

**BRADFORD WASTE MANAGEMENT DPD - EXAMINATION**  
**MATTER 5: WASTE DEVELOPMENT MANAGEMENT POLICIES**  
Policies WDM1-WDM5

**Key issue:**

***Do the Waste Development Management policies provide an appropriate and soundly-based framework to consider other proposals for waste management facilities and developments, which is effective, deliverable, justified and consistent with national policy?***

**5.1 Policy WDM1 – Unallocated Waste Sites**

- a. **Are the criteria set out in Policy WDM1, including the site location and assessment criteria used to analyse proposed waste management sites, appropriate, effective, justified, soundly based and consistent with national policy?**

**Council Response**

The Council consider the site locational criteria set out in Policy WDM1 to be appropriate, effective, justified, deliverable and soundly based. The location criteria matches that of the 'Area of Search Principles' set out in the Site Assessment Report [WD-SD-016 / WD-SD-24 / WD-SD-34] to identify sites in the most sustainable strategic locations. The locational criteria, including the sequential approach, set out in Policy WDM1 are considered to meet the requirements of paragraph 5 of the National Planning Policy for Waste.

- The sequential approach set out in Policy WDM1, encourages the expansion of existing facilities and existing employment sites, which are often within industrial areas and thus less disposed to physical and environmental constraints.
- The sequential approach set out in Policy WDM1 will also encourage the development of facilities through the expansion of existing sites or within existing employment sites, which encourages the utilisation current transport links, and are in locations which are in close proximity to existing major transport infrastructure.
- Policy will also assist in avoiding detrimental impacts of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential, as the sequential approach encourages the location of sites on existing facilities and within existing industrial areas.

The assessment criteria (as set out in the Site Assessment Report WM-SD-016, WM-SD-024, WM-SD-034) used to analyse proposed waste management sites is considered appropriate, effective, justified, soundly based and consistent with national policy. The criteria assess the likely impacts of proposed waste management facilities upon the local environment and amenity. The criteria are considered compliant with the National Planning Policy for Waste and Appendix B to the document.

The assessment criteria set in Site Assessment Reports have been subject to consultation at a number of production stages including the Preferred Approach, Preferred Approach: Revised Chapter 5, and the Publication Draft stages. Evidence of this participation in the plan making process can be found in the various Statements of Consultation produced at each stage of consultation. These documents show how key stakeholders have helped shape and change the assessment criteria through each production stage of the Waste Management DPD.

The criteria have been established in accordance with various policy guidance documents including: The Waste Framework Directive, National Planning Policy for Waste and other good practice guides, including 'Planning for Waste Management Facilities: A Research Paper (2004).

Policy WDM1 has been appraised at the Preferred Approach and Publication Draft stages of plan production, evidence of how the policy will help achieve the sustainability objectives can be found in documents WD-SD-002, WM-SD-011, WM-SD-012, WM-SD-028, WM-SD-029). The Site Assessment Methodology has also been assessed at each stage including Issues and Options, Preferred Approach, Preferred Approach Revised Chapter 5 and Publication Draft.

- b. **How will applicants demonstrate the need for a proposed waste management scheme and how it would contribute to addressing the identified waste capacity gap and the delivery of Bradford's waste hierarchy?**

***Council Response***

Under Policy WDM1, applicants applying for new and expanded waste management facilities will need to demonstrate an identified need for such a facility and that it is demonstrated that waste type cannot be managed at an existing facility. In regards to how the need for a new or expanded site for the waste management facility will be determined, the applicant would firstly need to demonstrate specifically why the specific waste type could not be managed and treated at an existing facility within the district / sub-region, and would therefore need to demonstrate a local / sub-regional capacity gap for the management and treatment of the identified waste type.

The applicant would be expected to consult with the Environment Agency and the Waste/Local Planning Authority (LPA) to investigate the capacity of any existing applicable facility within the District and the sub-region. This may include details of facility capacity submitted as part of a planning application approved by the LPA and / or licensing capacity as permitted by the Environment Agency. Additionally, the applicant may utilise the Y&H Waste Position paper and/or contact the Y&H WTAB directly to gain details on strategic waste facilities across the Y&H area. The Y&H Waste position paper contains details of strategic facilities and their status (e.g operational/non-operational). Appendix 2 of the Y&H Waste Position Paper is reviewed on a rolling basis by the Y&H WTAB and updated appropriately.

The Environment Agency is legally required to monitor all movements of waste in England and Wales. All operators of regulated waste management facilities have to provide the EA with details of the quantities and types of waste they deal with i.e. waste received into site and waste sent on from site to other facilities or processes. Although waste producer data is commercially confidential, a summary of the movements is provided in this Waste Data Interrogator.

The Council shall also endeavour to regularly update the Waste Needs Assessment, Capacity Gap Analysis and Site/Facility Requirements Study, to ensure the robust evidence relating to waste management capacity in Bradford District is available to applicants. Additionally, updating of waste capacity gaps and the 'need' for waste facilities may be undertaken at some point in the future in formal conjunction with the five WY authorities, co-ordinated by the WYCA/LCR, as continued joint working of the five West Yorkshire Authorities on Minerals and Waste matters has recently been agreed by the 5 WY Heads of Planning at a WYCA/LCR meeting in July 2016.

Taking this into account, the Council consider sufficient data should be available to demonstrate whether there is an identified need for such a facility in Bradford District or in a neighbouring authority. However, due to information commercially available, the Council will consider the demonstration of evidence shall be treated on a case by case basis.

**5.2 Policy WDM2 – Development Management and Control Criteria**

- a. **Are the criteria set out in Policy WDM2 appropriate, effective, justified, soundly based and consistent with national policy, including environmental construction standards?**

***Council Response***

The criteria set out in Policy WDM2 used to analyse to whether any impacts of waste management facility will not significantly affect people, land, infrastructure, natural resources and the historic environment is considered appropriate, effective, justified, soundly based and consistent with national policy. The criteria used to assess the impacts align with that used to assess proposed allocated waste management sites in the Site Assessment Reports (WM-SD-016, WM-SD-024, WM-SD-034). The criteria used in Policy WDM2 are also considered compliant with the National Planning Policy for Waste and Appendix B to the document.

The assessment criteria set out in Policy WDM2 have been subject to consultation at a number of production stages including the Preferred Approach and the Publication Draft stages. Evidence of this participation in the plan making process can be found in the various Statements of Consultation produced at each stage of consultation. These documents show how key stakeholders have helped shape and change the assessment criteria through each production stage of the Waste Management DPD.

The criteria have been established in accordance with various policy guidance documents including: The Waste Framework Directive, National Planning Policy for Waste and other good practice guides, including 'Planning for Waste Management Facilities: A Research Paper (2004).

Policy WDM2 has been appraised at the Preferred Approach and Publication Draft stages of plan production, evidence of how the policy will help achieve the sustainability objectives can be found in Sustainability Appraisal documents WD-SD-002, WM-SD-011, WM-SD-012, WM-SD-028, WM-SD-029). The Council acknowledges there are a number of mitigation measures suggested in the latest draft of the Sustainability Appraisal which are still outstanding. The Council are looking to address this through the proposed modifications to the plan (PS-B004).

- b. **How will applicants demonstrate that any impacts of the proposed development would not significantly adversely affect people, land, infrastructure, natural resources and the historic environment, including mitigation measures?**

***Council Response***

The applicant will be expected to demonstrate any impacts would not significantly adversely affect people, land, infrastructure, natural resources and the historic environment, including mitigation measures through satisfying the criteria set out in Policy WDM2. This would likely be carried out by an applicant through the submission of an Environmental Impact Assessment and/or any supporting information accompanying a planning application for a waste management facility.

**5.3 Policy WDM3 - Loss of existing or proposed Waste Management Facilities**

- a. **Are the exceptional circumstances for permitting the redevelopment or change of use of existing and proposed waste management facilities set out in Policy WDM3 appropriate, comprehensive, effective, justified, soundly based and consistent with national policy?**

***Council Response***

The need for a safeguarding policy is supported by national planning policy which includes a requirement that Waste Plans demonstrate how adequate waste management capacity is to be provided. The 'Guidance states Local Plans should identify sufficient opportunities to meet the identified needs of an area for the management of waste, aiming to drive waste management up the Waste Hierarchy. It should ensure that suitable sites and areas for the provision of waste management facilities are identified in appropriate locations. The safeguarding of existing and proposed waste management facilities is a key element in demonstrating how adequate waste management capacity will be provided.

The criteria set out in Policy WDM3 have been subject to consultation at a number of production stages including the Preferred Approach and the Publication Draft stages. Evidence of this participation in the plan making process can be found in the various Statements of Consultation produced at each stage of consultation. These documents show how key stakeholders have helped shape and change the criteria through each production stage of the Waste Management DPD.

Policy WDM2 has been appraised at the Preferred Approach and Publication Draft stages of plan production, evidence of how the policy will help achieve the sustainability objectives can be found in Sustainability Appraisal documents WD-SD-002, WM-SD-011, WM-SD-012, WM-SD-028, WM-SD-029).

**5.4 Policy WDM4 - Waste Management within Development**

- a. **Are the criteria for proposals for the expansion of existing and new developments set out in Policy WDM4 appropriate, effective, justified, soundly based and consistent with national policy?**

***Council Response***

The assessment criteria set out in Policy WDM4 have been subject to consultation at a number of production stages including the Preferred Approach and the Publication Draft stages. Evidence of this participation in the plan making process can be found in the various Statements of Consultation produced at each stage of consultation. These documents show how key stakeholders have helped shape and change the assessment criteria through each production stage of the Waste Management DPD.

Policy WDM4 has been appraised at the Preferred Approach and Publication Draft stages of plan production, evidence of how the policy will help achieve the sustainability objectives can be found in Sustainability Appraisal documents WD-SD-002, WM-SD-011, WM-SD-012, WM-SD-028, WM-SD-029). The Council acknowledges there are a number of mitigation measures suggested in the latest draft of the Sustainability Appraisal which are still outstanding. The Council are looking to address this through the proposed modifications to the plan (PS-B004).

The Council are also of the opinion the criteria set out with Policy WDM4 will also help achieve meeting the challenge of climate change through embedding the importance of waste management within all major development and enabling the delivery of sustainable development.

**b. To what types of existing and new development is the policy intended to apply?**

***Council Response***

Policy WDM4 is applicable to all developments.

**5.5 Policy WDM5 – Residual Waste for Final Disposal (Landfill)**

**a. Are the criteria for permitting new or expanded landfill developments in Policy WDM5 appropriate, justified, effective, soundly based and consistent with national policy?**

***Council Response***

The criteria set out in Policy WDM5 have been subject to consultation at a number of production stages including the Preferred Approach and the Publication Draft stages. Evidence of this participation in the plan making process can be found in the various Statements of Consultation produced at each stage of consultation. These documents show how key stakeholders have helped shape and change the assessment criteria through each production stage of the Waste Management DPD.

The criteria have been established in accordance with various policy guidance documents including: The Waste Framework Directive, National Planning Policy for Waste and other good practice guides, including 'Planning for Waste Management Facilities: A Research Paper (2004).

Policy WDM5 has been appraised at the Preferred Approach and Publication Draft stages of plan production, evidence of how the policy will help achieve the sustainability objectives can be found in Sustainability Appraisal documents WD-SD-002, WM-SD-011, WM-SD-012, WM-SD-028, WM-SD-029). The Council acknowledges there are a number of mitigation measures suggested in the latest draft of the Sustainability Appraisal which are still outstanding. The Council are looking to address this through the proposed modifications to the plan (PS-B004).

**b. How will applicants demonstrate the need for the development?**

***Council Response***

Under Policy WDM5, applicants applying for new and expanded Residual Waste for Final Disposal (i.e. Landfill) facilities will need to demonstrate an identified need for such a facility and that it is demonstrated that waste type cannot be managed at an existing facility. In regards to how the need for a new or expanded site for the waste management facility will be determined, the applicant would firstly need to demonstrate specifically why the specific waste type could not be managed and treated at an existing facility within the district / sub-region or region, and would therefore need to demonstrate a local / sub-regional/regional capacity gap for the management and treatment of the identified waste type.

The applicant would be expected to consult with the Environment Agency and the Local Planning Authority (LPA) to investigate the capacity of any existing applicable facility within the District and the sub-region. This may include details of facility capacity submitted as part of a planning application approved by the LPA and / or licensing capacity as permitted by the Environment Agency.

The Environment Agency is legally required to monitor all movements of waste in England and Wales. All operators of regulated waste management facilities have to provide the EA with details of the quantities and types

of waste they deal with i.e. waste received into site and waste sent on from site to other facilities or processes. Although waste producer data is commercially confidential, a summary of the movements is provided in this Waste Data Interrogator. Additionally, the applicant may utilise the Y&H Waste Position paper and/or contact the Y&H WTAB directly to gain details on strategic waste facilities across the Y&H area. The Y&H Waste position paper contains details of strategic facilities and their status (e.g operational/non-operational). Appendix 2 of the Y&H Waste Position Paper is reviewed on a rolling basis by the Y&H WTAB and updated appropriately.

The Council shall also endeavour to regularly update the Waste Needs Assessment, Capacity Gap Analysis and Site/Facility Requirements Study, to ensure the robust evidence relating to waste management capacity in Bradford District is available to applicants.

The Council will also continue to play an active role in contributing to the Y&H Waste Technical Advisory Body. The Council will also continue to contribute to the Yorkshire and Humber Waste Position Paper and supplementary position papers covering landfill capacity. Ensuring this regional evidence base is regularly updated will assist any applicant in demonstrating the need for landfill developments in the future.

Taking this into account, the Council consider sufficient data should be available to demonstrate whether there is an identified need for such a facility in Bradford District or in a neighbouring authority. However, due to information commercially available, the Council will consider the demonstration of evidence shall be treated on a case by case basis.

- C. How will the sequential assessment of site suitability and impacts on visual, environmental, historic/heritage assets, landscape, transport, human health, groundwater and controlled waters, water quality, noise, vibration, dust, odour, water, ground, air and light pollution be considered?**

#### ***Council Response***

The applicant will be expected to demonstrate how any impacts on visual, environmental, historic/heritage assets, landscape, transport, human health, groundwater and controlled waters, water quality, noise, vibration, dust, odour, water, ground, air and light pollution would be minimised through satisfying the criteria set out in Policy WDM5. This would likely be carried out by an applicant through the submission of an Environmental Impact Assessment and/or any supporting information accompanying a planning application for a waste management facility.

The information supporting any application would then be considered by the Waste/Local Planning Authority I as to whether or not the impacts identified had been sufficiently mitigated and if there were any additional impacts and/or mitigation measures required. As part of the consideration process, the Council shall consult with local residents and key stakeholders within the organisation, including (but not exclusively) Highways Engineers, Conservation Officer, Landscape Architects, Environmental Health etc. The Council would also undertake communications with external consultees including (but not exclusively) Environment Agency, Historic England, Natural England, Highways England, West Yorkshire Ecology etc. Due to the likely regional impact of such a development, the application would likely be presented to neighbouring authorities via formal notifications, and (should it be required) be discussed at Heads of Planning within the City Region and Portfolio Holders in the City Region. As part of the Memorandum of Understanding, the application would also be circulated for comment and discussed at meetings of the Waste Technical Advisory Body if required.

The numerous inputs from stakeholders mentioned above would be considered in the formulation of the officer's report and a recommendation put forward.

d. How will restoration and after-care be delivered effectively?

**Council Response**

A key part of Policy WDM5 is securing an appropriate and effective plan for the restoration of the proposed landfill development and appropriate satisfactory aftercare. The Council will therefore require the applicant to submit a full restoration scheme with any planning application for landfill development, which demonstrates how the site will be fully restored following the operational life of the site. Consideration must be given to the relationship between the adjoining landscape and the restoration landform, taking account of pre and post-settlement topography in line with current best waste management practices. Planning applications that fail to demonstrate that the restoration of the site has been properly addressed are unlikely to be permitted.

In order to maximise the potential environmental and public benefit from waste landfill site restoration, the proposals, must provide a positive enhancement to wildlife habitats and other sites of scientific and geological interest. The effective delivery of such a restoration plans will involve long-term management of the site and may involve the establishment of access agreements for educational or research bodies to assist and advise on management and to monitor and collect data. Opportunities to improve public access should be provided where possible to widen the benefit to the community and engage with the local community in formulating restoration proposals.

Effective delivery of a restoration plan will involve the sufficient aftercare following the successful restoration of the landfill. The aftercare and management period allows the site to be brought to a satisfactory standard (improving soil structure) and provides an opportunity to establish the site infrastructure such as drainage, and initial establishment and management of vegetation.

Should an applicant not affect the delivery of the approved restoration plan within the approved timeframe, the Council would consider utilising statutory enforcement powers covering planning and environmental matters.