**Leeds City Council 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 the Natural Resources and Waste Local Plan on 16 January 2013. 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 the Natural Resources and Waste Development Plan Document (Local Plan) ;

• How the options and consultation responses received on the Natural Resources and Waste Local Plan Document and Sustainability Appraisal Report have been taken into account;

• The reasons for choosing the Natural Resources and Waste Local Plan 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 Natural Resources and Waste Local Plan.

## 2. How environmental considerations have been integrated into the Natural Resources and Waste Development Plan Document

The Natural Resources and Waste Local Plan is about helping us to live in a way that is more sustainable and has greater respect for the earth's resources. It does this by providing 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. These aim to:

- Ensure the responsible and efficient release of mineral resources and ensure that important mineral resources are protected from sterilisation by development;
- Plan for managing future pressure on natural resources, for example, from climate change and housing growth. This includes policies which are intended to reduce flood risk, improve air quality and increase tree planting;
- Provide sufficient sites to enable waste re-use, recycling, composting and residual waste treatment with energy recovery so that as little waste as possible is disposed of at landfill;
- Encourage more use of those resources that don't run out, such as solar, hydro and wind energy; and encourage the production of Low Carbon Energy; and
- Encourage the movement of freight by alternative means to road, including the transfer of minerals and related products by water.

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 e 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.

**3. How the options and consultation responses received on the Natural Resources and Waste Local Plan Document and Sustainability Appraisal Report have been taken into account**

Plan preparation was divided into a number of stages. Sustainability Appraisal was carried out throughout and each of the stages was subjected to a minimum of 6 weeks public consultation as follows:
Issues and Options consultation 8th May to 19th June 2008
Policy Position consultation 18th January 2010 to 1st March 2010
Publication Draft consultation 15th December 2010 to 9th February 2011
Pre-Submission Changes July 2011
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 from 15th November to 7th December 2011.

Following Examination a set of changes were appraised and consulted upon in the Post Submission Changes April 2012. The Post Submission Changes 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 ( including Pre-Submission Changes) and the Post-Submission changes.

At Issues and Options stage the following issues were identified:

| KEY ISSUES IDENTIFIED AT ISSUES AND OPTIONS STAGE NRWDPD | | | | |
|---|---|---|---|---|
| | **WASTE** | **MINERALS** | **ENERGY** | **WATER, AIR, LAND** |
| **MORE OF** | - Waste management sites, enough sites in the right locations to be able to manage our waste<br>- Waste recycling & reuse & composting | - Aggregate recycling<br>- Mineral extraction to meet Leeds share of the Sub-Regional Apportionment | - Renewable energy provision<br>- Energy efficiency | - Water efficiency<br>- Reuse of contaminated or brownfield land for development |
| **PROTECT / MANAGE** | - Future waste management sites | - Existing mineral extraction<br>- Mineral Safeguarding Areas | - Gas storage locations | - Water quality<br>- Air quality<br>- Trees<br>- Local quality of life in landuse choices |
| **SUSTAINABILITY** | - Strategic approach to waste & cross-boundary movements with neighbouring Authorities.<br>- Waste transportation / movement.<br>- Co location of management facilities | - Movement of minerals by non-road based means<br>- Post mineral extraction restoration /nature conservation and /or flood risk management opportunities | - Encourage wind turbines but minimize cumulative effects | - Reducing speed of surface water run-off<br>- Permeable surfaces<br>- Making space for water<br>- Climate change adaptation<br>- Local biodiversity + landscape |
| **LESS OF (minimise)** | - Waste produced<br>- Waste to landfill<br>- Imported waste (future) | - New mineral extraction sites in sensitive areas<br>- Sterilisation of mineral resources | - High carbon energy generation | - Flooding<br>- Pollution<br>- Contaminated land |

These issues were used to help derive the policy approach for each of the themes in the Plan. The full results of the Issues and Options Consultation are included in the Consultation Report January 2009.

The main issues raised as a result of the Policy Position Consultation and the way that these have influenced the Plan is outlined below:

Rail Sidings and Canal Wharves

Policies were prepared for the safeguarding of existing rail sidings and canal wharves in order to protect our ability to transport materials by canal and rail.

The policy was well supported. Network Rail supported the policy in principle but objected to the safeguarding of two identified rail sidings due to the fact they are not large enough for freight purposes. Leeds subsequently removed these two sidings from the Plan. Network Rail also asked for the Plan to encourage the provision of an intermodal terminal along the Holbeck to Stourton line and this is now included in the Plan.

Further sites for wharves were suggested and officers assessed these proposals and identified a new location suitable for a wharf. British Waterways supported the principle of promoting freight use on the waterway but asked if this could be balanced along side recreational use of the Canal and suggested the Plan look at use of freight for all materials and goods, not just those associated with the minerals and waste industry. These ideas were taken forward into the Publication draft of the Plan.

**Minerals**

Policies were prepared to ensure that Leeds has a sufficient supply of minerals to meet demand. This is done by safeguarding existing sites and allocating new sites and/ or extensions to existing sites. The Policy Position called these Mineral Safeguarding Areas (MSAs).

Responses on this led us to realise that we had incorrectly interpreted Mineral Safeguarding Area guidance and the correct approach was to identify where resources exist so that they are not unnecessarily sterilised by development. The Coal Authority commented that the omission of an MSA for coal is contrary to Minerals Planning Guidance. Leeds City Council subsequently reviewed it's approach to MSAs according to these responses.

A number of respondents commented that there was a need for sub-regional apportionment, particularly for sand and gravel extraction. Leeds responded to this in the Publication Draft of the Local Plan by clarifying the sub-regional apportionment and by demonstrating how Leeds can help to meet this.

Additionally, a number of respondents made representations to the Policy Position which gave a presumption in favour of restoration of quarries to alternative uses from landfill and the lack of any further provision for landfill. Leeds carried out further work to demonstrate that no further landfill provision was necessary.

The majority of respondents to the minerals questions wrote in support of retaining existing minerals sites and for the safeguarding of existing concrete and asphalt plants.

**Energy**

Policies were prepared which aim to encourage the use of renewable energy and to provide criteria for assessing suitable locations for wind energy development. A target was set for grid-connected renewable energy generation and broken down for different types of renewable energy. This was well supported.

A number of respondents wanted the Local Pan to state more specifically which areas of the District are suitable for wind energy development. In response to these comments Leeds considered identifying Areas of Search for large scale wind energy development and this was assessed in the sustainability appraisal however changing

technologies could mean that areas that were ruled out could become suitable in the future and therefore it was decided not to include Areas of Search but to give an indication of the areas of highest wind speeds (which is in the Appendix to the Plan).

**Water**

The Council set up a forum with the Environment Agency, Yorkshire Water and the officers of the Council to help produce a suite of policies designed to manage flood risk from both river flooding and surface water flooding. Initially these policies were intended to be included in the Core Strategy but as they became very detailed it was decided to be more appropriate to include them in the Natural Resources and Waste Local Plan. The high level of partnership working proved very effective as the flood risk policies received almost no objection.

Policies were also included to encourage water efficiency and minimise water consumption. A number of respondents asked for greater emphasis on reducing water consumption and improving water quality. These are issues that have been taken forward in the Leeds Core Strategy as the evidence base to support them was not sufficiently developed in time to include them in the Natural Resources and Waste Local Plan.

**Air Quality**

Policies were included that aim to require all developments to incorporate measures for improving air quality where appropriate and to consider the potential for the introduction of Low Emission Zones and Low Emission Strategies. There was a lot of support for Low Emission Strategies, however the identification of Low Emission Zones met with mixed reactions with some people in support, others opposed and some wanting to know more specifically whereabouts the zones would be located before they would support or object to them.

As part of a wider initiative on air quality, Leeds is currently exploring Low Emission Zones and further consultation on this issue would be needed if it is to progress and therefore it was not taken further in the Natural Resources and Waste Local Plan.

**Land Use (Contaminated Land, Tree- Planting)**

Policies to encourage the remediation of contaminated land were included and also policies to encourage urban tree planting. A lot of support for urban tree-planting was received, for example from the Civic Trust, Natural England and Friends of the Earth.

**Waste**

Policies set out our approach for providing sufficient land to enable us to manage all the different types of waste over the plan period. This is done by safeguarding existing waste management sites where appropriate, allocating new strategic waste sites and identifying industrial estates as preferred locations which have the potential to provide more waste facilities within them. No new landfill sites were allocated because the evidence base showed that there is sufficient approved landfill sites to meet the need for the plan period, however this raised some concerns that there might not be sufficient provision.

In response to this Leeds City Council carried out further work on assessing waste management capacity and officers met with adjoining authorities to gather information on waste movements across boundaries.

The full results of the Policy Position Consultation can be found in the Consultation Report May 2010.
The results of the consultation along with sustainability appraisal were used to produce the Publication Draft.

29 representations on the Publication Draft were made in accordance with Regulation 28(2). The issues raised were either resolved through Pre-Submission Changes to the Plan or were taken through to Examination and can be summarised as follows:

**Minerals** (Section 3):

Concerns were raised that the Plan did not set an apportionment for Leeds till 2026. This was resolved by further work to establish targets for sand and gravel extraction and for crushed rock until 2026. The Council also showed that it had made adequate provision to enable those targets to be met.

Concerns were raised that the Mineral Safeguarding Area for sand and gravel excluded a large part of the urban area. This was resolved by identifying the sand and gravel MSA in the urban area and inclusion of a new policy to give guidance on extraction of the mineral prior to development.

English Heritage wanted to see more emphasis given to heritage & historic issues in relation to local landscape character and sourcing local stone for construction. These issues were resolved in the Publication Draft through minor word changes. The Coal Authority wrote in support of the Mineral Safeguarding Area for coal but wanted more promotion for the removal of coal on all development sites prior to development taking place and the benefits this brings for land stability, this issue was also resolved through word changes in the Pre-Submission Changes. There were objections to the protection from extraction for the Wharfe Valley East of Pool and this was discussed at the Examination and resolved through minor word changes.

There were a number of objections to canal wharf and rail sidings safeguarding from respective landowners, however the Commercial Boat Operators Association and Hansons Aggregates wrote in support. These issues were debated extensively at the Examination in Public and the Council produced new criteria for assessing alternative development proposals on the protected wharves and rail sidings. It was agreed to review the effect of the policy after 5 years and review factors were included in the Post Submission Changes.

**Waste** (Section 4):

Landowners wrote in support of the strategic waste allocations however it was agreed to reduce the extent of some of the allocations as further evidence showed that not all the land was needed. The Council produced some further work to explain the waste targets and these were included in the Plan until 2026. A small number of objections were received from local residents to some of the waste allocations and these were considered by the Inspector through the Examination in Public.

**Natural Resources** (Section 6):

The Highways Agency made a representation about the impact of traffic movements upon the strategic highway network and Air Quality Management Areas (AQMAs). This was resolved through minor word changes to the Minerals and Waste policies to ensure that anyone submitting applications for minerals or waste development was aware that the impact on the strategic highway network would be considered as part of the determining of the application.

Sustainability Appraisal was carried out at various stages of the preparation of the Natural Resources and Waste Local Plan.
At Issues and Options Stage an initial Sustainability Appraisal was carried out which resulted in a combination of policy options being taken forward. There were four cases where the SA preferred option was not selected in full or part (i.e. combination of the preferred option with other option(s)). These were:

- Issue 4: Other Locational Considerations – Proximity of Waste Management to the Source;
- Issue 9: Sand and Gravel (sustainable provision of additional resources);
- Issue 11: Sand and Gravel (policy approach for local areas); and
- Issue 31: Contaminated Land.

This was a consequence of a number of factors, including changes to the SA in light of new information or better clarity on the issue, views from the public or policy constraints.

The Sustainability Appraisal showed that it was better to safeguard existing minerals and waste sites where appropriate, rather than to allocate new ones. This was carried out however new sites also had to be allocated as well to ensure a sufficient supply of minerals and provide sufficient waste management capacity.

The SA showed that the sites selected for strategic waste management purposes were the most sustainable locations. Of the options available, the preferred strategic sites are located at the greatest distance from existing housing. However within a given site, development proposals should still aim to locate the facility at greatest distance from both existing and planned housing and greenspace, providing buffer areas as appropriate. Prior to construction, remediating any contaminated land on-site could lead to a net improvement to land and water quality.

In the long term, a reduction in reliance on landfill was shown to reduce pressure on landscapes and to have positive benefits on climate change because it reduces methane (which is one of the most potent greenhouse gases).

SA showed that identifying Areas of Search for wind farms had a number of sustainability benefits however this option was not selected because changes in technology mean that over time the Areas of Search might soon become out of date.

SA 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.

**4. The reasons for choosing the Natural Resources and Waste Local Plan as adopted in light of the other reasonable alternatives dealt with.**

The Council had no choice as to whether or not to produce a Waste themed Local Plan since it is a requirement of the European Waste Directive bringing fines to those Authorities who fail to do so and also a priority arising from national planning guidance. However the Council decided to take the opportunity to extend the subject of the Plan to cover minerals, energy and other natural resources. The reason for this is that they are all related and one thing has a knock on effect on another as became apparent from the results of the Natural Resource Flow Analysis. It made sense therefore, to cover these subjects all within one Development Plan Document.
Strategic Waste allocations could potentially have been included in the Core Strategy as Strategic Sites. This is a very detailed matter in relation to the overall scope of the Core Strategy, which does not identify strategic sites for any land use. In addition, the provision of strategic waste allocations needed to be considered within the overall context of waste capacity and therefore it was more appropriate to include them in the Natural Resources and Waste Local Plan.
The alternative for minerals would have been to include it in the Core Strategy, however this would not have allowed the Council to make site allocations which are an important component of the Plan. It also made sense to include minerals alongside waste policies since they overlap when it comes to considering landfill.
A broad over-arching flood risk management policy is emerging in the Core Strategy however the Plan gave an opportunity to develop very detailed policies which can have a real impact on our ability to manage flood risk.

**5. The measures that are to be taken to monitor the significant environmental effects of the Natural Resources and Waste Local Plan** Both the Natural Resources and Waste Development Plan Document (Local Plan) 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.

The Sustainability Appraisal identified the following new monitoring indicator:

- water environment/quality: the Water Framework Directive is now in effect, and aims to achieve 'good' ecological status of surface water bodies, and 'good' chemical and quantitative status of groundwater, by 2015.

This is now included in the monitoring of Policy WATER 2.

Additionally, planning applications will need to be monitored to capture the contribution they make towards achieving the renewable energy targets.

The Council requires mineral and waste operators to provide annual returns and these are used to monitor throughput.

The Council has committed to review the success of the canal wharves and rail sidings policies after a period of five years from adoption.

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.