

SUMMONS TO COUNCIL

date Thursday, 07 December 2023 venue County Hall, West Bridgford,
commencing at 10:30 Nottingham

You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as under.



Chief Executive

- | | | |
|----|---|---------|
| 1 | Minutes of the meeting held on 28 September 2023 | 5 - 28 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below) | |
| 4 | Chairman's Business | |
| | (a) Presentation of Awards/Certificates (if any) | |
| 5 | Constituency Issues (see note 4) | |
| 6a | Presentation of Petitions (if any) (see note 5) | |
| 6b | Responses to Petitions Presented to the Chairman of the County Council | 29 - 36 |
| 7 | Consent to the East Midlands Combined County Authority Regulations 2023 | 37 - 92 |

8	Nottingham and Nottinghamshire Waste Local Plan - Submission to Secretary of State	93 - 234
9	Treasury Management Mid-Year Report 2023/24	235 - 242
10	Changes to Cabinet Member Arrangements and Appointment of Committee Chairmen and Vice-Chairmen	243 - 258
11	Executive Report: Key Issues and Activities	259 - 264
12	Questions (see note below)	
	(a) Questions to Leader of the Council on the Executive Report	
	(b) Questions to the Leader, Cabinet Members and Committee Chairmen	
13	Notice of Motions	
(a)	Motion One - Nottinghamshire County Council's response to the flooding caused by Storm Babet	265 - 266
(b)	Motion Two - Response to Autumn Statement	267 - 268

NOTES:-

(A) For Councillors

- (1) Members will be informed of the date and time of their Group meeting for Council by their Group Researcher.
- (2) Lunch will usually be taken at approximately 12.30pm.
- (3)
 - (a) Persons making a declaration of interest should have regard to the Code of Conduct and the Procedure Rules for Meetings of the Full Council. Those declaring must indicate whether their interest is a disclosable pecuniary interest or a private interest and the reasons for the declaration.
 - (b) Any member or officer who declares a disclosable pecuniary interest in an item must withdraw from the meeting during discussion and voting

upon it, unless a dispensation has been granted. Members or officers requiring clarification on whether to make a declaration of interest are invited to contact the Monitoring Officer or Democratic Services prior to the meeting.

- (c) Declarations of interest will be recorded and included in the minutes of this meeting and it is therefore important that clear details are given by members and others in turn, to enable Democratic Services to record accurate information.
- (4) At any Full Council meeting except the budget meeting and an extraordinary meeting Members are given an opportunity to speak for up to three minutes on any issue which specifically relates to their division and is relevant to the services provided by the County Council. These speeches must relate specifically to the area the Member represents and should not be of a general nature. They are constituency speeches and therefore must relate to constituency issues only. This is an opportunity simply to air these issues in a Council meeting. It will not give rise to a debate on the issues or a question or answer session. There is a maximum time limit of 15 minutes for this item.
- (5) At any Full Council meeting except the budget meeting and an extraordinary meeting Members may present a petition to the Chairman of the County Council on any matter affecting the residents of their division, and in relation to which the County Council has powers or duties. The Member presenting the petition can introduce and speak about the petition for up to one minute. Members are reminded that there is a time limit of 15 minutes for the presentation of petitions, after which any petitions not yet presented will be received en bloc by the Chairman.
- (6) In relation to questions to the Leader, Cabinet Members and Committee Chairmen including questions to the Leader on the Executive Report; after receiving an answer to their question, the Councillor asking the original question may ask one supplementary question on the same matter. There will be no additional supplementary questions.
- (7) Members' attention is drawn to the questions put to the Leader of the Council under paragraphs 46, 49, 50 and 55 of the Procedure Rules, and the answers to which are included at the back of the Council book.
- (7) Members are reminded that these papers may be recycled. Appropriate containers are located in the respective secretariats.
- (8) Commonly used points of order
 - 26 – Constituency issues must be about issues which specifically relate to the Member's division and is relevant to the services provided by the County Council
 - 54 – Only 1 supplementary question per question is allowed from the Councillor who asked the original question and supplementary questions must be on the same matter

65 – The Mover or Seconder has spoken for more than 10 minutes when moving the motion

68 – The Member has spoken for more than 5 minutes

70 – The Member is not speaking to the subject under discussion

71 – The Member has already spoken on the motion

76 – The mover of the motion has spoken for more than 10 minutes when using their right of reply to the debate

91 – Points of Order and Personal Explanations

100 – Disorderly conduct

(9) Time limit of speeches

Motions

68 – no longer than 5 minutes (subject to any exceptions set out in the Constitution)

Constituency Issues

26 – up to 3 minutes per speech allowed

29 – up to 15 minutes for this item allowed

Petitions

33 – up to one minute per petition allowed

37 – up to 15 minutes for this item allowed

Questions

49 – up to 60 minutes for this item allowed

(B) For Members of the Public

- (1) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:

Customer Services Centre 0300 500 80 80.

- (2) The papers enclosed with this agenda are available in large print if required. Copies can be requested by contacting the Customer Services Centre on 0300 500 80 80. Certain documents (for example appendices and plans to reports) may not be available electronically. Hard copies can be requested from the above contact.
- (3) This agenda and its associated reports are available to view online via an online calendar –
<http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>



Meeting COUNTY COUNCIL

Date Thursday, 28 September 2023 (10.30 am – 5.25 pm)

Membership

COUNCILLORS

John Ogle (Chairman) - apologies
Richard Butler (Vice-Chairman)

Reg Adair
Mike Adams
Pauline Allan
Sinead Anderson
Callum Bailey
Matt Barney
Chris Barnfather
Ben Bradley MP
Anne Callaghan BEM
André Camilleri
Scott Carlton
Steve Carr
John Clarke MBE
Neil Clarke MBE
Robert Corden
John Cottee - apologies
Jim Creamer
Debbie Darby
Sam Deakin - apologies
Dr John Doddy
Bethan Eddy
Boyd Elliott
Sybil Fielding
Kate Foale
Stephen Garner
Glynn Gilfoyle - apologies
Keith Girling
Penny Gowland
Errol Henry JP
Paul Henshaw - apologies
Tom Hollis
Mike Introna

Richard Jackson
Roger Jackson
Eric Kerry
Bruce Laughton
Johnno Lee
Rachel Madden
David Martin - apologies
John 'Maggie' McGrath
Andy Meakin
Nigel Moxon
Kane Oliver
Philip Owen
Michael Payne
Sheila Place - apologies
Mike Pringle
Francis Purdue-Horan
Mike Quigley MBE
Mrs Sue Saddington - apologies
Dave Shaw
Helen-Ann Smith
Sam Smith
Tom Smith
Tracey Taylor
Nigel Turner
Roger Upton
Lee Waters
Michelle Welsh
Gordon Wheeler
Jonathan Wheeler - apologies
Elizabeth Williamson
John Wilmott
Jason Zadrozny

HONORARY ALDERMEN

Terence Butler
John Carter

OFFICERS IN ATTENDANCE

Adrian Smith	(Chief Executive)
Marjorie Toward	(Chief Executives)
Sara Allmond	(Chief Executives)
Sarah Ashton	(Chief Executives)
Carl Bilbey	(Chief Executives)
Martin Elliott	(Chief Executives)
Isobel Fleming	(Chief Executives)
David Hennigan	(Chief Executives)
James McDonnell	(Chief Executives)
Phil Rostance	(Chief Executives)
Nigel Stevenson	(Chief Executives)
Phil Smith	(Chief Executives)
Dawn Jenkin	(Adult Social Care and Health)
Melanie Williams	(Adult Social Care and Health)
Colin Pettigrew	(Children and Families)
Derek Higon	(Place)

OPENING PRAYER

Upon the Council convening, prayers were led by the Chairman.

CHAIR OF THE MEETING

In the absence of the Chairman Councillor John Ogle, Vice-Chairman Councillor Richard Butler chaired the meeting.

1. MINUTES

RESOLVED: 2023/030

That the minutes of the previous meeting held on 13 July 2023 be agreed as a true record and signed by the Chairman, with the addition that Councillor John 'Maggie' McGrath left the meeting at the lunch adjournment and did not return as he had attended a funeral.

Councillor Tom Hollis left the Chamber at 10.36am.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from:-

- Councillor John Cottee (medical/illness)
- Councillor Samantha Deakin (other reasons)
- Councillor Glynn Gilfoyle (other reasons)
- Councillor Paul Henshaw (other reasons)
- Councillor David Martin (other reasons)
- Councillor Sheila Place (other reasons)
- Councillor John Ogle (other County Council Business)
- Councillor Sue Saddington (medical/illness)
- Councillor Jonathan Wheeler (other reasons)

3. DECLARATIONS OF INTEREST

Councillor Michelle Welsh declared an interest in question 7 to Cabinet Members as she was a GMB accompanying representative for people who were not unionised.

Councillor Erol Henry JP declared an interest in Item 7 – Youth Justice Strategy as he was a magistrate who sat on the Youth Bench

Councillor Callum Bailey declared a disclosable pecuniary interest and left the room during consideration of Motion Two - Support for Wilko Staff in Nottinghamshire as he had family members who were impacted by the closure of Wilko.

The Chief Executive issued a general dispensation to all members on Motion 1 – Universal Free School Meals for Primary School Children as many members were school governors on Nottinghamshire Primary Schools.

4. CHAIRMAN'S BUSINESS

PRESENTATION OF AWARDS

Adult Learning and College Provision – “Good” Provider

Councillor Tom Smith introduced the Ofsted “Good” Provider certification which had been awarded to Inspire following an inspection by Ofsted of its adult learning and young peoples college programmes.

The Vice-Chairman received the award from Councillor Tom Smith and presented it to Peter Gaw, Ian Bond, Michael Reid, Sandra Dickinson, Andrew Day, Andrew Goodall, Nicky Reed, Simon Cook, Jo Dring, Pippa Guthrie, Ellen Glyn-Davies, Rachel Doar and Rebecca Douglas.

Special Award – Boots and Berets Awards

Councillor Tom Smith introduced the award, which was a special award presented to Councillor Keith Girling at the Boots and Berets Award Ceremony in recognition of his work to ensure that the contributions and needs of the Armed Forces Family were understood and addressed by public bodies.

The Vice-Chairman received the award from Councillor Tom Smith and presented it to Councillor Keith Girling.

CHAIRMAN'S BUSINESS SINCE THE LAST MEETING

The Vice-Chairman updated Members on the business he had carried out since the last meeting.

5. CONSTITUENCY ISSUES

The following Members spoke for up to three minutes on issues which specifically related to their division and were relevant to the services provided by the County Council:-

Councillor Kane Oliver regarding flooding on Garden Road, Eastwood

Councillor Gordon Wheeler regarding HGV restrictions for Wilford Lane

Councillor Tom Hollis regarding highways in Huthwaite

Councillor John Lee regarding highways repairs in his division

Councillor Steve Carr regarding flooding in Bramcote

Councillor Dave Shaw regarding pausing of the NHS Cavell Centre, Hucknall

Having left the Chamber earlier in the meeting, Councillor Tom Hollis returned to the Chamber at 10.53am.

Councillor Tom Hollis left the Chamber at 11.01am

Councillor Bruce Laughton left the Chamber at 11.07am and did not return to the meeting.

6a. PRESENTATION OF PETITIONS

The following petition was presented to the Chairman as indicated below: -

- (1) Councillor Francis Purdue-Horan regarding resurfacing of Old Grantham Road, Whatton

RESOLVED: 2023/031

That the petitions be referred to the appropriate Cabinet Member for consideration in accordance with the Procedure Rules, with a report being brought back to Council in due course.

Councillor Dave Shaw left the Chamber from 11.11am to 11.22am during consideration of this item.

6b. RESPONSES TO PETITIONS PRESENTED TO THE CHAIRMAN OF THE COUNTY COUNCIL

RESOLVED: 2023/032

That the contents and actions taken as set out in the report be noted.

7. NOTTINGHAMSHIRE YOUTH JUSTICE PLAN 2023-24

Councillor Tracey Taylor introduced the report and moved a motion in terms of resolution 2023/033 below.

The motion was seconded by Councillor Sam Smith.

Following a debate, the Chairman put the motion to the meeting and after a show of hands the Chairman declared it was carried and it was:-.

RESOLVED: 2023/033

That the Nottinghamshire Youth Justice Strategic Plan 2023/24, as set out in appendix 1 of the report, be approved.

8. SCRUTINY ANNUAL REPORT 2022-23

Councillor Boyd Elliott introduced the report and moved a motion in terms of resolution 2023/034 below.

The motion was seconded by Councillor Nigel Moxon.

Following a debate, the Chairman put the motion to the meeting and after a show of hands the Chairman declared it was carried and it was:-

RESOLVED: 2023/034

That the Scrutiny Annual Report 2022/23 be noted.

Having left the Chamber earlier in the meeting, Councillor Tom Hollis returned to the Chamber at 11.59 during consideration of this item.

The Council adjourned from lunch from 12.44pm to 1.46pm after consideration of this item.

9. SUPPORTING OUR ARMED FORCES STRATEGY – UPDATE ON PROGRESS AND FUTURE PLANS

Councillor Keith Girling introduced the report and moved a motion in terms of resolution 2023/035 below.

The motion was seconded by Councillor Tom Smith.

Following a debate, the Chairman put the motion to the meeting and after a show of hands the Chairman declared it was carried and it was:-

RESOLVED: 2023/035

That the Full Council notes the updates and endorses the progress made in relation to the 'Supporting Our Armed Forces Community Strategy' and the delivery of this programme of work.

10. EXECUTIVE REPORT – KEY ISSUES AND ACTIVITIES

RESOLVED: 2023/036

That the contents of the report be noted.

Having not returned to the Chamber after lunch, Councillor Stephen Garner returned to the Chamber at 2.11pm during consideration of this item.

11a. QUESTIONS TO THE LEADER OF THE COUNCIL ON THE EXECUTIVE REPORT

6 question had been received as follows: -

- 1) from Councillor Tom Hollis regarding the meeting with the Chancellor of the Exchequer
- 2) from Councillor Jim Creamer regarding the meeting with the Chancellor of the Exchequer

Questions 1 and 2 were taken together.

- 3) from Councillor Sybil Fielding concerning Gateford School

The full response to the questions above are set out in set out in Appendix A to these minutes.

The time limit of 15 minutes allowed for questions to the Leader on the Executive Report was reached before the following questions were asked. A written response to the questions would be provided to the Councillors who asked the questions within 15

working days of the meeting and be included in the papers for the next available Full Council meeting after the deadline.

- 4) from Councillor Lee Waters about the Tour of Britain and road repairs and closures
- 5) from Councillor Jason Zadrozny concerning the new Interim Chief Officer of East Midlands Combined Authority
- 6) from Councillor Kate Foale about safety of Maintained school buildings

11b. QUESTIONS TO COMMITTEE CHAIRMAN

8 questions had been received as follows: -

- 1) from Councillor Penny Gowland concerning the impact of changes to Carbon Reduction commitments on business investment (Councillor Ben Bradley MP replied)
- 2) from Councillor Tom Smith regarding the 141 bus service (Councillor Neil Clarke MBE replied)
- 3) from Councillor Steve Carr concerning proposals from the Members Working Group (Councillor Philip Owen replied)
- 4) from Councillor Sam Smith concerning RAAC in Nottinghamshire schools (Councillor Keith Girling replied)
- 5) from Councillor Michelle Welsh about survey work on school buildings (Councillor Ben Bradley MP replied)
- 6) from Councillor Anne Callaghan BEM concerning the review of safeguarding practices in response to events at Harlow Academy (Councillor Tracey Taylor replied on behalf of Councillor Ben Bradley MP)
- 7) from Councillor Mike Pringle regarding industrial action at Veolia (Councillor Neil Clarke MBE replied on behalf of Councillor Ben Bradley MP)

The full responses to the questions above are set out in set out in Appendix B to these minutes.

The time limit of 60 minutes allowed for questions was reached before the following question was asked. A written response to the question would be provided to the Councillors who asked the question within 15 working days of the meeting and be included in the papers for the next available Full Council meeting after the deadline.

- 8) from Councillor Jason Zadrozny about communications in relation to the potential strikes at Veolia (Councillor Ben Bradley MP to reply)

The following members left the Chamber for more than 10 minutes during consideration of this item:

Councillor Dave Shaw left the Chamber at 2.31pm and returned at 2.56pm
Councillor Michael Payne left the Chamber at 2.33pm and returned at 3.07pm
Councillor Kane Oliver left the Chamber at 2.33pm and returned at 3.12pm
Councillor Dave Meakin left the Chamber at 2.33pm and returned at 2.50pm
Councillor Jason Zadrozny left the Chamber at 2.34pm and returned at 3.10pm
Councillor Helen-Ann Smith left the Chamber at 2.49pm and returned at 3.15pm
Councillor Tom Smith left the Chamber at 2.57pm and returned at 3.10pm
Councillor Tom Hollis left the Chamber at 2.59pm and returned at 3.25pm
Councillor Jim Creamer left the Chamber at 3.03pm and returned at 3.14pm
Councillor Pauline Allan left the Chamber at 3.07pm
Councillor Sam Smith left the Chamber at 3.09pm
Councillor Jason Zadrozny left the Chamber at 3.15pm

12. NOTICE OF MOTIONS

MOTION ONE – UNIVERSAL FREE SCHOOL MEALS FOR PRIMARY SCHOOL CHILDREN

A Motion as set out below was moved by Councillor Francis Purdue-Horan and seconded by Councillor Debbie Darby:

“Nottinghamshire County Council resolves:

- 1) To note the impact the provision of free school meals has in improving children’s economic, educational and health outcomes throughout life.
- 2) To investigate providing each pupil in Local Authority controlled Primary Schools with a free school meal. The feasibility study would look at process, cost and how to resource it.
- 3) That this Council will further ask the Department of Education to increase the annual payment to Academy Schools to extend Universal infant free school meals to all Primary Schools in Nottinghamshire.”

Following a debate, the motion was put to the meeting. The requisite number of Members requested a recorded vote and it was ascertained that the following 26 members voted ‘**For**’ the motion:-

Pauline Allan
Anne Callaghan BEM
Steve Carr
John Clarke MBE
Jim Creamer
Debbie Darby
Sybil Fielding
Kate Foale

Stephen Garner
Penny Gowland
Errol Henry JP
Tom Hollis
Rachel Madden
John ‘Maggie’ McGrath
Andy Meakin
Kane Oliver

Michael Payne
Mike Pringle
Francis Purdue-Horan
Dave Shaw
Helen-Ann Smith

Lee Waters
Michelle Welsh
Elizabeth Williamson
John Wilmott
Jason Zadrozny

The following 30 members voted '**Against**' the altered motion:

Reg Adair
Mike Adams
Sinead Anderson
Callum Bailey
Matt Barney
Chris Barnfather
Ben Bradley MP
Richard Butler
André Camilleri
Scott Carlton
Neil Clarke MBE
Robert Corden
Dr John Doddy
Bethan Eddy
Boyd Elliott

Keith Girling
Mike Introna
Richard Jackson
Roger Jackson
Eric Kerry
Johnno Lee
Nigel Moxon
Philip Owen
Mike Quigley MBE
Sam Smith
Tom Smith
Tracey Taylor
Nigel Turner
Roger Upton
Gordon Wheeler

No members '**Abstained**' from the vote.

The Chairman declared the motion was lost.

Having left the Chamber earlier in the meeting the following members returned to the Chamber during consideration of this item:

Councillor Sam Smith returned to the Chamber at 3.30pm
Councillor Pauline Allan returned to the Chamber at 3.36pm
Councillor Jason Zadrozny returned to the Chamber at 3.55pm

The following members left the Chamber for more than 10 minutes during consideration of this item:

Councillor Dave Meakin left the Chamber at 3.23pm and returned at 4.09pm
Councillor Errol Henry JP left the Chamber at 3.24pm and returned at 3.36pm
Councillor Kane Oliver left the Chamber at 3.44pm and returned at 3.56pm

MOTION TWO – SUPPORT FOR WILKO STAFF IN NOTTINGHAMSHIRE

Having declared a disclosable pecuniary interest, Councillor Callum Bailey left the Chamber during consideration of this item, and returned to the Chamber following its conclusion.

A Motion as set out below was moved by Councillor Kate Foale and seconded by Councillor Anne Callaghan BEM:

“That the Council agrees to:

- 1) Use our position as a major employer in the County, to establish links to support the significant number of Wilko staff in Nottinghamshire with transferrable skills who are at risk of losing their employment;
- 2) Take additional steps to connect Wilko staff to existing opportunities and to offer opportunities to learn new skills, with the view to joining our valued workforce;
- 3) Measure additional actions taken in order to evidence and demonstrate impact.”

An amendment to the motion as set out below was moved by Councillor Keith Girling and seconded by Councillor Tom Smith:

“That the Council agrees to:

- 1) **Continue to u**Use our position as a major employer in the County, to establish links to support the significant number of Wilko staff in Nottinghamshire with transferrable skills who are at risk of losing their employment;
- 2) **Continue t**~~akeing~~ additional steps to connect Wilko staff to existing opportunities and to offer opportunities to learn new skills, with the view to joining our valued workforce;
- 3) Measure additional actions taken in order to evidence and demonstrate impact.”

The amendment was accepted by the mover of the motion and became the altered (substantive) motion.

An amendment to the altered motion as set out below was moved by Councillor Tom Hollis and seconded by Councillor Helen-Ann Smith:

“That the Council agrees to:

- 1) Continue to use our position as a major employer in the County, to establish links to support the significant number of **ex**-Wilko staff in Nottinghamshire with transferrable skills ~~who are at risk of losing their employment~~;
- 2) Continue taking additional steps to connect **ex**-Wilko staff to existing opportunities and to offer opportunities to learn new skills, with the view to joining our valued workforce;
- 3) **Offer support to help ex-Wilko employees transition into new opportunities successfully and facilitate connections with businesses and stakeholders seeking candidates with similar skill sets;**
- 4) Measure additional actions taken in order to evidence and demonstrate impact.”

Council adjourned from 4.49pm to 4.56pm to allow consideration of the amendment.

The amendment was accepted by the mover of the motion and became the new altered (substantive) motion.

Following a debate, the Chairman put the twice altered motion to the meeting and after a show of hands the Chairman declared it was carried and it was:-

RESOLVED: 2023/037

That the Council agrees to:

- 1) Continue to use our position as a major employer in the County, to establish links to support the significant number of ex-Wilko staff in Nottinghamshire with transferrable skills;
- 2) Continue taking additional steps to connect ex-Wilko staff to existing opportunities and to offer opportunities to learn new skills, with the view to joining our valued workforce;
- 3) Offer support to help ex-Wilko employees transition into new opportunities successfully and facilitate connections with businesses and stakeholders seeking candidates with similar skill sets;
- 4) Measure additional actions taken in order to evidence and demonstrate impact.

The following members left the Chamber for more than 10 minutes during consideration of this item:

Councillor Reg Adair left the Chamber at 4.28pm and returned at 4.40pm

Councillor Pauline Allan did not return to the meeting following the adjournment at 4.49pm

MOTION THREE – DROP OFF AND PICK UP PROVISION ON NEW SCHOOL SITES

Councillor Sam Smith moved a motion in terms of resolution 2023/038 below.

The motion was seconded by Councillor André Camilleri.

Due to the provisions set out in paragraph 9 of the Council's Procedure Rules, the time limit of 5.15pm was reached and the matter was put to the vote. The Chairman put the motion to the meeting and after a show of hands the Chairman declared it was carried and it was:-

RESOLVED: 2023/038

This Council agrees that when a planning application is made for the construction of a new school on *any land* in Nottinghamshire, then as a statutory consultee responding to the relevant planning authority, including borough and district councils, so far as it

may be applicable to the site and within the bounds of the relevant planning legislation, we will request that developers and the planning authority make suitably appropriate land available, and design provision is made, to include 'drop off and pick up' points within the curtilage of the school site.

The following members left the Chamber for more than 10 minutes during consideration of this item:

Councillor John Clarke MBE left the Chamber at 5.07pm and did not return to the meeting

Councillor Michael Payne left the Chamber at 5.07pm and did not return to the meeting

Councillor Tom Hollis left the Chamber at 5.08pm and did not return to the meeting

The Chairman declared the meeting closed at 5.25 pm.

CHAIRMAN

APPENDIX A

COUNTY COUNCIL MEETING HELD ON 28 SEPTEMBER 2023 QUESTION TO LEADER OF THE COUNCIL ON THE EXECUTIVE REPORT

Question from Councillor Tom Hollis

In your report, items 25 and 26 discuss a meeting you held with the Chancellor Jeremy Hunt MP. Did you discuss with the Chancellor of the Exchequer, the real term cuts in funding to fix our broken roads and pavements, the failure of Government to give local Councils a multi-year settlement, and the government's failure to implement a fair funding review that has adversely impacted Nottinghamshire County Council and its residents?

Question from Councillor Jim Creamer

When discussing 'cost of living challenges' and 'business costs' in your meeting with the Chancellor,

Did these topics feature as part of a wider discussion on the lasting economic impact Nottinghamshire residents have experienced following the previous Chancellor's disastrous mini-budget this time last year?

Response to questions from Councillor Hollis and Councillor Creamer by the Leader of the Council, Councillor Ben Bradley MP

I'm grateful for the questions Mr Chairman, and for the interest in my conversations with the Chancellor. I can confirm that both I and Parliamentary colleagues from around both Derbyshire and Nottinghamshire who were in the meeting raised the issues of funding for our highways – a point that was reflected, as I say, by a number of colleagues and which, you'll be pleased to hear, was the thing when we came to the end of the meeting that the Chancellor chose to reflect on in terms of his takeaways from the conversation that we've had, which I think is a positive thing and we also spoke at length about Local Government finance and about the pressure on our services aided by the fact that the Minister for Local Government Lee Rowley was also in the room in his capacity as a Derbyshire MP.

On the two points specifically, I'm pleased to be able to say again that it really is positive, and unique, that Nottinghamshire County Council has a voice in that room and is the one and only Council in the whole of the country who can have that direct and regular conversation with the Chancellor. It's something I've talked about and something that I think we have benefited from. That can only be a good thing, so I'm sure you will be pleased to hear Councillor Hollis that those things were raised in that meeting.

Councillor Creamer, on your point, there's been a lot of figures bandied about around Liz Truss' time in office and – if you enjoy a bit of economics – lots of figures that have often rejected since actually. People often refer to the 'economic impact' when what the actually mean is the 'cost' or impact on the Treasury's internal 'bottom line'. The 'economic impact' you refer to is actually really difficult to measure and I can say

confidently that in the months following the budget that you referred to, in October the economy actually grew by 0.55% and in November the economy grew further by 0.15%, so there's your economic impact. It's safe to say that yes, the cost of living and cost to business of things like energy bills, food inflation and others were very much part of the conversation with the Chancellor and again were reflected by a number of colleagues around the room so you can be rest assured that those things were raised.

Question from Councillor Sybil Fielding

I welcome the news that the first phase of the Gateford School is finally due to be completed by September next year.

As the local Member who has campaigned for this school to be built, does the Leader share my disappointment that the school is set to be delivered one year later than initially indicated and to only two thirds of the eventual capacity?

Response from the Leader of the Council, Councillor Ben Bradley MP

As far as I understand the Section 106 agreement was index linked, in terms of the amount of money available and so if the cost goes up the Section 106 agreement to pay for it will also go up, it shouldn't be at additional cost to the Council. But the important factor, it has been raised already by Councillor Payne in an earlier debate today, and the debate is happening in my own constituency and in Mansfield, around future developments as well and around the county, is that when you plan for things over the long term you make assumptions, you make projections around need and population that isn't always still the case 10 years later, and we have to use the funding that is available to us to deliver on the need.

Speaking about my own constituency, of the Lindhurst development, I think the Section 106 agreement was signed there a decade ago from memory, a long, long time ago, and the kids who needed primary school places a decade ago are 10 years older and they need secondary places now, and that is likely to be the case around the County. We have a declining birth rate around the county in terms of pupil numbers entering in to primary schools every year. The last few years that number has fallen, so it would be mad to just build, as you seem to be suggesting, full two and a half form entry knowing that there isn't actually the pupil numbers, or a place planning need for us to build that. As what we're increasingly seeing on the other end of the scale is small primary schools, with reducing numbers that then become financially unsustainable because there aren't enough kids to actually fill those schools.

Where we do have a challenge is in secondary places increasingly around the county, so actually what we need to do is to ensure we make the best use of the Section 106 money to fulfil the challenge that is actually there and that the data tells us is actually there, where we don't have a place planning problem around primary schools, we do increasingly have one around secondary because that bulge that existed and created that need for places in primary is now older and is now moving into the secondary population. We have to make sure we manage that and it's easy to stand here and say you promised 10 years ago that you would do "X", I didn't as I wasn't here, but at the same time we also have to expect that these are projections of numbers, these are projections of need and it would be remiss of us as a Council to not make up to date

assumptions and figures and move forward as we do when we have the actual figures, to deliver what the residents actually need in those communities and I am sure members opposite would expect nothing different.

APPENDIX B

COUNTY COUNCIL MEETING HELD ON 28 SEPTEMBER 2023 QUESTIONS TO THE LEADER, CABINET MEMBERS AND COMMITTEE CHAIRMEN

Question to the Leader of the Council from Councillor Penny Gowland

With the Prime Minister's recent decision to water down the UK's Carbon Reduction commitments by pushing back the ban on buying new petrol and diesel cars to 2035,

Does the Leader agree that this will have a negative impact upon business investment here in Nottinghamshire, particularly in renewable energy sectors which this Council have stated are necessary to delivering its stated ambition for Green Growth in the County?

Response from the Leader of the Council, Councillor Ben Bradley MP

There seems to be a real desire to give me a full hour to say whatever I like today, which I'm very grateful for, and grateful for the work we're doing in this space actually. I'm looking forward to some of the questions that are coming forward, but generally you won't be surprised to hear, Councillor Gowland that my answer is "No, I don't agree".

I was absolutely delighted with the Prime Minister's change in approach, it's something I've been calling for over several years, so no, I don't think it will have a negative impact at all, in fact I think the change in emphasis is really good news for Nottinghamshire.

First, you mention the ban on petrol and diesel cars specifically, so let's touch on that one first. It's great news for the security of jobs and investment in the automotive industry in our area. We have one major car manufacturer nearby, that's Toyota at Burnaston at Derby, who welcomed the change and welcomed the recognition that the future of car manufacturing and fuels isn't just electric, it's broader than that. It's a whole range of potential options, and I mentioned earlier today that I was at the Hydrogen Summit at Toyota just last week, as one example. Next closest to here, and to our constituents, Jaguar Land Rover, backs the Prime Minister, and says it's a 'pragmatic' approach in line with what the rest of the world is doing. So as a region, the East Midlands, the whole Midlands in fact, the sector is supportive of the move. One senior auto industry executive was quoted in the Financial Times as saying: "Some people will be cross in public, but the general view will be a collective sigh of relief" from the industry.

What needs to be recognised is that these are private businesses. If they've made business plans to shift to fully electric vehicles by 2030, there's absolutely nothing stopping them from doing that. Fair play to them if they want to do that. Nissan, for example, have said they still plan to do it by 2030. Good for them. The Prime Minister's not telling them not to, or that they can't. It shouldn't be Government's place, quite frankly, to tell private businesses what they can and can't make anyway, if I'm totally

honest. But if they think there's a strong market there for electric vehicles and that's the way forward, then they can build and sell them, regardless of this announcement.

What it has done is given a bit more flexibility to the sector, and recognised, as Toyota have said, that electric is not the only route forward in terms of the UK exploring clean fuels. Most importantly, it's brought our deadline in line with most of the rest of the world, who have already set 2035 as their aim, or moved to 2035 before we did. That's really important, not least for jobs in Derby, 2,500 people employed at the Toyota Burnaston site, because if the market disappears for petrol and diesel cars in the UK in 2030, but is still active everywhere else in the world until 2035, then guess what? Manufacturers will go and make petrol and diesel cars everywhere else rather than here, and those jobs will be lost, and our economy will suffer as a result.

So quite the opposite, Councillor Gowland, to your suggestion, I think this announcement is really good news for the security of 2,500 jobs in our region, and for Toyota's continued commitment and investment in creating more jobs and growth through that hydrogen research as well as other things.

The other key bit, the second part of your question regarding clean and renewable energy. You're right that the County Council has said this is important, it's what we want to see in terms of that growth in green jobs and clean energy in this and other sectors, like for example hydrogen at Toyota, at Chinook in Nottingham and High Marnham, but not just hydrogen. As a region we're into modular nuclear at Rolls Royce, we're into fusion energy at West Burton, we're into clean fuels, again Rolls Royce, Toyota, East Midlands Airport involved in that work – aviation fuel in particular, can make a huge difference – and a tonne of research and expertise at the University of Nottingham in particular, with further expansion of the skills and training that's needed in that space, and more and more investment coming our way.

I think the Prime Minister's announcement refocusing the national energy onto this stuff too, and there's a huge amount of national focus on fusion and hydrogen in particular, benefits our County in a big way. He's not backed away from any of that, in fact he's embraced it even more in what he's said: that Britain will focus on these things – on clean growth, on investment that creates jobs, boosts skills, focuses on tech and innovation to tackle these climate challenges, and not to get stuck on arbitrary deadlines, on banning stuff, like petrol cars that would cause prices on the second hand market to rise and price people out of their ability to drive, on charging people more through Labour's ULEZ schemes or Workplace Parking levies, on forcing people to buy new boilers they can't afford. Many of my constituents still get coal allowance, never mind heat pumps, Chairman, they're struggling to get by, and so they have been concerned that Government is expecting them to buy a new car, to buy a new boiler, fit a new heat pump, and all the rest when they can't afford it. That has been a huge cause of stress that crosses my desk on a regular basis. They've had that pressure lifted, and all the evidence suggests that people are very happy with the Prime Minister's announcements.

Since last week the gap between Labour and Conservatives reduced by 8 points in the polls in the wake of those announcements, and it shows, I think, that the public overwhelmingly agree with what the Prime Minister has said, and so do I.

Question to the Cabinet Member for Transport and Environment from Councillor Tom Smith

Councillor Clarke, as you are aware, our announcement that we have secured the future of the 141 bus service was major news for communities along this lengthy bus route, particularly for my communities of Rainworth and Blidworth.

Would you be able to detail what support Nottinghamshire County Council has given to secure the future of the 141 bus service?

Response from the Cabinet Member for Transport and Environment, Councillor Neil Clarke MBE

This item was also detailed in the Leader's Executive Report, but I'm really pleased that Nottinghamshire County Council has been able to support the continuation of the 141 bus service. This route is so very important to many communities through the centre of Nottinghamshire. The bus provides essential links to other public transport options and enables residents to access a range of commercial and recreational services.

That's why we awarded a contract to Stagecoach to operate the full service in September 2022 following the withdrawal of the previous operator. Since then, the service has seen increased passenger levels and greater reliability, and I must commend Stagecoach for all the work they have done to increase the reliability so that those passenger levels can increase.

I am therefore delighted to report that, in partnership with Stagecoach, we have now extended the 141 service contract. The extended contract reduces the cost to this authority of subsidising the route, with that increased patronage, with Stagecoach taking a greater commercial stake in the future operation and growth of the service. They are keen to improve the service further, for example by increasing the range of ticketing options available to passengers.

The County Council will subsidise the route with £450,000 per annum sourced from bus support grants and its local bus support budget. Costs are expected to reduce in the future as passenger growth and income increases, but in terms of support right now, this represents a massive commitment by this authority, ensuring that we are doing our best to provide excellent bus services for our communities.

Many other local authorities do not provide financial support to protect services like the 141, and it is a mark of this administration's commitment to promoting public transport that we still set money aside for this purpose.

Question to the Chairman of Governance and Ethics Committee from Councillor Steve Carr

The minutes of the Full Council meeting on 31 March 2022 Page 6 item 7 state:

“That the Members Working Group, reporting to Governance and Ethics Committee as appropriate, be authorised to maintain an overview of the operation of the new arrangements during the first year of executive arrangements and to make any suggested proposals for change to the Governance and Ethics Committee for recommendation to Full Council.”

Proposals from the Members Working Group were not discussed at Governance and Ethics Committee but went straight to Full Council. Why?

Response from the Chairman of Governance and Ethics Committee, Councillor Philip Owen

The minutes of Full Council on 31 March 2022 are written and recorded as he describes.

The Members Working Group did indeed ‘maintain an overview of the operation of the new arrangements during the first year of executive arrangements’.

I appreciate, however, that Independent Alliance members might not be aware of what was discussed at the Working Group meetings in question, because they weren’t present, even though all groups, and the non-aligned member of Council, were invited to have representation on this Working Group.

The Working Group over the last 12-months examined the new Executive Arrangements in considerable detail, focusing especially on Council Procedure Rules, Scrutiny Review, and Financial Thresholds on Key Decisions.

Regarding Council Procedure Rules, the Members Working Group considered and endorsed several changes. These were designed to improve the smooth running of the Full Council meeting; to update and clarify current arrangements and practices; and to provide greater equity between the Groups.

The terms of reference for Governance and Ethics Committee refer to ‘Oversight of the Constitution’ and making ‘recommendations to Full Council’. However, this is always subject to the overriding authority of Full Council as the sovereign body. It is not a requirement or pre-requisite for this to happen before Full Council exercises its authority to make changes to the Constitution.

The minutes of the Full Council from 31 March 2022 state: ‘That the Members Working Group, reporting to Governance and Ethics Committee as appropriate, be authorised to maintain an overview of the operation of the new arrangements’.

‘As appropriate’ are obviously important words in that minute.

In practical terms, the reason it was deemed appropriate to take these proposals from the Working Group directly to Full Council was because it seemed sensible and fair to give every Member the opportunity to read, comment and vote on changes to procedures which would affect all of us.

As Governance and Ethics Committee Chairman, I was perfectly comfortable with this approach. Taking the Working Group's proposals to Governance and Ethics Committee first would only have delayed the process, bearing in mind all Governance and Ethics Committee members are Full Council members anyway.

I understand why Members would be concerned if important proposals and decisions on the future conduct of Full Council meetings had been debated and finally approved only by a restricted group of members, but that was not the case here.

On the contrary, we simply expedited the process by which all members would have the opportunity to comment and vote on these proposals, ensuring that the decision we took was both fair and transparent.

Question to the Cabinet Member for Economic Development and Asset Management from Councillor Sam Smith

There has been a lot of coverage in the media over the last few weeks about school buildings that were affected by RAAC. Could the Cabinet Member please give some reassurances and explain how this matter has been managed and dealt with in Nottinghamshire?

Response from the Cabinet Member for Economic Development and Asset Management, Councillor Sam Smith

I really welcome this because I know people will be concerned about this in Nottinghamshire. This is not about the theatre of this building here and this place, it's about reassuring people out there and that's why I welcome this as a question. In 2019, the Government issued an alert regarding RAAC planks, setting out concerns over this specific building material. They also provided a date range within which it was thought this construction type was used.

In response, Nottinghamshire County Council commissioned Arc Partnership to undertake a review of all Council maintained properties and maintained schools constructed during the date range in question: 1960 – 1980.

Desk-top investigations allowed the presence of RAAC to be ruled out across most Council buildings, with visits required to a handful of sites to confirm that no RAAC was present.

More recent guidance revised the dates that the RAAC planks were used in construction, now covering the period 1930-1980. In response to this, Arc Partnership were further instructed to review buildings built between 1930 and 1960, the period not previously considered.

Arc have completed the desk-top assessment and have undertaken physical inspections of any sites deemed necessary, and as this task now nears completion, again no RAAC has been found.

The Council's estate is managed and maintained by a combination of Council officers and Arc partnership, using commissioned contractors as necessary. The building

stock is widely understood, with technical experts and contractors active across the estate on a daily basis, undertaking projects and maintenance work, so the monitoring of our sites for emerging risks of this or any other type is part of our standard approach.

Question to the Leader of the Council from Councillor Michelle Welsh

In relation to the Council's recent statement on RAAC in schools, published on 1 September 2023;

Since becoming Leader of this Council in 2021, when were you first made aware of the previous survey work undertaken by this Council alongside the DFE, which would have helped identify serious building concerns in Maintained Schools and Academies, such as RAAC?

Response from the Leader of the Council, Councillor Ben Bradley MP

As Councillor Girling has already said, work to investigate and tackle RAAC in school buildings in Nottinghamshire began on DfE advice back in 2018/19.

No RAAC was identified in maintained schools – which are the ones within our responsibility – so there has been no need for me, up until the point of the national guidance changing in the summer, to really get involved in this, although I can assure you that Councillor Taylor I know was sending emails backwards and forwards in the Spring of this year in advance of that national conversation, trying to seek assurances within her own remit that we had tackled this to the best of our ability.

When the [national] guidance did change, I myself had conversations with officers and was informed that there are no issues within our maintained schools, and that we've had this in hand in effect since 2019 when that guidance was first issued.

Forgive me, and I don't mean this to be political at all, I'm a little bit confused by the second part of your question, and I mean this genuinely in terms of a question back to you perhaps for the supplementary question. You ask when I found out about the work, accepting that it happened, but then suggest that the work could have made a difference, but obviously it did happen, and there was no RAAC, so I'm a little bit confused about what you're asking, and I'd just ask you in your supplementary [question] to clarify that and I'll come back to you.

Question to the Leader of the Council from Councillor Anne Callaghan BEM

On 8 June 2023 the Nottinghamshire Safeguarding Children Partnership published a Review of safeguarding practice in response to events at Harlow Academy.

Last week, in interviews with parents of children who went to Harlow academy, the BBC reported that their children were 'left traumatised' by the abuse they experienced.

How confident is the Leader in the Nottinghamshire Safeguarding Children Partnership in overseeing the changes recommended by this Review?

Response from the Cabinet Member for Children and Families, Councillor Tracey Taylor on behalf of the Leader of the Council, Councillor Ben Bradley MP

The Nottinghamshire Safeguarding Children Partnership, which is a partnership of the local authority, Police and the Integrated Care Board, chose to commission an independent author to write a report examining lessons to be learnt from the serious issues at Harlow Academy. This was not a report that had to be produced under any guidance or legislation, but the Partnership felt strongly that there were areas that needed investigation.

Parents and carers of children at the former Harlow Academy were directly involved with the independent author in the writing of the report, as reflected in the report itself. The report did not find that failings in the local authority or the safeguarding partnership were directly responsible for the issues at Harlow Academy, but there are lessons about how such concerns can be identified and acted on in a more timely way.

Many of the recommendations extend beyond the Partnership and indeed beyond Nottinghamshire, and the Independent Scrutineer for the Partnership, Dr Mark Peel, is corresponding with both Ofsted and the Department for Education to monitor their response to this report. Those recommendations that are directly for the Partnership are subject to an action plan and progress will be actively monitored through the Safeguarding Assurance and Improvement Group, on which I and Councillor Anderson both sit.

Given that approach, I am confident the partnership will deliver on the independent author's recommendations.

Question to the Leader of the Council from Councillor Mike Pringle

There is currently an ongoing industrial dispute between Nottinghamshire County Council's recycling contractor Veolia and the workers at Mansfield's Materials Recycling Facility, Ashfield's Welsh Croft Close site and Bassetlaw's Claylands Avenue site, represented by the GMB Union.

What actions have you taken as Council Leader to intervene to maintain continuity of Council Services and what actions are you taking to support those involved to resolve the dispute?

Response from the Cabinet Member for Transport and Environment, Councillor Neil Clarke MBE on behalf of the Leader of the Council, Councillor Ben Bradley MP

Yes of course, I am well aware of the ongoing dispute between the GMB union and Veolia regarding the reopening of their existing local pay agreement.

Whilst this is fundamentally an issue for Veolia and the GMB to resolve, the Council as Waste Disposal Authority has been working closely with our partner borough and district council Waste Collection Authorities, and Veolia, to maintain essential kerbside collection services for residents throughout any disruption caused by the industrial action.

Relevant officers have met almost daily to put together a set of operational contingencies with Veolia to minimise the impact on residents and assist Waste Collection Authorities where their own collection staff have been unwilling to cross the GMB picket lines. Indeed, I have been in constant contact with our officers, receiving regular updates about the situation on the ground, sometimes many times a day. In fact this morning, Mr Vice Chairman, it was on at least three if not four occasions even before this meeting started.

Whilst the majority of Veolia sites have been operational during the strike, including all the Household Waste Recycling Centres, I am aware that some collections have been delayed due to the actions of GMB in hindering and in some cases blocking access to facilities. We continue to provide alternative sites to Waste Collection Authorities for the receipt and transfer of waste should they need to use them.

Just to be clear again, this dispute is a matter between Veolia and the GMB and not for the County Council to intervene. However, we continue to monitor events and take any action necessary to ensure that our residents receive the best possible waste management service, so we do monitor the actual operations to ensure the smooth running, as much as possible, of the operation, whilst the dispute continues.

REPORT OF THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT

RESPONSES TO PETITIONS PRESENTED TO THE CHAIRMAN OF THE COUNTY COUNCIL

Purpose of the Report

1. The purpose of this report is to inform Council of the decisions made by the Cabinet Member for Transport and Environment concerning issues raised in petitions presented to the County Council at its 13 July 2023 meeting.

Information

A. Request for parking restrictions on The Crescent, Toton (Ref:2023/9)

2. A 12-signature petition was presented to the 13 July 2023 meeting of the County Council by Councillor Eric Kerry. The petitioners requested a review of the parking at the junction of The Crescent and Chetwynd Road, Toton.
3. The Crescent is a narrow residential street with dropped pedestrian kerbs at its junction with Chetwynd Road. It is located directly opposite the entrance to Chetwynd Spencer Academy.
4. In the last three and a half years there have been no injury accidents recorded at this junction or in the vicinity of the Academy.
5. When the new school year starts, the site will be inspected, and an assessment made during and outside of school times to determine if parking restrictions should be considered for inclusion in a future year's programme.
6. It was agreed that the lead petitioner be informed accordingly.

B. Request for the resurfacing of footpaths and upgrades to dropped kerbs to allow wheelchair users safe access from The Broadleaves facility, Boughton (Ref:2023/13)

7. A petition containing 40 signatures was presented to the 13 July 2023 meeting of the County Council by Councillor Mike Pringle. The petition is from residents of The Broadleaves facility, Boughton, requesting the resurfacing of footpaths and upgrades to dropped kerbs, to allow wheelchair users safe access from The Broadleaves facility onto the main shopping and local areas.
8. A site meeting, attended by Councillor Pringle and Via EM Ltd highways liaison officers, was conducted on the 25 July 2023 to discuss and assess the issues raised within the petition. During the meeting it was identified that wheelchair and pushchair users would have difficulty using two of the dropped kerbs located on Holles Close and the entrance to St Joseph's

School. Therefore, the necessary works have been ordered to address the accessibility issues at these two dropped kerbs.

9. The surrounding footways were also inspected, and no safety defects were identified at this time. The condition of the footway will, however, continue to be monitored by routine highway inspections.

10. It was agreed that the lead petitioner be informed accordingly.

C. Request for traffic calming on Moorbridge Lane, Stapleford (Ref:2023/14)

11. A 316-signature petition was presented to the 13 July 2023 meeting of the County Council by Councillor John McGrath. The petitioners are requesting speed deterrent measures on Moorbridge Lane, Stapleford.

12. Historically, in order to mitigate any environmental impact and noise that may be created by physical traffic calming features, and to ensure that any impediment to the flow of traffic is proportionate, traffic calming schemes have typically been introduced only where there has been an identified injury accident pattern involving vulnerable roads users where the cause of the incidents is treatable by such measures.

13. There have been three injury accidents in the period February 2020 provisionally to March 2023 along the length of Moorbridge Lane. Investigation into these indicates, however, that speeding was not a contributory factor and as such a traffic calming scheme cannot be justified on accident reduction grounds.

14. There is already an interactive speed sign in the area. A speed survey is planned during school term time at a location chosen by the lead petitioner to help investigate the reported issues.

15. It was agreed that the lead petitioner be informed accordingly.

D. Request for road safety improvements to street crossings in Netherfield and a new zebra crossing on Burton Road, Gedling (Ref:2023/16)

16. A 323-signature petition was presented to the 13 July 2023 meeting of the County Council by Councillor Jim Creamer on behalf of residents of Netherfield.

17. Nottinghamshire County Council recognise that there are large numbers of vulnerable young people outside schools at start and finish times and where it is feasible to do so advisory 20mph speed limits have been implemented outside schools.

18. The crossings in Netherfield already have hi-visibility beacons and raised plateaus. Additional signing would be physically difficult to add as the footways are quite narrow. Between 1 January 2020 and 31 March 2023 there have been two reported injury accidents, albeit of a slight nature. Accordingly, at present, there is insufficient data to suggest that an improvement on accident reduction grounds is needed, noting the physical limitations in seeking to incorporate any additional measures. The crossings have been recently assessed, and the beacons, pedestrian guardrail and carriageway markings are all in good order.

19. Apollo Fish Bar is on Burton Road at the junction with Ouse Bridge Drive. On Burton Road, between Manor Road and the Colwick Loop Road, in the last 3+ years there have been 3 slight injury collisions, none of which involved pedestrians. However, a survey will be carried

out on Burton Road at the most appropriate location to determine vehicle and pedestrian numbers to help determine if a formal crossing should be considered at this location.

20. It was agreed that the lead petitioner be informed accordingly.

E. Request for a pedestrian crossing on Pasture Road, Stapleford (Ref:2023/8)

21. A 451-signature petition was presented to the 13 July 2023 meeting of the County Council by Councillor John Doddy requesting a pedestrian crossing on Pasture Road be considered as part of the 'many schemes currently being considered for Stapleford'.

22. The scheme proposals currently being considered for Pasture Road, Stapleford are being developed by Broxtowe Borough Council, and funded through the Town Deal. As such, as requested by the petitioners, the request to include a crossing on Pasture Road will be referred to (and discussed with) Broxtowe Borough Council so that it can be considered as part of their Town Deal proposals currently being developed.

23. Should it not be possible to deliver a pedestrian crossing on Pasture Road as part of the Town Deal proposals, the County Council will consider the request as part of a future integrated transport programme. This would, however, be after the Town Deal proposals have been determined as the crossing would need to be considered in the context of any proposed wider Town Deal funded active travel improvements.

24. It was agreed that the lead petitioner be informed accordingly.

F. Request for a Residents' Parking Scheme and additional parking restrictions on Coventry Road, Beeston (Ref:2023/11)

25. A 38-signature petition was presented to the 13 July 2023 meeting of the County Council by Councillor Kate Foale on behalf of residents of Coventry Road, Beeston.

26. Coventry Road is a residential road comprising a mix of detached and semi-detached properties located to the east of Beeston town centre. All properties have the benefit of off-street parking.

27. While the County Council is sympathetic to the frustrations caused by intrusive parking, permit schemes are intended to prevent or limit the loss of on-street parking for residents and are, therefore, prioritised in locations where residents do not have access to off-street parking. As a result, it would not be appropriate to consider this for inclusion in a future year's integrated transport programme and it is therefore proposed that no further assessment be undertaken.

28. The petition also refers to concerns about parking on pavements. Any concerns about obstruction of the pavement should be referred to the Police as the enforcing authority with appropriate powers in relation to such obstructions of the footway.

29. Problems with pavement parking are acknowledged however, and the Department for Transport (DfT) consulted with all local authorities, in August 2020, about potential options to reduce and prevent footway parking. Further to the Resolution of Communities & Place Committee of 5 November 2020, the County Council responded to the consultation, supporting the principle of extending the powers of civil enforcement officers to be able to enforce footway parking. However, there has been no further announcement from the DfT on this issue since then.

30. The petition also highlights difficulties entering or leaving driveways resulting from vehicles blocking access to a property, and if residents' ability to access the highway is being obstructed, this should also be reported to the Police. Where such issues occur, residents are, with the Council's permission, able to fund the installation of 'H-bar' markings to help deter obstruction of an existing driveway by other vehicles. The current cost for the installation of such markings is £244 (which covers design, health and safety, administration, works, and renewal costs). If a resident wishes to apply to install 'H-bar' markings, they are able to do so online through the Council's 'Make a new highways request' webpage or by contacting the Council's customer service team.
31. The petition also highlights concerns about safety caused by parking near the junction with Humber Road. Review of this location does not indicate that the on-street parking here presents any risk at this location such as would justify installing measures. Parking restrictions have already, however, been introduced at junctions to help ensure visibility for drivers and keep them clear so that people can cross. As the junction already benefits from parking restrictions to ensure that drivers do not park too close to it not is not considered appropriate to consider installing additional parking restrictions at this time.
32. It was agreed that the lead petitioner be informed accordingly.

G. Request for a Residents' Parking Scheme on Albert Avenue, Stapleford (Ref:2023/15)

33. A 44-signature petition was presented to the 13 July 2023 meeting of the County Council by Councillor John McGrath requesting a residents' parking scheme be introduced on Albert Avenue, Stapleford.
34. Albert Avenue is a residential street off Stapleford Town Centre high street, Derby Road. At the southern end of Albert Avenue near Derby Road, there is a salvation army premises and club, which hold events, and a soft furnishing shop. The rest of the road is residential and there is currently no residents parking scheme. Resident parking schemes are in place on the other residential roads in the vicinity; Horace Avenue, William Road, Warren Avenue, Cyril Avenue and Victoria Street, and Eatons Road.
35. The petition raises issues with residents being unable to park on Albert Avenue, near their homes, due to cars being parked by people going to nearby shops or their place of work, as well as by residents of adjacent roads that have permit schemes in place.
36. Requests for residents' parking schemes are prioritised in locations where residents do not have off-street parking and where a scheme wouldn't negatively affect nearby streets and town centres. The majority of properties on Albert Avenue do have off-street parking. As a result, and balancing the safe, convenient, and expeditious movement of traffic and access to premises, it would not be appropriate to consider this as a priority for inclusion in a future year's integrated transport programme and it is therefore proposed that no further assessment be undertaken at this moment in time.
37. The petition highlights difficulties entering or leaving driveways resulting from vehicles blocking access to a property, and if residents' ability to access the highway is being obstructed, this should be reported to the Police. Where such issues occur, residents are, with the Council's permission, able to fund the installation of 'H-bar' markings to help deter obstruction of an existing driveway by other vehicles. The current cost for the installation of such markings is £244 (which covers design, health and safety, administration, works, and

renewal costs). If a resident wishes to apply to install 'H-bar' markings, they are able to do so online through the Council's 'Make a new highways request' webpage or by contacting the Council's customer service team.

38. The petition also refers to disabled residents being unable to park outside their properties. In such cases, residents can apply to the Council to have an advisory disabled parking bay installed outside their property free of charge. However, residents must meet certain eligibility criteria, this includes having no access to off-street parking and being in receipt of Personal Independence Payments (PIP). If a resident wishes to apply to have a disabled parking bay installed, they are able to do so online through the Council's 'Make a new highways request' webpage or by contacting the Council's customer service team.
39. It was agreed that the lead petitioner be informed accordingly.

H. Request for a reduction to the speed limit and the installation of traffic calming on Shireoaks Common, Shireoaks (Ref:2023/17)

40. A 152-signature petition was presented to the 13 July 2023 meeting of the County Council by Councillor Sybil Fielding on behalf of residents of Shireoaks, requesting a reduction to the speed limit and the installation of traffic calming on Shireoaks Common.
41. Although the County Council is responsible for setting local speed limits, it is obliged to follow statutory national guidance. Amongst other things, this guidance advises that limits should be set in line with the character of the road because this is a key determinant of driver behaviour, and therefore compliance is not likely to be achieved where limits are too low for the character of the road.
42. The guidance requires that councils should assess the following factors:
- collision and casualty savings
 - conditions and facilities for vulnerable road users
 - impacts on walking and cycling and other mode shift
 - congestion and journey time reliability
 - environmental, community and quality of life impact, such as emissions, severance of local communities, visual impact, noise, and vibration, and
 - costs, including of engineering and other physical measures including signing, maintenance, and cost of enforcement.
43. In reviewing the request to reduce the speed limit from 40 mph to 30 mph, it is noted that:
- there have been two reported collisions resulting in injury on this section of road in the last three years but neither involved speed as a contributory factor. As a result, there are no collision or casualty savings to be achieved
 - conditions and facilities for vulnerable road users are good
 - the current limit does not adversely impact walking, cycling or other mode shift
 - there would be no positive or negative impact on congestion and journey time reliability
 - the present speed limit has no adverse impacts on environmental, community or quality of life issues: there are no property frontages on the section of road in question and so a reduction in speed limit would offer no air quality, noise, vibration, or visual benefits.
44. The road is constructed to a high standard with appropriate width and visibility. It functions as a through route, having no frontage development. As a result, compliance with a 30mph limit is likely to be poor and regular enforcement would be needed in order to achieve this. Therefore, a 30mph speed limit is not considered appropriate on this section of road.

45. Traffic calming schemes are generally introduced only where there has been an identified injury accident pattern involving vulnerable road users treatable by such measures. While there have been two reported collisions resulting in injury on this section of road in the last three years, investigation suggested, however, that speed was not a contributory factor. As such a traffic calming scheme cannot be justified on accident reduction grounds at this location.

46. It was agreed that the lead petitioner be informed accordingly.

I. Request for the removal of the bus plug / signals on Burton Road in Gedling (Ref: 2023/10)

47. A 650-signature petition was presented to the 13 July meeting of the County Council by Councillor Mike Adams. The petition requests the removal of the Burton Road bus plug as it causes tailbacks which both delay journeys and cause additional carbon to be emitted close to a school location. The bus plug is located within a close proximity to the now new junction with the Gedling Access Road.

48. A requirement of the funding received to deliver the Gedling Access Road (GAR) is to undertake both one and five-year post completion monitoring reports that are submitted to the funders. The modelling justification for the GAR was based on the facility on Burton Road remaining to act as a traffic calming feature to encourage through traffic to utilise the GAR and to not utilise the more sensitive and residential area along Burton Road. The GAR was completed in August last year and hence the surveys to establish how the scheme is working as against the bid objectives are scheduled for post summer – to ensure they are undertaken in a recognised survey neutral period.

49. A review of how the GAR is delivering as against the specified objectives of the scheme (namely to both enable growth and to provide traffic relief to Gedling village) will be undertaken once this survey data is available with current indicative information positive on both counts. In the meantime, officers will investigate any wider implications of removing the existing signals and bring a further report to a future T&E meeting for consideration. These will need to include:

- Potential journey time benefits
- Impacts of changes to school access off Burton Road
- Increase to flows on Burton Road and if this would open Council to additional GAR compensation claims
- Need for and type of any alternative traffic calming options for Burton Road
- Review of conditions of approved planning for the GAR
- Review of the conditions of the grant funding utilised to deliver the GAR

50. It was agreed that the lead petitioner be informed accordingly.

Other Options Considered

51. There are no other options to consider as this report is for noting only.

Reason/s for Recommendation/s

52. The Constitution requires that Full Council receive a report on the outcome of consideration of the petitions.

Statutory and Policy Implications

53. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

54. There are no specific financial implications arising directly from the report.

RECOMMENDATION

It is recommended that the contents of the report be noted.

Councillor Neil Clarke MBE
Cabinet Member for Transport and Environment

For any enquiries about this report please contact:

Derek Higton, Interim Corporate Director Place
derek.higton@nottsc.gov.uk

Background Papers and Published Documents

- Responses to Petitions Presented to the Chairman of the County Council – Delegated Decision (Reference 429) by Cabinet Member for Transport and Environment (published)

Electoral Division(s) and Member(s) Affected

- Beeston and Central Rylands – Councillor Kate Foale
- Carlton East – Councillor Mike Adams
- Carlton West – Councillor Jim Creamer and Councillor Errol Henry
- Ollerton – Councillor Mike Pringle
- Stapleford and Broxtowe Central – Councillor John Doddy and Councillor John McGrath
- Toton, Chilwell and Attenborough – Councillor Eric Kerry and Councillor Richard Jackson
- Worksop West – Councillor Sybil Fielding

REPORT OF THE LEADER OF THE COUNCIL**CONSENT TO THE EAST MIDLANDS COMBINED COUNTY AUTHORITY
REGULATIONS 2023****Purpose of the Report**

1. To seek Full Council agreement to the creation of the East Midlands Combined County Authority, with the Council as a constituent member.
2. To seek Full Council consent to the making of the “The East Midlands Combined County Authority Regulations 2023” (Regulations), which Regulations will establish the East Midlands Combined County Authority (EMCCA).
3. To note the holding of the inaugural mayoral election for the EMCCA on 2 May 2024, subject to the passage of relevant secondary elections legislation.
4. To seek approvals relating to the appointment of the Combined County Authority Returning Officer (CCARO).

Background information

5. Following the Government’s publication of the Levelling Up White Paper in February 2022, Nottinghamshire, Derbyshire, Derby and Nottingham agreed to cooperate at pace on the creation of a new devolution deal. This would include the areas covered by Nottinghamshire County Council, Derbyshire County Council, Derby City Council and Nottingham City Council (the ‘Constituent Councils’), delivered through the establishment of a Mayoral Combined County Authority (the East Midlands Combined County Authority, EMCCA).
6. Securing a devolution deal has been a long-standing ambition for leaders in the area, in order to address the lasting impact caused by decades of under-funding when compared to other areas, improve living standards and deliver better opportunities and outcomes for residents, businesses and communities. Alongside this, the establishment of the EMCCA will bring the governance that currently sits at national level down to the CCA area, so that decision-making is much closer to communities and businesses. Further detail about the lack of parity in investment in the East Midlands region is set out in the Proposal here.
7. As a result of joint collaboration, a devolution deal was agreed between the four Constituent Councils and the Government, on 30 August 2022. The deal envisaged a significant uplift in the powers and funding available to Nottinghamshire, Derbyshire, Nottingham, and Derby, and an unleashing of the area’s full economic potential.

8. The vision outlined in the deal, and subsequently published in the Proposal for creation of the EMCCA, is for the 2.2 million people who live and work in the area to enjoy better health, greater prosperity, and an increased sense of wellbeing, through the opportunities available to them within an inclusive and competitive CCA Area, at the heart of the country. Alongside this, the shared objectives of the Constituent Councils are:
- a. Boosting productivity, pay, jobs and living standards
 - b. Spreading opportunities and improving public services
 - c. Restoring a sense of community, local pride and belonging
 - d. Empowering local leaders and communities.

Statutory Consultation

9. Following approval from each Constituent Council in November 2022, a statutory consultation was conducted on the draft Proposal to establish the EMCCA. The Constituent Councils jointly undertook this statutory consultation, which ran from 14 November 2022 to 9 January 2023. Overall, a total of 4,869 people took part in the consultation, which was open to residents, businesses, community and voluntary groups, as well as other organisations in the region.
10. Following consideration of the consultation responses, the Constituent Councils approved a final version of the Proposal in March 2023 for submission to the Secretary of State and delegated the authority to their respective Chief Executive to submit the Proposal, jointly and in consultation with each other once the Levelling Up and Regeneration Bill received Royal Assent. Following that, some minor typographical amendments were made by the respective Councils' Chief Executives under delegated powers. The Proposal was formally submitted to the Secretary of State on 1 November 2023 following the coming into force of the relevant provisions of the Levelling Up and Regeneration Act 2023 (LURA). The Secretary of State has now confirmed that the requisite statutory tests for the establishment of the East Midlands Combined County Authority have been met and provided a draft of the Regulations for consideration by the Constituent Councils.
11. Further details on the consultation results and the East Midlands CCA Proposal can be found in the March 2023 report to Full Council and its accompanying appendices [here](#).

Benefits to be realised.

12. Progressing with the establishment of the EMCCA is a landmark, once-in-a-generation opportunity to secure more powers and funding that will be used to build on our strengths as a region, by boosting economic growth, creating new local jobs, more provision for training and skills tailored for our labour market, better public transport, new investment in housing, and action to protect the environment.
13. This is an historic opportunity, following years of under-investment compared to other English regions. Devolution will bring more money into the region, resulting in a stronger local economy and better services for our residents.
14. The investment package for the deal is worth more than £4 billion, including the £1.14 billion investment fund and a new City Region Sustainable Transport Settlement of £1.5 billion.

15. Figure 1 provides an indication of the scale of funding committed, or indicated to flow through the EMCCA, in its first few years. There will be a significant increase in funding in the early years across different domains.

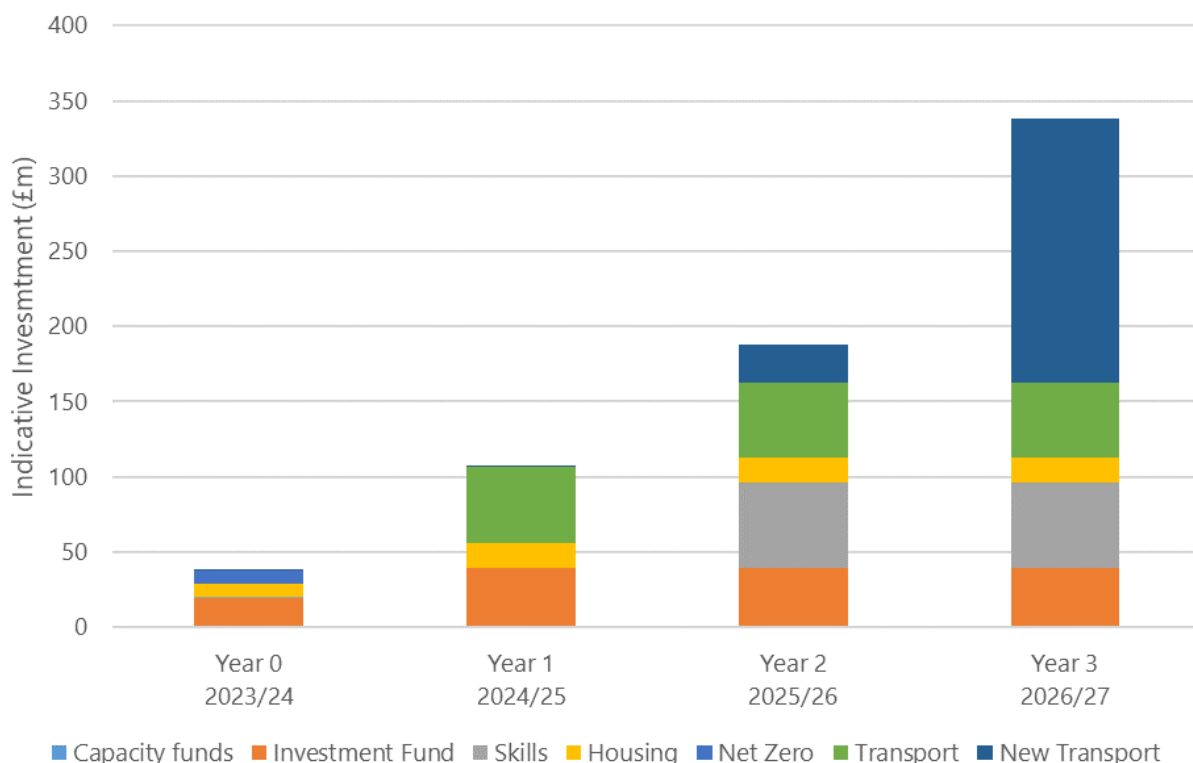


Figure 1. Indicative investment into EMCCA

16. Devolution will create the first ever Combined County Authority, with Constituent Council membership of the upper-tier local authorities in the region, provided for in the LURA. The East Midlands will pioneer this type of governance, with other areas in the region to follow, including partners in the proposed Greater Lincolnshire deal, recently announced in the Chancellor's Autumn Statement.
17. The inaugural mayoral election is planned for 2 May 2024. A new Mayor, working with an electoral mandate from 1.6m people across the region eligible to vote, will give the region a bigger voice, more influence and a higher profile to make a strong case to the Government for more investment in the region.
18. Creating the first ever directly-elected mayor of the East Midlands will provide a platform to champion the interests of the region nationally and internationally, deliver on local priorities and provide greater local accountability and decision-making power, working in partnership with the EMCCA and its Constituent Councils, and more widely with other public service providers, including District and Borough Councils.
19. The Mayor and the EMCCA will be focused on the strategic issues which affect our whole region – including transport, net-zero and housing – and will use the extra money to improve residents' lives. They will champion major infrastructure projects in the region, lobbying the government to ensure promises are kept from a position of national prominence.

20. A Mayoral Combined County Authority also provides the chance to take advantage of strategic opportunities, such as the East Midlands Freeport, the East Midlands DevCo and the East Midlands Investment Zone. It also provides additional opportunities to tackle persistent and systemic deprivation, which drives significant inequalities in some parts of the region, and to raise levels of social mobility, for which the East Midlands is the poorest performing region in the country.
21. The 2022 deal is also just the starting point. The true benefits and economic value of devolution are still to come, through potential further settlements and investment. The region has already seen the significant commitment of £1.5 billion of new investment into local transport announced by the Government in October 2023, for example. This is early evidence of another benefit of devolution, which is, that it gives the region the voice it deserves and places it in the national spotlight.
22. The Proposal sets out longer term aspirations to seek further powers from Westminster, placing more decisions at local level, as devolution has done with other areas like the West Midlands and Greater Manchester. The Autumn Statement 2023 confirmed that the proposed EMCCA will be in consideration for deepening the current devolution deal in the future once the Mayor is in place. This could result in even more new powers and funding for the region in addition to the current deal in areas like skills, transport and housing, bringing EMCCA closer to the ‘trailblazer’ deals recently awarded to Greater Manchester and the West Midlands. Alongside this, further opportunities for public service reform at a local level that would help councils and their partners deliver the best possible services for local residents and businesses will be explored.

What we’ve achieved so far

23. Even prior to the coming into force of the LURA; millions of pounds in funding, made possible because of plans for devolution in the East Midlands, has already been agreed and is to be spent on improving housing, transport and the skills of local people. Some of the initiatives that are already underway or completed, include but are not limited to:
- a. **£2m** for the purchase of properties in Nottingham City and Derby City to address homelessness by reducing the use of bed and breakfast accommodation. Properties have been purchased and some let, and to date £1.624m has been spent.
 - b. **£9.92m** for Retrofit across the whole area to deliver domestic energy efficiency and low carbon retrofit activities. Grant offer letters have been issued to each council and the first payment of £1.984m has been released.
 - c. **£1.22m for more affordable housing** in Derby, where there is currently a shortage, to provide 15 extra social units to be let at an affordable rent. It will mean less reliance on temporary bed and breakfast placements and shorter waiting times for longer-term accommodation. The full grant allocation will be used to purchase 5 houses.
 - d. **£1.2m for new gigabit broadband** for Derbyshire, Nottinghamshire, Derby and Nottingham. It will mean that an extra 118 rural public sector schools and libraries will be connected to gigabit broadband. Work at the first sites is expected to start imminently.
 - e. **£750,000 for a new cycling and walking route** in Derbyshire – a 1¼ mile link connecting Markham Vale to the existing cycle route in Staveley. Work on the cycling lane has commenced, with a spend to date of £386k.

- f. **£1.5m for the new roundabout on the A6** at Fairfield in Buxton, Derbyshire, that has provided access to sites for 461 new homes, including 30% affordable homes. This work has been completed, with the funding which has just been approved going towards the cost.
- g. **£1.5m for a new growth through green skills.** The investment will enable the creation of a new £5.4m flagship skills centre and low carbon demonstrator in the region, to be operated by West Nottinghamshire College, as well as two electric minibuses for getting students to and from the site, to support the growth of a future low carbon economy as we work towards net zero. £981k has been spent to date, which includes the purchase of electric minibuses and IT Equipment.

Proposed Next Steps

- 24. Appended to the Report is a draft of the proposed East Midlands Combined County Authority Regulations 2023 (Appendix 1). These draft Regulations represent the near final drafting of the proposed Regulations to establish the EMCCA and provide it with its necessary powers.
- 25. If the Council, and the other three Constituent Councils, consent to the making of the Regulations the Department for Levelling Up, Housing and Communities (DLUHC) have confirmed that they intend to lay the Regulations prior to the Christmas recess. If passed, this will mean that the Regulations are expected to come into force in approximately February/March 2024. Once the Regulations come into force, the EMCCA will immediately come into existence. It is proposed that the first elections for Mayor of the CCA will take place on 2 May 2024 (the same date as the Police and Crime Commissioner elections taking place across the CCA area), with notice of election being required to be published by no later than 26 March 2024.
- 26. As part of the parliamentary process, in parallel to the consents sought from the Constituent Councils in this report, the Regulations are being considered by parliament's Joint Committee on Statutory Instruments (JCSI). Their role is to focus on the technical quality of the draft Regulations as opposed to the policy content, and any amendments at this point would be those required to ensure the Regulations are well drafted. The JCSI process may therefore lead to technical amendments being made to the Regulations. These will be non-negotiable.
- 27. To facilitate any technical amendments to the draft Regulations, following the consent of each constituent council, it is proposed that authority is delegated to the Chief Executive of the Council, in consultation with the Chief Executives of all other Constituent Councils to finalise and consent to the Regulations, further to any technical amendments which may arise. This delegation will be exercised following consultation with the Leader of the Council. Provision of a delegation will enable such amendments required by the JCSI to be agreed swiftly, to avoid any delays in laying the Regulations prior to the Christmas recess.
- 28. The Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2023 (the Elections Regulations) are proposed to be laid and come into force prior to the coming into force of the East Midlands Combined County Authority Regulations 2023. The Elections Regulations permit the appointment by the Constituent Councils of a combined county authority returning officer (CCARO) for the mayoral election ahead of the creation of the EMCCA. This is in order that preparations for the election can be commenced prior to the creation of the EMCCA. It is proposed that, subject to the passing of the Elections Regulations, Melbourne Barrett, Returning Officer of Nottingham City Council, is appointed as the first

CCARO and Council is asked to make a resolution to that effect. The CCARO will be required to print and post a mayoral election booklet to every elector in the combined county authority area, 1.6m individuals in total. The booklet will include information from the CCARO about the election and an election address from each candidate. The costs of this will be incorporated in the overall costs of running the election, which are to be borne by the EMCCA.

29. In County areas, the Elections Regulations also make provision for the CCARO to direct district/borough council local returning officers to discharge the CCARO's functions at the election. This means that the usual arrangements where district/borough councils deliver the election for county areas will apply, where the election is a mayoral election for EMCCA.
30. Once elected, the term of office of the Mayor returned at the election usually begins with the fourth day after the day of the poll. However, as the 6th May 2024 is a bank holiday, the Mayor will take office on Tuesday 7th May 2024. The Mayor's term of office is four years.

Provision of powers within the East Midlands Combined County Authority Regulations 2023

31. In their Proposal, the Constituent Councils requested powers from Government for the EMCCA, focussed on finance and governance, planning, housing and regeneration, education and skills, and public health.
32. The majority of the powers outlined in the powers table, which was appended to the Proposal, are provided to the EMCCA through the Regulations, so they reflect to a large extent the powers that the Proposal was seeking. However, powers outlined in the powers table relating to education and skills are not included in the Regulations, because they are due to be provided by a subsequent specific statutory instrument (SI). In addition, powers relating to net zero are provided to the EMCCA through consequential amendment to the Environment Act 1995, by the introduction of a new section 86(c).
33. There are some relatively significant changes in the draft Regulations in respect of the phasing of transport powers (but not to the substantive powers conferred), providing that most powers are subject to a transitional phase where powers are retained by the Constituent Councils before transfer to the EMCCA, at the end of the transitional phase. There are also some more minor technical changes from what was set out in the powers table. The changes are set out in **Appendix 2** to this Report.
34. In addition, in the review of the draft regulations, four technical matters were identified which require correction. These have been raised with DLUHC and it has been confirmed that these will be addressed as part of updates to the final draft Regulations following the conclusion of JCSI's review. The attached Appendix 2 setting out changes from the powers table included in the Proposal has been produced on the assumption that these corrections will be made.

Funding provisions within the East Midlands Combined County Authority Regulations 2023

35. As set out in the Proposal, the Regulations provide that the Constituent Councils must ensure the costs of the EMCCA reasonably attributable to the exercise of CCA functions are met. It is not anticipated that there will be a call on the Constituent Councils in this regard. However, if there is such a call, then the proportions will be by agreement between the Constituent Councils or on an equal basis if not agreed.

36. There are safeguards for the Constituent Councils, in that they will be constituent members voting on EMCCA decisions in respect of CCA functions and the extent to which they are discharged. In addition, approval or amendment of the CCA budget requires the majority to vote in favour and that majority must include each Constituent Council's lead member, or a substitute for that lead member acting in place of that member.
37. The Regulations also provide that the Constituent Councils must meet the costs of expenditure reasonably incurred by the Mayor, to the extent that the Mayor has decided not to meet the costs from other resources available to the EMCCA. There is an inbuilt safeguard in relation to this requirement in that the Mayor must agree the level of expenditure with the CCA ahead of it being incurred and in the absence of the agreement, no such expenditure may be incurred.
38. The costs of the EMCCA attributable to the exercise of its functions relating to transport may be met by means of a levy issued by the CCA under section 74 of the Local Government Finance Act 1988, and in accordance with the Transport Levying Bodies Regulations 1992. The proportion of such levy payable by each Constituent Council is determined by agreement between the Constituent Councils and, if not agreed, based on the council tax base for the financial year in which the levy is issued for the area of each council concerned, or, as the case may be, the part of that area in respect of which the levy is issued.
39. More information on the anticipated use of transport levies is set out in the "Financial Implications" section below and in more detail in Part 9 of the draft Regulations. The above safeguard regarding the discharge of CCA functions and approval of the budget will apply in respect of the transport levy.

Plans to establish the EMCCA

40. The Constituent Councils have established a programme of work to provide for the establishment of the EMCCA and the inaugural mayoral election in May 2024. The Executive Leaders Group, comprising the eight leaders and deputies from the constituent councils and four representatives from district and borough councils, oversees this programme under a clear governance structure. A Programme Board made up of senior officers from each of the Constituent Councils and local partners manages a series of workstreams to operationalise the new powers and funding. Dedicated programme capacity is in place to work alongside partners to deliver the plans that are in place, subject to the passing of the Regulations.

Shadow Authority

41. Should the Constituent Councils consent to the passing of the Regulations, the current transitional phase will move into a phase of operating as a Shadow Authority to support a smooth transition to the fully established EMCCA (which will come into existence the day after the coming into force of the Regulations, which is likely to be in February/March 2024).
42. The Shadow Authority will oversee the planning and implementation of establishing the EMCCA. It will not be a legal entity but will continue to operate as currently: collaboratively from within the Constituent Councils and in an advisory capacity until the EMCCA can be formally established in early 2024. It will prepare for and put in place capacity for operational day one capability. District and borough councils remain critical partners and will continue to

be actively engaged in the programme, including through continued representation in the shadow governance arrangements.

43. Until the EMCCA is formally established, the basis of decision-making will continue to be advisory, and there will be no separate commissioning or service delivery. The first meeting of the Shadow Board is planned for as soon as possible after approval of the making of the Regulations by the Constituent Councils.

Investment and functions

Regional strategic focus and investment

44. The EMCCA will focus initially on five broad priority areas that will drive long-term, targeted, and strategic investment. These have been chosen to give a shared focus on driving fairer economic outcomes across the region for all our residents, businesses, and partners. These investment priorities will provide better access to new and more affordable homes, improve the region's skills and access to employment, provide improved access to public transport, support business & innovation, and move the region toward Net Zero carbon.
45. To deliver this change, the EMCCA will create a fully developed, long-term transformational funding programme, covering all budgets for devolved functions (the "East Midlands Investment Fund"). This includes a grant of £38 million per year (half revenue and half capital) fixed for 30 years, totalling £1.14bn. Subject to government agreement on the Assurance Framework submitted in October 2023, it is anticipated that early access to £19m of this total fund will be released in the 2023/24 financial year; annual payments of £38m will then start from the 2024/25 financial year. This is a devolved, highly flexible grant, subject to five-year gateway reviews that (currently) involve independent evaluation commissioned by DLUHC.
46. The investment package worth more than £4 billion will enable the EMCCA to unlock significant amounts of investment over and above this amount, from private capital.
47. The Shadow Authority will develop an investment framework for decisions that will be made from the start of the 2024/25 year, with input from partners and stakeholders where necessary. In the short-term, the aim will be to maximise early opportunities to make progress, while laying the foundations for further transformational change, which goes beyond the current deal in future years. Therefore, while EMCCA will deliver a range of early investments that can demonstrate impact in its first year of operation, the investment framework will also form a broader and longer-term strategy stretching years into the future.
48. EMCCA has already been provided with a clear and early opportunity to underscore its strategic leadership role for the region, attracting business and creating new jobs to the area with the East Midlands Investment Zone (EMIZ). The Shadow Authority (and then the EMCCA once established) will oversee the implementation of the EMIZ focussed on the key growth sectors of advanced manufacturing and green industries. Work is ongoing with Government, the constituent councils and other local partners, and regional partners such as the East Midlands Freeport to align initiatives in the region to maximise their impact and confirm the governance and delivery model. The Government has committed £160 million by extending the programme and associated tax reliefs from five to ten years. Further work is also underway

with the East Midlands Development Company to consider how best to proceed with plans to fully realise the opportunities for the area in the sites they have in scope.

Net zero/green economy

49. The EMCCA will put the shift towards reducing carbon emissions and creating a green economy at the heart of its approach to economic growth. The region is well placed to lead the move away from fossil to fusion and play its part in achieving the national ambition to achieve net zero by 2050. EMCCA will work with partners in the area to become a leader in pioneering new forms of clean energy generation and will act as an exemplar for climate change adaptation.
50. Devolution has already brought new investment of £9 million capital funding in 2022/23 and 2023/24 for investment in projects that will drive these net zero ambitions. This includes the provision of a new retrofit construction skills centre to support the delivery of the wider, retrofit programme.
51. Additional investment monies are also increasing access to digital connectivity in the EMCCA area, by connecting public service buildings, such as rural schools, doctors' surgeries and libraries, to gigabit broadband and widening the range of locations, adding up to 118 additional premises to the original 235.

Transport

52. The majority of transport functions and powers will not be discharged by the EMCCA from day one, but will instead be held concurrently with the Constituent Councils to enable a period of transition. The manner in which those powers will transition, will be dealt with by way of an Inter-Authority Agreement ('IAA'). As the EMCCA is established it will take on greater responsibility for transport functions with associated changes to how transport is planned, delivered and operated across the region. The announcement of £1.5bn for transport investment for the EMCCA area as part of the Government's Network North proposals, along with commitments to longer term funding certainty for the EMCCA, will enable a transformational improvement in local transport.
53. Working with the constituent councils, the EMCCA will, once established, lead the development of a draft area-wide Local Transport Plan for public consultation, intended to be ready for stakeholder engagement around Spring 2024, public consultation in Autumn 2024 and publication in Spring 2025. Preliminary work has already started within each of the Constituent Councils, with support from the devolution programme. The LTP will provide a clear and visionary policy framework that will underpin an ambitious programme of local transport investment, thereby taking full advantage of the £1.5bn of new transport funding announced by government in early October, which is expected to be awarded to the EMCCA through the second round of City Region Sustainable Transport Settlement (CRSTS2) funding. This programme will be constructed from a combination of current proposals, stated ambitions locally and from Government, and new initiatives emerging from the broad evidence base.

54. The EMCCA will work with Constituent Councils to coordinate a joint approach to highways asset management and define the Key Route Network. This is an opportunity for the Constituent Councils to collaborate and standardise approaches on key roads.
55. As part of its responsibility for transport strategy, the EMCCA will work closely with strategic partners such as the East Midlands DevCo and the East Midlands Freeport, pan-regional partnerships such as Midlands Connect, and form long-term relationships with Great British Railways and train, tram and bus operators.
56. The scale of the transport investment programme will ultimately require the EMCCA to establish a substantial operating capability to manage the range of different projects. Options to deliver this capability are being considered at present for decision in Spring-Summer 2024 and could include working with partner organisations with particular programme management expertise.
57. Transition planning is underway to consolidate the public transport powers into the EMCCA, including for supported bus services, smart ticketing, and passenger information. Due to the complexities of the various functions currently managed by the Constituent Councils, it is expected that the transition will take place at an appropriate point during the two-year Transition Period agreed with Government, rather than at the start. It is intended that the IAA will be the mechanism under which the transition will be governed.
58. The Nottingham tram network is currently operated under a PFI contract, which was let by Nottingham City Council and which runs until 2034. The contract includes a number of obligations that are the responsibility of Nottingham City Council, which would need to be unconditionally and irrevocably guaranteed by the Council (or a Minister of the Crown) in the event of transfer. This would bring very significant risks to Nottingham City Council that it is not in a position to accept, and so it has been agreed, in discussion with Government, that the tram will not form part of the Devolution Deal whilst the PFI contract is in place. However, this will not preclude strategic planning for extending the tram as part of strategic transport planning for the region.
59. The Devolution Deal and Proposal to Government sets out the Constituent Councils' long-term aims for the tram network, including the possibility of its extension, and it is anticipated that at the end of the PFI contract, responsibility for the tram will transfer to the EMCCA to be consistent with other public transport functions and to ensure it is fully integrated into policy and project decisions that are taken. This long-term aim will be subject to financial appraisal and Government making suitable amendments to the Greater Nottingham Light Rapid Transit Act 1994 and Nottingham Express Transit System Order 2009.

Land and Housing

60. The EMCCA will work with local authorities, landowners, developers, and the full range of housing providers, to create affordable, good quality housing options and to retrofit existing homes to be more environmentally sustainable. The relevant housing authorities in the area have set out in their Local Plans and Housing Strategy documents, their local housing priorities around brownfield remediation, housing quality and decarbonisation, and systems improvement to support local supported and specialised housing needs. To support those aims, the EMCCA will invest devolved housing capital to support the building of new homes on brownfield land, worth £16.8 million in 2024/25 – supported by the provision of £918,000

capacity funding over 2023/24 and 2024/25 for development of a pipeline of housing sites. Allocations for locally led brownfield development beyond that year is subject to future spending reviews. Through devolution, however, the area is on the list of areas that is eligible to secure these allocations from Government. Additionally, through devolution, the region has already benefited from £9 million of additional housing capital to support the delivery of housing priorities across 2022/23 and 2023/24.

61. The EMCCA and Mayor specifically will also secure a range of broad new housing and land powers to: acquire and dispose of land to build houses, commercial space and infrastructure, for growth and regeneration; land assembly and compulsory purchase powers, subject to the agreement of the Constituent Councils and, where applicable, the district/borough council(s) where the relevant land is located; power to designate Mayoral Development Areas and to create Mayoral Development Corporations to support delivery on strategic sites across the area, again subject to the agreement of local partners. Over time, the EMCCA will work with partners on a plan to tackle homelessness and support people who are at risk of homelessness.

Adult Education and Skills

62. Subject to meeting the government's readiness conditions and Parliamentary approval, which is expected to be met in the first year following its establishment, the EMCCA will take on the fully devolved adult education budget (AEB) from the academic year 2025/26. The devolution of the relevant powers from the Department for Education to the EMCCA will be subject to separate secondary legislation, anticipated to be laid in early 2025. The Constituent Councils understand the value of this budget is approximately £53 million per year on current values. These arrangements do not cover apprenticeships or traineeships, even though the latter is funded through the AEB. The government has provided support for local preparations for taking on these relevant functions, including providing £0.738m revenue over 2023/24, 2024/25 and 2025/26 of implementation funding that has been provided on a 'matched-funded' basis, following the submission and agreement of a business case.
63. Devolution of the AEB and associated functions will enable the EMCCA, working with partners, to make allocations to providers and target spend to tackle the needs of people, businesses and our communities – consistent with statutory entitlements. This will support all types of businesses, including small and medium enterprises (SMEs), to stimulate productivity create new local jobs, whilst simultaneously benefiting the regional economy. It is understood that the Government will set proportionate requirements about outcome information to be collected, in order to enable local discretion about when funds are to be targeted, whilst also allowing students to make informed choices about the courses they wish to undertake.
64. The EMCCA is also expected to take responsibility for the regional design and delivery of the Free Courses for Jobs (FCFJ) programme, with a value of approximately £24m per year. The programme is focussed on people without a level 3 qualification who earn below the National Minimum Wage annually. Managing the FCFJ alongside AEB will enable EMCCA to take a strategically aligned approach in commissioning appropriate skills provision across the region.

65. The work of the D2N2 LEP People & Skills Advisory Board provides a foundation for future thinking about how the skills system should operate in the region, and will feed into further work to build on the evidence base and development of future EMCCA strategies and policies.

Business & innovation

66. Devolution provides the opportunity for the EMCCA to develop a strategic approach to enabling business growth across the region. A focus on digital connectivity and supporting region-wide innovation will enable increased productivity of both individual businesses and the sector as a whole. Working in partnership, EMCCA will be able to develop an aligned approach to inward investment, presenting a unified prospect to potential investors. As the region evolves towards a clean energy production future over the next 10-20 years, there will be significant opportunities for innovation growth in the advanced engineering and energy technology clusters. This will drive the need to evolve and grow the wider business supply chain and support SMEs. Accessing skills learning and development through our learning providers will help to support local businesses innovate product development and generate access to high value jobs.

EMCCA Operating Model

67. The operating structure of the EMCCA will be designed in way that maximises the opportunities presented by devolution, the added value of its investment and commissioning, and in a way that delivers value for money for taxpayers. Detailed work is underway to define its operating model and put the new organisation in place, subject to the passing and coming into force of the Regulations. This work aims to enable the new institution to deliver significant new functions and investment in its first year of operations, with the capacity to exploit new opportunities and the potential to scale up at speed. The costs of any operating structure are to be met by the EMCCA.
68. Whilst the governance model for EMCCA as a Combined County Authority will be implemented in the region for the first time in the country, the combined authority model is well understood and has been used for years in places including Greater Manchester and the West Midlands. The programme is drawing on lessons learned from others' experiences, so that the EMCCA is rightly sized for its remit and context.
69. A programme team working across the four Constituent Councils will continue to support the work that paves the way for EMCCA being fully established in May 2024. Nottinghamshire County Council is hosting new appointments to the programme and Derbyshire County Council is acting as the Accountable Body. The programme is funded by government capacity funding.
70. In line with Government policy, the deal confirmed the D2N2 Local Enterprise Partnership will be integrated into the EMCCA once established. Government has confirmed some revenue funding will be provided to the EMCCA in 2024/25 to support the delivery of functions currently delivered by the LEP. Subject to the completion of due diligence and agreement by Constituent Councils and the Government of the Integration Plan in early 2024, the integration of appropriate LEP functions into EMCCA should proceed in a timely manner so that it is complete as early as possible in 2024/25, to provide certainty to business and its current staff.

Governance of the EMCCA

71. The LURA sets out general provisions which apply to all combined county authorities and the Regulations set out the governance arrangements for the EMCCA, comprising up to 17 members in total as follows:

- (a) The directly elected Mayor;
- (b) 8 Constituent Members (each Constituent Council appointing 2 members);
- (c) No more than 8 non-constituent members and associate members in total.

The Mayor is required to appoint one of the members of the EMCCA from the Constituent Councils as a deputy mayor.

72. As set out in the Proposal, 4 non-constituent members will represent the District and Borough Councils within the Area (2 Non-Constituent Members nominated by Derbyshire District and Borough Councils and 2 Non-Constituent Members nominated by Nottinghamshire District and Borough Councils) and an associate Member will represent the business voice. It will be for the EMCCA to determine whether the remaining three additional Memberships will be used, and if so, what interests those Memberships should seek to represent on the EMCCA. These arrangements are not specified in the Regulations as the appointment of non-constituent and associate members is a matter for the EMCCA.

73. The Proposal also provided that the nomination of non-constituent members of the EMCCA appointed by Districts and Boroughs will be via two joint committees (one for Derbyshire and one for Nottinghamshire). These non-constituent members will sit on the EMCCA board as representatives of all Districts and Boroughs and not solely of the District or Borough for which they are Councillor.

74. Prior to establishment of the EMCCA, the two existing joint committees have been asked to nominate two representatives to the shadow authority together with two substitutes on an informal basis. This is so that the composition of the shadow authority can mirror, as closely as possible, the EMCCA.

75. Following establishment of the EMCCA, decisions of the EMCCA will be required to formalise the arrangements. The following steps will need to be taken:

- a. The new joint committee across Derby and Derbyshire to replace Vision Derbyshire Joint Committee and the D2 Economic Prosperity Joint Committee, the Strategic Leadership Board, will need to be established.
- b. Following the establishment of the EMCCA, it needs to formally designate the D2 Strategic Leadership Board and the City of Nottingham and Nottinghamshire Economic Prosperity Committee as nominating bodies.
- c. Each joint committee must consent to the designation as a nominating body.
- d. The terms of reference of the 2 joint committees will need to be amended to include the function of nominating non-constituent representatives to the EMCCA and other associated committee/advisory group representatives as and when requested.

76. The voice of business will be a critical component in the future EMCCA, given that a key area of focus will be economy, industry, and business. The EMCCA will appoint an Associate Member to the CCA who can represent the views of business moving forward and establish a

business-focused Advisory Board, which will be inclusive of the diverse range of businesses operating in the area. This includes SMEs within both urban and rural localities, and from all parts of the region. Whilst the Advisory Board would not be a formal committee of the EMCCA, it is intended it would be part of the formal governance arrangements and would exist to provide advice to the EMCCA on all issues of business and economy relevant to the EMCCA. The EMCCA would then appoint the Chair of that Advisory Group to the EMCCA as an Associate Member, representing the views of business. There is also consideration of if and how business, Higher Education, Further Education and third sector partners could also sit on other boards and groups within the proposed CCA governance structure. This is to be defined in the detail of the EMCCA's governance and constitution once established but is not required for consent to the Regulations.

77. The LURA requires the EMCCA to have at least one Overview and Scrutiny Committee whose role will be to review and scrutinise the decision-making of the EMCCA and the Mayor, to ensure that the decision-making is appropriately focussed on community needs, and that high quality delivery is taking place for the benefit of the Area. It will also have an Audit and Governance Committee to review and assess the authority in the areas of corporate governance, risk management, internal controls, external audit, internal audit, financial reporting, and other related areas to ensure that the financial and governance decision-making position of the EMCCA, and the Mayor is sound. It will also review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the EMCCA's functions. In addition, key statutory officer roles will include a Head of Paid Service (usually called a Chief Executive Officer); a Section 73 Officer (Finance Director) and a Monitoring Officer. Details will be included in the EMCCA's governance and constitution in due course but are not required for consent to the Regulations.
78. Whilst there is limited reference to overview and scrutiny within the Regulations, Schedule 1 of the LURA does contain provisions relevant to overview and scrutiny and audit committees of CCAs. In addition, new overview and scrutiny and audit regulations are anticipated for combined county authorities, which it is anticipated will provide for the inclusion for CCAs within the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Decision-taking post establishment of the EMCCA and pre-mayoral election

79. Following the establishment of the EMCCA, there will be a period of time during which the EMCCA will be operational, but a mayoral election will not yet have taken place. During this period, the EMCCA will operate without a Mayor.
80. In such circumstances section 29(6) of the LURA would apply. It provides that if for any reason the mayor is unable to act or the office of mayor is vacant, the other members of the CCA must act together in place of the mayor, taking decisions by a simple majority. It is envisaged that, chairing of meetings will be rotated during this phase and there will be no casting vote.

Assurance Framework

81. As set out in the Devolution Deal, paragraph 12, the Constituent Councils committed to developing a Constitution and Assurance Framework to confirm, clarify and formalise the intention of institutions and local leaders to continue to be transparent and accountable, work

closely with local businesses, seek the best value for taxpayers' money and maintain strong ethical standards.

82. The Constitution has not yet been drafted, but the Assurance Framework was submitted to Government by the Constituent Councils on 31 October 2023, and it is only once this is confirmed, and the Regulations are made to establish the EMCCA, that it will have access to the Investment Fund.

Other Options Considered

83. Not to consent to the making of the East Midlands Combined County Authority Regulations 2023. This is not recommended as the process would end, the East Midlands Combined County Authority could not be established, and no powers or funding would be devolved. In order to allow for the maximum amount of devolved powers and funding (a "Level 3" deal), the Government's policy requires that a Mayoral Combined County Authority must be established in the area.

Consideration of Risk

84. The creation of the EMCCA is dependent on the laying and passage of the Regulations, passage of which is not subject to the control of the Constituent Councils. The Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2023 (the Elections Regulations) are proposed to be laid and come into force prior to the coming into force of the Regulations. A delay in these Regulations coming into force during February/March 2024 could prevent the EMCCA coming into existence in February/March and prevent the holding of the Mayoral election on 2 May 2024. Holding a Mayoral election at another time would mean increased costs for the Constituent Councils/EMCCA.
85. For the EMCCA to be established, all four Constituent Councils must consent to the making of the Regulations at each Full Council. Should one or more of the Constituent Councils not consent, the process would end, the Combined County Authority could not be established, and no powers or funding would be devolved. Each Constituent Council will weigh this decision and come to its own formal conclusion. Senior officers and lead Members have worked closely with their counterparts from the other Constituent Councils on the development of the Devolution Deal and the plans for the EMCCA. That process has included the drafting of this report to ensure parity in decision-making.
86. If the EMCCA does not come into existence as planned, there may either be a delay, a reduction or a prevention of the benefits that devolution to the area would bring. To mitigate this, and subject to the Constituent Councils' consent to the Regulations, the current transitional phase will move into an explicit phase of operating as a Shadow Authority to support a smooth transition to the fully established EMCCA. The Shadow Authority will oversee the planning and implementation of establishing the EMCCA. It will continue to operate as currently: collaboratively from within the Constituent Councils and in an advisory capacity until the EMCCA can be formally established in early 2024.
87. Potential financial risks are set out in the "Financial Implications" section of this report.

Reason/s for Recommendation/s

88. The creation of a new mayoral combined county authority for the East Midlands would unlock the benefits of the agreed East Midlands devolution deal including a range of new powers and funding as set out in this report. Constituent councils are required to consent to the making of the Regulations before Government can progress the legislation any further.
89. A delegation is sought to enable any necessary technical amendments to be made to the Regulations and avoid any delay in them being laid.
90. The Constituent Councils need to make appropriate preparations for the Mayoral election on 2 May 2024 and appoint the Combined County Authority Returning Officer (CCARO).

Statutory and Policy Implications

91. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

92. The devolution deal confirms that the costs of establishing the EMCCA will be met from its overall resources. For 2023/24, the government has committed £0.5m in mayoral capacity, £0.5m in transport capacity, £0.459m for housing development, and £0.245m of adult education implementation funding. Unless additional resources are allocated in this financial year, costs incurred over these grants are subject to a four-way risk share agreement, but it is not anticipated that this will be used.
93. The Regulations provides for the cost of the EMCCA once established to be met from the general resources available to it. There is no separate funding for the cost of combined authorities provided by Government, other than the provision of mayoral capacity funding (confirmed in 2024/25 but thereafter subject to spending reviews) and the ability to utilise supporting revenue funding alongside capital allocations for core operational costs. The Regulations, therefore, provides that the Constituent Councils must meet any reasonably incurred costs of the EMCCA. In practice, however, and other than the funding arrangements for the transport levy (described below), the vast majority of the costs for running EMCCA are to be met from grant funding and associated revenue or capacity funding. This is the experience of MCAs in other areas and is what is currently expected for the EMCCA. However, Full Council are requested to note the above theoretical funding risk.
94. If in future a mayoral precept is applied, it will result in an additional cost to the council taxpayer.
95. There are no planned additional contributions to be made to the EMCCA in 2024/25 (or future years) from the Constituent Councils. Where funding lines are transferred to the EMCCA this will be done on a 'no net costs' basis and confirmed each year as part of the Council's usual budget setting process. Should another decision on funding be considered that would be in

addition to this 'no net cost' principle, for example a contribution of all or some of the Constituent Councils for a particular project or investment, this would require a further decision of the Council.

96. The Regulations provide for a transport levy. It is normal practice for combined authorities like EMCCA to be provided with a legal power (under section 74 of the Transport Levying Bodies Regulations 1992) to issue a levy from their members to meet the costs of carrying out their transport functions that are provided on behalf of the region and to improve joint working between those local authorities. The implementation of any levy for the 2024/25 financial year and subsequent years will be set out in the Transport Transition Plan to be agreed between the Constituent Councils. The levy will be issued to the Constituent Councils. The level of the levy will be for the EMCCA to determine and will be apportioned to the Constituent Councils as agreed; should they not agree, the proportions are provided for in legislation as namely by reference to the council tax base for the financial year in which the levy is issued. By design, the levy shall be no more than the cost of the functions to be transferred to the EMCCA. The levy will not include a contribution to the general cost of running EMCCA, because it is intended for funding of transport services that are currently delivered by the Constituent Councils. The Constituent Councils will need to determine how to fund the levy as part of their budget process – it can be funded from Council Tax, use of Government grants, or other sources.
97. In line with Local Authorities, EMCCA will be required to set a balanced budget annually which will be approved by the agreed governance process including representatives of the four Constituent Councils. Should EMCCA require further funding beyond the agreed budget levels, additional funding will be split as agreed between the four Constituent Councils and in the absence of agreement, in equal shares.
98. The costs of running a mayoral election are to be met by the EMCCA. The cost of the inaugural mayoral election is provisionally estimated to be between £3-4 million. Wherever possible, efficiencies will be delivered through sharing infrastructure with Police and Crime Commissioner elections happening on the same day. The operational costs of the mayoral election will not fall to the Constituent Councils, as it has been agreed with government that funding for set up the new combined county authority and the early release of investment funds in 2023/24 can be used for this purpose. Anticipated amendments to the Combined Authority (Mayoral Elections) Order 2017 make provision for expenditure properly incurred by a CCARO in relation to the holding of a mayoral election to be paid by the constituent councils, should this be necessary, and subsequently recovered from the CCA when established.

Legal Implications

99. The Levelling Up and Regeneration Act 2023, which received royal assent on 26 October 2023, establishes a new type of combined county authority. This is distinct from a combined authority that can be created under the Local Democracy, Economic Development and Construction Act 2009.
100. Whilst the Constituent Councils agreed a devolution deal with Government, the creation of a new East Midlands Combined County Authority is subject to the approval of the East Midlands Combined County Authority Regulations 2023. Consent must be given by all four

Constituent Councils to the making of the Regulations. In the event that all four Constituent Councils do not consent to the Regulations as provided by the Secretary of State, the process would end.

101. The Act sets out a governance framework for membership of combined county authorities (constituent, non-constituent, and associate members) and provides powers to the Secretary of State to make regulations setting out the constitutional arrangements of the EMCCA. These are described in the body of the report.

Consultation

102. As set out in the previous report to Council, it was not necessary for the Council to wait for the Bill to receive Royal Assent prior to commencing consultation; section 45(5) of the Act confirms that consultation requirements may be satisfied by things done before that section comes into force.
103. On receipt of the final Proposal submitted by the Constituent Councils to Government, it is a matter for the Secretary of State to consider whether further consultation is necessary or whether to proceed to make Regulations formally establishing the EMCCA. The Secretary of State has not stated that further consultation is required. The formal consent to the making of the Regulations will be required from the Constituent Councils which is the subject of this report.

Crime and Disorder Implications

104. The Constituent Councils are committed to close working with the Police and Crime Commissioners to ensure that there is no overlap, or additional bureaucracy added from the creation of the proposed EMCAA. The intention is for the CCA and the Area's Police and Crime Commissioners generally; and particularly, to develop productive and joint working on public safety; and to agree a protocol for working together.

Data Protection and Information Governance

105. Following approval of the Regulations, work will need to be undertaken at the earliest available opportunity to understand and assess what data needs to be shared between the parties to establish the new authority, in order to ensure compliance during the period of development, establishment and transition. Processes and appropriate documentation will need to be in place for the transfer of staff data as part of the initial set-up. It is for the EMCCA to consider appointment of its own Data Protection Officer but in advance of that the work on establishing the EMCCA will need to allocate responsibilities to an appropriate officer to facilitate relevant documentation to be prepared in advance of services going live.

Human Resources Implications

106. At this stage of the development of the EMCCA there are no direct HR implications arising from this report. Any future HR impacts will be managed in accordance with established HR policies and procedures at each of the affected Councils and at the Local Enterprise Partnership. Current and future activity includes appropriate internal communication and engagement activity and where required formal consultation if there are TUPE (Transfers of Undertakings (Protection of Employment) Regulations) implications.

107. Nottinghamshire County Council has taken on the role of the appointing body for the short-term contracts for the interim senior team and for the appointments to enable the CCA to prepare for taking on Adult Education Budget responsibilities in 2025. The latter appointments are expected to transfer to the EMCCA once established whilst the interim team contracts were short term, pending permanent appointments to be made by the EMCCA once established. All interims who are currently in place to make preparations for the shadow authority and EMCCA, are contracted directly with our recruitment partner Tile Hill. Their contractual position will remain as such while the preparations continue. When EMCCA becomes a legal entity, structures and roles will be created within that body and appointed to following standard recruitment policies and processes.

Implications in relation to the NHS Constitution

108. The proposed EMCCA will work closely with the NHS. The EMCCA will complement and support actions already being taken by Constituent Councils to improve people's health and well-being across the Area, using powers under the NHS Act 2006. The EMCCA will ensure that improving and protecting the public's health is a central consideration in everything it does, including in environmental considerations, planning, regeneration and transport activity.

Public Sector Equality Duty implications

109. In coming to a decision, the Council should also have regard to the Public Sector Equality Duty (PSED) under the Equality Act 2010. The PSED requires public authorities to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 (section 149(1a)).
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1b)). This involves having due regard to the need to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic (section 149(3)(a));
 - or take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(3)(b)); and
 - or encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low (section 149(3)(c))

110. An Equality Impact Assessment (EIA) was completed on the final Proposal approved by the Council on 30 March 2023. The EIA examined the possible equalities impacts arising from the Proposal. The EIA recognised that the Proposal has the potential to provide significant benefits to all communities, but specifically for people from the protected characteristic groups and deprived communities (EIA).

111. In proceeding with the next stage of the process to establish the EMCCA a key consideration is that the new EMCCA will become subject to the Public Sector Equality Duty under the Equality Act 2010 this will require the EMCCA to set equality objectives, publish annual equalities information and have due regard for equality matters when carrying out its functions, making decisions and delivering projects and programmes.

112. The EIA action plan set out that the EMCCA should give early thought to how it can begin to meet these and other duties, especially as it further develops its priorities, becomes established and finalises its workstreams and Board composition.
113. As the Regulations is an enabling piece of legislation and therefore does not significantly change the Proposal it is not considered necessary, at this stage, to either amend the existing EIA or carry out further Equality Analysis as the Action Plan and resulting mitigations remain unaltered.

Care Experienced People

114. The proposal should specifically impact positively on care experienced people and it would be expected that significant focus is placed, especially within skills related activities, and housing, on improving opportunities for care experienced people. There is a potential for the proposed EMCCA to be formed and high-profile projects to be developed but care experienced people to miss out on the potential benefits.

Armed Forces

115. Given the commitment of the constituent councils to the Armed Forces Covenant and the recent introduction of the Armed Forces Public Duties, it is anticipated the proposed EMCCA should consider how it can both engage this community and ensure that within its functions it takes account of the duties, especially those relating to employment and housing. There are no actual or potential negative outcomes or impacts envisaged for Armed Forces/ex-Armed Forces personnel from the establishment of the EMCCA or if detailed projects and programmes properly consider the Armed Forces duties and make provision for them.

Implications for Residents

116. The establishment of an EMCCA would result in a significant uplift in the powers and funding available to the area as set out in this report. Further details of how the EMCCA would operate and be funded are set out within the main body of the report.
117. One of the stated outcomes of the EMCCA is to reduce inequality and promote social mobility to allow people to achieve their potential. The Proposal identified relevant geographic and demographic disparities across the area, in terms of health, educational attainment, skills, housing and life chances, reflecting the varied levels of deprivation and diverse rural /urban landscape. The EMCCA will ensure there is a fair and proportionate investment pipeline, that is balanced in terms of equity across the area, whilst delivering improved outcomes and value for money from the investment.

Implications for Sustainability and the Environment

118. The decisions set out in the report to create the EMCCA and approve the Regulations will not directly affect carbon emissions in a material way. The EMCCA will develop its own plans and strategies to reduce carbon emissions which will be subject to its own approval processes and approaching the issues from a wider strategic and geographic position may beneficially

impact the development of more consistent and measurable carbon reduction measures. Climate and sustainability impact will be considered as part of specific proposals.

RECOMMENDATION/S

That Council:

- 1) agrees to the creation of the East Midlands Combined County Authority with the Council as a constituent member
- 2) consents to the making of the East Midlands Combined County Authority Regulations 2023 as required by section 46(1)(d) of the Levelling Up and Regeneration Act 2023
- 3) delegates authority to the Chief Executive to approve any technical amendments to the East Midlands Combined County Authority Regulations 2023, which the Chief Executives of the other three Councils also agree to, on behalf of Nottinghamshire County Council. This delegation is to be exercised in consultation with the Leader of the Council; and,
- 4) approves the appointment of Melbourne Barrett, Returning Officer of Nottingham City Council as the first combined county authority returning officer for the proposed East Midlands Combined County Authority, subject to the passing of the amendments to article 6A(1) of the Combined Authorities (Mayoral Elections) Order 2017 as applied by article 12 of the Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2023.

Councillor Ben Bradley MP

For any enquiries about this report please contact: Adrian Smith, Chief Executive Nottinghamshire County Council, Tel: 0115 9773582

Constitutional Comments (HD 28/11/23)

The legal and other implications are set out in the body of the report and Council must have due regard to all the information within the report and its appendices as well as the EIA in reaching its decision. Full Council has the authority to determine the recommendations set out in the report.

Financial Comments (NS 29/11/23)

The report sets out the financial commitments and financial risks to the constituent councils, including the mayoral election costs, general budget setting and the transitioning arrangements for transport budgets with the ultimate levy to cover these costs. The report indicates that no additional budget provisions will be required from the constituent councils. However, in the event the EMCCA requires additional funding to enable a balanced budget to be set or to offset any in year overspends there will be an equal risk share agreement between the four Constituent Councils.

HR Comments (HG 29/11/23)

The HR implications are set out in this report. The engagement and consultation referred to will include our recognise Trade Unions at the appropriate time as needed. Any additional posts required further to this report as part of the set-up of the CA will require relevant approval to confirm the arrangements including funding.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- East Midlands Combined County Authority Proposal – March 2023
- Levelling Up the United Kingdom - GOV.UK (www.gov.uk)
- East Midlands devolution deal - GOV.UK (www.gov.uk)
- Full Council 30 March 2023 – Devolution Deal – Consideration of Consultation Responses and submission of the East Midlands Combined County Authority Proposal to Government
- Full Council 4 November 2022 – Devolution Deal – draft proposal for an East Midlands Combined County Authority
- £18m of funding for local transport, housing and skills programmes as part of Devolution plans – East Midlands Devolution

Electoral Division(s) and Member(s) Affected

- All

DRAFT STATUTORY INSTRUMENTS

2023 No.

HEALTH, ENGLAND

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

**The East Midlands Combined County Authority Regulations
2023**

Made - - - -

Coming into force in accordance with regulation 1(1) and (2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 9(1), 10, 13(1), 16(1), 18(1) and (3), 19(1), (2), (3) and (7), 27, 30(1), (7), (9) and (10), 32(1) to (4), 53(1), 54, 252(1) and (2) of and paragraph 3 of Schedule 2 to the Levelling-up and Regeneration Act 2023^(a) (“the 2023 Act”).

The Secretary of State, having had regard to a proposal prepared and published under section 45 of the 2023 Act, considers that—

(a) the making of these Regulations is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area to which the Regulations relate,

(b) the making of these Regulations will achieve the purposes specified under section 45(7) of the 2023 Act, and

(c) any consultation required by section 45(4) of the 2023 Act has been carried out.

In making these Regulations, the Secretary of State has had regard to the need to secure effective and convenient local government and to the need to reflect the identities and interests of local communities^(b).

^(a) 2023 c. 55.

^(b) Section 46(1)(b) of the 2023 Act requires the Secretary of State, when making regulations to establish a combined county authority, to have regard to these matters.

In accordance with sections 10(8), 16(2)(a), 18(6)(a), 20(2)(b) and 46(1)(d) of the 2023 Act, the councils of the local government areas of Derby City, Derbyshire, Nottingham, and Nottinghamshire have consented to the making of these Regulations.

In accordance with section 20(6) of the 2023 Act the Secretary of State has laid before Parliament a report explaining the effect of these Regulations and why the Secretary of State considers it appropriate to make these Regulations.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 252(4) of the 2023 Act.

Accordingly, the Secretary of State makes the following Regulations:

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the East Midlands Combined County Authority Regulations 2023.

(2) Save as provided in paragraph (3) these Regulations come into force on the day after the day on which they are made.

(3) Part 8 of these Regulations comes into force on 7th May 2024.

Interpretation

2. In these Regulations—

“the 1980 Act” means the Highways Act 1980(a);

“the 1985 Act” means the Housing Act 1985(b);

“the 1989 Act” means the Local Government and Housing Act 1989(c);

“the 1990 Act” means the Town and Country Planning Act 1990(d);

“the 1999 Act” means the Greater London Authority Act 1999(e);

“the 2000 Act” means the Transport Act 2000(f);

“the 2003 Act” means the Local Government Act 2003(g);

“the 2004 Act” means the Traffic Management Act 2004(h);

“the 2006 Act” means the National Health Service Act 2006(i);

“the 2008 Act” means the Housing and Regeneration Act 2008(j);

“the 2011 Act” means the Localism Act 2011(k);

“the 2023 Act” means the Levelling-up and Regeneration Act 2023(a);

(a) 1980 c. 66.

(b) 1985 c. 68.

(c) 1989 c. 42.

(d) 1990 c. 8.

(e) 1999 c. 29.

(f) 2000 c. 38.

(g) 2003 c. 26.

(h) 2004 c. 18.

(i) 2006 c. 41.

(j) 2008 c. 17.

(k) 2011 c. 20.

“the Area” means the area consisting of the areas of the constituent councils;

“the BRS Act” means the Business Rate Supplements Act 2009^(b);

“the Combined County Authority” means the East Midlands Combined County Authority as constituted by regulation 3;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, as modified by Schedule 3, following the designation of an area of land by the Combined County Authority;

“constituent councils” means the councils for the local government areas of Derby City, Derbyshire, Nottingham, and Nottinghamshire;

“district councils” means the councils for the local government areas of Amber Valley, Ashfield, Bassetlaw, Bolsover, Broxtowe, Chesterfield, Derbyshire Dales, Erewash, Gedling, High Peak, Mansfield, Newark and Sherwood, North East Derbyshire, Rushcliffe, and South Derbyshire;

“election for the return of the mayor” means an election held pursuant to regulation 5 of these Regulations;

“highway authority” and “local highway authority” have the same meaning as in sections 1 to 3 and 329(1) of the 1980 Act^(c);

“the ordinary day of election”, in relation to any year means the day which is the ordinary day of election in that year of councillors for counties in England and districts as determined in accordance with section 37 of the Representation of the People Act 1983^(d);

“Mayor” means the mayor for the Area, except in the term “Mayor of London”; and

“the transition period” means the period beginning with the day on which this regulation comes into force and ending with 31st March 2026.

PART 2

Establishment of a combined county authority for East Midlands

Establishment

3.—(1) There is established a combined county authority for the Area.

(2) The combined county authority is to be a body corporate and is to be known as the East Midlands Combined County Authority.

(3) The functions of the Combined County Authority are those functions conferred or imposed upon it by these Regulations or by any other enactment (whenever passed or made), or as may be delegated to it by or under these Regulations or any other enactment (whenever passed or made).

(a) 2023 c. 55.

(b) 2009. c. 7.

(c) Section 1 was amended by the Local Government Act 1985 (c. 51), paragraph 1 of Schedule 4 and Schedule 17, the New Roads and Street Works Act 1991 (c. 22), section 21(2), the Local Government (Wales) Act 1994 (c. 19), paragraph 1(2) and (3) of Schedule 7, the Greater London Authority Act 1999, section 259(1) to (3) and the Infrastructure Act 2015 (c. 7), paragraph 2 of Schedule 7. Section 2 was amended by the New Roads and Street Works Act 1991, section 21(3), the Greater London Authority Act 1999, section 259(4) and (5) and the Infrastructure Act 2015, paragraph 3 of Schedule 7. Section 3 was amended by the Infrastructure Act 2015, paragraph 4 of Schedule 7. Section 329(1) was amended by the Infrastructure Act 2015, paragraph 60(2) of Schedule 1. There are other amendments to section 329 that are not relevant to these Regulations.

(d) 1983 c. 2. Section 37 was amended by section 18(2) of the Representation of the People Act 1985 (c. 50), renumbered by paragraph 5 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), and further amended by section 6(16) of the Wales Act 2017 (c. 4) and by S.I. 2018/1310.

Constitution

4. Schedule 1 (which makes provision about the constitution of the Combined County Authority) has effect.

PART 3

Election of Mayor

Election of Mayor

- 5.—(1) There is to be a mayor for the Area.
- (2) The first election for the return of a mayor for the Area is to take place on 2nd May 2024.
- (3) Subsequent elections for the return of a mayor for the Area are to take place—
- (a) on the ordinary day of election in 2028, and
 - (b) in every fourth year thereafter on the same day as the ordinary day of election.
- (4) The term of office of the mayor returned at an election for the return of a mayor for the Area—
- (a) begins with 7th May 2024, and
 - (b) ends with the third day after the day of the poll at the next election for the return of a mayor for the Area.

Political adviser

- 6.—(1) The Mayor may appoint one person as the Mayor's political adviser.
- (2) Any appointment under paragraph (1) is an appointment as an employee of the Combined County Authority.
- (3) No appointment under paragraph (1) may extend beyond—
- (a) the term of office for which the Mayor who made the appointment was elected; or
 - (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.
- (4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.
- (5) Section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups)(a), apply in relation to an appointment under paragraph (1) as if—
- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
 - (b) the Combined County Authority were a relevant authority for the purposes of that section.
- (6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words from “and that the appointment terminates” to the end of that subsection were omitted.

(a) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 and by S.I. 2001/2237. There are other amendments not relevant to these Regulations.

PART 4

Housing, regeneration and planning

Conferral of functions corresponding to functions that the HCA has in relation to the Area

7.—(1) The functions of the Homes and Communities Agency (“HCA”) which are specified in the following provisions of the 2008 Act are to be functions of the Combined County Authority that are exercisable in relation to the Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)(a);
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc), and
- (j) paragraphs 1, 2, 3, 4, 6 (extinguishment or removal powers for the HCA), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4.

(2) The Combined County Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to, the objectives of —

- (a) improving the supply and quality of housing in the Area;
- (b) securing the regeneration or development of land or infrastructure in the Area;
- (c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the Area,

with a view to meeting the needs of people living in the Area.

(3) The functions described in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(5) The exercise of the function at section 9(2) of the 2008 Act referred to at sub-paragraph (e) of paragraph (1) is subject to the condition set out in regulation 9 (condition on the exercise of the functions conferred by regulations 7 and 8).

Acquisition and appropriation of land for planning and public purposes

8.—(1) The functions of the constituent councils and of the district councils specified in the following provisions as applied by regulation 10(2) to (5) are exercisable by the Combined County Authority in relation to the Area—

- (a) section 8 of the 1985 Act (periodical review of housing needs)(a);

(a) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015.

- (b) section 11 of the 1985 Act (provision of board and laundry facilities)(b);
- (c) section 12 of the 1985 Act (provision of shops, recreation grounds, etc)(c);
- (d) section 17 of the 1985 Act (acquisition of land for housing purposes)(d), and
- (e) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes);
- (f) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(e);
- (g) section 227 of the 1990 Act (acquisition of land by agreement);
- (h) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (i) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (j) section 232 of the 1990 Act (appropriation of land held for planning purposes);
- (k) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(f);
- (l) section 235 of the 1990 Act (development of land held for planning purposes);
- (m) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(g);
- (n) section 238 of the 1990 Act (use and development of consecrated land);
- (o) section 239 of the 1990 Act (use and development of burial grounds);
- (p) section 241 of the 1990 Act (use and development of open spaces),

(2) The functions specified in paragraph (1) are exercisable concurrently with the constituent councils and with the district councils.

(3) The exercise of the functions referred to at sub-paragraphs (a) and (o) of paragraph (1) are subject to the condition set out in regulation 9.

Condition on the exercise of the functions conferred by regulations 7 and 8

9. The exercise of the functions conferred by regulations 7 and 8 in section 17 of the 1985 Act (insofar as this function is exercised for the compulsory purchase of land), section 9(2) of the 2008 Act and section 226 of the 1990 Act by the Combined County Authority requires the consent of—

- (a) the lead member for any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member;
- (b) each district council whose local government area contains any part of the land subject to the proposed compulsory acquisition; and
- (c) the Peak District National Park Authority if the Combined County Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park,

to be provided at a meeting of the Combined County Authority.

(a) Section 8 was amended by paragraph 62 of Schedule 11 to the 1989 Act and section 124 of the Housing and Planning Act 2016 (c. 22).

(b) Section 11 was amended by section 198 of and paragraph 103 of Schedule 6 to the Licensing Act 2003 (c. 17).

(c) Section 12 was amended by S.I. 2010/844.

(d) Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).

(e) Section 226 was amended by sections 79, 99 and 120 of, paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the 2004 Act.

(f) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).

(g) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).

Application of certain provisions of the 1985 Act, the 1990 Act and the 2008 Act

10.—(1) This regulation has effect in consequence of regulations 7 and 8.

(2) The provisions set out in section 17 of the 1985 Act (acquisition of land for housing purposes) apply to the Combined County Authority as they apply to a local housing authority within the meaning of section 1 of the 1985 Act.

(3) For the purposes of regulation 8(1)(o) and (p) the Combined County Authority is to be treated as a local housing authority for the Area(a).

(4) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined County Authority and land which has been vested in or acquired by the Combined County Authority for planning and public purposes as it applies to a local planning authority and land vested in or acquired by a local planning authority for planning and public purposes.

(5) Chapters 1 and 2 of Part 1 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined County Authority to acquire land for housing and infrastructure as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2 to these Regulations.

(6) In this regulation “local planning authority” has the meaning given by section 336(1) of the 1990 Act.

PART 5

Mayoral development corporation

Mayoral development corporation

11.—(1) The Combined County Authority has, in relation to the Area, functions corresponding to the functions described in the provisions in the 2011 Act referred to in paragraph (2) that the Mayor of London has in relation to Greater London.

(2) The provisions in the 2011 Act referred to in paragraph (1) are—

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation)(b);
- (d) section 202 (functions in relation to town and country planning);
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);
- (h) section 216 (transfers of property, rights and liabilities)(c);
- (i) section 217 (dissolution: final steps);
- (j) section 219 (guidance by the Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);

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- (a) In section 1 of the 1985 Act “local housing authority” means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council or the Council of the Isles of Scilly.
 - (b) Section 200 was amended by section 151(1) of, and paragraphs 174 and 178 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014 (c. 14).
 - (c) Section 216(4) was amended by section 151(1) of, and paragraphs 174 and 179 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014.

- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

Application of provisions in the 2011 Act

12.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined County Authority as it applies in relation to the Mayor of London, with the modifications made by Schedule 3.

(2) Chapter 2 of Part 8 of the 2011 Act applies in relation to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by Schedule 3.

(3) Subject to paragraph (6), in any enactment (whenever passed or made)—

- (a) any reference to a Mayoral development corporation; or
- (b) any reference which falls to be read as a reference to a Mayoral development corporation,

is to be treated as including a reference to a Corporation.

(4) For the purposes of any transfer scheme relating to a Corporation under any provisions of the 2011 Act applied with modifications by these Regulations, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 17, 200(1) or (4) or 216(1)) applies in relation to—

- (a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme; or
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities to or from a Corporation in accordance with such a transfer scheme,

as it applies in relation to a Mayoral development corporation.

(5) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State under sections 199(4) (exclusion of land from Mayoral development areas), 202(8) (decisions about planning functions), or 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act or in relation to the transfer of land to or from a Corporation under any provision of the 2011 Act, applied with modifications by these Regulations, section 235 of the 2011 Act (orders and regulations) applies in relation to—

- (a) the power of a Minister of the Crown to make an order under sections 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and
- (b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

as it applies in relation to the establishment of a Mayoral development corporation, giving the corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4), 202(8) and 214(6) of the 2011 Act) or in relation to the transfer of land to or from a Mayoral development corporation.

(6) Paragraph (3) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(a);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(a);

(a) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.

- (c) section 38 of the 1999 Act (delegation)(b);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(c);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(d);
- (f) section 73 of the 1999 Act (monitoring officer)(e);
- (g) section 403B of the 1999 Act (acquisition of land by MDC and TfL for shared purposes)(f);
- (h) section 424 of the 1999 Act (interpretation)(g);
- (i) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(h); and
- (j) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(i).

(7) In this regulation “transfer scheme” means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

Mayoral development corporation: incidental provisions

13.—(1) The following provisions of the 1989 Act apply in relation to a Corporation as if it were a local authority—

- (a) section 1 (disqualification and political restriction of certain officers and staff)(j), and
- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of section 1.

(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(k) applies in relation to the Combined County Authority as if a Corporation were a committee of the Combined County Authority.

(3) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation as if—

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- (a) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 and by S.I. 2012/1530.
 - (b) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, section 28 of the Growth and Infrastructure Act 2013 (c. 27) and article 2 of S.I. 2012/1530.
 - (c) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and amended by section 224 of the Planning Act 2008 (c. 29), section 20 of the Police Reform and Social Responsibility Act 2011, paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and articles 1, 2 and 36 of S.I. 2008/2038.
 - (d) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
 - (e) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007, paragraphs 36 and 38 of Schedule 19, paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20) and paragraphs 1 and 5 of Part 1 to the Schedule to S.I. 2000/1435.
 - (f) Section 403B was inserted by section 36(1) and (2) of the Neighbourhood Planning Act 2017.
 - (g) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007, section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
 - (h) 2004 c. 5. Section 24 was amended by paragraph 15 of Schedule 5 and paragraph 1 of Part 4 of Schedule 7 to the Local Democracy, Economic Development and Construction Act 2009 and by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.
 - (i) 2008 c. 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the 2011 Act.
 - (j) Section 1 was amended by section 80 of the Local Government Act 1972 (c. 70), Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by section 123 of and paragraph 61 of Schedule 1 to the Policing and Crime Act 2017 (c. 3).
 - (k) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates’ Courts Act 1994 (c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22), paragraph 14 of Part 2 to Schedule 12 and Part 14 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, sections 6 and 9 of and paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017 and articles 1(2), 2(1) and 23(1)(a) to (f) of SI 2001/2237.

- (a) each reference to a functional body were a reference to a Corporation;
- (b) each reference to the Greater London Authority were a reference to the Combined County Authority;
- (c) each reference to the Mayor of London were a reference to the Mayor; and
- (d) subsection (7) were omitted.

PART 6

Transport

Local transport functions under the Transport Act 1985

14.—(1) The functions of the constituent councils specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985^(a) are exercisable by the Combined County Authority in relation to the Area.

(2) Subject to paragraph (3), the functions specified in—

- (a) sections 57 to 62; and
- (b) sections 80 to 87,

of the Transport Act 1985 are exercisable by the Combined County Authority instead of by the constituent councils.

(3) During the transition period the functions mentioned in paragraph (2) are exercisable by the Combined County Authority concurrently with the constituent councils.

(4) Subject to paragraph (5), the functions specified in—

- (a) sections 63 and 64;
- (b) sections 65 to 71;
- (c) sections 72 to 76;
- (d) sections 78 and 79;
- (e) sections 88 to 92;
- (f) sections 93 to 101;
- (g) sections 103 to 105; and
- (h) sections 106 and 106A^(b),

of the Transport Act 1985 are exercisable by the Combined County Authority concurrently with the constituent councils.

(5) Any exercise of the functions mentioned in paragraph (4)(a), (d) and (f) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Local transport functions under the Transport Act 2000

15.—(1) The functions of the constituent councils as local transport authorities specified in Part 2 of the 2000 Act (local transport) are exercisable by the Combined County Authority in relation to the Area.

(2) Subject to paragraphs (3) to (5), the functions specified in—

- (a) sections 108 and 109^(c);

(a) 1985 c. 67.

(b) Section 106A was inserted by section 27 of the Local Government and Rating Act 1997 (c. 29).

(c) Section 108 was amended by section 3 of and paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c. 5); sections 7 to 9, 77 and 131 of and paragraphs 41 and 42 of Schedule 4 to and Part 1 of Schedule 7 to the Local Transport Act 2008; and by section 119 and paragraph 96 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009. Section 109 was amended by section 3 of and paragraph 3 of the Schedule to the Transport (Wales)

- (b) sections 112 and 113;
- (c) sections 113C to 123(a);
- (d) sections 123A to 123X(b);
- (e) sections 138A to 143B(c); and
- (f) sections 152 to 162,

of the 2000 Act are exercisable by the Combined County Authority instead of by the constituent councils.

(3) During the transition period—

- (a) the exercise of the functions mentioned in paragraph (2)(a) and (b) by the Combined County Authority requires a unanimous vote in favour by all members of the Combined County Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined County Authority;
- (b) the functions mentioned in paragraph (2)(c) to (f) are exercisable by the Combined County Authority concurrently with the constituent councils.

(4) The functions mentioned in paragraph (2)(a) and (b) are subject to the following modifications—

- (a) in section 108(1)(b), the reference to “those policies” is a reference to the policies developed under section 108(1)(a) of the 2000 Act;
- (b) in section 108(3B), the reference to “their plan” is a reference to the local transport plan prepared under section 108(3); and
- (c) in section 109(4), the reference to “their local transport plan” is a reference to the local transport plan prepared under section 108(3),

in accordance with the functions conferred on the Combined County Authority by paragraph (1) of this regulation.

(5) Any exercise of the functions mentioned in paragraph (2)(d) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

(6) The functions specified in—

- (a) sections 134C to 138(d);
- (b) section 145A(e);
- (c) section 146; and
- (d) sections 148 to 150,

of the 2000 Act, are exercisable by the Combined County Authority concurrently with the constituent councils.

Agreements between authorities and strategic highways companies

16.—(1) The following functions are exercisable by the Combined County Authority in relation to the Area—

- (a) the functions of the constituent councils specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc) (a);

Act 2006, section 9 of the Local Transport Act 2000, and by section 119 of and paragraph 97 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009. Section 112 was amended by sections 10, 11 and 131 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 222 of and paragraph 48 of Schedule 26 to the Equality Act 2010.

- (a) Sections 113C to 113O were inserted by section 1 of the Bus Services Act 2017 (c. 21).
- (b) Sections 123A to 123X were inserted by section 4 of the Bus Services Act 2017.
- (c) Sections 138A to 138S were inserted by section 9 of the Bus Services Act 2017. Sections 141A, 143A and 143B were inserted by sections 18(1), 5 and 10 (respectively) of that Act.
- (d) Sections 134C to 134G were inserted by section 7 of the Bus Services Act 2017.
- (e) Section 145A was inserted by section 1 of the Concessionary Bus Travel Act 2007 (c. 13).

- (b) the functions of the constituent councils as local highway authorities specified in section 8 of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works) **(b)**.

(2) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.

(3) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Civil enforcement of road traffic contraventions

17.—(1) The functions of the constituent councils as enforcement authorities specified in the following enactments are exercisable by the Combined County Authority in relation to the enforcement area comprising the civil enforcement areas of the constituent councils—

- (a) Part 6 (civil enforcement of road traffic contraventions) of, and paragraph 10 (designation of civil enforcement areas for moving traffic contraventions) of Schedule 8 (civil enforcement areas and enforcement authorities outside Greater London) to, the 2004 Act;
- (b) the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022**(c)**;
- (c) the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022**(d)**.

(2) The functions are exercisable by the Combined County Authority (in relation to the enforcement area) concurrently with each constituent council (in relation to its civil enforcement area).

(3) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

(4) In this regulation—

- (a) “civil enforcement area” means an area designated as a civil enforcement area under Part 2 of Schedule 8 to the 2004 Act (civil enforcement areas and enforcement authorities outside Greater London) which falls within the Area;
- (b) “enforcement area” means the area comprising the civil enforcement areas of the constituent councils;
- (c) “enforcement authority” means an enforcement authority for the purposes of Part 6 of the 2004 Act pursuant to paragraph 10(5) of Schedule 8 to that Act.

Workplace parking levy

18.—(1) The functions of the constituent councils as licensing authorities specified in the following enactments are exercisable by the Combined County Authority in relation to the Area—

- (a) Chapters 2 and 3 of Part 3 of the 2000 Act (workplace parking levy);
- (b) the Workplace Parking Levy (England) Regulations 2009**(e)**.

(2) The functions mentioned in paragraph (1) are exercisable by the Combined County Authority concurrently with the constituent councils.

(3) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the function is to be exercised.

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- (a) Section 6 was amended by paragraph 4 of Schedule 4 to the Local Government Act 1985 (c. 51), by paragraph 2 of Schedule 7 to the Local Government (Wales) Act 1994 (c. 19), by paragraph 7 of Schedule 1 to the Infrastructure Act 2015 (c. 7), and by S.I. 1995/1986.
 - (b) Section 8 was amended paragraph 5 of Schedule 4 to the Local Government Act 1985, by paragraph 3 of Schedule 7 to the Local Government (Wales) Act 1994, and by paragraph 8 of Schedule 1 to the Infrastructure Act 2015.
 - (c) S.I. 2022/71, amended by S.I. 2022/686.
 - (d) S.I. 2022/576.
 - (e) S.I. 2009/2085.

(4) In paragraph (1), “licensing authority” has the meaning given by section 178(6)(a) of the 2000 Act (preliminary).

Grants to bus service operators

19.—(1) Subject to paragraphs (2) to (4), the function of the Secretary of State set out in section 154(1) of the 2000 Act (grants to bus service operators) is exercisable by the Combined County Authority in relation to the Area.

(2) For the purpose of paragraph (1), section 154 of the 2000 Act has effect as if—

- (a) in subsection (1), “with the approval of the Treasury (as respects England)” were omitted; and
- (b) in subsection (3), for “with the approval of the Treasury (as respects England)” there were substituted “and notified to the Combined County Authority”.

(3) Grants made under paragraph (1) must be calculated in accordance with such method as may be provided by any regulations made by the Secretary of State by virtue of section 154(2) of the 2000 Act

(4) Grants must not be made under paragraph (1) to the extent that eligible bus services operate outside the Area.

(5) The function mentioned in paragraph (1) is exercisable concurrently with the Secretary of State in relation to the Area.

(6) Any exercise by the Combined Authorities of the functions conferred by paragraph (4), “eligible bus services” has the meaning given by section 154(5) of the 2000 Act.

Permit schemes

20.—(1) The functions of the constituent councils as local highway authorities specified in the following provisions of the 2004 Act are exercisable by the Combined County Authority in relation to the Area—

- (a) section 33 (preparation of permit schemes)(a);
- (b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(b);
- (c) section 36 (variation and revocation of permit schemes)(c).

(2) The functions of the constituent councils as Permit Authorities specified in the 2007 Regulations are exercisable by the Combined County Authority in relation to the Area.

(3) The functions mentioned in paragraphs (1) and (2) are exercisable by the Combined County Authority concurrently with the constituent councils.

(4) Part 3 of the 2004 Act (permit schemes) applies in relation to the preparation, implementation, variation and revocation of permit schemes by the Combined County Authority as it applies in relation to the preparation, implementation, variation and revocation of permit schemes by a constituent council as a local highway authority, subject to the modifications in Schedule 4 to these Regulations.

(5) References in the 2007 Regulations to a Permit Authority are to be read as including references to the Combined County Authority.

(6) Any exercise of the functions conferred by paragraphs (1) and (2) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

(7) In this regulation—

(a) Section 33 was amended by paragraph 5 of Schedule 10 to the Deregulation Act 2015 (c. 20).
(b) Section 33A was inserted by paragraph 6 of Schedule 10 to the Deregulation Act 2015.
(c) Section 36 was substituted by paragraph 8 of Schedule 10 to the Deregulation Act 2015.

- (a) “the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007^(a);
- (b) “Permit Authority” has the same meaning as in regulation 2(1) of the 2007 Regulations; and
- (c) “permit scheme” is to be construed in accordance with section 32 of the 2004 Act (meaning of “permit schemes”).

Power to pay grant

21.—(1) The functions of a Minister of the Crown specified in section 31 of the 2003 Act (power to pay grant) are functions of the Combined County Authority that are exercisable in relation to the Area.

(2) The functions are exercisable by the Combined County Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, further to the exercise of any function referred to in paragraph (1), the Combined County Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highway functions.

(4) In determining the amount referred to in paragraph (3), the Combined County Authority must have regard to the desirability of ensuring that the constituent council has sufficient funds to facilitate the effective discharge of the functions referred to in paragraph (3).

(5) To comply with paragraph (4), the Combined County Authority must take into account any other sources of funding available to the constituent council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

(6) For the purposes of the exercise by the Combined County Authority of the functions specified in paragraph (1), section 31 of the 2003 Act has effect as if—

- (a) in subsection (1)—
 - (i) the reference to a Minister of the Crown were a reference to the Combined County Authority;
 - (ii) the reference to a local authority in England were a reference to a constituent council;
- (b) subsection (2) were omitted;
- (c) in subsections (3) and (4), the references to the person paying the grant were references to the Combined County Authority;
- (d) subsection (6) were omitted.

(7) In this regulation “highway functions” means functions exercisable by a constituent council (in whatever capacity) in relation to the highways for which it is the highway authority.

PART 7

Health functions

Public health functions

22.—(1) Section 2B(1) of the 2006 Act (functions of local authorities and Secretary of State as to improvement of public health)^(b) applies to the Combined County Authority as it applies to the constituent councils.

(a) S.I. 2007/3372, amended by S.I. 2015/958, S.I. 2020/122 and S.I. 2022/831.

(b) Section 2B was inserted by section 12 of the Health and Social Care Act 2012 (c. 7).

(2) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

Duty to have regard to documents and guidance

23. Subsection (1) of section 73B of the 2006 Act (exercise of public health functions of local authorities: further provision)(a) applies to the Combined County Authority as it applies to the constituent councils in the exercise of the functions mentioned in subsection (2) of that section.

Application of section 75 of the 2006 Act

24.—(1) Save as provided by section 75(7G) to (7J)(b), section 75 of the 2006 Act (arrangements between NHS bodies and local authorities), and regulations made under that section before the coming into force of these Regulations, apply to the Combined County Authority in the exercise of its public health functions as those provisions apply to the constituent councils.

(2) But where the Combined County Authority enters into prescribed arrangements by virtue of section 75(7I) and (7J) of the 2006 Act, and is thus treated as an NHS body in relation to those prescribed arrangements, it may not enter into those same prescribed arrangements in relation to the exercise of its public health functions, unless, and to the extent that, it is permitted to do so by regulations made under section 75(1) of the 2006 Act.

(3) In this regulation—

- (a) “NHS body” is to be construed in accordance with sections 75(8) and 275 of the 2006 Act (c);
- (b) “prescribed arrangements” is to be construed in accordance with section 75 of the 2006 Act;
- (c) “public health functions” means functions exercisable by virtue of regulation 22 of these Regulations.

Duty to have regard to NHS Constitution

25.—(1) Section 2(1) of the Health Act 2009 (duty to have regard to NHS Constitution)(d) applies to the Combined County Authority in the exercise of any health service function as it applies to the constituent councils in the exercise of any health service function.

(2) In paragraph (1), “health service function” has the meaning given by section 2(3) of the Health Act 2009(e).

PART 8

Mayoral functions

Functions exercisable only by the Mayor

26.—(1) The following functions of the Combined County Authority are general functions exercisable only by the Mayor—

-
- (a) Section 73B was inserted by section 31 of the Health and Social Care Act 2012 (c. 7) and amended by paragraph 9 of Schedule 9 to the Health and Care Act 2022 (c. 31).
 - (b) Section 75(7A) to (7F) were inserted by paragraph 6 of Schedule 4 to the Cities and Local Government Devolution Act 2016 (c. 1) and subsection (7B) was amended by section 71(3) of the Health and Care Act 2022. Section 75(7G) to (7J) were inserted by paragraph 168 of Schedule 4 to the Levelling-up and Regeneration Act 2023.
 - (c) The definition of “NHS body” in section 275 was inserted by paragraph 138 of Schedule 4 to the Health and Social Care Act 2012 and amended by paragraph 11(b) of Schedule 1 and paragraph 132(d) of Schedule 4 to the Health and Care Act 2022.
 - (d) 2009 c. 21. Section 2(1) was amended by paragraph 175(2) of Schedule 5 to the Health and Social Care Act 2012.
 - (e) Section 2(3) was amended by paragraphs 174(b) and 175(4) of Schedule 5 to the Health and Social Care Act 2012.

- (a) section 17(3) of the 1985 Act;
- (b) section 226 of the 1990 Act;
- (c) sections 108 (local transport plans), 109 (further provision about plans: England), 112 (plans and strategies: supplementary) and 154(1) (grants to bus service operators) of the 2000 Act^(a);
- (d) section 31 of the 2003 Act;
- (e) section 9(2) of the 2008 Act;
- (f) in relation to the functions conferred by regulation 29 (conferral of Business Rate Supplements functions), the BRS Act;
- (g) sections 197, 199, 200, 202, 204, 214 to 217 and 219 to 221 of, and paragraphs 1 to 4, 6 and 8 of Schedule 21 to, the 2011 Act.

(2) Any exercise by the Mayor of the general functions mentioned in paragraph (1) which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.

(3) The Combined County Authority may agree with the Mayor consent requirements relating to the exercise by the Mayor of the general functions mentioned in paragraph (1).

(4) Any exercise by the Mayor of the functions corresponding to the functions contained in section 17(3) of the 1985 Act (acquisition of land for housing purposes), section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes) section 9(2) of the 2008 Act (acquisition of land), and section 197(1) of the 2011 Act (designation of Mayoral development areas) requires the consent of—

- (a) the lead member for any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member,
- (b) each district council whose local government area contains any part of the area to be designated as a Mayoral development area, and
- (c) the Peak District National Park Authority if the Combined County Authority proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.

(5) Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) of the 2011 Act (exclusion of land from Mayoral development areas) in respect of any Mayoral development area requires the consent of each member of the Combined County Authority designated under paragraph 1(3) of Schedule 1 by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area or substitute members acting in place of those members.

(6) Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of—

- (a) the lead members of the Combined County Authority designated under paragraph 1(3) of Schedule 1 whose local government area contains any part of the area to be designated as a Mayoral development area or substitute members acting in place of those members,
- (b) each district council whose local government area contains any part of the area to be designated as a Mayoral development area, and

(a) 2000 c. 38. Section 108 was amended by CAs with MDC functions have the NPA consent requirement (e.g. West Yorkshire).section 3 of and paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c. 5); sections 7 to 9, 77 and 131 of and paragraphs 41 and 42 of Schedule 4 to and Part 1 of Schedule 7 to the Local Transport Act 2008; and by section 119 and paragraph 96 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009. Section 109 was amended by section 3 of and paragraph 3 of the Schedule to the Transport (Wales) Act 2006, section 9 of the Local Transport Act 2000, and by section 119 of and paragraph 97 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009. Section 112 was amended by sections 10, 11 and 131 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 222 of and paragraph 48 of Schedule 26 to the Equality Act 2010.

- (c) the Peak District National Park Authority if the Combined County Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park.

(7) In respect of the exercise of the functions conferred by sections 108, 109 and 112 of the 2000 Act—

- (a) the Mayor must consult the Combined County Authority; and
- (b) the members of the Combined County Authority may amend plans made pursuant to sections 108, 109, and 112 of the 2000 Act if agreed by a two thirds majority of the members, or substitute members acting in their place, of the Combined County Authority present and voting on the question at a meeting of the authority.

(8) For the purpose of paragraphs (2), (4)(a), (5), (6)(a), and (7) the consent must be given at a meeting of the Combined County Authority.

(9) For the purposes of the exercise of the general functions mentioned in paragraph (1) the members and officers may assist the Mayor in the exercise of the function.

(10) For the purposes of the exercise of the general functions mentioned in paragraph (1) the Mayor may do anything that the Combined County Authority may do under section 49 of the 2023 Act (general power of CCA).

(11) The Mayor must not make arrangements under section 30(3)(b) of the 2023 Act (functions of mayors: general) in relation to the functions specified in paragraph (1), in relation to a political adviser appointed under regulation 6.

Joint committees

27.—(1) The Mayor may enter into arrangements jointly with the Combined County Authority, the constituent councils and other councils in accordance with section 101(5) of the Local Government Act 1972^(a) for the discharge of the general functions of the Combined County Authority which are exercisable only by the Mayor pursuant to regulation 26.

(2) In this regulation “other council” means the council for a county or district in England.

PART 9

Funding

Funding

28.—(1) Subject to paragraphs (2) and (5), the constituent councils must ensure that the costs of the Combined County Authority reasonably attributable to the exercise of its functions are met.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions referred to in regulation 26(1), to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined County Authority.

(3) Any amount payable by each of the constituent councils in accordance with paragraphs (1) and (2) are met is to be determined by apportioning such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in equal proportions.

(4) In relation to the expenditure mentioned in paragraph (2)—

- (a) to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (3)—

(a) 1972. c. 70.

- (i) the Mayor must agree with the Combined County Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure, and
- (ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred;
- (b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992(a) is to be disregarded from any calculation of the costs of the expenditure.

(5) The costs of the Combined County Authority reasonably attributable to the exercise of its functions relating to transport may be met by means of a levy issued by the Combined County Authority to the constituent councils under section 74 of the Local Government Finance Act 1988(b) and in accordance with the Transport Levying Bodies Regulations 1992(c).

Conferral of Business Rate Supplements functions

29. The Combined County Authority has, in relation to the Area, functions corresponding to the functions conferred on the Greater London Authority in relation to Greater London by the BRS Act, except for the functions conferred by section 3(5) (use of money raised by a BRS) of that Act.

Application of BRS Act in consequence of regulation 30

30. For the purposes of regulation 29, the BRS Act applies to the Combined County Authority as if —

- (a) references to the Greater London Authority in section 2(1) (levying authorities) and in section 5(2) (prospectus) of the BRS Act included references to the Combined County Authority;
- (b) references in that Act to a lower-tier authority were, in relation to the Combined County Authority, references to a district council.

PART 10

Additional functions

Assessment of economic conditions

31.—(1) The functions of the constituent councils in section 69 of the Local Democracy, Economic Development and Construction Act 2009 (duty to prepare an assessment of economic conditions)(d) are exercisable by the Combined County Authority in relation to the Area.

(2) The function referred to in paragraph (1) is exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise the function referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined County Authority.

(4) The provision referred to in paragraph (1) applies to the Combined County Authority as it applies to a constituent council.

(a) 1992 c. 14. Section 40 was amended by section 83 of the Greater London Authority Act 1999, section 79 of and paragraph 7 of Schedule 17 to the Localism Act 2011 and section 5 of the Cities and Local Government Devolution Act 2016.
 (b) 1988 c. 41. There are also amendments to section 74.
 (c) S.I. 1992/2789, to which there are amendments not relevant to these Regulations.
 (d) 2009 c. 20.

Data sharing

32.—(1) The functions of the constituent councils described in section 17A of the Crime and Disorder Act 1998 (sharing of information)(a) are exercisable by the Combined County Authority in relation to the Area.

(2) The Combined County Authority is a relevant authority for the purposes of section 115 of the Crime and Disorder Act 1998 (disclosure of information)(b).

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.

Incidental provisions

33.The following provisions of the Local Government Act 1972 have effect in relation to the Combined County Authority as if it were a local authority—

- (a) section 113 (power to place staff at the disposal of other local authorities)(c);
- (b) section 142(2) (power to arrange for publication of information etc relating to the functions of the authority)(d);
- (c) section 144 (power to encourage visitors and provide conference and other facilities)(e);
- (d) section 145 (provision of entertainments)(f);
- (e) section 222 (power to prosecute and defend legal proceedings).

34.—(1) The Combined County Authority has the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information)(g) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1), section 88(1) of the Local Government Act 1985 has effect as if a reference to “that area” were a reference to the Area.

35.—(1) Section 13 of the 1989 Act (voting rights of members of certain committees)(h) has effect in relation to the Combined County Authority as if—

- (a) in subsection (4), after paragraph (h) there were inserted—

-
- (a) 1998 c. 37. Section 17A was inserted by paragraph 5 of Schedule 9 to the Police and Justice Act 2006 (c. 48) and amended by paragraph 45 of Schedule 19 to the Data Protection Act 2018 (c.12).
 - (b) Section 115 was amended by paragraph 151 of Part 2 of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43); by section 97 of the Police Reform Act 2002 (c. 30); by section 219 of the Housing Act 2004 (c. 34); by paragraph 7 of Schedule 9 to the Police and Justice Act 2006; by section 29 of the Transport for London Act 2008 (c. i); by paragraph 238 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13); by paragraph 90 of Schedule 5 to the Health and Social Care Act 2012 (c. 7); by paragraph 80 of Schedule 1 and paragraph 106 of Schedule 2 to the Policing and Crime Act 2017 (c. 3); by paragraph 1(1) of Schedule 1 and paragraph 57 of Schedule 4 to the Health and Care Act 2022 (c. 31); and by S.I. 2000/90, 2002/2469, 2007/961, 2008/912, 2010/866, 2013/602.
 - (c) Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 4 of Schedule 3 to the Health Protection Agency Act 2004 (c. 17); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to the Health and Social Care Act 2012; by paragraph 1(2) of Schedule 1 and paragraph 11(2) and (3) of Schedule 4 to the Health and Care Act 2022; and by S.I. 2000/90, 2002/2469, 2007/961. It is prospectively amended by paragraph 45 of Schedule 14 to the Health and Social Care Act 2012 from a date and time to be appointed.
 - (d) Subsection (2) was amended by section 3(1)(a) of the Local Government Act 1986 (c. 10).
 - (e) Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 190 of the Local Government, Planning and Land Act 1980 (c. 65); and by Schedule 17 to the Local Government Act 1985.
 - (f) Section 145 was amended by paragraph 59 of Schedule 6 to the Licensing Act 2003 (c. 17).
 - (g) 1985 c. 51.
 - (h) Section 13 was amended by paragraph 156 of Schedule 19 and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Part 1 of Schedule 4 and Part 1 of Schedule 9 to the Police and Magistrates' Courts Act 1994 (c. 29); by Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37 to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by Part 4 of Schedule 5 to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20); by paragraph 14 of Schedule 14 and by Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by paragraph 12 of Schedule 5 to the Cities and Local Government Devolution Act 2016; by section 7 of the Policing and Crime Act 2017 (c. 3); and by S.I. 2001/1517, 2010/1158.

“(i) subject to subsection (4A), a committee appointed by the East Midlands Combined County Authority;”;

(b) after subsection (4) there were inserted—

“(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee is for all purposes to be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils as defined by regulation 2 of the East Midlands Combined County Authority Regulations 2023.”.

36.In Part 2 of Schedule 3 (pension funds) to the Local Government Pension Scheme Regulations 2013^(a) in the table insert at the end—

“An employee of the East Midlands Combined County Authority established by the East Midlands Combined County Authority Order 2023	Nottinghamshire County Council”.
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Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Date	<i>Name</i> Parliamentary Under Secretary of State Department for Levelling Up, Housing and Communities
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SCHEDULE 1

Regulation 4

Constitution

Membership

1.—(1) Subject to sub-paragraph (4), the Combined County Authority is to have eight members in addition to the Mayor as provided for in the following sub-paragraphs.

(2) Each of the constituent councils must appoint two of its elected members to act as members of the Combined County Authority.

(3) Each constituent council must designate one of the members appointed under sub-paragraph (2) to act as lead member.

(4) Each constituent council must appoint another two of its elected members to act as a member of the Combined County Authority in the absence of either of the members appointed under sub-paragraph (2) (“the substitute member”).

(5) A person ceases to be a member or substitute member of the Combined County Authority if they cease to be a member of the constituent council that appointed them.

(6) A person may resign as a member or substitute member of the Combined County Authority by written notice served on the proper officer of the constituent council that appointed them, and the resignation takes effect on receipt of the notice by the proper officer of the council.

(7) Where a member or substitute member of the Combined County Authority’s appointment ceases by virtue of sub-paragraph (5) or (6) the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined County Authority and appoint another of its elected members in that person’s place.

(8) A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined County Authority and appoint another one of its elected members in that person’s place.

(a) S.I. 2013/2356, amended by S.I. 2015/755; there are other amending instruments but none is relevant.

(9) Where a constituent council exercises its power under sub-paragraph (8), it must give written notice of the new appointment and the termination of the previous appointment to the Combined County Authority and the new appointment takes effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(10) For the purposes of this paragraph, an elected mayor of a constituent council is to be treated as a member of the constituent council.

Non-constituent and associate members

2.—(1) The Combined County Authority must have no more than eight non-constituent members and associate members.

(2) Each nominating body of the Combined County Authority must nominate another person to act as the member of the Combined County Authority in the absence of the member appointed under section 11(3) of the 2023 Act (non-constituent members of a CCA).

(3) An associate member appointed under section 12(1) of the 2023 Act (associate members of a CCA) must nominate another person to act as a member of the Combined County Authority in their absence.

Proceedings

3.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined County Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined County Authority and such majority is to include the Mayor, or the deputy Mayor acting in place of the Mayor.

(2) No business may be transacted at a meeting of the Combined County Authority unless the Mayor or the deputy mayor acting in place of the Mayor and at least three members of the Combined County Authority appointed by constituent councils under paragraph 1(2) or the substitute member acting in their place are present.

(3) Where the deputy mayor is acting in the place of the Mayor they cannot also act in their capacity as a member of the Combined County Authority.

(4) Each constituent council member, or substitute member acting in that member's place, and the Mayor is to have one vote and no member, substitute member, or the Mayor is to have a casting vote.

(5) If a vote is tied on any matter it is deemed not to have been carried.

(6) Questions relating to the following matters require the majority to include the lead member, or substitute for that lead member acting in place of that member, appointed by the constituent councils to be carried—

- (a) approval or amendment of a budget;
- (b) setting of any transport levy under section 74 of the Local Government Finance Act 1988 and in accordance with regulations made thereunder; and
- (c) such other plans and strategies as may be determined by the Combined County Authority and set out in its standing orders.

(7) The proceedings of the Combined County Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

Records

4.—(1) The Combined County Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined County Authority, or any committee or sub-committee of the Combined County Authority, are to be kept in such form as the Combined County Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined County Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) is to be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined County Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined County Authority provide for another meeting of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

Standing orders

5. The Combined County Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

Remuneration

6. Subject to paragraphs 7, 8 and 9 no remuneration is to be payable by the Combined County Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined County Authority.

7.—(1) The Combined County Authority may establish an independent remuneration panel to recommend a scheme to the Combined County Authority regarding the allowances payable to—

- (a) the Mayor;
- (b) the deputy mayor provided that the deputy mayor is not a leader or elected mayor of a constituent council;
- (c) independent persons appointed under article 5 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017(a); and
- (d) members of the overview and scrutiny committee and audit committee.

(2) An independent remuneration panel must consist of at least three members none of whom—

- (a) is also a member of the Combined County Authority or is a member of a committee or sub-committee of the Combined County Authority or a member of a constituent council of the Combined County Authority or a member of a district council; or
- (b) is disqualified from being or becoming a member of the Combined County Authority.

(3) The Combined County Authority may pay the expenses incurred by the independent remuneration panel established under paragraph (1) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined County Authority may determine.

8. The Combined County Authority may only pay an allowance to the people listed in paragraph 7(1)(a) to (d) if the Combined County Authority has —

- (a) considered a report published by the independent remuneration panel established under paragraph 7(1) which contains recommendations for such an allowance; and

(a) S.I. 2017/68, as amended by S.I [tbc]/2023.

- (b) approved a scheme for the payment of the allowance providing that scheme does not provide for the payment of allowances of an amount in excess of the amount recommended by the independent remuneration panel.

9. The Combined County Authority must consider a report from the independent remuneration panel before approving a scheme under paragraph 7.

SCHEDULE 2

Regulation 10(5)

PART 1

Modification of the application of Chapter 2 of Part 1 of the 2008 Act

1.—(1) Chapters 1 and 2 of Part 1 of the 2008 Act apply in relation to the Combined County Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land) and 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, have effect as if for each reference to—

- (a) “the HCA” there were substituted a reference to “the Combined County Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 4 of the East Midlands Combined County Authority Regulations 2023”; and
- (c) land acquired or held by the HCA there were substituted a reference to land acquired or held by the Combined County Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Combined County Authority”;

(4) Section 57(1) of the 2008 Act is to have effect as if before “develop” there were inserted—

““Combined County Authority” means the East Midlands Combined County Authority, a body corporate established under the East Midlands Combined County Authority Regulations 2023;”.

PART 2

Modification of the application of Schedules 2 to 4 to the 2008 Act

2.—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined County Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for each reference to “section 9” of that Act there were substituted a reference to “regulation 7 of the East Midlands Combined County Authority Regulations 2023”;

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) is to have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined County Authority.

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for each reference to the HCA in Part 1 of that Act there were substituted a reference to the functions conferred on the Combined County Authority under regulation 7 of the East Midlands Combined County Authority Regulations 2023.

SCHEDULE 3

Regulation 12(1)

Modification of the application of Part 8 of the 2011 Act

1.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined County Authority as modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) has effect as if for the definitions of “the Mayor” and “MDC” there were substituted—

““the Area” means the area of the Combined County Authority;

“the Combined County Authority” means the Combined County Authority, established by the East Midlands Combined County Authority Regulations 2023;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined County Authority;

“National Park” means the Peak District National Park^(a); and

“National Park authority” means a National Park authority for a National Park.”.

(3) Sections 197 to 222 of the 2011 Act have effect as if for each reference to—

(a) “the Greater London Authority” there were substituted “the Combined County Authority”;

(b) “the Mayor” there were substituted “the Combined County Authority” except for the occurrences in sections 197(3)(d) and (e), 199(2), 202(7)(a) and 214(4)(a); and

(c) “MDC” there were substituted “Corporation”.

(4) Section 197 of the 2011 Act (designation of Mayoral development areas) has effect as if—

(a) in subsection (1) for “Greater London” there were substituted “the Area”;

(b) in subsection (3)(a) for, “any one or more of the Greater London Authority’s principal purposes”, there were substituted “economic development and regeneration in the Area”;

(c) in subsection (3)(d)—

(i) for “the London Assembly” there were substituted “the members of the Combined County Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;

(ii) for “the Mayor” there were substituted “the Mayor for the Area”; and

(iii) for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection (4)(d) or (e)”;

(d) in subsection (3)(e)—

(i) for “the Mayor” there were substituted “the Mayor for the Area”; and

(ii) for “the London Assembly” there were substituted “the Combined County Authority”;

(e) in subsection (3)(f) for “the London Assembly” there were substituted “the Combined County Authority”;

(f) in subsection (4)—

(i) in paragraph (a) for “the London Assembly” there were substituted “the members of the Combined County Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;

(a) Column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015 (S.I. 2015/770) lists the National Parks.

- (ii) paragraph (b) were omitted;
 - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted “each district council whose local government area”;
 - (iv) in paragraph (e) for “the Common Council of the City of London if any part of the area is within the City” there were substituted “a National Park authority if any part of the area is within a National Park,”;
 - (v) paragraphs (f) and (g) were omitted;
 - (g) in subsection (5)—
 - (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined County Authority”;
 - (ii) in paragraph (b) for “the London Assembly” there were substituted “the Combined County Authority”;
 - (iii) in paragraph (b)(i) for “the Assembly” there were substituted “the Combined County Authority”;
 - (iv) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined County Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
 - (h) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
 - (i) subsection (7) were omitted.
- (5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) has effect as if—
- (a) in the heading for “Mayoral development corporations” there were substituted “Corporations”; and
 - (b) for every reference to “Mayoral development corporation” there were substituted “Corporation”.
- (6) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) has effect as if—
- (a) for “the London Assembly” there were substituted “the members of the Combined County Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
 - (b) in subsection (2) for “the Mayor” there were substituted “the Mayor for the Area”.
- (7) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) has effect as if—
- (a) in subsection (3)—
 - (i) in paragraph (a), for “a London borough council” there were substituted “a district council wholly or partly in the Area”;
 - (ii) paragraph (b) were omitted;
 - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted “in the Area”;
 - (iv) paragraph (k) were omitted;
 - (b) in subsection (4) paragraph (b) were omitted; and
 - (c) in subsection (10), the definitions of “functional body” and “public authority” were omitted.
- (8) Section 201 of the 2011 Act (object and powers) has effect as if subsection (8)(b) were omitted.
- (9) Section 202 of the 2011 Act (functions in relation to town and country planning) has effect as if—

- (a) in subsection (7)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
 - (b) in subsection (7)(c) for “the London Assembly” there were substituted “the members of the Combined County Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”, and
 - (c) in the definition of “affected local authority” for “(d), (e), (f) or (g)” substitute “(d) or (e)”. “.
- (10) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) has effect as if—
- (a) for each reference to “a London borough council or the Common Council of the City of London” there were substituted “a district council, county council or a National Park authority”; and
 - (b) in subsections (1) and (5), for each reference to “council” there were substituted “council or National Park Authority”.
- (11) Section 207 of the 2011 Act (acquisition of land) has effect as if—
- (a) in subsection (2) for “in Greater London” there were substituted “in the Area”; and
 - (b) in subsection (3) for “the Mayor of London” there were substituted “the Combined County Authority”.
- (12) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) has effect as if—
- (a) in subsection (4)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
 - (b) in subsection (4)(c) for “the London Assembly or an affected local authority” there were substituted “the members of the Combined County Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) or a district council wholly or partly in the Area”; and
 - (c) in subsection (4) the definition of “affected local authority” were omitted.
- (13) Section 216 of the 2011 Act (transfers of property, rights and liabilities) has effect as if—
- (a) in subsection (2) “, (e)” were omitted; and
 - (b) in subsection (4)—
 - (i) the definition of “functional body” were omitted; and
 - (ii) in the definition of “permitted recipient”—
 - (aa) paragraph (b) were omitted,
 - (bb) in paragraph (d) for “a London borough council” there were substituted “a district council within the Area”, and
 - (cc) paragraph (e) were omitted.
- (14) Schedule 21 to the 2011 Act (Mayoral development corporations) has effect as if—
- (a) for each reference to—
 - (i) “the Mayor” there were substituted “the Combined County Authority”, except for the reference in paragraph 1(1);
 - (ii) “the Mayor’s” there were substituted “the Combined County Authority’s”;
 - (b) for each reference to “an MDC” there were substituted “the Corporation”;
 - (c) in paragraph 1(1)—
 - (i) for “A Mayoral development corporation (“MDC”)” there were substituted “A Corporation”;
 - (ii) for the reference to “the Mayor of London (“the Mayor”)” there were substituted “the Combined County Authority”;
 - (d) in paragraph 1(2) for “each relevant London council” there were substituted “each relevant district council”;

- (e) in paragraph 1(3)—
 - (i) sub-paragraph (a) were omitted; and
 - (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council”;
- (f) in paragraph 1(5), for “an MDC” there were substituted “A Corporation” and for “MDC’s” there were substituted “Corporation’s”;
- (g) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council”;
- (h) in paragraph 3—
 - (i) for “an MDC” there were substituted “a Corporation”;
 - (ii) for “An MDC’s” in each place in which it occurs there were substituted “A Corporation’s”; and
 - (iii) for the “the MDC’s” there were substituted “the Corporation’s”.
- (i) in paragraph 4(4) for “the London Assembly” there were substituted “the Combined County Authority”;
- (j) in paragraph 9(c) for “each relevant London council” there were substituted “each relevant district council”; and
- (k) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.

SCHEDULE 4

Regulation 20(4)

Permit schemes: modification of the application of Part 3 of the Traffic Management Act 2004

1.—(1) Part 3 of the 2004 Act is modified as follows.

(2) Section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England) has effect as if—

- (a) subsection (1) were omitted;
- (b) for subsection (2) there were substituted—

“(2) A permit scheme prepared in accordance with section 33(1) or (2) by the Combined County Authority does not have effect in the Area unless the Combined County Authority gives effect to it by order.”;
- (c) subsection (3) were omitted.

(3) Section 36 (variation and revocation of permit schemes) has effect as if, for subsections (1) to (3) there were substituted—

“(1) The Combined County Authority may by order vary or revoke a permit scheme to the extent that it has effect in the Area by virtue of an order made by the Combined County Authority under section 33A(2).

(2) The Secretary of State may direct the Combined County Authority to vary or revoke a permit scheme by an order under subsection (1).

(3) An order made by the Combined County Authority under subsection (1) may vary or revoke an order made by the Combined County Authority under section 33A(2), or an order previously made by the Combined County Authority under subsection (1).”.

(4) Section 39 (interpretation of Part 3) has effect as if, in subsection (1), after the definition of “the appropriate national authority”, there were inserted—

““the Area” means the area of the Combined County Authority;

“the Combined County Authority” means the East Midlands Combined County Authority;”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish the East Midlands Combined County Authority (“the Combined County Authority”), and provide for the conferral of functions of local authorities and other public authorities on the Combined County Authority.

Part 2 of the Levelling-up and Regeneration Act 2023 (c. 55) (“the 2023 Act”) provides for the establishment of combined county authorities for the areas of two or more local authorities in England. Combined county authorities are bodies corporate which may be given power to exercise specified functions in their area.

The Secretary of State may establish a combined county authority for an area where a proposal for such an authority has been submitted under section 45 of the 2023 Act. These Regulations have been made following the publication of such a proposal in March 2023 by the constituent councils whose areas together make up the combined area of the new authority. The proposal is available at: <https://committee.nottinghamcity.gov.uk/documents/s145908/Appendix%201%20-%20East%20Midlands%20CCA%20Proposal.pdf>.

Part 2 of these Regulations establishes the new Combined County Authority, and makes provision for its constitution (in Schedule 1).

Part 3 of these Regulations provides for the election of a Mayor and for the appointment of a political advisor to the Mayor.

Part 4 of these Regulations confers on the Combined County Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency. It also makes provision about the acquisition and appropriation of land for planning and public purposes and sets out conditions on the exercise of various functions. Regulation 10 and Schedule 2 apply and modify relevant provisions in legislation.

Part 5 of these Regulations confers on the Combined County Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 3 to these Regulations modifies Part 8 of and Schedule 21 to the Localism Act 2011 (c. 20) which make provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Part 6 of these Regulations confers on the Combined County Authority functions relating to transport. It transfers functions relating to local transport planning and public transport from the local authorities to the Combined County Authority and makes provision for specified highways and traffic powers held by the local authorities to be exercised concurrently by the Combined County Authority. It confers powers for the Mayor to pay grants, including to bus service operators. It also makes incidental provision.

Part 7 of these Regulations provides for the conferral of certain public health functions of local authorities on the Combined County Authority, which are exercisable concurrently with the constituent councils (see regulation 2). The Combined County Authority has a duty to make steps for improving the health of the people in its area. The Combined County Authority is considered a NHS body in certain circumstances; may enter into partnership with an NHS body; and must have due regard to the NHS Constitution.

Part 8 of these Regulations sets out the functions of the Combined County Authority which are to be only exercisable by the Mayor and makes provision in relation to Joint Committees.

Part 9 of these Regulations makes provision for the funding, by the constituent councils, of those costs of the Combined County Authority that relate to the exercise of its functions. Regulation 31 provides that the Combined County Authority is to have in relation to its area functions corresponding to the functions that the Greater London Authority has under the Business Rate

Supplements Act 2009 (c. 7) to levy a supplement on business rates to raise money for expenditure on a project which will promote economic development in its area.

Part 10 of these Regulations confers additional functions to be exercisable by the Combined County Authority concurrently with the constituent councils, including functions relating to economic assessments and data sharing.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of the business and voluntary sectors.

Appendix – Differences to note between powers listed in proposal and the draft East Midlands Combined County Authority Regulations 2023

As set out in the main report, there are some differences between the powers listed as proposed to be transferred to either the EMCCA or the Mayor in the Proposal, and the powers as reflected in the Statutory Instrument. The changes are generally minor, although there are relatively numerous changes to the timing and sequencing of transport powers. These are listed below for clarity.

Transport

1. As a result of a change of position on some points by the DfT, there are a number of changes to the provisions in the powers table in relation to concurrency and consent. There is also a change in the specific powers identified in the Regulations in relation to the workplace parking levy:

a. Powers under Part 2 of the Transport Act 2000

The powers table specified that a number of powers within the 2000 Act would be concurrent and continuing whilst others would be concurrent within the transition period or the transition period and for an extended period to 2027. Under the Regulations, there have been the following changes¹ in respect of concurrency:

- S113C-123, 123A-123X, 124-134B, 142-143B and s152-162 (various provisions relating to bus services) are concurrent for the transition period where they were not to be concurrent under the powers table. This means that the Constituent Councils will be able to exercise these powers until such time as they are transferred to the EMCCA under the transition plan.
- S138A-138S (relating to enhanced partnership plans) are concurrent for the transition period only where they were proposed under the powers table to be concurrent for the duration of the transition period and for an extended period to 2027. This means that the Constituent Councils will have a more limited time during which they can exercise these powers prior to the transfer to the EMCCA.
- S163-177 (road user charging) are no longer concurrent and continuing. Instead, Chapters 2 and 3 of Part 3 (sections 178-200 relating to the workplace parking levy, general and supplementary powers) are concurrent and continuing. This is because powers under s163-177 (Chapter 1 of Part 3) are provided for directly in amendments made in the Act.

The powers table also specified powers that should only be exercised with consent. Specifically, it provided that for powers relating to local transport plans (sections 108, 109 and 112), consent of the Constituent Councils would be required until the end of the transition period. This has changed under the Regulations so that consent is not required but the exercise of powers under sections 108-113 require a unanimous vote during the transition period. In practice, this has the same implications as a consenting requirement.

Additionally, the powers table specified that powers under s163-190 (road user charging and workplace parking levy) would require consent under the act. As s163-177 are provided for under the Act directly, these are not subject to consenting arrangements. Importantly, the power for the EMCCA to make a charging scheme under s163(3)(bb) is a power to make it “jointly” with one or more local traffic authorities. As such, the EMCCA will not be able to make a charging scheme absent the agreement of the relevant Constituent Council.

¹ Note the following identified in the powers table which remain consistent:

- s134C-134G and 135 – 138 are concurrent and continuing, consistent with the powers table.
- S139 to 141A are concurrent for the transition period which is consistent with the powers table
- S145 to 150 has been replaced with 145A, 146, and 148 to 150 as concurrent and continuing. This is consistent with the powers table as s145 has been revoked.

b. Powers under Part 4 of the Transport Act 1985

The powers table specified that a number of powers under Part 4 of the 1985 Act would be concurrent and continuing or concurrent for the length of the transition period. Under the regulations, there have been the following changes² in respect of concurrency:

- Powers under s57-62 (passenger transport areas), 85-87 (provisions relating to the creation of passenger transport executives) will be concurrent for the duration of the transition period whilst they were not concurrent in the powers table. This means that the Constituent Councils will be able to exercise these powers until such time as they are transferred to the EMCCA under the transition plan.
- Powers under s80-83 and 84 (duties of passenger transport areas, provisions relating to bus stations, and compensation for loss of employment)) will be concurrent for the duration of the transition period whilst they were proposed as concurrent and continuing within the powers table. This means that the Constituent Councils will have a limited time during which they can exercise these powers prior to the transfer to the EMCCA

c. Powers under Part 5 of the Transport Act 1985

The powers table specified that a number of powers under Part 5 of the 1985 Act would be concurrent and continuing or concurrent for the length of the transition period. Under the regulations, there have been the following changes³ in respect of concurrency

- Powers under sections 103-104 (relating to travel concessions) will be concurrent for the duration of the transition period whilst they were not concurrent in the powers table. This means that the Constituent Councils will be able to exercise these powers until such time as they are transferred to the EMCCA under the transition plan.
- Powers under sections 107-109 are identified as concurrent and continuing within the powers table and are not concurrent and continuing in the Regulations. This does not raise concerns as s107 and s109 (in England and Wales) have been repealed and s108 relates to grants for establishment of rural passenger services in Wales and Scotland which is not applicable either for the Constituent Councils or the EMCCA.

Other technical amendments

2. As a result of a change of position on some points by DLUHC there are a small number of technical changes from the provisions in the powers table.
3. The powers table specified that the consent of the local planning authority affected would be required to exercise by the EMCCA of any of the powers in sections 226, 227, 229, 230(1)(a), 232, 233, 236, 238, 239 and 241. In fact, LPA consent is only required to exercise of the compulsory purchase provision in section 226. The other provisions deal predominantly with other dealings in land (i.e. acquisition in the open market, disposal of land, development of land) rather than with planning functions and so it is not necessary for the LPA to consent to the other provisions.
4. The powers table indicated that it would be the EMCCA which had the compulsory purchase power in section 9(2) of the Housing and Regeneration Act 2008, but in fact this is prescribed in the Regulations as a mayoral power. The Regulations provide that as well as the LPA for the area being required to consent to exercise of the power by the Mayor, the Lead Member for the Constituent Council in whose area the compulsory purchase is to take place will also need to consent providing protection for the Constituent Councils. In addition, the EMCCA itself also retains (as referenced above) the compulsory purchase power under section 226 of the Town and Country Planning Act 1990.

² Note that S63-64, 65-71 and 72-79 are concurrent and continuing, consistent with the powers table

³ Note that s88-92, 93-101, 105,106 and 106A are concurrent and continuing, consistent with the powers table

5. Likewise, the compulsory purchase power in section 17(3) of the Housing Act 1985 are prescribed in the Regulations as Mayoral rather than EMCCA powers, with the same inbuilt safeguards.
6. In relation to public health, the power under section 6C of the NHS Act 2006 for the Secretary of State to make Regulations about health which apply to the EMCCA which was set out in the powers table is not applied to the EMCCA under the Regulations. This was following discussion with the Department for Health and Social Care and DLUHC where they explained that the Secretary of State could use equivalent provisions within the Levelling Up and Regeneration Act 2023 if necessary.
7. In addition, a number of powers which have been included in the East Midlands Combined County Authority Regulations 2023 were not specifically referenced in the powers table. These include the power under section 88 of the Local Government Act 1985 (the power to research and collect information), and section 31 of the Local Government Act 2003 (the power make a grant for any purpose) (which was included in the transport section, but in fact is a more general grant making power).

REPORT OF THE CABINET MEMBER, TRANSPORT AND ENVIRONMENT

NOTTINGHAMSHIRE AND NOTTINGHAM WASTE LOCAL PLAN

SUBMISSION TO THE SECRETARY OF STATE

Purpose of the Report

1. To enable the County Council to consider and approve the submission of the Nottinghamshire and Nottingham Waste Local Plan to the Secretary of State following a period when the Pre Submission Plan was published for a statutory period to allow final representations to be received.

Information

Introduction

2. A Waste Local Plan is a statutory document that all Waste Planning Authorities must prepare and maintain. It sets out policies against which all development applications involving recycling and waste processing are assessed and determined by the County Council as waste planning authority.
3. The County and City Councils have for many years prepared a single Joint Local Plan for Waste owing to the cross boundary nature of recycling and waste management. The current Waste Core Strategy was adopted in May 2013 and is supplemented by policies from the Waste Local Plan of 2002. These documents are now out of date and both Councils agreed to prepare a single new Plan to replace them.
4. The preparation of the Plan began by carrying out an informal public consultation on the issues and options faced over the new plan period in early 2020. The feedback from this consultation fed into the development in 2021/22 of a draft version of the Joint Waste Local Plan, which was published for consultation between February and April 2022. The comments on the Draft Plan informed the Pre Submission Version which was approved for publication by Cabinet in July to allow final representations to be received on the proposed Plan.
5. Under the constitution of the County Council, as a Local Plan is part of the Budget and Policy Framework, Full Council approval is required to submit the Plan to the Secretary of State.

The Joint Waste Plan

6. The overall aim of the Plan is to ensure that a sufficient range of sites are provided to meet expected future demand for recycling and waste management in the most sustainable way by supporting greater levels of re-use and recycling of material, seeking to minimise landfill and to safeguard existing waste management sites from being unnecessarily lost or impacted by other development.
7. The vision and strategic objectives of the Waste Local Plan therefore help support the environmental and sustainability objectives of the Nottinghamshire Plan especially in terms of reducing the County's impact on the environment. Waste processing and recycling is an economic sector which helps avoid having to dispose of waste to landfill, which is an important consideration given that almost all former quarries in Nottinghamshire which historically accepted landfill waste are now full.
8. The Plan and its supporting Waste Needs Assessment seeks to accommodate the expected demand for waste management facilities resulting from waste generated within the County and City boundaries following the "hierarchy" of waste which seeks to ensure that waste is firstly prevented, then repaired/re-used, then the material recycled, then used to enable recovery (eg energy recovery) with disposal being the last resort. The Plan is under no obligation to provide waste management capacity for waste generated outside the County and City boundaries.
9. The Plan will provide an up to date policy basis for determining future applications for waste development to help achieve national recycling targets for household waste of 65% (and higher proportions for commercial/industrial and demolition/construction waste) and ensure that waste is managed as high up the waste hierarchy as possible to reduce the amount of waste having to be disposed to landfill to the absolute minimum. The Plan seeks to ensure that future applications for waste processing and recycling are considered against strong and carefully worded criteria to ensure that future development only takes place in locations which are most appropriate, taking into account the local environment and residential amenity in particular.
10. The proposed Joint Waste Local Plan Pre Submission Version is appended to this report at Appendix 1. In summary it:
 - supports the Nottinghamshire Plan's ambitions to work towards a healthy, prosperous and greener future for all communities in Nottinghamshire.
 - provides an up to date planning framework to provide facilities to enable a shift to a high level of recycling from both households and businesses over the period to 2038 and reduce the level of residual waste which is disposed of to landfill to an absolute minimum.

Preparation of the Pre Submission Local Plan has been informed by a body of evidence, with the relevant documents listed as Background Papers and available at [New Waste Local Plan | Nottinghamshire County Council](#).

11. Should Full Council resolve to submit the Pre Submission Version to the Secretary of State following consultation, these documents will be updated and/or supplemented prior to or following submission to support the examination of the Waste Local Plan.

12. The Plan will similarly require approval of Nottingham City Council and is expected to be reported to a Council meeting of the City Council as soon as practicable in the new year, prior to submission thereafter once all relevant supporting documents have been completed.

Representations following publication

13. The Pre Submission Version of the Plan was published for a period of six weeks between 30 August and 11 October 2023 to allow for formal representations on the soundness of the plan.
14. During this period, 172 representations were received from 18 respondents. Of these 52 were in support of the Plan and 120 representations formed objections. The most commented policy was Policy SP4: Managing residual waste, followed by Policy SP2: Future waste management provision and Policy DM6: Historic environment. Many representations related not to specific policies but Chapter 5, mainly around the choice of recycling scenarios and the capacity gap analysis, with many indicating we were not being ambitious enough on recycling and overplanning for Energy from Waste capacity. A broad summary of representations received and an officer response to these is contained in Appendix 2 as part of the Report of Consultation. A more detailed report of consultation is contained in the background papers listed and the representations received are available to read at (*link to be added shortly*) .
15. Officers from both Councils have considered the representations and whilst accepting that some wording of policies and text could be modified if the Inspector considers these necessary for purpose of soundness, the overall Plan is considered generally sound and appropriate to submit to the Secretary of State for examination.

Examination

16. The Town and Country Planning (Local Planning) (England) Regulations 2012 stipulate that once a Plan has been finalised and published for formal representations it is then submitted to the Secretary of State who (through the Planning Inspectorate) will appoint an examiner and report to both Councils on the legality and 'soundness' of the Plan.
17. At the examination stage , an Inspector will consider the Pre Submission Version, the evidence supporting it and representations received at the Publication (Regulation 19) stage. The Inspector may suggest that the Councils make further modifications to the Plan in order to make it sound, before it is formally adopted at meetings of both Councils.
18. It is currently anticipated that the Plan will be submitted to the Secretary of State in early 2024, the examination will take place over the following six months (subject to Planning Inspectorate workloads) and be able to be adopted by the end of 2024.

Other Options Considered

19. Preparation and keeping an up to date Waste Local Plan is a statutory requirement. Without an up to date planning policy framework in place, planning applications for recycling and waste development could be submitted and decided with little weight afforded to local planning policy resulting in a lack of certainty for local communities and the waste industry. The only other

option is to not approve consultation and suspend preparation of the Plan with the above consequence and this is not considered appropriate.

20. With this being a joint Waste Local Plan prepared by the County and City Councils, there is always the potential for one authority to approve the next stage of the Plan's progress and the other authority to not approve. However, given the longstanding working relationship the two Councils have on the joint preparation of Waste Local Plans, dating back over 20 years, it is considered very unlikely that the two authorities would make opposing decisions at this advanced stage of the Plan's preparation, particularly given the way the two councils have worked closely on the Plan, at both officer and Member level and through the Joint Committee on Strategic Planning and Transport.

Reasons for Recommendations

21. To ensure that Council is aware of the results of various consultation stages in preparing the Waste Local Plan and in particular, the outcome of publishing the Pre Submission Plan for a six week period for final representations to be made.
22. To enable the Waste Local Plan to be submitted to the Secretary of State for examination which is a regulatory requirement prior to adoption.
23. To provide delegated authority for officers to propose and publish draft modifications to the Waste Local Plan as part of the examination process and to add as necessary to the evidence base to support the Waste Local Plan prior to and following submission.

Statutory and Policy Implications

24. This report has been compiled after consideration of implications in respect of finance, the public-sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Sustainability and Environmental Implications

25. The Waste Local Plan is an important element of the Policy Framework of the County Council which directly influences decisions made by the County Council as waste planning authority to permit waste processing facilities which support greater levels of re-use, recycling and recovery. It will directly support the Councils aim to foster the highest possible levels of recycling and reduce waste sent to landfill to the absolute minimum. By providing local waste management facilities, it will help reduce the distances which waste is transported by Heavy Goods Vehicles. It will support the growing number of jobs in recycling industries and enable businesses within Nottinghamshire in the recycling sector to thrive whilst seeking to protect local residents and businesses from the adverse impacts of such development.

Financial Implications

26. The costs of preparing and examining the Joint Waste Local Plan will be met through a reserve which has been established to cover these costs. The balance of the reserve at April 2023 was £100,313 and £11,585 has been spent in 2023/4 leaving a balance of £88,728. No further spend is anticipated in 2023/4. Nottingham City Council supports a proportion of the revenue costs of plan preparation at a level proportionate to the size in population terms against that of the County. This currently stands at 28.1%.
27. Officers have given consideration to the likely costs to be incurred over the next financial year as the Plan progresses towards adoption assuming that the Plan is submitted for examination in February 2024. These are detailed in the table below (with the City Council's contribution in brackets) . The estimated net cost to the County Council of £35,520 can be met from the available reserve (£88,728).

Cost element	Projected Cost (City Contribution)	Expected timing of payment	Financial year
Programme Officer	£4,000 (£1,152)	Spring/Summer 2024	2024/5
AECOM support during examination	£8,000 (£2,248)	Spring/Summer 2024	2024/5
Examination venue costs – assumption held in County Hall so no charge likely. May require PA hire.	£1,000	Summer 2024	2024/5
PINS examination	£35,000 (£10,080)	Autumn 2024	2024/5
Design/publication of adopted JWLP	£1000	Autumn 2024	2024/5
	Notts CC £35,520 Nott City £13, 480		

RECOMMENDATIONS

It is recommended that Council

- 1) Note the summary of the main issues raised during the consultation on the Draft Plan Stage as outlined in the Report of Consultation including a summary of representations received on the Pre Submission Version (Appendix 2) and how these have been addressed;
- 2) Approves the Nottinghamshire and Nottingham Waste Local Plan – Pre Submission Version (Appendix 1) and that it be submitted to the Secretary of State with a request that the

appointed Planning Inspector should advise on any necessary modifications considered necessary in order to make the Plan sound.

- 3) Authorises the Corporate Director, Place, in consultation with the Cabinet Member for Transport and Environment, to consider, propose and publish any modifications during the examination of the Plan in order to deal with issues of soundness and to compile and submit further supporting documents as necessary prior to or following submission.

COUNCILLOR NEIL CLARKE MBE
CABINET MEMBER, TRANSPORT AND ENVIRONMENT

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Stephen Pointer Team Manager Planning Policy 0115 993 9388

Constitutional Comments

28. The contents of this report fall within the remit of Full Council in accordance with the Budget and Policy Framework procedure rules set out in the Constitution of Nottinghamshire County Council. **(JL 28/11/23)**

Financial Comments

29. The financial implications are set out in paragraphs 26 and 27. The anticipated costs to the Council in 2024/25 will be met from the Local Plan reserve. **(PAA 27/11/2023)**

Background Papers and Published Documents

A series of technical assessment documents have been prepared to support the development of the Nottinghamshire and Nottingham Waste Local Plan and these can be found in full at:

[New Waste Local Plan | Nottinghamshire County Council](#)

Electoral Division(s) and Member(s) Affected

All

August
2023

Nottinghamshire and Nottingham

PRE-SUBMISSION DRAFT
WASTE
LOCAL PLAN



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Nottinghamshire
County Council



Nottingham
City Council

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Preface

Significant changes have taken place in the way people regard and manage the things that are no longer needed. Today waste is no longer something which is buried in the ground. It is a resource to be re-used, recycled and then recovered. The need to address climate change means we need to re-use and repair more and put an end to single use plastics. Increasingly waste is seen as a resource within a "circular" economy with re-use and recovery at its heart.

Nottinghamshire County Council and Nottingham City Council are preparing a new joint Waste Local Plan to provide the planning policy framework against which all proposals for new waste development will be assessed. We look forward to working closely with the waste and recycling sector and the communities of Nottinghamshire and Nottingham to deliver these aspirations and plan sustainably for waste needs in the future.

We carried out a consultation on our Draft Waste Local Plan between the 7th February and the 4th April 2022. We examined the responses and where appropriate we have used these to inform the preparation of our Pre-submission Draft Local Plan prior to it being submitted for examination.

It is anticipated the document will be available for comments on its soundness for examination between the dates of **30th August and 11th October 2023**. We encourage you to respond online to this consultation at **www.nottinghamshire.gov.uk/waste**. Alternatively, if you are unable to respond online you can email us at the addresses shown below. We look forward to your response.

Councillor Neil Clarke

Cabinet Member Transport
and Environment
Nottinghamshire County Council



Councillor Angela Kandola

Portfolio Holder for Highways,
Transport and Planning
Nottingham City Council



1. INTRODUCTION



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The new Waste Local Plan

- 1.1.** Nottinghamshire County Council and Nottingham City Council are preparing a new joint Waste Local Plan to provide the planning policy framework against which all proposals for new waste development will be assessed.
- 1.2.** The Nottinghamshire and Nottingham Joint Draft Waste Local Plan will form the land use planning strategy for waste development within Nottinghamshire and Nottingham up to 2038. It will provide the basis for the determination of waste planning applications within the Plan Area. Its over-arching theme is the promotion of sustainable development and achieving the highest quality waste management facilities.
- 1.3.** Once adopted, the new Nottinghamshire and Nottingham Waste Local Plan forms the land use planning strategy for waste development within the County up to 2038. It will provide the basis for the determination of all recycling and waste planning applications within the County and City. The new plan will, when adopted, replace the Waste Core Strategy and Local Plan.

Have your say

- 1.4.** The Councils have published what is considered to be a sound plan for examination. The purpose of this Pre-submission draft Plan consultation exercise is to invite comment on the soundness of the plan. It is the versions that the Councils seek to adopt, subject to the examination, as the future framework that will guide the future development of recycling and waste facilities in Nottinghamshire and Nottingham.
- 1.5.** This document is anticipated to be available for comments between the 30th August and 11th October 2023. We would encourage you to respond online to this consultation using our online consultation system as detailed below. We will handle your personal information in accordance with our data protection protocols. Responses will be made public, but personal details will be redacted.

How to make representations

- 1.6.** If you would like to make representations on the Nottinghamshire and Nottingham Waste Local Plan, we would encourage you to do so online via our website at **www.nottinghamshire.gov.uk/waste**, using our interactive online representation system for efficiency of processing. However, if you are unable to make your representations you can email us your comments using the contact us details on the next page.

Contact us

Nottinghamshire County Council is administering the preparation of the Plan on behalf of both Councils.

Contact us Online: www.nottinghamshire.gov.uk/waste

Email: planning.policy@nottscc.gov.uk

By post:

**Planning Policy Team, Place Department.
Nottinghamshire County Council, County Hall
West Bridgford, Nottingham, NG2 7QP**

By Phone: **0300 500 80 80** (customer contact centre)

Please ensure that we receive your comments by 5pm on the 11th October 2023

Alternative formats

This information can be made available in alternative formats or languages on request.

What happens next?

- 1.7.** At the end of this consultation exercise, we will consider all comments and may make further changes as necessary before seeking approval to submit the plan to the Planning Inspectorate for examination.



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2. SCOPE OF THE NEW NOTTINGHAMSHIRE AND NOTTINGHAM WASTE LOCAL PLAN



- 2.1.** The main theme of the Waste Plan is the promotion of sustainable development and achieving the highest quality waste management facilities, where possible. It contains the following:
- An overview of the County and City and a description of existing and future needs for recycling and waste facilities based on our waste needs assessment.
 - A long-term Vision for waste and Strategic Objectives, showing how the Vision will be achieved.
 - Strategic Policies covering how we will provide for new recycling and waste facilities.
 - Development Management Policies which provide the detailed criteria against which future waste development proposals will be assessed such as environmental impacts and standards and guidance about how planning applications for waste development in Nottinghamshire and Nottingham will be assessed.
 - How the plan will be Monitored and Implemented.

Replacing existing waste policies

- 2.2.** This Waste Local Plan will replace the existing saved policies contained in the adopted Waste Local Plan, (January 2002) and Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 - Waste Core Strategy (December 2013).

Supporting Documents

- 2.3.** The Nottinghamshire and Nottingham Waste Local Plan is supported by a series of documents include the following:

Authority Monitoring Reports

These reports are produced annually and show how the County and City Councils are progressing with preparing their Plans and how well current adopted policies are performing.

Statement of Community Involvement (SCI)

Nottinghamshire County Council and Nottingham City each prepare a SCI to show how they will consult and engage with local people, statutory bodies and other groups during the preparation of Local Plans and on waste planning applications.

Sustainability Appraisal (SA)

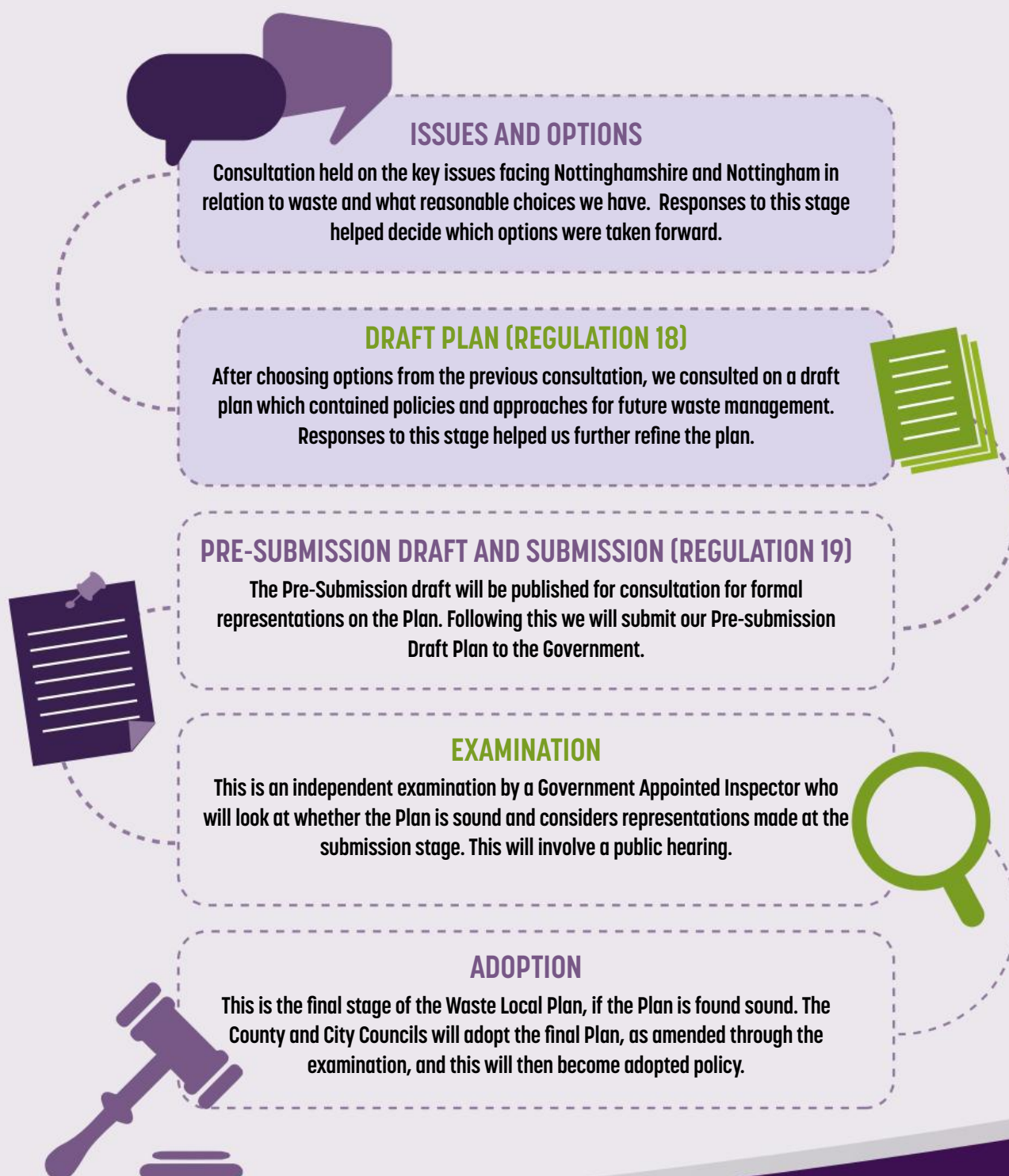
The purpose of the SA is to promote sustainable development through better integration of sustainability considerations in the preparation and adoption of plans. The SA is an integral part of all stages of the preparation of the Waste Local Plan, with reports produced at each stage. This current version of the Draft Plan is accompanied by an SA Report on its policies.

Waste Needs Assessment

This assessment updates the waste needs assessment that informed the Draft Plan and has been prepared by AECOM consultants on behalf of both Councils to provide detailed information on anticipated need for waste facilities over the plan period.

How is the new Nottinghamshire and Nottingham Waste Local Plan being prepared?

**FIGURE 1 -
KEY STAGES IN PREPARING THE NEW WASTE LOCAL PLAN**



How to read this document

The following chapters share a number of common features:

Introduction

This section provides the context for each of the topic/policy areas.

Policies

Policies are set out in these boxes.

Justification

This sets out in detail an explanation of the policy, including the reasons why it is needed, a justification for the approach taken and what the policy seeks to achieve.



3. CONTEXT FOR WASTE PLANNING

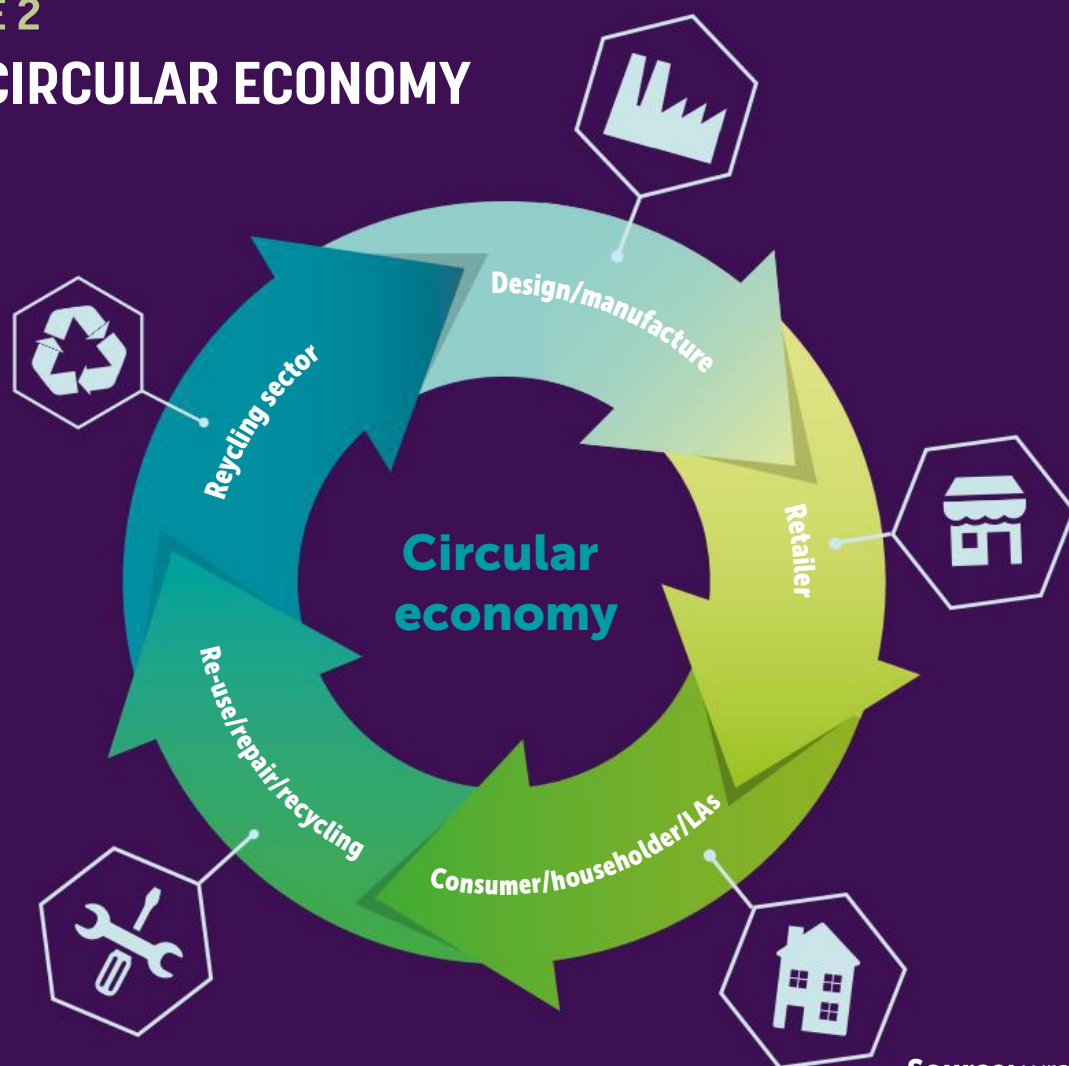


- 3.1.** Together Nottinghamshire County Council and Nottingham City Council are developing a joint waste local plan. This will include policies to guide the future development and management of waste. The Plan reflects other guidance and legislation that sets out waste policy at the international, and national level and is based on an understanding of how we should manage our waste more sustainably by 2038.
- 3.2.** There are two key principles that underpin waste planning which aim to promote the concept of waste as a resource to be used - these are the Circular Economy and the Waste Hierarchy.

The Circular Economy

- 3.3.** A circular economy is an alternative to a traditional linear economy (make, use, dispose) in which we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of their useful life.

FIGURE 2
THE CIRCULAR ECONOMY



Source: wrap.org.uk

- 3.4.** As well as creating new opportunities for growth, the concept of a circular economy provides opportunities to:
- reduce waste
 - drive greater resource productivity
 - deliver a more competitive UK economy
 - position the UK to better address emerging resource security/scarcity issues in the future
 - help reduce the environmental impacts of our production and consumption in both the UK and abroad.

The Waste Hierarchy

- 3.5.** A series of European Union (EU) directives set out the general principles for waste management. The Waste Framework Directive (WFD) (2008) establishes the 'waste hierarchy' which prioritises the most beneficial ways of dealing with our waste. The concept aims to push waste management up the waste hierarchy in order to prevent waste in the first instance and then examine the way we re-use the waste that is produced. Currently, most of the UK's environmental laws and policies are based on European laws. Although the UK left the EU in January 2020, the EU's policies on waste have already been transposed into UK law and therefore remain relevant until updated.

FIGURE3
THE WASTE HIERARCHY



Source:
Defra.gov.uk

- 3.6.** A key principle underpinning how waste should be managed – whether as a waste producer, the waste management industry, or as the Waste Planning Authority, is to follow the Waste Hierarchy shown above. This prioritises prevention as the most sustainable option, then encouraging re-use of existing products. Once products have become waste the next priority is to recycle them so that the raw materials can be re-processed into new products. Where this is not technically, or economically possible, materials can still be recovered in some way e.g. incineration with energy recovery such as the Eastcroft facility in Nottingham which heats and powers homes and businesses. The least sustainable solution is disposal such as burning waste without capturing heat or energy or taking waste to landfill. However, it is recognised that disposal still has a necessary role to play for residual waste that cannot be further recycled or recovered.
- 3.7.** It is important to note that the Waste Local Plan only covers the facilities for re-use/recycling, recovery and disposal. Prevention is about manufacturing processes and consumer behaviour, for example choosing more sustainable options such as designing products so that they will last longer or can be repaired more easily or have less packaging etc. The waste local plan will deal with waste that has already been produced and there are many factors that influence waste production that are outside the remit of the waste local plan.
- 3.8.** In addition to considering the context identified in the spatial portrait, the Plan takes account of existing, European, National and Local policy as summarised below.

Hazardous Waste Directive (1991/689/EEC)

- 3.9.** Waste is generally considered hazardous if it, or the material or substances it contains, pose a risk to human or environmental health. As hazardous waste poses a higher risk to the environment and human health strict controls apply.
- 3.10.** Waste Planning Authorities are required to plan for the volume of waste arising in their area, and this may include waste management facilities to deal with hazardous waste. However, it is accepted that, often, the provision of specialist facilities for wastes that arise in relatively small quantities, or require specialist treatment technologies, will require co-ordination at a regional or national level.

Landfill Directive (1999/31/EC)

- 3.11.** The Landfill Directive was introduced in July 1999. The Landfill Directive sets out requirements for the location, management, engineering, closure and monitoring of landfill sites. In the Directive, the term “landfill” is taken to mean “a waste disposal site for the deposit of the waste onto or into land”. The Landfill Directive includes requirements relating to the characteristics of the waste to be landfilled.
- 3.12.** European Council Decision 03/33/EC supports the Landfill Directive by providing criteria and procedures for the acceptance of waste at landfills. Paragraph 15 states: “Whereas the recovery, in accordance with Directive 75/442/EEC, of inert or non-hazardous waste which is suitable, through their use in redevelopment/restoration and filling-in work, or for construction purposes may not constitute a landfilling activity”.

EU Industrial Emissions Directive (2010/75/EU)

- 3.13.** The Industrial Emissions Directive combined seven separate existing directives related to industrial emissions, including the Waste Incineration Directive (2000/76/EC). Following the UK's EU exit, the body of law implementing this regime is now classed as retained EU law and remains in place through domestic regulations, including the Environmental Permitting (England and Wales Regulations) 2016, as amended. The directive covers new facilities and existing facilities and imposes strict emission standards for incineration technologies addressing air pollution to prevent harmful effects on both the environment and human health.
- 3.14.** Modern incineration plants must ensure pollution control is a priority; emissions must comply with the requirements of the Waste Incineration Directive. The Directive supports the use of cleaner technologies in order to mitigate the impacts of incineration facilities on the environment and human health.

EU Circular Economy Action Plan

- 3.15.** In a "circular economy" the value of products and materials is maintained for as long as possible; waste and resource use are minimised, and resources are kept within the economy until a product has reached the end of its life, to be used again and again to create further value.
- 3.16.** In 2018 the European Union agreed a package of measures which form part of the implementation of its Circular Economy Action Plan. These measures include increasing the existing recycling target for municipal waste to 65% by 2035 and a target to reduce landfill to a maximum of 10% of municipal waste by 2035. This compares to a target of 50% by 2020 that the UK Government and local authorities are currently working to. Even though the UK has left the EU, the Government has signalled the Circular Economy measures will be adopted within UK legislation.

National Policy

The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012

- 3.17.** The system of development plans, introduced by the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), requires local planning authorities (LPAs) to prepare 'local plans' which are made up of Development Plan Documents (DPDs).
- 3.18.** LPAs must set out a programme for the preparation of DPDs in a 'Local Development Scheme' and explain how communities and stakeholders will be involved in the process in a 'Statement of Community Involvement (SCI)'. The Act also requires LPAs to carry out a Sustainability Appraisal (SA) during the preparation of the local plan.
- 3.19.** The Town and Country Planning (Local Planning) Regulations 2012 prescribe the form and content of local plan documents and the associated policies map. The regulations also define the process for the preparation and adoption of a local plan.

The Localism Act 2011

- 3.20.** The Localism Act 2011 enabled the abolition of regional spatial strategies. The abolition of most of policies in the East Midlands Regional Spatial Strategy in March 2013 resulted in the removal of regionally-derived targets for waste management (e.g. diversion from landfill, recycling and composting, and provision for accepting London's waste), which have not been replaced at the local or national level.
- 3.21.** The Localism Act 2011 introduced the Duty to Cooperate (DtC). The DtC places a legal duty on LPAs, county councils and other public bodies to engage constructively in the interests of local plan preparation. As the WPA, Nottinghamshire County Council and Nottingham City must demonstrate how it has complied with the DtC at the examination of its waste local plan.

The Waste (England and Wales) Regulations 2011

- 3.22.** The Waste (England and Wales) Regulations 2011 (the Waste Regulations) require waste collection authorities (WCAs) to ensure that appropriate recycling standards can be met through commingling, or through source segregated collections. The use of such approaches to waste collection can impact upon the amount and the quality of waste collected and the potential to recycle.

National Planning Policy Framework (NPPF) 2021

- 3.23.** In 2012 the Government replaced many of the former national planning policy guidance notes and statements and Government Circulars with a single document, the National Planning Policy Framework (NPPF). A revised NPPF was published in July 2018, and further updated in February 2019 and July 2021.
- 3.24.** The NPPF is supported by the national Planning Practice Guidance (PPG), originally published in March 2014 with updates since. The PPG replaced the explanatory documents that had previously supported the national planning policy guidance notes and statements.
- 3.25.** The NPPF provides guidance for the preparation of local plans and encourages LPAs to keep them up-to-date, requiring them to be reviewed at least every 5 years. There is an expectation that LPAs 'positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change'. For waste planning such flexibility is vital, given the need for waste management provision to respond to changes in the market (e.g., international markets for recycle and refuse derived fuels).
- 3.26.** Plans should 'provide for objectively assessed needs ...', as well as any needs that cannot be met within neighbouring areas. In the context of the Plan this could include taking some waste from areas outside Nottinghamshire and Nottingham, such as Derbyshire and Yorkshire, or further afield.
- 3.27.** The NPPF indicates the need for waste management facilities to be provided as strategic infrastructure. The county council is required to work with district and borough councils to contribute to an integrated approach to the provision of essential development such as homes and the infrastructure needed to support them.

National Planning Policy for Waste (NPPW) 2014

3.28. The National Planning Policy for Waste (NPPW) 2014 sits alongside the NPPF and sets out the Government's ambition to work towards a more sustainable approach to waste management and use. It aims to ensure waste management facilities make a positive contribution to communities and to balance the need for waste management with the interests of the community.

3.29. More specifically, the Policy advises WPAs to:

- Identify sufficient opportunities to meet the identified needs of their area for the management of waste, based on robust analysis of best available data and information.
- Ensure waste is managed as high up the waste hierarchy as possible recognising the need for a mix of types and scale of facilities.
- Work jointly and collaboratively with other planning authorities including on issues of cross-boundary movements and any national need.
- Take into account the need for a limited number of facilities for disposal of residual waste which may arise in more than one waste planning authority area.
- Undertake early and meaningful engagement with local communities, recognising that proposals for waste management facilities such as incinerators can be controversial.

Waste Management Plan for England (2021)

3.30. The Government published a national Waste Management Plan for England in December 2013 which was updated in 2021.

3.31. The plan brings together a number of policies under the umbrella of one national plan. It seeks to encourage a more sustainable and efficient approach to resource management and outlines the policies that are in place to help move towards the goal of a zero waste economy in the UK. The Government consulted on the Waste Management Plan for England in October 2020, it came into effect in January 2021 to reflect the Waste and Resources Strategy published in December 2018.

3.32. The Waste Management Plan for England provides an overview of the management of all waste streams in England and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive (WFD).

Resources and Waste Strategy (2018)

3.33. In December 2018, the Government published a new waste strategy for England. This strategy is particularly concerned with ensuring that society's approach to waste aligns with circular economy principles i.e. keeping resources in use as long as possible in order to extract maximum value from them (See figure 3 above). The Strategy confirms a target recycling rate for England of 65% for MSW by 2035. The strategy also seeks to limit the landfill of municipal waste to 10% or less by 2030 and eliminate all biodegradable waste such as food or garden waste from landfill by the same date.

Net Zero Strategy (2021)

3.34. In October 2021, the Government set out how the UK will deliver on its commitment to reach net zero emissions by 2050. It outlines a transition to a greener and more sustainable future, by helping business and consumers move to cleaner power and reducing reliance on imported fossil fuels. This is in line with the target set out within the Climate Change Act (2008, amended 2019) which seeks for greenhouse gas emissions to be equal or lower than emissions in 1990.

Environment Act (2021)

3.35. The Environment Act in 2021 provides the new framework of environmental protection which replaces EU laws since the UK left the EU. The act focuses on nature protection and sets new and binding targets relating to water quality, clean air, environmental protection, and waste reduction. It brings in requirements such as reducing single use plastics as well as introducing a mandate for biodiversity net gain in all developments from November 2023.

Other National Policy Statements

3.36. The Government publishes other plans, policies and strategies which have an impact on the production and management of waste. This includes the 'Industrial Strategy' (2017), the 'Clean Growth Strategy' (2017) and the '25 Year Environment Plan' (2018). In 2018 the government consulted on a new 'Clean Air Strategy'.

3.37. In 2023, the Government published the 'Environmental Improvement Plan' which is the first review of the '25 Year Environment Plan', with a review to be undertaken every five years as set out in law in the Environment Act. This includes the new target to halve residual waste (waste sent to be landfilled, incinerated or used in energy recovery in the UK or overseas) produced per person by 2042. This includes all waste streams except major mineral waste. The 'Environmental Improvement Plan' outlines how this target will be delivered and details interim targets.

Local Policy

Nottinghamshire County Council Statement of Community Involvement (SCI)

3.38. The Statement of Community Involvement (SCI) sets out the County Council's approach to public consultation and involvement in the preparation of Minerals and Waste Plans and the consideration of planning applications. It was adopted in 2018 and amended in July 2020 in light of Covid-19 restrictions.

Nottingham City Statement of Community Involvement (SCI)

3.39. The Statement of Community Involvement (SCI) sets out Nottingham City Council's approach to public consultation and involvement in the preparation of Local Plans and the consideration of planning applications. It was adopted in November 2019 and amended in June 2023 in light of Covid-19 restrictions.

Nottinghamshire County Council Municipal Waste Management Strategy (2001)

3.40. The document sets out the objectives for municipal waste management in the County over the next 20 years. It describes the issues facing Nottinghamshire and proposes a way forward. It identifies the short-, medium- and long-term requirements for managing municipal waste, the cost of delivering the solution and associated funding issues the roles and responsibilities of the County Council, the District and Borough Councils and the public to make the solutions work.

Nottingham City Council Resources and Waste Strategy for Nottingham (2023-2050)

3.41. The Resources and Waste Strategy sets out the aims of the City Council to reduce the amount of waste generated through prevention, reuse, repair, recycling and recovery to help reduce carbon emissions in line with the City Councils carbon neutral policy for 2028. It outlines how it will help to prevent waste and enhance recycling and seeks to continue to reduce waste being sent for landfill.

Nottingham City 2028 Carbon Neutral Action Plan

3.42. Nottingham City Council has made the commitment to become a carbon neutral city by 2028. This means cutting carbon dioxide (CO₂) emissions from direct and indirect sources that arise from the consumption of energy within the city to near zero and offsetting those emissions that cannot be eliminated.

3.43. The action plan builds on Nottingham 2028 Carbon Neutral Charter by setting out high-level objectives in order to achieve a resilient and carbon neutral Nottingham by 2028. These are broken down into four main sections: Carbon Reduction Measures, Carbon Removal and Offsetting, Resilience and Adaptation, Ecology and Biodiversity. The Waste Local Plan will be an important contributor to achieving the 2028 carbon neutral ambition.

The Nottinghamshire Plan

3.44. The Nottinghamshire Plan sets out the County Council's vision and ambitions over the next ten years, focussing on health and wellbeing, economic growth and living standards, accessibility, and the environment. The Plan includes a commitment to continue to divert more than 95% of local authority waste from landfill and recycle 52% of domestic waste by 2025.

3.45. The County Council has also produced a carbon reduction plan on how it expects to achieve carbon neutrality in its own activities by 2030.

4. OVERVIEW OF THE PLAN AREA

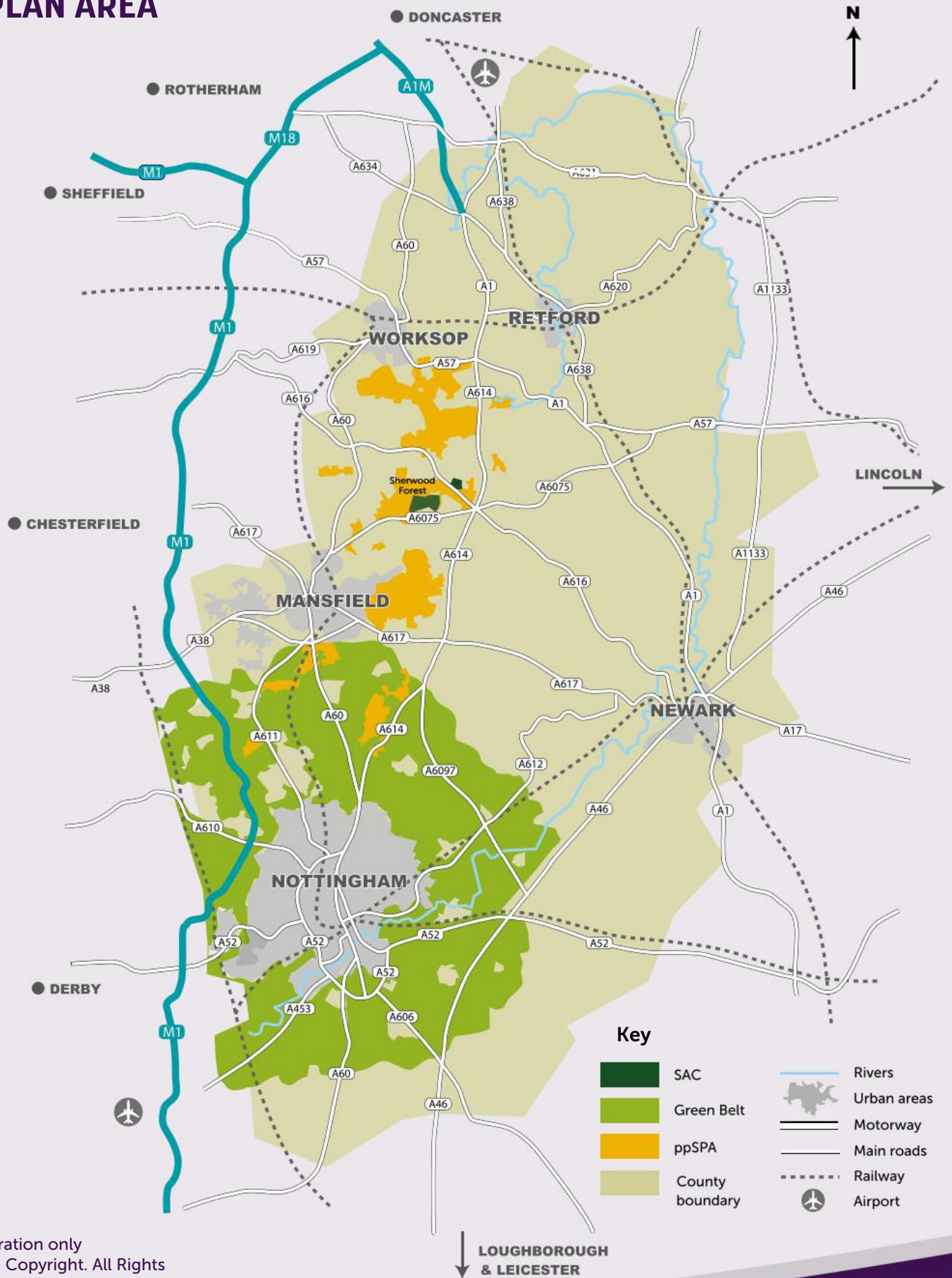


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- 4.1.** To help inform the plan process we have developed a 'spatial portrait' of Nottinghamshire and Nottingham, setting out the key environmental, geological, geographic, social and economic influences found in the Plan Area
- 4.2.** The Plan area is part of the East Midlands and shares a boundary with South Yorkshire. Northern parts of Nottinghamshire therefore have significant employment, housing and business links with Sheffield and the metropolitan areas of Barnsley, Rotherham and Doncaster. The more urbanised west of the County is closely linked to neighbouring Derbyshire, with more rural eastern parts of the County having a similar character to neighbouring parts of Lincolnshire. In the south, Nottingham is the major regional centre with links to the neighbouring cities of Derby and Leicester. Consequently, there is a significant overlap of housing areas, business and employment between these three cities (see Plan1 below).
- 4.3.** Nottingham City is a designated Core City of national importance and consists of a very compact and a high-density urban area. Nottingham City has a very tight urban boundary and is surrounded by several borough and district councils and their connecting urban areas.
- 4.4.** There are around 823,000 people living in Nottinghamshire County and 330,000 in Nottingham City. Around two thirds of the overall population live in, or around, Nottingham which is a major centre for employment and retail. The remainder live in, or close to, the larger towns of Mansfield, Kirkby in Ashfield, Sutton in Ashfield, Hucknall, Worksop, Newark and Retford and larger villages. Outside these areas, the rest of the County is largely rural with scattered small villages, farmland, woodland and commercial forestry.
- 4.5.** The County's landscape is characterised by rich rolling farmlands to the south, with a central belt of mixed woodland and farmland, giving way to heathland of Sherwood in the north-west and open, flat agricultural landscapes dominated by the River Trent to the east, and the flat low lying agricultural landscape of the Humberhead Levels to the north Nottinghamshire also supports a wide network of important sites for nature conservation, the most important focused within Sherwood Forest, to the north of Mansfield. This includes a Special Area of Conservation and possible future Special Protection Area, both of which hold international status.
- 4.6.** Nottinghamshire is well known for its historic past, in particular for its link to the tales of Robin Hood but the areas heritage is much more diverse, with assets spanning thousands of years; from cave art found at the Creswell Crags on the Nottinghamshire- Derbyshire Border to medieval caves, taverns and castle found in Nottingham's city centre as well as several historic market towns full of heritage assets. The industrial past of coal mining, particular in the West of the County, and the textile industry throughout the 18th and early 19th into the 20th centuries has left a rich built heritage. The majority of Nottinghamshire's conservation areas, listed buildings, historic parks, and Scheduled Ancient Monuments are faring well, but a proportion (around 10%) are in a vulnerable condition or situation.

- 4.7.** Road and rail links to the rest of the UK are generally good. The area is connected to the M1 and the national motorway network via the A453 to junction 24, the A52 to junction 25 and the A610 to junction 26 and the A38 to Junction 28. The A52 provides a trunk road connection from Derby to Nottingham including to the A46 which runs between the M1 north of Leicester to the A1 at Newark. Orbital movements in Nottingham are less well accommodated with there being only a partial ring road (A52 and A6514). To the north of the County the A614 links Nottingham to the A1 and A60 with wider links to Mansfield, which is also linked via the A617 to Newark.
- 4.8.** Nottinghamshire's economy generally compares favourably with the rest of the UK, and some of our urban areas are expected to be the focus of significant housing and commercial development in the future. However, there are wide inequalities in the rates of employment and income across the plan area, most notably in the former mining areas to the north and west and within parts of Nottingham City. These areas often also experience inequalities in health, education and skills.
- 4.9.** Mansfield, Worksop and Newark are important centres for warehousing and distribution whilst service, technology and research-based industries tend to cluster in around Nottingham. The energy industry also has a role with four power stations along the River Trent, however, coal powered power stations are due to close or be replaced by 2025. Elsewhere, agriculture and forestry are no longer major employers but still make up much of the County's rural landscape.
- 4.10.** As a regional economic hub, Nottingham City is the main work destination for the majority of residents living within the city and surrounding areas and there is a strong focus for pharmaceuticals and optical goods, manufacturing, ICT technology and finance and banking. Approximately 226,000 people are employed within Nottingham City.
- 4.11.** Flood risk, particularly in the Trent Valley and along its tributaries, presents planning and environmental issues which is a significant constraint to most forms of built development. The impacts of future climate change could result in higher rainfall and more extreme flood events. All of Nottingham City has been designated an Air Quality Management Area.

PLAN 1 PLAN AREA



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5. WASTE MANAGEMENT IN THE PLAN AREA



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- 5.1.** In order to Plan effectively it is important to understand how much waste is produced, how this is currently managed, and what is likely to change in future. To help with this process the Councils appointed specialist consultants (AECOM) to prepare a detailed Waste Needs Assessment.
- 5.2.** The Waste Needs Assessment (WNA, 2023) sets out information on current waste arisings and forecasts likely future growth for each of the main waste streams. The assessment then looks at existing waste management capacity within the Plan area and makes specific recommendations as to whether additional facilities are likely to be needed.

Waste produced within the Plan area

- 5.3.** The WNA has confirmed that on average approximately 3.4 million tonnes of waste is produced across the Plan area each year. This is from a variety of sources including Local Authority Collected Waste from households and schools; commercial and industrial waste from shops, offices, and factories; and construction, demolition, and excavation wastes such as rubble and soils. Other sources of waste include wastewater and sewage, agricultural waste, and mining wastes. In the past, large quantities of ash have also been produced from coal-fired power stations which are due to be phased out by 2025. Waste from any of these sources, which is especially harmful to human health or the environment, is classified separately as hazardous waste. The amount of each type of waste produced during 2021 (the latest year for which data is available) is shown in Figure 4.



FIGURE 4
WASTE PRODUCED IN THE PLAN AREA 2021



Source: Nottinghamshire and Nottingham Waste Needs Assessment, AECOM, May 2023

- 5.4.** As the Plan looks ahead to 2038 it is important to ensure it can meet long-term needs as well as adapt to short term changes. Regular monitoring will be carried out to assess how well the Plan is performing. The proposed monitoring and implementation framework for the Plan is set out in Chapter 9 of this document.

Local Authority Collected Waste (LACW)

- 5.5.** Local Authority Collected Waste (LACW) is made up of household waste collected at the kerbside from individual households (or taken by householders to a local authority recycling centre/civic amenity site) and also any non-household waste that is collected by the local authority from local businesses (also known as trade waste).
- 5.6.** The amount of LACW waste generated each year has remained relatively stable over the last ten years, ranging between around 540,000 and 593,000 tonnes per year. In 2021 just under 593,000 tonnes of LACW was produced within the Plan area.
- 5.7.** Since the publication of the Waste Core Strategy recycling rates have slowed and, in some cases, fallen. In 2021, the average across the plan area for household waste recycling rate was at 38%, with 6.2% of household waste sent to landfill.

Commercial and industrial (C&I) waste

- 5.8.** The amount of commercial and industrial (C&I) waste produced by shops, offices, factories, and other businesses has fluctuated considerably over the last ten years from a peak of almost 1.4 million tonnes in 2013 down to a low of just under 500,000 tonnes in 2016. Much of this change is thought to be due to economic circumstances and the decline in ash produced by coal-fired power stations.
- 5.9.** In 2019, the amount of commercial and industrial waste recorded increased suddenly by 26% from the previous year to almost 950,000 tonnes. Arisings have continued to increase, reaching approximately 1.2 million tonnes in 2021, a high not seen since 2014. This large increase may be the result of major changes in waste markets over the last two to three years including the closure of certain export markets. It is possible that some of this increase is therefore material that was previously exported as Refuse Derived Fuel (RDF).
- 5.10.** As local authorities do not control how or where C&I waste is managed, previous estimates of the recycling and recovery rate for this waste stream have been based on national surveys rather than local data. To try and overcome this problem, the WNA has looked at the recorded fate of all C&I waste known to have been produced in the Plan area in 2021 using the Environment Agency Waste Data Interrogator. This method may not capture all C&I waste but helps to provide a more up to date, local picture¹.
- 5.11.** The WNA analysis suggests that around 63% of C&I waste is now recycled or composted with 28% sent to landfill.

¹ In some cases, the waste origin may only be recorded by region or the waste may pass through an intermediate transfer facility outside the Plan which will obscure its origin.

Construction, demolition and excavation (CD&E) waste

- 5.12.** Construction, demolition, and excavation (CD&E) waste comes from construction activities such as house building, road building and other infrastructure schemes. This also includes the demolition of existing buildings, excavation, and earthmoving works. There is no requirement for businesses to report on CD&E waste and significant quantities of this waste are managed at the construction/demolition site rather than at a permitted waste management facility. Mobile plant is often used to crush, screen, and separate the waste either for re-sale or re-use on site. The WNA acknowledges that the Environment Agency Waste Data Interrogator provides limited information on the total amount of CD&E waste produced but this has been used to give the most accurate picture possible/to consider the amount of recorded waste requiring management each year.
- 5.13.** CD&E waste arisings have increased overall since 2010, reaching a high of 1.5 million tonnes in 2014, but have since fluctuated between roughly 950,000 and 1.4 million tonnes per annum. Using the Environment Agency data for 2021, it is estimated that just over 83% of CD&E waste is recycled, particularly C&D waste such as aggregates due to their high value or recovered with less than 20% disposed of to landfill.

Hazardous waste

- 5.14.** Hazardous waste contains substances which are harmful to human health or the environment and can include oils, chemicals, batteries, asbestos, and pesticides. Hazardous waste arisings within the plan area have shown some fluctuation over the past 10 years but overall have remained between approximately 34,000 and 52,000 tonnes per annum between 2010 and 2019. However, in 2020 and 2021 there was a large increase in arisings to approximately 75,000 tonnes. The data indicates this is due to a large transfer of waste between two waste management sites. These estimates are taken from the Environment Agency's separate Hazardous Waste Data Interrogator.

Agricultural Waste

- 5.15.** Agricultural waste includes all waste generated from farming activities including natural waste such as slurry and manure as well as non-natural waste such as plastic rubber, metal, and oil. The total amount of agricultural waste produced in the plan area has increased since 2010, largely due to more waste being managed through anaerobic digestion facilities, and therefore recorded, rather than being spread to land. 2021 saw agricultural waste double compared to 2019 and 2020, increasing to just under 78,000 tonnes.
- 5.16.** As only a small amount of agricultural waste is produced each year (less than 2.5% of the total waste generated in the plan area in 2021) it is not considered necessary to identify specific waste management capacity for this waste stream.

Mining Waste

- 5.17.** Mining waste is produced during the extraction and processing of mineral resources and includes waste solids or slurries left over after the mineral has been removed, waste rock, and soil. In the past large tonnages of colliery spoil were produced from the area's many coal mines but there are no longer any active collieries within the Plan area. Since 2010, the production of mining waste within the Plan area has generally been less than 1,000 tonnes per year although the opening a new quarry in 2016 saw a peak of just over 12,400 tonnes.
- 5.18.** As with agricultural waste, mineral working now produces very small quantities of waste each year, much of which can be used to help restore other mineral workings or landfill sites. It is not therefore seen as necessary to make separate provision for this waste stream.

Low-level radioactive waste

- 5.19.** Radioactive waste will either contain radioactive material or will have been contaminated by radioactivity. In the UK, radioactive waste is categorised according to the type and amount of radioactivity it contains, and the amount of heat it can generate. All high-level radioactive waste, such as that from nuclear power stations, is dealt with at a national level and is treated or disposed of at specialist sites. Non-nuclear, low-level radioactive waste produced by hospitals, universities, and industry for example, can be managed at conventional facilities. The Waste Needs Assessment has confirmed that there are no major radioactive waste facilities in the Plan area and that only very small quantities of low-level radioactive waste are produced which do not require any specific provision within the Plan.

Wastewater

- 5.20.** Wastewater is a combination of used water from domestic properties, industry, and agriculture as well as rainwater run-off from roads and other hard surfaced areas. Existing wastewater treatment facilities in the Plan area manage an average daily flow of more than 300 million litres of effluent. The Councils will work with the water utility companies to assess the need for additional wastewater treatment capacity within the Plan area.

Forecasting future waste arisings in the Plan area

5.21. The need for further waste management capacity will depend on factors such as the level of planned housing, commercial and industrial development within the plan area, whether any major infrastructure projects are likely to take place, and the impact of wider measures to reduce waste and re-use materials in line with the circular economy principle. The Waste Needs Assessment therefore considers a range of different growth scenarios for each of the main waste streams in line with national policy and guidance on forecasting future waste arisings. These scenarios have been updated from those considered at the previous Draft Plan consultation stage. The different options considered and the preferred scenario for each waste stream is summarised below. In each case except for C, D&E waste, 2021 has been used as the baseline for forecasting as this is the most recent year for which there is comparable data available for each of the main waste streams.

Local Authority Collected Waste

5.22. To forecast LACW arisings, the NPPG recommends establishing a growth profile that considers a range of possible outcomes based on household or population growth and waste arisings per household or per head. This should factor in a range of different scenarios to take account of both historic growth trends and progressively lowering growth rates due to waste minimisation initiatives.

5.23. The previous Issues and Options consultation considered a range of options including progressive growth in the amount of waste produced per household. The most recent Waste Needs Assessment has updated the previous LACW forecasting scenarios from the Issues and Options and Draft Plan stage to take account of more recent housing estimates and gives greater emphasis to future waste minimisation initiatives. The three updated scenarios are described on the next page:

A

High rate of decline - this scenario assumes an annual decline in the amount of waste per household of 1.07% in Nottinghamshire and 1.05% in Nottingham. This reflects the historic trend seen between 2007 and 2021. However, this timeframe includes a large drop in household waste arisings between 2007 and 2008 which is likely to be due to the recession and may not be representative of longer-term trends. This scenario would result in a decrease of over 44,000 tonnes per annum of LACW by 2038.

**B**

Low rate of decline - this scenario assumes an annual decline in the amount of waste per household of 0.25% in Nottinghamshire and 0.51% in Nottingham. This reflects the historic trend seen between 2008 and 2021 and therefore excludes the possible recessionary impact between 2007 and 2008. This scenario would result in an increase of around 51,000 tonnes per annum of LACW by 2038. Although this scenario assumes a decline in the amount of waste per household, the increased number of households by 2038 would result in overall growth.

**C**

No change - this scenario assumes 0% change in the amount of waste produced per household going forward based on the most recent 2021 figures. This scenario would result in increase of around 85,000 tonnes per annum of LACW by 2038. Although this scenario assumes no change in the amount of waste per household, the increased number of households by 2038 would result in overall growth.



5.24. These updated scenarios now also take account of the proportion of non-household, or trade waste which is collected by local authorities. Non-household waste is difficult to forecast as it can be affected by a number of variables such as market trends, national policy, and the state of the economy. However, rates have remained relatively stable between 2007 and 2021 so it has been assumed that there will be no change in the most recent non-household LACW generation rate.

5.25. Table 1 below summarises the forecast arisings at key intervals during the plan period.

TABLE 1. SUMMARY OF FORECASTED LACW ARISINGS (IN FIVE-YEAR INTERVALS)
(000S TONNES), 2021 – 2038

	2021	2026	2031	2036	2038
Scenario A	593	584	572	556	549
Scenario B	593	609	624	639	644
Scenario C	593	618	643	668	678

5.26. Scenario A (high decline) takes account of future waste minimisation measures but includes the 2007-2008 period when, as a result of the recession, households and businesses produced significantly less waste. This single year drop skews the data and is not considered to be representative of future trends. Scenario B (low decline) takes account of expected future waste reduction measures but is not skewed by the effects of the 2007-2008 recession. Scenario C (no change) assumes waste arisings will remain static and takes no account of future waste reduction measures and is also therefore not considered to be realistic because it does not reflect national policy aims. Scenario B is therefore considered to be the most realistic and has been chosen as the preferred option upon which to base the Plan.

Commercial and industrial waste

5.27. To forecast commercial and industrial waste arisings, national policy guidance recommends that waste planning authorities should assume a certain level of growth in waste arisings unless there is clear evidence to indicate otherwise. The latest WNA looks at future economic output and predicts future waste generation rates per employee and the employee projections from the Nottingham Employment Land Needs Study².

5.28. The three updated scenarios are:

A

No change - this scenario assumes business as usual with no change in either the number of employees or the amount of waste produced per employee during the plan period. The amount of C&I waste produced would remain static throughout the plan period.



B

Medium growth - this scenario assumes a 5% reduction in the amount of waste per employee up to 2031 due to waste reduction initiatives and circular economy measures. The number of employees would increase by 11% in Nottinghamshire and 17% in Nottingham in line with predictions. Due to the predicted economic impacts of the COVID-19 pandemic, these predictions assume no growth in employees between 2021 and 2024. This scenario would result in an increase of 69,000 tonnes of C&I waste per year by 2038.



C

High growth - this scenario assumes no change in the amount of waste produced per employee. The number of employees would increase 11% in Nottinghamshire and 17% in Nottingham in line with predictions - as in Scenario B above. Due to the predicted economic impacts of the COVID-19 pandemic, these predictions assume no growth in employees between 2021 and 2024. This scenario would result in an increase of almost 103,000 tonnes of C&I waste per year by 2038.



² Lichfields, (2021); Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study. The Nottingham Employment Land Needs Study only includes projections for six of the Nottinghamshire local authorities (excludes Bassetlaw). As Bassetlaw is a comparable size (both geographically and in population) to Newark and Sherwood, the same employment projection for Newark and Sherwood has been applied to Bassetlaw.

5.29. Table 2 below summarises the forecast arisings at key intervals during the plan period.

**TABLE 2. SUMMARY OF FORECASTED C&I ARISINGS
(IN FIVE-YEAR INTERVALS) (000S TONNES), 2019 – 2038**

	2021	2026	2031	2036	2038
Scenario A	966	966	966	966	966
Scenario B	966	976	1,001	1,025	1,035
Scenario C	966	981	1,017	1,054	1,069

5.30. Compared to the previous forecasts, using the 2021 data results in a higher baseline from which to project future waste growth but is likely to be a more realistic starting point as this reflects the probable impacts of increasing restrictions on waste exports (see paragraph 5.9). Scenario A (no change) does not take account of predicted future economic growth or the likely impact of waste minimisation measures. This is not considered to be representative of long-term trends as it does not reflect national policy or local growth estimates. Scenario B (low growth) takes account of predicted growth in the local economy after 2024 and the likely impact of waste minimisation measures as described in Chapter 3. Scenario C (high growth) takes account of predicted economic growth but assumes there will be no reduction in the amount of waste produced per employee. This is not considered to be representative of long-term trends as it does not take account of waste minimisation measures. Scenario B is therefore considered to be the most realistic and has been chosen as the preferred option upon which to base the Plan.

Construction, Demolition and Excavation Waste

5.31. When forecasting future CD&E arisings, national policy guidance recommends that WPAs should assume a constant level of future arisings as there is a limited evidence base on which to base forward projections. Allowance should also be made for the fact that a sizeable proportion of construction and demolition waste arisings are managed or re-used on-site, or at exempt sites. Although the starting point is to assume that arising will remain constant over time, forecasts should also take account of any significant planned regeneration or major infrastructure projects over the timescale of the Plan.

5.32. The Waste Needs Assessment concludes that there is no evidence to suggest an increase in future CD&E arisings. The only major construction project considered potentially likely to have a significant impact on CD&E generations rates during the plan period is Phase 2b of high-speed railway HS2, with the eastern leg terminating just inside the boundary of Nottinghamshire. Therefore, the impacts on C&DE waste arisings are not considered to be significant. For this reason, only one forecasting scenario has been considered as follows:

A

No change - this scenario assumes business as usual with no change in the amount of waste produced during the plan period using a 10 year average between 2012-2021. There are no major construction projects scheduled during the plan period that would significantly affect future levels of CD&E waste generation.

NO CHANGE

5.33. Table 3 below summarises the forecast arisings at key intervals during the plan period.

**TABLE 3. SUMMARY OF FORECASTED CD&E ARISINGS (IN FIVE-YEAR INTERVALS)
(000S TONNES), 2021 – 2038**

	2021	2026	2031	2036	2038
Scenario A	1,397	1,172	1,172	1,172	1,172

5.34. In line with national guidance, and the lack of alternative evidence, this is considered to be an appropriate forecast upon which to base the Plan.

Hazardous waste

5.35. The NPPG recommends that forecasts of future hazardous waste arisings should be based on extrapolating historic time series data as information on hazardous waste is considered likely to be robust. The previous Issues and Options consultation considered a single scenario based on waste production over the last 10 years. The latest Waste Needs Assessment maintains this approach but has revised the underlying figures on the amount of waste produced over the last 10 years using data from the Environment Agency's Hazardous Waste Data Interrogator. A single forecasting scenario has therefore been considered as follows:

A

Extrapolate historic data - this scenario assumes that the amount of hazardous waste generated will continue the overall minor downward trend observed over the last 10 years. This scenario does not consider any change in hazardous waste arisings as a result of COVID-19 as it is predicted that the amount of hazardous waste will return to normal levels by the end of the plan period.



5.36. Table 4 below summarises the forecast arisings at key intervals during the plan period.

TABLE 4. SUMMARY OF FORECASTED HAZARDOUS WASTE ARISING (IN FIVE-YEAR INTERVALS) (000S TONNES), 2021 – 2038

	2021	2026	2031	2036	2038
Scenario A	75	85	94	104	108

5.37. In line with guidance in the NPPG, this projection of hazardous waste arisings based on historic time series data is considered an appropriate forecast upon which to base the Plan.

Agricultural waste, mining waste, low-level radioactive waste, and wastewater

5.38. No specific guidance is provided on forecasting future waste arisings for other waste streams such as agricultural waste mining waste, low-level radioactive waste, and wastewater. In most cases these are produced in very small quantities and are capable of being managed at existing facilities. For this reason, it is not considered necessary to make any specific provision for these waste streams. The need for additional waste treatment capacity is usually determined by the regulated water utility companies on a case-by-case basis. Local planning authorities consult the water utility companies during local plan production and on major development proposals and both water supply and disposal requirements are considered as part of local infrastructure delivery plans. To date, no specific requirements have been identified but the Plan will continue to make policy provision for the extension or renewal of existing treatment facilities or the provision of new facilities if required.

Existing capacity within Plan area

5.39. In order to ensure sufficient provision to handle the waste arisings forecasted within the plan area, firstly the WNA assesses the amount of waste management capacity that is already available within the Plan area. This is again based on data from the Environment Agency's Waste Data Interrogator which shows the quantity and type of waste which has been received at each facility. In line with national guidance this takes account of those facilities which have planning permission and are operational. This is considered to be more reliable than including facilities which have planning permission but have either not been built or are no longer in use.

5.40. Tables 5 and 6 below provide a summary of existing capacity by type of facility and the waste streams they accept. Further details on the capacity of individual facilities can be found in Appendix F of the Waste Needs Assessment. Due to the way in which waste data is reported through the Waste Data Interrogator, it is not possible to separate the capacity of each facility between LACW and C&I waste streams. This is recorded as a single, category of household, industrial and commercial waste (HIC) for reporting purposes.

**TABLE 5. EXISTING WASTE TREATMENT CAPACITY BY TYPE IN DECEMBER 2021
(TONNES PER ANNUM)**

Facility Type	Waste stream			Total
	HIC	CD&E	Hazardous	
<i>Anaerobic digestion</i>	394,226	-	4,135	398,361
<i>Composting</i>	80,345	-	-	80,345
<i>Recycling</i>	932,531	1,367,501	176,059	2,476,091
Recycling Total	1,407,102	1,367,501	180,194	2,954,797
<i>Energy recovery</i>	243,162	-	-	243,162
<i>Other recovery</i> (deposit to land)	180	408,703	-	408,883
Recovery Total	243,342	408,708	-	652,045
Transfer	749,598	263,272	82,046	1,094,916
TOTAL	2,400,042	2,039,476	262,240	4,701,758

**TABLE 6. REMAINING LANDFILL CAPACITY BY TYPE IN DECEMBER 2021
(ROUNDED TO NEAREST 100 TONNES)**

Facility Type	2021
Inert Landfill (CD&E)	2,813,277
Non-hazardous Landfill (HIC)	753,378
Restricted User Landfill	575,405

Future waste management methods

5.41. As well as establishing the level of existing capacity, we also need to consider how waste is likely to be managed in future i.e. the proportions of each waste stream that are likely to be recycled, recovered, or disposed of. This will help to identify the types of facilities needed and whether any new capacity will be required over the plan period. The Waste Needs Assessment sets out the recycling, recovery and disposal scenarios which have been considered for each waste stream. In each case these range from a continuation of current recycling rates, a moderate increase, and a more challenging stretch-target likely to require much wider changes from government, industry, and society as a whole.

TABLE 7. RECYCLING SCENARIOS FOR LACW

Recycling Scenario	Description	Justification
Low	37.8% recycling rate for all years to 2038.	Business as usual, no change in the current recycling rate by 2038. .
Medium	55% recycling rate by 2038.	Reflects the EU Waste Framework Directive target for 50% of municipal waste to be recycling or composted by 2020 and the 52% recycling target by 2020 set for Veolia in their contract with Nottinghamshire County Council.
High	65% recycling rate by 2035 continuing to 2038.	Reflects the national waste strategy target to recycle 65% of MSW by 2035. The updated Waste Framework Directive also sets a target for 65% of MSW to be recycled by 2030.

5.42. The low scenario reflects a continuation of the current recycling rate for LACW and does not take account of additional recycling measures announced by Government such as the separate collection of food waste from all households. The medium scenario represents a considerable improvement on the current recycling rate but still falls short of the national waste strategy target. The high recycling scenario is preferred as this reflects the more ambitious national target and takes account of the future recycling measures which are due to be introduced.

TABLE 8. RECYCLING SCENARIOS FOR C&I WASTE

Scenario	Description	Justification
Low	62.7% recycling rate for all years to 2038.	Business as usual, no change in the current recycling rate by 2038.
Medium	70% recycling rate by 2038.	Assumes some transition between the current recycling rate and the high recycling rate
High	70% recycling rate by 2025, increasing to 80% by 2038.	The Nottinghamshire and Nottingham Waste Core Strategy sets a target of 70% of C&I waste to be recycled or composted by 2025. 80% has been chosen as a possible target at the end of the plan period (2038) as it reflects the ambition of Nottinghamshire and Nottingham.

5.43. The low scenario reflects a continuation of the current recycling rate for C&I waste and does not take account of proposed measures such as the wider use of Extended Producer Responsibility (customer take-back) schemes. The medium scenario assumes a small increase in the recycling rate over the Plan period. The high scenario is preferred as this reflects a more optimistic target by the end of the Plan period and takes more account of proposed recycling measures.

TABLE 9. RECYCLING/RECOVERY SCENARIOS FOR CD&E WASTE

Scenario	Description	Justification
Low	83.4% recycling/recovery rate for all years to 2038.	Business as usual, no change in the current recycling/recovery rate.
Medium	90% recycling/recovery rate by 2038.	Assumes some transition between the current recycling/recovery rate and the high recycling rate.
High	95% recycling/recovery rate by 2038.	In-lieu of other practical targets, targets for CD&E waste found within the London Plan have influenced the high scenario.

5.44. Recycling and recovery rates for CD&E waste are already at a high level. The low recycling scenario assumes a continuation of the current rate but does not take account of potential future improvements. The construction and demolition sector is identified as a priority area to tackle certain waste materials³. The medium scenario assumes an increase in the recycling or recovery of CD&E waste. The high scenario represents a very high recycling and recovery rate for this waste stream and is seen as the most optimistic outcome as the basis for assessing future recycling needs and minimising landfill. This is comparable with selecting the high recycling scenario for LACW and reflects the increasing commercial market for recycled material in the construction sector.

5.45. The high recycling scenario has therefore been chosen as the preferred option for each of the waste streams. To show what this would mean for future waste management, Table 10 below sets out the tonnages of waste that would need to be recycled, recovered or disposed of each year by the end of the Plan period.

TABLE 10. PREDICTED WASTE ARISING BY FORECAST WASTE MANAGEMENT METHOD IN 2038 (TPA ROUNDED TO NEAREST 1,000 TONNE)

Method	LACW	C&I	CD&E	Total
Recycling/ Composting	419,000	828,000	1,114,000	2,309,000
Energy Recovery/ Other disposal	193,000	103,000	-	348,000
Disposal	32,000	103,000	59,000	194,000
TOTAL	644,000	1,034,000	1,173,000	2,851,000

Assessing the need for additional waste management capacity

5.46. By forecasting future waste arisings this enables us to calculate the overall requirement for future recycling, recovery, and disposal capacity. Having established the total requirement, a 'capacity gap analysis' can then be carried out to establish whether or not there is sufficient existing waste management capacity to meet expected future needs. The accompanying Waste Needs Assessment provides a more detailed explanation of this methodology and includes a comparison of the predicted capacity requirement using each of the recycling scenarios considered (high/medium/low).

³ Our Waste, Our Resources: A Strategy for England, Defra, 2018

5.47. Tables 11 and 12 below show the estimated recycling, recovery, and disposal capacity that would be required at key intervals during the Plan period based on achieving the high recycling scenario for each waste stream. Due to the way in which waste data is reported through the Waste Data Interrogator, it is not possible to separate the capacity of each facility between LACW and C&I waste streams. In practice many facilities which handle LACW waste are also able to take C&I waste and this is recorded as a single, combined, category of household, industrial and commercial waste (HIC) for reporting purposes. The capacity requirement is therefore shown in terms of the total HIC need.

TABLE 11. CAPACITY GAP ANALYSIS FOR HIC WASTE STREAM (TPA)

		2021	2026	2031	2036	2038
Recycling	Arisings produced	830,157	980,267	1,104,425	1,219,867	1,246,818
	Existing capacity	1,407,102	1,407,102	1,407,102	1,407,102	1,407,102
	Capacity required	+576,945	+426,835	+302,676	+187,234	+160,284
Energy Recovery	Arisings produced	421,033	359,011	336,125	309,988	296,831
	Existing capacity	243,162	243,162	243,162	243,162	243,162
	Capacity required	-177,871	-115,849	-92,963	-66,826	-53,669
Disposal	Arisings produced	301,790	237,082	176,197	125,603	126,825
	Remaining capacity ⁴	+753,378	-552,108	-1,556,283	-2,259,322	-2,512,364

TABLE 12. CAPACITY GAP ANALYSIS FOR CD&E WASTE STREAMS (TPA)

		2021	2026	2031	2036	2038
Recycling/ Other Recovery	Arisings produced	1,165,929	1,018,204	1,058,040	1,097,876	1,113,810
	Existing capacity	1,776,204	1,367,501	1,367,501	1,367,501	1,367,501
	Capacity required	+610,275	+349,297	+309,461	+269,625	+253,691
Disposal	Arisings produced	231,266	154,227	114,391	74,556	58,622
	Remaining capacity ⁴	+2,813,277	+1,962,470	+1,310,842	+858,391	+733,181

⁴ This shows the total amount of void space that would be needed to meet the waste arisings expected to be disposed by 2038

- 5.48.** Based on the preferred high recycling scenario for each waste stream, it can be seen that there is sufficient recycling/composting capacity to manage the Plan area's LACW, C&I and CD&E waste up to 2038. There is though insufficient energy recovery capacity to manage LACW and C&I waste during the first part of the Plan period although This decreases over the life of the plan if the higher recycling scenario is achieved. Planning permission has been granted for up to 892,100 tonnes per annum of further energy recovery capacity that has not yet come forward. If implemented, this non-operational capacity, could help to reduce future landfill disposal requirements.
- 5.49.** Landfill capacity for LACW and C&I waste is effectively exhausted, and the Waste Needs Assessment estimates that up 2.5 million tonnes of waste could require landfilling over the plan period, depending on future recycling and recovery rates. Landfill capacity for CD&E waste is currently adequate but could run out close to the end of the Plan period. Opportunities for future non-hazardous landfill, to manage LACW and C&I waste, are limited within the Plan area due to the underlying geology and groundwater constraints. There may be opportunities for inert CD&E waste to be used as backfill to restore f future quarry sites over the life of the Plan. N.B. although the Waste Needs Assessment carried out by Aecom assumes a future landfill rate of 5% for LACW and 10% for C&I and C, D&E, this is a likely maximum to ensure sufficient provision, it does preclude waste being recovered or recycled. If waste was handled higher up the waste hierarchy this would mean there will be less requirement for landfill than envisaged in the WNA. This will be monitored in the Councils Annual Monitoring Reports.
- 5.50.** The WNA does not identify a need for additional waste management capacity for hazardous waste. It is predicted that approximately 108,00 tonnes of hazardous waste will be generated within the plan area in 2038 with sufficient capacity to manage 180,000 tonnes of hazardous waste per year. For other waste streams such as agricultural and mining waste, which are produced in relatively small quantities, the WNA concludes that these are capable of being managed within existing facilities and that no additional capacity would be needed to handle these wastes in future.
- 5.51.** In addition to waste recycling, recovery and disposal facilities, waste transfer stations also play an important intermediary role in waste management. Their primary function is to sort and bulk up waste into more efficient loads before moving the waste on to a final destination (e.g. recycling, energy from waste or landfill). Waste transfer capacity is not therefore included in Tables 11 and 12 above to avoid double counting. The WNA concludes that there is currently sufficient transfer capacity to manage 750,000 tonnes of HIC waste and 260,000 tonnes of CD&E waste per year. If it is assumed that the same proportion of waste will be managed by transfer stations in future, there will still be a surplus of waste transfer capacity for both HIC and CD&E waste by the end of the Plan.

5.52. On this basis the Plan needs to consider how to make appropriate provision for additional energy recovery and disposal capacity where required. The Councils carried out a 'call for sites' at the previous Issues and Options consultation stage but very few sites were put forward. This means that it is not possible to make an objective comparison of a range of possible sites. Given this lack of site-specific evidence, the Councils have drafted a criteria-based policy against which to judge future waste management proposals (Policy DM1). This policy is similar to that used in the previous Waste Core Strategy and sets out the types of location that are likely to be considered suitable for the different types of waste use.



6. OUR VISION AND STRATEGIC OBJECTIVES



Introduction

6.1. Building on the issues identified, this Plan sets out a vision and strategic objectives to deliver sustainable waste management over the Plan period. The Vision sets out how waste should be managed in Nottinghamshire and Nottingham throughout the plan period and demonstrates a positive approach to planning and as such is intended to be both ambitious and deliverable. The vision is supported by 7 Strategic Objectives, and include topics such as climate change, community, health and wellbeing, the environment, and transport.

Vision:

By 2038 households and businesses will produce less waste by minimising the use of resources and re-using these as far as possible as part of a truly circular economy. This will be supported by an ambitious and innovative waste industry enabling us to meet, and preferably exceed existing and future recycling targets. We will then seek to recover the maximum value from any leftover waste in terms of materials, or energy. Disposal will be the last resort once all other options have been exhausted.

There will be an appropriate mix of waste management site types, sizes and locations to ensure there is sufficient capacity to meet current and future needs. The geographical spread of waste management facilities will be closely linked to our concentrations of population and employment so that waste can be managed locally as far as possible/close to where it is produced.

Existing waste management facilities will be safeguarded, where appropriate, and new facilities will be situated in the most sustainable locations to support the needs of all new development and promote sustainable patterns of movement and sustainable modes of transport.

The quality of life of those living, visiting and working in the area will be improved and any risks to human health avoided. We will protect and enhance our environment, wildlife, high quality agricultural land, heritage and landscape, improve air quality, water quality and use water resources efficiently in order to minimise the effects of climate change, including flooding, and achieving biodiversity net gains.

We will promote waste management facilities' adaptability to climate change and secure energy efficiency and sustainable building techniques whilst maximising renewable energy opportunities from new or existing waste development.

How will we deliver the vision and objectives?

6.2. For the Waste Local Plan to work it must be deliverable. We need to have clear goals for what we want to achieve and be able to measure the effectiveness of our future policies. To do this we have developed the following objectives that build on the elements of the Vision above.

STRATEGIC OBJECTIVE 1:

Meet our future needs - ensure that there is a mix of site types, sizes and locations to help us manage waste sustainably wherever possible. Meet current and future targets for recycling our waste. Safeguard existing and/or potential future sites where appropriate. Locate new waste facilities to support new residential, commercial and industrial development across the plan area. Provide adequate waste management sites located in the most suitable and sustainable locations.

STRATEGIC OBJECTIVE 2:

Climate change – encourage the efficient use of natural resources by generating less waste and promoting waste as a resource; limiting greenhouse gas emissions and further impacts by avoiding damage to air quality, water, biodiversity or soil; reduce the need to transport waste. Manage this by making sure that all new waste facilities are designed to be as energy efficient as possible and located to withstand the likely impacts of flooding, higher temperatures and more frequent storms.

STRATEGIC OBJECTIVE 3:

Strengthen our economy – promote a diverse local economy that treats waste as a resource, minimising waste production and maximising the re-use, recycling and recovery of waste. Make the most of the opportunities for businesses, communities and local authorities to work together. Encourage investment in new and innovative waste management technologies and learn from best practice.

STRATEGIC OBJECTIVE 4:

The environment – ensure any new waste facilities avoid adverse impacts on the landscape, wildlife and valuable habitats, by protecting and enhancing water, soil and air quality across the plan area. Avoid harm to the built and natural heritage, enhancing where possible, and ensure biodiversity net gains are achieved in new waste developments to support environmental benefits.

STRATEGIC OBJECTIVE 5:

Community, Health and Wellbeing – ensure any new waste facilities do not adversely impact on local amenities and quality of life from impacts such as dust, flooding, traffic, noise, odour and visual impact and address local health concerns. Make sure that local people have the chance to be involved in decisions about new waste management facilities by providing more information, encouraging wider involvement and targeting key groups or individuals where appropriate.

STRATEGIC OBJECTIVE 6:

Sustainable Transport – encourage alternatives to road transport such as waterways and rail where practical, locating sites close to sources of waste and/or end-markets to reduce transport distances and make use of existing transport links to minimise the impacts of new development.

STRATEGIC OBJECTIVE 7:

High quality design and operation – ensure that all facilities are designed and operated to the highest standards. Improve the understanding, acceptance and appearance of waste management facilities which are an essential part of our infrastructure and ensure new waste development management facilities are adaptable to climate change, energy efficient and maximise renewable energy opportunities.



7. STRATEGIC POLICIES



Introduction

- 7.1.** The strategic policies within this chapter are designed to deliver the vision and objectives of the joint Waste Local Plan and provide the overall framework for future waste development within Nottinghamshire and Nottingham. They are designed to ensure that waste facilities are in the appropriate locations across the plan area to manage future waste arisings and will help move waste up the waste hierarchy, whilst protecting local amenity and the built, natural and historic environment. The strategic policies should be read alongside the more detailed Development Management policies in Chapter 8.
- 7.2.** National planning policy is clear that the purpose of the planning system is to contribute to the achievement of sustainable development through the three overarching objectives of securing overall economic, social and environmental gains. Planning policies and decisions should actively guide development towards sustainable solutions that reflect the local character, needs and opportunities of each area.
- 7.3.** When considering development proposals, the Councils will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Councils will work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area.
- 7.4.** Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in other plans which form part of the development plan) will be approved unless material considerations indicate otherwise.
- 7.5.** Where there are no relevant plan policies, or the policies which are most important for determining the application are out of date at the time of making the decision, the Councils will grant planning permission unless: a) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or b) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole.
- 7.6.** The presumption in favour of sustainable development does not apply where proposals are likely to have a significant effect on a habitats site (either alone or in combination with other proposals) unless an appropriate assessment has concluded that the proposals will not adversely affect the integrity of the habitats site. It is a national planning objective that planning, including planning for waste development supports the transition to a low-carbon economy, taking into account flood risk, water supply and changes to biodiversity and the landscape. All new waste development proposals will be expected to be planned from the outset to avoid increased vulnerability to the range of impacts resulting from climate change and care will need to be taken to ensure any potential risks can be managed through suitable adaptation measures.

SP1 – Waste prevention and re-use

Introduction

- 7.7.** It is important that waste is managed as sustainably as possible. The Vision and Strategic Objectives for this Plan reflect the key principles of both the waste hierarchy and the circular economy and seek to minimise the environmental and economic impact of waste management within the Plan area. Waste prevention and re-use are at the top of the waste hierarchy and should be considered when determining planning applications for all forms of development and not just those which relate to waste management facilities. Policy SP1 below will therefore also apply to proposals for non-waste development and should be considered by the local planning authority (i.e. the relevant district or borough/district council within Nottinghamshire) responsible for determining the application.

SP1 – Waste prevention and re-use

All new development should be designed, constructed, and operated to minimise the creation of waste, maximise the use of recycled materials, and assist with the collection, separation, sorting, recycling and recovery of waste arising from the development during its use.

Justification

- 7.8.** The NPPW requires local planning authorities to ensure that waste arising from the construction and operation of all development is managed in ways which maximise opportunities for re-use and recovery and minimise the off-site disposal of waste. This can include measures such as using recycled materials in construction or re-using suitable construction waste on site for engineering or landscape purposes, for the latter applicants will need to check whether planning permission and waste permits are required.
- 7.9.** As National Planning Practice Guidance indicates, local authorities can make use of planning conditions to promote such opportunities and encourage or require the developer to set out how waste arising from the development is to be dealt with. For proposals which are likely to generate large volumes of waste, either through the construction phase or during its operation, it may be useful for the applicant to include a waste audit. Audits should demonstrate how the proposal will minimise the amount of waste generated as far as possible, and that waste produced will be handled in an appropriate manner in accordance with the waste hierarchy.

- 7.10.** All new non-waste development should also make sufficient provision for waste management as part of the wider development. This includes promoting good design to integrate waste storage areas with the rest of the development and its surroundings. Adequate storage facilities should also be provided at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service. There may also be opportunities, particularly for larger scale developments, for the incorporation of small-scale waste processing facilities into the scheme, particularly where there is scope for the recovery and use of heat and such a strategy has been thoroughly considered and appraised.
- 7.11.** Non-waste development is normally the responsibility of the relevant LPA. Some Local Plans already include policies which seek to address issues of sustainable design and construction in more detail including how waste arising from the site should be managed. Policy SP1 should therefore be read alongside such policies where they exist.

This policy helps to meet the following objectives:

SO2 - Climate change

SO3 - Strengthen our economy

SP2 – Future Waste Management Provision

Introduction

- 7.12.** Alongside helping to support wider waste management aims and objectives, the key role of the Waste Local Plan is to ensure that there is an efficient network of waste management facilities to treat, transfer or dispose of any waste that is produced safely and sustainably. This means ensuring that we have the right facilities, in the right places, at the right time to meet our future needs.
- 7.13.** In line with national policy, the Waste Local Plan looks to drive waste management up the waste hierarchy by providing for an appropriate range of facilities to help meet current and future recycling targets, whilst also making adequate provision for waste disposal where necessary.

SP2 – Future Waste Management Provision

1. The Waste Local Plan aims to provide sufficient waste management capacity to meet identified needs and will support proposals for waste management facilities, including transfer facilities, which help to move waste management up the waste hierarchy. Proposals for waste management facilities will therefore be assessed as follows:
 - a) Priority will be given to the development of new or extended recycling, composting and anaerobic digestion facilities
 - b) New or extended energy recovery facilities will be permitted where it can be shown that:
 - i) This will not prejudice movement up the waste hierarchy and achieving our recycling targets
 - ii) The power generated can be fed into the national grid
 - iii) The heat generated can be used locally, if this is impractical initially then the facility should be designed and located to have the capability to deliver heat in the future to existing or potential heat users
 - c) Other forms of recovery will be permitted where it can be shown the proposal meets the requirements within Policy SP4
 - d) New or extended disposal capacity will be permitted where it can be shown that this is necessary to manage residual waste that cannot be recycled or recovered.

Justification

- 7.14.** Chapter 5 of the Waste Local Plan identifies our anticipated future waste management needs across the Plan area to 2038. The Plan's approach is to ensure that Nottinghamshire and Nottingham are self-sufficient in managing their own waste as far as possible, but it is recognised that this may not always be practical. In some cases, it may be more sustainable or economical for waste to be managed in a different WPA area if this happens to be the nearest, most appropriate facility for that waste type. It is not viable to have facilities for every waste type in each WPA area as some wastes are very specialised or only produced in very small quantities and are more appropriately managed at regional or national level. The Waste Local Plan therefore takes a pragmatic approach which aims to provide sufficient capacity to manage the equivalent of our own waste arisings whilst allowing for appropriate cross-border movements of waste. Policy SP6 sets out this approach in more detail.
- 7.15.** Where there is a need for additional waste management capacity, proposals for new or extended waste management facilities will need to demonstrate that this will not prejudice movement up the waste hierarchy. In land use terms, priority will therefore be given to facilities which will contribute to meeting current and future recycling targets. These can include re-use, recycling, composting and anaerobic digestion facilities⁵.
- 7.16.** Where it is not possible to recycle the waste, the next most sustainable option is to recover value from the waste in the form of either energy or materials. Recovering energy from waste can also provide a local source of heat and power for other nearby development, helping to meet the Government's aims of decentralising energy supplies and offsetting the need for fossil fuels. However, the Waste management plan for England (2021) and Our waste, our resources: a strategy for England (2018) make clear that the aim is to get the most energy out of waste, not to get the most waste into energy recovery. Proposals for such facilities then should show they will not prejudice waste being managed further up the hierarchy and would divert waste that would otherwise be disposed of. To be classed as a 'recovery' facility Energy from Waste (EfW) facilities must achieve an agreed level of energy efficiency⁶.
- 7.17.** Other forms of material recovery can include anaerobic digestion and some backfilling operations where the waste is used in place of other non-waste materials for reclamation, landscaping, or engineering purposes.
- 7.18.** Although disposal is at the bottom of the waste hierarchy, it is recognised that there will still be a need to dispose of residual waste that cannot be recycled or recovered. For certain types of waste, disposal can be the best, or least worst, option, for example hazardous materials like asbestos which cannot be recovered or recycled. Disposal involves either the landfilling of waste or incineration without energy recovery as this means no value is obtained from the waste.

This policy helps to meet the following objectives:

SO1 - Meet our future needs

⁵ Anaerobic digestion is classed as 'other recovery' within the waste hierarchy, but elements of the process can contribute towards UK recycling targets under current guidance.

⁶ Annex II of the Waste Framework Directive sets out an energy efficiency formula (R1) to be applied to incineration facilities

SP3 - Broad Locations for Waste Treatment Facilities

Introduction

- 7.19.** As set out in our vision, we want to promote a pattern of appropriately sized waste management facilities in the areas where they are most needed - i.e., close to where most waste is likely to be produced. This approach will help local authorities and the waste industry to develop a modern, safe, and efficient network of waste facilities to manage waste as sustainably as possible and reduce the need to transport waste over long distances.
- 7.20.** The Waste Local Plan therefore seeks to locate facilities in suitable locations which are well related to the main urban areas and settlements of Nottinghamshire and Nottingham. Policy DM1 provides a more detailed set of site criteria to establish the types of locations that would be considered suitable for different types and sizes of waste management facilities with Policies SP8, DM2 and DM10 also ensuring waste facilities and non-waste developments can co-exist without adverse impacts on one another.
- 7.21.** The majority of our waste will be managed through dedicated waste treatment facilities such as recycling, composting, anaerobic digestion, energy recovery or waste transfer facilities, but the Plan must also ensure that any remaining residual waste, that is not suitable for further processing, can be disposed of safely. Facilities for the recovery to land or disposal of any remaining residual waste are considered separately in Policy SP4.

SP3 – Broad Locations for Waste Treatment Facilities

1. Waste treatment facilities will be supported in suitable locations which are well related to the main urban areas and settlements in Nottinghamshire and Nottingham and where the size of the facility is appropriate to its location.
2. The development of treatment facilities within the open countryside will be supported only where such locations are justified by a clear local need, particularly where this would provide enhanced employment opportunities and/or would enable the re-use of existing buildings and/or previously developed land and fit in with the local character. Where land is designated as Green Belt, policy SP7 will apply.

Justification

- 7.22.** Nottingham and its surrounding built up areas, including Hucknall, Arnold, Beeston, Carlton, Stapleford, West Bridgford and Clifton, form the major/main urban centre for population and employment in the Plan Area and could see significant growth in the future. This area also shares significant employment and housing market links with the neighbouring cities of Derby and Leicester. The other main urban concentration is focused around Mansfield and the Ashfield towns of Sutton-in-Ashfield and Kirkby-in-Ashfield (Mansfield/Ashfield) which are all clustered closely together (See Plan 1). There are also sizeable towns in Nottinghamshire which are experiencing growth, including Newark, Retford and Worksop. The development of new, or extended, waste facilities to serve these areas is therefore key to managing planned future employment and housing growth and ensure sufficient waste treatment infrastructure to deal with the equivalent amount of waste arising from Nottinghamshire and Nottingham.
- 7.23.** Functionally these main urban areas are closely linked, and the availability and concentration of suitable employment land and transport links make these the most appropriate locations for the development of major waste infrastructure. A mix of facilities of different sizes/scales is likely to be required to provide the right provision of capacity in the plan area, proposals will need to ensure that the size of the facility is appropriate to its location, with Policy DM1 providing further guidance on what size of facilities may be appropriate in which locations. Proposals will also need to consider and satisfy the development management policies within this plan to demonstrate the location is appropriate.
- 7.24.** There may be a need for facilities outside these areas in the open countryside to meet local community needs, but these should be designed and located to fit in with the character of the surrounding area. These are likely to be local facilities for waste recycling, composting or transfer but anaerobic digestion may also be suitable where this can provide a local source of energy. There may also be wider benefits in terms of providing a more diverse range of local employment opportunities and so supporting rural economies or the benefit of co-locating facilities with agricultural practices. Such facilities will be supported where these would meet a clear local need and can be accommodated without introducing industrial style development or intensive uses into village, neighbourhood, or countryside areas. In line with guidance in the National Planning Policy for Waste, the emphasis should be on the re-use of existing buildings and previously developed land wherever possible. This could include the re-use of appropriate agricultural, forestry or other buildings for example. Where waste development is proposed in the Green Belt, proposals will need to comply with Policy SP7: Green Belt.
- 7.25.** It is recognised that some types of waste facility, such as wastewater treatment works, may have specific locational requirements. These may require an open countryside or greenbelt location outside of the spatial strategy set out in Policy SP3.

This policy helps to meet the following objectives:

SO1 - Meet our future needs

SO6 – Sustainable Transport

SP4 – Managing Residual Waste

Introduction

7.26. As well as making provision for a range of suitable waste treatment facilities to recover as much of our resources as possible, the Plan must also ensure that any remaining waste, known as residual waste, can be managed safely. This includes the use of suitable inert materials as bulk fill for engineering, landscaping or restoration purposes and the final disposal of non-hazardous or hazardous waste which is not suitable for further treatment.

SP4 – Managing Residual Waste

1. Proposals for the recovery of inert waste to land will be permitted where it can be demonstrated that:
 - a) This will provide a significant benefit or improvement to the site which cannot practicably or reasonably be met in any other way.
 - b) The waste cannot practicably and reasonably be re-used, recycled or processed in any other way.
 - c) The use of inert waste material replaces the need for non-waste materials.
 - d) The development involves the minimum quantity of waste necessary to achieve the desired benefit or improvement
 - e) This will not prejudice the restoration of permitted mineral workings and landfill sites where applicable.
2. Proposals for the disposal of non-hazardous or hazardous waste to land will not be permitted unless it can be demonstrated that:
 - a) There is an overriding need for additional disposal capacity which cannot be met at existing permitted sites.
 - b) The waste cannot practicably and reasonably be re-used, recycled, recovered or processed in any other way.
3. In all cases, the resulting final landform, landscaping treatment and after-uses must be designed to take account of and, where appropriate, enhance the surrounding landscape, topography and natural environment.

Justification

- 7.27.** National policy recognises that there is still a need to make adequate provision for waste disposal once all other treatment options have been exhausted (Paragraph 3, National Planning Policy for Waste). This should only be where the need for disposal is unavoidable, for example where there is a lack of treatment (i.e. recycling or other recovery) capacity available for that specific waste type, or during periods of planned maintenance or mechanical breakdown at existing treatment facilities.
- 7.28.** Previously waste disposal has been used as a means of backfilling and restoring old mineral workings, but the majority of former quarries and colliery sites have now been restored or have agreed restoration schemes not reliant upon importing waste to achieve approved landforms. New quarries may require inert waste materials for restoration in future, but there are now very few, if any, quarries that would be suitable for non-hazardous waste disposal. This is mainly due to geology as the permeable sandstone aquifer which underlies much of the plan area prevents the disposal of hazardous or non-hazardous waste.

Inert Waste

- 7.29.** Inert material can be put to beneficial use to restore former mineral sites or as a capping material for landfill or landraise schemes. This type of activity can be categorised as waste recovery, rather than disposal, where the material is used to replace non-waste materials which would otherwise have been used fulfil the same function. Given the need to ensure the appropriate restoration of mineral workings, landfill, and landraise sites, proposals will need to demonstrate they do not prejudice the restoration of these sites. For example, there is no nearby mineral or landfill sites that the waste could practicably be used for.
- 7.30.** Other types of recovery operation involving inert waste can include:
- Constructing haul roads/hard standing.
 - Agricultural land improvements or other engineering operations, including golf courses
 - Redevelopment of brownfield sites
 - Landscaping treatment and noise attenuation bunds to screen development.
- 7.31.** Given that inert waste readily lends itself to being put to a beneficial use, the disposal of inert waste to land is considered unacceptable.
- 7.32.** The WPAs will therefore need to consider whether proposed development involving the deposit of waste to land is a genuine 'recovery' activity. This will include an assessment of whether there is a genuine need for the development and the extent to which it will provide environmental or other benefits. Permission will not be granted where the intention is to provide an outlet for waste 'disposal' for its own sake.

- 7.33.** The recovery of inert waste to land will only be supported if the development provides a significant benefit that would outweigh any significant adverse impacts. In the case of land remediation, the development must demonstrate a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.
- 7.34.** Proposals must demonstrate that the quantity of waste to be used is the minimum amount required to achieve the desired outcome. Where this relates to the restoration of minerals workings or landfill sites, this will include consideration of the final landform, slope stability and drainage profile, allowing for the expected rate of settlement of the deposited material.
- 7.35.** Where an application, or part of an application, which includes a recovery to land operation is to be determined by a district or borough council, then Policy SP4 will apply as part of the decision-making framework.

Non-hazardous and hazardous waste

- 7.36.** The Plan aims to divert as much waste away from landfill as possible by providing other types of facilities for the management of waste and there has been a significant reduction in the amount of waste requiring disposal over the last 20 years. This is expected to continue in the future, as a result of further waste minimisation efforts including restrictions on the landfill of biodegradable waste and the wider use of Extended Producer Responsibility (EPR) schemes. As such, it is expected that landfill will only be used once all other treatment options have been exhausted.
- 7.37.** The environmental problems associated with finding suitable landfill sites, and the reducing need for disposal, mean that the availability of landfill for both hazardous and non-hazardous waste has been steadily reducing as existing sites are used up. There is one remaining non-hazardous landfill site within the Plan area at Daneshill, north of Retford, which has planning permission until 2042 but it is uncertain how long this will remain operational. There are also a number of closed sites that are being restored.
- 7.38.** Sites for landfill disposal are therefore becoming more specialised as operators focus on existing facilities. As a result, waste is increasingly travelling over administrative boundaries to reach these facilities and make the best use of remaining capacity. Although the plan seeks to minimise the overall distance that waste is transported, the lack of suitable disposal sites within the Plan area may mean that residual hazardous and non-hazardous waste will be managed at the nearest available site but not necessarily within the Plan area.

7.39. As set out in Policy SP2 the Plan's approach is to provide sufficient waste management capacity to manage the equivalent of our own needs, whilst recognising that it may not be possible to provide for every type of facility within the Plan area. The Councils will therefore maintain a close dialogue with other East Midlands and surrounding WPAs to ensure that waste can continue to be managed as sustainably as possible.

7.40. Although the scope to provide hazardous or non-hazardous disposal capacity within the Plan area is thought to be extremely limited, due to the underlying geology of the area and wider environmental constraints, it is important that the Plan includes relevant policies to deal with such proposals should these come forward. Part (2) of Policy SP4 above will therefore apply to any proposals for new landfill sites for hazardous or non-hazardous waste including the extension of, or alterations to, existing, unrestored sites. As there is sufficient waste treatment capacity within the plan area to meet expected future needs, disposal is expected to be a last resort in accordance with the waste hierarchy.

This policy helps to meet the following objectives:

SO1 - Meeting our Future Needs

SP5 – Climate Change

Introduction

- 7.41.** The Government is committed to tackling the causes of climate change and reducing carbon emissions, striving for total emissions generated within the UK being equal to, or less than, the amount of emissions being removed or offset by 2050, also known as the 'net zero' target. Both Nottinghamshire County Council and Nottingham City Council are committed to achieving carbon neutrality in their activities by 2030 and 2028 respectively, as set out in each Council's Carbon Neutral Charter.
- 7.42.** Reducing the amount of waste produced and moving towards a more circular economy, where waste is seen as a resource, is a key part of achieving net zero as the way new goods are used and made are contributors to climate change and biodiversity loss.
- 7.43.** Planning then can play a key role in securing reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, whilst supporting the transition to a low carbon future. This is central to the economic, social and environmental dimensions of sustainable development.
- 7.44.** All new development should therefore seek to minimise their impact on the causes of climate change and avoid increased vulnerability to the impacts of climate change, including flooding, where practicable.

SP5 – Climate Change

1. Proposals for waste management facilities should be located, designed and operated so as to minimise any impacts on the causes of climate change throughout the lifetime of the development, including by:
 - a) Reducing greenhouse gas emissions
 - b) Making efficient use of natural resources
 - c) Supporting renewable and low carbon energy and associated infrastructure, through innovative design
2. Proposals for waste management facilities should be designed and located to ensure that they are resilient and adaptable to the future impacts of climate changes.

Justification

- 7.45.** Nottinghamshire County Council and Nottingham City Council are committed to taking a sustainable approach to planning development that responds to the challenges of climate change and takes wider environmental considerations into account when making decisions about the location, nature and size of new waste development.

7.46. The key concern of the Waste Local Plan is to support the transition to a low carbon future, seeking to minimise waste produced and promote the re-use of materials (Policy SP1) and prioritise recycling (Policy SP2).

7.47. Waste development can provide a number of opportunities to mitigate and adapt to the impacts of future climate change. This could include:

- Minimising greenhouse gas emissions, including through energy efficiency, design and orientation of buildings and using low emission equipment or mobile plants.
- Minimising water consumption (e.g. use of recycled water for waste management processes, harvesting of rainwater).
- Designing facilities to include measures to deliver landscape enhancement and biodiversity gain. Such measures should contribute to the wider network of green infrastructure across the Plan area (e.g. green roofs).
- Utilising associated lower-carbon energy generation such as heat recovery and the recovery of energy from gas produced from the waste, such as landfill capture facilities which capture methane.
- Introducing the use of sustainable modes of transport, low emission vehicles, travel plans, which will contribute to lowering our carbon footprint.
- Utilising Sustainable Drainage Systems (SuDS), water efficiency and adaptive responses to the impacts of excess heat and drought

The nature and scale of new waste development will influence the extent to which climate change resilience measures will be most effective and appropriate. Policy DM3: Design of Waste Management Facilities details how such measures should be included within the design of facilities.

7.48. The key impacts of climate change on waste across Nottinghamshire and Nottingham are likely to be the increased risk of flooding and storm damage. This could damage essential waste management infrastructure and is a significant pollution risk if a landfill or sewage works were to be overrun by flood water, highlighting the need to avoid inappropriate development in the floodplain (further detail in Policy DM7- Flood risk and water resources). The impact of longer, hotter and drier spells could also cause odour, dust and noise problems during the storage and transportation of biodegradable waste, but these can be tackled through the use of sealed waste containers and enclosing operations within a building or limiting the length of time waste can be stored before treatment or disposal for example. The detailed impacts will be controlled through the detailed development management policies of the Plan set out in Chapter 8.

This policy helps to meet the following objectives:

SO2 - Climate Change

SP6 - Sustainable movement of Waste

Introduction

7.49. The principle of proximity for treatment of waste is a feature of the 2011 Waste Regulations as it seeks to avoid undue movements of waste. The proximity principle does not however require use of the closest facility to the exclusion of all other considerations. In some cases, it may make economic and environmental sense for waste to be managed at a facility in a neighbouring county, if this is closer or means that waste will be managed further up the waste hierarchy. It is not always viable to have facilities for every waste type in one area and some wastes, such as hazardous waste, are very specialised or are only produced in relatively small quantities. Our strategy is therefore to seek to minimise waste movements, encourage alternative movement to road-based transport where appropriate, and deal pragmatically with proposals which treat waste generated from outside Nottinghamshire.

SP6 – Sustainable movement of waste

1. All waste management proposals should seek to minimise the distances waste needs to travel and maximise the use of sustainable alternative modes of transport where practical. Where alternative modes are not available, practical or viable, proposals should seek to make the best use of the existing transport network ensuring that proposed facilities use the main highway network where appropriate.
2. Waste management proposals which are likely to treat, manage or dispose of waste from areas outside Nottinghamshire and Nottingham will be permitted where they demonstrate that:
 - a) The facility makes a significant contribution to the movement of waste up the waste hierarchy; or
 - b) There are no facilities or potential sites in more sustainable locations in relation to the anticipated source of the identified waste stream; or
 - c) There are wider social, economic or environmental sustainability benefits that clearly support the proposal.

Justification

- 7.50.** Minimising the distance waste must travel for appropriate treatment or disposal is a key objective of the Waste Local Plan and is one of the main reasons for focusing most new development in, or close to, our larger urban areas as outlined in Policy SP3. Most of our waste is currently transported by road but encouraging alternative forms of transport, such as water or rail, can help to reduce the environmental impact of waste management in terms of carbon emissions and road congestion as well as the impact on residential amenity in locations close to waste treatment facilities.
- 7.51.** The River Trent, a major waterway running north-east through Nottinghamshire could provide freight movement by water and new rail freight terminals could, over the lifetime of the Local Plan, provide further opportunities for more sustainable forms of transporting waste over long distances. Over very short distances, usually within site boundaries, transport by pipeline or conveyor may also be an option.
- 7.52.** Making use of alternative, more sustainable, forms of transport are likely to depend upon the size and type of site as well as the type of waste involved. Opportunities to move waste by rail or water are therefore most likely to arise in relation to larger development, but all waste management proposals should nevertheless look at ways of transporting waste more sustainably where possible. Large and medium scale facilities should be sited as close to source as practically possible.
- 7.53.** There is potential that that during the life of the Waste Local Plan that proposals will be made which take waste from a wider catchment area. As far as possible we want to be self-sufficient in managing our own waste, but this is not always practical as waste movements do not necessarily stop at local authority boundaries, with commercial contracts also affecting movements. For example, it is recognised that due to the large geographical area of Nottinghamshire, it may be more practical for the facility to also handle waste outside the plan area as these would be closer than some sources of waste within Nottinghamshire. We will therefore maintain a flexible approach and work with neighbouring authorities and applicants to understand the overall level and type of waste management provision. We will also seek to ensure that the waste hierarchy is supported, the most sustainable outcome is sought, and that wider social, economic or environmental sustainability benefits are delivered through those facilities being located in Nottinghamshire and Nottingham.

This policy helps to meet the following objectives:

SO2 - Climate Change

SO6 - Sustainable Transport

SP7 - Green Belt

Introduction

- 7.54.** Policy SP3: Broad locations for Waste Treatment Facilities seeks to locate waste treatment facilities near the main urban areas and settlements of Nottinghamshire and Nottingham as these are the main sources of waste. Covering the land around Nottingham City and the urban parts of Gedling, Broxtowe, Newark and Sherwood and Rushcliffe though is the Nottingham-Derby Green Belt which was principally designated to prevent coalescence of Nottingham and Derby. There can then be some conflict between locating waste facilities in suitable locations and the protection of the Green Belt.
- 7.55.** Green Belt policy is allocated and reviewed as part of Local Plans made by the respective City, District and Borough Councils in whose area it applies.

SP7 – Green Belt

1. Proposals for waste management facilities and associated development considered to be inappropriate development in the Green Belt will only be approved where very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
2. Proposals for waste management facilities and associated development considered not to be inappropriate as per National Policy will only be supported where this maintains the openness of the Green Belt and the purposes of including land within it.

Justification

- 7.56.** Waste management facilities would generally be regarded as inappropriate development, particularly where new buildings are required, within the Green Belt as they would be considered harmful to its designation. The NPPF states that inappropriate development should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt.
- 7.57.** As recognised in the NPPW, whilst waste facilities that would be considered inappropriate should firstly sought to be located outside the Green Belt, it should be recognised that some waste facilities have specific locational needs. For example, wastewater treatment facilities required to serve villages that lie within the Green Belt, the need for physical proximity, suitable topography and a lack of alternative locations may demonstrate very special circumstances. Policy DM1: General Site Criteria highlights what type of waste facilities might be permissible in the Green Belt dependent upon the circumstances of individual applications

7.58. Whilst proposals constructing new buildings and/or large boundary treatment, such as fencing, should be regarded as inappropriate in the Green Belt, there are some exceptions which may be applicable to waste development, in particular to existing waste facility sites that fall within the Nottingham- Derby Green Belt. These could include:

- The extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.59. Some forms of development are considered not to be inappropriate if they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. For waste this may include:

- Engineering operations, such as disposal of waste to land or disposal for recovery schemes
- The re-use of buildings provided that the buildings are of permanent and substantial construction
- Material changes in the use of land, for example where a previously developed site has a similar use to the proposed waste facility or waste is used to create appropriate development such as Country Parks

7.60. Mineral extraction is also considered not to be inappropriate in the Green Belt and the disposal of waste can be used to restore mineral workings and so such disposal schemes may be acceptable in the Green Belt. Any such proposals will need to comply with the policies set out in Nottinghamshire's Mineral Local Plan (March 2021) and Nottingham City's Local Plan Part 2 (January 2020).

This policy helps to meet the following objectives:

SO4 - The Environment

SP8 - Safeguarding Waste Management Sites

Introduction

- 7.61.** Waste management sites are an essential part of our infrastructure and it is important that both appropriate existing facilities and suitable future sites are protected from other uses, such as housing, that might restrict existing operations or their ability to expand in future as they are sensitive to their operations. This could lead to the unnecessary loss of existing infrastructure and capacity to manage waste within the plan area.
- 7.62.** Policy SP8 below therefore protects both existing and permitted waste management sites and the possibility of their future expansion, as well as facilities that could transport waste, such as rail and water facilities. There is no intention that this policy should be used to safeguard unauthorised or inappropriate facilities.

SP8 – Safeguarding Waste Management Sites

1. Nottinghamshire and Nottingham City will seek to avoid the loss of existing authorised waste management facilities, including potential extensions; sites which have an unimplemented planning permission; and facilities to transport waste, such as rail or water.
2. Proposals, including both planning applications and allocations in local plans, for non-waste uses near existing or permitted waste management facilities will need to provide suitable mitigation before the development is completed to address significant adverse impacts and demonstrate that the waste management uses can operate without unreasonable restrictions being placed upon them.
3. Where proposed non-waste development would have an unacceptable impact on a waste management facility, the applicant will need to demonstrate that there are wider social and/ or economic benefits that outweigh the retention of the site or infrastructure for waste use and either:
 - a) The equivalent, suitable and appropriate capacity will be provided elsewhere prior to the non-waste development; or
 - b) The waste capacity and/ or safeguarded site is no longer required
4. Where proposals are within the Cordon Sanitaire of a wastewater treatment facility, the applicant will need to discuss the proposal with the water company which operates the site.

Justification

- 7.63.** Non-waste development can be sensitive to the operations of waste facilities if they are within close proximity to each other. However, permitted and existing waste facilities should not have unreasonable restrictions placed upon them because of new development being permitted after they have been established. As per the NPPF and NPPW, it is for the applicant of the new development as the 'agent of change' to demonstrate that their proposed development will not affect the operations of waste facilities and provide suitable mitigation to address any identified significant adverse impacts which the proposed development may have on the existing waste operation. District and Borough Councils within Nottinghamshire are encouraged to consult and collaborate with Nottinghamshire County Council on applications and proposed allocation sites in Local Plans that are near existing or permitted waste management facilities.
- 7.64.** It is not the intention of Policy SP8 to unreasonably restrict non-waste development and, in most cases, by taking a more flexible approach it may be possible to accommodate non-waste development by making changes to the proposed layout of any housing or mixed-use scheme. Mitigation therefore could include using parking or landscape areas to provide a buffer zone from any existing or potential waste facility.
- 7.65.** The mitigations that are suitable will depend on the non-waste development proposed as well as the type of waste facility and the nature of its operations. The specific nature and potential impacts of wastewater treatment facilities, for example, can be quite different to other waste treatment facilities. Water companies often establish a 'cordon sanitaire' policy which aims to influence the type of development which might take place within a certain distance of a sewage works. The 'cordon sanitaire' is a site-specific limit ranging from 25 to 400 metres, which varies according to the type of processes carried out, the size of works, industrial effluents involved, land use around the site, any anticipated extensions and site topography. Where other non-waste development proposals fall within the 'cordon sanitaire,' the applicant should seek to discuss any proposals with the water company who operate the facility.
- 7.66.** Where proposed non-waste development would have an unacceptable impact on a waste management facility, such as the loss of waste management capacity, prejudice of site operation or restrict future development, the Councils will oppose the proposal. Permission should not be granted unless there are wider social and/or economic benefits that outweigh the need and retention of the waste facility. Applicants will also need to demonstrate that either there is suitable and equivalent capacity provided elsewhere, prior to the non-waste development beginning, or demonstrate the waste facilities capacity is no longer required.
- 7.67.** The Waste Local Plan Annual Monitoring Report contains a list of sites that have current planning permissions which should be referred to when applicants are putting non-waste development sites forward.
- 7.68.** It should be noted that waste facilities will be subject to monitoring and conditions to limit adverse impacts, with all waste applications for new facilities required to satisfy the Development Management Policies within Chapter 8 of this Plan.

This policy helps to meet the following objectives:

SO1 - Meet our future needs

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8. DEVELOPMENT MANAGEMENT POLICIES



Introduction

- 8.1.** The purpose of development management policies is to help to deliver the strategic policies and objectives by providing the criteria against which future waste development will be assessed. They relate specifically to individual, site level criteria such as environmental impacts and standards and provide guidance about how planning applications for waste development in the Nottinghamshire and Nottingham will be assessed. It should be noted that as outlined in the NPPW, when determining decisions, the Councils will not concern themselves with the control of processes which are a matter for the pollution control authorities. The Councils will work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 8.2.** Applicants are advised to discuss proposals for waste development with the Nottinghamshire or Nottingham City prior to submission of a planning application, as set out in the relevant adopted Statement of Community Involvement (SCI). Such pre-application engagement can enable early identification of potential constraints and has the potential to improve the efficiency and effectiveness of the planning system. This approach is encouraged by the Government and more details are set out in the National Planning Policy Framework. Applications for waste development should provide sufficient information to allow a balanced assessment to be made. It may also be beneficial for the applicants to seek pre-permitting advice from the Environment Agency where applicable.
- 8.3.** Environmental Impact Assessment (EIA) is often required for major developments that are likely to have significant impacts on the environment. The EIA process is used to identify the likelihood of significant impacts occurring as a result of a development, how these could be mitigated, and alternative ways in which the development could be carried out. Where EIA is required, the findings of this process must be included in a separate Environmental Statement to be submitted alongside the planning application.
- 8.4.** All waste planning applications that meet the appropriate thresholds and criteria set out in the EIA Regulations (2017) will therefore be screened to determine whether or not EIA is required. Applicants may also request a formal screening opinion from the Councils prior to submitting a planning application. Where EIA is required, applicants may also request a scoping opinion setting out the issues to be addressed within the Environmental Statement.

DM1- General Site Criteria

Introduction

- 8.5.** Policy SP3 establishes the broad principles/areas where waste management facilities are likely to be appropriate. However, not every type of waste management use will be appropriate in every location. Certain types of facilities have specific land-use requirements and/or more intensive impacts. Policy DM1 sets out a criteria-based approach to show the types of locations that are likely to be suitable for different types of waste management facilities. This includes an indication/guide to the size and scale of development that is likely to be acceptable in different types of location. It is recognised that some proposals may fall under several categories, how this policy will be applied in such cases therefore will be dependent on the individual details provided at the application stage.

- 8.6.** Policy DM1 applies to facilities for all types of waste, including those treating or disposing of hazardous waste, unless specified otherwise within the policy text. Where other circumstances arise that the Waste Local Plan could not foresee, proposals will be determined on their merits and in accordance with current national policy.

DM1 – General Site Criteria

Proposals for waste management facilities will be supported in the following general locations, as shown in the matrix below, subject to there being no unacceptable environmental impacts:



Community sites – locations where people already travel for local services e.g. local shopping centres, leisure centres, supermarkets, schools etc.



Employment land – areas which are already used, or are allocated, for employment related uses such as industrial estates, business parks or technology parks etc.



Previously developed land/derelict land – land that is no longer needed or has been abandoned. This includes land which has previously been used for some form of permanent, built, development that is no longer used but could also include mineral workings requiring restoration* or un-restored/poorly restored colliery land where there are no formal restoration requirements.



Open countryside/agricultural land – rural land, including farmland, which is not covered by any other environmental designation, especially where this enables the re-use of farm or forestry buildings.



Green Belt – land within the Green Belt where very special circumstances can be demonstrated for inappropriate development or where development is considered not to be inappropriate development.

This could include derelict or previously developed land or mineral workings. All proposals will be subject to Green Belt policies.

*Once mineral sites are restored, these are considered green field sites

- likely to be suitable for small medium or larger facilities
- only likely to be suitable for smaller facilities



Combined Facilities

Resource recovery park



Recycling

Bring sites



Household Waste Recycling Centre



Materials Recovery Facility



Aggregates



Metal/End-of-life vehicles



Composting

Enclosed/In-vessel



Open-air



Energy Recovery

Anaerobic Digestion



Mechanical Biological Treatment



Refuse Derived Fuel processing



Incineration



Gasification



Pyrolysis



Waste Transfer

Transfer station



Waste Water Treatment

Waste Water Treatment



Disposal

Landfill



Landraise



Justification

- 8.7.** The NPPW states that waste planning authorities should consider a broad range of locations for waste management facilities including industrial sites and look for opportunities to co-locate waste management facilities together and/ or alongside complementary activities. Where possible, priority should be given to suitable previously developed land to promote reuse of these sites. As there are a wide range of different waste management technologies, and others may emerge in the future, it is important to consider the characteristics/land use requirements and likely environmental impacts of the different types of waste management process and the intensity of the operation proposed. Most waste management uses/facilities are industrial in nature and can be enclosed in a building but there some operations which may need to be carried out in the open air such as composting, wastewater treatment and some crushing and screening operations.
- 8.8.** For waste management facilities that require a building, or are likely to involve significant vehicle movements, the emphasis is on areas that are already used, or are allocated, for employment such as industrial estates or logistics (warehousing and distribution) parks. Operations that need to be carried out in the open air should be located well away from uses which are sensitive to noise and dust.

Combined facilities – resource recovery parks

- 8.9.** Some types of waste management facility can benefit from being located close together as this can minimise the distance waste is transported and increase opportunities for materials to be recovered and re-used. This includes recycling and waste transfer operations but could also include other non-waste uses that make use of the recycled products or materials. In some cases, there may be scope for energy recovery facilities to provide heat and/or power to other local premises. This could include anaerobic digestion schemes, incineration, gasification, pyrolysis or other emerging technologies. These schemes are often referred to as Resource Recovery Parks, or Energy Parks, where there is a strong emphasis on renewable and low carbon technologies. As these types of developments are likely to be more strategic in nature, they will benefit from good access to the strategic road network and potential rail or water links where these are physically and economically viable.

Recycling and waste transfer facilities

- 8.10.** Larger materials recycling/recovery and waste transfer facilities usually need a large industrial type building within which to carry out the sorting and separation of materials and to store the resulting bales of paper, plastic etc. for collection. They will need good road access but the potential to use alternatives such as rail or water transport should be considered where practical. These types of facilities are therefore well suited to industrial estates and business parks, especially alongside other industrial type uses. Household Waste Recycling Centres would also be appropriate on industrial land, as these need to be accessible by both car and HGV. However, these also need to be close to the main residential areas they are intended to serve.

- 8.11.** Smaller, community scale facilities such as bring sites (bottle banks) should be located within easy walking distance of residents or at sites that people are already likely to visit such as shopping centres, supermarkets, leisure centres, village halls etc. Where community run facilities such as small scale, local, recycling or composting schemes are proposed, these should look to re-use existing buildings or previously developed land wherever possible.
- 8.12.** Other types of recycling that are carried out in the open air, such as metal recycling sites and aggregates recycling will need to be located well away from uses which are sensitive to noise and dust. They will also need areas for stockpiles and storage and are best suited to general industrial areas alongside other heavy processing and manufacturing type uses. Where possible, these types of operations should be enclosed within a building to minimise any environmental impacts, but this may not always be feasible⁷. Temporary aggregates recycling facilities may be appropriate at quarries or landfill sites where this can encourage greater re-use and recycling and they are linked to the life of that facility⁸.

Composting

- 8.13.** Composting is generally suited to rural locations although special care would need to be taken where this involves a building, or permanent processing plant, in order not to introduce an industrial process into a rural area. Open air schemes will need to be a minimum distance away from uses that are sensitive to possible bio-aerosols. In-vessel or enclosed schemes are more likely to require a building and should therefore be located within or close to existing farm development and the scale of the development appropriate for its location. Where such schemes would involve significant vehicle movements they should be located within industrial areas.

Anaerobic digestion

- 8.14.** The process of anaerobic digestion takes place within sealed tanks or silos. Large scale plants would again therefore be suited to general industrial areas. However, smaller plants may also be suitable in agricultural areas as they are similar to the types of storage tanks and silos found on farms. This would however depend on the scale and design of the plant and whether it can be accommodated alongside or within existing buildings for example. As anaerobic digestion is also used for sewage treatment, it may also be suitable within or alongside wastewater and sewage treatment plants.

⁷ De-pollution of end-of-life vehicles (i.e. removal of fuel, oil, gases etc.) must be carried out within a building.

⁸ Crushing and screening of construction and demolition waste (soils, aggregate etc.) is often carried out on site as part of the construction/demolition project. This does not normally require specific planning permission.

Energy recovery facilities

8.15. Larger energy recovery plants (including incineration, gasification, pyrolysis, and possibly anaerobic digestion) will require a large industrial type building with a tall stack or chimney and, in some cases, may have visible plant or pipework on the outside which will have a visual impact on the surrounding area. These are therefore best located near other industrial uses of a similar scale and bulk with good road and/or rail or water access for transport. They should also be close to other uses that can make use of the heat and electricity generated or close to a suitable connection to the national grid. Smaller scale energy recovery facilities could be incorporated as part of mixed-use schemes, where these can serve the wider development. Mechanical biological treatment plants combine several different waste treatment processes and are therefore likely to require a single large building or a cluster of smaller buildings on one site. These would again therefore be suited to industrial estates and areas allocated for employment use.

Wastewater treatment

8.16. Wastewater and sewage treatment facilities can vary from large scale plants serving major urban areas to small rural plants serving a single village, with the latter requiring small facilities in the open countryside or green belt to be able to service these smaller settlements. They do not generate significant vehicle movements and their main impacts are likely to be visual and odorous as parts of the biological treatment process need to take place in the open air. For this reason, sites should be located away from housing and should be designed to minimise their impact on the surrounding landscape. However, the choice of sites will be limited by operational requirements such as local topography, pumping distances, and the need to discharge treated water into a suitable watercourse.

Disposal facilities

8.17. Landfill sites are classified into three different types based on the types of waste which they can accept – hazardous, non-hazardous, or inert (see Glossary). Both hazardous and non-hazardous landfill sites have the potential to produce harmful gases, leachate and odour and must be engineered and operated to ensure that the waste is safely contained whilst it decomposes. Hazardous and non-hazardous landfill sites must therefore be located in areas which are geologically suitable and well away from housing or other sensitive uses, aquifers, and watercourses. Inert landfill sites are less likely to cause environmental problems but there could still be local impacts relating to traffic, noise, mud, and dust. Whilst sites should be sited as far as possible from sensitive users, they also should be within reasonable reach of our main urban areas so to minimise the distance waste needs to travel for disposal.

- 8.18.** The choice of possible locations to dispose of residual waste by either landfill or land-raise is increasingly limited. Disposal can provide a way to restore worked out quarries or colliery tips, but this depends on the type of waste to be disposed of and the local geology and ground conditions.
- 8.19.** Landfill within the Green Belt may be acceptable if very special circumstances can be demonstrated. This could include the restoration of mineral workings. Land-raise schemes may be appropriate on derelict land where this would provide the best means of reclamation and could be considered on Greenfield sites if there are no other options. However, land-raise schemes are unlikely to be acceptable within the Green Belt because of the visual impact on the otherwise open character of the landscape.
- 8.20.** In some circumstances, in the future it may be beneficial to re-work old landfill sites in order to recover materials that were previously thrown away but are now seen a valuable resource. This could include metal and plastics for example. This process is known as 'landfill mining' and, although it is a form of materials recovery, the environmental impacts will essentially be the same as for landfill or land-raise.

This policy helps to meet the following objectives:

SO1 - Meet our future needs

DM2- Health, Wellbeing and Amenity

Introduction

- 8.21.** Waste management facilities are strictly regulated by legislation to protect human health, with the Environment Agency through their environmental permitting regime ensuring facilities operate in a safe manner, with emissions being managed at an acceptable level. Waste facilities which are well run and well-regulated therefore should pose little risk to human health.
- 8.22.** Understandably, waste management facilities can still be a concern for local communities, with worries around the potential effects from the development itself and the associated transport movements. Proposals for waste management facilities, for both new and when extending existing facilities, should consider potential impacts and ensure in the first instance these are avoided where possible. Where this is not possible, adequate mitigation measures should be in place to minimise the impacts to an acceptable level. Consideration will also be given to whether proposals are likely to result in an unacceptable cumulative impact (see Policy DM10- Cumulative Impacts of Development) in combination with other existing or proposed development and when proposals are expanding an existing facility or extending its life. All proposals will also need to be in accordance with relevant local planning policies set out within Nottinghamshire's Borough Council's Local Plans and Nottingham City's Local Plans.

DM2 – Health, Wellbeing and Amenity

1. Proposals for waste management facilities will be supported where it can be demonstrated that any potential adverse impacts on health, wellbeing and amenity arising from the construction, operation and, where relevant, restoration phase and any associated transport movements, are avoided or adequately mitigated to an acceptable level having regard to sensitive receptors.
2. The types of impacts that need to be considered include, but are not restricted to:
 - Noise, lighting and vibrations
 - Air quality, including airborne emissions and dust
 - Odour
 - Litter and windblown material
 - Vermin, birds and pests
 - Visual Impacts
 - Traffic impacts
 - Stability of the land at and around the site, both above and below ground level
 - Loss of designated open/green space

Justification

- 8.23.** Ensuring a good standard of health, wellbeing and amenity for all existing and future occupants of land and buildings is a core planning principle of the National Planning Policy Framework. New and existing development should not contribute to, or be put at risk from, pollution or other sources of nuisance or intrusion which could adversely affect health, wellbeing and local amenity, particularly in relation to sensitive receptors.
- 8.24.** The precise level of impacts will vary according to local conditions and the type and scale of the waste management facility proposed. Factors to be considered will therefore include the position of the proposed development in relation to other uses and the degree to which any adverse effects can be mitigated. Depending upon the proximity and sensitivity of surrounding land uses an appropriate stand-off distance may be required between the proposed waste management facility and nearby residential or other sensitive uses. This will be determined on a case-by-case basis taking account of any proposed mitigation measures.
- 8.25.** Appendix B in the NPPW sets out factors that should be taken into account by the waste planning authorities when considering the likely impacts of waste facilities on local environment and amenity. The factors relating to amenity are reflected within this policy and the remaining addressed within other policies within the Plan.
- 8.26.** Noise, light and vibration are impacts that can disrupt communities and amenity, particularly for larger waste management facilities where noise and vibrations can be generated by the waste management processes itself as well as the vehicles movements to and from the facility and internally. Such impacts can be reduced through measures such as enclosing operations and good design that locates noisy operations away from neighbouring properties and sensitive users.
- 8.27.** Enclosing operations or waste storage areas can also help to mitigate air emissions, including dust and odour. Dust and air emissions can impact both ecological and human receptors, with emissions of bio-aerosols and nitrogen dioxide possible for some facilities and so it is important to control such using appropriate and well maintained and managed equipment and vehicles. An Air quality assessment may be required to consider the impact of proposed developments and its associated traffic movements, particularly if the development might adversely affect the air quality in an Air Quality Management Area.
- 8.28.** Certain types of facilities, especially landfill sites, can attract vermin, birds and pests which can become a nuisance for residents and businesses nearby. This is covered by the permitting process by the Environment Agency. Birds can also be a hazard for aviation safety if the facility is located nearby to airfields, Policy DM11- Airfield Safeguarding provides further detail.
- 8.29.** Potential impact on amenity from litter is often a problem mainly associated with disposal and transfer stations when waste is not compacted and can also occur when waste is being carried by vehicles that are uncovered. This along with mud on the road, noise and dust from increased vehicle movements are some impacts associated with traffic movements. Policy DM12- Highways Safety and Vehicle Movements Routeing details further measures relating to highway safety, but measures to control litter, dust and mud can include sheeting of lorries, wheel cleaning facilities and litter- trap fencing.

- 8.30.** Since waste management facilities often need built development to operate, they often have visual impacts, though this will vary depending on the type and scale of facility. Careful design and using natural screening features can help to reduce visual impacts. Policy DM3- Design of Waste Management facilities and DM4- Landscape Protection provide further detail on minimising visual and landscape impacts.
- 8.31.** Locations liable to land instability will not normally be suitable for some waste management facilities, with consideration needed to be given to the potential for migration of contamination. National policy is clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/ or landowner.
- 8.32.** Areas of open space and locally designated Green Space Areas have an important role to play in protecting local amenity and can provide health and recreational benefits to people living and working nearby. They can also help to benefit local wildlife. Both Councils Health and Well-Being Strategies recognises the importance of our environment and having access to open green spaces in maintaining physical and mental health. For disposal sites where waste is used for restoration, such proposals can enhance health and well being through the provision of additional public open space or rights of way, the creation and/or enhancement of wildlife and biodiversity areas, landscape improvements, and the provision of community education or recreation facilities.
- 8.33.** Where there is a possibility that a proposed waste management facility will require an Environmental Impact Assessment (EIA), developers are advised to consult the relevant Council well in advance of a planning application, and formally request an opinion on whether an EIA is required and, if so, its scope.
- 8.34.** Where appropriate, avoidance or mitigation measures required to make a waste management facility acceptable as a result of this policy will be secured through planning conditions attached to the planning permission. Where measures cannot be secured in this way, planning obligations (also known as Section 106 Agreements) may be used to make the development acceptable in planning terms. See Policy DM9 - Planning Obligations for further details.

This policy helps to meet the following objectives:

SO5 - Community, Health and Wellbeing

DM3– Design of Waste Management Facilities

Introduction

8.35. Policy DM1 sets out detailed criteria for the locations that may be suitable for different types of waste management facilities. To help integrate waste facilities into their locality and improve the public understanding and acceptance of essential waste management infrastructure, Policy DM3 seeks to ensure that all types of new and existing waste facilities looking to extend, adapt or redevelop, are designed to promote an innovative and sustainable waste management industry.

DM3 – Design of Waste Management Facilities

1. Planning permission for waste facilities will be granted where it can be demonstrated that the design of development
 - a) Is of an appropriate scale, form, layout, orientation and materials for its location
 - b) Provides well designed boundary treatments (including security features and screening) and site landscaping that reflect the function and character of the development and is well-integrated into its surroundings
 - c) Minimises impacts and, where possible, enhances the natural and historic environment and surrounding landscape
2. Proposals should also be designed to incorporate sustainable features, including those which:
 - a) Minimise greenhouse gas emissions, including through energy efficiency, using renewable energy and green building construction techniques
 - b) Ensure resilience and enable adaptation to climate change by taking into account flood risk and building orientation
 - c) Minimise water consumption by using water recycling and sustainable surface water drainage where possible to avoid and reduce flooding
 - d) Minimise the waste generated by re-using or recycling materials, buildings and infrastructure
 - e) Minimise the loss of best and most versatile agricultural land and high-quality soil
 - f) Encourage employees to use sustainable modes of transport where practical

Justification

- 8.36.** Good design of waste facilities is important to ensure not only that the facility can operate and function well throughout its lifetime, but it can positively contribute to the character and quality of the local area. Through good layout, using the appropriate height and form as well as the right materials that are sympathetic to the local areas character, this will help waste facilities be understood and accepted as essential infrastructure which can be modern and not associated with negative impacts, such as odour and dirt. Design therefore can help to minimise and mitigate impacts that are often associated with waste sites and help facilities comply with Policy DM2. For example, through good landscaping and use of appropriate fencing this can help enhance local character, improve biodiversity, as well as reducing environmental emissions such as noise and litter.
- 8.37.** Proposals should also follow best practice to ensure safe and efficient operation of the site, for example putting measures in place to improve fire safety and limit potential health and environmental impacts such an event could cause and ensuring emergency vehicles can access the site.
- 8.38.** To integrate waste development within the local area, facilities should seek to minimise impacts on the landscape, natural and historic environment, seeking to protect and where possible enhance. Where there are impacts, then mitigation will be required and any proposals will need to demonstrate these are adequate as set out in the relevant development management policies of DM4, DM5 and DM6.
- 8.39.** As well as having waste facilities that are designed and operated to the highest standards, facilities should also be designed to be sustainable, seeking to minimise impacts on the causes of climate change and ensure resilience to the changing climate as detailed in Policy SP5- Climate change.
- 8.40.** Sustainable design initiatives can be achieved by various means, such as incorporating renewable energy, like solar panels, within the design to reduce greenhouse gas emissions.
- 8.41.** Incorporating grey water recycling systems and sustainable drainage systems can help to reduce water consumption and help to reduce and avoid increased flood risk (see Policy DM7- Flood Risk and Water Resources). Considering such features early in the design of facilities is recommended as this can lead to better integration and deliver multi-functional benefits.
- 8.42.** Considering the potential changes to climate in the future, such as increased flood risk, will help to ensure facilities are resilient and adaptable. For built development, this may also include considering the orientation of the building to maximise cooling and avoid solar gain in the summer with rises in temperature expected.
- 8.43.** Re-using and recycling building materials, existing buildings and infrastructure, such as haul roads, and reducing the amount of waste generated is also another key sustainable initiative. This helps to maximise our resource and minimise waste and our impact on the environment, one of the goals within the 25 year Environmental Improvement Plan (2023).

- 8.44.** Agricultural land and high-quality soils are a vital natural and economic resource therefore it is important to protect the highest quality land from development that would harm the long-term soil quality and agricultural potential. The preference therefore will be to locate sites on poorer quality land to minimise the loss of the best and most versatile agricultural land (grades 1, 2 and 3a) and high-quality soils. However, if this is not possible the facility should be designed to minimise the loss of best and most versatile agricultural land and high-quality soils, such as minimising the footprint of the building.
- 8.45.** For proposals which would generate significant employment, facilities should be designed to encourage employees to travel to work using sustainable modes of transport. For example, providing cycle storage sheds and adequate facilities to encourage employees to cycle to work.

This policy helps to meet the following objectives:

SO2 - Climate Change

SO4 - The Environment

SO7 - High Quality Design and Operation

DM4- Landscape Protection

Introduction

- 8.46.** The countryside and its landscape features are valued for many different reasons, not all of them related to traditional concepts of aesthetics and beauty. It can provide habitats for wildlife and evidence of how people have lived on the land and harnessed its resources. Landscape has a social and recreational community value, as an important part of people's day-to-day lives. It has an economic value, providing the context for economic activity and often being a central factor in attracting business and tourism.

DM4 – Landscape Protection

1. Proposals for waste development will be supported where it can be demonstrated that they will not have an adverse impact on the character and distinctiveness of the landscape.
2. Development that would have an unacceptable impact on the landscape interest will only be permitted where there is no available alternative and the need for development outweighs the landscape interest. In such cases appropriate mitigation measures will be required.
3. Proposals for waste development should be designed so they are sympathetic to, and compatible with, the landscape character. Landscape treatment, planting and restoration proposals should take account of the relevant landscape character policy area as set out in the Nottinghamshire Landscape Character Assessments covering Nottinghamshire and Nottingham and should refer to the associated species lists.

Justification

- 8.47.** National Planning Guidance states that valued landscapes should be protected and enhanced. The guidance allows for the inclusion of criteria-based policies in Local Plans against which proposals for any development on or affecting landscapes will be judged. It also allows for policies that set out necessary mitigation measures, such as appropriate design principles and visual screening, where necessary. This is covered by Policy DM3: Design of Waste Management Facilities.
- 8.48.** The landscape forms an important part of the character of Nottinghamshire and Nottingham and has evolved from a complex mix of natural and manmade influences such as geology, soil, climate and land use. This has given rise to a variety of landscapes that continue to change over time. All landscapes have a value, and some have potential to be improved and restored whereas others should be conserved, the published landscape character assessments provide guidance on this issue.

- 8.49.** In order to manage changes to landscape character, three Landscape Character Assessments (LCA) were published in 2009 (Bassetlaw, Newark and Sherwood and Greater Nottingham including Ashfield and Mansfield (MDC Addendum 2015)), which cover the whole Plan Area and draw on the National Character Areas.
- 8.50.** The LCAs identify specific features of the different Landscape Character Areas and this information can be used to give special protection to important landscape features or to identify suitable mitigation measures, such as tree planting to provide screening, when loss is unavoidable. It is also valuable in the design of restoration schemes for disposal sites.
- 8.51.** The LCAs should be used to help develop waste development proposals and inform the local Landscape and Visual Impact Assessment required for waste proposals as appropriate to the proposed development, to ensure that the existing landscape and visual impacts on the surrounding areas have been considered.

This policy helps to meet the following objectives:

SO4 - The Environment

SO5 - Community, Health and Wellbeing

DM5 – Protecting and Enhancing Biodiversity and Geodiversity

Introduction

8.52. The natural environment is a key element of sustainable development, with biodiversity and geodiversity essential to ecosystems which animals and humans depend upon to survive. The benefits associated with biodiversity and geodiversity are wide ranging, from providing natural flood protection to helping improve our physical and mental health. It is therefore, important to ensure it is protected and, where possible, enhanced.

8.53. The government's approach to maintaining and enhancing the natural environment over the next 25 years is set out in A Green Future: Our 25 Year Environment Plan to improve the Environment (25 YEP), launched in January 2018, which contains a commitment to 'deliver an improved environment within a generation.' Included within the 25 YEP is the development of a Nature Recovery Network (NRN) to protect and restore wildlife, with the goal of providing 500,000 hectares of additional or enhanced wildlife habitat outside of the protected sites network. Following on from the vision set out in the 25 YEP, the Environment Act 2021 sets out how the new legal framework for improving the natural environment in the UK. It introduces a mandatory requirement for a minimum of 10% Biodiversity Net Gain (BNG) in the planning system, lays the foundation for the NRN and introduces provisions requiring the development of Local Nature Recovery Strategies (LNRS) across England, which are new spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery at a local level. At this level, the Nottinghamshire Local Biodiversity Action Plan (LBAP) already identifies priorities for the conservation of habitats and species in Nottinghamshire, and the largely complete county Biodiversity Opportunity Map (BOM) identifies spatial priorities for the improvement, enlargement, expansion and connection of habitats.

8.54. Waste management facilities, like all developments, have the potential to have negative effects, directly and indirectly as well as cumulatively with other proposed developments, on biodiversity and geodiversity during their construction, operation and, where relevant, demolition and restoration. It is therefore important to ensure new waste management facilities are located and managed appropriately so that waste operations can be carried out without harming the environment as directed by Article 13 of the Waste Framework Directive, fulfilling the Vision and Strategic Objective Four.

DM5 – Protecting and Enhancing Biodiversity and geodiversity

1. Proposals for waste development will be supported where it can be demonstrated that:
 - a) They will not adversely affect the integrity of an European site (either alone or in combination with other plans or projects, including as a result of changes to air or water quality, hydrology, noise, light and dust), unless there are no alternative solutions, imperative reasons of overriding public interest and necessary compensatory measures can be secured in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017, as amended;
 - b) They are not likely to give rise to an adverse effect on a Site of Special Scientific Interest, except where the need for and benefits of the development clearly outweigh the importance of the site and where no suitable alternative exists;
 - c) They are not likely to give rise to the loss or deterioration of Local Sites (Local Wildlife Sites or Local Geological Sites) except where the need for and benefits of the development in that location outweigh the impacts;
 - d) They would not result in the loss of populations of a priority species or areas of priority habitat except where the need for and benefits of the development in that location outweigh the impacts;
 - e) Development that would result in the loss or deterioration of irreplaceable habitats will only be permitted where there are wholly exceptional reasons and a suitable compensation strategy exists.
2. Where impacts on designated sites or priority habitats or species cannot be avoided, then:
 - a) In the case of European sites, mitigation must be secured which will ensure that there would be no adverse effect on the integrity of the site(s). Where mitigation is not possible and the applicant relies upon imperative reasons of overriding public interest, the Councils will need to be satisfied that any necessary compensatory measures can be secured.
 - b) In all other cases, adequate mitigation relative to the scale of the impact and the importance of the resource must be put in place, with compensation measures secured as a last resort.
3. Proposals should enhance biodiversity and geological resources by ensuring that waste development:
 - a) Retains, protects, restores and enhances features of biodiversity or geological interest, and provides for appropriate management of these features, and in doing so contributes to targets within the Nottinghamshire Local Biodiversity Action Plan and maximises gains in accordance with local plan targets and as a minimum provide 10% as per national requirements
 - b) Makes provision for habitat adaptation and species migration, allowing species to respond to the impacts of climate change; and
 - c) Maintains and enhances ecological networks, both within the County and beyond, through the protection and creation, where appropriate, of priority habitats and corridors, and linkages and steppingstones between such areas, contributing to the creation of the national Nature Recovery Network.

Justification

8.55. Within Nottinghamshire and Nottingham, there is an extensive network of designated and non-designated sites which are important for their biodiversity and geological interests. These range from international designated sites, also known as European or Natura 2000 sites, to local sites. Together these create an ecological network of habitats and green infrastructure which is unique to the Plan Area.

International Sites

8.56. International sites, or European or Natura 2000 sites as they are also known, are sites designated under the Conservation of Habitats and Species Regulations 2017, as amended (known as the Habitats regulation), and protect a range of species and habitats. Designations include Special Protection Areas (SPA), Special Areas of Conservation (SACs), with the same level of protection given to potential SPAs, possible SACs, all of which are found within Nottingham and Nottinghamshire.

8.57. The plan area currently has one designated international site; the Birklands and Bilhaugh SAC. There is also the 'possible potential' Special Protection Area (ppSPA) at Sherwood Forest, both sites are shown on Plan 1. Natural England's advice note provides further detail and mapping of the ppSPA.

8.58. In relation to the ppSPA, until the site becomes designated, the Councils will adopt a risk-based approach as advised by Natural England and assess any applications in accordance with the requirements of the Habitats Regulations.

National Sites

8.59. Sites which are the finest examples of wildlife and natural features in England are designated as Sites of Special Scientific Interest (SSSI) of which a subset are further designated as National Nature Reserves (NNRs). Local authorities can also establish Local Nature Reserves (LNRs) providing that the relevant statutory nature conservation agency approves. There are 67 SSSI sites, 1 NNR and 67 LNR's in the plan area.

Local Sites

8.60. Local Wildlife Sites (LWS), previously called Sites of Importance for Nature Conservation (SINCs) are local, non-statutory sites which are of at least county/ city level importance for the habitats and/or species that they support. These sites provide wildlife corridors between local, national and international sites and so help form an ecological network and are a key component of the Nature Recovery Network. There are also Local Geological Sites (LGS) which are designated based on geological features (such as important rock outcrops). Collectively, LWS and LGS are known as Local Sites, with there being over 1,400 LWS and 130 LGS in the plan area which are recorded by the Nottinghamshire Biological and Geological Records Centre.

Habitats and Species of Principal Importance

- 8.61.** There are other habitats of conservation importance that fall outside of the above designated sites which are identified as Habitats of Principal Importance for Conservation in England. These are designated under Section 41 of the Natural Environment and Rural Communities Act 2006 and regarded as conservation priorities in the UK Post 2010 Biodiversity Framework.
- 8.62.** Similarly, many species in Nottinghamshire that do not receive legal protection are identified as Species of Principal Importance for Conservation in England. Both were formerly known as UK Biodiversity Action Plan (UKBAP) priority habitats or species and are also listed in the Nottinghamshire LBAP. They have high nature conservation value, contributing to the county's biodiversity and its ecological networks.

Protecting sites

- 8.63.** Waste development proposals can impact the biodiversity and geodiversity found within the above sites and habitats. These include direct and indirect impacts as well as cumulative impacts if other development is also occurring nearby. Further consideration is given to cumulative impacts in Policy DM10.
- 8.64.** National policy is clear that distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.
- 8.65.** For International Sites, including the ppSPA, any proposal that was likely to have a significant effect, either alone or in combination with other plans or projects, would need to be supported by a Habitats Regulations Assessment to ensure any such effects can be mitigated. If the proposed development site hosts a priority habitat or species, and there is no suitable alternative solution or location for the development, permission will only be granted where the proposal relates to human health, public safety, provides beneficial consequences of primary importance to the environment or there are other imperative reasons of overriding public interest and where necessary compensatory measures can be secured.
- 8.66.** For proposals that are likely to have an adverse effect on SSSI sites, either alone or in combination with other plans or projects, these will need to demonstrate the benefits of the development in the proposed location clearly outweighs the likely impact on the features that give the site its SSSI status and also outweigh any broader impacts on the national network of sites.
- 8.67.** For proposals which give rise to the loss or deterioration of Local Sites, proposals will need to demonstrate the need for and benefits of the development in that location outweigh any potential impacts.

- 8.68.** Proposed development sites which impact on Habitats and Species of Principal Importance, regardless of the habitats existing condition, will need to demonstrate there are wholly exceptional reasons. Where such reasons are ascertained, a suitable compensation strategy will be required.
- 8.69.** To enable the Councils to determine a planning application, sufficient information is required and applicants will be expected to undertake an assessment of the potential effects of their development proposals on areas of biodiversity and/or geological interest that is appropriate to the scale and nature of the proposed development. Assessments should include an appropriate ecological survey and set out clearly the options proposed for avoiding, mitigating or compensating any adverse impact, working through the mitigation hierarchy as set out in paragraph 175a of the NPPF. Early engagement with the Councils and key stakeholders is recommended so the scope and detail required within any assessment can be determined.

Enhancing Biodiversity and Geodiversity

- 8.70.** Waste facilities can also enhance biodiversity, particularly disposal sites which require restoration should be restored at the earliest opportunity and to high environmental standards.
- 8.71.** Where the opportunities for enhancement exist, such opportunities should be maximised, with biodiversity net gain achieved, at a minimum of 10%, onsite where possible. Any enhancements should be in line with national and local targets and ensure habitats do not become fragmented and can adapt to the impacts of climate change. The Biodiversity Opportunity Mapping completed for a large part of Nottinghamshire should be used to help inform such proposals of any offsite gains until the Local Nature Recovery Strategy is adopted.
- 8.72.** The City and County Council along with the District and Boroughs of Nottinghamshire have agreed to develop an aligned approach to delivering Biodiversity Net gain and are developing a Biodiversity Net Gain Framework which provides further detail on how biodiversity net gain can be delivered in Nottinghamshire and Nottingham. This outlines how 10% is the minimum target and higher gains will be encouraged where this is feasible and viable in line with targets set in City or District/ Borough wide Local Plans. Proposals therefore should seek to maximise biodiversity net gains, looking to go beyond 10% where possible.
- 8.73.** Gains can be delivered through habitat creation or enhancement, achieved on site, off-site or through a combination of on-site and off-site measures or statutory biodiversity credits. Enhanced or created habitats will need to be secured for at least 30 years.
- 8.74.** The Biodiversity Metric tool will be used in a habitat-based approach to determine a proxy biodiversity value (biodiversity units) based on the habitat's area/size, the quality of the habitat (its distinctiveness and strategic significance) and its condition. The existing biodiversity units of the proposed development site (the baseline/pre-intervention units) and the anticipated post-intervention biodiversity units following the development upon completion are calculated and by deducting the pre-intervention units from the post-intervention units, the net change can be calculated to ensure that 10% gain will be achieved and evidenced in a net gain plan for approval. Further information and the latest metric is available on Natural England's website.

8.75. It is intended that the Biodiversity metric tool is used to inform decisions where compensation for habitat loss is justified and therefore achieving net gain does not override the need to protect designated sites, protected or priority species and irreplaceable or priority habitats. It is also not intended for the tool to override ecological advice.

This policy helps to meet the following objectives:

SO4 - The Environment,

SO5 – Community, Health and Wellbeing

DM6 – Historic Environment

Introduction

8.76. The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged. It is important to conserve and protect the historic environment as it is an irreplaceable resource which brings a wide range of social, cultural, economic and environmental benefits, being enjoyed by current and future generations. Conserving, and where possible enhancing, the significance of heritage assets including their setting is therefore a key part of achieving sustainable development.

DM6 – Historic Environment

1. Proposals for waste development will be supported where heritage assets and their settings are conserved in a manner appropriate to their significance. Where possible, enhancement of the historic environment will be encouraged.
2. Proposals, as a first principle, should avoid harm to the historic environment. Proposals likely to cause harm to the significance of a heritage asset, including its settings, will be subject to the policy requirements set out in the NPPF, including striking an appropriate balance between harm and public benefit.
3. Proposals that would affect any heritage asset and/ or its setting, designated or non-designated, will need to be accompanied by a Heritage Statement which, as a minimum, should:
 - a) Provide sufficient detail proportionate to the significance and the level of impact on the heritage asset including its setting;
 - b) Describe and assess the significance of the asset and/ or its setting to determine its architectural, historic, artistic or archaeological interest;
 - c) Identify the impact of the development on the special character of the asset, including any cumulative impacts;
 - d) Provide clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset, from its alteration or destruction, or from development within its setting; and
 - e) Agree the mitigation of the impacts on the significance of the heritage assets, including their fabric, their setting, their amenity value and arrangements for reinstatement.

Justification

- 8.77.** Within Nottinghamshire and Nottingham there are thousands of designated and non-designated heritage assets, including archaeological sites and features as well as buildings and sites on local lists of heritage assets. Together these contribute to the Plan area's unique local identity and sense of character. It is therefore important to conserve and enhance these assets in a manner appropriate to their significance. The Council has a duty to protect, conserve and enhance the significance, character and appearances of the area's historic environment when carrying out its statutory functions and through the planning system.
- 8.78.** Waste development proposals can potentially impact, directly or indirectly, heritage assets and their settings. Impacts can range from the direct loss of a heritage asset to proposals which change direction or flow of water courses and flooding which may affect below ground archaeology. Whilst visual impacts are often the most obvious effect on an asset's setting, new development and associated works, such as vehicle movements, can also change how we experience the historic environment through noise, smell, dust and vibrations, especially if there are multiple developments occurring within the vicinity at the same time. Cumulative impacts are therefore also important to consider as detailed in Policy DM10.
- 8.79.** National policy recognises the importance of avoiding and minimising the harm to the significance of designated and non-designated heritage assets and their settings and requires a proportionate response relative to the significance of the heritage asset(s). The significance is the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. To be able to understand potential impacts of proposed development on a heritage asset(s) and their setting, its significance and the impact the proposed development makes to the significance, must be understood.
- 8.80.** The NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 8.81.** For any harm to a designated heritage asset, clear and convincing justification for the waste development will be needed. Substantial harm to or loss of:
- grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
 - assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

- 8.82.** Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset the NPPF states that permission should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- The nature of the heritage asset prevents all reasonable use of the site; and
 - No viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 8.83.** Where the level of harm to the significance will be less than substantial harm, then the harm will be weighed against the public benefits of the proposal, including, where appropriate, securing the assets optimum viable use.
- 8.84.** As it is the degree of harm on the asset's significance rather than the scale of development that determines the level of harm, even minor works can be classified as substantial harm.
- 8.85.** Public benefits can be anything that delivers social, economic or environmental objectives as described in paragraph 8 of the NPPF. In the context of this Plan, the provision of waste management facilities which help meet forecast needs as identified in the Waste Needs Assessment would be considered a public benefit.
- 8.86.** For proposals which directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.87.** Where proposals would result in the total or part loss of a heritage asset, applicants for waste proposals will be required to record and advance understanding of the significance of the heritage asset in a manner appropriate to its importance, with this made available to the public. The information should be updated to the Historic Environment Record.
- 8.88.** To enable the Councils to make informed assessments and decisions on applications that may impact on the historic environment, adequate information is required from applicants within a heritage statement. Heritage statements should, as a minimum, include detail of the significance of the heritage asset affected, with the historic environment record consulted as a minimum, and identify the impacts of the proposed waste development on the asset, including any cumulative impacts. For designated assets, as detailed above the statement will need to include clear and convincing justification for any harm, or loss of, the significance of a heritage asset (from its alteration or destruction, or from development within its setting). The level of detail within any assessment, where one is required, should be proportionate to the importance of the heritage asset, the size of the development and the level of its impact on the heritage asset including its setting.

- 8.89.** Where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest then a desk-based assessment will be required followed by a field evaluation where appropriate. Proposals will also need to ensure satisfactory measures are incorporated. The need for preservation in-situ of other sites and remains will need to be assessed against their importance and the impact that their loss would have upon the overall archaeological resource in Nottinghamshire and Nottingham. Although the preservation of archaeological sites is a primary objective, it is clearly impracticable to preserve them all. Equally sites should not be destroyed without careful consideration and appropriate mitigation.
- 8.90.** Where preservation in-situ is not feasible, sites need to be surveyed, excavated, or otherwise appropriately recorded. These provisions can only be assessed after the archaeological characteristics of proposed development sites have been evaluated. An appropriate scheme of treatment is required to be agreed with the relevant Council prior to any development taking place.
- 8.91.** It is strongly advised that assessments, including Heritage Statements and Archaeological Evaluations, are compiled by a appropriately experienced professional consultant or contractor to ensure that an appropriate statement is submitted.
- 8.92.** Within any assessment the applicant should also demonstrate how consideration of the asset and setting has influenced the development of the proposal to minimise and mitigate any identified impacts. Through good design and consideration of the local historic environment, proposals can seek to minimise any harm and should where possible, enhance the historic environment. Early consultation with the local planning authority heritage officers is recommended to help inform proposals and mitigations and so demonstrate the historic asset has been considered through the design of the waste facility. Historic England also can be contacted for pre-application services.

This policy helps to meet the following objectives:

SO4 - The Environment

SO5 – Community, Health and Wellbeing

DM7 – Flood Risk and Water Resources

Introduction

8.93. Water is essential for both humans and wildlife and so it is important to protect both ground and surface water resources and, where possible, enhance water quality. Waste facilities have the potential to contaminate water resources if appropriate mitigations are not in place. For example, leachate from a disposal site could potentially contaminate aquifers or run off from sites, particularly if the site is flooded. This may contain contaminants which then enter surface water resources, such as rivers, canals and lakes.

8.94. It is therefore important that waste facilities are designed, managed and located in suitable areas to ensure they have no adverse impacts on the quality, quantity and flow of surface and groundwater.

DM7 - Flood Risk and Water Resources

Flood Risk

1. Proposals for waste management facilities will be supported where they are located in low flood risk areas. Where this is not possible and proposals are within an area with a known risk of flooding, including potential risk in the future, they will need to demonstrate the Sequential Test has been applied and a Flood Risk Assessment and Exception Test undertaken where required.
2. Proposals for waste management facilities will be supported where it can be demonstrated there will be no unacceptable impact on the integrity and function of floodplains and there is no increased risk of flooding on the site or elsewhere.
3. Proposals should also, where appropriate, include Sustainable Drainage Systems (SuDs), incorporating rainwater harvesting, to manage surface water run-off

Water Resources

4. Proposals for waste management facilities will be supported where it can be demonstrated that there will be no unacceptable impacts on the quantity and quality of water resources, including groundwater and surface water, taking account of Source Protection Zones, the status of surface watercourses and waterbodies and groundwater bodies. Where possible, proposals should include measures to enhance water quality.
5. For landfill and landraising schemes, proposals will need to demonstrate the ground / geological conditions are suitable.

Justification

Flood Risk

- 8.95.** Proposals for waste facilities must ensure the risk of flooding, from all sources, has been appropriately considered and addressed to ensure the facility is safe throughout its lifetime and can operate without posing a risk to water resources and water bodies and not increase flood risk on site or elsewhere.
- 8.96.** The responsibility of managing flood risk lies with both the Local Lead Flood Authority (LLFA), in this case Nottinghamshire County Council and Nottingham City Council, and the Environment Agency. The Councils are responsible for managing the risk of flooding from surface water and ground water and managing ordinary water courses whilst the Environment Agency has a specific responsibility to manage flood risk from main rivers and the sea. Both the LLFA and Environment Agency should be consulted early on within the application stages.
- 8.97.** Proposals for waste management facilities should be located in areas with low flood risk, where this is not possible the applicant will need to undertake a Sequential Test to demonstrate there are no suitable alternative sites.
- 8.98.** Applications will also need to be accompanied by a site-specific flood risk assessment if:
- It is located in Flood Zone 1 and over 1 hectare
 - In Flood Zone 2 or 3
 - In an area identified as having critical drainage issues
 - It has an increased flood risk in the future, taking climate change into account
 - It is subject to other sources of flooding and the proposed development is a more vulnerable use
- 8.99.** An exception test may also be required following the Sequential Test, this is dependent upon the flood risk vulnerability classification of the proposed development and what flood zone the proposal lies in. As outlined within the Planning Practice Guidance and summarised within Table 13 below, different waste facilities have different vulnerability classifications and so the flood zone compatibility of waste facilities varies.

TABLE 13. - VULNERABILITY CLASSIFICATION AND COMPATIBILITY FOR DIFFERENT TYPES OF WASTE FACILITIES.

Type of Waste Facility	Flood Risk Vulnerability Classification	Flood Zone Compatibility
Waste Water Treatment	Essential Infrastructure	Appropriate in Flood Zones 1, 2, 3a+ and 3b*
Waste treatment (except landfill* and hazardous waste facilities)	Less Vulnerable	Appropriate in Flood Zones 1, 2 and 3a
Hazardous Waste Facilities	More Vulnerable	Appropriate in Flood Zones 1, 2 and 3a*
Landfill	More Vulnerable	Appropriate in Flood Zones 1, 2 and 3a*

+ Should be designed and constructed to remain operational and safe in times of flood.

*An exception test will need to be passed with the proposal designed and constructed to: remain operational and safe for users in times of flood; result in no net loss of floodplain storage and; not impede water flow and not increase flood risk elsewhere.

8.100. For an exception test to be passed, the proposed development will need to demonstrate that both:

- The development would provide wider sustainability benefits to the community that outweigh the flood risk. Any identified sustainability benefits will need to be balanced against any associated flood risks, informed by the site-specific flood risk assessment; and
- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Flood risk could be reduced by using green infrastructure within the layout of the development or providing Sustainable Drainage Systems or providing or contributing to flood risk management infrastructure which would also benefit the existing community.

8.101. Following the site-specific flood risk assessment, sequential and exception test where required, permission should only be granted in areas at risk of flooding where it can be demonstrated that:

- The most vulnerable part of the development is located in areas of the lowest flood risk within the site, unless there are overriding reasons to prefer a different location
- The development is appropriately flood resistant and resilient
- It incorporates SuDs, unless there is clear evidence this would be inappropriate
- Any residual risk can be safely managed and
- Safe access and escape routes are included where appropriate, as part of an agreed emergency plan

8.102. SuDs should also be incorporated into proposals for waste facilities, even where the risk of flooding is low, as they help to control surface water runoff and so not only can they reduce the causes and impacts of flooding, but they also remove pollutants and so can improve water quality as well. Examples of SuDs include permeable pavements, rain gardens, bioretention basins, green roofs and swales. Rainwater harvesting could also be incorporated into SuDs. Any SuDs will need to be proactively maintained to ensure they remain functional for their lifetime.

Water Resources

- 8.103.** Proposals for waste management facilities will need to ensure the protection, and where possible, the enhancement of surface and ground water resources and quality as well as consider how the use of water resources can be minimised where possible.
- 8.104.** The Environment Agency is the main authority for safeguarding water resources; it seeks to improve and protect inland and coastal waters, ensuring sustainable use of natural water resources, creating better habitats and other factors that help to improve quality of life. The Environment Agency publishes information on groundwater vulnerability and the location of source protection zones for water supply as well as the status of watercourses and water bodies.
- 8.105.** The Environment Agency's Approach to Groundwater Protection uses aquifer designations which are consistent with the Water Framework Directive. This reflects the importance of aquifers in terms of groundwater as a resource and also their role in supporting surface water flows and wetland ecosystems. A key aim of the Water Framework Directive is to prevent deterioration in the status of water bodies, improve their ecological and chemical status and prevent further pollution.
- 8.106.** Contaminating ground water resources, particularly aquifers which are used for drinking water, is perhaps the most serious pollution threat from waste management facilities, particularly from disposal sites. Proposals for landfill and landraising facilities will therefore need to demonstrate they have considered the geological conditions and the behaviour of surface and ground water and put appropriate mitigations in place where required. For non-inert disposal sites, these should not be located in source protection zones.

8.107. The risk of contaminating surface water resources from waste facilities is also high if surface water is not managed appropriately. Proposals for waste management facilities therefore should:

- Direct surface water from all non-waste operational areas, such as roofs and roads, towards a sustainable surface water outfall or to be used for rainwater harvesting where possible, with this water being treated through the appropriate number of treatment processes to ensure pollution is not caused or flood risk increased
- Cover waste handling/storage areas to prevent excess rainwater entering the foul sewage system where possible
- Have suitable mitigation/ attenuation of storm flows where the site is connected to the foul/ combined sewer where these are not separated.

8.108. Applicants therefore are recommended to engage with the Environment Agency and LLFA, Nottinghamshire County Council or Nottingham City Council for their respective administrative areas, at the earliest opportunity within the application process to ensure they have considered ground and surface water resources. Early consultation will also help identify appropriate and adequate mitigations which may be required.

8.109. To further protect aquifers, especially those with poor status, under the Water Framework Directive further abstraction should be limited to prevent further deterioration. Proposals then should seek to reduce water consumption and ensure water resources are used as efficiently as possible. This could include measures such as harvesting rainwater and grey water for wheel washing and dust suppression as well as using SuDs, which can help improve water quality by removing pollutants as well as reducing flood risk.

This policy helps to meet the following objectives:

SO2 - Climate Change

SO4- The Environment

DM8 – Public Access

Introduction

- 8.110.** Nottinghamshire is a largely rural County and has nearly 2,800km of routes providing access into the countryside for walking, cycling and horse riding and Nottingham City has a total of 84km of public access routes.
- 8.111.** The Rights of Way network also provides vital links within the City and between towns and villages and is increasingly being used as a route to school, work and shops.
- 8.112.** The size and location of a waste facility development can have significant direct or indirect impacts on the rights of way network and its users. However, it can also provide opportunities to improve and extend existing infrastructure and enable both wider enjoyment of the countryside and access to services and facilities.
- 8.113.** The public rights of way network is both an important recreational resource and a sustainable transport option. Local authorities have a statutory duty to protect these and therefore, new developments should not adversely affect the integrity of the established rights of way network. There may, however, be circumstances where, in the interests of providing for sustainable waste developments, disruption of a public right of way is unavoidable. In such cases, mitigation would be sought, such as diverting the route in a satisfactory manner, creating an alternative route and/or providing for additional routes to increase access opportunities. Mitigation could also ensure an existing route does not suffer from reduced amenity.

DM8 – Public Access

Proposals for waste development will be supported where it can be demonstrated this will not have an unacceptable impact on the existing rights of way network and its users. Where this is not possible, satisfactory proposals for temporary or permanent diversions, which are of at least an equivalent interest or quality, must be provided and improvements and enhancements to the rights of way network will be sought where practical.

Justification

- 8.114.** National guidance states that policies should protect and enhance public rights of way and access. Opportunities to provide better facilities for users, such as adding links to the existing rights of way, should be sought. Where appropriate, crossing points will be required to ensure that the existing rights of way network is not compromised during development. Proposals for new rights of way will need to consider how they can best link into the existing rights of way network. All proposals for new or improved rights of way should also cater for the needs of people with mobility problems and other disabilities and comply with the requirements of the Equality Act 2010.
- 8.115.** There are parts of Nottinghamshire and Nottingham City that suffer from a poor-quality environment and a lack of accessible green space. Therefore, efforts to improve public rights of way should be targeted to help address such deficiencies as well as providing new infrastructure.
- 8.116.** Reference should be made to the Nottinghamshire County Council Rights of Way Improvement Plan and the Nottingham City Rights of Way Improvement Plan 2 and advice sought from the County and City Council's rights of way officers regarding proposed temporary or permanent diversions and the opportunities for future improvements in the area.
- 8.117.** Such consultation on any public right of way affected by a proposed waste development should take place at the earliest possible stage. The statutory process for footpath diversion or closure is separate from the planning process and as such delays or failures to secure any required amendments to the rights of way network could affect the implementation of future waste facilities development.
- 8.118.** Enhancements to the rights of way network will be secured through legal agreements rather than planning conditions to ensure that the enhanced rights of way are available in perpetuity. Similarly, permissive paths will not be considered for temporary or permanent diversions to an existing definitive right of way.

This policy helps to meet the following objectives:

SO4 - The Environment,

SO5 – Community, Health and Wellbeing

DM9 – Planning Obligations

Introduction

- 8.119.** All waste development proposals could give rise to issues such as; highways, flood risk, and archaeological and ecological impact, as well as physical impacts on the landscape, impacts on landscape character and visual impacts. There are many areas where the treatment of waste could impact on local communities. In order to ensure that a balance is struck between society's requirement for waste infrastructure and the need to protect the local environment and residential amenity, measures will be secured through legal agreements associated with planning permissions for waste developments.
- 8.120.** To achieve sustainable development, additional planning requirements may be imposed to make a proposed development acceptable. The coordinated delivery of adequately funded infrastructure at the right time and in the right place is key to ensuring that local services, facilities and the transport network can accommodate any additional demand arising from new waste facility developments.

DM9 - Planning Obligations

Where appropriate and necessary, the County and City Councils will seek to negotiate planning obligations as measures for controlling waste facilities and mitigating any negative impacts to secure sustainable development objectives which cannot be achieved by the use of planning conditions.

Justification

- 8.121.** Planning obligations (also known as Section 106 agreements) are legal agreements made between local authorities, developers and landowners which can be attached to a planning permission to make acceptable development which would otherwise be considered unacceptable in planning terms. The obligations set out in Section 106 agreements apply to the person or organisation that enters into the agreement, and any subsequent owner of the land to which the planning permission relates. This is something that any future owners will need to take in to account.

8.122. The NPPF provides Government guidance on the use of planning obligations. It contains three tests that planning obligations must meet. They must be:

- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development
- Fairly and reasonably related in scale and kind to the proposed development.

8.123. The County Council has a Developer Contribution Strategy, and Nottingham City Council has two adopted policies, the Nottingham City Aligned Core Strategy Policy 19: Developer Contributions and the LAPP Policy IN4: Developer Contributions policy which all set out circumstances where planning obligations may be sought and include:

- Highway improvement and reinstatement works, lorry routeing arrangements, off-site highway safety works
- Off-site provision of landscaping, screening, noise attenuation measures etc.
- Off-site monitoring of noise, dust, groundwater, landfill gas migration – provision of leachate/landfill gas control measures
- Provision for extended aftercare
- Enhancements of the historic environment
- Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remain
- Long term management of restored sites
- Habitat creation, enhancement and protection
- Safeguarding protected species and species of local biodiversity interest
- Transfer of land ownership and associated management provisions
- Meet the reasonable costs of new infrastructure or services, employment and training:
- Provision of open space where appropriate
- Drainage and flood protection

8.124. Applicants are advised to check the above documents when applying for planning permission as Nottinghamshire County Council and Nottingham City Council both have varying requirements in terms of planning obligations.

8.125. The nature and scale of obligation requirements from a development will reflect:

- The nature and impact the development has upon strategic, local and on-site needs and requirements
- Current infrastructure and whether the development can be accommodated by the existing provision
- How the potential impacts of a development can be mitigated
- Viability. In considering issues of viability the Councils will have regard to the quality and value of a scheme in the context of how the development contributed towards the vision, objectives and policies for the area.

8.126. Whether obligations will be 'in kind' (where the developer builds or directly provides the infrastructure), by means of financial payments or a combination of both will depend on the nature and circumstances of the infrastructure requirement. The NPPF sets out that development identified in the Local Plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. It emphasises that developers and landowners should receive a competitive return to enable the development to be delivered.

This policy helps to meet the following objectives:

SO1 – Meet our future needs

SO2 – Climate Change

SO3 – Strengthen Our Economy

SO4 – The Environment

SO5 – Community, Health and Wellbeing

SO6 – Sustainable Transport

SO7 – High quality design and operationg

DM10 – Cumulative Impacts of Development

Introduction

- 8.127.** The cumulative impact of several waste management operations either on one site or in close proximity to each other may be a factor that needs to be assessed, as well as the effects of these types of developments in conjunction with other non-waste developments in an area. The impacts, both real and perceived, of a concentration of waste management facilities close to a community or communities could have a detrimental impact on local amenity, health, quality of life and the wider environment and landscape character.
- 8.128.** Adverse cumulative impacts include increased levels of noise, odour and artificial lighting. The local highway network could also be affected by increased HGV movements with potential hazards related to road safety.

DM10 - The Cumulative Impact of Development

Proposals for waste management development will be supported where it can be demonstrated that there are no unacceptable cumulative impacts on the environment, health or on the amenity of a local community.

Justification

- 8.129.** National policy emphasises the need for cumulative impacts from multiple impacts from individual site and/or a number of sites in a locality to be taken into account.
- 8.130.** The capacity of a local area to accommodate waste management facilities depends upon the proximity of existing development, the type of facility proposed, access to the site and operational issues such as noise, dust, odour and hours of opening.
- 8.131.** A stage may be reached whereby it is the cumulative rather than the individual impact of a proposal that renders it environmentally unacceptable. Depending on local circumstances, there may also be a need to consider whether there are likely to be cumulative impacts resulting from a proposed waste management facility in combination with other existing or proposed non-waste related development.
- 8.132.** This policy seeks to ensure that the impacts of a waste proposal are considered in conjunction with the impacts of all existing development and that cumulative impact on the natural and historic environment of an area, highway safety, health or on the amenity of a local community or communities are fully addressed.

This policy helps to meet the following objectives:

SO4 – The Environment

SO5 – Community, Health and Wellbeing

DM11 – Airfield Safeguarding

Introduction

- 8.133.** As detailed within the aerodrome safeguarding procedure (DfT/ODPM Circular 1/2003), Airfield Safeguarding Areas are a 13km/8-mile radius established around aerodromes, both civil and military, and their associated buildings to ensure aviation safety.
- 8.134.** Waste development proposals can pose a risk to aviation safety, with the main risk from facilities that are likely to attract birds which could increase the risk of bird strike. Any waste development proposals then that falls within an Airfield Safeguarding Area will require consultation with owners or operators of the relevant airfields to consider potential hazards to aircraft or radio operations and ensure any risks are adequately mitigated.

DM11 - Airfield Safeguarding

Proposals for waste development within Airfield Safeguarding areas will be supported where it can be demonstrated that the proposed development during the construction, operational and, where relevant, restoration and after use phases, will not result in any unacceptable adverse impacts on aviation safety.

Justification

- 8.135.** As shown on Plan 2, there are ten licenced Airfield Safeguarding Zones for airports and Military of Defence (MoD) sites in the plan area:
- East Midlands Airport
 - Gamston (Retford) Airport
 - Netherthorpe Airfield
 - Nottingham City Airport
 - Robin Hood Airport Doncaster Sheffield
 - RAF Barkston Heath MoD Aerodrome
 - RAF Cranwell MoD Aerodrome
 - RAF Scampton MoD Aerodrome
 - RAF Syerston MoD Aerodrome
 - RAF Waddington MoD Aerodrome

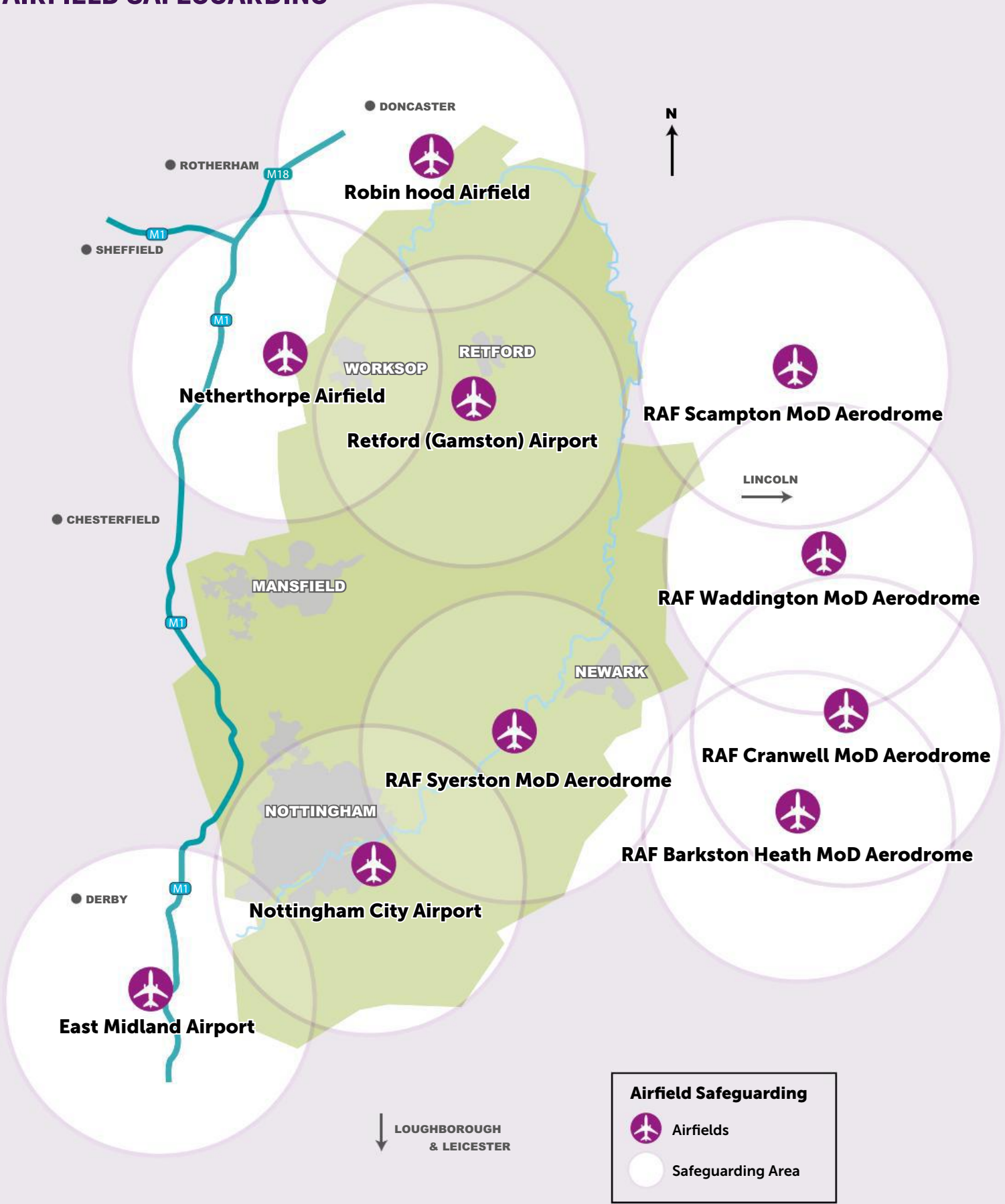
- 8.136.** Other, non-licensed, aerodromes may be safeguarded by privately agreed consultation with the Local Planning Authority. This is called 'unofficial' safeguarding and is not obligatory under Statutory Direction. However, the Councils acknowledge the Government's advice that 'aerodrome owners should take steps to safeguard their operations' and as such Policy DM11 will also apply to these 'unofficial' safeguarded areas as recorded by Local Planning Authorities. Any new safeguarding areas established during the plan period will also be safeguarded.
- 8.137.** As detailed in the NPPW, the main risk to aviation safety is that waste facilities can, if not managed appropriately, attract birds which could lead to an increased risk of bird strike to aircraft. Facilities that handle, compact, treat or dispose of household or commercial waste are more likely to attract birds, in particular Landfill sites that accept putrescible waste. Other infrastructure associated with facilities can also attract birds, such as those with flat roofs, ledges and gantries as well as sites that create or enhance wet areas as part of landscaping or for restoration and after use.
- 8.138.** Other hazards that waste proposals may pose to aviation safety include:
- Glare and dazzling from lighting and reflective materials used on site
 - Visual impact from tall buildings and structures, including any cranes present during the construction phase
 - Air turbulence created from thermal plumes and venting and flaring of gas
 - Radio interference if radio communication is used within the waste facility itself
- 8.139.** Any waste development proposals within Airfield Safeguarding areas will therefore need to consider within their application the risks they may pose to aviation safety, including potential risks during the construction, operational and, where relevant, the restoration and after use phases.
- 8.140.** Early engagement with the Councils and aerodrome operators is encouraged so risks can be identified and addressed through design and adequate mitigations early on within the proposal to ensure the safe operation of aircraft.

This policy helps to meet the following objectives:

SO5 – Community, Health and Wellbeing

SO7 – High quality design and operation

PLAN 2
AIRFIELD SAFEGUARDING



DM12 - Highway Safety and Vehicle Movements/ Routeing

Introduction

8.141 The Plan seeks under Policy SP6 for waste development proposals to use alternative sustainable modes of transport, such as rail, water, or pipeline. It is though recognised that waste facilities predominantly use road to transport waste and so it is important to ensure that proposals consider highway safety and that vehicle movements do not have an unacceptable impact on the local environment and amenity. The needs of all road users, pedestrians, cyclists and people with disabilities, must be at the forefront of any considerations.

DM12 - Highway Safety and Vehicle Movements/Routeing

1. Proposals for waste management facilities where sustainable alternative modes of transporting waste are not viable or practical will be supported where it can be demonstrated that:
 - a) The highway network including any necessary improvements can satisfactorily and safely accommodate the vehicle movements, including peaks in vehicle movements, likely to be generated.
 - b) The vehicle movements likely to be generated would not cause an unacceptable impact on the environment and/or disturbance to local amenity.
 - c) Measures have been put in place to minimise the impact of additional vehicle movements, for example directional signage, wheel washing, street cleansing, sheeting of loads.
 - d) Where appropriate, adequate vehicle routeing schemes have been put in place to minimise the impact of traffic on local communities.
 - e) Adequate provision has been provided for safe vehicle manoeuvring and loading along with sufficient vehicle parking and EV charging points.

Justification

8.142 Most waste is transported via the existing road network due to the flexibility and distance that most waste is carried. This can cause an increase in the level of HGV traffic on the local and wider road networks in the vicinity of waste processing facilities. It is important that the impact of this traffic is minimised and it shown that these additional vehicle movements can be safely accommodated and they do not cause an unacceptable impact on the environment and/or local amenity. This can be done through several different measures which may be implemented through planning conditions and can include:

- strategic signage for lorry movements.
- sheeting of lorries.
- highway improvements.
- hours of working / opening.
- traffic regulation orders.
- noise attenuation of reversing beepers, plant and equipment.
- private haul roads.
- road safety improvements.
- traffic management arrangements, including off peak movements.
- providing wheel wash facilities to prevent materials, such as mud, contaminating public highways.

8.143 National Highways is responsible for the strategic road network which includes trunk roads and Motorways. In the Plan Area National Highways is therefore responsible for the M1, A1, A46, A52 and the A453. They provide policy advice on other transport issues concerning their function, including the consideration of planning applications.

8.144 Nottinghamshire County Council and Nottingham City Council are the Local Highway Authority for their respective area and are responsible for all roads, except those above, and are responsible for the implementation of their Local Transport Plans. As the Local Highway Authorities, the Councils will require proposals to be accompanied by a Transport Assessment (TA) or Transport Statement (TS). Any such supporting documents must accord with current standards and local guidance. It is recommended early discussion is held with officers at the relevant Council or National Highways where applicable to discuss any transport issues.

8.145 In certain circumstances, where a significant amount of movement is generated a Travel Plan may also be required. Travel plans should seek to use sustainable modes of transport for both the movement of goods, as detailed further in Policy SP6, and people.

- 8.146** Where a specific highways impact from the development is identified that requires mitigation, the Councils will either seek developer contributions or use planning conditions to enable the necessary works to be completed. Any highways work will need to be designed to meet the relevant Councils Highways Design Guide.
- 8.147** Lorry routeing can be a major consideration in assessing the acceptability of a waste proposal. Whilst a reasonable route may exist, which the operator may well be willing to use, it may be necessary to control routeing through planning conditions or in most instances through a legally binding agreements (known as planning obligations or Section 106 Agreements – see DM9 for more information) between the applicant and the Council.
- 8.148** To enable safe movement onto the highway and to prevent further impacts, development proposals should design sites that enable sufficient space for the safe manoeuvring of vehicles, loading/ unloading and parking, for both HGV's and private vehicles as well as access for emergency services. Charging points for electrical vehicles should also be available and considered in any parking layout.

This policy helps to meet the following objectives:

- SO4 – The environment**
- SO5 – Community, Health and Wellbeing**
- SO6 – Sustainable Transport**
- SO7 – High quality design and operation**

9. MONITORING AND IMPLEMENTATION



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Implementation

- 9.1.** The Joint Waste Local Plan has been prepared using a wide-ranging evidence base to set the context and focus for the delivery of our strategic policies and objectives. Regular monitoring in accordance with the NPPF is essential to ensure that our policies are effective and consistently applied. This will also help us to see when or where specific policies or targets may need to be revised and to respond to any changes in national policy or legislation or changes in local circumstances
- 9.2.** Achieving our objectives and implementing the policies within the Joint Waste Local Plan rely on the actions of not just the County and City Councils and the waste industry but also the district councils, local communities and businesses and the voluntary sector. It is therefore important that there is a clear understanding of who will deliver the relevant waste management infrastructure and any supporting measures set out in the Joint Waste Local Plan and the relevant timescale.

Monitoring

- 9.3.** The Localism Act 2011 requires the production of monitoring reports. Details of what this must contain are set out in The Town and Country Planning (Local Planning) (England) Regulations 2012 with further guidance in the National Planning Policy Guidance:
- The Councils produces a monitoring report each year to review progress in preparing the new planning policy documents that will make up the development framework
 - How well existing waste planning policies are working
 - New national or other relevant policy guidance that needs to be taken into account
 - Updates in local social, economic and environmental indicators that may influence existing and future waste policies
- 9.4.** We have therefore developed a comprehensive monitoring and implementation framework to help us achieve this.
- 9.5.** Appendix 1 contains a detailed monitoring and implementation table which sets out the policies, performance indicators and triggers for monitoring.

APPENDIX 1 -

Monitoring and Implementation Framework for Nottinghamshire and Nottingham Waste Local Plan

SP1 – Waste Prevention and re-use

Key outcomes/Strategic Objectives

To reduce the amount of waste produced and encourage all developments to help move waste up the waste hierarchy **SO2 – Climate Change, SO3 – Strengthen our economy)**

Performance Indicator

Tonnage of Waste arisings across all waste streams (Local Authority Collected Waste; Commercial and industrial waste; Construction, Demolition; and Hazardous waste using the methodology as set out in the WNA)

Monitoring Method

Published waste arising data from DEFRA, the Environment Agency (EA) and other surveys, where available
Relevant planning decisions – waste reduction measures included as part of application conditions

Constraints/Risks

Lack of available waste arisings data for specific waste streams
Cost of awareness raising initiatives

Target

n/a

Trigger Point

Significant changes in arisings

Signs that Corrective Action is Required/Mitigation Measures

Assess implications for targets and revise if required

SP2- Future Waste Management Provision

Key outcomes/Strategic Objectives

The policy aims to provide sufficient waste management capacity to meet identified needs, support proposals for waste management facilities which help to move waste management up the waste hierarchy
(SO1 – Meet our future needs)

Performance Indicator

Total permitted waste management capacity is equal to estimated waste arisings

LACW arisings Commercial and Industrial waste arisings (where available)

Construction and demolition waste arisings (where available)

Monitor levels of Hazardous, agricultural, mining and low level radioactive waste arisings (where available)

Monitoring Method

Annual waste management and arisings data (where available)

Amount of new waste management capacity permitted annually

DEFRA municipal waste management figures (audited figures published annually)

National/ regional commercial and industrial waste recycling figures (where available)

If data becomes available with the digitisation of waste movement, monitoring of waste compositions

Constraints/Risks

Requires suitable proposals to come forward (largely industry driven)

Lack of data – degree of current self-sufficiency is unknown

Cost of changes to municipal waste management collection and infrastructure provision.

Lack of private sector investment

Market fluctuations in value of recycled materials

Target

Net self-sufficiency achieved

Recycle/compost municipal, commercial and industrial and construction and demolition waste

Trigger Point

N/A (Aspirational policy)

Recycling rates more than 10% below target (where data available)

Signs that Corrective Action is Required/Mitigation Measures

N/A (Aspirational policy)

If recycling levels fall below aspirations, revision made

SP3 – Broad Locations for Waste Treatment Facilities

Key outcomes/Strategic Objectives

Development of new waste management facilities in line with national criteria (**SO1 – Meet our future need, SO6 – Sustainable Transport**)

Performance Indicator

New or extended facilities permitted within broad locations as set out in Policy SP3

Monitoring Method

Planning permissions for new and extended waste management facilities

Constraints/Risks

n/a

Target

100% meeting broad location criteria as set out in Policy SP3

Trigger Point

Significant number of new facilities not meeting broad criteria as set out in Policy SP3

Signs that Corrective Action is Required/Mitigation Measures

Review policy to ensure need being met adequately

SP4 – Managing Residual Waste

Key outcomes/Strategic Objectives

Provision for the management of residual waste following treatment (**SO1 - Meeting our future needs**)

Performance Indicator

New or extended facilities permitted in accordance with Policy SP4

Monitoring Method

Planning permissions for new and extended waste management facilities

Environment Agency Waste Data Interrogator

Constraints/Risks

Lack of suitable sites

Target

100% applications determined in accordance with Policy SP4

Trigger Point

Significant number of new facilities not meeting broad criteria as set out in Policy SP4

Signs that Corrective Action is Required/Mitigation Measures

Review policy to ensure need being met adequately

SP5 – Climate Change

Key outcomes/Strategic Objectives

New proposals minimise the impacts on, and are resilient to climate change **(SO2 – Climate Change)**

Performance Indicator

Proposals judged to have an unacceptable impact on climate change will be refused

Monitoring Method

Planning permissions/refusals for new or extended facilities.

New or extended facilities incorporating resilience to climate change

Constraints/Risks

No targets

Local climate change impacts are difficult to measure/lack of available data

Target

Number of planning applications approved that include appropriate location/resilience to climate change

Trigger Point

Significant number of planning application approvals which identify harmful impacts on climate change

Signs that Corrective Action is Required/Mitigation Measures

Review policy to ensure impacts on climate change are considered in more depth

SP6 – Sustainable movement of waste

Key outcomes/Strategic Objectives

To encourage waste facilities to use alternative, more sustainable methods of transport and treat waste as close to the source as possible **(SO2 – Climate Change, SO6 – Sustainable Transport)**

Performance Indicator

Number of planning permissions using alternative methods of transport to road

Tonnage of waste exported out of the Plan area

Number of planning permission granted contrary to advice from: - Highways England - Highways Authority

Monitoring Method

Planning permissions decision notices and delegated or committee reports

Constraints/Risks

Lack of availability of infrastructure to transport waste (railheads and wharves)

Where waste will be treated depends upon external markets

Lack of data in notices/reports on sustainable transport

Target

All applications granted include an element of non-road transport. Road transport distances/use is minimised All applications granted fully mitigate any transport impacts

Trigger Point

Significant number of applications granted contrary to advice from those set out in performance indicator (more than 10%)

Signs that Corrective Action is Required/Mitigation Measures

Review applications to identify why sustainable transport methods were not utilised/ maximised

Review the policy

SP7 – Green Belt

Key outcomes/Strategic Objectives

To ensure new minerals development does not compromise the openness and purpose of land within the Green Belt **(SO4 – The environment)**

Performance Indicator

Number of planning applications granted within the Green Belt where the proposal does not maintain the openness and purpose of the Green Belt

Monitoring Method

Planning permissions delegated or committee report

Constraints/Risks

Planning approvals may be subject to variation prior to implementation

Target

All applications granted in Green Belt should maintains the openness and purpose of the Green Belt

Trigger Point

Any planning permissions granted in the Green Belt which do not maintain the openness and purpose of the Green Belt

Signs that Corrective Action is Required/Mitigation Measures

Review policy to ensure greater priority given to maintenance of openness and purpose of Green Belt

SP8 – Safeguarding Waste Management Sites

Key outcomes/Strategic Objectives

To safeguard existing and permitted waste facilities from non-waste development to ensure sufficient capacity to handle waste arisings **(SO1 – Meet our future needs)**

Performance Indicator

Number of applications permitted for non-waste development which could adversely impact the operation of waste facilities

No decrease in the number or availability of waste management facilities by type and overall capacity by type

Monitoring Method

Planning permissions for use other than waste management on existing waste management sites

Constraints/Risks

The County Council is not consulted on applications which may pose a safeguarding risk

Safeguarding policies could be overlooked at local level

Target

Maintain/increase the number of waste management facilities and assess the capacity of waste management facilities.

Trigger Point

Significant decrease in hectares of waste management sites (more than 10%)

Signs that Corrective Action is Required/Mitigation Measures

Review the policy to ensure need is being met appropriately

DM1- General Site Criteria

Key outcomes/Strategic Objectives

Achieving new and extended waste management facilities in line with the locational criteria, as set out in Policy DM1 **(SO1 – Meet our future need)**

Performance Indicator

New or extended facilities located in accordance with criteria, as set out in Policy DM1

Monitoring Method

Planning permissions including data on size, type and location

Constraints/Risks

n/a

Target

100% meeting the criteria as set out in Policy DM1.

Trigger Point

Significant percentage of new and extended waste management facilities meeting the criteria set out in Policy DM1

Signs that Corrective Action is Required/Mitigation Measures

Review the policy to ensure need is being met appropriately

DM2 – Health, Wellbeing and Amenity

Key outcomes/Strategic Objectives

Ensuring that waste facilities do not negatively impact of the health and wellbeing of the community **(SO5 – Community, Health and Wellbeing)**

Performance Indicator

Number of planning applications granted contrary to advice from: - Environment Agency - Environmental Health Officer - Public Health England - Highways Authority

Number of substantiated complaints received regarding waste management facilities

Monitoring Method

Planning permissions decision notices and delegated or committee reports

Minerals Planning Authority Monitoring and Enforcement Team complaint

Constraints/Risks

Reliant on professional opinions/ assessments of impacts and discussion of these in reports/notices

Target

All planning permissions have no adverse impact on the elements set out in the policy

Trigger Point

Number of planning permission granted which identify unacceptable impacts on the community, health and wellbeing (measured through grants contrary to advice from those set out in performance indicator) (>0)

Signs that Corrective Action is Required/Mitigation Measures

Review policy to address criteria that were not met in permissions

DM3 – Design of Waste Management Facilities

Key outcomes/Strategic Objectives

All new and extended facilities are well designed and use sustainable construction techniques **(SO2 – Climate Change, SO4- The Environment, SO7 - High quality Design and operation)**

Performance Indicator

All new and extended facilities incorporating best practice in design of facilities and ensuring they are future proofed, where appropriate

Monitoring Method

Planning permissions refused based on the lack of consideration to design

Constraints/Risks

Design is subjective

Target

100% of relevant planning permissions incorporate best practise

Trigger Point

Significant number of planning permissions do not incorporate best practise and are unable to justify non-inclusion adequately

Signs that Corrective Action is Required/Mitigation Measures

Review policy criteria

DM4 – Landscape Protection

Key outcomes/Strategic Objectives

To maintain, protect and enhance the character and distinctiveness of the landscape

Unacceptable impacts on quality of life

(SO4 – The environment, SO5 – Community, Health and Wellbeing)

Performance Indicator

Number of planning applications granted contrary to advice from: - Natural England

Monitoring Method

Planning permissions decision notices and delegated or committee reports and decision notices

Constraints/Risks

Reliant on professional opinions/ assessments of impacts and discussion of these in reports/notices

Difficult to measure environmental quality and lack of available data

Target

All planning permissions have no adverse impact as set out in the policy

Trigger Point

Significant number of applications approved contrary to advice from those set out in performance indicator (more than 10%)

Signs that Corrective Action is Required/Mitigation Measures

Review reasons for granting permission contrary to advice

Review policy

DM5 – Protecting and Enhancing Biodiversity and geodiversity

Key outcomes/Strategic Objectives

To protect biodiversity from adverse impacts from waste proposals and enhance biodiversity to achieve net gain (**SO4 – The environment, SO5 – Community, Health and Wellbeing**)

Performance Indicator

Significant adverse change in biodiversity assets in the County

Number of planning applications granted contrary to Natural England advice

Area of habitat loss, gain and net-gain/loss (including Habitats of Principal Importance, LBAP habitats and designated sites)

Monitoring Method

Natural England, Local Biodiversity Action Plans

Planning permissions decision notices and delegated or committee reports

Individual planning applications

Constraints/Risks

Difficult to measure and monitor environmental quality and lack of available data

Target

No planning permissions result in adverse impact on biodiversity

All planning permissions secure a minimum of 10% Biodiversity Net Gain

Trigger Point

Significant number of applications approved contrary to advice from Natural England (more than 10%)

Decrease in biodiversity targets being met

Signs that Corrective Action is Required/Mitigation Measures

Review policy to give greater priority to protection and enhancement to biodiversity

Review policy to ensure no further decline in biodiversity

DM6 – Historic Environment

Key outcomes/Strategic Objectives

To protect the historic environment from adverse impacts from waste proposals and enhance where possible

(SO4 – The environment, SO5 – Community, Health and Wellbeing)

Performance Indicator

Number of planning applications granted contrary to advice from: - Historic England Number of planning applications granted subject to a watching brief for archaeology

Change in the number of heritage assets at risk in the plan area

Monitoring Method

Planning permissions decision notices and delegated or committee reports

Constraints/Risks

Reliant on professional opinions/ assessments of impacts and discussion of these in reports/notices

Target

All planning permissions have no adverse impact as set out in the policy

Trigger Point

Significant number of applications approved contrary to advice from those set out in performance indicator (more than 10%)

Signs that Corrective Action is Required/Mitigation Measures

Review reasons for granting permission contrary to advice Review policy

DM7 – Flood Risk and Water Resources

Key outcomes/Strategic Objectives

To protect ground and surface water resources from adverse impacts from waste proposals and reduce the risk of flooding **(SO2 – Climate Change, SO4 – The environment)**

Performance Indicator

Number of planning applications granted contrary to Environment Agency advice on flooding and water quality/provision grounds

Number of planning applications granted which include flood alleviation benefits

Number of planning applications granted which include SuDS

Monitoring Method

Planning application documents

Planning permissions decision notices and delegated or committee reports

Constraints/Risks

Reliant on discussion of these elements in reports/ notices

Target

No planning permissions have detrimental impact on water resources; planning permissions enhance the status where possible and prevent deterioration of freshwater bodies and groundwater. No planning permissions have an unacceptable impact on flooding.

Trigger Point

Number of planning permissions granted contrary to Environment Agency advice (>0)

Signs that Corrective Action is Required/Mitigation Measures

Review reasons for granting permission contrary to advice

Review policy

DM8 – Public Access

Key outcomes/Strategic Objectives

To prevent negative impacts on existing public access routes and improve and enhance the Rights of Way network where possible **(SO4 – The environment, SO5 – Community, Health and Wellbeing)**

Performance Indicator

Number of planning permissions involving the permanent loss of a Right of Way

Number of planning permissions securing additional Rights of Way through restoration

Monitoring Method

Planning permissions decision notices and delegated or committee reports

Target

All planning permissions have no adverse impact on Rights of Way and increase public access

Trigger Point

Significant number of applications approved contrary to advice Countryside Access Team (more than 10%)

Planning permission granted resulting in permanent loss of Right of Way

Signs that Corrective Action is Required/Mitigation Measures

Review reasons for loss of Right of Way Review policy

DM9 – Planning Obligations

Key outcomes/Strategic Objectives

Requirements from development will be met

(SO1 – Meet our future need, SO2-Climate Change, SO3 – Strengthen our economy, SO4 – The Environment, SO5 – Community, Health and Wellbeing, SO6 - Sustainable transport, SO7 - High quality design and operation)

Performance Indicator

Number of planning permissions with signed S106 agreements

Monitoring Method

Planning permissions decision notices and delegated or committee reports

Waste Planning Authority legal records

Constraints/Risks

Delay between permission and signing of S106 may delay monitoring

Target

All permissions granted with S106 where needed

Trigger Point

Significant number of planning applications without S106 (more than 10%)

Signs that Corrective Action is Required/Mitigation Measures

Review reason for lack of S106 If no justification, review policy

DM10 – Cumulative Impacts of Development

Key outcomes/Strategic Objectives

Prevention of negative cumulative impacts **(SO4 – The environment, SO5 – Community, Health and Wellbeing)**

Performance Indicator

Number of planning applications granted despite unacceptable cumulative impacts

Monitoring Method

Planning permissions decision notices and delegated or committee reports

Constraints/Risks

Reliant on discussion of cumulative impact in reports/notices

Target

No unacceptable cumulative impacts arise from minerals development

Trigger Point

Planning permissions granted that give rise to unacceptable cumulative impact

Signs that Corrective Action is Required/Mitigation Measures

Review policy to strengthen cumulative impact assessment

DM11 – Airfield Safeguarding

Key outcomes/Strategic Objectives

To ensure waste proposals do not pose a risk to aviation safety (**SO4 – Community, Health and Wellbeing, SO6 – High quality design and operation**)

Performance Indicator

Number of planning applications granted contrary to advice from airfields

Monitoring Method

Planning permissions decision notices and delegated or committee reports

Constraints/Risks

No overseeing body, therefore advice will be on an air-field by air-field basis and could be inconsistent

Target

No applications permitted against airfield advice

Trigger Point

Permission granted contrary to airfield advice

Signs that Corrective Action is Required/Mitigation Measures

Review reasons for approval against advice Review policy in light of above

DM12 - Highway Safety and Vehicle Movements / Routeing

Key outcomes/Strategic Objectives

Improved highway safety and appropriate routeing schemes

(**SO5 – Community, Health and Wellbeing, SO7 – High quality design and operation**)

Performance Indicator,

Planning applications granted contrary to advice from: - Highways England - Highways Authority

Monitoring Method

Planning permissions decision notices and delegated or committee reports

Constraints/Risks

N/A

Target

All planning permissions consistent with policy criteria

Trigger Point

Significant number of applications approved contrary to advice from those set out in performance indicator (more than 10%)

Signs that Corrective Action is Required/Mitigation Measures

Review policy to address criteria that were not met in permissions

10. Useful Information

Waste is not a simple subject. To help you use this document, we have included definitions covering some of the main types of waste, main organisations involved and the different methods of dealing with waste. To help you use this document we have included a short explanation of the main types of waste here and the different organisations involved at the back of this document.

Main Types of Waste

Local Authority Collected Waste (LACW) - all waste collected by the local authority. This is a slightly broader concept than LACMW as it would include both this and non-municipal fractions such as construction and demolition waste. LACW is the definition that will be used in statistical publications, which previously referred to municipal waste.

Commercial and Industrial Waste (C&I) - is controlled waste arising from the business sector. Industrial waste is waste generated by factories and industrial plants. Commercial waste is waste arising from the activities of wholesalers, catering establishments, shops and offices.

Construction and Demolition Waste – (C&D) - from building sites, road schemes and landscaping projects. It is mostly made up of stone, concrete, rubble and soils but may include timber, metal and glass.

Who does what?

Collection – Local councils (district, borough and unitary councils) are only responsible for collecting Local Authority Collected Waste (LACW), municipal waste. All other waste is collected and managed by private sector companies. This is agreed and paid for by individual business, shopkeepers, building contractors etc.

Disposal – County and Unitary councils are responsible for the safe disposal of LACW (this includes recycling and composting as well as landfill). This is often done in partnership with private companies who provide the facilities to handle this waste and work to specific targets for recycling and reducing landfill. All other waste is managed commercially by private companies and there are no specific controls over how much is recycled or even whether it is dealt with locally.

Regulation – Most waste management sites require planning permission. County and Unitary councils must therefore prepare waste planning policies setting out when and where waste development will be acceptable and how approved waste development will be controlled. They are also responsible for ensuring that there is no pollution risk from waste sites. The Environment Agency licenses individual sites and carries out regular monitoring.

Recycling

Bring Sites – Banks of containers provided at supermarkets, local shopping centres and schools for example, where households can deposit batteries, glass, paper, card, tins, plastics and textiles for recycling.

Household Waste Recycling Centres (HWRCs) – Larger, purpose-built sites where householders can bring bulkier waste (e.g. timber, metal, garden waste, electrical items and old furniture) to be sorted or recycled. They usually have a one-way system for vehicles and large skips to separate the different materials.

Materials Recycling-Recovery Facilities (MRFs) – Large-scale sites where waste that has been collected from households, shops, offices etc, can be taken to be sorted and bulked up for recycling. These operations are usually carried out within a large industrial-type building. Some sites may also take a range of construction and demolition waste to be crushed and screened (see below).

Aggregates/soils recycling – Although most construction and demolition waste such as rubble, hardcore and soil is often recycled or re-used on site, there are also purpose-built facilities for crushing and screening of these wastes. These are often open-air sites on industrial estates although there are a number of temporary sites at landfills and quarries.

Metal recycling – Scrap yards are one of the longest established forms of recycling taking scrap vehicles and other metals for crushing and sorting prior to re-use.

Resource Recovery Parks – A concept based on the idea that companies which produce waste could locate alongside companies that are able to re-process that waste in a business park type environment. This could also include companies that research alternative uses for waste products.

Composting

Open air sites – Organic waste is composted in long open-air windrows which are turned regularly until the compost matures. This can take up to 12 weeks and is only suitable for green waste (i.e. plant and vegetable matter). It cannot be used for kitchen and catering waste.

Enclosed sites – The windrows are laid out within a large building which helps to contain dust and odour and the compost can be protected from the weather. This process is again only suitable for green waste.

In-vessel schemes – The waste is composted inside a purpose-built container or silo. This gives greater control over the breakdown of the waste, meaning that it can be used to compost kitchen and catering waste, as well as green waste. This process is also quicker than conventional open-air methods.

Recovery

Anaerobic digestion – Organic waste is broken down in a heated, airless container to produce a biogas. Leachate from the process can be used as fertiliser and some of the solid residue may be suitable for use as a soil conditioner. It is used for green waste but can also be used for food waste and sewage sludge. This overlap with composting means that this process can help towards recycling targets in some cases.

Pyrolysis/gasification – Mixed waste is partly combusted at very high temperatures and converted into a gas. Residual waste left from the process is then burned or landfilled.

Incineration – mixed waste is burnt and the heat produced is used to generate electricity. It can also be used to sterilise clinical and other potentially harmful waste. The leftover ash can be recycled, if suitable, or sent to landfill.

Mechanical Biological Treatment – Uses a varying combination of mechanical sorting to remove recyclable materials, alongside biological process such as anaerobic digestion or composting. This can also include energy recovery in the form of incineration, gasification or pyrolysis. Any remaining waste is then turned into refuse derived fuel (RDF) or sent to landfill. Plants can process mixed household waste as well as commercial or industrial wastes.

Waste Transfer

Waste transfer is when waste is taken to be bulked up and then transferred elsewhere for recycling, recovery, or disposal. Although this operation is similar to that of Materials Recycling/Recovery Facilities, waste transfer sites are generally smaller and only carry out a very basic manual sorting and bulking up of waste rather than sophisticated mechanical separation of different materials.

Disposal

Inert – sites only take waste that is physically and chemically stable. Most inert waste comes from construction and demolition projects and tends to be bricks, glass, soils, rubble and similar materials. As this waste does not break down in the ground it will not give off any gas or leachate. Inert sites do not therefore pose any risk to the environment or human health.

Non-hazardous – sites take a much wider range of waste - typically municipal (household), commercial and industrial wastes such as paper, card, plastic, timber, metal and catering wastes. These are wastes that will naturally decompose over time and give off gas and leachate. Disposal of these wastes could potentially be harmful to the environment or human health if sites are not carefully controlled.

Hazardous – sites take wastes that are considered to be more harmful because of their potentially toxic and dangerous nature. Examples include clinical wastes, oils, chemical process wastes, some contaminated soils and asbestos. As these pose a significant risk to the environment and human health, such sites require greater control measures. There are no hazardous landfill sites in Nottinghamshire at present.

11. Glossary

Air Quality Management Area – An area where an assessment of air quality by the local authority indicates that national air quality objectives are not likely to be met. A Local Air Quality Action Plan must be put in place in such an area.

Agricultural Waste – Agricultural waste is waste from farming, forestry, horticulture and similar activities and includes materials such as plastics (including fertiliser bags and silage wrap), pesticide and oil containers, pesticide washings, asbestos, scrap metal, batteries, veterinary waste, used oil, paper, cardboard, and animal waste.

Annual Monitoring Report: A report prepared by the County Council that monitors the progress of local plan preparation and the implementation of adopted policies.

Anaerobic Digestion – a process where micro-organisms break down bio-degradable waste within a warm, sealed, airless container. This produces biogas, which can be used to generate heat and electricity, a fibrous residue which can be used as a soil nutrient, and leachate which is used as a liquid fertiliser.

Appropriate Assessment – a formal assessment of the impacts of the plan on the integrity of a Special Protection Area, Special Area for Conservation or proposed SPA and Ramsar site. Also referred to as a Habitats Regulations Assessment.

Bio-aerosol – A suspension of airborne particles that contain living organisms or that were released from living organisms. It may contain bacteria, fungal spores, plant pollen or virus particles.

Biodiversity Action Plan (BAP) – A plan that identifies species and habitats that are a conservation priority to the locality and sets a series of targets for their protection and restoration/recreation.

Biodiversity Opportunity Mapping (BOM)

– A Nottinghamshire wide project led by the Nottinghamshire Biodiversity Action Group to increase understanding about the current distribution of biodiversity and to provide a spatial vision for the development of biodiversity in the long and medium term. It also looks at the most effective ways to recreate habitat networks at the landscape-scale.

It is intended to help focus resources, deliver the local contribution to the England Biodiversity Strategy, inform spatial planning and inform other strategies and influence policy makers. Bird strike: Risk of aircraft collision with birds, which are often attracted to open areas of water and landfill sites containing organic waste.

Bring site – banks of containers provided at supermarkets, local shopping centres and schools for example, where householders can deposit glass, paper, card, tins, plastics and textiles for recycling.

Cumulative impact – Impacts that accumulate over time, from one or more sources, and can result in the degradation of important resources.

Commercial and industrial waste – waste that is produced by businesses such as factories, shops, offices, hotels. The waste materials are largely the same as those found in municipal waste such as paper, card and plastic although many manufacturing firms will produce large quantities of a specific waste such as metal, rubber or food waste for example.

Composting, open air – waste is composted in long open-air windrows which are turned regularly until the compost matures. This can take up to 12 weeks and is only suitable for green waste (i.e. vegetable and plant matter). It cannot be used for kitchen or catering waste.

Composting, enclosed – the windrows are laid out within a large building which helps to contain dust and odour and the compost can be protected from the weather. This process is only suitable for green waste.

Composting, in-vessel – the waste is composted inside a purpose-built container or silo, often within a building. This gives greater control over the breakdown of the waste, meaning that it can be used to compost kitchen and catering waste, as well as green waste. This process is also quicker than conventional open-air methods

Construction and demolition waste – waste from the construction industry that is produced during road building, house building or demolition for example. This typically includes inert materials such as concrete, rubble, bricks and soils but can also include wood, metal and glass.

Core Cities – a united local authority voice to promote the role of England's eight largest city economies outside London in driving economic growth. Nottingham is one of the eight cities.

Climate Change Framework for Action in Nottinghamshire – sets out a comprehensive approach to tackling the causes and effects of climate change, published on behalf of the Nottinghamshire Agenda 21 Forum.

Clinical waste - Any waste which consists wholly or partly of human or animal tissue; blood or bodily fluids; excretions; drugs or other pharmaceutical products; swabs or dressings; or syringes, needles or other sharp instruments and which, unless rendered safe, may prove hazardous to any person coming into contact with it.

Derelict land – Land so damaged by previous industrial or other development that it is incapable of beneficial use without treatment, where treatment includes any of the following: demolition, clearing of fixed structures or foundations and levelling and/or abandoned and unoccupied buildings in an advanced state of disrepair.

Development Plan - the series of planning documents that form all of the planning policy for an area, it includes Local Plans (District and County) and neighbourhood plans. All documents forming the development plan have to be found 'sound' by a Government Inspector during a public independent examination before they can be adopted.

Disposal – the final stage in the waste hierarchy where waste that has no useful or economic purpose is discarded. This could either be buried below ground within a landfill site or in an above ground land-raising scheme.

Energy recovery – the broad term used to cover the group of different technologies that can be used to recover energy from waste e.g. anaerobic digestion, gasification, pyrolysis, mechanical biological treatment and incineration.

Energy Strategy – identifies the key technologies and programme required to enable areas to play their part in meeting the national and local targets on carbon reduction and low or zero carbon energy generation.

Equality Impact Assessment – an analysis of the policies to assess the implications of them on the whole community to help to eliminate discrimination and tackle inequality.

Evidence base – an up-to-date information base produced by Local Authorities on key environmental, social and economic characteristics of their area, to enable the preparation of development plan documents.

Gasification – mixed waste is partially combusted at very high temperatures and converted into a gas. Residual waste left from the process is then burned or landfilled.

Geodiversity- The range of rocks, minerals, fossils, soils and landforms.

Green Belt – an area of land designated for the purpose of preventing urban sprawl by keeping land permanently open.

Green Infrastructure – Natural England defines Green Infrastructure as a strategically planned and delivered network of high quality green spaces and other environmental features. Green Infrastructure should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. It includes parks, open spaces, playing fields, woodlands, allotments and private gardens.

Green Infrastructure Strategy – the strategic vision to protect, enhance and extend networks of green spaces and natural elements of an area.

Greenfield site – land that has not previously been developed including agricultural land, woodland, forestry, allotments, parks or other land that has not had a permanent structure placed on it, including restored mineral sites. This can also include land where any previous use has blended into the landscape so that it now seems part of the natural surroundings.

Habitats Regulations Assessment – a formal assessment of the impacts of the plan on the integrity of a Special Protection Area, Special Area for Conservation or proposed SPA and Ramsar site.

Health and Safety Executive (HSE) - The national independent watchdog for work-related health, safety and illness.

Health Impact Assessments (HIA) – A practical and flexible framework by which the effects of policies, plans or projects on health and inequality can be identified. Such effects are examined in terms of their differential impact, their relative importance and the interaction between impacts. In doing so, HIAs can make recommendations to inform decision making, particularly in terms of minimising negative impacts and maximising opportunity to promote health and wellbeing.

Hazardous landfill – sites that take waste that are considered to be more harmful because of their potentially toxic and dangerous nature. Examples include clinical waste, oils, chemical process wastes, some contaminated soils and asbestos. As these pose a significant risk to the environment or human health, such sites require greater control measures.

Hazardous waste – Hazardous wastes include many substances generally recognised as potentially dangerous such as pesticides, asbestos and strong acids. However, a number of wastes that result from everyday activities have also been designated hazardous waste, for example, mobile phone batteries and used engine oils, scrap cars (End of Life Vehicles) and some Waste Electrical and Electronic Equipment (WEEE). This does not include waste classified as radioactive under the Radioactive Substances Act 1993 except in some limited circumstances.

Heritage Assets – A building, monument, site, place, area of landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing).

Household Waste Recycling Centre – purpose-built sites where householders can bring bulky waste to be sorted and recycled.

Incineration – the controlled burning of waste, either to reduce its volume or its toxicity. Energy recovery from incineration can produce heat or power. Current flue-gas emission standards are very high. Ash residues must be disposed of at specialist facilities.

Inert landfill – sites that only take waste that is physically and chemically stable. Most inert waste comes from construction and demolition projects and tends to be bricks, glass, soils, rubble and similar material. As this waste does not break down in the ground it will not give off any gas or leachate. Inert sites do not therefore pose any risk to the environment or human health.

Local authority collected waste – this term has been introduced to distinguish between the municipal waste that is collected from households, and some non-household sources by local authorities (District and Unitary Councils), and the wider definition of municipal waste that has now been introduced by the European Union which includes those elements of commercial and industrial waste that are the same as found in municipal waste. References to municipal waste within this Waste Core Strategy are intended to refer to the municipal waste collected by local authorities as this reflects the wording of existing guidance and monitoring arrangements.

Materials Recovery/Recycling Facility – a site, usually within a building, where recyclable materials are collected and then sorted either mechanically or manually and bulked up to be taken for re-processing.

Mechanical Biological Treatment – uses a varying combination of mechanical sorting to remove recyclable materials, alongside biological processes such as anaerobic digestion or composting. Any remaining waste is then turned into refuse derived fuel or sent to landfill. Plants can process mixed household waste as well as commercial and industrial wastes.

Municipal waste – all household waste and any other non-household waste collected by local authorities. The European Union has recently introduced a new definition of municipal waste which includes those elements of commercial and industrial waste that are the same as found in municipal waste. To differentiate the UK Government has introduced a new term of 'local authority collected waste' and this is what is referred to within this Waste Core Strategy as municipal waste.

Municipal Waste Management Strategy – an agreed framework for County and District Councils to plan and manage their waste management services in an integrated way. Identified the short, medium and long term requirement for managing municipal waste, the cost of delivering the solution and associated funding issues and the roles and responsibilities of the County and District Councils and the public to make the solutions work.

Non-hazardous landfill – sites that take a wide range of waste, typically municipal (household), commercial and industrial wastes such as paper, card, plastic, timber, metal and catering wastes. These are wastes that will naturally decompose over time and give off gas and leachate.

Non-local waste – waste arising from outside the plan area i.e. from outside the administrative areas of Nottinghamshire County Council and Nottingham City Council. Previously developed land – land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

Previously Developed Land - Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Pyrolysis – mixed waste is partly combusted at very high temperatures and converted into a gas. Residual waste left from the process is then burned or landfilled.

Reclamation – where a site, often derelict or disused, is brought back into use but for a different purpose than it was originally used for. An example of this would be infilling a quarry with waste and creating an area of woodland, open space or development land.

Restoration – returning a site back to its original use e.g. agriculture.

Resource Recovery Park – a concept based on the idea that companies which produce waste could locate alongside companies that are able to re-process that waste in a business park the environment. This could also include companies that research alternative uses for waste products.

Statement of Community Involvement (SCI) - A Local Development Document which sets out the standards the Planning Authority intend to achieve when involving the community in preparing Local Development Documents, or when making a significant development control decision. It also sets out how the Authority intends to achieve these standards. A consultation statement must be produced showing how the Authority has complied with its SCI.

Section 106 agreement (S106) - The Town and Country Planning Act 1990 allows a local planning authority (LPA) to enter into a legally-binding agreement or planning obligation with a landowner when granting planning permission. The obligation is termed a Section 106 Agreement. These agreements are a way of dealing with matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing.

Strategic Flood Risk Assessment – the aim of the SFRA is to map all forms of flood risk over the plan area and use this as an evidence base to locate development primarily in low flood risk zones.

Sustainability Appraisal – an appraisal of the economic, environmental and social effects of a plan, applied from the outset of the plan process to allow decisions to be made that accord with sustainable development. Required under UK and EU law.

Treatment – any form of processing that is intended to prepare waste for re-use, recycling, or recovery – includes recycling, composting, anaerobic digestion biological, chemical or other process and incineration, gasification, and emerging technologies as well as the sorting, separation, bulking up and transfer of waste. In the context of this Waste Core Strategy treatment does not include disposal.

Water Framework Directive - A European directive which became part of UK law in December 2003. It provides an opportunity to plan and deliver a better water environment, focussing on ecology, which will be delivered through river basin management planning.

Waste Transfer Station – a site, either within a building or open air, where waste materials are taken to be bulked up before being taken to other facilities for treatment or disposal. Some also carry out basic sorting operations, making them similar to Materials Recovery/Recycling Facilities.

Contact us

Nottinghamshire County Council is administering the preparation of the Plan on behalf of both Councils.

Contact us Online:

www.nottinghamshire.gov.uk/waste

Email:

planning.policy@nottscc.gov.uk

By post:

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Place Department.
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County Hall, West Bridgford
Nottingham, NG2 7QP

By Phone:

0300 500 80 80

(customer contact centre)



Appendix 2

Main issues raised in response to the publication of the Pre-Submission Draft Nottinghamshire and Nottingham Waste Local Plan and officer assessment

Please note that this is not a detailed schedule of representations. A document providing more detail will be provided within the submission background documents, which will be published on our webpage [New Waste Local Plan | Nottinghamshire County Council](#) . The specific representations received can be found at [Nottinghamshire County Council - Pre- Submission Draft Waste Local Plan \(oc2.uk\)](#) by clicking on the search icon next to the relevant policies or section.

Duty to Cooperate Bodies

There has been generally a positive response from Duty to Cooperate organisations and the Councils will continue to work with District and Borough Councils and neighbouring Waste Planning Authorities through the Duty to Cooperate and Statements of Common Ground.

Introduction, Scope, Context and Overview of the Plan Area

In relation to the Scope and Context of the Waste Local Plan chapters, respondents primarily sought for the Plan to focus and promote further the circular economy, the drive to reduce and re-use of waste and Government targets to halve residual waste by 2042.

For the Overview of the Plan area chapter, respondents requested further wording to be added in regard to the Historic Environment and smaller villages within the Plan Area.

Waste Management in the Plan Area

Chapter 5 was a key focus for many respondents to the Pre-Submission Draft Waste Local Plan, with representations focusing on the following sub-sections of the chapter:

- Forecasting future waste arisings in the Plan Area
- Future Waste management methods
- Assessing the need for additional waste management capacity

Most respondents disagreed with the chosen waste arisings forecast scenario and recycling scenario, stating that arisings should be lower and more waste recycled due to Government initiatives being introduced, in particular for Household Waste. This then meant the Capacity Gap analysis of what facilities Nottinghamshire and Nottingham need in the future was incorrect, particularly the identification of a shortfall in Energy from Waste Capacity. Representations concluded that this would lead to an overcapacity of Energy from Waste and would prevent waste being re-used or recycled. One respondent went into further detailed analysis of the supporting Waste Needs Assessment (2023) document, questioning the methodologies used.

Other respondents had opposing views, with one respondent stating that Household waste is likely to grow, not decline, due to people working from home. One respondent also questioned whether the recycling scenarios chosen were too optimistic.

Vision and Strategic Objectives

In relation to the Vision, respondents sought for more reference to be made to the new measures the Environment Act (2021) would introduce as well as how the Plan would deliver its aspirations.

Historic England also made three representations on the Vision and Strategic Objectives, seeking for more detail on how the plan will protect and enhancement the heritage of the area. They specifically sought for a new historic environment strategic objective to be added.

Strategic Policies

Representations received on the strategic policies primarily focused upon ensuring that the policies were not overly permissive, especially for Energy from Waste Sites. Some respondents felt Policy SP2: Future Waste Management Provision and Policy SP6: Sustainable movement of waste, need to go further in relation to Energy from Waste facilities to prevent an overcapacity of provision. Some felt there was already an overcapacity of provision when considering the permitted capacity of Energy from Waste sites in Nottingham and Nottinghamshire.

They were many detailed representations that proposed amended wording for several strategic policies. This included representation from a mineral operator, who suggested Policy SP4: Managing residual waste was too restrictive for mineral sites as currently drafted. Historic England also made several representations that some strategic policies needed to consider and make reference to the Historic Environment.

Development Management Policies

Historic England was the main respondent for this chapter, with a primary focus on Policy DM6: Historic Environment and its compliance with National Policy to protect and enhance heritage assets. They made several suggestions on topics the policy should also cover.

Historic England also commented on several other Development Management Policies, seeking to include reference to the historic environment within these policies.

There was support for the Development Management Policies as drafted from Gedling Borough Council and Leicestershire County Council.

Monitoring and Implementation

Only representations were made in relation to the monitoring of Policy SP2: Future Waste Management Provision, with both representation seeking for the Councils to

monitor the composition of waste streams to understand the volumes of residual waste.

Other matters

Representations were also received on Chapter 10, Useful Information, and Chapter 11, Glossary, which proposed amendments to the definitions provided.

Officer response

Officers of both Councils have considered the representations and consider overall the Plan to be sound and appropriate to submit to the Secretary of State for examination.

Some respondents have made helpful suggestions regarding wording changes which officers will be happy to consider further as part of the examination process. It is usual that an Inspector holding an examination of a Local Plan, will invite the Council during the examination to develop modifications to the Plan policies or explanation where necessary to deal with matters of soundness. These are then published for comment and form a basis for the Inspectors Report and recommendations to the Council which marks the end of the examination.

Officers will use the consideration of representations received to prepare wording modifications in advance wherever possible with the aim of assisting the Inspector and reducing the length of the examination as much as possible.

REPORT OF CABINET MEMBER FOR FINANCE**TREASURY MANAGEMENT MID-YEAR REPORT 2023/24****Purpose of the Report**

1. To provide a mid-year review of the Council's treasury management activities in 2023/24 for the 6 months to 30 September 2023.

Information

2. Treasury management is defined as "the management of the council's investments and cashflows; its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks".
3. The Council approved the 2023/24 Treasury Management Policy and Strategy in February 2023 and normally receives mid-year and full year outturn reports. The responsibility for the implementation and monitoring of treasury management policies and practices has been delegated to the Treasury Management Group, comprising the Service Director (Finance, Infrastructure & Improvement), the Group Manager (Financial Management), the Senior Accountant (Pensions & Treasury Management), the Senior Accountant (Financial Strategy & Compliance) and the Investments Officer.
4. In the first half of 2023/24, borrowing and investment have been in accordance with the approved limits as set out in the Council's Treasury Management Policy and Strategy. Appendix A provides a detailed report on this treasury management activity. The main points to note are:
 - All treasury management activities were undertaken by authorised officers within the limits agreed by the Council.
 - All investments were made to counterparties on the Council's approved lending list.
 - In this period the Council earned £5.740m on its short-term lending. This equates to a return of 4.63% compared with the Council's benchmark rate of 4.61%.
 - In May 2023 £5.2m of existing long-term debt matured, with a further £5.6m due to mature in November. Based on current forecasts no further long-term borrowing will be required before 2027/28.

Reasons for Recommendation/s

5. It is considered good practice for Council to consider treasury management planned and actual performance at least three times per financial year, firstly in the Strategy Report before

the start of the year, then in this Mid-Year Report, and also in the Outturn Report, after the close of the financial year.

Other Options Considered

6. Another option would be to not report the Treasury Management mid-year position to Full Council. However, such an approach would not be in line with good practice and would reduce the level of financial transparency which the Council is keen to promote.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

8. There are no direct financial implications arising from this report.

RECOMMENDATION/S

9. That Council notes the actions taken by the Section 151 Officer to date as set out in the report.

Councillor Richard Jackson
Cabinet Member for Finance

For any enquiries about this report please contact:

Tamsin Rabbitts – Senior Accountant (Pensions & Treasury Management)

Constitutional Comments (SR 24/11/2023)

10. County Council is the appropriate body to consider the content of the report..

Financial Comments (TMR 24/10/2023)

11. There are no direct financial implications arising from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

TREASURY MANAGEMENT MID-YEAR REPORT 2023/24

1. Treasury Management Activity

- 1.1 The Council's Treasury Management Strategy and associated policies and practices for 2023/24 were approved in February 2023 by the Council. The Council manages its cash deposits in-house and places cash with institutions on its approved lending list, aiming to achieve the optimum rate of return commensurate with appropriate levels of security and liquidity.
- 1.2 The Council's mid-year cash balance was approximately £247m. The table below provides a snapshot of the Council's treasury management activity cumulative to the end of September:

	Total B/f	Total Raised	Total Repaid	Outstanding
	£000	£000	£000	£000
LBBW	10,000	30,000	-20,000	20,000
GOLDMAN SACHS	20,000	40,000	-40,000	20,000
NATIONWIDE	20,000	40,000	-40,000	20,000
SANTANDER	20,000	40,000	-40,000	20,000
COVENTRY BUILDING SOCIETY	10,000	40,000	-30,000	20,000
LOCAL AUTHORITY	45,000	90,000	-70,000	65,000
INSIGHT MMF	0	65,800	-54,300	11,500
LGIM MMF	25,000	97,150	-97,150	25,000
BLACK ROCK	25,000	30,850	-55,850	0
JP MORGAN	10,050	110,400	-120,450	0
ABERDEEN STANDARD	12,150	72,150	-64,200	20,100
FEDERATED	1,600	173,150	-149,750	25,000
	198,800	829,500	-781,700	246,600

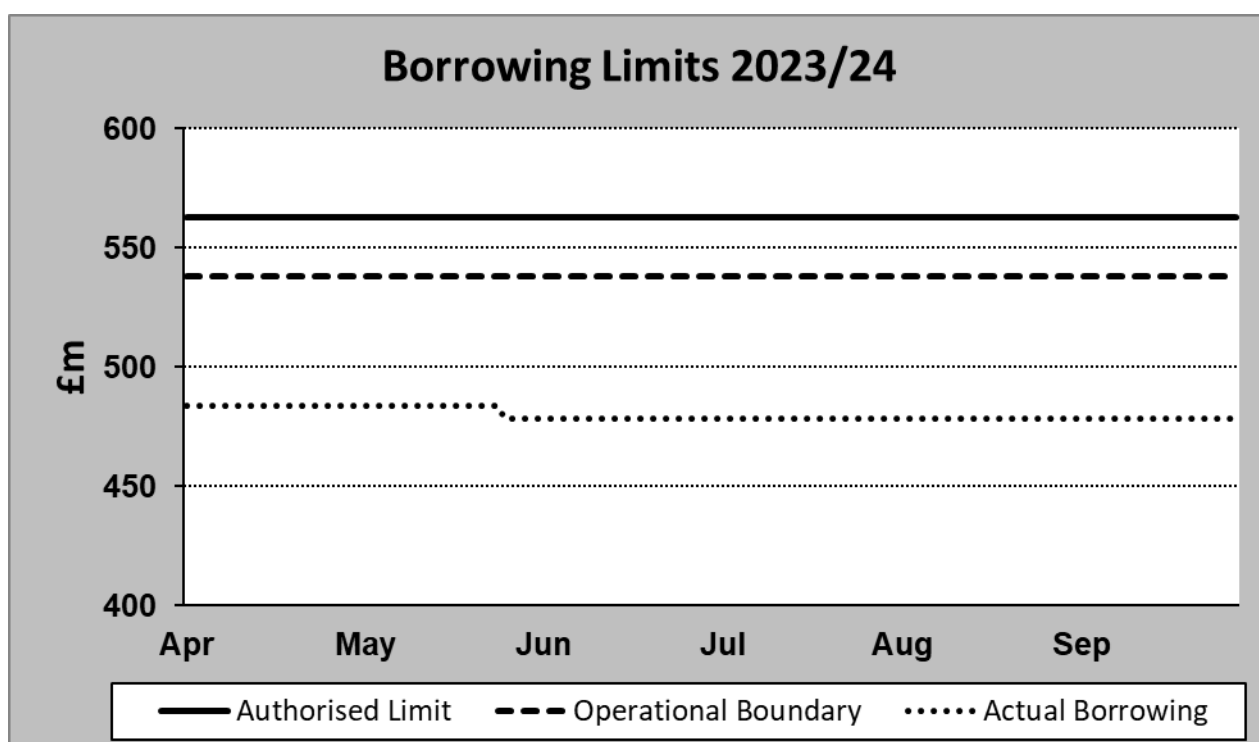
- 1.3 This shows that use has been made of the instant-access money market funds (MMFs) on the Council's counterparty list, and some use made of fixed-term loans to banks and building societies on the list, and to some local authorities (which have been grouped together in the table above). This approach reflects the Council's aim to keep much of the Council's cash deposits liquid, allowing it to temporarily defer borrowing and thereby minimise the risk and cost of carrying high cash balances.
- 1.4 The Council's policy is to benchmark its cash returns against the SONIA (Sterling Overnight Index Average) rate, which is the Bank of England's calculation of the risk-free inter-bank interest rate. In the half-year to September the Council earned £5.740m in interest, which equates to a rate of return (total interest receivable divided by the average outstanding principal) of 4.63%. Over the same period the average adjusted SONIA was 4.61%.
- 1.5 There were no changes made to the Council's lending criteria during the first half of the year. The lending list itself is regularly monitored, and updates are provided by LGPS Central.

2. Long Term Borrowing

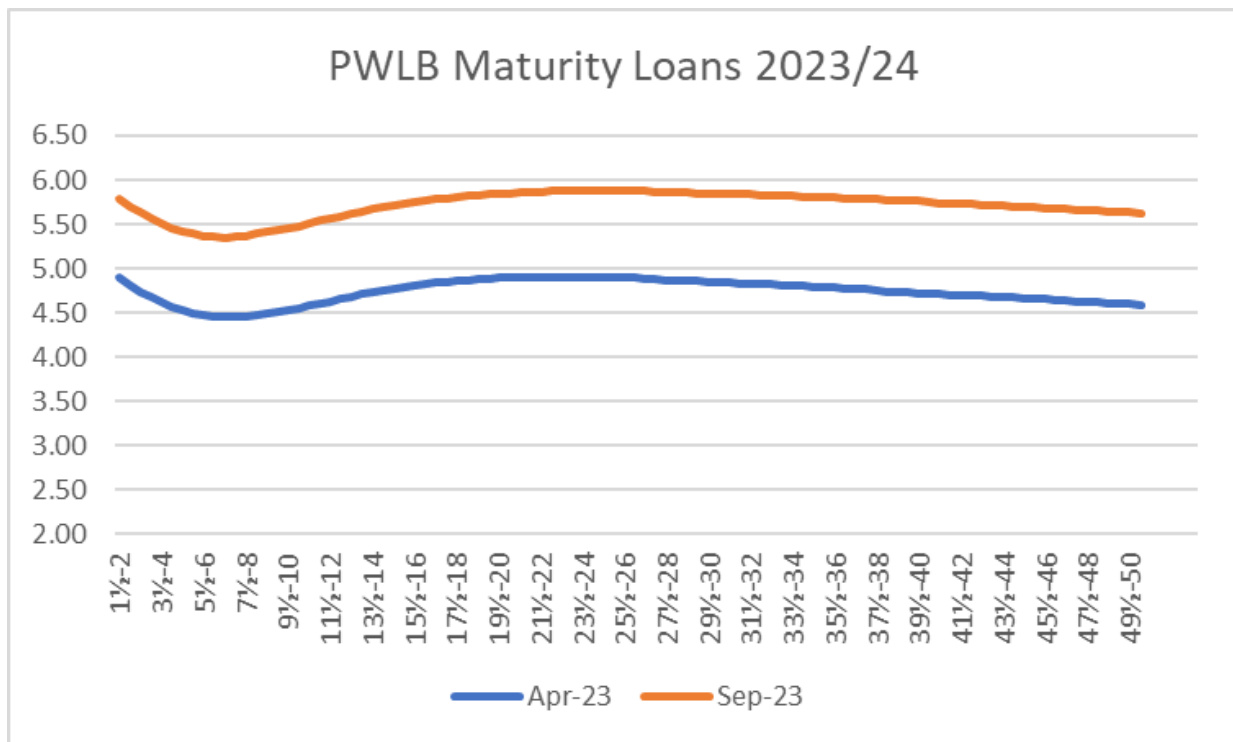
- 2.1 Over the past several years the Council has partly financed the capital programme by using its cash balances (referred to as 'internal borrowing'). This utilises earmarked

reserves, general fund reserves and net movement on current assets until the cash is required for their specific purposes.

- 2.2** This strategy has the effect of postponing external borrowing, thereby making short-term savings for the Council. It also reduces short-term credit risk since it means we hold lower cash balances. However, this benefit must be weighed against future interest rate risk, and delaying borrowing could potentially lead to increased interest costs in the long-term. To balance these risks, therefore, it may sometimes be necessary for the Council to borrow before actual liquidity concerns arise.
- 2.3** No new loans have been raised since the start of the financial year, and £5.2m of PWLB debt has been repaid on maturity. A further £5.6m is due to mature in November.
- 2.4** The Treasury Management Strategy approved in February 2023 forecast that the Council would require no actual borrowing during 2023/24, using instead its cash balances on a temporary basis. This nil borrowing requirement has been regularly reviewed in line with (a) slippage in the capital programme, and (b) changes in the forecast use of reserves, and it remains the case that no further borrowing will be required before 2027/28.
- 2.5** The chart below shows how the Council's total borrowing compares with the prudential indicators and that borrowing is being managed within these limits. The operational boundary for 2023/24 was set at £538m and the authorised limit at £563m.



- 2.6** The following chart shows that PWLB interest rates increased by around 1% over the first half of the financial year, and that loans around 8 years in duration currently provide marginally better value than other periods.



- 2.7** Treasury officers, guided by the Treasury Management Group, continue to monitor rates from both the PWLB and the market with a view to borrowing when this becomes necessary and the rates favourable.

REPORT OF THE CHIEF EXECUTIVE**CHANGES TO CABINET MEMBER ARRANGEMENTS AND APPOINTMENT
OF COMMITTEE CHAIRMEN AND VICE CHAIRMEN****Purpose of the Report**

1. To note changes made by the Leader to Cabinet Member portfolios and to appointments to specified Cabinet Member and Deputy Cabinet Member positions.
2. To seek Council approval for proposed changes to Committee Chairman and Vice-Chairman appointments.

InformationCabinet Member Terms of Reference and Titles

3. At the Full Council meeting on 31 March 2022, the Council approved the move from the Committee system of governance to the Executive (Leader and Cabinet) model from the Full Council Annual Meeting on 12 May 2022.
4. The arrangements agreed included initial Terms of Reference and titles for the new Cabinet Member roles. These have remained unchanged throughout the initial implementation of the new governance arrangements. However, as with the Terms of Reference and titles of committees under the Council's previous 'Committee System' form of governance, it is appropriate to review these on an ongoing purpose to ensure they are working well and best enable effective and efficient decision-making.
5. Section Five, Part 1 of the Council's Constitution states:

ROLE OF CABINET MEMBERS

22. The Leader will delegate a range of Services (or "Portfolio") to each Member appointed to the Cabinet. Each Cabinet Member will be responsible for overseeing the Cabinet's responsibilities in relation to the Services and functions within their Portfolio.

23. The Leader will decide the extent to which responsibility for formal decision making for functions of the cabinet is held collectively by the Cabinet, by individual Cabinet Members or officers.

24. The Leader will notify the Monitoring Officer of any amendments to the delegations to Cabinet Members. The Monitoring Officer will then update the Constitution and notify all councillors.

25. The Leader of the Council will have overall responsibility for the operation of the Cabinet and its decisions.

6. The Leader has recently notified the Monitoring Officer of a number of such amendments taking effect from 1ST December 2023. The Cabinet Member Terms of Reference contained within the Constitution have been updated to reflect those changes in titles and remit. The updated Terms of Reference are included at **Appendix 1**.
7. The Monitoring Officer will further review the Constitution to ensure that any consequent impacts of the changes to the Cabinet Member Terms of Reference are addressed as appropriate.

Changes to Cabinet Member and Deputy Cabinet Member Appointments

8. As set out in Section Five, Part 1 of the Council's Constitution, the Leader of the Council is responsible for appointing Cabinet Members and Deputy Cabinet Members. In light of the changes in portfolios and remit, the Leader has made changes to the appointments reported for information to Full Council on 11 May 2023. The changes to appointments (and titles) are detailed in Table 1 below in **bold font**:

Table 1

<u>Portfolio</u>	<u>Cabinet Member</u>	<u>Deputy Cabinet Member</u>
Deputy Leader and Cabinet Member for Transformation	Bruce Laughton	Not applicable
Cabinet Member Business Management	Chris Barnfather	Not applicable
Cabinet Member for Adult Social Care	Matt Barney	Tom Smith
Cabinet Member for Children Social Care	Tracey Taylor	Sinead Anderson
Cabinet Member for Communities and Public Health	Scott Carlton	Gordon Wheeler
Cabinet Member for Economic Development and Asset Management	Keith Girling	Reg Adair
Cabinet Member for Education and Special Educational Needs and Disabilities (SEND)	Sam Smith	Nigel Moxon
Cabinet Member for Finance and Resources	Richard Jackson	André Camilleri
Cabinet Member for Transport and Environment	Neil Clarke MBE	John Cottee

Changes to Committee Chairmen and Vice-Chairmen Appointments

9. Council makes appointments (or delegates authority to the relevant body where relevant) to the roles of Committee Chairmen and Vice-Chairmen. In light of the changes to Cabinet Member appointments detailed above, a number of in-year changes are proposed to the existing Committee chairing arrangements as detailed in Table 2 below in **bold font**:

Table 2

<u>Committee</u>	<u>Chairman</u>	<u>Vice-Chairman</u>
Overview Committee	Boyd Elliott	Glynn Gilfoyle*
Adult Social Care and Public Health Select Committee	Roger Jackson	David Martin*
Children and Families Select Committee	Mike Introna	Francis Purdue-Horan*
Place Select Committee	Mike Adams	Tom Hollis*
Governance and Ethics	Philip Owen	Johno Lee
Health and Wellbeing Board	Dr John Doddy	Dr Thilan Bartholomeuz
Health Scrutiny Committee	Jonathan Wheeler	Bethan Eddy
Joint Strategic Planning and Transport	Neil Clarke MBE	Councillor Nick Raine (Nottingham City)
Nottinghamshire Pension Fund	Eric Kerry	Mrs Sue Saddington
Planning and Rights of Way Committee	Mike Quigley MBE	Jim Creamer*

* Nominated by Opposition Group Leaders – no change proposed.

10. The new appointments to Committee Chairs and Vice Chairs will be effective from 11th December 2023.

Other Options Considered

11. The changes made by the Leader are intended to focus Cabinet Member portfolios on the key areas of responsibility and enable the most effective and efficient means of decision-making going forward. Continuing with the current Cabinet Member delegations and areas of responsibility would not deliver these outcomes.
12. The proposed changes to the current Committee chairing arrangements will enable the ruling group to better implement the overall changes in Cabinet Member remits and responsibilities to improve the efficacy and focus of decision making.

Reason/s for Recommendation/s

13. To inform all Members of the changes that the Leader has made to the existing Cabinet Member and Deputy Cabinet Member delegations, titles and appointments and to approve changes to the appointment to Chairman and Vice Chairman of Committees roles as set out in Table 2.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

15. There are no financial implications identified from the changes to Cabinet Member arrangements, or appointments to Committee Chairs or Vice Chairs with the overall cost of Special Responsibility Allowances remaining within the cost envelope, including application of the pay award, as recommended by the Independent Remuneration Panel and approved by Full Council.

RECOMMENDATION/S

That Council:

- 1) Notes the changes which the Leader has made to Cabinet Member portfolios, titles and appointments effective from 1st December 2023.
- 2) Notes the revised Cabinet Member Terms of Reference and titles to reflect the changes made by the Leader.
- 3) Approves the proposed changes to the Committee Chairmen and Vice-Chairmen appointments as highlighted in Table 2 above, for implementation effective from 11th December 2023.
- 4) That any further consequent amendments to the Constitution made by the Monitoring Officer arising from the changes to Cabinet Member portfolios and titles be reported to all Members for information.

Adrian Smith
Chief Executive

For any enquiries about this report please contact:

Marjorie Toward

Service Director Customers, Governance and Employees and Monitoring Officer

Tel: 0115 977 4404

Constitutional Comments (HD 28/11/23)

18. The process undertaken by the Leader to make changes to Cabinet Member titles, portfolios and appointments as outlined in the report and the recommendations to Council are in line with the requirements of the Council's Constitution

Financial Comments (NS 27/11/23)

19. There are no specific financial implications arising directly from the report as the payments are within the scheme of members allowances recommended by the Independent Remuneration Panel and approved by Full Council.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Change to Governance Arrangements report to Full Council – 31 March 2022 ([published](#))
- Establishment of Committees report to Full Council – 11 May 2023 ([published](#)).

Electoral Division(s) and Member(s) Affected

- All

PART 2 – TERMS OF REFERENCE

THE CABINET

Terms of reference	
CA.1	Receive and respond to scrutiny reports
CA.2	Approve new policies, changes to existing policies with significant financial or other impacts, or where the policy falls within the remit of more than one Portfolio, subject to any necessary approval required by the Full Council
CA.3	*Any function under a local Act other than a function expressly reserved to Full Council
CA.4	*Make changes to the organisations on the list of Outside Bodies
CA.5	Respond to any consultations within the remit of more than one Portfolio as and when required
CA.6	Review annual reports / inspection reports not within the remit of any specific Portfolio or within the remit of more than one Portfolio
CA.7	To take any decision on any matter within the Executive's role, notwithstanding that a Cabinet Member, Cabinet Committee or an Officer may also be authorised to make such decision

LEADER OF THE COUNCIL

1. The Leader decides which executive decisions will be taken by Cabinet, by individual Cabinet Members and by Officers and has delegated the executive functions as set out in this section. The table below sets out the matters within the Leader's portfolio. Any executive functions not delegated elsewhere will be exercised by the Leader.
2. If for any reason the Leader is unable to act or the office of Leader is vacant there is provision for the Deputy leader to act in the Leader's place. If for any reason the Deputy Leader is also unable to act then Cabinet must act in the Leader's place or arrange for a Member of Cabinet to act in their place.

Terms of reference	
L.1	To be responsible for the Council's overall vision, strategy and budget setting and monitoring
L.2	To provide clear political leadership both within and outside the County Council to help advance all of the County Council's key outcomes.
L.3	To create effective internal and external relationships with key organisations both within Nottinghamshire, nationally and internationally
L.4	To source new funding and resources for Nottinghamshire to deliver the vision and ambitions of the Council's Corporate Plan
L.5	To be accountable for the development and delivery of the Council's plans and strategies and to ensure that they are able to meet the outcomes required by the Council and Cabinet.

L.6	To appoint and hold Cabinet colleagues to account as they ensure accountability within their service areas including that the financial and operational performance in those areas meets the requirements of the Council Plan and Medium Term Financial Strategy (MTFS)
L.7	To hold Cabinet colleagues accountable for the delivery of the appropriate key projects/programmes including the delivery on time and budget and meeting the requirements of the Council Plan and the MTFS
L.8	To Chair meetings of the Cabinet
L.9	To be the County Council's representative on the Local Enterprise Partnership (LEP), unless otherwise delegated by the Leader
L.10	Undertaking the duties of, and exercising the powers of, any Cabinet Member for any reason including but not limited to circumstances where a Cabinet Member is temporarily unable to discharge those duties (1) for reasons of ill health; or (2) due to an unplanned or planned absence agreed with the Leader. Notification of the exercise of the delegation is to be given by the Leader to the Chief Executive, the Monitoring Officer and the appropriate Chief Officer(s)
L.11	Determining the Council's communications strategy and its implementation

DEPUTY LEADER AND CABINET MEMBER – TRANSFORMATION

- The Cabinet Member for Transformation shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio unless they are deputising for the Leader.

Terms of reference	
DL.1	Support the Leader of the County Council in their role and to deputise for the Leader when requested to do so or in the Leader's absence for reasons of ill-health or an unplanned or planned absence agreed between the Leader and Deputy Leader
DL.2	Maintaining and reviewing the overall performance of the County Council on a cross cutting basis
DL.3	Oversight of and monitoring the delivery of the vision and ambitions set out in the Council Plan (the Nottinghamshire Plan)
DL.4	Oversight of business planning processes
DL.5	Monitoring and driving the Council's Transformation and Change Programme, including responsibility for the Transformation Team and Strategic Insight Team
DL.6	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
DL.7	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
DL.8	Assist the activities of the Overview Committee and Select Committees

DL.9	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
DL.10	Approve consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
DL.11	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
DL.12	Monitor performance of any services within their portfolio including relevant information about complaints

CABINET MEMBER – BUSINESS MANAGEMENT

4. The Cabinet Member for Business Management shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member - Business Management shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio.

Terms of Reference	
BM.1	Responsibility for establishing effective Member support/communication and information services to all Members of the Council
BM.2	Appointments to outside bodies
BM.3	Responsibility for authorising hospitality to be offered by the County Council except where the cost is to be covered by the Chairman of the County Council's individual budget
BM.4	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
BM.5	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
BM.6	To assist the activities of the Overview Committee and Select Committees
BM.7	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
BM.8	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
BM.9	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
BM.10	Monitor performance of any services within their portfolio including relevant information about complaints.

CABINET MEMBER - ADULT SOCIAL CARE

5. The Cabinet Member for Adult Social Care shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that

the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio.

Terms of reference	
ASC.1	Responsibility for adult social care matters (e.g. people aged 18 or over with eligible social care needs and their carers)
ASC.2	Responsibility for promoting choice and independence in the provision of all adult social care
ASC.3	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
ASC.4	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
ASC.5	To assist the activities of the Overview Committee and Select Committees
ASC.6	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
ASC.7	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
ASC.8	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
ASC.9	Monitor performance of any services within their portfolio including relevant information about complaints.

CABINET MEMBER – CHILDREN SOCIAL CARE

The Cabinet Member for Children Social Care shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio.

Terms of reference	
CSC.1	Undertake the role and discharge the responsibilities of designated Lead Member for Children's Services, responsible for ensuring that the needs of all children and young people and their families and carers are addressed, pursuant to S19 The Children Act 2004
CSC.2	Responsibility for the strategic and operational effectiveness of the County Council's children's services to ensure they meet the needs of all children and young people, including the most disadvantaged and vulnerable
CSC.3	Responsibility for overseeing the County Council's responsibilities as the corporate parent of children and young people in care and for

	championing their interests, including being a member of the Corporate Parenting Panel
CSC.4	Establish and maintain regular and effective communication with the Cabinet Member for Education and SEND to ensure appropriate strategic oversight of all responsibilities relating to the role of Lead Member for Children's Services
CSC.5	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
CSC.6	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
CSC.7	To assist the activities of the Overview Committee and Select Committees
CSC.8	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
CSC.9	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
CSC.10	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
CSC.11	Monitor performance of any services within their portfolio including relevant information about complaints.

CABINET MEMBER - EDUCATION AND SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND)

The Cabinet Member for Education and SEND shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio.

Terms of reference	
E&S.1	Responsibility for Council functions in relation to educational matters, including effective discharge of education services and the Council's relationships with schools
E&S.2	Responsibility for oversight, monitoring, advocating for and championing services for those with special educational needs and disabilities to ensure best outcomes are achieved for all
E&S.3	To work in strategic partnership with the SEND Improvement Board and health colleagues to deliver further improvements in service delivery in relation to children and young people with special educational needs
E&S.4	To establish and maintain regular and effective communication with regard to activity within their portfolio with the Cabinet Member for Children's Social Care to assist with their duties as designated Lead Member for Children's Services

E&S.5	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
E&S.6	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
E&S.7	To assist the activities of the Overview Committee and Select Committees
E&S.8	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
E&S.9	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
E&S.10	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
E&S.11	Monitor performance of any services within their portfolio including relevant information about complaints

CABINET MEMBER – COMMUNITIES AND PUBLIC HEALTH

The Cabinet Member for Communities and Public Health shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio.

Terms of reference	
C&PH. 1	Responsibility for Culture, including libraries and archives, adult and community learning, arts, heritage, sports, country parks and green spaces
C&PH.2	Responsibility for support to communities including Community Hub and voluntary and community sector support (including funding)
C&PH. 3	Responsibility for regulation and enforcement relating to Communities, including all Trading Standards functions and statutory duties and Public Protection (except for any matters reserved to Planning and Rights of Way Committee)
C&PH. 4	Responsibility for all functions undertaken in relation to emergency planning including the safety of sports grounds (except for any matters reserved to Planning and Rights of Way Committee)
C&PH. 5	Responsibility for the registration services for births, deaths and marriages (except for any matter reserved to Planning and Rights of Way Committee)
C&PH. 6	Responsibility for all duties arising in relation to the Coroner's Service
C&PH. 7	Responsibility for Traded Services relating to Communities including catering services and facilities management
C&PH.8	Responsibility for functions under the Crime and Disorder Act 1998
C&PH.9	Responsibility for all Public Health functions with the exception of functions reserved to the Health and Wellbeing Board

C&PH.10	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
C&PH.11	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
C&PH.12	To assist the activities of the Overview Committee and Select Committees
C&PH.13	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
C&PH.14	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
C&PH.15	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
C&PH.16	Monitor performance of any services within their portfolio including relevant information about complaints

CABINET MEMBER - ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

The Cabinet Member for Economic Development and Asset Management shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio.

Terms of reference	
EDAM.1	Responsibility for economic recovery and renewal, including employment and skills, business support, visitor economy, infrastructure and place
EDAM.2	Responsibility for infrastructure and growth including strategic infrastructure, Investing in Nottinghamshire and schools building
EDAM.3	Responsibility for development and delivery of major infrastructure and physical development programmes including highways schemes
EDAM.4	Responsibility for Highways development control
EDAM.5	Responsibility for making observations on relevant planning matters on which the County Council is consulted, in accordance with the agreed protocol
EDAM.6	Responsibility for the County Council Developer Contributions Strategy and its delivery
EDAM.7	Responsibility for Strategic Asset Management including capital assets including land and property, together with powers in respect of land promotion and the acquisition and disposal of interests in land of all kinds
EDAM.8	Responsibility for the provision of and procurement of property design and construction and related consultancy services for the Council and

	other public bodies and provision and procurement of building maintenance services and energy and utilities
EDAM.9	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
EDAM.10	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
EDAM.11	To assist the activities of the Overview Committee and Select Committees
EDAM.12	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
EDAM.13	Approve relevant consultation responses relating to their portfolio including planning consultations (in liaison with the Chairman of Planning and Rights of Way Committee where appropriate) (except for day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
EDAM.14	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
EDAM.15	Monitor performance of any services within their portfolio including relevant information about complaints

CABINET MEMBER – FINANCE AND RESOURCES

The Cabinet Member for Finance and Resources shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio or falls within the responsibility of the Head of Paid Service.

Terms of reference	
F&R.1	Responsibility for the financial and commercial management of the Authority including preparation of the financial strategy, annual revenue budget, annual capital budget, and precept on billing authorities for consideration by the Cabinet in accordance with the budget and policy framework procedure rules
F&R.2	Responsibility for the development and operation of the Council's Risk Management Strategy including responsibility for the Risk and Insurance Team
F&R.3	Responsibility for monitoring, reviewing and developing the financial framework of the Council including its audit, investments, budgeting and accounting functions
F&R.4	Responsibility for the Council's corporate support services not falling within the delegation to any other Cabinet Member, including receiving reports, development and monitoring of corporate strategies, and action plans including oversight of statutory workforce profile and gender pay

	gap reporting and action plans and the Council's equality policy and application of the Public Sector Equalities duties
F&R.5	Responsibility for the Council's internal trading organisations except where reported elsewhere
F&R.6	Responsibility for health and safety related matters in the Council's capacity as an employer including oversight of the effectiveness of the corporate health and safety management system and compliance with ISO 45001 (NB the Council's statutory responsibilities under Part 1 Health & Safety at Work Act 1974 sit with the Chief Executive)
F&R.7	Subject to the statutory responsibilities of the Head of Paid Service, responsibility for matters concerning employment policies and procedure (where these do not relate to employee pay, terms and conditions) including reviewing and recommending Employment Procedure Rules to the Council for adoption. N.B. The approval of the annual Pay Policy Statement is reserved to Full Council.
F&R.8	Responsibility for oversight of effective employee engagement, employee relations and effective liaison with trades unions including dispute resolution in accordance with the Joint Disputes Resolution Procedure
F&R.9	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
F&R.10	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
F&R.11	To assist the activities of the Overview Committee and Select Committees
F&R.12	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
F&R.13	Approve relevant consultation responses relevant to their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
F&R.14	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
F&R.15	Monitor performance of any services within their portfolio including relevant information about complaints

CABINET MEMBER - TRANSPORT AND ENVIRONMENT

The Cabinet Member for Transport and Environment shall be entitled to make decisions and has authority to do all things pertaining or incidental to or required in connection with matters within their area of responsibility set out below, save that the Cabinet Member shall not be entitled to do anything which falls within the responsibility of another Cabinet Member's portfolio.

Terms of reference	
TE.1	<p>Responsibility for Highways functions including Rights of Way (except those functions which form part of the terms of reference for Planning and Rights of Way Committee) including:</p> <ul style="list-style-type: none"> • highways capital and revenue programmes (except where reported to Economic Development and Asset Management Portfolio) • the planning, management and maintenance of highways and pavements • traffic management including Traffic Regulation Orders • parking provision • integrated transport measures • road safety
TE.2	<p>Responsibility for public transport and fleet management including:</p> <ul style="list-style-type: none"> • local bus services • education and adult care transport • council fleet
TE.3	<p>Responsibility for all matters relating to minerals and waste planning (not falling within the delegation of any other committee or Full Council) and to prepare and recommend to Full Council policy on matters relating to the environment, excluding that within the remit of other portfolio's including, but not limited to the:</p> <p>Minerals Local Plan Waste Core Strategy/Waste Local Plan</p>
TE.4	Responsibility for all matters relating to Council's role as Waste Disposal Authority
TE.5	Responsibility for all matters relating to environment and sustainability including environment strategy, transition to Zero Carbon and air quality
TE.6	Responsibility for flood risk management
TE.7	Responsibility for conservation and archaeology
TE.8	Establish effective working relationships with other Members including other Cabinet Members, the Chairmen of Committees and relevant opposition spokespersons
TE.9	Establish effective working relationships with the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and other key staff as appropriate to their Portfolio
TE.10	To assist the activities of the Overview Committee and Select Committees
TE.11	Policy development and approval in relation to their Portfolio (subject to any necessary approval by Cabinet or Full Council)
TE.12	Approve relevant consultation responses within their portfolio (except for planning consultation responses and day to day technical responses which are agreed by Officers and reported back to the Cabinet Member)
TE.13	Approval of additional budget as a result of changes in relevant staffing structures (within the budget and policy framework)
TE.14	Monitor performance of any services within their portfolio including relevant information about complaints

REPORT OF THE LEADER OF THE COUNCIL

EXECUTIVE REPORT: KEY ISSUES AND ACTIVITIES

Purpose of the Report

1. The report seeks to update Members on various matters relating to the Leader's portfolio and the work of the Executive.

Information

2. **Visit to Futures** – On Friday 24th November I had the pleasure of joining the leadership of the Futures Group in Mansfield. Our partner organisation provides extensive support, training, and advice to help individuals in and around the county find employment.
3. It was a great opportunity to hear first hand some of the great stories and examples of what they deliver and how that has helped people locally, as well as to visit their new, larger Mansfield premises. We also considered the prospect of enhancing collaboration across the sector through a new regional approach next year.
4. **County Councils Network (CCN) Conference** – Earlier this month I attended the CCN conference where I gained an insight from colleagues, Ministers, and various experts on a range of public services. Discussions ranged from fostering local growth, to addressing pressures in adult's and children's care.
5. I was invited to present at one of the workshops to discuss Nottinghamshire County Councils experience of Devolution, where we are currently at in the process and what are our plans and priorities are for the next 12 months. It's very welcome that colleagues and partner organisations from around the UK are so interested in the work we're doing on devolution.
6. **Business Trade Select Committee** – On Tuesday 21st November I gave evidence to the Business Trade Select Committee on Freeports, Investment Zones and Devolution, reporting back on the challenges and opportunities of the several billion pounds of new investment and incentives that our area has been given to attract new business and growth.
7. Across all the various levers that we now have, through our East Midlands Freeport, Development Company and Investment Zones - all of which will ultimately come under the remit of the new East Midlands Mayor from May next year - we can create thousands of new jobs in exciting sectors, add billions to our economy, develop the skills that local people will need to take these opportunities, and invest in the transport connections to join it all up.

8. **Welcomed the Prime Minister to Worksop** – It was fantastic to welcome the Prime Minister to Nottinghamshire again this month. I joined Rishi Sunak as he met with residents at a café in Worksop to talk about a range of topics, from the economy to health care, to illegal migration.
9. It's great to see the Prime Minister out and about in our county on a regular basis, following his recent visits to Gedling and Newark. He reiterated his commitment to our area, including investing more than ever into our local transport, developing major projects like STEP Fusion that will grow our economy and bringing decisions closer to local communities through devolution. I look forward to welcoming him back again very soon.
10. **Mansfield BID** – On 10th November I had a wonderful evening with Mansfield BID (Business Improvement District) and local businesses at their Awards evening. It was brilliant to recognise some fantastic businesses and individuals who work incredibly hard to keep our towns moving and growing. I'm grateful to Councillor Girling and colleagues from our Economic Development/Business Support team for their support for and attendance at the event.
11. A big thank you to Jay Rowlinson, Chief Executive of the BID and the BID team for everything they're doing to support local businesses, and the events that they put on in the towns that bring people in. I was honoured to present an award on the night and would like to say a big congratulations to all the deserving winners.
12. **Remembrance Sunday, Warsop** – Each year our Districts and Boroughs do such a fantastic job of respecting this day and everything that it means, with parades and services across the county. A service was held at County Hall, and colleagues from all parties attended services around the whole county.
13. This year I had the pleasure of joining residents in Warsop, where the parade and service was very well attended. I would like to give a special mention and pass on my thanks to the 'Poppy Gang' for their amazing efforts in decoration the town.
14. **Midlands Connect** – On 7th November I headed down to Birmingham to talk all things transport with Midlands Connect and colleagues from Local Government, DfT, Network Rail and others. We spoke about several topics including the changes in rail investment following recent Government announcements, and the new Network North investment we have received to improve our bus strategy from 2024/25.
15. Meanwhile, £1.5 billion of new devolved transport funding for the East Midlands through our new regional Combined Authority plans, alongside that, newly announced roads and bus funding from central Government gives us a chance to be positive and aspirational for the future of our public transport network.
16. **Flooding Across Nottinghamshire** – I've been out to visit both homes and businesses across the county who have been affected by the devastating flooding events, to understand the challenges and the work that's being done to offer support.
17. I was joined in Retford by the Environment Secretary, alongside Councillor Neil Clarke MBE, where we spoke to a number of residents who had been among the worst affected by flooding. We also met with Council officers and members of our front-line staff who had been working tirelessly around the clock to offer help and guidance to those in need. I would like to extend

my sincere thanks and appreciation to our staff members and the emergency services who went above and beyond during this traumatic time.

18. I welcomed the news that up to £5,500 of support was to be made available to help households and businesses affected by flooding. We have been working with Government to put the mechanisms in place to deliver this to Nottinghamshire residents as soon as possible.
19. **Transport Funding Secured** – Following the outcome of our bus network review, over £5million will be invested to support, improve, and deliver new bus services across the county with a clear focus on reconnecting communities and protecting services to boost access to education, health, employment, shopping, and leisure activities.
20. Four new Demand Responsive Transport (DRT) services covering areas of Rushcliffe, Gedling, Broxtowe, Ashfield, and Newark will be developed over the next two years, building on the success of the current Nottsbus on Demand services in Mansfield, Newark & Sherwood and Bassetlaw.
21. These will give residents more flexibility to travel anywhere between bus stops and designated points within operating zones at a time that is convenient to them. The new DRT services are likely to replace existing scheduled services to maximise efficiencies and improve travel opportunities.
22. **North Notts Business Club** – I recently joined North Notts Business Connections, listening to their thoughts and concerns, and sharing information about opportunities that are coming our way following the announcement that a £1.5billion transport fund has been secured for our area via the Mayoral Combined County Authority. With new investment in transport, skills, and our local economy over the year ahead I have been working my way around a number of business organisations and groups to hear from local businesses to get a feel for how we can get the best use out of this funding.
23. **Andrew Bowie MP Visit** – Nuclear Minister Andrew Bowie MP was in North Notts discussing STEP Fusion and plans to commercialise fusion technology, getting this limitless clean energy into the grid. It's a long-term project, but a huge one with £20bn already committed from central Government. We're leading the world in this, and North Notts can become a global hub for Fusion technology, anchored at this site at West Burton near Retford. This will create thousands of jobs in construction, education opportunities and bring major investment into road and rail.
24. Minister Bowie announced the appointment of the new Chief Executive for UK Industrial Fusion Solutions, which is the commercial arm of the country's fusion research and development projects. Congratulations to Paul Methven, formerly of the UK Atomic Energy Agency, on his appointment.
25. **Diwali Celebration** – On Monday 13th November I met with members of Nottinghamshire's Hindu Community Group, Brahma Samaj to join in with their Diwali celebrations at the Tipu Sultan restaurant in Sherwood. It was a pleasure to meet and celebrate with residents, and to wish them a Happy Diwali.

Progress Report

26. **Implementing the roll out of Family Hub Networks in Nottinghamshire** – The Councils consultation was launched from 2nd October to 3rd December 2023 asking Nottinghamshire residents for their views on the proposed roll out of Family Hubs across the county. We're aiming to improve our services by making them more joined up, as we seek to support the most disadvantaged and most vulnerable in our county. We're looking to expand the remit of children's centres from just helping 0-5s, to supporting families longer term in a more joined up way.
27. The proposals will see a number of new 'family hubs' across the county providing a range of services from partners in health, children's services and others, ensuring we are able to step in earlier and more effectively to prevent people needing more acute or emergency services later on down the line.
28. **East Midlands Freeport Governance** – At the last meeting of the Cabinet, Members approved the governance arrangements for the East Midlands Freeport Limited and for the Council to join the company and be part of its incorporation.
29. The Freeport aims to create a favourable business environment in the midlands to attract inward investment and international trade which in turn will create new jobs and a promote regional economic growth.
30. **Free School Presumption process for proposed special school to be located in Mansfield - Ravensdale SEND School** – Following the announcement in August that a new Special Free School is to be sited in Mansfield, Cabinet have now given approval to proceed with the running of the Free School Presumption in view of the overwhelming support for the proposals at the consultation stage.
31. With a number of Notts' SEND children currently sat on the waiting list for places in these specialist schools, it's fantastic that the consultation has received such support. The school will be built on the site of the old Ravensdale Middle School that's been derelict since it closed in 2001.
32. **Green Investment Fund – 2023/24** – The Cabinet Member for Transport and the Environment recently approved the latest allocation of the Green Investment Fund. The funding which is allocated internally was set up to help deliver the Corporate Environment Strategy (CES) objectives, improving the environmental performance of the Council's operations.
33. Four departments are set to benefit from the funding this year which will help with a range of projects including improvements to our outdoor education facilities to help reduce running costs, cycle storage facilities to promote active travel and investments in council-owned vehicles to make them greener and more cost efficient.
34. **All decisions agreed at Cabinet are published online, you can find more details on the Council's Website - [Democratic Management System > Decisions \(nottinghamshire.gov.uk\)](https://www.nottinghamshire.gov.uk/dms/decisions)**

Decisions taken under Special Urgency procedures

35. None.

Other Options Considered

36. None

Reason for Recommendation

37. This is a noting report to update the Full Council on matters relating to the Leader's portfolio and the work of the Executive since the last meeting, as required by the Constitution.

Statutory and Policy Implications

38. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

39. There are no financial implications arising from this report.

RECOMMENDATION

1) That the contents of the report be noted.

COUNCILLOR BEN BRADLEY MP
LEADER OF THE COUNCIL

For any enquiries about this report please contact:
Phil Rostance, Executive Officer

Constitutional Comments (HD)

40. Full Council is required to receive this report, which is to note, as set out in the Constitution.

Financial Comments (SES)

41. There are no financial implications arising from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- None

NOTICE OF MOTION FOR FULL COUNCIL

Title of Motion:	Nottinghamshire County Council's response to the flooding caused by Storm Babet.
Date of Council meeting:	7 th December 2023
Proposer of Motion: (Name and signature)	Councillor Jason Zadrozny
Seconder of Motion: (Name and signature)	Councillor Tom Hollis
Background/supporting information (maximum 100 words):	
<p><i>Nottinghamshire County Council has a duty to report on flooding incidents under Section 19 of the Flood and Water Management Act (2010) and that Nottinghamshire County Council is a Lead Local Flood Authority and has powers and statutory duties to manage and co-ordinate local flood risk management activities.</i></p> <p><i>More than 900 Nottinghamshire homes were flooded during Storm Babet and many residents still cannot live in their homes. Storm Babet caused extreme flooding across the county, with torrential rain recorded across three days in October 2023. Flooding impacted at least 65 different locations across the county.</i></p>	
Motion to be proposed (active section):	
<p>That Nottinghamshire County Council:</p> <ol style="list-style-type: none"> 1. Requests that the Place Select committee carry out a full review of Nottinghamshire County Council's preparation for and response to the flooding caused by Storm Babet. 2. Requests that the Place Select committee carry out a full review of gully cleaning across Nottinghamshire. 3. Offers its thanks to council staff and their partners like District, Borough, Parish and Town Councils; and infrastructure/ utility providers, such as Severn Trent Water and National Highways. 	
Date and time received: <i>(for completion by Democratic Services)</i>	

NOTICE OF MOTION FOR FULL COUNCIL

Title of Motion:	Response to Autumn Statement
Date of Council meeting:	Thursday 7 December 2023
Proposer of Motion: (Name and signature)	Councillor Jim Creamer
Seconder of Motion: (Name and signature)	Councillor Kate Foale
Background/supporting information (maximum 100 words):	
<p><i>Analysis undertaken by the County Councils Network (CCN) published on 1 November 2023 stated:</i></p> <p><i>“councils are facing down the barrel of a £4bn funding black hole.”</i></p> <p><i>and:</i></p> <p><i>“The majority of the £639m of additional and unexpected spending this year is simply outside of councils’ control.” (CCN)</i></p> <p><i>The Chancellor’s Autumn Statement did not commit additional funding commensurate to the challenges facing county councils, as outlined by the CCN.</i></p> <p><i>The Office for Budget Responsibility have forecast local authority spending will fall to 4.6 per cent of GDP in 2028-29, and warned:</i></p> <p><i>“pressure on local authority finances and services will continue.” (OBR)</i></p>	
Motion to be proposed (active section):	
<p>Nottinghamshire County Council resolves to:</p> <ol style="list-style-type: none"> 1) <i>Note the County Councils Network budget analysis published on 1 November 2023, and the Office for Budget Responsibility’s ‘Economic and Fiscal Outlook’, published alongside the Autumn Statement on 22 November 2023.</i> 2) <i>Agree that a reduction in HM Treasury local authority spending to 4.6% of GDP by 2028 would have a detrimental impact upon this Council’s budget, which will put services under further pressure.</i> 3) <i>Write to the Prime Minister and Chancellor of the Exchequer and call upon them to immediately increase Treasury local government spending commitments to sustainable levels, including funding for unprotected spending, to ensure that this council can meet the rising demand for services without a requirement to significantly increase council tax or drawdown current reserves from 2024/25 onward.</i> 	
Date and time received: (for completion by Democratic Services)	

