

Environment and Sustainability Committee

Thursday, 04 September 2014 at 10:30

County Hall, County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- | | | |
|----|--|---------|
| 1 | Minutes of the last meeting held on 5 June 2014 | 3 - 4 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Role of the Council as Highway Authority and Local Lead Flood Authority in the Planning Process | 5 - 10 |
| 5 | 2014/15 Supporting Local Communities Capital Programme Update | 11 - 18 |
| 6 | Waste Local Plan Project Group | 19 - 22 |
| 7 | Strategic Planning Observations | 23 - 34 |
| 8 | Responses on Planning Observations | 35 - 40 |
| 9 | Waste Management PFI Contract Report | 41 - 52 |
| 10 | Work Programme | 53 - 56 |

11 EXCLUSION OF THE PUBLIC

The Committee will be invited to resolve:-

"That the public be excluded for the remainder of the meeting on the grounds that the discussions are likely to involve disclosure of exempt information described in paragraph 3 of the Local Government (Access to Information) (Variation) Order 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information."

Note

If this is agreed, the public will have to leave the meeting during consideration of the following items.

12 Waste Management PFI Contract - Revised Project Plan

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) 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

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact David Forster (Tel. 0115 977 3552) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting	Environment and Sustainability Committee
Date	Thursday 5 June 2014 (commencing at 2pm)

Membership

Persons absent are marked with an 'A'

COUNCILLORS

Jim Creamer (Chairman)
Pam Skelding (Vice Chairman)

Pauline Allan
Richard Butler
Alice Grice
Stan Heptinstall MBE

Roger Jackson
Bruce Laughton
Parry Tsimbiridis

Ex-Officio (non-voting)

A Alan Rhodes

OFFICERS IN ATTENDANCE

Dave Forster	-	Democratic Services
Peter Barker	-	Democratic Services
Jas Hundal	-	Service Director -Transport, Property and Environment
Sally Gill	-	Group Manager – Planning
Mick Allen	-	Group Manager Waste & Energy Management
Philip Keynes	-	Team Manager Environment and Resources

APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

RESOLVED 2014/020

That the appointment of Councillor Jim Creamer as Chairman and Councillor Pam Skelding as Vice-Chairman by the County Council of 15 May 2015 for the ensuing year be noted.

MEMBERSHIP

RESOLVED 2014/021

That the membership as set out above be noted subject to it being noted that Councillor Pauline Allen replaced Councillor Pam Skelding for this meeting only.

MINUTES OF THE LAST MEETING

The minutes of the meeting held on 8 May 2014, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

There was an apology received from Councillor Stan Heptinstall OBE

DECLARATIONS OF INTEREST

There were no declarations of interest.

STRATEGIC PLANNING OBSERVATIONS

RESOLVED 2014/022

That the Strategic Planning Observations as set out in the appendix to the report be noted.

RESPONSES ON PLANNING CONSULTATIONS

RESOLVED 2014/023

That the responses as set out in the report be noted.

ENERGY MANAGEMENT PRINCIPLES AND OPPORTUNITIES

On a motion by the Chairman, seconded by Councillor Steve Calvert it was :-

RESOLVED 2014/024

- (i) That Committee support the energy management principles and associated actions as set out in paragraphs 9 and 10 of the report
- (ii) That the offer from the University of Nottingham to be a partner in the research project described in paragraph 15 of the report be accepted
- (iii) That further appraisals be undertaken, where funding allows, on the options for action and investment identified in the report
- (iv) That subject to business case justification and additional funding approval from the relevant Committees of the County Council, new initiatives and projects be brought forward for implementation
- (v) That a cross party working group be convened to consider all new initiatives

WORK PROGRAMME

RESOLVED 2014/025

That the Work Programme be noted.

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The meeting concluded at 2.45pm

Chairman

4th September 2014

Agenda Item:4

REPORT OF SERVICE DIRECTOR, HIGHWAYS

THE ROLE OF THE COUNTY COUNCIL AS A HIGHWAY AUTHORITY AND LOCAL LEAD FLOOD AUTHORITY IN THE PLANNING PROCESS

Purpose of the Report

1. To outline and clarify to Members the County Council's role in its capacity as the Local Highway Authority in the planning process.
2. To outline and clarify to Members the County Council's role in its capacity as the Local Lead Flood Authority in the planning process.

Information and Advice

Role of the Local Highways Authority in the planning process

Highway Management

3. The Highways Agency is the highway authority for the strategic road network (trunk roads e.g. A46, A453, and motorways).
4. The County Council is the local highway authority (LHA) for the County (i.e. excluding Nottingham City).

The Planning Process

5. District councils are local planning authorities (LPAs) and are responsible for determining most planning applications for housing and employment sites.
6. The County Council is the LPA for minerals and waste applications and also for its own applications, e.g. schools and libraries.
7. LPAs manage and administer the planning process and make decisions. As part of the process the LPAs consult with any parties that may be directly affected by proposals as well as with a number of statutory consultees including the LHA. It is then for the LPA to make the decisions on applications, weighing up all other responses from consultees together with national guidance and their own policies.

8. The County Council can only comment as a consultee on the planning applications being considered by LPAs. It may comment either as the County Planning Authority (CPA) or as the LHA, or in both capacities; however, the role of the County Council as CPA is not covered in this report. Regardless of which capacity it is acting in the County Council normally has 21 days in which to respond to the LPA on formal applications.
9. As the LHA the County Council can only comment on the highway aspects of any proposed applications and it must do this in relation and with strict regard to the national guidance produced by the Department for Transport, Department for Communities and Local Government and the Department for Environment, Food and Rural Affairs. In particular the recently revised National Planning Policy Framework makes it clear in point 32 that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' There is no definition of what 'severe' means.
10. In view of the above applicants apart from showing that their proposals are safe only have to demonstrate that their proposed developments and any mitigating measures on the highway network that they may include do not have a 'severe' impact on the highway network. In doing this they do not have to take account of any other proposed developments in the vicinity that may possibly happen in the future unless those developments already have planning permission.
11. Whilst the LHA will vigorously investigate and interrogate the highway aspects of any application it is severely restricted on what recommendations it may make to the LPA on highway matters. It cannot object to an application on its belief that a development may be unsafe, may adversely affect other road users or residents or that Members may not wish to see the development progress unless it can be demonstrated that the relevant national guidelines are not being met. Any objections the LHA may make to an application have to be legally defensible when measured against the national guidance and should no objections be made subject to certain conditions being satisfied those conditions have to be reasonable and within the relevant national guidance.
12. If the LHA is found to have acted unreasonably by a Planning Inspector, should an aggrieved applicant appeal against a refusal, costs can be awarded against the LHA. These costs can be considerable including legal fees as well as compensation for any losses.
13. Fortunately the quality and robustness of the highway comments made by the County Council to the LPAs have been such that the Authority has never been in a position where costs have been awarded against it by a Planning Inspector for a refusal by an LPA based upon highway grounds. However, to give an illustration of the level of costs that an authority may face, one LPA in the County has in recent times had to pay £250,000 to a developer following a ruling in favour of the applicant by an Inspector. The LPA involved had to pay the costs from within its existing budgets.

Role of the Local Lead Flood Authority in the planning process

Flood Risk Management

14. The Flood and Water Management Act (2010) assigns powers and duties to the County Council as Local a Lead Flood Authority (LLFA) for managing local flood risk. Local flood risk includes flooding from ordinary watercourses, surface water and groundwater. The Environment Agency (EA) is responsible for flooding from main rivers. The Act covers a broad range of complex matters and involves a wide variety of bodies and organisations and its full introduction is therefore being phased in over a number of years.

The Planning Process

15. Unlike its role as the LHA the County Council as the LLFA is not currently a statutory consultee within the planning process. Current proposals by Government indicate that LLFAs will take on some of this role (currently carried out by the EA) but given the flood issues in the south-west of the Country earlier this year and concerns about the diminishing role of the EA the transfer of this function has been delayed with no official commencement date having been announced.
16. In the meantime the EA continues in its role as a statutory consultee and provides comments to the LPAs on the flooding aspects for all planning applications. In light of the fact that the County Council is likely to take on part of this activity it is worth outlining the role that the EA currently takes as this is the same as the LLFA will be carrying out in the future.
17. In many instances the EA will have no comment to make as the proposal may only be a small extension to a domestic property with no impact on flood risk or the site may not be in a location considered to be at risk of flooding. If the proposed development is in an area that has been identified by the EA as being at risk of flooding or in an area with critical drainage problems or in excess of 1 hectare in size or changes the use of land or buildings in such a way that flood vulnerability is increased then the developer must complete a Flood Risk Assessment (FRA). The FRA allows developers to identify the measures that they propose to take as part of their development works so that they meet with the obligation of not increasing the risk of flooding to their site or the locality.
18. The EA analyse the content of the FRA and the comments that it then makes to the LPA must only reflect the technical robustness or not of it and the measures proposed within it and the appropriateness of these in relation to the flood risk within the locality.
19. The EA cannot object to an application on its belief that a development may contribute to an increase in the risk of flooding unless it can technically prove this and it cannot object on the grounds that the development does not decrease the risk of flooding in the locality. The same situation will apply once the LLFA takes on this role and Members will wish to note that the ability for the County Council to object to a development on flood risk grounds will be restricted to technical matters only. Any objections to applications that may be made have to be legally defensible and should an applicant refer a planning refusal on the grounds of flood risk to a Planning Inspector and they find in the applicants favour costs could be awarded against the LLFA. These costs can be considerable including legal fees as well as compensation for any losses.

Sustainable Urban Drainage

20. The Flood and Water Management Act (2010) also contains legislation in respect of Sustainable Urban Drainage Systems (SUDS). These drainage systems are designed to hold surface water that drains from an area and then slowly release it into the ground so that flood risk to a development and the locality is minimised during heavy rainfall.
21. Whilst the original intention by Government was to have implemented Schedule 3 of the Act which would introduce a statutory duty for developers to incorporate SUDS into their developments and for the LLFA to be the approval body for these in April 2014 it has been delayed. It is unlikely to be implemented before April 2015 although it is expected that the government will make a statement this summer/early autumn which will set out in greater detail both the date and details of the plans for implementation.
22. The role of the County Council as the SUDS Approval Body (SAB) will require it to technically approve all proposed SUDS. Without this approval developers will not be allowed to commence work on their developments. In determining if the proposed SUDS is suitable for the development proposed and the locality that it is located in the SAB will need to refer to national guidance although at present this is yet to be finalised. Any objection to a developers proposed SUDS can only be based on the technical aspects of the proposals and will have to prove that national standards are not being met. The legislation contains the right of appeal for developers although at present the details of this have not been finalised. However it is likely that it will have a similar format and provision to that for decisions made by the LPA.

Other Options Considered

23. None. This report is for information purposes.

Reason/s for Recommendation/s

24. The role of the County Council as a statutory consultee on highway matters and as a likely statutory consultee on flood risk matters should be considered as an important aspect of the County Council's role in the overall planning process. However it is one which is and will be limited mainly to commenting on the technical aspects of planning applications. It is for the LPA in making a final determination on a planning application to take note of these comments along with any others they receive together with the requirements of national guidance and their own policies. The LPA are under no obligation to act on the advice or objections of the County Council if they feel that there are other more relevant factors that have precedence in the final decision that they make.

Statutory and Policy Implications

25. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

That the contents of this report be noted.

Andrew Warrington
Service Director (Highways)

For any enquiries about this report please contact:
Clive Wood, Team Manager Highway Development Control

Constitutional Comments [SLB 01/08/14]

26. This report is for noting only.

Financial Comments [TR 04/08/14]

27. None.

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

4 September 2014

Agenda Item: 5

REPORT OF SERVICE DIRECTOR, HIGHWAYS

2014/15 SUPPORTING LOCAL COMMUNITIES CAPITAL PROGRAMME UPDATE

Purpose of the Report

1. To update Committee on the delivery of the 2014/15 Supporting Local Communities (SLC) capital programme.

Information and Advice

2. Following a review of the SLC programme and budget allocation a £0.5m SLC capital programme was developed for 2014/15 and subsequently approved at 6 March 2014 Environment & Sustainability Committee. The programme consists of 16 schemes and covers a wide range of improvements for the benefit of local communities across the county, including:
 - the Roll of Honour project and Misterton War Memorial restoration to commemorate the 100th anniversary of the start of World War One
 - new skate parks in Clipstone, Ollerton and Rainworth
 - improvements to a play park in Manton
 - improvements to local shopping areas in Bilsthorpe and Carlton.
3. Delivery of the 2014/15 SLC programme is under way with delivery planned throughout the financial year and the table below gives a brief update on the progress of the schemes.

Scheme name	Progress to date
Roll of Honour	Scheme complete. Public are now sharing family history via the NCC website
Contribution to Misterton War Memorial restoration	The restoration on the War Memorial has been completed and work on the refurbishment of the surrounding landscape area will start shortly
Contribution to Mansfield Woodhouse Heritage Centre refurbishment works	Scheme complete
Delivery of environmental improvements outside The Crescent, Bilsthorpe shops	Scheme currently being designed and is due to be constructed in November 2014

Contribution towards gym equipment at Manor Complex, Mansfield Woodhouse	The scheme will no longer proceed as Mansfield District Council has withdrawn the funding
Contribution towards and delivery of skate park at Rainworth	Design work is ongoing. A contribution from Section 106 funding has been confirmed and a WREN bid has been submitted
Contribution towards creation of a new storage facility at Edwinstowe Cricket Club	Scheme on schedule for delivery this financial year
Contribution towards and delivery of skate park at Clipstone Welfare Sports area	Design work is underway and a WREN bid has been submitted
Provision of sink, cupboards and electrical equipment, Collingham men in sheds	Funding is being used to extend the initial scheme to additional sheds and is on schedule to be completed this financial year
Contribution towards and delivery of skate park at Ollerton	Ground investigation complete, scheme awaiting design
Contribution towards the creation of community pride garden/allotment in Hawtonville	The scheme has been passed to Newark & Sherwood District Council for delivery and is on schedule to be delivered this financial year
Provision of play equipment & surfacing at Manton Villas play park	The design is complete and construction work has begun. The scheme is currently awaiting a safety inspection, and following this (and any snagging works required) will be complete
Contribution towards the provision of an indoor skate park facility in Worksop	Scheme is unlikely to proceed in 2014/15. A location for the scheme is still to be found and until such time funding bids cannot be secured
Refurbishment of shopping area in Honeywood Gardens Estate, Carlton	Topographical surveys have been commissioned prior to developing scheme options. The scheme will then be developed to be delivered later this year or early in the new year (avoiding the Christmas period)
Contribution towards the provision of market stalls & canopies at Retford Market Place	Scheme complete
Contribution towards the conversion of Babworth sports hall into a meeting centre	Scheme on schedule for delivery this financial year
Contribution to Helena's Church Nave, South Scarle	Scheme complete. £95k external funding was secured for the scheme and with £5k SLC contribution scored very highly. Given its low cost this scheme was able to be delivered during 2014/15

4. Work continues to identify, secure and maximise external funding opportunities and the SLC allocations to the schemes above should help to lever in over £800k of external funding should all of them proceed as planned.
5. Each of the schemes included in the 2014/15 SLC programme is still subject to the necessary consultation, statutory undertakings and other issues arising from feasibility studies, detailed scheme investigation, design and consultation.
6. Expenditure is currently within budget but is unlikely to allow any additional schemes to be delivered this financial year (including acceleration of reserve schemes).

2015/16 programme

7. It is planned that invitations to apply for 2015/16 SLC funding will be issued in September 2014 (a copy of the application form is attached as Appendix 1) and a report on the 2015/16 SLC programme will be brought to Committee for approval in the New Year.

Other Options Considered

8. Other options considered are set out within this report. The package of SLC schemes detailed above were developed to reflect a balance of member, public and stakeholder requests and priorities, value for money and delivery of the County Council's objectives.

Reason/s for Recommendation/s

9. The SLC programme will continue to be monitored on a monthly basis to ensure financial and delivery implications are considered and acted upon accordingly.

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

It is recommended that Committee note and approve the delivery of the 2014/15 SLC programme

Andrew Warrington
Service Director Highways

For any enquiries about this report please contact:
Sean Parks – Local Transport Plan manager

Constitutional Comments (LM 21/08/14)

11. Environment and Sustainability Committee is the appropriate body to consider the content of this report.

Financial Comments (IC 20/08/14)

12. The financial implications are as contained in paragraphs 4 and 6 of this report.

Background Papers and Published Documents

- Supporting Local Communities Fund report to 6 March 2014 Environment & Sustainability Committee

Electoral Division(s) and Member(s) Affected

- All

Supporting Local Communities Fund

Scheme suggestion form

The Supporting Local Communities Fund is a £500,000 fund which is used to help various groups and volunteers deliver community-based environmental improvement schemes. Local groups within Nottinghamshire are invited to put forward ideas for environmental improvement schemes in their local area. We are looking for proposals that will help deliver economic and local community benefits to the community. To maximise the number of schemes that can be supported, the County Council will only consider funding up to £50,000 of each proposed scheme. To be considered all projects must include an element of match funding and/or volunteer hours. The proposed scheme must also be deliverable in the 2015/16 financial year with no outstanding land issues to be resolved. This form should be completed giving as much information as possible about the scheme you would like to be funded by the Supporting Local Communities Fund. Completed forms should be submitted to your local County Councillor by 1 December 2014.

Once the deadline for scheme suggestions has passed the County Council will assess each one and decide which can be taken forward for further design and feasibility work. The applications will be assessed against a number of criteria so please provide as much information as possible to help this process. The local County Councillor has a key role to play as a scheme will not be considered unless it has their support. The County Council may also discuss any scheme suggestions with community safety partnerships as we do not want to create a community safety problem. Decisions on which schemes will receive funding will be based on the benefits of each individual scheme and their deliverability within the funding timescales. We do not discourage any groups from applying, or making multiple bids, but priority may be given to groups that have not previously received Supporting Local Communities funding.

1. Applicant's details

Your name:	
Name of the community/volunteer group you represent:	
Contact details:	Please provide a postal address; telephone number; and email address

2. Scheme details (please refer to the guidance notes on page 4)

A. Brief description of your scheme and why you think it is needed:	Please include details of what you would like to deliver and the location of the scheme. Please also attach plans or designs if these are available	
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3. Economic benefits (please refer to the guidance notes on page 4)		
What will be the economic benefits of the scheme?	Please provide details of how the scheme will deliver these benefits	

4. Community benefits (please refer to the guidance notes on page 4)		
A1. What is the level of local support for the scheme?	Please provide evidence of the local community support as well as additional support from local groups	
A2. How many local people will benefit from the scheme?	What types of people will benefit from the scheme? Also, what number and percentage of people in the local community will benefit from the scheme?	
B. How does the scheme support community cohesion?	Please provide details of how the scheme will help deliver neighbourhood priorities and if it is linked to any other community projects. Also detail how the scheme will help deliver a sense of belonging in the local area and the county, build positive relationships between people from different backgrounds, and raise community confidence and improve local security	
C. What other local benefits does the scheme deliver?	For example, give details of how the scheme will help reduce crime, improve health in the local community, or preserve local heritage, conservation or bio-diversity. Also how will other local groups (e.g. schools) use the planned facilities?	

5. Funding and delivery (please refer to the guidance notes on page 4)		
A1. What is the total cost of the scheme?	This should be the total cost of the scheme, not just how much money you are asking the County Council to fund?	
A2. How much funding are you asking for from the County Council?		
B1. Who is funding the remaining cost of the scheme?	Please list all of the funding sources separately and their status – e.g. have you secured the funding (please provide evidence), have you applied for funding (please state when will you find out if they have been successful)	
B2. What level of voluntary hours will be committed to delivering the project	Please list all of the hours that will be committed by the local community in the delivery of the project and how they will be used as a certain amount of voluntary hours may be counted in lieu of a cash contribution	
C. How will the scheme be maintained in the future?	Please detail how the scheme will be maintained in the future, how often it will be maintained, who will fund this and how long the maintenance arrangements will last for	
D1. Who owns the land where the scheme is planned?	Please confirm who owns the land. If you do not own the land do you have a temporary or permanent right to access and use it. Also if land still needs to be secured so that the scheme can be delivered please state what level of commitment has been given by the land owner (and provide proof)	
D2. What do you think will be the main difficulties delivering the project?	Please state what you think are the risks to delivering the project, what might go wrong and how these will be addressed (including contingency that will be put in place)?	

<p>Your signature:</p> <p>Signature of County Councillor to indicate support:</p> <p>Ward: Date:</p> <p>All projects will be assessed and those which in the County Council's view will deliver the greatest benefit compared to their cost will be developed further in consultation with the local community. We aim to contact each community group about the success of their proposal by the end of April 2015.</p>	<p>Date:</p>
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Guidance on filling out this form

The information you put on this form will be used to assess your scheme suggestion. Please read the guidance notes below before completing the form as they will help make sure that you include as much information as possible in each of the sections.

2. Scheme details

Please give as much information as you can about the scheme that you want to deliver. Make sure that you give the location of the suggested scheme, why this location has been selected and details of what the suggested scheme will include. Also give details of why you want to deliver the scheme. Most areas could benefit from some environmental enhancement but part of the assessment of which schemes receive funding will include an assessment on whether the scheme will make a significant and lasting improvement.

If you need more space than is given on the form please use a separate sheet if necessary. If you have plans or a design for the suggested scheme please also attach these to your form.

Please confirm who owns the land. If land still needs to be secured so that the scheme can be delivered please state what level of commitment has been given by the land owner (and provide proof).

3. Economic benefits

One of the things used in the assessment is how the scheme will help to deliver economic benefits to the local community. Some of the things that need to be considered are:

- Will the scheme help deliver new jobs and if so, you will need to state how many and how this figure has been assessed?
- How will the scheme help regenerate the area by encouraging people to spend money in the area or bring new people to the area?
- Could the scheme be delivered by local businesses?
- Will the delivery or maintenance of the scheme provide training opportunities to local people that may help them get a job in the future, and if so you will need to state how many and how this figure has been assessed?

4. Community benefits

Local groups must be able to demonstrate that the suggested scheme has wide support in the local community. Some communities may already have plans that have involved the whole community, such as parish or community plans. Other communities may have held public meetings to determine local support. Also give details of the additional local groups that support the scheme and/or will benefit from the scheme.

It is also important that you detail who in the community will benefit from the scheme and what these benefits will be. Some of the things that need to be considered are:

- Is the scheme a community priority and how does the scheme link to any local community objectives?
- Is the scheme linked to any other projects in the community?
- How will the scheme help make the community stronger and bring them together?
- What are the wider community benefits to the scheme (e.g. encouraging healthy lives, crime reduction, conserving the local heritage and bio-diversity, etc.)?

5. Funding and delivery

Some schemes may ask for the majority of the cost of the scheme but others will only need a small percentage of the cost. Schemes that have matched funding will be looked upon favourably as they will bring in further investment to the local communities. Therefore it's important that you list all of the matched funding for the scheme. This could include local contributions, grants from other agencies (e.g. lottery funding), or could be in the form of voluntary labour. Where you have matched funding you should also tell us if the funding has been secured yet or if you are still waiting to hear the outcome of the application.

Supporting Local Communities funding will only be available to help with the initial cost of the scheme, not for ongoing maintenance. You will therefore need to show that you have plans and funds in place to maintain the projects.

You will also need to consider the risks to delivering the scheme within the timescales as we will need to consider all of these risks. These risks will include whether or not you have permission from the landowner to deliver the scheme, whether the scheme may attract vandalism or anti-social behaviour, whether there may be underground cables, etc..

4th September 2014**Agenda Item: 6****REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****WASTE LOCAL PLAN PROJECT GROUP****Purpose of the Report**

1. To seek Committee approval for the setting up of a cross party Members project group to assist in preparation of the Waste Local Plan (Part 2): Site Specific and Development Management Policies.

Information and Advice

2. The County Council has a statutory duty to prepare a Waste Local Plan which provides vision and a framework which will help shape future waste development over the next 15 to 20 years.
3. Environment and Sustainability Committee on 20th June 2013 agreed the Terms of Reference for both the Waste and Minerals Project Groups (Appendix 1).
4. The purpose of a Project Group is to provide a forum for member/officer discussion on issues arising from the preparation of the Waste Local Plan. The aim is to help inform and 'steer' officers in the preparation of this planning document particularly in relation to potential future site allocations.
5. It is proposed that the Project Group is made up of three members from the majority group and three members from other groups with representations from across the County's geographical area.
6. As the Waste Local Plan (Part 2): Site Specific and Development Management Policies will be prepared jointly with Nottingham City Council it will be necessary for one Member from the City Council to also be involved in the Project Group.
7. The group will consider the implications of emerging strategies and Plans and policies arising out of the preparation of the relevant planning documents, the approach used and outcomes of public consultation responses.
8. The group will have no decision making powers, any views and suggestions from the group will be reported to Environment and Sustainability Committee to inform the decisions of that Committee. Any decision making powers remain with the Committee.

9. The cross party working group would comprise the Chairman and Vice Chairman of Environment and Sustainability Committee, a representative from each of the Minority Parties and a representative from Nottingham City Council and would meet as required.

Other Options Considered

10. The only other option would be not to set up a Waste Local Plan Project Group but this could lead to delays in the plan preparation process.

Reason/s for Recommendation/s

11. It is a statutory requirement for the Council to have an up to date Waste Local Plan in place which will require appropriate Member approval. The establishment of a project group will enable early Member input into the process.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) That Committee approve the setting up of a cross party Member project group and invite representatives.

Jayne Francis-Ward
Corporate Director, Planning, Policy and Corporate Services

For any enquiries about this report please contact: Lisa Bell, Planning Policy Team Manager, 0115 977 4547

Background Papers

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

Constitutional Comments (SLB 20/06/14)

13. Environment and Sustainability Committee is the appropriate body to consider the content of this report.

Financial Comments (SEM 19/06/14)

14. There are no specific financial implications arising directly from this report.

Electoral Division(s) and Member(s) Affected

All.

Member/Officer Working Groups - Minerals and Waste

Terms of Reference

Purpose of each Group:

The purpose of each group is to provide a forum for member/officer discussion on issues arising from the preparation of the Minerals Local Plan and Waste Development Framework. The aim is to help inform and 'steer' officers in the preparation of these planning documents.

Make up of Group:

Members: The two groups will be chaired by the Nottinghamshire Committee Member for Environment and Sustainability and be made up of three members from the majority group and three members from other groups with representations from across the County's geographical area.

Officers: Officers involved in the preparation or management of the relevant planning documents. For the Waste Development Framework, this may also include officers from the City Council.

Remit of Group:

The two groups will consider the implications of emerging strategies and Plans and policies arising out of the preparation of the relevant planning documents, the approach used and outcomes of public consultation responses. The groups will have no decision making powers, any views and suggestions from the group will be reported to Environment and Sustainability Committee to inform the decisions of that Committee.

Records of meetings:

The meetings will be held in private, but a public record will be kept.

Confidentiality:

The groups will not have access to or discuss any matters of commercial sensitivity or other information provided by third parties to officers in confidence. (Reasons: Whilst the new development plan system focuses on openness and transparency, there may be occasions where the Industry or other parties will wish to discuss matters in strict confidence with officers prior to submitting formal representations or other comments in public as part of any on-going consultation).

Frequency of Meetings:

Meetings will be held as necessary and where practical in advance of any public consultation exercise and Member decision making stage to aid preparation of the relevant planning documents and guide consultation.

4th September 2014

Agenda Item: 7

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

STRATEGIC PLANNING OBSERVATIONS

Purpose of the Report

1. To provide a summary of the current status of planning consultations received, and being dealt with, by the County Council from Nottinghamshire District and Borough Councils, neighbouring authorities and central government.

Information and Advice

2. Policy, Planning and Corporate Services has received 32 planning consultations during the period 10th June to 18th July 2014.
3. **Appendix A** contains a list of all the planning consultations received during the above period.

Other Options Considered

4. There are no alternative options to consider as the report is for information only.

Reason for Recommendation

5. This report is for information only.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

That the contents of this report be noted.

Jayne Francis-Ward
Corporate Director, Planning, Policy and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, 0115 97 73793

Background Papers

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.

Individual Consultations and their responses.

Constitutional Comments

7. As this report is for noting only constitutional comments are not required.

Financial Comments

8. There are no direct financial implications arising from the contents of this report.

Electoral Division(s) and Member(s) Affected
All.

Appendix A – Nottinghamshire County Council: Planning Consultations Received – June to July 2014

Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
Ashfield District Council							
11.06.14	Ashfield District Council V/2014/0272	Land off Diamond Avenue, Kirkby in Ashfield	Temporary change of use of land for twenty touring caravan pitches	NW	O	Did not meet agreed protocol	No comments required
18.06.14	Ashfield District Council SCR/2014/0003	Quantum Clothing Group Ltd, North Street, Huthwaite, Sutton in Ashfield	Screening Opinion for proposed outline application for the redevelopment of the site to provide up to 85 no. dwellings with public open space access, infrastructure and landscaping	NW	O	Did not meet agreed protocol	On-going
25.06.14	Ashfield District Council		<ul style="list-style-type: none"> • Draft residential design guide SPD • Draft residential extensions design guide SPD • Draft residential car parking standards SPD 	NW	O	Did not meet agreed protocol	No comments required

Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
22.07.14	Ashfield District Council V/2014/0239	Former Larwood Nursing Home, Main Road, Kirkby in Ashfield	Erection of 10 no. Dwellings	NW	O	Did not meet agreed protocol	S106 comments required
Bassetlaw District Council							
10.06.14	Bassetlaw District Council 14/00630/OUT	Land off Station Road, Beckingham, South Yorkshire	Outline application for residential development with all matters reserved	NW	C	Meets Agreed Protocol	September E & S Committee.
16.06.14	Bassetlaw District Council 13/01489/FUL	Land at Tiln North, Smeath Lane, Hayton	Proposed utilisation of restored mineral workings as recreational fishing lakes	EMC	O	Did not meet agreed protocol	Response sent 20 th June 2014
23.06.14	Bassetlaw District Council 14/00681/FUL	Land South of Straight Mile, Ranby	Proposed development of ground mounted solar photovoltaic panels 27MW output and associated works including inverter housings, switchgear, access tracks, underground cabling, security measures and landscaping	NW	C	Meets Agreed Protocol	September E & S Committee.

Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
22.07.14	Bassetlaw District Council 14/00803/FUL	Former Retford Oaks High School, Ordsall Road, Retford	Residential Development Comprising 68 New Residential Dwellings, Construct New Vehicle and Pedestrian Access	KH	C	Meets Agreed Protocol	September E & S Committee.
22.07.14	Bassetlaw District Council 14/00853/RSB	Proposed Turbines, Smeath Road, Retford	Erection of Two 500kW Wind Turbines, Each with a Hub Height of 50 Metres and Rotor Diameter of 54 Metres and a Maximum Tip Height of 77 Metres (Resubmission of P/A 14/00237/FUL)	NW	C	Meets Agreed Protocol	September E & S Committee.
Broxtowe Borough Council							
21.07.14	Broxtowe Borough Council 13/00570/FUL	Kimberley Brewery Site, Hardy Street, Kimberley	Hybrid planning application comprising mixed use development and access	NW	C	Meets Agreed Protocol	October E & S Committee.

Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
Gedling Borough Council							
23.06.14	Gedling Borough Council 2014/0705EIA	Gedling Access Road	Consultation refreshed EIA Scoping Report	EMc	C	Meets Agreed Protocol	September E & S Committee.
02.07.14	Gedling Borough Council 2014/0633	Former Gedling Colliery, Arnold Lane, Gedling	Solar Farm	NW	C	Meets Agreed Protocol	September E & S Committee.
07.07.14	Gedling Borough Council		Community Infrastructure Levy – Revised Draft Charging Schedule	EMc	C	Meets Agreed Protocol	September E & S Committee.
08.07.14	Gedling Borough Council 2014/0665	Land at 96 Plains Road	Proposed Residential Development	NW	C	Meets Agreed Protocol	September E & S Committee.
21.07.14	Gedling Borough Council 2014/0740	Land Adjacent Bradstone Drive, Spring Lane	Hybrid planning application comprising: Part A Full for creation of temporary access and enabling earth works to create development platform, Part B Outline planning application 150 dwellings. All other matters reserved	NW	C	Meets Agreed Protocol	September E & S Committee.

Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
22.07.14	Gedling Borough Council 2014/0654	Abbey Gates Primary School, Vernon Crescent	Proposed extension to existing primary school, to create an additional classroom	NW	O	Meets Agreed Protocol	No comments required
Mansfield District Council							
16.06.14	Mansfield District Council 2014/0346/ST	Land between 4 & 6 Pye Avenue, Mansfield	7 No. 2 bedroom semi detached dwellings and 5 No. 3 bedroom semi detached dwellings	NW	O	Did not meet agreed protocol	S106 comments required
26.06.14	Mansfield District Council 2014/0362/ST	Land at Brownlow Road/Bould Street, Chesterfield	Regulation 3 application for extra care housing development comprising 12 no. bungalows and 8 no. flats	NW	O	Did not meet agreed protocol	S106 comments required
07.07.14	Mansfield District Council 2014/0195/ST	School Pictures International Limited, 18 Burns Street, Mansfield	Partial demolition of existing buildings and conversion to form 5 no. dwellings and erection of 7 no dwellings fronting onto Burns Street (Resubmission of Application Reference	NW	O	Did not meet agreed protocol	S106 comments required

			2013/0488/ST)				
Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
07.07.14	Mansfield District Council 2014/0373/NT	Land at Clipstone Road East/Crown Farm Way, Forest Town	Outline planning application including accesses off Crown Farm Way to provide up to 190 no. dwellings together with associated roads and sewers and ancillary local public open space	NW	C	Meets Agreed Protocol	September E & S Committee.
07.07.14	Mansfield District Council 2014/0341/NT	White Hart Street/Church Street/Dame Flogan Street, Mansfield	Outline application for a mixed use development (including the reserved matters of access, appearance, layout and scale) comprising retail units, offices, leisure, residential and public open spaces and demolition of a number of buildings	NW	C	Meets Agreed Protocol	September E & S Committee.
Rushcliffe Borough Council							
23.06.14	Rushcliffe Borough Council 14/01238/FUL	North of Wheatcrofts Garden Centre & West of, Melton Road, Edwalton	Application for 388 residential dwellings with associated parking and garages; open space; landscaping and	NW	C	Meets Agreed Protocol	September E & S Committee.

			access				
Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
23.06.14	Rushcliffe Borough Council 14/01218/FUL	Land West of, Chapel Lane, Bingham	Flood management works to Car Dyke including alteration to alignment, excavation of a lake and raising of surrounding land with surplus soil. (resubmission of 10/01918/FUL)	SOJ	O	Did not meet agreed protocol	On-going
03.07.14	Rushcliffe Borough Council 14/01221/FUL	Blackberry Farm, Main Road, Cotgrave	Construction and operation of a solar photovoltaic farm including provision of site access, fencing, inverter and transformer stations, CCTV, landscaping and substation	KH	C	Meets Agreed Protocol	September E & S Committee.
03.07.14	Rushcliffe Borough Council 14/01290/FUL	Rushcliffe Arena, Rugby Road, West Bridgford	Proposed partial demolition and redevelopment of the arena site; creation of new leisure facilities incorporating 25m x 6 land pool; fitness studios and squash courts with new offices	NW	C	Meets Agreed Protocol	September E & S Committee.

			and civic hub				
Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
03.07.14	Rushcliffe Borough Council 14/01280/FUL	Green Lane Farm, Longhedge Lane, Orston	Erection of two poultry sheds	NW	O	Did not meet agreed protocol	On-going
07.07.14	Rushcliffe Borough Council 14/01228/FUL	Land South East of Holme House, Stragglethorpe Road, Holme Pierrepont	Construction and operation of a solar photovoltaic farm including improvements to site access, fencing, inverter and transformer stations, CCTV, landscaping and substation	NW	C	Meets Agreed Protocol	September E & S Committee.
11.07.14	Rushcliffe Borough Council 14/01268/REM	Land to North of, Woodhouse Gardens, Ruddington	Application for approval of reserved matters (access, layout, scale and appearance) for the erection of 14 dwellings (outline permission reference 13/01819/OUT)	NW	O	Did not meet agreed protocol	On-going

Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
Other							
30.06.14	South Kesteven District Council S14/1491/EIASP	Land off Sewstern Lane, Long Bennington	Scoping Opinion request for wind farm(6 x wind turbines)	NW	O	Did not meet agreed protocol	On-going
01.07.14	The Planning Inspectorate		Scoping Consultation: Application by Vattenfall Wind Power Limited for an Order granting development consent for the Nocton Fen Onshore Wind Farm	NW	O	Did not meet agreed protocol	No comments required
22.07.14	North Lincolnshire Council		Application for Designation of Saxby All Saints Neighbourhood Area	NW	O	Did not meet agreed protocol	No comments required

Response type

C = Committee

O = Office

4th September 2014

Agenda Item: 8

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

RESPONSES ON PLANNING CONSULTATIONS

Purpose of the Report

1. To provide information to Committee on the formal responses which have been agreed by the Chairman of Environment and Sustainability Committee, in consultation with the Group Manager Planning, requests from Nottinghamshire Borough and District Councils, neighbouring authorities and central government.

Information and Advice

2. A response has been provided on the following consultations:

Date Received	Ref. No.	Address	Details	Comments
Bassetlaw District Council				
20 th May 2014	14/503/OUT	Land to the west of Tiln Lane, Retford	Erection of up to 175 dwellings, public open space, attenuation basin and associated works	<ul style="list-style-type: none"> • Request for responses sent 21st May 2014. • Request for final comments on draft response 18th June 2014. • Names of Members notified: Cllr Heptinstall MBE, Cllr Butler, Cllr Creamer, Cllr Skelding, Cllr Ian Campbell. • Response agreed with Chairman on 24th June 2014.
27 th May 2014	14/0064	Land to the south west of	Six Wind turbines and	<ul style="list-style-type: none"> • Request for responses sent 28th May 2014.

	5/FUL	Dog Island off Ramper Road, Saundby	associated infrastructure	<ul style="list-style-type: none"> • Request for final comments on draft response 18th June 2014. • Names of Members notified: Cllr Heptinstall MBE, Cllr Butler, Cllr Creamer, Cllr Skelding, Cllr Ian Campbell • Response agreed with Chairman on 24th June 2014.
10 th June 2014	14/630/OUT	Land off Station Road, Beckingham	Outline planning application for residential development with all matters reserved	<ul style="list-style-type: none"> • Request for responses sent 10th June 2014. • Request for final comments on draft response 25th June 2014. • Names of Members notified: Cllr Heptinstall MBE, Cllr Butler, Cllr Creamer, Cllr Skelding, Cllr Iiz Yates • Response agreed with Chairman on the 1st July 2014.
23 rd June 2014	14/0068 1/FUL	Land south of Straight Mile, Ranby	Solar Farm	<ul style="list-style-type: none"> • Request for responses sent 25th June 2014. • Request for final comments on draft response 22nd July 2014. • Names of Members notified: Cllr Heptinstall MBE, Cllr Butler, Cllr Creamer, Cllr Skelding, Cllr Ian Campbell • Response agreed with Chairman the 30th July 2014.
Broxtowe Borough Council				
27 th May 2014	14/0024 2/FUL	Beeston Business Park	Hybrid planning application for mixed use development	<ul style="list-style-type: none"> • Request for responses sent 27th May 2014. • Request for final comments on draft response 18th June 2014. • Names of Members notified: Cllr Heptinstall MBE, Cllr Butler, Cllr Creamer, Cllr Skelding, Cllr Steve Carr, Cllr

				<p>Kate Foale</p> <ul style="list-style-type: none"> • Response agreed with Chairman on 24th June 2014.
Gedling Borough Council				
5 th June 2014	2014/0556	Barracks Farm, Forest Lane	500KW wind turbine with height up to 77m	<ul style="list-style-type: none"> • Request for responses sent 5th June 2014. • Request for final comments on draft response 4th July 2014. • Names of Members notified: Cllr Heptinstall MBE, Cllr Butler, Cllr Creamer, Cllr Skelding, Cllr Barnfather • Response agreed with Chairman on 9th July 2014.
Mansfield District Council				
3 rd June 2014	2014/0302/NT	Land off Birch Street, Church Warsop	Residential development of 30 single storey bungalows, new access road, public open space and associated landscaping	<ul style="list-style-type: none"> • Request for responses sent 3rd June 2014 • Request for final comments on draft response 20th June 2014. • Names of Members Notified: Cllr Creamer, Cllr Heptinstall MBE, Cllr Bulter, Cllr Wilkinson, Cllr Skelding and Cllr Allin • Response agreed with Chairman on 27th June 2014.
3 rd June 2014	2014/0248/NT	Land to the south of Clipstone Road East, Forest Town	Outline planning application for up to 313 dwellings, public open space and associated roads.	<ul style="list-style-type: none"> • Request for responses sent 3rd June 2014 • Request for final comments on draft response 4th July 2014. • Names of Members Notified: Cllr Creamer, Cllr Heptinstall MBE, Cllr Bulter, Cllr Wilkinson, Cllr Skelding, Cllr Tsimbirdis, Cllr Bosnjak, Cllr Bell, Cllr Harwood • Response agreed with Chairman on 9th July 2014. •

Rushcliffe Borough Council				
23 rd June 2014	14/0123 8/FUL	Land north of Wheatcrofts Garden Centre, Edwalton	338 dwellings, associated car parking, open space, landscaping and access	<ul style="list-style-type: none"> • Request for responses sent 23rd June 2014 • Request for final comments on draft response 22nd July 2014. • Names of Members Notified: Cllr Creamer, Cllr Heptinstall MBE, Cllr Bulter, Cllr Wilkinson, Cllr Skelding, Cllr Calvert, Cllr Plant • Response agreed with Chairman on 7th August 2014.
3 rd July 2014	14/0122 1/FUL	Blackberry Farm, Main Road, Cotgrave	Solar photovoltaic farm	<ul style="list-style-type: none"> • Request for responses sent 9th July 2014. • Request for final comments on draft response sent 31st July 2014. • Names of Members notified: Cllr Creamer, Cllr Skelding, Cllr Butler, Cllr Heptinstall MBE, Cllr Cutts MBE and Cllr Adair. • Response agreed with Chairman on 18th August 2014.
7 th July 2014	14/0122 8/FUL	Land south-east of Holme House, Stragglethorpe Road, Holme Pierrepont	Solar photovoltaic farm	<ul style="list-style-type: none"> • Request for responses sent 14th July 2014. • Request for final comments on draft response sent 29th July 2014. • Names of Members notified: Cllr Creamer, Cllr Skelding, Cllr Butler, Cllr Heptinstall MBE, Cllr Cutts MBE, Cllr Adair, Cllr Plant and Cllr Calvert. • Response agreed with Chairman on 7th August 2014.

3. It should be noted that all comments contained in the sent responses could be subject to change, as a result of on-going negotiations between Nottinghamshire County Council, the Local Authority and the applicants.

Other Options Considered

4. There are no alternative options to consider as the report is for information only.

Reason for Recommendation

5. This report is for information only.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

That the contents of this report be noted.

Jayne Francis-Ward

Corporate Director, Planning, Policy and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, 0115 977 3793

Background Papers

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.

Individual Consultations and their responses.

Constitutional Comments

7. As this report is for noting only constitutional comments are not required.

Financial Comments

8. There are no direct financial implications arising from the contents of this report.

Electoral Division(s) and Member(s) Affected

All

**REPORT OF THE SERVICE DIRECTOR FOR TRANSPORT, PROPERTY AND
ENVIRONMENT****WASTE MANAGEMENT PFI CONTRACT - REVISED PROJECT PLAN****Purpose of the Report**

To approve the acceptance of Veolia's Draft Revised Project Plan (DRPP), subject to (i) the satisfactory conclusion of the final legal drafting in relation to the DRPP and the deed of variation required to be entered by the parties to vary the existing PFI Contract to give effect to the Revised Project Plan; and (ii) Defra's consent to the proposed changes to the PFI Contract and continued payment of the PFI credits.

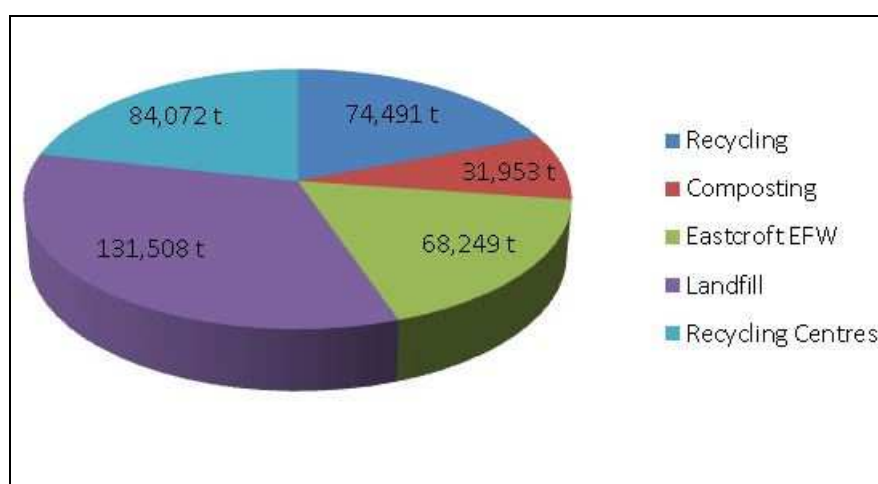
Information and AdviceBackground

1. The County Council through its statutory role as Waste Disposal Authority (WDA) controls the recycling, reprocessing, treatment and disposal of around 390,000 tonnes of waste per annum. This includes the waste collected by the district and borough councils and through the network of 13 Recycling Centres.
2. The majority of this waste is managed through a PFI contract with Veolia which was signed as a twenty-six year agreement in 2006. Although it forms an integrated arrangement, the PFI Contract is structured as:
 - Contract A, which covers the management of the network of Recycling Centres, the development and operation of a new Materials Recovery Facility (MRF) at Mansfield, composting services, waste transfer stations (WTS) and landfill, plus securing planning and environmental permitting for Rufford Energy Recovery Facility (ERF).
 - Contract B, which was for the construction and operation of the 180,000 tonnes per annum (tpa) Rufford ERF at the former Rufford colliery near Mansfield. This was a conditional contract and was subject to Veolia achieving a satisfactory planning permission, environmental permit and the construction cost being below a pre-agreed threshold.
3. The Council also has a long term contract (joint with Nottingham City Council) with FCC (Fomento de Construcciones y Contratas, formerly known as Waste

Recycling Group or “WRG”) for the use of lines 1 and 2 at Eastcroft Energy from Waste (EfW) plant to dispose of residual waste. All of these contracts operate together, at an annual cost of circa £32m.

4. The seven Nottinghamshire district and borough councils are each Waste Collection Authorities (WCA) and as such are responsible for collecting the waste produced by the householders of Nottinghamshire and delivering it to a delivery point as directed by Nottinghamshire County Council, as WDA, for subsequent recycling, composting, treatment or disposal.
5. The relationship between the WDA and WCA is managed through a formal Partnership Agreement to supplement the legislative framework. Meetings are held quarterly at both officer and Member level to ensure concerns and issues are raised, discussed, and hopefully resolved amicably. Veolia attend these meetings as appropriate.

A breakdown of waste disposal methods in 2013/14 is summarised in Chart 1:



Draft Revised Project Plan

6. In May 2011, the Secretary of State for Communities and Local Government decided that Veolia’s planning application for the ERF at the Former Rufford Colliery, Rainworth should be refused. Rufford ERF was the principal facility to be delivered through the Waste PFI Contract and would have diverted the majority of residual waste away from landfill. This led the County Council to trigger the contractual Draft Revised Project Plan (DRPP) process, which required Veolia to present an alternative solution to Rufford ERF for the management of residual waste.
7. Veolia formally submitted their initial DRPP to the Council on 20th January 2012. Since this time, the Waste Management team have engaged with Veolia, who have developed a DRPP that could provide the Council with an acceptable solution for the treatment of residual waste which would have been treated at Rufford ERF. A report was presented to Environment and Sustainability Committee on 30th January 2014, which gave an overview of progress on proposals in the DRPP. Negotiations have now reached the final stages and an overview of the proposal is detailed below. An illustration of the geographic waste flows is also included in Appendix 1.

Proposed Solution

8. Veolia's DRPP does not propose the development of any new residual waste treatment infrastructure within the Nottinghamshire administrative area. The DRPP is based upon the development of a network of waste transfer stations (or WTS's)¹ to which waste will be delivered by the district councils, bulked up and transported to waste disposal facilities.

Bassetlaw and Newark and Sherwood

9. Currently the residual waste from Bassetlaw District Council and Newark and Sherwood District Council is disposed of directly to landfill, which is environmentally undesirable and is unsustainable, with less than ten years of expected remaining life in the current operational landfill sites.
10. Two new WTS will be constructed in Worksop and Newark over the next 9 months for the delivery of waste collected by the districts of Bassetlaw and Newark and Sherwood respectively. The development of these facilities was within the original PFI Contract with Veolia and would have been used to transfer residual waste to Rufford ERF. Planning permission and environmental permits are in place for both facilities and they are due to be operational by 1st June 2015.
11. This will be a more convenient solution for both of the districts, and will minimise their use of landfill sites, which tend to have slower turnaround times and can cause vehicle damage. For Newark and Sherwood District Council, the new WTS is within half a mile of their depot, which will also bring operational efficiencies.
12. The Worksop and Newark WTS will collectively be used to bulk and transfer 60,000 tpa of residual waste to Sheffield ERF, which is an existing Veolia facility. Veolia will be responsible for the haulage of this waste to Sheffield ERF, which is 19 miles from Worksop WTS and 44 miles from Newark WTS.
13. Sheffield ERF is designed to handle a total of 225,000 tpa of waste and generates both heat and electricity for surrounding buildings and the National Grid (like Eastcroft EfW). The facility has planning permission to accept waste from the northern districts of Nottinghamshire, and it is anticipated that circa 90% of the residual waste from Bassetlaw and Newark and Sherwood will be treated there. The remaining 10% of the residual waste from these two districts (being waste which is unsuitable for treatment and/or waste which is generated when Sheffield ERF is not available) will continue to be disposed of to landfill.

Mansfield and Ashfield

14. The PFI Contract did not include the development of a WTS to serve the districts of Mansfield and Ashfield because these districts would have delivered their residual waste direct to Rufford ERF.

¹ A WTS is a large enclosed building that the district councils use to deliver small loads of waste from householders, which is then bulked up for onward transportation in large articulated lorries to the final waste disposal point.

15. Through the DRPP process, Veolia have not yet been able to identify a cost-effective long-term solution for the disposal of residual waste from these districts due to limited treatment capacity available. This waste equates to circa 59,000 tonnes in total (circa 31,000t from Ashfield District Council and circa 28,000t from Mansfield District Council).
16. The residual waste from Ashfield District Council and Mansfield District Council is currently dealt with through a Veolia subcontract to FCC. From 1st September 2014, all of this tonnage will be delivered to Alfreton WTS. This is an existing disposal point for these districts, and although located within Derbyshire, it is close to the Nottinghamshire border and convenient for their use. Previously both districts used Dorket Head landfill for approximately half of their waste arisings, which is due to close in September 2014. The waste is committed under this subcontract with FCC until 31st May 2016 with an option to extend until 31st May 2017. The subcontract with FCC is a landfill contract, however, where possible, FCC intend to produce a Refuse Derived Fuel (RDF), through a shredding and sorting process. The RDF will be transported to suitable facilities to produce electricity and heat for homes and businesses.
17. Beyond 2016/2017, Veolia has identified that there is potential future capacity from facilities that are in commissioning, under construction or have received planning permission. Veolia have proposed that during the period in which the Mansfield and Ashfield residual waste is committed under the subcontract with FCC to Alfreton WTS, they will use reasonable endeavours to identify and secure a WTS in the Mansfield/Ashfield area. If successful, Veolia will propose their own diversion solution for the Council to consider. The Council also has the option to call for a market test in addition to any Veolia diversion proposal or in the event of planning failure for the WTS.
18. If the Council does not accept either the Veolia diversion proposal or the market test outcome, the Council has the option to remove this element of tonnage at no cost (subject to any existing subcontract arrangements in place). The removal of exclusivity for this element of tonnage is an option that can be exercised with flexibility by the Council at any time up to the Contract Expiry Date (31/03/2033) as part of the DRPP.

Broxtowe, Gedling and Rushcliffe

19. The majority of residual waste from Broxtowe, Gedling and Rushcliffe will continue to be treated at Eastcroft Energy from Waste (EfW) facility, outside of the Waste PFI Contract under the provisions of the existing Eastcroft agreements.
20. As at present, any waste from these districts not treated at Eastcroft i.e. bulky waste collections and in periods of Eastcroft unavailability, will continue to be disposed of to landfill under the existing PFI Contract arrangements. This equated to 6,000 tonnes in 2013/14.

Recycling Centres

21. The residual waste from the network of Recycling Centres (i.e. the elements that cannot be recycled) will also continue to be disposed of to landfill, under the existing PFI Contract arrangements. This equated to 13,000 tonnes in 2013/14.

Contract A Savings

22. Alongside the DRPP, officers have been working with Veolia to identify savings that can be delivered through Contract A to ensure that the PFI Contract continues to deliver Best Value for the Council. Further information on the Contract A savings are included in Appendix 2: Exempt Information – Parts A and B.

Financial Evaluation

23. The cost of the DRPP has been assessed against the cost of:

- Rufford ERF (taking into account the associated planning delay);
- other market alternatives which could be available to the Council, using existing market intelligence and published average gate fees as a Public Sector Comparator (PSC); and
- the continued use of landfill, although this is only included as a point of reference because it is unlikely to be deliverable, with one of the three local landfill sites currently due to reach capacity during this year and the other two sites having less than ten years of life expectancy. It is also inconsistent with the sustainability attributes of the existing contract.

24. The PSC assumes:

- a) the same basic inputs as the Veolia DRPP to allow comparison (i.e. tonnages, contract length);
- b) where sub-contracting arrangements are currently in place (i.e. landfill and composting disposal), the Council would step into these arrangements at the existing rates, thus avoiding the Veolia margin²;
- c) services would thus be disaggregated into a number of elements with associated increased contract management/administration costs to the Council;
- d) there would be a run out of the Contract services with Veolia;
- e) the Council would prudentially borrow the capital to meet any termination costs and any additional capital expenditure required to develop new infrastructure (e.g. WTS). This prudential borrowing would be repaid on an annuity basis over the remaining contract term, based on an interest rate of 4.19%, reflecting the prevailing 17 year rate of 3.69% at the time the analysis was undertaken plus a 0.5% buffer to accommodate potential future changes in the period up to when the money would be borrowed - the current rate (at 5th August 2014) is 3.64%.

25. Each of the scenario costs have different cost profiles with time due to differing susceptibilities to inflation (which applies variably to a number of costs and revenues), timing of capital expenditure and tonnages of waste being landfilled.

² A management fee charged by Veolia under the Contract for Third Party waste disposal arrangements.

26. For comparability, the financial assessment has thus considered the total net present value (NPV³) of future forecast cash flows which would be payable by the Council over the remaining contract life taking into account the effect of forecast inflation rates.
27. All of the scenarios assume that there would be no difference in the PFI credit payable from that confirmed by Defra and reported to Environment and Sustainability Committee on 30th January 2014.
28. A financial model has been created to assess the value for money of the DRPP for the Council against these benchmarks over the period between 1st April 2014 and 31st March 2033 (being the Expiry Date of the PFI Contract).
29. As in the original PFI Contract, because so many inputs to the model are uncertain, such as inflation rates and waste tonnages (which are impacted by many factors outside of the control of the Council, including population growth, the economy and the climate), it is not possible to forecast precisely the medium to long-term costs of waste management. A further uncertainty is that the DRPP does not yet define the method or costs of disposing of waste arising in Mansfield and Ashfield after May 2017 (see above). For these reasons, the precise costs set out in Appendix 2: Exempt Information - Part A and the comparison between the scenarios should be regarded as indicative, but based on reasonable and sound assumptions.
30. The financial analysis indicates that the cheapest option available to the Council is the PSC based on the continuing use of local landfill for the disposal of waste. This is principally because it avoids the need for waste transfer stations and the associated onward haulage. However, this option is not realistic or achievable for the Council due to the limited number, and projected life of landfill sites in the County. It is therefore only included as a point of reference.
31. The next cheapest option is the PSC based on the use of merchant EfW facilities. This scenario is the most comparable to the DRPP and is indicated to be marginally cheaper than the DRPP over the remaining contract term. However, although the PSC has been developed using input assumptions which are as robust as possible, there are inherent uncertainties associated with the costs compared with those being offered in the DRPP, which are based on existing pricing. Furthermore, this would not deliver any savings in the short-term because of the re-procurement timescales.
32. The NPV of the DRPP is broadly equivalent to the financial value of Rufford ERF, had it been constructed, taking into account the associated delay. The DRPP would also provide the Council with certainty and immediate savings, helping the Council's current budget position. Therefore the DRPP offers a solution that is financially robust, limits short to medium term risk and with continued allocations in the Council's Medium Term Financial Strategy (MTFS) to meet inflation, is forecast to be affordable to the Council.
33. It is also worth noting that if the Contract elements were to be re-procured, the services would almost certainly not be let as one large contract, but as a number of smaller short-term contracts. This would require additional staff resource for

³ NPV is a commonly used financial metric which assesses the amount of money which would need to be set aside today in order to fund future payments, taking into account future anticipated inflation rates and investment returns.

effective contract management. The Council would also lose the wider social environmental and economic benefits, which are harnessed through the long term partnering arrangement with Veolia i.e. local employment opportunities, community funding and volunteering through the EnviroGrant fund, community events and educational visits to the Mansfield MRF.

Commercial Implications

34. The DRPP solution will be delivered through Contract A and to give effect to the DRPP certain changes are proposed to Contract A that are described in detail in Appendix 2: Exempt Information – Part B.
35. The DRPP maintains the Contract A services requirements with a number of improvements to the commercial terms for the Council. The proposed solution also offers flexibility around the Mansfield and Ashfield tonnage, for which a long-term solution is still to be determined.
36. As the Contract with Veolia is a PFI Contract and is in receipt of a Waste Infrastructure Grant from Defra, the changes to the PFI Contract will require approval from Defra and confirmation of continued payment of the PFI credits. This approval will be determined in the coming months, although initial discussions have been positive.

Legal Implications

37. The Council is satisfied of its rights to lawfully vary the PFI Contract in accordance with the DRPP.
38. Further detail on the legal implications, is included in Appendix 2: Exempt Information – Part C.

Outstanding Issues

39. Although the commercial deal is now settled with Veolia on a subject to contract basis, the following areas are outstanding:
 - Conclusion of formal legal drafting of the DRPP and associated deed of variation that will be required to give effect to the Revised Project Plan; and
 - Defra's written approval of the changes to the PFI Contract and confirmation of continued eligibility for the PFI credits (as referred to in the Commercial Implications above).
40. Subject to the satisfactory conclusion of the above, it is the intention that the RPP process will be concluded by the end of the calendar year.

Other Options Considered

41. The Council has considered a number of options alongside the DRPP, which are set out in paragraphs 23-33 and in Appendix 2: Exempt Information – Part D.
42. The recommendations are informed by the financial evaluation summarised above and set out in Appendix 2: Exempt Information – Part A.

Reasons for Recommendations

43. The existing services provided by Veolia through Contract A operate effectively and achieve high levels of public satisfaction.
44. The DRPP preserves the Contract A services, which are running well and at an improved commercial position for the Council.
45. The DRPP maintains flexibility in relation to the Mansfield and Ashfield tonnage, at a time when there is potential for more options/capacity to become available.
46. The DRPP allows the Council to access secure and cost-effective capacity to treat residual waste at Sheffield ERF.
47. Through delivering WTS, the DRPP will provide long-term security and flexibility regarding the management of waste arising in Bassetlaw and Newark and Sherwood.
48. The DRPP includes appropriate commercial protections which are designed to ensure long-term value for money in the management of waste.
49. Subject to the contract changes and continued payment of the PFI credits being approved by Defra and subject to the detailed legal drafting not raising any issues, it is recommended that the Corporate Director for Environment and Resources is authorised to conclude the DRPP as detailed in the report, in consultation with the Group Manager for Legal Services and the Section 151 Officer.

Statutory and Policy Implications

50. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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

51. See 'Financial Evaluation' paragraphs 23 to 33.

Implications for Service Users

52. This report does not have direct implications on service users, because it does not propose any changes to the waste collection arrangements and it does not propose the development of any residual waste treatment infrastructure, with the exception of the network of transfer stations.

Recommendation

53. That Committee:

- I. Approves the acceptance of Veolia's DRPP subject to (i) the satisfactory conclusion of the final legal drafting in relation to the DRPP and the deed of variation required to be entered by the parties to vary the existing PFI Contract to give effect to the Revised Project Plan; and (ii) Defra's consent to the proposed changes to the PFI Contract and continued payment of the PFI credits.
- II. Approves that the DRPP solution will be delivered through Contract A, with the conditional Contract B becoming null and void.
- III. Authorises the Corporate Director of Environment and Resources to conclude the detailed negotiations and drafting of the Contract variations in consultation with the Group Manager for Legal Services and Section 151 Officer.
- IV. Subject to 1 to 3 above, authorises the Council to enter into the relevant variation agreement and to take all other steps and actions and to enter into any necessary documentation required to give effect to the DRPP and to protect the Council's interests.

Jas Hundal

Service Director, Transport, Property and Environment

For any enquiries about this report please contact:

Mick Allen, Group Manager, Waste and Energy Management

Constitutional Comments (HD 13/8/2014)

The recommendations within the report fall within the delegation to the Committee.

Financial Comments (TMR 13/8/2014)

The financial implications are set out in paragraphs 23 to 33 and in Appendix 2: Exempt Information - Part A.

Background Papers

None.

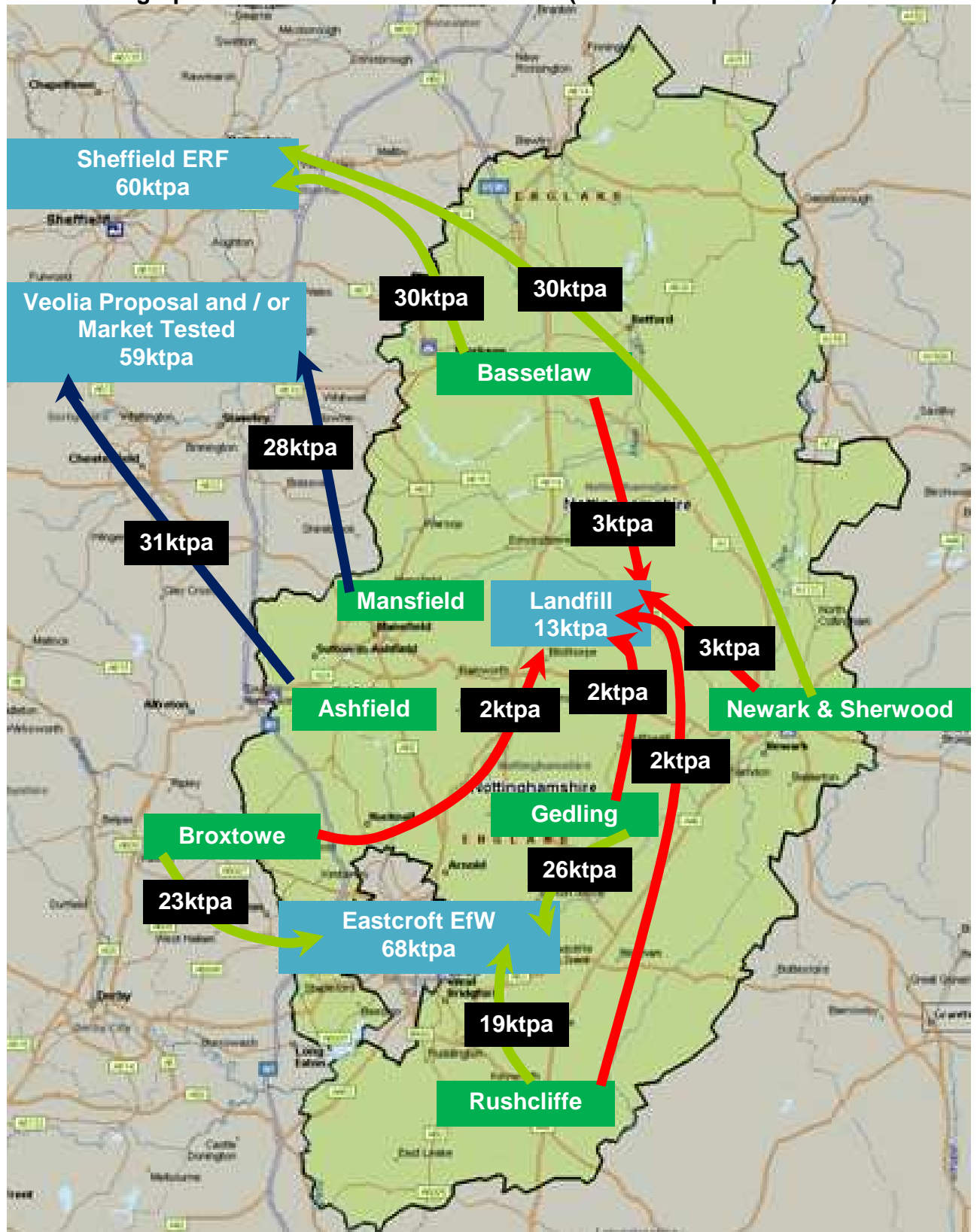
Electoral Divisions

All

Waste Management PFI Contract – Revised Project Plan

Appendix 1

DRPP Geographic District Residual Waste Flows ('000 tonnes per annum)



Energy Recovery

Landfill

Subject to Market Testing

4 September 2014**Agenda Item: 10****REPORT OF CORPORATE DIRECTOR, POLICY, PLANNING AND
CORPORATE SERVICES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2014/15.

Information and Advice

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
3. The attached work programme has been drafted in consultation with the Chairman and Vice-Chairman, and includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.
4. As part of the transparency introduced by the new committee arrangements, each committee is expected to review day to day operational decisions made by officers using their delegated powers. The Committee may wish to commission periodic reports on such decisions where relevant.

Other Options Considered

5. None.

Reason/s for Recommendation/s

6. To assist the committee in preparing its work programme.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications

are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That the Committee's work programme be noted, and consideration be given to any changes which the Committee wishes to make.

Jayne Francis-Ward
Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Martin Gately, Democratic Services Officer on 0115 977 2826

Constitutional Comments (HD)

8. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (PS)

9. There are no financial implications arising directly from this report.

Background Papers

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.

- New Governance Arrangements report to County Council – 29 March 2012 and minutes of that meeting (published)

Electoral Division(s) and Member(s) Affected

All

ENVIRONMENT & SUSTAINABILITY COMMITTEE - WORK PROGRAMME

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>For Decision or Information ?</u>	<u>Lead Officer</u>	<u>Report Author</u>
Items to be scheduled for future meetings (dates to be confirmed)				
Waste and Energy Performance Report – 2013/14 Outturn.	Outturn report for Waste and Energy performance indicators for 2013/14	Information	Mick Allen	
Recycling Centre Service Changes	Update on RC Service changes resulting from the 2014/15/16 budget proposals	Information	Mick Allen	
Responses on planning consultations	Information on formal responses to planning consultations	Information	Sally Gill	
Strategic Planning Observations	Summary of applications received.	Information	Sally Gill	

Dates and Deadlines for Environment & Sustainability Committee

<u>Report deadline</u>	<u>Date of pre-agenda</u>	<u>Agenda publication</u>	<u>Date of Committee</u>
20 December – 10am	7 January 2013 – 2pm	9 January 2012	17 January 2013
28 January - 10am	31 January 2013 – 2pm	6 February 2013	14 February 2013
20 February 2013 – 10am	25 February 2013 – 2pm	6 March 2013	14 March 2013
25 March 2013 – 10am	28 March 2013 – 2pm	10 April 2013	18 April 2013

*Early due to Bank Holidays