



**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 to commence a six week period of public representations on the Schedule of Proposed Changes to the Nottinghamshire and Nottingham Waste Core Strategy; which is the latest stage in the preparation of the first of three documents which will eventually replace the adopted Joint Nottinghamshire and Nottingham Waste Local Plan (see Appendix 1).
2. While not a recommendation at this time, Full Council approval will also be required in December for the subsequent submission to the Secretary of State of the Draft Waste Core Strategy, along with the Schedule of Proposed Changes and any issues raised in the period of public representations, for an independent examination.

Information and Advice

3. The Waste Core Strategy will provide the 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. The Waste Core Strategy looks ahead to 2031. It will cover all types of waste and not just the municipal waste that Local Authorities are responsible for collecting and managing.
4. The preparation of the Waste Core Strategy has gone through a number of key stages to gather and present evidence and put forward the issues and establish the options that been considered as part of developing the final Plan. This has included several stages of informal consultation and a recent publication stage to allow for formal representations from the public and other stakeholders.
5. The Draft Waste Core Strategy (Proposed Submission Document) was published for a formal period of public representations between 5 March and 30 April 2012. 220 representations were received from a total of 34 different organisations and individuals including statutory bodies, local district and parish councils, neighbouring county councils, the waste industry, utility companies, interest groups and members of the public.
6. As reported to the Environment and Sustainability Committee, changes were made to the Plan arising from the responses to the representations period during March and April.

The two Authorities now need to approve any changes through their own appropriate decision-making bodies. Consequently Council is asked to approve a schedule of changes to the Core Strategy which will then undergo a further six week period for representations ending in November. Once this process has been completed, the County Council will be asked to give approval for the Plan to be submitted to the Secretary of State for Examination. The City Council is following a similar process. As this report was prepared prior to the Environment and Sustainability Committee meeting on 13th September, any issues arising from that meeting will be reported separately to Council.

7. There are changes necessary to the Plan arising from the representations. Other changes to policies are necessary as a result of discussions with nearby waste planning authorities under the Councils' Duty to Co-operate', which is a requirement of the Localism Act. Finally, changes are also needed as a result of the introduction of the National Planning Policy Framework (NPPF) in March 2012.
8. These changes fall into two categories,
 - Main changes; this is the term given to major changes, which will be considered by the Inspector at the forthcoming Examination of the Plan as an integral part of the Submission Draft Plan.
 - Minor changes; these are minor, technical and typographic changes that do not affect the substance of the Plan. These are also published, but will not be considered at the Examination.
9. Appendix 2 gives a schedule of all the Proposed Changes, main and minor.

Summary of Key Responses to Representations and Main Changes

10. There were challenges to waste data used as evidence in the Plan. Whilst this could be a significant matter, the challenge is not accepted on the grounds that the Plan uses the most up to date figures/estimates and no additional, more reliable or accurate information has been presented by the objectors. As the objectors are seeking a reduction to waste arisings without any substantive evidence to support it, no changes are proposed to the Plan.
11. There have also been objections from Natural England and the Environment Agency on points of detail. These are more appropriate for the Development Management policies, which will be in a later Development Plan Document (DPD).
12. In line with the NPPF, and in accordance with guidance from the Government's Planning Advisory Service (PAS), the Councils need to amend the Plan to include a policy that reflects the overarching principle of sustainable development. Advice received indicates that inclusion of this policy is the most straightforward way of demonstrating compliance to an Inspector. The addition of this policy is one of the main changes set out in the schedule.
13. A nearby waste authority has objected to the lack of a specific policy on hazardous and low level radioactive waste. Officers from the Authorities have met regarding this matter and changes are proposed to Policy WCS4 to reflect this.

14. Changes are proposed to Policy WCS5 to recognise the potential for, but limitations of, stockpiling pulverised fuel ash (PFA) for future recycling or re-use.
15. Amendments are proposed to Policy WCS6 to clarify that this applies to facilities for all types of waste, including hazardous, unless specified otherwise in the text. Additional text also confirms that Green Belt policies will also apply where relevant.
16. A proposed amendment to Policy WCS9 on safeguarding expands this policy to cover the need to safeguard land for the possible future expansion of facilities.
17. Changes are also proposed to Policy WCS11 to reflect that Planning Policy Statement 10 (PPS10) does not allow for an assessment of need where facilities are in line with an up to date development plan. The policy has therefore been amended to ensure that proposals likely to bring in waste from outside Nottinghamshire must demonstrate wider sustainability benefits in terms of either the site location or the waste hierarchy.
18. Concerns were raised over an inadequate level of environmental protection in policy WCS12 with wording being overly positive towards waste facilities. Officers held subsequent discussion with objectors, development management teams and took into account the new guidance in the NPPF. Policy WCS12 has been re-drafted to be more specific on the circumstances in which development would not be allowed; this should provide a more robust basis against which to determine future planning applications and if necessary defend against appeals.
19. Further Sustainability Appraisal work has been undertaken in order to assess the potential impacts on social, economic and environmental factors brought about by the Proposed Changes to the Plan. An Equalities Impact Assessment has also been done, as required.

Next steps

20. It is proposed that the period of public consultation on the Schedule of Proposed Changes will commence as soon as possible following its approval by the two Authorities. Following a second Full Council approval from both Authorities the draft Waste Core Strategy will be submitted to the Secretary of State, along with the Schedule of Changes, responses to consultations, as part of a bundle of submission documents also including Sustainability Appraisal, evidence & background papers.
21. 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 Examination 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 examination will be at the discretion of the Inspector. The Examination is currently expected to be held in April 2013.
22. On-going work by officers includes refining and updating the evidence base of the Plan and preparing statements for the Examination, including a Statement of Consultation and a statement on the duty to cooperate.

23. 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, which should be made to make it so.
24. It is hoped that the Councils will adopt the Waste Core Strategy in summer 2013.

Reason/s for Recommendation/s

25. To seek approval from Full Council of a schedule of changes to the Core Strategy to undergo a six week period for representations. 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

26. 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 the Schedule of Proposed Changes to the Nottinghamshire and Nottingham Waste Core Strategy for a six week period of public representations.
- 2) That Council notes that the December County Council will be asked to approve the subsequent submission to the Secretary of State of the draft Waste Core Strategy, along with its submission documents, for independent examination.

Councillor Richard Butler
Chairman of Environment and Sustainability Committee

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Constitutional Comments (SG 17/08/2012)

1. The Committee is the appropriate body to determine the issues referred to in this Report. The Committee has responsibility for all matters relating to waste planning not falling within the delegation of another Committee.

Financial Comments (DJK 17.08.2012)

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 examiner.

Background Papers

Schedule of Representations Received and Councils' Responses

The Waste Core Strategy Proposed Submission Document (Published 2012)

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.

Electoral Division(s) and Member(s) Affected

All

Appendix 1 – Key Stages in the Preparation of the Waste Core Strategy

Issues and options

An informal consultation on the key waste issues facing Nottinghamshire and what reasonable choices we have. Responses to this stage helped us to decide which options to take forward.

Preferred approach

Having looked at all the options, we consulted again on those that we thought were most suitable for Nottinghamshire. This has helped us to produce our draft Waste Core Strategy.

Submission

In response to formal representations on the draft Waste Core Strategy we will publish a schedule of proposed modifications before submission to the Secretary of State for Examination.

Examination

This is an independent examination by a Government Inspector who will look at whether the Waste Core Strategy is sound and takes account of any representations made at the submission stage. This usually involves a public hearing.

Adoption

This is the final stage if the Waste Core Strategy is found sound. The Inspector may make minor changes to the strategy but if serious problems are found he/she will declare it 'unsound' and it will have to be withdrawn.

Appendix 2 - The Waste Core Strategy Schedule of Changes to the Publication Document