes it clear that to be sound a Local Plan (LP) should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Local Planning Authority (LPA) has submitted what it considers to be a sound plan. The basis for my examination is the draft NRWLP of November 2010 as amended by the Consolidated Schedule of Changes for Submission (CSCS) in July 2011.
3. My approach to this Examination has been to work with Leeds City Council (LCC) and other participants in a positive, solution-orientated and consensual manner, aimed at resolving differences and overcoming any potential unsoundness in the Plan. All of the twenty nine representors to the pre-submission Plan were consulted about the post-publication changes. Fifteen of them maintained their objection(s) and nine of these participated in the main Hearing sessions, held in November 2011, along with representatives of LCC. A subsequent Hearing session was held three weeks later to resolve some of the outstanding matters.
4. In addition to the Hearing Sessions, I have examined this plan by correspondence with LCC and representors. This process concluded in August 2012 when I was satisfied that the sum of the changes proposed by LCC would make the plan sound.
5. With the exception of the changes, about which there were outstanding objections at the time of submission or subsequent concerns on my part, which are discussed below, the post publication changes (CSCS), which were themselves the subject of additional public consultation, have been accepted by me and do not require further endorsement.
6. In March 2012, the Government published the Framework, which combined previous national planning policies (e.g. in various Planning Policy Statements (PPS)) into a shorter, comprehensive document. The change did not affect waste policy, which is still set out in PPS10: *Planning for Sustainable Waste Management* but it did change national minerals policy. I arranged for additional consultation to be undertaken into the ramifications of the changes to the non-waste aspects of national policy on the soundness of the Plan. I have taken the additional representations received, as a result of this consultation, into account when writing this report.
7. LCC suggested further schedules of Significant and Minor Changes during the course of the examination, including changes to reflect the introduction

of the Framework. My report only deals with the additional Significant Changes (now known as Main Modifications) that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act LCC requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. All of the necessary changes have been proposed by LCC and are presented in Appendix A.

8. None of these MMs materially alter the substance of the plan and its policies, or undermine the sustainability appraisal (SA)¹ and participatory processes previously undertaken. Nevertheless, all of the changes that LCC has proposed, following the submission of the plan, have been advertised, publicised on the Council's web-site and notified to all representors. I have taken the representations made in response to this further consultation into account when writing this report.
9. Some of the changes put forward by LCC are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are a matter for LCC and not myself and are generally not referred to in this report. However, I endorse LCC's view that they improve the plan.
10. References in my report to documentary sources are provided in footnotes, quoting the reference number in the examination library [] where appropriate.

Assessment of Soundness

Preamble

11. The Plan has been prepared in order to provide a framework for the forward planning of minerals, waste, energy, air quality, water and land in the City. It will act as a thematic plan for these aspects of planning within Leeds and contains the long term spatial vision and strategic policies required to deliver the key objectives for resources and waste development up to 2026, including a more efficient use of natural resources. It also contains site specific policies and proposals for minerals and waste, identifying individual sites for future minerals extraction and waste management development, together with a limited range of policies, which will be used to assess planning applications associated with development concerning waste and natural resources.
12. The simultaneous assessment of the soundness, of both strategic and site specific policies, offers the opportunity to consider the interaction of the strategic and implementation aspects of planning, as well as the inter-relationship between minerals and waste planning together. This enables the effectiveness and deliverability of the strategic policies to be tested at the site development level and enables a full consideration and a better assessment as to whether the strategic objectives and policies are capable of being implemented in full.

¹ Natural Resources and Waste, Sustainability Appraisal, LCC, November 2010.

13. In November 2011, the Localism Act received Royal Assent. In consequence no further Regional Strategies will be prepared. However, the Yorkshire and Humber Plan 2008, Regional Spatial Strategy (RSS) to 2026 remains in force pending any response to the consultation on environmental assessment initiated by the Department for Communities and Local Government and further orders being laid before Parliament. This document is therefore currently a part of the Development Plan (DP) for Leeds.
14. In addition to being justified, effective and consistent with national policy, Paragraph 182 of the Framework adds 'positively prepared' to the tests of soundness. This means that the plan should be based on a strategy, which seeks to meet objectively assessed development and infrastructure requirements, consistent with achieving sustainable development. I consider the plan's compliance with this additional test of soundness, along with the other three, in the body of the report.
15. In order to clearly reflect the Framework's presumption in favour of sustainable development and be compliant with national policy, **(MM2)** is necessary for soundness. It adds a short section to the Policy element of Chapter 2 that now contains the new model policy and appropriate explanatory text. The introduction of the Framework has meant that a number of references to PPSs (not PPS10) should be replaced by references to the relevant parts of the Framework. The document should also be formally referred to as a LP. In addition to those specifically referred to in this report, I have assumed that LCC will make all of the other changes necessary, to enable the plan to reflect the changed national policy background, as a part of its Further Changes.

Main Issues

16. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified twelve main issues upon which the soundness of the Plan depends.

Issue 1 –Are the Vision and Strategic Objectives sufficiently focused, spatial and locally distinctive?

17. Leeds' Local Development Framework (LDF) Spatial Vision expects Leeds to be a distinctive, competitive, inclusive and successful City, for the benefit of its communities, now and in the future. The Plan translates this into visions for the topics that it covers and each is provided with a set of strategic objectives. A city that has an efficient use of natural resources, a zero waste - high recycling society, a low carbon economy and a high level of environmental protection is the aim of this plan. The visions and the accompanying strategic objectives are either a response to central government policy or seek to contribute to wider local policy objectives.
18. Leeds is a large metropolitan city and consumer of natural resources. The plan recognises that its ecological footprint involves the consumption of natural resources at a rate that is nearly double what is sustainable in the long term. The spatial visions and objectives seek to reduce this

unsustainable consumption, although the actual achievement of a low carbon economy was somewhat vague.

19. During the examination, the Council proposed a new paragraph (after 2.27) to explain and justify the reasoning behind the strategic objective that seeks to improve sustainability by making better use of water and rail transportation networks. I endorse this change (**MM1**), which helps to justify how LCC will seek to assist the achievement of its vision of a low carbon economy.
20. Overall, the spatial vision and strategic objectives are justified in this LP and its evidence base and their emergence can be tracked through the various stages of plan preparation². From the beginning they have been informed by engagement with stakeholders and the community through the consultation process³. They are aligned with the Sustainable Community Strategy (SCS)⁴.
21. I am satisfied that the objectives, both individually and collectively, reflect national policy, help to deliver the topic visions and the overall vision and provide a framework for the plan's policies and proposals. Consequently, I consider that the visions and strategic objectives, as now justified, provide a sound, relevant and locally distinctive basis for the Plan.

MINERALS

Minerals Strategy

Issue 2 –Is the Minerals Strategy soundly based?

22. The Plan's original objectives for minerals recognised that they are a finite resource that can only be worked where they are found. The text also pointed out that minerals are a key resource that is vital for growth and a strong economy. However, the narrow set of objectives taken from Minerals Policy Statement 1: *Planning and Minerals* only concentrated on making sufficient provision for future needs, safeguarding resources and providing clear policy direction in relation to ancillary or secondary mineral development, restoration and aftercare. These do not comprehensively reflect the wider national context that now gives an increased focus on the achievement of sustainable development or the plan's wider visions and objectives, including the desired reduction in Leeds' ecological footprint.
23. Their replacement by a more comprehensive set of objectives for sustainable minerals planning (**MM3**) that better reflects the plan's overall vision and objectives for the use of natural resources, as well as national guidance now contained in the Framework, ensures consistency. This suggested change to paragraph 3.1 is appropriate. I endorse it to secure soundness in terms of an effective and justified plan that is compliant with

² [Issues and Alternative Options Report](#), 2008, Policy Position Report 2010, NRWLP Publication Document, 2010.

³ Vision for Leeds 2004 and 2011, Issues and Alternative Options Consultation Report, 2009, Consultation on Publication NRWLP, 2010.

⁴ [Vision for Leeds 2004 – 2020, Sustainable Community Strategy](#), Leeds Initiative, April 2004.

overall national policy requirements.

Aggregates extraction

Issue 3 – Are the provisions in the plan for the supply of aggregates from within Leeds appropriate?

24. Policy Minerals 1: *Provision of Aggregates* deals with the provision of aggregates. It is accompanied by supporting text and there is a Minerals Topic Paper that, although providing background information, was not referred to in the submitted plan.
25. The Yorkshire and Humber Regional Aggregates Working Party (RAWP) is responsible for producing annual monitoring reports detailing levels of aggregate production and reserves for the region (the latest refers to 2009). It also produces forecasts of regional aggregate consumption and apportionments of production to meet this need. These were used in the RSS.
26. As submitted, the Plan sought to contribute to the regional apportionment of aggregates agreed by the RAWP in conjunction with other West Yorkshire District Councils. However, neither the Plan nor the Topic Paper demonstrated how this was to be achieved. Additionally, neither sought to disaggregate production below the sub-regional level or to extrapolate even the sub-regional forecasts beyond 2016. The Framework suggests that the time horizon of LPs should be 15 years and that they should take account of longer term requirements. There was also no agreement as to how the sub-regional apportionment would be sub-divided among the constituent authorities. In consequence this aspect of the plan had not been positively prepared and could not be effectively delivered or monitored. There was also no reasoned justification for LCC's course of action, which was contrary to national guidance and therefore unsound.
27. In consultation with the other West Yorkshire authorities, LCC has now produced a Local Aggregate Assessment. It has extrapolated the RAWP forecasts for sand and gravel and crushed rock to 2026 and disaggregated the total production to create a local target for Leeds, whilst demonstrating where the remainder of the West Yorkshire supply could come from. These revisions have been incorporated into an updated Minerals Topic Paper (**MM20**) that is referred to in paragraph 3.3 (**MM4**) in the context of the plan's updated objectives for minerals. Based on the Local Aggregate Assessment, Leeds has now set itself targets for aggregate provision, which seek to produce 146,000 tonnes per annum of sand and gravel and 440,000 tonnes per annum of crushed rock. These have been incorporated into Policy Minerals 1: *Provision of Aggregates* (**MM6**).
28. In March 2011 the RAWP agreed that on an interim basis aggregate provision in Mineral Planning Authorities (MPAs) should be based on historic shares over a rolling seven year period. Unfortunately, for confidentiality reasons, there are no historic figures for sand and gravel production in West Yorkshire in the 2009 report. Consequently, the sub-

regional forecast to 2026 for sand and gravel is an extrapolation of the RAWP's apportionment to 2016 made for the RSS but tempered by the revised national apportionment (2009). The crushed rock target (1.1 million tonnes) is based on the rolling seven year average in 2009. Leeds has also assumed that it will provide 40% of production⁵ in both aggregate sectors, with the remainder distributed among the other four West Yorkshire authorities.

29. National Policy, as now expounded in the Framework, requires MPAs to secure an adequate and sustainable supply of minerals. This is to be achieved by minimising the contribution from quarried minerals and maximising the use of recycled construction, demolition and excavation (CDE) waste, the waste from minerals processing, and marine aggregates. The plan makes a strong commitment to maximising the use of indigenous alternative/recycled material. Recyclable CDE waste from Leeds is expected to increase by more than 10% over the next decade, contributing over 100,000 tonnes of additional material to the aggregate equation. Marine sand and gravel is also expected to make a significant impact after 2021. These considerations are now given appropriate status in Policy Minerals 1: *Provision of Aggregates* and its supporting text (**MMs5&6**), with Leeds committing itself to reducing the amount of primary minerals used through more recycling and the increased use of marine aggregate.
30. The forecasts that the RAWP produced for the RSS were based on an assessment of aggregate production and sales over the period 1997 to 2001. The RSS's apportionments to 2016 were based on the maintenance of these shares. Although West Yorkshire contains over 40% of the population of the Yorkshire and Humber region and has probably consumed a slightly higher proportion of the minerals used in the region in the recent past, in recent times it has contributed less than 10% to the supply of aggregates consumed in the region. Leeds appears to have contributed more to sub-regional mineral production than its share of the West Yorkshire population would suggest but there was still a substantial deficit.
31. The relatively small contribution to regional minerals production from Leeds and West Yorkshire is a product of a number of factors, not least the consideration that minerals can only be worked where they are found and even then their exploitation has to be economically viable. Apart from aggregates and coal, very few minerals are now worked in West Yorkshire, although Leeds is self-sufficient in brick clay and exports bricks. The quality of the aggregate now found in West Yorkshire is not of a high standard. In consequence the best that can be hoped for from this plan is that production of locally sourced minerals is sufficient to meet the sectors of the market that they are able to supply.

⁵ This is based on the approximate distribution of West Yorkshire's population and likely consumption of minerals between the constituent authorities.

Crushed Rock

32. At the time the plan was submitted, the estimated land bank for crushed rock in West Yorkshire stood at 28 years. Nearly half of the 27 million tonnes of reserves identified in 2009 were in Leeds. Unfortunately the quality of the material makes it unsuitable for use in adoptable road construction, asphalt and concrete production. Most of the hard aggregate used in these processes comes from the Peak District and Yorkshire Dales National Parks (NPs). National policy seeks to minimise extraction within NPs because of the environmental damage to their scenic beauty this can cause. However, in the absence of suitable material in Leeds or the rest of West Yorkshire, it is difficult to see what can be done to reduce the reliance on NP produced aggregate in the context of this plan.
33. Seven quarries within Leeds produce sand from crushed rock, either as a primary product or as the by-product of building stone production. **MM10** confirms that quarries that produce building stone also help to maintain the provision of aggregate. If the preferred area for limestone production at Hook Moor results in the development of a quarry, then this alone could add 6.8 million tonnes of crushed rock to the reserves as a by-product of building stone extraction. Even without this, the revised apportionment (**MM8**) suggests that the crushed rock land bank for the sub-region (including Leeds) still has capacity to satisfy anticipated demand for nearly 30 years.
34. Whilst the projections are based on historic sales generated in West Yorkshire, in the absence of a detailed breakdown of demand for different types and qualities of aggregate, it is difficult to do otherwise. In any event, given the circumstances vis-à-vis the permitted reserves, there is no reason to suppose that Leeds will not continue to maximise its production of crushed rock and its by-products to the extent that there is market demand for the second class material that it can produce, for the duration of the plan period and beyond. Geological conditions dictate that any desirable and sought after reduction in output from the NPs would have to be sourced elsewhere.

Sand and Gravel

35. The RSS says that the sub-regional aggregate apportionments should be updated in a review of the Plan, in particular by taking account of the second phase of the Yorkshire and Humber Sand and Gravel Study⁶. This study, which was published in 2007, included an appraisal of five apportionment options. It concluded that an option which gave priority to the need to reduce transport distance was the most appropriate and therefore suggested an increase in the West Yorkshire apportionment from 7.5% to 31%.
36. The industry cast doubts upon its ability to increase production within West Yorkshire to the suggested levels and made representations to that effect. This was primarily because of the nature and quality of the

⁶ Phase 2 Sand and Gravel Study for Yorkshire and Humber: Appraisal of Apportionment Options, Land Use Consultants, 2007.

resource. British Geological Survey (BGS) were subsequently commissioned to undertake a further review in 2009⁷. This found that exploitable sand and gravel resources in West Yorkshire are relatively limited, there being insufficient volumes of the material on most sites to merit extraction. Because of natural and environmental considerations, within an area with a high population density, most potential sites are difficult to extract commercially. The study therefore concluded that any additional reserves that could be identified are likely to have minimal to moderate impact on the total stock of permitted regional reserves and that the potential for an increased sub-regional apportionment for West Yorkshire is therefore limited.

37. Unfortunately there has not been a review of the RSS, an update in forecasts or new agreed apportionments produced by the RAWP. The evidence before this examination nevertheless suggests that there is merit in the BGS's conclusions. Production that recently occurred in three West Yorkshire authorities is now restricted to Leeds and to one remaining site where production decreased from over 200,000 tonnes per annum before 2007 to little more than 50,000 tonnes in 2009 and subsequent years. Although the sub-region probably has only about a year's nominal land bank for sand and gravel, there is no evidence to suggest that the industry is keen to increase production and land banks through the submission of planning applications.
38. To what extent the reduction in output is a product of the recession rather than the availability of better quality reserves in more easily exploited parts of the region, albeit in less sustainable locations, is difficult to assess. The 2007 report⁶ 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. In this context, the current level of sand and gravel production in Leeds and West Yorkshire points to an urgent need for an up-to-date regional assessment.
39. Notwithstanding the above, Leeds and its neighbours have agreed on an apportionment of 5.5 million tonnes for the plan period and identified five specific sites from which over 8.0 million tonnes could be extracted, subject to industry interest. The revised Minerals Topic Paper⁸ also identifies other opportunities within Leeds. By comparison the BGS 2009 report⁷ states that industry sources estimate that between 6 and 15 million tonnes could be extracted in total in West Yorkshire. Two of the proposed sites and over half of the potential output are in Leeds. Evidence at the Examination from both Wakefield and Leeds City Councils suggested that with the improvement of market conditions and interest from the industry, all the potential reserves that have been identified are physically capable of exploitation. However, the quality of most of the material is currently an unknown.

⁷ West Yorkshire Sand and Gravel Resources: Investigating the potential for an increased sub-regional apportionment, British Geological Survey, 2009.

⁸ Updated Minerals Topic Paper, Leeds City Council, July 2011.

40. Additionally, as well as encouraging the further recycling of CDE and mineral waste and making provision within the plan for this to happen, LCC is leading work that seeks to facilitate the wider use of marine aggregates in the region. Some of the country's most extensive marine sand and gravel deposits lie off the Yorkshire coast but none currently enters the regional market beyond Hull. These initiatives could reduce the demand for quarried aggregates and conserve what is becoming a scarce resource in this region. I therefore consider the plan's apportionment for sand and gravel to be appropriate, deliverable and in accordance with national policy.
41. **MM6** revises Minerals Policy 1 to include annual apportionments for crushed rock and sand and gravel. It also makes it clear that LCC is working in conjunction with the other West Yorkshire Metropolitan District Councils to achieve the agreed targets. Amendments to the supporting text link the policy to the revised Mineral Topic Paper. I am satisfied that given the overall circumstances, the provisions in the Plan for the supply of aggregates from within Leeds are appropriate. With the above changes, I also consider that this aspect of the Plan has now been positively prepared and LCC's approach to be justified, effective and in accordance with national guidance and therefore sound.

Minerals Safeguarding

Issue 4 – Should the sand and gravel resources under the urban area be safeguarded?

42. The Framework requires mineral resources to be safeguarded as far as possible, in order that proven deposits are not needlessly sterilised by non-mineral development. It says that LPAs should define Minerals Safeguarding Areas (MSAs) and set out policies to encourage the prior extraction of minerals where practicable and environmentally feasible.
43. Following representations from the Coal Authority the extensive coal deposits under the developed part of Leeds were safeguarded and became the subject of a criteria-based policy that seeks to secure the recovery of deposits of coal from below major development sites where it is economic to do so. Other minerals, particularly sand and gravel, which are present under parts of the Leeds urban area, were not safeguarded in the submitted plan.
44. Whilst recognising that not all safeguarded land will be worked for minerals, the BGS advises that the safeguarding of minerals should not be constrained, by other planning designations such as urban areas, without sound justification⁹. There is no such justification in the plan or its supporting documents. The BGS advice also specifically refers to the need to highlight the existence of river terrace sand and gravel resources, where they exist, beneath potential regeneration projects and brownfield sites. A number of areas within the Aire valley fall into this category.

⁹ Mineral Safeguarding in England: *good practice advice*, British Geological Survey, 2011.

45. 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. In order to maximise indigenous supply and minimise unsustainable movements of sand and gravel and the exploitation of substitute crushed rock in the NPs, over the long term it is essential that all economic resources within Leeds are exploited.
46. Defining MSAs, 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.
47. 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. **MM7** recognises the benefits of identifying potentially recoverable sand and gravel from under parts of the Leeds Urban Area. It establishes an appropriate, criteria-based policy (Minerals 2) against which proposals to remove sand and gravel from under such sites can be assessed.
48. **MM20** identifies the safeguarded areas of sand and gravel deposits under the Leeds Urban Area. **MM7** also combines and revises former Policies Minerals 8: *Surface Coal and Development Sites* and Minerals 9: *Surface Coal and Non-development Sites* as new Policy Minerals 3 so that common criteria apply to the assessment of proposals that could sterilise coal and sand and gravel deposits. The change also introduces new text and revises existing text that explains and supports the policies.
49. LCC also now recognises that valuable mineral resources may also exist outside of the identified MSAs. **MM7**, in its change to paragraph 3.8, recognises this and encourages developers to explore the potential for prior extraction in such cases.
50. I conclude that following the proposed changes concerning the safeguarded areas, this part of the plan has been positively prepared. The changes justify this aspect of the plan, enable it to be compliant with national guidance and thereby make it sound.

Proximal Development

Issue 5 - Should mineral extraction and mineral processing sites be protected from incompatible forms of other development by buffer zones?

51. Policy Minerals 2: *Mineral Safeguarding Areas* says that "minerals

resources will be protected from development, which could sterilise them for future use”, whilst Policy Minerals 3: *Safeguarding Existing Mineral Extraction Sites* says that “existing minerals sites will be safeguarded to ensure that mineral reserves are not compromised by other forms of development”. Policy Minerals 13: *Safeguarding Minerals Processing Sites* similarly safeguards minerals processing sites against alternative uses.

52. However, as defined, the mineral sites do not extend beyond the limits of the planning permission, allocation or preferred area. The Framework requires MPAs to define Minerals Consultation Areas based on MSAs and to include them in their LPs. The BGS advice⁹ also says that it may often be appropriate to extend the MSA beyond the resource boundary to take account of risks from non-mineral development.
53. The minerals industry advocated the creation of buffer zones around the designated areas on a similar basis to that now required by minerals policy in Wales and as already applied by a number of County MPAs in their LPs. In response LCC, whilst recognising the importance of preventing incompatible development close to minerals sites, pointed out that in most cases the buffer zones would encompass open farmland and woodland within the adopted Green Belt. Additionally some zones, when defined, could affect existing property and give rise to concerns that might never arise, whilst as the safeguarded sites would be defined on the proposals map, they would be evident to anyone considering development within the vicinity in any event.
54. The minerals processing sites already exist but are primarily within industrial areas and surrounded by existing development. The inclusion of buffer zones around minerals processing sites would not afford them additional protection and their existence would be obvious to anyone considering using or redeveloping adjacent land.
55. Nevertheless, LCC did agree to define a buffer zone around every safeguarded site (including canal wharfs and rail sidings) and to include this on its CAPS system¹⁰. This would ensure that any council officer considering a proposal adjacent to a minerals site was alerted to the need to consider the impact of the proposal on the mineral resource or processing site and the impact mineral extraction or processing could have on the proposed adjacent use in the future. It also proposed an additional paragraph after paragraph 3.23 (**MM11**) to alert applicants, considering development on sites adjacent to safeguarded and designated minerals sites, of the need to ensure adequate consideration of the potential impact of mineral extraction and/or processing on the proposed land use.
56. The Framework encourages the efficient use of mineral resources and the inclusion of Minerals Consultation Areas in LPs. This has the dual function of alerting the development industry, as well as the district planning authority in areas with a two tier planning system, to the presence of recoverable minerals on adjacent land and to the fact that the

¹⁰ A computer software system developed by CAPS Solutions Ltd to assist the processing of planning applications.

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.

57. The absence of such areas in Leeds could result in developers unwittingly bringing forward development proposals that could conflict with future mineral extraction. In this context, I consider the inclusion of "stand-off" areas, backed by an appropriate policy, to be the preferred solution. However, the inclusion of Minerals Consultation Areas in LPs beyond the MSAs is not mandatory. Consequently following the proposed change to the supporting text (**MM11**), I consider the plan's treatment of proximal development to be effective and the plan to be sound in this respect.

Identification of Aggregate Resources

Issue 6 - Is the plan justified in not identifying areas of search for future crushed rock quarries and additional allocations for sand and gravel extraction?

Crushed rock

58. The land-bank for crushed rock in Leeds, at nearly 30 years, is nearly three times that required by the Framework. Because of the quality of the reserves, for the most part, this resource tends to come as a by-product from the production of building stone. There is no evidence to suggest that output from existing quarries in Leeds is not fulfilling the requirements of those sectors of the aggregate market that the quality of the material enables it to supply.
59. As well as safeguarding existing mineral extraction sites, in its preferred areas for stone and clay extraction (Policy Minerals 6) the plan identifies extensions to five existing quarries, together with a site for a new magnesian limestone quarry at Hook Moor. I consider this provision to be more than adequate to enable the district to use minerals produced locally, rather than importing them from further away, in the sectors where local geology is favourable to such an outcome.
60. In such circumstances, an area of search accompanied by a criteria-based policy that supports the development of crushed rock resources, is not necessary. I conclude that the plan's proposals for crushed rock have been positively prepared, are justified, effective and compliant with national guidance and that this aspect of the plan is sound.

Sand and gravel

61. The Framework points out that each MPA should plan for a steady and adequate supply of aggregates and make provision for the maintenance of land-banks of at least seven years for sand and gravel. The ideal scenario is for sufficient specific sites and/or preferred areas to be identified so that on adoption of the LP there is adequate provision identified to cover the requirements for the LP time frame. Unfortunately this has not been

possible in the case of this LP area where the sand and gravel land-bank is currently about a year. Only a site at Otley, which was previously proposed in the UDP, has been allocated. The other anticipated source of sand and gravel is at Methley, where an area of search is proposed.

62. Although an existing permission at Methley is still being worked, this has limited reserves. Expressions of interest in the exploitation of other reserves in this area have been received from the operator at this site and from other industry players but there is no detailed information on matters such as the extent of the deposit, potential lifespan of extraction, rate and method of working etc upon which firm proposals could be based. In these circumstances, the objections from the industry against the absence of an allocation at Methley are somewhat surprising and suggest a need for greater liaison between the MPA and the industry.
63. Although contrary to the spirit of national guidance, in the circumstances, I am satisfied that the shortage of allocations for sand and gravel are unavoidable and that the Council is justified in taking the revised approach that it has formulated in consultation with its West Yorkshire neighbours. Providing there is liaison between the Council and the minerals extraction industry, to bring forward appropriate sites within the Area of Search and subject to quality, there is no reason to suppose that Leeds will not be able to meet its sand and gravel targets. I therefore find the plan sound in this respect.

Limiting Sand and Gravel Extraction in the Wharfe Valley

Issue 7 – Is the resisting of the exploitation of any of this resource during the plan period justified?

64. The submitted plan seeks, through Policy Minerals 5: *Limiting Sand and Gravel Extraction in the Wharfe Valley*, to resist the extraction of sand and gravel within that part of the Wharfe Valley within Leeds District and to the east of Pool. This is because of the considered high landscape quality of this area, which was covered by a Special Landscape Area designation in the Leeds Unitary Development Plan (UDP) Review (2006)¹¹.
65. The maintenance of adequate land-banks of aggregate minerals is a key aspect of current national policy for minerals, as contained in the Framework. At about a year, the land-bank for sand and gravel in Leeds and West Yorkshire is far from adequate. Leeds and the other West Yorkshire Authorities have identified sufficient theoretical supply to more than meet a requirement for the plan period that is largely based on an extrapolation of the area's share of historic sales within the region.
66. However, not all of this is actually proven and accompanied by information on the potential yield or quality of the resource. Additionally, on sustainability grounds, the Yorkshire and Humber Sand and Gravel Study⁶ recommended a dramatic increase in West Yorkshire production. Whilst the subsequent BGS study⁷ 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.
67. The national desire to reduce production of aggregate in the NPs, 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.
68. Within Leeds, in addition to the nearly exhausted Methley Quarry, only the Midgely Farm site at Otley has proven reserves and has been allocated for sand and gravel extraction. The remainder of the plan's proposal and about two thirds of the Leeds contribution has still to be explored. There is clearly an absence of certainty about future requirements and supplies that points to a need for flexibility. At the same time the BGS study⁷ suggests that the Wharfe Valley has some of the largest and highest quality unworked sand and gravel deposits in the region.
69. Midgely Farm was allocated in the Leeds UDP but has not been taken up by the industry in the years since its identification. An objection to the exclusion of an area at Methley from the allocated sites, by the existing sand and gravel producer in that area, has not been supported by evidence as to the potential yield or quality of the resource. The objector also declined to participate in the Hearing sessions. Such situations do

¹¹ Policy N37, Leeds unitary Development Plan (Revised) 2006, Volume 1 Written Statement, Leeds City Council, July 2006.

not provide certainty that Leeds is able to meet its targets for sand and gravel production from the identified preferred area and areas of search. In such circumstances the resisting of proposals for the extraction of sand and gravel, within the area to the east of Pool in the Wharfe Valley and without qualification, is not justified.

70. The Wharfe Valley between Pool and Wetherby is of high scenic quality. The southern part of the valley, which is within Leeds, has been designated a Special Landscape Area¹⁰. However, the northern part of the valley, which forms a part of the fine long distance views referred to in the Leeds UDP and is within North Yorkshire, has not.
71. LCC's desire to restrict the exploitation of this sand and gravel resource, as long as the apportionment can be met from other sources in less scenically sensitive areas, is a reasonable standpoint. Clearly, considerable weight should be given to the implications of sand and gravel extraction for the long term quality of the area's landscape when considering any proposal.
72. The area is on the northern edge of Leeds and the potential for the exploitation of the resources within Leeds should ideally be considered in tandem with the adjacent deposits within North Yorkshire. There are also other resources in North Yorkshire that have similar accessibility to the West Yorkshire markets and whose exploitation may be as sustainable but less injurious to matters of scenic importance.
73. 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 this examination suggests that at the same time as it is becoming difficult to identify economically viable sand and gravel resources, within West Yorkshire, the resources that have been historically exploited, in North and South Yorkshire to meet West Yorkshire's needs, are becoming exhausted. The BGS study⁷ 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.
74. The shortfall after 2015, identified by the Yorkshire and Humber Sand and Gravel Study⁶, suggests that there is an urgent need for a comprehensive, independent, sub-regional study that will identify the most appropriate locations from which sand and gravel resources, to meet the needs of West Yorkshire over the next 20 years, could be extracted. Such a study should objectively look at all of the options, including the Wharfe Valley, giving comparative weighting to its scenic beauty and that of the other river valleys from which the resource could also be exploited. Such a study should also consider the contribution that could be made by recycled aggregate and marine sand and gravel.
75. The Framework at paragraph 113 advises LPAs to set criteria-based policies against which proposals for any development on or affecting landscape areas will be judged. The maintenance or otherwise of the

Special Landscape Area designation is a matter for the Core Strategy. However, in the absence of any justification to the contrary, it is not appropriate to resist, under any circumstances, the consideration of sand and gravel extraction in that part of the Wharfe Valley to the east of Pool.

76. **MM9** revises Policy Minerals5: *Limiting Sand and Gravel Extraction in the Wharfe Valley*, making it clear that the extraction of sand and gravel in that part of the Wharfe Valley to the east of Pool will not normally be supported. Following this revision, the Policy does not close the door on its future consideration. With this change I consider the Council's approach to limiting sand and gravel extraction in the Wharfe Valley to be justified. I therefore find the plan to be sound in this respect.

Transport Modes

Issue 8 - Are the plan's proposals for the safeguarding of existing inter-modal transfer sites and the creation of new ones justified?

77. The Framework at paragraph 29 seeks to promote a rebalancing of the transport system in favour of sustainable transport modes. At paragraph 143 it also says that existing, planned and potential rail heads, wharfage and associated storage for the bulk transport, by rail or inland waterways, of minerals should be safeguarded.
78. In the latter years of the last century there was a notable decline in the volume of waterborne freight on the Aire and Calder canal, which links Leeds with the Humber ports. At the same time, many wharves within the city were abandoned and some have been redeveloped for other purposes, particularly housing. Consequently, there is only one remaining operational wharf within Leeds and that is downstream of the main urban area. There has been a similar decline in rail freight, although two minerals producers still transport large quantities of aggregate by rail to sites within Leeds, where it is used in concrete and asphalt production.
79. The principle of seeking to make better use of rail- and water-based transport has been established in Leeds for some time. The Leeds UDP Review 2006¹⁰, at Policy E 10, promotes land at Stourton/Knowesthorpe for employment uses, making extensive use of rail and/or water transport. The West Yorkshire Transport Plan 2011 to 2026¹² identifies the Aire and Calder Navigation as having capacity to carry more water-borne freight and the evidence base of the RSS¹³ and Regional Freight Strategy¹⁴ also suggests that greater use of both rail and water transport for freight could be achieved if properly promoted. Clearly, without wharves and freight yards, where modal shifts could take place, the existing rail and water network in Leeds would be incapable of carrying any additional goods traffic.

¹² My Journey / West Yorkshire Connecting People and Places, West Yorkshire Local Transport Plan Partnership, 2011.

¹³ The Yorkshire and Humber Plan Regional Spatial Strategy to 2026. Department of Communities and Local Government, May 2008.

¹⁴ Yorkshire and Humber Regional Freight Strategy, Yorkshire and Humber Regional Assembly, 2004.

80. Consequently, the plan seeks through Policy Minerals 14: *Transport Modes* to safeguard three canal wharves (one of which is currently used as an oil terminal) and two rail sidings that are in use. In addition it identifies three new sites with potential to be developed as wharves and a rail siding respectively. It also seeks to protect a rail spur to a former power station site in order to safeguard the opportunity for industry using rail freight to locate adjacent to it.
81. The plan's consultation rounds demonstrated widespread support for the protection of these facilities and the promotion of the greater use of the local rail and water network for freight purposes. As well as from environmental groups, some of this has come from canal boat operators and local business. Research undertaken by LCC has also revealed a potential interest in canal and rail inter-modal transfer sites, particularly from the minerals industry but also from other sectors such as heavy manufacturing and chemicals.
82. A study led by LCC but involving other minerals authorities and industry players has looked at the potential to substitute the declining good quality sand and gravel resources in the region with marine won aggregate. It concluded that by 2020 it should be possible to land 2 million tonnes per annum at the Humber ports and that this could continue for 50 years, meeting over 40% of current regional demand for sand and gravel. To be effective the material would have to be transported cheaply to the main market areas in the west of the region. This implies the need for water and rail transportation facilities to and within Leeds and an ability to locate minerals processing plants adjacent to the unloading points.
83. The existence of two aggregate plants in Leeds that use rail as a means of mineral supply, the recorded interest from a third and the evidence from the marine aggregate study suggest that the protection and reservation of the rail sidings and adjacent sites is based upon the robust evidence required at paragraph 41 of the Framework and is justified. However, despite the wealth of independent support, there is little direct evidence to prove that the movement of minerals and other heavy or bulky materials to and from Leeds by canal is economically sound.
84. The picture is unfortunately muddled by the inability of some interested operators, who require long term certainty before taking proposals forward, to obtain the support of landowners in both sectors. The carrot of residential development on most of the inter-modal sites that appears to have been dangled by LCC for a number of years, has not helped the situation. Evidence before the examination suggests that residential development on these sites is now an unlikely option, for flooding reasons if nothing else in some instances.
85. In the circumstances, whilst the protection and development of wharves is a laudable aspiration, supported in principle by national and local policy, the long term protection of the canal-side sites affected by Policy Minerals 14: *Transport Modes* and the prevention of other permanent development on these sites is not justified by the current evidence base. It is also not compliant with paragraph 22 of the Framework, which seeks to avoid the

long term protection of sites where there is no reasonable prospect of them being used for the protected purpose. A proposed marketing study by the Commercial Boat Operators Association should throw some light on this dilemma.

86. In the meantime LCC has proposed a new paragraph (3.30) that recognises that land should not be sterilised indefinitely, despite the limited opportunities for rail and wharf facilities within Leeds (**MM12**). It also commits LCC to a review of the policy as a part of its Annual Monitoring Report in the first such report to be prepared after a period of five years from the date of the plan's adoption.
87. LCC has also recognised that in any event, there needs to be a mechanism by which proposals to use the safeguarded sites for other uses can be objectively assessed. The inclusion of an additional Policy (Minerals 15) and a paragraph in the supporting text to the policy (3.31) (**MM13**) removes this deficiency. The policy includes a set of criteria by which proposals for non- canal or non-rail related development can be assessed. Following the introduction of these changes I find Policy Minerals 14 to be sound.
88. I note the points raised about the appropriateness of using a NRWLP, rather than a more comprehensive plan, as the vehicle for the introduction of policy to safeguard transport facilities. However, there is an urgent need for policy certainty in this field and the NRWLP is the first available document in which LCC could advance the policy. Minerals are and are likely to continue to be, the largest users of rail and water transportation. Consequently, it is not inappropriate for policy that has a wider application than minerals and waste to find a home in this document.
89. Whilst the disposal of operational railway land may require the approval of the Office of the Rail Regulator, that body is established to look after the interests of the railways and rail users, whereas LCC has a wider responsibility for the overall planning of the City.
90. I note the points about other options for some of these sites that have been considered by other LDF documents that are being prepared. However, there is no evidence to suggest that LCC is not coordinating its planning policies and proposals as ultimately advanced through its different Development Plan Documents (DPD). Additionally, it has clearly taken a decision that these sites need the protection of a statutory plan against development that would prejudice their future use in association with rail and water-borne freight.

Site 14 Haigh Park Road

91. Evidence at the site visit confirmed that there is an existing wharf along the canal-side adjacent to this site, albeit an overgrown one. There is also interest from the current tenant of the site to use the canal to transport steel from the Humber ports. In such circumstances LCC is justified in including this site in the list of sites affected by the policy and its inclusion does not make the plan unsound. LCC has proposed an amendment to

the overall extent of the site (**MM21**), which I endorse. The current tenant uses all of the land affected by the revised proposal and not adjacent to the canal and would be likely to continue to do so if steel was transported by water. There is no evidence at this point to justify further reducing the area affected by the proposal.

Site 15 Old Mill Lane

92. The recent development of housing on the adjacent Yarn Street site has added another factor to the considerations that need to be assessed if firm proposals for the reuse of this canal-side facility come forward. Nevertheless, this is a large site and it would be possible to screen a canal development from the housing and to locate any noisy aspects of such a development away from it. Its inclusion in the plan as a safeguarded inter-modal transfer site is therefore justified and effective as well as contributing to a requirement expounded by national policy.

Site 21 Bridgewater Road

93. There is already an established rail-based aggregate plant on the other side of the rail spur that would service this site. There is also an expression of interest from an aggregate operator to use this site and an ability to use the canal as well as the railway to import or export goods to and from the site. No other site with such locational advantages for the development of inter-modal transport facilities and associated processing has been put before the examination.
94. Whilst I note the constraints relating to the incline on the branch line that serves this site, these have not deterred the successful operation of a minerals processing facility on its north-eastern side. I am not persuaded that congestion on the Leeds to Micklefield railway line is such or likely to be such as to prevent the use of the branch line by trains servicing this site. There is no evidence at this point to justify reducing the area affected by this proposal. Its inclusion in the plan as a safeguarded inter-modal transfer site is therefore justified and effective as well as contributing to a requirement expounded by national policy.

WASTE

Waste Strategy

Issue 9 –Is the Waste Strategy soundly based?

Self Sufficiency

95. The close proximity of the major settlements and the waste facilities within West Yorkshire means that waste, particularly in the private sector, is transported between different local authority areas. There is also interaction with North Yorkshire. At the present time, much of Leeds's waste is disposed of at two landfill sites within the City, which also accept waste from other parts of the region. The plan envisages that as waste disposal is moved up the waste hierarchy, disposal to landfill will be

minimised. In making provision for this diversion, the Council has assumed that waste produced in other authorities and currently land-filled in Leeds will be diverted from landfilling by those authorities in accordance with their waste planning strategies and thereby significantly reduced. The LP makes provision for Leeds to be self-sufficient in waste management in the future, apart from some cross-border movements of specialist waste.

96. Given the location of existing facilities and proposed sites for new facilities in Leeds and adjacent districts, it is unlikely that cross-border movements, particularly of private sector waste, will be minimised. However, the Council has consulted extensively with adjacent authorities, who basically support the aspirations of this strategy and have indicated the life expectancy of specialist facilities within their areas that treat waste from Leeds. Whilst it is likely that because of geography some of the planned private sector facilities in Leeds will treat waste from elsewhere the reverse is also the case. The plan is to be monitored and if it becomes apparent that Leeds is on balance importing general waste, to its non-landfill facilities, then the provision could be subsequently reviewed and increased. With this proviso, I therefore find a spatial strategy based on overall self sufficiency to be sound.

Waste forecasts

97. The plan is seeking to achieve a major change in the way waste is managed. In line with national policy, a fundamental objective is to drive the treatment of waste up the waste hierarchy thereby reducing disposal to landfill to an absolute minimum. To achieve this, the plan's strategy provides a framework for a significant increase in the non-landfill forms of waste management capacity.
98. In order to meet the waste objectives, the plan establishes requirements for the treatment of different types of waste in Leeds in the future. In the submitted plan the projections only went as far as 2021. This neither meets the advocated minimum time horizon of 15 years for LPs advanced by the Framework or the minimum period of 10 years put forward in PPS10: *Planning for Sustainable Waste Management*. The Council subsequently revised its Waste Topic Paper (**MM20**), providing projections until 2026 that are incorporated into proposed amendments to paragraph 4.4 and Table 4.1 (**MM14**).
99. In doing this, it has assumed that the previous forecasts to 2021 apply equally well to 2026. The current National and European forecasts are only to 2020 and those in the RSS and Municipal Waste Strategy are to 2021. These together have contributed to the evidence base for the forecasts, which is contained in a separate Waste Topic Paper. Any forecasts produced for periods beyond 10 years are in consequence likely to be increasingly unreliable.
100. Evidence now suggests that the amount of waste produced and requiring treatment is in decline. Consequently the amount of waste produced in 2026 could very likely be less than that produced in 2021. As the plan will

have to provide for the creation of capacity to meet the requirements of 2021, it is not inappropriate to keep this figure constant until the end of the plan period. In any event, the plan is likely to be reviewed before 2021, by which time there will be a more comprehensive evidence base on waste management performance in Leeds and further national forecasts upon which more accurate waste arisings in 2026 could be based.

101. The forecasts for Municipal Solid Waste (MSW) were derived from the Leeds Integrated Waste Strategy 2005 and updated in the light of subsequent experience. They are somewhat lower than those produced for the RSS. The forecasts for Commercial and Industrial (C&I) and CDE wastes, which were independently produced for this LP, are slightly higher than those produced for the RSS. They are nevertheless a reasonable basis on which to plan the future waste treatment needs of the City and in this respect I now find the plan's waste strategy to be positively prepared, justified and sound.

Safeguarding Existing Waste Management Capacity

Issue 10 – Is the safeguarding of Site 68, Richmond Works, Garforth justified?

102. Policy Waste 2: *Safeguarding Existing Waste Management Capacity* seeks to safeguard the existing waste management capacity within the City. Applications for change of use must either demonstrate that there is no longer a need to retain a site for waste management purposes or that there is an overriding case for the proposed development. Given the ambitious shift in waste treatment proposed by this plan and the need for a significant number of new facilities to achieve this, the protection of existing facilities is justified, particularly as the plan allows for the removal of sites through evidence-based planning applications.
103. Richmond Works is an existing waste recycling site with a valid planning permission. Although there was a recent fire, this appears to have resulted from one or more activities taking place on the site without the benefit of planning permission or an environmental permit. Without these activities, the site made a significant contribution to recycling in a part of the city that has no other similar waste sites. It also has good access to the primary road network. Its continued use for its lawful activity should not give rise to planning or environmental concerns and in any case there is a mechanism whereby a case could be made to change the use to a non-waste site if the appropriate circumstances exist. The removal of this site from the Policy's protection is therefore not justified and the Policy is sound in this respect.

Hazardous Waste

Issue 12 – Is the plan's treatment of hazardous waste justified, effective and in accordance with national policy?

104. PPS10 says that planning authorities should provide sufficient opportunities for new waste management facilities of the right type, in

the right place and at the right time and that this should include provision for hazardous wastes. The Submitted Plan was silent on requirements for the treatment of hazardous waste. At the same time, the Waste Topic Paper noted that although Leeds was a net importer of hazardous waste, there was an identified gap in the treatment of solid hazardous waste, some of which has to be transported long distances outside of Leeds for treatment and disposal.

105. The amount of hazardous waste generated within the plan area at over 100,000 tonnes per annum (tpa) is not insignificant. **MM15** recognises the contribution that the existing Clinical Waste Incinerator and Effluent Treatment Plant make to the treatment of clinical and liquid hazardous waste from Leeds and neighbouring authorities. It also refers to the Waste Strategy for England¹⁵ which, whilst seeking to reduce the amount of hazardous waste generated, points out that there needs to be additional hazardous waste treatment facilities to assist in meeting the changes brought about by the Landfill Directive. The modification suggests that there is scope for soil washing processes and bio-remediation to be accommodated on any of the strategic waste sites and that some processes could be located on the industrial estates identified as suitable for waste treatment facilities. It also notes the potential to provide new hazardous waste cells at both Howley Park and Swillington landfill sites.
106. Following the modification, the plan now clearly identifies the potential for new proposals for hazardous waste disposal, including at landfill sites, within Leeds. It also encourages the further provision of treatment facilities, which would be supported in appropriate circumstances. As a result of these modifications, I consider the plan to be justified, effective and in accordance with national policy in its treatment of hazardous waste and is now sound in this respect.

Strategic Waste Management Sites

Issue 11 - Is the framework for the development of Strategic Waste Management Sites justified and effective?

107. The plan advances an overall recovery capacity of around 600,000 tpa, whereas the research undertaken for the Waste Topic Paper suggests that up to 750,000 tpa of additional recovery capacity may be required by 2021. Three strategic sites are put forward in the plan on which facilities to treat this waste could be built. These are the product of an extensive site selection process that in particular considered site availability and deliverability as a part of the selection criteria, as well as the other criteria listed in PPS10. Being largely away from residential areas, the Lower Aire Valley is the traditional area within Leeds where utility and heavy industries have located. Following the extension of the M1 motorway and the completion of the new A63 link into the City Centre, it now has excellent road transportation links. Consequently, four sites in this area performed the best against the analysis criteria

¹⁵[Waste Strategy for England 2007](#), Department for the Environment, Food and Rural Affairs, 2007.

and three of these have been allocated in the plan for the development of strategic waste facilities. I am satisfied that all of these sites and the discounted fourth site are appropriate in principle for the location of strategic waste facilities.

108. The City Council has recently concluded a procurement process for the construction of a residual waste treatment facility to treat MSW. At the same time LCC is considering a planning application at Skelton Grange (site 200) for an energy recovery plant and anaerobic digestion facility to treat residual waste from the C&I sector. The implementation of these proposals or similar is fundamental to the delivery of the plan.
109. Discounting the recycling capacity, if built these facilities could process up to 540,000 tpa. Although a major step forward in meeting Leeds' future residual waste treatment needs, this falls short of the adopted recovery capacity and well short of the possible maximum capacity put forward in the Waste Topic Paper. Additionally, the assessment specifically identifies a further need for an additional organic waste facility to treat MSW.
110. Furthermore, the provision is based on the assumption that Leeds will be effectively self sufficient in strategic waste disposal facilities. Whilst this objective reflects the results of public consultation and may be deliverable in the MSW sector, a more significant waste stream requiring residual treatment will come from the C&I sector and the private sector companies that source and treat this waste are not bound to respect municipal boundaries.
111. The proposed private sector residual treatment plant, if constructed in the Lower Aire Valley, would be more accessible to much of Wakefield District than to large parts of Leeds. The proximity principle and the significance of transport costs in waste disposal viability suggest that this facility will attract C&I waste from Wakefield. In the absence of a private sector residual treatment facility in Wakefield, it cannot be realistically assumed that the net cross-boundary flow between Leeds and Wakefield would be zero. Although strategic private sector facilities are proposed in Bradford, the evidence suggests that cross-boundary movements to these facilities would be from Calderdale rather than from Leeds.
112. An amendment to paragraph 4.32, proposed as a result of a representation against the submitted draft plan, enables, following the conclusion of LCC's procurement process, either site 201 Wholesale Market Site or site 202 Knostrop to be used for other employment purposes. The above evidence suggests that this is not justified. Additionally, there is no certainty that following the acceptance of a tender or the grant of planning permission, facilities will be built and operated on the chosen site(s). Land for strategic waste facilities is not easily identifiable. Until MSW and C&I residual facilities, to a capacity that meets forecasted requirements, are operational in both Wakefield and Leeds and an objective assessment can be made as to their catchments, it is not appropriate to change the plan in this way.

113. In any event, Policy Waste 6: *Strategic Waste Management Sites* is not closed and allows other uses on the strategic sites if it can be demonstrated that a site is no longer required to meet the strategic waste management needs of the LCC area. **MM16** removes the amendment and reverts to the original text. I endorse this change, which enables the text in Paragraph 4.32 to effectively justify Policy Waste 6 and makes this aspect of the plan sound again.
114. Three strategic waste processing plants could potentially be located in the same part of the City. Whilst I note the potential cumulative impact of negative aspects of these operations, there is no evidence to suggest that three strategic waste plants could not operate in the same area without giving rise to unacceptable adverse impacts. Each detailed proposal will require the preparation of an Environmental Impact Assessment; and, in establishing a baseline environment on which to assess any potential impacts, each assessment will have to include the effects of any other existing or proposed major developments, including strategic waste plants.
115. The strategic waste sites will attract significant numbers of heavy vehicles as well as being notable sources of employment that would generate further movement. Although all three sites are well connected to the highway network, in the circumstances, it is appropriate for proposals at these sites to be accompanied by a Transport Assessment, which should consider the impact on the Strategic Road Network and a Travel Plan. **MM17**, which I endorse, amends Policy Waste 6 to accommodate this. With this amendment, I consider the proposed strategic waste sites, taken together, to be capable of accommodating the plan's strategic waste requirements until 2026. The amended plan has been positively prepared and the selected sites are justified. They will facilitate the effective delivery of Leeds' strategic waste needs. The plan is consequently sound in these respects.

Site 201 Wholesale Market Site

116. This site is on the edge of the Lower Aire Valley industrial area. Although surrounded by industrial/warehousing uses on three sides and the Neville Hill railway sidings on the fourth, there are residential properties on Halton Moor Road within 200 metres to the north-east, beyond which is a large housing estate. The emissions from any waste facility located on this site would be subject to the pollution control regulations enforced by the Environment Agency through the Environmental Permitting Regime. There is no reason to suppose that a new facility would not comply with these stringent regulations.
117. Policy Waste 9: *Waste Management Facilities-Potential Issues and Impacts* sets out eighteen criteria that waste management facilities seeking planning permission must address. Included among these are visual amenity, the design of built features, environmental and amenity aspects and the routing of vehicles. In principle, there is no reason why strategic waste treatment facilities located on this site, if properly designed and accompanied by appropriate mitigation measures,

adequately assessed and scrutinised against the policy criteria, should result in harm to the living conditions at nearby residential properties.

118. (A) very high building(s) located on this site, for whatever use, could appear overbearing and visually intrusive at the nearby housing. Being located to their south-west it/they could also impact upon the receipt of sunlight at the dwellings. However, not all strategic waste disposal facilities require high buildings, so the use of this site for an appropriate strategic waste disposal facility is justified in principle. In any event detailed matters such as the height and design of a building and its consequent impact are more appropriately considered through the planning application process, utilising the criteria set out in Policy Waste 9.

OTHER NATURAL RESOURCES

Issue 12 –Are the strategy and policies for other resources soundly based?

119. As well as minerals, the plan sets out objectives and policies through which the planning interface with energy production, air quality, water and land will be implemented.
120. Its objectives for energy follow national policy in seeking to reduce the carbon burden of the UK energy supply, whilst at the same time increasing the resilience of its infrastructure. A framework for the judging of large scale wind energy generation is established, whilst micro-generation, combined heat and power energy recovery and heat distribution infrastructure development are all encouraged and supported in policy.
121. LCC intends to assist the management of air quality by requiring all applications for major development to incorporate low emission measures, to ensure that the overall impact of proposals on air quality is mitigated.
122. The plan notes the uncertainties to future water supplies that could be caused by climate change. LCC also recognises the need to encourage a more efficient use of water and to reduce wastewater quantities whilst improving water quality. The plan includes policies that seek to secure an improvement in overall water efficiency, the protection of water quality, the avoidance of flooding and reductions in the rate of surface water run-off within and from new developments.
123. The plan recognises that land is a finite resource and that national policy requires it to be used in a sustainable and efficient manner. LCC supports the principle of developing previously developed land in preference to "Greenfield" sites and commits itself to assisting developers to identify appropriate remediation for contaminated sites so that they can make a full contribution to the development process. The plan also seeks to conserve trees wherever possible and to introduce new tree planting as part of creating high quality living and working environments and enhancing the public realm.
124. I am satisfied that the strategy and policies for other resources, reflect national policy as well as local circumstances. They will help to deliver the topic visions and the overall vision, by providing a framework for the interface of planning with resource management. Consequently, I consider that the other natural resources sections provide a sound, relevant and locally distinctive basis for these aspects of the Plan.

IMPLEMENTATION AND MONITORING

Issue 13 – Does the monitoring framework ensure that failures in the implementation of the plan will be effectively identified and corrected?

125. In order to test whether or not its policies are being delivered and the Plan is therefore effective, the Plan should have in place procedures that will secure its monitoring over time. If policies are not being delivered, then there needs to be a mechanism to trigger remedial action. Consequently, there should be a delivery strategy that contains clear targets or measurable outcomes to assist the monitoring process.
126. The monitoring chapter as submitted did not contain a comprehensive set of clear targets that would demonstrate that all of the plan's outcomes are being delivered to a timetable and meeting all of the plan's objectives or that all of its policies are effective. These deficiencies would have rendered the monitoring itself ineffective and the plan unsound in this respect.
127. LCC recognised these problems and submitted a new paragraph explaining how monitoring will be undertaken (**MM5**) and an amended monitoring framework (**MM18**) as suggested changes.
128. Table 4 has been replaced by a new table. Table 7.1 *NRWDPD Monitoring Framework* now sets out the related key outcomes for each policy and establishes meaningful performance indicator(s) and related monitoring method(s). These are accompanied by clear, measurable targets. 'SMART' targets (specific, measurable, achievable, realistic and time-bound) and related trigger points have been set, having regard to the availability of data and to the Council's resources. The table also indicates the corrective action that would be taken if the targets are not being met and the trigger points are reached.
129. In accordance with the requirements of the Framework the Monitoring Framework now includes a section to monitor the actions LCC are taking to ensure that engagement with other relevant bodies continues throughout the implementation phases of the plan and to demonstrate that it is fulfilling all of its responsibilities under the Duty to Cooperate.
130. Sufficient information should now be provided to assess policy implementation, thereby enabling transparent and effective monitoring. These suggested changes are reasonable and appropriate, and I endorse them to secure soundness in terms of the effectiveness of the plan's delivery.

Assessment of Legal Compliance

131. Regulation 8 (5) of The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must identify that fact and identify the superseded policy. The submitted LP did not indicate which Policies in the UDP that are currently saved will be replaced by policies in this DPD. **MM19** rectifies this and contains a list of Saved UDP policies that are to be replaced by ones in this DPD.
132. My examination of the compliance of the Plan with the other legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan is identified within the approved LDS April 2010, which sets out an expected adoption date of Summer 2011. The LP is described as a Core Strategy. Its content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in February 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Appropriate Assessment (AA)	The Habitats Regulations AA has been carried out and is adequate.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Regional Spatial Strategy (RSS)	Having regard to the limited life of the RSS's forecasts, the Local Plan is in general conformity with the RSS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

133. **The Plan has a number of deficiencies in relation to soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
134. **The Council has requested that I recommend main modifications to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications, set out in the Appendix, the Leeds Natural Resources and Waste Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

M Middleton

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Appendix: Leeds Natural Resources and Waste Development Plan Document
Post Submission Consolidated Schedule of Main Modifications

Ref.	Page	Policy/ Paragraph	Main Modifications
MM1	14	After Para 2.27	<p><u>After Para. 2.27</u></p> <p>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:</p> <p>“2.28 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”.</p> <p>The remainder of Chapter 2 will need to be re-numbered accordingly.</p>
MM2	16	After Para 2.32	<p><u>After Para. 2.32</u></p> <p>Insert a new paragraph and policy and renumber the remaining three paragraphs of Chapter 2 accordingly:</p> <p>“2.33 To ensure that the positive sustainability aspects of the National Planning Policy Framework are embodied into this plan, the following policy will be relevant to all development proposals.</p> <p><u>GENERAL POLICY 1</u> When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of Leeds.</p>

			<p>Planning applications that accord with the policies in this plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> • Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or Specified policies in that Framework indicate that development should be restricted”
MM3	19	Para 3.1	<p><u>Para. 3.1</u></p> <p>Delete the reference to MPS1 and add the definition of sustainable minerals development by replacing the paragraph with the following text:</p> <p>“Minerals of economic value are essential to our quality of life. Their finite nature means that best use must be made of them. The National Planning Policy Framework requires the City Council to:</p> <ul style="list-style-type: none"> • Identify and include policies for mineral extraction and the use of secondary and recycled materials, define safeguarding areas and policies to extract economic minerals ahead of development and encourage the transport of minerals by rail and canal where feasible, and • Set out criteria against which planning applications will be assessed with regard to the natural and historic environments and the effect on human health and to ensure the completed mineral workings are reclaimed and restored to a beneficial afteruse <p>Within this overall context, the objectives of sustainable development for minerals</p>

			<p>planning are</p> <p>i. to conserve minerals as far as possible, whilst ensuring an adequate supply to meet the needs of society for minerals;</p> <p>ii. to minimise production of waste and to encourage efficient use of materials, including appropriate use of high quality materials, and recycling of wastes;</p> <p>iii. to encourage sensitive working practices during minerals extraction and to preserve and wherever possible enhance the overall quality of the environment once extraction has ceased;</p> <p>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”.</p>
MM4	19	Para 3.3	<p><u>Para 3.3</u></p> <p>Add the following text to the beginning of paragraph 3.3:</p> <p>“3.3 As set out in paragraph 1.5, the Minerals Topic Paper provides a fundamental part of this plan”.</p>
MM5	19	After Para 3.3	<p>After Para 3.3</p> <p>Add a new Para 3.4 to state:</p> <p>“3.4 Policies in this DPD will be monitored in accordance with the monitoring framework in Section 7. Where targets are repeatedly not being met or environmental / sustainability problems come to light, 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”</p>

MM6	20	Policy MINERALS 1	<p><u>Policy MINERALS 1</u></p> <p>Change to the wording set out below, which includes changing the words 'sand and gravel' to 'aggregate'.</p> <p>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:</p> <p><u>"MINERALS 1: PROVISION OF AGGREGATES</u> 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.</p> <p>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".</p>
MM7	20	Paras 3.8 and 3.9 and Policy MINERALS 2	<p><u>Paras 3.8 and 3.9 and Policy MINERALS 2</u></p> <p>This change should be considered in relation to the additional Sand and Gravel MSA map included as MM 19. Replace para 3.8 and 3.9 and MINERALS 2 with the following wording and delete paras. 3.21 and 3.22. Combine Policies MINERALS 8 and 9 and re-name as MINERALS 3.</p> <p>"MINERAL SAFEGUARDING AREAS</p> <p>3.8 Where it is viable to do so, the Council will seek to ensure that the mineral resources listed in paragraph 3.4 are protected from developments that may prejudice their future extraction. There is insufficient information to demonstrate where the very extensive deposits of sandstone and limestone are of a quality that 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</p>

		<p>avoidable sterilisation of minerals which may be needed within the plan period and beyond. 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.</p> <p>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.</p> <p>3.10 The sand and gravel resource is extensively overlain by existing development within the urban area but 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 mitigation 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</p>
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		<p>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.</p> <p>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.</p> <p>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</p>
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		<p>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.</p> <p>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.</p> <p><u>MINERALS 2: MINERAL SAFEGUARDING AREAS (MSA) - SAND AND GRAVEL</u></p> <p>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:</p> <ol style="list-style-type: none"> 1. it can be shown that it is not economically viable to do so (including effects on communities or the wider economy), 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 sterilised by the development. <p><u>MINERALS 3: MINERAL SAFEGUARDING AREAS – SURFACE COAL</u></p> <p><u>DEVELOPMENT SITES</u></p> <p>Within the Surface Coal Mineral Safeguarding Area shown on the Proposals Map applications for non-householder development must demonstrate that the opportunity to recover</p>
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			<p>any coal present at the site has been considered. Coal present should be removed prior to or during development unless:</p> <ol style="list-style-type: none"> 1 It can be shown that 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 sterilised by the development. <p><u>NON-DEVELOPMENT SITES</u></p> <p>Planning permission will not be given for the 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”.</p>
MM8	21	Para 3.16	<p><u>Para. 3.16</u></p> <p>Delete the first sentence referring to the land bank for crushed rock in the region and substitute with the sub-regional figure so the sentence reads:</p> <p>“3.16 The land bank for crushed rock in the West Yorkshire sub-region has sufficient capacity to satisfy estimates of demand for a period of 28.3 years”.</p>
MM9	22	Policy MINERALS 5	<p><u>Policy MINERALS 5.</u></p> <p>Add the words ‘It is unlikely that’ to the beginning of the policy and exchange ‘resisted’ for ‘supported’ so that the Policy reads:</p> <p>“It is unlikely that proposals for the extraction of sand and gravel within the area to the east of Pool in the Wharf Valley will be supported”.</p>

MM10	22	Para 3.18	<p><u>Para. 3.18</u> Add to the end of the last paragraph:</p> <p>“Quarries that produce building stone also help to maintain provision of aggregate (crushed rock and sand)”.</p>
MM11	24	After Para 3.23	<p><u>After Para 3.23</u></p> <p>After this paragraph add a new paragraph 3.24 and renumber subsequent paragraphs accordingly:</p> <p>“3.24 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”.</p>
MM12	27	After Para 3.29	<p><u>After Para 3.29</u></p> <p>After this paragraph add a new paragraph Para. 3.30 and renumber subsequent paragraphs accordingly:</p> <p>“3.30 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 achieving effective, efficient and sustainable 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 5 yrs 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 including how circumstances have changed since adoption and forecasts of how the economy might change in the light of sustainability issues. This will include the</p>

			<p>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 not likely to become 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.</p> <p>The following factors will be taken into account when considering viability:</p> <ul style="list-style-type: none"> • 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”.
MM13	27	After Para 3.29	<p><u>After Para 3.29</u></p> <p>After this paragraph add a new paragraph 3.31 and policy and renumber subsequent paragraphs accordingly:</p> <p>“ 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.</p> <p><u>MINERALS 15: CRITERIA FOR ASSESSING ALTERNATIVE DEVELOPMENT ON PROTECTED WHARVES AND RAIL SIDINGS</u></p> <p>Canal wharves and rail sidings are protected from other development unless the applicant can demonstrate compliance with the following criteria:</p>

			<ol style="list-style-type: none"> 1. 1The 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 in the case of a safeguarded wharf/rail siding that an adequate replacement wharf/rail siding has been provided or 3. The applicant is able to demonstrate that there are no suitable alternative sites for the proposed development, and 4. A sufficient supply of sites will remain in the district, readily available and of at least the same functional capability (including proximity to relevant economic centres), so as not to prejudice the objective of encouraging a shift from road freight, and 5. The applicant is able to conclusively demonstrate, including current and forecasted marketing evidence, that the site is unlikely to ever be appropriate for use as a freight interchange."
MM14	29	Para 4.4	<p><u>Para. 4.4</u></p> <p>Delete the first two sentences of the paragraph and replace with the following sentence:</p> <p>"Future waste arisings have been provided until 2026 in Table 4.1. These are based on projections until 2021 that have been extrapolated to 2026".</p> <p><u>Alterations to Table 4.1.</u> Change the title of the table to state:</p> <p>"Table 4.1 Future Waste Management Needs In Leeds until 2026 (tonnes per annum)".</p> <p>Change the heading of the arisings column to read "Arisings at 2026".</p>
MM15	34	After Fig 4.3	<p><u>After Fig 4.3</u></p> <p>Add the following new section and sub-heading :</p> <p><u>Treatment of Hazardous Waste</u> 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</p>

			<p>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”.</p>
MM16	40	Para 4.32	<p><u>Para 4.32</u></p> <p>For Clarification The proposed new sentence at the end of Para 4.32 (suggested in Proposed Change 25 of the Consolidated Schedule of Changes for Submission), is no longer proposed as a change in this Post Submission Schedule of Changes.</p>
MM17	40	Policy WASTE 6	<p><u>Policy WASTE 6</u></p> <p>Add the following wording to the end of the Policy:</p> <p>“Any application for a Strategic Waste Management facility should be accompanied by a Travel Plan and a Transport Assessment that considers the impact on the Strategic Road Network”.</p>
MM18	63	Para 7.6	<p><u>Para 7.6</u></p> <p>Delete paragraph 7.6 as it is contrary to national policy.</p>

MM19	71	Before Section 8	<p><u>Before Section 8</u></p> <p>Add a new heading.</p> <p>“8 List of Saved UDP Policies to be Replaced by this DPD”.</p> <p>Add new text to state:</p> <p>“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”.</p> <p>Renumber Section 8 as Section 9</p>
MM20	64	Table 7.1	<p><u>Table 7.1 Monitoring Framework</u></p> <p>The monitoring framework has been revised and updated. The revised framework is detailed in landscape format at the end of this appendix.</p>
MM21	Map Book	Map A3	<p><u>Map A3: Mineral Safeguarding Area – Sand and Gravel</u></p> <p>Add the additional Sand and Gravel MSA in the urban area.</p>
MM21	Map Book	Maps B2	<p><u>Maps B2 Safeguarded canal wharves</u> <u>Map 14 Canal Wharfage at Stourton</u></p> <p>Make specific alterations to the site boundary to reduce the extent of the site area proposed for safeguarding.</p>
MM22	Map Book	Maps B2	<p><u>Maps B2 Safeguarded canal wharves</u> <u>Map 18 Canal Wharfage at Fleet Lane, Woodlesford.</u></p> <p>Make specific alterations to the site boundary to correct an earlier error.</p>
MM23	Map Book	Maps C2	<p><u>Maps C2 Safeguarded aggregate recycling sites.</u> <u>Map 139 Aggregate recycling site at Warren House Lane, Yeadon</u></p> <p>Make specific alterations to the site boundary to</p>

			reflect the recent planning approval.
MM24	Map Book	Maps D	<u>Maps D Strategic Waste Sites</u> <u>Map 200 Strategic Waste Site at Skelton Grange</u> Make specific alterations to the site boundary to reflect the operational land now identified.
MM25	Topic Paper		<u>Minerals and Waste Topic Papers</u> 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. It will incorporate the additional report on Waste Targets into the Waste Topic Paper.

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 Minerals 4 Page 58	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 Leeds City Council West Yorkshire Authorities	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.
	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					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

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 3	Safeguarding Existing Mineral Extraction Sites	<p>Ensure sufficient contribution to supply for local and regional minerals demand is provided but look to use secondary/recycled materials first</p> <p>Avoid sterilising future mineral resources</p> <p>Efficient use of previously developed land, especially contaminated land</p>	Amount of aggregate produced in line with the plan period provision in the NRW DPD	<p>Leeds City Council</p> <p>Development Industry</p> <p>Minerals industry</p> <p>Mineral Operators</p>	<p>Review of approved extraction sites to check for compliance with planning conditions (procedural task, not reported in AMR)</p> <p>Review tonnage produced from extraction sites. This data is required to be submitted annually to Leeds City Council.</p>	<p>Average annual production of sand and gravel of at least 146,000 tonnes per annum until 2026.</p> <p>Average annual production of crushed rock of at least 440,000 tonnes per annum until 2026.</p>	<p>Provision undershoots 25% over five years of the plan period</p>	<p>Review apportionment alongside the other West Yorkshire Authorities.</p> <p>Feedback to the YHRAWP to review the sub-regional apportionment.</p>
			Preferred Areas provide the majority of stone and clay production			<p>The majority of stone and clay extraction is located in the Preferred Areas. Estimates of the capacity for each quarry are available but not monitored in the AMR.</p>		
Minerals 6	Preferred Areas – Stone and Clay Extraction							
Minerals 13	Safeguarding Minerals Processing 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
Page 60			Safeguard the mineral sites at Blackhill Quarry on Kings Road, Bramhope; Arthington Quarry, Bramhope; Moor Top Quarry, Guiseley for mineral extraction.			N/A	If a change of use application away from mineral uses is submitted for the mineral safeguarding sites.	Ensure that the applicant complies with Policy M3 – to demonstrate that there is no need for the site for mineral purposes within Leeds or the West Yorkshire Authority Area
			Safeguard the Mineral Processing Sites identified in Maps B3: Pontefract Road Stourton; Knowsthorpe Lane; Milners Road Guiseley; Elland Road Readymix; Cross Green Way; Thorp Arch Readymix; Knowsthorpe Lane Readymix, Bardon Concrete Knowsthorpe Lane; Ready Mix Knowsthorpe Road			N/A	If a change of use application away from mineral uses is submitted for the mineral safeguarding sites.	Ensure that the applicant complies with Policy M13 – to demonstrate that there is no need for the site for mineral purposes within Leeds or the West Yorkshire Authority Area

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 11	Restoration of Mineral Extraction Sites	A high level of environmental protection	Leeds City Council currently has a process in place for monitoring compliance with restoration and aftercare conditions (procedural process, not reported in AMR).	Minerals Industry Leeds City Council Minerals & Contaminated Land Team		Restoration and aftercare meets an acceptable standard	Minerals Team identifies the failure of an operator to carry out the approved works	Enforcement action or prosecution for non-compliance with planning conditions
Minerals 12	Aftercare of Restored Proposals							

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>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</p>	<p>Modal change from road to rail and waterborne freight - Using the list of consultee respondents the Council will gather data on water and rail freight movements</p> <p>Leeds City Council Transport Policy 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. This work will not be reported in the AMR but reviews will be undertaken for other purposes.</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 and obtain evidence of appropriate marketing activity.</p>

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 2	Mineral Safeguarding Areas	Avoid sterilising future mineral resources	No direct monitoring as the policies are intended to safeguard resources unless exceptional circumstances. The DPD does not rely on the extraction of the safeguarded resources in order to meet the targets set out, and any additional resource is 'windfall/bonus'. As there is no means of quantifying the total resources saved or extracted the policy cannot be directly monitored.					
Minerals 8	Surface Coal and Previously Developed 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						
Minerals 5	Sand and Gravel in the Wharfe Valley	Ensure sufficient contribution to supply for local and regional minerals demand is provided but look to use secondary/recycled materials first	No direct monitoring as the policy is intended to protect East of Pool. If the policy is breached, there is little to note – other than the Policy is breached.					

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 7	Provision of Stone for repairs and Refurbishment of Existing Buildings	<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 prudent use of natural resources is at the heart of the way things are done in Leeds</p>	<p>Not directly monitored. This is because the policy is intended to permit, in exceptional circumstances, the use of former quarry sites for specialized stone extraction.</p>					
Minerals 9	Surface Coal and Undeveloped Land	<p>Efficient use of previously developed land.</p> <p>The prudent use of natural resources is at the heart of the way things are done in Leeds</p>	<p>Not directly monitored. This is because the policy outlines the conditions when an application might be considered suitable and to be applied if permission is granted.</p>					

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 10	Applications for Mineral Development	<p>Efficient use of previously developed land, especially contaminated land</p> <p>The prudent use of natural resources is at the heart of the way things are done in Leeds</p> <p>Avoid sterilizing future mineral resources</p> <p>Protect and increase the amount of tree cover</p>	<p>Policy is implemented through the development application stage. The criteria will guide the decision making process in determining the application.</p>					

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 1	Self Sufficiency for Future Waste Management in Leeds	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	Waste Industry Leeds City Council Environment Agency DEFRA		To provide for the projected 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	Failure to meet targets over a five year period Review if any new national waste management targets are set for after 2020.	Review how to improve capacity on sites
Waste 6	Strategic Waste Management Sites	Maximise the reuse of waste Maximise recycling and composting waste where possible Recover energy						

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
		from waste	Continued uptake of waste management other than landfilling			<p>Ongoing progress towards increasing non-landfill waste management</p> <ul style="list-style-type: none"> -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 re-use and recycling of CD&E on safeguarded sites and through the delivery of an additional site at Cinder Oven Bridge 	Landfill, as a % share of total waste, increases over a 2 year period	<p>Better education and awareness raising of businesses.</p> <p>Working with W.R.A.P to promote recycling</p>

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
Page 68						<p>Planning permission granted for new strategic waste facilities providing substantial capacity for waste management on the sites: Former Skelton Grange Power Station Site; Land within Knostrop Sewage Water Treatment Works; Former Wholesale Markets Site, Cross Green Industrial Estate</p>	<p>Planning permission refused for a strategic waste management facility on the listed sites (representing non-delivery of capacity)</p>	<p>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</p>

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 2	Safeguarding Existing Waste Management Capacity	Maximise the reuse of waste Maximise recycling and composting waste where possible	Facilities for waste processing are safeguarded from development of non waste related uses.	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	Loss of a safeguarded waste management site	If a safeguarded waste management site 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. Review of sites
Waste 3	City Wide Network of Waste Management Sites and Facilities	Recover energy from waste Provide sufficient management facilities in appropriate and accessible locations in order						

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
		to minimise the amount of waste going to landfill	Continued uptake of waste management other than landfilling			<p>Ongoing progress towards increasing non-landfill waste management</p> <ul style="list-style-type: none"> -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 re-use and recycling of CD&E on safeguarded sites and through the delivery of an additional site at Cinder Oven Bridge 	Landfill, as a % share of total waste, increases over a 2 year period	<p>Better education and awareness raising of businesses.</p> <p>Working with W.R.A.P to promote recycling</p>

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
			The gap between capacity of existing facilities and forecasted arisings is met			To provide for the projected 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	Failure to meet targets over a five year period Review if any new national waste management targets are set for after 2020	Review how to improve capacity on sites
Waste 4	Waste Management Facilities – Permanent Uses	Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill	Not monitored. This policy is to aide the decision making process when determining applications.					

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	
Page 72	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	Waste uses are located in the existing industrial areas of: Far Royds, Wortley Ashfield Industrial Estate, Wortley Cross Green Industrial Estate including land within Knostrop Waste Water Treatment Works Grangefield Industrial Estate, Stanningley, Limewood Industrial Estate, Seacroft and Thorp Arch	Leeds City Council Development Industry Waste Industry Environment Agency		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 Waste 5 – with subsequent follow up reviews in each five year period	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.
	Waste 7	Waste Allocation for C D & 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

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 8	Waste Proposals at Other Locations	<p>Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill</p> <p>Maximise the reuse of waste</p> <p>Maximise recycling and composting waste where possible</p> <p>Recover energy from waste</p>	Approved waste proposals are situated on the sites identified in policies Waste 2, Waste 5, Waste 6 and Waste 7	<p>Leeds City Council</p> <p>Development Industry</p> <p>Waste Industry</p> <p>Environment Agency</p>	Use of the Environment Agency Waste Data Interrogator	<p>Majority of waste facilities approved are on identified sites in Waste 2, Waste 5, Waste 6 and Waste 7</p> <p>Additional treatment capacity for up to 500,000 tonnes per annum diverted from landfill over the plan period.</p> <p>Additional recycling capacity of at least 450,000 tonnes per annum for C&I.</p> <p>To continue to support the re-use and recycling of CD&E on safeguarded sites and through the delivery of an additional site at Cinder Oven Bridge.</p>	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	Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill	Not specifically monitored – as the criteria outlined will be considered at the planning application stage and be applied.					
Waste 10	Planned Reduction in Landfill	<p>Provide sufficient management facilities in appropriate and accessible locations in order to minimise the amount of waste going to landfill</p> <p>Maximise the reuse of waste</p> <p>Maximise recycling and composting waste where possible</p> <p>Recover energy from waste</p>	No additional landfill capacity permitted except in the case of inert excavated waste	<p>Leeds City Council</p> <p>Development Industry</p> <p>Waste Industry</p> <p>Environment Agency</p>		Additional treatment capacity for up to 500,000 tonnes per annum diverted from landfill over the plan period.	Landfill, as a % share of total waste, increases over a 2 year period	<p>Better education and awareness raising of businesses.</p> <p>Working with W.R.A.P to promote recycling</p>

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 11	Waste Disposal: Landfill and Landraising Sites	A high level of protection for the environment	Satisfactory restoration, as measured through the site monitoring program. This will not be reported in AMR. 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 whereby Satisfactory means compliance with the restoration plan for the site including compliance with the restoration conditions	Unsatisfactory restoration (does not comply with the restoration plan for the site including compliance with the restoration conditions)	Where non compliance is materially significant this would be remedied by enforcement action, if the operator failed to take action voluntarily within an agreed timescale.
Energy 1 Page 75	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 implementation periods: Review of progress if not meeting the plan requirement, based on proportionate year shares.	Review applications that have been refused to determine if policy is being implemented correctly.
Energy 2	Microgeneration Development					Leeds produces 10 MW of grid connected renewable energy from micro-generation by 2026		
Energy 3	Heat and Power Energy Recovery					Leeds produces 35 MW of grid connected renewable energy from energy from waste by 2026		
Energy 4	Heat Distribution Infrastructure							

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
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 Action Plan	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
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	Yorkshire Water carry out monitoring of water consumption	Use of water reduces over the plan period	Five yearly review. If per capita water usage has increased compared to previous five years, then review.	Review of the implementation of water efficiency policy with Yorkshire Water Review of the Code for Sustainable Homes Policy in the Core Strategy

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 2	Protection of Water Quality	Ensure the protection of the quality of watercourses and other sources of water	<p>The water quality of sensitive water bodies is protected and applications are refused on grounds of water pollution</p> <p>Measured by looking at number of sustained objections to applications by EA on basis of water quality</p>	<p>Leeds City Council</p> <p>Development Industry</p> <p>Environment Agency</p>		<p>All approvals have considered water quality and ensured that sensitive bodies are protected</p> <p>No sustained objections by the EA on basis of water quality each year</p>	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	<p>Applications for new development or a change of use consider flood risk</p> <p>Measured by looking at number of sustained objections to approved applications by EA on basis of flood risk</p>	<p>Leeds City Council</p> <p>Development Industry</p> <p>Environment Agency</p>	SFRA updates will be used to compare differences in functional floodplain and in Zones of Rapid Inundation	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							
Water 5	Zones of Rapid Inundation							
Water 6	Flood Risk Assessments							

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 7	Surface Water Run Off	Ensure the protection of the quality of watercourses and other sources of water Ensure flood risk is managed, taking into account the effects of climate change	The Development application stage will ensure that surface water run off meets the standards set out. Enforcement action if conditions are breached. Not monitored in AMR.					
Land 1: Page 78	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 – part of LCC processes. Will not be reported in AMR	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
Land 2:	Development and Trees	Protect and increase the amount of tree cover	The Development application stage will ensure that trees are considered as set out in policy Land 2. Enforcement action if conditions are breached. Not monitored in AMR.					

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
Duty to Cooperate			Identify areas of co-operation with other local planning authorities, county councils, implementation partners listed within this framework or any body or person prescribed under section 33A of the Regulations and provide details of what action taken as a result of that co-operation	LPA County Council Body or Persons prescribed under section 33A of Town and Country Planning Regulations 2012 Implementation Partners listed within this framework		Identify areas of co-operation and any action that has come about as a result of that co-operation in the Authority Monitoring Report	Co-operation not reported in Authority Monitoring Report	Review Authority Monitoring Report composition to identify why co-operation not reported If no co-operation reported due to a lack of record/activity, need to note within the AMR. Also will need to identify what barriers are preventing co-operation.



Report of the Director of City Development

Report to: Development Plan Panel

Date: 19th December 2012

Subject: Leeds Community Infrastructure Levy – Results from the Leeds Economic Viability Study

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

Summary of Main Issues

1. At Development Plan Panel on 11th September Members were informed that the consultancy GVA had been appointed to undertake the key piece of evidence to inform the development of the Leeds Community Infrastructure Levy (CIL); an Economic Viability Study.
2. The Study has just been completed and GVA are attending the Panel in order to present an overview of their key findings, and recommendations.
3. Members will also be updated on other evidence sources and issues which need to be taken into account in setting the CIL rates.
4. The key results arising out of the Viability Study are:
 - a. A zoned basis for residential development: City Centre, Inner Areas, Outer Southern Area, and the Outer Northern / Golden Triangle Area, with a range of maximum CIL rates from a zero charge, to £100 per sqm.
 - b. A zoned basis for within or outside the City Centre for offices and retailing, with a range of maximum CIL rates from a zero charge, to £275 per sqm.
 - c. No charges for any other uses.

5. Members will be shown in detail the current proposed zone boundaries, and Members' views will be sought regarding where there needs to be minor changes to these boundaries based on ward boundary anomalies.
6. Members should be aware that the purpose of this report is broadly for information, with a view to presenting a follow up report to the 14th January 2013 Development Plan Panel. The purpose of the subsequent report will be to consider the Leeds Preliminary Draft Charging Schedule, including the proposed zones across the District for different rates. This will take into account the advice and evidence in the Viability Study, alongside national guidance, local aspirations including infrastructure needs, and other issues including equality implications.

Recommendations

Development Plan Panel is requested to:

- i) Note the information relating to the Economic Viability Study for the Leeds Community Infrastructure Levy, with view to receiving a further report setting out the Preliminary Draft Charging Schedule.

1.0 Purpose of this Report

- 1.1 This report gives an overview of the findings and recommendations of the Economic Viability Study undertaken by consultants GVA as the key evidence base for the development of the CIL for Leeds.

2.0 Background Information

- 2.1 The Community Infrastructure Levy Regulations (2010 and amended 2011, final Regulations expected early 2013) set out that a charging authority can choose to charge the CIL on new development in its area. The charges must be set out in a Charging Schedule, and must be based only on viability evidence. The CIL Regulations have also changed the use of S106 planning obligations. From April 2014 it will no longer be possible to secure S106s for District wide requirements such as greenspace, transport schemes and education facilities.
- 2.2 In December 2011 the Executive Board agreed to progress work on developing a CIL for Leeds.

3.0 Main Issues

- 3.1 Consultants GVA were appointed to undertake the key piece of evidence to inform the CIL, an Economic Viability Study. Members will recall that GVA attended Development Plan Panel on 11th September to answer any initial questions. Following the completion of the Study, GVA will be attending Panel in order to present a brief overview of the methodology and to focus on the findings and recommendations. GVA have previously presented the Study's methodology to Scrutiny Board (Housing and Regeneration) on 25th September.

Methodology and Consultation

- 3.2 GVA in discussion with the City Council agreed the various assumptions and inputs to be used in the Study. They tested a range of uses across the District using a residual appraisals methodology of hypothetical sites based on appropriate sample sizes and typologies. This took into account the Council's current and potential future policy requirements, such as for affordable housing, greenspace, Code for Sustainable Homes, and other relevant assumptions. This included the policy requirements for new development in the emerging Core Strategy. The methodology was in line with Government CIL guidance and Royal Institute of Chartered Surveyors guidance on viability appraisals.
- 3.3 A development industry workshop was held on the 14th September, with 60 attendees. They were invited to submit any comments regarding the methodology and the detailed assumptions in it. Whilst a number of useful comments were received, these did not require any major changes to the Study's approach. This frontloading aimed to understand developers' concerns at an early stage and attempt to reduce subsequent objections. Useful comments were also received in relation to other related information to be released at the Preliminary Draft Charging Schedule stage, which officers are taking into account.

Key Recommendations

- 3.4 The overall market context of the Economic Viability Study is that for both residential and commercial development the market remains fragile as a result of the economic recession affecting demand. There have been some periods of short lived stability, but little evidence that represents a solid signal of sustained market recovery. Land values have been subject to a marked decline since mid-2007 as landowner expectations of value have been affected by the recession and implications of the slow down in demand. Values for potential residential land have also been somewhat artificially supported by the availability of grant funding which will be less easily available in the future. Market demand for business and employment floor space remains sensitive to the national and regional economic situation. It is a fragile position that shows only slow signs of recovery in terms of demand and the values achievable.
- 3.5 Provided the effects of introducing design standards and policy requirements, including CIL, do not result in a reduction in land values of more than 25% it is the Study's view that landowners will not ultimately withhold their land from the development market beyond the immediate period when the CIL is introduced. Where land value is affected by a greater proportion it is considered that that landowners will reasonably seek alternative uses for their land or will withhold it from development.
- 3.6 The key recommendations of the Economic Viability Study are the maximum CIL rates which could be set across a range of development types.

Residential

- 3.7 Appendix 1 shows a map of the housing market areas used as the basis of the residential modelling zones. Four zones were used; City Centre, Inner Areas, Outer Southern Area, and the Outer Northern / Golden Triangle Area. For consistency these are the same as used in the previous Economic Viability Assessment for affordable housing and the Strategic Housing Market Assessment update 2010, as these 4 broad areas are considered to be broadly representative of different housing characteristics, land values and house prices within Leeds.
- 3.8 The CIL is not feasible within the City Centre or Inner Areas, both for greenfield and brownfield sites. Within the Outer Area greenfield sites are feasible at rates between £25psm and £50psm although some sites, particularly large sites, may not come forward for development at the highest rate. Brownfield sites could be charged £25psm although site values are very low/marginal at best. Because the outer area has a very diverse value geography, it is recommended that consideration is given to splitting this zone further into two, and setting two rates to reflect the differences in values. This work is underway to determine this on a map base.
- 3.9 Within the Golden Triangle Area the CIL is considered feasible at rates between £75psm and £100psm on greenfield sites and £50psm on brownfield sites. As development will primarily come forwards on greenfield sites in this area then it is considered appropriate to set the CIL rate at the greenfield level.

Type of development in Leeds	Viability Study Recommended Maximum CIL Charge per sqm
Residential – Golden Triangle	£100 /sqm
Residential – Outer Area	£25 - £55 /sqm
Residential – City Centre, Inner Area	£0 /sqm

Commercial

- 3.10 For commercial uses GVA advised that the markets and values are broadly the same across the District, other than for offices and retailing in the City Centre. Greenfield sites allow a higher CIL charge than brownfield sites across all the development types, but due to new commercial development likely to be primarily only on brownfield land, brownfield rates have been recommended.
- 3.11 For retail, a range of sizes and types of units were modelled, including within and outside the City Centre. As a result it is proposed that a distinction is made as to the size of unit to which a charge would apply, and also a different rate within and outside the City Centre. The size distinction arises from the type of occupier likely to take a larger unit, bringing a stronger covenant and better rents and yields. A 500sqm threshold is proposed as this allows flexibility for both slightly larger convenience stores and smaller supermarkets to be developed providing an appropriate margin between different types of store able to support a CIL charge. 500sqm has also been recognised as an appropriate threshold in other authorities.
- 3.12 In setting the rates it also needs to be remembered that retail development often acts as enabling development, and therefore it is again recommended that rates be set with reference to brownfield land so as to maximise this enabling potential.
- 3.13 For other commercial uses, the summary table below shows the maximum rates proposed across the District.

Type of development in Leeds	Viability Study Recommended Maximum CIL Charge per sqm
Retail: < 500 sqm	£0 /sqm
Retail: City Centre ≥ 500 sqm	£175 /sqm
Retail: Outside of City Centre ≥ 500 sqm	£275 /sqm
Offices: City Centre	£100 /sqm
All other uses	£0 /sqm

- 3.14 Hotels, residential care homes, and student accommodation were specifically modelled but show that a CIL rate would not be viable. All other uses that do not fit within other categories are legally referred to as sui generis. It is not anticipated that there will be a significant provision in the market for new build of other uses not discussed previously. There are also no allocations made for these uses in the Core Strategy. Therefore these uses were not modelled in the viability assessment and should be subject to a zero CIL charge.

- 3.15 ***Members' views are invited on whether different rates should be set on the zoned basis as outlined above, in order to proceed with the Preliminary Draft Charging Schedule.***

Other Issues to Consider

- 3.16 It is recommended that there is an early review of potential charges in around 2016/2017 when there will be evidence as to how the local market, landowners and developers have responded to the charges.
- 3.17 The CIL Regulations state that the CIL should be set high enough to ensure that when combined with other sources of funding it makes a good contribution towards the infrastructure needed to support growth. However, it shouldn't be set so high that the growth set out in the Core Strategy is made unviable and become a serious risk the overall development of the area. This needs to be 'an appropriate balance'. The Viability study results do therefore have to be balanced alongside other information.
- 3.18 The impact on affordable housing also needs to be considered, as once adopted the CIL will not be negotiable, whereas affordable housing will remain negotiable and therefore there will be pressure to reduce provision where schemes are not viable.
- 3.19 It is therefore recommended that to create an appropriate balance a rate of £10 per square meter below the maximum rates in the Viability Study should be used.
- 3.20 ***Members' views are invited on the appropriate balance in setting the Leeds CIL, and whether this rate of £10 below the rates in the Viability Study is appropriate.***
- 3.21 Other authorities' CIL rates can be referred to as a broad comparison, but caution must be used as they all have different cost assumptions and different policy requirements which must be factored in. Within this context, neighbouring authorities have been given an opportunity to contribute in order to share information and ideas. Where possible the EVS for Leeds has taken into account the same assumptions as for neighbouring authorities and is confident in the assumptions used where they vary. Bradford, Kirklees, and Harrogate are at the same stage as Leeds in finalising their viability evidence, and Wakefield, Selby, and Craven are beginning their viability studies.
- 3.22 The Government introduced the CIL in order to create significant new funding, so matching the historic S106 receipts is the least that should be considered. The average for the last two years of S106 monies received from all development types (excluding affordable housing) is £3.3m per year.
- 3.23 Based on the maximum Viability Study rates the average CIL receipt from residential development across Leeds could be around £5.7m a year (although this would be lower for the first couple of years after the CIL is adopted due to the amount of extant permissions which CIL would not be charged on, and for demolitions or changes of use). This projection of £5.7m does not take into account

additional CIL from non-residential uses and additional S106 payments relating on site specific matters, which are assumed to be around £1 million, although this will be negotiable. The CIL should therefore bring in more infrastructure funding than under the current S106 system.

- 3.24 Other investigation of the S106 information shows that even in areas or types of development where the Viability Study shows schemes are generally unviable, some schemes have come forward which have signed S106s. Therefore there is a strong argument to state that in balancing this information against the Viability Study results, a nominal charge of £5 should be set on the locations and many of the rates the Study shows as zero charge. This would not only bring in more revenue overall, but would mean that local development would bring local benefits through providing a meaningful proportion to all local communities. However, the Charging Schedule needs to be as simple as possible, and it may not be appropriate to set this nominal charge against all other development types.
- 3.25 ***Members' views are invited on whether to set a nominal rate for all or some types of development which the Viability Study proposed as a zero charge, bearing in mind the considerations above.***
- 3.26 In setting the Preliminary Draft Charging Schedule, there is some scope for the City Council to alter to a minor extent the CIL residential zone boundaries used in the Viability Study, based on local knowledge, the need to follow physical attributes rather than ward boundaries, and the detail of specific sites and where larger sites may be split across two zones. This does need to be balanced against the viability considerations, and will have to ensure that there is equality as far as possible based on sites and geographies with similar characteristics across the District.
- 3.27 ***Members' views are invited on the detailed residential zone boundaries, in order to proceed with setting an OS map base for the Preliminary Draft Charging Schedule.***
- 3.28 The Council can choose to adopt an Instalments Policy, which allows developers to pay their CIL charges in phased stages. Without such a policy, the whole of the CIL charge is liable on the commencement of development. Generally, authorities have adopted an Instalments Policy for larger developments to reflect that phased payments can help developments to be more viable, which is especially important in the current market.
- 3.29 ***Members' views are invited on whether to have an Instalments Policy for phased payments of the CIL charge.***
- 3.30 The Council can also choose to adopt an Exceptional Circumstances Policy, whereby developers can request through a viability appraisal for some of all of the CIL charge to be waived. This is intended to be for exceptional circumstances only, and has very narrow criteria. These criteria are that the development would pay a higher S106 charge than the total CIL charge, and that the relief would not constitute State Aid. This will be discussed in more detail at Development Plan Panel in January.

Next Steps

- 3.31 On January 14th, Development Plan Panel Members will consider the CIL Preliminary Draft Charging Schedule. This will include the proposed CIL rates and the proposed zones across the District for different rates. This will take into account all the considerations above including the advice and evidence in the Viability Study, alongside national guidance, local aspirations including infrastructure needs, and other issues including equality implications.
- 3.32 Subject to consideration at Executive Board on February 15th, it is anticipated that the formal public consultation period on the Preliminary Draft Charging Schedule will commence in March 2013. This will be a 6 week period of publication of all the relevant documents and background evidence, and will include stakeholder events as appropriate.
- 3.33 Following any amendments as a result of the Preliminary Draft consultation, there will be an opportunity for public representations on the Draft Charging Schedule currently anticipated in mid 2013, followed by Examination in late 2013. It is intended to adopt the CIL by April 2014 following resolution by Full Council.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Executive Board agreed to implement a CIL for Leeds in December 2011, and Members have been kept aware of ongoing work since then. As yet there has been no formal consultation stages of the CIL. The first formal consultation will be on the Preliminary Draft Charging Schedule, anticipated in March 2013.
- 4.1.2 The current work on the Economic Viability Study as the key piece of evidence to inform the CIL has included informal consultation with the development industry by holding a stakeholder workshop in mid-September, and with neighbouring authorities through ongoing meetings and discussions. Following the completion of the Viability Study, Development Plan Panel will make recommendations to Executive Board on the final CIL rates to be set out in the Preliminary Draft Charging Schedule.
- 4.1.3 The initial findings of the Viability Study were also presented to Scrutiny Board on 25th September 2012. Briefings have been given in December 2012 which were available to all Members, to give a broad overview of the CIL, how the CIL rates are a separate decision making process from the spending mechanisms for the CIL receipts, and to outline the draft Study results.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality Impact Assessment Screening was undertaken on the Executive Board report in December 2011. This concluded that equality, diversity, cohesion and integration issues were being considered as part of the preparation of the CIL although it was too early to be able to have any meaningful consideration of specific effects.

- 4.2.2 A draft Equality Impact Assessment Screening has been undertaken to help work up the recommendations for the CIL rates to be set in the Preliminary Draft Charging Schedule. This is attached as a background document to this report for information, although it will be updated as a formal Screening document for the next Panel on 14th January to assist with Members' decision making and to give due regard to equalities implications.
- 4.2.3 The draft Screening sets out that there are three elements in considering equality in the Community Infrastructure Levy (CIL) charge setting process:
- 1) Equal and fair consultation throughout the charge setting process.
 - 2) Equality for those who will have to pay the charge.
 - 3) Equality as a result of decisions on spending the CIL and subsequent service and infrastructure delivery (which links back to a certain extent to the geographical locations where it is charged).
- 4.2.4 The consideration of most relevance to equality, diversity, cohesion, and integration will be relating to the choices to be made in spending the CIL, based to a large extent on geographical differences including infrastructure needs. This includes the 'meaningful proportion' to be given to the community for spending. The impacts would arise at the point at which money has been secured through CIL and new or improved infrastructure is actually delivered; they would not arise directly as a result of the Charging Schedule itself. Such matters will also involve extensive consultation and agreement with a wide range of stakeholders, and equality and cohesion will need to be fully integrated into decision making as there will likely be disproportionate impacts and mitigation. Therefore as the decisions to be taken on governance, spending, and service delivery cannot be fully considered until after the initial rates have been set and an estimate of potential revenues can be determined the Screening is primarily concerned with the first two elements set out above.
- 4.2.5 The conclusions in relation to the screening for the current stage are that overall the CIL will be a benefit for the people of the District, and that no impacts are identified that cannot be mitigated against. The key mitigation is in considering whether to set a nominal CIL charge against all types of development in all locations to ensure that every community can benefit from local growth. The public consultation stages will ensure that interested parties will have an opportunity to comment and to influence the rates and zones. Zone boundaries need to be carefully considered in order to ensure equality alongside the key consideration of viability.
- 4.3.4 It will be necessary to continue to have regard to equality and diversity issues as part of the ongoing process of developing a CIL for Leeds, including arranging and responding to appropriate consultation stages, and in particular in the governance and spending arrangements which are still to be set up across the Council. Another formal Screening will be required at the point of decision making on such aspects.

4.3 Council Policies and City Priorities

- 4.3.1 The CIL is already a process which local authorities can use, as supported by the CIL April Regulations (2010, 2011, 2012). The CIL will be a document within the Local Development Framework. The intention to develop the CIL broadly reflects

Council policies and city priorities in that it emphasises incentivising growth, both to the development industry and local communities.

4.4 Resources and value for money

4.4.1 Executive Board gave agreement in December 2011 to progress work on the CIL, including the release of the necessary funds. The Government recognises that costs will be incurred and so the Regulations allow set up and administration costs to be reclaimed from future CIL receipts. The implementation of the CIL in Leeds is expected to result in increased funding for strategic infrastructure across the District. The impetus to deliver the CIL as early as possible would therefore provide the most value for money.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The Community Infrastructure Levy Regulations (2010 and amended 2011 and 2012, final Regulations expected early 2013) set out that a charging authority can choose to charge the CIL on new development in its area. The charges must be set out in a Charging Schedule, and must be based only on viability evidence. The CIL Regulations have also changed the use of S106 planning obligations. From April 2014 it will no longer be possible to secure S106s for District wide requirements such as greenspace, transport schemes and education facilities

4.5.2 As this report is for information only, it is not subject to call-in, however the future Key Decision on setting the CIL rates for the Preliminary Draft Charging Schedule will be subject to call-in.

4.6 Risk Management

4.6.1 If the Community Infrastructure Levy is not brought forward in Leeds, then the Council is at risk of losing out on monies which under the present system are gained through the S106 mechanism, as this system will no longer be available. In addition, the introduction of the CIL is intended to bring in a greater amount of infrastructure funding than at present, alongside wider benefits to incentivise development such as more certainty to developers, and more acceptance by local communities. In order to manage this risk it is recommended that Officers continue to work on the development of the CIL as outlined in this report. The preparation of the CIL is a challenging process within the context of ongoing national changes to the Regulations, limited precedents nationally, and in responding to local issues and priorities. Consequently, at the appropriate time advice is sought from a number of sources, including legal advice and that from the Planning Advisory Service, Planning Officers Society, and neighbouring authorities as a method to help manage risk and to keep the process moving forward.

5. Conclusions

5.1 This report aims to update Development Plan Panel on the results of the CIL Economic Viability Study and to provide an overview of other considerations, to be taken into account in considering the Preliminary Draft Charging Schedule at the next Panel.

5.2 The Viability Study shows maximum rates which would be viable which leads to three zones for residential development (one of which is zero rated), a charge for city centre offices and large format retailing, and no charge for any other use. It is likely that based on historic S106 evidence, a nominal charge would be set for many of the uses and locations which the Viability Study shows as zero rated.

6. Recommendations

6.1 Development Plan Panel is requested to:

- i) Note the information relating to the Economic Viability Study for the Leeds Community Infrastructure Levy, with a view to receiving a further report setting out the Preliminary Draft Charging Schedule.

7. Background documents¹

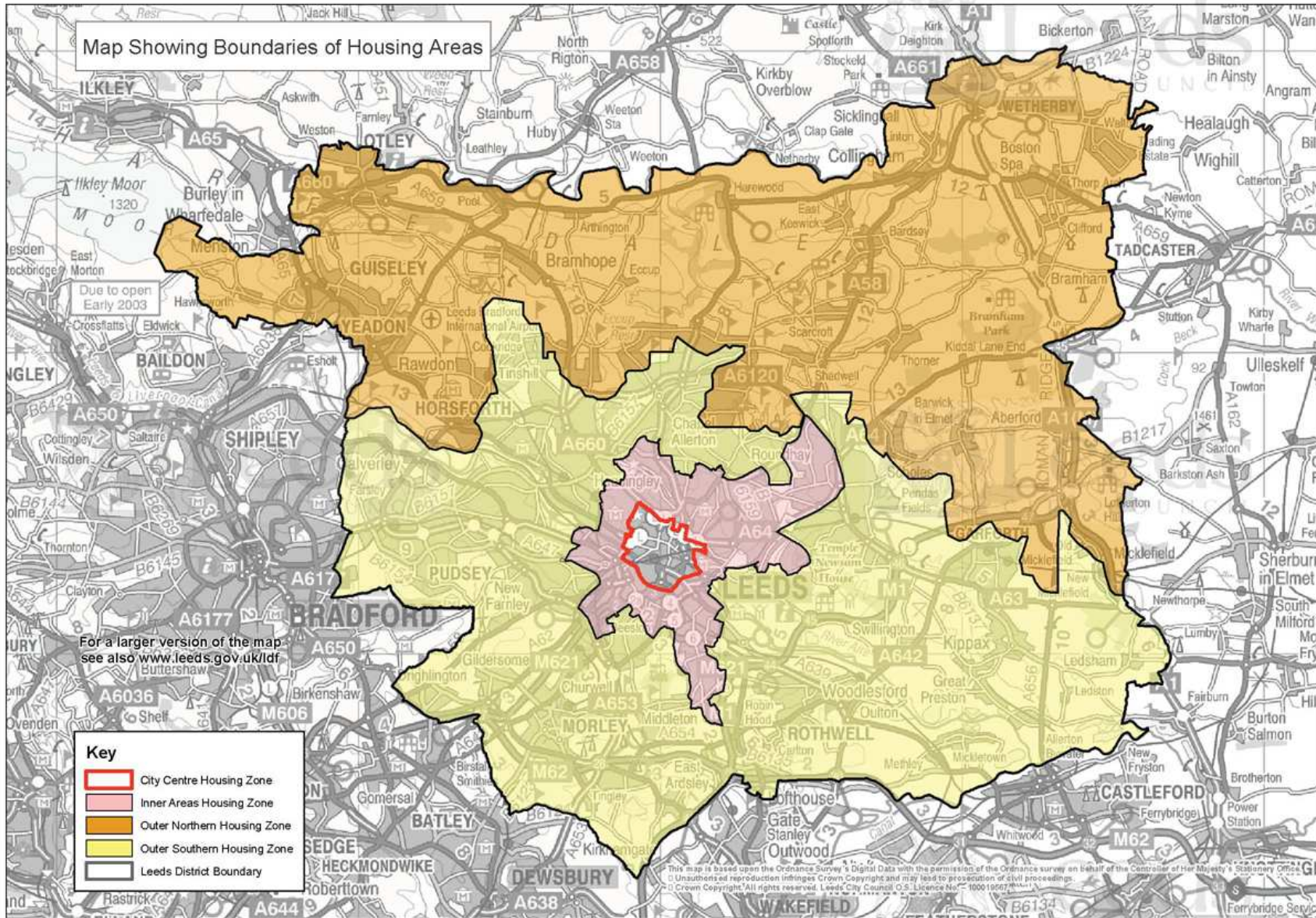
7.1 Relevant background documents are the Executive Board report 14th December 2011, the Economic Viability Study Brief for Consultants, the draft Infrastructure Delivery Plan (February 2012), and the draft Equality Screening for Development Plan Panel on January 14th 2013. These documents can be obtained from Lora Hughes on 0113 39 50714.

APPENDIX 1

1. Map Of Housing Character Areas

¹ 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.

APPENDIX 1 – MAP OF HOUSING CHARACTER AREAS USED IN LEEDS CIL ECONOMIC VIABILITY STUDY



DRAFT 10th DECEMBER - FOR DEVELOPMENT PLAN PANEL 19TH DECEMBER 2012
[Not a key decision at this stage]

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: City Development	Service area: Forward Planning and Implementation
Lead person: Lora Hughes	Contact number: 50714
Date: October 2012	

1. Title: Community Infrastructure Levy – Preliminary Draft Charging Schedule

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

The Planning Act 2008 established powers to create a Community Infrastructure Levy, and the Community Infrastructure Levy Regulations (April 2010 and April 2011) used these powers to allow a charging authority to levy a charge on the owners or developers of land that is developed, so that they contribute to the costs of providing the infrastructure needed to support the development of the area.

This Screening Report assesses the decision as to what Community Infrastructure Levy (CIL) rates are to be set across the District, including at what cost per square meter of floorspace of new development, what uses to be charged, and geographical differences.

The Council at this stage will set rates it considers appropriate as final rates, however, it is

important to note that they will be subject to public consultation and independent examination and are therefore open to further review and change depending on representations received. The rates set now will be publicised at the first stage of formal public consultation on the CIL process; the Preliminary Draft Charging Schedule.

The Officer's report to Development Plan Panel recommends different options as to the rates which could be set (based on viability evidence, national regulations and guidance, and potential impacts for Leeds). These options are assessed within the EIA screening process below.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration. The following questions will help you to identify how relevant your proposals are. When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	X	
Have there been or likely to be any public concerns about the policy or proposal?	X	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	X	
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	X	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?**

(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

There are three elements in considering equality in the Community Infrastructure Levy (CIL) charge setting process:

1) Equal and fair consultation throughout the charge setting process.

2) Equality for those who will have to pay the charge.

3) Equality as a result of decisions on spending the CIL and subsequent service and infrastructure delivery (which links back to a certain extent to the geographical locations where it is charged).

Adopting a CIL will help the authority to achieve the vision for sustainable development that is set out in the Core Strategy. The Core Strategy was itself subject to a detailed Equality Impact Assessment Screening that considered the impacts of individual policies on those groups identified as having protected characteristics.

To a large extent, the consideration of most relevance to equality, diversity, cohesion, and integration will be relating to the choices to be made in spending the CIL, based to a large extent on geographical differences including infrastructure needs. This includes the 'meaningful proportion' to be given to the community for spending. However, this Screening is primarily concerned with the first two elements set out above, as the decisions to be taken on governance, spending, and service delivery cannot be fully considered until after the initial rates have been set and an estimate of potential revenues can be determined.

The types of impacts would arise at the point at which money has been secured through CIL and new or improved infrastructure is actually delivered; they would not arise directly as a result of the Charging Schedule itself. Such matters will also involve extensive consultation and agreement with a wide range of stakeholders, and equality and cohesion will need to be fully integrated into decision making as there will likely be disproportionate impacts and mitigation. Therefore a full discussion of such issues cannot be provided at present, but initial indications and ideas have also been set out within this Screening in order to provide an overview and to show how the elements of the CIL link together.

1) Consultation in the charge setting process

The Council is required to carry out two rounds of formal public consultation prior to the adoption of the CIL. The decision to be made at this stage relates to the 1st stage; the Preliminary Draft Charging Schedule (PDCS), and specifically the level(s) of the charge(s), and the uses and areas of the District to which it will apply. Later stages are the Draft Charging Schedule, and the Submission and Examination.

Each round of public consultation will be carried out in accordance with the adopted Statement of Community Involvement (SCI). Frontloading consultation also occurred during the preparation of the Economic Viability Study (final report October 2012) through a developer workshop and contact with key stakeholders in the development industry.

All relevant stakeholders on the Council's LDF mailing list, including e.g. parish councils, will be notified when the PDCS is available for consultation, alongside publication on the website and in libraries and One Stop Centres to raise awareness of the consultation. There will be events to publicise the PDCS and to provide information on it.

Collectively, the measures set out in the SCI ensure that a wide range of people will be made aware of the development of the CIL, so that a broad range of views can be taken into

account as progress is made towards the final Charging Schedule. All comments received during consultation will be considered when preparing the Draft Charging Schedule, with a response given, and changes made where appropriate.

Equality has been considered across the District's boundaries through discussions with neighbouring authorities on the methodologies for the viability studies and the initial findings. All the neighbouring authorities are currently intending to progress with developing a CIL (subject to results from their viability evidence) and Kirklees, Bradford, and Harrogate are at the same stage in the process as Leeds.

2) Equality for those who will have to pay the charge

The CIL rates have to be set primarily on viability evidence. So essentially, the Council only has very limited choice over the types of development or geographical locations where it can be charged. Adopting a CIL will have an impact on anyone in the District with an interest in land, particularly landowners and developers. As income generated through CIL is used to fund new and improved infrastructure, there will be impacts on the wider community, depending on the type of infrastructure that is delivered and the locations in which money raised through CIL is invested.

In accordance with the CIL Regulations, the charge will be set based on evidence relating to the economic viability of development across the District, and also on the need for new and improved infrastructure as growth outlined in the Core Strategy occurs up to 2028. GVA were commissioned to undertake an Economic Viability Study across the District. It was overseen by a group of officers from the Council's Forward Planning and Asset Management teams alongside review by Members at Development Plan Panel and Scrutiny Board (Housing and Regeneration).

CIL is a levy payable by most new development. Development types that cannot afford CIL do not have to pay it as it is set at a £nil rate for such types. The Council is proposing that leisure centres, schools, public health facilities, community centres, and religious institutions will be exempt from CIL *[to be confirmed]* By removing the requirement to pay CIL, the delivery of these services is less likely to be inhibited. This will be beneficial for those people who are reliant of these types of services, including older people, children and families.

The Regulations set out that development proposed by charities and used for charitable purposes is exempt from paying the CIL, as is social housing. Setting the CIL at an appropriate rate will mean that it should not be an additional barrier to the delivery of social housing.

3) Spending considerations

As outlined above, the scope of this current Screening is not considering the implications of spending decisions and infrastructure investment, as these are a separate workstream and will be subject to a separate EIA Screening.

Issues which will be considered at that time include:

- The 'meaningful proportion' which will be passed to local communities to determine their own spending
- How the meaningful proportion will be spent in areas where there are no parish or town councils.
- Issues where no or minimal CIL will be raised across e.g. much of the inner area or city centre, and how this lack of meaningful proportional may disproportionately impact on those communities (and any mitigation required as a result).
- How infrastructure priorities will be decided, based on the Council's Infrastructure

Delivery Plan and input from the capital programme, Strategic Investment Board, DPP/Executive Board etc.

- Determining the split between spending from the CIL and spending from Section 106 Agreements. This is closely linked with developing the Regulation 123 List and the preparation of the Site Allocations Development Plan Document.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

General equality benefits of the CIL

Adopting a CIL will help the authority to achieve the vision for sustainable development that is set out in the Core Strategy. The Core Strategy was itself subject to a detailed Equality Impact Assessment Screening that considered the impacts of individual policies on those groups identified as having protected characteristics.

The Government has already conducted an EIA on the introduction of a CIL. This identified no adverse impact. The Government concluded that it does “not think that CIL will have an adverse impact on any social group. By making communities more sustainable, the CIL will facilitate economic growth and liveability and so create opportunity for all. The infrastructure and services that CIL will provide (such as medical and community facilities and transport networks) will enhance accessibility and liveability for all sectors of society, and could help to deliver new infrastructure that serves different needs within the community, for example, by increasing mobility and accessibility.”

The proposed changes to the CIL Regulations have an increased emphasis on community engagement, localism, specific spending in local areas, and an intent to increase the amount of affordable housing which can be provided. Bringing forwards the CIL in Leeds aims to enable the Council to direct spending on necessary infrastructure items, give more choice in priority setting for spending to local communities, and balance out the costs and benefits of growth across the District. It is therefore considered that it is a beneficial mechanism to help promote equality overall.

There are not considered to be any equality implications outside of the Leeds District as charges will be set based on viability, and the neighbouring authorities are working together and should not disproportionately deter or attract investment based on CIL rates.

1) Consultation in the charge setting process

As outlined above, consultation will be undertaken according to the criteria in the Council's Statement of Community Involvement, and the CIL Regulations. It is therefore considered that there would be no undue equality implications arising out of the manner in which the charge setting process will be undertaken.

2) Equality for those who will have to pay the charge

It is considered that the levying of CIL will have neither a positive or a negative impact on equalities characteristics because the rate payable is based solely upon the viability of the development type. It is difficult to attribute the proposed CIL charge to specific impacts on the groups identified in the Equality Act as having protected characteristics. The CIL cost is ultimately expected to rest with landowners.

The CIL aims to provide more certainty for the development industry than the current system,

and knowledge in advance of rates which will be charged and the transparency this will result in will allow for more equality in the process of negotiating payments and in balancing the infrastructure costs of new development across all types of viable development.

It is important to note that the CIL Regulations do not allow a charge to be levied on affordable housing or for development by charities. As outlined above, in Leeds the levy will also not be charged on leisure centres, schools, public health facilities, community centres, and religious institutions. *[to be confirmed]* This ensures that projects which support the narrowing of gaps or bringing communities together, and infrastructure projects themselves, are not adversely impacted by the CIL.

Choosing where to set the rates

The Economic Viability Study (GVA, December 2012) sets out the maximum rates which are generally viable for different types of development across the District. However, the CIL guidance is clear that if the CIL is set at these maximum rates, there is the big risk that development as a whole across the District will be affected. This would likely have most impact on provision of affordable housing as this would still be negotiable and therefore could be reduced if developers argue that their schemes are unviable if they provide the full policy requirement for affordable housing.

Setting the CIL at a rate much lower than the maximum in the Viability Study would not gain sufficient money for infrastructure funding for the District. Although the CIL is not intended to fully meet the funding gap, there is significant infrastructure required in Leeds and new development should make a fair contribution towards this.

It is therefore recommended that to balance the opposing ideas above, to create an appropriate balance a rate of £10 per square meter below the maximum rates in the Study should be used *[to be confirmed]*. However, where the Study rate is zero for residential and main commercial uses, a nominal rate of £5 *[to be confirmed]* should be set to ensure that all areas where growth occurs contribute to the CIL.

Determining exact zone boundaries

The recommended zone boundaries for the residential uses are aligned with the Leeds housing market characteristic areas, which have been used for previous studies (the Economic Viability Appraisal for Affordable Housing, DTZ 2010, and the Strategic Housing Market Assessment update 2010). Current affordable housing policy has been overlaid onto these zones. The boundaries for the CIL are based on viability evidence and aim to ensure overall viability of development across the District. Therefore although developers will have to pay different rates of CIL depending on their location in the District, the payments should be equal in terms of their impact on a development.

However, in setting the Preliminary Draft Charging Schedule officers and Members may choose to alter to a minor extent the exact boundaries used in the Viability Study, based on local knowledge, pragmatism of physical attributes rather than ward boundaries, and the detail of specific sites. The instance of zone boundaries means that there will inevitably be inequality of payments either side of the boundary, but this is to be primarily based on viability, and Members will have to consider these issues to ensure that there is equality as far as possible based on sites and geographies with similar characteristics across the District. Specific landowners and developers who may be affected by such choices will have the opportunity to comment at the formal stages of public consultation, and equality issues can be considered further then.

3) Spending considerations

The introduction of CIL should, in principle, benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development. The Government's Impact Assessment states that the CIL "enables contributions to be sought to fund the development of an area, rather than to support the specific development that is seeking planning permission. CIL therefore offers local authorities a more flexible tool, helping them to secure the finances needed to deliver their infrastructure priorities. CIL will make it easier for local authorities to coordinate contributions towards larger infrastructure items that contribute to the wider development of their local area, including larger sub-regional infrastructure, which might not be provided otherwise."

The provision of some of the CIL to be given directly to communities, or for the Council to spend on communities' behalf in non-parished areas, will enable communities to determine their own priorities. However, the detailed implementation and governance of the CIL may have unequal impacts in Leeds, primarily based on a geographical basis (because of concentrations of groupings of people with the protected characteristics in different areas).

The Viability Study considers that the city centre and the inner areas are currently unviable for residential development and so should not be charged a CIL. There may be some instances where residential development does occur in those locations and does not therefore bring with it a CIL charge, however, overall development which comes forwards will generally be charged the CIL and therefore CIL funding locally should mitigate the impacts of growth. The phasing of allocations within the Site Allocations DPD and the need to ensure e.g. a 5 year housing land supply, mean that as long as the CIL is not inhibiting development, where growth is viable it should be able to sustain a CIL charge. In addition, by placing a nominal fee on all types of development in all locations *[to be confirmed]* this can be mitigated.

The overall revenues gained from the CIL are projected to be £5.7m a year, albeit with caveats and that for the first few years receipts will be lower to take into account extant permissions. The CIL has never been expected to fund all the necessary infrastructure for Leeds and other sources of funding will continue to be sought. This is a key element of infrastructure planning for the future of the District and will be discussed further at the appropriate decision making stage including in relation to equality considerations.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

1) Consultation in the charge setting process

As set out above, consultation will be undertaken according to the criteria in the Council's Statement of Community Involvement, and the CIL Regulations. It is considered that there will be no negative impacts to mitigate, but that any lessons learnt in this regard as a result of early stages of consultation will be applied to the later stages. Such factors will also be considered at the Examination to ensure there has been fair and appropriate consultation.

2) Equality for those who will have to pay the charge

The rates to be chosen can be set at the limits of viability, at the lowest range, or in the middle. The aim is to not impact on the overall viability of development across the District. The addition of the CIL should not be the tipping point to make a particular scheme unviable, as it will only be a minor element of the residual calculation. i.e. a change in house prices or build costs would have a far more significant impact.

Specific landowners and developers will have the opportunity to comment at the formal stages of public consultation, and equality issues can be considered further then.

The Council is required to monitor both the receipt and expenditure of CIL on an annual basis, which will form part of the Annual Monitoring Report. This will include the amount raised, developments charged, CIL spent and infrastructure delivered. The CIL will be reviewed at an appropriate point based on this monitoring, e.g. when the economy improves.

In terms of equality of payment, the Council can use past development rates to determine whether CIL has affected development patterns, and whether its application and effect is equal. In addition, the Council will need to monitor if any relief from CIL is purely based on economic viability, and not creating bias to any particular developer or development type.

3) Spending considerations

The governance structure for allocating CIL will need to be transparent and ensure that the allocation of funds to projects is undertaken in a fair and consistent manner in accordance with agreed principles for prioritisation, taking account of the views of stakeholders and local communities for instance through neighbourhood planning.

In the longer term, the allocation of CIL monies is assumed to be subject to the similar process as currently undertaken for the allocation of Section 106 monies, i.e. via approval process through Council (or delegated authority), including engagement with service providers, Members and the public.

It is anticipated that CIL spending would be considered alongside the Council's capital spending programme. Investment decisions and specific proposals would normally be subject to separate equalities analysis at the appropriate time. Any impacts would be dependent on the type of infrastructure to be provided and its location. The Council will monitor the type, location, and value of infrastructure funding made from the CIL.

5. If you are *not* already considering the impact on equality, diversity, cohesion and integration you *will need to carry out an impact assessment.*

Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Lora Hughes	Principal Planner	10 th December 2012 (Draft for DPP 19th December 2012)

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published. Please send a copy to the Equality Team

for publishing	
Date screening completed	
Date sent to Equality Team	
Date published (To be completed by the Equality Team)	

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