

# Environment and Sustainability Committee

**Thursday, 29 November 2012 at 13:30**

Worksop Library, [Venue Address]

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## AGENDA

<b>1</b>	<b>Minutes of last meeting held on 30 October 2012</b> Details	<b>3 - 6</b>
<b>2</b>	<b>Apologies for Absence</b> Details	<b>1-2</b>
<b>3</b>	<b>Declarations of Interests by Members and Officers:- (see note below)</b> (a) Disclosable Pecuniary Interests (b) Private Interests (pecuniary and non-pecuniary)	<b>1-2</b>
<b>4</b>	<b>Statement of Community Involvement - First Review</b> Details	<b>7 - 50</b>
<b>5</b>	<b>Expansion of Community RePaint Nottinghamshire</b> Details	<b>51 - 58</b>
<b>6</b>	<b>Environmental Report on the Proposed Revocation of the East Midlands Regional Plan</b> Details	<b>59 - 64</b>
<b>7</b>	<b>Strategic Planning Observations - Outline Planning Application - Nottingham Road, Radcliffe on Trent</b> Details	<b>65 - 84</b>
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## **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 Keith Ford (Tel. 0115 977 2590) 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.

## minutes

Meeting ENVIRONMENT AND SUSTAINABILITY COMMITTEE

Date Thursday 30 October 2012 (commencing at 2.30pm)

### membership

Persons absent are marked with 'A'

### COUNCILLORS

Richard Butler (Chair)  
John Hemsall (Vice-Chair)

Steve Carr           A  
Barrie Cooper  
Jim Creamer  
Vince Dobson  
Kevin Greaves

June Stendall  
Bruce Laughton  
John Peck JP  
Keith Walker

### OTHER COUNCILLORS IN ATTENDANCE

Mel Shepherd MBE

### OFFICERS IN ATTENDANCE

Lisa Bell – Team Manager, Planning Policy  
Keith Ford – Senior Democratic Services Officer  
Helen Lester – Team Manager, Waste Strategy and Development  
Jerry Smith – Team Manager, Development Management  
Jas Hundal – Service Director, Transport, Property and Environment

### APOLOGIES FOR ABSENCE

None.

The following changes in membership of the Committee were reported:-

- Councillor June Stendall appointed in place of Councillor Geoff Merry
- Councillor Steve Carr appointed in place of Councillor Stan Heptinstall MBE.

### DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Jim Creamer declared a private interest in agenda item 5 – Ashfield District Council Local Plan 2010-13 Preferred Approach Consultation in relation to his

environment portfolio / Cabinet member role at Gedling Borough Council, which did not preclude him from speaking or voting on that item.

Lisa Bell declared a private interest in agenda item 5 – Ashfield District Council Local Plan 2010-13 Preferred Approach Consultation due to her previous involvement in the development of the Local Plan whilst employed by Ashfield District Council, which did not preclude her from participating in that item.

### **NOTTINGHAMSHIRE MINERALS LOCAL PLAN – LOCAL AGGREGATES ASSESSMENT**

#### **RESOLVED 2012/027**

- 1) That the approach set out in the Nottinghamshire Minerals Local Plan Local Aggregates Assessment be approved.
- 2) That targeted consultation with the Aggregates Working Party, other Mineral Planning Authorities and the minerals industry be approved.

### **ASHFIELD DISTRICT COUNCIL LOCAL PLAN 2010-2023 PREFERRED APPROACH CONSULTATION**

#### **RESOLVED 2012/028**

That the issues raised in paragraph 21-25 and appendix 1 of the Committee report and the addendum to the report form the basis of a response to Ashfield District Council.

### **STRATEGIC PLANNING OBSERVATIONS**

#### **RESOLVED 2012/029**

That the report be noted.

### **PROGRESS REPORT FROM OUTSIDE BODIES**

#### **RESOLVED 2012/030**

That the contents of the report be noted and further reports from outside bodies be submitted on an annual basis.

### **WORK PROGRAMME**

During discussions, Members raised the following issues:-

- it was requested that the information items scheduled for the November meeting be rescheduled to January 2013 to give as much time as possible for debate on the agenda item on wind turbines. It was highlighted that the Local Improvement Scheme Programme Process report was also likely to be rescheduled to January 2013;

- an update report on the current fungal disease problems with Ash Trees was requested.

**RESOLVED 2012/031**

- 1) That the Committee's work programme be noted.
- 2) That the change of venue and start time of the 29<sup>th</sup> November 2012 Committee meeting (Workshop Library – 1.30pm) be noted.

The meeting closed at 3.03 pm.

**CHAIRMAN**

M\_30Oct12



29<sup>th</sup> November 2012**Agenda Item: 4****REPORT OF GROUP MANAGER PLANNING****STATEMENT OF COMMUNITY INVOLVEMENT- FIRST REVIEW****Purpose of the Report**

1. To seek Committee agreement to the changes proposed as part of the first review of the Council's Statement of Community Involvement and approval to commence a period of consultation on the proposed changes.

**Information and Advice**

2. The County Council adopted its Statement of Community Involvement (SCI) in January 2007 following the statutory process. This public document sets out the County Council's approach to public consultation and involvement in the preparation of Minerals and Waste plans and in the determination of planning applications.
3. It was always anticipated that a full review of the SCI would be considered within 5 years of adoption. However, the need for a review has been made even more pertinent by changes in national legislation and planning guidance, progress on the Minerals and Waste Development Plan Documents, as well as local factors including the County Council restructuring and its increased emphasis on cost effectiveness. Since 2007 there have also been significant developments in new technology and consequently the County Council is increasingly choosing electronic communication as the preferred method of public engagement.
4. The key changes to the SCI proposed as part of the First Review are as follows:
  - i) Development Management – Since the adoption of the SCI the Localism Act 2011 has been enacted, followed a year later by the publication of the National Planning Policy Framework. The NPPF replaced most of the existing national planning policy against which planning proposals were considered. Instead the NPPF comprises a more concise document identifying the purpose of planning to be helping to achieve sustainable development. One of the key impacts of both the Localism Act and the NPPF has been at the pre-application stage of the planning process. The NPPF advocates early engagement between developers and local authorities to improve the efficiency and effectiveness of the planning application system. The Localism Act has introduced a new requirement for applicants to consult local communities before submitting planning applications for certain

developments. Applicants must have regard to the responses when deciding whether to amend the planning application prior to submission. This provision, which has yet to come into force, will only relate to large scale proposals. The text of the SCI has been amended to reflect these changes.

In 2010 the Town and Country (General Management Procedure) (England) Order 2010 was published and replaced the 1995 Order and its amendments. The Articles referred to in the SCI now reflect the current statutory instrument.

ii) Plan making - Following the introduction of the NPPF and the new Local Plan Regulations, future Development Plan Documents should be prepared as a single Local Plan rather than as a series of separate documents as under the previous Local Development Framework system. However, where documents are already at an advanced stage of preparation, such as the Waste Core Strategy, or if there are practical reasons to do so, it is still possible to prepare separate documents. The relevant text of the SCI has therefore been amended to reflect the new terminology. Much of the text on which documents will be produced, and when, has also been removed as this is already set out in the Minerals and Waste Development Scheme. The consultation measures have been updated to reflect the increased use of electronic communication, including social media, but there is still a commitment to make hardcopies available for those who do not have access to the internet.

iii) Cost effectiveness/electronic communication – In April 2011 the County Council commenced a major reorganisation moving from five to four departments and started to implement its Improvement Programme transforming the way in which it provides its public services in a more effective and customer focussed way. This has had an impact on the content of the SCI in terms of departmental and team structures, the availability of resources and contact information set out in the adopted SCI. These changes reflect the economic climate nationally and have placed greater emphasis on finding the most cost effective method of consulting and involving local people. Running in parallel with this have been the considerable advances in new technology, including improvements to the County Council's website and, as a consequence, electronic communication is now the preferred method for engaging people for both policy making and decision making on planning applications. This shift in emphasis is reflected in the proposed text of the SCI. One change, prompted by cost savings, is the proposal to notify **only** those who have made a request in writing to be notified of a decision on a planning application. At present the SCI states that anyone making representations will be individually notified of the decision. For major and controversial applications this has been extremely costly in terms of staff time and postage. Decision notices will continue to be placed on the County Council website and as such will be publicly available.

iv) Use of personal information – The SCI has been amended to make it clear that the names, addresses and comments of anyone making comments on planning applications or forward plans will be publicly available and those representations will be retained by the County council for a relevant period of time.



5. The proposed updated version of the SCI forms Appendix A to this report, for ease of reference the suggested changes are written in bold and italics.

### **Other Options Considered**

6. Initially it was envisaged that a less formal “light touch” review of the SCI would be undertaken to expedite the process. However, given the scale and range of the changes that have prompted the update a full review is considered to be the most appropriate way forward.

### **Next steps**

7. If Members approve the proposed changes to the SCI the next stage will be to undertake a six week period of consultation with statutory consultees, other interested parties and members of the public. As with recent consultations on Local Development Plan Documents electronic methods will be used for the consultations, where appropriate, including publishing the details on the County Council website. People will be encouraged to respond electronically. Once the responses have been considered and any relevant changes made to the SCI, the SCI will be submitted to Full Council for approval. If the consultation responses would result in major changes to the SCI, further consultation may be required and further reports will be brought to this Committee. Following approval by Council, the updated SCI will replace the original version adopted in 2007 and will become Council policy.

### **Reason for Recommendation**

8. To seek members’ approval to the proposed changes to the SCI and to the recommendation to undergo a six week period of consultation on the changes. This commences the process of the first SCI review.

### **Statutory and Policy Implications**

9. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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.

### **Implications for Service Users**

10. It is considered that the proposed changes to the SCI will assist users of the document by containing more current and accurate information. Some of the proposed improvements set out within the updated SCI will improve the accessibility of information and will result in a more cost effective means of communication.

## **RECOMMENDATIONS**

- 1) That a publication consultation exercise on proposed changes to the Council's Statement of Community Involvement as set out in the appendix to this report be undertaken.
- 2) Following the consultation the revised statement is submitted to Policy Committee for approval.

**Sally Gill**  
**Group Manager Planning**

**For any enquiries about this report please contact: Jane Marsden-Dale**  
**Tel. 0115 9696505**

### **Constitutional Comments (SLB 15/11/2012)**

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

### **Financial Comments (DJK 15.11.2012)**

12. The contents of this report are duly noted; there are no financial implications arising.

### **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.

Nottinghamshire County Council Statement of Community Involvement adopted 2007  
Localism Act 2011  
National Planning Policy Framework 2012  
Town and Country Planning (Local Planning) (England) Regulations 2012

### **Electoral Division(s) and Member(s) Affected**

All

## Foreword by Councillor Richard Butler

*Nottinghamshire County Council adopted its SCI in January 2007. Since then, there has been a great deal of change both nationally and locally regarding planning, such as the introduction of the NPPF. We therefore think that it is timely to carry out a review.*

*The SCI is a public document which sets out the County Council's policy and approach to public consultation and involvement in the minerals and waste plans it prepares and the planning applications it determines. We are keen to ensure that communities have opportunity to be involved in the planning processes, and this document sets out how we will do this.*

*Two key strands underpin the SCI. These are 'front loading', which means providing the opportunity to comment on planning proposals at the earliest possible stage, and 'continuous involvement' which ensures that communities continue to be engaged throughout the plan, preparation and planning application processes.*

*This first review of the SCI has been prompted by changes in national planning legislation and guidance, progress on the county council's Minerals and Waste Development documents, as well as advances in technology enabling the greater use of electronic methods as an effective means of communication.*

*The revised SCI confirms the County Council's commitment to engage the community in the planning process and to ensure that we can reach the best possible consensus when making planning decisions.*

Insert photo of Cllr Richard Butler



Councillor Richard Butler  
Chairman of Environment and Sustainability Committee

## **Preface**

The County Council adopted *its first* Statement of Community Involvement (SCI) on 18 January 2007. *This updated SCI document replaces the earlier adopted version. It has been prepared in accordance with the National Planning Policy Framework, the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012.*

### **Changes to the SCI**

*Since the SCI was adopted new primary and secondary legislation and planning guidance has come into effect. These include the Localism Act 2011, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Development Management Procedure) (England) Order 2010. In addition, the National Planning Policy Framework was issued in March 2012 and replaced much of the existing national planning policy, including the Planning Policy Statements and Minerals Planning Statements and guidance. However, at the time of writing, national policy on waste continues to be set out separately.*

*Since the adoption of the SCI the County Council has undertaken consultations on its replacement Minerals Local Plan and its Waste Core Strategy in accordance with the SCI. These documents will continue to go through a series of public consultation stages and independent examinations before being formally adopted by the County Council. The progress of these documents has been monitored through the Annual Monitoring Report published by the County Council.*

*In the light of the current economic situation the County Council has increasingly placed greater emphasis on cost effectiveness and value for money. As a consequence the County Council is likely to make greater use of electronic communication for its consultations, where appropriate, in order to strike a balance between the accessibility of information and being cost effective. Since 2007 the County Council has also undergone a restructuring which has had an impact on departmental and team structures, contact details and the availability of resources.*

*The SCI has therefore been updated to reflect the above issues.*

This document is available in large copy prints, audio cassette, Braille, or languages other than English. If you require the document in one of these formats please contact the address below:

**Planning** Policy Team  
Nottinghamshire County Council  
**County Hall**  
**Loughborough Road**  
West Bridgford  
Nottingham

NG2 7QP

***tel; 0300 500 80 80 ( customer service centre)***

email; [development.planning@nottsc.gov.uk](mailto:development.planning@nottsc.gov.uk)

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# 1 Introduction

1.1 Local communities need to be confident that they will be fully involved in the preparation of future plans, strategies and planning proposals that may affect them. All planning authorities **therefore have to** prepare a '**Statement of Community Involvement**' (SCI) setting out how this will be achieved. For the County Council, which is the **minerals and waste planning authority** for Nottinghamshire, this SCI will cover the following areas:

- **The preparation of forward plans and policies** which provide the framework for determining all future proposals for minerals and waste development, such as quarries, landfill sites and other waste and recycling facilities. These plans can include preferred areas for development as well as more general policies.
- **The determination of planning applications** for minerals and waste development. The County Council is also responsible for determining proposals for its own development such as schools and roads.

1.2 The seven Nottinghamshire district **and borough** councils all prepare separate SCIs covering their planning functions. These comprise the preparation of forward plans and **the determination of** planning applications for all other types of development such as housing, retail and employment. Nottingham City Council is a unitary authority and is therefore responsible for all planning matters within its boundary.

## What are the main aims of the SCI?

1.3 Public consultation has always been an important part of the planning process and the County Council's methods and approaches have been improved and developed over time in line with good practice. **The following four principles are central to our approach:**

- **Front loading** – this means providing opportunities to be involved in planning proposals at the earliest possible stage and before decisions are made, allowing communities to help shape forward plans and future development.
- **Continuous involvement** – ensuring communities are continually engaged throughout the planning process **both for plan preparation and where planning applications are amended or revised prior to determination**. This should result in a greater understanding, consensus and ownership of planning decisions.



- **Transparency** – ensuring the reasons why certain planning decisions have been made, and what other options have been considered and why they have been rejected, are available for public scrutiny and consultation.
  - **Providing feedback** – letting the community know when and why a decision has been made and how their views have been taken into account.
- 1.4 The principles underpinning the SCI build upon the priorities and guiding principles set out in the County Council's **Sustainable Community Strategy 2010-2020**. For example, the strategy wants to see local people influencing decisions which affect their lives and their communities. Principles such as this are reflected in other public engagement initiatives such as the **Public Engagement Policy**, published by the County Council in December 2005. Together they aim to promote the economic, social and environmental well being of the county whilst allowing communities early and continuous involvement in shaping future development.
- 1.5 By tailoring its methods of community involvement to address the four key principles highlighted above, the County Council believes it will carry out its planning functions in a way which leads to:

**Community Involvement**  
**Consensus**  
**Legitimacy**  
**Sustainability**

- 1.6 The remainder of this SCI considers community involvement proposals for forward plans and then planning applications. The final sections consider how community involvement will be resourced and monitored.

## 2 The preparation of forward plans

### Why plan for minerals and waste?

- 2.1 Where minerals are worked, and how we can best deal with all of the waste we **produce** present major planning issues for the county and are of obvious interest and concern to those communities most affected by these activities. The industry must also be able to plan ahead so it can justify the long term investment needed to develop new or extended minerals and waste sites on which our environment, economy and lifestyle depend.
- 2.2 ***Nottinghamshire County Council is the minerals and waste planning authority for the county of Nottinghamshire. This means that it is responsible for all matters associated with minerals and waste development, including setting land use policies and determining planning applications for such developments.***
- 2.3 ***Decisions on planning applications should be made on the basis of having an up-to-date statutory development plan setting out strategy, provision, policies and sites for development. Alongside, the Local Plans produced by the District and Borough Councils, the County Council has a statutory duty to prepare, and keep up-to-date, an equivalent plan or plans for minerals and waste. A Local Plan can be produced as a single, comprehensive document or it can be made up of several separate documents depending on local circumstances.***
- 2.4 Exactly which documents are **going** to be prepared, **how** and when **is** set out in the **Minerals and Waste Development Scheme**. The County Council's **current** development scheme came into effect **in September 2012**.
- 2.5 All forward plans within the framework, and the scheme, must be monitored annually and reviewed as necessary to make sure that the framework remains up to date and comprehensive in its coverage.

### How are the new plans prepared?

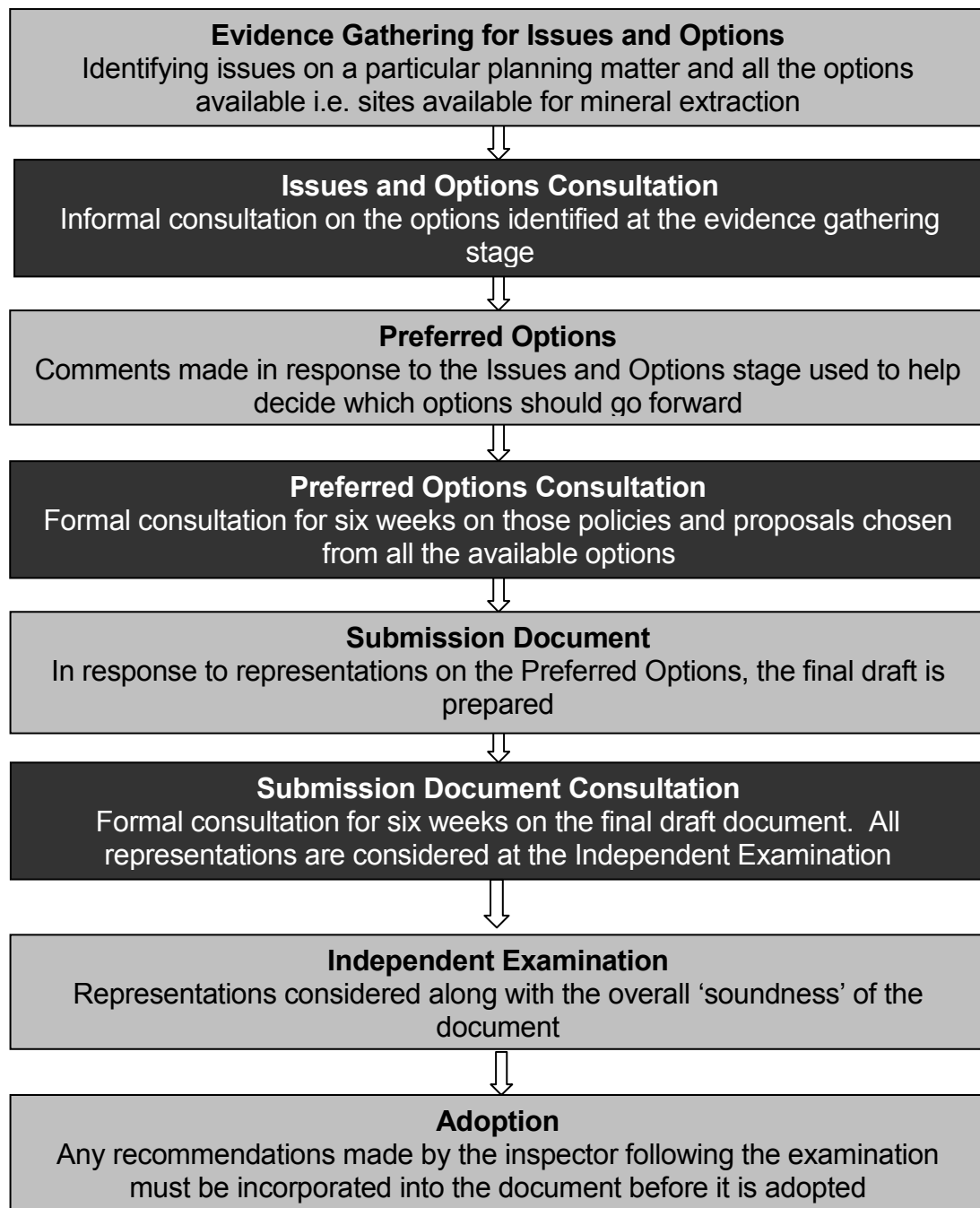
- 2.6 Each development plan document must go through various stages of public consultation and an independent examination before it can be adopted. (see **Figure 1**).
- 2.7 In summary, the process begins with an informal '**issues and options**' stage. This results from an evidence gathering exercise which explores what reasonable options exist to address the planning issues that need to be resolved. The information and comments received are then used to help prepare a '**preferred options**' document **setting out which options are** considered the most suitable to go forward into the plan and which have been rejected and why. This is **again** subject to a period of **informal** consultation, the responses to

which are then used to help prepare the final ‘**submission draft**’ document which is ***subject to a formal consultation period before being*** submitted to the Secretary of State. This draft ***will be made available for public inspection at the County Council’s offices and on our website. All of the representations received are then forwarded to the Secretary of State, along with the submission draft and any supporting information. This will include a*** summary of the main issues raised ***and how these have been taken into account during the plan preparation which will also be available on*** the County Council’s website or provided on request. ***Once the plan has been submitted, there will be an independent examination held before a*** Government appointed inspector.

- 2.8 The examination considers the ‘soundness’ of the whole document along with any objections made at the submission draft consultation stage. The document can only be ***adopted if it is found to be sound by the Inspector who may recommend specific changes in order to make the plan sound. If it is not found sound the plan will have to be withdrawn.*** Copies of the adopted document will be published as soon as possible after its adoption and also published on the County Council’s website. ***Figure 1 provides an overview of the plan preparation process.***

***As well as preparing the various planning documents the Council also has to produce an Annual Monitoring Report setting out progress in terms of plan preparation and implementing policies.***

**Figure 1 – Stages in the preparation of development plan documents**



Note: Additional consultation may be required after the submission draft consultation stage if objectors make representations seeking the addition or alteration of a site allocation and/ or the County Council decides to make further significant changes prior to the independent examination.

For supplementary planning documents, only a draft document is prepared which is the subject of a 4-6 week consultation period. The responses to this are taken into account prior to the document being adopted.

## Who approves the Minerals and Waste Development Framework documents?

- 2.9 **All development plan** documents must be considered and approved by the County Council's elected councillors. The approval mechanisms vary according to each document and *the* stage it is at. ***Early stages may be considered by the relevant committee but more formal stages will have to be considered at a meeting of the Full Council.*** For each planning document, the County Council will also establish informal member and officer working groups where appropriate. These groups will aim to further improve councillors' involvement in and understanding of the planning process.

## Legal challenges and complaints

- 2.10 All objectors to the submission document have a right to have their views heard at the independent examination. Neither the County Council nor objectors have a right to appeal against the inspector's recommendations. Objectors can, however, legally challenge a development plan document within six weeks of it being adopted. Such challenges must be based on procedural or other substantive legal errors in preparing the document. The usual rights to make a complaint on these grounds to the **Local Government Ombudsman**, or via the County Council's own complaints procedure, apply. The County Council could also challenge the inspector's report on procedural or other legal grounds.

## Compliance with the SCI

- 2.11 The County Council is required to comply with the measures set out in the SCI when preparing minerals and waste development **plan** documents. Evidence given at an independent examination which shows otherwise could result in the inspector at the independent examination recommending that a development plan document be withdrawn.

### 3 Community involvement during the preparation of forward plans

- 3.1 The SCI has to meet the legal minimum requirements for consultation and publicity and more importantly set out the additional measures to be carried out to meet the four key principles set out in paragraph 1.3. These are considered below:

#### **Consultation and publicity – what the County Council must do**

- 3.2 For development plan documents, consultation must begin at the informal issues and options stage. The County Council must consult all organisations and other bodies it considers relevant to the document being prepared. These will normally include Government departments and agencies, the minerals and waste industries district and parish councils and environmental groups. The types of groups that will be consulted are set out in annex 1. There is no specific requirement to publicise or to individually consult local residents or any other members of the public.
- 3.3 At the formal consultation stages, organisations will be sent **details of the** plan, public notice and forms for making representations. All other relevant documents, such as the sustainability appraisal, will be available on the County Council's website or **printed copies can be made available on request at a reasonable charge**. This approach should minimise wastage and costs in sending background documents to consultees who may have no wish to see them.
- 3.4 At the formal consultation stages, public notices must be placed in the local press and copies of all relevant documents must be made available for public inspection at the County Council's main office. Documents must also be made available on the County Council's website and electronically. The County Council must make provision for representations to be submitted electronically.
- 3.5 For supplementary planning documents, only one formal consultation stage takes place which follows similar procedures as those detailed in paragraphs 3.3 and 3.4 above for development plan documents.

#### **Additional consultation and community involvement – what the County Council proposes to do**

- 3.6 ***As well as the minimum requirements set out above, we will also make use of some or all of the following methods, where appropriate, to ensure wider community engagement in line with the four key principles set out in paragraph 1.3***

3.7 Each measure is discussed in turn and its relevance to each type of forward plan and the stages of its preparation detailed. A summary of all the options can be found in table 3 (see pages **21-23**). Tables 4a-4c (pages **24-26**) detail when each of these options is likely to be used at the various stages of preparation for the different types of forward plans.

- **Near-neighbour notification**

3.8 Minerals and waste development proposals can have a real or perceived impact over a wide area and possibly whole communities. Near-neighbour notification is **useful** for planning applications (see paragraph **5.11**) **which affect a specific location but there can be practical problems in using this for forward plans which cover a large area. It is not feasible for the County Council to write to every resident individually, but where** minerals and waste plans are **putting forward** site specific proposals **rather than general, strategic policies**, near-neighbour notification **may be appropriate**. Indeed, the County Council has carried out such near-neighbour notification in recent years. Nevertheless, in adopting this approach, a balance has to be struck between the benefits of consulting everyone who could conceivably be directly or indirectly affected against the costs and practicalities of adopting such an approach.

3.9 There are no national standards for consultation distances **and the likely impacts of development will vary according to the type of use being proposed and the exact location. For example issues such as noise or visual impact will be significantly different between say an industrial or a rural location. Taking account of** Government guidance and practical experience we will **therefore use the following** minimum near-neighbour notification standards for rural and built up areas as set out in **Table 1** below. These standards will be applied to all allocations for mineral extraction, landfill and other waste management facilities.

<b>Table 1 – Proposed allocations for minerals and waste development – near-neighbour notification standards</b>	
<b>Location of proposed allocation</b>	<b>Minimum level of near neighbour notification</b>
Rural areas	250 metres from the allocation boundary
Built up areas	100 metres from the allocation boundary
For the purposes of this SCI, 'built up areas' are those predominately surrounded by built development with little or no adjacent open countryside. 'Rural areas' are those predominately surrounded by open countryside with only small settlements and isolated buildings close by.	

3.10 The above standards are a minimum. Additional consultation will be carried out where issues such as visual and traffic impact are clearly more widespread. This will help ensure that those properties most at risk of being affected are



individually notified. This approach, along with other local consultation and publicity measures (see below), should ensure that local residents and communities will be aware of what is proposed at an early stage in preparing a relevant plan.

- 3.11 The consultation will include sufficient information to highlight the site or sites relevant to the neighbourhood, along with other standard details on how to inspect the full documents and respond to them. Details of any public meetings/exhibitions organised relating to the site could also be included.

- **Stakeholder meetings**

- 3.12 Stakeholder meetings allow ***a wide range of views to be considered*** in an open forum. Stakeholder groups have no decision-making powers but can take involvement beyond paper consultation exercises, enabling different parties to interact and see how their views relate to the views of others. This process can help to achieve a greater degree of consensus than otherwise might be the case.

- 3.13 To be effective, the groups are best limited in number, ***usually no more than 15 or 20*** to contain sufficient expertise and breadth of views to provide the ***useful*** guidance. Representatives from Government bodies and agencies, the minerals and waste industries, environmental bodies and community organisations would normally be invited (see annex 1 for a full list of the types of consultees).

- 3.14 Stakeholder groups are ***more likely to be suitable when preparing strategic policies setting out the broad approach on the amount and type of development that is appropriate, for example, rather than when*** considering specific site ***allocations*** where individual commercial and local interests may tend to make objective discussion and consensus more difficult to attain.

- 3.15 To be most effective the stakeholder groups should be established at the very start of preparing a new plan, before any informal general consultation begins. This means that the group can debate and provide evidence on what issues and options apply.

- **The role of parish/town councils**

- 3.16 Parish and town councils have an important role to play in ***relaying information*** to their communities when forward plans are produced, especially for site specific proposals, and then ***feeding back*** any local concerns back to the planning authority. The relevant parish/town councils, both within and adjacent to the county, can assist the County Council in deciding how best to inform local communities, including hard to reach groups, of proposals being put forward. These options include suggesting suitable venues for public meetings and exhibitions (such as parish/community halls, local libraries, public houses and post offices), leaflet drops and providing suitable locations to place additional documents on public display or display posters and/or leaflets.



3.17 The partnership between the County Council and parish/town councils is important because the latter often have limited resources, both in terms of active members and finance, to fully engage their parishioners. By working together, the objectives of the SCI can be more fully realised.

- **The role of voluntary and community organisations**

3.18 Voluntary and community organisations can also have an important role to play when forward plans are produced. This can be in partnership with parish/town councils or, in areas where there is no such council, they could be the main focus for engagement within the local community.

- **Hard to reach groups**

3.19 There are some sections of the community which traditionally do not get involved in planning matters. These are often referred to as 'hard to reach groups' and include:

- The elderly
- Ethnic minorities
- Travellers
- The disabled.

***By working with these groups and their representatives, it is hoped that they can have a more active role in planning matters in the future.*** The County Council will make every endeavour to meet the requirements of the ***Equality Act 2010.***

- **The use of the internet and other electronic communication**

3.20 ***The use of the internet and email is now an integral part of everyday life and is a key tool when it comes to consultation and raising public awareness. Where possible, we will use email to make people aware of consultations to reduce costs and paper use. All of the consultation documents and supporting information will be available on the County Council's website for the public to view or download, or copies can be made available on CD much more cheaply than printing. However we will still ensure that printed copies are available for those who prefer, or do not have access to a computer. We will also use social media sites such as Facebook or Twitter to raise awareness and provide updates on plan progress.***

- **The use of the media**

3.21 The media can help publicise forward plans in a number of ways.

3.22 Press releases provide a factual background of what is being proposed at each key stage. They can also explain the County Council's views and reasoning for

the decisions it has taken. There is, however, no guarantee that the local press will use them and they are not a reliable means of publicity.

- 3.23 Press adverts have the advantage that the County Council retains control of what is published. However, they need to be paid for and the costs of placing a prominent advert can be considerable. This has to be balanced against the additional publicity it might achieve.
- 3.24 The County Council **may** also use its own publications, **such as County News**, to bring key documents to the public's attention
- 3.25 Finally, there are some publications produced for planning professionals and the minerals and waste industries which the County Council can contribute articles. This can, for example, help keep the various industries up to date on the key planning issues in the county. However, some of these publications have **infrequent publication dates which mean** that they are not always suitable for seeking consultation responses.

- **Feedback**

- 3.26 It is important that all consultees, particularly objectors, receive good feedback so they know how their comments and representations have been considered and why they have been accepted or rejected. This can help objectors decide if they wish to maintain their objection or withdraw it in light of the County Council's reasons for not accepting it.

***A summary of how and when we will use these various consultation methods***

- ***How will we use your personal information***

- 3.27 ***Please be aware that in order to maintain an effective consultation database of those who have expressed an interest in any of the planning documents being prepared, we will need to keep a record of your name, address, contact details on our database and any comments you have made. Consultation responses cannot be made anonymously and others will have the right to see comments you have made. Where these are published on the County Council's website we will make every effort to ensure that personal details such as your address, phone number, email and signature are not visible to others. However we are required to make copies of responses available to view at our offices on request and this may include original correspondence.***

***If you no longer wish to be contacted by the County Council about any of our planning documents you can let us know and ask us to remove your details at any time. However, if you have made formal representations on a plan we cannot delete your record unless you withdraw your representation which will mean it cannot be considered by an Inspector at examination. This also applies to any representations you may have made on a plan that has since been adopted. The Council has to retain all of the***

*information and evidence, including representations that were part of preparing that plan in case of any procedural/legal challenge. Usually the information is retained until the Plan has been replaced which may take several years.*

*The information we hold will only be used in connection with the planning documents we are preparing and the planning process and we will not pass this on to anyone else other than those who are directly involved with preparing the plan and the planning process unless we are required to disclose this information by law or by any government department or other regulatory authority. Where relevant information may be disclosed to others outside the County Council such as the Planning Inspectorate.*

## **4 The determination of planning applications**

### **Types of planning applications**

- 4.1 The County Council is responsible for determining planning applications for minerals and waste proposals and for its own development. The type, scale and complexity of applications vary enormously. These range from major proposals including new quarries, **large scale** waste management facilities, new schools and road schemes to minor applications such as small buildings within sewage treatment plants, applications to vary planning conditions, extensions to schools and multi-use games areas on school sites. ***Since their introduction in 2009 the County Council has also dealt with applications for non-material and minor-material amendments to existing planning permissions.***
- 4.2 The nature of each application affects how long the County Council takes to deal with them. For instance, minor, straightforward applications are usually determined within 13 weeks, with more complex ones often taking over six months. Exceptionally, it can take a year or more to determine a very complex, major application.
- 4.3 Most major proposals are accompanied by a significant number of plans and supporting documents, including, where required, an environmental statement. These can raise complex issues which require extensive consultation. Sometimes planning permissions are subject to legal agreements, which often add significant time to the issuing of the decision.

### **Stages of determining planning applications**

- 4.4 The process of determining a planning application is essentially the same regardless of its size or complexity. The applicant must submit the necessary forms and supporting information and the County Council then makes a decision to grant or refuse planning permission after all consultations and negotiations have been completed. In some cases, the applicant may discuss the proposal

with the County Council, other key consultees and local communities before the planning application is submitted. The merits of this approach are considered later in paragraphs 5.6 – 5.7.

## **Making the decision**

- 4.5 Major and controversial planning applications are reported to the County Council's Planning and Licensing Committee for a decision by councillors. *Using powers delegated to the **Corporate Director for Policy, Planning and Corporate Services** planning officers make decisions on more straightforward applications.*
- 4.6 If a planning application is approved, the decision usually has a comprehensive set of planning conditions attached (with reasons) and sometimes a legal agreement covering aspects such as financial contributions towards the long term aftercare and management of a site or dealing with lorry routeing. Where appropriate, the County Council will undertake additional consultation on the approval of details required by planning conditions.

## **Compliance with the SCI, rights of appeal, legal challenges and complaints**

- 4.7 If a planning application is refused, reasons have to be stated and applicants have the right to appeal against this decision or against conditions they consider to be unreasonable. Appeals are considered by a government inspector who can either uphold the decision made by the local authority or overturn it. Occasionally appeals are decided by the Secretary of State taking an inspector's advice into account. There are no third party rights to appeal against planning decisions. Additionally, there is no right of appeal against decisions made on the County Council's own applications.
- 4.8 The County Council has an internal complaints procedure to deal with matters relating to how planning applications have been processed, rather than the planning decisions themselves. This could include complaints that public consultation on a planning application has not complied with the SCI. Matters which cannot be resolved through this mechanism can be referred to the **Local Government Ombudsman**.
- 4.9 Very occasionally planning decisions are subject to legal challenges. Procedures for appeals and legal challenges fall outside the remit of this SCI.

## **Monitoring and enforcement**

- 4.10 As most minerals and waste operations are ongoing and often long term developments, the County Council regularly monitors sites to ensure that planning conditions and legal agreements are complied with. This is done in accordance with an adopted '**Monitoring and Enforcement Policy and Protocol**'. Where breaches of planning control occur then the County Council has a range of powers to enforce compliance. Other statutory bodies, such as

the Environment Agency and district council environmental health departments, also have a role in enforcing the proper operation of sites.

### **Liaison groups**

- 4.11 The County Council has encouraged the setting up of local liaison groups at most major quarries and waste management sites to help assist the dialogue between the industry and local communities. These meetings are usually held twice a year and may include site visits to look at how the development is progressing and what issues, if any, are of concern to the local community. Experience has shown that these meetings can be very effective at resolving issues and preventing problems before they arise, and operators are usually keen to be involved in this way.

## 5 Community involvement during the determination of planning applications

- 5.1 The methods of community involvement detailed below begin by setting out what the County Council must do, followed by additional measures it intends to undertake to meet the four key principles of the SCI (see paragraph 1.3).

### Consultation, publicity and notification – what the County Council must do

- 5.2 Regulations require various bodies and organisations to be consulted on certain planning applications. For example, where an application affects a public highway, the local highways authority has to be consulted. If a proposed development involves mining operations or the deposit of refuse or waste, the Environment Agency has to be consulted. Consultees are either sent complete paper copies of the application or those sections which are relevant to them. Planning law requires statutory consultees to respond within a set time period of 21 days. Such bodies as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
- 5.3 The minimum requirements for publicity and notifying local communities are very limited, comprising a combination of one or more of the following: site notices; local press adverts, and notifying adjacent land owners. Applicants must also notify any owners of land to which the application relates if they are not themselves the owner. Which methods apply varies according to the type of planning application, details of which are set out in *Table 2*.

<b>Table 2 – Publicity requirements for planning applications</b> (as required by Article 13 of the <i>Town and Country Planning (Development Management Procedure) (England) Order 2010</i> )	
<b>Type of Application</b>	<b>Minimum Publicity Requirements</b>
Applications for major development* submitted with an Environmental Statement; Applications involving a departure from the development plan; or Development affecting a public right of way	Posting of a site notice for not less than 21 days, and Notice in a local newspaper
Other applications for major development*	Posting of a site notice for not less than 21 days, or serving notice on adjoining owners/occupiers; and Notice in a local newspaper
Applications affecting the setting of a listed building or the character or appearance of a conservation area	Posting of a site notice for not less than 21 days; and Notice in a local newspaper
Other applications	Posting of a site notice for not less than 21 days; or Serving notice on adjoining owners/occupiers

\* The definition of major development is set out in annex 2.

Additional consultation, publicity and notification – what the County Council proposes to do

- 5.4 The statutory publicity and notification measures listed above are unlikely to be very effective at engaging local communities. For instance, press notices generally follow a very legalistic format, do not set out the detailed nature of the proposed development and there is no means of establishing readership levels. Site notices are better at informing local residents of proposals, providing they are placed at accessible and easily visible locations, which the County Council endeavours to do.
- 5.5 **On their own, press and site notices only achieve their purpose of notifying the public of proposals. However, they fall well short of the consultation and engagement measures communities can reasonably expect. The County Council therefore intends to use a range of other measures, discussed below, to ensure the SCI principles are met. A summary of all potential options is set out in Table 3 (see pages 21-23). Details of when these options are likely to be used are set out in Table 4d (see page 27).**

- **Pre-application discussions**

- 5.6 ***The National Planning Policy Framework (paras.189-190) stresses that although developers are not required to engage with local authorities before submitting planning applications early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and should therefore be encouraged.*** The main advantage of pre-application discussions is that they provide an opportunity for the County Council to check if any issues have not been covered before the planning application is submitted. They are generally only carried out for major or potentially controversial proposals, or those affecting a sensitive area, and can involve consultation with other organisations. This reduces the likelihood of the County Council having to request further information from the developer once the application has been submitted and then having to carry out further consultation on that information. Occasionally, County Council officers may advise developers that their proposals are contrary to planning policy and therefore planning permission is unlikely to be granted, leading to proposals being dropped.
- 5.7 Developers often request that pre-application information be treated as confidential for commercial reasons, for example when they have yet to secure a legal interest in the land. However, where such obstacles do not exist or have been overcome, there are benefits to ‘front-loading’ the process by encouraging pre-application dialogue with the wider community. This early stage offers a real



opportunity for local residents to influence a development before final proposals are drawn up and submitted. While the County Council cannot make pre-application discussions compulsory **(with the exception of those application types listed in paragraph 5.8 below)** it will continue to encourage developers to enter into them, and welcomes the involvement of the local community. Developers/applicants will be encouraged to ensure that all public meetings and exhibitions are held at easily accessible locations.

**5.8 The Localism Act 2011 introduced a new requirement for applicants/developers to consult local communities before submitting planning applications for certain developments. The details about what applicants will be required to do and which applications it will be applied to are still awaited. It is likely that it will only relate to very large scale proposals, probably development with a floor area of 10,000sqm or more or where the site area is 2 hectares or more. Applications will need to be accompanied by details of how the applicant has complied with the consultation obligations, including publicity given to the proposal and responses received. The Act then imposes a duty on the applicant to have regards to the responses when deciding whether to amend the application prior to submission.**

**5.9 This requirement to consult local communities will apply to proposals submitted both by external applicants and to the County Council as an applicant for its own developments, such as new schools, where these meet the relevant thresholds. At the time of drafting the SCI this requirement has yet to come into force. For further information about this please contact the Development Management Team.**

- **Additional consultation**

5.10 Beyond the statutory consultees described in paragraph 5.2, the County Council already consults other bodies and organisations it considers are likely to be interested in proposed developments and this will continue in the future. These include parish councils and organisations such as the Campaign to Protect Rural England, Nottinghamshire Wildlife Trust, the Health Protection Agency and local community groups. Annex 1 sets out the types of bodies and organisations to be consulted.

- **Near-neighbour notification on submitted applications**

5.11 The most effective way of ensuring local communities are aware of a proposal is to notify individual homes and businesses by letter. Near-neighbour notification on planning applications is widely practiced by local planning authorities and the



County Council is no exception. There are however no national standards or guidelines and each planning authority have had to develop its own approach.

- 5.12 The extent of this near-neighbour notification has been at the discretion of the case officer dealing with the application and it is proposed to retain this method in the future.
- 5.13 The extent of near-neighbour notification will vary according to the scale and nature of the proposal and its potential impact. For minor applications, consultation can usually be limited to properties adjoining the site. For larger scale proposals, such as a new quarry or school, more extensive consultation will be undertaken. The case officer will take account of details such as the proposed location and scale of new buildings and plant, access points, vehicular routes, and potential 'nuisances' such as noise, odour, dust and visual impact, and make a professional and well-informed judgement on who to notify. This process could also involve seeking advice from parish/town councils about any hard to reach groups in the area etc.
- 5.14 This approach differs from the more standardised near-neighbour notification that will apply to development plan allocations for minerals and waste proposals (see paragraphs 3.8 – 3.14). This is because consultation on planning applications can be more precisely tailored to reflect the expected impact of a detailed proposal. In contrast, near-neighbour notification on a development plan allocation can only look at the principle of the allocation. When deciding on the extent of near-neighbour notification, the County Council must also balance the benefits of consulting everyone who might be directly or indirectly affected against the costs and practicalities of doing so. The desire is to improve the quality of community involvement, not merely the quantity.
- 5.15 The County Council will continue to carry out near neighbour notification by letter with a site location plan enclosed. Comments will be invited within 21 days with all responses being acknowledged by the County Council. Specific requests for additional time to respond will usually be agreed to, where appropriate and practical. This could be to enable discussion at a parish council meeting or to take into account public and bank holidays. If significant amendments are made to a proposal the County Council will notify all original consultees about these changes.

- **Stakeholder group meetings**

- 5.16 For complex applications or those in sensitive areas the County Council will consider bringing together the various parties involved in the planning application process including developers, government bodies and agencies, and representatives from local action or community groups to form stakeholder groups. Meetings of these groups could be arranged at key stages of the application to establish common ground and help facilitate proposals that are acceptable to all parties.

- **The role of parish/town councils**

5.17 Parish and town councils, both within and adjacent to the parish council, have an important role to play in the planning process and can often be the focus of putting forward local concerns to the planning authority. They can also help identify hard to reach groups who might wish to be consulted on a certain issue. They can help identify suitable locations, such as parish/community halls, local libraries, public houses and post offices, for displaying additional planning documents, plans and other information, such as leaflets and posters, while also advising of suitable venues for holding public meetings and exhibitions. The County Council will continue to build on its existing relationships with them to make their role, and use of resources, more effective.

- **The role of voluntary and community organisations**

5.18 Voluntary and community organisations can also have an important role to play when planning applications are submitted. This can be in partnership with parish/town councils or, in areas where there is no such **council**; they could be the main focus for engagement within the local community.

- **Hard to reach groups**

5.19 The views of some sections of the community have traditionally been difficult to attain when dealing with planning issues. These sectors of the community are often referred to as 'hard to reach groups' and include:

- The elderly
- Ethnic minorities
- Travellers
- The disabled.

The County Council will make every endeavour to meet the requirements of the ***Equality Act 2010***.

5.20 It is important that the SCI develops and expands on traditional consultation and engagement methods and adopts more imaginative ways of ensuring that these sections of the community become more involved in the County Council's planning issues. The various methods proposed are summarised in **Table 3** (pages **21-23**) and by working with these groups and their representatives, it is hoped that they can have a more active role in planning matters in the future.

- **Public speaking at committee**

5.21 Where planning applications are reported to the Planning and Licensing Committee for a decision, anyone who has submitted written views on **an** application ***within the appropriate timescale*** is given an opportunity to speak at committee. Details of who can speak and for how long are set out in the County Council's 'Guidance Note on Public Speaking at Committee' ***which can***

be viewed on the County Council's website at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

- **The use of the internet and other electronic communication**

5.22 The County Council will continue to develop its website and other forms of electronic communication to make its planning service more accessible to the public **and consultees**. This will include placing information, such as **planning application forms, plans** and **other** supporting documents **as well as** decision notices, on the County Council's website. Electronic communication, such as CD ROMs and emails, will be used for consultation purposes where practical, available and preferred by consultees. Representations on planning applications can already be made electronically and it is anticipated that more use of electronic communication will be made in the future.

- **The use of the media**

5.23 The County Council will utilise the local media, publications aimed at planning professionals and the minerals and waste industries, and its own publications to publicise its planning applications, particularly major or controversial ones. This could include press releases to local papers, radio stations and television. Press advertisements may also be used for announcing significant proposals. However, due to their high cost, the County Council will encourage developers to undertake these as part of any public engagement exercise, particularly at the pre-application stage.

- **Feedback**

5.24 Anyone making representations on a planning application will be individually notified of the decision by the County Council when a final decision is made, if this is requested by them in writing. For all applications the decision, including the statement of reasons for the decision, will be placed on the County Council's website at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

5.25 Anyone making representations should be aware that names, addresses and any comments made will be publicly available and will be retained by the County Council for **the** relevant period of time.

**Table 3 – Community involvement options – benefits  
and *resource implications***

Method	Objectives and benefits	Main resource implications
<b>Near-neighbour notification</b>	<ul style="list-style-type: none"> <li>Ensures residents and businesses near a proposal are informed</li> </ul>	<ul style="list-style-type: none"> <li>Postage costs</li> <li>Officer time identifying near neighbours</li> </ul>
<b>Stakeholder meetings</b>	<ul style="list-style-type: none"> <li>Brings together representatives covering a broad cross-section of views</li> <li>Establishes common ground at an early stage prior to plans and policies being drawn up</li> <li>Allows issues to be discussed in great depth</li> <li>Creates better evidence base</li> </ul>	<ul style="list-style-type: none"> <li>Substantial officer time organising meetings and circulating documents/ correspondence</li> <li>Pressure on stakeholders who could be involved in numerous other similar meetings</li> </ul>
<b>Pre-application discussions</b>	<ul style="list-style-type: none"> <li>Identifies important issues at an early stage in the process</li> <li>Provides an opportunity for the local community to influence a proposal before it is finalised</li> <li>Can discourage planning applications being submitted which are likely to be refused</li> </ul>	<ul style="list-style-type: none"> <li>Potentially significant officer time</li> <li>Implications for resources of applicants</li> </ul>
<b>Placing planning documents at local venues</b>	<ul style="list-style-type: none"> <li>Makes information more easily available to local communities</li> </ul>	<ul style="list-style-type: none"> <li>Officer time arranging suitable venues with parish clerks</li> <li>Minimal additional printing costs</li> </ul>
<b>Loaning plans and documents</b>	<ul style="list-style-type: none"> <li>Makes information available to those with mobility problems which would otherwise be inaccessible</li> </ul>	<ul style="list-style-type: none"> <li>Officer time</li> <li>System could be abused resulting in it becoming unmanageable</li> </ul>
<b>Public meetings</b>	<ul style="list-style-type: none"> <li>Engages local communities on local issues</li> <li>Can highlight main issues at an early stage e.g. pre-application</li> <li>Response sheets could provide valuable feedback</li> </ul>	<ul style="list-style-type: none"> <li>Cost of hiring venues for meetings</li> <li>Officer time</li> <li>Can be confrontational</li> <li>Many people find it uncomfortable to participate</li> </ul>

Method	Objectives and benefits	Main resource implications
<b>Public exhibitions</b>	<ul style="list-style-type: none"> <li>• Makes detailed information available to local communities</li> <li>• Raises the profile of significant local planning issues</li> <li>• Response sheets could provide valuable feedback</li> </ul>	<ul style="list-style-type: none"> <li>• Cost of hiring venues</li> <li>• Considerable officer time, especially if exhibitions required to be manned at all times</li> <li>• Can be confrontational</li> <li>• Many people find it uncomfortable to participate</li> </ul>
<b>Leaflets and posters</b>	<ul style="list-style-type: none"> <li>• User-friendly way of informing the public and consultees of the key points/issues of complex documents and applications</li> </ul>	<ul style="list-style-type: none"> <li>• Design and printing costs (for planning applications, these could be borne by the applicant)</li> </ul>
<b>County Council website</b>	<ul style="list-style-type: none"> <li>• Makes detailed and up to date planning information widely available</li> <li>• Meets e-government targets</li> <li>• Provides an alternative way to make representations</li> </ul>	<ul style="list-style-type: none"> <li>• Officer time updating the website, although this can offset additional printing costs</li> <li>• Not accessible to everyone</li> </ul>
<b>Parish/town council websites</b>	<ul style="list-style-type: none"> <li>• Key planning information can be placed on the parish/town council's own website</li> <li>• Increases local ownership of planning issues</li> <li>• Improves working relationship between County Council and parish/town councils</li> </ul>	<ul style="list-style-type: none"> <li>• Officer time communicating with parish/town council</li> <li>• Not accessible to everyone</li> </ul>
<b>CD-ROMS, email and electronic documents</b>	<ul style="list-style-type: none"> <li>• Send details electronically to consultees instead of paper versions</li> <li>• Makes relevant information available to a wider audience</li> <li>• Provide online comment boxes for the public to complete</li> <li>• Meets e-government targets</li> <li>• Low cost and speed of email</li> </ul>	<ul style="list-style-type: none"> <li>• Cost of CDs which can be offset by reduced printing costs</li> <li>• Cannot be used by everyone</li> </ul>
<b>Press releases</b>	<ul style="list-style-type: none"> <li>• Provides information to local radio and other media</li> <li>• Increases awareness and interest in planning matters</li> <li>• Reaches a wider audience including potentially 'hard to reach' groups at a low cost</li> <li>• Provides more user friendly format than statutory press notices</li> </ul>	<ul style="list-style-type: none"> <li>• Officer time drafting the text</li> <li>• Might not be used</li> </ul>

Method	Objectives and benefits	Main resource implications
<b>Press advert</b>	<ul style="list-style-type: none"> <li>Promotes planning issues using local media</li> <li>Increases awareness and interest in planning matters</li> <li>Reaches a wider audience including potentially 'hard to reach' groups</li> <li>Provides more user friendly format than statutory press notices</li> <li>Guaranteed coverage, not subject to editorial decisions</li> </ul>	<ul style="list-style-type: none"> <li>High cost</li> <li>Cost implications for developer if they publish one</li> </ul>
<b>County Council's own publications, such as County News</b>	<ul style="list-style-type: none"> <li>Increases awareness and interest in planning matters</li> <li>User friendly format</li> <li>Guaranteed coverage, not subject to editorial decisions</li> </ul>	<ul style="list-style-type: none"> <li>Limited additional officer time</li> <li>Timing of publications not guaranteed to mirror consultation exercises</li> </ul>
<b>Professional publications, such as Minerals Planning</b>	<ul style="list-style-type: none"> <li>Informs professional organisations of planning matters in the county at a low cost</li> </ul>	<ul style="list-style-type: none"> <li>Timing of publications unlikely to mirror consultation exercises</li> </ul>
<b>Site liaison meetings</b>	<ul style="list-style-type: none"> <li>Brings together site operators, council officers and the local community once a minerals or waste site is operational</li> <li>Keeps local communities informed of site operations</li> <li>Allows local concerns to be voiced and discussed in an open forum</li> </ul>	<ul style="list-style-type: none"> <li>Officer time twice a year which could be substantial if there are a large number of sites having meetings</li> </ul>
<b>Planning Aid</b>	<ul style="list-style-type: none"> <li>Provides impartial planning advice to those who cannot afford it</li> <li>Help communities understand the planning process</li> <li>Allows local communities to play a more proactive role in planning</li> </ul>	<ul style="list-style-type: none"> <li>Resource/manpower implications for Planning Aid</li> </ul>

**Table 4(a) – Community involvement – who, when and how**

(A) Core strategies and development management policies documents		Statutory consultation	Likely methods of additional community involvement											
			Stakeholder meetings	Documents at local venues	Loaning documents and plans	Public meetings	Public exhibitions	Leaflets and/or posters	County Council website	Parish council websites	Electronic communication	Press releases/adverts	County Council publications	Professional publications
Target group for method of community involvement	Stage of document preparation													
General public	Issues and options													
	Preferred options													
	Submission													
Government bodies	Issues and options													
	Preferred options													
	Submission													
Parish/ town councils	Issues and options													
	Preferred options													
	Submission													
Interest groups	Issues and options													
	Preferred options													
	Submission													
Other planning authorities	Issues and options													
	Preferred options													
	Submission													
Industry/utilities	Issues and options													
	Preferred options													
	Submission													

**Table 4(b) – Community involvement – who, when and how**

(B) Site specific documents		Statutory consultation	Likely methods of additional community involvement													
			Near-neighbour notification	Stakeholder meetings	Documents at local venues	Lending documents and plans	Public meetings	Public exhibitions	Leaflets and/or posters	County Council website	Parish council websites	Electronic communication	Press releases/adverts	County Council publications	Professional publications	Planning Aid
Target group for method of community involvement	Stage of document preparation															
General public	Issues and options															
	Preferred options		*													
	Submission		*													
Government bodies	Issues and options															
	Preferred options															
	Submission															
Parish/ town councils	Issues and options															
	Preferred options															
	Submission															
Interest groups	Issues and options															
	Preferred options															
	Submission															
Other planning authorities	Issues and options															
	Preferred options															
	Submission															
Industry/utilities	Issues and options															
	Preferred options															
	Submission															



**Table 4(c) – Community involvement – who, when and how**

<b>(C) Supplementary planning documents</b>		<b>Statutory consultation</b>	<b>Likely methods of additional community involvement</b>							
			Docs at local venues	Lounging docs and plans	County Council website	Parish council websites	Electronic communication	Press adverts	County Council publications	Professional publications
<b>Group</b>	<b>Stage</b>									
General public	Draft SPD consultation									
Government bodies	Draft SPD consultation									
Parish/ town councils	Draft SPD consultation									
Interest groups	Draft SPD consultation									
Other planning authorities	Draft SPD consultation									
Industry/utilities	Draft SPD consultation									

**Table 4(d) – Community involvement – who, when and how**

(D) Planning applications		Statutory and non-statutory consultation	Statutory publicity	Likely methods of additional community involvement												
				Pre-application discussions	Near-neighbour notification	Stakeholder meetings	Documents at local venues	Loaning documents and plans	Public meetings and exhibitions	Leaflets and/or posters	County Council website	Parish council websites	Electronic communication	Press releases/adverts	County Council publications	Professional publications
				Planning Aid	Site liaison meetings	County Council publications	Professional publications	County Council publications	Press releases/adverts	Electronic communication	Parish council websites	County Council website	Leaflets and/or posters	Public meetings and exhibitions	Loaning documents and plans	Documents at local venues
Target group for method of community involvement	Type of planning application															
General public	Major/controversial															
	Minor															
Government bodies	Major/controversial															
	Minor															
Parish/ town councils	Major/controversial															
	Minor															
Interest groups	Major/controversial															
	Minor															
Other planning authorities	Major/controversial															
	Minor															
Industry/utilities	Major/controversial															
	Minor															

## 6 Resourcing community involvement

### Resources available within the County Council

- 6.1 The planning functions covered by this SCI are carried out by the Planning Group, ***including Planning Policy officers and Development Management officers.***
- 6.2 The Group is supported by a team of administration officers and a ***GIS Development officer.*** Temporary staff and consultant services can also be engaged for particular planning tasks, or to meet periods of particularly high workload.
- 6.3 The County Council also has a ***Community and Voluntary Sector Team,*** which is available to provide advice on community involvement.

### Resource implications of the SCI proposals

6.4 The measures in this SCI are expected to place increased demands on officer time and resources, especially at the early stages of the planning process due to the greater emphasis on 'front loading'. However, any such increases – including short term demands to set up new processes and front-loading activities – will not be major, and should be offset by reductions over the longer term. For instance, enhanced community involvement in the early stages of core strategies and site allocation documents should yield a greater degree of consensus and reduce the scale of objections to be resolved closer to the public examination stage. By focusing on improving the quality of involvement – such as better access to information – rather than the quantity, the County Council is confident that it has the resources available and in place to deliver the proposals set out in this SCI.

## **The role of Planning Aid *England* – a national Planning Aid service**

- 6.5 People often prefer to seek independent planning advice and therefore local residents and groups will be made aware of the role of **Planning Aid**. **Planning Aid** provides a free and independent advice service on all planning related matters for individuals and community groups who cannot afford consultant's fees. It also works with communities to help them understand the planning process so that they can play a more positive role in it. **For more information contact the Planning Aid Adviceline:**

**Tel: 0330 123 9244**

**Email: [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk)**

## **Making information accessible**

- 6.6 The County Council will ensure that all forms of publicity are accessible to all sections of the community. The County Council's Communications **and Marketing** team are able to provide all consultation material, upon request, in other formats such as large print, audio and Braille. Information can also be provided in other languages. Venues chosen for public meetings/exhibitions or for viewing planning documents will be held in accessible locations, taking advice from parish councils where appropriate, as described above.

## 7 Monitoring and review

- 7.1 It is important that the methods of community involvement proposed in this SCI are regularly monitored in terms of their effectiveness. ***For instance, the SCI now advocates more use of electronic communication for its consultations to improve accessibility to information in the most cost effective way.*** The County Council will ***continue*** to work with the community to further enhance engagement measures in the light of experience. It is important that the County Council keeps track of these changes and that the SCI evolves in line with them.
- 7.2 The Minerals and Waste Development Framework arrangements require the County Council to produce and publish an Annual Monitoring Report. ***An Annual Monitoring Report has been published each year since the SCI was adopted. The Reports have acknowledged that the SCI predates significant revisions to the planning system since 2008, although the Government has advised that SCIs should not be reviewed for that reason alone. However, given the scale of the recent changes and other local factors, a review of the SCI is now considered to be timely.*** Annual Monitoring reports will ***continue to*** monitor the progress of ***the*** documents in the framework, including the ***updated*** SCI. ***They*** will also monitor the effectiveness of the policies and key indicators in these documents. For the SCI, this might include monitoring the response rate to near-neighbour notification exercises; information which could be used to decide whether the County Council's present approach to this remains unchanged or is amended.
- 7.3 ***The updated SCI is the result of the first review of the originally adopted SCI. It will itself be monitored in the Annual Monitoring Reports and reviewed within the next 5 years.***

## Annex 1 – List of types of consultees

The following bodies and organisations will be consulted, as appropriate, during the preparation of development plan documents and the determination of planning applications.

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**County councils, district councils, parish/town councils** – all councils within and adjacent to the county to be consulted on LDF documents which affect them along with, where appropriate, other county councils in the East Midlands. For planning applications, the relevant district and parish/town council is consulted along with other adjacent/nearby councils depending on the nature and size of the application.

***Other statutory consultees, such as the Environment Agency, Natural England and the Coal Authority, are consulted on development plan documents and planning applications as appropriate depending on the nature of the document/application.***

**Interest groups** such as Nottinghamshire Wildlife Trust, ***the Woodland Trust*** and local action groups. For development plan documents and planning applications, such groups will be consulted where appropriate depending on the nature of the document/application.

**Utility companies** such as Severn Trent Water and Network Rail. For development plan documents and planning applications, such companies will be consulted where appropriate depending on the nature of the document/application.

**The minerals and waste industries and their trade associations** – these will be consulted on minerals and/or waste development plan documents as appropriate. Consultation on planning applications will not normally be carried out.

***Government Office for the East Midlands and the East Midlands Development Agency were abolished in 2010 and 2012 respectively and are no longer consultees on development plan documents or planning applications.***

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The County Council keeps a full list of all consultees for the minerals and waste development plan documents which is regularly updated and can be provided, or made available to view, on request. It should be noted that this list is not exhaustive and also relates to successor bodies where reorganisations occur.

Details on which bodies and organisations the County Council must consult are set out in **Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010** Full details of the content of Article 16 can be provided by the County Council on request.

## **Annex 2 – Definition of ‘major development’**

This is as defined in the Town and Country Planning *(Development Management Procedure) (England) Order 2010*

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Major development means development involving any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
  - (b) waste development, such as any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, storing, processing or disposing of refuse or waste materials;
  - (c) the provision of dwelling houses where:
    - (i) the number of dwelling houses to be provided is 10 or more; or
    - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c) (i);
  - (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
  - (e) development carried out on a site having an area of 1 hectare or more.
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## **Annex 3 – Legislative and policy background to the preparation of the SCI and other sources of information**

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### **Legal background**

The SCI has been prepared in accordance with the following Government legislation and regulations.

#### ***Localism Act 2011***

#### **Planning and Compulsory Purchase Act 2004 *as amended***

Main Government legislation implementing the new Minerals and Waste Development Framework arrangements.

#### **Town and Country Planning (*Local Planning*) (England) Regulations 2012**

Sets out the procedures for the preparation of the SCI and other documents forming the Minerals and Waste Development Framework.

#### **Town and Country Planning (*Development Management Procedure*) (England) Order 2010**

Sets out procedures to be followed when determining planning applications.

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### **National planning guidance and other Government publications**

The following Government planning policy guidance has been considered during the preparation of the SCI

#### ***National Planning Policy Framework 2012***

Government ***planning*** policy for ***plan making and development management***

#### **Community Involvement in Planning – The Government’s Objectives (ODPM, 2004)**

Government paper setting out the importance of greater community involvement and the principles underpinning the Government’s approach to it.



## **Statements of Community Involvement and Planning Applications (ODPM, 2004)**

Government report detailing the different community involvement approaches available during the planning application process.

## **Framework for Assessing Soundness and Focussing Representations on Development Plan Documents/Statements of Community Involvement – Consultation Draft, February 2005 (Planning Inspectorate)**

Draft guidance on making representations and the independent examination process for the new Local Development Framework arrangements.

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## **County Council publications**

### ***Nottinghamshire's Sustainable Community Strategy 2010- 2020***

Aims to improve the economic, social and environmental wellbeing of the county through local partnerships.

Details of this document can be found on the County Council's website at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

### **Public Engagement Policy**

Sets out a number of standards which the County Council should meet whenever it carries out a public consultation exercise.

### **Guidance Note on Public Speaking at Planning and Licensing Committee**

Explains how people can voice issues regarding a particular planning application at committee before a decision on the application is taken.

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## **Other legislation relevant to the preparation of the SCI**

### ***Equality Act 2010***

### ***Freedom of Information Act 2000***

### ***Data Protection Act 1998***

The following websites provide additional useful information on the SCI and the planning system in general

***Department of Communities and Local Government***  
**( [www.communities.gov.uk](http://www.communities.gov.uk) )**

Provides information on Government guidelines and initiatives.

**Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk))**

User friendly internet guide to the planning system set up by the Government.

**29 November 2012****Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR FOR TRANSPORT, PROPERTY AND  
ENVIRONMENT****EXPANSION OF COMMUNITY REPAINT NOTTINGHAMSHIRE****Purpose of the Report**

1. This report is to advise the committee of the success of the Community RePaint Nottinghamshire scheme and to recommend the expansion of the scheme to two further Household Waste Recycling Centres (HWRCs).

**Information and Advice**

2. Community RePaint is a non-for-profit organisation, established in 1993, that represents a network of over 65 paint reuse schemes across the country. Community RePaint Nottinghamshire, the name given to our local scheme, is run in partnership between Nottinghamshire County Council; Veolia Environmental Services (the council's waste contractor); and Community RePaint.
3. Community RePaint Nottinghamshire was introduced to two, of the fourteen HWRCs, in August 2010. Worksop HWRC, the only site directly run by Veolia, and Calverton HWRC that is run by a separate licensee, were chosen. The service allows residents to dispose of their unwanted liquid paint responsibly rather than placing it in their wheeled bin. Any unusable paint is sent for specialist treatment. However, the scheme is also successful in capturing reusable paint (by evaluating it against a set of Community RePaint criteria), and makes it available, free of charge, to registered community groups throughout the year and, occasionally, to members of the public. This has further environmental benefits as it means paint in a reusable condition is not needlessly sent for treatment and fewer additional resources are not used to manufacture new paint.

**Summary of Progress**

4. When Community RePaint Nottinghamshire launched in 2010, it began to recruit community groups via voluntary group networks and from the Community RePaint and Nottinghamshire County Council websites. Now more than 160 community groups are registered on the scheme and an increasing number are applying as a result of the positive recommendations of other groups.

5. Community RePaint Nottinghamshire has been successful in redistributing over 12,000 litres of reusable paint to community groups and charities etc since its launch in August 2010.
6. Many of the community groups make one-off collections for a specific project. However, larger organisations that use the paint to refurbish rental properties for vulnerable individuals, or who use the paint to train young people in decorating skills tend to make more regular collections of reusable paint. See Appendix 1 – A sample of community groups that have collected free paint
7. New paint costs approximately £4.10 per litre to buy (Source: GFK Total Paint 2010), so the 12,000 litres redistributed represents a saving of over £49,200 to community groups. This has meant that the groups have been able to refurbish their spaces without having to divert limited funds away from their core work of supporting disadvantaged individuals.
8. In 2011, a decision was made to open the scheme up to members of the public because the scheme was attracting excess paint. Three paint open days were trialled where individuals could arrange time slots on dedicated evenings to collect free reusable paint. These attracted over 40 residents and resulted in over 1,500 litres being redistributed, and consequently it was decided to continue and extend these into the following year.
9. In 2012, 10 public days were scheduled between April and October (7 at Calverton and 3 at Worksop) and resulted in redistributing over 2,500 litres of paint to over 100 individuals. In total, the repaint scheme has redistributed over 16,000 litres of reusable paint since it began.
10. Paint is relatively expensive to dispose of, costing approximately £1 per litre, so any reusable paint that is redistributed represents a saving in treatment costs. The 16,000 litres of redistributed paint to date represents a saving of £16,000.
11. Community RePaint Nottinghamshire has received positive feedback from its recipients and has also attracted positive publicity for Nottinghamshire County Council, Veolia and the community groups involved. However, the council has also received a number of requests to extend the scheme, so that it is available in more locations, and has received complaints about the perceived unfairness of only having the service at two out of the fourteen sites.
12. Therefore, the proposal is to replicate the current model at two further HWRCs in Newark and Beeston. This would improve the geographical coverage and would mean that more community groups would be able to benefit from receiving paint and a greater number of residents would be able to dispose of their unwanted liquid paint.
13. It is also proposed to relocate the existing Community RePaint scheme at Worksop to a nearby site at Warsop. This is because the scheme at Worksop HWRC has been less successful than Calverton HWRC; attracting fewer reusable donations. Consequently a significantly smaller number of community

groups have received paint. In addition, none of the three scheduled public events in Worksop took place as they failed to attract sufficient interest.

14. If the Worksop scheme were relocated to Warsop, it is anticipated that the volume of reusable paint captured and redistributed would be greater. Licensee run sites are paid by Veolia for running a Community RePaint scheme. At Calverton, this has proved to be an incentive for site staff to carefully evaluate the donations of paint received and to separate out any reusable tins. It has also contributed to site staff maintaining a paint store where types and colours are easy to find and where community groups are welcomed and encouraged to make repeat collections.
15. Relocating the scheme to Warsop HWRC would make the scheme accessible to a larger number of residents as Warsop is closer to a number of key urban areas including: Mansfield, Sutton-in-Ashfield and Kirkby-in-Ashfield, whilst still being readily accessible from Worksop itself.

## **Analysis**

16. The implementation of an additional Community Repaint scheme would incur set up costs of approximately £8,000 per site. This covers the costs of an appropriately bunded paint store with shelving and ventilation, containers for the public to drop off paint donations, as well as signage and installation. However, the savings in treatment costs by redistributing reusable paint can cover these initial set up costs over a period of approximately two years.
17. There are no additional staffing costs to consider in the day to day running of the scheme. The extra time that staff spend in sorting paint donations and accompanying community groups is covered by Veolia through a sub-contract arrangement with the individual site licensees. Appointments for community groups to collect reusable paint would be handled through the waste management team, whilst booking time slots for the public open days would be handled by the Nottinghamshire County Council Customer Service Centre in a similar way to the asbestos booking service. There are also no additional planning requirements.
18. Community RePaint schemes can only be located on larger HWRCs because space is required to locate a paint store, a sorting area and additional drop off containers. As the north and centre of the county already have adequate Community RePaint coverage, it seems sensible to select larger sites in other areas in order to improve the geographical spread of the service. On that basis, Beeston HWRC, in the south, and Newark HWRC, in the east, have been identified as the most appropriate sites.

## **Other Options Considered**

19. To improve the accessibility for residents to dispose of unwanted paint, the option of locating a drop-off only point at further sites instead of the full reuse service was considered. However, the reuse element has social and environmental benefits as well as financial benefits in terms of treatment costs.

saved and so it was decided to replicate the existing model. Furthermore, with the drop-off option, the reusable paint would still need to be transported, to the HWRCs with a full reuse paint scheme, which would be complicated and costly since oil based paint is classified as a hazardous waste.

## **Reasons for Recommendations**

20. Community RePaint Nottinghamshire has been very successful since its introduction in 2010. It has made possible the reuse of a significant volume of paint and as such has had both environmental and financial benefits. It has also had social benefits in that it has supported the work of a wide range of community groups and voluntary organisations in the county.
21. However, as Community RePaint Nottinghamshire currently operates from only two sites, it is preventing a significant number of residents and groups from accessing the scheme.
22. Relocating the poorly performing scheme at Worksop to the nearby HWRC at Warsop is likely to increase the volume of reusable paint captured and redistributed. The distance that some groups and individuals would have to travel to access the service would increase, but this has been kept to a minimum.

## **Statutory and Policy Implications**

23. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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**

24. The cost of setting up an additional scheme would be in the region of £8,000 per site. These capital costs can be met from existing HWRC capital maintenance budgets held by the Waste and Energy group. There would be no additional staffing costs.
25. When reusable paint is captured by the site staff and redistributed to community groups, it means that it does not have to be sent for specialist treatment, costing approximately £1 per litre. Redistributing paint creates savings that can result in the service becoming cost neutral. It is anticipated that this could be achieved in approximately 2 years from scheme launch based on the volume of paint redistributed from the two initial sites.
26. The cost of relocating the paint store, drop off containers and signage to Warsop has not yet been calculated. However, it will be significantly less than the cost of an additional scheme, and again can be met from the existing HWRC capital maintenance budgets held by the Waste and Energy group

## **Implications for Service Users**

27. The expansion of the scheme to two further sites will benefit service users who wish to dispose of their liquid paint but are not located near to either Calverton or Worksop HWRC. Newark and Beeston are both located in urban areas. The improved geographical spread would also benefit community groups and individuals hoping to access the service.
28. Nottinghamshire County Council receive regular comments and complaints regarding the perceived unfairness of having the service at only two sites so the expansion would go some way to addressing this dissatisfaction.
29. Some residents and community groups based in the north of the county would be slightly disadvantaged by the relocation of the Worksop scheme as Warsop HWRC is approximately 10 miles away. However, it is anticipated that many more residents and community groups could benefit from the relocation. This is because a 10 mile radius around the Warsop site takes in the urban centres of Mansfield, Sutton-in-Ashfield, Kirkby-in-Ashfield and Worksop and the towns of Rainworth, Ollerton and Bilsthorpe. A number of these are in areas of deprivation where individuals may benefit from access to free reusable paint. Also a number of community groups operate in these areas and could represent potential outlets for the reusable paint.

## **Recommendation**

30. That the Committee approve the extension of Community RePaint Nottinghamshire to Newark and Beeston HWRCs and the relocation of the existing scheme from Worksop HWRC to Warsop HWRC.

**Mick Allen**

**Group Manager, Waste and Energy Management**

For any enquiries about this report please contact:  
Mick Allen, Group Manager, Waste and Energy Management

## **Constitutional Comments**

31. The Environment and Sustainability Committee has authority to approve the recommendation set out in this report (NAB 7.11.12)

## **Financial Comments**

32. The contents of this report are duly noted; the financial implications are brought out within the report (DJK 07.11.12).

## **Background Papers**

None.

## Electoral Divisions

All



### **Appendix 1 – A sample of community groups that have collected free paint.**

A number of community groups have collected reusable paint from the scheme for a wide range of different projects.

The following have taken significant amounts and/or have made repeat collections:

Community Group	Work area	Aim	Litres	Paint has been used
Stride Construction	Countywide	Provides training for 14 – 19 year olds in construction skills including plastering, decorating and carpentry etc	4,985	To supply the painting & decorating training course
Framework Housing Association	Countywide	Provides housing, support, training, care and resettlement services for homeless and vulnerable people.	1,035	To supply paint to service users and support them in decorating their properties
Hope Nottingham	Beeston	Provides for the practical needs of the homeless through a drop-in centre and soup kitchen.	426	To decorate the community drop-in café
Kingsway Community Project	Mansfield	Kingsway benefits communities in and around Forest Town - its work includes youth work, an after school kids club and older people's groups and support	226	To redecorate the community hall and youth club
Rumbletums Community Café	Kimberley	Provides a supported training and work experience project for young people aged 16 – 25 with a learning disability, and/or physical disability.	198	To redecorate the community areas of the café
Young Potential	Beeston, Worksop	Works with young people and disabled people facing social exclusion, poverty, poor living conditions, neglect, abuse and insecurity and provides education, training and support	180	To redecorate the former Worksop Regal Theatre and transform it into the Soundwave Art of Life Centre
Retford Action Centre	Retford	Provides community educational facilities and services; is a host to community projects; provides information to individuals and provides a community transport service	151	To redecorate the Retford Action Centre office
Family Intervention	Bassetlaw	Provides a supportive service within Bassetlaw for vulnerable families.	132	To supply families, facing eviction, with paint to redecorate their rental properties
Mencap	Countywide	Mencap works with people with a learning disability to change laws, challenge prejudice and support them to live their lives as they choose.	123	To redecorate tenants homes & the Mencap office



**29 November 2012****Agenda Item: 6****REPORT OF GROUP MANAGER, PLANNING****ENVIRONMENTAL REPORT ON THE PROPOSED REVOCATION OF THE  
EAST MIDLANDS REGIONAL PLAN****Purpose of the Report**

1. To set out the County Council's response to the Environmental Report on the Revocation of the East Midlands Regional Plan (RSS8) to the Department for Communities and Local Government (CLG).

**Information and Advice**

2. On the 23<sup>rd</sup> October 2012 CLG published its Environmental Report on the Proposed Revocation of the East Midlands Regional Plan. Responses to CLG are due by the 19<sup>th</sup> December 2012.
3. All Regional Plans will be revoked through the Localism Act (2011). The revocation, or abolition, is subject to the outcome of the environmental assessment and will not happen until the Secretary of State (SoS) and Parliament have had the opportunity to consider the findings in the assessment.
4. The Environmental Report is a consultation document on the likely significant effects of the revocation of the East Midlands Regional Plan and the Regional Economic Strategy (which together form the Regional Strategy for the East Midlands). The assessment has taken as a starting point the environmental assessments carried out when the Plan was being prepared. A broad assessment has then been made as to how the Plan's predicted environmental effects might be changed if the Plan was revoked.
5. The report indicated that the environmental effects of revoking the plan affects future decisions and thus cannot be predicted because they depend on decisions made by local authorities, individually and collectively. Emphasis is given to the removal of regional strategies and their top-down targets (principally for house building) that will provide opportunities for securing environmental benefits, the example of the review of Green Belts being given.
6. In addition the report notes that the revocation of regional strategies should be seen in the context of other relevant Government policies and associated legislation aimed at protecting the natural and built environment. Further to that a

provisional view is that the revocation of the regional strategies will have no effects requiring assessment under the Habitats Directive.

7. The report does not consider that addressing existing environmental problems which were relevant to the Plan could have been done solely through the Plan, thus it is not expected that the revocation of the Plan will result in their inevitable occurrence or that no action may be put in place locally to mitigate them. These would include:
  - a. A decline in biodiversity, habitat loss and fragmentation,
  - b. Pressure in the availability of water resources; ongoing action was flagged up for future reviews of the Plan to ensure that the amount of housing proposed was sustainable with regards to water consumption and sewage treatment,
  - c. The achievement of air quality and greenhouse emissions targets, especially with respect to transport,
  - d. Threats to the historic environment from development, in particular, concerns over the capacity of historic settlements to accommodate further development.
8. The report indicates that revocation would not mean that relevant national and international environmental objectives would be ignored. Following its revocation, responsibility for ensuring the Planning system properly contributes to environmental protection objectives would largely fall to local authorities, working alongside the Environment Agency, Natural England and English Heritage. New or revised development plan documents will be subject to sustainability appraisal.
9. Revocation of the Plan would leave in place saved local plan policies and adopted development plan documents. Also there is the expectation is that local authorities will continue to work together on cross boundary strategic issues, supported by the 'duty-to-cooperate' in the Localism Bill. Local authorities will continue to be required to prepare their local plans with the objective of contributing to the achievement of sustainable development, supported by strategic environmental assessment.
10. The National Planning Policy Framework (NPPF) was published on 27 March 2012. This followed extensive consultation during 2011 and replaces government planning policy and mineral policy guidance for England. It provides '*a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.*' Accordingly, local planning authorities and communities will continue to determine the quantum and location of development, albeit without the additional tier of regional direction. It does not contain waste planning policy and nationally significant infrastructure and Gypsy and Traveller policies, all of which are in separate policy documents but to be read in conjunction with the NPPF.
11. In the absence of the East Midlands Regional Strategy, strategic and cross-authority working will be delivered in the East Midlands Region through a variety of legislative and non-legislative means. This includes: the preparation of joint plans under the powers set out in the Planning and Compulsory Purchase Act

2004; through the new Duty to Co-operate under the powers set out in section 33A of the PCPA 2004 (as inserted by section 110 of the Localism Act); and through the establishment of non-legislative Local Enterprise Partnerships. This combination of measures aims to ensure that strategic planning operates effectively in the absence of the Regional Strategies.

12. The assessment's conclusion is that revocation of the Plan is unlikely to have any significant environment effects in all the aspects considered. In reaching this conclusion the assessment has taken into account likely significant effects from (inter alia) interrelationships or environmental effects, secondary, cumulative and long-term permanent factors.

#### *Issues for the County Council*

13. The revocation of the Regional Plan is of interest to the County Council in their role as an upper tier authority with a strategic perspective. The County Council previously had a role in the preparation of the Regional Plan. There are several areas where it is noted that the report may fall short of a full and proper assessment.
14. It is unreasonable for the report to conclude that the loss of Regional Plan policies, particularly environmental ones that were generally accepted to have positive outcomes, would not lead to some significant environmental effects without substantial alternatives being identified. For example, the Government has replaced the Regional Plan, alongside Planning Policy Statements that underpinned and enhanced it, with the National Planning Policy Framework. Such a narrow and limited approach is considered insufficient to replace the thrust of positive regional environmental policies, with targets and monitoring, that existed, as acknowledged by the report, in the Regional Plan.
15. The report appears to be one sided in presenting future impacts. For example, while emphasising the removal of top-down housing targets, it does not mention the Government's stated intention to increase housing building, thus maintaining the pressure on development. Similarly, future changes to environmental regulations and control are suggested to be positive when this may not be the case, depending on Government decision, especially in relation to supporting the economy.
16. The Regional Plan put in place work, to ensure the provision and protection of Green Infrastructure assets, especially in the Derby/Nottingham/Leicester (Three Cities Area). The loss of such policies in a development plan will threaten the maintenance of production and enhancement of assets not just seen as locally important, but of greater value in connection with others; the essence of a strategic perspective. In addition, resources would not be directed to such matters as Green Infrastructure, water quality, transport impact, and the distribution of development in a sustainable way.
17. Thus the Report does raise concerns that some significant negative environmental impacts have been understated and the value to the environment of planning at a strategic level has not been sufficiently identified. With the loss of

Regional Planning policies there will be a policy vacuum that will eventually be replaced through local plans coming forward under the new planning system. This leaves the County Council open to challenge in terms of the need for minerals and waste development based on RS apportionment figures.

18. Generally with regard to the revocation of the Regional Plan the County Council makes a significant contribution to the improvement of the environment, in cooperation with district councils and other partners, through their various roles in plan-making, transport planning and infrastructure provision.
19. The County Council, as a minerals and waste planning authority is conscious of the need to address the implications of proposals for neighbours in the wider area where, with the operation of market forces, their minerals could be used or their waste treated. Conversely, the opportunities to provide solutions to meet local demands could well fall outside their areas. Such issues will emphasise the significance of continuing working relationships to deal with demands for minerals and waste treatment, including what successor arrangements evolve to take on the management of aggregates supply and fulfil the role of the former Regional Technical Advisory Boards (RTABs).
20. From a waste planning policy perspective, the Environmental Report underestimates the significance of removing the underlying policy framework on which local policy documents have been based. Policy 38 of the adopted Regional Plan sets out clear guidelines for Waste Planning Authorities (WPAs) on the amount and distribution of waste management facilities required. This forms a substantial part of the evidence base for existing and emerging Local Development Framework (LDF) and Local Plan documents and reflects an agreed baseline developed in conjunction with all of the East Midlands WPAs. There is no equivalent policy within NPPF or Planning Policy Statement 10 'Planning for Sustainable Waste Management' (PPS10) to replace what is contained within the East Midlands Regional Plan and revocation would therefore create a policy vacuum at the sub-national level. Given the limitations of waste data at the local level, it is very unlikely that efforts from individual WPAs under the duty to co-operate will be able to replace effectively what is set out within Policy 38.
21. The County Council disagrees strongly with the report's finding that revocation of this policy is unlikely to affect local authorities' planning policy for waste management. On the contrary, individual local authorities are likely to face a greater level of local challenge to the data and reasoning behind their plans in the absence of the clear spatial policy and indicative apportionment figures set out in the Regional Plan. Local level data for waste is very limited and the relationship between WPA areas and facilities is complex. Revocation of Policy 38 would significantly undermine the existing policy position for all East Midlands WPAs and would force WPAs to rely on local estimates in place of a comprehensive analysis. This is likely to result in lengthier examinations and further delays in achieving the full national coverage of Waste Local Plans needed to fulfil EU requirements.
22. Although data within the Regional Plan is becoming out of date, it provides an agreed baseline to work to. If this is removed entirely, the work needed to replace

it cannot be afforded by individual WPAs in the current economic climate and will not be available in time to inform the current round of waste plans. It is considered that this is not adequately reflected within the Environmental Report.

### **Other Options Considered**

23. As the consultation requires representations to be made on the proposed Revocation of the East Midlands Regional Plan the only other option was not to make representations.

### **Reason for Recommendation**

24. To provide a considered response to DCLG.

## **Statutory and Policy Implications**

25. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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**

26. There are no direct financial implications arising from this report.

### **Implications for Sustainability and the Environment**

27. The failure to consider the representations of the County Council on strategic planning and transport matters could lead to unsustainable development taking place, possibly without the adequate context of a Regional Plan. The minerals and waste interests of the County Council could also be compromised by the lack of a suitable Regional Plan for the East Midlands.

## **RECOMMENDATION**

- 1) That Committee approve the above comments that will form the basis of Nottinghamshire County Council's response to Department of Communities and Local Government on the Environmental Report on the Proposed Revocation of the East Midlands Regional Plan.

**Sally Gill**  
**Planning Group Manager**

**For any enquiries about this report please contact: Nina Wilson (Principal Planner), Planning Policy Team, ext 73793**

### **Constitutional Comments (SHB.05.11.12)**

28. Committee have power to decide the Recommendation.

### **Financial Comments (MA 05.11.12)**

29. There are no direct financial implications.

### **Background Papers**

<http://www.communities.gov.uk/planningandbuilding/planningenvironment/strategicenvironmentassess/>

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.

### **Electoral Division(s) and Member(s) Affected**

All.



**29<sup>th</sup> November 2012****Agenda Item: 7****REPORT OF GROUP MANAGER, PLANNING****STRATEGIC PLANNING OBSERVATIONS ON AN OUTLINE PLANNING APPLICATION FOR UP TO 300 DWELLINGS AND ASSOCIATED INFRASTRUCTURE ON LAND NORTH OF NOTTINGHAM ROAD, RADCLIFFE ON TRENT.****Purpose of the Report**

1. To seek Committee approval for comments set out in this report to be sent to Rushcliffe Borough Council (RBC) in response to the request for strategic planning observations on the above outline planning application for up to 300 dwellings and associated infrastructure at Radcliffe on Trent.

**Information and Advice**

2. An outline planning application was submitted to Rushcliffe Borough Council for residential development (up to 300 dwellings), formation of primary access, infrastructure, open space provision, surface water attenuation and formation of surface water storage ponds on land North of Nottingham Road, Radcliffe on Trent. A site plan is provided at Appendix 1.
3. Nottinghamshire County Council (NCC) has been consulted for strategic planning observations on the outline application and this report compiles responses from Departments involved in providing comments and observations on such matters. On the basis of Committee's decision, comments will be sent to Rushcliffe Borough Council.
4. The planning application is accompanied by an Environmental Statement, Planning Policy Statement, Design and Access Statement Green Belt Assessment and a range of other supporting documents. This report is based on the information submitted with the application in the context of national, regional and local policy.
5. The application site lies within the Nottinghamshire Green Belt.

***Description of the Proposed Development***

6. The proposal is for residential development of up to 300 dwellings incorporating leisure and community facilities and associated highways and access works. The site area is approximately 12.5 hectares and lies to the north of Nottingham Road on the western edge of Radcliffe on Trent.

7. The application site is bounded to the north-west by a disused railway line which is raised above ground level by approximately 7 metres at its highest point with steep embankments on either side. The eastern boundary is made up of a combination of fencing and vegetation, separated from Radcliffe on Trent by two small paddocks with planting within the rear gardens of the nearby residential properties providing a further buffer. The southern edge of the site is bounded by Nottingham Road in the main with the RSPCA animal shelter cutting a square portion into the boundary which is defined by a combination of fencing and screen planting. A very small area to the south east corner of the site abuts a traveller caravan park.

### ***Planning Policy Context***

#### ***National Planning Policy Framework (NPPF)***

8. One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.
9. A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
10. The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependant on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
11. Paragraphs 47 and 49 of the NPPF state that local planning authorities should identify sufficient deliverable housing sites to provide five years worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

#### ***East Midlands Regional Plan (RS)***

12. On the 6<sup>th</sup> July 2010 the Secretary of State announced the revocation of Regional Strategies. However, following a legal challenge Regional Strategies (RS) have been reinstated and the RS therefore remains part of the statutory development plan for the purposes of determining planning applications within the Rushcliffe Borough Council area. Nevertheless, the intention of the Government to abolish

Regional Strategies, through the enactment of the Localism Bill, may be taken into account as a material consideration in the determination of planning applications. In any event, in cases where national and local planning policies align with RS policy on the issue, there is no material difference in the advice that results.

13. The RS is in line with National Planning Policy in terms of delivering sustainable development. A core objective of the Plan is to ensure that existing and new housing addresses need and extends choice whilst ensuring that the environmental and social objectives are met.
14. Policy 31 of the RS ensures that the Region's landscape be protected from inappropriate development and where possible enhanced. RS Policy Three Cities SRS 2 identifies that the principle of the Green Belt will be retained but a comprehensive review of the most sustainable locations for growth will be required.

#### Rushcliffe Borough Council Local Plan

15. Rushcliffe Borough Council formally adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan in December 2006 and this document is used in determining planning applications. Although considered as a potential housing allocation, the application site was not included in the Rushcliffe's Local Plan (2006).

#### Rushcliffe Borough Council Core Strategy

16. Rushcliffe Borough Council is currently in the process of producing a Core Strategy for the Borough. The Rushcliffe Publication Core Strategy Development Plan Document (DPD) was published for a 6 week period of consultation between 23<sup>rd</sup> March 2012 until 8<sup>th</sup> May 2012. As well as identifying exact sites for strategic housing development, the Core Strategy Publication document (Policy 2) also sets out other areas for growth where exact locations have not been identified; Radcliffe on Trent has been proposed to accommodate a minimum of 400 dwellings.
17. Policy 3 of the Rushcliffe Publication Core Strategy sets out the process for reviewing the Green Belt and states that non-Green Belt sites will be considered before making alterations to the Green Belt.

#### Strategic Housing Land Availability Assessment (SHLAA)

18. The application site is identified as part of a larger site which could accommodate approximately 500 dwellings in the Borough Council's SHLAA (reference 188). There are a number of other smaller sites also identified within the settlement boundary of Radcliffe on Trent alongside other smaller sites currently located in the Green Belt. The only other significant site which could accommodate the Publication Core Strategy minimum requirement for Radcliffe on Trent is situated on land north of Grantham Road (reference 188) and could provide for

approximately 1,000 dwellings which significantly exceeds the Borough's planned requirement of 400 new homes.

## ***Strategic Planning Issues***

### **Green Belt**

19. The NPPF sets out a list of acceptable developments within the Green Belt, residential development is not considered to be acceptable development in the Green Belt and as such the onus lies with the applicant to demonstrate that there are very special circumstances to justify such inappropriate development in such a location.
20. The applicants have set out in their application documents, in particular section six of the supporting Planning Statement that they consider that Rushcliffe Borough Council cannot demonstrate a five year supply of deliverable housing sites. They also discuss the Secretary of State and Planning Inspector's findings following the Sharphill Wood inquiry that a shortfall in the five year housing land supply constituted the very special circumstances necessary to make an exception to normal Green Belt policy.
21. The applicant also identifies an ongoing shortfall in affordable housing delivery to justify the need for additional housing in Radcliffe on Trent.

### **Reclamation**

22. The application does not include a Phase One Desk Study and Conceptual Site Model with associated assessment of risk as referenced in the Environmental Statement. As such, it is recommended that a Conceptual Site Model is developed for the site.
23. It is also recommended that comprehensive and representative investigations to assess the potential contamination risks are carried out and that remediation measures derived from the identified risks are developed and implemented.
24. Detailed comments on Reclamation are contained at Appendix 2.

### **Landscape and Visual Impact**

25. Additional information is required from the applicant at this stage before an assessment can be made as to whether the application can be supported in relation to landscape and visual impact issues.
26. The site lies in an area designated 'good' landscape condition and 'moderate' sensitivity; the policy is to 'conserve and reinforce' the visual coherence of the policy zone. In terms of landscape character, the proposals cannot have anything but an adverse character on the basis of the information currently available and more information is required before an assessment can be made on the proposal as to whether it would have a slight or moderate adverse impact.
27. There are likely to be implications for the County Council's future management of the Cotgrave greenway in that the development of the greenway and the County Council's long term aims are predicated on having agricultural neighbours. The

outline housing layout shows largely public space directly abutting the NCC boundary for most of its length. Given unrestricted public access along the length of the common boundary the implications of the development are that there will very likely be ongoing issues of illegal and unsafe access etc. and that the liability of ongoing repairs to boundary fencing will fall to the County Council unless provision is made at this stage for the developer to undertake this obligation.

28. It is likely that the proposal will lead to an increased usage of the greenway facility with consequent increased path maintenance and management implications for the County Council's Green Estate. There is however the potential to integrate an additional access point into the development proposals as public open space provision, if the developer was prepared to commit to meeting some of the County council's long term management costs through Section 106/CIL.
29. Detailed comments on Landscape and Visual Impact are contained at Appendix 3.

### Highways

30. The Transport Assessment submitted with the application complies with the Guidance on Transport Assessments and considers the impact of the development against a reference case which includes 'committed' developments and some projected background growth. The Transport Assessment does not however consider the wider implications of housing and employment growth arising from the Rushcliffe Local Development Framework growth requirements. The cumulative impact of the transport impacts of this planning application and other projected development in the Nottingham Housing Market Area is not therefore considered.
31. Transport modelling which has been undertaken as part of the Aligned Core Strategy work includes for projected housing and employment growth in Rushcliffe, it does not however include this planning application site explicitly. What the modelling does allow for is 400 houses in Radcliffe on Trent spread across the two Radcliffe on Trent wards. This transport modelling work will establish a necessary package of strategic transport mitigation measures (smarter choices, public transport and highways capacity interventions) to support the projected growth, however the work is still in progress. In which case this application could be considered premature and there is a danger that if approved this development could prejudice other sites being promoted and favoured by Rushcliffe Borough Council.
32. Consequently if Rushcliffe are minded to grant approval to this application in advance of the adoption of their Local Development Framework and supporting Community Infrastructure Levy policies then it is strongly recommended that suitable planning obligations should be sought at the outset to secure financial contributions towards a package of sustainable transport measures in addition to the proposed transport measures identified by the applicant.

### Property Issues

33. Nottinghamshire County Council owns the land to the north of Grantham Road and to the south of Nottingham Road. It is known as 'The Paddocks' and is identified on the attached drawing no. 4625/002. It is included as site reference 185 in Rushcliffe's Strategic Housing Land Availability Assessment (SHLAA). An outline planning application on the County Council site was refused planning permission in 2008 on technicalities relating to air quality submissions and flood risk but the site does not lie within the Green Belt. This site is awaiting instructions to proceed with a fresh planning application or market sale for housing development for approximately 100 dwellings.

#### Nature Conservation

34. The proposal will not directly affect any nationally or locally designated nature conservation sites. Impacts on protected species are restricted to badgers but further information needs to be provided to ensure that the impacts on this species are avoided and mitigated against as far as possible.
35. Additional detail on other matters including a wintering bird survey and bat transect and emergence surveys (submitted surveys do not meet current best practice guidelines) is requested.
36. A series of planning conditions, detailed in Appendix 4 are recommended to ensure the delivery of mitigation and other enhancements are secured and that the biodiversity value of the proposed development is maximised.
37. It is suggested that a decision on this application is deferred until such time that the information requested has been provided to ensure that all material considerations have been properly considered.
38. Detailed comments on Nature Conservation issues are contained at Appendix 4.

#### Public Health

39. The application does not appear to have considered health in any great depth, as such the PCT requests that the topics based around Healthy Urban Planning Principles should have been addressed.
40. Detailed comments on Public Health related issues are contained at Appendix 5.

#### Conclusions

41. On Green Belt matters the proposal can be defined as "inappropriate development", however, Rushcliffe Borough Council cannot demonstrate a five year land supply and as such this could demonstrate the 'very special circumstances' for allowing development in principle in line with the National Planning Policy Framework (NPPF).
42. The application could be seen to be premature in terms of highways issues as the transport modelling work being undertaken in the Nottingham Core Housing Market Area does not yet establish a necessary package of strategic transport mitigation measures required to support the growth identified. As such additional financial contributions towards a package of sustainable transport measures are sought.



43. Additional information is required on contamination, landscape and visual impact, reclamation and ecology issues from the applicant at this stage before an assessment can be made as to whether the application can be supported.

### **Other Options Considered**

44. This report considers all of the relevant issues in relation to the above planning applications which have led to the recommendations, as set out below. Alternative options considered could have been to express no or full support for the application.

### **Reason/s for Recommendation/s**

45. It is recommended that the County Council do not object to the proposal on strategic planning grounds at this stage but raise concerns over the lack of detailed information on the potential impact of the proposal on the County's ecology, landscape and visual amenity. These concerns can not be addressed until further information has been provided by the applicant.

46. If Rushcliffe Borough Council is minded to approve the application, Nottinghamshire County Council request that the detailed concerns set out in this report and detailed in officer comments are addressed prior to planning permission being granted and that planning permission is only granted subject to conditions and a Section 106 agreement requiring planning contributions.

### **Statutory and Policy Implications**

47. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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**

48. There are no direct financial implications.

### **Implications for Sustainability and the Environment**

49. There are no direct implications for Sustainability and the Environment.

## **RECOMMENDATION**

- 1) That Rushcliffe Borough Council be advised that whilst the principle of such development in terms of strategic and National policy may be acceptable, Nottinghamshire County Council objects to the proposal on the grounds that insufficient information has been submitted with the planning application to allow

valid and robust conclusions to be drawn on the applications potential impact upon contamination issues, the landscape and visual impact and ecology of the County.

**Sally Gill, Group Manager, Planning**

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

#### **Constitutional Comments (SHB.05.11.12]**

50. Committee have power to decide the recommendation.

#### **Financial Comments (DJK 14.11.12)**

51. The contents of this report are duly noted; there are no financial implications arising.

#### **Background Papers**

The following link provides access to all the relevant planning application documents used to inform the above report:

<http://www.document1.co.uk/blueprint/Documents.asp?Acpt=980498989&CaseId=1201628&CaseNo=12/01628/OUT>

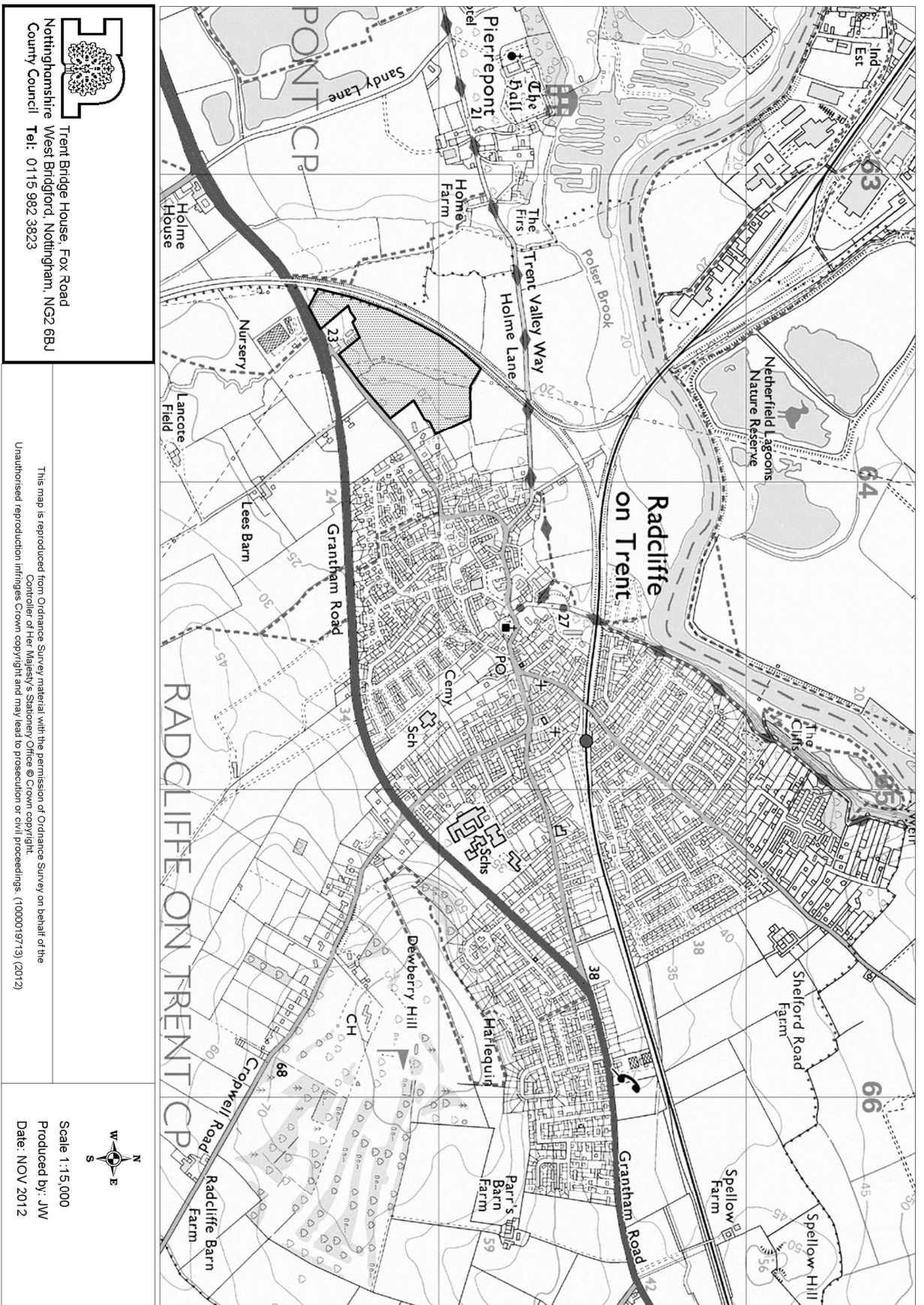
Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

#### **Electoral Division(s) and Member(s) Affected**

Radcliffe-on-Trent – Councillor Mrs Kay Cutts



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## Appendix 2 – Detailed Reclamation Comments

### **DATA RECEIVED:**

- **Various Environmental Reports downloaded from Rushcliffe Borough Council Web site Application 12/01628/OUT, including Capita Symonds Environmental Statement Non Technical Summary**

#### **1. Existing Site:**

The site is undeveloped and agricultural land lying adjacent former Railway Embankment. A complex of landfill sites is located immediately to the north west of Holme Lane. The landfill sites lie on the sands and gravels of the River Trent valley, these are considered to be in potential direct hydraulic/gaseous continuity with the applicant site.

#### **2. Proposals:**

Residential development (300 dwellings with associated infrastructure)

- #### **3. The available information did NOT include a Phase One Desk Study and Conceptual Site Model with associated assessment of risk. The Environmental Statement made reference to such a report, and with such a scale of proposed development it is to be expected that the desk study report would be comprehensive and robust. We have assumed that Rushcliffe Borough Council have seen this document and will make their own comments known.**

From the information provided in the Environmental Summary we make the following comments:-

- Para 4.42 Whilst this paragraph recognises the potential for ground gases from alluvium and silt as well as the “Landfill to the North”. Ground gases at significant concentrations can still be expected from riverine deposits of alluvium and silts, this impact could be further compounded by the fact that there exists a large complex of landfill sites immediately to the north of Nottingham Road. The geology of the area is described as Holme Pierrepont Sand and Gravel and as such provides a readily available pathway for any contaminants, including fugitive ground gases to migrate along.
- Para 4.43 This paragraph suggests there may be a depression in the ground water due to an increase in impermeable surface. Given the hydro-geological circumstance it is to be expected that the site may well be in direct hydraulic continuity with the River Trent (Holme Pierrepont Sand and Gravel underlying geology) and if so the impact of the increase in impermeable surface will be negligible with respect to reduction of ground water levels. Para 4.48/49 Recognises the potential requirement for ground gas control measures. These should be assessed with reference to a robust and representative set of ground gas data, which in turn have been derived from a site investigation strategy derived from a fully developed Conceptual Site Model.
- Para 4.119 This paragraph indicates the use of soakaways, the underlying geology is that of sands and gravels of the River Trent, the efficacy of soakaways in this environment should be questioned and confirmed by investigation. Likely SUDS measures in these circumstances are combined infiltration and attenuation systems such as permeable surfaces, swales, filter strips, basins and ponds, i.e. a

combined system or SUDS train which addresses both volume of water discharge and water quality issues.

**4. Land Contamination Impacts:**

- There exists a significant potential for ground gases from a number of sources (landfill and natural) to migrate to/from the site

**5. Conclusions and Recommendations:**

- Conceptual Site Model is developed for the site
- Comprehensive and representative investigations to assess the potential contamination risks are carried out.
- Remediation measures derived from the identified risks are developed and implemented.

If you require clarification on any of the above points, please do not hesitate to contact me.

Derek Hair  
Principal Project Engineer  
Landscape and Reclamation Team

### **Appendix 3 – Landscape and Visual Impact Comments**

I think I will submit more detailed comments straight to Rushcliffe, as on the basis of what I have now, either the proper procedures have not been followed and information required to make an informed judgement about landscape character and visual impact has not been provided by the applicant, or it has not yet been downloaded onto the internet.

However, I can highlight the policy for the site under the Greater Nottingham Landscape Character Assessment - that the site lies in an area designated 'good' landscape condition and 'moderate' sensitivity; the policy is to 'conserve and reinforce' the visual coherence of the policy zone. This to be achieved through locating small scale development within the existing field boundaries, use of vernacular style and materials, diversification of the roadside character through provision of broader verges, increasing tree cover.

In terms of landscape character, the proposals cannot have anything but an adverse character but on the basis of the information I currently have I am unable to say whether this would be a slight or moderate adverse impact - and I am interested to see the full LVIA and the applicant's conclusions.

In terms of visual impact, again the LVIA should identify receptors and show a systematic analysis of the visual impact from identified points and I await that information (if indeed it exists).

However, I can comment on visual impact from the elevated mineral railway which is in NCC ownership and is to be used as a multi-user route (a planning application will be submitted in the next few weeks). For large sections of the route, there are only glimpsed views through trees of the surrounding floodplain from the mineral line through the trees; however I would consider the visual impact of the development to be slight adverse. Users of recreational facilities are generally considered to be more sensitive to changes in views in a rural environment, but the vegetation will provide some screening. From a recreational point of view, it is intended to construct a DDA compliant access point at Holme Lane and (possibly not DDA compliant) access at the A52 ; the development would therefore have immediate access to an off-road greenway linking the Cotgrave County Park, the cycleway along the A52, and the Grantham canal.

There are however implications for NCC's future management of the Cotgrave greenway if these proposals go ahead. The development of the greenway and NCC's long term aims are very much predicated on having agricultural neighbours; the ownership boundary is currently agricultural fencing at the base of the embankment and public access will be restricted to the points where the route passes over or through existing bridleways and highways. The outline housing layout shows largely public space ie roads, footways and open space directly abutting the NCC boundary for most of it's length. Given unrestricted public access along the length of the common boundary the implications of the development are that there will very likely be ongoing issues of illegal and unsafe access, erosion, fly-tipping and potential nuisance and anti-social behaviour. The liability of ongoing

repairs to boundary fencing will fall to NCC unless provision is made at this stage for the developer to undertake this obligation; in any case it is recommended that robust security fencing along the NCC boundary is included as part of the development.

It is also likely that there will be increased usage of the greenway facility, with consequent increased path maintenance and management implications for NCC's Green Estate. There may also be issues of privacy for the development if the proposal goes ahead as users of the greenway will be 6 metres above the former agricultural land; whilst it is our intention to promote and encourage the ongoing natural colonisation of the embankment, the vegetation is patchy and it is not currently our intention to provide screen fencing or additional planting.

There is however the potential to integrate an additional access point into the development proposals as public open space provision, if the developer was prepared to commit to meeting some of NCC's long term management costs through Section 106/CIL.

If you need further information please do not hesitate to get in touch.

Regards

Amanda

Amanda Blicq

Principal Landscape Architect

Nottinghamshire County Council

Tel: 01159772164

## Appendix 4 – Detailed Nature Conservation Comments

### **Re: Outline planning permission for residential development (up to 300 dwellings) etc. – land north of Nottingham Road, Radcliffe-on-Trent (12/01628/OUT)**

Thank you for consulting the Nature Conservation Unit of the Conservation Team on the above matter. I have the following comments regarding nature conservation issues:

#### Designated sites

The proposals will not directly affect any nationally or locally designated nature conservation sites. The nearest SSSI, Colwick Cutting, lies approximately 3.3km to the west, whilst the nearest Local Wildlife Site, Holme House Grassland SINCS 5/2263, lies approximately 180 metres to the south-west (to the south of the A52). Due to the distances involved and the contained nature of the development site, no indirect impact on these sites appears likely.

#### Site survey

A number of sites surveys have been carried out in support of the application. A Phase 1

Habitat Survey and Protected Species Assessment (report dated February 2010) was undertaken in February 2010. This recommended a number of further surveys, undertaken as follows:

- Badger Assessment (report dated July 2010) – unclear when surveys were undertaken, but possibly March 2012
- Nocturnal Bat Assessment (report dated July 2010) – surveys undertaken in June 2010
- Breeding Bird Assessment (report dated July 2010) – surveys undertaken in May and June 2010
- Reptile Assessment (report dated July 2010) – surveys undertaken in May and June 2010
- Veteran Tree Survey (report undated) – unclear when surveys were undertaken.

In addition, the Phase 1 Habitat Survey and Protected Species Assessment recommended that a wintering bird surveys be carried out, but no such survey has been undertaken. **Justification for this should be sought.**

It should be noted that these surveys are at the limit of being ‘up-to-date’, as required by the NPPF (para. 165), all being more than two years old, although none are more than three survey seasons old. In relation to the desktop study carried out as part of the Phase 1 Habitat Survey and Protected Species Assessment, this means that the presence of a SINCS in close proximity to the development site, designated since 2010, has not been identified.

The following constraints to the surveys should also be noted:



1. The Phase 1 Habitat Survey was carried out early in the growing season, and as such plant species are likely to have been overlooked, most notably in the grassland areas which form the bulk of the development site.
2. The desktop study for the Breeding Bird Assessment obtained records from the Birdguides website (which generally relates only to scarce or rare passage birds), and did not obtain records from the Nottinghamshire Biological and Geological Records Centre (who hold data on behalf of Nottinghamshire Birdwatchers). In addition, the surveys themselves were carried out over a 17 day period; ideally, surveys would be spread out across the breeding season to ensure that early and late breeding species are picked up.
3. One of the reptile surveys (visit 6) was carried out when air temperatures were at 20°C, beyond the 9-18°C temperature range that is recommended in the standard survey guidelines.
4. The bat transect surveys do not meet current best practice guidelines (which have been updated since the survey was carried out). Based on Table 7.2 of the Bat Conservation Trust's "*Bat Surveys – Good Practice Guidelines*" (2<sup>nd</sup> edition), and assuming a medium-sized site of moderate foraging potential (as taken from paragraph 10.88 of the ecology chapter of the ES), these indicate that one transect should be undertaken per month during the period April to September. Transect surveys undertaken in support of this application involved two visits, both undertaken in June. **Comment on this should be sought** from the applicant, and it is suggested that Natural England's advice is also obtained.
5. The bat emergence surveys also do not meet current best practice guidelines; in table 8.5 of the guidance referred to above, it is indicated that trees of low to moderate roost potential should be subject to two dusk emergence and/or predawn re-entry surveys, and that two surveys carried out within the same 24 hour period constitute one survey (as in this case, where an emergence survey was carried out on 14<sup>th</sup> June followed by a dawn re-entry survey on 15<sup>th</sup> June). **Comment on this should be sought** from the applicant, and it is suggested that Natural England's advice is also obtained.

The site surveys indicate that:

- The majority of the site is dominated by improved grassland of low botanical diversity (although see comments above relating to the timing of the surveys), with other habitats including broad-leaved woodland, scrub, semi-improved grassland, wet ditches, hedgerows and trees (including veteran trees) also present within the survey area.
- No bat roosts were discovered on the site, and bat activity was limited (although see comments above).
- Breeding birds were generally common and widespread species.
- No reptiles were encountered.
- Two main badger setts were located, one within the development area.
- Five 'probable' veteran trees are present on the site.

### Assessment

The ecology chapter of the ES states that "*overall, on completion of the development proposals and associated mitigation, including retention of hedgerows and veteran trees, the creation of informal open space, planting trees, native species buffer planting around the badger setts and the placement of bat and bird boxes, the long term effects [of the development] would be of minor positive significance*". Whilst I am

broadly satisfied that this conclusion is sound (along with the assessment of the value of, and impacts upon, the ecological receptors that have led to this conclusion), the following matters require **further consideration** by the applicant:

1. I am concerned about the potential impacts on the badgers using the sett identified as S2 in the Badger Assessment, as it appears that this will be sandwiched between the existing railway embankment and the development. I do not consider that the impacts on this sett, in particularly the loss of foraging habitat available to badgers currently using that sett, have been properly assessed. In particular, it appears that the closest area of foraging habitat would be over 300m to the north, accessed along a very narrow strip between the railway embankment and the development, through which a footpath would also run (likely to increase disturbance to the sett as well).
2. Table 10.10 of the ES ecology chapter indicates that no mitigation is proposed for the loss of improved grassland, assigned as a permanent major adverse impact, yet the significance of the residual impact is assessed as being neutral. It is unclear how a major adverse impact can become a neutral one without any mitigation being implemented. It is assumed that the creation of wildflower grassland referred to elsewhere in the chapter would in fact provide mitigation (see also below).
3. The proposed mitigation for the loss of veteran trees is to 'retain where possible'. Given that the loss of veteran trees is assessed as being a major negative impact of 'critical' significance, it is essential to ensure that these trees will indeed be retained and protected during development. It appears that three of the five veteran trees identified in the relevant survey fall within the red line area, and whilst two appear to be in an area of open space (T23 and T24 as identified in the Phase 1 Habitat Survey and Protected Species Assessment), the third, T54, appears to fall within an area of housing. Confirmation is required that this tree will be retained and incorporated onto the development in a sensitive manner, and it is suggested that an amended Masterplan should be produced to illustrate this.
4. A plan clearly indicating the areas of open space to be delivered as part of the development should be provided; it is assumed that the land to the north of the red line boundary and south of Holme Lane as shown on the site Masterplan forms part of the open space, but this is not entirely clear, and it is not clear if the land to the east of this is part of the open space provision.
5. It is stated that the planting of additional trees and shrubs and the creation of open grassland would mitigate for the loss of the improved grassland that would arise as a result of the development. In order to be sure that this is the case, and to ensure that mitigation for impacts on species currently using the site is provided (e.g. foraging bats and breeding birds), it is requested that some basic/outline information is supplied to indicate the specific nature of the habitats to be created (with reference to the UKBAP/LBAP) and the extent of those habitats in square metres/hectares (for example, it is unclear what proportion of the open space would be managed as 'wildflower meadow' and what proportion would be amenity grass).
6. SUDS should be designed to be multi-functional and designed to be naturalistic with wildlife value. It is unclear if this is the case. Mitigation and site enhancement In terms of mitigation, it is stated that the vast majority of hedgerows and trees are being retained, along with the creation of a power line easement corridor which will be a green spine crossing the application site, planted with native tree and



shrub species. To ensure the delivery of mitigation and other enhancements, it is suggested that the following matters should be covered by appropriate **planning conditions**:

- Prior to any works on trees previously identified as having potential to support roosting bats (T17, T18, T19, T22, T23, T25 and T54 as identified in the Nocturnal Bat Assessment and the Phase 1 Habitat Survey and Protected Species Assessment) an inspection of those trees should be carried out by a suitably qualified ecologist, to account for the passage in time since they were previously surveyed and to ensure legal compliance.
- Vegetation clearance should not take place during the bird nesting season (March to August inclusive), unless otherwise authorised following the submission of a report confirming that no nesting birds would be affected.
- A method statement relating to ground and construction works within the vicinity of badger setts should be produced, to include the results of an updated badger survey carried out prior to works commencing, and to make provision for further surveys as development proceeds. This method statement should include details of exclusion zones around setts and measures to prevent badgers falling into excavations or becoming trapped in pipes.
- A method statement should be produced detailing how the veteran trees will be protected during construction works.
- Details of lighting should be submitted, to ensure that light spill on boundaries is minimised and that low level pressure sodium lamps with downward facing hoods are used as appropriate mitigation to minimise impacts on bats, as recommended in the ecology chapter of the ES.
- The creation a landscaped corridor along the powerline easement, along with other areas of open space, provides a good opportunity to increase the biodiversity value of the site. To ensure that this is delivered, detailed landscaping scheme should be submitted prior to development commencing. All planting around the site boundary, in the 'green spine', and in the open areas to the south and north of the development should comprise a relatively limited number of native species appropriate to the local area and of certified native genetic origin. When choosing tree and shrub species, reference should be made to the relevant Landscape Character Area (Trent Washlands), and to those native species occurring naturally on the site and in the surrounding area. Similarly, wildflower seed mixes should comprise a limited number of common and widespread native species appropriate to the local area. Something like Naturescape's NLM Landscape Meadow Mixture<sup>1</sup> would be appropriate to this end.
- A landscape management plan should be produced, prior to development commencing, to ensure that all retained and created habitats are managed appropriately and to ensure that their biodiversity value is maximised. A proportion of the proposed houses should be designed with integral bat and bird boxes incorporated into them, with the latter to be suitable for swift, house sparrow and starling. These are simple measures that can significantly increase the biodiversity value of new houses.

### Conclusion

In conclusion, it appears that this development would not give rise to the loss of any significant areas of habitats. Impacts on protected species are restricted to badgers, but further information needs to be provided to ensure that impacts on this species

are avoided and mitigated against as far as possible. Additional detail on certain other matters is also required, and a number of planning conditions are suggested to ensure that mitigation measures are secured, and that the biodiversity value of the proposed development is maximised. As this stage it is recommended that a decision is deferred until such a time that the information requested above has been provided, to ensure that all material considerations have been properly considered.

I trust you will find the above comments of use, but if you require any further information, please do not hesitate to contact me.

Nick Crouch  
Nature Conservation Leader

<sup>1</sup> [http://www.naturescape.co.uk/acatalog/Economy\\_Meadow\\_Mixtures.html](http://www.naturescape.co.uk/acatalog/Economy_Meadow_Mixtures.html)

For more information please contact: Nick Crouch (0115 969 6520)

## **Appendix 5 – Detailed Public Health Comments**

Ideally, I'd like to see health considered in more depth and to look at (based around the Healthy Urban Planning Principles):

- ☐ **Healthy lifestyle**
  - o what types of services and facilities are there, either planned or existing nearby?
  - o Does the development encourage physical activity – (having looked at the plan and proposal – it does look as if this has been considered and appropriate provision made)
- ☐ **Social cohesion**
  - o Are there accessible open spaces nearby?
  - o Is there a community centre proposed or nearby where people can meet and interact?
  - o Are there any issues around community and physical severance?
  - o Is there integration between new and existing housing?
- ☐ **Building quality**
  - o What sustainable and healthy design standards will be used?
  - o What is the mix of housing types proposed in terms of number and size of rooms , private gardens and car parking?
  - o Has provision been made for affordable housing? (Social housing seems to be included in the proposal)
  - o Will there be a mix of tenures (The proposal seems to suggest that there will be)
- ☐ **Access to employment and education opportunities**
  - o Are there employment opportunities within walking /cycling distance or accessible by public transport?
- ☐ **Accessibility**
  - o Is there identified space for local retail shops and other amenities?
  - o Are there key services nearby, including health centres, pharmacy etc.
  - o Is there existing provision for public transport

- o Is there provision of walking and cycling routes (the map with the proposal seems to suggest that there will be)
- ☐ **Local food production**
  - o Is there any existing or proposed allotment provision?
  - o Would there be access to shops selling fresh fruit and vegetables nearby?
- ☐ **Safety**
  - o Are there enough safe pedestrian and cyclist crossing points connecting the site to the surrounding area?
  - o Are there safe paths adjacent to green or blue space?
- ☐ **Equity**
  - o Is the development in an existing socially and environmentally deprived area?
  - o Do existing residents gain as much as new residents?
- ☐ **Air quality and good living and working environment**
  - o Could air pollution and/or exposure to air pollution be increased?
- ☐ **Water and sanitation**
  - o Could development impact on water quality, access to clean water and provision of sewage for new and existing residents?
- ☐ **Land and mineral resources**
  - o Is existing used, accessible and/or high quality green and blue space protected?
  - o Is additional accessible and high quality green and blue space planned?
- ☐ **Climate stability (mitigation of potential climate change impacts)**
  - Will there be renewable micro generation through solar panels or wind turbines?
  - Will there be an 'Energy from Waste' facility or combined heat and power plant?

**Anne Pridgeon**  
**Senior Public Health Manager**  
**Public Health, Nottinghamshire County**



**29 November 2012****Agenda Item: 8****REPORT OF GROUP MANAGER, PLANNING  
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 and central government.

**Information and Advice**

2. Policy, Planning and Corporate Services has received 25 planning consultations during the period 1<sup>st</sup> October to 31<sup>st</sup> October 2012.
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 finance, equal opportunities, 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.

**RECOMMENDATION**

- 1) This report is for information only.

**Sally Gill**

## **Planning Group Manager**

**For any enquiries about this report please contact: Nina Wilson, Planning Policy Team, ext 73793**

## **Background Papers**

Individual Consultations and their responses.

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.

## **Constitutional Comments**

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

## **Financial Comments (MA 31/10/12)**

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

## **Electoral Division(s) and Member(s) Affected**

All.



**Appendix A – List of Planning Consultations Received**  
**Nottinghamshire County Council: Planning Consultations Received – August/September 2012**

<b>Date Received</b>	<b>ID</b>	<b>Address</b>	<b>Details</b>	<b>Officer Dealing</b>	<b>Response Type</b>	<b>Notes</b>
01.10.12	Bassetlaw District Council 12/01102/FUL	Laurels Farm, Main Street, Mattersey, Doncaster	Conversion of Existing Red Brick Barn into three new dwellings			No comments needed – forwarded to Chris Robinson 4.10.12
01.10.12	Ashfield District Council V/2012/0436	Rolls Royce plc, Watnall Road, Hucknall	Production facility with ancillary offices, service yards and car parking	KH	O	On-going
01.10.12	TESLA Exploration International Limited		Proposed 2D Seismic Survey for eCORP Oil and Gas Ltd – Everton/Misson Area of Gainsborough			
01.10.12	Norfolk County Council		Norfolk Mineral Site Specific Allocations DPD and Norfolk Waste Site Specific Allocations DPD	NW	O	On-going
03.10.12	Newark & Sherwood DC 12/01306/FUL	Tip It, Maltkiln Lane, Newark on Trent	Outdoor activity centre consisting of an off-road buggy track, climbing walls and an adventure obstacle course (resubmission)			No Policy Comments – forwarded to Tim Turner in Monitoring & Enforcement
04.10.12	Rushcliffe Borough Council 12/01318/FUL	Redhill Marina, Redhill Lock, Radcliffe on Soar	Two storey facilities building containing café, chandlery; ablutions, office and stores to replace 8 individual units; car parking; workshop; boat sales area	NW	O	On-going



Date Received	ID	Address	Details	Officer Dealing	Response Type	Notes
05.10.12	Ashfield District Council V/2012/0451	4 De Morgan Close, Underwood	Change of use from (C3) Dwelling Houses to (C2) Secure Residential Institution	NW	O	Letter sent 12 October
15.10.12	Gedling Borough Council 2012/1190	Land at Ricket Lane, Blidworth	Removal of Condition 3 (Appn No 2011/0299)	NW	O	Letter sent 19 October
15.10.12	Ashfield District Council V/2012/0463	Land off Papplewick Lane, Hucknall	Erection of 89 Dwellings (Housetype substitution of Previous Approved Scheme)	NW	O	Letter sent 25 October
15.10.12	Ashfield District Council V/2012/0465	Land between Pleasley Road and North of Mansfield Road, Skegby, Sutton-in-Ashfield	Outline application for Residential Development for a Maximum of 37 Dwellings	NW	O	On-going
15.10.12	Ashfield District Council V/2012/0464	Land at Phase 2 Papplewick Lane, Hucknall	Residential development of 104 Dwellings including 23 Affordable Dwellings	NW	O	On-going
15.10.12	Gedling Borough Council 2012/1172	147 Main Street, Woodborough	Demolish existing bungalow and erect seven dwellings and garages	NW	O	Letter sent 26 October
15.10.12	The Planning Inspectorate		Infrastructure Planning (EIA) Regulations 2009 SI2263 Proposed Hornsea Offshore Wind Farm	NW	O	On-going
17.10.12	Rushcliffe Borough Council 12/01628/OUT	Land North of, Nottingham Road, Radcliffe-on-Trent	Outline planning permission for residential development (up to 300 dwellings)	NW	O	Going to Environment Sustainability Committee 29 <sup>th</sup>

						November 2012
18.10.12	Charnwood Borough Council		Planning for Renewable Energy in Charnwood	KH	O	On-going
22.10.12	Gedling Borough Council 2012/1187	Land to Rear of 102 Nottingham Road, Ravenshead	Erect replacement dwelling (resubmission of 2011/1323)	NW	O	On-going
Date Received	ID	Address	Details	Officer Dealing	Response Type	Notes
22.10.12	South Kesteven District Council		Draft Wind Energy Supplementary Planning Document	NW	O	On-going
22.10.12	Bassetlaw District Council 12/01507/COU	Waterside Cottage, Church Lane, Hayton, Retford	Change of Use of Agricultural Land to Garden/Paddock and Construct New Driveway and Erect Storage Barn	NW	O	On-going
23.10.12	The Planning Inspectorate		Proposed Application for a Development Consent Order by RWE Npower for Willington C Gas Transporter Pipeline	NW	O	Going to Environment and Sustainability Committee 6 <sup>th</sup> November 2012
24.10.12	Rushcliffe Borough Council 12/01821/OUT	Land off Lantern Lane, East Leake	Residential development and new primary school annexe building; associated access, public open space, surface water balancing and landscaping	NW	O	On-going
24.10.12	Department for Communities and Local Government		Environmental report on the proposed revocation of the East Midlands Regional Strategy	NW	C	Going to Environment and Sustainability Committee 6 <sup>th</sup> November 2012

24.10.12	Bolsover District Council		A Review of the Housing Target for Bolsover District	NW	O	On-going
30.10.12	South Kesteven District Council		Draft Southern Quadrant Masterplan Supplementary Planning Document (SPD)	NW	O	On-going
30.10.12	The Planning Inspectorate		Infrastructure Planning (EIA) Proposed Thorpe Marsh Gas Pipeline	NW	O	On-going
31.10.12	Rushcliffe Borough Council 12/01840/OUT	Land East of, Kirk Ley Road, East Leake	Residential development with associated public open space, landscaping, access and other infrastructure works	NW	O	On-going

Response type

C Committee

O Officer



**29 November 2012****Agenda Item: 9****REPORT OF THE SERVICE DIRECTOR FOR TRANSPORT, PROPERTY AND  
ENVIRONMENT****RENEWABLE ENERGY – APPLICATIONS AND OPPORTUNITIES FOR  
NOTTINGHAMSHIRE COUNTY COUNCIL****Purpose of the Report**

1. This report provides an overview of a range of renewable energy technologies, their application within Nottinghamshire County Council and the opportunities they present to the Council as both landlord and landowner. A tour of a case study building (Worksop library) will demonstrate the practical application of several of the technologies mentioned in this paper.

**Information and Advice**

2. In essence, renewable energy is energy derived from a renewable resource, such as solar, wind or wave power, although eligibility for financial support mechanisms blurs this simple definition. The UK has a legally binding target to source 15% of its energy from such resources by 2020, and the Government has set out how it intends to achieve this target by increasing the percentage of renewable energy used in generating electricity, providing heat and powering transport in its 2011 Renewable Energy Roadmap. Support for large-scale, centralised renewable electricity generation is provided by way of the Renewables Obligation, which requires electricity suppliers to source a specified and increasing proportion of their electricity from renewable sources. Renewable heat and small scale renewable electricity generation are being encouraged by '*clean energy cash-back schemes*' for households, industry, businesses and communities. Guaranteed payments for such generation are supported through Feed-In Tariffs, introduced in 2010, and the Renewable Heat Incentive, introduced in 2011.
3. Whilst recent years have seen an increased uptake in renewable energy technologies (last year global investment in renewables, at £143bn, outstripped investment in fossil fuels for the first time), it is important to remember that from an energy management perspective, in which the objective is to try and reduce costs and in turn deliver carbon savings, following the energy hierarchy of firstly reducing wastage of energy, secondly increasing the efficiency of energy use, and thirdly utilising renewable energy, remains a sound approach. Generally speaking, energy waste reduction measures provide quick returns for little or no investment; energy efficiency measures can pay back from 3 years upwards; and renewable energy measures currently pay for themselves from around 8 years and upwards.
4. This report excludes consideration of renewable energy in transport and the partnership work that the Council is engaged with around renewable energy,

particularly via the Nottinghamshire and Derbyshire Local Authorities Energy Partnership (under which the Warmstreets insulation scheme also offers renewable energy solutions to householders), but briefly looks at renewable electricity, renewable heat, and the combination of both, from a property and land owning perspective.

5. The Council's major investment in renewable energy has been in biomass boilers and solar, photovoltaic panels (PVs). The Council has a history of investing in biomass boilers going back to 2003, and probably operates more wood-fuelled sites than any other UK local authority. A report recommending further investment by the Council in biomass boilers, linked to making effective use of the Government's Renewable Heat Incentive payments, was approved by Finance and Property Committee on 17 September 2012. The Council's history of installing PV systems has largely been more recent, following the introduction of Feed in Tariffs (FiTs) for electricity generated by renewable technologies. The new library at Worksop includes both of these technologies, and solar water heating, as well as other environmental features such rainwater harvesting and a sedum roof.
6. In general, such technologies can offer a range of benefits, including:
  - Cost savings associated with displacing grid-supplied electricity
  - Income generation
  - Carbon reduction and associated cost savings under the Carbon Reduction Commitment Energy Efficiency Scheme
  - Supporting the local, low carbon economy
  - Assisting to meet planning and building regulation requirements
  - Enhancing and supporting the educational experience of schoolchildren
  - Improving local energy security.

## **Applications and opportunities**

### **A. Electrical energy**

7. Electricity generated by photovoltaic (PV) panels probably provides the largest scope in terms of number of opportunities for utilisation across the Council's portfolio. The Council's SunVolt scheme has so far seen around £600,000 invested in over 1,300 panels on its non-school buildings, which are expected to generate just under 250,000 kWh per year, saving around £15,000 in electricity costs at current prices, and yielding around £55,000 p.a. in FiT payments. These panels will save over 100 tonnes of CO<sub>2</sub> p.a. and represent an annual return on investment of around 10%. In addition to this, some schools have had PV panels installed on their roofs, predominantly under a recent scheme offered by British Gas, which enables the schools to benefit from free electricity generated by the PVs. To date 28 schools have benefited from this scheme at no cost to themselves, and have had over 500 kWp of PV panels installed. This will generate electricity cost savings to the schools collectively of c. £44,000 per year. The schools will benefit from this for at least the next 20 years. The Government has indicated that FiT rates will decline as technology costs decrease, with a view to maintaining a return on investment of 5-8% p.a.

8. The Council could take a more proactive role to encourage further take up of PVs by schools through the provision of an approved supplier, or suppliers. For example, Members may be aware of a scheme currently being rolled out by Nottingham City Council that will see over 2 mega-watts (MW) of PV installed on school roofs at no cost to the schools. The schools will pay 7.5 p/kWh for the electricity that the panels generate, which is approximately 2p/kWh less than the price they would pay for electricity from the grid.
9. Electricity generated by wind energy also has relatively widespread opportunities across the Council's land holdings. So far, use of this technology has been relatively limited with seven or so schools with small scale wind turbines, including Mapperley Plains Primary; Lake View Primary, Rainworth and The West Bridgford School. Preliminary scoping studies undertaken some years ago identified a number of Council landholdings as potentially technically suitable for large scale wind power, and it is at this end of the wind turbine spectrum that the best returns can be made. This technology, at a micro scale, can also be mounted on to buildings, such as seen at Lawn View House, but generally this is not recognised as giving a good return on investment.
10. The Council's estate has limited opportunity to exploit the potential to generate electricity from water power. One County school, Cuckney Primary, has a water turbine installed, but its performance has not been as good as was hoped, mainly owing to local maintenance issues. Like solar and wind, hydroelectricity can qualify for payments by way of FiTs or Renewables Obligation Certificates, dependant on scale.

## **B. Thermal energy**

11. In terms of impacting positively on carbon emissions, supporting local employment and generating a return on investment, biomass heating probably represents the best opportunity for the Council to exploit, which it is continuing to do following the report to Finance and Property Committee mentioned in para. 5. This will see £2million invested over the next 2 years to offer schools and other Council sites modern wood pellet boilers to replace ageing fossil fuel boiler plant.
12. In addition to biomass, other forms of renewable heat also qualify for RHI payments, including ground source heat pumps, water source heat pumps, geothermal energy, solar thermal and biomethane. To date the Council has had relatively limited experience of utilising these technologies, and generally speaking they tend to lend themselves more to new building projects than retrofitting, such as at the new bus station at Mansfield, which will be incorporating ground source heat pumps. Further opportunities to make greater use of some of these other technologies exist, for example using solar thermal energy to help meet hot water needs for schools outside of the heating season.

## **C. Heat and power**

13. In some circumstances renewable energy can be utilised to generate both heat and power, and whilst this approach can work at a smaller scale it tends to be

limited to larger applications such as biomass-fuelled combined heat and power (CHP) and anaerobic digestion plants.

#### **D. Energy crops**

14. In addition to opportunities for generating and using renewable energy, the Council could produce renewable energy crops from its green estate. It has already initiated a pilot exercise by planting *Miscanthus* (elephant grass) at the former landfill site at Fiskerton, a site that is difficult to let for grazing and unsuitable for growing food and trees. The *Miscanthus* is now in its third year of growth and is grown and harvested under a contract with a specialist company and should generate c. £4k per annum income from 2013. This is in comparison to c. £400 per year for rent for grazing. In addition to *Miscanthus*, the Council could potentially grow other crops such as willow and other quick growing trees, and other non-woody energy crops, such as hemp, but no detailed, wide ranging feasibility work has been undertaken.
15. Further to this, parts of the Council's green estate and its operations produce, or have the potential to produce, timber suitable for converting to wood chips or other biofuels and using in appropriate biomass boilers. The Council could look to explore options for growing and processing its own biomass fuel, which may help to reduce risks, such as security and affordability, associated with any energy supply.

#### **Worksop library**

16. The Council's new library building at Worksop, provides a good example of renewable energy utilisation. Its environmental features, which have helped achieve a BREEAM rating (the leading environmental assessment method for buildings) of excellent include:
- Biomass pellet boilers
  - Photovoltaic panels
  - Good levels of natural lighting
  - High efficiency lighting
  - An automated natural ventilation system
  - Solar water heating
  - Solar control glazing on south facing elevations
  - A rainwater recycling system
  - A sedum roof to encourage biodiversity and reduce flood risk
  - Rainwater attenuation tanks under the car park, designed to reduce flood risk.
17. A guided tour of Worksop library to see some of these features will be available following the meeting. Worksop library is not unique, for example the new highways depot at Bilsthorpe includes a large PV array and two biomass boilers heating a number of buildings, and other 'green' features.

#### **Reasons for Recommendations**

18. This is an information report.



## **Statutory and Policy Implications**

19. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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**

20. The contents of this report are duly noted; the related financial implications are explained within the report (DJK 07.11.12).

## **Implications for Service Users**

21. None arising directly from this report.

## **Recommendation**

22. That Committee notes the contents of the report.

**Mick Allen**

**Group Manager, Waste and Energy Management**

For any enquiries about this report please contact:

Mick Allen, Group Manager, Waste and Energy Management

## **Constitutional Comments**

23. As the report is for noting only there is no requirement for constitutional approval. (SHB.06.11.12)

## **Background Papers**

Renewable Heat Boiler Replacement Programme, Report to Finance and Property Committee, 17 September 2012

## **Electoral Divisions**

All



29 November 2012

Agenda Item: 11

## **REPORT OF CORPORATE DIRECTOR, POLICY, PLANNING AND CORPORATE SERVICES**

### **WORK PROGRAMME**

#### **Purpose of the Report**

1. To consider the Committee's work programme for 2012/13.

#### **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.
5. At the last meeting of the Committee on 30 October 2012, Members requested that an update on Ash Tree dieback due to fungal disease be submitted to a future meeting of the Committee. Following further discussions it has been decided that the most appropriate committee to consider this issue is Transport and Highways Committee. This is because the Council's Arboricultural Services team, which has the lead responsibility for this issue, is based within Highway Services.

#### **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 finance, equal opportunities, 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.

## **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: Keith Ford, Senior Democratic Services Officer on 0115 9772590**

## **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**

<b><u>Report Title</u></b>	<b><u>Brief summary of agenda item</u></b>	<b><u>For Decision or Information ?</u></b>	<b><u>Lead Officer</u></b>	<b><u>Report Author</u></b>
<b>17<sup>th</sup> January 2013</b>				
Quarterly Progress Report	Review of performance (Oct - Dec).	Information	Various	
Waste PFI Contract – Draft Revised Project Plan – progress report	Overview of Project Plan ahead of seeking approval of Policy Committee / Full Council.	Information	Mick Allen	
Local Improvement Scheme Programme Process	Determine process for future project selection	Decision	Sue Jaques	
Strategic Planning Observations	Summary of applications received.	Decision.	Sally Gill	
Update on Services	An update on the Committee's relevant service areas, including operational decisions taken by officers.	Information	Jas Hundal	
<b>14<sup>th</sup> February 2013</b>				
Minerals & Waste Planning	Review of day to day decisions.	Information	Sally Gill	
Strategic Planning Observations	Summary of applications received.	Decision	Sally Gill	
Minerals Local Plan Preferred Approach	The Preferred Approach will set out the options which would go forward into the new plan and will set out the next stages of consultation.	Decision	Sally Gill	
Local Improvement Scheme Programme 2013/14	Approval of projects for forthcoming year.	Decision	Sue Jaques	
Update on Services	An update on the Committee's relevant service areas, including operational decisions taken by officers.	Information	Jas Hundal	
<b>14<sup>th</sup> March 2013</b>				
Local Improvement Scheme	Review of day to day decisions / key decisions	Information	Sue Jaques	
Strategic Planning Observations	Summary of applications received.	Decision.	Sally Gill	

<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>
Update on Services	An update on the Committee's relevant service areas, including operational decisions taken by officers.	Information	Jas Hundal	
<b>18<sup>th</sup> April 2013</b>				
Quarterly Progress Report	Review of performance (Jan - Mar.)	Information	Various	
Strategic Planning Observations	Summary of applications received.	Decision.	Sally Gill	
Update on Services	An update on the Committee's relevant service areas, including operational decisions taken by officers.	Information	Jas Hundal	

### **Dates and Deadlines for Environment & Sustainability Committee**

<b><u>Report deadline</u></b>	<b><u>Date of pre-agenda</u></b>	<b><u>Agenda publication</u></b>	<b><u>Date of Committee</u></b>
10 October – 10am	15 October 2012 – 2pm	22 October 2012	30 October 2012
8 November – 10am	13 November 2012 – 2pm	21 November 2012	29 November 2012
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

