

ADOPTION STATEMENT

**LEEDS CITY COUNCIL POLICIES MINERALS 13 AND 14 OF
THE NATURAL RESOURCES AND WASTE LOCAL PLAN**

PLANNING AND COMPULSORY PURCHASE ACT 2004
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND)
REGULATIONS 2012

ADOPTION STATEMENT

LEEDS CITY COUNCIL POLICIES MINERALS 13 AND 14
NATURAL RESOURCES AND WASTE DEVELOPMENT PLAN DOCUMENT
(LOCAL PLAN)

Policies Minerals 13 and 14 of the Natural Resources and Waste Local Plan were adopted by Leeds City Council on 16th September 2015.

The Council adopted Policies Minerals 13 and 14 with modifications as recommended by the Inspector following examination pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.

Any person who is aggrieved by the adoption of Policies Minerals 13 and 14 of the Natural Resources and Waste Local Plan may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 on the ground that:

- (a) the document is not within the appropriate power;
- (b) a procedural requirement has not been complied with.

Any application to the High Court must be made not later than 27th October 2015, this being the end of the period of six weeks starting with the date on which the Policies were adopted.

Copies of Policies Minerals 13 and 14 of the Natural Resources and Waste Local Plan, this Adoption Statement (including a statement setting out how environmental considerations have been integrated into the Plan), the Sustainability Appraisal, are available for inspection at the Development Enquiry Centre, City Development Directorate, Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD (Mon – Fri 8.30am – 5pm, Wed. 9.30am – 5pm) and at all public libraries and One Stop Centres in the Leeds Metropolitan District.

The documents are also available on the Council's website. You can download them by going to www.leeds.gov.uk/ldf and follow the links to the Policies Minerals 13 and 14 of the Natural Resources and Waste Local Plan Adoption page.

ANNEX

Leeds City Council Policies Minerals 13 and 14 of the Natural Resources and Waste Local Plan - Statement prepared in accordance with Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004

1. Introduction

Leeds City Council adopted Policies Minerals 13 and 14 of the Natural Resources and Waste Local Plan on 16 September 2015. In accordance with Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004, the Council has prepared this statement that sets out:

- How environmental considerations have been integrated into Policies Minerals 13 and 14;
- How the options and consultation responses received on Policies Minerals 13 and 14 and Sustainability Appraisal Report have been taken into account;
- The reasons for choosing the Policies as adopted in the light of the other reasonable alternatives dealt with; and
- The measures that are to be taken to monitor the significant environmental effects of the Policies.

2. How environmental considerations have been integrated into Policies Minerals 13 and 14 of the Natural Resources and Waste Local Plan

Policies Minerals 13 and 14 of the Natural Resources and Waste Local Plan provide protection for railway sidings and canal wharves so as to encourage and enable the movement of freight by alternative means to road, including the transfer of minerals and related products by water. This is a key element of the Natural Resources and Waste Local Plan, which is about helping us to live in a way that is more sustainable and has greater respect for the earth's resources. The Local Plan provides policies for determining planning applications which have an effect on minerals, waste, energy, water or air and sets out how the planning system can help to achieve a more efficient use of natural resources.

An integral part of preparing the Natural Resources and Waste Local Plan has involved the iterative process of Sustainability Appraisal (SA). The overall purpose of the SA is to evaluate the likely implications for sustainable development of the Natural Resources and Waste Local Plan and reasonable alternatives to it. The aim is to inform the plan making process and ensure the integration of social, environmental and economic considerations into the objectives and strategic policies of the Local Plan. The SA is required under the Planning and Compulsory Purchase Act 2004 and also satisfies the requirements for a Strategic Environmental Assessment (SEA) arising from the authority's obligations under the European Directive on SEA.

The SA commenced in 2007, with the compilation of evidence base information and a scoping consultation with the statutory consultees (Environment Agency, Natural England and English Heritage) and other key stakeholders. At each stage in the preparation of the Development Plan Document (Issues and Options, Policy Position -Preferred Options, Publication, Post Submission Changes), the SA has tested the Natural Resources and Waste Local Plan against 20 objectives that reflect relevant sustainability factors. A number of options were tested to determine their potential to give rise to significant effects, ways of mitigating adverse effects and maximising beneficial effects.

As well as Sustainability Appraisal a Natural Resource Flow Analysis and Ecological Footprinting were also carried out. These provided an evidence baseline for the Plan and helped us to identify the relevant issues and policy areas that the Plan should address.

The sustainability appraisal was subsequently updated as Policies Minerals 13 and 14 were revised. Each modification to the Policies was assessed for its effects against the sustainability appraisal objectives. This work was presented for consultation as addendums to the original sustainability appraisal.

3. How the options and consultation responses received on Policies Minerals 13 and 14 and Sustainability Appraisal have been taken into account

Plan preparation gave a number of opportunities for representations to be made, specifically:

Regulation 18 representations and 'call for evidence' from 16th January to 14th February 2014.

Regulation 20 representations on the Publication Draft policies between 7th November to 19th December 2014.

This considerable level of consultation activity enabled a high level of consensus in Plan preparation to be reached and any further outstanding issues were dealt with through the Examination in Public which took place on the 27th and 28th May 2015.

Following Examination a set of changes were appraised and consulted upon in the Main Modifications 26th June to 7th August 2015. The Main Modifications were proposed by Leeds City Council for the following reasons:

- In response to 'soundness' representations made by respondents; or
- In response to questions raised by the Inspector prior to the Hearing; or
- In response to discussions at the Hearing.

The Adopted Plan brings together the Publication Draft Plan, the Main Modifications and Additional Modifications (which are minor changes such as grammar and typos).

Representations received at Regulation 18 stage showed that amongst relevant parties there is a lot of support and consensus about encouraging a modal shift to non-road based means of moving freight. Network Rail provided information regarding site requirements for rail freight and Associated British Ports provided data on the growth in freight movements. Hull City Council suggested that the shortage of space at the Humber Ports could be remedied by providing sites further along the rail and water networks in Leeds. The Canal and River Trust provided the Council with a useful wharf assessment methodology and the Highways Agency shared the work they had done on assessing the suitability of wharves for loading and unloading of abnormal loads.

These representations informed the preparation of the Publication Draft Policies. The full details are included in the Report of Consultation, January 2015.

The following table explains what issues were raised at Regulation 20 stage on the Publication Draft of the policies and how these were taken into account:

Issue raised	How the issue was taken into account
1. A number of representors told us that marine-won aggregate is likely to replace some land-won aggregate during the plan period and will need to be moved into Leeds by rail and water, requiring suitable sites for unloading and associated mineral processing activities.	The Council has allocated two sites under Minerals 13 that are suitable for unloading and processing of marine-won aggregate, one is connected to the Humber Ports by rail and the other is connected by water.
2. The Highways Agency told us that the Department of Transport requires abnormal loads to be moved by water rather than road wherever possible and this requires suitable sites to be available for loading and unloading.	Two sites are safeguarded under Minerals 13 which are connected by water and have potential for lifting of abnormal loads. A third site is allocated where a wharf is to be provided and which could have future potential.
3. The Canal and River Trust (CRT) told us that they have identified the Aire and Calder Navigation as a Priority Freight Route and are exploring with the relevant commercial partners and Humber Ports all aspects of possible freight traffic. The CRT are making a financial commitment to this and investing in wharf infrastructure on the Aire and Calder Navigation.	Minerals 13 support and encourage the movement of freight on the Aire and Calder Navigation. A main modification to Site 20 at Skelton Grange Road extends the wharf allocation to include the land where the CRT are investing in wharf infrastructure.
4. Two representors made objections to specific words used in policies Minerals 13 and 14.	An additional modification has been made to make a slight amendment to the policy wording, however most of the wording has remained unchanged as, after discussion at the EiP, it was found by the Inspector that the words in question do not affect the soundness of the policies.
5. Two representors asked for a site at Whitehall Yard to be safeguarded as a rail freight site. The site was assessed by Leeds City Council at an earlier stage of the Plan preparation process and was considered to be appropriate but was withdrawn following an objection from Network Rail.	Network Rail no longer object to the safeguarding of the site and it has been safeguarded for rail freight use under Minerals 13.
6. An objection was made to the size of the allocation for rail freight use at site 21, Bridgewater Road South.	The Inspector confirmed that the evidence supports the size of the allocation and therefore the site area has not been reduced.

Sustainability Appraisal was carried out at all stages of the preparation of policies Minerals 13 and 14 which showed that the retention of canal wharves and rail sidings

brought sustainability benefits due to the reduction in road-based freight movements and subsequent reduction in air and noise pollution, greenhouse gases and road congestion. As the policies were reviewed and modified the changes were screened to see if they resulted in any changes to sustainability outcomes.

4. The reasons for choosing Policies Minerals 13 and 14 as adopted in light of the other reasonable alternatives dealt with.

The Council considered whether or not to provide protection for railway sidings and canal wharves through its Local Development Framework. The Council has an ambition to maximise the use of rail and water freight in the city. Policies Minerals 13 and 14 are an important step towards achieving this objective. The Policies support the City Council's wider strategic objectives for the environment by encouraging a form of freight transport that has lower carbon emissions compared to road. They also reduce the number of heavy goods vehicles on the roads which means less congestion, less pollution, less damage to road surfaces and fewer accidents. They are also relevant for the following Best Council Objective:

- Promote Sustainable and Inclusive Economic Growth. This will be achieved by giving the support needed to business to invest in a modal shift from road to rail and water freight, as these are low carbon forms of freight transport that also help business to remain competitive.

Additionally, the National Planning Policy Framework requires local planning authorities to safeguard existing, planned and potential rail heads, rail links to quarries, wharfrage and associated storage, handling and processing facilities for the bulk transport by rail or inland waterways of minerals and marine-dredged minerals. The approach in Policy Minerals 13 satisfies this requirement. The alternative option of not providing protection for railway sidings and wharves was therefore rejected as it would not allow the City to achieve the benefits described above.

5. The measures that are to be taken to monitor the significant environmental effects of Policies Minerals 13 and 14

Both the Policies and the Sustainability Appraisal include key performance indicators and targets which will be monitored by Leeds City Council and reported in the Authority Monitoring Report. These include monitoring of HGV movements in and out of Leeds.

Chapter 7 of the Natural Resources and Waste Local Plan, Implementation and Monitoring, sets out the policies to be monitored, the trigger point for intervention if the policy is not having the desired effect and suggests possible actions if targets are not being met. If, after adequate marketing, there is no take up of freight activity by rail or water over a five year period, this would trigger the need for intervention.

APPENDIX 1 LIST OF MAIN MODIFICATIONS

Modification No	Page No	Policy/ Paragraph	PROPOSED MODIFICATION
MM1	2	Policy Minerals 13	<p>Add new site under point 1 of the policy as follows:</p> <p>MINERALS 13: TRANSPORT MODES</p> <p>1. The following existing rail sidings and wharves are safeguarded to protect them from development that would prejudice their long term availability for rail or canal freight.</p> <p><u>Site 13 Rail sidings at Whitehall Yard</u> Site 14 Canal wharf at Stourton Site 15 Canal wharf at Old Mill lane, Hunslet Site 16 Rail sidings at Pontefract Road, Stourton Site 17 Rail sidings at Knowsthorpe Lane Site 18 Canal wharf at Fleet lane, Woodlesford</p>
MM2	2	Policy Minerals 13	<p>Amend point 3 of the policy as follows:</p> <p>3. Site 21 Bridgewater Road South is allocated for provision of new rail sidings and associated employment activities which will utilise movements of <u>mineral</u> freight by rail.</p> <p>Remainder unchanged</p>
MM3	2	Para 3.37	<p>Insert new paragraph (and renumber subsequent paragraphs) as follows:</p> <p><u>3.37 Saved Policy T31 from the Leeds Unitary Development Plan (Review) 2006 is superseded by Policy Minerals 13 above (in combination with Core Strategy Policies SP1 and EC1a). The Policies Map will be amended to delete the part of UDP Policy H3-1A:45 that is covered by the allocation at Site 21 Bridgewater Road.</u></p>
MM4	After Page 2	New Map 13	<p>Additional site, site 13 Rail sidings at Whitehall Yard:</p> <p>Add Plan at Annex A attached.</p>
MM5	After Page 2	Map change: Site 20	<p>Amend boundary of site 20 Skelton Grange Road, Stourton:</p> <p>Extend site boundary to include the land adjacent to the southeast of the site in accordance with Plan at Annex B attached.</p>