

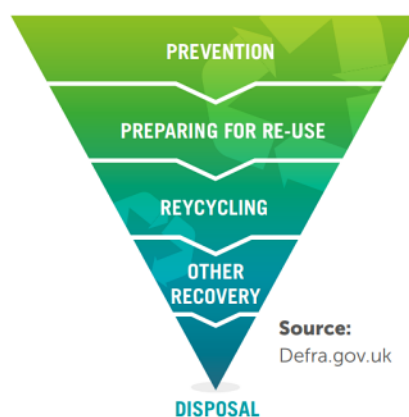
REPORT OF THE CABINET MEMBER, TRANSPORT AND ENVIRONMENT**NOTTINGHAMSHIRE AND NOTTINGHAM WASTE LOCAL PLAN
– PRE SUBMISSION VERSION****Purpose of the Report**

1. To enable the Cabinet to consider and endorse the publication of the Nottinghamshire and Nottingham Waste Local Plan Pre Submission Version (Regulation 19) in light of the outcome of consultation on a Draft Plan and other considerations.

Information

2. The Waste Local Plan is a statutory document that all Waste Planning Authorities must prepare. It sets out policies against which all development proposals involving recycling and waste processing are assessed and determined by the County Council. The Plan is being jointly prepared by the County and City Councils, reflecting the collaborative way the Councils have prepared Waste Local Plans in the past.
3. 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.
4. 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. Most former quarries in Nottinghamshire which historically accepted landfill waste are now full. Often waste contracts mean that material is shipped outside Nottinghamshire adding to heavy goods vehicle movements.
5. 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.

THE WASTE HIERARCHY



6. 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.
7. The County and City Councils have for many years prepared Joint Local Plans 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. The new plan will look ahead to 2038.
8. 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.
9. In total 283 representations were received from a total of 39 organisations and individuals. This included statutory bodies, district and parish councils, neighbouring county councils, the waste industry, interest groups and members of the public.
10. A Report of Consultation setting out the comments received on each policy of the Draft Plan is set out in Appendix 1 together with a summary response to the comments and an indication of how the policy has been changed, where this is the case.
11. The proposed Joint Waste Local Plan Pre Submission Version, which incorporates changes in response to the consultation on the Draft Plan, is appended to this report at Appendix 2. It is termed Pre Submission as it is the version of the Plan which is published for formal representations prior to submission to the Secretary of State for examination. Cabinet is able to approve publication of the Pre Submission Plan for consultation. Under the Constitution,

approval of the submission of the Pre Submission Plan to the Secretary of State is a decision for Full Council.

12. The Joint Waste Local Plan supports the Nottinghamshire Plan's ambitions to work towards a healthy, prosperous and greener future for all communities in Nottinghamshire. It is focussed on providing a 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.
13. Waste recovery and recycling businesses are growing in Nottinghamshire and the Government plans to bring in additional measures to support household and commercial recycling and introduce greater producer responsibilities to reduce waste and foster recycling over the next decade. We want Nottinghamshire businesses to benefit whilst protecting the environment and local residents from the impacts of waste management.
14. The Waste Local Plan is part of the Policy Framework for the Council and a decision reserved for Full Council and as such is not a Key Decision to be taken by Cabinet. The purpose of the report to Cabinet is to simply agree publication of the Plan for formal consultation which will then return afterwards to Full Council for approval to submit to the Secretary of State. Only Full Council can approve submission but officers consider it appropriate for Cabinet to approve publication of this key document (and which follows the City Council's approach).
15. Preparation of the Pre Submission Version has been informed by a body of evidence, with the relevant documents listed as Background Papers. Should Full Council resolve to submit the Pre Submission Version to the Secretary of State following consultation, these documents will need to be updated and/or supplemented in order to meet ongoing statutory requirements and to demonstrate that the Plan remains up to date and consistent with national policy and guidance. As documents are updated or created, they will be added to the Waste Local Plan page of the Council's website.
16. The Pre Submission Plan and Waste Needs Assessment have been considered by the Cabinet leads for Waste Planning at both Councils. A meeting of a Joint Councillor Working Group was held with officers on 28 March to discuss the Pre Submission Plan, attended by Councillor Neil Clarke of the County Council and Councillor Pavlos Kotsonis of the City Council. The development of the Joint Waste Local Plan has also been overseen by the Joint Committee on Strategic Planning and Transport which meets four times a year to enable Councillors of the County and City Councils to discuss matters of mutual concern.
17. As this is a Joint Local Plan, it requires similar approval by Nottingham City Council. The City Council Executive Board is meeting on July 18th to consider the Pre Submission Plan and a verbal report will be made to the Cabinet meeting to confirm if they have approved it for consultation.

Next steps

18. The Pre Submission Version is the final stage in the development of the Waste Local Plan prior to submission to the Secretary of State. It sets out the approach that the County and City Councils consider is the most appropriate for future recycling and waste development in Nottinghamshire and Nottingham. The Town and Country Planning (Local Planning) (England) Regulations 2012 stipulate that once a Plan has been finalised it must be published for formal

representations before being submitted to the Secretary of State who (through the Planning Inspectorate) will appoint an examiner and report to both Councils on the 'soundness' of the Plan. If the Plan is considered to be 'sound' then it can be adopted by both Councils.

19. Subject to approval by Cabinet, the Publication Version will be therefore 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.
20. A Guidance Note will be published on the Waste Local Plan webpage providing information on the tests of soundness along with a specific template/form to help respondents reply to the consultation.
21. Following this six week period, officers from both Councils will consider the representations and if the Plan is still considered generally sound, will make reports to both Councils to recommend submission of the Plan to the Secretary of State for examination. For both Councils this is a decision which is reserved for the Full Council.
22. 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 and judge whether it is sound and whether it meets the legal requirements of a Plan. 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.
23. It is currently anticipated that the Plan will be adopted in Autumn 2024.

Other Options Considered

24. 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.
25. 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.

Reasons for Recommendations

26. To make the Cabinet aware of the response to the Draft Plan consultation stage and to present a final Plan to the Cabinet for approval to publish for formal representations to be made.
27. To ensure that the Waste Local Plan is approved for publication by the administration prior to consideration by the Council to submit the Plan to the Secretary of State, in accordance with the constitution of the County Council.

28. To provide delegated authority for officers to make necessary minor changes considered necessary associated with publication.

Statutory and Policy Implications

29. 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.

Financial Implications

30. 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 current balance of the reserve is £100,313. 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%.

31. Officers have given consideration to the likely costs to be uncured over the next two financial years as the Plan progresses towards adoption. These are detailed in the table below (with the City Council's contribution in brackets) and confirm that there is sufficient in the reserve to cover these costs.

Cost element	Projected Cost (City Contribution)	Expected timing of payment	Financial year
Further adjustment to WNA	£2,176 (£611.45)	Spring 2023	2023/4
Design/publication of pre submission JWLP	£500 (no charge – minor cost)	Summer 2023	2023/4
Programme Officer * appoint from Jan 2024	£1,000 (£281)	Spring 2024	2023/4
Total	NET COST to NCC 2023/4 – £2,783		
Programme Officer	£3,000 (£843)	Spring/Summer 2024	2024/5
AECOM support during examination	£2,000 (£562)	Summer 2024	2024/5
Examination venue costs – assumption held in County Hall so no charge. May require PA hire?	£1,000 (£281)	Summer 2024	2024/5
PINS examination	£35,000 (£9,835)	Autumn 2024	2024/5
Design/publication of adopted JWLP	£500 (no charge – minor cost)	Autumn 2024	2024/5
	NET COST to NCC 2024/5 – £29,979		

RECOMMENDATIONS

It is recommended that Cabinet:

- 1) Accepts the summary of the main issues raised during the consultation on the Draft Plan Stage as outlined in the Report of Consultation (Appendix 1) and how these have been addressed;
- 2) Endorses the Nottinghamshire and Nottingham Waste Local Plan – Pre Submission Version (Appendix 2) and that it be published for formal representations.
- 3) Authorises the Corporate Director, Place, in consultation with the Cabinet Member for Transport and Environment, to make any further non-material typographical, formatting, mapping and other minor amendments considered necessary prior to publication.

COUNCILLOR NEIL CLARKE MBE CABINET MEMBER, TRANSPORT AND ENVIRONMENT

For any enquiries about this report please contact

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Constitutional Comments (CH 19/03/2023)

32. Cabinet has the authority to consider the report and recommendations in line with the Budget and Policy Framework prior to the final plan being submitted to Full Council for approval.

Financial Comments (PAA 15/06/2023)

33. The financial implications are set out in paragraphs 30 and 31. The anticipated costs to the Council in 2023/24 and 2024/25 will be met from the Local Plan reserve.

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