

Nottinghamshire and Nottingham Waste Core Strategy Schedule of Changes

Councils' Responses to Representations

November 2012

<i>Respondent</i>	<i>Rep No. (Response no.)</i>	<i>Nature</i>	<i>Summary</i>	<i>Change to Plan Sought</i>	<i>Councils' Response</i>	<i>Action</i>
Proposed Change 3 – Key principles and policy background – National policy (para 2.5)						
People Against Incineration (Shlomo Downen) [1595]	23064 (10317)	Support	Endorse proposed change.	n/a	Support noted	n/a
Proposed Change 4 – Key principles and policy background – National policy (para 2.7)						
Peel Environmental Ltd (Rachael Copping) [1940]	23075 (10337)	Object	Welcome proposed change 4 which recognises the publication of the National Planning Policy Framework (NPPF) and the implications for the Waste Core Strategy. Nevertheless, we consider that the proposed change needs to go further in its reflection of the NPPF by confirming within the Core Strategy that a positive approach which reflects a presumption in favour of sustainable development will be followed.	Peel Environmental Ltd considers that the addition of the following text within the Core Strategy will ensure that the Plan is sound through being consistent with national policy; "The Councils will take a positive approach to considering development proposals that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework".	Accepted - this is seen as a sensible addition to the text.	Propose an additional modification to add the following final sentence to paragraph 2.8: 'The Councils will therefore take a positive approach to considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework'
Proposed Change 5 – Key principles and policy background – National policy (para 2.9)						
Welbeck Estate Co Ltd [633]	23089 (10332)	Support	Paragraph is sound and legal, but reference to PPS10 is not necessary as the new paragraph no. 2.9 covers this point.	n/a	Support noted.	n/a
Proposed Change 12 – What is our existing waste management capacity? (para 4.16)						
Leicestershire County Council (Mr Phil Larter) [2620]	23027 (10312)	Support	Support proposed change.	N/A	Support noted.	n/a

Respondent	Rep No. <i>(Response no.)</i>	Nature	Summary	Change to Plan Sought	Councils' Response	Action
People Against Incineration (Shlomo Downen) [1595]	23056 (10338)	Object	Proposed wording does not accurately reflect current situation.	Modify to reflect the following: (1) Rainworth incinerator refusal is no longer subject to legal proceedings; (2) Sinfyn (Derby) now has planning permission for a 190,000 tpa incinerator; (3). A 300,000 tpa incinerator in Shepshed, Leicestershire was approved in June 2012; (4) planning application for 350,000 tpa biomass burning facility for "Energy Park Sutton Bridge", (Wingland), Sutton Bridge submitted September 2012; (5) Planning permission for a 150,000 tpa incinerator at North Hykeham, Lincoln granted in July 2009; (6) A planning application for a 96,000 tpa incinerator proposed for "Magnetic Park Energy Centre" Kettering submitted in July 2012; (7) figures for the proposed Eastcroft expansion should reflect plans for four 100,000 tpa lines for C&I and MSW, with current operational capacity of 200,000 tpa and consented capacity of 300,000 tpa. Make explicit reference to Veolia's application (Ref 12/03137/FUL) to allow for, inter alia, 65,000 tpa MSW and C&I to be taken from North Nottinghamshire to Veolia's existing Sheffield incinerator.	Partially accepted - the factual updates to permitted and operational facilities mentioned are considered relevant to the Plan. However, the details of facilities for which planning permission is being sought, but has not been granted at the time of writing, are considered more relevant as background information. Whilst it is important that the context to the Plan is as up to date as possible, there needs to be a balance in terms of what may or may not happen in future and consideration of this is therefore, in the Councils' view, more appropriate as technical, supporting, information.	Propose additional modification to update planning situation for Rainworth Derby and Shepshed and include the additional 40,000 tonnes per annum permit increase at Eastcroft.
Proposed Change 13 – What is our existing waste management capacity (para 4.18)						
People Against Incineration (Shlomo Downen) [1595]	23065 (10318)	Support	We endorse the proposed change.	N/A	Support noted.	n/a

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Proposed Change 14 – What is our existing waste management capacity? (para 4.20)						
People Against Incineration (Shlomo Downen) [1595]	23057 (10339)	Object	Proposed wording does not accurately reflect current situation.	Modify to reflect that: "It is anticipated that as Nottingham and Nottinghamshire reduce residual municipal waste arisings a greater proportion of the existing Eastcroft capacity will be available for C&I waste, allowing for C&I capacity of more than 100,000 tpa." Paragraph should also note that Eastcroft's permit now allows for up to 300,000 tpa of C&I.	Partially accepted – the EA operating permit would allow for 300,000 tpa of either municipal or commercial and industrial waste, but this may be subject to contractual arrangements beyond the scope of the Waste Core Strategy.	Propose additional modification to read: 'Should there be a reduction in municipal waste inputs in future, this could theoretically provide additional capacity here for commercial and industrial waste subject to any contractual arrangements that may be in place.'
Proposed Change 15 – What is our existing waste management capacity? (Table 1: Summary of existing waste treatment capacity)						
People Against Incineration (Shlomo Downen) [1595]	23058 (10340)	Object	Data used is not justified and source is not made clear.	PAIN maintains the view that better data should be included in the WCS document. In circumstances where further data is provided in background documents then this needs to be properly referenced within the WCS and sources for data need to be made explicit.	Not accepted - the Councils' have made use of all available sources of data and have worked with the Environment Agency to refine the information to the local level where it is possible to do so. Table 1 provides a summary of the position at the time of drafting. Where more recent information becomes available this will be updated through the monitoring and review process. Details of the sites and capacity estimates that support Table 1 were published at the previous consultation stage and therefore form part of the public evidence base. Table 1 is clearly referenced as being drawn from Environment Agency and Waste Planning Authority records. It is therefore unclear what additional information is being sought by the objector.	No modification proposed.
Proposed Change 21 – Issues and challenges for the future – Protecting our environment, health and quality of life (footnote 23)						
People Against Incineration (Shlomo Downen) [1595]	23066 (10319)	Support	Endorse proposed change.	N/A	Support noted	n/a

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Proposed Change 23 – Vision and strategic objectives (Vision)						
People Against Incineration (Shlomo Downen) [1595]	23059 (10329)	Object	Maximising energy recovery is inconsistent with Government policy and legal obligations in relation to the waste hierarchy, and has not been justified as desirable over minimising residual waste arisings. The Waste Review 2011 states: "Our aim is to get the most energy out of genuinely residual waste, not to get the most waste into energy recovery"(para 22). Waste Strategy for England 2007 makes clear that '...energy should be recovered only from residual waste that cannot viably be recycled, as well as certain biomass wastes such as wood and food waste (via anaerobic digestion) where there are clear carbon benefits of doing so...' (para 52, Annex K)	"We will then look to recover the maximum value from any leftover waste in terms of materials or energy." should either be amended to read: "We will then look to recover the maximum value from any genuinely residual waste in terms of materials or energy, where this represents the best environmental outcome and is consistent with relevant policies and objectives, e.g. regarding environmental protection.", or the new sentence should be removed and PAIN's previous suggestions should be adopted.	Not accepted - whilst the Councils understand the concern that is being expressed here, they do not agree that Proposed Change 23 implies that the amount of waste used for energy recovery would be maximised. The wording clearly refers to 'leftover' waste after re-use and recycling. Policy WCS2 also reinforces this stance within the specific policy criteria which are set out in order of the waste hierarchy.	No modification proposed.
Peel Environmental Ltd (Rachael Copping) [1940]	23076 (10330)	Support	Peel Environmental Ltd supports the amended vision including the additional wording added to the vision, which recognises the importance of energy recovery through the following wording; "We will then look to recover the maximum value from any leftover waste in terms of materials or energy".	n/a	Support noted.	n/a
Welbeck Estate Co Ltd [633]	23090 (10333)	Support	Support reference to County Council looking to 'recovery the maximum value from any leftover waste in terms of materials or energy' within the revised vision for the Core Strategy.	n/a	Support noted.	n/a
Proposed Change 24 – Strategic Objectives (SO1)						
People Against Incineration (Shlomo Downen) [1595]	23067 (10320)	Support	Endorse proposed change.		Support noted	n/a

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Proposed Change 25 – Strategic Objectives (SO2)						
People Against Incineration (Shlomo Downen) [1595]	23068 (10316)	Support	Endorse proposed change.		Support noted	n/a
English Heritage (Mr Tom Gilbert-Wooldridge) [1962]	23074 (10316)	Support	Thank you for consulting English Heritage on the proposed changes to the Waste Core Strategy. We do not wish to comment on any of the proposed changes, except to welcome the minor amendment to Strategic Objective 2 as suggested by us in our original representation (22768).	n/a	Support noted	n/a
Proposed Change 29 – Strategic Objectives (SO6)						
People Against Incineration (Shlomo Downen) [1595]	23060 (10341)	Object	Maximising energy recovery is inconsistent with Government policy and legal obligations in relation to following the waste hierarchy, and has not been justified as desirable over minimising residual waste arisings. The Waste Review 2011 states: "Our aim is to get the most energy out of genuinely residual waste, not to get the most waste into energy recovery"(para 22). Waste Strategy for England 2007 makes clear that '...energy should be recovered only from residual waste that cannot viably be recycled, as well as certain biomass wastes such as wood and food waste (via anaerobic digestion) where there are clear carbon benefits of doing so...' (para 52, Annex K) The strategy should maintain the position on avoiding incineration over-capacity as per previous representations.	Replace second sentence with: "Manage our waste sustainably by meeting, and where possible exceeding, current and future targets for recycling our waste, reducing residual waste arisings, separately collecting food waste where possible, and moving away from the landfill of untreated waste."	Not accepted - the text here does not propose to maximise energy recovery but recognises national policy in that it has a role to play in sustainable waste management in accordance with the EU waste hierarchy. The stance throughout the document is that energy recovery may be an appropriate means of diverting waste from landfill as is clearly set out within Policy WCS2 and supporting text at paragraphs 7.10 -7.11.	No modification proposed.

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Proposed Change 32 – Presumption in favour of sustainable development						
People Against Incineration (Shlomo Downen) [1595]	23061 (10326)	Object	The proposed wording does not take account of other relevant plans outside of the WCS, and does not include an explicit presumption against unsustainable development. Any presumption in favour of sustainable development should be complemented by a prohibition or presumption against unsustainable development, to reflect Government policy on the importance of sustainability (detailed quote supplied from Greg Clarke Ministerial Statement). This is reflected in Eastbourne Policy D1: Sustainable Development was proposed to be modified to state that: "All new development should be sustainable..."	Rather than "and, where relevant, with polices in neighbourhood plans" PAIN suggests: "in other plans which form part of the Development Plan" Include a presumption against unsustainable development.	Partially accepted. The proposed policy wording is based upon a suggested form of model policy wording intended to apply to all Local Plans. The Councils agree that referring to 'other plans which form part of the Development Plan' rather than 'neighbourhood plans' would be more accurate in the case of the Waste Core Strategy. However, it is not considered necessary to add further text in relation to unsustainable development as this is already covered by the other policies of the plan which should be read as a whole and are supported by the saved Waste Local Plan policies until such time as they are replaced.	Put forward an additional modification to Policy WCSSD to replace 'neighbourhood plans' with 'other plans which form part of the Development Plan'.
Welbeck Estate Co Ltd [633]	23088 (10334)	Support	New policy WCSSD is consistent with the Framework and makes clear the Authority's intentions to support growth.	n/a	Support noted.	n/a
Proposed Change 33 – Waste Core Strategy Policy – Waste prevention and re-use (section heading)						
People Against Incineration (Shlomo Downen) [1595]	23069 (10321)	Support	Endorse proposed change.		Support noted	n/a
Proposed Change 36- Waste Core Strategy Policy – Delivering sustainable waste management facilities (para 7.9)						
People Against Incineration (Shlomo Downen) [1595]	23070 (10322)	Support	Endorse proposed change.		Support noted	n/a

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Proposed Change 38 – Waste Core Strategy Policy – Delivering sustainable waste management facilities (para 7.11)						
People Against Incineration (Shlomo Downen) [1595]	23062 (10327)	Object	The bottom rung of the waste management hierarchy is disposal, not landfill.	This paragraph should be about untreated biodegradable and unsorted waste going to disposal to be consistent with the waste hierarchy which does not differentiate between landfill and other forms of disposal. Inert waste to inert landfill is not a problem.	Accepted - the text should state disposal rather than landfill in order to be consistent with the waste hierarchy. This will be corrected.	Propose additional modification to paragraph 7.11 to replace 'landfill' with 'disposal'
Proposed Change 44 – Waste Core Strategy Policy – Finding suitable sites for waste disposal (Policy WCS4)						
Mr David King [1838]	23025 (10310)	Object	No overfilling of present landfill sites- specifically Dorket Head.	Add following text: 'Any present landfill site with a record of complaints logged against it would not be considered for re-opening'	Not accepted - this objection does not relate to the proposed change text but to the original policy wording. The plan policies and supporting text should be read as a whole. Whilst policy WCS4 establishes a sequence of search which favours the extension of existing sites 'in principle', it does not identify any specific site. The supporting text at paragraph 7.23 explains that extension may not be practical or acceptable in all cases and policy WCS12 (as proposed to be changed) specifically states that new or extended waste treatment or disposal facilities will be supported only where it can be demonstrated that there would not be an unacceptable impact, including cumulative effects. The additional safeguard sought by the objector has therefore already been addressed.	No modification proposed.

Respondent	Rep No. (Response no.)	Nature	Summary	Change to Plan Sought	Councils' Response	Action
Mr Paul Hancock [2019]	23091 (10342)	Object	<p>Landfill sites should be far away from residential areas. The site is supposed to be reinstated to its original level when full. The prospect of land raise is therefore illegal. The prospect of an extension is horrifying. Extra pollution - the stench and toxins getting closer. I am starting to hate living here. This site is supposed to be for inert waste. Please re-consider your proposals for this site.</p> <p>(N.B. this representation form was submitted as a strong objection on behalf of many Arnold residents to what is described as 'the stench at Dorket Head' and lists numerous concerns over odour, gas, toxic chemicals, groundwater, noise, nuisance from birds, and public health. It has therefore also been treated as a complaint about the site and a copy has been passed to the County Council's monitoring and enforcement team for investigation)</p>	Do not allow extension of Dorket Head landfill site.	Not accepted – this objection does not relate to the proposed change text but to the original wording. As with the previous objection, the Councils are aware of residents' on-going concerns about the Dorket Head landfill site but have to stress that the Waste Core Strategy is not site-specific and is not therefore allocating the extension of Dorket Head. Policy WCS4, as proposed to be amended, allows only for the extension of existing sites 'in principle', subject to this not creating 'any additional environmental impacts or making existing problems worse' as set out in the supporting text at Paragraph 7.23. This safeguard would specifically address the environmental concerns at this site. In addition the Plan policies should be read as a whole and Policy WCS12 is designed to ensure an appropriate level of environmental protection alongside the saved policies of the existing Waste Local Plan until such time as they are replaced. The Councils therefore feel that it is appropriate for the Waste Core Strategy to consider the option of extending existing sites 'in principle' but that this should not necessarily be seen as a 'green light' to all proposals. There are adequate safeguards in place to ensure that this policy cannot be used to maintain an inappropriate site. At the planning application stage, the Waste Planning Authority would need to be satisfied that relevant planning conditions on noise, odour, and groundwater, amongst others, could be met and would take into account any known operational issues.	No modification proposed.

Proposed Change 46 – Waste Core Strategy Policy - Dealing with power station waste (Policy WCS5)

Leicestershire County Council (Mr Phil Larter) [2620]	23028 (10313)	Support	Support proposed change.	n/a	Support noted.	n/a
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Respondent	Rep No. <i>(Response no.)</i>	Nature	Summary	Change to Plan Sought	Councils' Response	Action
Nottinghamshire Wildlife Trust (Janice Bradley) [1495]	23092 (10345) (Late)	Object	<p>As previously stated, NWT would support selective use of PFA to partially infill quarry voids, in accordance with BAP priorities, but are concerned that, if an existing void/lake were filled completely filled with PFA e.g. for intensive agricultural land use, this would result in less biodiversity contrary to the entire premise of the UK BAP and the LBAP, and contrary to national, regional and local policy.</p> <p>NWT welcome this improvement to the text but would still expect, however, to see a specific reference to biodiversity conservation in this text, as there may be different interpretations of what might constitute an "environmental benefit". The potential for the contribution of some waste site restoration schemes to meeting National and local BAP targets is substantial, and opportunities to use such mechanisms as a means to create appropriate habitats should not be lost. This would help to achieve the imperative in the NPPF for "enhancement" for biodiversity, such a revision to the text would make the policy more effective in this regard.</p>	<p>Suggested change to the wording of the policy: "...For ash that cannot be recycled in the foreseeable future, priority will be given to proposals that will use the ash to fill and reclaim mineral workings or other derelict voids, where these will provide an environmental benefit, particularly the creation of BAP-priority habitats which are appropriate to that Natural Character Area, and where significant biodiversity gain can be achieved over what is already present. Land-raising of ash for disposal will only be acceptable when no other reasonable options exist."</p>	<p>Not accepted - the reasons for this objection are understood but the Councils remain of the view that it would be inappropriate to highlight one type of environmental benefit (i.e. specific biodiversity aspects) within the policy wording. Revised wording to the supporting text has already been proposed which specifically refers to biodiversity and any planning decision on a specific proposal would take into account the extent to which national and local biodiversity targets could be met as a material consideration.</p>	No modification proposed.
Proposed Change 47 – Waste Core Strategy Policy – What types of sites are suitable for waste management? (para 7.30)						
Welbeck Estate Co Ltd [633]	23087 (10335)	Support	Support the proposed change.	n/a	Support noted.	n/a

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Peel Environmental Ltd (Rachael Copping) [1940]	23077 (10343)	Object	Whilst Peel Environmental Ltd supports the general approach to greenfield sites as set out in this proposed change, the additional sentence at the end of the paragraph appears to be overly restrictive and does not allow a site by site approach to be adopted. This requires sites to be considered as undeveloped where existing restoration conditions require them to be returned to greenfield yet this approach does not appear to be justified.	<p>We propose that the following sentence be removed to ensure that a more appropriate strategy is applied to greenfield sites and enables the plan to be justified;</p> <p>"However, where there are existing restoration conditions in place that require the site to be returned to greenfield, any planning decision will need to consider the site as if it was undeveloped".</p>	<p>Not accepted - the Councils would be at risk of legal challenge if they failed to consider the existing restoration conditions on a site where this required it be reinstated to its former state such that it would be considered Greenfield. The NPPF Annex 2 definition of previously developed land specifically excludes sites used for minerals extraction or waste disposal and also remarks that sites where the remains of any previous structure have blended into the landscape in the process of time should also be excluded. In the Councils' view this implies that land which is intended to be restored, or that has taken on the appearance of undeveloped land, should properly be considered as Greenfield. The significance of this is highlighted in the High Court decision in the case of Capel Parish Council v Surrey County Council March 2009 (Case No: CO/5684/2008 & 0510/2009).</p>	No modification proposed.

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Proposed Change 49 - Waste Core Strategy Policy – What types of sites are suitable for waste management? (para 7.39)						
Mr David King [1838]	23026 (10311)	Object	I am concerned that the technique whereby old landfill sites are re-opened and the overfilled which I believe is known as landraising is being considered. As a resident who has suffered for years with the problems caused by the Dorket Head Site (particularly smell) this would seem to be an unacceptable solution. For this site specifically any such use would in addition be an eyesore.	"Any present landfill site with a record of complaints logged against it would not be considered for re-opening."- to be added	Not accepted - whilst the concerns expressed about the environmental impacts of landfill/landraise and the possibility of re-working are well understood, the Proposed Change is being put forward to recognise that re-working is technically possible and may be appropriate in some circumstances in order to recover valuable resources. Whilst it is acknowledged that there are only relatively few current or former landfill sites where this could occur, it should be stressed that the Waste Core Strategy is not promoting any specific sites. Policy WCS6 establishes general policy criteria but this is 'subject to there being no unacceptable environmental impacts' and this is further reinforced by the strategic environmental protection policy WCS12. These policies should be read in combination and are also supported by the saved, detailed policies of the Waste Local Plan until such time as they are replaced by an equivalent set of development management policies. This therefore provides an appropriate safeguard against the concerns raised.	No modification proposed.

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Proposed Change 53 - Waste Core Strategy Policy – Safeguarding waste management sites (Policy WCS9)

Gedling Borough Council (Mr Graeme Foster) [2120]	23095 (10353)	Object	<p>The proposed change to Policy WCS9 to safeguard land for waste management facilities adjoining existing waste management sites raises concerns if it is to be applied in Green Belt locations (there are existing waste disposal facilities and other waste management facilities in the Green Belt within Gedling Borough). As written the policy is rather confused and could be read as promoting the principle of extending waste management development into Green Belt contrary to the aims of Green Belt policy as set out in the National Planning Policy Framework. However, the policy would still need to be read in conjunction with Policy WCS6 (as proposed to be changed) which confirms that all proposals in the Green Belt will be subject to Green Belt policy. The supporting text (paragraph 7.44) is very weak in terms of implementing Policy WCS9, although it is noted that this paragraph refers to consultation with districts, the approach outlined would unacceptably circumvent the site allocation process which should apply equally to new site allocations or extensions to existing sites and involves extensive consultation and independent examination.</p> <p>In addition, it is also unclear how the wording of this proposed change which refers to safeguarding being applied to sites and land immediately adjacent to them would be applied to areas of search which are relatively large areas.</p>	Not stated	Partially accepted – The Council's have proposed some additional minor amendments to the Core Strategy in respect of the Green Belt and in response to Gedling Borough Council's objections at the submission draft stage (AM8, AM9 & AM10) which more accurately reflects national policy on Green Belt set out in the NPPF and PPS10. The Council's understand the concerns expressed here but consider that the additional modifications provide sufficient clarification on this matter.	No modification proposed.
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Proposed Change 55 – Waste Core Strategy Policy – Meeting our future needs and managing our own waste (heading)						
Peel Environmental Ltd (Rachael Copping) [1940]	23078 (10347)	Object	<p>This change proposed a re-wording of the heading of the chapter from 'Meeting future needs and managing our own waste' to 'Managing non-local waste'. The change has been proposed to reflect changes to Policy WCS11 and supporting text, which we comment on in more detail below under Proposed Change 58 & 59.</p> <p>Peel Environmental Ltd considers that introducing the term 'non-local' could create confusion as it is not particularly clear what is meant by the term 'local' and hence 'non-local'. The term 'local' is not defined in the Core Strategy or by national planning policy. This potential for confusion could undermine the deliverability of the plan and hence make it ineffective.</p>	<p>We propose that further consideration is given to the revised heading and provide additional clarification on the meaning of 'non-local' within the Plan to ensure clarity and deliverability.</p> <p>Also see comments in relation to Proposed Change 58 & 59 below.</p>	Accepted – this will be defined in the Glossary	Put forward an additional modification to define what will be considered as non-local waste in the Glossary.

Proposed Change 57 – Waste Core Strategy Policy – Meeting our future needs and managing our own waste (para 7.48)						
People Against Incineration (Shlomo Downen) [1595]	23063 (10328)	Object	<p>The revised wording has not been justified and would not be effective.</p>	<p>The phrase "at least" should be removed. NCC acknowledges that "removal of the phrase 'at least' from the policy would make this consistent with the stated aim of providing sufficient capacity to manage the equivalent of the waste arising within the plan area and remove concerns about over-capacity."</p> <p>Also, it should be made clear that an applicant's failure to demonstrate a need for their proposed facility may mean that the proposal would not benefit from certain planning policies, e.g. policies pertaining to managing the equivalent of arisings within the Plan Area.</p>	<p>Partially accepted - removal of the phrase 'at least' would improve consistency with wording elsewhere within the Waste Core Strategy.</p> <p>The second part of this objection is not accepted. This policy was re-drafted under Proposed Change 57 to remove references to need as PPS10 does not require proposals to demonstrate a market or quantitative need where they would help to manage waste further up the waste hierarchy. The additional change sought here would not therefore be appropriate.</p>	Put forward an additional modification to delete the words 'at least' from Proposed Change 57.

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Welbeck Estate Co Ltd [633]	23086 (10336)	Support	Support the amendments to Policy WCS 10. Site with the potential for alternatives to road transport should be given priority for development or redevelopment. For example the former Welbeck Colliery and Summit Colliery both offer suitable locations for resource recovery parks. Redevelopment of both sites provides an opportunity for alternatives to road transportation via the existing rail heads.	n/a	Support noted.	n/a

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Proposed Change 58 – Waste Core Strategy Policy – Meeting our future needs and managing our own waste (para 7.49)						
Peel Environmental Ltd (Rachael Copping) [1940]	23079 (10348)	Object	<p>Peel Environmental Ltd considers that proposed change 58 which seeks to amend paragraph 7.49 to reflect changes to Policy WCS11 is unsound as it is inconsistent with national policy. One of the key planning objectives in PPS10 (paragraph 3) is that the delivery of planning strategies should encourage competitiveness. In addition, the PPS10 Companion Guide (paragraph 6.46) suggests that WPAs should not restrict the movements of waste across borders. The proposed policy and supporting text are overly restrictive on this matter and require facilities which are likely to treat waste from outside Nottinghamshire and Nottingham to demonstrate factors over and above those set out in national policy.</p> <p>This is especially significant for 'merchant' facilities i.e. those that don't have committed waste contracts in place at the time of the grant of consent. They deal largely with commercial and industrial waste which makes up a significant proportion of waste arisings. It is acknowledged within the Appeal Decision for a 60MW generating station at Lostock, Cheshire (Report to the Secretary of State, dated 5 March 2012, paragraph 7.32) that restricting such facilities on the source of waste would defeat the whole purpose of such schemes and would be anti-competitive. The report also notes that the legal framework of the Waste (England and Wales) Regulations 2011 (WR2011) in Schedule 1 (Paragraph 4, Part 1), with regard to principles of self-sufficiency and proximity, does not require the demonstration that a proposal would be the, or even one of the Nearest Appropriate Installations (NAI). It is recognised that it would be surprising to find such a requirement, as it would rule out 'merchant' facilities.</p>	<p>Peel Environmental Ltd suggests that the proposed change (number 58) to paragraph 7.49 be amended so the additional text is removed and the paragraph simply reads as follows to ensure compliance with national policy;</p> <p>"It is likely that during the life of the Waste Core Strategy we may be faced with proposals that could take waste from a wider catchment area. We will therefore maintain a flexible approach and work with neighbouring authorities and applicants to understand the overall level and type of waste management provision."</p> <p>Peel Environmental Ltd suggests that Policy WCS11 (proposed change 59) be amended as follows to remove the need to demonstrate factors over and above national policy and ensure compliance with national policy;</p> <p>"In addition to supporting proposals that accord with the locational principles of the Core Strategy, waste management proposals which are likely to treat or dispose of waste from areas outside Nottinghamshire and Nottingham will also be supported where they contribute to the movement of waste up the waste hierarchy".</p> <p>Peel Environmental Ltd also suggests that consideration be given to the re-wording of the policy from 'Policy WCS11 - Managing non-local waste' in accordance with the comments expressed above with regard to proposed change 55.</p>	<p>Not accepted - the Councils do not agree that the proposed wording imposes requirements beyond those set out within the NPPF. It is appropriate for the Waste Core Strategy to ensure that proposals support the waste hierarchy and seek the most sustainable outcome in line with Article 4 of EU Directive 2008/98/EC (the Revised Framework Directive on Waste), the National Waste Strategy for England 2007, and PPS10.</p>	No modification proposed

Respondent	Rep No. <i>(Response no.)</i>	Nature	Summary	Change to Plan Sought	Councils' Response	Action
Proposed Change 59 – Waste Core Strategy Policy – Meeting our future needs and managing our own waste (Policy WCS11)						
Express Energy [2043]	23055	Object	<p>We would support the principle and intentions of Policy WCS11 as proposed for amendment.</p> <p>The wording of the policy is, however, considered to be ambiguous. Proposed wording is suggested by way of clarification that would improve the effectiveness of the Policy.</p> <p>Should the proposed wording changes be changed as suggested, we would withdraw our objection to Policy WCS3.</p>	<p>The suggested change to wording of the Policy is as follows:</p> <p>"In addition to proposals that accord with the locational policies of the Core Strategy, waste management proposals which are likely to treat or dispose of waste from areas outside Nottinghamshire and Nottingham will be allowed where they demonstrate that...."</p>	<p>Accepted – this is a minor wording change which the Councils accept although they consider that it would be preferable to use the word 'permitted' rather than 'allowed' in order to be consistent with other policies within the Waste Core Strategy.</p>	<p>Propose an additional modification to re-word start of Policy WCS11 to read:</p> <p>"In addition to proposals that accord with the locational policies of the Core Strategy, waste management proposals which are likely to treat or dispose of waste from areas outside Nottinghamshire and Nottingham will be permitted where they demonstrate that...."</p>
Leicestershire County Council (Mr Phil Larter) [2620]	23029 (10314)	Support	Support proposed change.	n/a	Support noted.	n/a

Respondent	Rep No. (Response no.)	Nature	Summary	Change to Plan Sought	Councils' Response	Action
Peel Environmental Ltd (Rachael Copping) [1940]	23080 (10346)	Object	<p>Peel Environmental Ltd considers that proposed change 59 which seeks to replace Policy WCS11 is unsound as it is inconsistent with national policy. One of the key planning objectives in PPS10 (paragraph 3) is that the delivery of planning strategies should encourage competitiveness. In addition, the PPS10 Companion Guide (paragraph 6.46) suggests that WPAs should not restrict the movements of waste across borders. The proposed policy and supporting text are overly restrictive on this matter and require facilities which are likely to treat waste from outside Nottinghamshire and Nottingham to demonstrate factors over and above those set out in national policy.</p> <p>This is especially significant for 'merchant' facilities. The report for the Appeal Decision for a 60MW generating station at Lostock, Cheshire (Report to the Secretary of State, dated 5 March 2012, paragraph 7.32) also notes that the legal framework of the Waste (England and Wales) Regulations 2011 (WR2011) in Schedule 1 (Paragraph 4, Part 1), with regard to principles of self-sufficiency and proximity, does not require the demonstration that a proposal would be the, or even one of the Nearest Appropriate Installations (NAI). It is recognised that it would be surprising to find such a requirement, as it would rule out 'merchant' facilities.</p> <p>The proposed policy would seem to restrict the movements of wastes across authority boundaries, yet there appears to be little evidence to show the level of cross-boundary movements of waste. It is also not clear from the documents about the level of cross-boundary consultation conducted, which is a requirement of the duty to cooperate as set out in paragraph 178 / 9 of the NPPF.</p>	<p>Peel Environmental Ltd suggests that the proposed change (number 58) to paragraph 7.49 be amended so the additional text is removed and the paragraph simply reads as follows to ensure compliance with national policy;</p> <p>"It is likely that during the life of the Waste Core Strategy we may be faced with proposals that could take waste from a wider catchment area. We will therefore maintain a flexible approach and work with neighbouring authorities and applicants to understand the overall level and type of waste management provision."</p> <p>Peel Environmental Ltd suggests that Policy WCS11 (proposed change 59) be amended as follows to remove the need to demonstrate factors over and above national policy and ensure compliance with national policy;</p> <p>"In addition to supporting proposals that accord with the locational principles of the Core Strategy, waste management proposals which are likely to treat or dispose of waste from areas outside Nottinghamshire and Nottingham will also be supported where they contribute to the movement of waste up the waste hierarchy".</p> <p>Peel Environmental Ltd also suggests that consideration be given to the re-wording of the policy from 'Policy WCS11 - Managing non-local waste' in accordance with the comments expressed above with regard to proposed change 55.</p>	<p>Not accepted - one of the key planning objectives of PPS10 is 'to help secure the recovery or disposal of waste ... and enable waste to be disposed of in one of the nearest appropriate installations' Policy WCS11 is drafted to recognise the need for flexibility in waste movements but to ensure that this is proportionate and in accordance with the waste hierarchy. The original policy wording included a quantitative assessment of need but this has been amended, through Proposed Change 59, to focus on the sustainability merits of any proposal. This is considered to bring the policy in line with the wording in PPS10 in relation to the nearest appropriate installation. The Councils do not agree that this approach prejudices merchant facilities, rather it provides for an appropriate level of waste movements. The Councils also consider that the criteria with regard to sustainability are appropriate in line with the NPPF presumption in favour of sustainable development as the policy wording sets out what factors will be assessed. The lack of published data on cross-boundary movements of waste is acknowledged earlier in the document (Chapter 4) and the Councils have worked with the Environment Agency and neighbouring Councils to identify waste movements between the Plan area and other parts of the East Midlands, and significant national shipments of waste, where it is possible to do so. This work is detailed within the Councils' Statement on the Duty to Co-operate. This provides background information to the Plan but is unclear how adding a detailed list of these waste movements would improve the soundness or otherwise of the proposed policy approach.</p>	No modification proposed.

Respondent	Rep No. <i>(Response no.)</i>	Nature	Summary	Change to Plan Sought	Councils' Response	Action
Proposed Change 61 – Waste Core Strategy Policy – Protecting our environment and quality of life (para 7.51)						
People Against Incineration (Shlomo Downen) [1595]	23071 (10323)	Support	Endorse proposed change.	n/a	Support noted	n/a
Peel Environmental Ltd (Rachael Copping) [1940]	23081 (10344)	Object	Whilst Peel Environmental Ltd recognises that the correction seeks to correct and clarify that any assessment of cumulative impact should take account of all development, not just waste development, it nevertheless places an additional requirement on the assessment in terms of proposed development. It is considered that further clarification is required on this point as to how this can be determined and the required level of consideration to be given to proposed developments i.e. are these developments which are in the planning system or are due to be submitted into the planning system or only those that have been consented and yet to be developed.	To ensure that the Plan is deliverable and consequently effective, further clarification needs to be included as to what constitutes 'proposed development' in this context. Peel Environmental Ltd suggests that consideration should be given to existing and proposed major development. Alternatively, removal of the additional wording could be considered.	Accepted - whilst the term 'proposed' development is intended to convey future development that has been granted planning permission that may not yet have been constructed or commenced operation, it is accepted that this is not made sufficiently clear within the existing text. However, the Councils do not agree that this should necessarily be restricted to major development as a cumulative impact could accrue from several smaller developments depending on the location and use proposed.	Propose an additional modification to clarify that 'proposed' development refers to development that has a valid planning permission whether or not this has yet been implemented'.
Proposed Change 64 – Waste Core Strategy Policy – Protecting our environment and quality of life (Policy WCS12)						
People Against Incineration (Shlomo Downen) [1595]	23073 (10324)	Support	Proposed change 64, whilst not our ideal wording, is considered to be an improvement over the previous draft text.	n/a	Support noted	n/a

Respondent	Rep No. (Response no.)	Nature	Summary	Change to Plan Sought	Councils' Response	Action
CPRE (Notts Branch) (Mr Leslie Teasdale) [1005]	23085 (10349)	Object	The proposed new WSC12 is mealy-mouthed and allows everything or nothing!! Inclusion of the word "only" gives no clear statement of what is to be achieved or to be avoided.	Reword WSC12 as: 'New and extended waste treatment or disposal facilities will be supported only where it can be demonstrated that there is no unjustified detrimental effects on the landscape character or to the urban form of the district or to the purposes of including land within the Green Belt or on the overall environmental quality, or to the quality of life of the those living or working nearby and where this would not result in an unacceptable cumulative impact. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat, or community facilities.'	Not accepted - the purpose of this policy is to set out an overall strategic policy for environmental protection. Individual assets and features are already protected under legislation and/or the NPPF as well as within the Local Plans prepared for each District/Borough within the Plan area. This strategic policy will also be supported by a separate set of detailed development management policies for waste. Currently this role is fulfilled by the specific saved development management policies within the existing Waste Local Plan. Hence the Councils do not think it is necessary to set out a detailed list of environmental assets within the Policy WCS12 as this would risk being seen as an exhaustive list whereas this policy is intended to be an over-arching, strategic and inclusive policy. The supporting text to this policy has been used to set out the key environmental issues that may need to be addressed including landscape, townscape, wildlife, habitats and natural resources. It is therefore considered that these references adequately cover the points raised in this objection.	No modification proposed.

Respondent	Rep No. (Response no.)	Nature	Summary	Change to Plan Sought	Councils' Response	Action
Nottinghamshire Wildlife Trust (Janice Bradley) [1495]	23093 (10350) (Late)	Object	NWT welcome the proposed change to the policy wording to include "Protecting and enhancing our environment" and support the amendment and additions to paragraph 7.52 which seeks to address our concerns about the use of "environmental quality" as a catch-all term, by providing clarification on the different types of environmental assets. We still consider, however, as per our previous representation, that this should also be explicit in the Policy wording as this makes no specific reference to the protection of biodiversity. This is essential to avoid the suggestion that environmental assets are interchangeable (e.g. losing irreplaceable habitats but gaining a landscape/ recreational improvement instead. This is not acceptable, biodiversity should not be traded for other environmental assets, and policy in the NPPF reinforces this, specifically stating that biodiversity should be protected and enhanced.	NWT recommend the following change to the policy wording: "New or extended waste treatment or disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on environmental quality, including natural assets such as biodiversity, or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities."	Not accepted - whilst the Councils understand the extra degree of reassurance that is sought by this objection, this policy is intentionally drafted as a strategic policy that will, in turn, be supported by a separate, detailed, set of development management policies for waste. In not making any further changes, the Councils are not saying that biodiversity should not be considered, but rather that it is not necessary to identify this above other environmental assets within the policy. Policy WCS12 is intended to be inclusive and the Councils wish to avoid a long-list of potential assets that is then seen as exhaustive. These are already protected under national legislation and/or NPPF, District and Borough Local Plans and the saved policies of the existing Waste Local Plan. The supporting text at paragraph 7.52 (Proposed Change 62) has already been re-written to include a specific reference to biodiversity and both national and local Biodiversity Action Plans. The Councils therefore remain of the view that no further change is necessary.	No modification proposed.
Proposed Change 68 – Monitoring and implementation (para 8.1)						
People Against Incineration (Shlomo Downen) [1595]	23072 (10325)	Support	Endorse proposed change.	n/a	Support noted	n/a
Proposed Change 69 – Monitoring and implementation (Table 7: Monitoring and implementation framework)						
CPRE (Notts Branch) (Mr Leslie Teasdale) [1005]	23083 (10331)	Support	WSC1 The change is accepted.	n/a	Support noted.	n/a

Respondent	Rep No. (Response no.)	Nature	Summary	Change to Plan Sought	Councils' Response	Action
CPRE (Notts Branch) (Mr Leslie Teasdale) [1005]	23084 (10351)	Object	WSC2 There is a great gap in not identifying the parts making up the broad groupings of waste products. This will make targeting and monitoring difficult if not meaningless. Current estimates are needed if only as a basis for setting targets.	<p>Breakdown waste product groups to allow individual targets for reduced volumes. Sub-groups could recognise:</p> <p>Municipal waste: Paper, Metals, Garden products,</p> <p>Industrial waste: Chemicals, Metals,</p> <p>Construction and demolition waste: Hardcore, Metals,</p>	<p>Partially accepted - the Councils accept that monitoring in this detail would provide a more detailed picture of waste arisings but, unfortunately, there is no reliable source of data that would provide comprehensive information at the local level. It may be possible to derive some local data for municipal waste from the national 'Wastedataflow' system but there is no equivalent data for commercial and industrial or construction waste. The Councils have attempted to use the Environment Agency (EA) Waste Data Interrogator information to estimate local waste arisings but the EA have advised that the data is only collected to show waste throughputs/inputs at licensed facilities and cannot therefore be used in this way. The Councils will look to see whether it is possible to incorporate a breakdown for municipal waste into the monitoring indicators within the Annual Monitoring Report, subject to relevant data being available.</p>	<p>Propose additional modification to Table 7 (WCS2) to include an additional indicator on waste arisings for municipal, commercial and industrial, and construction and demolition waste, where such data is available.</p>

Respondent	Rep No. (Response no.)	Nature	Summary	Change to Plan Sought	Councils' Response	Action
Proposed Change 71 – Appendix 2 (Table 8: Indicative size of waste treatment facilities)						
Peel Environmental Ltd (Rachael Copping) [1940]	23082 (10352)	Object	<p>Peel Environmental Ltd supports in principle this change which portrays a more flexible approach. However, the table does not appear to make a distinction between farm-based activities and generic organic waste treatment facilities. In practice, the throughput / treatment capacity range for these two types of facilities will be different and a distinction should be made between the two. The capacity of AD facilities processing agricultural waste typically range from 5,000 tonnes to 25,000 tonnes per annum and AD plants processing organic waste range from 25,000 to 120,000 tonnes per annum.</p> <p>Peel Environmental Ltd would draw attention to the evidence presented in the Wrap Report, AD infrastructure in the UK, September 2011 which shows that the average capacity of the operational farm based AD facilities is around 8,000 tonnes per annum. The report indicates the average capacity of the 26 organic waste-fed commercial "non industrial" AD facilities to be around 38,000 tpa. The report provides an example of a typical AD plant which operates on a standalone commercial basis in the UK.</p> <p>Peel Environmental Ltd suggests that the table recognises the difference between the two types of AD activity and presents capacity ranges which more accurately reflect the different nature of the operations.</p> <p>As it is currently shown the plan could be considered unsound as it is not positively prepared in that it is not accurately assessing development and infrastructure requirements.</p>	<p>Peel Environmental Ltd suggests that Proposed Change 71 (Table 8) be amended so that the table recognises the difference between the two types of AD activity and presents capacity ranges which more accurately reflect the different nature of the operations for farm-based AD facilities and generic organic waste treatment facilities. The ranges given for small, medium and large facilities should be amended so that they are more proportionate and reflect that the capacity of AD facilities processing agricultural waste typically range from 5,000 tonnes to 25,000 tonnes per annum and AD plants processing organic waste range from 25,000 to 120,000 tonnes per annum. These amendments will ensure that the plan is considered to be positively prepared by accurately reflecting development requirements.</p>	<p>Not accepted - whilst the Councils understand the point about the importance of distinguishing between on-farm and other commercial facilities, this is already recognised within the site criteria set out in Policy WCS6. It is accepted that there is likely to be a difference in throughput between these types of facilities, hence medium and larger facilities are directed towards existing or proposed employment/ Industrial sites whereas countryside and Green Belt locations would generally only be seen as suitable for smaller facilities of less than 5,000 tonnes per annum. The WRAP report highlights that there are some larger scale sites now operating but only gives a limited number of examples. This objection suggests that on-farm facilities typically process between 5,000 and 25,000 tonnes per annum and is presumably seeking the 'small' range within Appendix 2 to be increased to 25,000 tonnes per annum. The average figure implied by the WRAP report is just over 8,000 tonnes per annum based on the number of facilities and total throughput. The range included within Appendix 2 is indicative and it is accepted that each application will need to be considered on its merits but the Councils are keen to ensure that a reasonable balance is struck between appropriate provision of waste facilities within countryside and/or Green Belt areas in accordance with PPS10, whilst preventing the intrusion of inappropriate industrial-scale development. Should further evidence come forward in future to justify amending this figure, this will be a material consideration in determining any planning application, but the Councils do not currently consider there is sufficient evidence to support increasing the indicative range to 25,000 tonnes for a 'small' AD Plant.</p>	No modification proposed.

Respondent	Rep No. (Response no.)	Nature	Summary	Change to Plan Sought	Councils' Response	Action
Unassigned						
Mr J Potter [2108]	23094	Object	n/a	Not stated	Resubmission of original comments, with adaptation to proposed changes. Unable to assign representations to particular changes. Agreed with representor to forward the representation to the Planning Inspector in its original format.	No modifications proposed – to be forward to the Planning Inspector for consideration.
Response with no further comments						
The Coal Authority (Mark E N Harrison) [992]	23052 (10315)	Support	The Coal Authority has no comments to make at this stage.	n/a	Noted	n/a
West Lindsey District Council (Rob Lawton) [1575]	23053 (10315)	Support	No further officer level comments. Formal response will be coordinated by the Central Lincolnshire Joint Planning Unit.	n/a	Noted	n/a
Sport England (Mr Steve Beard) [1586]	23054 (10315)	Support	Sport England does not wish to make any comments.	n/a	Noted	n/a