

BRADFORD WASTE MANAGEMENT DPD - EXAMINATION
SCHEDULE OF MATTERS, ISSUES AND QUESTIONS FOR EXAMINATION

MATTER 1: LEGAL REQUIREMENTS & DUTY TO CO-OPERATE

Key issues:

1.1 Has the Waste Management DPD had regard to and been prepared in accordance with the current Local Development Scheme, Statement of Community Involvement, Local Planning and Waste Regulations¹, and national planning policy², including the National Planning Policy Framework (NPPF), National Planning Policy for Waste (NPPW), and Planning Practice Guidance (PPG)?

Council Response

The Waste Management DPD has been prepared in accordance with the current Local Development Scheme (LDS) (SS054) updated and adopted in July 2014 by the Councils Executive. This sets out a programme of a set of development plan documents which consist of:

- Core Strategy
- Allocations
- Bradford Waste Management Plan
- Bradford City Centre Area Action Plan
- Shipley and Canal Road Corridor Area Action Plan

The LDS sets out the role and function of each of the separate DPDs and their relationship and the reason for producing several documents.

The Waste Management DPD has been subject to several rounds of consultation and engagement as part of its development in line with the adopted Statement of Community Involvement (SS055) and the relevant legal and regulatory framework in place at that point in time. The statements of consultation sets out the headlines from each stage. Further details are found in the respective engagement plans prepared for each stage and associated statement of consultation prepared following each stage. The Publication Draft Statement of Consultation (WM-SD-020) sets out the detailed information for the last stage of consultation prior to submission.

The Plan has been produced in accordance with National policy and Regulations. The Council has completed the Planning Advisory Service self-assessments in relation to Legal Compliance (WM-SD-007) and Soundness (WM-SD-006) which demonstrate how the preparation of the plan meets legal and regulatory requirements as well as National Policy.

¹ *The Waste (England & Wales) Regulations 2011*

² *Detailed aspects of consistency with national policy, including the National Planning Policy Framework [DCLG; March 2012], National Planning Policy on Waste [DCLG; October 2014], and Planning Practice Guidance on Waste [DCLG; October 2014; ID-28] will be dealt with under later topics and issues*

1.2 Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA):

a. **Has the SA been prepared having regard to the guidance in the Waste PPG [ID-28-020], is it clear how the SA influenced the final plan and dealt with mitigation measures, and has it considered alternative strategies?**

Council Response

The Waste Management DPD was supported by sustainability appraisals at key stages of its preparation. The Publication Draft was supported by a full Sustainability Appraisal in line with the National Planning Policy for Waste and Guidance. The Sustainability Appraisals produced at Preferred Approach, Preferred Approach: Revised Chapter 5, Publication Draft and Submission Draft have all considered the reasonable alternatives (spatial options) and the assessment of draft strategy, policies and allocations.

b. **Has the Council updated the HRA since February 2013, and taken account of the updated HRA prepared for the emerging Bradford Local Plan Core Strategy?**

Council Response

The Habitats Regulation Assessment has not been updated since February 2013, but the Council has considered the updated HRA prepared for the emerging Bradford Local Plan Core Strategy. The HRA prepared in support of the Waste Management DPD highlighted the potential issue regarding emissions from a potential waste management facility of Site WM3 and the impact upon the South Pennine Moors (Phase 2) SPA / SAC. The primary issue highlighted in HRA prepared in support of the Core Strategy relates to land take on greenfield sites within proximity of the South Pennine Moors (Phase 2) SPA / SAC and potential loss of bird habitats. The Waste Management DPD is not proposing sites in greenbelt within close proximity of the South Pennine Moors (Phase 2) SPA / SAC, and the HRA in support of the Core Strategy does not cover emissions from proposed waste management sites. Taking this into account, the updated information presented in the HRA prepared in support of the Core Strategy does not relate to the strategy, policies or allocations within the Waste Management DPD and thus the HRA produced in support of the Waste Management DPD is not in need of updating.

c. **Are there any outstanding issues arising from the evidence and approach of the HRA, including from Natural England, Environment Agency and other parties, and if so, how will these be resolved?**

Council Response

The Council do not consider there are any outstanding issues arising from the evidence and approach of the HRA. Natural England and the Environment Agency were both consulted during the production of the HRA to ensure the approach presented within the document was appropriate. The consultants responsible for the production of the HRA did not receive a response from the Environment Agency, but did receive a response from Natural England with no outstanding issues upon completion of the document. The HRA was not made available at Publication Draft consultation, but was supplied to Natural England following a representation raising the issue of the document not being made available. The Council then engaged directly with Natural England following the close of the Publication Draft consultation, with

acknowledgement (WM-SD-067) the proposed development under applications 13/04217/FUL, 15/01381/FUL and 16/06871/FUL would not have likely significant effect on the South Pennine Moors, which is in conformity with Natural England's responses to the applications at the time. The Council has also agreed to an amendment to the allocation statement to ensure certainty in avoiding future impacts upon the SPA / SAC. Further details of the post-consultation communications with Natural England can be found in document WM-SD-067. It should also be noted the Environment Agency also raised no objection to the proposals made under applications 13/04217/FUL, 15/01381/FUL and 16/06871/FUL. The HRA was also submitted to the Inspectorate for examination, and therefore placed on the Council's website.

1.3 Is the Waste Management DPD consistent with the latest version of the emerging Bradford Local Plan Core Strategy?

Council Response

The Council consider the submission draft of the Waste Management DPD incorporating the modifications put forward during the EiP, to be consistent with the latest version of the emerging Local Plan Core Strategy.

1.4 Has the Plan been prepared in accordance with the Duty to Co-operate (DTC), particularly whether the Council has discharged its duty to maximise the effectiveness of the plan-making process and co-operated and engaged with neighbouring waste planning and other local authorities and prescribed bodies on an on-going basis with regard to strategic waste management issues, including:

i. Specific discussions about the provision of waste management facilities and cross-boundary flows of waste, the identification of suitable sites for waste management facilities, and the relationship with waste management facilities in neighbouring areas, and the outcome of these discussions;

Council Response

The Yorkshire and Humber Waste Technical Advisory Body (Y&H WTAB) is one of the main forums for which the provision of waste management facilities across the Y&H region is co-ordinated. A rolling update (at least ever quarter) of strategic waste facilities is circulated to the Y&H authorities (appended as appendix 2 in the latest version of Y&H Waste Position Paper – WM-SD-070) with the latest update in July 2016. This assists in identifying where any capacity gaps may arise and waste streams/types of facility that may need further consideration across the Y&H area. A specific issue that has arisen through utilisation of this and the Y&H WTAB meetings is landfill capacity, movements and required types of landfill sites. This has been discussed at several Y&H WTAB meetings and resulted in a specific note (WM-SD-069) on landfill in the Y&H area. Following the recent 5 Sep 2016 Y&H WTAB meeting consideration is to be given to other specific waste issues that may affect the entire region.

ii. Is there sufficient agreement between Bradford MDC and adjoining waste planning authorities about cross-boundary waste management issues; and what is the current state of play on various Memoranda of Understanding/Statements of Common Ground?

Council Response

The Y&H Waste Position Paper is a joint annual paper by of all the authorities within Y&H and this, with the quarterly Y&H WTAB meetings, is one of the main forums to ensure cross boundary waste management issues are discussed, investigated and resolved as far as possible. Additionally, there is an appointed WY Minerals & Waste Lead officer (seconded 1 day a week from Bradford Council) at the West Yorkshire Combined Authority/Leeds City Region who is responsible for co-ordinating minerals and waste matters for WY, along with liaising with authorities outside of the WY sub-area. Although much of the work to date by the WY Lead Officer has been on minerals matters (e.g. WY LAA, Fracking) and joint working on Development Control matters, there has been due consideration at WYCA/LCR Planning Portfolio Board of the Y&H Waste Position Paper (WM-SD-070) and Y&H MOU (Appendix 3 of the Duty to Cooperate Statement WM-SD-005), with the Lead Officer contributing/writing parts of the Y&H Waste Position Paper and the author of the Y&H note on landfill (WM-SD-069).

The Y&H Memoranda of Understanding was recently circulated and an agenda item on the latest Y&H WTAB meeting of the 5 Sep 2016. No concerns have been raised regarding the MOU and is has been rolled forward to July 2018.

iii. Neighbouring authorities: are all neighbouring authorities satisfied that Bradford MDC has fully met the DTC requirements, and is there evidence to confirm the situation? Are there any outstanding or unresolved issues relating to the DTC?

Council Response

The Council are of the opinion all neighbouring authorities are satisfied that Bradford MDC has fully met the DTC requirements and there are no outstanding or unresolved issues relating to the DTC. Full details of the engagement with neighbouring authorities in regards to discharging the DTC can be found within the Duty to Cooperate Statement (WM-SD-017)

- iv. Prescribed and other bodies, including:**
- a. Environment Agency, with regard to waste management, environmental matters, flood risk and water management;**
 - b. Natural England, with regard to Habitats Regulations Assessment and the impact of proposed development on protected European sites;**
 - c. Historic England, with regard to the impact on heritage assets;**
 - d. Highways England/Highways Authority and infrastructure providers, with regard to the impact of proposed development on the strategic highway network and infrastructure/service provision;**
 - e. West Yorkshire Combined Authority and Local Enterprise Partnership, with regard to economic development and the LCR Strategic Economic Plan;**
 - f. Yorkshire & Humber Waste Technical Advisory Body, with regard to regional/sub-regional waste management forecasts and other considerations.**
- v. Does Policy W1 provide an adequate framework for cross-boundary working on waste management matters?**

Council Response

In line with Planning Advisory Service good practice the Council produced a Duty to Cooperate Statement (WM-SD-017) which sets out in detail how the Council has discharged the legal requirements in relation to the Waste Management DPD prior to submission. In particular it sets out the arrangements within the Leeds City Region (LCR) to address strategic planning alignment and support Local Planning Authorities (LPAs) to discharge their duty to cooperate in an on-going and positive way.

An overview of the strategic geography and related issues is provided in section 3 of the Duty to cooperate Statement which provides a context to the Waste Management DPD strategic issues and approach.

All neighbouring authorities satisfied that Bradford MDC has fully met the DTC requirements, and there are no outstanding or unresolved issues relating to the DTC. The Duty to cooperate table in Appendix 4 to the Duty to cooperate statement was signed off by the LCR portfolio Holders meeting held on 18th September 2015.

Specifically in relation to the Yorkshire & Humber Waste Technical Advisory Body, The latest position of every Local Plan within Y&H is reported by the authority representative at the meetings of the Y&H WTAB. If any Y&H WTAB member has any issues/concerns regarding another authorities Local Plan, they are expected to raise this through the Y&H WTAB, request it as an agenda item and open it up for discussion/consideration by the Y&H WTAB. No matters have been raised recently regarding Bradford's Local Plan – the only previous issue has been landfill capacity which has been thoroughly discussed and reviewed by the Y&H WTAB.

Section 4 of the Duty to Cooperate Statement sets out the work undertaken on the provision of waste management facilities and cross-boundary flows of waste, the identification of suitable sites for waste management facilities, and the relationship with waste management facilities.

Is there sufficient agreement between Bradford MDC and adjoining waste planning authorities about cross-boundary waste management issues; and what is the current state of play on various Memoranda of Understanding/Statements of Common Ground?

Council Response

The Council considers there is sufficient agreement between Bradford MDC and adjoining waste planning authorities regarding cross-boundary waste management issues. The Duty to Cooperate Statements sets out in detail the discussions held with neighbouring authorities and the Council does not consider there to be any outstanding issues.

There is a Memorandum of Understanding (MoU) is detailed within Appendix 3 of the DTC Statement. The MoU is for a two-year period to July 2016. The renewing of the MoU is on the agenda for the next meeting of the Waste Technical Advisory Body on 5th September.

Neighbouring authorities: are all neighbouring authorities satisfied that Bradford MDC has fully met the DTC requirements, and is there evidence to confirm the situation? Are there any outstanding or unresolved issues relating to the DTC?

Council Response

The Council is of the opinion all neighbouring authorities are satisfied that Bradford MDC has fully met the DTC requirements, full details of which can be found in the DTC Statement. The Council are of the opinion that there are no outstanding or unresolved issues relating to DTC.

Prescribed and other bodies, including:

- a. Environment Agency**
- b. Natural England**
- c. Historic England**
- d. Highways England/Highways Authority**
- e. West Yorkshire Combined Authority and Local Enterprise Partnership,**
- f. Yorkshire & Humber Waste Technical Advisory Body**

Council Response

The Council has worked with all the prescribed bodies positively and constructively in the preparation of the Waste Management DPD. Further information is contained in the Duty to Cooperate Statement.

Does Policy W1 provide an adequate framework for cross-boundary working on waste management matters?

Council Response

The Council considers Policy W1 provides an adequate framework for cross-boundary working on waste management matters. The policy covers a range of issues associated with cross boundary management of waste throughout the region and establishes a framework for close joint working with neighbouring authorities.

What is the latest position on any Proposed Changes that the Council wishes to make to the submitted Plan?

Council Response

The Council wishes to make a number of modifications to the Waste Management DPD. The proposed modifications to the plan have been set out in the modification document PS/B004, provided to the Programme officer on 14th July 2016. The Council is also in a position to make further modifications should these be required following consideration of the MIQs by the Inspector.