

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

1. Para 2.11 Add the bring sites so the sentence reads **‘Only municipal waste is collected by Leeds City Council, which includes that collected through 11 household waste sorting sites and 430 bring communal recycling points distributed around Leeds.’**

2. Para 2.27 After this paragraph create a new paragraph 2.28 to expand on the strategic objectives regarding movement of freight on the canal and rail systems. The new paragraph to state: **‘ This DPD encourages the use of the canal and rail systems for moving freight so as to reduce the amount of heavy goods vehicles on the roads and thereby reduce congestion and greenhouse gas emissions. The protection for wharves and rail sidings maximises the potential to bring marine-won sand and gravel into the sub-region and thereby reduce the reliance on land-won extraction.’**

The remainder of chapter 2 will need to be re-numbered accordingly.

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

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

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

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

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

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

5. Add a new para 3.4 to state:

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

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

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

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

paragraph:

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

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

This is because the Policy applies to both sand and gravel and crushed rock. Additionally, the targets should be added into the Policy and therefore the final Policy wording should read as follows:

**'MINERALS 1: PROVISION OF AGGREGATES**

**In conjunction with other West Yorkshire Metropolitan District Councils, the Council will encourage the recycling of materials and endeavour to maintain a landbank of permitted reserves of aggregate in accordance with the Sub-Regional Apportionment.**

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

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

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

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

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

**'MINERAL SAFEGUARDING AREAS**

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

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

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

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

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

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

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

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

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

##### **DEVELOPMENT SITES**

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

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

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

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

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

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

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

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

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

14. Add new para. 3.30 as follows:

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

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

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

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

15. Create a new Para 3.31 as follows:

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

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

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

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

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

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

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

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

17. Para 4.12 Where there is reference to the Core Strategy, need to add an explanation of the current status, suggest changing to: **‘The emerging Core Strategy (approaching Publication at the time of writing) requires all development....’**

18. Para 4.32 Policy WASTE 6 Add the following wording to the end of the Policy: **‘Any application for a Strategic Waste Management facility should be accompanied by a Travel Plan and a Transport Assessment which considers the impact on the Strategic Road Network’.**

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

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

20. Para. 6.26 add the following to the end of the paragraph:

**'Where hard surfaces are to be constructed on land between a wall forming the principal (front) elevation of the dwelling and the highway, alternatives to impermeable surfacing must be considered first and it will be necessary to demonstrate why these are not feasible before planning approval will be considered for impermeable surfacing'.**

21. Chapter 7 Table 7.1

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

22. Chapter 8 In the glossary add the definition for Energy Recovery as follows

**'Energy recovery: The production of energy in the form of electricity, heat and/or gas through the biological or thermal treatment of waste in a controlled environment'.**

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

Add new text to state:

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

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

#### Map Changes

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

25. Specific alterations to site boundaries as follows:

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

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

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

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

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

#### Minerals and Waste Topic Papers

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