

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL BRADFORD WASTE MANAGEMENT
DPD – EXAMINATION**

**POINTS OF CLARIFICATION ARISING FROM COUNCIL'S RESPONSES TO THE INSPECTOR'S
SCHEDULE OF MATTERS, ISSUES & QUESTIONS**

1. Matter 1: Legal Requirements & Duty to Co-operate

I refer to my letter of 17 October 2016 about the Minister's Holding Direction regarding the adoption of the Bradford Core Strategy. I have now had the opportunity to see the Council's statement about the Holding Direction relating to the Area Action Plans, dated 18 October 2016. I also note that the Council has instructed Ian Ponter QC to provide a view on Section 21A of the Planning & Compulsory Purchase Act 2004 (as amended) and the powers. In the meantime, I would be grateful if the Council could indicate whether they consider there are any particular implications of the Holding Direction for my consideration of the Bradford Waste Management DPD, whether they wish me to continue to progress the examination of this Plan and what impact any delay in adopting the Core Strategy might have on the progress of the Waste Management DPD. I also understand that the Council's officers are working with DCLG to resolve this issue, and would welcome news of any progress on this matter.

Council Response

The Council have been in discussions with Department of Communities & Local Government (DCLG) since the issuing of the Temporary Holding Direction in October. The Council held an initial teleconference with staff at the DCLG, which resulted in a short statement providing a high level response to the points raised within letter accompanying the holding notice.

Following a subsequent meeting with DCLG staff, the Council is in the process of producing a further statement addressing the points of clarification and further detail on matters requested by DCLG officers, which is due to be submitted on 25th November. DCLG staff will then finalise their report and recommendation to the Minister, with a view to making a decision to whether to withdraw the Holding Direction or instigated a formal intervention. It is anticipated this will be presented to the Minister before Christmas, but this is dependent on the availability of the Minister and DCLG staff.

The Council are of the opinion the Temporary Holding Direction placed upon the Core Strategy does not affect the Examination in Public of the Waste Management DPD and thus the examination can continue.

2. Matter 3: Need for New Waste Management Facilities

- 3.1: Revised Table 1 in the WMDPD (MM6) (Page 12) summarises the current total waste arisings in Bradford at 2013 based on the Environment Agency Waste Interrogator (WDI; 2013). However, not all of the figures for the various waste streams and total correlate with the summary figures given in the updated Waste Needs Assessment [WD-SD-050; Table 1 (Page 7)]. Could the Council explain the reasons for the differences in these figures?

Council Response

The Council is aware of the issue of the figures within the document not correlating with that of the updated Waste Needs Assessment [WD-SD-050]. A corrected version Waste Needs Assessment [WD-SD-050] has now in been submitted to the Inspector addressing this issue.

The Commercial Waste data presented within table 1 of Waste Needs Assessment PART B [WD-SD-050] included a projected secondary waste products figure. The secondary waste products figure within the overall Commercial Waste data in Table 1 has now been removed and Needs Assessment has been modified to reflect this.

- 3.1: Paragraph 3.3 of the WMDPD (above Revised Table 2 (Forecast Waste Arisings) (Page 13)) indicates that the Council has adopted a “Growth” based scenario, which follow a growth rate of 33% estimated GVA for all of the waste streams of Commercial, Industrial, Agricultural, CDEW and Hazardous wastes. However, Revised Table 2 and the updated Waste Needs Assessment [WM-SD-050; ¶ 1.4.3 & Table 3] indicates that the selected “Growth” scenario assumes no growth in agricultural waste. Does this sentence need to be clarified or corrected?

Council Response

The Council is of the opinion this sentence does need to be clarified and a further modification has been put forward n the Statement of Modifications.

3.1: The Council's response indicates that the total area of the proposed waste management sites (17.62ha) exceeds the maximum land-take required under the capacity gap forecasts. New Table 5 of the WMDPD (MM11) sets out the Site Size Assumptions, including the estimated land-take for the various tonnages for the required facilities. Tables 13-15 of the updated Waste Needs Assessment [WM-SD-050] set out the anticipated land-take required to meet forecast gaps in waste management capacity. In view of the significant differences in the updated forecast waste arisings and waste management capacity requirements, could the Council confirm the total maximum land-take needed to fully meet the forecast gaps in future waste management capacity during the plan period to 2030 and include this figure in Table 5?

Council Response

The Council are of the opinion the total maximum land-take needed to fully meet the forecast gaps in future waste management capacity during the plan period to 2030 for Local Authority Collected Waste and Commercial and Industrial Waste can be met through the proposed site allocations put forward in the Waste Management DPD.

Tables 13-15 set out the land take required to manage waste arising in Bradford over the plan period. Each year shown indicates the maximum number of facilities required to manage the waste and the total area of land needed to accommodate this. This could be presented to show only the number of *additional* facilities required, rather than total number for each year. This would show more clearly the area of additional land required and clarify that there is more than sufficient capacity identified.

The land take required as shown in Tables 13-15 of the Waste Needs Assessment (WM-SD-050) is summarised here:

- Table 13. A requirement for an additional 8ha land is identified
- Table 14. A requirement for an additional 9ha of land is identified.
- Table 15. A requirement for an additional 9ha of land is identified.

The above requirement excludes landfill for the reasons set out in the Waste Needs Assessment (WM-SD-050) and does not provide for CDE recycling due to an extant planning permissions in place which can manage the majority of this, with the remainder assumed to be managed on site via mobile plant.

The above land requirement also includes the need to manage the secondary products which are produced from the processing of LACW. The 17.62ha identified are therefore more than sufficient to meet the identified need for waste management facilities.

To enable this to be better understood in the plan, it is proposed to amend Tables 13-15 of the Waste Needs Assessment (WM-SD-050) to clarify what the total additional land take is for Bradford throughout the plan period. To aid understanding within the Plan itself the Council also propose to insert Table 15 of the Waste Needs Assessment (as set out below) within the document. By including this information, it will enable users of the document to better understand the land implications of each option. This will establish the facility types required, how much waste they will need to manage and the total land take estimated to meet this need.

Waste Management	Year	Tonnage/year	Min no new (additional) Facilities in year	Size (ha)
Energy recovery (LACW & C&I)	2015	100,404	1	2 – 3 ha
	2020	94,412	0	2 – 3 ha <u>N/A</u>
	2030	102,346	0	2 – 3 ha <u>N/A</u>
Incineration (Specialist High Temp)	2015	861	<1	N/A
	2020	861	<1	N/A
	2030	861	<1	N/A
Recycling (C&I and LACW)	2015	325,611	3	3 ha
	2020	385,958	0	3 ha <u>N/A</u>
	2030	444,225	1	4 ha <u>1 Ha</u>
Recycling (aggregates CD&E)	2015	148,313	3	<u>N/A Extant PPs in place in combination with onsite management</u>
	2020	315,301	2	<u>N/A Extant PPs in place in combination with onsite management</u>
	2030	334,834	0	<u>N/A Extant PPs in place in combination with onsite management</u>
Composting	2015	-16,692	Surplus	Surplus
	2020	-649	Surplus	Surplus
	2030	4,421	<1	N/A
Residual Mechanical Treatment	2015	16,073	1	0.5-1 ha
	2020	180,844	1	2 ha <u>1 ha</u>
	2030	195,277	0	4 ha <u>N/A</u>
<u>Total estimated additional land take</u>				<u>9 ha</u>

It should be noted that increased figure for LACW presented in the modified Tables 2 and 4, and the updated Waste Needs Assessment include secondary processes involved in the management of this waste stream. LACW is the only waste stream with secondary waste management processes included in the forecast as it is the only waste stream the Council has direct control / management of and thus is able to forecast in this way. It is important to stress the forecast figure for LACW has not significantly increased since the publication draft, but has changed due to the fact it now includes the secondary management process. The Council is of the opinion this has not been clarified within the modified tables, and propose to add a the secondary processing tonnages in the form of a footnote to the LACW figure stating the portion of the overall figure made up of secondary management process.

Matter 4: Managing Other Waste Streams

4.1(a): Should the figure of CDEW arisings in the WMDPD (paragraph 5.3) be updated to 485,141 tonnes (as shown in revised Table 2)?

Council Response

The figure within the revised Table 2 (485,141) should be the same as that within paragraph 5.3. The Council have now put forward a modification to correct this.

4.1(b): Should the WMDPD explain that the capacity gap could be met by implementing an extant planning permission, which has the capacity of 200,000tpa and by the continuation of the management of CDEW on site?

Council Response

The Council is of the opinion this could be further clarified through a modification to the support text. This modification has now been put forward within the Statement of Modifications.

4.2(a): Should the first sentence of the Council's response refer to "Agricultural Waste" rather than Hazardous Waste, since the latter is dealt with under 4.2(b).

Council Response

The Council acknowledges the error and will correct this in an updated response to the MIQs.

Matter 5: Waste Development Management Policies

5.4 (a): Reference is made to outstanding matters of mitigation included in the latest version of the Sustainability Appraisal, but no amendments are proposed to the policy or text accompanying Policy WDM4. The Sustainability Appraisal [WM-SD-002] indicates the importance of putting measures in place (as part of planning application procedures) to ensure that the on-site use and recovery of CDEW does not cause undue nuisance.

Council Response

The Council have now proposed a modification to policy WDM4 to minimise adverse effects upon Environmental, social or economic effects; Human Health; Noise, vibrations, dust, odour; Water, ground, light or air pollution; and Climate Change. The Council have also put forward a modification to the supporting text of Policy WDM4 to ensure any applicant / developer is aware of environmental regulations and best practice.

Matter 6: Proposed Site Allocations

6.2 (c) (ii): Site WM3: The Sustainability Appraisal [WM-SD-002] refers to the Habitats Regulations Assessment [WM-SD-052] which concluded that Site WM3 may not be suitable for a waste management use which uses combustion processes due to a potential adverse effect on part of the South Pennine Moors SPA/SAC. MM19 indicates that *“Any potential effects of a waste management use on the SAP and/or SAC could be avoided by the plan stating that an incinerator, gasification and/or pyrolysis plant is not operated on that site. Alternatively, potential effects of an incinerator, gasification and/or pyrolysis plant on the SAP and/or SAC would be assessed through a project level Appropriate Assessment (AA) if it is determined by an appropriate body that such as assessment is required”*. The amended text for Site WM3 indicates that the site is suitable for a range of waste management uses, including Conventional Energy from Waste and Advanced Thermal Treatment, but not for a Pyrolysis or Gasification Facility (AM19). The amended text in MM19 may not provide sufficient certainty about the approach to be taken in terms of addressing any potential impact of specific types of waste management facility on the SAP/SAC. I also understand that planning permission has already been granted for 3 Energy from Waste plants on this site, and more recent applications have been submitted in August 2016, including a gasification plant. The Council may therefore wish to reconsider the approach to waste management facilities on this site to avoid any confusion about what the site is deemed suitable for and how any potential effects of specific waste management uses on the SAP/SAC will be addressed. It would also be helpful to have an update on the current position of the planning applications submitted in August 2016.

Council Response

The Council have now put forward a further modification to clarify what will be required under the allocation statement for WM3 to ensure any outstanding mitigation from the SA is addressed and what is deemed acceptable on the site.

The Council are of the opinion the mitigation put forward in the Sustainability Appraisal is appropriate and should be integrated into the proposal statement as set out in the Statement of Modifications.

The site benefits from an approved application for a conventional energy from waste plant, an advanced thermal treatment plant (pyrolysis) and a waste plastics melting plant for biofuel, to which the applicant submitted sufficient information to demonstrate any potential effects of the proposal on the SPA / SAC were addressed. The Council consider it necessary to retain the mitigation put forward within the proposal statement to ensure sufficient flexibility in the plan should alternative proposals come forward on site WM3 during the plan period.

The current application on this site submitted in August 2016 (16/06857/FUL) is a modification to the proposals in 2013 and 2015, and is for a conventional energy from waste plant and a waste plastics melting plant for biofuel. The pyrolysis plant has been removed from the proposal. The application remains undetermined.

6.2 (d) (iii): Site WM4: What are the implications of the withdrawal of PFI credits from the Council on the likely implementation of the MRP & ERP proposal on Site WM4? Will it

result in any shortfall in waste management capacity in the area and how will any shortfall be addressed?

Council Response

The Council still consider WM4 as an appropriate and viable site for the delivery of a waste management facility. The site is still in Council ownership and considerable capital has been spent on site preparation works, including the diversion of a high pressure gas main, which previously ran across the site. Taking this into account, the Council is of the opinion the site is still deliverable and will therefore avoid any shortfall in waste management capacity within the area.