

Following submission of the Waste Management DPD to the Secretary of State, the Inspector has asked the council for a response to a number of initial questions.

1. **Submission of the Bradford Waste Management DPD**

The Bradford Waste Management DPD was submitted to the Secretary of State on 11 May 2016, along with the submission documents and representations (including both paper and electronic copies). All these documents will need to be placed on the Council's web-site, on an "Examination" page, similar to the process used for the earlier Local Plan Core Strategy. ***Can the Council confirm that the Examination web-page will be set up as soon as possible?***

Council Response

The Council has now created a submission webpage and has been available on the Council's website since Thursday 26th May. The webpage contains information relating to the submission to the Secretary of State and the submission document library. The examination webpage has also been created and has been available on the Council's website since Friday 27th May. The examination webpage contains details of the Programme Officer and will contain any forthcoming matters, issues and questions (MIQs) and Council responses to the MIQs.

2. **Inspector's initial review of the submission documents**

The Inspector is currently reviewing the submission Plan and accompanying documents, in order to identify the main Matters, Issues & Questions (MIQs) for the Examination. From a brief review of the representations, it seems that no-one has specifically requested an "oral hearing", although the Programme Officer will shortly be confirming this position with representors. At this stage, the Inspector has not decided whether any hearing sessions will be needed, but will review the position when the Programme Officer has confirmed the situation.

3. At Publication stage, some 12 duly made representations were submitted. These do not seem to challenge the basis of the policies or proposals, but seek changes or additions to the wording or raise concerns about particular sites. 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. In drawing up these initial questions, the Inspector is mindful of national guidance in the National Planning Policy Framework, National Planning Policy for Waste and the Waste Planning Practice Guidance¹. Consequently, before he finalises the MIQs, the Inspector seeks some further information from the Council about specific aspects of the submitted Plan as a priority.

4. **Legal and Procedural matters**

a. As part of the tests of legal compliance, the Plan should have been prepared in the light of the latest approved **Local Development Scheme** (July 2014?) and **Statement of Community Involvement** (2008?). Although these documents are referred to in the submitted Legal Compliance checklist [WM-SD-007], they are not included in the submitted documents. ***Could the Council consider including these documents in the submission documents?***

Council Response

Copies of the Local Development Scheme and Statement of Community Involvement have been added to the submission library as of 26th May 2016. Two hard copies of each document were also sent to the programme officer on Wednesday 25th May.

¹ National Planning Policy Framework [DCLG; March 2012]; National Planning Policy for Waste [DCLG; October 2014] and Waste Planning Practice Guidance [DCLG; October 2014; ID-28]

- b. A **Sustainability Appraisal (SA)** of the submission Plan has been submitted, along with a Non-Technical Summary [WM-SD-002/004] and previous SA documents produced for earlier stages of plan preparation. The Inspector understands that alternative options were considered in earlier SA work, but it is unclear how the recommended mitigation measures in the recent SA work [WM-SD-002; Table 7.1] have been addressed in the submitted Plan. ***Could the Council provide further information about this matter?***

Council Response

The Council is aware of some further mitigation measures recommended in the Sustainability Appraisal are still considered outstanding by the independent consultants who produced the SA. The Council is prepared to make further changes to the Waste Management DPD should the Inspector consider them necessary to make the plan sound.

- c. **Habitats Regulations Assessment (HRA)** has been submitted as part of the evidence base [SD-WM-051-054]. However, these documents date from June 2012-February 2013. The Inspector is aware that the HRA for the Bradford Local Plan Core Strategy has been revised, following a review of the implications of the impact of policies on European sites, including the South Pennines SPA/SAC (Policy SC8). ***Does the Council intend to update the HRA documents prepared for the Waste Management DPD to reflect the policies and proposals included in the Publication & Submission Draft Plans and the revised HRA prepared for the emerging Core Strategy?***

Council Response

The Council have reviewed HRA documents prepared in the support of the Waste Management DPD following revisions to the Core Strategy and the HRA prepared to support the Core Strategy. The Council is of the opinion there is no impact upon the Waste Management DPD policies and proposals, or the HRA evidence as the primary issues raised during the course of the examination relates to land take within the green belt and the resulting impacts upon loss of habitats. All sites within the Waste Management DPD are existing employment allocations within the Replacement Unitary Development Plan 2005, and thus fall outside of the green belt. Proposals for waste management facilities on unallocated sites are covered by policy WDM1 of the Waste Management DPD. The policy proposes a sequential approach to preferred locations of Waste Management DPD, to which major development sites within the green belt is the final, and therefore least preferential location for such developments.

- d. The Waste Management DPD needs to have regard to, and be consistent with, the emerging **Bradford Local Plan Core Strategy**. Yet there are few references to this emerging plan in the text of the submitted Waste Management DPD. The Inspector notes the relationship with other DPDs outlined in the Background Paper [WM-SD-057], but ***are there any further details about how the Waste Management DPD has taken account of the emerging Bradford Local Plan Core Strategy?***

Council Response

The Waste Management DPD has taken account of the emerging Core Strategy and the proposed modifications put forward through the course of the examination. Through modifications to the emerging Core Strategy, the Council is of the opinion the Waste Management DPD and Core Strategy are aligned.

- e. The Self-Assessment of Legal Compliance [WM-SD-007; Stage 5: 9] refers to a **Policies Map** and site plans within the Plan itself. However, apart from individual site plans for the allocated sites, no separate Policies Map is submitted with the Plan. ***Could the Council clarify the position?***

Council Response

The Council have produced a Policies map displaying the proposed site allocations put forward with the Waste Management DPD. Due to a documentation error, this was not submitted as part of the submission library. The Council will add this to the online submission library supply a copy of the map to the programme officer and Inspector by 16th June.

5. **Duty to Co-operate**

- a. The Inspector notes that the Council has submitted Duty to Co-operate (DTC) statements both for the Publication and Submission Plans [WM-SD-005 & 017]. Reference is made in the latest DTC Statement [WM-SD-005] to the latest **Leeds City Region Statement of Co-operation** (March 2016), but this is not included in the submitted documents. Neither are Appendices 10 & 12 to the DTC statement (Self-Assessments - Strategic Economic Plan and Strategic Transport Plan). **Does the Council intend to submit these documents?**

Council Response

Due to a documentation error, these documents were not submitted as part of the submission library. The Council will add the documents to the online submission library supply copies of the to the programme officer and Inspector by 16th June.

- b. The supporting evidence indicates that a considerable amount of waste is exported from Bradford district to neighbouring areas, and vice versa, for treatment, recycling and disposal. **Will the Council be able to provide details of the current cross-boundary flows of waste and any existing and future agreements with other waste planning authorities?**

Council Response

Waste Needs Assessment, Capacity Gap Analysis and Requirement Study sets out evidence of cross boundary movements (WM-SD-047 and WM-SD-048) of waste arisings being imported and exported to / from the Bradford District. Further work has been undertaken on the movement of waste to and from neighbouring authorities through Duty to Cooperate to investigate the movement of significant volumes non-hazardous waste and smaller amounts of hazardous waste. Neighbouring authorities have been consulted throughout the production of the Waste Management DPD, further informal consultation of the evidence base documents, and the through the Duty to Cooperate. Responses from the neighbouring authorities, details of the Yorkshire and Humber Technical Advisory Body (Y&H WTAB), the Memorandum of Understanding from the Y&H WTAB and documents produced by the Y&H WTAB can be found within the Statement of Consultation reports (WM-SD-045. WM-SD-037. WM-SD-026. WM-SD-020. WM-SD-066) and the Duty to Cooperate statements (WM-SD-017. WM-SD-005). Minutes taken at meetings of the Y&H WTAB can be made available if required.

6. Need for New Waste Management Facilities

- a. The Inspector notes that the submission documents include a **Waste Needs Assessment, Capacity Gap Analysis & Site/Facility Requirements Study** dated May 2014 [WM-SD-047-048]. He understands that a later assessment, dated May 2016, is also due to be submitted, but is not yet included in the submission documents. **Could the Council indicate when this updated assessment is likely to be submitted?**

Council Response

The Council is currently working in partnership with consultants Urban Vision Ltd and 4Resources Ltd in completing the latest update to the Waste Needs Assessment, Capacity Gap Analysis and Requirement Study. Once complete, the updated Waste Needs Assessment, Capacity Gap Analysis and Requirement Study will added to the online submission library and copies sent to the Programme Officer and Inspector by 16th June 2016.

- b. Most of the figures and estimates of waste arisings in the submitted Plan seem to be comparable with the Waste Needs Assessment [WM-SD-047/048], but it is not readily apparent how the cross-boundary movement of wastes has been addressed in the figures and estimates in the submitted Plan. It seems that much non-hazardous waste generated in Bradford is disposed of at landfill sites outside the district [WM-SD-047-048; Fig.3]. How will the future availability of landfill capacity outside Bradford be addressed, and will agreements with neighbouring authorities be needed to provide disposal capacity outside the district? **Will the Council be able to provide such information in its response to the Inspector's MIQs?**

Council Response

The updated Waste Needs Assessment (WM-SD-049. WM-SD-050) reflects the excess regional capacity of non-hazardous landfill and the measures taken to ensure the future availability of this resource.

The Duty to Cooperate statements (WM-SD-017. WM-SD-005) outline the work undertaken by the Y&H WTAB regarding landfill capacity. The Duty to Cooperate Statement WM-SD-005 states (para 4.15) that an update analysis on landfill capacity was to be undertaken, this has been completed by the Y&H WTA/WY Lead officer and reported to the WYCA/LCR Portfolio Board and can be provided.

Taking the above response into account, the Council are able to provide the requested information in response to the Inspectors MIQs.

- c. The current evidence identifies a **waste management capacity gap** of some 1.681mt. Apart from a broad estimate of 50,000-70,000t/ha for new waste management sites, it is not clear how this capacity gap will be fully met by the proposed site allocations and policies in the submitted Plan. ***Will the Council be able to provide such information in its response to the Inspector's MIQs?***

Council Response

The updated Waste Needs Assessment (WM-SD-049. WM-SD-050) sets out in greater detail relationship between potential site processing capacities and land take. The updated report also sets out in detail the land take required to deliver the capacity gap identified within the assessment. The Council can confirm further information will be supplied in its response to the Inspectors MIQs.

- d. The Plan sets out criteria-based policies to address **Construction, Demolition & Excavation Waste, Agricultural Waste and Hazardous Waste**, but does not specifically indicate how the waste capacity gap for these waste streams will be met. In addition, the Plan does not seem to deal with **low-level radioactive waste or waste water**. The Inspector understands that the amount of low-level radioactive waste produced in Bradford is minimal and little information is available about waste water/sewage sludge², but ***how will these waste streams be addressed?***

Council Response

Construction, Demolition & Excavation Waste – The Councils proposed approach for the management of this waste stream is prioritise the management on site / in-situ where the waste arises. The updated Waste Needs Assessment (WM-SD-049. WM-SD-050) sets out in greater detail the lack of need for identified facilities for the management of Construction, Demolition and Excavation Waste, identifying an extant, but not yet implemented, planning permission for a facility at Hallas Rough, the established practice of managing CD&E Waste on site and the substantial sub-regional capacity of non-hazardous inert landfill sites. However, the Council have produced a policy (Policy W4 within the Submission Draft) to deal with proposals for CD&E waste facilities should the need for such a facility be identified.

Agricultural Waste – The Waste Needs Assessment (WM-SD-0047. WM-SD-048) states the vast majority of waste generated on farms is managed within the generating farm holding via land treatment/spreading and composting despite new agricultural exemptions currently being implemented. However, approximately 1,700 tonnes of waste has been identified as leaving farm holdings and in need of management beyond the site. The future arisings are very small (in the order of 1,000 tonnes per annum assuming no growth in agricultural activity or significant change in agricultural practice) and any required facilities to cover off farm holding recycling and hazardous landfill would, in practice, be likely to require additional waste materials to make any new facility viable. The capacity allowance should be noted for the specialised treatment requirements for certain types of agricultural waste such as animal by-products incineration and hazardous landfill. It should be noted) rendering facilities (for the treatment of animal bi-products) are specialised facilities of which there are a very limited number across the UK (less than 10) and Bradford remains net importer of animal by-products as there are two established facilities within the District. However, the Council have produced a policy (Policy W5 within the Submission Draft) to deal with proposals for Agricultural waste facilities should the need for such a facility be identified.

Hazardous Waste - The future capacity requirement for hazardous waste has already been taken into account under the main classes of waste materials for which hazardous waste is a sub-set. However, hazardous waste facilities for treatment, incineration and landfill are essentially located outside the Plan area and it is anticipated that provision will continue and remain available throughout the Plan period. It should be noted that hazardous waste facilities require economies of scale so that provision

² Document WM-SD-047 (Sections 6 & 7)

of facilities within the Plan area for the small quantities of arisings would be unlikely to be viable unless a new facility were to import significant quantities from outside the Plan area. Local Authorities currently receiving significant volumes of hazardous waste have been consulted through the Duty to Cooperate and meaningful discussion have been entered. The detail of these consultations and discussion can be found with the Duty to Cooperate Statements (WM-SD-005. WM-SD-017). However, the Council have produced a policy (Policy W6 within the Submission Draft) to deal with proposals for Hazardous waste facilities should the need for such a facility be identified.

Low-level Radioactive Waste and Waste Water – The Waste Needs Assessment (WM-SD-0047. WM-SD-048) addresses Low-level Radioactive Waste and Waste Water. At present it is not envisaged that sites or capacity should be identified within the Waste Management DPD for future use as Waste Water Treatment Works as there is no current requirement for additional facilities. Should any further land be required to support the operation of Yorkshire Water, there is capacity within the existing Esholt site which could meet that need. In regards to Low-level Radioactive Waste, it has been recognised the volumes of this waste stream are minimal and thus do not quantify the allocation of a site for such a management facility. It should be noted two facilities exist within Leeds to manage LLW, at the Knostrop treatment works and these are identified in the Y&H Waste Position Paper as waste management facilities in Y&H. The two sites are in close proximity at the Knostrop treatment works, one taking aqueous LLRW of up to 109,500tpa and the other taking primarily healthcare waste to a incineration facility with a capacity of 17,000tpa. However, the lack of information on this waste stream makes it very difficult to plan for. The Council are prepared to make modifications to the Waste Management DPD to clarifying the proposed future planning for Low-level radioactive Waste and Waste Water.

7. Proposed Site Allocations

- a. The Plan proposes six site allocations for new waste management facilities, outlining the status of each site, its suitability for specific waste management uses, infrastructure requirements and mitigation requirements. In several cases, sites have planning permission for specific waste management projects, but there is no indication of the **waste management capacity** of each site or the degree of contribution it would make to the waste capacity gap. ***Will the Council be able to provide this information in its response to the Inspector's MIQs?***

Council Response

Due to the varying processing capacity of different waste management facility types, the Council considers it is not possible to stipulate a processing capacity for each proposed allocated site within the Waste Management DPD. The Council is prepared to make a modification to the plan should the Inspector deem it necessary to make the plan sound. Further evidence is provided within the updated Waste Needs Assessment (WM-SD-049. WM-SD-050) and the Council will supply further information in its response to the Inspector's MIQs.

- b. **Site WM3:** The Inspector understands that planning permission was granted for an Energy from Waste plant on this site in 2013, and further consents have been issued more recently. However, Natural England points out in its representations that the SA³ refers to the findings of the HRA, which conclude that an adverse effect could occur to the Rombalds Moor site within the South Pennine Moors SPA/SAC, particularly for a waste management use involving combustion processes. In the submitted Plan, Site WM3 is indicated as being suitable for a range of waste management uses, including pyrolysis and gasification. Consequently, it cannot be concluded that an adverse effect on European designated sites will not occur as a result of this Plan. Reference is made to the need for a full HRA at the planning application stage and amendments to the text of the draft Plan⁴; however, the amended text does not seem to specifically include the need for mitigation guidance to address any potential adverse impacts on the South Pennine Moors SPA/SAC. ***Could the Council comment further on this issue?***

³ Document WM-SD-002; ¶ 1,2

⁴ Document WM-SD-057; ¶ 6.3 & 7.1-7.5

Council Response

Planning permission (ref 13/04217/FUL) was granted in April 2014 for three plants to recover energy from waste. This include two combustion processes, a traditional incinerator and smaller pyrolysis plant to receive tyre crumb. A screening opinion was given by the LPA in July 2013 following consultation with statutory and non-statutory bodies, including Natural England and the Environment Agency. Both of these bodies required a full assessment of the direct and indirect effects of the development on the features of special interest within South Pennine Moors SSSI, SPA and SAC. Application 13/04217/FUL was submitted in October 2013 and the applicant stated that the impacts on the SSI, SPA and SAC had been evaluated in the chapters on Ecology and Air Quality in the Environmental Statement. The response from Natural England and the EA to application 13/04217/FUL and the accompanying Environmental Statement raised no objections, with Natural England specifically stating that the proposal “.....is not likely to have a significant effect on the interest for which South Pennine Moors SAC and SPA has been classified”

The Council notes that grant of permission for these specific combustion processes does not preclude impacts for any alternate combustion process that may come forward for the site and are prepared to make a modification to the allocation statement of Site WM3 in-line with the outstanding mitigation proposed in the Sustainability Appraisal of the Publication to ensure there are no detrimental impacts upon the South Pennine Moors SPA / SAC.

It is also worth noting the Natural England’s further response to the Waste Management DPD: Publication Draft (attached). This document has now also been added to the submission library and copies supplied to the Programme Officer and Inspector.

- c. **Sites WM5 & WM6:** In its representations, the Environment Agency points out that if uses such as pyrolysis and gasification take place on these sites, the developer would have to demonstrate that there would be no adverse impact on the South Pennine Moors SPA/SAC and AQMA. ***Does the Council intend to amend the Plan to address these issues at these sites?***

Council Response

Currently the Council does not intend to amend the Plan to address the issues identified by the Environment Agency. The Council has undertaken a Habitats Regulation Assessment Screening (WM-SD-050), which assessed all policies and proposals put forward within the Waste Management DPD. Sites WM5 and WM6 were found not to have a significant impact upon the South Pennine Moors SPA / SAC. The Council does not consider there to be an impact upon the AQMA as a result of Site WM6 due to the fact it is beyond the 2km stated within the representation. The Council is prepared to make a modification to the Plan to ensure site WM5 does not have an adverse effect upon the AQMA.

- d. In its representations, the Environment Agency also raises concerns about flood risk, surface water run-off and odours at some site allocations. ***Does the Council intend to amend the Plan to address these issues?***

Council Response

Currently the Council does not intend to amend the Plan to address the issues identified by the Environment Agency. All proposed waste management facilities on allocated sites must also comply with WDM2, which covers all elements of the potential issues raised within the Environment Agency’s representation on the Waste Management DPD Publication Draft. It is also worth noting the allocation proposal statements for each site address the issues raised in the representation. However, the Council will make modifications to the Plan should the Inspector considered them necessary to make the Plan sound.

8. Other matters

- a. The Inspector would like to know whether the Council’s officers are having any **meetings with relevant bodies and key representors** with a view to resolving any issues in dispute during the Examination. Statements of Common Ground can be useful in narrowing the issues in dispute, and should be submitted as soon as possible. ***Can the Council indicate whether any meetings are being held/to be held with relevant parties curing the Examination?***

Council Response

The Council is currently in discussion with the Environment Agency and Natural England regarding the representations made on the Publication Draft. The Council has not held or organised any meetings with either organisation.

- b. The 2004 Act (as amended) distinguishes between “*Main Modifications*” and “*Additional Modifications*”. “*Main Modifications*” are changes needed to ensure that the plan is legally compliant and sound and can be adopted⁵; “*Additional Modifications*” are minor changes which do not materially affect the policies in the plan, when taken together with the “*Main Modifications*”. The Council can make “*Additional Modifications*” at any time before adoption; these are not formally considered at the Examination or recommended by the Inspector. However, the Inspector cannot consider or recommend “*Main Modifications*” unless specifically requested to do so by the local planning authority⁶. Without this request, his report will be confined to identifying any soundness or legal compliance failures and possibly recommending non-adoption of the plan. ***The Council will therefore need to consider whether they wish the Inspector to consider and recommend any Main Modifications to the Plan under Section 20(7C) of the 2004 Act.***
- c. ***Can the Council confirm whether there are any other outstanding documents, reports or studies to be submitted, and if so, what is the likely timetable for completion?***

Council Response

The Council intend to submit an update Waste Needs Assessment (WM-SD-049. WM-SD-050). This document shall be submitted as part of the examination library by 16th June.

- d. The Inspector notes that a Background Paper covering the preparation and approach of the Waste Management DPD has been produced [WM-SD-057]. ***Can the Council confirm whether it intends to prepare any further Background/Topic Papers for the examination and indicate a timescale for publication?***

Council Response

The Council can confirm it does not intend to prepare any further background or topic paper for the examination.

- e. The Inspector is in contact with the **Programme Officer**, Jayne Knight. The Council’s team will need to work closely with the Programme Officer in making the arrangements for the examination and any hearing sessions; it is often helpful to appoint an examination manager as the Programme Officer’s main contact. If the Council (or any representor) has any queries about the processes or procedures for the examination, they should not hesitate to contact the Programme Officer.
- f. The Council should be fully aware of the published **national planning policy guidance** in the National Planning Policy Framework (March 2012), National Planning Policy for Waste (October 2014) and the Waste Planning Practice Guidance (October 2014). The Planning Inspectorate has also produced several guidance notes⁷, which cover the nature and process of examining local plans (including Procedural Guidance updated in December 2013). ***Can the Council confirm that they are fully aware of this guidance?***

Council Response

The Council can confirm they are aware of the guidance stated above.

- g. From now on, the **basic procedure** is to issue the Inspector’s initial questions and MIQs, and determine whether any hearing sessions are needed. Brief Guidance Notes about the examination process will be circulated by the Programme Officer in the next few weeks, along with the MIQs. The Council and other participants will be invited to provide brief statements addressing the Inspector’s MIQs, to be submitted about 2-3 weeks later. If hearings sessions are to be held, at least 6 weeks’ notice is needed before they commence (likely dates are currently in mid/late August 2016).

⁵ Revised s20(7B) of the Planning & Compulsory Purchase Act 2004

⁶ Revised s70(7C) of the Planning & Compulsory Purchase Act 2004

⁷ <http://www.planningportal.gov.uk/planning/planningsystem/localplans>, including:

Examining Local Plans: Procedural Practice [PINS: December 2013; 3rd Edition v.2]

Examining Development Plan Documents: Learning from Experience [PINS; September 2009]

- h. The Council may wish to contact representatives of other local/waste planning authorities to check **feedback/experiences** of the process and procedure of examining local plans. The Inspector has examined many development plans, including Core Strategies, Local Plans, Waste DPDs and other DPDs. Since he is also examining the Bradford Local Plan Core Strategy, he is generally familiar with the issues involved in the Bradford area.
9. The Inspector welcomes an initial response from the Council to these questions by **16 June 2016**, if possible, so that arrangements for the examination can be progressed. The Council's responses can be added to this document under the appropriate section, and this will then become an examination document.

Stephen J Pratt – Development Plan Inspector

26 May 2016

SJP/JK 26.05.16