The Planning Inspectorate

Report to the City of Bradford Metropolitan District Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

25 July 2017

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Local Plan for the Bradford District Waste Management Development Plan Document

The Plan was submitted for examination on 16 May 2016

The examination was conducted by written representations

File Ref: PINS/R0335/429/11

Abbreviations used in this report

AM	Additional Modification
ATT	Advanced Thermal Treatment
BCS	Local Plan for Bradford District – Core Strategy DPD
BWMDPD	Local Plan for Bradford District – Waste Management DPD
CBMDC	City of Bradford Metropolitan District Council
CD&E	Construction, Demolition & Excavation waste
C&I	Commercial & Industrial waste
DEFRA	Department for Environment, Food & Rural Affairs
DPD	Development Plan Document
DtC	Duty to Co-operate
EA	Environment Agency
EfW	Energy from Waste
EIA	Environmental Impact Assessment
ha	hectares
HE	Highways England (formerly Highways Agency)
HGV	Heavy goods vehicle
HRA	Habitats Regulations Assessment
LACW	Local Authority Collected Waste
LEP	Local Enterprise Partnership
LCR	Leeds City Region
LDS	Local Development Scheme
LLRW	Low-level radioactive waste
MDC	Metropolitan District Council
MM	Main Modification
MOU	Memorandum of Understanding
mm^3	million cubic metres
mt	million tonnes
NE	Natural England
NPPF	National Planning Policy Framework
NPPW	National Planning Policy for Waste
¶/para	paragraph
PFI	Private Finance Initiative
PPG	Planning Practice Guidance
RUDP	City of Bradford Replacement Unitary Development Plan
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SEP	Strategic Economic Plan
SPA	Special Protection Area
t/tpa	tonnes/tonnes per annum
WMPE	Waste Management Plan for England
WPA	Waste Planning Authority
WNA	Waste Needs Assessment, Capacity Gap Analysis and Site/Facility Requirements Study
WYCA	West Yorkshire Combined Authority
WWTW	Waste Water Treatment Works
WYCA	West Yorkshire Combined Authority
YHWTAB	Yorkshire & the Humber Waste Technical Advisory Body

Non-Technical Summary

This report concludes that the Local Plan for the Bradford District Waste Management DPD provides an appropriate basis for waste planning in the district providing a number of main modifications are made to the plan. The City of Bradford MDC has specifically requested me to recommend any main modifications necessary to enable the plan to be adopted. All the main modifications to address this were proposed by the Council and were subject to public consultation over a 6-week period. In a few cases, the Council has subsequently suggested minor changes to the detailed wording of some of the policies and accompanying text, which I have endorsed. I have recommended the main modifications after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amend the Vision and Objectives to refer to the need for a modal shift in the sustainable transportation of waste and ensure that development not only protects but also enhances the district's environmental assets, with similar amendments to the objectives referred to in the Delivery & Monitoring section of the Plan;
- Update and amend the tables and figures in Sections 3 & 4 of the Plan to reflect the latest information and estimates in the updated Waste Needs Assessment, including the updated figures of current and future waste arisings, the existing waste management capacity gap and future capacity requirements, and the site size assumptions and requirements, along with associated changes to Policy W2 and the accompanying text;
- Amend the text accompanying Policy W4 to indicate the latest estimate of future Construction, Demolition & Excavation (CD&E) waste and confirm that the capacity gap can be met by implementing an existing planning permission and continuing existing on-site management of CD&E waste;
- Amend the text accompanying Policy W5 to indicate the latest estimate of the amount of agricultural waste;
- Amend Policy WDM2 and the accompanying text to ensure that any adverse effects of development are not only minimised, but enhancements are also made, to avoid adverse effects on designated European sites, and to advise applicants to have early discussions with the Environment Agency about Environmental Permits in this policy and in paragraph 4.5 of the Plan;
- Amend Policy WDM3 to delete the reference to "exceptional circumstances" and indicate that the test for alternative uses on existing and proposed waste management sites will be subject to there being no realistic prospect of the site being used for waste management purposes;
- Amend the text accompanying Policy WDM4 to confirm that the policy sets out the objectives for the construction and operation of new developments principally relating to waste management;
- Amend Policy WDM5 to refer to the need to minimise any adverse effects on habitat fragmentation and enhancement, and to investigate the potential of transporting waste by non-road transport modes;
- Clarify and amend the infrastructure and mitigation requirements for proposed Sites WM1-WM6 to acknowledge the potential to consider the utilisation of any heat generated by waste management, and to confirm the need for visual and landscape assessment, and the need to address the potential impact of waste management uses at Sites WM3 & WM5 on the South Pennine Moors SAC/SAP.

Introduction

1. This report contains my assessment of the *Local Plan for the Bradford District Waste Management Development Plan Document* (BWMDPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It first considers whether the Plan's preparation has complied with the Duty to Co-operate. It then considers whether the Plan is sound and whether it complies with the legal requirements. The National Planning Policy Framework (NPPF) makes it clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy (NPPF; ¶ 182).

2. The starting point for the Examination is the assumption that the City of Bradford Metropolitan District Council (CBMDC) has submitted what it considers to be a sound plan. The basis for the examination is the *Local Plan for Bradford District Waste Management DPD Submission Draft* (May 2016) [WM-SD-001].

3. In view of the limited number of representations made to the publication version of the BWMDPD and the fact that there were no requests for any oral hearings, I have examined this Plan on the basis of written exchanges.

4. My approach to the Examination has been to work with CBMDC and other participants in a positive, pragmatic and supportive manner. In so doing, I have considered all the points made in the representations and statements. However, the purpose of this report is to consider the legal compliance and soundness of the Plan, giving reasons for the recommended modifications, rather than responding to every point made in the representations and statements. References to documentary sources are provided thus [ ].

Main Modifications

5. In accordance with Section 20(7C) of the 2004 Act, CBMDC has requested me to recommend any modifications needed to rectify matters that make the Plan unsound or not legally compliant, and thus incapable of being adopted. This report explains why the recommended Main Modifications, all of which relate to matters and issues raised during the examination, are necessary to make the BWMDPD sound and legally compliant. The Main Modifications are referenced in bold in the report **[MM]** and are set out in the accompanying Appendix. CBMDC also proposes to make other minor changes to the Plan ("Additional Modifications" - AM), which do not affect its overall soundness and do not need any positive recommendation from me.

6. The Schedule of Proposed Main Modifications was subject to sustainability appraisal and public consultation between 15 February – 29 March 2017, and I have taken account of the consultation responses in coming to my conclusions. Most of the representations made at this stage concerned the waste management facility proposed at Site WM3, many of which related to a recent planning application for a specific waste development at this site. Others repeated points made at earlier stages or did not directly relate to the content of the Main Modifications. In the light of these representations, CBMDC has suggested some further amendments to the detailed wording of a few of the policies and/or accompanying text. I have recommended these additional amendments where they are necessary for clarity or consistency. None of these amendments significantly alters the content of the Main Modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. I have highlighted these further amendments, where necessary, in my report.

Policies Map

7. CBMDC should maintain an adopted Policies Map which illustrates the geographical application of the policies in the adopted development plan. When submitting a local plan for examination, CBMDC has to provide a submission Policies Map showing the changes to the adopted Policies Map resulting from the proposals in the submitted local plan. However, the Policies Map is not defined in statute as a DPD, and so I do not have the power to recommend main modifications to it. In this case, CBMDC has submitted a Policies Map which identifies the locations for proposed waste sites [WM-SD-068]. No further changes to the Policies Map are needed as a result of the Main Modifications now recommended.

Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires me to consider whether CBMDC has complied with any duty imposed by s33A of the Act in relation to preparing the Plan. This requires them to co-operate in maximising the effectiveness of plan-making, and to engage constructively, actively and on an on-going basis with neighbouring planning authorities and prescribed bodies when preparing development plan documents with regard to a strategic matter. This is defined as sustainable development or use of land which has or would have a significant impact on at least two planning areas, including sustainable development or use of land for strategic infrastructure.

9. This Duty (DtC) is closely related to the requirements and soundness tests in the NPPF (¶ 156; 178-182), which require plans to be positively prepared and effective. Waste PPG [ID:28-015/016] confirms that waste is a strategic issue which requires a cross-boundary approach and can be addressed effectively through close co-operation between local planning authorities and other bodies to ensure a suitable and sustainable network of waste management facilities is in place.

10. There is a long legacy of strategic co-operation and joint working within the Leeds City Region (LCR) and across West Yorkshire for both officers and elected members. This helps to co-ordinate strategic planning across the county, both from the earlier days of the Regional Spatial Strategy and as set up more recently by the LCR. The latest LCR Statement of Co-operation [WM-SD-005.1] commits the local authorities to co-operating throughout the development plan process, going beyond consultation, taking a pragmatic approach and responding to requests to engage; it also identifies waste planning as a key strategic issue.

11. CBMDC has submitted evidence outlining how it has engaged constructively, actively and on an on-going basis with neighbouring authorities and prescribed bodies during the preparation of the BWMDPD [WM-SD-005/017]. This sets out the strategic context, including the relationship with the LCR and the Local Enterprise Partnership's (LEP) Strategic Economic Plan (SEP), and identifies key strategic waste issues. It focuses on CBMDC's positive involvement with the Yorkshire & Humber Waste Technical Advisory Body (YHWTAB), particularly about regional landfill capacity and cross-boundary waste flows, including waste going to landfill and hazardous waste. The YHWTAB is the main forum for discussing waste management issues in this area, and strategic waste management facilities are co-ordinated on a regional/sub-regional basis through this body, particularly in terms of landfill capacity and the cross-boundary movement of waste, including hazardous waste. The latest Waste Position Statement [PC-B006] addresses these key issues, and CBMDC's representatives have been closely involved with the analysis of the technical data and the outcome of discussions.

12. Issues raised by other local authorities during earlier stages of consultation on the BWMDPD have been addressed [WM-SD-005]. At the publication stage, Leeds City Council raised some issues about the DtC, including clarifying the future roles of the Bowling Back Lane waste management facility and Esholt Treatment Works, as well as the implications of the future closure of the Skelton landfill site. CBMDC has addressed these issues and, following the latest analysis undertaken by YHWTAB [PC-B005/B006], these matters have been satisfactorily clarified [WM-SD-005]. CBMDC has also consulted and engaged with other prescribed bodies, including the Environment Agency (EA) and Natural England (NE) [WM-SD-067], and more recently with the West Yorkshire Combined Authority (WYCA). There is no evidence to counter CBMDC's view that all neighbouring local authorities are satisfied that CBMDC has fully met the DtC requirements and that there are no outstanding or unresolved matters.

13. Policy W1 of the BWMDPD specifically addresses cross-boundary working, and confirms that CBMDC will continue to work collaboratively with neighbouring waste planning authorities. This includes sharing relevant information, data and analysis of waste arisings, working collaboratively on emerging waste plans, contributing to the work of the YHWTAB and commenting on waste planning applications, as well as supporting cross-boundary working, promoting modal shift in waste movements and commissioning joint monitoring reviews, updates and studies on waste management. CBMDC wishes to amend the policy and accompanying text to confirm the need to work closely with neighbouring authorities and work collaboratively to promote modal shift in waste movement, deleting the reference to the joint initiative with Calderdale Council for municipal waste management facilities **[MM4-5]**. These modifications will ensure that the BWMDPD is fully justified, has due regard to the environment, incorporates the outstanding mitigation measures identified in the Sustainability Appraisal, updates the position on joint working, and is consistent with national policy in the NPPF & NPPW.

14. Consequently, having considered all the evidence, I conclude that CBMDC has engaged constructively, actively and on an on-going basis with adjoining local authorities and prescribed bodies during the preparation of the BWMDPD. The legal requirements of the Duty to Co-operate have therefore been met.

Assessment of Soundness

Preamble

15. The Local Plan for Bradford will comprise a series of DPDs to guide development within the district, including waste facilities. The Core Strategy (BCS) sets out strategic policies for waste management, specifically Policies WM1 & WM2. These establish the strategic framework and spatial guidance for policies in the BWMDPD, with the aim of minimising the negative effects of generating and managing waste on human health and the environment. They also encourage a reduced use of resources, favouring the practical application of the waste hierarchy by delivering an adequate range of waste management facilities to ensure that waste is treated and disposed of in a sustainable and environmentally acceptable way, balancing the economic, social and environmental needs of the district.

16. The purpose of the BWMDPD is to expand on the policies in the BCS, setting out the detailed planning framework for managing waste arisings within the district. It establishes a spatial vision, objectives and detailed planning policies for all waste streams, and includes site allocations for specific waste streams. It outlines

the mechanisms for identifying land suitable for waste management facilities, along with policies and guidance for determining planning applications for waste management developments. It includes the results of the latest analysis of the need for new waste management facilities in the period to 2030, and makes specific site allocations for waste management facilities to meet the required capacity. It also addresses national, regional and sub-regional waste management considerations, including the cross-boundary aspects of waste management arising from consultation with adjoining local authorities, statutory agencies and key stakeholders through the YHWTAB. When adopted, it will supersede the current waste management policies in the Bradford Unitary Development Plan (RUDP).

17. Preparation of the BWMDPD began with consultation on Issues & Options and the Preferred Approach (2009-2011), concluding with consultation on the Publication Draft in 2016. The BWMDPD is accompanied by supporting evidence, including updated calculations on waste arisings and the need for waste management facilities, consultation statements, Sustainability Appraisal and Habitats Regulations Assessment [WM-SD-047-068]. There has also been close liaison between CBMDC, neighbouring LCR local authorities and the YHWTAB to ensure consistency of approach and in cross-boundary issues [WM-SD-005].

18. CBMDC has undertaken its own self-assessment of the soundness of the BWMDPD [WM-SD-006]. In considering the soundness of the BWMDPD, I have not only had regard to the NPPF, National Planning Policy for Waste (NPPW), associated Planning Practice Guidance (PPG) [ID:28] and the Waste Management Plan for England (2013) (WMPE), but also taken account of more recent Government and Ministerial statements about planning and plan-making.

Main Issues

19. Taking account of the representations, supporting evidence, written statements and points raised during the examination, there are six key issues upon which the soundness of the BWMDPD depends.

MATTER 1 - VISION AND OBJECTIVES

Key issue – Are the Vision and Objectives for the Waste Management DPD appropriate, effective and locally distinctive, reflecting European and national planning policy on waste and the views of local communities and the waste industry, and will they help to deliver the waste strategy of the submitted Plan?

20. Section 2 of the BWMDPD sets out the Vision and Objectives for Waste Management. The Vision confirms that Bradford needs to take responsibility for the waste it generates through sustainable waste management, aspiring to achieve net self-sufficiency in the management of waste, and reflecting the key waste management issues faced by Bradford. It is supported by five waste management objectives, related to European and national policy guidance and best practice, the waste hierarchy and other key policies. The Vision and Objectives also give spatial expression to CBMDC's corporate waste strategies, including the Municipal Waste Minimisation & Management Strategy (2014) [WM-SD-056]. They have been subject to consultation during the preparation of the BWMDPD, and specific evidence explains how the Plan's policies align with these objectives, the aims of the Community Strategy and the objectives and policies of the BCS [WM-SD-057].

21. The Vision and Objectives take account of the need to safeguard the district's environment and environmental assets, and safeguard local amenity, addressed by specific policies (WM4-WM7, WDM2 & WDM5). However, in the Vision, CBMDC proposes to refer to the need for a modal shift in the transportation of waste

arisings, to assist climate change mitigation and adaptation **[MM1]**. In addition, Objective 3 needs to be amended to ensure that development not only protects, but also enhances the district's environmental assets **[MM2]**; however, to be consistent with NPPF (Glossary), this requirement should be prefixed by *"where appropriate"*. Objective 5 also needs to be amended to ensure that waste arisings are transported by sustainable transport modes **[MM3]**. These modifications are necessary to ensure that the Plan is fully justified, incorporates the outstanding mitigation measures identified in the Sustainability Appraisal (SA), and is consistent with national policy in the NPPW.

MATTER 2 – NEED FOR NEW WASTE MANAGEMENT FACILITIES

Key issue – Does the Waste Management DPD adequately address the need for new waste management facilities, including existing and future waste arisings for all forms of waste, the existing and future waste capacity gap, and provision to fully meet the need for further waste management capacity, in a manner which is appropriate, effective, deliverable, positively prepared, justified by up-to-date, proportionate and robust evidence, soundly based and consistent with national policy?

22. Section 3 of the BWMDPD addresses the need for new waste management facilities, with Policy W2 setting out the future waste management capacity requirements. Section 4 indicates how the required waste management facilities will be provided, with Policy W3 listing the proposed site allocations for the management of Local Authority Collected Waste (LACW) & Commercial & Industrial (C&I) waste. CBMDC considers these are the priority waste streams, and the policies will help to reduce the amount of biodegradable waste going to landfill and ensure movement up the waste hierarchy; they also tend to be larger in scale and of strategic importance, whilst other waste streams would mainly be managed on-site, subject to other policies in Section 5 of the BWMDPD.

23. The key evidence underpinning the waste strategy of the BWMDPD is the Waste Needs Assessment (WNA), Capacity Gap Analysis and Site/Facility Requirements Studies [WM-SD-047/048/049/050]. This sets out the context for waste management in local, sub-regional and regional terms, including cross-boundary movements of waste. It also details existing and forecast future waste arisings over the plan period, including analysing existing waste management facilities and future capacity requirements. It is a comprehensive and robust assessment, based on reliable, available and proportionate evidence from the EA, DEFRA & CBMDC to forecast future waste arisings and the need for future waste management capacity; it also includes modelling scenarios and options for the provision of sites based on the land-take and size of particular forms of waste management.

24. CBMDC has worked with neighbouring authorities, sharing information on waste arisings, capacity and facilities through the YHWTAB, including cross-boundary, sub-regional and regional movements of waste, particularly for hazardous waste and landfill capacity. CBMDC has also engaged with local communities, the waste industry and key stakeholders, including EA and other Waste Planning Authorities, throughout the preparation of the BWMDPD, and has addressed cross-boundary waste management issues. As a result of consultation and engagement, through the YHWTAB & LCR, the BWMDPD represents a collective vision and agreed set of priorities for sustainable waste management planning within the district.

25. It is perhaps somewhat unfortunate that the WNA has been updated after consultation and submission of the BWMDPD [PS-B017]. Ideally, such up-to-date information should inform and underpin the strategy and policies of the plan before they are finalised. Initially, some of the updated figures contained errors and

inaccuracies which had to be resolved before the latest information could be finalised; consequently, key tables and figures in the submitted version of the BWMDPD will need to be amended, updated and clarified.

26. The updated evidence summarises the latest estimates of current total waste arisings for the various waste streams in Bradford at 2013 and forecasts future arisings up to 2030 using a range of scenarios based on various growth and recycling/recovery rates, with robust methodology based on the latest available information [PS-B017]. It identifies the need for new waste management facilities, including the existing waste management capacity gap in Bradford to manage and dispose of the different types of waste by various forms of management, including transfer stations, recycling, energy recovery, composting, landfill and other forms of processing and treatment. In some cases, the updated figures and estimates are significantly different from those in the previous assessment, but this reflects revised assumptions and approaches for the various waste streams, including secondary waste products, some increases in CD&E, agricultural and hazardous wastes, and excluding the management of LACW from Calderdale. It also includes an updated analysis of the operational capacity of existing waste management facilities and estimates the land-take of additional waste management facilities. I deal with the issue of landfill capacity later in my report, under Policy WM6.

27. Policy W2 confirms the need to provide waste management capacity for over 1.624mt of waste arisings in the period to 2030, including specific additional capacity to manage LACW and C&I waste; this is based on scenarios assuming modest rates of growth in most waste streams, with maximum recycling rates. It also confirms that most additional CD&E, hazardous and agricultural wastes will be managed, recycled, re-used or processed at existing operational sites, either within or outside Bradford district. Proposed amendments to the supporting text, with amended or additional tables, set out the site size assumptions for various types of waste management processes and confirm that existing and proposed capacity (including the proposed site allocations) will more than meet estimated requirements. The proposed site allocations would actually provide almost 18ha of land to meet an estimated requirement for 9ha; this will provide a mix of sites to accommodate different waste streams and waste management processes, as well as giving choice for waste operators and flexibility to accommodate a variety of existing and future waste management processes.

28. As amended, Policies W2 & W3 identify sufficient opportunities to fully meet the identified needs of Bradford district for the management of all waste streams, particularly LACW and C&I waste, including specific new allocations, with additional facilities to manage other waste streams being covered by Policies W4-W7. CBMDC is currently securing long-term arrangements for managing LACW, and the future management of residual LACW generated in Bradford is under review. The management of hazardous and residual waste to landfill will continue to be managed at sub-regional/regional level through the YHWTAB.

29. The overall approach of the policies will help to drive waste management up the waste hierarchy, recognising the need for a mix of type and scale of facilities, so that adequate provision is made for the sustainable management, treatment and disposal of waste. The amended tables properly identify and forecast the amount and percentages of LACW & C&I waste requiring management and disposal over the plan period, in line with the Waste PPG and having regard to CBMDC's Municipal Waste Minimisation & Management Strategy [WM-SD-056].

30. Policies W2 & W3 also consider the need for waste management facilities alongside other spatial planning concerns, recognising the contribution that waste management can bring to the development of sustainable communities, by identifying and allocating well-located sites for waste management. Policy WDM4 also ensures that sustainable waste management is integral to all new developments. I deal with the specific site allocations to accommodate future waste management needs, principally for LACW & C&I waste, listed in Policy W3, later in my report.

31. At first sight, it may seem rather surprising that the revised figures in the latest WNA, some of which include significant changes, have had very little impact on the strategy, policies and proposed sites in the submitted BWMDPD. However, having examined the updated data and estimates and assessed their implications for the strategy and policies of the Plan, assisted by additional responses from CBMDC [PS-B002-014/018], I am satisfied that they provide a more up-to-date, accurate and robust assessment of existing and future waste management requirements than the previous information, and provide a sound basis for the strategy and policies of the BWMDPD.

32. In order to reflect the updated figures and estimates of existing and future waste arisings, amendments are needed to the accompanying tables and text of the BWMDPD. These include updated figures of current and future waste arisings (Tables 1 & 2) **[MM6-7]**, the existing waste management capacity gap and future capacity requirements (Tables 3 & 4) **[MM8/10]**, and the site size assumptions and requirements (Table 5/new table) **[MM11-12]**, along with associated changes to Policy W2 **[MM9]**. EA is satisfied with the revised figures, and the recommended modifications will ensure that the BWMDPD is effective, justified, up-to-date, positively prepared, deliverable and soundly based. Further minor amendments (AM) will clarify and update the position.

33. Consequently, with the recommended modifications **[MM6-12]**, the BWMDPD adequately addresses the need for new waste management facilities, including existing and future waste arisings and the future waste capacity gap for all forms of waste. It also makes provision to fully meet the need for further waste management capacity in a manner which is appropriate, effective, deliverable, positively prepared, justified by up-to-date, proportionate and robust evidence, soundly based and consistent with national policy and guidance in the NPPF, NPPW and associated Waste PPG.

MATTER 3 – MANAGING OTHER WASTE STREAMS

Key issue – Does the Waste Management DPD properly address the waste management needs of other waste streams, including Construction, Demolition & Excavation Waste, Agricultural and Hazardous Waste, and Residual Waste for Final Disposal, including the need for additional waste management facilities, in a manner which is appropriate, effective, deliverable, positively prepared, justified with evidence, soundly based and consistent with national policy?

34. Section 5 of the BWMDPD sets out the approach to managing other waste streams, including Construction, Demolition & Excavation Waste (CD&E), agricultural and hazardous waste, and residual waste for final disposal (ie. landfill). For most of these waste streams, the strategy aims to reduce, process, re-use or manage such waste on-site, at existing facilities or at its source.

Construction, Demolition & Excavation Waste

35. Policy W4 permits new and expanded sites for CD&E waste if there is an identified need for the facility and it cannot be reduced or processed on-site at its source. It also sets out criteria to be met if such a need can be identified. Updated figures estimate that the amount of CD&E waste is expected to increase over the plan period from 443,504t to 485,141t (2015-2030), much of which will be recycled or re-used on-site [PS-B017]. In the past, data on the amount of CD&E waste produced was poor, but the latest estimates use data from the Environment Agency (EA), including the Waste Data Interrogator and analysis of waste categories, and is the best information currently available.

36. Although there is an identified need for additional recycling capacity for CD&E waste throughout the plan period, the existing and future capacity gap could be met by implementing an existing planning permission (200,000tpa) and continued management of CD&E waste at existing sites [PS-B017]. There is also sufficient landfill capacity in the sub-region to meet the residual disposal needs of CD&E waste (mainly excavation waste).

37. It is therefore appropriate for applicants to have to demonstrate a need for new facilities in terms of a local/sub-regional/regional capacity gap, and that such waste cannot be reduced, recycled, re-used or processed on-site, reflecting Policy WDM4. If such a need can be demonstrated, then the sequential approach set out in Policy W4 prioritises the development, co-location or expansion of existing facilities, established and proposed industrial/employment sites and other previously developed land within the Area of Search. This will help to avoid any detrimental impacts of such developments on the well-being of local communities and on the environment. It also reflects the principles set out in CBMDC's Site Assessment Report [WD-SD-016/024/034] and is consistent with the NPPW (¶ 5 & Appx B). This approach is in line with the waste hierarchy and is a sustainable and environmentally sound approach to the management of CD&E waste.

38. However, to ensure the policy is up-to-date, effective, justified and deliverable, the supporting text (¶ 5.3) should indicate the latest estimate of future CD&E waste (485,141t) and confirm that the capacity gap for CD&E waste can be addressed by implementing an existing planning permission and continuing existing on-site management of CD&E waste **[MM31]**. This modification will ensure that the policy is effective and consistent with national policy.

Agricultural waste

39. Policy W5 confirms that proposals for new and expanded sites for managing agricultural waste will be considered if there is an identified need for the facility and it cannot be processed on-site at its source. It also sets out criteria to be met if such a need can be identified. Although Bradford district generates a significant amount of agricultural waste, most is managed, processed and recycled on-site; updated figures estimate that the amount of such waste is expected to remain constant over the plan period at around 296,902tpa [PS-B017].

40. The latest assessment indicates that there is currently no identified need for additional waste management facilities to process agricultural waste within Bradford district [PS-B017]. It is therefore appropriate for applicants to have to demonstrate a need for additional facilities in terms of a local/sub-regional/ regional capacity gap, and that such waste cannot be reduced, recycled, re-used or processed on-site. If such a need can be demonstrated, then the sequential approach set out in Policy W5 prioritises the expansion and co-location of existing

agricultural waste management sites and at other existing agricultural sites, as well as at other previously developed land within the Area of Search and mineral extraction/landfill sites. This will help to avoid any detrimental impacts of such developments on the well-being of local communities and on the environment. It also reflects the principles set out in CBMDC's Site Assessment Report [WD-SD-016/024/034] and is consistent with the NPPW (¶ 5 & Appx B). This approach is in line with the waste hierarchy and is an effective, justified, sustainable and environmentally sound approach to the management of agricultural waste in Bradford.

41. However, to ensure the policy is up-to-date, the supporting text (¶ 5.4) should indicate the latest estimate of agricultural waste (296,902tpa) **[MM32]**. This will ensure that the policy is effective and consistent with national policy.

Hazardous waste

42. Policy W6 confirms that proposals for new and expanded sites for managing hazardous waste will be considered if there is an identified need for the facility and it cannot be processed at an existing facility. It also sets out criteria to be met if such a need can be identified. Bradford district is not a significant producer of hazardous waste, nearly all of which is processed outside the district. Hazardous waste usually requires waste management facilities which need economies of scale. Given the limited production of such waste within the district, this is unlikely to be viable in Bradford unless such a facility imported waste from elsewhere. Hazardous waste has a specific definition, and the amounts of such waste are included in the figures for LACW, C&I and CD&E waste. Estimates of such waste are derived from the EA Hazardous Waste Interrogator, which is the most reliable source of data; updated figures estimate that such waste is expected to increase from 19,338t to 23,570t (2015-2030) [PS-B017].

43. Bradford district is a net exporter of hazardous waste and, although most of the waste generated is managed outside the district, small quantities are managed within the district, mainly generated from healthcare treatment. The future capacity needed to manage hazardous waste has already been taken into account in the figures for LACW, C&I and CD&E waste, and CBMDC anticipates that most waste management facilities for the treatment of hazardous waste will continue to be provided outside the district, particularly since such facilities need economies of scale that cannot be provided from Bradford's hazardous waste alone.

44. It is therefore appropriate for applicants to have to demonstrate a need for additional hazardous waste management facilities in terms of a local/sub-regional/regional capacity gap, and that such waste cannot be managed at an existing operational hazardous waste facility. This will require detailed discussions with the EA, CBMDC and other relevant WPAs, utilising the latest available information, including existing available capacity within Bradford and elsewhere. If such a need can be demonstrated, then the sequential approach set out in Policy W6 prioritises the expansion and co-location at existing hazardous waste management sites and existing industrial/employment sites, as well as at other previously developed land within the Area of Search and mineral extraction/landfill sites. This will help to avoid detrimental impacts of such developments on the well-being of local communities and on the environment. This approach reflects the principles set out in CBMDC's Site Assessment Report [WD-SD-016/024/ 034] and is consistent with the NPPW (¶ 5 & Appx B). It is also in line with the waste hierarchy and represents a sustainable and environmentally sound approach to managing the hazardous waste generated in Bradford.

45. Consequently, the proposed approach to managing hazardous waste set out in Policy W6 and the accompanying text is appropriate, effective, deliverable, justified and consistent with national policy and needs no further amendments.

Residual waste for final disposal

46. The Government's Waste Management Plan for England (2013) (WMPE) confirms that landfill without energy recovery should usually be the last resort for waste, particularly biodegradable waste; the landfill tax is the key driver to ensure that waste is diverted from landfill in order to meet waste management targets.

47. Policy W7 confirms that waste disposal to landfill will continue to play an important part in managing residual waste generated in Bradford. Although there is a need to reduce residual waste without recovery, there is also a need to plan positively for the disposal of final residual waste following recovery and treatment. The policy adopts a "monitor and manage" approach to ensure that a sufficient supply of landfill facilities exists, firstly within the West Yorkshire sub-region and thereafter in the Yorkshire & Humber region. It focuses on residual waste for final disposal to landfill, including waste products from Energy from Waste (EfW) processes. It also sets out a sequential approach to the provision of new or expanded landfill facilities where a need for such facilities can be identified.

48. In this region, the provision of landfill capacity is dealt with on a sub-regional/ regional basis. The latest Memorandum of Understanding (MOU) [WM-SD-005.4] confirms that planned provision for waste management in the Yorkshire & Humber region will be co-ordinated by the YHWTAB; the latest Position Statement [PS-B006] sets out the latest position on landfill facilities. Although existing landfill capacity might possibly be reduced by some 10.8mm^3 by 2018 if one specific site closes, the latest Regional Landfill Capacity analysis [PS-B005] confirms that there is more than sufficient landfill capacity (94.3mm^3) across the region to meet existing and future requirements without the need for further landfill sites to be identified within Bradford district. Within West Yorkshire, there is also a possible over-capacity of some 14.7mm^3 of inert landfill capacity, and sufficient capacity (1.8mm^3) for the management of hazardous waste.

49. The latest assessment indicates a requirement for landfill capacity, principally for excavation waste and hazardous waste [PS-B017]. Bradford currently has only limited landfill capacity to accept such CD&E waste, although planning permission was granted in 2013 for an inert landfill site with a capacity of 2mt, which would serve the needs of the Plan period. At present, some of Bradford's waste goes to landfill sites outside the district, and the evidence shows that there is sufficient landfill capacity within West Yorkshire to meet Bradford's requirements [PS-B017]. It is expected that Bradford's waste will continue to be exported to sites in the sub-region in the first instance, and in the wider region if necessary, where significant landfill capacity remains to accommodate such waste. Consequently, there is no need to provide further landfill capacity within Bradford district to accommodate this type of waste within the current Plan period.

50. In these circumstances, it is appropriate for applicants to have to demonstrate an identified need for further landfill capacity, adopting a sequential approach which prioritises the expansion and co-location of existing landfill facilities, including those outside the district, along with existing industrial/employment sites, sites within CBMDC's Area of Search and mineral extraction sites. This will help to avoid detrimental impacts of such developments on the well-being of local communities and on the environment. This approach also reflects the principles set out in

CBMDC's Site Assessment Report [WD-SD-016/024/034] and is consistent with the NPPW (¶ 5 & Appx B). Given the need to reduce the amount of residual waste going to landfill and manage waste higher up the waste hierarchy, this represents an effective, justified, sustainable and environmentally sound approach to the provision of further landfill facilities in Bradford, particularly bearing in mind the established approach to monitoring, managing and providing such facilities on a sub-regional/regional basis through the YHWTAB.

51. Consequently, although CBMDC is proposing some minor amendments (AM) [PS-B019] to clarify the definitions and terminology of residual waste for final disposal, no further amendments are needed to Policy W7 in the interests of soundness.

Low-level radioactive waste and waste water

52. The evidence confirms that the amount of low-level radioactive waste (LLRW) produced in Bradford district is minimal, largely comprising hospital and laboratory waste [PS-B017]. There are no sites within Bradford permitted to deal with such waste, but sites exist in Leeds and Lancashire to manage or dispose of such waste, and there are no identified requirements for sites to manage or dispose of LLRW in Bradford during the current Plan period.

53. The only site in Bradford dealing with waste water and sewage sludge is the Esholt Waste Water Treatment Works (WWTW). This is one of the largest sites in Europe and is operated by Yorkshire Water, who has no known requirement for additional facilities. WWTW operators generally try to place new plant and capacity at an existing WWTW and, given the size of the existing facility (over 330ha), it is unlikely that new sites will be needed to handle waste water or sewage sludge.

54. Consequently, with the recommended modifications **[MM31-32]**, the BWMDPD provides a clear, effective, deliverable and soundly based framework for managing other waste streams, which is up-to-date, fully justified with evidence, positively prepared and consistent with the latest national guidance.

MATTER 4 – WASTE DEVELOPMENT MANAGEMENT POLICIES

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?

55. Section 6 of the BWMDPD sets out development management policies to control the nature, characteristics, operation and impacts of waste management facilities, including the assessment of unallocated sites, applications for new and expanded waste management facilities, the loss of existing facilities, waste management within developments, and landfill sites for the disposal of final residual waste.

Unallocated sites

56. Policy WDM1 sets out the criteria for assessing proposals for waste management development on unallocated sites. Applicants have to demonstrate the need for the facility and its contribution to the identified waste management capacity gap and waste hierarchy; sites are also assessed against a sequential approach to its location and its suitability against the site assessment criteria. The site locational criteria, including the sequential approach, reflects the approach adopted in the Site Assessment Report [WM-SD-016/024/034], and will enable the development and expansion of existing waste management facilities and existing employment sites, as well as helping to avoid detrimental impacts on the well-being and amenity of existing communities, in line with national policy and PPG [ID:28-046/047].

57. CBMDC confirms that, in demonstrating the need for new and expanded waste management facilities, applicants would have to show why the type of waste cannot be managed at an existing facility within the district/sub-region and establish that there is a waste management capacity gap. This would require the use of waste management capacity data and discussions with the EA, WPAs and YHWTAB. Sufficient data should be available to demonstrate whether there is an identified need for a particular new or expanded facility and, given the approach of national policy and guidance in the NPPW & Waste PPG, this approach is justified and soundly based.

New and expanded waste management facilities

58. Policy WDM2 sets out the development management and control criteria for assessing planning applications for new and expanded waste management facilities, including demonstrating the need for the facility and its contribution to the waste hierarchy and objectives of the BWMDPD. Applicants also have to demonstrate that any impacts of the proposed development would not significantly adversely affect people, land, infrastructure, natural resources and the historic environment.

59. The site-specific impacts of development should also be assessed and minimised, including impact on designated structures or areas, visual and landscape amenity, flooding and water quality, transport accessibility and capacity, environmental, social and economic effects, human health, noise, vibration, dust and odour, water, ground, light and air pollution, and climate change. The policy also covers design and siting issues, mitigation (including HGV emissions) and biodiversity. The impact of additional traffic is particularly important, including the transport of waste and its impact on local residents in terms of amenity and traffic congestion. These criteria are similar to those used in the assessment of the proposed site allocations [WM-SD-016/024/034] and reflect national policy in the NPPW (¶ 5 & Appx B) as well as other good practice. Most of these assessments would fall within the work normally contained in an Environmental Impact Assessment (EIA) and any associated supporting information.

60. However, clause (j) of the policy should confirm that any adverse effects on designated European sites should be avoided and, in the accompanying text (¶ 6.12), confirm that where such adverse effects cannot be avoided, the applicant must demonstrate that there are no suitable alternatives, that there are imperative reasons of overriding public interest for the project, and that compensation can be delivered **[MM34]**; this would ensure that the policy is consistent with the Habitats Regulations and address NE's concerns. To ensure consistency with the NPPF (Glossary) and address Historic England's concerns, clauses (d) & (e) of the policy should be amended to confirm that any adverse effects of development are not only minimised, but enhancements are also made, where possible and *appropriate* **[MM35-36]**. The accompanying text (¶ 6.6) should also be amended, advising applicants to have early discussions with the EA about Environmental Permits **[MM33]**. These modifications will ensure that the policy is fully justified, reflects outstanding mitigation measures highlighted in the SA, and is consistent with the Habitats Regulations and national policy in the NPPF & NPPW.

Loss of existing waste management facilities

61. Policy WDM3 aims to safeguard existing and proposed waste management facilities and sites and ensure that they are not lost by redevelopment or change of use to other purposes; specific criteria sets out the circumstances which might justify such other development. The safeguarding of existing and proposed waste

management facilities and sites is a key element in ensuring that adequate waste management capacity is provided and retained during the Plan period. Applicants will clearly need to demonstrate how the loss of a facility or development of an allocated site for another purpose will not adversely affect CBMDC's ability to meet the BWMDPD's vision and objectives, implement the waste strategy and meet the identified existing and future need for waste management capacity.

62. The need to safeguard existing and proposed waste management facilities and sites is generally supported in national policy (NPPF, NPPW & PPG [ID-28]). However, I consider the reference to *exceptional circumstances* in the policy and supporting text is too strong a term to use and too onerous a test to demonstrate in this context. It is normally only used when dealing with development in Green Belts or other designated areas, such as National Parks, Areas of Outstanding Natural Beauty or ecological and heritage sites. When referring to the long-term protection of employment sites, the NPPF (¶ 22) refers to there being *no reasonable prospect* of the site being used for that purpose. The policy wording should therefore refer to *"particular"* rather than *"exceptional"* circumstances and the accompanying text (¶ 6.14) should be amended to reflect the approach in the NPPF. These modifications **[MM37-38]** will ensure that the policy is effective and consistent with national guidance.

Waste management within development

63. Policy WDM4 outlines the requirements relating to waste management for all new developments in terms of the principles of sustainable design, construction and demolition. It covers the use of recycled and secondary materials for construction, including minimising waste and energy efficient design, on-site generation of electricity from the recovery and treatment of waste, water recycling and sustainable drainage measures; it also covers the management of waste arising from the development, and seeks designs which minimise waste disposal and maximise recovery and recycling of waste materials and the opportunities to contribute to climate change mitigation. This is a wide-ranging policy which applies to all forms of new development, and reflects many of the objectives of national policy in terms of waste management and climate change mitigation; compliance of future developments with this policy will be assessed at the planning application stage.

64. However, the criteria in Policy WDM4 needs to be amended to indicate that applicants should aim to minimise the impact of any proposed on-site management of CD&E waste in terms of environmental, social or economic effects, human health, noise, vibration, dust and odour, water, ground, light or air pollution, and climate change **[MM41]**. The accompanying text (¶ 6.16) should also be amended, to confirm that applicants should be mindful of environmental management regulations and best practice during the on-site use and recovery of CD&E waste to ensure that it does not cause undue nuisance to surrounding communities **[MM40]**. In addition, to clarify the application of the policy and ensure that it is not taken out of context or extends the purpose and remit of the BWMDPD, the accompanying text (¶ 6.15) should confirm that the policy sets out the objectives for the construction and operation of new developments principally relating to waste management **[MM39]**. These modifications will ensure that the policy is effective, fully justified, has due regard to the environment, reflects the outstanding mitigation measures identified in the SA, and is consistent with national policy and soundly based.

Final Residual waste for disposal (Landfill)

65. Policy WDM5 sets out the criteria for assessing proposals for new or expanded landfill sites. The BWMDPD reflects national policy by confirming that disposal of waste to landfill is the final recourse in terms of Bradford's waste hierarchy. As indicated previously, landfill capacity is dealt with at regional/sub-regional level, with the position being monitored by the YHWTAB. However, if there is a future need for new or expanded landfill facilities within Bradford district, it is important to set out the policy and criteria for assessing such proposals. This reflects Policy W7 in the BWMDPD.

66. Applicants will not only have to show that more advanced waste management technologies for recycling/recovery/treatment of waste have been explored and discounted, but also have to demonstrate a need for the landfill facility in terms of a sub-regional/regional capacity gap; this will require discussions with the EA and CBMDC, as well as other bodies such as WYCA/LCR/YHWTAB. Applicants will also have to show that the site is in a sequentially preferable location, starting with existing operational landfill sites and previously developed land. The policy highlights the need to consider site-specific impacts, the design, siting, appearance and operation of the facility, as well as mitigation, enhancement and restoration/after-care issues. Most of these assessments would fall within the work normally contained in an EIA and any associated supporting information. This approach is consistent with national policy in the NPPW & PPG and other good practice.

67. However, the policy needs to be amended to refer to the need to minimise any adverse effects on habitat fragmentation and enhancement, and to investigate the potential of transporting waste by non-road transport modes **[MM42]**. This will ensure that the policy is fully justified, incorporates outstanding mitigation measures set out in the SA, and is consistent with national policy in the NPPW (¶ 5 & 7), particularly in terms of the local environment.

68. Consequently, I conclude that, with the recommended modifications **[MM31-42]**, 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.

MATTER 5 – PROPOSED SITE ALLOCATIONS

Key issue – Are the proposed site allocations in suitable and appropriate locations, are they effective, deliverable, fully justified with evidence and soundly based, and do they properly address site and infrastructure requirements, mitigation measures and environmental, traffic and other considerations, in accordance with national policy?

69. The BWMDPD proposes six new sites for waste management facilities, in order to meet the identified waste management capacity gap, principally for LACW and C&I waste. These proposals have resulted from a comprehensive assessment of potential sites for waste management facilities, which initially identified over 160 sites, including existing employment allocations from the RUDP and sites submitted through the "call for sites" during the preparation of the Plan; these were narrowed down to around 40 sites which passed the initial assessment, resulting in a short-list of 6 sites after further detailed assessment [WM-SD-016].

70. This approach assessed the suitability of sites for new and/or enhanced waste management facilities in an objective and comprehensive way, in line with national policy (NPPW; Appendix B); it also took account of physical and environmental constraints, deliverability and viability, the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and the cumulative impact of existing and proposed waste management and disposal facilities on the well-being of local communities, in line with national policy and other good practice guidance. It also gives preference to existing sites, industrial/ employment land and previously developed land, in line with the PPG [ID:28-41].

71. The assessment criteria and sites were subject to consultation at several stages during the preparation of the Plan. The sites were also assessed in the Sustainability Appraisal (SA) [WM-SD-002/004/011-015], including the reasons for selecting the preferred sites and rejecting alternative sites. Some sites were considered in the Habitats Regulations Assessment (HRA), due to the potential impact on the South Pennine Moors SAC/SPA; proposed amendments to the mitigation requirements for each site incorporate outstanding mitigation measures identified in the SA. Several sites have been identified as having potential to accommodate a range of types of waste management facilities, and the site assessment process has identified no significant factors that might prevent the delivery of the waste management facilities proposed. The shortfall in current waste management capacity in terms of meeting future requirements is significant and fully justifies the provision of additional waste management sites.

72. As indicated previously, the BWMDPD identifies more than enough sites for the provision of waste management facilities in appropriate locations, including the broad types of waste management uses appropriate for each site, to meet future needs, in line with the waste hierarchy and guidance in the NPPW. It also reflects the need for flexibility advocated in the Waste PPG [ID:28-038]. The proposed sites are located in appropriate strategic locations, with the spatial distribution based on proximity to waste arisings, focused on the City of Bradford and Keighley, where most of the LACW & C&I waste arises, and based on proximity to the primary road network. The need to reduce the long-distance transport of waste materials is a key sustainability issue and one of the main criteria in the Site Assessment Report [WM-SD-016]. This approach satisfies the "proximity principle", helping to minimise the transportation of waste and enabling the proposed sites to serve a large enough catchment area to ensure economic viability.

73. The BWMDPD provides opportunities for the on-site management of waste where it arises, not only at the proposed sites, but also through other policies of the Plan (Policies W4-W7 & WDM1-5). It also takes account of the spatial distribution of existing and proposed waste management facilities, related to sustainability and need, encompassing a broad range of locations; opportunities to co-locate waste management facilities and complementary activities, including low-carbon energy recovery facilities, are provided by Policies W4-W7 & WDM1 & WDM5. The site assessment criteria [WM-SD-016] includes a specific Area of Search and adopts a sequential approach to identifying sites, focusing on the expansion and co-location of waste facilities at existing operational waste management sites, established/proposed employment/industrial sites and other previously developed land, in line with national policy in the NPPW & PPG. This sequential approach is also reflected in other policies in the Plan (Policies W4-W7 & WDM1 & WDM5).

74. The BWMDPD (¶ 6.6-6.12) already encourages applicants to enter into early discussions with CBMDC about waste management proposals. However, in order to encourage developers to enter into early discussions with the EA about

Environmental Permits for particular sites, a specific amendment is needed to this part of the Plan (¶ 4.5) **[MM13]**. This will ensure that the BWMDPD reflects the guidance in the Waste PPG [ID:28-052].

Site WM1 – Princeroyd Way, Ingleby Road, Listerhills

75. This is an allocated 2.1ha employment site within an existing employment zone/ industrial area in the urban area of Bradford. It is currently cleared and vacant, adjoins food-production premises and a residential area, is readily available and accessed off Ingleby Road (A6177). It is considered suitable for a wide range of waste management uses, except for advanced thermal treatment, conventional EfW and open-air waste treatment, and has a waste management capacity of 100,000-150,000tpa.

76. Most of the relevant infrastructure and mitigation requirements have been identified, including transport/access, utilities, flood risk, drainage and impact on residential amenity, in consultation with EA and Highways England (HE). However, due to the proximity of the site to neighbouring commercial property, CBMDC proposes to amend the infrastructure requirements to acknowledge the potential to consider utilising any heat generated as part of waste management, **[MM15]**. Additions are also proposed to the mitigation requirements, including the potential for habitat fragmentation and enhancement, and the need for visual and landscape assessment **[MM14; MM16]**. These modifications are needed to ensure that the proposal is fully justified, reflects the outstanding mitigation measures highlighted in the SA, and is consistent with national policy in the NPPF, NPPW & PPG.

Site WM2 – Ripley Road, Bowling

77. This 2.35ha site is partly allocated for employment uses and lies within an existing employment zone within the Bradford urban area. It is cleared and currently used as a skip hire depot. The site is readily available, with access to the main A641 & A650. It is considered suitable for a wide range of waste management uses, except for conventional EfW and open-air waste treatment, and has a waste management capacity of 120,000-160,000tpa. Indeed, planning permission has already been granted for a proposed gasification waste management facility, which has addressed detailed site development issues.

78. Most of the relevant infrastructure and mitigation requirements have been identified, including transport/access, utilities, flood risk, drainage and impact on the landscape and on historic assets, in consultation with EA and HE. However, due to the proximity of the site to neighbouring commercial property, CBMDC proposes to amend the infrastructure requirements to acknowledge the potential to consider utilising any heat generated as part of waste management **[MM18]**. Additions are also proposed to the mitigation requirements, including the potential for habitat fragmentation and enhancement, and the need for visual and landscape assessment **[MM17; MM19]**. These modifications will ensure that the proposal is fully justified, reflects the outstanding mitigation measures highlighted in the SA, and is consistent with national policy in the NPPF, NPPW & PPG.

Site WM3 – Aire Valley Road, Worth Village, Keighley

79. This is an allocated 2.8ha employment site within an existing employment area on the valley floor on the eastern edge of Keighley. It is currently vacant and adjoins a gasholder site and a railway line, about 500m south of East Riddlesden Hall, a Grade 1 listed historic property. The site is readily available, with access to the main Aire Valley Road (A650), but may be more expensive to develop due

to previous contamination from former uses. The site is considered suitable for a wide range of waste management uses, except for open-air waste treatment.

80. Planning permission was granted in 2014 for this site to be used for EfW/pyrolysis plants, including C&I waste, waste plastics, tyre pyrolysis and energy generation, and planning permission for an EfW plant was issued in April 2017. I understand that this latest permission is subject to a challenge under Judicial Review, focusing on alleged errors in the assessment of the impact on heritage assets and failure to undertake a separate HRA for the project. However, this challenge seems to largely relate to CBMDC's consideration of the planning application rather than the principle of allocating this site for waste management purposes. Many of the representations to the BWMDPD about this proposal, particularly at Main Modifications stage, more directly relate to CBMDC's consideration of the latest planning application. In this regard, it is important to note that the BWMDPD proposal allocates the site for a range of possible waste management uses, rather than for a specific waste management facility or process.

81. The site has been specifically assessed by the HRA [WM-SD-052/054] due to the potential adverse impact on the South Pennine Moors SAC/SPA. After undertaking an air quality modelling exercise, this suggested that a waste management use involving combustion processes at this site would potentially exacerbate the existing situation as regards acid deposition on the Rombalds Moor part of the SAC/SPA; on impact avoidance measures, it suggested that Site WM3 may not be suitable for a waste management use involving combustion processes, and recommended that the BWMDPD be amended to reflect this position. The supporting text therefore needs to be amended to confirm that the potential effects of a conventional EfW facility and Advanced Thermal Treatment (ATT) on the SAC/SPA would need to be assessed under the Habitats Regulations **[MM20]**; I understand that CBMDC would be the competent authority with regard to this matter, and that NE & EA are satisfied with this approach, which reflects the conclusions of the HRA and incorporates the outstanding mitigation measures recommended in the SA/HRA; it will also ensure that any significant detrimental impacts on the SAC/SPA and local area are avoided. The SA has been updated and amended to reflect this position [PS-B032].

82. As regards heritage assets, the Plan specifically refers to the need to consider mitigation against the potential impact of any waste development on the Grade 1 listed East Riddlesden Hall; the SA has also been updated and amended to reflect this position [PS-B030]. The need to avoid any detrimental impact arising from the construction and operation of any waste management use at this site on residential amenity is also specifically highlighted in the mitigation requirements. However, to help minimise any adverse visual impact of the proposal on its setting and surroundings and enable visual enhancements to be sought, the mitigation requirements should be amended to require visual and landscape assessment **[MM20]**. Most of the other relevant infrastructure and mitigation requirements have been identified, including transport/access, utilities, air pollution, flood risk, drainage, proximity to sensitive uses and impact on health, biodiversity and highway safety, in consultation with EA, Historic England and Highways England, and were also addressed in the HRA & SA.

83. The need to address these mitigation requirements is further reinforced by Policy WDM2, which requires proposals to demonstrate that any impacts of development will not significantly adversely affect people, land, infrastructure, natural resources and the historic environment. Detailed site development issues and infrastructure and mitigation requirements were also considered as part of the planning

application process, including the potential impact on the SAC/SPA [WM-SD-067]; potential operators would also need to apply for an Environmental Permit, which would address emissions and air pollution, including the implications of any weather inversions in this valley bottom location.

84. In addition to the need for a separate HRA to assess the potential effects of a conventional EfW/ATT on the SAC/SPA and require a visual and landscape assessment **[MM20]**, CBMDC proposes to amend the infrastructure requirements to acknowledge the potential to consider utilising any heat generated as part of waste management, due to the proximity of the site to neighbouring commercial property **[MM21]**. These modifications are needed to ensure that the proposal is fully justified, reflects the outstanding mitigation measures highlighted in the SA, including the potential impact on the SAC/SPA, and is consistent with national policy in the NPPF, NPPW & PPG.

Site WM4 – Bowling Back Lane Household Waste Collection & Recycling Site

85. This 4.27ha site lies within an existing employment zone in the urban area of Bradford, and is currently used as a Household Waste Collection & Recycling Site. It adjoins Site WM6 and a gypsy/traveller site. Access is readily available to the main A650 & A6177 via industrial estate roads, but the presence of existing uses and structures may result in higher development costs due to the need for site clearance. The site is considered suitable for a wide range of waste management uses, except for open-air waste treatment.

86. Planning permission was granted in 2012 for a Mechanical Recycling Plant and Energy Recovery Plant on this site, with a capacity of 190,000tpa, which was to have been developed in partnership with Calderdale Council through a PFI process. However, the project was not advanced due to PFI credits being withdrawn, and the site remains in use as a waste transfer station and bulking station for LACW.

87. Most of the relevant infrastructure and mitigation requirements have been identified, including transport/access, utilities, flood risk and drainage, in consultation with EA and HE. However, due to the proximity of the site to neighbouring commercial property, CBMDC proposes to amend the infrastructure requirements to acknowledge the potential to consider utilising any heat generated as part of waste management **[MM23]**. Additions to the mitigation requirements are also proposed, including the need to consider the effects on the nearby listed building and on the quality of the surrounding built environment, air quality, noise and visual impact, along with the potential for habitat fragmentation and enhancement, and visual and landscape assessment **[MM22; MM24]**. These modifications are needed to ensure that the proposal is fully justified, reflects the outstanding mitigation measures highlighted in the SA, and is consistent with national policy in the NPPF, NPPW & PPG.

Site WM5 – Merrydale Road, Euroway

88. This is an allocated 2ha employment site within the Euroway Trading Estate in the urban area of Bradford. It is currently vacant and has good access to the M606 via industrial estate roads. The site is readily available and is considered suitable for a wide range of waste management uses, except for conventional EfW and open-air waste treatment, and has a waste management capacity of 100,000-150,000tpa. It has also been assessed in the HRA as being unlikely to have any adverse impact on the South Pennine Moors SAC/SPA [WD-SD-051]. Although there are no current planning permissions for waste management uses, there is an extant planning permission for a warehouse/employment unit on this site.

89. Most of the relevant infrastructure and mitigation requirements have been identified, including transport/access, utilities, flood risk, drainage and impact on the South Pennine Moors SAC/SPA. However, due to the proximity of the site to neighbouring commercial property, CBMDC proposes to amend the infrastructure requirements to acknowledge the potential to consider utilising any heat generated as part of waste management **[MM26]**. Additions to the mitigation requirements are also proposed, including the requirement for visual and landscape assessments **[MM27]**, but previous amendments to require air quality and noise assessment and appropriate mitigation (originally set out in [MM25]) are not needed since they are covered by existing mitigation requirements and other policies in the Plan. These modifications are needed to ensure that the proposal is fully justified, reflects the outstanding mitigation measures highlighted in the SA, and is consistent with national policy in the NPPF, NPPW & PPG.

Site WM6 – Steel Stock & Scrapholders Site, Birkshall Lane

90. This 4.1ha site is within an existing employment zone in the urban area of Bradford, adjoining Site WM4 and close to an existing railway line, with a rail siding. It is currently used as a waste management facility for steel scrap and recycling, and has good access to the A650 & A6177. However, the presence of existing uses and structures may require clearance and contamination from previous uses may increase development costs. The site is considered suitable for a wide range of waste management uses, except for open-air waste treatment, and has a waste management capacity of 100,000-150,000tpa.

91. Most of the relevant infrastructure and mitigation requirements have been identified, including transport/access, utilities, flood risk, drainage and impact on residential amenity. However, due to the proximity of the site to neighbouring commercial property, CBMDC proposes to amend the infrastructure requirements to acknowledge the potential to consider utilising any heat generated as part of waste management **[MM29]**. Additions to the mitigation requirements are also proposed, including the need to address the impact on the nearby listed building, the effect on the quality of the surrounding built environment and the potential for habitat fragmentation and enhancement, along with visual and landscape assessment **[MM28; MM30]**. These modifications are needed to ensure that the proposal is fully justified, reflects the outstanding mitigation measures highlighted in the SA, and is consistent with national policy in the NPPF, NPPW & PPG.

Overall conclusions on proposed site allocations

92. Having considered all the evidence and representations, I conclude that sufficient sites suitable for the provision of waste management facilities have been identified to meet the future need for additional waste management capacity for LACW & C&I waste in Bradford. The proposed site allocations are in suitable and appropriate locations, are effective, deliverable, fully justified and soundly based. With the recommended modifications **[MM13-24; 26-30]**, they properly address site and infrastructure requirements, mitigation measures and environmental, traffic and other considerations, in accordance with national policy.

MATTER 6 – DELIVERY AND MONITORING

Key issue – Does the Waste Management DPD provide a comprehensive, effective and sound framework for delivering and monitoring the implementation of the Plan, including the baseline information, indicators and targets?

93. Section 7 sets out the measures for assessing and monitoring the performance of the BWMDPD, including indicators and targets for each policy against the objectives of the Plan. Performance against the objectives and targets in the SA will be monitored in terms of the contribution towards sustainable development, specific waste data will be collated and monitored, and performance will be reported in CBMBC's Annual Monitoring Report. However, the wording of the objectives in this section (¶ 7.5) needs to be consistent with the latest wording of these objectives in Section 2 of the BWMDPD **[MM43-44]**.

94. The BWMDPD provides sufficient information about the delivery mechanisms and timescales for implementing the Plan's policies and proposals, including detailed infrastructure and mitigation requirements for each of the site allocations and a clear indication of further technical work and supporting information required from applicants. Early engagement and pre-application discussions with CBMDC and other bodies, such as EA, is also encouraged. The monitoring framework sets out how CBMDC will monitor and report on the take-up of allocated sites, existing stock and changes in waste management facilities and capacity, waste arisings and the amounts of waste recycled, recovered and disposed of; it also identifies when policies in the BWMDPD may need to be reviewed. This reflects the guidance in the Waste PPG [ID:28-054]. CBMDC is also committed to reviewing and updating the WNA on a regular basis, co-ordinated through the WYCA/LCR/YHWTAB.

95. The policies in the BWMDPD provide sufficient flexibility and contingencies to take account of unexpected changes in circumstances by providing a choice and mix of waste management sites across the district, with the potential to accommodate a wide range of waste management facilities for a variety of waste streams. Not all the identified sites may come forward for waste management development, but further flexibility is provided by the identification of a range of waste management sites, exceeding the total area needed to meet the capacity gap. There is also the opportunity to provide additional sites for particular waste streams through the sequential approach set out in Policies W4-W7 & WDM1-WDM5.

96. Consequently, with the recommended modifications **[MM43-44]**, the BWMDPD provides a comprehensive, effective and sound framework for delivering and monitoring the implementation of the Plan, with sufficient flexibility, which is consistent with national policy.

Other matters

97. Other matters were raised in the representations which do not go to the heart of the soundness of the BWMDPD or relate to more detailed matters about specific proposals or planning applications. In response, CBMDC proposes several minor changes to the wording of the policies and accompanying text as "Additional Modifications" (AM), but these do not directly affect the overall soundness of the Plan and need no endorsement from me. Having considered all the other points made in the representations, including those relating to the Main Modifications, I conclude that there are no further changes needed to ensure that the Plan is sound in terms of the NPPF, NPPW and associated guidance.

Assessment of Legal Compliance

98. CBMDC has undertaken its own self-assessment of the legal compliance of the BWMDPD [WM-SD-007]. My assessment of these and other aspects of legal compliance of the BWMDPD is summarised below, and confirms that it meets all the relevant legal requirements.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The BWMDPD is identified in the approved LDS (July 2014) [SS/054], and its role and content comply with the LDS. The submission and examination of the Plan is slightly behind the proposed timetable, and adoption will be delayed by the need to consult on Main Modifications and address late representations.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2008 [SS/055]. The plan-making and consultation processes meet the minimum requirements of the Local Planning Regulations and CBMDC's adopted SCI, including consultation on Main Modifications.
Sustainability Appraisal (SA)	Adequate SA has been carried out at all stages during the preparation of the BWMDPD, including at the Publication Draft and Main Modifications stages [WM-SD-002/004/011-015/028-032/039-040/059-060; PS-B025-028/032]. The Publication Draft was supported by a full SA, which also considered reasonable alternatives, including spatial options, and the outstanding mitigation measures highlighted in the SA have been addressed in the Main Modifications to the BWMDPD.
Habitats Regulations Assessment (HRA)	The original Habitats Regulations Assessment accompanying the submitted BWMDPD [WM-SD-052/053/054] has not been updated since 2013, but the HRA for the BCS has been updated. The HRA for the BWMDPD focused on the potential for emissions from Site WM3 and the impact on the South Pennine Moors SAC/SPA. There are no outstanding issues arising from the HRA as far as Natural England is concerned [WM-SD-067], and so the HRA undertaken for the BWMDPD is satisfactory and does not need to be updated or revised.
National Policy	The BWMDPD is consistent with national policy, except where indicated and Main Modifications are recommended.
2004 Act (as amended) and 2012 Regulations	The BWMDPD complies with the Act and the Local Planning Regulations.
Public Sector Equality Duty (PSED)	The BWMDPD is consistent with the NPPF in providing for the needs of all sections of the community, including people with disabilities, and I have had regard to the equality impacts of the Plan with regard to these matters, including the equality assessments undertaken by CBMDC [WM-SD-035/061/062].

Overall Conclusion and Recommendation

99. The submitted Plan has a number of deficiencies in relation to soundness for the reasons set out above, which mean that I recommend that it is not adopted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

100. CBMDC has requested me to recommend Main Modifications to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended Main Modifications set out in the attached Appendix, the Local Plan for the Bradford District Waste Management Development Plan Document satisfies the requirements of Section 20(5) of the 2004 Act, meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Stephen J Pratt

Inspector

Appendix: Main Modifications required to make the plan sound and capable of adoption