

Bradford Waste Management DPD: Main Modifications

Addendum to the Statement of Consultation

**Public Consultation
February 2017 – March 2017**

Natural England Representation

FORWARD

This Statement of Consultation relates to the public consultation that was carried out on the Main Modifications to the Bradford Waste Management DPD: Submission Draft in 2017 and the responses received as a result.

The Main Modifications consultation formed the final round of public consultation on the Waste Management DPD. The consultation sought to involve interested parties and stakeholders and invite representations on the draft modifications to planning policies and development allocations put forward by the council during the examination in public.

This Statement of Consultation provides a link between the representations received and how these have been taken into account and addressed in the DPD.

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1.0 INTRODUCTION & BACKGROUND

- 1.1 The Planning and Compulsory Purchase Act 2004 brought about a major change to the planning system, in particular to planning policy and how development plans are to be prepared. This means that the adopted Replacement Unitary Development Plan (RUDP) (2005) will, in time, be replaced by the Local Plan (previously Local Development Framework). The Waste Management DPD is being produced as part of the Bradford District Local Plan. When preparing documents which will form part of the Local Plan, the council must carry out public consultation and engage with local communities and stakeholders in order to gauge views on the plan and its soundness. The minimum requirements which all authorities must achieve are set out within the planning regulations.
- 1.2 Planning Authorities are also required to prepare and publish a Statement of Community Involvement (SCI) which explains when and how any public consultations will take place, who will be consulted and what will be done to engage with the community at each stage of the consultation process and also within planning applications. The council is fully committed to community engagement in the delivery of local services and functions. The SCI for Bradford was adopted by the Council on 8th July 2008.
- 1.3 This report contains details of the representation received from Natural England following the close of the consultation process (15th February – 22nd March). The representation was formally submitted on 29th June 2017.

Purpose of this document

- 1.6 When preparing the local plan, the council must notify key consultation bodies and stakeholders of the subject of the local plan which the council propose to prepare, invite representations about what the local plan ought to contain and take into account any representation made.
- 1.7 This addendum Statement of Consultation report sets out how the Council has responded to Natural England's representation in the preparation of the Bradford Waste Management DPD. For further details regarding the consultation procedure, plan preparation stages and how the Council has responded to all other representation, please see the main [Statement of Consultation](#) published on the Council's website.

3.1.2 SCHEDULE OF WRITTEN REPRESENTATIONS

GENERAL COMMENTS				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	We broadly welcome the modifications but have the following comments.	Noted.	

MM1				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
NO REPRESENTATIONS RECEIVED				

MM2				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	Natural England welcomes modification MM2 and MM43 which update Objective 3 to include the enhancement to the natural environment as well as protection.	Noted.	

MM3				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM4				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATION RECEIVED		

MM5				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATION RECEIVED		

MM6				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATION RECEIVED		

MM7				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATION RECEIVED		

MM8				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATION RECEIVED		

MM9				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATION RECEIVED		

MM10				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATION RECEIVED		

MM11				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATION RECEIVED		

MM12				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATION RECEIVED		

MM13				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATION RECEIVED		

MM14				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	We welcome modifications MM14, MM17, MM22, MM28 which update site briefs for WM1, WM2, WM4 and WM6 to include mitigation and habitat enhancement.	Noted.	

MM15				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
NO REPRESENTATION RECEIVED				

MM16				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	Natural England welcomes the addition of a requirement for visual and landscape assessment for sites WM1, WM2, WM3, WM4, WM5 and WM6 in modifications MM16, MM19, MM20, MM24, MM27 and MM30.	Noted.	

MM17				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	We welcome modifications MM14, MM17, MM22, MM28 which update site briefs for WM1, WM2, WM4 and WM6 to include mitigation and habitat enhancement.	Noted.	

MM18				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
NO REPRESENTATION RECEIVED				

MM19				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	Natural England welcomes the addition of a requirement for visual and landscape assessment for sites WM1, WM2, WM3, WM4, WM5 and WM6 in modifications MM16, MM19, MM20, MM24, MM27 and MM30.	Noted.	

MM20				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	<p>Natural England welcomes the addition of a requirement for visual and landscape assessment for sites WM1, WM2, WM3, WM4, WM5 and WM6 in modifications MM16, MM19, MM20, MM24, MM27 and MM30.</p> <p>However we note the requirement appropriate assessment in MM20 and advise that this is revised as follows:</p>	<p>Noted.</p> <p>The Council considers the comments and amendment will impact</p>	<p>The Council propose to make the following amended to MM20:</p>

MM20				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		<p>“The potential effects of a Conventional Energy from Waste Facility and Advanced Thermal Treatment on European Designated Sites the SAP and/or SAC will need to be assessed under the Habitats Regulations.</p> <p>We advise that the competent authority in this case will be Bradford Metropolitan council.</p>	<p>upon the soundness of the plan. The Council considers the change should be made to ensure the plan is compliant with the Habitats Regulations and therefore sound.</p>	<p><u>The potential effects of a Conventional Energy from Waste Facility and Advanced Thermal Treatment on the SAP and/or SAC will need to be assessed under the Habitats Regulations. through a project level Appropriate Assessment (AA) if it is determined by an appropriate body that such an assessment is required.”</u></p>

MM21				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required

MM22				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required

MM22				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	We welcome modifications MM14, MM17, MM22, MM28 which update site briefs for WM1, WM2, WM4 and WM6 to include mitigation and habitat enhancement.	Noted.	

MM23				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM24				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	Natural England welcomes the addition of a requirement for visual and landscape assessment for sites WM1, WM2, WM3, WM4, WM5 and WM6 in modifications MM16, MM19, MM20, MM24, MM27 and MM30.	Noted.	

MM25				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM26				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM27				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	Natural England welcomes the addition of a requirement for visual and landscape assessment for sites WM1, WM2, WM3, WM4, WM5 and WM6 in modifications MM16, MM19, MM20, MM24, MM27 and MM30.	Noted.	

MM28				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	We welcome modifications MM14, MM17, MM22, MM28 which update site briefs for WM1, WM2, WM4 and WM6 to include mitigation and habitat enhancement.	Noted.	

MM29				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM30				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	Natural England welcomes the addition of a requirement for visual and landscape assessment for sites WM1, WM2, WM3, WM4, WM5 and WM6 in modifications MM16, MM19, MM20, MM24, MM27 and MM30.	Noted.	

MM31				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM32				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM33				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM34				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	<p>For clarity Natural England advises, with regards to modification MM34, that it cannot be determined at this stage whether mitigation measures will be sufficient to avoid adverse effects on integrity in all potentialities. We therefore consider that MM34 should be revised as follows:</p> <p>“j) The applicant must demonstrate any biodiversity enhancement has been fully investigated through an ecological assessment and adverse effects on European Designated Sites are avoided through appropriate mitigation; and”</p> <p>We advise that where the assessment determines that adverse</p>	<p>Noted.</p> <p>The Council considers the comments and amendment will impact upon the soundness of the plan. The Council considers the change</p>	<p>The Council propose to make the following change to MM34:</p> <p>j) The applicant must demonstrate any</p>

MM34				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		effects on the integrity of European Designated Site(s) cannot be avoided the proposal will have to demonstrate that there are no suitable alternatives, that there are imperative reasons of overriding public interest for the project and that compensation can be delivered.	should be made to ensure the plan is compliant with the Habitats Regulations and therefore sound.	<p>biodiversity enhancement has been fully investigated through an ecological assessment and <u>adverse effects on European Designated Sites</u> are avoided through appropriate mitigation; and;</p> <p>The Council also propose to make the following modification to the supporting text of policy WDM2 – Paragraph 6.12:</p> <p><u>“Where the ecological assessment (Criteria J of Policy WDM2) determines that adverse effects on the integrity of European Designated Site(s) cannot be avoided the applicant must demonstrate how there are no suitable alternatives, that there are imperative reasons of overriding public interest</u></p>

MM34				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
				<u>for the project and that compensation can be delivered.”</u>

MM35				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	With regards to modification NMM35, while we welcome the inclusion of enhancement measures, in the context of any assessment required under the Habitats Regulations we do not consider that the terminology “that adverse effects are minimised” is sufficient. As advised with regards to modification MM34 where it cannot be demonstrated that adverse effects on integrity can be avoided the proposal will have to demonstrate that there are no suitable alternatives, that there are imperative reasons of overriding public interest for the project and that compensation can be delivered.	See added supporting text to Policy WDM2 under the amended MM34.	

MM36				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
NO REPRESENTATIONS RECEIVED				

MM37				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required

MM37				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM38				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM39				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM40				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM41				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM42				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash	Natural England welcomes modifications MM42 and MM43.	Noted.	

MM42				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
	Natural England			

MM43				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
096	Merlin Ash Natural England	Natural England welcomes modification MM2 and MM43 which update Objective 3 to include the enhancement to the natural environment as well as protection.	Noted.	

MM44				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM45				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM46				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

MM47				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required

MM47				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

SUSTAINABILITY APPRAISAL				
Rep ID	Name / Organisation	Summary of Representation	Council Response	Action(s) Required
		NO REPRESENTATIONS RECEIVED		

