

Nottinghamshire and Nottingham

# WASTE LOCAL PLAN

Draft Plan Consultation Report

May 2023

## Table of Contents

|  |    |
|--|----|
| 1. Introduction.....   | 1  |
| 2. Consultation on the Draft Waste Local Plan .....  | 2  |
| 3. Chapter 1. Introduction.....  | 3  |
| 4. Chapter 2. The Scope of the Waste Local Plan.....   | 3  |
| 5. Chapter 3. Context for Waste Planning .....   | 4  |
| 6. Chapter 4. Overview of the Plan Area .....  | 5  |
| 7. Chapter 5. Waste Management in the Plan Area .....  | 6  |
| 8. Chapter 6. Our Vision and Strategic Objectives .....  | 8  |
| 9. Chapter 7. Strategic Policies .....   | 12 |
| 10. Chapter 8. Development Management Policies .....   | 20 |
| 11. Chapter 9. Monitoring and implementation .....   | 29 |
| 12. Chapter 10. Useful Information .....   | 30 |
| 13. Chapter 11. Glossary.....  | 31 |
| 14. Supporting documents.....  | 32 |
| 15. Call for sites .....   | 33 |
| 16. Next steps .....   | 35 |
| Appendix 1. AECOM response to comments received on the technical elements of the<br>Waste Needs Assessment. .... | 36 |

## 1. Introduction

- 1.1. On-going and effective consultation and community involvement is an essential part of the planning process, for both plan making and planning applications. Nottinghamshire County Council and Nottingham City Council's approach to consultation and engagement with local people, statutory bodies and other groups during the preparation of the Waste Local Plan and on waste planning applications is set out in their Statements of Community Involvement (SCI).
- 1.2. All Local Planning Authorities are required to prepare a SCI which sets out the consultation and publicity measures that will be undertaken when preparing local plans. The most recent version of the [County Councils SCI](#) was adopted in March 2018, with a temporary Addendum adopted in September 2020 in response to the COVID-19 pandemic. The City Council adopted their SCI in 2019, with an Interim SCI introduced in 2020 also due to the pandemic. An [updated SCI](#) is expected to be adopted in June 2023.
- 1.3. For plan making, public consultation and community engagement with key stakeholders, statutory and industry bodies and members of the public provide valuable feedback that helps shape and progress the plan, from the early stages up until its adoption following public examination.
- 1.4. For the new Waste Local Plan, so far two informal public consultations have taken place; Issues and Options (February till May 2020) and the Draft Waste Local Plan (February till April 2021).
- 1.5. The first consultation was on the Issues and Options document which set out the main issues expected to arise during the plan period and explore what reasonable options existed to resolve them. Through consideration of the responses provided and further evidence collated, the Councils developed a Draft Waste Local Plan.
- 1.6. This consultation statement outlines the representations received following consultation on the Draft Waste Local Plan, summarising the main issues raised and how these have been considered in the development of the Pre-Submission Draft Version of the Waste Local Plan.
- 1.7. As two further sites were also submitted as part of this consultation, the details of these as well as the sites put forward during the previous call for sites consultation, which occurred at the same time as the Issues and Options consultation, are provided and considered.

## 2. Consultation on the Draft Waste Local Plan

- 2.1. The consultation on the Draft Waste Local Plan ran between the 7<sup>th</sup> of February until the 4<sup>th</sup> of April 2021 and sought comments on all elements of the document which included:
- 1. Introduction
  - 2. The Scope of the Waste Local Plan
  - 3. Context for Waste Planning
  - 4. Overview of the Plan Area
  - 5. Waste Management in the Plan Area
  - 6. Our Vision and Strategic Objectives
  - 7. Strategic Policies
  - 8. Development Management Policies
  - 9. Monitoring and Implementation
  - 10. Useful Information
  - 11. Glossary
- 2.2. Comments were also welcomed on the supporting documents that were published alongside to support the Draft Waste Local Plan, these included:
- [The Waste Needs Assessment](#)
  - [Issues and Options Sustainability Appraisal](#)
  - [Draft Waste Local Plan Sustainability Appraisal](#)
  - [Report of Consultation for Issue and Options](#)
  - [Equalities Impact Assessment](#)
  - [Options document](#)
- 2.3. A total of **283 representations** from **39 respondents** were received during the consultation period, with 51% of comments being on the strategic and development management policies (chapter 7 and 8) and 18% commenting on the Waste Management in the Plan Area chapter (chapter 5), which included comments on the Waste Needs Assessment.
- 2.4. The sections below summarise the main issues raised by each element of the document and outlines the Councils response of how the issues raised will be considered and inform the next stage of the Plan, which will be the Pre-submission Draft.
- 2.5. As the Waste Needs Assessment informed chapter 5 of the plan, Waste Management in the Plan Area, comments on the assessment have been included within this section.

### 3. Chapter 1. Introduction.

**Total number of comments received: 0**

- 3.1. No comments were received on Chapter one. Changes have been made to Chapter 1 to update the text to reflect the current position of the plan.

### 4. Chapter 2. The Scope of the Waste Local Plan

**Total number of comments received: 4**

- 4.1. Overall, there was support for this chapter of the waste local plan with comments largely relating to wider issues, in particular relating to increasing recycling rates. Respondents suggested that further education and commonality between what can be recycled at home between authorities was needed to increase recycling. One respondent felt the target of 50% of waste to be recycled by 2038 was too low, with taking until 2038 to achieve this too long, instead annual or biannual targets should be set.

#### Response

The Councils recognise the desire to increase recycling rates, with the Plan seeking to promote the circular economy and waste hierarchy and so educate people as far as is possible through a Local Plan. Whilst some topic issues are not appropriate within the Plan as they are beyond its statutory function, the Councils do produce other local documents and policies that seek to educate and encourage the reduction and recycling of waste.

In relation to the timescale of the plan, planning up to 2038 matches the government regulations for timescales (strategic policies should have a minimum of 15 years). The Plan will also be subject to annual monitoring, which will include looking at the current recycling rates and any new legislation and will inform whether any reviews of the policies are necessary.

Considering the above, no changes have been proposed for this chapter.

## 5. Chapter 3. Context for Waste Planning

### Total number of comments received: 10

5.1. The main focus of comments on this section related to the policy and legislation section, with respondents recommending the following were added:

- Net Zero Strategy 2021
- Carbon Budget Order 2021
- Environment Act 2021.

And the following edited to reflect recent changes:

- Climate Change Act 2008 (2050 target amendment) Order 2019
- Waste Incineration Directive (2000/75/EU), which was replaced by the Industrial Emissions Directive in 2010 and reference needed to the EU (withdrawal) Act (2018)
- Waste Management Plan for England which was updated in 2021

5.2. Several respondents also noted that the example of anaerobic digestion as a recovery operation in paragraph 3.6 was incorrect, with such facilities now recognised as a form of recycling.

5.3. Two respondents also commented about the reference to energy recovery in paragraph 3.6, stating that energy recovery facilities, like the Eastcroft Incinerator, that supply energy and heat should not be considered sustainable and be described neutrally.

5.4. It was also highlighted that some transposed EU law has been replaced with new targets and policy for England, including a new target to half residual waste by 2042.

### Response

This chapter has been updated, in particular the national policy and local policy sections to reflect the latest relevant policy, including reference to the Carbon Budget, the Environment Act and the Environmental Improvement Plan.

As detailed in the NPPW, Energy from Waste is classified as recovery which is the second step on the waste hierarchy and therefore is more desirable than disposal. The Councils have a responsibility to ensure there is sufficient waste management provision in the plan area that can handle waste across all areas of the hierarchy. The WNA has identified a shortfall in Energy from Waste capacity and so a moratorium would be inappropriate and not in line with National Guidance or Policy.

## 6. Chapter 4. Overview of the Plan Area

### Total number of comments received: 3

- 6.1. A small number of comments were received on chapter 4, all of which recommended additions to the text, this included:
- Highlight that between the main towns and 'small villages' a number of relatively large towns and villages exist across the County
  - Provide further detail in relation to the County's landscape of how heathland is found in the north-west and the landscape in the east is flat, low lying agricultural land
  - Adding reference to the historic environment of the plan area, explaining how the past industry and economy of the area has influenced the development and landscape
- 6.2. It was also recommended that Plan 1 shows the A46 Newark bypass and the Possible Potential Special Protection Area (ppSPA) correctly, as per Natural England's advice note.

### Response

Additional text has been added into Chapter 4 to address the three points raised by respondents in paragraphs 4.4, 4.5 and an additional paragraph to outline the historic development of the plan area.

Plan 1 has been amended to show the A46 Newark Bypass and the ppSPA.

## 7. Chapter 5. Waste Management in the Plan Area

### Total number of comments received: 55

- 7.1. Comments on Chapter 5 of the Draft Plan largely focused on elements of the Waste Needs Assessment (September 2021) as chapter 5 summarises and presents the key findings. The Councils therefore requested AECOM to assist with responding to comments in relation to this chapter. The detailed response to technical data questions from AECOM are provided in Appendix 1.
- 7.2. Overall comments focused on the proposed scenarios which are used to forecast the future arisings for each waste stream, the future recycling scenarios and future provision for energy recovery. There were also several comments that were beyond the remit of plan, such as asking why certain materials cannot be recycled and the collection of food waste.
- 7.3. In relation to the proposed scenarios to forecast total future arisings for each waste stream, respondents mainly focused on the scenarios for Local Authority Collected Waste (LACW) and Commercial and Industrial (C&I). For both, there were opposing views. Some respondents suggested an even higher decline scenario in total arisings should be considered to align with emerging Government targets and ambitions, whilst others stated that the scenario selected should have been ones for higher growth in arisings as this would be more realistic and ensure sufficient provision.
- 7.4. Opposing comments were also received in regard to the future recycling scenarios, which are used to help understand how the forecasted future waste arising by stream will be managed in the future and so indicate if there is sufficient provision in the plan area. Many respondents commented that the highest recycling scenario for LACW, 65%, was too low and not ambitious enough. Others thought the 65% scenario was overly ambitious considering the Councils current recycling rates and so using this to base future provision would not ensure adequate provision of other facilities, such as energy recovery. This was also a comment relating to the C&I recycling rate, with respondents stating the scenarios were too high and the calculated current recycling rate (70%) was not reflective of the current situation.
- 7.5. One respondent also commented on the proposed recycling scenarios for Construction, Demolition and Excavation (C, D&E) waste, stating that 95% was too high with recycling for this waste stream already maximised.
- 7.6. A few respondents also questioned the assumption that 10% of LACW and C&I would be landfilled. This seemed to be unambitious and also didn't reflect the current situation whereby around 6% of LACW is landfilled. The Energy Recovery sector also argued this assumption alongside choosing to



use the higher recycling scenarios resulted in the energy recovery provision being squeezed and would result in there being insufficient capacity for energy recovery in the future.

- 7.7. Comments on the future arisings and how these would be handled therefore also went on to discuss whether the provision of types of facilities was correct. This mostly related to energy recovery facilities, with respondents raising concerns with the identified current capacity in the plan area. Some respondents argued the existing capacity figure of 243,162 tonnes was too high as it included two facilities which are specialist facilities, which they believed should be omitted. Other respondents had the opposing view that the assessment underestimated existing energy recovery capacity.
- 7.8. Respondents also sought clarity on tables 11 and 12 which relate to the capacity required for landfill over the plan period, questioning whether this was the total void space needed or what was needed annually.

#### Response

In relation to the proposed scenarios to forecast future arisings, AECOM have updated the Waste Needs Assessment (2023) to include the latest available data, which has been used to update the baseline data for which future arisings are forecasted and so the scenarios. The Councils consider scenario b for LACW and C&I are appropriate and gives a balance between growth of housing and businesses and the drive to decrease waste production.

Regarding the recycling scenarios, the higher scenarios at 65% for LACW, 80% for C&I and 95% for C, D&E have been retained and used to forecast future provision needs. The Councils believe these are a balance of being realistic but also sufficiently ambitious.

AECOM have considered the comments around the assumption of total arisings being landfilled and note that currently around 6.2% of LACW is landfilled in the plan area. Therefore, rates of LACW to landfill have been amended from 10% by 2035 to 5% by 2035. This though does not preclude waste from being managed higher up the waste hierarchy where this is viable. This could include recovery or recycling, thus allowing for future provision of these facilities if a need can be demonstrated by an applicant.

AECOM and the Councils have reviewed the facilities it is including in the capacity calculations for recovery and recognise that one facility is limited to animal by products. Therefore, this facility has been removed from the total recovery capacity in the plan area.

Further detailed responses to issues raised around the waste needs assessment are provided in appendix 1.

Finally, the Councils have added a footnote to table 11 to provide clarity that the total deficit capacity is the total amount of void space needed to meet arisings expected to be disposed by 2038.

## 8. Chapter 6. Our Vision and Strategic Objectives

**Total number of comments received on chapter: 21**

- 8.1. Alongside specific comments on the vision and strategic objectives, two respondents were supportive of this chapter, though one respondent felt more detail was needed in places.

### **Vision**

**Total number of comments received: 6**

- 8.2. In relation to the first paragraph of the vision which aims for a circular economy, two respondents outlined how the plan should be focusing more on reducing the amount consumed so that targets around waste and climate change can be achieved.
- 8.3. Two respondents did not agree that energy recovery should be sought within the Vision as it is contrary to the desire for a circular economy and should be the last option in how to manage waste due to high greenhouse gas emissions. Respondents also stated it could harm recycling aspirations and the decarbonisation of the electricity sector. It was also noted that anaerobic digestion and composting of food waste is preferable over incineration as it supports the circular economy of nutrients through the creation of compost and digestate. To reflect this, it was suggested that the Vision should then aim to recover nutrients not energy, with the wording in the penultimate sentence of the first paragraph amended to reflect this.
- 8.4. One respondent also outlined how the vision is currently worded does not take into consideration that for some waste types, such as hard to recycle plastics, landfill may be the preferable option. It was suggested the vision be amended to be flexible so to minimise residual waste that needs to be burnt or buried and any remaining waste be managed appropriately.
- 8.5. Newark and Sherwood District Council raised concerns about the second paragraph of the vision, in particular the suitability of locating new facilities near Newark. The Council sought for further justification and clarification to be given for identifying why medium facilities should be located near Newark and what constitutes as a medium scale waste facility.
- 8.6. One respondent welcomed the inclusion of heritage in the vision but wished for further consideration of how the plan will ensure heritage is protected and enhanced.
- 8.7. There was also a suggestion to amend the final sentence of the vision so that sustainable renewable energy opportunities were maximised and promoted, reflecting that not all renewable energy schemes are sustainable.

## Response

The Vision has been amended to include that it is anticipated that communities will be producing less waste by minimising the use of resources and re-using these as far as possible by 2038.

In relation to comments that the vision should see recovery as the last option in how to handle waste, the first paragraph of the vision follows the levels of the waste hierarchy, with recovery being the second least preferred above disposal and so it is appropriate to seek recovery if waste cannot be recycled. Recovery also includes land recovery where waste material is used instead of virgin material. It is a key requirement of the plan to ensure waste arising in the plan area can be managed by providing sufficient waste facilities to handle all elements of the waste hierarchy, accepting that not all waste can be recycled.

The term energy has not been replaced with nutrients as the Vision and the Plan needs to consider all waste streams and not just food waste. It is recognised in SP2 that anaerobic digestion and composting facilities will be prioritised over recovery proposals.

The Vision and supporting policies seek for facilities to be located nearby to urban and populated areas as this is where most waste in the plan area is produced. By locating appropriately sized facilities nearby settlements and where proposed growth is, this should ensure a sufficient network of facilities across the plan area so that waste can be treated at the nearest appropriate facility. Such an approach should deliver sustainable waste management as required by the NPPW (2014) and Waste Regulations (2011) and was found to be the most sustainable option by the Sustainability Appraisal (Issues and Options, September 2021). The Councils recognise that what size of facility may be appropriate for the location depends on individual circumstances and the type of facility. Therefore, the Vision and Policy SP3 no longer seeks a hierarchical approach where the size of the facility relates to the size of the settlement. Newark though is a key settlement in Nottinghamshire for housing and employment and one where further growth is planned and anticipated. To be able to accommodate this growth and move towards more sustainable waste management methods, further waste management provision will be required here as well as other urban areas around the Plan area.

In relation to heritage, as the vision states it aims to protect and enhance several areas, including heritage, with Policy DM6 providing further detail and requirements to ensure heritage is protected and enhanced.

The Councils believe the amendments made to the Vision address key concerns and identifies the hopes for future waste management in Nottinghamshire and Nottingham.

## **Strategic Objectives**

**Total number of comments received: 13**

- 8.8. There was a desire to for waste prevention to be more prevalent across the strategic objectives, specifically in Strategic Objective One and Two as well Strategic Objective Five, which respondents thought should focus on reducing future needs and facilities as less facilities would be needed if the amount of waste produced is reduced.
- 8.9. In regard to Strategic Objective One: Acting on Climate Change respondents noted that there was no reference to minimising greenhouse gas emissions. One respondent also suggested biodiversity be included within the objective.
- 8.10. One respondent suggested Strategic Objective Two: Strengthening our Economy should be amended to remove reference to maximising the recovery of waste as incineration overcapacity is undesirable.
- 8.11. For Strategic Objective Three: Protecting our Environment, a respondent proposed separate objectives for different areas of the environment, including an objective for the historic environment. Another respondent recommended including a reference to biodiversity net gain within the objective, including the local target of 20%.
- 8.12. A respondent also suggested that within Strategic Objective Four: Safeguarding Community health and wellbeing, wording from Strategic objective three in the waste core strategy that ensures local people have the chance to be involved in decisions by providing more information, encouraging wider involvement and targeting key groups and individuals were appropriate should be added.
- 8.13. Finally, for Strategic Objective Seven: Minimising the impacts of transporting waste, one respondent suggested this should recognise the need to avoid incineration overcapacity as this could result in waste having to be imported from afar. Another respondent supported the objective to encourage alternatives to road transport, suggesting that any applicants seeking to consider the use of wharf facilities contact the Canal and River Trust to help with proposals.

### **Response**

The Councils agree that Strategic Objective One should include reference to generating less waste, minimising greenhouse gases and biodiversity and the objective has been amended to include this.

The aim to maximise recovery of waste has been retained in Strategic Objective Two as this is in accordance with the Vision and delivering the waste hierarchy. Also, recovery of waste can relate to other waste management treatment besides Energy from Waste.

The Councils agree to include additional wording in Strategic Objective Four to include that local people have the chance to be involved in decisions.

As outlined in the NPPW, as the waste planning authority the Councils need to ensure sufficient waste management facilities to handle future waste arisings generated from the plan area. It is therefore not considered appropriate for Strategic Objective Five to seek to reduce waste management facilities.

Strategic Objective Seven relates to all waste management facilities and such detail of where waste will be sourced, mode of transport and capacity requirements will be dependent on the individual proposal. The Councils therefore do not believe it is relevant to single out one type of waste management facility within this objective.

It should be noted the order and so numbering of the objectives have changed and updated to reflect the amendments made previously to reflect comments received from the Issues and Options consultation which were mistakenly not included within the draft plan. Please see the [errata note](#) published on our website for further information.

## 9. Chapter 7. Strategic Policies

- 9.1. There was a total of 70 comments on Chapter 7, with comments received on all the strategic policies as well as the introductory text.

### **Introduction**

**Total number of comments received: 2**

- 9.2. One respondent commented on paragraph 7.5 and 7.6 of the introductory text, seeking for further explanation and clarification on the points relating to 'outweigh' and 'habitats site'.

### **Response**

Both paragraphs 7.5 and 7.6 reflect the wording of the NPPF (Paragraph 11, part D and Paragraph 182 respectively) and therefore the Councils do not propose any changes.

### **SP1- Waste Prevention and re-use**

**Total number of comments received: 8**

- 9.3. Three of the eight comments on Policy SP1 were from district councils and whilst all supported the principle of the policy to prevent and reduce waste, two councils were concerned about the implementation of the policy on non-waste development proposals. One Council sought further explanation of how the policies aims will be achieved and assessed in the determination of applications. Another council believed that the policy was overstepping as Planning Practice Guidance states that specialist plans, such as waste plans, should provide a framework for decisions involving these uses only. Policies within the district or borough local plans would address waste generation from non-waste developments.
- 9.4. The Environment Agency highlighted that in relation to paragraph 7.8., which states how waste materials can be re-used on site for construction or engineering purposes, the Environment Agency has legislation (permits/exemptions) for this process including Recovery permits, U1 exemptions and the CL:AIRE Code of Practice.
- 9.5. The Environment Agency also commented in relation to paragraph 7.9 that recovering energy from residual waste can contribute to a balanced energy policy, but this should not undermine preventing or minimising waste.
- 9.6. One respondent also discussed how re-use and repair should be focused upon more to prevent and minimise waste.

## Response

The Councils believe that Policy SP1 should include non-waste development proposals as this policy can work with policies within the Borough and Districts Local Plans as detailed in paragraph 7.12 to deliver the waste hierarchy, which as detailed in paragraph 010 of the Planning Practice Guidance for Waste is for all authorities to deliver. The guidance also details how non-waste planning authorities might achieve this. Additional text has been added to the justification text which outlines how, for proposals that are likely to generate large volumes of waste, a waste audit may be useful. This is in accordance with paragraph 049 of the Planning Practice Guidance for Waste.

Additional text has been added to 7.8 to highlight that applicants will need to check whether permits are required.

The suggestion on repair unfortunately is beyond the scope of the Plan. The Councils do produce other documents and projects which do seek to reduce and prevent waste.

## **SP2- Future Waste Management Provision**

### **Total number of comments received: 9**

- 9.7. Most of the comments on SP2 related to the policy wording with several amendments proposed. This included refocusing the policy so that reduction/prevention of waste was the primary focus, followed by priority being given to re-use and repair facilities. Though there was also a suggestion for no priority to be given by the policy to any facility type as all were required to adequately handle the waste arisings from the plan area.
- 9.8. Some also felt the policy needed to contain further information, including clearly identifying what the waste management needs for the plan area are and the recycling targets for each waste stream as identified in Chapter 5. It was also noted that the policy does not list all types of waste facilities that may come forward, including waste transfer sites and wastewater facilities.
- 9.9. Only one comment was received in relation to the supporting text which noted that paragraph 7.14 should recognise that the drive to divert waste from landfill across the UK will lead to a requirement of more centralised energy from waste facilities which will serve several waste planning authority areas. It is therefore suggested that the Plan should not preclude such facilities.

## Response

The Councils agree that the wording for Policy SP2 required amending and have proposed several changes. It was not seen appropriate to include waste reduction or prevention within the policy as this is the prime focus of Policy SP1: Waste Prevention and re-use. Policy SP2 focuses on ensuring there are sufficient facilities to handle the waste that is generated in the plan area as high up in the waste



hierarchy as possible. Therefore, the Councils believe it is appropriate for the policy to prioritise recycling facilities, which is in accordance with the Waste Management Plan for England. Also, transfer stations have been referenced in the policy and text, it is not seen as appropriate to cover all waste facilities within the policy.

In relation to the comment that centralised energy from waste sites will be needed, paragraph 7.15 recognises several scenarios which may mean waste needs to be exported or imported and handled more centrally or regionally. The Plan therefore contains a further policy on this, SP6, and takes the pragmatic approach of aiming to provide sufficient capacity to manage the equivalent of the plan areas waste arisings, accepting that movement of waste is likely. This applies to all waste management facilities, and it will be dependent on individual applications.

### **SP3: Broad Locations for New Waste Treatment Facilities**

#### **Total number of comments received: 8**

- 9.10. There were concerns raised about the hierarchical locations included within policy SP3, with Newark and Sherwood Council raising the suitability of locating facilities near Newark and that the policy and text failed to define what would be considered a small, medium and large facility. There was though support from Mansfield District Council for the broad approach of locating facilities in the Mansfield/ Ashfield area as there would be sustainable benefits of treating waste locally as well as economic benefits if local job opportunities arise. Historic England raised the issue that such a focus on the locational perspective meant the policy failed to consider whether the development was appropriate from a historic environment perspective.
- 9.11. Two respondents also raised that by seeking to locate waste facilities in built-up areas this would result in these being close to sensitive users, such as existing and proposed residential and commercial developments. Careful planning therefore would be needed to ensure developments can co-exist without adverse impacts on one another.
- 9.12. Two district councils also commented that the last paragraph of the policy text was inconsistent with Policy SP7, with the difference between open countryside and green belt locations should be distinguished.

#### **Response**

The Councils recognise that by not defining what would be considered to be a small, medium and large facility makes the policy ambiguous and that there may be differing individual circumstances within a proposed application that means a different scale of facility may be appropriate than that stated in Policy SP3. It is also difficult to define sizes of waste facilities as these will vary depending on the type of facility and the waste it handles. Also, in the future waste facilities could be different as technology evolves and so any definition could become quickly outdated. The Councils have therefore amended the policy to focus waste management facilities



near the main sources of waste and that the facilities scale should be appropriate to its location. However, as a main settlement within Nottinghamshire with proposed growth for housing and employment, Newark remains a suitable location for waste facilities as outlined in the supporting text. Newark is a key settlement in Nottinghamshire for housing and employment and one where further growth is planned and anticipated.

In terms of the policy failing to consider whether proposals are appropriate from a historic environment perspective, impacts on the historic environment will be dependent upon the specific scheme proposed at the application stage as no sites are to be allocated within the Plan. Policy DM6 seeks to protect and enhance the historic environment and will need to be addressed within any application and ensure consideration is given as to whether the location of the proposal is appropriate in regard to the historic environment.

The Councils note that consideration must be given by all development proposed, as the agent of change, of the potential impact on surrounding uses. Policies SP8, DM2 and DM10 recognises this and seeks to ensure that waste facilities and non-waste developments can co-exist without adverse impacts on one another. Cross referencing to these policies has been added into the justification text.

The Councils agree the policy was inconsistent with Policy SP7 and have amended the policy so to distinguish between open countryside and green belt, with reference made to Policy SP7.

#### **SP4: Residual Waste Management**

##### **Total number of comments received: 9**

- 9.13. Respondent's comments focused largely on proposing amendments to parts (a) and part (c) of the policy.
- 9.14. For part (a), comments suggested that as disposal is the final resort for treating waste, the opening sentence should be stronger, using phrases such as '*only be permitted*' or '*will not be permitted*'. It was also suggested that a further sub clause should be included that stated applications will only be permitted where damage to environmental assets will not be caused. It was also highlighted that the policy does not give priority to using inert waste in the restoration of mineral voids and landfill sites which is stated in the supporting text.
- 9.15. In relation to part (c), it was suggested that the wording was amended to '*landscaping treatment*' and the '*where appropriate*' deleted as the plan, under DM5, seeks for disposal sites that require restoration to enhance biodiversity and restore these to a high environmental standard.

## Response

In terms of part (a), as this relates to proposals considered to be recovery, this is the second level of the hierarchy, and it is preferable that inert waste is used to replace the need for non-waste material. The Councils therefore do not believe this part should be negatively worded in line with government guidance that says that policies should be positively worded. A further clause relating to environmental assets has also not been included as any waste management proposal will be subject to the Development Management policies within the plan, which include protecting and enhancing biodiversity, heritage, air and water quality. Also, as part (v) highlights proposals should not prejudice the restoration of permitted mineral workings or landfill sites, they are therefore given priority.

For part (c), the Councils agree that the policy should read 'landscaping treatment' but have retained 'where appropriate' as this relates to enhancing landscape and topography as well as the natural environment and there is no national policy requiring landscape enhancement for all development.

### **SP5: Climate Change**

#### **Total number of comments received: 12**

- 9.16. Overall respondents were supportive of including a policy on climate change within the plan, with most highlighting that the policy itself should include that waste developments should minimise greenhouse gas emissions, which currently is only within the supporting text under paragraph 7.47. One respondent suggested in paragraph 7.47, it should be stated that all proposals should reduce the most damaging greenhouse gases and those which have serious detrimental effects on the environment, such as NO<sub>x</sub> and NH<sub>4</sub>.
- 9.17. One respondent wished for the policy to be more onus on developers, recommending amending the policy to be criteria based which sets out what proposals will need to include and demonstrate to show they are located, designed and operated in a manner to minimise potential impacts on climate change and be resilient to future climate change.
- 9.18. There were also comments that suggested the supporting text should note that incineration is not low carbon because it typically emits about a tonne of CO<sub>2</sub> for every tonne of waste.
- 9.19. One respondent suggested that the plan should consider climate change adaptation and recognise that the natural environment can deliver measures to reduce the effects of climate change, with green infrastructure and resilient ecological networks playing an important role in climate change adaptation.

## Response

The Councils have amended the policy to provide clarity on what would be expected to be demonstrated by applicants, which includes two strands: minimising their impacts on the causes of climate change and ensuring they are resilient and adaptable to a changing climate. The policy now also includes how proposals can minimise their impact on the causes, including reducing greenhouse gas emissions. This includes all greenhouse gases and so it is not seen as necessary to specify certain greenhouse gases.

The Councils recognise the importance of the environment in mitigating and adapting to climate change and so designing waste facilities to enhance biodiversity and contribute to a wider network of green infrastructure is listed as a potential measure in the justification text.

### **SP6: Minimising the movement of waste**

#### **Total number of comments received: 7**

- 9.20. There were several suggestions from respondents about the policy wording of SP6. For the first paragraph, additional wording was suggested to make it clear 'distance travelled' referred to the distance from the source of the waste to the waste management facility and that alternative modes of transport be sought where practical. There was also a recommendation to amend the second paragraph of the policy so that it is clear that sustainable modes of transport are the first priority.
- 9.21. Two respondents also suggested changes to paragraph three of the policy, seeking for the policy to be more negatively worded with proposals 'only' being permitted if they met all three criteria to discourage the importation of waste. However, another respondent noted that there is a need for centralised facilities that handle waste from larger catchment areas and so outside the waste planning authority boundaries, including Energy from Waste facilities, which will be more centralised due to the drive to divert waste from landfill.
- 9.22. There was also comment that whilst the draft plan deals with the proximity principle in a fair and balanced way, the Waste Needs Assessment did not.

## Response

The Councils agree with amending part one and part two of the policy to ensure that alternative modes of transport are sought where practical. It was not considered necessary to reference the proximity principle within the policy, with policy SP3 and its supporting text providing more detail and focus on locating facilities near the source of waste.

In relation to part three of the policy, this has remained unchanged as the Councils consider that this allows for Policy SP6 to be flexible to permit facilities handling waste outside the plan area as outlined in the justification text.

AECOM have also reviewed the Waste Needs Assessment and its supporting text.

### **SP7: Green Belt**

#### **Total number of comments received: 7**

- 9.23. Several respondents supported Policy SP7, noting that it reflected National Policy. However, one respondent noted that as waste development was not a type of development in the NPPF that is considered appropriate development in the green belt, the policy should be explicit that most waste development then would be considered inappropriate development. It was also suggested that the Policy should extend Green Belt protection to local green spaces as per paragraph 103 of the NPPF.
- 9.24. Some respondents also wished to see no development within the Green Belt, stating there are no special circumstances to permit sites within it, especially for the proposed incinerator at Ratcliffe on Soar as the plan area has sufficient incineration capacity.

#### **Response**

The Councils note that since the majority of waste development includes built development then most proposals would be considered inappropriate development as per the NPPF. However, some proposals may be considered an exception or considered not to be inappropriate. To reflect this, the Councils have amended the policy and justification text to provide further clarity.

In relation to extending Green Belt Policy to Local Green spaces, the Councils believe this would not be appropriate as the scale and purpose of the designations are different. As a regional designation, the green belt is a matter of strategic importance, which is why the Draft Waste Local Plan includes it as a strategic policy. Local Green Spaces are designated by neighbourhood or local plans and so would contain policies relating to their protection. These policies would apply and be considered for any application for waste development where relevant.

As outlined in National Policy, there are some occasions where there are very special circumstances that would allow for waste development in the green belt, for example a pre-existing facility seeking expansion or changes. It will be for the applicant to demonstrate these special circumstances exist within a detailed planning application. For the EMERGE energy from waste facility at Ratcliffe on Soar, what the special circumstances are for permitting the site will be detailed within the Committee report for this application which are available online on the County Councils [website](#).

## **SP8: Safeguarding waste management sites**

### **Total number of comments received: 9**

- 9.25. Overall comments on Policy SP8 were supportive, with some errors highlighted within the supporting text that required amending. Two respondents noted that to implement the policy, coordination between the District and Borough councils and the County Council was needed as a two-tier authority.
- 9.26. Only one respondent made comment on the policy itself, highlighting that the second paragraph of the policy needed to be more robust as currently it could not require a developer to fund the relocation of a safeguarded waste facility as outlined in paragraph 7.64. They suggested the policy require applicants for any new non-waste development near a waste management facility provide an assessment of the potential impacts between the two sites. If adverse impacts were found to exist, on either the waste facility or the non-waste development, then these must be suitably addressed, mitigated and/or compensated.

### **Response**

The Councils agree that further information is needed to detail what would be expected from an applicant from a non-waste development proposal that would have an unacceptable impact on a waste management facility. A further clause has been added into the policy which details what an applicant will need to demonstrate and provide in such circumstances.

The errors contained within the supporting text have been amended and additional text added to note the importance to collaborate between the two-tier authorities within the County for both applications and allocations within Local Plans.

## 10. Chapter 8. Development Management Policies

- 10.1. All together 100 comments were received on chapter 8 of the draft waste local plan, with respondents commenting on all of the proposed Development Management policies as well as the introductory text.

### Introduction

#### Total number of comments received: 4

- 10.2. Two respondents raised concerns over the wording of paragraph 8.3 which outlined the role between the Environment Agency and the planning authority and the permitting process. Both believed the wording misled people by stating that the permit process would prevent air and water pollution and so protect human health and the environment. As per national policy, the planning authority should assume the relevant pollution controls will be applied and enforced but still consider within their decision-making process any environmental impacts.
- 10.3. Other comments noted typographical errors within the development management chapter.

### Response

The Councils have amended the introduction section to the development management policies, deleting paragraph 8.3 and adding in a smaller section of text to paragraph 8.1 to summarise how the permitting and planning application processes relate to address the concerns raised.

The identified typographical errors have been rectified within the chapter.

### DM1: General Site Criteria

#### Total number of comments received: 13

- 10.4. Most comments on DM1 sought to amend the policy wording and the categories of general locations. There were several suggested amendments to the opening paragraph for the policy, including; stating the policy applies to extended and new facilities; providing a clearer link to Policy SP3 and how this would be used in conjunction with Policy DM1; listing what environmental impacts would be considered; and that facilities would only be supported subject to there being no conflict with existing, consented or proposed non-waste development as well.

- 10.5. There was a suggestion that the matrix be presented first as currently the structure implies all waste management facilities will be supported in all locations.
- 10.6. In terms of the location categories, respondents wanted the policy to recognise that some sites will fall into multiple categories, for example a site may be previously developed land but is within the open countryside. There was also a suggestion to introduce a general site category.
- 10.7. Two respondents had concerns about how mineral sites had been categorised as previously developed land/ derelict land. One respondent highlighted that waste facilities can often be co-located at mineral sites, such as inert recycling for C, D&E waste or aggregates recycling. Whilst this is recognised in paragraph 8.12, this is not reflected in the policy. Another respondent raised concern that former mineral sites were classified as previously developed land, which when restored are classified as greenfield sites. The policy and text also suggested that there were unrestored mineral sites when all mineral sites in Nottinghamshire have a restoration plan.
- 10.8. There were further comments on the supporting text, with slight wording amendments suggested and the Environment Agency suggesting additional text to highlight that certain waste operations require a permit and so they would advocate applicants seek pre-permitting as well as pre-planning advice.

### Response

In relation to the first part of the policy, the Councils feel it is unnecessary to include a specific link to Policy SP3, detail the environmental impacts and add that applications will be supported subject to there being no conflict with existing, allocated and consented non-waste development. Any application submitted will be subject to all policies within the plan, which includes Strategic and Development Management Policies that cover these areas in more detail.

Amendments have been made to clarify that mineral sites that require restoration would be considered under previously developed land and not that the Council believes there are unrestored mineral sites. Clarification has also been added to ensure that it is understood that mineral sites once restored are classified as green field sites. In relation to mineral sites being appropriate for certain waste activities, the Councils believe as these are temporary facilities, the support for such facilities within the supporting text is adequate.

The structure of the policy has been retained as the Councils believe it is made clear that facilities are not appropriate in all locations by the matrix and through the introductory supporting text.

The Councils agree it would be helpful to highlight applicants can seek pre-permitting advice from the Environment Agency and so have included additional text detailing so in paragraph 8.2.



## **DM2: Health, Wellbeing and Amenity**

**Total number of comments received: 13**

- 10.9. For Policy DM2, respondents sought to add additional wording into the policy. This included stating that the policy applied to proposals for extensions to existing waste facilities as well as new facilities and that these would only be supported where the applicant could demonstrate the criteria outlined in the policy. Respondents also sought for potential for migration of contamination and heritage assets and their settings to be added to the list of types of impacts to be considered, with transport impacts also added and removed from the first paragraph.
- 10.10. One respondent also noted that whilst soils and high-quality agricultural land was listed, soil resources are not discussed further within the supporting text nor elsewhere in the plan.
- 10.11. Comments on the supporting text sought for further detail be added on each of the impacts listed within the policy, with particular focus on nature conservation and biodiversity, historic assets and landscape impacts, seeking for the text to explain what the policy expected for each of these elements and define what would be considered as adequate mitigation to reach acceptable levels.

### **Response**

The Councils have re-drafted this policy and limited the criteria list to focus upon the factors that relate to health, wellbeing, and amenity. This has meant the removal of reference to the natural and historic environment and water resources, with the impacts on these areas covered more thoroughly and adequately within their own policies (DM5, DM6 and DM7 respectively).

In relation to protecting soils and high-quality agricultural land, this topic is now covered within Policy DM3 with the supporting text providing further information.

## **DM3: Design of New and Extended Waste Management Facilities**

**Total number of comments received: 7**

- 10.12. Respondents made several suggestions of what should be included within the policy text for Policy DM3. This included adding '*only* be permitted' and 'can be demonstrated that the *design* of the development' to the first sentence. Other suggestions included adding the following to what design of facilities should consider:
- Firstly, seek to avoid impacts firstly on biodiversity before mitigating
  - To conserve and enhance the significance of the historic environment, heritage assets and their setting
  - Take a comprehensive and co-ordinated approach to development and respecting existing site constraints including utilities situated within sites



- 10.13. It was also suggested that the re-use of materials where possible be added to the current third bullet point in the criteria list which relates to greenhouse gas emissions.

#### **Response**

Policy DM3 has been re-drafted significantly to provide clarity around what is expected from an application and highlight that design needs to consider both the surrounding area, including the natural and historic environment and surrounding landscape, and sustainable features which help addresses policy SP5: Climate Change.

The supporting text has also been expanded to provide further information on each element within the policy and provide links to other relevant Development Management policies, such as DM4, DM5, DM6 and DM7.

#### **DM4: Landscape Protection**

##### **Total number of comments received: 8**

- 10.14. Comments on Policy DM4 primarily were supportive of the policy, with some proposing small wording changes to the final paragraph of the policy and the supporting text, including paragraphs 8.36 and 8.39.
- 10.15. Respondents also sought for the policy and supporting text to include that restoration and landscaping should be appropriate to the historic landscape and the setting of heritage assets as well as basing such decisions, especially for restoration, upon priority habitats for the area and using Biodiversity Opportunity Mapping as well as Landscape Character Assessments.

#### **Response**

The Councils agree with the suggested wording amendments to the final paragraph of the policy and paragraphs 8.36 and 8.39. Further amendments to policy DM4 have been made to reflect the changes made to policy DM3.

In terms of heritage landscapes and referencing priority habitats and Biodiversity Opportunity Mapping, both are covered within the specific policies on the historic environment (Policy DM6) and biodiversity and geodiversity (Policy DM5). All policies will apply to waste proposals and considered when determining any planning applications and so it is considered these issues are sufficiently covered by the Plan as a whole.

## **DM5: Protecting and enhancing biodiversity**

### **Total number of comments received: 22**

- 10.16. Since the Draft Plan was written, the Environment Bill was enacted and became the Environment Act. This led to several proposed amendments to both the policy and supporting text from respondents.
- 10.17. In relation to the policy, respondents sought wording amendments, such as including that:
- Proposals will 'only' be supported
  - Including geodiversity in the title
  - For part 3a to include that proposals will need to provide a minimum of 10% biodiversity net gain and reference made to the 30x30 imperative
  - For part 3b to also require developments to contribute to the creation of Nature Recovery Networks as introduced by the Environment Act.
- 10.18. One respondent also questioned part 1b, 1c, 1d and 1e of the policy and did not agree that the clauses to allow development should be included as no explanation was provided of how such benefits outweigh the impacts in the policy or supporting text.
- 10.19. There were also several suggested amendments to the supporting text in relation to biodiversity net gain and the metric tool, seeking to provide further detail and clarity and update since the Environment Act. There was also a request to clarify the difference in biodiversity and geodiversity and for the plan to include a map showing the Special Areas of Conservation (SAC) and ppSPA constraint area.

### **Response**

The Councils recognise that since the Draft Plan was written the Environment Act has progressed and will continue to do so alongside the development of the Waste Local Plan. Amendments have been proposed to both the policy and supporting text to reflect the Act and its requirement for a minimum of 10% biodiversity net gain and Nature Recovery Networks. It is recognised that this policy and text will need to be reviewed throughout the preparation of the plan.

The Councils note the desire to protect biodiversity and geodiversity and so have reflected this within the title of the policy, defining geodiversity within the glossary. Whilst a respondent sought for the removal of the clauses to allow development within part 1 of the policy, this is in line with National Policy and so has been retained. How the benefits of the development will be weighed against the impacts depends on the individual circumstances and factors of a more detailed application and so it would not be appropriate for the plan to outline how such would be weighed in the planning balance.

Also, the Councils note it failed to include within Plan 1 the ppSPA and so will amend plan 1 to show the ppSPA and the SAC.

## **DM6: Historic Environment**

### **Total number of comments received: 10**

- 10.20. Overall, there was support for the plan to include a policy which focused upon the historic environment. Historic England was the main respondent for comments on this policy, suggesting that the policy and text be reconsidered against chapter 16 of the NPPF to ensure the policy was fully compliant with National Policy, with the justification text then expanding upon each clause contained within the policy.
- 10.21. Specific suggestions were made for Clause 2 and 5 of the policy by Historic England, whilst another respondent noted that the clauses allowed for all development to occur. For clause 2, it was recommended that proposals should only weigh harm against the public benefit after demonstrating the applicant firstly tried to avoid harm and then minimise harm. For clause 5, it was suggested that enhancement should not be 'where relevant' but for all opportunities possible. It was also suggested by Historic England that an additional clause that set out what the expectations are for assessing impacts to significance, which is detailed within paragraphs 8.76 to 8.79.
- 10.22. Historic England also recommended the supporting text be re-organised following amendments to the policy so that each section details how each clause of the policy can be achieved. They also provided detailed suggestions for 8.64 and 8.65 to replace historic assets with heritage assets and for paragraph 8.75 that where loss of heritage assets is necessary, the information should be updated to the Historic Environment Record held by the Councils at least.

### **Response**

The Councils have worked with Historic England to understand further their comments. This has resulted in the policy being rewritten and restructured and the Councils believe the new policy provides more clarity as well as addressing the concerns raised by Historic England. The policy now includes reference to the NPPF and details what is expected in a Heritage statement from applicants. The justification text has also been amended to match the structure of new policy and provide further detail where necessary.

## **DM7: Water resources and Flood Risk**

### **Total number of comments received: 11**

- 10.23. The comments for Policy DM7 were generally supportive, with comments focusing on suggested amendments to the supporting text. This included proposed changes to the introductory text to include enhancement of water quality, as well as to the justification text to recognise that whether water

resources are safeguarded and protected is ultimately dependent on developers not the Environment Agency, that Local Lead Flood Authorities as well as the EA will need consulting at the earliest opportunity and Sustainable Urban Drainage systems (SuDs) should be proactively maintained with further examples of SuDs given.

#### **Response**

The Councils welcome the support for this policy and have amended the supporting text to reflect the comments received and to consider the changes made to the Planning Practice Guidance for Flood Risk and Coastal Change in August 2022.

#### **DM8: Public Access**

##### **Total number of comments received: 4**

- 10.24. Overall, there was support for Policy DM8 from respondents with Natural England detailing the requirements to protect and enhance public rights of way and access in the NPPF. There was only one suggestion made to omit 'where practicable' from the final sentence of the policy.

#### **Response**

The Councils welcome the support for this policy and consider that the policy meets the requirements as set out in National Policy and guidance and so no changes have been made.

#### **DM9: Planning Obligations**

##### **Total number of comments received: 3**

- 10.25. Comments on Policy DM9 only related to the supporting text, with wording amendments suggested to paragraph 8.106 and enhancements for the historic environment to be added to the list of obligations that may be sought in paragraph 8.110.

#### **Response**

Paragraphs 8.106 and 8.110 have been amended to reflect the comments received.

#### **DM10: Cumulative impact**

##### **Total number of comments received: 5**

- 10.26. Overall, comments received on Policy DM10 were supportive of the policy. One respondent noted that the policy should, like the Waste Core Strategy, be stronger worded and include the term 'only'. Another respondent wished for the historic environment to be referenced within the policy and supporting text.

- 10.27. There was also a suggestion to include 'visual character' at the end of paragraph 8.114 in the supporting text.

### Response

The supporting text has been amended to include visual character in paragraph 8.114 and reference to the historic environment has been included in paragraph 8.119, with a link to policy DM10 within the supporting text of DM6.

To ensure the Policy is positively prepared and ensure the policy can apply to unforeseen factors that may warrant an application being refused, the Councils have decided to not include the term only.

### **DM11: Airfield Safeguarding**

#### **Total number of comments received: 2**

- 10.28. Both comments on DM11 supported the policy, the Ministry of Defence highlighted two more RAF sites that have a statutory aerodrome height safeguarding zones that are not listed in paragraph 8.122.

### Response

The Councils welcome the support for Policy DM11 and will add RAF Barkston Heath and RAF Cranwell to paragraph 8.122 as Military of Defence aerodrome sites with safeguarding zones.

### **DM12: Highway Safety and Vehicle Movements/Routeing**

#### **Total number of comments received: 3**

- 10.29. For Policy DM12, it was suggested that additional detail relating to the historic environment should be included within the policy and supporting text so that proposals for new waste facilities consider how highway and vehicle movements can cause harm to heritage assets and the historic environment.
- 10.30. It was also recommended the supporting text should make clear that planning conditions may be appropriate to use to prevent levels of traffic exceeding levels which were used as the basis to assess the impact of the development.

### Response

All proposals will be considered against all policies within the Plan, including Policy DM6: Historic Environment. So, if an impact on a heritage asset is identified due to vehicle movements, this will be considered under DM6 and DM12 which, under part b, says that proposals vehicle movements should not cause unacceptable impacts to the environment. Additional text has been added into the supporting text of DM6 to

note that impacts from associated work, including vehicle movements, can impact the historic environment and so need to be considered.

Further amendments have been proposed by the Councils to Policy DM12 to ensure the policy sufficiently ensures highway safety within any proposals and encourage sustainable modes of transport for both the movement of waste and people who attend the site.

## **11. Chapter 9. Monitoring and implementation**

**Total number of comments received: 13**

- 11.1. Comments received on the Monitoring and Implementation chapter focused on several specific policies, with one respondent noting the heading for performance indicator for several of the policies was mistakenly headed as 2167m.

### **Monitoring for SP1: Waste Prevention and Re-use**

- 11.2. One respondent suggested it be made clear that the tonnage arising in the plan area will be monitored for each waste stream.

### **Monitoring for SP2: Future Waste Management Provision**

- 11.3. Four respondents commented that to understand what type of waste management facilities are needed, the composition of residual waste should also be monitored to understand how much could be potentially recycled, with one respondent recommending using the methodology that was used to inform Department for Environment, Food & Rural Affairs (DEFRA's) Resource and Waste Strategy Monitoring Report.
- 11.4. It was also recommended that under the performance indicator, it should be made clear what waste streams arisings would be monitored.

### **Monitoring SP5: Climate Change**

- 11.5. Four respondents suggested that in order to monitor Policy SP5: Climate Change, greenhouse gas emissions from waste facilities should also be monitored.

### **Monitoring for DM5: Protecting and enhancing Biodiversity**

- 11.6. Two respondents suggested that the target for this policy should be that all permissions bring about a minimum of 10% biodiversity net gain, with a target of 20%.
- 11.7. One respondent highlighted issues with the indicator and trigger point using the number of applications granted contrary to Natural England advice as Natural England do not comment on all applications.
- 11.8. It was also raised that neither Natural England or Local Biodiversity Action Plans can monitor the areas of habitat loss, gain and net-gain/loss. This would be recorded for each individual application through the Ecological Impact Assessment (EclA process and the DEFRA metric.

### **Monitoring for DM6: Historic Environment**

- 11.9. It was recommended that another indicator for this policy could be the change in the number of heritage assets at risk to assess whether DM6 is appropriate. It was also suggested that separate strategic objectives for historic and natural environment, instead of them collated under Strategic Objective 3, would help to monitor Policy DM6.

### **Monitoring for DM7: Flood Risk and Water Resources**

- 11.10. One respondent suggested to include within the target that planning permissions should enhance the status and prevent deterioration of freshwater bodies and groundwater.

#### **Response**

The mistake of the labelling for 'Indicator' has been rectified and amendments have been made to monitoring of Policy SP1, DM5, DM6 and DM7 to reflect the comments received.

In regard to SP2 and monitoring waste streams, in particular the composition of residual waste, if this data becomes available through the digitisation of waste tracking service to understand waste movements, this will be included within the Annual Monitoring Report.

Monitoring greenhouse gas emissions for all waste management facilities is very onerous and not achievable for those facilities that do not have to report their emissions that are published in the pollution inventory. As the policy applies to all waste management facilities, the Councils do not consider it appropriate to add this into the monitoring indicators. If further data becomes available over the life of the plan, this will be reconsidered.

In relation to monitoring DM5 and Natural England not being consulted on all applications, this indicator is to be applied to those applications where advice is supplied.

The Councils also believe that a separate objective is not required for the historic environment to adequately monitor policy DM6.

## **12. Chapter 10. Useful Information**

### **Total number of comments received: 0**

- 12.1. No comments were received on this chapter and so no changes have been made.



## 13. Chapter 11. Glossary

**Total number of comments received: 2**

- 13.1. There were two suggestions for the glossary, one for heritage assets to be included and another respondent wished for the 'greenfield' definition to also include restored colliery sites so to match the definition of 'previously developed land' within the NPPF.

### Response

Heritage assets and previously developed land have been added to the glossary, with both reflecting the NPPF definition.

## **14. Supporting documents**

- 14.1. The Councils also published and welcomed comments on the following documents to support the Draft Waste Local Plan:
- Issues and Options Sustainability Appraisal
  - Draft Waste Local Plan Sustainability Appraisal
  - Report of Consultation for Issue and Options
  - Equalities Impact Assessment
  - Options document
- 14.2. No comments were received for any of the supporting documents.
- 14.3. An updated Sustainability Appraisal and Equalities Impact Assessment will be published alongside this report of consultation and a Health Impact Assessment with the Pre-submission Draft Waste Local Plan.

## 15. Call for sites

- 15.1. A Call for Sites was carried out alongside the Issues and Options consultation, with a total of 9 sites received which are detailed in the table below.
- 15.2. Whilst the Draft Plan consultation did not include a call for sites, a further site at Dorket Head was submitted and the operator at High Point, Derby Road in Kirkby resubmitted information from a previous planning application to promote their site. These have been added to the table below which summarises all the sites received.

| Site Name and location                         | Operator                   | Type of Facility           | Throughput   | Notes  |
|--|----------------------------|----------------------------|--|--|
| Bilsthorpe Business Park                       | Peel L&P Environmental Ltd | Energy from Waste facility | 250,000 tonnes-incineration/<br>pyrolysis/<br>gasification<br><br>150,000 tonnes-Material Recovery Facility<br><br>100,000 tonnes-specialist treatment |  |
| Dorket Head Quarry, Woodborough Lane, Arnold   | Mick George                | Disposal-Inert             | 2,000,000 cubic metres of voidspace (half of which has consent to be filled)   | Submitted as part of response to the Draft WLP consultation  |
| EMERGE Centre, Ratcliffe on Soar Power Station | Uniper UK Ltd              | Energy from Waste facility | 472,100 tonnes   | This has now been granted planning permission.   |
| Harrimans Lane, Dunkirk                        | Sims Group UK Ltd          | -                          | -  | This site already has permission and the operator wishes for the site to be safeguarded within the plan. |
| High Point/                                    | Brian Cutts                | Disposal-                  | 120,000m3  |  |

|   |                             |  |   |  |
|---|-----------------------------|--|---|--|
| Shenton Lodge, Derby Road, Kirkby in Ashfield         |                             | Non-hazardous  |   |  |
| Land at Coneygre Farm, Hoveringham                    | Lee Reclaim Limited         | Disposal   | Not provided  | The site currently has permission for a recycling facility and inert fill of the old Hoveringham Quarry. |
| Land off Private Road No.3, Colwick Industrial Estate | Veolia ES (Nottinghamshire) | Materials Recovery Facility, wood recycling, clinical waste transfer station | 130,000 tonnes- Materials Recovery Facility<br><br>40,000 tonnes- wood recycling<br><br>130,000 tonnes- clinical waste transfer station |  |
| Littlewood Lane, Mansfield Woodhouse                  | Midland Landfill            | Disposal-Inert   | 420,000m3 capacity  | Propose to dispose of inert construction and demolition waste to fill the void of Littlewood Quarry.     |
| Ranskill, Retford                                     | Retford Waste Ltd           | Recovery   | 27,500 tonnes- Materials Recovery Facility<br><br>40,000 tonnes- Household Waste Recycling Centre                                       | This site already has an existing waste facility.  |
| Ratcliffe on Soar Power Station                       | Uniper UK Limited           | Recovery-Municipal solid waste, construction and demolition, commercial and  |   | This would be developed alongside the EMERGE Centre listed above.  |

|  |  |  |  |  |
|--|--|--|--|--|
|  |  | industrial,<br>non-<br>hazardous<br>and other<br>(RDF/SRF<br>and waste<br>biomass) |  |  |
|--|--|--|--|--|

- 15.3. Considering the limited range of sites submitted, the Councils have chosen not to allocate sites but instead consider a general policy with site criteria to allow proposals to be determined through the plan's lifetime.

## **16. Next steps**

- 16.1. With consideration of the comments received on the draft plan and updated data from the Waste Needs assessment, the Councils have prepared a Pre-submission Draft Plan.
- 16.2. The Pre-submission draft is anticipated to be published for public consultation in September 2023. As this is the Regulation 19 stage, the councils will be seeking views on whether the plan is legally compliant and considered sound. Further detail of the consultation, including a guidance note on the test of soundness, and the document will be available on the County Councils website.

**Appendix 1. AECOM response to comments received on the technical elements of the Waste Needs Assessment.**

# Nottinghamshire and Nottingham Waste Needs Assessment: Response to consultation comments

Nottinghamshire County Council and Nottingham City  
Council

March 2023

Quality information

| Prepared by                          | Checked by                       | Verified by                      | Approved by |
|--------------------------------------|----------------------------------|----------------------------------|-------------|
| Annette Hill<br>Principal Consultant | Mike Bains<br>Technical Director | Mike Bains<br>Technical Director |             |

Revision History

| Revision | Revision date | Details           | Authorized Name | Position           |
|----------|---------------|-------------------|-----------------|--------------------|
| P01      | 10 March 2023 | Final for comment | Mike Bains      | Technical Director |
|          |               |                   |                 |                    |
|          |               |                   |                 |                    |
|          |               |                   |                 |                    |



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## Table of Contents

|    |                           |   |
|----|---------------------------|---|
| 1. | Introduction.....         | 6 |
| 2. | Response to comments..... | 6 |

## Tables

|          |  |   |
|----------|--|---|
| Table 1. | Response to stakeholder comments ..... | 7 |
|----------|--|---|

## Abbreviations

| Abbreviation | Term   |
|--------------|--|
| AD           | Anaerobic Digestion                                |
| C&I          | Commercial and Industrial                          |
| CA           | Civic Amenity                                      |
| CD&E         | Construction, Demolition and Excavation            |
| CEP          | Circular Economy Package                           |
| Defra        | Department for Environment, Food and Rural Affairs |
| DPD          | Development Plan Document                          |
| DRS          | Deposit Return Scheme                              |
| EA           | Environment Agency                                 |
| EfW          | Energy from Waste                                  |
| EPR          | Extended Producer Responsibility                   |
| EU           | European Union                                     |
| EWC          | European Waste Catalogue                           |
| HIC          | Household, Industrial and Commercial               |
| LACW         | Local Authority Collected Waste                    |
| MRF          | Material Recycling Facility                        |
| MSW          | Municipal Solid Waste                              |
| NPPF         | National Planning Policy Framework                 |
| NPPG         | National Planning Practice Guidance                |
| NPPW         | National Planning Policy for Waste                 |
| NPS          | National Policy Statement                          |
| R&D Code     | Recovery and Disposal Code                         |
| RDF          | Refuse Derived Fuel                                |
| tpa          | Tonnes per annum                                   |
| UK           | United Kingdom                                     |
| WCA          | Waste Collection Authority                         |
| WDA          | Waste Disposal Authority                           |
| WDI          | Waste Data Interrogator                            |
| WFD          | Waste Framework Directive                          |
| WNA          | Waste Needs Assessment                             |
| WPA          | Waste Planning Authority                           |
| WTS          | Waste Transfer Station                             |

## 1. Introduction

- 1.1 AECOM was appointed by Nottinghamshire County Council and Nottingham City Council in 2021 to update the councils preliminary waste needs assessment to supplement the evidence base of the Nottinghamshire and Nottingham new Joint Waste Local Plan.
- 1.2 AECOM prepared a Waste Needs Assessment (WNA) (September 2021) to inform a Draft Local Plan which was published for comment between February and April 2022.
- 1.3 The Waste Needs Assessment estimated future arisings of local authority collected waste (LACW), commercial and industrial (C&I) waste and construction, demolition and excavation (CD&E) waste up to 2038. These future arisings were compared to the existing and committed waste management capacity, in order to identify any gaps in capacity provision. The assessment also reviewed current flows of waste into and out of the plan area.
- 1.4 The consultation period generated a number of comments which concerned the Waste Needs Assessment rather than the Plan itself and the County and City Councils asked AECOM to work with them to consider these comments and provide an update to the Needs Assessment where revisions were considered necessary.
- 1.5 AECOM prepared an updated Waste Needs Assessment between September 2022 and March 2023. As well as responding to consultation comments, the opportunity was taken to include up to date information for 2020 and 2021 on waste produced/processed and review current waste capacity in Nottinghamshire and Nottingham.
- 1.6 This document supports the updated Waste Needs Assessment by setting out how each stakeholder comment has been addressed within the Nottinghamshire and Nottingham Waste Needs Assessment – 2022-2023 update.

## 2. Response to comments

- 2.1 Table 1 sets out the response to each stakeholder comment.

**Table 1. Response to stakeholder comments**

| No. | WNA page / section | Stakeholder    | Stakeholder comment made   | Question / issue from the councils to AECOM   | Waste stream addressed by the comment | Issue addressed by the comment                          | AECOM response to comment   |
|-----|--------------------|----------------|--|---|---------------------------------------|---|---|
| 1   | p21                |                | Representations asked for figures in the Plan to be updated to 2020 and 2020/1.  | We would like to work with AECOM to revise the base data in the WNA / Plan accordingly and issue a revised and updated WNA to support the revised Waste Local Plan for publication in Winter 2022/3. This will enable the WNA to incorporate any amendments which are considered necessary in response to other comments made on the WNA. | All                                   | Current (baseline) waste arisings and waste management. | The Nottinghamshire and Nottingham Waste Needs Assessment (September 2021) has been updated (March 2023) to include baseline data for the 2020 and 2021 calendar years, as available at the time of writing. The baseline data for current waste arisings, waste management and waste infrastructure capacity have been updated and the associated assumptions regarding forecasted future waste arisings and recycling scenarios.  |
| 2   | p26                | Only Solutions | Only Solutions calls for the modelling of an even higher decline scenario for LACW that more closely aligns with emerging Government targets and aspirations, reflecting current and emerging Government proposals to minimise waste arisings.<br><br>Such a 'Higher decline' Scenario should be used to the inform the Waste Local Plan, instead of WNA Scenario 2 (also referred to as 'Scenario B' in Table 1 of the dWLP), | Is there any case to model a higher decline scenario?   | LACW                                  | LACW forecast arisings scenario                         | The updated Nottinghamshire and Nottingham Waste Needs Assessment (March 2023) includes updated (2020 and 2021) baseline data for current waste arisings and waste management for LACW, as reported within WasteDataFlow.<br><br>The scenarios for forecasted LACW arisings have been updated to incorporate this latest baseline data. This includes the calculations of annual decline in waste per household used in Scenario 1 and 2 and the quantity of waste per household used in Scenario 3. The forecasts of annual change in household numbers have also been updated to reflect the latest adopted and emerging local plans for each authority. The forecasted LACW arisings incorporate this latest data for both the waste per household and number of households. |

| No. | WNA<br>page /<br>section | Stake-<br>holder | Stakeholder comment made  | Question / issue from<br>the councils to<br>AECOM                                | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment | AECOM response to comment  |
|-----|--------------------------|------------------|---|--|---|--------------------------------------|--|
| 3   | p27                      | Vital            | <p>National Planning Policy for Waste (NPPW) at para 2, requires that, in preparing WLPs, planning authorities should: ‘... ensure that the planned provision of new capacity and its spatial distribution is based on robust analysis of best available data and information, and an appraisal of options’. Looking at the WNA Table 2, LACW is shown to rise by circa 20,000 tpa over the past 5 years. This is the what the evidence shows. Why then has Scenario C been dismissed out of hand when it shows a rise in LACW every 5 years of circa 20,000 tpa?</p> <p>Where is the ‘best available data and information’ that supports adopting Scenario B as the preferred option? Simply relying on a national policy aim is not using data.</p> | Is there any reason to look at Scenario 3 again given evidence of the past data? | LACW  | LACW forecast arisings scenario      | <p>The updated Nottinghamshire and Nottingham Waste Needs Assessment (March 2023) includes updated (2020 and 2021) baseline data for current waste arisings and waste management for LACW, as reported within WasteDataFlow.</p> <p>The scenarios for forecasted LACW arisings have been updated to incorporate this latest baseline data. This includes the calculations of annual decline in waste per household used in Scenario 1 and 2 and the quantity of waste per household used in Scenario 3. The forecasts of annual change in household numbers have also been updated to reflect the latest adopted and emerging local plans for each authority. The forecasted LACW arisings incorporate this latest data for both the waste per household and number of households.</p> |

| No. | WNA<br>page /<br>section | Stake-<br>holder | Stakeholder comment made  | Question / issue from<br>the councils to<br>AECOM  | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment                          | AECOM response to comment   |
|-----|--------------------------|------------------|---|--|---|---|---|
| 4   | p29                      |                  | The high recycling rate at 65% by 2035-2038 should not be the high rate. Wales has already achieved this target and it is historically the NCC target. The 65% recycling should be the medium (or even the low) target with the high target of achieving waste reductions needed to keep within 1.5degreeC increase as the stretch/high target. Going forward the legislation on waste is going to reduce the amount of residual waste by law such that 65% by 2035 will most likely not be good enough to keep within the legislation. | Is there a case to adjust the high recycling target with a knock-on effect for the medium?   | LACW  | LACW waste management scenario.<br>LACW recycling scenario.   | The updated Nottinghamshire and Nottingham Waste Needs Assessment (March 2023) has reviewed the waste management scenarios for LACW in consideration of the most recent baseline data. The recycling scenarios for LACW have been updated to reflect current figures, with the 'low recycling' scenario changed to the 2021 recycling rate of 37.8% (from 39.4%) for the combined Nottingham City and Nottinghamshire area. The 'high recycling' scenario for LACW has been retained at 65% as this aligns with National and EU targets. Given the current LACW recycling rate in the plan area, the councils consider that 65% recycling is an appropriate 'high recycling' scenario.<br><br>It is also noted that the estimate of LACW to landfill is a likely maximum for the purpose of ensuring a sufficient supply of landfill capacity. This does not preclude this waste from being managed higher up the waste hierarchy where this is viable (e.g. via recycling or energy recovery). |
| 5   | p29                      | NCC DM           | NCC Development Management (DM) officers consider a 10% reliance on landfill to be high having regard to current practice where only 5.5% of LACW in Nottinghamshire was disposed to landfill in 2020/1 and commitments in the Draft WLP to seek to divert more than 95% LACW from landfill. There is now only one operational landfill site in the County which takes small amounts of non-recyclable waste from HWRCs.  | Given the circumstances in Nottinghamshire, is there a case to review the 10% landfill assumption in the WNA and divert some/all the 10% towards recovery and thus aim to ensure it is managed at a higher level in the waste hierarchy? | LACW  | LACW waste management scenario.<br>LACW to landfill scenario. | The updated Nottinghamshire and Nottingham Waste Needs Assessment (March 2023) has reviewed the waste management scenarios for LACW.<br><br>WasteDataFlow indicates that in 2021 Nottingham and Nottinghamshire (combined) sent 6.2% of LACW to landfill. In line with this current baseline and local policy (which targets 5%), rates of LACW to landfill have been amended to reflect current figures (6.2%) declining to 5% (reduced from 10%) by 2035 for each recycling scenario.   |

| No. | WNA<br>page /<br>section | Stake-<br>holder | Stakeholder comment made  | Question / issue from<br>the councils to<br>AECOM   | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment   | AECOM response to comment   |
|-----|--------------------------|------------------|---|---|---|--|---|
| 6   | p29                      |                  | The WNA proposes for 10% of waste arisings to be disposed of at landfill as opposed to having this waste treated further up the hierarchy by way of Energy Recovery. It thus adopts a position whereby it simultaneously squeezes down future Energy Recovery capacity by overpredicting recycling levels (which are further up the hierarchy) and overplanning disposal levels (further down the hierarchy). Such an approach is simply incorrect and underprovides for potential future Energy Recovery capacity. | Is there any merit in this statement and is the WNA unfair to the Energy Recovery Sector? | LACW  | LACW waste management scenario.<br>LACW to landfill scenario.<br>LACW to energy recovery scenario. | <p>The updated Nottinghamshire and Nottingham Waste Needs Assessment (March 2023) has reviewed the waste management scenarios for LACW and C&amp;I waste.</p> <p>WasteDataFlow indicates that in 2021 Nottingham and Nottinghamshire (combined) sent 6.2% of LACW to landfill. In line with this current baseline and local policy (which targets 5%), rates of LACW to landfill have been amended to reflect current figures (6.2%) declining to 5% (reduced from 10%) by 2035 for each recycling scenario.</p> <p>The latest data for C&amp;I waste indicates that in 2021, 28.0% of C&amp;I waste was sent to landfill. In line with this current baseline, rates of C&amp;I waste to landfill have been amended to reflect current figures (28.0%) declining to 10% by 2035 for each recycling scenario.</p> <p>This approach gives a combined LACW and C&amp;I (household, industrial, commercial (HIC)) waste to landfill in 2038 of 8.1%.</p> <p>It is also noted that the estimate of LACW and C&amp;I waste to landfill is a likely maximum for the purpose of ensuring a sufficient supply of landfill capacity. This does not preclude this waste from being managed higher up the waste hierarchy where this is viable (e.g. via recycling or energy recovery).</p> |



| No. | WNA<br>page /<br>section | Stake-<br>holder | Stakeholder comment made   | Question / issue from<br>the councils to<br>AECOM                    | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment   | AECOM response to comment   |
|-----|--------------------------|------------------|--|--|---|--|---|
| 7   | p30                      | Vital            | <p>the sole justification for adopting the 'High' recycling rate for C&amp;I waste is that it reflects a more optimistic target and, it is claimed, takes more account of recycling measures.</p> <p>No analysis of such measures is provided.</p> <p>Proper analysis undertaken by Tolvik Consulting including modelling new recycling measures indicates that C&amp;I waste recycling levels in 2017 were 60.9% and recycling will rise broadly in line with household waste and achieve 67.5 % by 2035 (in Tolvik's Median scenario).</p> <p>Thus, at its most ambitious, it is suggested that the WLP is taken forward on the 'Medium' 75% C&amp;I recycling rate.</p> | Is there any case to review the selected scenario for C&I recycling? | C&I   | <p>C&amp;I waste management scenario.</p> <p>C&amp;I recycling scenario.</p> | <p>The updated Nottinghamshire and Nottingham Waste Needs Assessment (March 2023) has reviewed the waste management scenarios for C&amp;I waste in consideration of the most recent baseline data. The recycling scenarios for C&amp;I waste have been updated to reflect the latest data for 2021, with the 'low recycling' scenario reducing from 70.1% to the calculated 2021 recycling/composting rate of 62.7%. To reflect the reduction in the current recycling rate, the 'medium recycling' scenario has also been reduced to 70% by 2038 (from 75%) and the 'high recycling' scenario reduced to 70% by 2025 and 75% by 2038 (from 80%).</p> <p>The capacity gap analysis for LACW and C&amp;I waste (included in household, industrial and commercial (HIC) waste) has been undertaken for the low, medium and high recycling scenarios for LACW and C&amp;I waste streams and presents the data for each scenario.</p> |

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|-----|--------------------------|------------------|---|---|---|---|--|
| 8   | p30                      |                  | <p>Given historic low performance and fact that LPs should be based on best data it is suggested that the WLP is fundamentally flawed where it adopts a 65% recycling rate based purely on an ambitious national target and a claim new recycling measures to be introduced will somehow deliver this target. Notwithstanding, to at least be in a more realistic ballpark, it is suggested that the 'Medium' 55% recycling rate is preferred / carried forwards for the purposes of calculating / planning for residual waste treatment requirements. Such an approach is much more consistent with the emerging WLP at the Issues and Options stage consultation where para 4.22 stated: "... it is assumed that rates for both LACW and commercial and industrial wastes will increase by at least 10% above current levels by 2038. The current rate of recycling across the plan area is 41%". This was a far more realistic assumption founded on real evidence. It is difficult to see, in terms of calculating residual waste treatment requirements, what the justification is for the latest version of the draft WLP moving away from the Authorities' position in 2020.</p> <p>For the avoidance of doubt, we are not saying that the WLP should not reference or even aspire to the 65% Government 'goal' (i.e. aspiration) for recycling. However, this is not a robust basis for planning future infrastructure requirements, particularly for waste that is not recycled, as 65% will not be achieved in either Nottinghamshire or Nottingham (in particular) without intervention measures far beyond those which the Government proposes.</p> <p>In short, aim high, but plan for reality</p> | Is there any reason to base the WNA on a medium recycling target as a basis for planning facilities whilst aspiring to the high scenario? | LACW  | LACW waste management scenario.<br>LACW recycling scenario. | <p>The updated Nottinghamshire and Nottingham Waste Needs Assessment (March 2023) has reviewed the waste management scenarios for LACW in consideration of the most recent baseline data. The recycling scenarios for LACW have been updated to reflect current figures, with the 'low recycling' scenario changed to the 2021 recycling rate of 37.8% (from 39.4%) for the combined Nottingham City and Nottinghamshire area. The 'high recycling' scenario for LACW has been retained at 65% as this aligns with National and EU targets. Given the current LACW recycling rate in the plan area, the councils consider that 65% recycling is an appropriate 'high recycling' scenario.</p> <p>It is also noted that the estimate of LACW to landfill is a likely maximum for the purpose of ensuring a sufficient supply of landfill capacity. This does not preclude this waste from being managed higher up the waste hierarchy where this is viable (e.g. via recycling or energy recovery).</p> |

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|-----|--------------------------|-------------------|---|---|---|--------------------------------------|--|
| 9   | p35                      | Only<br>Solutions | We can expect to see further decoupling of waste arisings and economic growth in Nottinghamshire, e.g. due to shifts away from the production of physical goods and towards the provision of digital services and businesses that trade in the knowledge economy. Such service provision is associated with significantly lower levels of waste arisings. Only Solutions calls for the modelling of an even higher decline scenario for C&I waste that more closely aligns with emerging Government targets and aspirations.                                      | Should a higher decline scenario for C&I waste be assessed? | C&I   | C&I forecast waste arising scenarios | The updated Nottinghamshire and Nottingham Waste Needs Assessment (March 2023) has reviewed and updated the C&I waste forecasting scenarios in consideration of the most recent baseline data. The methodology applies the National Planning Practice Guidance and considers current and historic trends in waste per employee, and current and forecast employee numbers.   |
| 10  | p40                      | Vital             | The Waste Needs Assessment (WNA) indicates (Table 11) that the C&I recycling rate is 70% so there is still 30% (~285,000 tonnes in 2019) residual C&I waste requiring management. This para is misleading and rather brushes over this requirement. Further, the current estimate of 70% recycling is materially higher than that from other reputable national sources such as the ESA: 'UK Residual Waste: 2030 Market Review' (November 2017) who have the figure at 60.9%. The robustness of the claimed current C&I waste recycling rate should be reviewed. | Is this a reason for reviewing this figure?                 | C&I   | C&I waste management scenario        | <p>The updated Nottinghamshire and Nottingham Waste Needs Assessment (March 2023) has reviewed the waste management scenarios for C&amp;I waste in consideration of the most recent baseline data. The recycling scenarios for C&amp;I waste have been updated to reflect the latest data for 2021, with the 'low recycling' scenario reducing from 70.1% to the calculated 2021 recycling/composting rate of 62.7%. To reflect the reduction in the current recycling rate, the 'medium recycling' scenario has also been reduced to 70% by 2038 (from 75%) and the 'high recycling' scenario reduced to 70% by 2025 and 75% by 2038 (from 80%).</p> <p>It is also noted that the estimate of LACW and C&amp;I waste to landfill is a likely maximum for the purpose of ensuring a sufficient supply of landfill capacity. This does not preclude this waste from being managed higher up the waste hierarchy where this is viable (e.g. via recycling or energy recovery).</p> |

| No. | WNA<br>page /<br>section | Stake-<br>holder | Stakeholder comment made | Question / issue from<br>the councils to<br>AECOM  | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment | AECOM response to comment   |
|-----|--------------------------|------------------|--------------------------|--|---|--------------------------------------|---|
| 11  | p40                      |                  | 10% landfill assumption  | Does the County Councils grant of permission for EFW facility at Ratcliffe in 2021 and re-affirmed in 2022 which has a design capacity of 472,100 - 524,550 TPA of residual waste, affect this assumption going forward, given it may help divert local waste from landfill and deal with it at a higher level in the waste hierarchy? | C&I   | C&I waste management scenario        | <p>The updated Nottinghamshire and Nottingham Waste Needs Assessment (March 2023) has reviewed the waste management scenarios for LACW and C&amp;I waste.</p> <p>WasteDataFlow indicates that in 2021 Nottingham and Nottinghamshire (combined) sent 6.2% of LACW to landfill. In line with this current baseline and local policy (which targets 5%), rates of LACW to landfill have been amended to reflect current figures (6.2%) declining to 5% (reduced from 10%) by 2035 for each recycling scenario.</p> <p>The latest data for C&amp;I waste indicates that in 2021, 28.0% of C&amp;I waste was sent to landfill. In line with this current baseline, rates of C&amp;I waste to landfill have been amended to reflect current figures (28.0%) declining to 10% by 2035 for each recycling scenario.</p> <p>This approach gives a combined LACW and C&amp;I (HIC) waste to landfill in 2038 of 8.1%.</p> <p>It is also noted that the estimate of LACW and C&amp;I waste to landfill is a likely maximum for the purpose of ensuring a sufficient supply of landfill capacity. This does not preclude this waste from being managed higher up the waste hierarchy where this is viable (e.g. via recycling or energy recovery).</p> |

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|-----|--------------------------|------------------|--|---|---|--|--|
| 12  | p48                      |                  | The waste appraisal which informed the EFW planning decision at Ratcliffe assumed that 5% of this CD&E material is suitable for energy recovery. | Is there a case to apply this within the WNA?     | CD&E  | CD&E waste management scenarios.<br>CD&E to energy recovery. | <p>The waste management scenarios for CD&amp;E waste do not include any CD&amp;E waste to incineration / energy recovery. This is because the Environment Agency's Waste Data Interrogator (WDI) does not identify any CD&amp;E waste received by incineration / energy recovery facilities. It is however likely that a small proportion of CD&amp;E waste is managed via this route, but that the WDI captures the waste under a different waste code as it is initially received by a transfer or MRF facility. Where this is the case, the waste quantity will be included within the C&amp;I waste stream assumptions.</p> <p>The Widmerpool Biomass Power Plant energy from waste incinerator receives waste wood for energy recovery. However, the 2020 and 2021 WDI reports all the waste received as waste code 19 12 07, which is non-hazardous waste wood from the mechanical treatment of waste. The original sector that generated the waste is not identified.</p> |

| No. | WNA<br>page /<br>section | Stake-<br>holder  | Stakeholder comment made  | Question / issue from<br>the councils to<br>AECOM | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment      | AECOM response to comment   |
|-----|--------------------------|-------------------|---|---|---|---|---|
| 13  | p64                      | Only<br>Solutions | <p>Total feedstock demand needs to be taken into account which assessing the impact of proposed incinerators / EfW plants that are designed to treat RDF.</p> <p>According to documentation provided to the Environment Agency by Uniper in their application for an Environmental Permit for the EMERGE facility: "the installation will be capable of processing up to 585,000 tonnes per annum".<sup>21</sup> In the event that this capacity was met using RDF, this would equate to more than 731,000 tonnes of 'raw' waste per annum.</p> <p>With respect to SRF, cement kilns, and co-incineration capacity, Only Solutions notes that residual waste is increasingly being converted into SRF for use as feedstock to power cement kilns as an alternative to the conventional use of fossil fuels. Environmental consultancy Eunomia predicts 1.0m tonnes of UK cement kiln feedstock from residual waste by 2030 The online consultation event for the DWLP included a presentation on this topic.</p> <p>Yet, despite this, the WNA and associated dWLP policies fail to account for the way that some of the residual waste arising in Nottinghamshire and Nottingham could be expected to be used for co-incineration purposes and would therefore not be available for use as feedstock for conventional incinerators.</p> <p>This means that the level of incineration overcapacity could be higher than is accounted for in either the WNA or the dWLP.</p> | Is there any merit in this view?                  | All   | Energy recovery capacity and gap analysis | The Nottinghamshire and Nottingham Waste Needs Assessment considers the waste management facility types reported within the WDI for estimating waste arisings and waste infrastructure capacity. This includes a variety of facility types under the combustion and incineration site categories, including co-incineration facilities. The existing waste infrastructure capacity in the plan area includes both the Eastcroft Municipal Waste Incinerator and the Widmerpool Biomass Power Plant energy from waste incinerator. |

| No. | WNA<br>page /<br>section | Stake-<br>holder | Stakeholder comment made  | Question / issue from<br>the councils to<br>AECOM                            | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment                         | AECOM response to comment  |
|-----|--------------------------|------------------|---|--|---|--|--|
| 14  | p65<br>Table 25          |                  | Table does not allocate any Energy Recovery capacity for CD&E despite it being the preferred waste management option for low grade (non-recyclable) waste wood (and other construction and demolition materials), as evidenced by the Pears Power Plant which treats waste wood from the CD&E stream. It is judged that something up to 5% of the CDE waste stream could be suitable for Energy Recovery. Thus, based on 1,186,000 tpa arisings, 59,300 tonnes should be added for Energy Recovery under the CD&E column in the Table | Is there a case to incorporate an allowance for recovery in the CD&E stream? | CD&E  | CD&E waste management scenarios.<br>CD&E to energy recovery. | <p>The waste management scenarios for CD&amp;E waste do not include any CD&amp;E waste to incineration / energy recovery. This is because the WDI does not identify any CD&amp;E waste received by incineration / energy recovery facilities. It is however likely that a small proportion of CD&amp;E waste is managed via this route, but that the WDI captures the waste under a different waste code as it is initially received by a transfer or MRF facility. Where this is the case, the waste quantity will be included within the C&amp;I waste stream assumptions.</p> <p>The Widmerpool Biomass Power Plant energy from waste incinerator receives waste wood for energy recovery. However, the 2020 and 2021 WDI reports all the waste received as waste code 19 12 07, which is non-hazardous waste wood from the mechanical treatment of waste. The original sector that generated the waste is not identified.</p> <p>Note that the J.G. Pears facility receives animal by-product wastes only (waste code 02 02 02) and not wood wastes.</p> |

| No. | WNA<br>page /<br>section | Stake-<br>holder     | Stakeholder comment made  | Question / issue from<br>the councils to<br>AECOM   | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment      | AECOM response to comment  |
|-----|--------------------------|----------------------|---|---|---|---|--|
| 15  | p65<br>Table 25          | Councils /<br>NCC DM | This comprises Eastcroft, Widmerpool Biomass Plant (which is licensed to process wood waste only) and J.G Pears north of Newark (which is licensed to process animal by-products only). | As the latter two are not licensed to accept mixed municipal and commercial waste streams and only capable of processing a small and specialist proportion of these waste streams, should they be counted as recovery capacity along with Eastcroft?<br>NCC Development Management did not take account of this capacity when assessing the Ratcliffe EFW proposal. The DM team consider The net level of existing mixed municipal and commercial processing capacity is therefore potentially 92,557tpa lower than the figure identified in the AECOM report, equating to only the 188,213tpa operating capacity of the Eastcroft EFW Facility | All   | Energy recovery capacity and gap analysis | The waste infrastructure capacity estimates have been updated to include data for 2020 and 2021. The infrastructure capacity estimates, and capacity gap analysis include all energy recovery capacity not just that which receives mixed residual waste streams.<br><br>In the updated WNA, the Councils agreed that the capacity of the J.G. Pears animal by-product incinerator could be excluded from the energy recovery capacity estimates because it only accepts specialist waste types (animal by-products with waste code 02 02 02) and the wastes received do not arise from within Nottingham or Nottinghamshire. The capacity provided by Widmerpool Biomass Plant has been retained within the waste infrastructure capacity estimates because it receives waste wood with an origin of the plan area. |



16 p69

NCC DM Officer has stated "The table shows that we currently have an Energy Recovery Gap of 71,430tpa. This does not seem to reflect my current understanding of waste treatment in Notts insofar that:

we only have one operation mixed residual waste incinerator at Eastcroft and its maximum operational throughput (circa 180,000tpa) is contracted almost entirely to manage municipal waste arising from Notts City, Gedling, Rushcliffe and Broxtowe waste. Municipal Waste from the other boroughs is managed out of County (there is no capacity in Nottinghamshire to manage this waste) as follows:

- Circa 65,000 tonnes per annum to the Veolia Energy Recovery Facility in Sheffield (mainly from Bassetlaw and Newark and Sherwood via transfer stations in Worksop and Newark)
- Circa 60,000 tonnes per annum to Ferrybridge MF2 (mainly Ashfield and Mansfield via the interim processing facility in Kirkby-in-Ashfield)

So purely in terms of municipal waste we are currently exporting out of County 125,000 tpa because there is no capacity in Notts to manage this waste.

We also need to add C&I waste to this - although table 12 is for 2038 and therefore has an allowance for some waste growth the low recycling scenario which reflects current recycling rates indicates that there is a further 196,000tpa of C&I waste recovered and 99,000tpa landfilled.

The real life data therefore indicates that the current recovery capacity gap is nearer 320,000tpa and probably more if you assume some of the 99,000tpa sent to landfill is recovered.

My conclusion therefore is that the starting assessment of recovery capacity gap in 2019 stated at 71,430tpa is a massive under-

Having considered the points raised in relation to the capacity gap and amount of waste currently exported from Nottinghamshire, does the capacity gap need to be re-assessed?

All

Energy recovery capacity and gap analysis

The waste arisings, forecasts, waste infrastructure capacity estimates and recycling scenarios have been updated to include data for 2020 and 2021. This data and the capacity gap analysis include all energy recovery capacity not just that which receives mixed residual waste streams.

In the updated WNA, the Councils agreed that the capacity of the J.G. Pears animal by-product incinerator could be excluded from the energy recovery capacity estimates because it only accepts specialist waste types (animal by-products with waste code 02 02 02) and the wastes received do not arise from within Nottingham or Nottinghamshire. The capacity provided by Widmerpool Biomass Plant has been retained within the waste infrastructure capacity estimates because it receives waste wood with an origin of the plan area.

The WNA also notes that the estimate of LACW and C&I waste to landfill is a likely maximum for the purpose of ensuring a sufficient supply of landfill capacity. This does not preclude this waste from being managed higher up the waste hierarchy where this is viable (e.g. via recycling or energy recovery).

The amendments above have resulted in the current HIC energy from waste capacity gap estimated as about 178,000 tonnes, with around 307,000 tonnes of waste to landfill. By 2038, the HIC energy from waste capacity gap is estimated to be between 105,000 and 408,000 tonnes per annum, with around 127,000 tonnes of waste to landfill.

| No. | WNA<br>page /<br>section | Stake-<br>holder | Stakeholder comment made  | Question / issue from<br>the councils to<br>AECOM   | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment            | AECOM response to comment   |
|-----|--------------------------|------------------|---|---|---|---|---|
|     |                          |                  | representation and I think this figure should be questioned"  |   |   |   |   |
| 17  | p76                      |                  | in Table 32 of the supporting WNA which identifies facilities with permission, it states that planning permission for the Bilsthorpe Energy Centre lapses in June 2021. This is not correct. All pre-commencement planning conditions have been discharged pursuant to that permission and it has been implemented (albeit not fully built out), thus saving the permission in perpetuity. The County Council planners have acknowledged this position. | Table 32 needs updating to the position at the end of 2021, assuming other waste data is available to 2021. | All   | Waste management facilities (future / emerging) | Table 32 (Proposed Major Waste Management Facilities for which Planning Permission has been Granted or is being Sought) has been updated to reflect the latest position for each facility at the time of writing.<br><br>For Bilsthorpe Energy Centre it is stated that pre-commencement planning conditions have been discharged. Implementation of the planning permission commenced before its expiry (albeit not fully built out), and therefore the permission is now saved in perpetuity. |

| No. | WNA<br>page /<br>section | Stake-<br>holder | Stakeholder comment made  | Question / issue from<br>the councils to<br>AECOM     | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment | AECOM response to comment   |
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| 18  | p77                      | Vital            | <p>Para 6.1 of the WNA gets the definition of the proximity principle and, more significantly, the related self-sufficiency principle (as defined in the WFD), hopelessly wrong.</p> <p>The self-sufficiency principle does not, as the WNA claims, relate to regionality. As para 152 of Defra's 'Energy-from-Waste: A Guide to the debate' states: "The proximity principle arises from Article 16, "Principles of self-sufficiency and proximity", of the revised Waste Framework Directive (2008/98/EC), the EU legislation that governs waste management. The principle is often over-interpreted to mean that all waste has to be managed as close to its source as possible to the exclusion of other considerations, and that local authorities individually need the infrastructure required to do so. This is not the case. Indeed the final part of the Article itself states, "The principles of proximity and self-sufficiency shall not mean that each Member State has to possess the full range of final recovery facilities within that Member State". Clearly if not even the entire country needs to have the full range of facilities, a specific local authority does not have to. While there is an underlying principle of waste being managed close to its source, there is no implication of local authorities needing to be self-sufficient in handling waste from their own area".</p> | Does para 6.1 need amending considering this comment? | All   | Definitions / clarity of wording     | The context and definitions relating to the principles of self-sufficiency and proximity have been amended. |

| No. | WNA<br>page /<br>section | Stake-<br>holder | Stakeholder comment made   | Question / issue from<br>the councils to<br>AECOM                                      | Waste<br>stream<br>addressed<br>by the<br>comment | Issue<br>addressed by<br>the comment      | AECOM response to comment   |
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| 19  | p114                     | Vital            | With regard to Energy Recovery for HIC, existing capacity is quoted as 281,100 tonnes. This figure is incorrect for HIC. Reference to Appendix F shows that 3 facilities have been included in making up this capacity: Eastcroft EfW facility; Widmerpool Biomass Plant; and Pears Power Plant. The last two do not treat HIC and are dedicated to treating biomass (waste wood from the CD&E stream) and animal by-products (agricultural waste) respectively. The County Council, in evaluated the Aecom WNA, specifically acknowledges this in their committee report of 8th March 2022 for planning application ref: ES/4254 at para 39e. As such, the current Energy Recovery capacity is overstated by 92,557 tonnes and should read 188,400 and not 281,000. | Should the named facilities be classified as contributing to energy recovery capacity? | All   | Energy recovery capacity and gap analysis | <p>The waste infrastructure capacity estimates have been updated to include data for 2020 and 2021. The waste arisings and forecasts, infrastructure capacity estimates, and capacity gap analysis include all energy recovery capacity not just that which receives mixed residual HIC waste streams.</p> <p>In the updated WNA, the Councils agreed that the capacity of the J.G. Pears animal by-product incinerator could be excluded from the energy recovery capacity estimates because it only accepts specialist waste types (animal by-products with waste code 02 02 02) and the wastes received do not arise from within Nottingham or Nottinghamshire. The capacity provided by Widmerpool Biomass Plant has been retained within the waste infrastructure capacity estimates because it receives waste wood with an origin of the plan area.</p> <p>The current energy recovery capacity therefore includes the Eastcroft and Widmerpool Biomass facilities.</p> |
| 20  | p114                     |                  | Appendix F Table 46 shows that a number of types of facilities which are clearly not recycling facilities have been classified as such. Thus, the recycling capacity total of 1,253,400 tonnes is clearly wrong and actually equates to over 82% of the total HIC arisings (for 2019).   | Is there any reason to review the classification?                                      | All   | Waste management facility capacity        | <p>The Nottinghamshire and Nottingham Waste Needs Assessment considers the waste management facility types reported within the WDI for estimating both waste arisings and waste infrastructure capacity. Consistent assumptions and adjustments are applied, as set out within the WNA, to produce comparable data for different calendar years and to reduce double-counting of waste arisings.</p>  |



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