

## **REPORT OF THE CABINET MEMBER, TRANSPORT AND ENVIRONMENT**

### **NOTTINGHAMSHIRE AND NOTTINGHAM WASTE LOCAL PLAN**

### **SUBMISSION TO THE SECRETARY OF STATE**

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

1. To enable the County Council to consider and approve the submission of the Nottinghamshire and Nottingham Waste Local Plan to the Secretary of State following a period when the Pre Submission Plan was published for a statutory period to allow final representations to be received.

#### **Information**

##### **Introduction**

2. A Waste Local Plan is a statutory document that all Waste Planning Authorities must prepare and maintain. It sets out policies against which all development applications involving recycling and waste processing are assessed and determined by the County Council as waste planning authority.
3. The County and City Councils have for many years prepared a single Joint Local Plan for Waste owing to the cross boundary nature of recycling and waste management. The current Waste Core Strategy was adopted in May 2013 and is supplemented by policies from the Waste Local Plan of 2002. These documents are now out of date and both Councils agreed to prepare a single new Plan to replace them.
4. The preparation of the Plan began by carrying out an informal public consultation on the issues and options faced over the new plan period in early 2020. The feedback from this consultation fed into the development in 2021/22 of a draft version of the Joint Waste Local Plan, which was published for consultation between February and April 2022. The comments on the Draft Plan informed the Pre Submission Version which was approved for publication by Cabinet in July to allow final representations to be received on the proposed Plan.
5. Under the constitution of the County Council, as a Local Plan is part of the Budget and Policy Framework, Full Council approval is required to submit the Plan to the Secretary of State.

## The Joint Waste Plan

6. The overall aim of the Plan is to ensure that a sufficient range of sites are provided to meet expected future demand for recycling and waste management in the most sustainable way by supporting greater levels of re-use and recycling of material, seeking to minimise landfill and to safeguard existing waste management sites from being unnecessarily lost or impacted by other development.
7. The vision and strategic objectives of the Waste Local Plan therefore help support the environmental and sustainability objectives of the Nottinghamshire Plan especially in terms of reducing the County's impact on the environment. Waste processing and recycling is an economic sector which helps avoid having to dispose of waste to landfill, which is an important consideration given that almost all former quarries in Nottinghamshire which historically accepted landfill waste are now full.
8. The Plan and its supporting Waste Needs Assessment seeks to accommodate the expected demand for waste management facilities resulting from waste generated within the County and City boundaries following the "hierarchy" of waste which seeks to ensure that waste is firstly prevented, then repaired/re-used, then the material recycled, then used to enable recovery (eg energy recovery) with disposal being the last resort. The Plan is under no obligation to provide waste management capacity for waste generated outside the County and City boundaries.
9. The Plan will provide an up to date policy basis for determining future applications for waste development to help achieve national recycling targets for household waste of 65% (and higher proportions for commercial/industrial and demolition/construction waste) and ensure that waste is managed as high up the waste hierarchy as possible to reduce the amount of waste having to be disposed to landfill to the absolute minimum. The Plan seeks to ensure that future applications for waste processing and recycling are considered against strong and carefully worded criteria to ensure that future development only takes place in locations which are most appropriate, taking into account the local environment and residential amenity in particular.
10. The proposed Joint Waste Local Plan Pre Submission Version is appended to this report at Appendix 1. In summary it:
  - supports the Nottinghamshire Plan's ambitions to work towards a healthy, prosperous and greener future for all communities in Nottinghamshire.
  - provides an up to date planning framework to provide facilities to enable a shift to a high level of recycling from both households and businesses over the period to 2038 and reduce the level of residual waste which is disposed of to landfill to an absolute minimum.
11. Should Full Council resolve to submit the Pre Submission Version to the Secretary of State following consultation, these documents will be updated and/or supplemented prior to or following submission to support the examination of the Waste Local Plan.

12. The Plan will similarly require approval of Nottingham City Council and is expected to be reported to a Council meeting of the City Council as soon as practicable in the new year, prior to submission thereafter once all relevant supporting documents have been completed.

### **Representations following publication**

13. The Pre Submission Version of the Plan was published for a period of six weeks between 30 August and 11 October 2023 to allow for formal representations on the soundness of the plan.

14. During this period, 172 representations were received from 18 respondents. Of these 52 were in support of the Plan and 120 representations formed objections. The most commented policy was Policy SP4: Managing residual waste, followed by Policy SP2: Future waste management provision and Policy DM6: Historic environment. Many representations related not to specific policies but Chapter 5, mainly around the choice of recycling scenarios and the capacity gap analysis, with many indicating we were not being ambitious enough on recycling and overplanning for Energy from Waste capacity. A broad summary of representations received and an officer response to these is contained in Appendix 2 as part of the Report of Consultation. A more detailed report of consultation is contained in the background papers listed and the representations received are available to read at (*link to be added shortly*).

15. Officers from both Councils have considered the representations and whilst accepting that some wording of policies and text could be modified if the Inspector considers these necessary for purpose of soundness, the overall Plan is considered generally sound and appropriate to submit to the Secretary of State for examination.

### **Examination**

16. The Town and Country Planning (Local Planning) (England) Regulations 2012 stipulate that once a Plan has been finalised and published for formal representations it is then submitted to the Secretary of State who (through the Planning Inspectorate) will appoint an examiner and report to both Councils on the legality and 'soundness' of the Plan.

17. At the examination stage , an Inspector will consider the Pre Submission Version, the evidence supporting it and representations received at the Publication (Regulation 19) stage. The Inspector may suggest that the Councils make further modifications to the Plan in order to make it sound, before it is formally adopted at meetings of both Councils.

18. It is currently anticipated that the Plan will be submitted to the Secretary of State in early 2024, the examination will take place over the following six months (subject to Planning Inspectorate workloads) and be able to be adopted by the end of 2024.

### **Other Options Considered**

19. Preparation and keeping an up to date Waste Local Plan is a statutory requirement. Without an up to date planning policy framework in place, planning applications for recycling and waste development could be submitted and decided with little weight afforded to local planning policy resulting in a lack of certainty for local communities and the waste industry. The only other

option is to not approve consultation and suspend preparation of the Plan with the above consequence and this is not considered appropriate.

20. With this being a joint Waste Local Plan prepared by the County and City Councils, there is always the potential for one authority to approve the next stage of the Plan's progress and the other authority to not approve. However, given the longstanding working relationship the two Councils have on the joint preparation of Waste Local Plans, dating back over 20 years, it is considered very unlikely that the two authorities would make opposing decisions at this advanced stage of the Plan's preparation, particularly given the way the two councils have worked closely on the Plan, at both officer and Member level and through the Joint Committee on Strategic Planning and Transport.

## **Reasons for Recommendations**

21. To ensure that Council is aware of the results of various consultation stages in preparing the Waste Local Plan and in particular, the outcome of publishing the Pre Submission Plan for a six week period for final representations to be made.
22. To enable the Waste Local Plan to be submitted to the Secretary of State for examination which is a regulatory requirement prior to adoption.
23. To provide delegated authority for officers to propose and publish draft modifications to the Waste Local Plan as part of the examination process and to add as necessary to the evidence base to support the Waste Local Plan prior to and following submission.

## **Statutory and Policy Implications**

24. This report has been compiled after consideration of implications in respect of finance, the public-sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Sustainability and Environmental Implications**

25. The Waste Local Plan is an important element of the Policy Framework of the County Council which directly influences decisions made by the County Council as waste planning authority to permit waste processing facilities which support greater levels of re-use, recycling and recovery. It will directly support the Councils aim to foster the highest possible levels of recycling and reduce waste sent to landfill to the absolute minimum. By providing local waste management facilities, it will help reduce the distances which waste is transported by Heavy Goods Vehicles. It will support the growing number of jobs in recycling industries and enable businesses within Nottinghamshire in the recycling sector to thrive whilst seeking to protect local residents and businesses from the adverse impacts of such development.

## **Financial Implications**

26. The costs of preparing and examining the Joint Waste Local Plan will be met through a reserve which has been established to cover these costs. The balance of the reserve at April 2023 was £100,313 and £11,585 has been spent in 2023/4 leaving a balance of £88,728. No further spend is anticipated in 2023/4. Nottingham City Council supports a proportion of the revenue costs of plan preparation at a level proportionate to the size in population terms against that of the County. This currently stands at 28.1%.
27. Officers have given consideration to the likely costs to be incurred over the next financial year as the Plan progresses towards adoption assuming that the Plan is submitted for examination in February 2024. These are detailed in the table below (with the City Council's contribution in brackets). The estimated net cost to the County Council of £35,520 can be met from the available reserve (£88,728).

<b>Cost element</b>	<b>Projected Cost (City Contribution)</b>	<b>Expected timing of payment</b>	<b>Financial year</b>
Programme Officer	£4,000 (£1,152)	Spring/Summer 2024	2024/5
AECOM support during examination	£8,000 (£2,248)	Spring/Summer 2024	2024/5
Examination venue costs – assumption held in County Hall so no charge likely. May require PA hire.	£1,000	Summer 2024	2024/5
PINS examination	£35,000 (£10,080)	Autumn 2024	2024/5
Design/publication of adopted JWLP	£1000	Autumn 2024	2024/5
	<b>Notts CC £35,520 Nott City £13,480</b>		

## **RECOMMENDATIONS**

It is recommended that Council

- 1) Note the summary of the main issues raised during the consultation on the Draft Plan Stage as outlined in the Report of Consultation including a summary of representations received on the Pre Submission Version (Appendix 2) and how these have been addressed;
- 2) Approves the Nottinghamshire and Nottingham Waste Local Plan – Pre Submission Version (Appendix 1) and that it be submitted to the Secretary of State with a request that the

appointed Planning Inspector should advise on any necessary modifications considered necessary in order to make the Plan sound.

- 3) Authorises the Corporate Director, Place, in consultation with the Cabinet Member for Transport and Environment, to consider, propose and publish any modifications during the examination of the Plan in order to deal with issues of soundness and to compile and submit further supporting documents as necessary prior to or following submission.

**COUNCILLOR NEIL CLARKE MBE  
CABINET MEMBER, TRANSPORT AND ENVIRONMENT**

**For any enquiries about this report please contact**

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**Constitutional Comments**

28. The contents of this report fall within the remit of Full Council in accordance with the Budget and Policy Framework procedure rules set out in the Constitution of Nottinghamshire County Council. **(JL 28/11/23)**

**Financial Comments**

29. The financial implications are set out in paragraphs 26 and 27. The anticipated costs to the Council in 2024/25 will be met from the Local Plan reserve. **(PAA 27/11/2023)**

**Background Papers and Published Documents**

A series of technical assessment documents have been prepared to support the development of the Nottinghamshire and Nottingham Waste Local Plan and these can be found in full at:

[New Waste Local Plan | Nottinghamshire County Council](#)

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

All