

Public Document Pack



Department of Corporate Services

Members of Council

Committee Secretariat

Legal and Democratic Services

Room 112, 1st Floor

City Hall

Bradford

West Yorkshire

BD1 1HY

Tel: 01274 432435

Contact: Adrian Tumber

Email: adrian.tumber@bradford.gov.uk

Your Ref: AT/Council

Date: 9 October 2017

Dear Councillor

MEETING OF COUNCIL – TUESDAY, 17 OCTOBER 2017

You are requested to attend the meeting of the Council to be held in the Council Chamber - City Hall, Bradford, City Hall, Bradford, on Tuesday, 17 October 2017 at 4.00 pm

The agenda for the meeting is set out overleaf.

Yours sincerely

Parveen Akhtar
City Solicitor

Notes:

- ◆ This agenda can be made available in Braille, large print or tape format.
- ◆ The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present at the meeting should be aware that they may be filmed or sound recorded.

The Council's Fire Bell and Evacuation Procedure requires people to leave the building in an orderly fashion by the nearest exit, should the fire alarm sound. No one will be allowed to stay or return until the building has been checked.

Members are reminded that under the Members' Code of Conduct, they must register within 28 days any changes to their financial and other interests and notify the Monitoring Officer of any gift or hospitality received.

AGENDA

A. PROCEDURAL ITEMS

1. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

2. **MINUTES**

Recommended –

That the minutes of the meeting held on 18 July 2017 be signed as a correct record (previously circulated).

(Adrian Tumber – 01274 432435)

3. **APOLOGIES FOR ABSENCE**

4. **WRITTEN ANNOUNCEMENTS FROM THE LORD MAYOR
(Standing Order 4)**

(To be circulated before the meeting).

5. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Adrian Tumber - 01274 432435)

B. BUSINESS ITEMS

6. **PETITIONS (Standing Order 11)**

To consider up to five requests for the Council to receive petitions in accordance with Standing Orders.

Ward

(i) Regency Court and Walker Drive – Request to close walkway

Manningham

(ii) Refuse collection arrangements

Manningham

If any further requests are received, in writing, by mid-day three working days before the meeting (Thursday), details will be circulated.

(Tracey Sugden – 01274 434287)

7. PUBLIC QUESTION TIME (Standing Order 13)

There are no public questions.

(Tracey Sugden – 01274 434287)

8. MEMBERSHIP OF COMMITTEES AND JOINT COMMITTEES (Standing Order 4)

That the appointment of the following non-voting co-opted members to the Children's Services Overview and Scrutiny Committee for the 2017/18 Municipal Year be confirmed:

Teachers Secondary School Representative: Tom Bright
Teachers Special School Representative: Irene Docherty
Voluntary Sector Representative: Kerr Kennedy

To consider any further motions (i) to appoint members to a Committee or a Joint Committee; or (ii) to appoint Chairs or Deputy Chairs of Committees (excluding Area Committees).

9. REPORT BY THE LEADER OF COUNCIL

A written report by the Leader of Council giving an update on key issues will be circulated before the start of the meeting. There shall be a period of up to 15 minutes during which any Member of Council may ask the Leader of the Council (or a Member of the Council nominated by the Leader) a question on any matter arising out of the written report.

10. MEMBER QUESTION TIME (Standing Order 12)

To deal with supplementary questions arising from the attached questions of which written notice has been given.

Notes:

- (i) Answers to written questions shall be circulated at the commencement of the meeting.*
- (ii) The Lord Mayor will have regard to the list of questions and the political composition of the Council in calling on Members to put their supplementary question to the Leader of Council and Portfolio Holders.*
- (iii) A period of up to 30 minutes shall be available for supplementary questions to Members of the Executive.*

QUESTIONS TO MEMBERS OF THE EXECUTIVE

1. Councillor Farley

Will the portfolio holder join me and congratulate our officers

throughout the Council and Merlin Top, Our Lady of Victories and Laycock Primary School on the successful launch of the Children's Year of Safety in my ward?

2. Councillor Mike Pollard

Does the Portfolio Holder for Children's Services acknowledge that Council Officers are more accurate in their statement relating to school funding, that "Bradford will be a marginal gainer in the longer term overall", as is the Department for Education statement that schools in Bradford District will receive an extra £6.5m, than the teaching unions' ill calculated claims that the District's schools will lose over £28m of funding?

3. Councillor Jeannette Sunderland

To the Leader of Council, given recent announcements of backlogs 1000 concerns about the risk of abuse to an adult and a backlog of 500 housing benefit appeal cases can the Leader advise Council of any other backlogs for example in Children's Services or in the assessment of Carers' or of those receiving care or Employee Grievances for example?

4. Councillor Love

Can the Portfolio Holder for Regeneration, Planning and Transport tell us if the Council has responded to the DCLG consultation 'Planning for Homes' launched by Rt Hon Sajid Javid MP in September, which, if implemented as proposed, could lead to a significant reduction in the number of new houses required in Bradford. If so, can he tell us what that response was?

5. Councillor Morris

Question for the Leader of the Council - Following the findings of the investigation carried out by ITV and the Guardian, how many Bradford District residents qualify for a reduction in Council Tax on the grounds they suffer from a severe mental impairment and how many residents in the District are actually in receipt of this statutory discount?

6. Councillor Ahmed

Does the Leader join me in supporting the initiative by Yorkshire Ambulance Service on 16 October of teaching CPR to 25,000 school children across the country at 134 schools in one day, including the following schools in our city: Bradford Girls' Grammar, Darul uloom dawatul Imam, Dixons City Academy, Dixons McMillan, Prism Independent School and Queensbury School? We hope that people will recognise the importance of early treatment and that the quicker a patient can receive CPR and a shock from a defibrillator, the greater their chance of survival. The month of October has hence been renamed 'Shocktober'.

7. Councillor Wainwright

Will the portfolio holder tell us if household waste recycling rates are heading in the right direction?

8. Councillor Brown

Given the feed back from officers that the Keighley and Ilkley constituency Highways and Traffic department is suffering a shortfall of staff, be it through illness or recruiting issues, could the Portfolio Holder for Regeneration, Planning & Transport give a numerical report / overview of the recent past, current and anticipated future situation and further assure Councillors and residents in the outer areas that this is not a budget saving measure which will reduce services by stealth?

9. Councillor Berry

Can the portfolio holder advise on how many Bradford adoptions in the last two years have ended with a return to other forms of placement?

10. Councillor Farley

Does the portfolio holder join me in celebrating the opening of the restored Cliffe Castle?

11. Councillor Ali

Could the Leader of the Council please advise colleagues of the latest position regarding whether Keighley College is to be sold or retained, in part or in whole and if sold what the revenue will be used for and if retained, what the site will be used for, as a seating area and a car park would be well suited to the site?

12. Councillor Azam

Can the Portfolio Holder give an update on how successful the new Hockney gallery has been since its launch in the summer at Cartwright Hall?

13. Councillor Nicola Pollard

To the Portfolio Holder, how many missed bin collections have been reported to the Council over the past 24 months in each of the 30 wards?

14. Councillor Swallow

Would the Portfolio Holder please provide an update on the number of dangerous driving offences on the District's roads and whether West Yorkshire Police have been able to make a difference to the safety of our roads?

15. Councillor Ellis

Could the Leader of the Council confirm that actions have been taken to support “Centres of Community Life”, in securing WiFi4EU grant funding to provide them with free Wi-Fi connectivity?

16. Councillor Berry

Can the portfolio holder advise how many education and health care plans are in place for young people over the age of 18?

17. Councillor Greenwood

Can the Leader give information on how the Council is moving forward to progress the Odeon project together with the developer and operator?

18. Councillor Cooke

Can the Leader of the Council provide the gross running costs including utilities, cleaning, caretaking, day-to-day maintenance, insurance, business rates, telephone, broadband and management and also current income from hall rentals, including an amount for the library, and the contribution from the Town Council for Denholme Mechanics Institute?

19. Councillor Swallow

Please would the portfolio holder comment on the effectiveness of the alternate weekly waste collection policy, and advise how many valid complaints there have been, how many missed bin collections and whether there is a distinct increase in recycling?

20. Councillor Azam

Can the Leader comment about how far the £300m announced by the Chancellor will go for funding transport improvements in the North?

21. Councillor Rachel Sunderland

To the Leader of Council, how many Council Contracts are coming to an end with the voluntary or 3rd sector in the next 6 months?

22. Councillor Greenwood

Can the portfolio holder tell us how much of an impact we will see from the government’s announcement of £2bn for housing given the huge scale of the problem facing the country?

23. Councillor Davies

Could the Portfolio Holder for Regeneration, Planning & Transport confirm what measures the Council has taken to investigate the feasibility of making significant savings from street lighting improvements, such as the schemes in Doncaster and North Lincolnshire?

24. Councillor Tait

Will the portfolio holder join me in welcoming the arrival of Tim Peake's spacecraft at the National Science and Media Museum to further raise our city's cultural and STEM profile?

25. Councillor Wainwright

Can the portfolio holder tell us about the latest activities and plans supporting the Education Covenant?

26. Councillor Bacon

Can the portfolio holder comment on whether the Government's school funding changes amount to real terms cuts for Bradford District schools?

27. Councillor Senior

In light of the fact that the Council has previously claimed that the cost of roof repairs at Queensbury Pool were roughly £600,000, though local campaigners have more recently been told £186,000, would the Portfolio Holder for Regeneration, Planning & Transport provide clarification regarding the figures for significant expenditure at the pool, confirm whether decisions regarding the pool's future have been made on the basis of real figures and provide an explanation to the people of Queensbury, if the pool is being closed due to significantly lower expenditure than we were led to believe?

28. Councillor Azam

Can the portfolio holder give an update on Bradford's campaign for a city centre stop in Northern Powerhouse Rail?

29. Councillor Wainwright

In relation to the debate around A-boards, Councillors were extremely concerned that vehicles were parking on footpaths and this was causing a major safety issue. What progress has been made in formulating a policy that will once and for all set out exactly when vehicles are parked illegally?

30. Councillor Jeannette Sunderland

To the portfolio holder, how much additional Business Rate will be paid

by charities in the District in 2017 since the Council removed the 20% subsidy?

31. Councillor Berry

Can the portfolio holder advise on the numbers of 15-16 year olds excluded from Bradford high schools this year and the previous year.

32. Councillor Riaz

Hull appears to have benefitted significantly from being the UK City of Culture for 2017. Whilst Bradford was correct in not making a bid for the next UK City of Culture in 2021, as it was unlikely to be awarded to two Yorkshire Cities in a row, can the Leader of the Council make a statement about the feasibility of making a bid to be the 4th UK City of Culture in 2025, following the success of Hull, this year?

33. Councillor Davies

Further to the recent announcement that there has been a £3million overspend in this year's Children's Services budget, we are told that Bradford's Children's Services Department is working on a host of savings plans, including comparing the scope and role of its work with the arrangements in other local authorities. Could the Leader of the Council provide details of what each of the Council Departments are doing to this end?

34. Councillor Stubbs

To the Portfolio Holder, how much has not been collected from developers in CIL and Section 106 for Education, Highways and Recreation over the past 3 years due to Deeds of Variation amendments with developers in each ward?

35. Councillor Brown

Given the recent publicity regarding motorists being fined for pulling over into bus lanes to allow emergency service vehicles to pass whilst using "blue lights", would the Leader of the Council confirm whether the council has a workable policy, to offer discretion from fines to motorists who are aiding the progress of emergency vehicles in order to potentially aid positive outcomes for ill or injured citizens?

36. Councillor Cooke

Does the Leader consider that the sausage roll, especially if made using award winning sausages such as those from Ellison's in Cullingworth, is a nutritious and appropriate part of a balanced diet for either adults or children?

37. Councillor Riaz Ahmed

To the Portfolio Holder, how many affordable homes have been given planning permission in each ward over the past 3 years?

38. Councillor Ali

Could the Leader of the Council please provide the residents of Bradford District with a reassurance that the Council will develop and implement an effective policy regarding the removal of waste dumped outside resident's homes at no cost to them?

39. Councillor Brown

With all the recent publicity around the "banning" of petrol and diesel powered vehicles, can the Portfolio Holder for Regeneration, Planning & Transport, provide guidance as to what proposals are in place for the introduction of more electricity powered vehicles, in relation to motorists who do not have access to secure private parking, to prevent wires potentially trailing across pavements, giving rise to safety and vandalism issues? Further, has the Council ascertained from the national grid how they might improve the poor grid infrastructure and what impact any necessary works may have on local residents?

11. RECOMMENDATIONS FROM THE EXECUTIVE AND COMMITTEES (Standing Order 15)

11.1 RECOMMENDATIONS FROM THE EXECUTIVE - LOCAL PLAN - BRADFORD DISTRICT WASTE MANAGEMENT PLAN DEVELOPMENT PLAN DOCUMENT - PLANNING INSPECTOR'S REPORT AND ADOPTION

1 - 56

The Council is in the process of preparing a new Local Plan which will contain a suite of documents and will replace the current statutory development plan for Bradford District (the Replacement Unitary Development Plan). The first of the Local Plan documents is the Core Strategy, which sets out the strategic approach to managing development and change to 2030, and was adopted in July 2017. The DPD was approved by Full Council on 20 October 2015 for submission to government for examination. Following publication for representations an examination was held with a government appointed Inspector.

On 12 September 2017 the Executive considered the report of the Strategic Director, Place (**Executive Document "Q"**) as the Council had now received the Planning Inspector's Final Report and recommendations for the Bradford District Waste Management DPD (attached as Appendix 1). The Inspector has considered all the matters before him including the plan, the evidence underpinning it, and the objections and representations made and the published modifications. In his report he concludes that the Plan can be considered to be legally compliant and sound, providing a limited set of Main Modifications (attached as Appendix 2) are made to the plan as submitted and ready for adoption by the Council.

The Executive,

Resolved -

- (1) That the contents of Document “Q” and contents of the Inspector’s Report (Appendix 1 to Document “Q”) be noted and it be recommended that Full Council formally adopt the Bradford District Waste Management Development Plan as approved by Full Council on 20th October 2015 and submitted to the government for examination with the Main Modifications contained in Appendix 2, as proposed by the Inspector pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.**
- (2) That the Assistant Director (Planning Transportation and Highways) in consultation with the relevant Portfolio Holder be authorised to make other minor amendments of redrafting or of a similar nature as may be necessary prior to formal publication.**

(Bhupinder Dev – 01274 432012)

12. NOTICES OF MOTION (Standing Order 17)

To consider the attached motions of which notice has been given.

12.1 INVESTING IN BRADFORD’S COMMUNITIES

To be moved by Councillor Simon Cooke

Seconded by Councillor Mike Ellis

Council notes:

- Capital investment in the City centre running to millions of pounds including the purchase of a car park and of an option on a redundant department store
- Planned multi-million pound investment in two new swimming pools
- Proposals to close Denholme Mechanics Institute, Bingley Swimming Pool, Queensbury Pool and other community halls and facilities without considering the needs of local communities
- The closure of community and sports organisations – such as Allerton Cricket Club - as a direct result of the decision to impose market rents without discussion

Council:

1. Recognises the pressures on the revenue budget and believes that the proper use of capital investment is to support all the District's communities
2. Asks the Chief Executive to draw up proposals to ensure that communities facing closures are supported through the capital programme to either take over these facilities or secure appropriate new facilities
3. Requests that no Council-owned community facility is closed before all possible alternatives for that community are explored and any discussions on asset transfer, sale or development are concluded
4. Asks the Executive, as part of the budget setting process for 2018-19, to review the impact of applying full rents to voluntary organisations with a view to protecting those, as yet, not forced to close by these decisions
5. Asks that the capital programme for leisure is amended to redirect capital funding away from a second new pool with part of it used for essential works at Queensbury and Bingley Pools and the remainder to support investment in Council-owned community buildings.

12.2 ENDING THE DECLINE IN ARTS EDUCATION

To be moved by Councillor David Ward
Seconded by Councillor Jeanette Sunderland

This Council notes that the UK's Creative Industries are worth over £80 billion per year to the UK economy and account for nearly 2 million jobs.

The 'Bacc for the Future' campaign led and supported by over 200 arts and education organisations forewarned that the introduction of the English Baccalaureate would put arts subjects at risk.

This Council notes the recent disturbing report by the Education Policy Institute 'Entries to arts subjects at Key Stage 4' which, at a national level, identifies a link between the introduction of the English Baccalaureate and Progress 8 and the decline in the number of pupils taking arts subjects in 2016 to its lowest level for a decade.

This Council calls on the Director of Children's Services to evaluate the impact of the introduction of the English Baccalaureate and the use of

Progress 8 as an accountability measure on the take up of arts subjects at Key Stage 4 in Bradford's schools with a view to establishing whether actions need to be taken to remedy any decline that might have occurred.

12.3 CREATING ADDITIONAL SAFE SPACES FOR OUTDOOR PLAY

To be moved by Councillor Jeanette Sunderland
Seconded by Councillor Brendan Stubbs

This Council believes that outdoor play is a major contributor to the health and well-being of children and young people.

This Council notes that there evidence to suggest that children's time spend outside is reducing.

This Council therefore instructs the Executive to investigate and develop a process to support and approve the use of temporary street closures to create additional spaces for play.

12.4 SUPPORT FOR BRADFORD'S ROHINGYA COMMUNITY

To be moved by Councillor Susan Hinchcliffe
Seconded by Councillor Abdul Jabar

This Council notes:

- The United Nations has described the exodus of Rohingya Muslims from Myanmar to Bangladesh as "the most urgent refugee emergency in the world" with "widespread human rights violations" in what appears to be "a textbook example of ethnic cleansing".
- Bradford has a significant Rohingya Muslim population, the largest in Europe, who are understandably extremely concerned for the safety of their loved ones.

This Council calls on the international community to:

- Exert its influence to stop the persecution now
- Intervene so that humanitarian aid is allowed in to support the Rohingya immediately
- Ensure that Bangladesh has sufficient resources to sustain the Rohingya refugees fleeing persecution.

This Council resolves to support Rohingya Bradfordians by:

- Recognising the Bradford Rohingya Community UK Association as a representative body of the Bradford Rohingya Community and support this newly established body to organise themselves as a charity.
- Ensuring the Bradford Rohingya community has full access to ESOL classes now available through the Government's 'Controlling Migration Fund' and other services so that they can

- take a full and active role in life in Bradford.
- Supporting the Bradford Rohingya Community to manage their charity relief effort to support the plight of others in their homeland.

12.5 SUPPORTING LOCAL GOVERNMENT WORKERS IN BRADFORD CALLING ON THE GOVERNMENT TO FUND FAIRER PAY

To be moved by Councillor Susan Hinchcliffe
Seconded by Councillor Nazam Azam

This Council notes:

- For most workers in local government and schools, pay and other terms and conditions are determined by the National Joint Council (NJC) for local government services
- On average across the country, NJC basic pay has fallen by 21% in real terms since 2010
- NJC workers had a three-year pay freeze from 2010-2012 and have received only 1% pay increase annually since then
- NJC pay is the lowest in the public sector

This council therefore supports the NJC pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of council and school workers and calls for the immediate end of public sector pay restraint. NJC pay cannot be allowed to fall further behind other parts of the public sector. This council also welcomes the joint review of the NJC pay spine to remedy the turbulence caused by bottom-loaded pay settlements.

Council further notes the drastic ongoing cuts to our funding by the Government which has impacted staff here in Bradford. Council calls on the Government to provide all additional resources to ensure local authorities can fund a decent pay rise for NJC employees and the pay spine review.

This council resolves to:

- Write to the LGA asking it to make urgent representations to Government to fund the NJC claim and the pay spine review;
- Write to the Prime Minister and Chancellor supporting the NJC pay claim and seeking the additional resources needed to fund a decent pay rise and the pay spine review
- Write to local NJC union representatives to convey support for the pay claim and the pay spine review.

12.6 CALL ON GOVERNMENT TO BACK BRADFORD IN AUTUMN BUDGET

To be moved by Councillor Susan Hinchcliffe
Seconded by Councillor Imran Khan

This Council notes:

- Bradford Council's net budget in 2020 will be around half what it was in 2010 and our workforce has reduced by over 2,000 staff since the start of the government's austerity programme
- At his Autumn Budget on 22 November the Chancellor has an opportunity to promote good growth and reconsider any further planned cuts.
- The Council's submission of what should be included in the Autumn Budget has been sent to Government, setting out our ambitions and the investments and support needed to achieve them

This Council:

- Asks the District's MPs to back Bradford's investment asks and seek meetings with Ministers to promote them.
- Will continue to press government for a national plan to address the social care crisis
- Requests that the Chief Executive draws up a prospectus setting out the case for investment in Bradford District and the returns to be achieved through the public, private and third sectors working together to secure the necessary resources and reforms. This should build on the work of the economic strategy.

12.7 TACKLING FIXED ODDS BETTING TERMINALS AND PROBLEM GAMBLING

To be moved by Councillor Richard Dunbar
Seconded by Councillor Alex Ross-Shaw

This Council notes:

- In Bradford we have 69 betting shops but among these there are a large number of FOBTs – 252.
- The prevalence of Fixed Odds Betting Terminals (FOBTs) in betting shops, often referred to in the media as “the crack cocaine of gambling”, allowing bets of up to £100 every 20 seconds
- In 2012, over £1.5bn was lost on FOBTs across the UK. More profit was made from FOBTs than from the National Lottery, yet the most recent British Gambling Prevalence Survey found that while 56% of the population play the Lottery, just 4% play FOBTs.
- Research carried out by Geofutures, which found there are four times as many betting shops, which house FOBTs, in areas of high unemployment than in areas of low unemployment.
- Concern of the continued delays by Government in reporting back from the Review of Gaming Machines and Social Responsibility Measures
- The position in the Republic of Ireland where the Government has introduced legislation to ban FOBTs in betting shops.

Bradford Council is concerned that the increase in FOBTs is causing significant problems and believes the Government should introduce legislation to ban B2 casino games in betting shops.

This Council will write to Government expressing their concerns outlined above and ask for a speedy publication of their response to the Review of Gaming Machines and Social Responsibility Measures. If this does not recommend a ban then we additionally request that Government:

- Reduce the maximum bet per spin on FOBTs to £2
- Start an immediate review of problem gambling
- Introduce a compulsory levy for gambling companies that will fund research and treatment to help problem gamblers deal with their addiction.

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



Report of the Strategic Director of Place to the meeting of Executive to be held on 12 September 2017.

Q

Subject: Local Plan – Bradford District Waste Management Plan Development Plan Document – Planning Inspectors Report & Adoption

Summary statement:

The Council is in the process of preparing a new Local Plan which will replace the current statutory development plan for Bradford District (the Replacement Unitary Development Plan) which was adopted in 2005. The first of the Local Plan documents is the Core Strategy which was adopted at meeting of Full Council on 18 July 2017. The Waste Management Development Plan Document (DPD) sets out the planning framework for managing the District's waste in a sustainable manner. It includes policies and allocations for the management of waste in line with the national waste strategy and relevant European regulations. It deals with all types of waste including Local Authority Collected Waste. The DPD was approved by Full Council on 20 October 2015 for submission to government for examination. Following publication for representations an examination was held with a government appointed Inspector. Council has now received the Planning Inspector's Final Report and recommendations on the Bradford District Waste Management DPD, which forms part of the Local Plan.

The Inspector has considered all the matters before him including the plan, the evidence underpinning it, and the objections and representations made and the published modifications. In his report he concludes that the Bradford District Waste Management Plan can be considered to be legally compliant and sound, providing a limited set of Main Modifications are made to the plan, as submitted.

The purpose of this report is for the Executive to note the contents of the Inspector's report and to seek authority to proceed to Full Council to request the legal adoption of the modified Bradford District Waste Management Plan in line with the Inspector's recommendation.

Julian Jackson
Assistant Director – Planning,
Transportation & Highways

Portfolio:

Regeneration, Planning and Transport

Report Contact: Bhupinder Dev,
Team Leader Infrastructure & Local
Plan Implementation
Phone: (01274) 43 2012
E-mail: Bhupinder.dev@bradford.gov.uk

Overview & Scrutiny Area:

Environment and Waste

1. SUMMARY

- 1.1 The Council is in the process of preparing a new Local Plan which will contain a suite of documents and will replace the current statutory development plan for Bradford District (the Replacement Unitary Development Plan).
- 1.2 The first of the Local Plan documents is the Core Strategy, which sets out the strategic approach to managing development and change to 2030, and was adopted in July 2017.
- 1.3 The DPD was approved by Full Council on 20 October 2015 for submission to government for examination. Following publication for representations an examination was held with a government appointed Inspector. The Council has now received the Planning Inspector's Final Report and recommendations for the Bradford District Waste Management DPD (Appendix 1). The Inspector has considered all the matters before him including the plan, the evidence underpinning it, and the objections and representations made and the published modifications. In his report he concludes that the Plan can be considered to be legally compliant and sound, providing a limited set of Main Modifications (Appendix 2) are made to the plan as submitted and ready for adoption by the Council.
- 1.4 The purpose of this report is for the Executive to note the contents of the Inspectors report and to seek authority to proceed to Full Council to request the legal adoption of the modified Bradford District Waste Management DPD in line with the Inspector's Recommendation.

2. BACKGROUND

- 2.1 In accordance with the Planning & Compulsory Purchase Act 2004, the Council has commenced the preparation of the Local Plan, formerly known as the Local Development Framework (LDF) for the Bradford District in line with the agreed Local Development Scheme adopted by the Council. The Local Plan will ultimately supersede the current Bradford District Replacement Unitary Development Plan (as saved by the Secretary of State Oct 08). Following the adoption of the Local Plan Core Strategy in July 2017, Council is committed to adopting the following suite of Development Plan Documents:
 - Allocations Development Plan Documents (DPD) (Currently in Production)
 - Bradford City Centre Area Action Plan DPD (AAP) (Currently at Examination)
 - Shipley and Canal Road Corridor Area Action Plan DPD (AAP) (Currently at Examination)
 - Waste Management Development Plan Documents (DPD) (Post Examination Awaiting Adoption)
- 2.2 The Waste Management DPD sets out the planning framework for managing the District's waste in a sustainable manner. It includes policies and allocations for the management of waste in line with the national waste strategy and relevant European regulations. It deals with all types of waste including Local Authority Collected Waste. The DPD will provide the planning policy framework for

determining future planning applications to 2030 in conformity with the policies in the Local Plan Core Strategy.

- 2.3 The Planning & Compulsory Purchase Act 2004 as amended by the Localism Act provides the Legal basis for the preparation of the statutory development plan. This is supplemented by detailed regulations in particular Town and Country Planning (Local Planning) (England) Regulations 2012. The Development plan process is made up of 5 main stages.

Stage 1 Initial Evidence gathering

Stage 2 Initial Consultation and continued work on evidence gathering (reg18)

Stage 3 Publication and Submission (Reg 17, 19 and 22)

Stage 4 Examination (reg 23-24)

Stage 5 Adoption (Reg 26)

- 2.4 The Waste Management DPD has reached stage 5. Work under stage 1, 2, 3 and 4 is briefly summarised below with reference to previous engagement and technical work.

- 2.5 The Waste Management DPD is the key statutory plan which sets out the proposed approach to managing waste in a sustainable manner to 2030. It includes policies and allocations for the management of waste in line with the national waste strategy and relevant European regulations.

- 2.6 Upon adoption, the Waste Management DPD will form the key statutory plan which sets out the proposed approach to managing waste in a sustainable manner to 2030. It includes policies and allocations for the management of waste in line with the national waste strategy and relevant European regulations. It deals with all types of waste including Local Authority Collected Waste (LACW), Commercial and Industrial (C&I) Waste, Construction, Demolition and Excavation Waste (CDEW), Agricultural Waste, Hazardous Waste, and Low Level Radioactive Waste.

- 2.7 The Waste Management Development Plan Document - Submission Draft contained, has been based upon the National Planning Policy Framework (NPPF), National Planning Policy for Waste, practice guidance and extensive community engagement and consultation, and technical evidence and research. Each of these elements is considered in turn below.

Consultation and Engagement

- 2.8 As part of the Local Plan for Bradford District, the Council is committed to producing a Waste Management Development Plan Document (DPD) which will identify sites for waste management and policies for their delivery and implementation in support of the approach set out in national and regional planning guidance as well as the Local Plan: Core Strategy.

- 2.9 The Waste Management DPD will provide the detailed policy framework for managing all types of waste including:
- Local Authority Collected Waste (LACW);
 - Commercial and Industrial Waste (C&I);

- Construction, Demolition and Excavation Waste (CDEW);
- Hazardous Waste including Low Level Radioactive; and
- Agricultural Waste.

2.10 The DPD allocates sites for the major waste streams of Local Authority Collected Waste and Commercial & Industrial Waste only. The other waste streams will be managed onsite / at source and through a planning policy based approach should the need for such a facility arise.

2.11 The DPD has been subject to 5 rounds of public consultations as outlined below.

- The first stage in the preparation of this document, the Issues and Options report, was produced in October 2009. This report set out a number of issues surrounding waste management within the Bradford District and potential solutions to those address those issues. The document was approved for consultation by Executive on 20th October 2009.
- The Preferred Approach reports considered all the comments received during the Issues and Options (2009/10) consultation process and developed a number of policies and approaches to overcome the present and future issues surrounding waste management within the Bradford District. The Preferred Options consultation ran from January 2011 to April 2011. The document was approved for consultation by Executive on 14th January 2011.
- Preferred Approach: Revised Chapter 5 was consulted upon from October to December 2011. This document contained a Revised Shortlist of Sites following changes to the site assessment, which took account comments received at previous stages of consultation. The Preferred Approach: Revised Chapter 5 consultation ran from October 2011 to December 2011. The document was approved for consultation by Executive on 16th September 2011.
- The Preferred Options consultation ran from 21st January 2011 to 1st April 2011.
- Following consultation on the Preferred Approach and Preferred Approach: Revised Chapter 5 in 2011, a Publication Draft version of the Waste Management DPD has been prepared for submission to government for independent examination. The Publication Draft consultation ran from December 2015 to February 2016. The document was approved for consultation by Executive on 15th September 2015.

2.12 The Publication Draft, approved by Full Council on 20 October 2015, was the final stage prior to submission to Secretary of State for independent examination in public with the Planning Inspector. As such this is the stage when it becomes the plan that the Council wishes to see adopted. At the Publication Draft stage the Council needs to ensure that it will pass the key tests at independent examination in public.

2.13 The Local Plan was examined by an independent Planning Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. To this end, the Council, as the local planning authority, submitted a plan for an examination in public which it considers is “sound” – namely that it is

1. Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements,

- including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
2. Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 3. Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 4. Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Plan.
- 2.14 Following consultation on the Waste Management DPD Publication Draft the Council submitted the DPD to the Secretary of State on Monday 16 May 2016, for examination in public by an independent Planning Inspector. The Secretary of State then appointed Mr Stephen Pratt BA (Hons) MRTPI to undertake the examination into the Waste Management DPD.
- 2.15 Following the examination of the DPD, the Inspector recommended a number of main modifications to the Plan to make it sound. As required under the Town and Country Planning Regulations 2012, the Council undertook a 6 week public consultation on the Schedule of Modifications. Approximately 2,500 people (including elected members, statutory consultees, people who have made previous represents etc) were notified as part of the public consultation.
- 2.16 Alongside the Schedule of Modifications, the Sustainability Appraisal Addendum was published, which detailed the potential impacts of the main modifications.
- 2.17 The Council received approximately 95 representations on the Schedule of Modifications and the Sustainability Appraisal Addendum. All consultation documents and written representations are available to view on the Council website.
- 2.18 The Inspector has now considered all the representations made during the public consultation and the resulting amendments made to the Schedule of Modifications, and has now issued his final report (Appendix 1 and Appendix 2). The Inspector has found the plan sound subject to the modifications put forward and is now ready for adoption by the Council.

Modifications

- 2.19 The Council has undertaken extensive consultation and community engagement throughout the production of the Plan, which resulted in few outstanding issues and representations at submission stage and consequently the Inspector did not consider there a need to hold formal hearing. However, as part of the examination process, the Inspector has issued a number of Matters, Issues and Questions (MIQs) relating to the legal compliance and soundness of various parts of the Plan. The Council has issued responses to all the MIQs raised by the Inspector, some of which have resulted in a number of main modifications being proposed. Alongside these modifications, the Inspector has also suggested a number of modifications to address any outstanding issues, which the Council have accepted and incorporated

into the overall Schedule of Modifications.

Adoption Process

- 2.20 Assuming the Bradford District Waste Management DPD is adopted following resolution by Full Council, it will form a part of the statutory Local Plan for the District alongside the recently adopted Local Plan Core Strategy for the Bradford District. It will become a key document in the determination of planning applications. It will replace some of the existing saved policies of the RUDP.
- 2.21 It is important to stress that the policies within the RUDP were prepared a considerable time ago and over time will become ever more vulnerable to challenge. This includes policies to protect key environmental assets, as well as those policies which relate to economic growth and development. The adoption of the Bradford District Waste Management DPD will provide policies and land allocations which have been prepared in the light of current government guidance and up to date evidence and which will therefore provide a more robust basis for the Council's decision making when considering planning applications. Should the Bradford District Waste Management DPD be delayed or not adopted there is a much greater risk of successful challenges to the Council's decisions, increased numbers of planning appeals and associated increased costs and greater uncertainty for potential developers and investors in the District.
- 2.22 If the Bradford District Waste Management DPD is adopted by Full Council in line with the Inspector's recommendations with all the proposed Main Modifications the Council will then publish an Adoption Statement. Following this there is a 6 week period allowed for any party to legally challenge the Council's decision to adopt.

3. OTHER CONSIDERATIONS

- 3.1 The Council has a duty under the Planning and Compulsory Purchase Act 2004 to prepare the Local Plan for the District in line with the approved Local Development Scheme (LDS). The Council can determine the nature and make-up, of the Local Plan it wants to put in place in order to meet its statutory duty, as well as the timetable for its' preparation. The currently agreed Local Plan programme, as set out in the approved LDS, commits to 5 Development Plan Documents (see paragraph 2.1).
- 3.2 The process for the preparation of each DPD is prescribed by statute and regulation. In order to ensure a 'Sound' plan it is important that the Council ensures it follows the regulations, ensures effective and robust consultation, and ensures it is founded upon up to date and robust evidence. All DPDs are submitted to the Secretary of State for independent examination to test whether they are sound with reference to the tests set out in legislation and regulations. Failure to ensure a robust approach could result in a DPD being unsound and not capable of adoption. The Inspector has considered fully the legal compliance and soundness and concluded that the Bradford District Waste Management DPD as proposed to be modified is sound and can be adopted by the Council. However he has also confirmed that the original plan submitted to the Planning Inspectorate without the proposed Main Modifications would not be considered 'Sound'. The importance of accepting and incorporating, in full, the schedule of Main Modifications to ensure

that the Plan can be adopted should therefore be emphasised.

- 3.3 Once the examination process is complete, adoption is the final stage of putting a Local Plan in place. This requires confirmation by a full meeting of the Local Planning Authority (Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000). On adopting a Local Plan, the Local Planning Authority has to make publicly available a copy of the Plan, an Adoption Statement and Sustainability Appraisal in line with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.4 Government guidance states that while the Local Planning Authority is not legally required to adopt its Local Plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound.
- 3.5 National Planning Policy continues to emphasise the need for Local Planning Authorities to prepare an up to date development plan for their district and more recent government statements are seeking councils to progress as a matter of urgency.
- 3.6 The Housing and Planning Act 2016 re-emphasised the need for Local Planning Authorities to make progress to put in place up to date local plans and introduced new powers for the Secretary of State to intervene where sufficient progress was not being made. In a statement to Parliament (July 2015) the then Minister of State for Housing and Planning (Brandon Lewis) made clear the government's commitment to getting Local Plans in place. To this end, the government will publish league tables setting out local authorities' progress on their Local Plans. In cases where no Local Plan has been produced by early 2017 the government will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate production of a Local Plan under the new provisions in the Housing and Planning Act 2016. The adoption of the Bradford District Waste Management Plan would be a major step forward in meeting this requirement and demonstrating to government the District's commitment to producing an up to date Local Plan for the management of waste in support of the Core Strategy. It will therefore enable the Council in conjunction with local communities and stakeholders to maintain control over decisions on the future planning of the District.
- 3.7 It is also important to communities, business and investors that an up to date plan is put in place in order to ensure certainty and confidence. It also will assist in supporting the attraction of much needed investment into infrastructure projects based on clearly articulated plans for delivering growth and supporting business case for supporting investment.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The preparation of the Local Plan is undertaken by the Planning and Transport Strategy Service, which is funded from within the Department's resources, supported by one off corporate growth payments to cover abnormal costs of consultation and engagement, technical studies and examination cost.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

5.1 There are risks to the Council as a result of not having an up to date Local Plan. These include:

- uncertainty for decision making;
- reduced prospects for securing funding for new infrastructure in support of economic growth;
- increase in the number of successful planning appeals with attendant increased costs;
- possible government intervention to externalise plan making; and
- failure to meet key needs for homes and jobs.

5.2 The receipt of the Inspector's Report and recommendations allowing adoption mean the Council is in a position to be able to put in place an up to date planning framework for waste management for the District which will form part of the statutory Local Plan and provide a starting point for the consideration of planning applications. It will also provide confidence and clarify to the development sector as well as business and communities and allow infrastructure providers to be clear about the scale and distribution of development they need to support through their investment plans and decisions.

5.3 As noted above at 3.3, the decision whether to adopt the Bradford District Waste Management DPD is for Full Council.

6. LEGAL APPRAISAL

6.1 The Local Plan is prepared in line with the appropriate, legislation (UK and EU), regulations and guidance, in particular the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2012 and Planning and Housing Act 2016. The Submitted plan was supported by a legal compliance check list and the Inspector concluded that the submitted plan was legally compliant.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

7.1.1 The consultation on the Bradford District Waste Management Development Plan Document was undertaken in line with the Statement of Community Involvement, which sets out how the Council will seek to engage the community in the preparation of development plan documents. In order to achieve this it seeks to set a framework to ensure representative and inclusive involvement and engagement at all stages of document preparation. Particular consideration is given in the document to hard to reach groups. In addition the Bradford District Waste Management DPD has been subject to an Equality Impact Assessment screening.

7.2 SUSTAINABILITY IMPLICATIONS

7.2.1 All Local Plan Development Plan Documents are required to be subject to Sustainability Appraisal (SA) including Strategic Environmental Appraisal (SEA) at all key stages. The SA seeks to assess the likely impacts of the policies and

proposals of the relevant plan. A full SA was undertaken by independent consultants Ramboll Environ at key stages of the Waste Management DPD preparation. In addition to this, a Habitats Regulations Assessment (HRA), also prepared by Ramboll Environ, has been undertaken to assess the impact of the policies and proposals set out in the Waste Management DPD on the environmental integrity of the South and North Pennine Moors Special Protection Areas (SPA's) and Special Area's of Conservation (SAC's).

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

7.3.1 The Local Plan is subject to Sustainability Appraisal throughout its development, which identifies the likely impacts of the Plan and where appropriate any mitigation to manage any negative impacts. Climate Change is identified within the Waste Management DPD as a key issue and is covered in the spatial vision of the document and by several policies which seek to reduce greenhouse gas emissions and also manage the potential impacts of Climate Change.

7.4 COMMUNITY SAFETY IMPLICATIONS

7.4.1 There are no direct community safety implications arising from Bradford District Waste Management DPD

7.5 HUMAN RIGHTS ACT

7.5.1 The adopted Statement of Community Involvement sets out how all individuals can have their say on the development plan documents. Anyone who was aggrieved by the Bradford District Waste Management DPD as drafted had a right to be heard at an independent examination in public following submission to the Secretary of State.

7.6 TRADE UNION

7.6.1 There are no Trade Union implications.

7.7 WARD IMPLICATIONS

7.7.1 The Waste Management Development Plan relates to the whole District and therefore affects all wards across the District.

8. NOT FOR PUBLICATION DOCUMENTS

8.1 None

9. OPTIONS

The Executive have 3 options.

Options1

9.1 The first option is to approve the Bradford District Waste Management DPD in line with the Inspector's Report and recommendations including the complete set of Main

Modifications contained in the Appendix to the Inspector's Report. The document is considered 'Sound' and legally compliant by the Inspector and capable of adoption only with the proposed Main Modifications.

Option 2

9.2 The second option is to attempt to adopt the Bradford District Waste Management DPD but not to include all the Main Modifications or with different changes. There is a strong likelihood that such a course of action would fail and result in successful legal challenge as the Inspector has made clear that the Main Modifications are all required in order to produce a 'Sound' and legally compliant plan, which is capable of adoption;

Option 3

9.3 The third option is to not adopt the Plan and to review the document. In effect this would amount to a withdrawal of the Plan in total as the Inspector has now concluded his examination. This would delay significantly the adoption of the Local Plan having particular implications for the management of waste. As well as delay of up to 3-4 years to go back through the process there would also be significant additional costs to the Council. There would also be a risk of intervention by the government. In the meantime the District would not have an up to date strategy for waste management and therefore lose control and influence over development proposals in the District. During the course of the production of the Bradford District Waste Management DPD considerable sums have been invested in the Plan's preparation including the production and commissioning of technical evidence and the holding of community consultation events and Planning Inspectorate and Programme Officer feeds relating to the Examination. Failure to adopt the Bradford District Waste Management DPD would lead to significant cost as much of the evidence associated with the document would have to be updated or prepared afresh, further consultation would have to be undertaken and a new Examination would need to be held and paid for.

9.4 The Executive are therefore recommended to follow Option 1 and recommend to Full Council that the Bradford District Waste Management DPD as submitted be adopted with the Main Modifications proposed by the Inspector for the reasons set out in his report and also this report. The other options would have significant serious implications for the timetable for putting in place an up to date Local Plan and associated risks to both the Council and the District and its communities.

10. RECOMMENDATIONS

10.1 The Executive is recommended to note the contents of this report and contents of the Inspector's Report (Appendix 1) and recommend that Full Council formally adopt the Bradford District Waste Management Development Plan as approved by Full Council on 20th October 2015 and submitted to the government for examination with the Main Modifications contained in Appendix 2, as proposed by the Inspector pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.

10.2 That the Assistant Director (Planning Transportation and Highways) in consultation with the relevant Portfolio Holder be authorised to make other minor amendments of redrafting or of a similar nature as may be necessary prior to formal publication.

11. APPENDICES

Appendix 1 - Report on the examination of the Local Plan for the Bradford District Waste Management Development Plan Document (DPD)

Appendix 2 - Schedule of Main Modifications to the Bradford District Waste Management Development Plan Document (DPD)

12. BACKGROUND DOCUMENTS

- 12.1 Local Development Scheme (July 2014)
- 12.2 Submission Draft Waste Management Development Plan
- 12.3 Sustainability Appraisal
- 12.4 National Planning Policy Framework
- 12.5 National Planning Policy for Waste
- 12.6 National Planning Policy Guidance

This page is intentionally left blank



Report to the City of Bradford Metropolitan District Council

by Stephen J Pratt BA (Hons) MRTPI

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

arising, 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 YHW TAB; the latest Position Statement [PS-B006] sets out the latest position on landfill facilities. Although existing landfill capacity might possibly be reduced by some 10.8mm³ by 2018 if one specific site closes, the latest Regional Landfill Capacity analysis [PS-B005] confirms that there is more than sufficient landfill capacity (94.3mm³) 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 14.7mm³ of inert landfill capacity, and sufficient capacity (1.8mm³) 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

This page is intentionally left blank

Waste Management DPD Schedule of Main Modifications

The document sets out the Main Modifications required to the Submission Draft of the Waste Management DPD [WM-SD-001] to ensure that it is sound and legally compliant.

In terms of presentation, the deletion of text is denoted with a 'strike through' (~~strike through~~), with inserted new text as bold underlined (**new text**). Where the detailed wording of the policies and/or accompanying text has been amended following consultation on the Proposed Main Modifications, these are highlighted in red.

Page and paragraph numbers relate to the Waste Management DPD as submitted: Submission Document [WM-SD-001]

Main Modifications (MM)

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification |
|---------------------|----------|--------------------|---|
| MM1 Page 39 | 5 | Vision | Bradford needs to take responsibility for the waste it generates, undertaking a step-change in the way it manages its waste, through more sustainable waste management, moving the management of waste up the waste hierarchy of: prevention; preparing for re-use; recycling; other recovery and only disposing of waste as a last resort. We aspire to achieve net self-sufficiency, managing the waste we generate at the nearest appropriate facilities, and will put in place the necessary structures and systems to enable this to happen including the promotion of a range of technologies, <u>modal shift in the transportation of waste arisings</u> and cross-boundary working where appropriate. <u>This will aid in climate mitigation and adaptation</u> |
| MM2 | 6 | Objective 3 | "To ensure that expansions to existing facilities where appropriate and new waste facility developments support the planned growth and waste needs of the Bradford community and are delivered in a manner which protects <u>and, where appropriate, enhances</u> the District's environmental assets and safeguards human health" |
| MM3 | 6 | Objective 5 | Objective 5: To work in collaboration with appropriate local authorities and waste industry operators to ensure that sub-regional waste (and if necessary beyond the subregion) issues are effectively considered and planned for in accordance with the duty to co-operate. Cross boundary issues including the movement of waste, <u>transportation of waste arisings by sustainable transport modes</u> and locating of facilities near to source must be managed and planned for collectively where possible |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification |
|---------------------|----------|--------------------|---|
| MM4 | 10 | 2.19 | The Waste Management DPD therefore does consider opportunities for joint cross-boundary working on waste matters and also reflects the possibility of a continued Bradford and Calderdale joint initiative for Municipal Solid Waste management facilities. need to work closely with neighbouring authorities. |
| MM5 | 11 | Policy W1 | Work collaboratively to promote (where possible) modal shift in the movement of waste from road to more sustainable forms of transport. |
| MM6 | 12 | Table 1 | <p>Table 1: Summary Current Total Waste Arisings in Bradford (20122013)</p> <p>Type of Waste Arising Arisings (Tonnes)</p> <p>Agricultural Waste 283,132 296,902 20.204 20.6%</p> <p>Commercial Waste 254,314 18.20 17.6%</p> <p>Industrial Waste 219,773 15.74 14.2%</p> <p>Construction Demolition and Excavation Waste 350,000 440,000 25.02% 30.6%</p> <p>Hazardous Waste 19,155 19,084 1.37% 1.3%</p> <p>Local Authority 272,668 226,085 19.50 15.7%</p> <p>Total*** 1,399,042 1,456,158</p> <p>Waste Water** 1,024,568 Type of Waste Arising Arisings (Tonnes)</p> <p>Source: Environment Agency Waste Data Interrogator (WDI) 2012 2013*. Yorkshire Water 2014**. Total Being Planned for in the Waste Management DPD through either planning policy or site allocations or a combination of both***</p> |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification | | | | | | |
|---------------------|----------|--------------------|---|-----------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|--|
| MM7 | 13 | Table 2 | Table 2: Forecast Waste Arisings in Bradford (2013 15 –30) using Bradford Waste Forecasting Model Waste Stream | | | | | | |
| | | | Waste Stream | 2013 | 2015 | 2020 | 2025 | 2030 | |
| | | | Agricultural Waste* | 283,133 | 283,133 <u>296,902</u> | 283,133 <u>296,902</u> | 283,133 <u>296,902</u> | 283,133 <u>296,902</u> | |
| | | | Commercial and Industrial Waste* | 513,830 | 538,326 <u>498,621</u> | 558,882 <u>522,078</u> | 580,329 <u>546,797</u> | 602,721 <u>572,863</u> | |
| | | | CDEW* | 447,604 | 455,709 <u>443,504</u> | 472,360 <u>456,971</u> | 483,800 <u>470,844</u> | 495,515 <u>485,141</u> | |
| | | | Hazardous Waste* | 19,153 | 19,764 <u>19,338</u> | 20,267 <u>20,386</u> | 20,782 <u>22,066</u> | 21,311 <u>23,570</u> | |
| | | | Local Authority Collected Waste – Bradford** | 226,085 | 227,880 <u>200,419¹</u> | 257,738 <u>226,684²</u> | 268,780 <u>236,396³</u> | 279,282 <u>245,629⁴</u> | |
| | | | Total Tonnes | 1,489,805 | 1,524,812 | 1,592,380 | 1,636,824 | 1,681,962 | |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification | | | | |
|-------------------------------|----------------------------|--------------------|--|--------------------------------|------------------|------------------|------------------|
| | | | | <u>1,458,784</u> | <u>1,523,021</u> | <u>1,550,939</u> | <u>1,624,105</u> |
| MM8 | 15 | Table 3 | ¹ 145,648 tonnes of Secondary Waste generated for Residual Mechanical Treatment ² 164,735 tonnes of Secondary Waste generated for Residual Mechanical Treatment ³ 171,793 tonnes of Secondary Waste generated for Residual Mechanical Treatment ⁴ 178,504 tonnes of Secondary Waste generated for Residual Mechanical Treatment | | | | |
| | | | Waste Management | Existing Capacity Gap (Tonnes) | | | |
| | | | Landfill (non-hazardous) | 59,439 61,655 | | | |
| | | | Landfill (hazardous) | 74 5,035 | | | |
| | | | Landfill (CD&E) | 201,200 74,945 | | | |
| | | | Energy recovery (LACW & C&I) | 203,169 102,346 | | | |
| | | | Incineration (Specialist High Temp) | 833 861 | | | |
| | | | Recycling (C&I and LACW) | 400,084 444,225 | | | |
| | | | Recycling (aggregates CD&E) | 112,975 334,834 | | | |
| | | | Recycling (specialist materials– including metal recycling, End of Life Vehicles and WEEE) | -1,059 2,306 | | | |
| | | | Composting | 34,340 4,421 | | | |
| Residual Mechanical Treatment | 109,146 195,277 | | | | | | |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification | |
|---------------------|----------|----------------------|--|--|
| | | | Treatment Plant (including Anaerobic Digestion, specialised treatment of biodegradable liquids and wastes, organic waste treatment by distillation) | -52,376 -46,643 |
| MM9 | 16 | Policy W2 | There is a requirement to accommodate for 1,681,962 1,624,105 tonnes of waste arisings over the period to 2030. In providing for this level of waste, the Council will support the prevention of waste, its re-use, recycling and other recovery (including energy from waste) in accordance with the Core Strategy policy WM1. The Council aim is to achieve net self-sufficiency and acknowledges the most appropriate and sustainable solution to waste management may result in relying on treatment capacity in adjacent authority areas, in line with European and national policy guidance. | |
| MM10 | 16 | Policy W2 Table 4 | Waste Stream | Capacity Requirements by 2030 (Tonnes) |
| Page 43 | | | Agricultural Waste | 283,133 296,902 |
| | | | Commercial and Industrial Waste | 602,721 572,863 |
| | | | CDEW | 495,515 485,141 |
| | | | Hazardous Waste | 21,311 23,570 |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification | | | | | | | | | |
|--|---------------------------------------|--------------------|--|--|-----------------------------------|--------------|--|----------------|------|---|---------------|------|
| | | | <table border="1" data-bbox="618 280 1451 635"> <tr> <td data-bbox="618 280 887 427">Local Authority Collected Waste – Bradford</td> <td data-bbox="887 280 1451 427">279,282 <u>245,629*</u></td> </tr> <tr> <td data-bbox="618 427 887 635">Total Tonnes</td> <td data-bbox="887 427 1451 635">1,681,962 <u>1,624,105*</u></td> </tr> </table> <p data-bbox="618 635 1585 659"><u>*178,504 tonnes of Secondary Local Authority Collected Waste generated for Residual Mechanical Treatment</u></p> | Local Authority Collected Waste – Bradford | 279,282 <u>245,629*</u> | Total Tonnes | 1,681,962 <u>1,624,105*</u> | | | | | |
| Local Authority Collected Waste – Bradford | 279,282 <u>245,629*</u> | | | | | | | | | | | |
| Total Tonnes | 1,681,962 <u>1,624,105*</u> | | | | | | | | | | | |
| M11 Page 44 | 17 | 4.1 and 4.2 | <p data-bbox="618 715 2101 911">The established capacity gap is now needed to be translated into a land requirement for new waste management facilities to be allocated within the DPD. This can be extrapolated by working on a broad estimate of approximately 50,000 – 70,000 tonnes per hectare of most standard treatment technologies. This equates to a minimum need of approximately 17 hectares of developable land for allocated waste management sites of various sizes and distributed across the District. <u>based on the following:</u></p> <p data-bbox="618 951 994 975"><u>Table 5 – Site Size Assumptions</u></p> <table border="1" data-bbox="618 1011 1529 1425"> <thead> <tr> <th data-bbox="618 1011 925 1082">Facility Type</th> <th data-bbox="925 1011 1227 1082">Tonnage</th> <th data-bbox="1227 1011 1529 1082">Land Take</th> </tr> </thead> <tbody> <tr> <td data-bbox="618 1082 925 1273">Materials Recycling/Reprocessing Facilities (LACW & C&I waste)</td> <td data-bbox="925 1082 1227 1273">128,000 tonnes</td> <td data-bbox="1227 1082 1529 1273">1 ha</td> </tr> <tr> <td data-bbox="618 1273 925 1425">Materials Recycling/Reprocessing Facilities (C&D waste)</td> <td data-bbox="925 1273 1227 1425">63,000 tonnes</td> <td data-bbox="1227 1273 1529 1425">1 ha</td> </tr> </tbody> </table> | Facility Type | Tonnage | Land Take | Materials Recycling/Reprocessing Facilities (LACW & C&I waste) | 128,000 tonnes | 1 ha | Materials Recycling/Reprocessing Facilities (C&D waste) | 63,000 tonnes | 1 ha |
| Facility Type | Tonnage | Land Take | | | | | | | | | | |
| Materials Recycling/Reprocessing Facilities (LACW & C&I waste) | 128,000 tonnes | 1 ha | | | | | | | | | | |
| Materials Recycling/Reprocessing Facilities (C&D waste) | 63,000 tonnes | 1 ha | | | | | | | | | | |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification | | |
|---------------------|----------|--------------------|--|--|----------|
| | | | Non-hazardous non-inert landfill | 100,000 to 500,000 tonnes (or the equivalent void space) | N/A |
| | | | Non-hazardous inert landfill | 100,000 tonnes | N/A |
| | | | Hazardous landfill | 20,000 tonnes | N/A |
| | | | Composting | 25,000 to 35,000 tonnes. | 1 – 2 ha |
| | | | Energy Recovery | 100,000 – 200,000 tonnes | 2 – 3 ha |
| | | | Residual Mechanical Treatment | 100,000 tonnes | 1 ha |
| | | | <p><u>The total number of hectares of the sites set out in the Waste Management DPD (17.62ha) is greater than the maximum land take required under the capacity gap forecasts. A surplus land take requirement has been adopted for the following reasons:</u></p> <ul style="list-style-type: none"> ● <u>Providing a choice and mix of potential waste management sites across the District is important to support waste hierarchy objectives;</u> ● <u>It ensures flexibility of the Plan respond to future circumstances and changing approaches to waste management including technological advancement;</u> ● <u>An appropriate mix of sites will help accommodate different waste streams allowing waste operators flexibility to</u> | | |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|----------|--------------------|--|--------------------------------|------|--------------|--|-----------|------------------------------|------|---------|---|----------|------|--------|---|--------------------------------|------|---------|---|--------------------------------|-------------------------------------|------|-----|----|-----|------|-----|----|-----|------|-----|----|-----|--------------------------|------|---------|---|------|------|---------|---|----------------------------|--|--|--|--|--|
| | | | <p><u>develop the necessary waste management facilities the District needs.</u></p> <p>More information relating to the methodology of calculating 'Need' and the 'capacity gap', can be found in the accompanying Evidence Base Report: <u>Waste Needs Assessment, Capacity Gap Analysis and Site/Facility Requirements Study.</u></p> <p>4.2 Providing a choice and mix of potential waste management sites across the District is important to support waste hierarchy objectives. An appropriate mix of sites will help accommodate different waste streams (particularly MSW and C&I waste) allowing waste operators flexibility to develop the necessary waste management facilities the District needs.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MM12 | Page 46 | Additional Table | <table border="1"> <thead> <tr> <th data-bbox="618 651 925 799">Waste Management</th> <th data-bbox="936 651 1133 799">Year</th> <th data-bbox="1133 651 1391 799">Tonnage/year</th> <th data-bbox="1391 651 1615 799">Min no new (additional) Facilities in year</th> <th data-bbox="1615 651 1861 799">Size (ha)</th> </tr> </thead> <tbody> <tr> <td data-bbox="618 799 925 1010" rowspan="3">Energy recovery (LACW & C&I)</td> <td data-bbox="936 799 1133 871">2015</td> <td data-bbox="1133 799 1391 871">100,404</td> <td data-bbox="1391 799 1615 871">1</td> <td data-bbox="1615 799 1861 871">2 – 3 ha</td> </tr> <tr> <td data-bbox="936 871 1133 943">2020</td> <td data-bbox="1133 871 1391 943">94,412</td> <td data-bbox="1391 871 1615 943">0</td> <td data-bbox="1615 871 1861 943">2 – 3 ha N/A</td> </tr> <tr> <td data-bbox="936 943 1133 1010">2030</td> <td data-bbox="1133 943 1391 1010">102,346</td> <td data-bbox="1391 943 1615 1010">0</td> <td data-bbox="1615 943 1861 1010">2 – 3 ha N/A</td> </tr> <tr> <td data-bbox="618 1010 925 1220" rowspan="3">Incineration (Specialist High Temp)</td> <td data-bbox="936 1010 1133 1082">2015</td> <td data-bbox="1133 1010 1391 1082">861</td> <td data-bbox="1391 1010 1615 1082"><1</td> <td data-bbox="1615 1010 1861 1082">N/A</td> </tr> <tr> <td data-bbox="936 1082 1133 1153">2020</td> <td data-bbox="1133 1082 1391 1153">861</td> <td data-bbox="1391 1082 1615 1153"><1</td> <td data-bbox="1615 1082 1861 1153">N/A</td> </tr> <tr> <td data-bbox="936 1153 1133 1220">2030</td> <td data-bbox="1133 1153 1391 1220">861</td> <td data-bbox="1391 1153 1615 1220"><1</td> <td data-bbox="1615 1153 1861 1220">N/A</td> </tr> <tr> <td data-bbox="618 1220 925 1358" rowspan="2">Recycling (C&I and LACW)</td> <td data-bbox="936 1220 1133 1292">2015</td> <td data-bbox="1133 1220 1391 1292">325,611</td> <td data-bbox="1391 1220 1615 1292">3</td> <td data-bbox="1615 1220 1861 1292">3 ha</td> </tr> <tr> <td data-bbox="936 1292 1133 1358">2020</td> <td data-bbox="1133 1292 1391 1358">385,958</td> <td data-bbox="1391 1292 1615 1358">0</td> <td data-bbox="1615 1292 1861 1358">3 ha N/A</td> </tr> </tbody> </table> | 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 N/A | 2030 | 102,346 | 0 | 2 – 3 ha N/A | 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 N/A | | | | | |
| 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 N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2030 | 102,346 | 0 | 2 – 3 ha N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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 N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification | | | | |
|---------------------|----------|--------------------|-------------------------------|------------|---------|---------|---|
| | | | | 2030 | 444,225 | 1 | 4ha <u>1 Ha</u> |
| | | | Recycling (aggregates CD&E) | 2015 | 148,313 | 3 | <u>N/A Extant PP in place in combination with onsite management</u> |
| | | | | 2020 | 315,301 | 2 | <u>N/A Extant PP in place in combination with onsite management</u> |
| | | | | 2030 | 334,834 | 0 | <u>N/A Extant PP in place in combination with onsite management</u> |
| | | | | Composting | 2015 | -16,692 | Surplus |
| | | | | 2020 | -649 | Surplus | Surplus |
| | | | | 2030 | 4,421 | <1 | N/A |
| | | | Residual Mechanical Treatment | 2015 | 16,073 | 1 | <u>0.5-1 ha</u> |
| | | | | 2020 | 180,844 | 1 | <u>2-ha 1 ha</u> |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification | | | | | | | | | | |
|---|----------|--------------------|--|-----------------|------|---------|---|-----------------|---|--|--|--|-------------|
| | | | <table border="1"> <tr> <td></td> <td>2030</td> <td>195,277</td> <td>0</td> <td>4 ha <u>N/A</u></td> </tr> <tr> <td colspan="4">Total estimated additional land take</td> <td>9 ha</td> </tr> </table> | | 2030 | 195,277 | 0 | 4 ha <u>N/A</u> | Total estimated additional land take | | | | 9 ha |
| | 2030 | 195,277 | 0 | 4 ha <u>N/A</u> | | | | | | | | | |
| Total estimated additional land take | | | | 9 ha | | | | | | | | | |
| MM13 | 17 | 4.5 | A number of sites have been shortlisted as having potential to accommodate more than one type of waste management facility, subject to Environmental Permits being obtained. <u>Applicants are advised to enter into discussions with the Environment Agency regarding Environmental Permits at the earliest opportunity to assist in identifying and responding to any key issues, which may need to be addressed.</u> Any development proposals on shortlisted sites must accord with the relevant Waste Development Management policies as set out in Section 7 of this document. For further information on the site assessment process see the full Site Assessment Report which accompanies this document. | | | | | | | | | | |
| MM14 | 21 | Site WM1 | In addition, there is a need to deliver an 8m buffer to the watercourse running to the north of the site as part of any development on Site 1, to form a wildlife buffer zone, which should be free from all built development and any formal landscaping should not be incorporated into the buffer zone. The buffer zone should be planted with locally native species of UK genetic provenance and be appropriately retained and managed throughout the lifetime of the development. <u>Before site development takes place the following effects will need to be investigated and mitigated: the potential on the site for habitat fragmentation, habitat enhancement (including helping to achieve BAP targets).</u> | | | | | | | | | | |
| MM15 | 21 | Site WM1 | <p>Utilities</p> <p>Access to national grid / capacity of grid for local energy production?</p> <p><u>Due to the site's proximity neighbouring commercial property, the applicant will be expected to demonstrate how the proposed facility may provide electricity to the national grid via a local connection and the potential for contributing to a wider heat network in the local area within the supporting information of any planning application.</u></p> | | | | | | | | | | |
| MM16 | 21 | Site WM1 | <u>Visual and landscape assessment would be required due to the sites visibility and prominence within the area. Visual improvements to the site should be sought through its redevelopment;</u> | | | | | | | | | | |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification |
|---------------------|----------|--------------------|--|
| MM17 | 23 | Site WM2 | <u>Before site development takes place the following effects will need to be investigated and mitigated: the potential on the site for habitat fragmentation and habitat enhancement (including helping to achieve BAP targets). Air quality and noise should be assessed (in accordance with Policy WDM2) and mitigation put in place as necessary.</u> |
| MM18 | 23 | Site WM2 | <p>Utilities</p> <p>Access to national grid / capacity of grid for local energy production? District heat network potential due to proximity to the city centre? Stand-off distance from the railway line?</p> <p><u>Due to the site's proximity neighbouring commercial property, the applicant will be expected to demonstrate how the proposed facility may provide electricity to the national grid via a local connection and the potential for contributing to a wider heat network in the local area within the supporting information of any planning application.</u></p> |
| MM19 | 23 | Site WM2 | <u>Visual and landscape assessment would be required due to the sites visibility and prominence within the area. Visual improvements to the site should be sought through its redevelopment;</u> |
| MM20 | 25 | Site WM3 | <p><u>Visual and landscape assessment would be required due to the sites visibility and prominence within the area. Visual improvements to the site should be sought through its redevelopment;</u></p> <p><u>The potential effects of a Conventional Energy from Waste Facility and Advanced Thermal Treatment on the SAP and/or SAC will need to be assessed under the Habitats Regulations through a project level Appropriate Assessment (AA) if it is determined by an appropriate body that such an assessment is required.</u>"</p> |
| MM21 | 25 | Site WM3 | <p>Utilities</p> <p><u>Due to the site's proximity neighbouring commercial property, the applicant will be expected to demonstrate how the proposed facility may provide electricity to the national grid via a local connection and the potential for contributing to a wider heat network in the local area within the supporting information of any planning application.</u></p> |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification |
|---------------------|---------------|---------------------|--|
| MM22 | 27 | Site WM4 | <u>Before site development takes place the following effects in particular will need to be investigated and mitigated: effects on the two Listed Buildings west of the site, the effect on the quality of the surrounding built environment and the potential on the site for habitat fragmentation, habitat enhancement (including helping to achieve BAP targets). Air quality, noise and visual effects should be assessed and mitigation put in place as necessary due to residential receptors located nearby.</u> |
| MM23 | 27 | Site WM4 | Utilities <u>Due to the site's proximity neighbouring commercial property, the applicant will be expected to demonstrate how the proposed facility may provide electricity to the national grid via a local connection and the potential for contributing to a wider heat network in the local area within the supporting information of any planning application.</u> |
| MM24 | 27 | Site WM4 | <u>Visual and landscape assessment would be required due to the sites visibility and prominence within the area. Visual improvements to the site should be sought through its redevelopment;</u> |
| MM25 | 29 | Site WM5 | <u>Air quality and noise assessment and appropriate mitigation will be required in order to ensure there are no negative effects on sensitive receptors.</u> |
| MM26 | 29 | Site WM5 | <u>Due to the site's proximity neighbouring commercial property, the applicant will be expected to demonstrate how the proposed facility may provide electricity to the national grid via a local connection and the potential for contributing to a wider heat network in the local area within the supporting information of any planning application.</u> |
| MM27 | 29 | Site WM5 | <u>Visual and landscape assessment would be required due to the sites visibility and prominence within the area. Visual improvements to the site should be sought through its redevelopment;</u> |
| MM28 | 31 | Site WM6 | <u>Before site development takes place the following effects in particular will need to be investigated and mitigated: effects on the two Listed Buildings west of the site, the effect on the quality of the surrounding built environment and the</u> |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification |
|---------------------|----------|--------------------|--|
| | | | <u>potential on the site for habitat fragmentation, habitat enhancement (including helping to achieve BAP targets).</u> |
| MM29 | 31 | Site WM6 | Utilities <u>Due to the site's proximity neighbouring commercial property, the applicant will be expected to demonstrate how the proposed facility may provide electricity to the national grid via a local connection and the potential for contributing to a wider heat network in the local area within the supporting information of any planning application.</u> |
| MM30 | 31 | Site WM6 | <u>Visual and landscape assessment would be required due to the sites visibility and prominence within the area. Visual improvements to the site should be sought through its redevelopment;</u> |
| MM31 | 33 | 5.3 | The key issues for Bradford District in relation to the management of Construction, Demolition and Excavation Waste (CDEW) are: <ul style="list-style-type: none"> • CDEW arisings form a significant proportion of total waste arisings across Bradford District at the current time and forecast into the future with arisings set exceed 490,000 <u>to reach 485,141</u> tonnes by 2030. • CDEW arisings are likely to grow in the future linked to the District's forecast population growth and the subsequent need for local planning of economic and housing development. This growth will stimulate additional waste arisings; The Council will encourage the management of CDEW waste (along with other waste streams) on-site at the point of origin with an emphasis on re-use and recycling, in accordance with the waste hierarchy. The Council considers this the most sustainable and environmentally sound solutions for management of Construction, Demolitions and Excavation Waste. <u>The Council are of the opinion the capacity gap for Construction and Demolition Waste can be addressed through a combination of an extant planning permission for CDEW management and the continuation of on-site management.</u> |
| MM32 | 35 | 5.4 | Although the quantities of agricultural waste are quite significant, reaching 283,133 296,902 tonnes by 2030, the quantities of agricultural waste for off-site management are very small at just over 2,000 tonnes and this is fragmented across facilities |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification |
|---------------------|----------|----------------------|---|
| | | | of various types |
| MM33 | 40 | 6.6 | Pre-application consultation with the Council is essential to establish what supporting information is likely to be required and is strongly encouraged as an important element of applying for permission for waste development. This is particularly so given the likely need for a supporting Environmental Impact Assessment (EIA), Transport Assessment, Health Impact Assessment and other impact related studies. Such liaison will also help ensure planning applications are processed efficiently and effectively. In accordance with the Localism Act and the NPPF, public consultation with the local community is strongly encouraged at the earliest stage of waste development proposals, with the process of consultation on planning applications set out in the Council's Statement of Community Involvement. <u>It is also advised applicants enter into discussions with the Environment Agency regarding Environmental Permits at the earliest opportunity to assist in identifying and responding to any key issues, which may need to be addressed.</u> |
| MM34 | 42 | WDM2 (j) 6.12 | j) The applicant must demonstrate any biodiversity enhancement has been fully investigated through an ecological assessment and <u>adverse effects on European Designated Sites are avoided</u> through appropriate mitigation; and <u>"Where the ecological assessment (Criteria J of Policy WDM2) determines that adverse effects on the integrity of European Designated Site(s) 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."</u> |
| MM35 | 42 | WDM2 (d) | d) Site specific impacts are adequately assessed and the applicant can demonstrate that adverse effects are minimised, <u>and where possible and appropriate, enhancements made,</u> to: |
| MM36 | 42 | WDM2 (e) | The impacts of the proposed waste management facility are adequately assessed and the applicant can demonstrate that adverse effects are minimised, <u>and where possible enhancement made,</u> in terms of to: |
| MM37 | 44 | 6.14 | The Council will resist the loss of existing facilities and allocated sites unless <u>there is no realistic prospect of the site being used for waste management purposes</u> exceptional circumstances can be demonstrated. Exceptional <u>Particular</u> circumstances will need to demonstrate how the loss of an existing facility, or development of an allocated waste site for another unrelated purpose, does not adversely affect the Council's ability to meet the District's waste management vision |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification |
|---------------------|----------|--------------------|---|
| | | | and objectives. |
| MM38 | 44 | WDM3 | <p>The Council will resist the loss of existing facilities and allocated sites through redevelopment or change of use for any other purposes other than waste management, unless the applicant can demonstrate any of the exceptional <u>particular</u> circumstances exist:</p> <ul style="list-style-type: none"> a) There is no longer any identified need for the facility or site across any form of waste arising in the District and sub-region, <u>and such a facility could be accommodated elsewhere</u>; or b) The facility or site does not accord with Bradford’s core waste policies or cannot contribute to the waste hierarchy’s objectives; or c) The use of the facility or site for waste management activities are proved to be obsolete or economically unviable and market testing effectively demonstrates that other waste operators would not bring the site facility or site into use- <u>there is no realistic prospect of the site being used for waste management purposes</u>; or d) An alternative, suitable waste facility site is identified elsewhere in the District enabling a site swap that is capable of satisfying the site location criteria for the waste management facility. |
| MM39 | 45 | 6.15 | The preferred policy sets out the objectives for the construction and operation of developments, <u>principally relating to waste management.</u> |
| MM40 | 45 | 6.16 | 6.16 All new and expanded developments will be required to demonstrate that any buildings associated with the development have regard to sustainable construction methods. <u>Applicants should be mindful of environmental management regulations and best practice during the on-site use and recovery of CDEW to ensure it does not cause undue nuisance to surrounding communities.</u> |
| MM41 | 45 | WDM4 | <p>WDM4: Waste Management within Development</p> <p>Proposals related to the expansion of existing and new developments will be permitted where they demonstrate:</p> |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification |
|---------------------|----------|--------------------|---|
| | | | <p>a) The use of recycled and secondary materials for construction of the development, including the minimisation of waste resulting from construction;</p> <p>b) Energy efficient design, maximising, the on-site generation of electricity from the recovery and treatment of wastes and the provision of other renewable energy sources, including opportunities to contribute to climate change mitigation;</p> <p>c) Water efficient design, including where possible water recycling and sustainable drainage measures;</p> <p>d) That waste to be treated cannot practically and reasonably be reused, recycled or processed to recover materials;</p> <p>e) The appropriate management arrangements are in place for waste arisings generated by the development;</p> <p>f) Reduction in gases associated with adverse climate change;</p> <p>g) Design which minimises the disposal of waste and maximises the recovery and recycling of materials at the end of the development's life; and</p> <p>h) Maximise opportunities to contribute to climate change mitigation and priorities.</p> <p>Where demolition needs to take place before construction, as far as possible, construction and demolition waste should be recovered or recycled, preferably on-site. <u>The applicant must also demonstrate the impacts of any proposed on-site management of construction and demolition waste are minimised in terms of:</u></p> <ul style="list-style-type: none"> • <u>Environmental, social or economic effects;</u> • <u>Human Health;</u> • <u>Noise, vibrations, dust, odour;</u> • <u>Water, ground, light or air pollution; and</u> • <u>Climate Change</u> |
| MM42 | 47 | WDM5 | <p>a) d) Residual landfill development proposals will be permitted where: a) Site specific impacts are adequately assessed and the applicant can demonstrate that adverse effects are minimised on:</p> |

| Modification Number | Page No. | Policy / Paragraph | Proposed Modification |
|---------------------|----------|--------------------|--|
| | | | <ul style="list-style-type: none"> • Designated protected areas of landscape, historic or nature conservation <u>including habitat loss or fragmentation;</u> • Visual and landscape amenity; • Floodplains, groundwater or water quality; • Transport accessibility, capacity and the need to travel <u>including investigating the potential of transporting waste by non-road transport modes;</u> |
| MM43 | 50 | Objective 3 | <p>“To ensure that expansions to existing facilities where appropriate and new waste facility developments support the planned growth and waste needs of the Bradford community and are delivered in a manner which protects and, where appropriate, enhances the District’s environmental assets and safeguards human health”</p> |
| MM44 | 50 | Objective 5 | <p>Objective 5: To work in collaboration with appropriate local authorities and waste industry operators to ensure that sub-regional waste (and if necessary beyond the subregion) issues are effectively considered and planned for in accordance with the duty to co-operate. Cross boundary issues including the movement of waste, <u>transportation of waste arisings by sustainable transport modes</u> and locating of facilities near to source must be managed and planned for collectively where possible</p> |

This page is intentionally left blank