

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? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Natural Resources & Waste Development Plan Document (DPD) is one of a number of planning documents currently being prepared as part of the Local Development Framework (LDF). The preparation of this document has been driven by the requirements of national planning guidance, 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.