

REPORT OF THE CABINET MEMBER FOR ENVIRONMENT AND SUSTAINABILITY

THE DRAFT NOTTINGHAMSHIRE AND NOTTINGHAM WASTE CORE STRATEGY

Purpose of the Report

1. To approve publication of the Draft Nottinghamshire and Nottingham Waste Core Strategy to allow a period of public representations.
2. Following the completion of (1) to approve the submission of the draft Waste Core Strategy to Government for an independent examination.

Information and Advice

What is the Waste Core Strategy?

3. The Waste Core Strategy will provide the planning policy framework against which all future waste management proposals will be determined. This includes proposals for recycling and composting plants, incinerators and landfill and treatment plants such as sewage works. The Waste Core Strategy is being prepared jointly with Nottingham City Council because the two areas share many waste management issues making a joint approach the best and most efficient way to secure a coherent strategy.
4. The Waste Core Strategy looks ahead to 2031 and sets out the waste management infrastructure we want to see develop over this period. This relates to both how waste should be managed and, in broad terms, where new facilities should be located. It will cover all types of waste and not just the municipal waste that local authorities are responsible for collecting and managing.
5. The Waste Core Strategy is statutory Development Plan that all waste planning authorities must by law prepare.

The issues

6. Waste management is going through a period of rapid transformation across all sectors. A combination of factors including government recycling targets, escalating landfill taxes and new technologies are making it more possible to recycle, compost or obtain energy from

an increasingly wide range of wastes. Waste prevention and re-use initiatives are also becoming more commonplace. Landfill, which for many years has been the default option for many waste streams, is in decline. To put this in perspective recycling and composting of municipal waste in Nottinghamshire has gone up from just 9% in 2000 to 43% in 2010. The best performing District Council area is Rushcliffe which now recycles 55% of its collected waste. Commercial and industrial waste recycling is estimated to be around 52%.

7. An added pressure is the fact that we are simply running out of landfill space and few if any potential replacement options within traditional landfill sites such as former mineral voids exist. If we do not continue to switch away from landfill then we will be faced with either having to land-raise on local greenfield land or hope that the waste can be exported to remote sites outside the county. Neither of these options is environmentally or economically sustainable in the long term. How we manage waste in 2031 will therefore be very different to how we manage it now and the Waste Core Strategy provides our main opportunity to influence what changes are required based on trying to secure the most sustainable waste management infrastructure possible.
8. The over-arching issue for the Waste Core Strategy is to move waste management up the 'waste hierarchy'. This means preventing waste production in the first place or re-using it. Where that is not possible recycling or composting as much of what is left. Energy from waste is the next option with landfill being a last resort but one that will continue to have a role to play for the foreseeable future.
9. Waste management development proposals are often controversial especially with local communities. Lengthy delays in planning decisions; refusals and appeals and legal challenges are not uncommon. If the waste industry is to deliver the waste management infrastructure we need and on time, then we need to show where facilities are likely to be needed so that the industry has the confidence to put forward appropriate development proposals. The Waste Core Strategy is therefore needed to provide the necessary guidance for this to happen.

Public consultation and community involvement

10. To be adopted the Waste Core Strategy must first go through various stages of public consultation and community involvement culminating in an independent examination by a Government Inspector.
11. The informal but very important public consultation stages have now been completed. These took account of the recommended approaches set out in the Councils' Statement of Community Involvement – the statutory document that set out how councils will consult and involve communities in their development planning functions.
12. These began in 2006 with a broad consultation on the Issues and Options. Subsequent changes to the planning system meant we had to revise our approach which led to consultation on further Issues and Options in 2010. Finally the 'preferred approach' was published for consultation in late July 2011. This set out the Councils' conclusions and proposed approach in the light of all the evidence and responses received. The 'preferred approach' was approved by the County Council's Cabinet on 8th June 2011 and the City Council's Executive Board on 19th July 2011.

The Submission Draft Waste Core Strategy

13. The response to the preferred approach was broadly positive and no new evidence emerged to suggest any significant changes to the proposed strategy. A summary of the main issues raised in that consultation is set out in Appendix 1 to this report. Accordingly the proposed draft Waste Core Strategy (attached to this report for Member's copies only) contains the following key proposals:

How much waste will be produced?

14. Current production of municipal, commercial and industrial and construction and demolition waste is estimated to be around 2.6 million tonnes per annum. This is significantly below previous levels of around 4 million tonnes per annum and this is assumed to be partly due to the effects of the recession on manufacturing and construction output, but also partly due to increasing waste awareness and efforts to reduce waste in packaging, manufacturing and construction for example. Nationally there is a move towards a 'zero waste' economy which is focussed on more sustainable waste management but it is assumed that there will still be some growth in future, particularly taking account of the planned housing and employment growth across Nottinghamshire. The Waste Core Strategy therefore assumes future levels of waste production of between 4 and 5 million tonnes per annum.

How waste will be managed?

15. The Waste Core Strategy sets out an ambitious approach based on an aspirational recycling target of 70% by 2025. This relies heavily on further investment and action by the County Council, City Council and District Councils, in relation to municipal waste, and on private sector investment in new recycling facilities for commercial and industrial waste. As the majority of construction and demolition waste is already re-used, or recycled, the target will have less significance for this waste stream. The Waste Core Strategy cannot enforce this target but nevertheless this is seen as an important step in supporting wider efforts to make better use of our waste in line with the waste hierarchy.

Where will waste be managed?

16. The Waste Core Strategy sets out a common sense approach based on managing waste close to where it is produced. Broad locations are therefore proposed which promote larger facilities for recycling and energy recovery in or around the main built up areas of Nottingham, Mansfield and Ashfield with medium to smaller facilities seen as appropriate for the other built up areas of Newark, Worksop and Retford. This approach is supported by detailed site-selection criteria which guide the majority of facilities to existing industrial estates, proposed employment sites and other previously developed land. There is also provision for small-scale waste management facilities such as recycling, waste transfer or anaerobic digestion within rural areas where these can help to meet local, community needs, especially where this involves the re-use of redundant forestry or agricultural buildings in line with national planning policy in PPS10.

Sustainability Appraisal and other appraisals

17. Preparation of the Waste Core Strategy has been informed by an ongoing process of Sustainability Appraisal in accordance with the Planning and Compulsory Purchase Act 2004 (as amended). The initial stages of a strategic flood risk assessment and an 'appropriate assessment' under the Habitats Regulations 2010 have also been undertaken. Given the strategic nature of the Waste Core Strategy these can only assess the policies and approach of the plan in general terms as there are no site-specific policies or proposals to assess. More detailed assessments will therefore be needed for the development management policies and site-specific policy documents. A full Equalities Impact Assessment has also been completed.

Other Development Plan Documents

18. It is also proposed to prepare two further Development Plan Documents that will provide more detailed guidance. A Site Specific Document will allocate sites that will help implement the strategy. A development management policies document will set out the detailed environmental and other standards that all future planning proposals will need to comply with. Preparation of these both documents has commenced but these will not proceed beyond the informal consultation stages until the Core Strategy has been found sound. These documents will require separate member approval as they progress through the various stages of preparation.

Replacing existing adopted waste policies

19. The Waste Core Strategy must set out what, if any, existing adopted waste planning policies it is replacing. Our current waste policies are those set out in the Nottinghamshire and Nottingham Waste Local Plan adopted in January 2002 which were 'saved' via a Government direction in September 2007.
20. It is proposed to replace all policies except those relating to development management as the Waste Core Strategy will not be covering that issue. These policies are recommended to remain saved until the new development management policies document is adopted. The Waste Local Plan policies include some site specific proposals and 'areas of search' which arguably could be saved until the proposed new Site Specific Document is adopted. On balance, however, the merits of retaining these once the strategy is adopted look limited. The areas of search relate to employment sites where certain categories of waste management such as recycling plants are acceptable in principle. The relevant policies do not however preclude proposals being permitted in other employment land that has not been specifically identified, albeit there is less of a presumption in favour. As these Areas of Search do not relate to the new strategy in terms of where development should be located then retaining them does risk creating possible policy conflicts.
21. There is also one saved allocation policy namely the proposed new landfill site known as Bentinck void (Policy W10.4). A proposal to implement this policy was refused planning permission in 2010 for reasons that would seem to be insurmountable. As such retaining this policy is no longer appropriate.

22. A full list of policies to be replaced is set out in Appendix 1 of the Submission Draft Waste Core Strategy.

What happens next?

23. Subject to approval by both Councils the Submission Draft strategy will be published to allow a formal statutory public representation period. The City Council considered a similar report at the meeting of its Executive Board on 17 January 2012. The outcome will be reported orally at today's meeting.
24. The minimum statutory period for representations is 6 weeks. Allowing for the time needed to print and publish the draft strategy it is expected that the representation period will start on 13th February 2012 and conclude on the 26th March 2012.
25. The representations will be considered and, if necessary, detailed drafting changes may be proposed if any factual or other minor inaccuracies emerge. This is not however a consultation stage. If the Councils wish to make any substantive changes to the draft in response to representations or other factors, then it is likely that these will need to be subject to further consultation before a new draft is then put before members for approval and a further period of public representation takes place. This will result in very lengthy delays.

The examination

26. The draft Waste Core Strategy along with all representations received will then be submitted to Government to allow an independent examination by an independent Inspector. The Inspector will examine the whole plan for its 'soundness' irrespective of whether or not any representations are received. The examination is likely to include a public hearing session when parties making representations may at the Inspector's discretion present their views in person.

Adoption

27. The Inspector will issue a report that will either declare the Waste Core Strategy sound or unsound. If sound the Councils can adopt the strategy. If the strategy is unsound then it has to be withdrawn. Adoption will require approval by Full Council of both Authorities.

Other Options Considered

28. Preparation of the Waste Core Strategy is a statutory obligation on the County Council.

Reasons for Recommendation/s

29. Nottinghamshire County Council has a statutory duty to prepare a Waste Core Strategy and to publish this for a formal period of representations before submission to the Secretary of State.

Statutory and Policy Implications

30. 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

31. The Waste Core Strategy proposals do not commit any expenditure but it is acknowledged that meeting the aspirational recycling target within the draft Waste Core Strategy will lead to increased costs for the County Council as Waste Disposal Authority, and the District and Borough Councils as Waste Collection Authorities, in providing new treatment and/or disposal facilities, and in undertaking additional collection services.

Equalities Implications

32. The delivery of the Waste Core Strategy will have an impact on all communities within Nottinghamshire and Nottingham. A full Equalities Impact Assessment has been carried out as part of preparing this strategy and will be published on the Council's website.

Implications for Sustainability and the Environment

33. The Waste Core Strategy has been subject to a Sustainability Appraisal which fully incorporates the requirements of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the 'SEA Directive'). The initial stages of an appropriate assessment have also been carried out in accordance with The Conservation of Habitats and Species Regulations 2010. Further work is to be carried out prior to adoption of the Waste Core Strategy.

RECOMMENDATION/S

It is recommended that Nottinghamshire County Council approve:

1. The publication of the attached draft Waste Core Strategy followed by a minimum 6 week statutory public representation period;
2. Any final detailed editing changes can where necessary be made to the attached draft prior to publication;
3. That the Cabinet Member for Environment and Sustainability be authorised to agree any detailed changes to the published draft in response to any representations received or other evidence prior to formal submission for examination (Similar approval from the City Council will also be required).
4. The Submission Draft Waste Core Strategy, along with any recommended detailed changes, is submitted to Government to allow an independent examination to take place.

Councillor Richard Butler
Cabinet Member for Environment and Sustainability

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Constitutional Comments (SLB 04/01/2012)

34. County Council has authority and is the appropriate body to consider the content of this report.

Financial Comments (DJK 05.01.12)

35. The contents of this report are duly noted; any financial implications will need to be covered from the existing revenue budget.

Background Papers

36. The following documents have been relied upon in drafting this report.

Waste Core Strategy – Main consultation documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. These Background Papers will also form part of the evidence base for the Waste Core Strategy which will be made available on the Council's website.

Preferred approach – July 2011

<http://www.nottinghamshire.gov.uk/wcsmaindocument.pdf>

Further issues and options – September 2010

<http://www.nottinghamshire.gov.uk/wcsconsultationmain.pdf>

Issues and options - 2006

<http://www.nottinghamshire.gov.uk/wastecorestrategy.pdf>

The Nottinghamshire and Nottingham Waste Local Plan adopted January 2002

<http://www.nottinghamshire.gov.uk/large-static/wastelocalplan/wastelocalplan.pdf>

Sustainability Appraisal Report – January 2012

Habitats Regulations Pre-Screening Report – July 2011

Equalities Impact Assessment – January 2012

Electoral Division(s) and Member(s) Affected

All