

**REPORT OF CHAIRMAN, ENVIRONMENT AND SUSTAINABILITY
COMMITTEE****NOTTINGHAMSHIRE AND NOTTINGHAM WASTE CORE STRATEGY –
SUBMISSION TO THE SECRETARY OF STATE****Purpose of the Report**

1. To seek Council approval for submission of the Nottinghamshire and Nottingham Waste Core Strategy, along with the Schedule of Proposed Changes and other relevant supporting documents, to the Secretary of State for independent examination.

Information and Advice

2. The Planning and Compulsory Purchase Act (2004), as amended by the Localism Act (2011), along with the Town and Country Planning (Local Planning) (England) Regulations (2012), requires the production of a 'Local Plan'. The Waste Core Strategy is the first part of a new local plan to replace the existing Nottinghamshire and Nottingham Waste Local Plan (2002). Other documents containing development management policies and site-specific allocations are being prepared separately, once the Waste Core Strategy is in place.
3. The Waste Core Strategy looks ahead to 2031 and will provide the strategic planning policy framework against which all future waste management proposals will be determined. This includes proposals for recycling and composting plants, energy from waste plants, landfill and other waste infrastructure, such as sewerage works. It will cover all types of waste and not just the municipal waste that Local Authorities are responsible for collecting and managing.
4. Preparation of the Waste Core Strategy has gone through three informal consultation stages on Issues and Options (2006), Further Issues and Options (2010) and the Preferred Approach (2011). The Draft Waste Core Strategy (Proposed Submission Document) was then published for a formal period of public representations between 5 March and 30 April 2012. This 'publication' stage coincided with the introduction of the new National Planning Policy Framework and the Councils subsequently prepared a Schedule of Proposed Changes to the Waste Core Strategy which took account of both the representations received and significant national policy changes. A further 6 week period for formal representations on these changes finished on 12 November 2012. A list of previous Council meetings and reports is attached for reference at Appendix 1.

Summary of Key Responses to the Proposed Changes

5. A total of 49 representations were received from 15 organisations and individuals. Of these, there are 25 objections to Proposed Changes and 24 supporting representations. Late objections were received from Nottinghamshire Wildlife Trust and have been included in this report. Two members of the public submitted new representations that do not relate to the Proposed Changes but these have been accepted in order to address the concerns raised. A full schedule of the representations received on the Proposed Changes, including late representations, is attached to this report at Appendix 2. Two representations from the previous Draft Waste Core Strategy stage have now been withdrawn unconditionally and a number of parties have also indicated that they would be willing to withdraw some or all of their representations subject to further, minor changes.
6. The main objections to the Proposed Changes maintain previous concerns about the underlying waste data, the role of energy recovery, and the degree of environmental protection provided. No modifications are proposed in response to the issue of waste data as advice has been sought from the Environment Agency at all key stages, and the data that is presented is the most up to date and relevant that is available. There is also a clear undertaking to update this through regular monitoring as and when new data is published. Objections from People Against Incineration (PAIN) continue to argue that the Waste Core Strategy approach to energy recovery is not in line with the waste hierarchy and would 'maximise' the amount of waste used for energy at the expense of recycling. PAIN are seeking a further detailed wording change which is not considered necessary as the Waste Core Strategy gives a very strong and clear commitment to the waste hierarchy. Policy WCS2 establishes the very high aspirational recycling target of 70% for all waste and this is reinforced within the vision, strategic objectives, and supporting text which all clearly refer to the principles of re-use and recycling before energy recovery and finally disposal.
7. The Nottinghamshire branch of the Campaign to Protect Rural England (CPRE) and Nottinghamshire Wildlife Trust and have maintained their objections to Policy WCS12 as they do not consider that the Proposed Change goes far enough to address their concerns about the need to reference specific environmental assets such as biodiversity and landscape within the policy. As this is a strategic policy that will be supported by a range of separate, more detailed, development management policies, it is not considered appropriate to provide an exhaustive list of environment assets within Policy WCS12. Changes were made at the previous stage to improve the supporting text to the policy to address these concerns and no further changes are considered necessary at this stage.
8. Peel Environmental Limited has objected to the re-wording of Policy WCS11 and its supporting text. They feel that the policy is unclear as to what meant by non-local waste and that the sustainability requirements set out in the policy criteria are more onerous to a developer than those contained in national policy. In response, a minor modification is proposed to clarify that non-local is intended to cover any waste from outside the plan area i.e. Nottinghamshire and Nottingham. However, it is not considered that policy imposes an unreasonable burden on developers. The Waste Core Strategy has a role to play in interpreting national policy at the

local level and it is therefore reasonable for Policy WCS12 to set out what factors will be considered in assessing the sustainability of proposals. This provides an appropriate level of clarity and does not impose any additional burden beyond that already set out in the National Planning Policy Framework and Planning Policy Statement 10 (PPS10) 'Planning for Sustainable Waste management'.

9. The addition of the new 'model' policy WCSSD on the presumption in favour of sustainable development has been generally welcomed but one objector (PAIN) is seeking a further statement of presumption against unsustainable development. This is not considered necessary as it is not required by national policy and would duplicate the effect of the other Waste Core Strategy policies, which should be read as a whole.
10. Both Northamptonshire County Council and Leicestershire County Council have indicated that the Proposed Changes have met their concerns in relation to hazardous waste disposal and managing waste from outside the plan area.
11. In response to this most recent consultation stage, thirteen minor additional modifications are proposed which will be put forward at the independent Examination. These modifications are a combination of factual updates and clarification to the supporting text. This includes a minor change to reflect the new Green Belt policy wording in the National Planning Policy Framework. No further changes to the plan policies are proposed. As these are minor changes, there is no requirement for further consultation. These minor additional modifications are set out in Appendix 3.

Next steps

12. Following approval from both Councils the draft Waste Core Strategy will be submitted to the Secretary of State, along with the Schedule of Proposed Changes, additional minor modifications and responses to consultations. These will form part of a bundle of submission documents which will also include the Sustainability Appraisal, Habitats Regulation Assessment screening, Strategic Flood Risk Assessment and other relevant evidence, statements and background papers.
13. The formal submission of the Plan will be the start of the Examination process and an Independent Planning Inspector will be appointed to consider the representations that have been made and to test the overall soundness and legal compliance of the Plan. Part of this process will involve a public hearing where the Inspector will hold round-table sessions to discuss specific issues. He/she will invite further supporting evidence from the Councils and respondents as necessary. Participation in the public hearing will be at the discretion of the Inspector. The public hearing stage of the Examination process is currently expected to be held in Summer 2013.
14. Prior to the hearing stage, the Inspector is likely to hold a pre-hearing meeting with all interested parties. This is normally used to explain the arrangements for the hearing sessions. However, if, at this stage, the Inspector considers that there are

likely to be any insurmountable issues of soundness or legal compliance, they may advise the Councils not to proceed but to withdraw the plan and re-submit it at a later stage following any necessary re-drafting and consultation. The Councils have therefore taken all reasonable steps to satisfy themselves that the Plan is sound prior to submission, including carrying out their own self-assessment of soundness and participating in an advisory visit from the Planning Inspectorate which did not identify any significant issues. Following the Examination, the Inspector will publish a report which will set out whether or not the Plan is sound. Where it is not considered to be sound they will suggest any further changes, agreed at the Examination hearing, which should be made to make it so. These will subsequently need to be approved by both Councils before the Plan can be adopted formally.

15. In order to ensure the smooth running of the this process, some changes may therefore need to be agreed in principle by officers at the Examination hearing stage, subject to final approval by Members at the adoption stage. It is anticipated that, if the plan is found sound, the Councils will adopt the Waste Core Strategy in Autumn 2013.

Reason/s for Recommendation/s

16. To seek approval to submit the Waste Core Strategy for independent Examination. Production of the Waste Core Strategy is a statutory requirement and the Councils could be subject to European Union fines if they do not have an up to date Waste Plan.

Statutory and Policy Implications

17. 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.

RECOMMENDATION

- 1) That the County Council approves submission of the Nottinghamshire and Nottingham Waste Core Strategy to the Secretary of State for Communities and Local Government for Examination.
- 2) That the Corporate Director, Policy, Planning and Corporate Services be authorised, in consultation with the Chairman of Environment and Sustainability Committee, to agree in principle any necessary amendments to the Submission Core Strategy during the Examination process, subject to adoption of the final plan by Full Council.

Councillor Richard Butler
Chairman of Environment and Sustainability Committee

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Constitutional Comments (SLB 22.11.2012)

1. County Council is the appropriate body to consider the content of this report. It is responsible for determining all policies and plans statutorily reserved to Full Council including plans and alterations which together comprise the Development Plan.

Financial Comments (DJK 6.12.2012)

2. The contents of this report are duly noted; there are no financial implications arising. A reserve of £325,000 has been established to cover the costs of the Examination of the plan by the independent Inspector.

Background Papers

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

Responses to consultation received. A summary of each response is included in Appendix 2.

Electoral Division(s) and Member(s) Affected

All