



meeting	COUNTY COUNCIL	
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MINERALS AND WASTE DEVELOPMENT FRAMEWORK - SAVING POLICIES IN THE ADOPTED NOTTINGHAMSHIRE AND NOTTINGHAM WASTE LOCAL PLAN BEYOND 27 SEPTEMBER 2007

Purpose of Report

1. To approve the submission to the Secretary of State of a list of Waste Local Plan policies that the County Council wishes to save beyond the statutory three year period and those it wishes to see lapse. The City Council approved its recommendations to the Secretary of State on 5 March 2007.

Background

2. Under the new 'Local Development Framework' arrangements which came into effect on 28 September 2004, the County Council is preparing a range of development plan documents which will eventually replace the adopted Minerals and Waste Local Plans.
3. As an interim measure all Local Plan policies adopted before the new system came into effect will automatically be 'saved' for three years until 27 September 2007, unless replaced by new policies adopted under the new planning system. For Local Plans adopted after 28 September 2004, policies will be saved for three years from the date of their adoption. Under the previous system adopted policies had no expiry date as such and remained in force until replaced by new policies.
4. This new rule means that policies in the joint Nottinghamshire and Nottingham Waste Local Plan (adopted in January 2002) will lapse this September. For the Nottinghamshire Minerals Local Plan, which was adopted in December 2005, policies will be saved until December 2008. As a complete set of new minerals and waste policies will not be in place until after these dates there is a need to consider which local plan policies should be saved beyond three years.

How will policies be saved beyond three years?

5. For policies to be saved, approval from the Secretary of State must be gained. The Government has recently issued a protocol on how to do this. In summary, each planning authority is asked to submit a list of policies it wishes to save and those it does not with reasons. For policies due to lapse on 27 September this

list must be submitted by 1 April. For policies that will lapse later the list must be submitted 6 months before the expiry date. The remainder of this report therefore considers saving policies for the Waste Local Plan only. Saving policies in the Minerals Local Plan will be considered next year.

6. The Secretary of State can direct that policies be saved or not saved contrary to the wishes of the planning Authority. In reaching her decision the Secretary of State will take account of guidance on saving policies as set out in Planning Policy Statement 12 (PPS12) and the recently issued protocol discussed further below.

Saving Policies in Joint Plans

7. The protocol makes no reference to joint plans and how these should be saved. Informal advice from the Government Office recommends that both Authorities submit the same list and that disagreements should be resolved in advance. Whilst this advice is common sense it is unclear what to do if full agreement cannot be reached, albeit the Secretary of State will in any event decide the matter as she thinks fit.

Is the supporting text saved as well as the policies?

8. The advice from Government is that it is the policies that are being saved not the Plan, but no advice has been given regarding the status of the supporting text to the relevant policies. For Local Plans this is very relevant as the policies are meant to be interpreted alongside the supporting text. The County Council has been unable to gain clarification from the Government Office about this. One practical problem is that cross referencing and other factors may mean that deleting some policies and possibly related supporting text may make reading the Plan more difficult and lead to uncertainties as to what is intended.

Which Waste Local Plan Policies justify being saved?

9. The Government advises that policies should only be saved where they reflect the principles of local development frameworks, are consistent with current national policy and it is not feasible or desirable to replace them by their expiry date (see Appendix 1 full details of criteria to be applied). The Government has also indicated that it will have 'particular regard' to the retention of policies for waste management including unimplemented site allocations. This suggests that waste management policies should generally be saved.

Proposed List of Waste Local Plan Policies to be saved and not saved.

10. The proposed list for submission to the Secretary of State setting out which policies should be saved and which should not with reasons is attached as Appendix 1. This recommends saving most policies with just 3 exceptions. These mostly concern policies that either duplicate Government guidance or are now contrary to it.

11. This list has been prepared jointly with the City Council. Agreement has been reached on all policies with the exception of one policy concerning the expansion of the Eastcroft Incinerator as considered below.

Policy W6.1 Expansion of capacity at the Eastcroft Incinerator

12. Policy W6.1 allocates land which would allow the expansion of the Eastcroft Incinerator. As this allocation lies within Nottingham it will be the City Council that is responsible for determining any proposals that fall within this allocation.
13. In July 2005 a planning application to implement this policy was submitted by Waste Recycling Ltd. Planning permission was however refused in September 2006. This was not because of a conflict with Policy W6.1 or any other relevant policy in the Waste Local Plan, but rather the City Council saw this proposal as having an unacceptable impact of the 'Waterside Regeneration Zone'. This is promoted in policies in the Nottingham Local Plan which is more recent than the Waste Local Plan and whose policies will be saved until November 2008. (Giving precedence to the most recent plan is accepted practice where a policy conflict is considered to exist). The applicant has since appealed this decision and the Public Inquiry is not expected to commence until after the possible deletion of Waste Local Plan policies.
14. The County Council made no objections to this proposal which it saw as being in line with Waste Local Plan policy. The proposal would also reduce the amount of non-hazardous waste that would be landfilled in Nottinghamshire where permitted waste disposal capacity is becoming very limited especially around Nottingham and the Mansfield/Ashfield area.
15. The above planning situation does raise some potentially complex issues regarding the new saved policy rules. The City Council would seem to have little choice but to recommend that this policy not be saved as to do otherwise would most likely be seen as contradicting its recent planning decision. However, the basis for doing this against the new protocol is far from clear cut. As noted above, the County Council had no objections to this proposal which it saw beneficial in terms of reducing landfill rates. The potential conflict with the City Council's local plan policies on which the decision was based was not, however, a matter that this Council considered. With a major planning appeal being outstanding this is more than just an academic exercise, so officers from both Councils met the Government Office for advice. The outcome was, however, inconclusive regarding the likely view that the Secretary of State would take.
16. Against this very uncertain background the City Council has now recommended that Policy W6.1 should not be saved. The reasons for this recommendation rely on how one of the criteria in the protocol is interpreted which, if correct, supports the City Council's decision on the planning application. Details are set out in Appendix 2.
17. Whilst the City Council's view is understandable, it is not accepted that this Policy clearly fails to meet the necessary criteria for saving policies as set out in the protocol. Of particular relevance is the Government's strong indication that waste management policies, including unused allocations, should be saved.

Whilst the guidance is unclear as to what circumstances would justify not saving unused allocations, it is reasonable to conclude that these must be compelling and clear cut. An example might be where an allocation is no longer viable and unlikely to be taken up. Notwithstanding the City Council's concerns about the conflict with policies in the Nottingham Local Plan, there is nothing to suggest such circumstances apply to Policy W6.1. Saving this policy will simply retain the current planning situation which under the previous system would have automatically applied until new policies were adopted.

18. Both councils are currently working together on new Waste Development Documents that will replace the Waste Local Plan. At present a Waste Core Strategy is being prepared which has recently completed public consultation on issues and options. This confirms that the County is facing major shortfalls in waste management capacity. Various options have been consulted on with regards to what levels of energy recovery should be promoted with reductions in landfilling being the primary objective. These options include an expansion of incineration capacity.
19. It is therefore considered on balance that Policy W6.1 should be retained. This will allow more flexibility regarding future policy development and will not potentially prejudice the outcome of the planning appeal. This conclusion does not imply any fundamental disagreement about the specific merits of this policy or the basis of the City Council's decision on the planning application. Rather it indicates a different view on how the protocol for saving policies should be interpreted in the absence of any clear guidance from the Government Office. In any event the decision to save or not save this and all policies in the Plan will rest with the Secretary of State. The different recommendations and arguments should help inform this decision and officers from both Councils will endeavour to continue working together to provide further information to the Government Office if this will help the Secretary of State reach her decision.

Key Decision

20. This report leads to a Key Decision as there would be a significant effect on communities in two or more electoral divisions in the County Council area. Notice of intention to make the decision was published in the County Council's Forward Plan on 5 February 2007.

RECOMMENDATION

21. It is recommended that the County Council approve the proposed submission to the Government office as set out in Appendix 1.

COUNCILLOR STELLA SMEDLEY
Cabinet Member for Environment

Legal Services' Comments

The decision falls within the authority of Council. [HD 14.3.07]

Financial Comments of the Strategic Director (Resources)

There are no financial implications arising from the contents of this report. [KRP 13.3.07]

Background Papers Available for Inspection

Letter from Government Office East Midlands – 6 December 2006 with attached Government's Protocol on saving policies.

Electoral Division(s) and Member(s) Affected

All.

PSP.WA/EP4997

5 February 2007 (21.2.07)(22.2.07)

APPENDIX 1

Nottinghamshire and Nottingham Waste Local Plan 2002 Schedule of proposed saved and not saved policies

Government guidance on saving policies is set out in PPS12 and the protocol from the Department of Communities and Local Government dated August 2006. The broad principles are that policies to be saved should reflect the principles of local development frameworks, be consistent with current national policy, and that it is not feasible or desirable to replace them by 27 September 2007. In addition, local planning authorities must demonstrate that policies to be saved beyond the three year period comply with the following six criteria:

- 1 where appropriate, there is a clear central strategy;
- 2 the policies have regard to the Community Strategy for the area;
- 3 the policies are in general conformity with the regional spatial strategy or spatial development strategy;
- 4 the policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);
- 5 there are effective policies for any parts of the authority's area where significant change in the use or development of land or conservation of the area is envisaged; and
- 6 the policies are necessary and do not merely repeat national or regional policy.

The Government will also have particular regard to the retention of policies for waste management, including unimplemented site allocations. The existing Waste Local Plan has two such policies covering Eastcroft within the City of Nottingham and Bentinck near Kirkby-in-Ashfield. PPS12 also stresses that the move to local development frameworks should not lead to any gap in the coverage of development plan policies. In terms of the six criteria or 'tests' a number of assumptions have been made:

- a) The objectives of the Waste Local Plan are in accordance with the national and regional waste policy, including the national waste strategy as revised in 2005. It is therefore considered that each of the policies within the Plan is linked to a clear central strategy and therefore meet this test.
- b) The priorities in the Community Strategy for each council are focused on protecting and improving the environment; maintaining and improving public health, education, employment and public services; reducing crime and improving public safety. These are broad aims and more readily linked to policies in Local Plans or Unitary Development Plans. Policies within the existing Waste Local Plan do contribute in areas such as environmental protection and enhancement and helping to create a cleaner and healthier

environment but this is generally as the result of the sum total of the policies. There is not always a direct link between a specific Waste Local Plan policy and objectives within the Community Strategies but nevertheless the Plan policies are considered to broadly reflect and support these principles. None of the policies conflict with the priorities set out in the respective Community Strategies.

- c) As the Waste Core Strategy has not yet been adopted, this test is not considered to be applicable.
- d) The criterion on 'effective policies for change' is interpreted as meaning policies on economic development/regeneration as might be set out in a District Local Plan or Unitary Development Plan. This is not therefore seen as applicable to the Waste Local Plan.
- e) Finally, in some cases it is acknowledged that policies are becoming out of date or do not go far as far as later guidance suggests. However, where they do not conflict with national or regional policy it is considered appropriate to retain these policies for a further period rather than create a policy vacuum at the local level. A comprehensive set of up to date policies are being prepared as part of the emerging Waste Core Strategy and Development Control Policies.

Nottinghamshire County Council – Request to save policies beyond 2007

Policy No.	1. Central Strategy	2. Community Strategy	3. RSS	4. Core Strategy	5. Policies for change	6. Nat/ Reg. Policy	Save Y/N?	Comments/reasons
Chapter 2 – A Strategy for Sustainable Waste Management								
This policy is designed to promote waste management proposals in accordance with the waste hierarchy.								
W2.1 Hierarchy of Waste Management Options	✓	✓	✓	-	-	X	X	3. Conforms to RSS8 Policy 38/ Draft Regional Plan Policy 37 6. Repeats existing guidance on waste hierarchy which is already set out in the national waste strategy. Revisions to this removed the requirement for BPEO.
Chapter 3 – Environmental Protection								
These policies are designed to ensure facilities are only developed in the most suitable locations, that they are well designed and operated and do not have an unacceptable impact on the environment either in terms of physical harm or nuisance.								
W3.1 Information in Support of Waste Planning Applications	✓	✓	-	-	-	✓	✓	6. Expands on PPS10 (Annex E) and clarifies local requirements
W3.2 Planning Obligations	✓	✓	-	-	-	X	X	6. Duplicates provisions of Circular 5/05 and S106 of the Act.
W3.3 Visual Impact of Plant, Building and Stockpiles	✓	✓	✓	-	-	✓	✓	3. Conform to RSS8 Policy 1/ Draft Regional Plan Policy 1 6. Expand on PPS10 (Annex E) and clarifies local requirements
W3.4 Visual Impact – Screening and Landscaping Measures	✓	✓	✓	-	-	✓	✓	
W3.5 Water Resources – Pollution Issues	✓	✓	✓	-	-	✓	✓	3. Reduce pollution risk and protects water quality (conforms RSS8 Policy33/Draft Regional Plan Policy 32)
W3.6 Water Resources – Planning Conditions	✓	✓	✓	-	-	✓	✓	6.Expand on PPS23 (Para 13) and PPS10 (Annex E) and clarifies local requirements.
W3.7 Odour	✓	✓	✓	-	-	✓	✓	3. Conform to RSS8 Policy 1/ Draft Regional Plan Policy 1 6. Expand on PPS10 (Annex E) and clarify local requirements.
W3.8 Litter	✓	✓	✓	-	-	✓	✓	
W3.9 Noise	✓	✓	✓	-	-	✓	✓	
W3.10 Dust	✓	✓	✓	-	-	✓	✓	
W3.11 Mud	✓	✓	✓	-	-	✓	✓	
W3.12 Birdstrike	✓	✓	-	-	-	✓	✓	
W3.13 Flood Defences	✓	✓	✓	-	-	✓	✓	2. Supports Circular 2/92 6. Expands on PPS10 Annex E
W3.14 Vehicular Movements	✓	✓	✓	-	-	✓	✓	3. Conform to RSS8 Policy 42/ Draft Regional Plan Policy 41 6. Support PPG13 and expands PPS10 (Annex E)
W3.15 Vehicular Routing	✓	✓	✓	-	-	✓	✓	
W3.16 Bulk Transport of Waste	✓	✓	✓	-	-	✓	✓	

Policy No.	1. Central Strategy	2. Community Strategy	3. RSS	4. Core Strategy	5. Policies for change	6. Nat/ Reg. Policy	Save Y/N?	Comments/reasons
W3.17 Green Belt	✓	✓	✓	-	-	✓	✓	3. Conforms to RSS8 Policy 1/ Draft Regional Plan Policy 1 6. Expands PPG2 – sets out local criteria for waste disposal in green belt.
W3.18 Best and Most Versatile Agricultural Land	✓	✓	✓	-	-	✓	✓	3. Conforms to RSS8 Policies 1 and 27/ Draft Regional Plan Policies 1 and 26 6. Supports PPS7 (paras 28 and 29) and sets local criteria
W3.19 Ancient and Amenity Woodlands	✓	✓	✓	-	-	✓	✓	3. Conforms to RSS8 Policy 29/ Draft Regional Plan Policy 29 6. Expands PSS9 (para 10) and sets out local mitigation steps.
W3.20 Heathlands	✓	✓	✓	-	-	✓	✓	3. Conform to RSS8 Policy 28/ Draft Regional Plan Policy 28 6. Expands PPS9 (paras 9, 12 and 16) by setting local measures for mitigation/enhancement.
W3.21 Water Features	✓	✓	✓	-	-	✓	✓	
W3.22 Biodiversity	✓	✓	✓	-	-	✓	✓	
W3.23 Nature Conservation and Geological Sites	✓	✓	✓	-	-	X✓	✓	3. Conforms RSS8 Policy 27/ Draft Regional Plan Policy 26 6.PPS9 para 9 supports retention of parts b and c of this policy but not part a. Should therefore be saved as cannot save part of a policy
W3.24 Protected Species	✓	✓	-	-	-	X	X	6. Duplicates existing legal provisions and guidance in PPS9.
W3.25 Mature Landscape Areas	✓	✓	✓	-	-	✓	✓	3. RSS8 Policy 30 and Draft Regional Plan Policy 30 state local landscape designations should be based on local landscape character assessments. 6. PPS7 discourages use of local designations unless there are exceptional reasons. Existing MLAs were designated on basis of a countryside appraisal which predates new Landscape Character Assessment. The future use of the designation is under review and it is appropriate to retain this policy in the interim.
W3.26 Public access	✓	✓	✓	-	-	✓	✓	3. Conforms to RSS8 Policy 1/ Draft Regional Plan Policy 1 6. Supports objectives of accessibility and choice for walking, cycling etc. for travel and leisure set out in PPS7, PPG13, PPG17 and sets out local measures for protection
W3.27 Archaeology	✓	✓	✓	-	-	✓	✓	3. Conforms to RSS8 Policy 31/ Draft Regional Plan Policy 31 6. Expands advice in PPG16 and sets out local approach.
W3.28 Listed Buildings and Conservation Areas	✓	✓	✓	-	-	✓	✓	3. Conforms to RSS8 Policy 31/ Draft Regional Plan Policy 31 6. Expands advice in PPG15 as this does not specifically cover waste development.
W3.29 Cumulative Impact	✓	✓	✓	-	-	✓	✓	3. Conforms to RSS8 Policy 1/ Draft Regional Plan Policy 1 6. Expands on advice in PPS10 (para 21)
Chapter 4 – Reclamation								
These policies are designed to secure the appropriate restoration, after-use and aftercare of sites.								
W4.1 Phasing	✓	✓	✓	-	-	✓	✓	3. Conform to RSS8 Policy 1/ Draft Regional Plan Policy 1 and Policy RWS 1.9 of the East Midlands Regional Waste Strategy
W4.2 Availability and Timescales	✓	✓	✓	-	-	✓	✓	
W4.3 Single Source of Fill	✓	✓	✓	-	-	✓	✓	

Policy No.	1. Central Strategy	2. Community Strategy	3. RSS	4. Core Strategy	5. Policies for change	6. Nat/ Reg. Policy	Save Y/N?	Comments/reasons	
W4.4 Settlement	✓	✓	✓	-	-	✓	✓	6. Expand advice in PPS10 to set out local approach 3. Conform to RSS8 Policy 1/ Draft Regional Plan Policy 1 and Policy RWS 1.9 of the East Midlands Regional Waste Strategy 6. Expand advice in PPS10 to set out local approach	
W4.5 Soil Conservation & Use of Alternative Materials	✓	✓	✓	-	-	✓	✓		
W4.6 Landscaping	✓	✓	✓	-	-	✓	✓		
W4.7 Premature Cessation of Waste Disposal	✓	✓	✓	-	-	✓	✓		
W4.8 Reclamation of Existing Disposal Sites	✓	✓	✓	-	-	✓	✓		
W4.9 Aftercare Conditions	✓	✓	✓	-	-	✓	✓		
W4.10 After-use – Details Required and Objectives	✓	✓	✓	-	-	✓	✓		
W4.11 After-use – Management and Other Agreements	✓	✓	✓	-	-	✓	✓		
W4.12 Agricultural Reclamation – Enhancing Wildlife and Landscape Interest	✓	✓	✓	-	-	✓	✓		
W4.13 Agricultural Reclamation Impact of Landfill Gas Infrastructure	✓	✓	✓	-	-	✓	✓		
W4.14 Woodland Reclamation – Protection of Landfill Caps	✓	✓	✓	-	-	✓	✓		
W4.15 Built Development After-use – Ground Stability Measures	✓	✓	✓	-	-	✓	✓		
Chapter 5 - Recycling									
These policies are designed to encourage the provision of suitable recycling facilities for a range of waste types. Where appropriate the policies cover both temporary and permanent development. The policies identify a number of areas of search along with broader criteria for proposals outside these locations.									
W5.1 Household Waste Recycling Centres - Areas of Search	✓	✓	✓	-	-	✓	✓		3. Conform to Policy RWS 1.7 of the Regional Waste Strategy 6. Support PPS10 in terms of identifying new sites/criteria for new sites
W5.2 Household Waste Recycling Centres in Disposal Sites	✓	✓	✓	-	-	✓	✓		
W5.3 Mini Recycling Centres	✓	✓	✓	-	-	✓	✓		
W5.4 Material Recovery Facility - Eastcroft	✓	✓	✓	-	-	✓	✓		
W5.5 Material Recovery Facilities - Industrial Areas	✓	✓	✓	-	-	✓	✓		
W5.6 Material Recovery Facilities - Waste Disposal	✓	✓	✓	-	-	✓	✓		

Policy No.	1. Central Strategy	2. Community Strategy	3. RSS	4. Core Strategy	5. Policies for change	6. Nat/ Reg. Policy	Save Y/N?	Comments/reasons
Sites								
W5.7 Permanent Aggregate Recycling Centres	✓	✓	✓	-	-	✓	✓	3. Conform to Policy RWS 1.7 of the Regional Waste Strategy 6. Support MPS1 (Annex 1)
W5.8 Mobile Aggregate Recycling Centres	✓	✓	✓	-	-	✓	✓	
W5.9 Recycling Soils	✓	✓	✓	-	-	✓	✓	3. Conform to Policy RWS 1.7 of the Regional Waste Strategy 6. Support PPS10 in terms of identifying new sites/criteria for new sites
W5.10 Scrapyards - Areas of Search	✓	✓	✓	-	-	✓	✓	
W5.11 Scrapyards - Existing Sites	✓	✓	✓	-	-	✓	✓	
Chapter 6 – Waste Treatment and Energy Recovery from Waste								
These policies are designed to cover proposals to for treating waste (through newer technologies such as anaerobic digestion, gasification, pyrolysis as well as more established forms of incineration) that will manage the waste safely and reduce its volume and hence the need for landfill. Specific policies require energy recovery measures wherever this is viable.								
W6.1 Future Provision of Municipal Incinerators – expansion of Eastcroft	✓	✓		-	-	✓	✓	3. Conforms to Policy RWS 1.8 of the Regional Waste Strategy 6. supports national waste strategy approach to energy recovery from waste facilities. If implemented, the allocation would reduce demand for landfill within the plan area in accordance with the waste hierarchy. A planning application was refused by Nottingham City Council. This is subject to an outstanding planning appeal.
W6.2 Clinical Waste Incinerators	✓	✓	-	-	-	✓	✓	6. Does not repeat national or regional guidance and sets out local circumstances
W6.3 Other Technologies	✓	✓		-	-	✓	✓	3. Conform to Policy RWS 1.8 of the Regional Waste Strategy
W6.4 Refuse Derived Fuel	✓	✓		-	-	✓	✓	
W6.5 Energy Recovery from Incineration – Environmental Impact	✓	✓		-	-	✓	✓	3. Conform to Policy RWS 1.8 of the Regional Waste Strategy 6. support national waste strategy approach to energy recovery from waste facilities
W6.6 Energy Recovery from Incineration – Economic Viability	✓	✓		-	-	✓	✓	
W6.7 Energy Recovery from Waste Disposal – Economic Viability	✓	✓		-	-	✓	✓	
W6.8 Energy Recovery from Waste Disposal – Environmental Impact	✓	✓		-	-	✓	✓	
Chapter 7 – composting and Land Spreading								
These policies are designed to encourage the provision of composting sites to increase the recovery of organic material and reduce landfill. The policies identify a number of areas of search along with broader criteria for proposals outside these locations.								
W7.1 Commercial	✓	✓		-	-	✓	✓	

Policy No.	1. Central Strategy	2. Community Strategy	3. RSS	4. Core Strategy	5. Policies for change	6. Nat/ Reg. Policy	Save Y/N?	Comments/reasons
Composting Sites – Areas of Search								3. Conform to Policy RWS 1.7 of the Regional Waste Strategy 6. Support PPS10 in terms of identifying new sites/criteria for new sites
W7.2 Commercial Composting – Waste Disposal Sites	✓	✓		-	-	✓	✓	
W7.3 Small Scale Composting Schemes in Agricultural Areas	✓	✓		-	-	✓	✓	
Chapter 8 – Waste Water and Sewage Treatment								
This policy is designed to ensure the provision of suitable infrastructure for the treatment of sewage/waste water whilst maintaining appropriate environmental safeguards.								
W8.1 Future Requirements	✓	✓	✓	-	-	✓	✓	3. Conforms to RSS8 Policy 33/ Draft Regional Plan Policy 32 and Regional Waste Strategy Policy RWS 1.7 in terms of water quality, sewage treatment provision and new waste facilities in general. 6. Supports PPS10 in terms of identifying new sites/criteria for new sites
Chapter 9 – Waste Transfer Stations								
This policy is designed to encourage the provision of waste transfer stations as part of a sustainable approach to waste management. The policy identifies areas of search along with broad criteria for proposals outside these locations.								
W9.1 General Waste Transfer Stations – Areas of Search	✓	✓	✓	-	-	✓	✓	3. Conforms to Policy RWS 1.7 of the Regional Waste Strategy 6. Supports PPS10 in terms of identifying new sites/criteria for new sites
Chapter 10 – Waste Disposal								
These policies are designed to provide for the adequate and safe disposal of waste. The policies seek to balance need with the potential environmental impacts. This recognises that disposal may be a beneficial means of reclamation in some cases. The policies identify broad criteria for waste disposal along with a single site-specific allocation.								
W10.1 Waste Disposal in Mineral sites, other Voids and incomplete Colliery Spoil Heaps	✓	✓	✓	-	-	✓	✓	3. Conform to Policy RWS 1.7 of the Regional Waste Strategy 6. Supports PPS10 in terms of identifying new sites/criteria for new site
W10.2 Waste Disposal in Derelict or Degraded Land	✓	✓	✓	-	-	✓	✓	
W10.3 Waste Disposal in Greenfield Sites	✓	✓	✓	-	-	✓	✓	
W10.4 Bentinck Void & Colliery Tip - Allocation	✓	✓	✓	-	-	✓	✓	Monitoring and review work confirms a significant local and county-wide shortfall in non-hazardous waste disposal. No alternative sites have come forward and it is considered appropriate to retain the allocation. A planning application for this site has been received.

APPENDIX 2

Summary of Nottingham City Council's reasons for proposing not saving Policy M6.1 – Expansion of the Eastcroft Incinerator

(as considered and approved at meeting of Executive board on 20 February 2007 and meeting of the City Council on 5 March 2007).

The (Government's) protocol says that saved policies should comply with various criteria Criterion (v) is relevant to policy W6.1. It states:-

“There are effective policies for any parts of the Authority's area where significant change in the use or development of land or conservation of the area is envisaged”

The designation of the Waterside Regeneration Zone, and the associated policies of the Nottingham Local Plan are more recent than the Waste Local Plan. These policies will result in significant change in the use and development of land in the Waterside Regeneration Zone. It is therefore considered that this criterion is not met, and in line with the decision of the City Council to refuse planning permission for the extension of incineration at Eastcroft, it is proposed that policy W6.1 is not recommended to be saved.

However, if the policy were to not be saved it raises a number of issues:-

- There will be implications for the rest of the plan, in terms of both the plan's strategy with dealing with waste and the supporting text/references elsewhere in the plan. It is the City Council's view that these issues can be addressed through the preparation of new Joint Waste Development Plan Documents, work on which has already begun.
- The Protocol explicitly states that in deciding whether or not to issue a direction to save policies, the Government will have particular regard to “policies for waste management, including unimplemented site allocations”. Planning Policy Statement 12 also states that moving towards Local Development Frameworks should not leave gaps in coverage of local policies. It will be open to the Secretary of State to direct that policy W6.1 be saved.

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