

Bradford Waste Management Development Plan Document (DPD) Proposed Main Modifications (February 2017)

Guidance note to accompany the Representation Form

1 Introduction

- 1.1 The Waste Management Development Plan Document (DPD) 'Proposed Main Modifications' is published for 6 weeks from **Wednesday 15th February 2017 until Wednesday 29th March 2017** in accordance with Regulation 19, 20 and 35 of the Town & Country Planning (Local Development) (England) Regulations 2012.
- 1.2 This is an opportunity for you to make comments on the Proposed Main Modifications of the Waste Management DPD before the Planning Inspector prepares his Report. Your comments will be submitted to the Planning Inspector for consideration.
- 1.3 The purpose of the examination is to consider whether the Local Plan is **legally compliant** (i.e. if it has been prepared in accordance with the regulations), complies with the **duty to cooperate** and is **sound**. Therefore any representations received regarding the Proposed Main Modifications must address these concerns. Legal compliance, the duty to co-operate and soundness are explained more fully through this guidance.

2 Your Representation

- 2.1 It is strongly advised that you read the **Waste Management DPD Submission Draft (WM-SD-001)** and the **Waste Management DPD Proposed Main Modifications** before making your representation.
- 2.2 Your representation should be completed on the official Representation Form. A copy of the form can be downloaded from www.bradford.gov.uk/planningpolicy.
- 2.3 As a general rule:

- If you are seeking to make representations on **the way** in which the Council has prepared the Local Plan, then this likely to relate to **legal compliance**.
- If you are seeking to make representations on how the Council has dealt with **strategic planning and partnership working**, then this is likely to relate to the **duty to co-operate**.
- If it is the actual **content** which you want to make a representation, this is likely to relate to **soundness**.

- 2.4 The completed representation form should be received by the Council no later than **4pm on Wednesday 29th March 2017** in order for it to be considered 'duly made' and be considered by the Inspector.
- 2.5 Your personal data cannot be treated as confidential as the Council is obliged to make your representation available for inspection and publish it on the Council's website.

2.6 We cannot accept any anonymous comments. However, we will only publish your title, last name and town or post code district. If you are representing an organisation, your title, last name and organisation will be published. This will apply to both your details and those of your agent, if applicable.

2.7 **The following sections are set out to help you focus your comments on the legal compliance, duty to co-operate and the soundness of the plan. Please read this information carefully.**

3. Legal Compliance and Duty to Co-operate

3.1 The Inspector will first check that the DPD meets the legal requirements under Section 20(5)(a) and the duty to co-operate under section 20(5)(c) of the 2004 Act (as amended)¹ before moving on to test of soundness.²

3.2 **You may wish to consider the following before making a representation on legal compliance:**

- The Plan in question should be within the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA), setting out the Local Development Documents (LDDs) it proposes to produce. It sets out the key stages in the production of any Plans which the LPA propose to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations.
The LDS is available on the [Local Plan website](#).
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The Statement of Community Involvement sets out the LPA's strategy for involving the community in the preparation and revision of Local Development Documents (including Plans) and the consideration of planning applications. **The SCI is available on the [Local Plan website](#).**
- The Plan should comply with the Town and County Planning (Local Planning) (England) (Amendment) Regulations 2012³ (the Regulations). On publication, the LPA must publish the documents prescribed in the regulations, and make them available at their principal offices and their website. The LPA must also place local advertisements and notify the Plan bodies (as set out in the regulations) and any persons who have requested to be notified.
Statement of Consultation reports for the Issues and Options stage, Preferred Approach, Preferred Approach: Revised Chapter 5 and Publication Draft are available on the Local Plan website.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when they publish a DPD. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of

that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.

The Sustainability Appraisal is available on the Local Plan website.

- The Plan must have regard to any Community Strategy for its area. The Community Strategy is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

The Community Strategy is available on the Bradford District Partnership website.

3.3 The Council has published a 'Legal Compliance Checklist' setting out how this requirement is considered to have been met during the preparation of the Waste Management DPD.

The Legal Compliance Checklist is available on the Waste Management DPD Submission webpage.

3.4 **You may wish to consider the following before making a representation on compliance with the duty to co-operate:**

- The duty to co-operate came into force on 15th November 2011 and any plan submitted for examination will be examined for compliance. The duty requires cooperation between adjoining LPA's and other public bodies to maximise effectiveness of policies for strategic planning matters in the Local Plan. LPAs are expected to provide evidence of how they have complied with any requirements arising from the duty.
- The 2004 Act establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not be complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

3.5 The Council has published the broad approach to legal compliance within the background paper 'Waste Management DPD Background Paper' (WM-SD-057).

4. Soundness

4.1 Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF) and in the Planning Advisory Service's soundness checklist.⁴ The Inspector has to be satisfied that the DPD is positively prepared, justified, effective and consistent with national policy.

4.2 To be considered 'sound' a Plan should be:

1. Positively prepared:

The Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from

neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

2. Justified:

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate evidence base.

3. Effective:

The Plan should be deliverable over its period and based on effective joint cross-boundary strategic priorities.

4. Consistent with national policy:

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

- 4.3 The Council has published a 'Soundness Checklist' setting out how this requirement is considered to have been met during the preparation of the Waste Management DPD.

5. General advice

- 5.1 **If you wish to make a representation on a Main Modification, including any suggested changes to a Main Modification, you should make clear how your comments relate to the tests of soundness, the legal compliance, duty to co-operate and the four requirements set out in paragraph 4.2.** You should try to support your representation by evidence showing why the Main Modification should be changed and also say precisely how you think it should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions based on the representation made at this stage. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for his consideration.

Supporting the Plan

- 5.2 If you support a Main Modification you should express your support so that the Inspector has the full picture in considering the Local Plan and express why the policy or policies is sound.

Group responses

- 5.3 Where there are groups who share a common view on how they wish to see a Plan changed, it would be very helpful for that group to submit a single representation which represents the view of the group, rather than separate individual representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- 5.4 Further detailed guidance on the preparation, publication and examination of DPDs is provided on the [Planning Inspectorate \(PINS\) website](#) ⁶.

6. Further Information

- 6.1 The Waste Management Proposed Main Modifications Schedule and associated documents can be downloaded and viewed online at: www.bradford.gov.uk/planningpolicy, the under 'Waste Management DPD', and then under 'Related Link's: 'Proposed Main Modifications'.
- 6.2 Hard copy versions are available for inspection at the statutory deposit locations as listed in the table overleaf.
- 6.3 Electronic copies of the documentation can be downloaded free of charge. However, there will be a charge for requests for hard copies of the publication document. This charge will cover the Councils materials, printing and administration costs.
- 6.4 The Council will consider all duly made representations it receives on the Proposed Main Modifications and they will be forwarded onto the Inspector for his consideration. It is anticipated that the Council will receive the Inspectors Report in 2017.

7. Contacts

- 7.1 Please contact the Local Plan Group should you need any further information or advice by:
- **Email:** planning.policy@bradford.gov.uk
 - **Phone:** (01274) 433679

DEPOSIT LOCATIONS	
PRINCIPAL OFFICE	Jacobs Well , Nelson Street, Bradford BD1 5RW • Mon-Thurs 9am to 5pm, Fri 9am to 4.30pm • Telephone: 01274 434605
OTHER COUNCIL OFFICES	Shipley Town Hall , Kirkgate, Shipley, BD18 3EJ • Mon-Thurs 8.30am to 5pm, Fri 9am to 4.30pm • Telephone: 01274 432772
	Keighley Town Hall , Bow Street, Keighley, BD21 3PA • Mon-Thurs 8.30am to 5pm, Fri 9am to 4.30pm • Telephone: 01274 434605
	Ilkley Town Hall , Station Road, Ilkley, LS29 8HA • <i>By appointment only – First Thursday in the month</i> • Telephone: (01274) 434605
MAIN COUNCIL LIBRARIES	Bradford City Library , Centenary Square, Bradford, BD1 1SD • Mon-Thurs 9am to 7.00pm, Fri -Sat 9am to 5pm • Telephone: (01274) 433600
	Bradford Local Studies Library , Princes Way, Bradford BD1 1NN • Mon-Thurs 9am to 7.00pm, Fri -Sat 9am to 5pm • Telephone: (01274) 433688
	Shipley Library , 2 Wellcroft, Shipley, BD18 3QH • Monday - Saturday 9am – 7pm • Telephone – 01274 437150
	Bingley Library , Myrtle Walk, Bingley, BD16 1AW • Mon-Fri 9am to 7pm, Sat 9am to 5pm

	<ul style="list-style-type: none">• Telephone: (01274) 438780
	Keighley Library , North Street, Keighley, BD21 3SX <ul style="list-style-type: none">• Mon-Fri 9am to 7pm, Sat 9am to 5pm• Telephone: (01535) 618212
	Ilkley Library , Station Road, Ilkley, LS29 8AH <ul style="list-style-type: none">• Mon-Fri 9am to 7pm, Sat 9am to 5pm• Telephone: (01943) 436225

Endnotes

1. View the 2004 Act at:
<http://www.legislation.gov.uk/ukpga/2004/5/section/20>
2. View the PAS Legal Compliance checklist at:
http://www.pas.gov.uk/local-planning/-/journal_content/56/332612/15045/ARTICLE#Soundness%20checklist
3. View the 2012 Regulations at:
<http://www.legislation.gov.uk/uksi/2012/2613/contents/made>
4. View the PAS Soundness checklist at:
http://www.pas.gov.uk/local-planning/-/journal_content/56/332612/15045/ARTICLE#Soundness%20checklist
5. View National Planning Policy Framework (NPPF) at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf
6. View Planning Inspectorate guidance at:
<http://www.planningportal.gov.uk/planning/planningsystem/localplans>

N.B. This guidance note has been adapted from the Planning Inspectorate's 'Examining Local Plans Procedural Practice', December 2013.