

[REDACTED]

From: [REDACTED]
Sent: 29 April 2016 16:17
To: Planning Policy
Subject: Waste DPD SA Report
Attachments: Waste DPD SA Report Reply.pdf

Dear Sir/Madam

Please find attached the Environment Agency's response to the Waste DPD SA Report consultation.

Regards

[REDACTED]
Sustainable Places - Planning Advisor

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Email: [REDACTED]

Environment Agency
[REDACTED]
York YO30 [REDACTED]

NEW: Charging for planning advice

From 3rd March 2014 we began charging for some of our planning advice.

For more information please see our web pages at <http://www.environment-agency.gov.uk/research/planning/33580.aspx> or speak to your local Sustainable Places team.

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Development Plans Team
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BD1 5RW



Our ref: B JL/BMDC/WasteDPD
Your ref:

22 February 2016

Dear Sir/Madam

LOCAL PLAN FOR THE BRADFORD DISTRICT – WASTE MANAGEMENT DPD

Thank you for consulting us on this local plan document, and for allowing us additional time in which to comment following the recent flood event in Yorkshire. We have the following observations to make.

We support the vision and objectives of the plan as being in line with principles of sustainability in wastes management. We would like to see some mention of environmental protection in the vision, and a strengthening of the commitment to environmental protection in Objective 3.

Duty to Co-operate

The Environment Agency is identified under Regulation 4 of the Local Planning Regulations 2012 with regard to the Duty to Co-operate. This duty is detailed under Section 33A (1)(c) and requires local authorities and other bodies to work together to effectively address strategic issues.

We can advise that we consider there are no outstanding strategic issues raised by the Bradford Waste Management DPD which necessitate attention under the duty to co-operate.

We have had regular contact with Bradford MDC during the development of the plan and we are aware of the considerable efforts made to establish a regional dialogue with other Waste Planning Authorities on waste planning matters via the Yorkshire and Humber waste technical advisory body, and through joint evidence reports. We have previously reviewed the waste evidence report and we were consulted during the compilation of the data. We provided feedback and advice on the information used to compile the report at that time. We have not checked calculations or tested scenarios in detail, but we believe the data used is comprehensive and up to date.

We are pleased to note that there are requirements for mitigation of detrimental impacts in the site allocations and that specific policies include a proviso that there is no unacceptable harm to the environment or communities. The plan makes

suggestions as to what types of waste development would be suitable for each site. For the allocations with residential development within 250m we would require elevated levels of odour risk assessment and control on facilities managing and treating biowaste, by anaerobic digestion or in vessel composting.

Residual Waste

The document refers to residual waste in several contexts and we feel it could be clearer what is meant by this – there is no definition in law but it would make the intent of the plan clearer if residual waste were better defined. (see below).

By defining residual waste in the plan we would wish to avoid it being interpreted as waste which ‘has not’ been recycled rather than as waste which ‘cannot’ be recycled.

Final disposal of residual waste is limited to policy W7 on landfill, and there is no policy on energy from waste (EFW) although it is mentioned as a potential waste management method on some of the allocations. Could ‘W7: Sites for Residual Waste for Final Disposal (ie Landfill)’ be expanded to include EFW and in particular a policy on Combined Heat and Power readiness which would maximise the use of waste as an energy resource?

Information on Defining Residual Waste

There is no legal definition of residual waste but here are 3 recent definitions:

- 1. ‘Residual Waste’ is the definition given to wastes which have been subjected to all reasonably practicable efforts to extract and recover reusable and recyclable materials** -Scottish Parliament briefing.
- 2. Mixed residual waste - This is the waste that is left over when all the recycling possible has been done. This generally means the environmental or economic costs of further separating and cleaning the waste are bigger than any potential benefit of doing so** – Energy from waste A guide to the debate February 2014 (revised edition).
- 3. This item is taken from the Waste England and Wales regulations which enact the part of the waste framework directive which requires separate collection of recyclables, the TEEP test (technically, environmentally and economically practicable) is key in determining whether a waste stream can/should be segregated for recycling and therefore helps define what cannot be recycled and is by default residual waste. It is not a definition in its self but it is a good indication of current thinking.**

The Waste (England and Wales) Regulations 2011

Duties in relation to collection of waste

13.—(1) An establishment or undertaking which collects waste paper, metal, plastic or glass must, from 1st January 2015, take all such measures to ensure separate collection of that waste as are available to the establishment or undertaking in that capacity and are—

- (a) technically, environmentally and economically practicable; and
- (b) appropriate to meet the necessary quality standards for the relevant recycling sectors.

(2) For the avoidance of doubt, co-mingled collection (being the collection together with each other but separately from other waste of waste streams intended for recycling with a view to subsequent separation by type and nature) is a form of separate collection.

(3) Every waste collection authority must, when making arrangements for the collection of waste paper, metal, plastic or glass, ensure that those arrangements are by way of separate collection.

SITE ALLOCATIONS

Environmental Permitting

Waste facilities are likely to require an Environmental Permit from the Environment Agency. At this stage, it is difficult to ascertain specific permit requirements given that the end use of these sites has not yet been finalised, but a number of potential options have been noted. It is unlikely that there will be any 'show stoppers' from a permitting viewpoint that would result in a permit not being granted, however, it is recommended that developers enter into discussions with the Environment Agency at an early stage and submit applications for planning permission and permits at the same time to allow full consideration of the proposals.

Site WM1: Princeroyd Way, Ingleby Road, Listerhills

Flood risk

As identified in the proposal statement, this site lies partially within flood zone 3. We note that the 'mitigation requirements' identifies the need to take a sequential approach to the site layout to avoid any development within the flood zone, and the requirement for proposals to be accompanied by a flood risk assessment. We fully support this position.

Environmental Permit considerations

If an anaerobic digester is proposed on this site, and if it is within 250m of residential properties we would need to look at whether odours can be adequately managed through the use of closed system and/or appropriate ventilation. Also, if it is within 10m of a watercourse we will need to look at whether surface run-off can be satisfactorily managed to avoid contamination of the watercourse.

Site WM5: Merrydale Road, Euroway

Environmental Permit considerations

If pyrolysis and gasification is the end use on this site, it should be noted that the following comments should be noted. This site is within 10km of the South Pennine Moor SAC / SPA so and developer would have to show that it does not have a significant impact on this SAC/SPA. In addition the site is within 2km of the nearest AQMA so would also need to consider its impact on that area.

Site WM6: Steel Stock and Scrapholders Site, Birkshall Lane

Environmental Permit considerations

In relation to any proposals for use of the site for anaerobic digestion, this site is located within 250m of residential properties therefore we would need to consider whether odours can be adequately managed through the use of closed system and/or appropriate ventilation.

Proposals for pyrolysis and gasification – the site is within 2km of the nearest AQMA and so would need to consider its impact on that area.

POLICIES

Policies W4, S5, W6 and W7 all state “...proposals must comply with the specific Waste Development Management policies set out in Section 7...”. We believe this to be an error as Section 7 relates to delivery and monitoring and does not contain any policies. Paragraph 4.5 also refers to the policies being in Section 7.

WDM5: Landfill Development for Final Disposal of Residual Waste

We request the addition of the following points in this policy in order to ensure potential impacts of landfill development on controlled waters is taken into full account:

Proposals for new or expanded landfill developments will be permitted provided:

- they comply with Environment Agency Landfill Location Position Statement
 - they are not in close proximity to a private potable water supply
-

SITE ASSESSMENT PAPER

The site assessment paper makes little, if any, reference to sensitive environmental receptors, in particular, controlled waters and drinking water abstractions. We therefore request the following additions:

Table 1: Environmental and Heritage absolute constraints

- this should include Source Protection Zones, and private potable abstractions

5.11 Location

- this should include a reference to the Environment Agency Landfill Location Position Statement

5.13 Sensitive Uses

- this should include proximity to potable abstractions as a sensitive use

If you require any clarification or wish to discuss these comments further please contact me on the details below.

Yours sincerely

Mrs Beverley Lambert
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Our ref: [REDACTED]
Your ref:

29 April 2016

Dear Sir/Madam

LOCAL PLAN FOR THE BRADFORD DISTRICT – WASTE MANAGEMENT DPD SUSTAINABILITY APPRAISAL REPORT

Thank you for consulting us on the Sustainability Appraisal Report for the Waste Management DPD.

Overall we are satisfied with the report but have the following points to make.

Paragraph 4.1 Relationship with other plans and programmes

The following appear to have been missed and should be included:

- Waste Management Plan for England December 2013
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265810/pb14100-waste-management-plan-20131213.pdf
- Energy from waste A guide to the debate February 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf

The section on the Waste Framework Directive does not mention that there is an explicit section in the directive on waste hierarchy and separate collection of dry recyclables which is likely to have a bearing on how waste is collected and processed. We recommend a reference is included.

WATER FRAMEWORK DIRECTIVE

Very little (if any) reference has been made to available information from the Humber River Basin Management Plan and we are concerned that the presumptions that current conditions (when these do not appear to be known) will prevail, particularly as the Water Framework Directive requires achievement of good ecological status of waterbodies. To address this, we have the following comments.

Table 4.1: SA Baseline Summary and Future Baseline

SA Objective: Safeguard and improve air, water and soil resources and reduce the number of people affected by noise and dust from waste management sites.

Under column 'Summary of Baseline Data', we would like to see the following sentence deleted:

In terms of water quality, it is more likely to be poor or bad in the urban areas (Bradford and the becks to the south of the District). The Aire catchment tends to have better water quality.

We suggest the following paragraph could be added instead:

Rivers and streams are now assessed in accordance with standards developed under the Water Framework Directive. From monitoring carried out by the Environment Agency, levels of possible polluting substances are almost all meeting WFD quality standards in Bradford district. The only exception for this is phosphate arising from sewage treatment of rural land run-off. However the standard for phosphate is very low and these phosphate failures seldom have any environmental impact.

Column headed: 'Future Baseline without the Waste Management DPD', remove the following:

The future water quality of the District's watercourses is unknown. It is assumed that the current conditions will prevail and it is likely to be poor or bad in the urban areas (Bradford and the becks to the south of the District) but better quality within the River Aire catchment.

Which could be replaced by the following paragraphs:

Objectives for river water quality are prescribed in the statutory Humber River Basin Management plan 2015, to which Bradford Council is required to have regard throughout its activities. Any deterioration in the current condition of watercourses in Bradford is likely to be contrary to the objectives of the plan and may come under EU scrutiny.

The WFD also assesses the physical nature of watercourses and notifiable deterioration in the WFD status of Bradford's watercourses could arise from regeneration or new development.

Table 4.2: SA Framework

Topic – Air, Soil and Water Quality

The document does not demonstrate that consideration has been given to the potential impacts on waterbodies. With that in mind, we make the following comments:

Column 'Draft Waste DPD Sustainability Appraisal Objectives'

It should be noted that statutory objectives for watercourses in Bradford are given in the Humber River Basin Management plan 2015. This document and the objectives therein have been formally adopted by Government.

Column 'Appraisal Questions. Will the plan...'

We recommend the addition of the following question:

... prevent any deterioration and promote the continued improvement of the district's watercourses in line with objectives in the statutory Humber river basin management plan?

**Table 5.3: The reasons for selecting the policy approaches
Issue 4: Locational Criteria for Municipal Solid Waste and Commercial and Industrial Waste Management Facilities**

- *Physical constraints and delivery:* information on Flood Risk Zones (1, 2, & 3) should be noted. Sensitivity of nearby watercourses should be noted.

We request that the either the word 'watercourses' is changed to 'waterbodies' or an additional reference is made to 'groundwater'.

If you require any clarification or wish to discuss these comments further please contact me on the details below.

Yours sincerely

[Redacted]
Sustainable Places – Planning Adviser

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