

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

**ADOPTION STATEMENT
LEEDS CITY COUNCIL NATURAL RESOURCES AND WASTE DEVELOPMENT
PLAN DOCUMENT (LOCAL PLAN)**

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013.

The Council adopted the Natural Resources and Waste Local Plan with modifications as recommended by the Inspector following examination pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004. The main modifications are set out in an Appendix to this Adoption Statement.

Any person who is aggrieved by the adoption 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 26th February 2013, this being the end of the period of six weeks starting with the date on which the Plan was adopted.

Copies of the Natural Resources and Waste Local Plan, this Adoption Statement, the amendments to the Policies Map, the Sustainability Appraisal, a statement setting out how environmental considerations have been integrated into the Plan and the Inspector's Report 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 Natural Resources and Waste Development Plan Document Adoption page.

APPENDIX 1 LIST OF MAIN MODIFICATIONS

Ref.	Page	Policy/ Paragraph	Main Modifications
MM1	14	After Para 2.27	<u>After Para. 2.27</u> After this paragraph create a new paragraph 2.28 to expand on the strategic objectives regarding

			<p>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 –</p>

			<p>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>The objectives of sustainable development for minerals 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</p>

			<p>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>“MINERALS 1: PROVISION OF AGGREGATES</p>

			<p>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 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</p>

			<p>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 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</p>
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			<p>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 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>
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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 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.**

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 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>Permission shall 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, address mining legacy issues, 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></p> <p>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 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. 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 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

			<p>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</p> <p>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.”</p>
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 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</p>

			<p>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><u>Add a new heading.</u></p> <p><u>“8 List of Saved UDP Policies to be Replaced by this DPD”.</u></p> <p><u>Add new text to state:</u></p> <p><u>“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:</u> <u>N45, N46, N46A, N46B, GM4, GM4A, EM9, N47, WM1, WM2, WM3, WM4, WM5, WM6, WM7, WM8, WM9, WM10, WM11, WM13, WM14, WM15, WM16,</u></p>

			<u>WM17, WM18, N54, N38A, N38B, N39A".</u> <u>Renumber Section 8 as Section 9</u>
MM20	64	Table 7.1	<u>Table 7.1 Monitoring Framework</u> <u>The monitoring framework has been revised and updated. The revised framework is detailed in landscape format at the end of this appendix.</u>
MM21		Map A3	<u>Map A3: Mineral Safeguarding Area – Sand and Gravel</u> <u>Add the additional Sand and Gravel MSA in the urban area.</u>
MM21		Maps B2	<u>Maps B2 Safeguarded canal wharves</u> <u>Map 14 Canal Wharfage at Stourton</u> <u>Make specific alterations to the site boundary to reduce the extent of the site area proposed for safeguarding.</u>
MM22		Maps B2	<u>Maps B2 Safeguarded canal wharves</u> <u>Map 18 Canal Wharfage at Fleet Lane, Woodlesford.</u> <u>Make specific alterations to the site boundary to correct an earlier error.</u>
MM23		Maps C2	<u>Maps C2 Safeguarded aggregate recycling sites.</u> <u>Map 139 Aggregate recycling site at Warren House Lane, Yeadon</u> <u>Make specific alterations to the site boundary to reflect the recent planning approval.</u>
MM24		Maps D	<u>Maps D Strategic Waste Sites</u> <u>Map 200 Strategic Waste Site at Skelton Grange</u> <u>Make specific alterations to the site boundary to reflect the operational land now identified.</u>
MM25			<u>Minerals and Waste Topic Papers</u> <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.</u> <u>It will incorporate the additional report on Waste Targets into the Waste Topic Paper.</u>