

7 September 2017**Agenda Item: 11****REPORT OF THE CORPORATE DIRECTOR FOR PLACE****MINERALS AND WASTE DEVELOPMENT SCHEME UPDATE 2017****Purpose of the Report**

1. To seek Committee approval for an update to the Nottinghamshire Minerals and Waste Development Scheme (MWDS).

Information and Advice

2. The Planning and Compulsory Purchase Act 2008 (amended) requires the County Council to produce a Development Scheme. The Development Scheme does not form part of the Development Plan, its purpose is to set out the timetable and resources for preparing Minerals and Waste Local Plans.
3. The revised Minerals and Waste Development Scheme is attached in Appendix 1 and sets out the County Council's programme for the preparation of Minerals and Waste Local Plans. This revised scheme will replace the current Minerals and Waste Development Scheme which was approved by this Committee in May 2016
4. The MWDS has two key objectives:
 - To inform the public and stakeholders of the Council's commitment to producing documents that will make up the development framework for minerals and waste planning in Nottinghamshire and the programme for their preparation; and
 - To reflect the County Council's priorities in terms of producing documents for both the Waste and Minerals Local Plans.
6. The County Council will continue to review the Development Scheme and progress will be reported annually through the relevant Waste and Minerals Authority Monitoring Reports (AMR).

The Minerals and Waste Development Scheme Timetable

7. The new preparation timetable for the production of the Minerals and Waste Local Plans is set out in the revised Development Scheme and detailed in the tables below:

Table 1: Revised Minerals Local Plan

Stage	Dates	Completed
Consultation on Scope, Issues and Options (Reg 18)	November 2017	No
Consultation on Draft Plan proposals	June 2018	No
Publication (Reg 19) and Submission	November 2018/January 2019	No
Examination Period	March-July 2019	No
Adoption	October 2019	No

Table 2: Revised Joint Waste Local Plan (incorporating review of Waste Core Strategy 2013) to be prepared with Nottingham City Council

Stage	Dates	Completed
Consultation on Scope, Issues and Options (Reg 18)	April 2019	No
Consultation on Draft Plan proposals	October/November 2019	No
Publication (Reg 19) and Submission	April/June 2020	No
Examination Period	September-December 2020	No
Adoption	February 2021	No

Other Options Considered

8. None. It is a statutory requirement for the Council to have up to date Minerals and Waste Development Local Plans and to publish a timetable to identify when new or revised Plans will be prepared.

Reason for Recommendation

9. To provide clarity on the timetable for the production of the Minerals and Waste Local Plan in order for the County Council to meet its statutory functions as a Minerals and Waste Planning Authority.

Statutory and Policy Implications

10. 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.

Financial Implications

11. The County Council has to meet its statutory functions as a Minerals and Waste Planning authority. The Waste Local Plan is being prepared jointly with Nottingham City Council. The County Council has taken the lead role and financial resources are split proportionately according to population. The costs to the County Council of preparing a revised Minerals Local Plan and its share of the costs of preparing a revised Joint Waste Local Plan will be met from reserves.

RECOMMENDATION

- 1) That Committee approve the revised Minerals and Waste Development Scheme.

Adrian Smith
Corporate Director - Place

**For any enquiries about this report please contact: Nina Wilson,
Principal Planning Officer, Planning Policy Team, 0115 97 73793**

Constitutional Comments SLB 10/08/2017

12. Communities and Place Committee is the appropriate body to consider the content of this report.

Financial Comments [RWK 14/08/2017]

13. The financial implications are set out in paragraph 11.

Background Papers and Published Documents

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

Electoral Division(s) and Member(s) Affected

All

**Minerals and Waste
Development Scheme**
September 2017

Preface

Nottinghamshire County Council has prepared this Development Scheme in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. The County Council resolved to bring this scheme into effect on the XXXX and it replaces the previous scheme brought into effect in 28 April 2016.

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1 Introduction to Local Plans

- 1.1 Nottinghamshire County Council is the minerals and waste planning authority for the county of Nottinghamshire; see Appendix A for a map showing the geographical coverage of the plan area. This means that it is responsible for all matters associated with minerals and waste development, including setting the land use policies and determining planning applications for such development.
- 1.2 The Nottinghamshire Minerals Local Plan (2005), the saved policies contained in the Waste Local Plan (2002) and the Waste Local Plan Part 1: Core Strategy (2013) along with District and Borough Local Plans and Neighbourhood Plans form the statutory development plan for Nottinghamshire. Decisions on planning applications should be made on the basis of having an up-to-date statutory development plan.
- 1.3 The National Planning Policy Framework (NPPF) was published in March 2012 and sets out that each Local Planning Authority should produce a Local Plan for its area and that any additional Development Plan Documents should only be prepared where clearly justified.
- 1.4 Nottinghamshire County Council had significantly advanced the review of the 2002 Waste Local Plan prior to the new requirements set out in the NPPF and as such continued to progress a separate Waste Local Plan, Part 1: Core Strategy which was subsequently adopted in December 2013.
- 1.5 The County Council is progressing a Minerals Local Plan to replace the 2005 Local Plan. This document will contain a vision, strategic objectives, strategic policies, policies identifying the future provision requirements, development management policies and a policies map.
- 1.6 The Waste and Minerals Local Plans are both subject to examination by an independent Planning Inspector.
- 1.7 Complementary documents which exist alongside the Local Plans, include:
 - **Supplementary Planning Documents (SPDs)**, add further detail to the policies of the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the Development Plan. The County Council is not planning to prepare any SPDs.
 - **Statement of Community Involvement**, specifies how the authority intends to involve communities and stakeholders in the process of preparing planning policy documents and determining planning applications.

- **Development Scheme** (this document), sets out details of planning policy documents to be produced and the time scales and arrangements for production.
- **Annual Monitoring Report**, sets out progress in producing planning policy documents and implementing policies.

2 The Minerals and Waste Development Scheme

- 2.1 This Minerals and Waste Development Scheme (MWDS) sets out the County Council's programme for the preparation of the Waste and Minerals Local Plans.
- 2.2 The MWDS has two key objectives:
- To inform the public and stakeholders of the Council's commitment to producing the Waste and Minerals Local Plans in Nottinghamshire and the timetable for their preparation; and
 - To establish the County Council's priorities in terms of producing documents as both the Waste and the Minerals Local Plans are prepared.
- 2.3 The County Council will review this MWDS and progress will be reported annually through Authority Monitoring Reports (AMRs). The AMRs are published on the Council's website.

3 Existing Plans and Transitional Arrangements

- 3.1 Following the review of the planning system through the 2004 Planning and Compulsory Purchase Act which altered the way in which statutory development plans were prepared, the Government put in place transitional arrangements that allow existing plans and policies to be 'saved' while the new local plan documents are prepared. These saved policies form part of the development plan until they are replaced under the current planning system. The plans/policies which are currently saved are as follows:
- The Joint Nottinghamshire and Nottingham Waste Local Plan (2002) (with the exception of policies W2.1, W3.2 and W3.24). A list of policies which have subsequently been replaced by the Waste Core Strategy can be found in Appendix B;
 - The Nottinghamshire Minerals Local Plan (2005) (with the exception of policies M3.2, M3.21, M6.5, M6.9, M6.10, M7.4 and M11.1)

4 The Timetable

- 4.1 There will be a separate Minerals Local Plan covering Nottinghamshire and a separate Waste Local Plan covering Nottinghamshire and Nottingham City Tables 1 and 2 below set out the timetable for the preparation of the local plans.

Table 1: Revised Minerals Local Plan

Stage	Dates	Completed
Consultation on Scope, Issues and Options (Reg 18)	November 2017	No
Consultation on Draft Plan proposals	June 2018	No
Publication (Reg 19) and Submission	November 2018/January 2019	No
Examination Period	March-July 2019	No
Adoption	October 2019	No

Table 2: Revised Joint Waste Local Plan (incorporating review of Waste Core Strategy 2013) to be prepared with Nottingham City Council

Stage	Dates	Completed
Consultation on Scope, Issues and Options (Reg 18)	April 2019	No
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4.2 All new development plan documents are subject to an ongoing process of strategic environmental assessment (SEA), combined with the existing practice of sustainability appraisal (SA). This examines the likely environmental, social and economic effects of new policies and proposals and informs the direction and content of each stage of the plan preparation process. The information used and the outcome of the appraisal process will be set out in a report, which will accompany each

document at each stage of its preparation and subject to public consultation.

- 4.3 All development plan documents are also subject to equalities impact assessment (EQIA) to ensure that new policies do not discriminate against certain groups and that all opportunities to promote equality are sought in plan preparation.
- 4.4 The Minerals Local Plan and Waste Local Plan will be subject to a Habitats Regulations Assessment (HRA). The purpose of the HRA of land use plans is to ensure the protection of the integrity of European sites is a part of the planning process at a regional and local level. A HRA Screening Report (March 2011) has been produced, covering both minerals and waste and concluded that no additional assessment would be necessary at this stage of the process.
- 4.5 Local Plans are also subject to Strategic Flood Risk Assessments (SFRA), a Level 1 SFRA has been carried out which collates and reviews available information on flood risk in Nottinghamshire and individual SFRA's for both the Minerals and Waste Plans will be undertaken at the appropriate stages of Local Plan production.
- 4.6 As part of the production of the reviewed Minerals Local Plan a full review of current documents will be undertaken and they will be updated as necessary.
- 4.7 A full timetable for the planned production of the Minerals and Waste Local Plans is contained in Appendix C.

5 Joint Working

- 5.1 The Waste Local Plan will be prepared jointly with Nottingham City Council, as was the case with the 2013 Waste Core Strategy. The County Council has taken the lead role and the costs of plan preparation will be split proportionately according to population.
- 5.2 There are no significant mineral issues within the Nottingham City boundary and therefore the new Minerals Local Plan is not being prepared jointly. However a joint Local Aggregates Assessment is prepared annually to consider future apportionments for aggregate minerals within both the City and County Council boundaries. The City Council is currently preparing their Land and Policies Part 2 Local Plan which, when adopted, will accompany their adopted Core Strategy and will contain policies in relation to Minerals development.

6 Risk Assessment

6.1 In setting out the proposed timetable for work on the new Local Plans, it is important to ensure that these targets are realistic and, achievable and take account of possible problems that may arise. The main areas of risk in terms of implementing the timetable are identified as:

- **Changes to National Policy** – as the new documents are being prepared there is a risk that new policy guidance, such as revisions to the National Planning Policy Framework (NPPF), national planning guidance or legislation could impact upon the timetable for plan preparation.
- **Consultation outcomes** - the consultation process could identify additional issues/options to be evaluated and/or the scale of objections could significantly increase the workload and delay implementation. To minimise the risk, consultation on Draft Plan proposals is to be carried out with stakeholders, statutory consultees, and other key consultees, including parish councils, local environmental groups and the minerals and waste industry.
- **Demand on the Planning Inspectorate** – the time-table for the independent examination will depend on the availability of Planning Inspectors. To minimise this risk the County Council intends to liaise with the Planning Inspectorate at the earliest possible time to ensure that an inspector is available for the examination.
- **Soundness of development plan documents** – if any document were to be found unsound by an Inspector the County Council would have to address the issues raised. Therefore additional work would need to be carried out and the timetable may slip. This may result in significant budget and timetable implications.
- **Joint working** –The County Council and City Council have different Committee/Cabinet reporting mechanisms and timetables (this relates to the Waste Local Plan only) and may have different views which would need to be reconciled.
- **Legal Challenge** – the document could be subject to a legal challenge which if successful may result in all or part of the plan being quashed, this would mean starting the plan over.

7 Community Involvement

7.1 The Statement of Community Involvement (SCI) sets out the standards to be achieved by the County Council in involving stakeholders and the community in the preparation, alteration and continuing review of planning policy documents and planning applications. It contains the County Council's proposals for fully engaging all sections of the community and stakeholders at an early stage in the preparation of each document.

- 7.2 A review of the adopted SCI took place in 2013 and the updated document was adopted in April 2013. A further review was undertaken in August 2017, with adoption expected in early 2018.

8 Development Scheme Monitoring and Review

- 8.1 An Authority Monitoring Report (AMR) is prepared each year to assess progress in implementing the Development Scheme, and subsequently to determine whether the aims and objectives of the planning policy documents are being achieved. In the event that there have been unavoidable slippages in the LDS timetable, and 'milestones' have not been achieved, the AMR will explain what the reasons are for the delay. It will also set out any amendments to the Development Scheme and the revised timetable for implementation to reflect the delay.
- 8.2 The AMR will also include annual technical monitoring information to provide the context for assessing the success of the policies in the planning policy documents.

9 Further Information

- 9.1 For further information on this minerals and waste development scheme or any of the documents mentioned please contact the County Council at the address shown below. Information on the existing minerals and waste local plans and the development plan process is also available on the County Council's website.

Nottinghamshire County Council
Planning Policy
County Hall
Loughborough Road
West Bridgford
Nottingham
NG2 7QP

Email: development.planning@nottscc.gov.uk

Website: www.nottinghamshire.gov.uk

- 9.2 This information can be made available in alternative formats and languages.

Glossary

Terms shown in *italics* are defined elsewhere in the glossary.

Authority Monitoring Report (AMR): the annual monitoring report will assess the implementation of the Local Development Scheme and whether policies in *Local Development Documents* are being successfully implemented.

Development Plan (DP): consists of the relevant Local Plans for the area. In respect of Waste Planning, this incorporates the Waste Local Plan Part 1: Core Strategy (2013) and extant policies in the Waste Local Plan (2002). In terms of Minerals planning, this relates to the Minerals Local Plan 2005).

Development Plan Documents (DPD): statutory documents which set out the *local planning authority's* formal planning policies for its area. There are different types of document (see also *Core Strategy, Development Management Policies, Site Specific Policies, and Proposals Map*).

Development Management Policies (DMP): a suite of criteria-based policies designed to ensure that all development meets the aims and objectives set out in the *Core Strategy*. These can be included in another *Development Plan Document* or may form a stand-alone document.

Development Scheme: a document setting out the timescales for the production of development plan documents.

Equalities Impact Assessment (EQIA): a management tool that makes sure that policies and working practices do not discriminate against certain groups and that, opportunities are taken to promote equality.

Habitats Regulation Assessment (HRA): required under the European Directive 92/43/EEC on the “conservations of natural habitats and wild fauna and flora for plans” that may have an impact of a European nature conservation site, such as a Special Protection Area. It is an assessment of the impacts of implementing a plan or a policy on a European nature conservation site with the purpose of considering the potential impacts against conservation objectives of the site and to ascertain whether it would adversely affect the integrity of the site.

Independent Examination: all *Development Plan Documents* need to be tested for soundness through an independent examination held by an independent inspector appointed by the Secretary of State.

Issues and Options (IO): initial, informal consultation stage setting out the main planning issues and a range of possible options. Responses will help to identify what are the most realistic options, which will then be put forward as *Preferred Options*.

Local Plan (LP): a plan setting out the spatial and strategic direction for development within a plan area. For Nottinghamshire County Council as a minerals and waste planning authority this only relates to minerals and waste development.

Minerals and Waste Development Scheme (MWDS): the equivalent of the *Local Development Scheme* produced by County Councils who are responsible for minerals and waste planning.

National Planning Policy Framework (NPPF): It sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local and neighbourhood plans can be produced reflecting the needs and priorities of the local area.

Neighbourhood Plan (NP): A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).

Draft Plan proposals: Informal consultation stage which will identify the Local Planning Authority's preferred approach(es) to likely development proposals and any alternatives that have been rejected, along with the reasons for this.

Proposals Map: the adopted proposals map illustrates on a base map all the policies contained in *Development Plan Documents*, together with any saved policies. It must be revised as each new *Development Plan Document* is adopted, and it should always reflect the up-to-date planning strategy for the area.

Saved Policies or Plans: existing adopted development plans which are to be saved (usually up to 3 years unless otherwise extended by Government direction) until they are replaced by the new style *Development Plan Documents*.

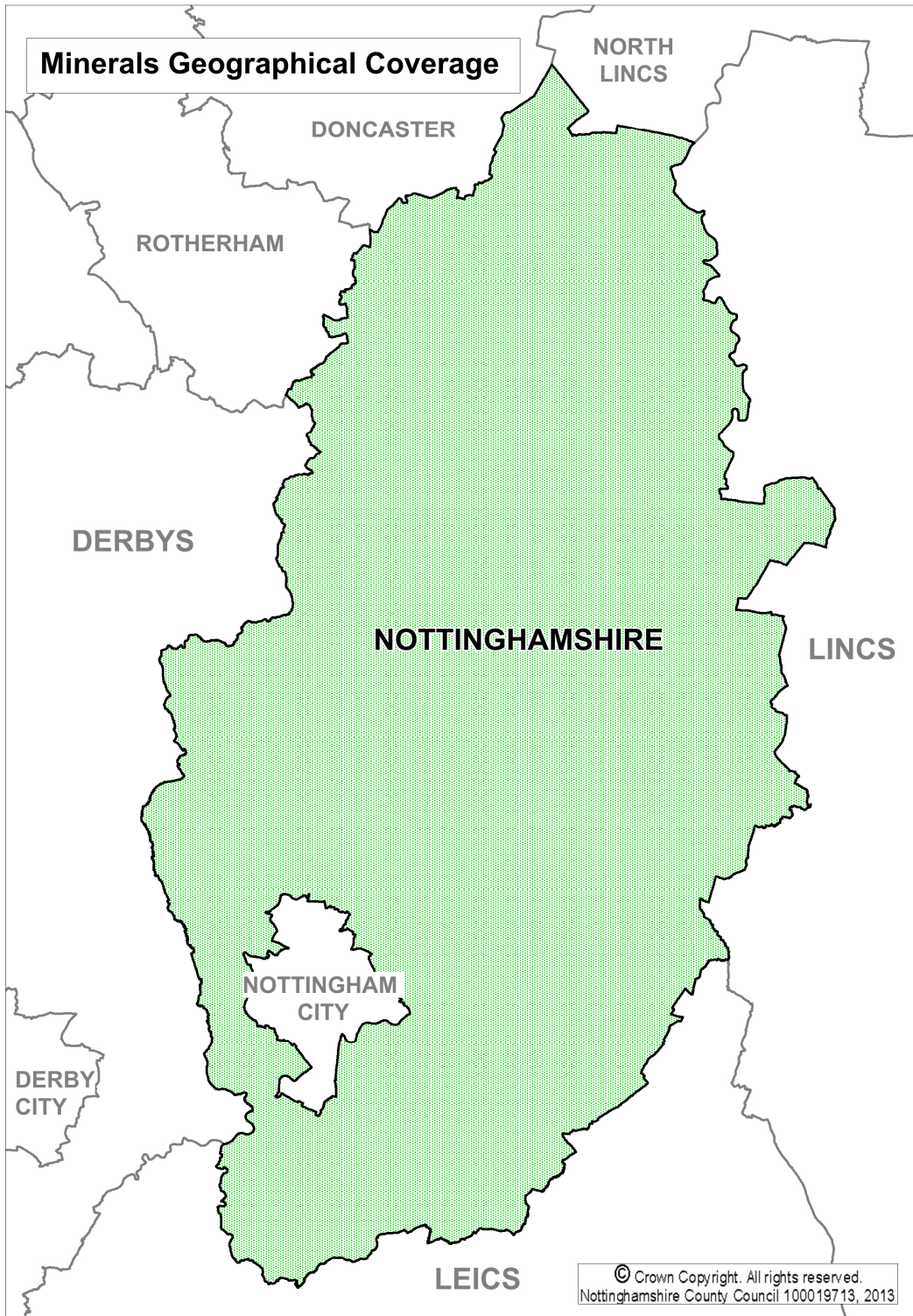
Statement of Community Involvement (SCI): a document which sets out how a council will involve the community on all major planning applications and in the preparation of planning policy documents.

Strategic Environmental Assessment (SEA): a procedure (set out in the Environmental Assessment of Plan and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Publication or Submission Draft: Final draft of the Local Plan/Core Strategy, submitted to the Secretary of State for Communities and Local Government, subject to independent examination by the Planning Inspectorate, which includes public hearings and the preparation of an Inspector's Report. Formal representations made at this stage will be considered at the *Independent Examination*

Sustainability Appraisal (SA): a document that examines the social, economic and environmental effects of strategies and policies in a development plan from the outset of its preparation. In the UK this process incorporates the EU requirement for *Strategic Environmental Assessment* of plans or programmes.

Appendix A – Minerals Local Plan Geographical Coverage



Appendix B – Waste Local Plan Policies replaced by the Waste Core Strategy

Appendix 1

Waste Local Plan policies replaced by the Waste Core Strategy

The following policies within the Nottinghamshire and Nottingham Waste Local Plan (adopted January 2002) have been replaced:

Chapter 3 – Environmental Protection

W3.16 – Bulk Transport of waste

Chapter 5 – Waste Recycling

W5.1 – Household Waste Recycling Centres – Areas of Search

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 Estates

W5.6 – Material Recovery Facilities – Waste Disposal Sites

W5.7 – Permanent Aggregate Recycling Centres

W5.8 – Mobile Aggregate Recycling Centres

W5.9 – Recycling Soils

W5.10 – Scrapyards – Areas of Search

W5.11 – Scrapyards – Existing Sites

Chapter 6 – Waste Treatment & Energy Recovery from Waste

W6.1 – Future Provision of Municipal Incinerators

W6.2 – Clinical Incinerators

W6.3 – Other Technologies

W6.4 – Refuse Derived Fuel

W6.5 – Energy Recovery from Incineration – Environmental Impact

W6.6 – Energy Recovery from Incineration – Economic Viability

W6.7 – Energy Recovery from Waste Disposal – Environmental Impact

W6.8 – Energy Recovery from Waste Disposal – Economic Viability

Chapter 7 – Composting & Landspreading

W7.1 – Commercial Composting Sites – Areas of Search

W7.2 – Commercial Composting – Waste Disposal Sites

W7.3 – Small Scale Composting Schemes in Agricultural Areas

Chapter 8 – Waste Water & Sewage Treatment

W8.1 – Future Requirements

Chapter 9 – Waste Transfer Stations

W9.1 – General Waste Transfer Stations – Areas of Search

Chapter 10 – Waste Disposal

W10.1 – Waste Disposal in Mineral sites, other Voids and Colliery Spoil Heaps

W10.2 – Waste Disposal in Derelict or Degraded Land

W10.3 – Waste Disposal in Greenfield Sites

W10.4 – Bentinck Void & Colliery Tip - Allocation

Appendix C – Minerals and Waste Local Plan Timetables

Minerals Local Plan

Stage	Dates	Completed
Consultation on Scope, Issues and Options (Reg 18)	November 2017	No
Consultation on Draft Plan proposals	June 2018	No
Publication (Reg 19) and Submission	November 2018/January 2019	No
Minerals Local Plan Examination Period	March-July 2019	No
Adoption	October 2019	No

Waste Local Plan

Stage	Dates	Completed
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