

**CITY OF BRADFORD MDC
LOCAL PLAN FRAMEWORK**

**EXAMINATION OF THE
BRADFORD WASTE MANAGEMENT DPD**

**GUIDANCE NOTE AND
SCHEDULE OF MATTERS, ISSUES &
QUESTIONS FOR EXAMINATION**

Deadline for submission of further statements: 16 September 2016

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CITY OF BRADFORD MDC

EXAMINATION OF THE BRADFORD WASTE MANAGEMENT DPD
GUIDANCE NOTE AND
SCHEDULE OF MATTERS, ISSUES & QUESTIONS FOR EXAMINATION

1. The **Bradford Waste Management DPD** (the "Plan") was published in November 2015 and submitted to the Secretary of State for examination on 16 May 2016. The Inspector has prepared this Guidance Note to assist everyone who wishes to be involved in the Examination of the Plan.
2. **It is important that everyone who wishes to be involved in the Examination takes account of this Guidance Note.** Please note that only those who made representations on the Publication Draft of the Plan during the prescribed period are involved in the Examination process, and only those who seek some change to the Plan are normally involved in any hearing sessions that may be arranged.
3. The Secretary of State has appointed Planning Inspector ***Stephen J Pratt*** BA(Hons) MRTPI under Section 20 of the Planning & Compulsory Purchase Act 2004 to carry out the independent examination of the Bradford Waste Management DPD.
4. The Programme Officer for the Examination is ***Jayne Knight***. She is an independent officer of the Examination, working under the Inspector's direction, who helps to organise the programme for the Examination, maintains the Examination library, records and circulates all material received, and assists the Inspector with procedural and administrative matters. She will advise on any programming and procedural queries, and any matters which the Council or participants wish to raise with the Inspector should be addressed to the Programme Officer. Her contact details are on the cover sheet of these notes.
5. The purpose of the Examination is to examine the **soundness** and **legal compliance** of the Plan. The "Examination" starts when the Plan is submitted to the Secretary of State and ends when the Inspector's report is sent to the Council. The Inspector has already begun his initial examination of the Plan and has asked the Council for information on various matters¹.
6. The Inspector's role is to assess whether the Plan has been prepared in line with the relevant legal and procedural requirements set out in Sections 19-20 of the 2004 Act (as amended) and associated regulations, including the Duty to Co-operate, and whether it is sound in terms of the guidance in the National Planning Policy Framework. **The Examination will focus on these requirements.** The Council should rely on evidence collected while preparing the Plan to demonstrate that it is sound. Those seeking to change the Plan need to specifically demonstrate why the submitted Plan is unsound and/or not legally compliant.
7. At Publication stage, some 12 duly made representations were submitted. These do not seem to challenge the basis of the policies, but seek changes or additions to the wording or raise concerns about specific site allocations. 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.
8. The Inspector has prepared this Schedule of Matters, Issues & Questions (MIQs) for Examination so that he can have further information about the main matters and issues that are fundamental to the legal compliance and soundness of the Plan. It is based on the Planning Inspectorate's recently updated Procedure Guidance², and is informed by the guidance in the National Planning Policy Framework (NPPF), National Planning Policy for Waste (NPPW) and Planning Practice Guidance (PPG)³, having regard to the representations made to the Publication version of the Plan and the supporting evidence. **All participants should be aware of this published guidance.**

¹ Examination documents: PS/A001a-b; PS/A003; PS/B002-003

² *Procedural Practice in the Examination of Local Plans* [PINS; June 2016]

³ National Planning Policy Framework [DCLG; March 2012]; National Planning Policy for waste [DCLG; October 2014]; Planning Practice Guidance – Waste [DCLG; October 2014; ID-28]

9. This Schedule lists the main MIQs to be addressed during the examination. The Council is requested to respond on all the MIQs listed, referring to information in the Submission Documents & Background Evidence (limited to 3000 words per Matter, if possible). If other participants wish to submit further statements (limited to 3000 words) they should only address specific MIQs relevant to points made in their original representation(s), **without raising new issues or submitting further evidence, appendices or supporting material unless it is requested by the Inspector**. Since all supporting material should have been submitted with the original representations, the Examination process does not provide the opportunity to present new evidence or to submit new points and material.
10. All further statements should be received by the Programme Officer **no later than 4.00pm on Friday 16 September 2016** (4 x A4 paper copies and one electronic copy). All material that participants wish to put before the Inspector should be submitted by this deadline. The Inspector is unlikely to accept further/new information/evidence during the Examination, unless he specifically requests it. Participants may refer to information in earlier representations, but the Inspector only has copies of the representations made on the Publication version of the Plan. Further statements are not needed unless they relate to the legal compliance or soundness of the Plan, as set out in this Schedule of MIQs. If they wish, participants can rely solely on their original representation(s) on the Publication version of the Plan.
11. At present, no participant has indicated that they wish to participate at any hearing session that may be arranged. If the Inspector decides to hold any hearing(s), detailed agendas will be issued shortly before they commence, based on the MIQs for Examination and the responses received. However, the Inspector is unlikely to introduce new issues or questions that do not arise from the topics and issues identified. Although anyone can attend the public hearings as an observer, only those listed in the programme can participate in the relevant hearing session. **Normally, only those who seek some change to the Plan are entitled to participate in the hearing sessions**, but others may be invited if they can contribute positively to the discussion or assist the Inspector.
12. Participants should note that any failure to fully discharge the legal requirements relating to the Duty to Co-operate cannot be rectified as part of the Examination process. Furthermore, the scope for making substantial or fundamental changes to the Plan after it has been submitted to the Secretary of State is limited, particularly where they have implications for the Sustainability Appraisal, the consultation processes already undertaken, and the underlying strategy. "Main Modifications" can only be recommended by the Inspector where they are necessary to make the Plan sound and/or legally compliant. Any such proposed changes will normally be subject to the same process of publicity, opportunity to make representations and Sustainability Appraisal as the original Plan.
13. This Schedule of MIQs is based on current national planning policy (*as at 29 July 2016*). If further announcements are made about national or local planning policy or the scope and nature of the examination, the agenda and content of the MIQs may need to be amended.
14. The Examination Library is currently available for inspection at the offices of the City of Bradford MDC at **Planning Reception, Britannia House, Bradford BD1 1HX**. This contains copies of the Plan, along with associated documents, representations and the Examination Library, including the Submission Documents and Background Evidence; further statements and documents will be added, as received. Copies of the representations, statements and other relevant information are also available via links on the Examination web-site. The Programme Officer will record all documents submitted. Lists of documents, the up-to-date Programme for the hearing sessions and other relevant material will be on the Examination web-page.
15. The Inspector will familiarise himself with the district, visiting relevant places and sites referred to in the Plan and representations on an unaccompanied basis. If there are particular places or sites which participants wish him to visit, or need an accompanied visit, they should discuss this with the Programme Officer.

16. The Examination remains open until the Inspector's report is submitted to the Council. However, the Inspector will not accept any further representations or evidence during the Examination unless he specifically requests such material. Any late or unsolicited material is likely to be returned.
17. After any hearings have closed and, if necessary, any "Main Modifications" needed to ensure the Plan is sound and can be adopted have been published and subject to consultation, the Inspector will prepare a report for the Council with his conclusions and recommendations. This report will deal with the main issues relating to the soundness and legal compliance of the Plan, taking into account the representations made, but it will not deal with individual representations. The date of submission of the report will depend on the content, extent and length of the Examination and the issues raised. The Planning Inspectorate will confirm the likely date later in the Examination process.
18. In carrying out this Examination, the Inspector will aim to work in a proactive, pragmatic and consensual manner with the Council and other participants, with the aim of delivering a positive outcome. He will expect all participants to act in a similarly co-operative manner, adopting a positive approach to the Examination process. Any queries that participants wish to raise should be addressed to the Programme Officer. Participants should keep up-to-date with the latest situation by checking the Council's Examination website⁴.

⁴http://www.bradford.gov.uk/bmdc/the_environment/planning_service/local_development_framework/waste_dpd_examination

BRADFORD WASTE MANAGEMENT DPD - EXAMINATION
SCHEDULE OF MATTERS, ISSUES AND QUESTIONS FOR EXAMINATION

MATTER 1: LEGAL REQUIREMENTS & DUTY TO CO-OPERATE

Key issues:

- 1.1** Has the Waste Management DPD had regard to and been prepared in accordance with the current **Local Development Scheme, Statement of Community Involvement, Local Planning and Waste Regulations⁵**, and **national planning policy⁶**, including the National Planning Policy Framework (NPPF), National Planning Policy for Waste (NPPW), and Planning Practice Guidance (PPG)?
- 1.2 Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA):**
- a. Has the SA been prepared having regard to the guidance in the Waste PPG [ID-28-020], is it clear how the SA influenced the final plan and dealt with mitigation measures, and has it considered alternative strategies?
 - b. Has the Council updated the HRA since February 2013, and taken account of the updated HRA prepared for the emerging Bradford Local Plan Core Strategy?
 - c. Are there any outstanding issues arising from the evidence and approach of the HRA, including from Natural England, Environment Agency and other parties, and if so, how will these be resolved?
- 1.3** Is the Waste Management DPD consistent with the latest version of the emerging **Bradford Local Plan Core Strategy**?
- 1.4** Has the Plan been prepared in accordance with the **Duty to Co-operate (DTC)**, particularly whether the Council has discharged its duty to maximise the effectiveness of the plan-making process and co-operated and engaged with neighbouring waste planning and other local authorities and prescribed bodies on an on-going basis with regard to strategic waste management issues, including:
- i. Specific discussions about the provision of waste management facilities and cross-boundary flows of waste, the identification of suitable sites for waste management facilities, and the relationship with waste management facilities in neighbouring areas, and the outcome of these discussions;
 - ii. Is there sufficient agreement between Bradford MDC and adjoining waste planning authorities about cross-boundary waste management issues; and what is the current state of play on various Memoranda of Understanding/Statements of Common Ground?
 - iii. **Neighbouring authorities:** are all neighbouring authorities satisfied that Bradford MDC has fully met the DTC requirements, and is there evidence to confirm the situation? Are there any outstanding or unresolved issues relating to the DTC?
 - iv. **Prescribed and other bodies**, including:
 - a. **Environment Agency**, with regard to waste management, environmental matters, flood risk and water management;
 - b. **Natural England**, with regard to Habitats Regulations Assessment and the impact of proposed development on protected European sites;
 - c. **Historic England**, with regard to the impact on heritage assets;
 - d. **Highways England/Highways Authority** and infrastructure providers, with regard to the impact of proposed development on the strategic highway network and infrastructure/service provision;
 - e. **West Yorkshire Combined Authority and Local Enterprise Partnership**, with regard to economic development and the LCR Strategic Economic Plan;
 - f. **Yorkshire & Humber Waste Technical Advisory Body**, with regard to regional/sub-regional waste management forecasts and other considerations.
 - v. Does **Policy W1** provide an adequate framework for cross-boundary working on waste management matters?
- 1.5** What is the latest position on any **Proposed Changes** that the Council wishes to make to the submitted Plan?

⁵ *The Waste (England & Wales) Regulations 2011*

⁶ *Detailed aspects of consistency with national policy, including the National Planning Policy Framework [DCLG; March 2012], National Planning Policy on Waste [DCLG; October 2014], and Planning Practice Guidance on Waste [DCLG; October 2014; ID-28] will be dealt with under later topics and issues*

MATTER 2: VISION AND OBJECTIVES

Key issue:

Are the Vision and Objectives for the Waste Management DPD appropriate, justified, effective and locally distinctive, reflecting European and national planning policy on waste and the views of local communities and the waste industry, and will they help to deliver the waste strategy of the submitted Plan?

2.1 Vision & Objectives

- a. Does the Vision adequately safeguard the district's environmental assets and protect the amenities of local communities?
- b. Do the Objectives adequately cover environmental protection?

MATTER 3: NEED FOR NEW WASTE MANAGEMENT FACILITIES Policy W2

Key issue:

Does the Waste Management DPD adequately address the need for new waste management facilities, including existing and future waste arisings for all forms of waste, the existing and future waste capacity gap, and provision to fully meet the need for further waste management capacity, in a manner which is appropriate, effective, deliverable, positively prepared, justified by up-to-date, proportionate and robust evidence, soundly based and consistent with national policy?

3.1 Evidence base

- a. Is the Waste Management DPD accompanied by sufficient, up-to-date, reliable and proportionate evidence about waste arisings and waste management capacity within Bradford district and neighbouring authorities' areas?
- b. Is the planned provision of new capacity and its spatial distribution based on a robust analysis of the best available data and information, including future waste arisings, and an appraisal of options?
- c. Has Bradford MDC worked jointly with other waste planning authorities to collect and share data and information on waste arisings, which takes account of waste arisings across neighbouring waste planning authority areas, any identified national waste management requirements and recycling targets, and the need to identify and provide a suitable network of facilities to deliver sustainable waste management?
- d. Has Bradford MDC undertaken early and meaningful engagement with local communities and the waste industry, so that the DPD reflects a collective vision and agreed set of priorities when planning for sustainable waste management?
- e. What are the implications of the updated assessment of Waste Arisings and Capacity Requirements (June 2016), and updated data on Regional Landfill Capacity (July 2016), including changes in forecast arisings and capacity gap assessments for each waste stream, and how will the DPD address these implications?

3.2 Need for Waste Management Facilities

- a. Does Policy W2 and the Waste Management DPD:
 - i. identify sufficient opportunities to fully meet the identified needs of Bradford district for the management of all waste streams?
 - ii. help to drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities, so that adequate provision is made for the management, treatment and disposal of waste?
 - iii. identify and forecast the amount and percentages of municipal and commercial and industrial waste requiring management and disposal over the plan period, in line with the guidance in the Waste PPG [ID-029/032] and having regard to the Council's Municipal Waste Minimisation & Management Strategy?
 - iv. consider the need for any additional waste management capacity of more than local significance and reflect any identified national requirements for waste management facilities?
 - v. take account of any need for waste management, including for disposal of the residues from treated wastes arising in more than one waste planning authority area where only a limited number of facilities are required?
 - vi. consider the extent to which the capacity of existing waste management facilities would satisfy any identified need and identify additional waste management facilities to fully meet the identified waste capacity gap and other identified needs?
 - vii. ensure that the need for waste management facilities is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can bring to the development of sustainable communities?

MATTER 4: MANAGING OTHER WASTE STREAMS Policies W4-W7

Key issue:

Does the Waste Management DPD properly address the waste management needs of other waste streams, including Construction, Demolition & Excavation Waste, Hazardous and Agricultural Waste, and Residual Waste for Final Disposal, including the need for additional waste management facilities, in a manner which is appropriate, effective, deliverable, positively prepared, justified with evidence, soundly based and consistent with national policy?

4.1 Construction, Demolition & Excavation Waste – Policy W4

- a. Has Bradford MDC forecasted future Construction, Demolition & Excavation (CDE) waste arisings in line with the guidance in the Waste PPG [ID-28-033]?
- b. How will the need for new and expanded sites for the management of CDE waste be determined, and how will the policy encourage the management of CDE waste on-site at the point of origin with an emphasis on re-use and recycling?
- c. Are the locational criteria set out in Policy W4, including the sequential order of priority, appropriate, effective, justified, deliverable and soundly based?

4.2 Agricultural and Hazardous Waste

a. Agricultural waste – Policy W5

- i. How will the need for new and expanded sites for the management and treatment of agricultural waste be determined, and how will the policy encourage the management of agricultural waste on-site at the point of origin?
- ii. Are the locational criteria set out in Policy W5, including the sequential order of priority, appropriate, effective, justified, deliverable and soundly based?

b. Hazardous waste – Policy W6

- i. Has Bradford MDC forecasted future Hazardous Waste arisings in line with the guidance in the Waste PPG [ID-28-034]?
- ii. How will the need for new and expanded sites for the management and treatment of Hazardous Waste be determined?
- iii. Are the locational criteria set out in Policy W6, including the sequential order of priority, appropriate, effective, justified, deliverable and soundly based?
- iv. How will an applicant demonstrate that the hazardous waste cannot be adequately handled at an existing operational hazardous waste facility in Bradford district or in neighbouring authorities?

4.3 Residual Waste for Final Disposal – Policy W7

- i. How will the need for new and expanded sites for the disposal of residual waste, including new or expanded landfill capacity, be determined?
- ii. How will the “monitor and manage” approach ensure that there is a sufficient supply of landfill and other disposal facilities available within the sub-region, including within Bradford and neighbouring authorities, having regard to the spatial distribution, remaining capacity and timescale of existing facilities?
- iii. Are the locational criteria for new or expanded landfill capacity set out in Policy W7 appropriate, effective, justified, deliverable and soundly based?
- iv. What are the implications of the updated assessment of Regional Landfill Capacity (July 2016), and how will the DPD address these implications?
- v. Should the term “residual waste” be defined more clearly?
- vi. Should Policy W7 be expanded to address energy from waste (EfW) developments?

4.4 Other waste streams

- i. How will low-level radioactive waste and waste water be addressed?

MATTER 5: WASTE DEVELOPMENT MANAGEMENT POLICIES

Policies WDM1-WDM5

Key issue:

Do the Waste Development Management policies provide an appropriate and soundly-based framework to consider other proposals for waste management facilities and developments, which is effective, deliverable, justified and consistent with national policy?

5.1 Policy WDM1 – Unallocated Waste Sites

- a. Are the criteria set out in Policy WDM1, including the site location and assessment criteria used to analyse proposed waste management sites, appropriate, effective, justified, soundly based and consistent with national policy?
- b. How will applicants demonstrate the need for a proposed waste management scheme and how it would contribute to addressing the identified waste capacity gap and the delivery of Bradford's waste hierarchy?

5.2 Policy WDM2 – Development Management and Control Criteria

- a. Are the criteria set out in Policy WDM2 appropriate, effective, justified, soundly based and consistent with national policy, including environmental construction standards?
- b. How will applicants demonstrate that any impacts of the proposed development would not significantly adversely affect people, land, infrastructure, natural resources and the historic environment, including mitigation measures?

5.3 Policy WDM3 - Loss of existing or proposed Waste Management Facilities

- a. Are the exceptional circumstances for permitting the redevelopment or change of use of existing and proposed waste management facilities set out in Policy WDM3 appropriate, comprehensive, effective, justified, soundly based and consistent with national policy?

5.4 Policy WDM4 - Waste Management within Development

- a. Are the criteria for proposals for the expansion of existing and new developments set out in Policy WDM4 appropriate, effective, justified, soundly based and consistent with national policy?
- b. To what types of existing and new development is the policy intended to apply?

5.5 Policy WDM5 – Residual Waste for Final Disposal (Landfill)

- a. Are the criteria for permitting new or expanded landfill developments in Policy WDM5 appropriate, justified, effective, soundly based and consistent with national policy?
- b. How will applicants demonstrate the need for the development?
- c. How will the sequential assessment of site suitability and impacts on visual, environmental, historic/heritage assets, landscape, transport, human health, groundwater and controlled waters, water quality, noise, vibration, dust, odour, water, ground, air and light pollution be considered?
- d. How will restoration and after-care be delivered effectively?

MATTER 6: PROPOSED SITE ALLOCATIONS (Policies W3 & WM1-WM6)

Key issue:

Are the proposed site allocations in suitable and appropriate locations, are they effective, deliverable, fully justified with evidence and soundly based, and do they properly address site and infrastructure requirements, mitigation measures and environmental, traffic and other considerations, in accordance with national policy?

6.1 General

- a. Does the Waste Management DPD:
 - i. identify sufficient sites suitable for the provision of waste management facilities in appropriate locations, including the broad types of appropriate waste management facilities at the allocated sites, in line with the waste hierarchy and guidance in the Waste PPG [ID-28:037-041]?
 - ii. plan for the disposal and recovery of municipal waste in line with the proximity principle, recognising that new facilities may need to serve a catchment area large enough to secure the economic viability of the plant?
 - iii. consider the opportunities for on-site management of waste where it arises?
 - iv. consider the spatial distribution of existing and proposed waste management facilities, related to sustainability and need, encompassing a broad range of locations, with opportunities to co-locate waste management facilities with complementary activities, including low-carbon energy recovery facilities?

- v. give priority to the re-use of previously-developed land, sites identified for industrial and employment uses, and redundant agricultural/forestry buildings and curtilages?
- b. Has the Waste Management DPD objectively assessed the suitability of sites for new/enhanced waste management facilities accurately and comprehensively against the following criteria:
 - i. the extent to which the site would support national planning policies for waste, including the locational criteria set out in Appendix B to the National Planning Policy for Waste (NPPW)?
 - ii. physical and environmental constraints to development, including sensitive/neighbouring land uses, flood risk, visual and amenity impact and deliverability?
 - iii. the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery?
 - iv. the cumulative impact of existing and proposed waste management and disposal facilities on the well-being of local communities, including any significant impacts on environmental quality, social cohesion, amenity and economic potential?
- c. Should the Waste Management DPD encourage developers to enter into early discussions with the Environment Agency about Environmental Permitting considerations relating to specific site allocations?

6.2 Site Allocations

a. Site WM1

- i. Is this site suitable for the types of waste management facilities identified?
- ii. Have all relevant infrastructure requirements and mitigation measures been addressed, including transport/access, utilities, flood risk, drainage and impact on residential amenity?
- iii. What is the latest planning status of the site and its likely waste management capacity, and is the proposal deliverable within the expected timescale?

b. Site WM2

- i. Is this site suitable for the types of waste management facilities identified?
- ii. Have all relevant infrastructure requirements and mitigation measures been addressed, including transport/access, utilities, flood risk, drainage and impact on the landscape and historic assets?
- iii. What is the latest planning status of the site and its likely waste management capacity, and is the proposal deliverable within the expected timescale?

c. Site WM3

- i. Is this site suitable for the types of waste management facilities identified, including gasification and pyrolysis?
- ii. Have all relevant infrastructure requirements and mitigation measures been addressed, including transport/HGV movements, access, utilities, pollution, flood risk, drainage, and impact on residential amenity and health, highway safety, heritage assets and on the South Pennine Moors SAC/SPA?
- iii. What is the latest planning status of the site and its likely waste management capacity, and is the proposal deliverable within the expected timescale?

d. Site WM4

- i. Is this site suitable for the types of waste management facilities identified?
- ii. Have all relevant infrastructure requirements and mitigation measures been properly addressed, including transport/access, utilities, flood risk and drainage?
- iii. What is the latest planning status of the site and its likely waste management capacity, and is the proposal deliverable within the expected timescale?

e. Site WM5

- i. Is this site suitable for the types of waste management facilities identified?
- ii. Have all relevant infrastructure requirements and mitigation measures been addressed, including transport/access, utilities, flood risk and drainage, and impact on the South Pennine Moors SAC/SPA?
- iii. What is the latest planning status of the site and its likely waste management capacity, and is the proposal deliverable within the expected timescale?

f. Site WM6

- i. Is this site suitable for the types of waste management facilities identified?
- ii. Have all relevant infrastructure requirements and mitigation measures been addressed, including transport/access, utilities, flood risk and drainage and impact on the amenities of nearby residential properties?
- iii. What is the latest planning status of the site and its likely waste management capacity, and is the proposal deliverable within the expected timescale?

MATTER 7: DELIVERY & MONITORING

Key issue:

Does the Waste Management DPD provide a comprehensive, effective and sound framework for delivering and monitoring the implementation of the Plan, including the baseline information, indicators and targets?

7.1 Delivery & Monitoring

- a. Does the DPD provide sufficient information about the delivery mechanisms, phasing and timescales for implementing the Plan's policies and proposals, including the critical elements of infrastructure required and any further technical work needed on highways, drainage, utilities and other critical infrastructure improvements?
 - b. How will Bradford MDC monitor and report on the take-up of allocated sites, existing stock and changes in the waste management facilities (including capacity), waste arisings and the amounts of waste recycled, recovered or going for disposal?
 - c. Do the policies in the Plan include sufficient flexibility and contingencies to take account of unexpected changes in circumstances, indicate when the plan will need to be reviewed, and identify the remedial actions to be taken if policies are not being successfully implemented?
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SJP/JK v.1 29.07.16
