

Environment and Sustainability Committee

Thursday, 30 January 2014 at 10:30

County Hall, County Hall, West Bridgford, Nottingham NG2 7QP

AGENDA

- | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1 | Minutes 12 December 13 | 3 - 6 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Presentation on Section 106 obligations and Community Infrastructure Levy | |
| 5 | Information Petition received Opposing a Planning Application at Ash Farm Farnsfield | 7 - 8 |
| 6 | Planning Obligations Strategy Consultation - Comments received and Proposed Responses | 9 - 32 |
| 7 | Broxtowe Borough Council Site Specific Allocations Document | 33 - 50 |
| 8 | Leicestershire County Council Minerals and Waste Local Plan issues Document 2013 | 51 - 56 |
| 9 | Consultation on an Environmental permit Application Daneshill Energy Forest Daneshill Road Lound Not | 57 - 66 |
| 10 | Strategic Planning Observations | 67 - 74 |
| 11 | Work Programme | 75 - 78 |

13 EXCLUSION OF THE PUBLIC

The Committee will be invited to resolve:-

“That the public be excluded for the remainder of the meeting on the grounds that the discussions are likely to involve disclosure of exempt information described in paragraphs 3 and 5 of the Local Government (Access to Information) (Variation) Order 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Note

If this is agreed, the public will have to leave the meeting during consideration of the following items.

14 Exempt appendix to Item 12: Waste Management Contracts.

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Keith Ford (Tel. 0115 977 2590) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.

Meeting	ENVIRONMENT AND SUSTAINABILITY COMMITTEE
Date	Thursday 12 December 2013 (commencing at 10.30am)

Membership

Persons absent are marked with an 'A'

COUNCILLORS

Jim Creamer (Chairman)
John Wilkinson (Vice-Chairman)

Alan Bell	Philip Owen
Richard Butler	Pamela Skelding
Steve Calvert	Liz Yates
Stan Heptinstall MBE	

Ex-officio (non-voting)
A Alan Rhodes

OFFICERS IN ATTENDANCE

David Forster	Democratic Services Officer
Lisa Bell	Team Manager - Planning Policy and Corporate Services
Sally Gill	Group Manager - Planning Policy and Corporate Services
Mick Allen	Group manager - Environment and Resources
Kevin Sharman	Team Manager - Environment and Resources

MINUTES OF THE LAST MEETING

The minutes of the meeting held on 14 November 2013, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

Temporary Membership Change

The following changes of membership were reported to the meeting:-

- Councillor Alan Bell replaced Councillor Parry Tsimbiridis (for this meeting only).

- Councillor Philip Owen replaced Councillor Bruce Laughton (for this meeting only).
- Councillor Liz Yates replaced Councillor Roger Jackson (for this meeting only).

DECLARATIONS OF INTEREST

None.

GEDLING LOCAL PLANNING DOCUMENT ISSUES AND OPTIONS CONSULTATION OCTOBER 2013

Lisa Bell introduced the report

RESOLVED 2013/67

That the response to the Gedling Local Planning Document as set out in the report be approved and submitted to Gedling Borough Council

NOTTINGHAM CITY LOCAL PLAN PREFERRED OPTION CONSULTATION 2013

Lisa Bell introduced the report

RESOLVED 2013/68

1. That the response submitted to Nottingham City Council in consultation with the Chairman on 2 December be noted and
2. That the response to any future Consultations approved in consultation with the Chairman be appended to the report in full.

STRATEGIC PLANNING OBSERVATIONS

Sally Gill, Group Manager, Planning introduced the report.

RESOLVED 2013/69

That the responses to Strategic Planning Observations as set out in the report be noted.

SUPPORTING LOCAL COMMUNITIES FUND

Kevin Sharman introduced the report

RESOLVED 2013/70

1. That the criteria for Supporting Local Communities Fund as set out in Appendix 1 attached to the report be approved.

2. That approval be given to re-assess the current years schemes that cannot be delivered this year alongside existing applications for next year and update the current year's programme.
3. That a further report be presented to a future meeting setting out the 2014/15 funding programme.

WASTE MANAGEMENT – QUARTER 1 PERFORMANCE REPORT 2013/14

Mick Allen introduced the report

RESOLVED 2013/71

That the waste Management quarterly report be noted.

UPDATE OF A MEETING WITH NICK BOWLES MP PARLIAMENTARY UNDER-SECRETARY FOR THE DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT (PLANNING)

The Vice-Chairman introduced the report

RESOLVED 2013/72

That the update be noted

WORK PROGRAMME

RESOLVED 2013/73

The committee noted the work programme.

The meeting concluded at 12.20pm.

CHAIRMAN

30 January 2014

Agenda Item: 5

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

INFORMATION: PETITION RECEIVED OPPOSING A PLANNING APPLICATION AT ASH FARM, FARNSFIELD

Purpose of the Report

1. To inform Committee of a response to a petition which was received on 21 November 2013.

Information and Advice

2. The County Council has received a signed community petition containing 593 signatures opposing a planning application for up to 100 dwellings at Ash Farm in Farnsfield, Newark
3. As the planning application is being considered by Newark and Sherwood District Council and is not a County matter, it was forwarded to the Development Management team at Newark and Sherwood District Council on 28 November 2013 with a request that it was considered as a response to the consultation on the planning application.

Other Options Considered

4. There are no alternative options to consider as the report is for information only.

Reason for Recommendation

5. This report is for information only.

Statutory and Policy Implications

6. 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.

RECOMMENDATION

- 1) This report is for information only.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Lisa Bell, Team Manager – Planning Policy, Tel: 0115 9774547.

Constitutional Comments (SLB 12-12-13)

7. This report is for noting only.

Financial Comments (SEM 16/12/13)

8. There are no specific financial implications arising directly from this report.

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

Farnsfield and Lowdham: Councillor Roger Jackson

30 January 2014

Agenda Item: 6

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

PLANNING OBLIGATIONS STRATEGY CONSULTATION – COMMENTS RECEIVED AND PROPOSED RESPONSES

Purpose of the Report

1. To inform Committee of the comments received to the Planning Obligations Strategy targeted consultation and seek Committee approval for responses to those comments received.

Information and Advice

2. The Planning Obligations Strategy is intended to provide guidance regarding the indicative criteria, development thresholds and the types and levels of planning contributions that the County Council will seek towards the provision of its services should the need arise as a result of proposed development. It also enables developers and landowners to be aware of the potential costs at the earliest stage of the planning process.
3. Environment and Sustainability Committee on 10 October 2013 approved the draft review of the Planning Obligations Strategy and the targeted consultation between 16 October and 13 November 2013.
4. 41 comments have been received from a total of 5 different organisations including 3 from local district/borough councils and 2 from the private sector. Following consideration of the comments changes will be necessary to the strategy arising from the representations. A schedule of the comments received and the Council's proposed responses is attached in Appendix 1.

Summary of Key Responses to Representations and Main Changes

5. There were a number of comments received requesting clarity on some statements within the draft Strategy and also suggesting additional factual information be included. These have been mainly accepted.
6. The responses received from the private sector were mainly surrounding the status of the strategy, viability issues and the County Council's responsibilities.

These comments are not accepted as the strategy makes it clear that it has no statutory status, is intended to provide Local Planning Authorities and developers with an idea of any potential costs that may be relevant to a proposed development at an early stage in the planning process and that viability is tested on a site by site basis.

Next Steps

7. The draft strategy will be updated in light of the agreed responses. Other minor amendments will be made to incorporate:
 - Information regarding local flood risk; and
 - Information regarding public health.
8. The updated strategy will be considered at the County Council's Policy Committee for adoption.

Other Options Considered

9. The only other option would be to not consider the responses to the recent consultation and ultimately not to update the current strategy. The current strategy is significantly out of date and does not reflect current national guidance.

Reason for Recommendation

10. To gain approval for the responses set out in Appendix 1 to be published and distributed to the relevant organisations.
11. To ensure that the County Council sets out an up to date position in respect of its requirements to mitigate the potential impacts that new developments may have on its infrastructure and services.

Statutory and Policy Implications

12. 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

13. There are no direct financial implications however the County Council does receive monies from planning obligations towards the cost of providing additional services and infrastructure when required.

Implications for Sustainability and the Environment

14. There are no direct implications for Sustainability and the Environment

RECOMMENDATION

- 1) That Committee approve the responses to the consultation and proposed revisions to the Planning Obligations Strategy as set out in Appendix 1.
- 2) That subject to any further amendments suggested by Committee, the Environment and Sustainability Committee recommends the adoption of the revised strategy to Policy Committee.

Jayne Francis-Ward
Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Lisa Bell, Team Manager – Planning Policy, Tel: 0115 9774547.

Constitutional Comments (SHB.12.12.13)

15. Committee have power to decide the Recommendation.

Financial Comments (SEM 17/12/13)

16. Committee have power to decide the Recommendation.

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.

Revised Draft Planning Obligations Strategy 2013.

Electoral Division(s) and Member(s) Affected

All



Planning Obligations Strategy

Consultation Responses

December 2013

Name	Paragraph	Comments	Change Required ?	Response
Gedling Borough Council	1.1	Include definition of 'infrastructure' from CIL regulations.	Y	Accepted: A definition of infrastructure will be included within the introduction as follows: <i>"Infrastructure is defined as: (a) roads and other transport facilities; (b) flood defences; (c) schools and other educational facilities; (d) medical facilities; (e) sporting and recreational facilities; (f) open spaces; and (g) affordable housing"</i>
Gedling Borough Council	1.4	Identify how details of the changes will be publicised.	Y	Accepted: A further to sentence will be included as follows: <i>"These revisions will be set out on the County Council's website"</i>
Gedling Borough Council	7.7	Include further information as to how the 'claw-back' clause is expected to work.	Y	Accepted: A further sentence will be included in paragraph 7.7 as follows: <i>"The methods for this will differ on a case by case basis however, for most cases, the developer will be expected to provide financial information for the particular development to the local authorities and will be liable for all costs incurred by the Councils in assessing any viability report or development account."</i>
Gedling Borough Council	8.2	Unclear as to who will be recharged for the legal work undertaken by the	Y	Accepted: The County Council will seek to charge the relevant developer for the

Name	Paragraph	Comments	Change Required ?	Response
		County Council.		legal costs incurred and as such the sentence will be amended to read: "...will recharge <i>the developer</i> its legal costs..."
Gedling Borough Council	8.4	It would be useful to provide developers more certainty over what is considered a 'strategic housing site' and what any higher charge may be.	Y	Accepted: A footnote will be included to clarify a 'strategic housing site'. This will be: <i>"A major strategic housing site is defined as a site which is likely to yield in excess of 500 dwellings"</i>
Gedling Borough Council	Appendices	The new National Planning Practice Guidance will need to be referred to in the final version.	Y	Accepted: A further paragraph will be included within Section 5 (Planning Policy Context) which highlights the emerging National Planning Practice Guidance.
Gedling Borough Council	Archaeology Provision	It would be useful to provide a map of where the sensitive areas are or identify where this can be accessed.	Y	Accepted: Reference to the County Council's Historic Environment Record (HER) will be made and details on where this can be accessed will be incorporated.
Gedling Borough Council	Education Provision	The Gedling Borough Council Regulation 123 list is current being consulted on. This includes secondary education provision associated with Top Wighay Farm.	N	Information noted.
Gedling Borough Council	Education Provision	It is noted that on development solely for flats/apartments, that 1 bedroom flats are exempted from the education provision contribution as children will not occupy 1 bedroom flats. This suggests that	N	The County Council discount 1 bedroom units in developments that are solely apartment dwellings due to the high density and the understanding that these units are usually less attractive to families. However, children do live in apartments,

Name	Paragraph	Comments	Change Required ?	Response
		where there is a mix of houses and flats/apartments that 1 bedroom flats will be required to contribute to the education provision. It is considered to be consistent to exclude 1 bedroom flats from the education contribution on all developments.		<p>including, where the necessity arises, in 1 bed units.</p> <p>The formula for calculating the additional 21 primary/16 secondary pupils arising from new developments is based on mixed developments of 100 dwellings. This includes all types of dwellings, 1 bedroom dwellings , bungalows, flats etc.</p> <p>The County Council do not discount 1 bed homes on mixed developments. If 1 bed dwellings are removed from the calculation it would increase the number of pupils from the remaining dwellings resulting in a higher pupil ratio per remaining dwelling thus cancelling out any discounting from 1 bed units.</p>
Gedling Borough Council	Library Provision	It would be useful if the size of existing libraries and their catchments could be identified to allow an assessment of where there is a capacity issue.	N	The County Council do not feel that identifying the current sizes of existing libraries, their catchments and capacities within the Strategy is appropriate as this information could change over time.
Gedling Borough Council	Library Provision	It is noted that the IDP prepared for the Aligned Core Strategy only identifies a need for library provision in association with the RAF Newton site in Rushcliffe.	N	Information noted.

Name	Paragraph	Comments	Change Required ?	Response
Gedling Borough Council	Natural Environment	It would be useful to be explicit about the Biodiversity Offsetting project and how this would work as part of the Obligations Strategy.	N	The County Council has been selected as one of the six pilot areas nationally to trial biodiversity offsetting. As this is still a pilot project, the County Council feel that an inclusion at the stage would be inappropriate.
Gedling Borough Council	Natural Environment	It would be useful to provide a map of where sensitive areas are or identify where this information could be accessed.	Y	Accepted: Reference to where this information can be obtained will be incorporated.
Gedling Borough Council	Transport	It is noted that the integrated transport measures can be pooled. CIL Regulations will in future limit the number of contributions that can be pooled.	N	Information noted.
Gedling Borough Council	Transport	It would also be useful to include a table as has been done for other matters where contributions are sought although it is acknowledged that the level of detail will be limited given the site specific nature of transport contributions.	N	All developments will result in the generation of movement and each of these will be individual in nature and depend on the capacity of the existing transport network, as such one approach which meets most requirements cannot be identified.
Gedling Borough Council	Waste Management	Given the small number of HWRCs there may be issues related to the future restrictions on pooling S106 agreements.	N	Information noted.
Home Builders Federation	General	As Nottinghamshire County Council are not responsible for local plan	N	The County Council works closely with the relevant determining planning

Name	Paragraph	Comments	Change Required ?	Response
		<p>making or the determination of submitted residential planning applications nor a CIL charging authority, the County Council is dependent on the LPAs within Nottinghamshire negotiating on their behalf for developer contributions towards the infrastructure and services. At a time when the economy is only just beginning to recover from recession, this places increasing strain on LPAs to distribute the limited financial resources available between local requirements such as affordable housing and County Council infrastructure and services. Under this juxtaposition of responsibilities, it is the LPAs rather than the County Council to determine the developer contributions sought.</p>		<p>authority through negotiations at a District/Borough level.</p> <p>The strategy makes clear in Section 2 that it has no statutory status and sets out a statement of Council policy which provides developers with potential costs that may be relevant for proposed developments at an early stage. The Strategy provides a guide to Local Planning Authorities and Developers to commence discussions on a site by site basis for the services and infrastructure that the County Council provides.</p> <p>The National planning Policy Framework is explicit in terms of 'Sustainable' development which includes ensuring that sufficient infrastructure i.e. school places, highway infrastructure etc. are in place.</p>
Home Builders Federation	General	<p>It should also be noted that the NPPF requires LPAs to set out policies and standards in adopted Plans and it is inappropriate to seek to introduce increased costs in a Supplementary Planning Document (SPD). Paragraph 153 of the NPPF</p>	N	<p>The Planning Obligations Strategy is not a Supplementary Planning Document and as stated in the previous response (above) the strategy makes clear that it has no statutory status.</p> <p>The County Council works closely with</p>

Name	Paragraph	Comments	Change Required ?	Response
		specifically states “SPDs should not be used to add unnecessarily to the financial burdens on development”. Paragraphs 173 and 174 of the NPPF require that such policies and standards are viability tested. This viability testing also applies to CIL charging schedules. The Nottinghamshire County Council Planning Obligations Strategy cannot bypass this process of viability testing. Therefore the costs proposed in the Strategy must be incorporated into the Local Plans or CIL 123 Lists of the LPAs in Nottinghamshire.		<p>District/Borough Councils within Nottinghamshire to aid the preparation of Infrastructure Delivery Plans which support Local Plan preparation and are fully tested for their viability.</p> <p>The Strategy provides a context to enable negotiations on a site by site basis and as such the County Council, where it requires contributions to be made, would expect to be party to any discussions/ negotiations at an early stage of the process. The Strategy recognises current viability issues associated with some developments and allows for this eventuality in Section 7 of the document.</p>
Alliance Planning	General	The National Planning Policy Framework and the legal framework in respect of the Community Infrastructure Levy (CIL) do not make provision for an Obligation Strategy. The 'viability testing for a local plan - advice for planning practitioners' published by the Local Housing Delivery Group (2012) also reinforces the matter of viability in both national policy and CIL. Policies seeking a financial	N	The strategy makes clear in Section 2 that it has no statutory status and sets out a statement of Council policy which provides developers with potential costs that may be relevant for proposed developments at an early stage. The Strategy provides a guide to Local Planning Authorities and Developers to commence discussions on a site by site basis for the services and infrastructure that the County Council provides.

Name	Paragraph	Comments	Change Required ?	Response
		contribution need to be compliant with the CIL Regulations and to have been properly tested through examination and robustly assessed for viability in conjunction with all other costs imposed by policy. This exercise is clearly absent and the resultant document can have no material weight attached.		<p>The County Council works closely with District/Borough Councils within Nottinghamshire to aid the preparation of Infrastructure Delivery Plans which support Local Plan preparation and are fully tested for their viability.</p> <p>The Strategy provides a context to enable negotiations on a site by site basis and as such the County Council, where it requires contributions to be made, would expect to be party to any discussions/ negotiations at an early stage of the process. The Strategy recognises current viability issues associated with some developments and allows for this eventuality in Section 7 of the document.</p>
Alliance Planning	General	The strategy sets out the context of financial contributions proposed to be collected from developers under Section 106 Agreements and CIL. It is noted that at para 6.5 of the strategy that the County Council is referred to as the 'collecting authority' in receiving CIL monies charged by a local authority in order to fund strategic infrastructure and services. Under the provisions of the	N	<p>The Strategy, in paragraph 6.5, states that the County Council <u>can be</u> a collecting authority. The strategy does not distinguish between District and County planning applications.</p> <p>The Planning Obligations Strategy is not a Supplementary Planning Document and as stated in the previous response (above) the strategy makes clear that it has no statutory status.</p>

Name	Paragraph	Comments	Change Required ?	Response
		CIL Regulations 2010, the statutory definition of a 'collecting authority' is explicit and as such the County Council would only be a collecting authority in respect of County applications. Also, The document is contrary to the provisions of paragraph 153 of the NPPF.		
Alliance Planning	General	Paragraphs 173 & 174 of the NPPF require that policies and standards are viability tested. We note the absence of any viability testing of the proposed financial contributions set out in Appendix 1-8 of the strategy documents. The strategy does therefore not comply with the provision of the NPPF and the document does not carry the status which the County seek to place on it. It has no proper role in the current Local Development Framework Structure.	N	<p>As stated above, the Strategy provides a context to enable negotiations on a site by site basis and as such the County Council, where it requires contributions to be made, would expect to be party to any discussions/ negotiations at an early stage of the process. The Strategy recognises current viability issues associated with some developments and allows for this eventuality in Section 7 of the document.</p> <p>The County Council works closely with District/Borough Councils within Nottinghamshire to aid the preparation of Infrastructure Delivery Plans which support Local Plan preparation and are fully tested for their viability.</p>
Mansfield District Council	Viability	Where viability is considered a contentious issue and an	N	The Strategy provides a context to enable negotiations and as such the County

Name	Paragraph	Comments	Change Required ?	Response
		<p>independent assessment is required, where contributions are sought by the County Council, will they share the cost of assessment if it has to be undertaken by the District Valuer on the instruction of the District Councils?</p> <p>Where viability is proven as an issue, how would the County Council expect the contribution received to be divided between the competing identified needs?</p>		<p>Council, where it requires contributions to be made, would expect to be party to any discussions/ negotiations at an early stage of the process.</p>
Mansfield District Council	Implementation Monitoring & Legal Charges	<p>Where a none specific charge is made, it would be good practice for a schedule of charges to be published to give developers an idea of what he might expect. A fixed fee would be easier for developers to understand when working out their costs and this should be considered. Confirm in the document that it is the developer who will pay NCC legal costs.</p> <p>Where the admin charges exceed the £300 as it is a major complex development, again to give certainty of costs to the developer it may be advantageous to set out the formula for calculating these costs unless it</p>	Y	<p>Partially accepted: The County Council will seek to charge the relevant developer for the legal costs incurred and as such the sentence will be amended to read: "...will recharge <i>the developer</i> its legal costs incurred in agreeing planning obligations <i>for its services</i>, these..."</p> <p>As legal costs incurred are individual in nature the County Council do not feel that it would be appropriate to set examples out in this Strategy.</p>

Name	Paragraph	Comments	Change Required ?	Response
		is set by a % of the required contributions. The District Councils also charge monitoring/ admin fees and the document should be clear in that only NCC contributions are covered by these fees and District fees are additional.		
Mansfield District Council	Education Provision	The point in time that the assessment is made will need to be clearly set out. I understand the current strategy bases the need on the date of commencement of the development, which currently causes issues and will create difficulties of monitoring for yourselves. For example, if you have more that one site in the same school catchment area that commence development within a day or so of each other, who will have to pay the contribution? Where it is demonstrated that there is capacity in the local school for some children and there remains such during the processing of a number of applications in the catchment area? How will it be justified to developers that they will be required to make a contribution? It is	Y	<p>Partially accepted: A further paragraph will be included which explains at what point the requirement is calculated i.e. during the planning application process and subsequently the costs will be index linked.</p> <p>Once a development receives planning approval then this is taken into account when calculating capacities within the local schools, therefore, if another planning application is received in the same catchment area then the cumulative impacts (including previously agreed requirements) will be considered.</p>

Name	Paragraph	Comments	Change Required ?	Response
		considered that these issues need to be given full consideration and a defensible position as to how it will be considered set out in the strategy.		
Mansfield District Council	Education Provision	Developers have used data published on the Dept of Education EDUBASE website to contest contributions, having examined this and confirmed that it is not a true reflection of the position, it is considered the data needs to be regularly updated to reduce the number of challenges. It is appreciated that this might be outside the LEA control but the appropriate body should be lobbied to ensure this happens. Alternatively you may want to discount the use of this source in your document explaining that up to date data can only be provide by yourselves.	Y	Accepted: A further paragraph will be included which directs developers to the County Council to ensure that the most up-to-date information is utilised.
Mansfield District Council	Education Provision	The County Council should produce/publish a school development strategy taking into account the District Council's housing projection and development sites/ commitments, to support any	N	It is considered that this is not appropriate to be incorporated within this Strategy. The County Council works closely with District/Borough Councils within Nottinghamshire to aid the preparation of Infrastructure Delivery Plans which

Name	Paragraph	Comments	Change Required ?	Response
		contribution requests and help developers understand what development will have to contribute towards.		support Local Plan preparation.
Mansfield District Council	Education Provision	In the 7th para. of education provision, reference is made to "suitable alternative provision" what does this mean?	Y	Accepted: The final part of the sentence is misleading and such it is proposed that it will be deleted, with the paragraph reading as follows: "will raise objections to the development."
Mansfield District Council	Library Provision	The LPA have concern that this requirement would not be seen as being key or necessary to allowing a development to proceed and feel it would be potentially draw resources from more critical area such as Education and affordable houses. It is also considered that it would be difficult to produce evidence to justify the need for library for individual developments.	N	Comments noted.
Mansfield District Council	Natural Environment	There is a lack of clarity in relation to the natural environment approach and I believe that whilst we may well work in partnership with NCC and others to bring forward such schemes, the prime responsible body is the District Council not the County.	N	The County Council acknowledges the responsibilities of the District/Borough Council on this matter, however, feel that it is appropriate that the natural environment is incorporated into the Strategy to highlight the importance of this matter.

Name	Paragraph	Comments	Change Required ?	Response
Mansfield District Council	Transport	Measures to support sustainable transport are welcomed, but each site needs to be considered on its own merits with full justification and details, and again the District Council would wish to see appropriate strategies to support requests for transport contributions. To do otherwise would be seen as being contrary to the statutory test of being “directly related to the development” para. 5.2 of the document.	N	<p>All developments will result in the generation of movements and each of these will be individual in nature and depend on the capacity of the existing transport network.</p> <p>The Local Transport Plan for Nottinghamshire , prepared by the County Council, addresses this issue in more detail and sets out specific projects/ requirements.</p>
Mansfield District Council	Waste Management	It is considered that the Waste Management requirement maybe difficult to justify as very little is explained at Appendix 7. Essentially more than 10 dwellings may or may not require an unknown contribution although then it says that there will be no Threshold?	Y	Accepted: It is proposed to remove the last row of the table.
Mansfield District Council	General	The districts will require the County to clearly set out what any contributions requested will be used for and how they have been calculated in respect of the development to which they relate.	N	Paragraph 1.3 of the draft strategy is clear that the County Council ‘will provide a detailed justification/explanation of any contributions it seeks’.

Name	Paragraph	Comments	Change Required ?	Response
		This is an area LPA's are often challenged on by developers who can require full details so they can check these requirements meet all the tests. It would be useful to clarify that this will be the case in the final document to give confidence to developers only necessary contributions are being sought and can be justified.		
Mansfield District Council	General	In light of the County Councils role in respect of Health issues and new drainage responsibilities should there be elements included to improve/provide additional facilities in these areas.	Y	Accepted: Issues relating to both Health and flood risk/drainage will be incorporated into the document.
Newark & Sherwood District Council	Section 5	Section 5 of the document sets out the planning policy context for the strategy and includes reference to the 3 tests for seeking contributions which are set out within National Planning Policy. These are also contained with Regulation 122 of the CIL Regulations therefore, for clarity and completeness, it is suggested that a cross reference to this regulation be included.	Y	Accepted: A reference to the CIL Regulations will also be included for clarity.
Newark & Sherwood District Council	Section 6	Section 6 of the document provides information about the Community	Y	Accepted: Paragraph 6.4 will be amended as follows:

Name	Paragraph	Comments	Change Required ?	Response
		<p>Infrastructure Levy (CIL) and its relationship with Section 106 agreements. It is acknowledged that paragraph 6.4 makes reference to the Government's aims to limit the pooling of S106 agreements. However there does not appear to be any recognition of the principal problem for planning obligations going forward - namely the 5 obligation restriction from 2015 (the amendment which is expected to be included in the forthcoming CIL Amendment Regulations) or when a local CIL Charging Schedule comes into effect and how the drafting of infrastructure specific obligations will need to be addressed to overcome this. To address this, amendments to paragraph 6.4 are put forward for consideration.</p>		<p>"... in general. The Government aims to limit the pooling of Section 106 contributions <i>to no more than 5 obligations for individual items or projects of infrastructure, with the aim that CIL should fulfil this role, leaving Section 106 monies for more local and site specific measures. To ensure compliance with these limitations the County Council will seek to ensure that requests for obligations are as project specific as possible.</i> Where CILs are in place, requests ..."</p>
Newark & Sherwood District Council	Paragraph 7.7	<p>Paragraph 7.7 refers to "clawback"; the District Council seeks clarification on this matter to confirm if this relates to the issue of Contingent Deferred Obligations as set out in the District Council's draft Developer Contributions and Planning</p>	Y	<p>Partially accepted: The County Council will seek to be party, in any legal agreement, to 'overage' where its full requirements have not been met. However, the additional text suggested will be included at the end of the paragraph to provide clarity for differing circumstances as follows:</p>

Name	Paragraph	Comments	Change Required ?	Response
		Obligations SPD at paragraphs 6.19 to 6.20. In any event it is agreed that Contingent Deferred Obligations may be appropriate on larger sites where the economic situation may improve before development takes place. However, this will be undertaken as part of the Councils' negotiations with the developer. As such an amendment is therefore suggested in place of the second sentence of paragraph 7.7.		<i>"For larger scale developments where some degree of phasing is likely, it may be that whilst full policy requirements cannot be met at the time when any Viability Assessment is undertaken, positive changes in market circumstances over time may allow additional contributions to be made whilst maintaining the economic viability of development. The County Council will work with Local Authorities in seeking to achieve such Contingent Deferred Obligations, when the County Council's full request for developer contributions is not accepted."</i>
Newark & Sherwood District Council	Paragraph 8.3	Para 8.3 refers to the administration and monitoring of S106 agreements. As set out in the District Council's draft Developer Contributions and Planning Obligations SPD at paragraphs 7.1 to 7.6, the District Council has already indicated that it will be undertaking such monitoring and charging accordingly. There is some concern that if the County Council undertake the same tasks and make similar charges this would lead to duplication and double	Y	Accepted: The following text will be included at the end of the first sentence in paragraph 8.3: <i>"...outstanding payments where this is not being undertaken by the relevant District or Borough Council. The charge will be ..."</i>

Name	Paragraph	Comments	Change Required ?	Response
		counting. The District Council will share the relevant monitoring information with the County Council and therefore suggest amendments to the paragraph would be appropriate.		
Newark & Sherwood District Council	Appendix 2	Appendix 2 sets out the County Council's proposed approach to education contributions. On page 15 it notes that pupil projections are revised annually on the 1 st November. In your response to the Draft Newark & Sherwood Developer Contributions & Planning Obligations SPD you noted ' <i>Pupil projections are revised annually xxxxxxxx (3rd bullet point at bottom of page 18 and 19). This date is changing. I have contacted the Data Management section for a revised date, but have not received a response in time for today's deadline.</i> ' In response to this comment, we have removed the date to say that this is updated annually.	N	Information noted.
Newark & Sherwood District Council	Page 15	'How the costs are calculated and what are they?' refers to cost per school for both primary and	N	The County Council do not consider that it would be appropriate to include a cost per dwelling figure as this could cause

Name	Paragraph	Comments	Change Required ?	Response
		secondary education and notes that the DfE figures can be translated into standard costs per dwelling. It may be of benefit to include the cost per dwelling figure within the document.		confusion in the first instance but also will be dependent on the type of development as not all developments will generate a requirement i.e. 1 bedroom apartments.
Newark & Sherwood District Council	Page 18	It is noted that in the penultimate bullet point on Page 18 it refers £19.150. It is assumed that this should read £19,150.	Y	Accepted: The figure quoted will be amended to £19,150.
Newark & Sherwood District Council	Appendix 6	Appendix 6 sets out the approach that will be taken in respect of contributions towards transport. The 3 rd paragraph refers to the pooling of contributions to fund transport improvements. Based on the above comments about the restrictions on pooling of contributions, an amendment is put forward for inclusion at the end of paragraph 3 on page 23	Y	Accepted: The suggested text will be incorporated into the strategy at the end of the third paragraph in Appendix 6 as follows: <i>'Where such pooling is proposed, the County Council will monitor the signed agreements to ensure that obligations sought are in accordance with the CIL Regulation 123 (limitations on use of planning obligations) and which are set out in paragraph 6.4.'</i>

APPENDIX A

30th January 2014**Agenda Item: 7****REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****BROXTOWE BOROUGH COUNCIL SITE SPECIFIC ALLOCATIONS
DOCUMENT****Purpose of the Report**

1. To inform Committee of the formal response which was agreed by the Chairman and sent to Broxtowe Borough Council on the 10th January 2014 in response to the request for comments on the Broxtowe Borough Council Site Specific Allocations Document 2013.

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the Broxtowe Borough Council Site Specific Allocations document (SSAD) and this report compiles responses from Departments involved in providing comments and observations on such matters. The consultation period ran from the 4th November 2013 until the 10th January 2014.

Background Information

3. Broxtowe Borough Council has prepared a Site Specific Allocations Document (SSAD) local plan, the document is the first consultation on an emerging document which will form part of the new Broxtowe Local Plan to replace the 2007 saved Local Plan policies, alongside the Broxtowe Core Strategy; and the Development Management Policies local plan which will follow.
4. The purpose of the document is to commence the selection of sites for housing, employment and protection of environmental assets, amongst any other land uses, which require site allocation across Broxtowe Borough.
5. The local plan is intended to:
 - allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and amount of development where appropriate;

- identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation;
- identify land where development would be inappropriate, for instance because of its environmental or historic significance.

Key Issues for Nottinghamshire

6. Nottinghamshire County Council has a significant interest in the production of a Local Plan for the Broxtowe Borough area. The County Council is a strategic planning authority in terms of service provision and the interests of its residents, community groups and businesses, as well as the concerns of the environment and heritage assets within the county. It is therefore important that up-to-date, relevant and robust plans, within Nottinghamshire are in place to assist the County Council in meeting its service requirements and helping to make Nottinghamshire a prosperous place.

Highways

7. The strategic transport assessments have, through the Aligned Core Strategy already considered the likely transport impacts of all development in Broxtowe. At a strategic level there will be a need for each individual development site to be accompanied by a site specific Transport Assessment (or transport statement for smaller sites) and where smaller sites are clustered a cumulative impact transport assessment may also be necessary, these are required to identify the local highway and transport impacts of development and to secure their provision.
8. The County Council has no strategic highways comments to make as the document drills down to the local site level and does not address strategic sites or transport policies which are already covered in the Core Strategy document and which have been considered in detail at the recent Greater Nottingham Aligned Core Strategy Examination in Public.
9. Detailed Highway comments are set out in Appendix 1.

Minerals

10. The National Planning Policy Framework (NPPF) requires local plans to include policies on minerals safeguarding and consultation areas. Appendix 2 shows the mineral safeguarding and consultation areas within Nottinghamshire, as set out in the County Council's Minerals Local Plan Preferred Approach document (2013).
11. The County Council does not wish to raise any significant concerns at the SSAD stage, however, a reference to the County's Safeguarding and Consultation Areas (See Appendix 2) should be included in the document to ensure consistency with the NPPF and the Nottinghamshire Minerals Local Plan.

Waste

12. Nottinghamshire County Council, in its role as the statutory Waste Planning Authority for Nottinghamshire, has recently prepared a new joint Waste Core Strategy with Nottingham City Council. This was adopted on the 10th December 2013 and sets out the strategic approach towards the provision of essential future waste management infrastructure such as recycling plants, energy from waste plants and landfill. The document will form part of the Development Plan for all parts of Nottinghamshire and Nottingham alongside existing or emerging District/Borough Local Plans and any neighbourhood plans which are prepared.
13. The Waste Core Strategy identifies broad locations where future development is likely to be acceptable but does not allocate any specific sites as this will be carried out in separate supporting policies that will be subject to further consultation and public examination. In broad terms facilities for the sorting, processing and treatment of waste are supported in, or close to, the main urban areas of Nottingham, Mansfield/Ashfield, Newark, Worksop and Retford. Within these broad locations development will be focused on existing or proposed employment sites and other derelict or previously developed land in order to minimise environmental impacts. Limited provision is also made for small-scale recycling or recovery facilities in other rural locations where these can meet a specific local need; especially where this would allow for the re-use of existing farm or forestry buildings.
14. The Waste Core Strategy approach reflects both the need to meet future European and national waste recycling and recovery targets, to manage waste close to source, and the anticipated requirement for additional waste management facilities to support planned housing and economic growth.
15. Delivery of the Waste Core Strategy will depend upon the availability of a suitable range of employment land able to accommodate a mix of essential waste management infrastructure such as recycling, waste transfer and energy recovery. National policy within the NPPF recognises waste management as an employment use and adequate provision is therefore needed for waste related development within local employment policies. Whilst this would not necessarily require separate provision, local planning authorities will need to be mindful of this when assessing the amount and type of employment land to be provided in their area and also when considering releasing established employment/industrial land for other uses.
16. The County Council therefore intends to continue to work closely with each of the local district/borough councils the County area to identify appropriate locations for future waste management facilities and would welcome the opportunity to discuss the suitability of existing or proposed employment sites within the Broxtowe Local Plan Site Allocations Document for appropriate waste uses.
17. The Council would also highlight national waste planning policy in PPS10: Planning for Sustainable Waste Management, and the draft Updated National Waste Planning Policy issued for consultation in June 2013, which stresses the importance of an integrated approach towards waste management planning from all local planning authorities, not just waste planning authorities. In particular, paragraph 35 of PPS10 stresses the importance of good design in the layout of

new development to ensure that there is sufficient provision for waste management. This could include the provision of supporting waste infrastructure and integrating opportunities for heat and/or power from energy from waste developments with other local development where viable.

18. Another important consideration in allocating and determining possible development sites, particularly for sensitive uses such as housing, will be whether the proposal could impact upon the operation of an existing or allocated waste management facility which has been identified for safeguarding. The intended approach to safeguarding is set out within Policy WCS9 of the Waste Core Strategy and its supporting text.

Developer Contributions

19. The SSAD does not contain a specific policy on developer contributions. The County Council would seek to ensure that all impacts on its services and infrastructure from future development in adjacent areas is met either through CIL or planning obligations. The County Council would welcome involvement in the development of any CIL(s), in particular with the drawing up of the CIL Regulation 123 list.

Ecology

20. From an ecological perspective it should be noted that in a number of cases, reference to up-to-date aerial photos indicates that undesignated sites may have value, either as areas of habitat in their own right, or as habitat for protected species. Aerial photo interpretation is not an exact science, and therefore only those sites which appear likely to have more significant nature conservation value have been highlighted, particularly areas of semi-improved grassland, scrub, hedgerows and woodland (however, this means that other sites may have been overlooked). In order to allow a fully informed decision to be made it is recommended that ecological assessments of identified sites are carried out before they are allocated for development.
21. In addition, concerns are raised over the number of sites which are wholly or partly designated as Sites of Important Nature Conservation (SINCs) which are under consideration for development. It is suggested that these should not be considered further.
22. Detailed Ecology comments are set out in Appendix 3.

Landscape and Visual Impact

23. There is no reference to the Greater Nottingham Landscape Character Assessment (LCA) within the Infrastructure Delivery Plan (IDP) Constraints/Requirement Summary. The LCA examines the landscape condition and sensitivity of each of the policy zones and defines a policy based on detailed assessment of the area. These policies e.g. Conserve/Restore/ Create should be used to inform appropriate actions for change within the landscape and the built environment and this is an opportunity for the LCA to guide development. Ideally under the heading *Green Infrastructure* within the IDP the general statement

“Opportunities to enhance Green Infrastructure to be explored as proposals emerge” should be reconsidered on the premise that Green Infrastructure should be part of the proposals and inform the planning and design of the site from the outset.

24. There is no subheading for Landscape Character under the heading *“Locally Distinctive Issues”*. Heritage Issues are referred to within which landscape issues are occasionally referenced. Where relevant, particularly on the larger more rural sites, Landscape Character issues should also be referenced.
25. The published Sites Constraints for each site has a subheading *Landscape Quality and Character*. This is often referenced with NA, presumably where the site is small or located within a more urban context. There appears to be some inconsistency in the type of information under the heading *Landscape Quality and Character*. Sometimes this contains information as to if the site is within an Mature Landscape Areas (MLA) or not, sometimes the current land use e.g. agricultural fields or occasionally a casual comment as to its quality e.g. “farmland nothing of any significant merit”. The Landscape Character, as described within the Greater Nottingham Landscape Character Assessment has not been referenced although it is given as an evidence base (bullet point 8, page 8, Broxtowe Site Allocations Issues and Options November 2013). This would help to steer a more consistent and informed approach to commenting on landscape character.
26. A Prominent Area for Special Protection (e.g. Site Ref 298 Spring Farm Nottingham Road Trowell Moor) has also been identified under the heading Landscape Quality and Character although it appears that this has not been defined or referenced in the documents.
27. Detailed Landscape and Visual Impact comments are set out in Appendix 4.

Property Interests

28. The County Council’s property team will be submitting a separate response to the consultation based solely on its land ownership interests at Walker Street, Eastwood and Springbank School. It was considered that the SSAD would not adversely impact upon the future development of the sites. As such the County Council does not wish to raise any Property objections to the SSAD.

Overall Conclusions

29. The County Council has no strategic highways comments to make as the document drills down to the local site level and does not address strategic sites or transport policies which are already covered in the Core Strategy document and which have been considered in detail at the recent Greater Nottingham Aligned Core Strategy Examination in Public.
30. The County Council does not wish to raise any significant concerns at the SSAD stage however a reference to the County’s Safeguarding and Consultation Areas

should be included in the document to ensure consistency with the NPPF and the emerging Nottinghamshire Minerals Local Plan.

31. The County Council does not wish to raise any objections from a Waste perspective.
32. The County Council would seek to ensure that all impacts on its services and infrastructure from future development in adjacent areas is met either through CIL or planning obligations. The County Council would welcome involvement in the development of any CIL(s), in particular with the drawing up of the CIL Regulation 123 list.
33. The County Council raises concerns over the number of sites which are wholly or partly designated as Site of Important Nature Conservation (SINCs) which are under consideration for development, it is considered that these sites should not be developed. In addition it is recommended that detailed ecological assessments of identified sites are carried out before they are allocated for development.
34. In terms of landscape and visual impact, the County Council raise concerns regarding the inconsistency in relation to the type of information stated. More detailed comments are set out in Appendix 4.
35. The County Council do not wish to raise any Property objections to the SSAD from a property perspective.
36. Following consultation with the Chair of Environment and Sustainability Committee the above comments were sent to Broxtowe Borough Council.

Other Options Considered

37. As the consultation requires representations to be made on the plan the only other option was not to make representations. This was considered and rejected as the education and transport interests of the County Council as service provider could be compromised by the lack of a suitable Local Plan.

Reason for Recommendation

38. Having assessed the SSAD, the principle of the document is supported however, the County Council raise significant concerns in relation to the ecological impact of the potential development of a number of SINC sites.

Statutory and Policy Implications

39. 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

40. There are no direct financial implications.

Implications for Sustainability and the Environment

41. The failure to consider the representations of the County Council on strategic planning and transport matters could lead to unsustainable development taking place, possibly without the adequate context of an adopted Local Plan. The education and transport interests of the County Council as service provider could also be compromised by the lack of a suitable Local Plan or Local Development Framework.

RECOMMENDATION

1) That Committee note the officer response approved by the Chairman which was sent to Broxtowe Borough Council on the 10th January 2014.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

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

Constitutional Comments (SHB.1.12.13)

42. This report is for noting only so no constitutional comments are required.

Financial Comments (SEM 02/12/13)

43. There are no specific financial implications arising directly from this report.

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

Beauvale - Councillor John Handley

Beeston North - Councillor Steve Carr

Beeston South and Attenborough - Councillor Kate Foale

Bramcote and Stapleford - Councillor Stan Heptinstall MBE and Councillor Jacky Williams

Chilwell and Toton - Councillor Dr John Dodd and Councillor Richard Jackson

Eastwood - Councillor Keith Longdon

Kimberley and Trowell - Councillor Ken Rigby

Nuthall - Councillor Philip Owen

Appendix 1 – Detailed Highways Comments

I have had the time to consult with highways development control and trust that they will supply their observations independently.

I have read the allocations documents which make up the Broxtowe Borough Council Issues and Options Consultation. This sets out area based policies in 7 separate documents.

I would make the following observations;

The Aligned Core Strategies work has identified large strategic sites in Broxtowe and these have been Examined in Public. Whilst the Issues and Options consultation makes reference to the named strategic sites it is clear that this consultation is focussed on identifying a significant number of smaller housing and employment sites to meet the overall housing and employment supply in the district. Although these sites are not identified within the high level Core Strategy (CS) and are not explicitly modelled in the supporting CS transport assessments the overall transport impact of the total quantum of development on non-strategic sites in Broxtowe has already been taken into consideration. In which case it should be noted that all development no matter how small will need to contribute towards a package of transport infrastructure required to support all new development in the Borough. The Broxtowe Infrastructure Delivery Plan (May 2013 version 3) identifies the strategic transport infrastructure package that all development will need to contribute towards. It is understood that Broxtowe Borough Council are considering the introduction a Community Infrastructure Levy which is well suited to delivering such area-wide transport improvements.

Although the strategic transport assessments have already considered the likely transport impacts of all development in Broxtowe at a strategic level there will be a need for each individual chosen development site to be accompanied by a site specific Transport Assessment (or transport statement for smaller sites) and where smaller sites are clustered a cumulative impact transport assessment may also be necessary, these are required to identify the local highway and transport impacts of development and to secure their provision.

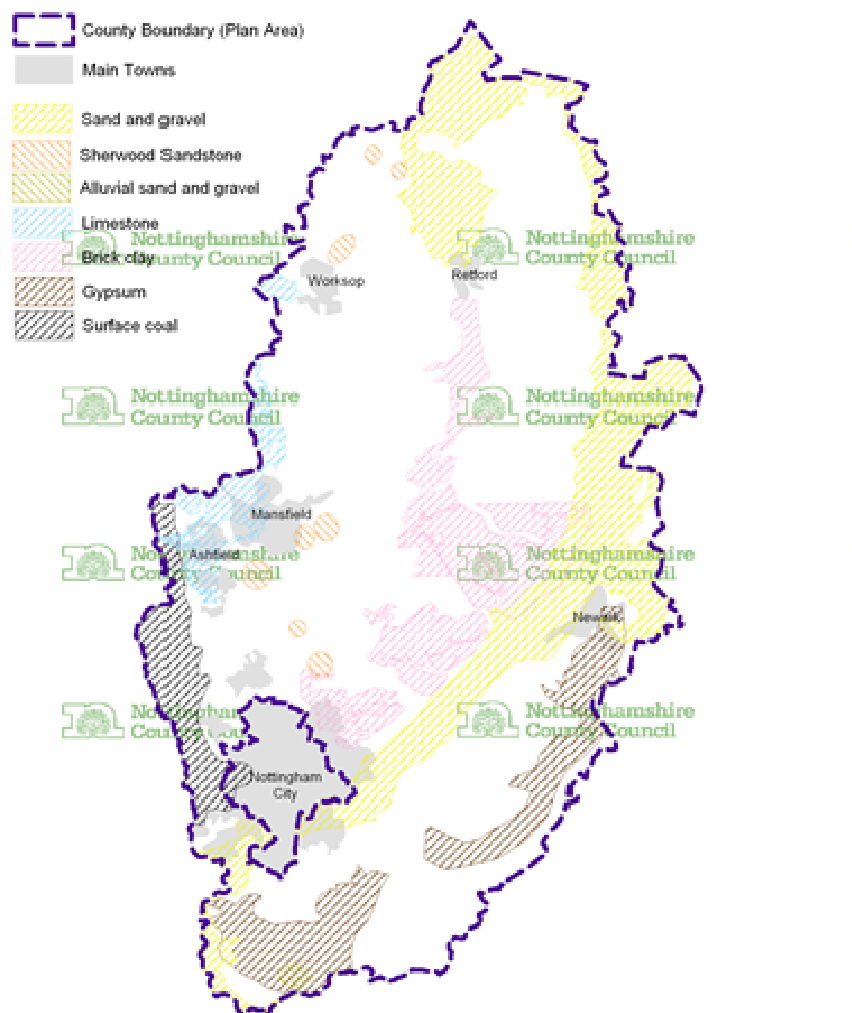
I would be grateful if you could incorporate these observations in your report.

Kind regards

David Pick
Environment and Resources
Nottinghamshire County Council
Telephone 0115 977 4273

Appendix 2 – Minerals Safeguarding and Consultation Areas within Nottinghamshire

Plan 6: Mineral Safeguarding and Consultation Areas



For Illustration Only

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British Geological Survey, 2003. Digital Geological Map of Great Britain 1:625 000 scale (DigMapGB-625)
Superficial Deposits data (CD-Rom) Version 1.10. Keyworth, Nottingham: British Geological Survey. Release date 30-04-2003.

British Geological Survey, 2003. Digital Geological Map of Great Britain 1:25 000 scale (DGM03-025).
 Superficial Deposits data [CGR03] version 1.10. Keywords: Bathography. British Geological Survey. Release 104. 10.10.2005

Appendix 3 – Detailed Ecology Comments

Thank you for consulting the Nature Conservation Unit of the Conservation Team on the above matter. We have the following comments regarding nature conservation issues:

General

The following comments are made based on existing ecological information, such as the location of designated nature conservation sites. However, it should be noted that in a number of cases, reference to up-to-date aerial photos indicates that undesignated sites may have value, either as areas of habitat in their own right, or as habitat for protected species. Aerial photo interpretation is not an exact science, and therefore only those sites which appear likely to have more significant nature conservation value have been flagged up below, particularly areas of semi-improved grassland, scrub, hedgerows and woodland (however, this means that other sites may have been overlooked). In order to allow a fully informed decision to be made, I strongly recommend that ecological assessments of identified sites are carried out before they are allocated for development.

In addition, it is concerning to see that several sites which are wholly or partly designated as SINCs are under consideration for development. It is suggested that these should not be considered further.

Sites containing SINCs/LWSs

Awsorth

- H190: This site is covered in significant part by SINC 2/256. The site is species-rich neutral grassland, and would need to be protected from development.

Eastwood

- H206: This site is partly covered at its southern end, by SINC 2/274. The site is a marshy grassland, and would need to be protected from development.

Kimberley

- H103: This site is covered in its entirety by SINC 5/753. The site is species-rich calcareous grassland, and should not be taken forward for development.
- H131: This site is covered in its entirety by SINC 2/276. The site is species-rich neutral grassland, and should not be taken forward for development.
- H234: This site is covered in its entirety by SINC 5/753. The site is species-rich calcareous grassland, and should not be taken forward for development.
- H215: This site is partly covered by SINC 2/140. The site is a disused railway, and would need to be protected from development.

- E31: This site is partly covered by SINC 2/140 and SINC 2/276. These parts of the site are a disused railway and are of species-rich neural grassland, and would need to be protected from development.

Main Built-up Area

- H220: This site is partly covered by SINC 2/57. The site is an area of parkland, grassland woodland and ponds, and would need to be protected from development.
- H111: This site is partly covered by SINC 2/304, which is a woodland; this would need to be protected from development.
- H107: This site is partly covered by SINC 5/755, which is a woodland; this would need to be protected from development.
- H358: This site is partly covered by SINC 5/2210. This is a mosaic of habitats on railway sidings which would need to be protected from development.
- H104: This site is partly covered by SINC 2/6. The site is a canal, and would need to be protected from development.

Other rural

- H189: This site is partly covered by SINC 2/6. The site is a canal, and would need to be protected from development.

Sites adjacent to designated sites

Brinsley

- H376: This site is adjacent to SINC 5/3405, and mitigation for indirect impacts would be required, which may include a buffer zone.
- H198: This site is adjacent to SINC 5/2302, and mitigation for indirect impacts would be required. This would include the retention of a significant green corridor/buffer along the Brinsley Brook.
- H197: This site is adjacent to SINC 5/2328 (which it would enclose on two of its three sides) and SINC 2/167. Mitigation for indirect impacts would be required, which may include buffer zones.

Eastwood

- H313: This site is adjacent to SINC 2/245 and mitigation for indirect impacts would be required, which may include a buffer zone.

- H3: This site is adjacent to SINC 5/273. It appears that the SINC boundary at this location is fairly arbitrary and it is not clear why it does not cover the whole land parcel. Clarification should be sought from the Nottinghamshire Biological and Geological records Centre to establish that the SINC boundary is in the correct place. In any event, mitigation for indirect impacts would be required, which may include buffer zones, and mitigation for direct impacts may also be required which could include avoiding development of the undesignated part of the eastern land parcel.
- H206: As well as being partly covered by SINC 2/274 (see above), the eastern boundary of this site runs along SINC 2/253. Mitigation for indirect impacts would be required, which would include the retention of a significant green corridor/buffer along the Brinsley Brook.
- H203: This site is adjacent to SINC 2/259 and mitigation for indirect impacts would be required, which may include a buffer zone.
- E35: This site is adjacent to SINC 2/245 and mitigation for indirect impacts would be required, which may include a buffer zone.

Kimberley

- H428: This site is adjacent to Kimberley Railway Cutting SSSI and SINC 2/71 and mitigation for indirect impacts would be required, which may include a buffer zone. Natural England should be consulted regarding potential impacts on the SSSI.
- H145: This site is adjacent to Kimberley Railway Cutting SSSI and SINC 2/71 and mitigation for indirect impacts would be required, which may include a buffer zone. Natural England should be consulted regarding potential impacts on the SSSI.
- H411: This site is adjacent to SINC 2/140 and mitigation for indirect impacts would be required, which may include a buffer zone.

Main Built-up Area

- H123: This site is adjacent to SINC 5/1086 and mitigation for indirect impacts would be required, which may include a buffer zone.
- H108: This site is adjacent to SINC 5/1086 and mitigation for indirect impacts would be required, which may include a buffer zone.
- H133: This site is adjacent to SINC 5/2210 and mitigation for indirect impacts would be required, which may include a buffer zone.

Other rural

- H513: This site is adjacent to SINC 2/319 and mitigation for indirect impacts would be required, which may include a buffer zone.

Site supporting habitat which may have nature conservation value

(Note: the sites identified below are those which appear to have the most potential to have nature conservation value. Other sites may also have nature conservation value for the habitats they support, or may support protected species).

Awsworth

- H192: Aerial photos indicate that much of this area is covered in rough grassland, scrub and hedgerows which may have nature conservation value and may support protected species.

Eastwood

- H125: Aerial photos indicate that the site is a remnant area of neutral grassland (the majority of which was lost to the new primary school).
- H519: Aerial photos indicate that the site is an area of grassland and scrub.
- H143: Aerial photos indicate that the site is an area of grassland and scrub.
- H146: Aerial photos indicate that the site is an area of grassland and hedgerows.
- H138: Aerial photos indicate that the site is an area of grassland, scrub and post-industrial habitat.
- H130: Aerial photos indicate that a significant part of the site is an area of grassland and scrub.
- H204: Aerial photos indicate that the site is an area of grassland and hedgerows.
- H206: As well as being partly covered by SINC 2/274 and adjacent to SINC2/253, aerial photos indicate that the site is an extensive area of grassland and hedgerows.
- H203: As well as being adjacent to SINC 2/259, aerial photos indicate that parts of the site include areas of grassland and hedgerows.
- E36: Aerial photos indicate that a significant part of the site is an area of grassland and scrub.

Kimberley

- H145: Aerial photos indicate that the site is an area of grassland.
- H144: Aerial photos indicate that the site is an area of grassland and trees.

- H586: Aerial photos indicate that a significant part of the site is an area of woodland.
- H218: I believe that this site contains a pond which hosts Great Crested Newts.
- H105: Aerial photos indicate that the site is an area of grassland.
- H411: As well as being adjacent to SINC 2/140, aerial photos indicate that the site is an area of grassland and scrub.
- H285: Aerial photos indicate that the site is an area of grassland and mature hedgerows.
- H271: Aerial photos indicate that the site is an area of grassland and hedgerows.
- H215: As well as being partly covered by SINC 2/140 (see above), aerial photos indicate that the site contains area of grassland, hedgerows and scrub.
- E30: Aerial photos indicate that a significant part of the site is an area of woodland.
- E31: As well as being partly covered by SINC 2/140 and SINC 2/276 (see above), aerial photos indicate that the site contains area of grassland and scrub.

Main Built-up Area

- H258: Aerial photos indicate that a significant part of the site is grassland and scrub.
- H215: As well as being adjacent to SINC 5/1086 (see above), aerial photos indicate that the site contains area of grassland and scrub.
- H410: Aerial photos indicate that part of the site is grassland and scrub.
- H111: As well as being partly covered by SINC 2/304, aerial photos indicate that the site contains area of grassland and woodland on the northern part of the site.

Other rural

- H513: As well as being partly covered by SINC 2/319, aerial photos indicate that the site is an area of grassland and scrub.
- H189: As well as being partly covered by SINC 2/6, aerial photos indicate that the site is an area of grassland, hedgerows and scrub.

We trust you will find the above comments of use, but if you require any further information, please do not hesitate to contact us.



Nick Crouch.

Nick Crouch

Appendix 4 – Detailed Landscape and Visual Impact Comments

The following documents have been looked at in response to the above consultation:

- *Site Allocation Borough Over View,*
- *Awsorth,*
- *Brinsley,*
- *Eastwood,*
- *Kimberley ,*
- *Main Built up Area,*
- *Other Rural.*

Due to the timescale these are general comments only, and detailed responses to individual sites have not been given.

1. There has been no reference to the Greater Nottingham Landscape Character Assessment within the Infrastructure Delivery Plan (IDP) Constraints/Requirement Summary. The LCA examines the landscape condition and sensitivity of each of the policy zones and defines a policy based on detailed assessment of the area . These policies e.g. Conserve/Restore/ Create should be used to inform appropriate actions for change within the landscape and the built environment and this is an opportunity for the LCA to guide development. Ideally under the heading *Green Infrastructure* within the IDP the general statement “*Opportunities to enhance Green Infrastructure to be explored as proposals emerge*” should be reconsidered on the premise that Green Infrastructure should be part of the proposals and inform the planning and design of the site from the outset.
2. There is no subheading for Landscape Character under the heading “*Locally Distinctive Issues*”. Heritage Issues are sometimes referred to within which landscape issues are occasionally referenced. Where relevant, particularly on the larger more rural sites, Landscape Character issues should also be referenced.
3. The published Sites Constraints for each site has a subheading *Landscape Quality and Character*. This is often referenced with *NA*, presumably where the site is small or located within a more urban context. There appears to be some inconsistency in the type of information under the heading *Landscape Quality and Character* . Sometimes this contains information as to if the site is within an MLA or not, sometimes the current land use e.g. agricultural fields or occasionally a casual comment as to its quality e.g. “ farmland nothing of any significant merit” . The Landscape Character, as described within the Greater Nottingham Landscape Character Assessment has not been referenced although it is given as an evidence base (bullet point 8, page 8, Broxtowe Site Allocations Issues and Options November 2013). This would help to steer a more consistent and informed approach to commenting on landscape character.

4. A Prominent Area for Special Protection (e.g. Site Ref 298 Spring Farm Nottingham Road Trowell Moor) has also been identified under the heading Landscape Quality and Character although as far as I can see this has not been defined or referenced in the documents.

To summarise some consistency and clarity as to what is understood to be Landscape Quality and Character should be given. The status of MLAs may also require clarification as I understand that they were a saved policy until the new Local plan is adopted.

30th January 2014

Agenda Item: 8

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

LEICESTERSHIRE COUNTY COUNCIL MINERALS AND WASTE LOCAL PLAN ISSUES DOCUMENT 2013

Purpose of the Report

1. To inform Committee of the formal response which was agreed by the Chairman and sent to Leicestershire County Council (LCC) on the 18th December 2013 in response to the request for comments on the Leicestershire Minerals and Waste Local Plan Issues Document 2013 (LCC M & WID).

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the Leicestershire Minerals and Waste Local Plan Issues Document (2013) and this report compiles responses from Departments involved in providing comments and observations on such matters. The consultation period ran from the 22nd November until the 24th January 2014. In line with the agreed protocol, comments have been sent to LCC to meet their consultation deadline. These comments were agreed with the Chairman.

Background Information

3. Leicestershire County Council (LCC) is responsible for minerals and waste planning in Leicestershire. LCC is consulting on the first stage in reviewing their current minerals and waste planning policies, which were adopted in 2009. The adopted minerals and waste policies are being reviewed to ensure they remain current and within planning and environmental legislation. The review is necessary, in part, to ensure consistency with the National Planning Policy Framework (NPPF).
4. LCC raises a number of key questions for responses:
 - The spatial strategy for the provision of future mineral supply and waste management facilities within the County, i.e. where in broad terms should new provision come from?

- How to protect, or 'safeguard', minerals and waste operations against other competing types of development.
- The role that minerals and waste developments can play in helping to tackle climate change.
- Whether to update some of the planning policies needed to inform decisions on minerals and waste applications (so-called development management policies).
- Whether additional measures should be adopted to protect residential amenity, such as buffer zones.
- The strategy for the restoration of mineral and landfill sites.

Key Issues for Nottinghamshire

5. Nottinghamshire County Council has a significant interest in the production of a minerals and waste Local Plan for the Leicestershire area. The County Council is a strategic planning authority in terms of service provision and the interests of its residents, community groups and businesses, as well as the concerns relating to the environment and heritage assets within the County. It is therefore important that up-to-date, relevant and robust plans, within and adjoining the County are in place to assist the County Council in meeting its service requirements and helping to make Nottinghamshire a prosperous place.

Highways

6. The County Council highways team has raised no concerns in strategic transport/sustainable transport terms. LCC are promoting extensions of four quarries already transporting (about a third) material by rail and elsewhere they are promoting facilities either close to the source of waste or close to likely markets for minerals so as to minimise distances material is moved by road. They are also minded to route HGVs on an already well-established HGV route system and it would be expected that by the time vehicles reach Nottinghamshire they will be on the Highway Agency's Strategic Road Network.
7. The County Council would not wish to make any strategic transport objections to the Consultation.

Minerals

8. As recognised in the document, Leicestershire supplies limestone to other authorities in the region and beyond. This includes Nottinghamshire, where imports from Leicestershire represent around 30% of our limestone use. The continued supply of limestone to Nottinghamshire from Leicestershire is supported.
9. However, there is caution about the suggestion that a figure higher than the 10 year average should be used to calculate future provision. LCC cites local circumstances of high export levels and anticipated growth in these areas as justification for a higher figure, but NCC consider that LCC could be open to challenge at a public examination. NCC consider that the 10 year average from

2003 – 2012 takes in years of economic growth and decline and as such should sufficiently cover some level of growth. Instead of adopting a higher figure at the outset on the basis of anticipated growth, annual monitoring through the Local Aggregate Assessment (LAA) using both the 3 and 10 year averages could identify any significant increase in demand, enabling a review of the apportionment figure (and or allocation of further sites if needed) later in the plan period.

10. As recognised in the Nottinghamshire Minerals Local Plan Preferred Approach, the life of Marblaegis Gypsum Mine in Nottinghamshire is due to end in 2026 and that any future expansion would be into Leicestershire. As the Leicestershire Local Plan now proposes to look ahead to 2023, there may be a case for considering specifically the approach to the future of Marblaegis Mine in Leicestershire. It is therefore considered that in future it may be prudent to consider the need to safeguard the gypsum resource relating to the Marblaegis Mine.

Waste

11. The LCC data on collected municipal waste gives an accurate picture of current arisings and past trends but may not provide a reliable indicator of future trends if it is considered in isolation. Although difficult to quantify, it may be worthwhile to consider the possible impacts of future economic growth, planned housing and employment development etc. which are all likely to increase waste volumes to some degree. NCC note the commitment to annual monitoring within paragraph 6.9 of the LCC Plan and would suggest that a cross-reference to this could usefully be included within paragraph 5.3 of the LCC Plan to highlight that this will be kept under review.
12. It is considered that it may be risky to rely entirely on declining or zero growth rates. Whilst these are clearly desirable, there is no certainty over future arisings. From a Nottinghamshire perspective, it is suggested that it may be safer to make some allowance for possible future growth and allow a degree of flexibility in approach. Lead in times for new waste management facilities can be lengthy and a shortage of planned provision in one Waste Planning Authority (WPA) area could increase pressure on neighbouring facilities. 2011/12 is the lowest point in the 6 year period shown in Figure 5.1 of the LCC Plan and could therefore be argued as being very much a best-case scenario. Flexibility in the plan, guided by annual monitoring is alluded to within Chapter 6 but again it may be useful if this could be made clearer within Chapter 5 of the LCC Plan.
13. NCC supports the approach taken to estimating future Construction and Industrial waste arisings as this draws on all of the currently available data.
14. The assumptions made about the proportions of commercial and industrial waste are supported which would again presumably be subject to monitoring and review as and when relevant data is available.
15. The proposed higher recycling target for Municipal Solid Waste (MSW) and Commercial and Industrial (CI) waste over the longer term is supported.

16. The estimate of Construction and Demolition arisings is supported as this pre-dates the worst impacts of the recession and mirrors the Nottinghamshire approach.
17. With local data so difficult to obtain it would be appropriate to at least maintain existing provision whilst not precluding additional facilities where these would help move waste up the hierarchy and not prejudice other plan aims e.g. quarry restoration.
18. NCC support the approach to hazardous waste as it is not always practical to manage all forms of hazardous waste within a Waste Planning Authority boundary, the net-self-sufficiency approach will help to ensure the most sustainable and appropriate means of treating this waste stream.
19. The County Council would support the assertion that the LCC Plan should make provision for sufficient waste management facilities to handle the levels of waste arising within the County. This is consistent with the aim of net self-sufficiency set out in the Replacement Nottinghamshire and Nottingham Waste Local Plan: Part 1 - Waste Core Strategy.
20. NCC supports the spatial approach set out as this reflects national waste policy and wider sustainable waste management principles.
21. NCC supports the safeguarding of existing waste management sites; Nottinghamshire and Nottingham as waste planning authorities rely on a number of facilities in Leicestershire for the management of our waste: Wanlip Sewage Treatment Works, Cotesbach Landfill (significantly for the disposal of hazardous waste, for which there is no provision in Nottinghamshire and Nottingham) and New Albion Landfill.

Ecology

22. Leicestershire County Council have an in-house team of ecologists and as such the County Council do not wish to raise any objections to the LCC M&WID from an ecology perspective. It should be noted that support is provided for the recognition of questions raised in the Issues Document in relation to the protection of the natural environment and biodiversity gain through site restoration.

Overall Conclusions

23. The County Council would not wish to make any strategic transport objections to the Consultation.
24. The County Council supports the approach to Minerals and Waste provision put forward by LCC however raise concerns over the plans reliance on declining or zero growth rates for waste.

Other Options Considered

25. As the consultation requires representations to be made on the plan the only other option was not to make representations which would have implications for Nottinghamshire County Council role as a Minerals and Waste Planning Authority.

Reason for Recommendation

26. Having assessed the Leicestershire Minerals and Waste Local Plan Issues Document the County Council does not wish to raise any significant issues and provides overall support for the approach of the Plan.

Statutory and Policy Implications

27. 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

28. There are no direct financial implications.

Implications for Sustainability and the Environment

29. The failure to consider the representations of the County Council on strategic planning and transport matters could lead to unsustainable development taking place, possibly without the adequate context of an adopted Local Plan.

RECOMMENDATION

1) That Committee note the officer response approved by the Chairman which was sent to Leicestershire County Council on the 24th January 2014.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

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

Constitutional Comments (SHB.16.12.13)

30. Committee have power to decide the Recommendation.

31. Financial Comments (SEM 17/12/13)

32. There are no specific financial implications arising directly from this report.

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

30th January 2014

Agenda Item: 9

**REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES**

**CONSULTATION ON AN ENVIRONMENTAL PERMIT APPLICATION,
DANESHILL ENERGY FOREST, DANESHILL ROAD, LOUND,
NOTTINGHAMSHIRE**

Purpose of the Report

1. To inform Committee of the formal response which was agreed by the Chairman and sent to the Environment Agency (EA) on the 6th January 2014 in response to the request for comments on the consultation for an Environmental Permit Application at Daneshill Energy Forest.

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the environmental permit application and this report compiles responses from Departments involved in providing comments and observations on such matters. The consultation period ran from the 26th November until the 6th January 2014. In line with the agreed protocol, comments have been sent to the Environment Agency to meet their consultation deadline. These comments were agreed with the Chairman.

Background Information

3. The application site benefits from planning permission for '*Temporary coal bed methane exploration involving the drilling of a borehole and construction of soil bunds*' (Reference 47/09/00006), which was granted on the 28th August 2009. On the 29th November 2012 an extension to time for implementing the existing planning permission was granted for a further 3 years (Reference 1/12/01296/FUL). See location plan attached in Appendix 1.
4. Dart Energy, the applicant, currently holds a Petroleum Exploration and Development Licence (PEDL 200) granted by the Department for Energy and Climate Change (DECC) which authorises the search for petroleum hydrocarbons below ground in the UK.
5. Coal bed methane extraction involves removing methane directly from the seam without actually mining the coal. The industry is most developed in the USA,

whilst in the UK and Europe it remains in its infancy. Dumfries and Galloway Council recommended approval for plans to extract coal bed methane from a site near Canonbie, in Scotland. Interest is developing and it could become a significant energy source for the future. In Nottinghamshire four proposals for the exploration and development of coal bed methane have been granted planning permission. Nearly all of Nottinghamshire overlies a potential coal bed methane resource but the most promising prospects are believed to exist in the eastern half of the County due to the geological formation.

Description of the Proposal

6. The applicant proposes to drill a vertical borehole termed 'Lound 1' to identify and quantify the presence of methane trapped in the coal seams in the strata below ground. The drilling operation is estimated to take 28 days and will involve drilling utilising a closed loop drilling mud system to remove drill cuttings from the borehole, maintain hydrostatic pressure and control the temperature of the drill bit.
7. The planned operations do not include hydraulic fracturing (fracking) and are assessed as a temporary coal bed methane exploration involving the drilling of a borehole and construction of soil bunds.

National Planning Policy Context

8. The National Planning Policy Framework (NPPF) states at paragraph 147 that,

"Mineral planning authorities should...when planning for on-shore and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production..."

9. Generally national planning policy on energy is positive towards proposals for the extraction of coal bed methane provided that proposals do not have detrimental impacts on the environment.

County Planning Context

Nottinghamshire Minerals Local Plan (2005)

10. The adopted Nottinghamshire Minerals Local Plan (2005) contains Policy M13.4 'Coal Bed Methane Extraction' which supports such proposals provided they are consistent with an overall scheme enabling the full development of the resources and there are no unacceptable impacts. Policy M13.6 'Boreholes – Conflicts with Other Underground Mineral Resources' supports borehole exploration and production providing they do not unreasonably affect other underground mineral resources.

Nottinghamshire Minerals Local Plan Preferred Approach (2013)

11. The County Council, as a Minerals Planning Authority is currently preparing a new Minerals Local Plan. Consultation on the Minerals Local Plan Preferred Approach took place during October – December 2013. The current timetable is that consultation on the Submission Draft of the Plan will take place in May 2014 with submission to the Planning Inspectorate for Examination in August 2014. It is expected that the Examination will take place in December 2014 and formally adopted in March 2015.
12. Draft Policy MP12: Hydrocarbon Minerals supports exploration provided that they do not give rise to any unacceptable impacts on the environment or residential amenity.

Strategic Planning Issues

Minerals Planning

13. The site benefits from a current planning permission for '*Temporary coal bed methane exploration involving the drilling of a borehole*' (See paragraph 3 above), and is consistent with adopted and emerging minerals planning policy.

Highways

14. The Highways Authority does not consider the proposal would have any highway implications. Any highway matters would be addressed at the planning application stage for permissions to drill and extract methane gas. As the proposal already has the benefit of planning permission, no strategic highways objections are raised in relation to this proposal.

Reclamation

15. The site condition report does not identify any significant historical contamination sources which may have impacted the site. There are a number of potential contamination sources in the general area. However the applicants report relies upon the baseline data provided in the soil survey of the UK and concludes there is no requirement for a baseline investigation.
16. There are no arrangements within the proposal for containment of spillage or leakage of drilling fluids, muds or cuttings and produced water apart from the routine monitoring of fluid levels and capacity of the skips and tank, which would prevent the spillage from achieving either the surface soils, surface waters or the underlying aquifer.
17. The risk assessments do not register the storage of drilling fluids, hydraulic oils, and storage of fuels all these give rise to the potential for contamination of the ground and ground waters at the site. It is appreciated that the planning conditions attached with the documentation do refer to such.
18. Whilst the application includes for the use of a closed loop drilling mud system and the contamination risk to the surrounding strata is stated as low. There

appears little or no consideration to the potential for contaminated groundwater within the coal measures or other strata during the exploration appraisal process and its subsequent entrainment at the surface.

19. Any facilities for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.
20. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
21. All wastes generated from the drilling operations including general wastes, formation cuttings, produced waters and waste waters shall be stored appropriately within the site and removed from the site to a licensed disposal facility. No wastes shall be stored as to allow ground or surface water to become contaminated by oil, grease or other pollutants used on or in connection with the site operations and there shall be no discharge into any ditch or watercourse.
22. Detailed Reclamation comments are set out in Appendix 2.

Overall Conclusions

23. The County Council does not wish to raise any objections to the proposal from a minerals planning perspective.
24. The County Council does not consider the proposal would have any highway implications.
25. In terms of reclamation, concerns are raised in relation to the potential for contamination in the area and the lack of arrangements for spillage/leakages. Concerns are also raised over the potential for contaminated groundwater within the coal measures or other strata during the exploration appraisal process and its subsequent entrainment at the surface.

Other Options Considered

26. As the consultation requires representations to be made on the proposal the only other option was not to make representations which would have implications for Nottinghamshire County Council's role as a Minerals and Waste Planning Authority.

Reason for Recommendation

27. Having assessed the proposal the County Council does not wish to object to the proposal, however, raises concerns over the potential for contaminated groundwater within the coal measures or other strata during the exploration appraisal process and its subsequent entrainment at the surface.

Statutory and Policy Implications

28. 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

29. There are no direct financial implications.

Implications for Sustainability and the Environment

30. The minerals planning interests of the County Council could be compromised if the proposal is not adequately addressed.

RECOMMENDATION

1) That Committee note the officer response approved by the Chairman which was sent to the Environment Agency on the 6th January 2014.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

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

Constitutional Comments (NAB 19.12.13)

31. The Environment and Sustainability Committee has authority to consider the recommendation set out in this report by virtue of its terms of reference.

Financial Comments (SEM 19/12/13)

32. There are no specific financial implications arising directly from this report.

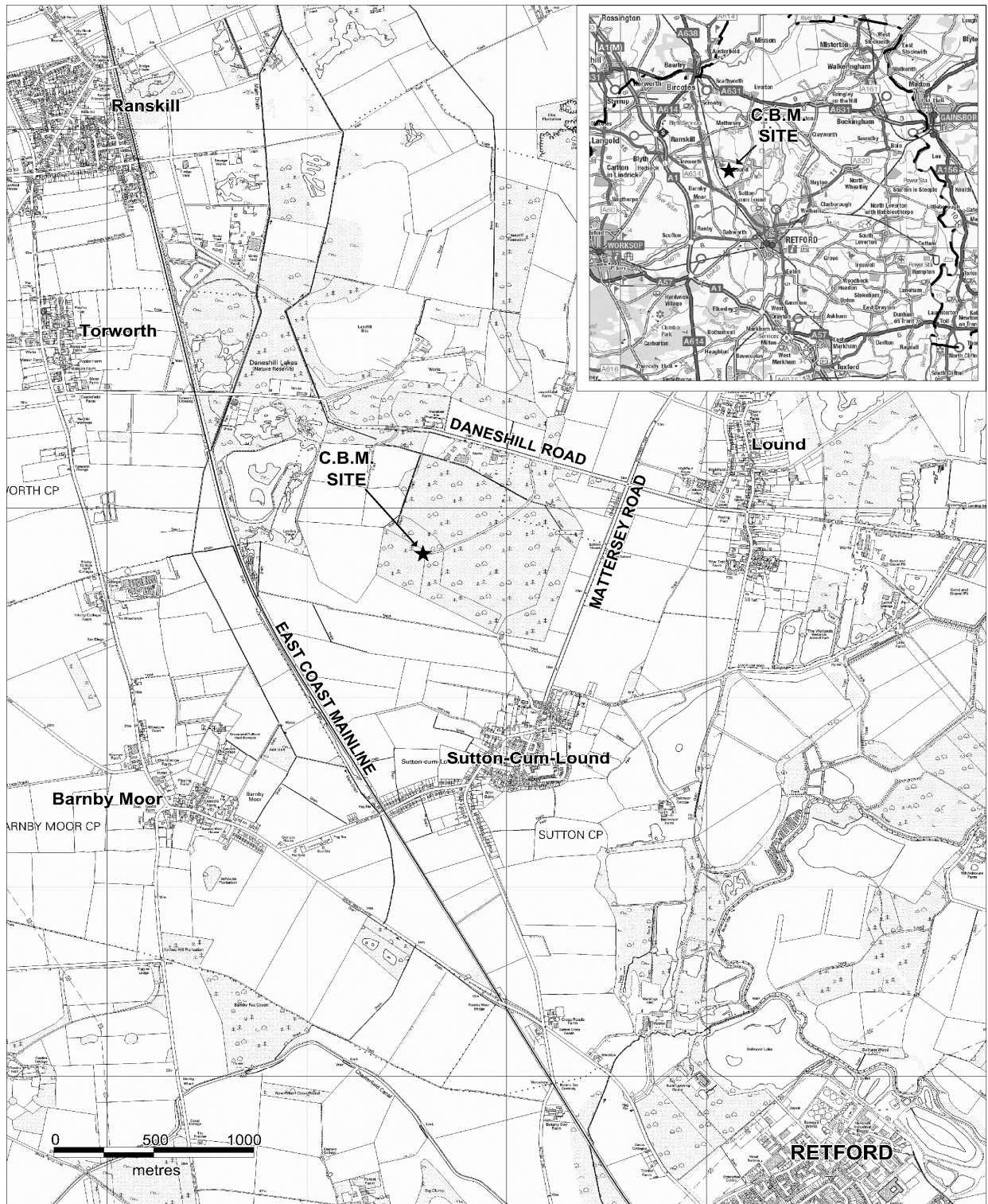
Background Papers and Published Documents



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 and Member Affected

Blyth and Harworth – Councillor Shelia Place
Misterton – Councillor Liz Yates
Retford East – Councillor Pam Skelding
Retford West – Councillor Ian Campbell
Tuxford – Councillor John Ogle
Worksop North East and Carlton – Councillor Alan Rhodes

Appendix 1 - Site Location Plan



 <p>Nottinghamshire County Council</p>	<p>CONSULTATION ON AN ENVIRONMENTAL PERMIT APPLICATION, DANESHILL ENERGY FOREST, DANESHILL ROAD, LOUND, NOTTINGHAMSHIRE.</p> <p><small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2014)</small></p>	<p></p> <p>Scale 1:25,000 Produced by: JW Date: MARCH 2014</p>
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Appendix 2 – Detailed Reclamation Comments

1. Existing Site:

The site is currently in agricultural use as farmland, with surrounding areas of forestry. The remote landscape is undulating in character with the site, relatively flat, at approximately 12m AOD, rising to approximately 20m to 40m AOD around Barnby Moor to the southwest and Babworth to the south. To the east it rises to approximately 60m AOD between the villages of Hatton and North Wheatley.

The site is currently in agricultural grassland and the western and southern field boundaries are bordered by clusters of recently planted saplings. Neighbouring fields are generally large with wider field boundaries defined by existing and remnant hedge planting. Most of the existing and remnant hedgerows contain mature deciduous woodland trees.

Other key features within the landscape include a traveller's site, a breakers yard and a stone merchant, all of which are located along Daneshill Road approximately 500 m to 700 m north of the proposed site. There is also a culvert under the access track and drainage ditch to the east of the site.

There are no residential properties within 900m of the proposed site. Daneshill Lake is a large wetland area located 650m west of the site, bordered to the west by the East Coast Railway Line

2. Proposals:

The application is for the construction of “an unconventional Coal Bed Methane (CBM) appraisal borehole. The borehole will penetrate to the Pennine Middle Coal measures, to a depth of approximately 920m. The borehole will be formed using a HH102 drilling rig unit, the process will utilise a closed loop drilling fluid to remove the drill cutting and control the drill head environment. Arisings from the drilling process will be treated on site through the separation process, waste solids to skips for onward offsite disposal and liquids to be reused or tankered offsite.

3. Land Contamination Impacts:

The proposed borehole penetrates to the Pennine Middle Coal Measures through the Nottingham Castle Sandstone formation. The sandstone is regarded as a principal bedrock aquifer, furthermore the soils of the site are considered to be of high leaching potential, whilst the site itself is located with zone III of the groundwater source protection zone. The implication of the geology is that there exists a risk to groundwater quality from activities such as the formation of the appraisal borehole and associated site and support works.

Whilst the borehole formation will use a closed loop system to manage the drilling fluids, there still remains the fact that the borehole will penetrate the coal measures and any groundwaters contained within them or waters introduced into the strata and discharged at surface “produced waters will contain a range of contaminants (PAHs

and heavy metals plus others) which will require treatment within the drilling system. This issue will be more pertinent if /when the borehole/site is deemed viable to produce coal bed methane.

The leakage from skips and container integrity and leakage through the Durabase are identified within the risk management tables and these tables identify the receptors as surface water, soil, groundwater and localised flooding. Mitigation measures are identified as a surrounding drainage ditch to take flood waters to designated “soakaway area”. This is not identified on the plan and the process would appear to contravene the aim of preventing the ingress of waste materials /fluids to what has been identified as soils of high leaching potential, the underlying aquifer and a culvert which lies to the east of the site.

There are groundwater water protection issues to be addressed both during and subsequent to the investigation, and these would fall under the remit of the Environment Agency. The borehole penetrates a principal groundwater aquifer for the region, additionally at the end of the exploration period the borehole is to be decommissioned, this would need to be verified (as is proposed in the documentation) and would remain a potential source/ pathway for contamination of the aquifer.

5. Conclusions and Recommendations:

The site condition report does not identify any significant historical contamination sources which may have impacted the site. There are a number of potential contamination sources in the general area. However Dart Energy report relies upon the baseline data provided in the soil survey of the UK and conclude there is no requirement for a baseline investigation.

There are no arrangements within the proposal for containment of spillage or leakage of drilling fluids, muds or cuttings and produced water apart from the routine monitoring of fluid levels and capacity of the skips and tank, which would prevent the spillage from achieving either the surface soils, surface waters or the underlying aquifer.

The risk assessments do not register the storage of drilling fluids, hydraulic oils, and storage of fuels all these give rise to the potential for contamination of the ground and ground waters at the site. It is appreciated that the planning conditions attached with the documentation do refer to such.

Whilst the application includes for the use of a closed loop drilling mud system and the contamination risk to the surrounding strata is stated as low. There appears little or no consideration to the potential for contaminated groundwater within the coal measures or other strata during the exploration appraisal process and its subsequent entrainment at the surface.

Any facilities for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there

is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.

All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

All wastes generated from the drilling operations including general wastes, formation cuttings, produced waters and waste waters shall be stored appropriately within the site and removed from the site to a licensed disposal facility. No wastes shall be stored as to allow ground or surface water to become contaminated by oil, grease or other pollutants used on or in connection with the site operations and there shall be no discharge into any ditch or watercourse.

The Pollution Prevention Guideline series of documents prepared by the Environment Agency should be consulted and integrated within the environmental management plan for the site, the following non exhaustive list is provided for reference

- Above ground oil storage tanks: PPG 2
- The safe operation of refuelling facilities: PPG 7
- Safe Storage and disposal of used oils: PPG8
- Incident Response Planning: PPG 21

If you require clarification on any of the above points, please do not hesitate to contact me.

Derek Hair

Principal Project Engineer
Landscape and Reclamation Team

30th January 2014**Agenda Item: 10****REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****STRATEGIC PLANNING OBSERVATIONS****Purpose of the Report**

1. To provide a summary of the current status of planning consultations received, and being dealt with, by the County Council from Nottinghamshire District and Borough Councils, neighbouring authorities and central government.

Information and Advice

2. Policy, Planning and Corporate Services has received 10 planning consultations during the period 8th November 2013 to the 13th December 2014
3. Appendix A contains a list of all the planning consultations received during the above period.

Other Options Considered

4. There are no alternative options to consider as the report is for information only.

Reason for Recommendation

5. This report is for information only.

Statutory and Policy Implications

6. 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.

RECOMMENDATION

- 1) This report is for information only.

Jayne Francis-Ward
Corporate Director, Planning, Policy and Corporate Services

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

Background Papers

Individual Consultations and their responses.

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.

Constitutional Comments

7. As this report is for noting only constitutional comments are not required.

Financial Comments

8. There are no direct financial implications arising from the contents of this report.

Electoral Division(s) and Member(s) Affected

All.

Appendix A – Nottinghamshire County Council: Planning Consultations Received – November to December 2013

Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
Ashfield District Council							
03.12.13	Ashfield District Council V/2013/0625	Land North of Papplewick Lane, Hucknall	Outline application for demolition of three dwellings and formation of vehicular access to serve neighbouring authority proposal for residential development of up to 300 dwellings	NW	C	Meets agreed protocol criteria	March E & S Committee
Bassetlaw District Council							
26.11.13	Bassetlaw District Council		Affordable Housing Supplementary Planning Documents	NW	O	Does not meet agreed protocol criteria	No comments required.
05.12.13	Bassetlaw District Council		Site Allocations Preferred Options Document	NW	C	Meets agreed protocol criteria	March E & S Committee

Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
Broxtowe Borough Council							
03.12.13	Broxtowe Borough Council 12/00585/OUT	Land to west of Toton Lane, Stapleford	Outline planning application with points of access to be determined for a mixed use development incorporating a maximum of 775 dwellings	NW	C	Meets agreed protocol criteria	March E & S Committee
Rushcliffe Borough Council							
18.11.13	Rushcliffe Borough Council 13/02228/OUT	Land to East of Meeting House Close, Costock Road, East Leake	Residential development of up to 150 dwellings with associated infrastructure; overspill car park for	KH	C	Meets agreed protocol criteria	March E & S Committee

			cricket and rugby club				
Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
02.12.13	Rushcliffe Borough Council 13/02329/OUT	Land off Shelford Road (Shelford Road Farm), Shelford Road, Radcliffe On Trent	Outline application for development of up to 400 dwellings, a primary school, health centre and associated infrastructure including highway and pedestrian access, open space and structural landscaping	NW	C	Meets agreed protocol criteria	March E & S Committee
Other Consultations							
14.11.13	Environment Agency		Changes to Planning Consultations referred by Local Planning Authorities to the Environment Agency Sustainable Places Team, (Midlands	NW	O	Does not meet agreed protocol criteria	No comments required.

			East)				
21.11.13	Leicestershire County Council		Leicestershire Minerals and Waste Local Plan - Issues Report	NW	C	Meets agreed protocol criteria	March E & S Committee
Date Received	ID	Address	Details	Officer Dealing	Response Type	Reason	Notes
29.11.13	Environment Agency	Daneshill Energy Forest, Daneshill Road, Lound	Consultation on environmental permit application – Minerals Planning Authority	NW	C	Meets agreed protocol criteria	March E & S Committee
13.12.13	South Kesteven District Council S13/3303/EIASP/S COPE14	Fulbeck Airfield, Fulbeck	Scoping Opinion request for 13 turbines wind	NW	O	Does not meet agreed protocol criteria	On-going

Response type

C = Committee

O = Officer

30 December 2014**Agenda Item: 11****REPORT OF CORPORATE DIRECTOR, POLICY, PLANNING AND
CORPORATE SERVICES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2014.

Information and Advice

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
3. The attached work programme has been drafted in consultation with the Chairman and Vice-Chairman, and includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.
4. As part of the transparency introduced by the new committee arrangements, each committee is expected to review day to day operational decisions made by officers using their delegated powers. The Committee may wish to commission periodic reports on such decisions where relevant.

Other Options Considered

5. None.

Reason/s for Recommendation/s

6. To assist the committee in preparing its work programme.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of finance, 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.

RECOMMENDATION/S

- 1) That the Committee's work programme be noted, and consideration be given to any changes which the Committee wishes to make.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Ruth Rimmington, Democratic Services Officer on 0115 9773825

Constitutional Comments (HD)

8. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (PS)

9. There are no financial implications arising directly from this report.

Background Papers

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.

- New Governance Arrangements report to County Council – 29 March 2012 and minutes of that meeting (published)

Electoral Division(s) and Member(s) Affected

All

ENVIRONMENT & SUSTAINABILITY COMMITTEE - WORK PROGRAMME

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>For Decision or Information ?</u>	<u>Lead Officer</u>	<u>Report Author</u>
March meeting				
Responses received to the Minerals Local Plan consultation				
Potential County Council Energy Strategy and Opportunities				
To approve Supporting Local Communities Programme 2014/15		To approve the 2014/15 programme		
Responses received to the Minerals Local Plan consultation				
Strategic Planning Observations				
Meeting House Close, East Leake				
Park Hall Farm, Mansfield Woodhouse				
Papplewick Lane, Hucknall				
Shelford Road, Rushcliffe				
Toton Residential development				
May meeting				
Approval to consult on Minerals Local Plan document				
Strategic Planning				

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>For Decision or Information ?</u>	<u>Lead Officer</u>	<u>Report Author</u>
Observations				
Bassetlaw Site Allocations Consultation				
Land East of Sutton Road				
Newark & Sherwood DC Wind Energy SPD				
Waste PFI Draft Revised Project Plan (part 2)				
Edwalton Local Centre and Foodstore				
June meeting				
July meeting				

**REPORT OF THE SERVICE DIRECTOR FOR TRANSPORT, PROPERTY AND
ENVIRONMENT****WASTE MANAGEMENT CONTRACTS****Purpose of the Report**

1. To approve the 'in principle' agreement to clarify existing arrangements regarding the use of Eastcroft Energy from Waste (EfW) plant and to enter into a deed of variation with Nottingham City Council and FCC (Fomento de Construcciones y Contratas, formerly known as Waste Recycling Group - WRG) to reflect that agreement.
2. To give delegated authority to the Corporate Director, Environment and Resources, to negotiate the final details of a legal agreement to give effect to the above, in consultation with the Group Manager, Legal and Democratic Services.
3. To inform Committee of the outcome of the Department for Food, Environment & Rural Affairs' (Defra) re-assessment of the waste infrastructure grant for the Waste Private Finance Initiative (PFI) Contract.
4. To give an overview of progress on proposals in the Draft Revised Project Plan (DRPP) submitted by Veolia Environmental Services Nottinghamshire (VESN) in response to the planning failure for the Rufford Energy Recovery Facility (ERF).

Information and AdviceBackground

5. The County Council through its statutory role as Waste Disposal Authority (WDA) controls the recycling, reprocessing, treatment and disposal of around 380,000 tonnes of waste per annum (tpa).
6. The majority of the waste is managed through a PFI contract with VESN which was signed as a twenty-six year agreement in 2006. Although it forms a single integrated contract, the PFI Contract is structured as:
 - I. Contract A, which covers the management of the network of Recycling Centres, the development and operation of a new Materials Recovery Facility (MRF) at Mansfield, composting services, waste transfer

stations (WTS) and landfill, plus securing planning and environmental permitting for the Rufford ERF.

- II. Contract B, which was for the construction and operation of the 180,000 tonnes per annum (tpa) Rufford ERF at the former Rufford colliery near Mansfield. This was a conditional contract and was subject to VESN achieving a satisfactory planning permission, environmental permit and the construction cost being below a pre-agreed threshold.
7. Two other significant contracts are also used to manage waste streams in the County, these being a long term contract (joint with Nottingham City Council) with FCC for the use of lines 1 and 2 at the Eastcroft EfW plant to dispose of residual waste; and with SRCL Limited (part of Stericycle) for the disposal of separately collected clinical waste. All of these contracts operate together, at an annual cost of circa £32m.
8. In May 2011, the Secretary of State for Communities and Local Government decided that VESN's planning application for the ERF at the Former Rufford Colliery, Rainworth should be refused. The Rufford ERF was the principal infrastructure to be delivered through the Waste PFI Contract and would have diverted the majority of residual waste away from landfill. This led the County Council to instigate the contractual DRPP process, which gave VESN the opportunity to present an alternative solution to the Rufford ERF for residual waste management. The failed planning permission for the Rufford ERF also led to Nottinghamshire's PFI Credit allocation being reviewed by Defra.
9. VESN formally submitted their DRPP to the Council on 20th January 2012, which has subsequently been the subject of ongoing detailed discussions between the parties, in an effort to ensure that proposals which are financially, operationally and legally robust can be brought before members for a decision in due course.
10. In addition, the County and City Councils have been reviewing tonnage allocations at the Eastcroft EfW plant, which is used to handle circa 60,000tpa of the County Council's waste. Time and resources required to engage effectively with both the PFI Credit Re-assessment process and discussions relating to tonnages at Eastcroft have impacted on DRPP progress, however both of these issues are now clarified and officers have therefore devised a programme of work to conclude the DRPP process which is included within this report (see below).

Eastcroft

11. The arrangements for waste disposal at Eastcroft EfW plant are governed by a three-party agreement between FCC (the operator), the County Council and the City Council. This is a historic agreement, but over recent times there has been a

difference of opinion raised by the City Council regarding the interpretation and application of the established joint use arrangements.

12. Capacity at Eastcroft EfW plant is shared between FCC, the City Council and the County Council. FCC is entitled to 10,000tpa of the plant capacity, and the remainder has historically been split between the two councils providing the County Council with disposal capacity of circa 60,000tpa.
13. Due to falling waste arisings and increased recycling, the City Council have disposed of a lower tonnage of waste at Eastcroft EfW plant and the County Council had therefore increased inputs accordingly to circa 65,000tpa. The City Council anticipates having spare capacity available until 2016/17. Beyond 2016/17, the City has advised that there is unlikely to be any spare capacity, due to population growth and changes to their waste collection arrangements. The County could utilise around 8,000 tpa of additional capacity (total of 68,000tpa) in 2013/14, 2014/15, and in 2015/16 by direct delivery from the districts of Broxtowe, Gedling and Rushcliffe.
14. It is in the County's interests to maximise throughput at Eastcroft because the rate of disposal is cheaper than the alternative of landfill. The financial implications of the revised Eastcroft arrangements are detailed within the Exempt Appendix to this report and are subject to agreeing the terms of a formal legal agreement between the parties. The City Council is currently drafting a legal agreement for the Council to consider and delegated authority to the Corporate Director, Environment and Resources is sought to conclude those negotiations to reflect the agreement outlined in the Exempt Appendix.

PFI Credits

15. The Waste PFI Contract was awarded £38.31m of PFI credits as a waste infrastructure grant in 2006, which equates to £2.998m per annum (£80m over the life of the Contract).
16. Following VESN's failure to achieve planning permission for the Rufford ERF, in August 2011 Defra wrote to the Council as part of an informal consultation on projects that had not yet delivered all project infrastructure. This was followed on 14th May 2013 with a letter confirming that they were going to review Nottinghamshire's PFI Credit allocation.
17. In recent months Defra has withdrawn credits allocated against a number of projects which have not delivered the proposed infrastructure and/or where the residual waste infrastructure is no longer required to achieve the EU Landfill Diversion targets. Most recently this has affected Norfolk County Council in October 2013; and Bradford & Calderdale Councils, Merseyside Recycling and Waste Authority, and North Yorkshire County Council / City of York in February

2013. The National Audit Office has also recently instigated value for money reviews of projects where the infrastructure has not been delivered.

18. The PFI Credit review had two strands:

- I. Re-assessment of the amount of PFI credits that the Council is entitled to in the context of the infrastructure that the County Council now proposes to deliver;
- II. Re-profiling of the PFI credit payments to ensure that payments are closely aligned to the delivery of the outstanding infrastructure.

19. The outcome of the PFI Credit review, which is subject to Ministerial approval, is a reduction in the Council's PFI credit allocation with effect from January 2014. The financial implications of this are detailed within the Exempt Appendix.

Draft Revised Project Plan (DRPP)

20. VESN's DRPP does not propose the development of any new residual waste treatment infrastructure within the Nottinghamshire administrative area. The DRPP is based upon the development of a network of transfer stations to feed a combination of third party and Veolia facilities outside of the County boundaries.

21. It has become apparent that some elements of the proposal are currently not capable of meeting an acceptable risk and cost for the Council to consider taking further. However, certain elements of VESN's proposal, particularly the use of the Sheffield ERF, are a viable option for the Council and could be used to dispose of 60,000tpa of waste from Nottinghamshire.

22. In April 2013, Veolia obtained planning permission to enable the Sheffield ERF to accept waste from the four northern districts of Nottinghamshire: Ashfield, Bassetlaw, Mansfield and Newark and Sherwood. This waste would require the development of the two waste transfer stations already proposed in the PFI Contract at Newark and Worksop. Sites have been identified for both of these facilities, and both benefit from planning permissions and would take approximately nine months to develop. Due to issues relating to the proposed Worksop WTS a new planning application was submitted for an alternative site in Worksop, which was validated in January 2014; it is hoped that this facility will be approved in the near future.

23. Table 1 summarises the residual waste flows proposed in the DRPP.

Table 1

Facility	2014/15	2015/16	2016/17 and beyond
Residual Tonnage	222,000t	222,000t	222,000t
Eastcrot EfW Plant (Lines 1 and 2)	68,000t	68,000t	60,000t
Sheffield ERF	0t	27,000t	60,000t
Remaining Tonnage Landfilled / Subject to Market Testing	154,000t	127,000t	102,000t

24. This still leaves a significant tonnage of waste being disposed of to landfill (~100,000t), the majority of which is from the districts of Mansfield and Ashfield. These districts would have delivered their residual waste direct to the Rufford ERF under the original plans. To provide flexibility and a more sustainable method of managing the Mansfield/Ashfield waste, VESN have proposed the development of an additional WTS to serve the Mansfield/Ashfield area. The team are currently working with VESN to develop the proposal for the Mansfield/Ashfield WTS and options for managing the disposal of this waste, which will be subject to value for money safeguards built into the contract should this approach be taken forward.
25. Alongside the DRPP, officers have been working with VESN to identify savings that can be delivered through Contract A. This is contained within one of the Council's Outline Business Cases (B18).
26. The experienced officer team, mindful of the delay impact which both the PFI credit review and the Eastcrot allocation discussions have had on the DRPP process, have recently agreed with VESN a work programme to achieve a conclusion to the detailed discussions and financial modelling required to bring a decision report before members, which is detailed below:

27. Outline Work Programme milestones to Close:

- a) January 2014 – VESN to provide updated and complete information relating to the DRPP to build on discussions to date.
- b) February / March 2014 – meetings as required to resolve technical and financial issues to the satisfaction of the County Council. Legal teams to be instructed thereafter but no later than beginning of March.
- c) April / May 2014 – finalise commercial and legal issues.
- d) May / June 2014 – governance and approvals.
- e) Early July 2014 – complete deed of variation.

28. When the work programme is concluded a further report will be brought before the appropriate decision making body of the Council for a decision relating to the DRPP and any subsequent actions or issues arising from that decision. Committee is therefore requested to note the current position with regard to the DRPP process. Defra will also need to approve any material changes to the Contract in respect of the DRPP, to demonstrate that they are deliverable, affordable and provide value for money.

Other Options Considered

29. Committee could refuse to approve the agreement in principle reached by officers regarding the use of Eastcroft EfW plant; however that would prolong the ongoing uncertainty between the Councils and frustrate the assessment process for the DRPP. There will be a number of options open to the Council when reaching a decision on the DRPP when a report is brought forward on the conclusion of the work programme.

Reasons for Recommendations

30. It is in the Council's interest to use throughput at Eastcroft EfW plant because the rate of disposal is cheaper than landfill and will generate a saving to the Council net of any financial arrangement with Nottingham City Council.

31. Although the Council is disappointed with the reduction in waste PFI credits, given the situation at other authorities, where in some circumstances the full amount of PFI Credits have been withdrawn, senior officers are satisfied that this outcome is the best that could be achieved for the Council.

32. A further detailed report will be brought back to the appropriate decision making body later in the year with the final DRPP proposals, cost envelope and associated risks; and with information about the options open to Members on whether to accept

or reject these proposals and any subsequent action or issues which may flow from such a decision.

Statutory and Policy Implications

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

Financial Implications

34. The financial details of the Eastcroft arrangements and PFI Credit reassessment are included in the exempt appendix by virtue of Paragraphs 3 & 5 of Part 1 of Schedule 12A of the Local Government Act 1972. As it stands, the overall financial impact of the DRPP, the PFI credit re-assessment and the Eastcroft arrangements can be contained within the waste management budget. However, the financial implications of the DRPP are subject to ongoing detailed assessment and in the following decision report further information about the financial and other implications of the proposals will be set out to provide members with the necessary information on which to reach a decision.

Implications for Service Users

35. This report does not have direct implications on service users, because it does not propose any changes to the waste collection arrangements and it does not propose the development of any residual waste treatment infrastructure, with the exception of the network of transfer stations.

Recommendation

36. That Committee:

- a) Approves the 'in principle' agreement to clarify existing arrangements regarding the use of Eastcroft EfW plant and authorises the Council to enter into a deed of variation with Nottingham City Council and FCC to reflect that agreement;
- b) Give delegated authority to the Corporate Director, Environment and Resources, to negotiate the final details of a legal agreement to reflect the agreement in principle detailed above, in consultation with the Group Manager, Legal and Democratic Services;
- c) Acknowledge the outcome of Defra's re-assessment of waste infrastructure grant for the Waste PFI Contract;

- d) Note the current position reached on VESN's proposals in the DRPP.

Jas Hundal
Service Director, Transport, Property and Environment

For any enquiries about this report please contact:
Mick Allen, Group Manager, Waste and Energy Management

Constitutional Comments (HD 10/1/2014)

The recommendations within the report fall within the delegation to the Committee.

Financial Comments (TMR 13/1/2014)

The financial implications are set out in paragraph 34 and in the exempt appendix to the report.

Background Papers

None.

Electoral Divisions

All