

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
BRADFORD WASTE MANAGEMENT DPD - EXAMINATION**

INITIAL QUESTIONS TO THE COUNCIL

1. **Submission of the Bradford Waste Management DPD**

The Bradford Waste Management DPD was submitted to the Secretary of State on 11 May 2016, along with the submission documents and representations (including both paper and electronic copies). All these documents will need to be placed on the Council's web-site, on an "Examination" page, similar to the process used for the earlier Local Plan Core Strategy. ***Can the Council confirm that the Examination web-page will be set up as soon as possible?***

2. **Inspector's initial review of the submission documents**

The Inspector is currently reviewing the submission Plan and accompanying documents, in order to identify the main Matters, Issues & Questions (MIQs) for the Examination. From a brief review of the representations, it seems that no-one has specifically requested an "oral hearing", although the Programme Officer will shortly be confirming this position with representors. At this stage, the Inspector has not decided whether any hearing sessions will be needed, but will review the position when the Programme Officer has confirmed the situation.

3. At Publication stage, some 12 duly made representations were submitted. These do not seem to challenge the basis of the policies or proposals, but seek changes or additions to the wording or raise concerns about particular sites. However, the Examination is not solely based on the points raised in the representations, but needs to consider the legal compliance and soundness of the whole Plan, particularly in terms of consistency with national planning policy. In drawing up these initial questions, the Inspector is mindful of national guidance in the National Planning Policy Framework, National Planning Policy for Waste and Waste Planning Practice Guidance¹. Consequently, before he finalises the MIQs, the Inspector seeks some further information from the Council about specific aspects of the submitted Plan as a priority.

4. **Legal and Procedural matters**

a. As part of the tests of legal compliance, the Plan should have been prepared in the light of the latest approved **Local Development Scheme** (July 2014?) and **Statement of Community Involvement** (2008?). Although these documents are referred to in the submitted Legal Compliance checklist [WM-SD-007], they are not included in the submitted documents. ***Could the Council consider including these documents in the submission documents?***

b. A **Sustainability Appraisal** (SA) of the submission Plan has been submitted, along with a Non-Technical Summary [WM-SD-002/004] and previous SA documents produced for earlier stages of plan preparation. The Inspector understands that alternative options were considered in earlier SA work, but it is unclear how the recommended mitigation measures in the recent SA work [WM-SD-002; Table 7.1] have been addressed in the submitted Plan. ***Could the Council provide further information about this matter?***

c. **Habitats Regulations Assessment** (HRA) has been submitted as part of the evidence base [SD-WM-051-054]. However, these documents date from June 2012-February 2013. The Inspector is aware that the HRA for the Bradford Local Plan Core Strategy has been revised, following a review of the implications of the impact of policies on European sites, including the South Pennines SPA/SAC (Policy SC8). ***Does the Council intend to update the HRA documents prepared for the Waste Management DPD to reflect the policies and proposals included in the Publication & Submission***

¹ National Planning Policy Framework [DCLG; March 2012]; National Planning Policy for Waste [DCLG; October 2014] and Waste Planning Practice Guidance [DCLG; October 2014; ID-28]

Draft Plans and the revised HRA prepared for the emerging Core Strategy?

- d. The Waste Management DPD needs to have regard to, and be consistent with, the emerging **Bradford Local Plan Core Strategy**. Yet there are few references to this emerging plan in the text of the submitted Waste Management DPD. The Inspector notes the relationship with other DPDs outlined in the Background Paper [WM-SD-057], but ***are there any further details about how the Waste Management DPD has taken account of the emerging Bradford Local Plan Core Strategy?***
- e. The Self-Assessment of Legal Compliance [WM-SD-007; Stage 5: 9] refers to a **Policies Map** and site plans within the Plan itself. However, apart from individual site plans for the allocated sites, no separate Policies Map is submitted with the Plan. ***Could the Council clarify the position?***

5. **Duty to Co-operate**

- a. The Inspector notes that the Council has submitted Duty to Co-operate (DTC) statements both for the Publication and Submission Plans [WM-SD-005 & 017]. Reference is made in the latest DTC Statement [WM-SD-005] to the latest **Leeds City Region Statement of Co-operation** (March 2016), but this is not included in the submitted documents. Neither are Appendices 10 & 12 to the DTC statement (Self-Assessments - Strategic Economic Plan and Strategic Transport Plan). ***Does the Council intend to submit these documents?***
- b. The supporting evidence indicates that a considerable amount of waste is exported from Bradford district to neighbouring areas, and vice versa, for treatment, recycling and disposal. ***Will the Council be able to provide details of the current cross-boundary flows of waste and any existing and future agreements with other waste planning authorities?***

6. **Need for New Waste Management Facilities**

- a. The Inspector notes that the submission documents include a **Waste Needs Assessment, Capacity Gap Analysis & Site/Facility Requirements Study** dated May 2014 [WM-SD-047-048]. He understands that a later assessment, dated May 2016, is also due to be submitted, but is not yet included in the submission documents. ***Could the Council indicate when this updated assessment is likely to be submitted?***
- b. Most of the figures and estimates of waste arisings in the submitted Plan seem to be comparable with the Waste Needs Assessment [WM-SD-047/048], but it is not readily apparent how the cross-boundary movement of wastes has been addressed in the figures and estimates in the submitted Plan. It seems that much non-hazardous waste generated in Bradford is disposed of at landfill sites outside the district [WM-SD-047-048; Fig.3]. How will the future availability of landfill capacity outside Bradford be addressed, and will agreements with neighbouring authorities be needed to provide disposal capacity outside the district? ***Will the Council be able to provide such information in its response to the Inspector's MIQs?***
- c. The current evidence identifies a **waste management capacity gap** of some 1.681mt. Apart from a broad estimate of 50,000-70,000t/ha for new waste management sites, it is not clear how this capacity gap will be fully met by the proposed site allocations and policies in the submitted Plan. ***Will the Council be able to provide such information in its response to the Inspector's MIQs?***
- d. The Plan sets out criteria-based policies to address **Construction, Demolition & Excavation Waste, Agricultural Waste and Hazardous Waste**, but does not specifically indicate how the waste capacity gap for these waste streams will be met. In addition, the Plan does not seem to deal with **low-level radioactive waste or waste water**. The Inspector understands that the amount of low-level radioactive waste produced in Bradford is

minimal and little information is available about waste water/sewage sludge², but **how will these waste streams be addressed?**

7. **Proposed Site Allocations**

- a. The Plan proposes six site allocations for new waste management facilities, outlining the status of each site, its suitability for specific waste management uses, infrastructure requirements and mitigation requirements. In several cases, sites have planning permission for specific waste management projects, but there is no indication of the **waste management capacity** of each site or the degree of contribution it would make to the waste capacity gap. **Will the Council be able to provide this information in its response to the Inspector's MIQs?**
- b. **Site WM3:** The Inspector understands that planning permission was granted for an Energy from Waste plant on this site in 2013, and further consents have been issued more recently. However, Natural England points out in its representations that the SA³ refers to the findings of the HRA, which conclude that an adverse effect could occur to the Rombalds Moor site within the South Pennine Moors SPA/SAC, particularly for a waste management use involving combustion processes. In the submitted Plan, Site WM3 is indicated as being suitable for a range of waste management uses, including pyrolysis and gasification. Consequently, it cannot be concluded that an adverse effect on European designated sites will not occur as a result of this Plan. Reference is made to the need for a full HRA at the planning application stage and amendments to the text of the draft Plan⁴; however, the amended text does not seem to specifically include the need for mitigation guidance to address any potential adverse impacts on the South Pennine Moors SPA/SAC. **Could the Council comment further on this issue?**
- c. **Sites WM5 & WM6:** In its representations, the Environment Agency points out that if uses such as pyrolysis and gasification take place on these sites, the developer would have to demonstrate that there would be no adverse impact on the South Pennine Moors SPA/SAC and AQMA. **Does the Council intend to amend the Plan to address these issues at these sites?**
- d. In its representations, the Environment Agency also raises concerns about flood risk, surface water run-off and odours at some site allocations. **Does the Council intend to amend the Plan to address these issues?**

8. **Other matters**

- a. The Inspector would like to know whether the Council's officers are having any **meetings with relevant bodies and key representors** with a view to resolving any issues in dispute during the Examination. Statements of Common Ground can be useful in narrowing the issues in dispute, and should be submitted as soon as possible. **Can the Council indicate whether any meetings are being held/to be held with relevant parties during the Examination?**
- b. The 2004 Act (as amended) distinguishes between "Main Modifications" and "Additional Modifications". "Main Modifications" are changes needed to ensure that the plan is legally compliant and sound and can be adopted⁵; "Additional Modifications" are minor changes which do not materially affect the policies in the plan, when taken together with the "Main Modifications". The Council can make "Additional Modifications" at any time before adoption; these are not formally considered at the Examination or recommended by the Inspector. However, the Inspector cannot consider or recommend "Main Modifications" unless specifically requested to do so by the local planning authority⁶. Without this request, his report will be confined to identifying any soundness

² Document WM-SD-047 (Sections 6 & 7)

³ Document WM-SD-002; ¶ 1,2

⁴ Document WM-SD-057; ¶ 6.3 & 7.1-7.5

⁵ Revised s20(7B) of the Planning & Compulsory Purchase Act 2004

⁶ Revised s70(7C) of the Planning & Compulsory Purchase Act 2004

or legal compliance failures and possibly recommending non-adoption of the plan. ***The Council will therefore need to consider whether they wish the Inspector to consider and recommend any Main Modifications to the Plan under Section 20(7C) of the 2004 Act.***

- c. ***Can the Council confirm whether there are any other outstanding documents, reports or studies to be submitted, and if so, what is the likely timetable for completion?***
 - d. The Inspector notes that a Background Paper covering the preparation and approach of the Waste Management DPD has been produced [WM-SD-057]. ***Can the Council confirm whether it intends to prepare any further Background/Topic Papers for the examination and indicate a timescale for publication?***
 - e. The Inspector is in contact with the **Programme Officer**, Jayne Knight. The Council's team will need to work closely with the Programme Officer in making the arrangements for the examination and any hearing sessions; it is often helpful to appoint an examination manager as the Programme Officer's main contact. If the Council (or any representor) has any queries about the processes or procedures for the examination, they should not hesitate to contact the Programme Officer.
 - f. The Council should be fully aware of the published **national planning policy guidance** in the National Planning Policy Framework (March 2012), National Planning Policy for Waste (October 2014) and the Waste Planning Practice Guidance (October 2014). The Planning Inspectorate has also produced several guidance notes⁷, which cover the nature and process of examining local plans (including Procedural Guidance updated in December 2013). ***Can the Council confirm that they are fully aware of this guidance?***
 - g. From now on, the **basic procedure** is to issue the Inspector's initial questions and MIQs, and determine whether any hearing sessions are needed. Brief Guidance Notes about the examination process will be circulated by the Programme Officer in the next few weeks, along with the MIQs. The Council and other participants will be invited to provide brief statements addressing the Inspector's MIQs, to be submitted about 2-3 weeks later. If hearings sessions are to be held, at least 6 weeks' notice is needed before they commence (likely dates are currently in mid/late August 2016).
 - h. The Council may wish to contact representatives of other local/waste planning authorities to check **feedback/experiences** of the process and procedure of examining local plans. The Inspector has examined many development plans, including Core Strategies, Local Plans, Waste DPDs and other DPDs. Since he is also examining the Bradford Local Plan Core Strategy, he is generally familiar with the issues involved in the Bradford area.
9. The Inspector welcomes an initial response from the Council to these questions by **16 June 2016**, if possible, so that arrangements for the examination can be progressed. The Council's responses can be added to this document under the appropriate section, and this will then become an examination document.

Stephen J Pratt – Development Plan Inspector

26 May 2016

SJP/JK 26.05.16

⁷ <http://www.planningportal.gov.uk/planning/planningsystem/localplans>, including:
Examining Local Plans: Procedural Practice [PINS; December 2013; 3rd Edition v.2]
Examining Development Plan Documents: Learning from Experience [PINS; September 2009]