

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
EXAMINATION OF THE BRADFORD WASTE MANAGEMENT DPD
INSPECTOR'S VIEWS ON PROPOSED MODIFICATIONS NEEDED TO THE
BRADFORD WASTE MANAGEMENT DPD**

1. In assessing the soundness and legal compliance of the City of Bradford Waste Management DPD (BWMDPD), I have now considered the submitted Plan and the associated evidence base, the representations made, the later documents and evidence submitted by the Council (CBMDC) and the responses to my initial questions. I have also considered the latest evidence submitted on the Waste Needs Assessment and CBMDC's latest Schedule of Proposed Modifications.
2. This note only outlines the further work and further modifications that are needed to ensure that the BWMDPD is sound and legally compliant. My conclusions on the main matters, issues and questions identified during the examination will be set out in my final report to the Council, following public consultation on the Main Modifications. **Any views given in this interim note are entirely without prejudice to my consideration of representations on the Main Modifications and my final conclusions on the soundness and legal compliance of the submitted Plan.**
3. CBMDC has put forward several proposed changes to the BWMDPD, as a result of the representations received and the matters raised during the examination. I have considered CBMDC's Schedule of Proposed Modifications¹ and make the following comments and recommendations on amendments needed to the submitted BWMDPD:
 - i. The latest Schedule of Proposed Modifications seems to address most of the changes to the policies and accompanying text necessary to ensure that the BWMDPD is sound and legally compliant.
 - ii. However, much of the evidence base relating to the Waste Needs Assessment has been amended and updated, and errors and inconsistencies have arisen between the figures and estimates in the latest Waste Needs Assessment and the content of the BWMDPD². CBMDC should ensure that all figures and estimates in the amended BWMDPD are accurate and consistent with the figures and estimates in the supporting evidence, including the latest Waste Needs Assessment, and that the supporting evidence itself is accurate and soundly based.
 - iii. Policy WDM3: This policy aims to safeguard existing waste management facilities and sites and ensure that they are not lost by redevelopment or change of use to other purposes, with specific criteria setting out the *exceptional circumstances* which might justify such other development. However, the reference to *exceptional circumstances* in the policy and supporting text is too strong a term to use and too onerous a test to demonstrate in this context. It is normally only used when dealing with development within designated areas or sites, such as Green Belt, National Parks, Areas of Outstanding Natural Beauty and ecological and heritage sites. When referring to the long-term protection of employment sites, the NPPF (¶ 22) refers to there being *no reasonable prospect* of the site being used for that purpose. The policy wording should therefore refer to "*particular*" rather than "*exceptional*" circumstances and the accompanying text (¶ 6.14) should be similarly amended, using the phrase "*unless there is no realistic prospect of the site being used for waste management purposes*". The applicant will also have to demonstrate that the site is not needed for waste management purposes and that such uses could be accommodated elsewhere. These amendments would ensure that the policy is consistent with national guidance.
 - iv. Policy WDM4: This policy outlines the requirements for all new developments in terms of the principles of sustainable design, construction and demolition relating to waste management. It covers the use of recycled and secondary materials for construction, including minimising waste, energy efficient design, including on-site generation of electricity from the recovery and treatment of

¹ PS-B016

² PS-B015; PS-B017-018

waste, water recycling and sustainable drainage measures, management of waste arising from the development, and designs which minimise waste disposal and maximise recovery and recycling of waste materials and the opportunities to contribute to climate change mitigation. Although this is a wide-ranging policy which applies to all forms of new development, it reflects many of the objectives of national policy in terms of waste generation and management and climate change mitigation. However, in order to clarify the application of the policy and ensure that it is not taken out of context or extends the purpose and remit of the BWMDPD, the accompanying text (¶ 6.15) should confirm that the policy sets out the objectives for the construction and operation of new developments principally relating to waste management. This would ensure that it is effective, fully justified and soundly based.

- v. Delivery and Monitoring: The objectives set out under para 7.5 should be updated to reflect the proposed changes to be made to the objectives set out in the Waste Management Objectives section of the Plan under para 2.5 of the BWMDPD.
- vi. At this stage of the examination, apart from the Proposed Modifications proposed by CBMDC and those recommended by me, my initial conclusion is that no other modifications are needed to the BWMDPD in the interests of legal compliance and soundness.

Future progress of the examination

4. CBMDC should consider these comments and recommendations and make the necessary amendments to the Schedule of Proposed Modifications. I would wish to see the final version of the Schedule of Main Modifications before it is formally published for consultation. Amendments which are directly related to the soundness of the Plan should be identified as Main Modifications, excluding any “Additional Modifications” which are not related to soundness; it is not necessary to publicise Additional Modifications. The Main Modifications should be subject to a 6-week period of public consultation, accompanied by any addenda to the Sustainability Appraisal and Habitats Regulations Assessment. Representations should only be invited on the Main Modifications, and not about the absence of any modifications. CBMDC should consider these representations and respond where necessary, and I will also take account of these representations and any responses.
5. Main Modifications are put forward without prejudice to my final conclusions on the soundness and legal compliance of the Plan. The Planning Inspectorate’s guidance³ confirms the general expectation that issues raised during consultation on the Main Modifications will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally. Consequently, any representation form should not include a box inviting representors to indicate whether they wish to be heard by the inspector. Any associated Sustainability Appraisal addendum should be published as part of the consultation on the Main Modifications.
6. In presenting these comments and recommendations, I am fully aware of CBMDC’s ambition to adopt a sound Waste Management DPD for Bradford as soon as practicable and to avoid any unnecessary delays to the examination. However, I understand that the Bradford Core Strategy is still subject to a Holding Direction issued by the Secretary of State on 18 October 2016, and that CBMDC is working with DCLG to resolve this issue. The future progress of the BWMDPD examination may depend on this issue being resolved, so I would welcome an update on progress in terms of resolving the outstanding issues before public consultation takes place on the Proposed Main Modifications of the BWMDPD.
7. These comments and recommendations for further modifications are made in the context of Ministerial and PINS guidance which advises inspectors to adopt a consensual, positive, pragmatic and supportive approach when examining local plans, with the objective of getting an up-to-date, sound plan in place⁴. They are being sent to CBMDC for them to take the necessary action, and are being made available to

³ Procedural Practice in the Examination of Local Plans (¶ 5.27) [PINS; June 2016 – 4th edition]

⁴ Procedural Practice in the Examination of Local Plans (¶ 5-6) [PINS; June 2016 – 4th edition]

other parties for information only; no further responses should be submitted. In making these comments and recommendations, I have considered all the evidence, representations and responses to my queries up to this stage of the examination.

8. Consequently, I would ask the Council to consider the implications of these comments and recommendations before advising me on their preferred course of action and timetable for consultation on the Main Modifications.

Stephen J Pratt – Local Plan Inspector

29 December 2016