

Environment and Sustainability Committee

Thursday, 10 October 2013 at 10:30

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

AGENDA

- | | | |
|---|--|---------|
| 1 | Minutes of the last meeting held on 12 September 2013 | 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 Hydrocarbons. | |
| 5 | Strategic Planning Observations. | |
| 5 | Strategic Planning Observations for a 141 Dwelling Proposal
(a) Broomhill Farm Hucknall | 7 - 20 |
| 5 | Summary of Strategic Planning Observations
(b) | 21 - 30 |
| 6 | Minerals Local Plan Public Consultation of Preferred Approach | 31 - 36 |
| 7 | Consultation on a new Waste Management Plan for England | 37 - 44 |
| 8 | Performance Report Energy and Carbon Management 2012 13 Out Turn | 45 - 54 |
| 9 | Performance Report Waste Management 2012 13 Out Turn | 55 - 62 |

10	Planning Obligations Strategy Review Targeted Consultation	63 - 92
11	Work Programme	93 - 96

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 September 2013 (commencing at 10.30am) held at the Mansfield Recovery Facility, Forest Town, Mansfield.

Membership

Persons absent are marked with an 'A'

COUNCILLORS

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

	Richard Butler	Bruce Laughton
	Steve Calvert	Pamela Skelding
A	Stan Heptinstall MBE	Parry Tsimbiridis
	Roger Jackson	

OFFICERS IN ATTENDANCE

Sara Allmond	Democratic Services Officer
Lisa Bell	Team Manager – Planning Policy
Sally Gill	Group Manager – Planning
Helen Lester	Team Manager – Waste Strategy and Development

MINUTES OF THE LAST MEETING

The minutes of the meeting held on 18 July 2013, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman with the removal of the word “Bingham” from section (a) of the Strategic Planning Observations item on page 2.

Members were advised that in relation to the Waste Core Strategy (page 2 of the minutes) the Inspectors report was due later in the month and it was intended to send the Strategy to Council in November for approval.

APOLOGIES FOR ABSENCE

There were no apologies for absence

DECLARATIONS OF INTEREST

Councillor Richard Butler declared a private interest in item 7 – Rushcliffe Borough Council Core Strategy further proposals for Housing Development consultation (June 2013) as he was a member of Rushcliffe Borough Council.

STRATEGIC PLANNING OBSERVATIONS

a) Single Wind Turbine, Manor Farm, Upper Broughton

RESOLVED 2013/044

- 1) That Rushcliffe Borough Council be advised that the development is supported in principle as it was recognised that significant weight is given to renewable energy at a National and strategic Planning level.
- 2) That the application be deferred to enable the applicant to address the transport issues raised in paragraphs 12 to 16 of the report.
- 3) That the Committee recommends that Rushcliffe Borough Council seeks explicit confirmation from the applicant that no impact on great crested newts is predicted, with reference to Natural England's 'Risk Assessment Tool' for great crested newts. If such assurances are provided, adherence to the 'Reasonable Avoidance Measures' listed in Section 4.5.10 of the Appraisal should be made a condition of any permission granted.
- 4) On the grounds of impacts on visual amenity Nottinghamshire County Council objects to this application.

b) Mixed Use Development on Land at Teal Close, Gedling

RESOLVED 2013/045

- 1) That Gedling Borough Council be advised that the principle of housing development in terms of strategic, national housing and economic growth is supported. The County Council has no significant concerns over the impact of the proposal of this scale and in this location on the landscape and openness of the Green Belt, and consequently does not raise any objections in landscape terms.
- 2) The transport implications of this development are being carefully considered and it is not possible at this time to advise as to the acceptability of the application in transport terms
- 3) It is considered that inadequate and insufficient information has been provided with the application to properly assess its acceptability in ecology and archaeology, therefore mitigation measures should be secured through appropriate planning conditions.

- 4) That if Gedling Borough Council are minded to approve the application, then the County Council request that they consult with the Developer Contributions Team to assess the need for developer contributions in line with the Council's adopted Planning Contributions Strategy.

STRATEGIC PLANNING OBSERVATIONS

RESOLVED 2013/046

That the report be noted

PLANNING PRACTICE GUIDANCE FOR RENEWABLE AND LOW CARBON ENERGY

RESOLVED 2013/047

That the report be noted

RUSHCLIFFE BOROUGH COUNCIL CORE STRATEGY FURTHER PROPOSALS FOR HOUSING DEVELOPMENT CONSULTATION (JUNE 2013)

RESOLVED 2013/048

That Committee endorses the comments within the report, which formed an officer response to Rushcliffe Borough Council.

WORK PROGRAMME

RESOLVED 2013/049

That the report and its additions be noted.

CHAIRMAN

M_12Sep2013

10 October 2013

Agenda Item:

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

**STRATEGIC PLANNING OBSERVATIONS FOR A 141 DWELLING
PROPOSAL, BROOMHILL FARM, HUCKNALL**

Purpose of the Report

1. To seek Committee ratification for comments set out in this report which were sent to Ashfield District Council (ADC) on the 6th September 2013 in response to the request for strategic planning observations on the above planning application for 141 dwellings at Broomhill Farm, Hucknall

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the application and this report compiles responses from Departments involved in providing comments and observations on such matters. Comments were sent to Ashfield District Council on the 6th September 2013 in their role as determining planning authority for this application. A site plan is provided at Appendix 1.
3. The planning application is accompanied by an Environmental Statement, Design and Access Statement and a range of other supporting documents. This report is based on the information submitted with the application in the context of national, regional and local policy.

Description of the Proposal

4. The proposal is for 141 dwellings, open space and associated infrastructure. Two balancing lagoons are also proposed on the open space area parallel to Nottingham Road.

National Planning Policy Framework (NPPF)

5. One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

6. A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
7. The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependant on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
8. The Government is committed to securing economic growth, with the planning system encouraging sustainable growth, as set out in paragraphs 18 and 19 of the NPPF.
9. Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.
10. Paragraphs 47 and 49 of the NPPF state that local planning authorities should identify sufficient deliverable housing sites to provide five years worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that,

“...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”.

Local Planning Context

11. The Ashfield Local Plan Review (2002) allocated the application site for housing development and identified the site as within the main urban area of Hucknall.
12. In the emerging Ashfield Local Plan Publication Document 2013, which was available for consultation between the 16th August and 30th September 2013, Policy SP2 'Overall Strategy for Growth' identifies Hucknall as a main urban area that is capable of supporting new development. Hucknall is also identified as a Major District Centre, in retail planning terms.
13. Policy SPH2 'Hucknall Housing Growth' seeks to allocate 2,460 dwellings, in Hucknall, between the plan period 2010-2024.
14. Policy HG1 'Housing Land Allocations', identifies the site (HG1Hr) as being allocated for housing development for later in the plan period as a 'phased development', or if the supply of immediately available housing sites falls below a five year supply.

Strategic Planning Issues

Housing

15. Housing development within urban areas is supported at a national level.
16. The principle of housing development on the site is supported as the site is allocated in both the adopted and emerging Ashfield District local plans, however, the emerging Local Plan does identify the site for phased development.
17. The County Council supports the principle of housing development at this site as it would help to achieve the identified housing needs of Hucknall and would in addition contribute to the wider strategic development of the County as a whole.

Property

18. The allocated land is the subject of an adopted development brief (June 2003).
19. Subject to compliance with an overall master plan for the County's entire landholding, Property instructed external agents to market Phase 1 of the site (comprising 12.5 acres) Contracts for this phase have now been exchanged. And a joint planning application submitted. It is anticipated that completion will take place on a staged basis during 2013/14 and 2014/15.
20. Phase 2 (comprising 12 5 acres) will be offered to market after on site commencement for phase 1. ADC have through their Draft Local Plan stated that control will be applied to housing in Hucknall by applying a phased approach to the Broomhill Farm allocation. NCC are resisting this proposal and have via external planning consultants made a formal objection to ADC in respect of this phasing approach on the grounds it is unreasonable, impractical and unjustified.

Highways

21. The traffic modelling in the Transport Assessment (TA), submitted by the applicant, does not (nor should it necessarily do so) consider the cumulative impact of other proposed developments in the emerging Local Plan for Ashfield. This TA considers Broomhill Farm in isolation in accordance with the Department for Transport (DfT) 'Guidelines on Transport Assessments' and on this basis the TA comes to the conclusion that the proposals would not in themselves have a material impact on the surrounding highway network and hence no highway mitigation is required.
22. However the District Council has commissioned a transport study to serve as an evidence base on transport issues to support the Ashfield Local Plan. This study has assessed the proposed growth as set out in the district council's Local Plan Preferred Approach (September 2012) and identifies the overall cumulative development impact on transport networks rather than individual development sites. This study makes allowance for all projected growth in the District to 2023 (including the application site) and concludes that there is forecast to be a significant and detrimental increase in traffic along key roads through Ashfield District, including the A611 through Hucknall, as a result of the proposed Local Plan developments.

23. The study further concludes that schemes of local highway mitigation are required at a number of junctions along the A611 which would cost several million pounds to implement. In which case it could be considered fair and reasonable for all developments in the Local Plan to contribute to the highway and transport infrastructure required to support the growth agenda. If ADC is minded to approve the Broomhill planning application in advance of any strategy or policy for securing contributions to transport infrastructure then the opportunity will be missed and this could make it more difficult for the necessary transport infrastructure to be provided.

24. Detailed Highway comments are contained in Appendix 2.

Landscape and Visual Impact

25. The proposed development is generally in line with the Greater Nottingham Landscape Character Assessment, specifically Policy ML 18 (River Leen). However, concerns are raised with regard to the choice of species proposed by the applicant therefore it is recommended that in order to retain the visual and ecological integrity of the retained vegetation that the tree species are selected from the recommended species list (See Appendix 3) at least where associated with the retained site hedgerows and in the amenity zones.

26. Detailed Landscape and Visual Impact comments are contained in Appendix 3.

Ecology

27. The proposal will not directly affect any designated nature conservation sites. The nearest SINCS, Bulwell Wood, lies 2.7km to the south-west. The nearest Local Wildlife Site (also known as Sites of Importance for Nature Conservation) is Farley's Grassland LWS 5/2275, which abuts to the site to the south.

28. The application is supported by a Phase 1 Habitat Survey report, dated October 2012. It is worth noting that had ADC been participating in the biodiversity offsetting pilot, then this may have been an appropriate site to use this approach for mitigation against/compensating for a loss of this habitat.

29. It is recommended that Bat and Reptile surveys are carried out and that as a result of these surveys additional mitigation measures may be necessary.

30. In terms of site layout, the retention of the majority of hedgerows on and around the site, and associated hedgerow trees, is welcomed. A condition should be used to require the submission of details relating to root protection zones, to ensure that these features are not damaged during development.

31. The ecology report recommends the use of native planting within the development, and this has been taken on board to a degree within the landscaping proposals; in particular, the use of native tree species around the periphery of the site is welcomed (although the use of *Acer campestre* 'Elsijk' and *Prunus avium* 'Plena' is queried). However, it is requested that *Carpinus betulus* (hornbeam) is removed, as this species is not native to Nottinghamshire, along with *Tilia cordata* (small-leaved lime) which does not occur

frequently within the area in question. In addition, it is requested that all native planting should use stock that is of certified native genetic origin, and ideally of local provenance, and at least from Forestry Commission Seed Zone 402.

32. The ecology report also recommends the creation of wildflower meadows. It is appreciated that space on the development is limited, and that a wetland seed mix is to be used around the water attenuation features. However, it is requested that areas of wildflower grassland are incorporated to help mitigate against the net loss of grassland habitat that will arise should planning permission be granted.
33. In addition it is recommended that a number of planning conditions are attached to the grant of planning permission, as set out in Appendix 4.
34. Detailed Ecology comments are contained in Appendix 4.

Developer Contributions

35. Should the application proceed, then Nottinghamshire County Council will seek developer contributions relating to County responsibilities in line with the Council's adopted Planning Contributions Strategy. Such contributions, in the case of residential development, could for example cover provision for education and integrated transport measures and the Developer Contributions Team will work with the applicant and Ashfield District Council to ensure all requirements are met.

Overall Conclusions

36. The County Council support the principle of housing development as this site.
37. In Highways terms it is considered that the proposed development would have a cumulative impact on the highway network of Ashfield District as a whole and as such developer contributions towards highways improvements should be sought.
38. In reference to the Landscape and Visual impact concerns are raised over the choice of species to be used and as such it is recommended that the applicant revise the choice of species proposed.
39. A range of mitigation measures are proposed and these should be secured through conditions in relation to ecology. In addition it is recommended that further survey work in relation to Bats and Reptiles is carried out.

Other Options Considered

40. This report considers all of the relevant issues in relation to the above planning application which have led to the recommendations, as set out below. Alternative options considered could have been to express no or full support for the application.

Reason/s for Recommendation/s

41. The County Council supports the principle of housing development in this location.
42. The County Council considers that the proposed development, in Highways terms, would have a negative cumulative impact on the highway networks, as such it would request that developer contributions to negate such impacts are secured to support the necessary transport infrastructure required.
43. The County Council raises ecological and landscape concerns over the plant species proposed to be used and suggests a number of planning conditions are attached to the mitigate any potential negative impact.
44. It is recommended that Bat and Reptile surveys are carried out and that as a result of these surveys additional mitigation measures may be necessary.

Statutory and Policy Implications

45. 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

46. There are no direct financial implications.

Implications for Sustainability and the Environment

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

RECOMMENDATION/S

- 1) That Ashfield District Council be advised that the principle of housing development in terms of strategic, national housing and economic growth is supported.
- 2) If Ashfield District Council is minded to approve the Broomhill planning application in advance of any strategy or policy developer contributions to transport infrastructure should be secured.
- 3) That if Ashfield District Council are minded to approve the application, then the County Council request that they consult with the Developer Contributions Team to assess the need for developer contributions in line with the Council's adopted Planning Contributions Strategy.
- 4) The County Council has no significant concerns over the impact of the proposal of this scale and in this location on the landscape/ecology however raises concerns relating to the choice of species proposed.
- 5) It is recommended that Bat and Reptile surveys are carried out and that as a result of these surveys additional mitigation measures may be necessary.

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, ext 73793

Constitutional Comments (SHB 13.09.13)

48. Committee have power to decide the Recommendation.

Financial Comments (SEM 11/09/13)

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

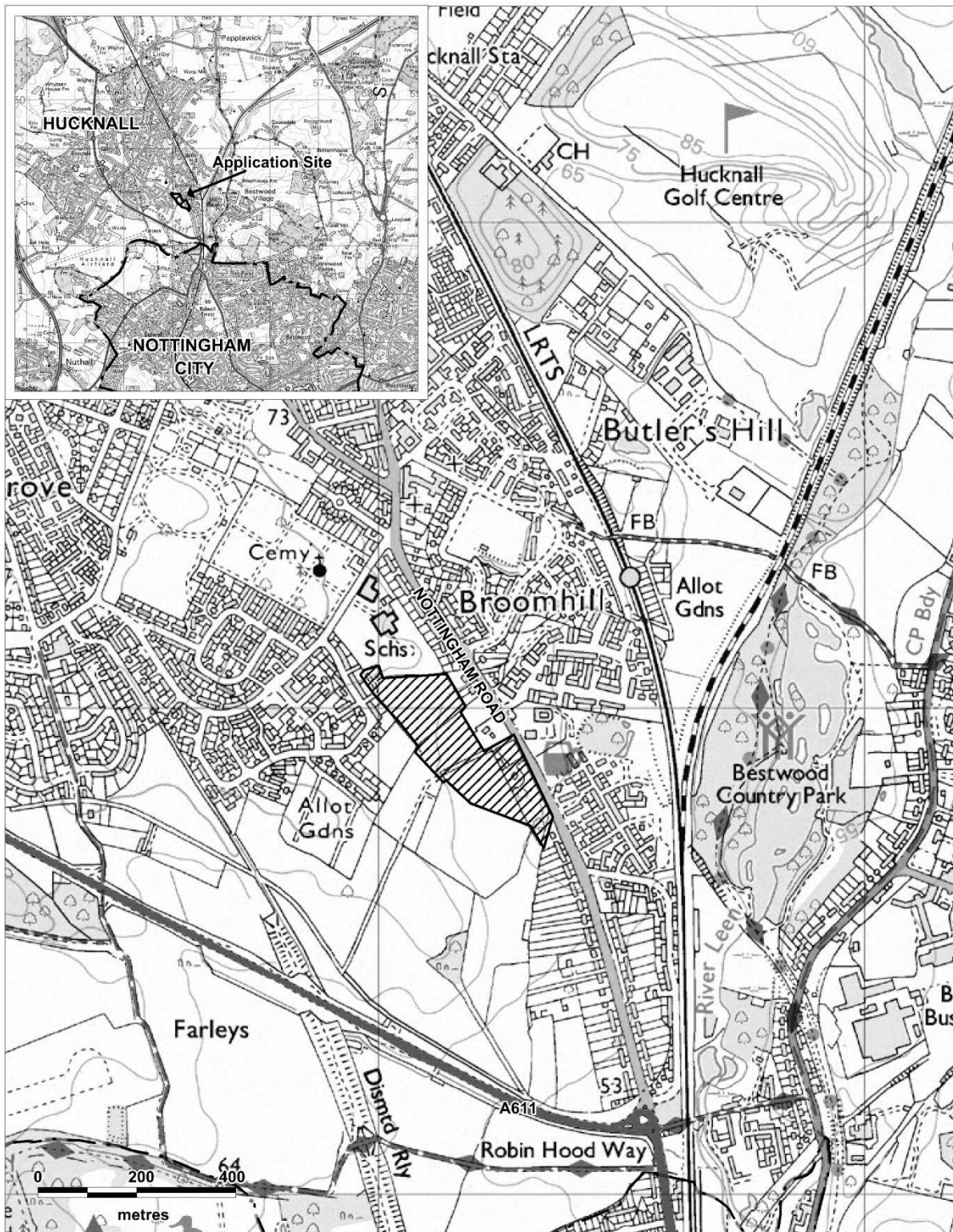
Background Papers and Published Documents

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

Councillor Alice Grice
Councillor John Wilmott
Councillor John Wilkinson

Appendix 1 – Site Location Plan



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
County Council Tel: 0115 982 3823

Proposed Construction of 141 Dwellings and Public Open Space, together
with Associated Parking, Garaging, Road and Sewer Infrastructure Works.
Broomhill Farm, Land to West of, Nottingham Road, Hucknall, Nottinghamshire.
Planning Application No. V/2013/0409

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Scale 1:10,000
Produced by: JW
Date: OCT 2013

Appendix 2– Detailed Highways Comments

Nina

I have considered the planning application for Broomhill Farm and would make the following observations;

The traffic modelling in the Transport Assessment (TA) does not (nor should it necessarily do so) consider the cumulative impact of other proposed developments in the emerging Local Plan for Ashfield. This TA considers Broomhill Farm in isolation in accordance with the DfT 'Guidelines on Transport Assessments' and on this basis the TA comes to the conclusion that the proposals would not in themselves have a material impact on the surrounding highway network and hence no highway mitigation is required.

However the District Council has commissioned a transport study to serve as an evidence base on transport issues to support the Ashfield Local Plan. This study has assessed the proposed growth as set out in the district council's Local Plan Preferred Approach (September 2012) and identifies the overall cumulative development impact on transport networks rather than individual development sites. This study makes allowance for all projected growth in the borough to 2023 (including the Broom Hill development in Hucknall) and concludes that there is forecast to be a significant and detrimental increase in traffic along key roads through Ashfield district, including the A611 through Hucknall, as a result of the Local Plan developments.

The study further concludes that schemes of local highway mitigation are required at a number of junctions along the A611 which would cost several million pounds to implement. In which case it could be considered fair and reasonable for all developments in the Local Plan to contribute to the highway and transport infrastructure required to support the growth agenda. If ADC is minded to approve the Broom Hill planning application in advance of any strategy or policy for securing contributions to transport infrastructure then the opportunity will be missed and this could make it more difficult for the necessary transport infrastructure to be provided.

In summary therefore it is recommended that ADC consider whether there is a case for securing financial contributions from the applicant towards future highway mitigation measures as identified in the ADC transport study (2012) to support the cumulative impact of all projected Local Plan development to 2023.

I trust that these observations will be of assistance. I am happy to discuss as necessary.

Kind regards

David Pick

Appendix 3 – Detailed Landscape and Visual Impacts Comments

Nina, Please find my comments outlined below.

Generally the proposals work within parameters outlined in previous landscape appraisals of the site ; existing site hedgerows have been retained and there are buffer zones with tree planting along the boundary with the main road to the east, and a section to the west to connect the development to the existing recreational areas.

This is in line with the Policy for ML 18 (River Leen) from the GNLCA, which recommends enhancement of existing hedgerows, planting of new hedgerows, enhancing tree cover and providing screening for development.

My main comments relate to choice of species; to retain the visual and ecological integrity of the retained site vegetation it is recommended that tree species are selected from the recommended species list (attached) at least where associated with the retained site hedgerows and in the amenity zones. In addition, although *Quercus robur* (Oak) is on the key, I am unable to find any specimens on the planting plan.

If you have any further queries please do not hesitate to get in touch,

Regards

Amanda

Amanda Blicq

Principal Landscape Architect

Landscape and Reclamation Team

01159772164

Species List

Magnesian Limestone County Landscape Character Area

The following list includes native tree and shrub species that are commonly found within the **Magnesian Limestone County Landscape Character Area** and are suitable for inclusion in planting schemes. These are important for determining the area's regional character. A range of native species may also be appropriate to particular locations or sites. In these cases professional advice should be sought from Nottinghamshire County Council's nature conservation officer or the Landscape and Reclamation team.

All plant material should be of local provenance or at least of British origin. The document 'Using local stock for planting native trees and shrubs' - Forestry Commission - Practice Note August 1999 by George Herbert, Sam Samuel and Gordon Patterson; provides guidance in this respect. A list of suppliers is provided on the Flora Locale website – www.floralocale.org

TREES	Botanical	Woodlands	Hedges	Hedgerow	Wet areas/
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	name			trees	streamsides
Alder (Common)	<i>Alnus glutinosa</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
Ash	<i>Fraxinus excelsior</i>	■	<input type="checkbox"/>	■	■
Aspen	<i>Populus tremula</i>	<input type="checkbox"/>			<input type="checkbox"/>
Birch (Silver)	<i>Betula pendula</i>	<input type="checkbox"/>			
Cherry (Wild)	<i>Prunus avium</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Crab apple	<i>Malus sylvestris</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Elm (English)	<i>Ulmus minor</i> var. <i>vulgaris</i>	<input type="checkbox"/>			
Elm (Wych)	<i>Ulmus glabra</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Maple (Field)	<i>Acer campestre</i>	<input type="checkbox"/>	■	<input type="checkbox"/>	
Oak (Common)	<i>Quercus robur</i>	■	<input type="checkbox"/>	■	<input type="checkbox"/>
Willow (Crack)	<i>Salix fragilis</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
Willow (White)	<i>Salix alba</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SHRUBS	Botanical	Woodlands	Hedges	Hedgerow	Wet areas/
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	name			trees	streamsides
Blackthorn	Prunus spinosa	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Buckthorn (Purging)	Rhamnus cathartica		<input type="checkbox"/>		
Dogwood (Common)	Cornus sanguinea	<input type="checkbox"/>	<input type="checkbox"/>		
Guelder Rose	Viburnum opulus	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Hawthorn	Crataegus monogyna	■	■	<input type="checkbox"/>	<input type="checkbox"/>
Hawthorn (Midland)	Crataegus laevigata	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Hazel	Corylus avellana	<input type="checkbox"/>	<input type="checkbox"/>		
Holly	Ilex aquifolium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Osier	Salix viminalis	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Privet (Wild)	Ligustrum vulgare	<input type="checkbox"/>	<input type="checkbox"/>		
Rosa (Dog)	Rosa canina	<input type="checkbox"/>	<input type="checkbox"/>		
Spindle	Euonymus europaeus	<input type="checkbox"/>	<input type="checkbox"/>		

- Dominant species
- ☐ Other species present

Memo

From: Nick Crouch, Senior Practitioner Nature Conservation, Conservation Team, Floor 6, TBH
To: Nina Wilson, Planning Policy, County Hall
Date: 28 August 2013

**Re: Proposed Construction of 141 Dwellings and Public Open Space
Together with Associated Parking, Garaging, Road and Sewer
Infrastructure Works - Broomhill Farm, Land to West of
Nottingham Road, Hucknall, Nottinghamshire NG15 7QE
(V/2013/0409)**

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: The proposals will not directly affect any designated nature conservation sites.

The nearest SSSI, Bulwell Wood, lies 2.7km to the south-west. The nearest Local Wildlife Site (also known as Sites of Importance for Nature Conservation) is Farley's Grassland LWS 5/2275, which abuts to the site to the south.

The application is supported by a Phase 1 Habitat Survey report, dated October 2012. The following key issues are highlighted:

1. The site is composed predominantly of species-poor semi-improved grassland, bounded by mature hedgerows containing hedgerow trees. Areas of scrub and shorter grassland are also present on site. It is worth noting that had Ashfield DC been participating in the biodiversity offsetting pilot, then this may have been an appropriate site to use this approach for mitigation against/compensating for a loss of this habitat.
2. The report recommends that a **reptile survey** is carried out at the site, which does not appear to have been undertaken. Given that protected species surveys are required prior to the determination of applications, and that reptiles surveys can only be undertaken at certain times of year (April to June, and September), it is essential that this work is arranged as soon as possible, otherwise the applicant will suffer a delay in obtaining a planning decision.
3. The report also recommends **bat surveys**, dependent upon the scope of the development. It is evident that whilst one of the trees identified as having the potential to host roosting bats will be retained (identified as TN3), two others will not be (TN 12 and TN13), whilst a third, referenced as TN18 in the report but not actually marked on the associated Phase 1 Habitat Survey plan, may or may not be lost. Given the protected status of bats, it is therefore essential that clarification is provided regarding tree TN18 to determine whether it is to be lost or not, and if it is to be lost, a survey of this tree should be carried out, along with trees TN12 and TN13, to determine whether or not they host roosting bats. As above, this information is required prior to the determination of this application.

In terms of site layout, the retention of the majority of hedgerows on and around the site, and associated hedgerow trees, is welcomed. A **condition** should be used to require the submission of details relating to root protection zones, to ensure that these features are not damaged during development.

The ecology report recommends the use of native planting within the development, and this has been taken on board to a degree within the landscaping proposals; in particular, the use of native tree species around the periphery of the site is welcomed (although the use of *Acer campestre* 'Elsijk' and *Prunus avium* 'Plena' is queried). However, it is requested that *Carpinus betulus* (hornbeam) is removed, as this species is not native to Nottinghamshire, along with *Tilia cordata* (small-leaved lime) which does not occur frequently within the area in question. In addition, it is requested that all native planting should use stock that is of certified native genetic origin, and ideally of local provenance, and at least from Forestry Commission Seed Zone 402.

The landscaping plans should be updated according.

The ecology report also recommends the creation of wildflower meadows. It is appreciated that space on the development is limited, and that a wetland seed mix is to be used around the water attenuation features. However, it is requested that areas of wildflower grassland are incorporated to help mitigate against the net loss of grassland habitat that will arise should planning permission be granted.

In addition, **conditions** should be attached to any permission granted relating to:

- The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)
- Precautionary measures to prevent harm to mammals during construction, as outlined in section 5.4 of the Phase 1 Habitat Survey report
- The installation of bat and bird boxes as outlined in sections 6.4 and 6.5 of the Phase 1 Habitat Survey report
- The production and implementation of a site management plan, detailing how areas of green spaces and boundaries will be managed (the large hedgerows should be managed in such a way that they are generally maintained in their current form).

It should be noted that depending on the findings of the reptile and bats surveys, then further mitigation measures may be required.

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
Senior Practitioner Nature Conservation
For more information please contact: Nick Crouch (0115 969 6520)

10 October 2013

Agenda Item: 5 (b)

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

SUMMARY OF 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 and central government.

Information and Advice

2. Policy, Planning and Corporate Services has received 30 planning consultations during the period 15th June to 30th August 2013.
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, ext 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 – June to August 2013

Date Received	ID	Address	Details	Officer Dealing	Response Type	Notes
Ashfield District Council						
08.07.13	Ashfield District Council V/2013/0336	Land Rear of 60 Columbia Street, Huthwaite	Twelve dwellings	NW	O	Letter sent 14 August
08.07.13	Ashfield District Council V/2013/0334	1-7 John Davis Workshops, Main Street, Huthwaite	Outline application with all matters reserved for demolition of existing and erection of 2 nursing homes and 3 bungalows providing care in connection with nursing home use	NW	O	Letter sent 17 July
08.07.13	Ashfield District Council V/2013/0306	Former Annesley Colliery, Newstead Road, Annesley	Application to modify a Section 106 Agreement for Affordable Housing Provision	NW	O	On-going
15.07.13	Ashfield District Council V/2013/0365	Former Sutton Pools Complex, Brooks Street, Sutton-in-Ashfield	Apartment block, bungalows and community room with associated landscaping and car parking	NW	O	Letter sent 23 July
22.07.13	Ashfield District Council PEQ/2013/0013 (pre-app)	Land at Kings Mill Road East and Coxmoor Road Sutton in Ashfield	Proposed residential development	NW	O	Letter sent 24 July
26.07.13	Ashfield District Council V/2013/0409	Broomhill Farm, Land to West of Nottingham Road, Hucknall	Proposed construction of 141 dwellings and public open space together with associated parking, garaging, road and sewer infrastructure works	NW	C	October E & S Committee
16.08.13	Ashfield District Council		Representation on the Ashfield Local Plan Publication Document	NW	C	November E & S Committee

Date Received	ID	Address	Details	Officer Dealing	Response Type	Notes
Bassetlaw District Council						
05.08.13	Bassetlaw District Council 13/00874/COU	Former Sand and Gravel Workings, Chainbridge Lane, Lound	Change of use of an area of former sand and gravel workings to allow for the storage of HGV Trailers and Precast Concrete Products	EMC	O	Letter sent 19 August
28.08.13	Ashfield District Council SCR/2013/0005	Crow Trees Farm, Pinxton Lane, Fulwood, Sutton in Ashfield	Request for a Screening Opinion – Proposed Solar Farm	NW	O	Letter sent 2 September
Broxtowe Borough Council						
08.07.13	Broxtowe Borough Council 13/10189/ENQ	Boots Campus, Land between Lilac Grove Beeston and Thane Road, Nottingham	Scoping opinion. Land at Alliance Boots for Mixed Use Development including residential, community and commercial uses and associated highway infrastructure works	NW	O	Letter sent 17 July
Mansfield District Council						
17.07.13	Mansfield District Council 2013/0342/ST	Bannatyne Site Land, off Briar Lane, Mansfield	Erection of 30 No. dwellings, re configuration of car park and new access road to serve both developments	NW	O	S106 response only 08.08.13
Rushcliffe Borough Council						
01.07.13	Rushcliffe Borough Council 13/01197/OUT	Land NW of, Platt Lane, Keyworth	Residential development (up to 200 houses)	NW	O	Letter sent 24 July

Date Received	ID	Address	Details	Officer Dealing	Response Type	Notes
08.07.13	Rushcliffe Borough Council 13/01263/FUL	Land to south of, Meeting House Close, East Leake	Residential development for 61 dwellings	NW	O	Email sent to Case Officer K. Catlow 23.07.13 with education requirements
19.07.13	Rushcliffe Borough Council 13/01074/OUT	OS Field 5773, Willow Brook, Keyworth	Residential development of up to 35 dwellings with associated landscaping and infrastructure	NW	O	S106 Comments only.
02.08.13	Rushcliffe Borough Council 13/01426/FUL	Land East of, Spa Lane, Orston	Installation of single wind turbine (74m to tip) with ancillary development and access road	NW	C	Cross reference to 13/00720/FUL E&S Cttee 18.07.13 Letter sent 19.07.13
05.08.13	Rushcliffe Borough Council 13/01460/FUL	St James Business Park, Grantham Road, Radcliffe on Trent	Installation of a single 10 KW wind turbine (hub height 14.9m, tip height 21.49m)	NW	O	Letter sent 2 September
06.08.13	Rushcliffe Borough Council 13/01396/FUL	Land West of, Field End Close, East Leake	Erection of 18 dwellings; open space; roads and works to Field End Close; access road to adoptable standard, together with all other associated works	NW	O	Letter sent 20 August S106 comments only

Date Received	ID	Address	Details	Officer Dealing	Response Type	Notes
21.08.13	Rushcliffe Borough Council 13/01605/ADVICE	Land West of, Main Road, Cotgrave	Residential development for 150 dwellings	NW	O	Letter sent 29 August
27.08.13	Rushcliffe Borough Council 13/01609/FUL	Lodge Farm, Longhedge Lane, Orston	Installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communication building, fence & pole mounted security	NW	C	November E & S Committee
Mansfield District Council						
22.08.13	Mansfield District Council 2013/0375/NT	Church Warsop Memorial Club, Bishops Walk, Church Warsop	Outline planning application for demolition of part of Church Warsop Memorial Club and proposed residential development including access road from A60 for up to a maximum of 10 no. dwellings	NW	O	Letter sent 29 August
28.08.13	Mansfield District Council 2013/0426/ST	Land at Quarry Lane, Mansfield	Construction of 17 No. dwellings (resubmission of planning application 2013/0086/ST)	NW	O	On-going

Date Received	ID	Address	Details	Officer Dealing	Response Type	Notes
Other Consultations						
02.07.13	Amber Valley Borough Council		Amber Valley Local Plan Part 1 - Draft Core Strategy. Regulation 18 Pre-Publication Consultation	NW	O	Letter sent 24 th July
09.07.13	South Kesteven District Council		Site Allocation and Policies Development Plan Document (DPD) Consultation on Revised Sustainability Appraisal/Strategic Environment Assessment and Further Proposed Main Modifications	NW	O	Letter sent 24 th July
31.07.13	The Planning Inspectorate		Application by Smart Wind Ltd for an Order Granting Development Consent for the Hornsea Offshore Wind Farm (Zone 4) – Project One	NW	O	Letter sent 31 st July
31.07.13	The Planning Inspectorate		Application by RWE npower for an Order Granting Development Consent for the Willington C Gas Pipeline between Willington Power Station and the National Transmission System south off Yoxall	NW	O	Letter sent 31 st July
05.08.13	Canal & River Trust		Strategic Waterway Plan – The Next Ten Years first draft	NW	O	On-going
06.08.13	Doncaster Metropolitan Borough Council		Doncaster Local Development Framework (LDF) Sites and Policies Development Plan Document (DPD) Publication	NW	O	Letter sent 9 th August

Date Received	ID	Address	Details	Officer Dealing	Response Type	Notes
27.06.13	Rotherham Metropolitan Borough Council		Submission of Rotherham's Core Strategy	NW	O	Letter sent 1 st August
07.08.13	Hinckley & Bosworth Borough Council		Hinckley & Bosworth Statement of Community Involvement Consultation Draft consultation (5 August 2013 – 20 September 2013)	NW	O	Letter sent 4 th September 2013
30.08.13	Hinckley & Bosworth Borough Council		Earl Shilton and Barwell Area Action Plan - Pre-submission (Regulation 27) Consultation Draft consultation	NW	O	Letter sent 4 th September 2013

Response type

- C Committee
- O Officer

10 October 2013

Agenda Item:

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE

MINERALS LOCAL PLAN – PUBLIC CONSULTATION ON PREFERRED APPROACH

Purpose of the Report

1. To seek Committee approval for a six week period of public consultation on the Minerals Local Plan Preferred Approach.

Information and Advice

2. The Minerals Local Plan is a statutory document that all Minerals Planning Authorities must prepare. It identifies sites and sets out policies against which all minerals development proposals are assessed and determined by the County Council. The overall aim of the Plan is to ensure that sufficient minerals are provided to meet expected demand in the most sustainable way and to safeguard proven mineral resources from being unnecessarily sterilised by other development.
3. The current Plan was adopted in December 2005 and was prepared under previous Government legislation. This plan is now becoming out of date and work has begun on preparing a new plan to replace it. This will look ahead to 2030.
4. The new Minerals Local Plan contains a vision and strategic objectives, strategic policies, site allocations and development management policies.
5. Before it can be adopted, the new Local Plan must go through various stages of public consultation and community involvement culminating in an examination in public by an independent planning inspector.
6. The preparation of the new Minerals Local Plan commenced in 2011, there was an informal public consultation on the Issues and Options in 2012. Over 1,100 representations were received from a total of 196 organisations and individuals, including statutory bodies, local district and parish councils, neighbouring county councils, the minerals industry, interest groups and members of the public. These comments have been used to inform the Preferred Approach.
7. The Nottinghamshire Local Aggregates Assessment (LAA) was approved by this Committee in July 2013. The LAA sets out:

- A forecast of the demand for aggregates based on the average of 10-years sales data and other relevant local information;
- An analysis of all aggregate supply options, as indicated by landbanks, mineral plan allocations and capacity data; and
- An assessment of the balance between demand and supply, and the economic and environmental opportunities and constraints that might influence the situation.

The LAA is used to inform the Minerals Local Plan approach to future aggregate requirements for Nottinghamshire.

8. The proposed preferred approach document looks at each of the main options for each mineral and explains which ones are preferred and which have been rejected and why. It shows how account has been taken of the various consultation responses the County Council has received and also shows how the findings of the Sustainability Appraisal have influenced the document. The document can be viewed under meetings on the County Council's public website.
9. A small advisory Member/Officer Project Group has been established. This has met at key stages to discuss the main issues as they have arisen and to provide a Member steer. The proposed preferred approach was discussed at a meeting held in September 2013 and the general approach was supported by Members on the project group.

Key Issues

10. Nottinghamshire is a major minerals producing area where a diverse range of minerals are exploited. The biggest extractive industries are sand and gravel and gypsum extraction but brick clay, limestone, building stone and oil are also exploited. In most cases permitted reserves are inadequate for the plan period and new resources in suitable locations will need to be found if the County is to continue supplying its share of national and local mineral supplies.
11. The biggest shortfall is of river (or alluvial) sand and gravel, where up to a further 30 million tonnes will need to be identified to meet the shortfall set out in the Nottinghamshire Local Aggregates Assessment (LAA) until 2030.
12. Three new sand and gravel sites are identified in the Preferred Approach document, these are at Coddington near Newark and at Barnby Moor and Botany Bay to the north of Retford.
13. New minerals could also be exploited in the future. These include high grade industrial dolomite, coal bed methane and shale gas. Extraction of industrial dolomite, found only in a small area in the north-west of the County, is needed to replace production at Whitwell Quarry in Derbyshire. Large resources of coal bed methane and shale gas may also underlie significant parts of the County and new technologies are making their extraction economically viable. The Government requires all Minerals Planning Authorities to set out policies as to how applications for the exploration, appraisal and extraction of these hydrocarbons will be assessed.
14. The Minerals Local Plan Preferred Approach is supported by a series of background and technical papers which summarise the evidence that has been used to prepare it.

15. Based on previous consultation responses and sustainability appraisal findings, the document sets out what is considered to be the most appropriate approach towards meeting the future minerals needs sustainably and to make use of existing infrastructure.

Next Steps

16. If Committee approve the proposed preferred approach document for consultation it will be published to allow a period of public consultation. The proposed consultation period is to run for a period of six weeks between 23 October 2013 and 6 December 2013.
17. A 'Submission Draft' document will then be prepared, taking into account any comments received on the preferred approach. Approval will be sought through the Environment and Sustainability Committee to publish it for a further period of consultation. The Minerals Local Plan, along with all representations received, will then be formally submitted to the Secretary of State and subsequently will be subject to an independent examination by a Planning Inspector. The Inspector's role is to consider the 'soundness' of the whole plan.
18. If considered sound then the Local Plan can be adopted. Adoption is scheduled for March 2015.

Other Options Considered

19. None. Preparation of the Minerals Local Plan is a statutory requirement.

Reason/s for Recommendation/s

20. To seek approval to undergo a six week period for representations on the Minerals Local Plan Preferred Approach. Production of the Minerals Local Plan is a statutory requirement.

Statutory and Policy Implications

21. 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

22. The costs of preparing and examining the Minerals Local Plan will be met through a reserve which has been established to cover these costs.

Implications for Sustainability and the Environment

23. The production of Minerals Local Plans and associated documents is a statutory requirement.

RECOMMENDATION/S

- 1) It is recommended that the Committee approves:
 - a) The publication of the Minerals Local Plan Preferred Approach for a period of 6 weeks public consultation;
 - b) Authority to be given to the Chairman in consultation with the Group Manager to make any final minor changes required prior to consultation.

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

For any enquiries about this report please contact: Lisa Bell, Planning Policy Team Manager, ext 74547

Constitutional Comments (SHB. 04.09.13)

24. Committee have power to decide the recommendation

Financial Comments (SEM 06/09/13)

25. The financial implications are set out in the 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

10th October 2013

Agenda Item:

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

**CONSULTATION ON A NEW WASTE MANAGEMENT PLAN FOR ENGLAND
AND UPDATED NATIONAL WASTE PLANNING POLICY: PLANNING FOR
SUSTAINABLE WASTE MANAGEMENT**

Purpose of the Report

1. To inform Committee about recent Government consultations on waste and to seek Committee ratification for comments set out in this report, which were sent to Government on 23rd September 2013, in response to the consultation on updated national waste planning policy.

Information and Advice

2. The Government has recently published two separate consultations on a new Waste Management Plan for England and updated national waste planning policy . The preparation of a new national Waste Management Plan is intended to meet specific requirements of the EU Waste Framework Directive but does not introduce any new policy, targets or waste management initiatives. The County Council has not therefore responded to this consultation as no new issues have been raised.
3. Updated national waste planning policy is intended to replace existing Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) which was retained after publication of the National Planning Policy Framework in March 2012. In order to meet the Government's consultation deadline officer comments were sent as set out in Appendix 1.

New Waste Management Plan for England

4. The Waste Management Plan for England has been prepared to ensure that the UK is able to meet specific requirements under Article 28 of the revised EU Waste Framework Directive (2008/98/EC) for Member States to have a waste management plan in place setting out:
 - How the provisions of the Directive will be met, including how the objectives of the waste hierarchy will be achieved;

- The types, quantity and source of waste generated and waste likely shipped to or from the national territory;
 - Information on existing waste collection schemes and major disposal or recovery infrastructure;
 - An assessment of the need for new collection schemes and or waste management infrastructure;
 - Sufficient information on the location criteria to identify future sites for disposal or major recovery facilities, where necessary;
 - General waste management policies.
5. Within the UK, these Directive requirements will be met through a combination of both the national Waste Management Plan and local planning policies prepared by each of the individual Waste Planning Authorities (i.e. County or Unitary Councils). The County Council already has in place a saved Waste Local Plan and its new Waste Core Strategy, prepared jointly with Nottingham City Council, is currently going through the final stages of independent examination. This will be followed by a subsequent policy document setting out local site criteria, and site specific allocations, for waste management facilities and appropriate environmental protection policies.
 6. Once in place, the national Waste Management Plan for England will replace the existing national Waste Strategy for England 2007. It will also sit alongside updated national planning policy statement on waste (considered later in this report) and a new national Waste Prevention Programme, which is due to be published by the end of 2013. This is will consider the use of waste as a resource and identify opportunities for waste prevention to benefit business sectors and the wider economy.
 7. In practice, the new Waste Management Plan for England does not introduce any new policy but simply draws together and signposts all of the relevant national strategies and initiatives on waste to ensure compliance with the EU Directive. The Plan confirms existing targets for waste re-use, recycling and recovery and there are no new requirements in terms of waste collection measures or disposal arrangements. Therefore, it is not considered that there are any implications for either the waste planning or waste disposal functions of the County Council.

. Updated national waste planning policy

8. Government is also consulting on an update to national waste planning policy which is intended to replace PPS10: Planning for Sustainable Waste Management. This will sit alongside the National Planning Policy Framework (NPPF) which does not include any specific policies on waste. As part of the Government's commitment to streamline planning policy the updated policy statement is considerably shorter than the existing PPS10, although it is intended that there will be separate practice guidance to accompany the policy at a later date.

9. In line with EU Directive requirements, the policy continues to emphasise the importance of using waste as a resource, the prevention and recycling of waste while protecting human health and the environment, and the principles of proximity and self-sufficiency.
10. Key policy changes set out in the document are the introduction of additional text which encourages the use of heat as a source of energy, where energy from waste development is being considered, and a tightening up of Green Belt policy in relation to waste. Previous waste policy allowed some measure of discretion in relation to certain types of waste uses in the Green Belt but this has been clarified so that waste developments would no longer be accorded any greater weight than any other form of development. Proposals would therefore have to demonstrate the very special circumstances required under NPPF Green Belt Policy.
11. Existing appendices on the waste hierarchy and locational criteria are retained but those setting out the specific responsibilities of Waste Planning Authorities (WPAs), sustainable development principles, and the role of the Technical Advisory Bodies on Waste have been deleted. Unlike previous arrangements, this implies that there is no longer a requirement for WPAs to work together to form technical working bodies similar to the aggregate working parties that are in place for minerals planning.
12. In preparing their local plans, there is a clear requirement for WPAs to ensure that the planned provision of new capacity, and its spatial distribution, is based on robust analysis of available data and information. Authorities should also work collaboratively to take account of waste arisings in neighbouring areas and any waste amendment requirement identified nationally. This reflects the duty to co-operate which was introduced by the NPPF and the Localism Act 2011. The new policy statement also makes more explicit the requirement for all local planning authorities, not just WPAs, to consider the waste implications of all development so that the operation of existing waste management facilities is not compromised and that all new development is designed to minimise construction waste and make provision for waste management and storage where necessary.

Implications of policy changes

13. The County Council is at an advanced stage in preparing its Waste Core Strategy which follows current national policy as set out in PPS10. On the advice of the Planning Inspector who is carrying out the independent examination into the Waste Core Strategy, a number of modifications have been put forward by the Councils to reflect these policy changes, particularly in relation to waste development within the Green Belt. These modifications were considered by this committee on 20 June 2013 and advertised for public consultation between 24th June and 22nd July 2013.
14. The shorter, more streamlined policy statement clarifies and strengthens some aspects of existing policy, including that for Green Belt, but lacks much of the earlier context which explained Government thinking and assisted with the interpretation of national policy in local decision making. It is not yet clear how much detail will be provided in subsequent guidance but the policy, in its current form, is very limited. It is considered that this could potentially lead to confusion in local policy and decision making.
15. The renewed policy emphasis on a 'robust analysis' of waste data for forecasting, planning and monitoring, is seemingly positive but overlooks the major shortcomings in both the

quality and quantity of waste data that is available to local authorities. Delivering this level of detailed data analysis will require a centrally coordinated system of data collection for all waste.

16. In the light of the current emphasis on the duty to co-operate, the lack of any reference to the role of the Technical Advisory Bodies or a similar body, could mean that there is less, rather than greater integration and co-operation between WPAs in future.

Conclusions

17. Whilst the clarification of certain aspects of Government Policy is welcome, there are certain areas where it is felt there should be greater clarification. These concerns have been drawn out in the officer comments attached at Appendix A

Other Options Considered

18. This report considers recent Government consultations on waste and recommends that Council respond to the consultation on updated national policy as set out at Appendix A. Alternative options considered could have been to express unequivocal support for the policy or to make no response.

Reason/s for Recommendation/s

19. The proposed new policy will be the key expression of national policy against which to prepare the Council's future waste planning policies. It is hoped that engagement in this consultation will highlight key areas of concern To Government and help to clarify future policy

Statutory and Policy Implications

20. 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

21. There are no direct financial implications.

Implications for Sustainability and the Environment

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

RECOMMENDATION/S

- 1) That Members note the contents of this report for information and endorse the officer comments (attached at Appendix A) in response to the Government's consultation on updated national waste planning policy. .

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Suzanne Osborne-James, Planning Policy Team, ext 72108

Constitutional Comments (NAB 13.09.13)

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

Financial Comments (SEM 13/09/13)

24. 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.

National Waste Management Plan for England:

www. <https://www.gov.uk/government/consultations/the-waste-management-plan-for-england>

Updated national planning policy on waste:

<https://www.gov.uk/government/consultations/updated-national-waste-planning-policy-planning-for-sustainable-waste-management>

Electoral Division and Members Affected

All

Appendix A

Nottinghamshire County Council Response to the Consultation on Updated National Waste Planning Policy

Nottinghamshire County Council is grateful for the opportunity to respond to this current consultation and has the following comments to make:

Green Belt

The Council welcomes the clarification on green belt policy in relation to waste facilities which removes earlier ambiguity over the circumstances in which waste management development in the Green Belt might be acceptable. However we would draw attention to the fact that this tighter application of policy could be at odds with the Government's desire to enable communities to take greater responsibility for managing their own waste. In the Council's view, it will now potentially be more difficult to justify locating small-scale facilities that could otherwise have played a beneficial role in promoting more sustainable waste management.

Using a proportionate evidence base

Whilst the Council supports the underlying aim of a sound evidence base for determining future waste provision; our experience along with that of other Waste Planning Authorities (WPAs), is that there is insufficient data on the different types of waste available at the local level. The policy expectation, set out within paragraph 2, can only partly be delivered due to the fundamental lack of available waste data, particularly in relation to commercial and industrial and construction and demolition waste.

The only regular and consistent source of reliable local data on waste arisings and management is that for municipal waste provided through the Wastedataflow system. There is no comparable system for other wastes and there is a misconception among the public and interest groups that a similar level of data is available for all wastes. Information provided by the Environment Agency gives a picture of waste movements, and the facilities which are being used to manage waste, but it is dependent upon the volume and quality of operator returns and does not provide a reliable figure for waste arisings. WPAs are therefore wholly reliant on national surveys of commercial and industrial and construction and demolition waste but these do not provide information to a local level. To avoid unrealistic expectations on individual WPAs, this lack of waste data should be readily acknowledged within the policy statement.

To achieve the coverage and quality of evidence that is being sought within the national policy statement there would need to be a mandatory, national system of waste data collection for all wastes.

Determining Planning Applications

The Council particularly supports the clearer expression of the role of all planning authorities contained in paragraph 7. These aspects are often overlooked by local district or borough councils, especially in relation to the impact of non-waste related development on existing or

proposed waste management facilities and the handling of waste arising from the construction and operation of development.

Monitoring and Review

Whilst recognising the importance of undertaking regular monitoring and review, we would repeat our earlier reservations about the quality and availability of waste data for this purpose.

For the purposes of monitoring, WPAs would normally consider operational capacity as a more reliable indicator than the consented capacity that is currently suggested within footnote 5 of the policy. Using consented capacity which is not yet implemented or operational is considered unduly risky. This relies heavily on capacity which may never actually come forward, a situation which is often seen at the local level. Whilst this could be seen as a way of avoiding over-provision, from a WPA perspective it is easier to accommodate over-provision, which is likely to be resolved by market circumstances, than to try and provide facilities after the fact. Assumptions about capacity that is not available runs a very serious risk of under-provision which would be exacerbated by the long lead in times associated with most types of waste management facility.

Appendices

The Council supports the retention of the existing appendices on the Waste Hierarchy and locational criteria. However, we are concerned that useful information contained in the other appendices has been lost. Whilst it is accepted that the specific responsibilities of WPAs are prescribed in regulations, its previous inclusions provided a helpful and informative reference for all planning authorities.

We also note with concern that there is no longer any reference to the role of the former Regional Technical Advisory Bodies (RTAB). Whilst, we acknowledge the NPPF requirements in terms of the general duty to co-operate, it seems a surprising omission that there is no longer a specific requirement for WPAs to work together and share information and expertise through an RTAB or similar body. The value and necessity of this is recognised in minerals planning through the Aggregate Working Parties and it is perverse that the same rationale is not being applied to waste. This conflicts with the national policy requirements, set out in paragraph 3, in terms of joint working, sharing facilities and providing for more than local needs.

General Comments

Whilst it is acknowledged that the updated policy has been drafted in line with the current, more streamlined, style of the National Planning Policy Framework, we would suggest that some of the context which is provided in the notes accompanying the consultation could helpfully be incorporated within the statement itself. The general lack of wider policy context is likely to lead to difficulties for individual WPAs in interpreting the policy. In this respect it would have been helpful to have had sight of the intended guidance note at the same time as this current consultation.

10 October 2013**Agenda Item:****REPORT OF THE SERVICE DIRECTOR FOR TRANSPORT, PROPERTY AND
ENVIRONMENT****PERFORMANCE REPORT – ENERGY AND CARBON MANAGEMENT –
2012-13 OUT-TURN****Purpose of the Report**

1. This report provides information to the Committee on the performance of the energy and carbon management service for the 2012-13 financial year.

Information and Advice

2. The energy and carbon management function provides a service on behalf of the Council's corporate estate, including schools, to ensure supply of electricity, gas and wood fuel is available at competitive rates; to promote and support investment in energy efficiency measures; to support investment in renewable energy technologies; to ensure compliance with energy-related legislation and to manage consumption data to enable effective monitoring, forecasting and reporting.

3. Performance measurement on energy and carbon management has been subject to changing central government requirements and legislation. The Council is currently obliged to report its annual carbon emissions under the Carbon Reduction Commitment Energy Efficiency Scheme (CRCEES), and is also required by the Department of Energy and Climate Change (DECC) to report and publish its greenhouse gas emissions. In addition, Council buildings over 500m² are subject to legislation requiring them to be assessed for their energy performance, resulting in a Display Energy Certificate showing a rating from A to G, which needs to be displayed in a prominent place.

4. CRCEES performance and the Council's local greenhouse gas emissions report are only reported annually. Due to the burden of reporting under the CRCEES, the Council has taken the decision to limit its greenhouse gas emissions report to those emissions covered by the CRCEES, with the addition of emissions from energy use in street lighting, which are currently excluded from CRCEES, but will be included from April 2014.

5. In addition to the above, a number of other measures have been selected to monitor performance of the service relating to finance and customer satisfaction. Carbon emissions are also shown as weather corrected data, which is an accepted way of excluding the effect of variations in external temperatures on heating energy consumption. An update on energy costs and procurement was the subject of a report to Finance and Property Committee in February. This showed the total annual costs for electricity and gas for the Council's properties and street lighting to be about £17million, of which the schools (and Academies) share is £10million, and

that for street lighting just over £4million. It also reported that figures from GPS, the Council's appointed central purchasing body for gas and electricity, show that it has generally achieved for its customers an average saving of 15% over the last 3 years compared to average market prices.

6. A summary of performance is detailed in Appendix 1. This indicates that overall performance for the service is still good, with a wide range of renewable technology initiatives being installed across the corporate estate and high take up of the Local Authority Energy Finance (LAEF) funding scheme. However, there has been an increase in the reported carbon emissions from the Council's buildings compared to 2011-12, and a relatively small increase in those from street lighting, highway signs and signals, over the same period. The table below details reported carbon emissions over the past three years and shows weather corrected carbon emissions for County Council buildings captured by the CRCEES over the same period.

County Council carbon emissions			
Year	Reported emissions from energy use in buildings (weather corrected figures in brackets)	Emissions from energy use in street lighting, signs and signals	Total (tonnes)
2010-11	78,579 (76,635)	24,619	103,198
2011-12	67,453 (72,404)	24,515	91,968
2012-13	73,400 (70,030)	24,772	98,172

7. Appendix 2 shows the changes in the Display Energy Certificates for County Council buildings, including schools, from 2008/09 to 2012/13.

Analysis

8. The scale of the increase in reported carbon emissions from buildings compared to 2011-12 was largely due to a colder winter in 2012-13. With much of the Council's energy use being for space heating, weather is a strong factor in determining overall energy consumption in any one year. This is supported by the weather-corrected emissions data, which show that when the effect of weather on emissions is taken into account, a year on year decrease in emissions from County Council buildings has been achieved. It is hoped that building rationalisation and improvements recently made under the Council's Ways of Working programme, combined with renewable energy investment and improvements in energy efficiency, will help sustain this downward trend in emissions.

9. Indicators shown in Appendix 1 show that:

- the Council's investment in photovoltaic arrays on its buildings is giving a return on investment of 12%, with income received through Feed in Tariff payments totalling nearly £60,000 and avoided energy costs amounting to around £20,000; and
- investment last year through the Council's revolving energy efficiency loan fund will save an additional £80,000 p.a. in avoided energy costs, bringing the total annual savings funded by the scheme to just under £400,000.

Further details of programmes and activities in place to tackle energy and carbon costs are detailed on page 3 of Appendix 1.

10. The chart in Appendix 2, showing changes in the Display Energy Certificates issued to County Council properties of over 1,000 square metres, also shows that there has been a general trend in improving the energy efficiency of the Council's properties over recent years.

11. Emissions for street lighting, signs and signals are less subject to weather patterns. Action to improve performance in this area primarily rests with Highways where, in addition to the part-night lighting programme, officers are actively exploring opportunities for investment in low energy equipment. These were the subject of a report to Policy Committee in on 18 September at which the Committee agreed a revised street lighting energy saving project set to deliver savings of £700,000 by 2016-17. The slight increase in the annual carbon emissions from street lighting for 2012-13 compared to the previous year, is primarily due to an industry change to the calculation of energy consumption from certain lamp types.

Cost implications

12. For every tonne of carbon emitted under the CRCEES the Council is obliged to pay £12, amounting to £880,800 for 2012-13. As of next financial year, the cost per tonne will rise to £16, and then in line with RPI thereafter. Other changes to the scheme next year will see the exclusion of emissions from schools but the inclusion of emissions from street lighting. The net effect of these changes is predicted to be a saving to the Council of about £150,000. Carbon costs for 2012-13 are summarised in the table below.

Cost of carbon emissions for 2012-13 under the CRCEES		
	Carbon emissions (tonnes)	Cost (£)
Schools	55,228	662,736
Corporate	15,434	185,208
Pensions portfolio	2,738	32,856
Total	73,400	880,800

13. Although the cost of carbon is significant, it should be noted that for every tonne of carbon emitted, the Council will have spent more than ten times that on the energy cost. Looking at the total cost of energy for our buildings (including schools, but excluding street lighting) for 2012-13 of around £12million, the average energy cost per tonne of carbon emitted is about £160. Put another way, every tonne of carbon saved is roughly worth an additional £160 in saved energy costs.

14. A report outlining a potential energy strategy and further opportunities to generate income or reduce costs will be brought to this committee in the near future.

Other Options Considered

15. None – this is a report for noting only.

Reasons for Recommendations

16. Energy and carbon management is a significant area of spend for the Council, and has a major impact on the environmental and economic well being of the County. It is essential therefore that the Environment and Sustainability Committee is fully briefed on issues which impact on the delivery of the service. [Page 47 of 96](#)

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.

Implications for Service Users

18. Performance in this service area has a major impact on schools in Nottinghamshire, with 99% of state schools buying electricity and gas through the Council's electricity and gas supply contracts. For schools and non school sites alike, good energy management and sensible investment can help limit the impacts of the predicted upward trend in energy costs and even yield budget savings, in addition to the environmental benefits accrued from reducing carbon emissions and pollution associated with the use of fossil fuels.

Recommendation

19. That Committee notes the contents of the report.

Mick Allen

Group Manager, Waste and Energy Management

For any enquiries about this report please contact:

Mick Allen, Group Manager, Waste and Energy Management

Constitutional Comments

20. This report is for noting only.

Financial Comments (TMR 27/09/13)

21. The financial implications are set out in the report.

Background Papers

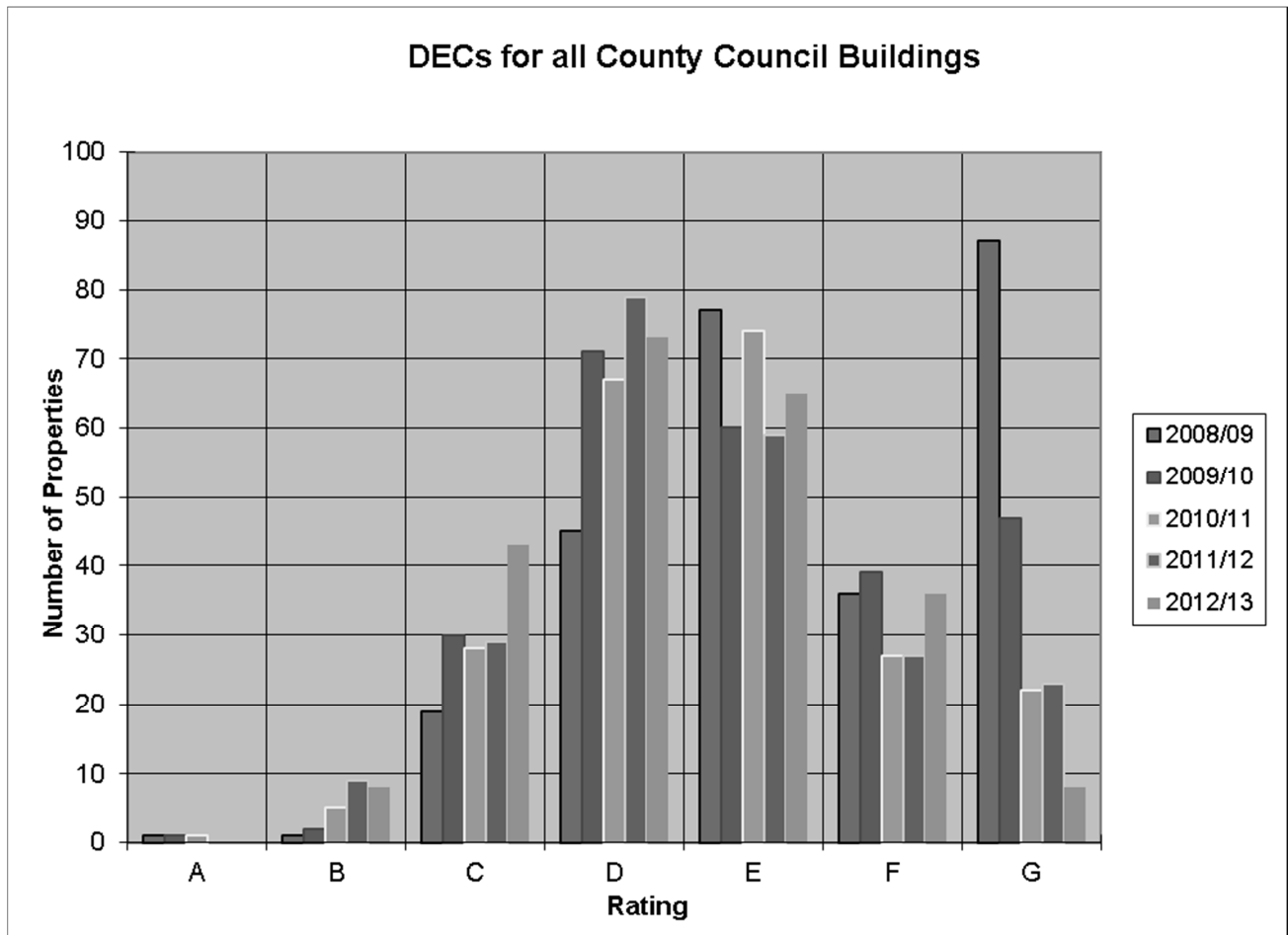
The County Council's local greenhouse gas emissions report can be found at <http://www.nottinghamshire.gov.uk/enjoying/countryside/energy-and-carbon-management/climate-change/>

Electoral Divisions

All

Appendix 2

Display Energy Certificate ratings for County Council buildings, 2008/9 – 2012/13

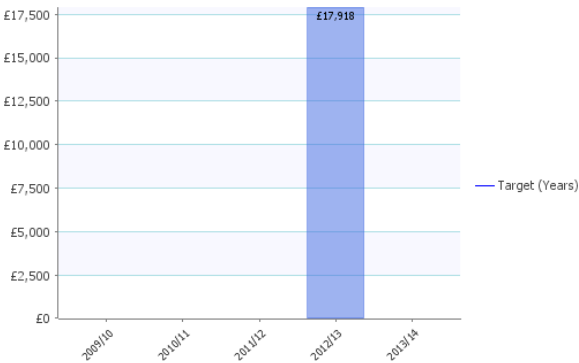


The above chart shows how the Display Energy Certificate ratings for County Council buildings, including schools have been changing over time, with A being the best performance, and G the worst in terms of energy consumption and carbon emissions per unit floor area. Such certificates were initially required for public buildings with a floor area of greater than 1,000 square metres, which are shown above. Since 2013, this requirement also applies to public buildings above 5,000 square metres.


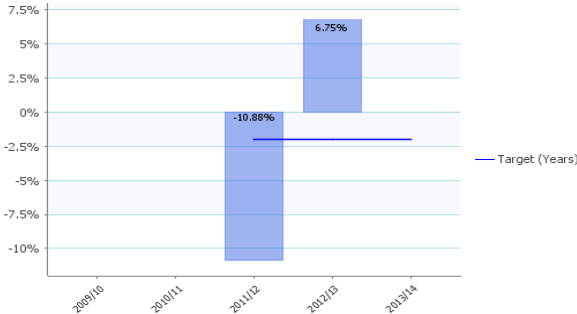
Analysis of the chart shows a gradual general improvement in ratings, with more B and C ratings and fewer G ratings.

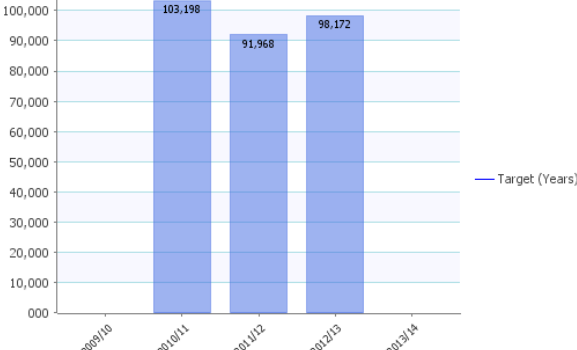
Appendix 1. Energy and Carbon Management Performance Report 2012/13

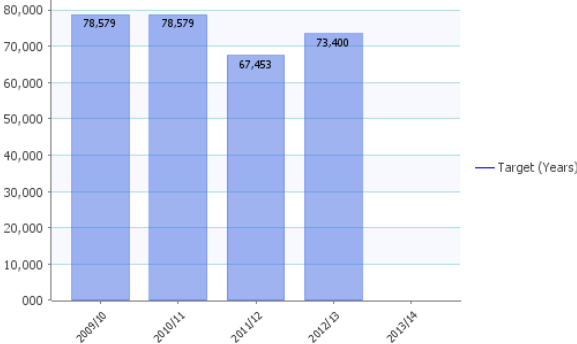
Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements
Energy Management - Annual Income Generation - Return on Investment from photo voltaic cells	Aim to Maximise	Actual 12% Target Data only		
Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements
Effectiveness of our Energy efficiency recycling fund (Salix) - annual energy savings	Aim to Maximise	Actual £84,378 Target Data only		<p>In 2012/13 the fund invested in projects to the value of £397,750, worth £84,378 in saved annual energy costs and 548 tonnes of carbon saved p.a. In total the fund has now invested £1.57million, saving annually £390,000 in energy costs and 2,326 tonnes of carbon (£27,912 worth)</p>
Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements
Energy Management - Annual Income Generation from photo voltaic cells	Aim to Maximise	Actual £57,435 Target Data only		

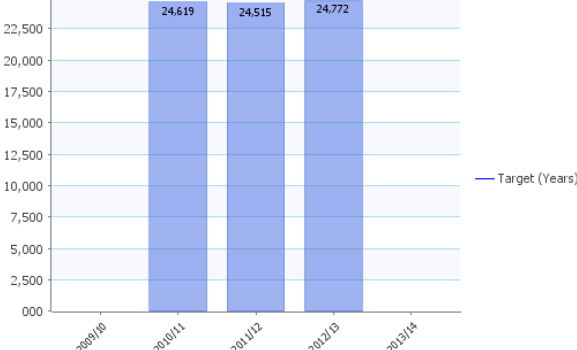
Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements
Energy Management - Annual Income Generation - Energy Cost Savings	Aim to Maximise	<p>Actual £17,918</p> <p>Target Data only</p>	 <p>The trend chart displays the annual income generation from energy cost savings. The Y-axis represents the amount in pounds, ranging from £0 to £17,500 in increments of £2,500. The X-axis shows the fiscal years from 2009/10 to 2013/14. A single blue bar for the year 2012/13 is visible, with its value labeled as £17,918. A legend on the right indicates that the blue line represents the 'Target (Years)', although no target line is plotted on the chart.</p>	

Performance

Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements
CO2 emissions - annual reductions	Aim to Minimise	<p>Actual 6.75%</p> <p>Target -2%</p> 	 <p>Target (Years)</p>	See Below
<p>There has been an increase from 91,968 to 98,172, and this is down to the winter of 2012-13 being colder than 2011-12.</p> <p>The Council has a number of key programmes in place to tackle energy consumption and reduce its carbon emissions. These include:</p> <ul style="list-style-type: none"> - A £1.2million revolving loan fund for investment in energy efficiency measures, which up to the end of March 2013, had invested over £1.5million in the Council's schools and other buildings, saving 2,326 tonnes of carbon dioxide and £390,000 in energy costs per year. Measures funded include low energy lighting, energy management systems, improved heating controls and voltage optimisation. - A programme of street lighting energy saving measures is currently being implemented aimed at reducing energy use by 26% (compared with 2009/2010). This includes part night lighting, dimming and the use of alternative, more efficient lighting equipment. - Investment of £800,000 in the SunVolt programme to install photovoltaic (PV) panels on the roofs of various Council properties. To date a total of £617,061 has been spent through the programme, with £57,435 so far received as income by way of Feed in Tariffs. In addition to this, the panels have offset over £17,918 worth of electricity that the Council would otherwise have had to pay for, bringing the total financial benefit of the project to £75,353, representing a return on investment of 12% so far. In addition to the financial benefits, the programme has also prevented the generation of nearly 100 tonnes of carbon dioxide and raised awareness of energy issues amongst staff at the affected buildings. Environment and Sustainability Committee has agreed to a further £250k p.a. investment in photovoltaics (PVs) on council buildings over the next 4 years, following the success of the SunVolt programme. - A £2million programme approved in September 2012 to replace remaining ageing coal, oil and LPG boilers in Council properties with modern biomass heating systems. The programme will utilise the Government's Renewable Heat Incentive (RHI) to repay the capital costs and generate a surplus income for the Council. Several schools have already contacted the Council and expressed a high level of interest in taking part. This programme follows on from previous activity, which has resulted in over 60 Council sites now heated by modern biomass boilers, saving each year over 6,000 tonnes of carbon, currently worth £72,000. This activity has been supported over the years by c£1.85million of external funding. <p>The Council will also be limiting its carbon emissions through its programme of property rationalisation and the creation of more energy efficient working environments. This has included the integration of energy efficiency measures into the refurbishment of County Hall, energy efficient design for new Council buildings such as Worksop library, and the use of low carbon technologies, such as ground source heat pumps, which feature in the new bus station at Mansfield.</p> <p>All Council new build projects are designed to meet current building regulations and incorporate, where possible, daylight sensitive lighting controls, natural ventilation, sustainable drainage, rainwater harvesting, and other measures that save energy and reduce running costs. Use is increasingly being made of modular construction methods, which reduce time on site, help minimise waste and meet requirements for improved air tightness. Where refurbishments, such as the Schools Capital Refurbishment Programme and Day Service Review, are being undertaken, every opportunity is taken to upgrade the buildings and services to meet the current regulations and reduce future energy use.</p>				
Indicator	Maximise or	Actual Versus Target	Trend Chart	Improvements

	Minimise			
Total Emissions - Excluding Transport (tonnes)	Aim to Minimise	Actual 98,172 Target Data only	 <p>Target (Years)</p>	Increase compared to 2011/12 due to a colder winter

Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements
CO2 emissions from Council buildings	Aim to Minimise	Actual 73,400 Target Data only	 <p>Target (Years)</p>	Increase compared to 2011/12 due to a colder winter

Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements
Emissions from street lighting , traffic signals and signs	Aim to Minimise	Actual 24,772 Target Data only	 <p>Target (Years)</p>	

10 October 2013**Agenda Item:****REPORT OF THE SERVICE DIRECTOR FOR TRANSPORT, PROPERTY AND
ENVIRONMENT****PERFORMANCE REPORT – WASTE MANAGEMENT – 2012/13 OUT-TURN****Purpose of the Report**

1. This report provides information to the Committee on the performance of the Waste Management Group (WMG) in performing its role as statutory Waste Disposal Authority (WDA) for Nottinghamshire.

Information and Advice

2. Waste management is a service area within the County Council which is used by every one of the County's 780,000 residents. The WMG manages around 383,000 tonnes of Local Authority Collected Waste every year, of which around 77,000 tonnes is delivered to the network of 14 Household Waste Recycling Centres (HWRC) and 306,000 tonnes is collected through bring sites, and from residential properties and businesses, by the seven District and Borough Councils in Nottinghamshire in their role as statutory Waste Collection Authorities (WCA). Disposal of trade waste collected by the WCA is paid for by the businesses using the service. The following table shows a breakdown of these waste flows:

Facility	Tonnage (t)
Eastcroft (Lines one and two)	60,000
Landfill (districts)	138,000
Recycling (districts)	77,000
Composting (districts)	31,000
HWRCs	77,000
TOTAL	383,000

3. The County Council has a long term (to 31 March 2033) Private Finance Initiative (PFI) contract with Veolia Environmental Services (VES) to manage the bulk of this waste, including operating the HWRC network, operating and maintaining the Material Recovery Facility (MRF) at Mansfield, and providing composting services and waste disposal arrangements, the latter through a subcontract for landfill provision with the company known as FCC.
4. 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 the Eastcroft Energy from Waste (EfW) plant to dispose of residual waste, and with SRCL Limited for the disposal of separately collected clinical waste.

5. In addition the Council works extensively with the WCA, VES and Schools through its Schools Waste Action Club (SWAC) programme to minimise the amount of waste collected and maximise the levels of recycling and composting through targeted campaigns and initiatives.
6. All of these contracts and initiatives operate together, at an annual cost of circa £30m, to provide the overall waste management service, and deliver levels of performance detailed in the performance report presented to Committee in **Appendix 1** attached to this report.

Summary of Performance

7. **Appendix 1** shows levels of performance for the service area for the period 2012/13.
8. The national “WasteDataFlow” reporting system is used to manage waste data submitted by all WCA and WDA in England, and outturn data is only available three months after the quarter end. Quarter 1 data for 2013/14 is submitted at the end of September, and will be reported to the first available Committee.
9. Overall the service is performing satisfactorily in the current difficult financial climate. In particular exceptional recycling levels (averaging over 80%) and customer satisfaction scores (98%) at the HWRC reflect the quality of the service provided through the PFI contract with VES.

Analysis

10. Overall recycling and composting levels for the County have been static for the last few years and are below target for 2012/13. This is due to a number of factors including the introduction of charges for green waste collections in Rushcliffe and more particularly Mansfield reducing the level of kerbside recycling and composting from 2010/11 levels. Improved levels of HWRC performance have helped maintain the overall recycling levels at around 43%. Individual recycling and composting rates are shown below:

	ADC %	BBC %	BDC %	GBC %	MDC %	N&SDC %	RBC %	HWRC %	Overall %
10/11	34	43	23	37	41	26	54	72	43
11/12	34	42	23	37	39	26	51	75	43
12/13	34	41	22	36	36	24	51	80	43

11. It should be noted that the two lowest performing authorities, Bassetlaw and Newark and Sherwood do not collect green waste at the kerbside hence their recycling and composting levels are substantially below those of most of the other councils in the county.
12. Options are currently being developed to incentivise kerbside green waste collections, particularly in the areas with the lowest performance, which will help to improve and equalise recycling and composting rates, minimise waste going to landfill, and reduce waste disposal costs. Details of these options will be reported to committee as part of the budget proposals later in the year.

13. Municipal waste landfilled out-turns are above target due to the extended shut down of the Eastcroft Energy from waste plant in summer 2012. The summer 2013 shutdown has however gone to plan and this target is therefore on track to be met in 2013/14.
14. The service continues to work with a range of providers to minimise the amount of waste sent to landfill, and protect the authority from the impacts of Landfill Tax, which is currently increasing at £8/tonne/annum (equating to an additional annual budget requirement of £1.2m). This includes undertaking popular Love Food Hate Waste roadshows, and school visits at the MRF.
15. The Council continues to maintain exceptionally high levels of customer satisfaction at the HWRC sites (98%) and is currently implementing a rebranding and improved signage and information scheme county wide, including renaming the HWRC to "Recycling Centres", and working with Veolia to extend the range of reuse and recycling facilities available.

Other Options Considered

16. None – this is an information report.

Reasons for Recommendations

17. Waste management is a significant area of spend for the Council, and has a major impact on the environmental and economic well being of the County. It is essential therefore that the Environment and Sustainability Committee is fully briefed on issues which impact on the delivery of the service.

Statutory and Policy Implications

18. 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

19. The monitoring of service performance will ensure that the circa £30m spent on waste management in Nottinghamshire every year will be used efficiently and effectively.

Implications for Service Users

20. The continued investment in waste management will ensure that quality standards are maintained and appropriate services provided to meet local needs.

Recommendation

21. That Committee note the contents of the report.

Mick Allen
Group Manager, Waste and Energy Management

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

Constitutional Comments

22. This report is for noting only.

Financial Comments

23. This report is for noting only. There are no direct financial implications contained in the report.

Background Papers

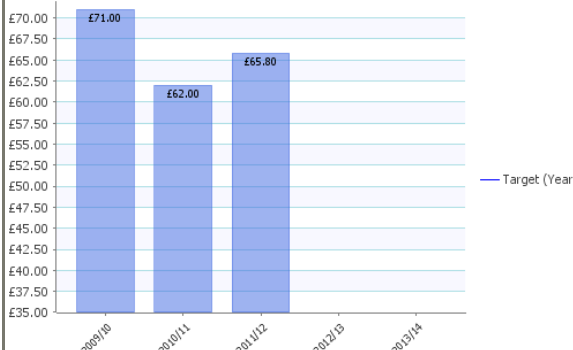
None.

Electoral Divisions


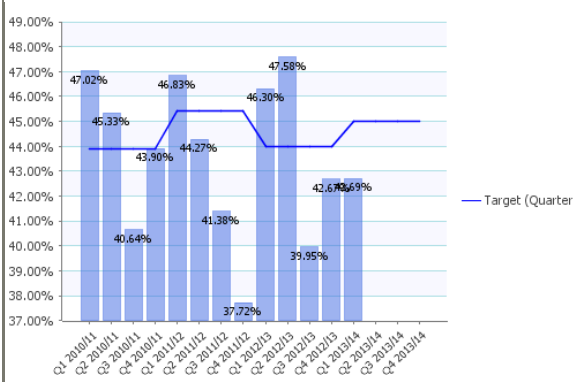
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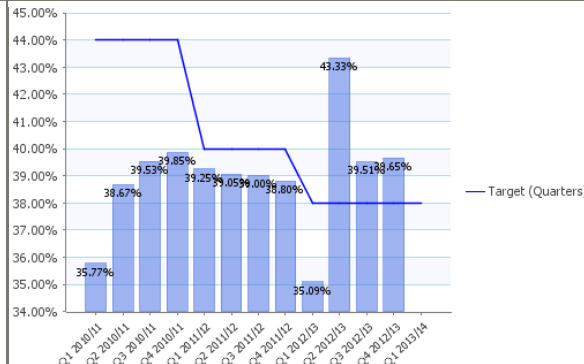
Appendix 1 - Waste Management Performance Report 2012/13 Out-turn


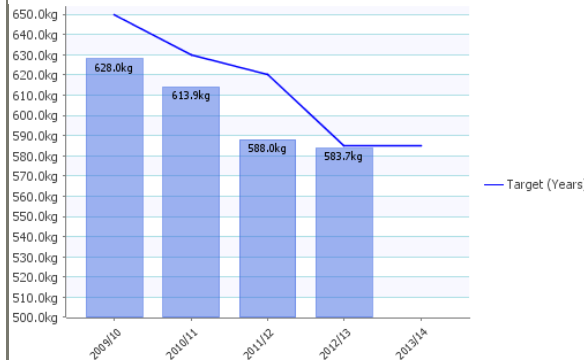
FINANCIAL


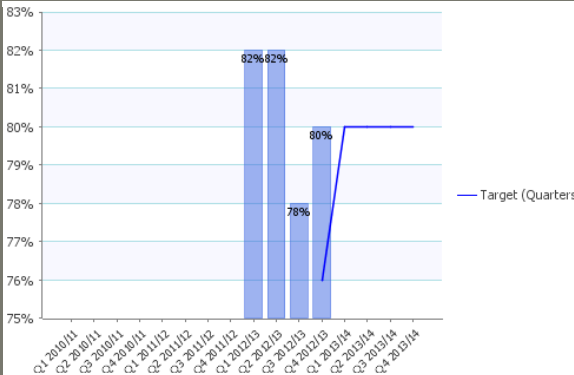
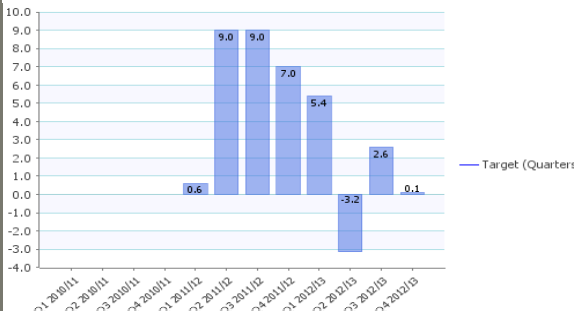
Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements												
Municipal waste disposal costs	Aim to Minimise	<p>Actual £65.80</p> <p>Target No Target</p>	 <table><caption>Municipal waste disposal costs (£)</caption><thead><tr><th>Year</th><th>Actual</th><th>Target</th></tr></thead><tbody><tr><td>2009/10</td><td>£71.00</td><td>No Target</td></tr><tr><td>2010/11</td><td>£62.00</td><td>No Target</td></tr><tr><td>2011/12</td><td>£65.80</td><td>No Target</td></tr></tbody></table>	Year	Actual	Target	2009/10	£71.00	No Target	2010/11	£62.00	No Target	2011/12	£65.80	No Target	<p>The Council is working with Veolia on a number of waste minimisation projects (such as Love Food Hate Waste) in order to ensure as little waste as possible is generated in the County, and developing a Revised Project Plan to the PFI waste contract to minimise the amount of waste sent to landfill to protect the council from exposure to landfill tax increases.</p>
Year	Actual	Target														
2009/10	£71.00	No Target														
2010/11	£62.00	No Target														
2011/12	£65.80	No Target														

PERFORMANCE


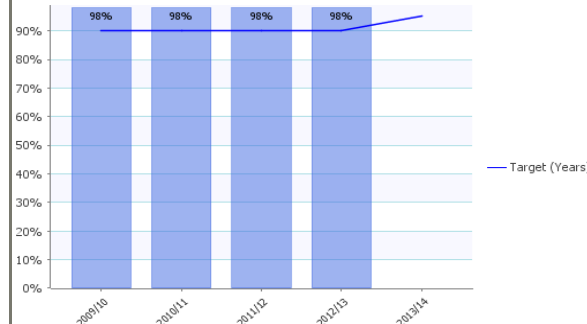
Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements																																													
Percentage of household waste sent for reuse, recycling and composting	Aim to Maximise	<div><div>Actual</div><div>42.69%</div><div>Target</div><div>45.00%</div><div></div></div>	 <table><caption>Percentage of household waste sent for reuse, recycling and composting (%)</caption><thead><tr><th>Quarter</th><th>Actual</th><th>Target</th></tr></thead><tbody><tr><td>Q1 2010/11</td><td>47.02%</td><td>No Target</td></tr><tr><td>Q2 2010/11</td><td>45.33%</td><td>No Target</td></tr><tr><td>Q3 2010/11</td><td>43.90%</td><td>No Target</td></tr><tr><td>Q4 2010/11</td><td>40.64%</td><td>No Target</td></tr><tr><td>Q1 2011/12</td><td>46.83%</td><td>No Target</td></tr><tr><td>Q2 2011/12</td><td>44.27%</td><td>No Target</td></tr><tr><td>Q3 2011/12</td><td>41.38%</td><td>No Target</td></tr><tr><td>Q4 2011/12</td><td>37.22%</td><td>No Target</td></tr><tr><td>Q1 2012/13</td><td>46.30%</td><td>No Target</td></tr><tr><td>Q2 2012/13</td><td>47.58%</td><td>No Target</td></tr><tr><td>Q3 2012/13</td><td>39.95%</td><td>No Target</td></tr><tr><td>Q4 2012/13</td><td>42.67%</td><td>No Target</td></tr><tr><td>Q1 2013/14</td><td>42.69%</td><td>No Target</td></tr><tr><td>Q2 2013/14</td><td>42.69%</td><td>No Target</td></tr></tbody></table>	Quarter	Actual	Target	Q1 2010/11	47.02%	No Target	Q2 2010/11	45.33%	No Target	Q3 2010/11	43.90%	No Target	Q4 2010/11	40.64%	No Target	Q1 2011/12	46.83%	No Target	Q2 2011/12	44.27%	No Target	Q3 2011/12	41.38%	No Target	Q4 2011/12	37.22%	No Target	Q1 2012/13	46.30%	No Target	Q2 2012/13	47.58%	No Target	Q3 2012/13	39.95%	No Target	Q4 2012/13	42.67%	No Target	Q1 2013/14	42.69%	No Target	Q2 2013/14	42.69%	No Target	<p>Figure is the final 2012- 13 figure. The performance was adversely affected by poor weather conditions in the second half of the 2012-13 year affecting green waste arisings, and a reduction in recycling by district councils.</p> <p>QTR 1 figure for 2013-14 becomes available in October 2013 once all district councils have submitted their figures to the Environment Agency. The target will prove challenging if weather conditions continue to adversely affect performance, however new green waste collections within Newark & Sherwood should help.</p>
Quarter	Actual	Target																																															
Q1 2010/11	47.02%	No Target																																															
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Q2 2013/14	42.69%	No Target																																															

Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements																												
Municipal waste land filled	Aim to Minimise	<div><div>Actual</div><div>39.65%</div><div>Target</div><div>38.00%</div><div></div></div>	 <table><caption>Quarterly Data for Municipal waste land filled</caption><thead><tr><th>Quarter</th><th>Percentage</th></tr></thead><tbody><tr><td>Q1 2010/11</td><td>35.77%</td></tr><tr><td>Q2 2010/11</td><td>38.67%</td></tr><tr><td>Q3 2010/11</td><td>39.53%</td></tr><tr><td>Q4 2010/11</td><td>39.85%</td></tr><tr><td>Q1 2011/12</td><td>39.25%</td></tr><tr><td>Q2 2011/12</td><td>39.05%</td></tr><tr><td>Q3 2011/12</td><td>39.00%</td></tr><tr><td>Q4 2011/12</td><td>38.80%</td></tr><tr><td>Q1 2012/13</td><td>35.09%</td></tr><tr><td>Q2 2012/13</td><td>43.33%</td></tr><tr><td>Q3 2012/13</td><td>39.51%</td></tr><tr><td>Q4 2012/13</td><td>39.65%</td></tr><tr><td>Q1 2013/14</td><td>39.65%</td></tr></tbody></table>	Quarter	Percentage	Q1 2010/11	35.77%	Q2 2010/11	38.67%	Q3 2010/11	39.53%	Q4 2010/11	39.85%	Q1 2011/12	39.25%	Q2 2011/12	39.05%	Q3 2011/12	39.00%	Q4 2011/12	38.80%	Q1 2012/13	35.09%	Q2 2012/13	43.33%	Q3 2012/13	39.51%	Q4 2012/13	39.65%	Q1 2013/14	39.65%	<p>This Figure is the final 2012-13 figure. Qtr 1 2013-14 figures will be available from October 2013, once district councils have submitted their figures to the Environment Agency. The service is fairly confident that the target for 2013/14 will be achieved.</p>
Quarter	Percentage																															
Q1 2010/11	35.77%																															
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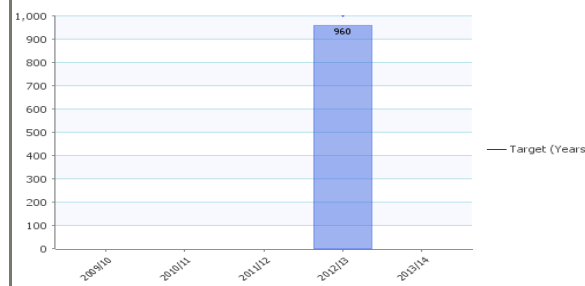
Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements												
Residual household waste (per household)	Aim to Minimise	<div><div>Actual</div><div>583.7kg</div><div>Target</div><div>585.0kg</div><div></div></div>	 <table><caption>Annual Data for Residual household waste</caption><thead><tr><th>Year</th><th>Weight (kg)</th></tr></thead><tbody><tr><td>2009/10</td><td>628.0kg</td></tr><tr><td>2010/11</td><td>613.9kg</td></tr><tr><td>2011/12</td><td>588.0kg</td></tr><tr><td>2012/13</td><td>583.7kg</td></tr><tr><td>2013/14</td><td>583.7kg</td></tr></tbody></table>	Year	Weight (kg)	2009/10	628.0kg	2010/11	613.9kg	2011/12	588.0kg	2012/13	583.7kg	2013/14	583.7kg	Figure is final figure for 2012-13. Performance is better than target, due to increased recycling and composting performance at the Household Waste Recycling Centres, campaigns such as 'love food hate waste' and the general downturn in the economy.
Year	Weight (kg)															
2009/10	628.0kg															
2010/11	613.9kg															
2011/12	588.0kg															
2012/13	583.7kg															
2013/14	583.7kg															

Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements
% composted and recycled at HWRC	Aim to Maximise	<p>Actual 80%</p> <p>Target 76%</p> 		The target has been exceeded, predominantly due to good green waste growing period in June/July last year.
Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements
Municipal waste land filled (percentage change) (KPI)	Goldilocks	<p>Actual 0.1%</p> <p>Target No Target</p>		<p>Figure is final 2012-13 figure.</p> <p>This measure to be reviewed as part of the Strategic Plan refresh to be approved in September.</p> <p>Recommend to remove</p>

CUSTOMER SATISFACTION

Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements																		
% satisfied with local tips/Household Waste Recycling Centres (HWRCs)	Aim to Maximise	<div><div>Actual</div><div>98%</div><div>Target</div><div>90%</div><div></div></div>	 <table><caption>Customer Satisfaction Data</caption><thead><tr><th>Year</th><th>Actual (%)</th><th>Target (%)</th></tr></thead><tbody><tr><td>2009/10</td><td>98%</td><td>90%</td></tr><tr><td>2010/11</td><td>98%</td><td>90%</td></tr><tr><td>2011/12</td><td>98%</td><td>90%</td></tr><tr><td>2012/13</td><td>98%</td><td>90%</td></tr><tr><td>2013/14</td><td>-</td><td>90%</td></tr></tbody></table>	Year	Actual (%)	Target (%)	2009/10	98%	90%	2010/11	98%	90%	2011/12	98%	90%	2012/13	98%	90%	2013/14	-	90%	The Council is working with Veolia to improve signage and information through the HWRC service to make the sites even more accessible for customers, and is seeking to extend the range of reuse and recycling facilities available at the sites (paint reuse service extensions, cooking oil bank installation). Given the current exceptional levels of customer satisfaction, off-site satisfaction surveys are currently being piloted to capture resident's views away from the sites, including the views of non-users.
Year	Actual (%)	Target (%)																				
2009/10	98%	90%																				
2010/11	98%	90%																				
2011/12	98%	90%																				
2012/13	98%	90%																				
2013/14	-	90%																				

MEDIA COVERAGE

Indicator	Maximise or Minimise	Actual Versus Target	Trend Chart	Improvements																		
Number of composters sold - cumulative	Aim to Maximise	<div><div>Actual 960</div><div>Target 1,000</div><div></div></div>	 <table><caption>Media Coverage Data</caption><thead><tr><th>Year</th><th>Actual</th><th>Target</th></tr></thead><tbody><tr><td>2009/10</td><td>0</td><td>1,000</td></tr><tr><td>2010/11</td><td>0</td><td>1,000</td></tr><tr><td>2011/12</td><td>0</td><td>1,000</td></tr><tr><td>2012/13</td><td>960</td><td>1,000</td></tr><tr><td>2013/14</td><td>0</td><td>1,000</td></tr></tbody></table>	Year	Actual	Target	2009/10	0	1,000	2010/11	0	1,000	2011/12	0	1,000	2012/13	960	1,000	2013/14	0	1,000	Increased sales in QTR4 due to newspaper advertisements by Bassetlaw DC in January.
Year	Actual	Target																				
2009/10	0	1,000																				
2010/11	0	1,000																				
2011/12	0	1,000																				
2012/13	960	1,000																				
2013/14	0	1,000																				

10 October 2013

Agenda Item:

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE

PLANNING OBLIGATIONS STRATEGY REVIEW – TARGETED CONSULTATION

Purpose of the Report

1. To seek Committee approval for the review of the Planning Obligations Strategy and to allow a four week period of public consultation.

Information and Advice

2. The Planning and Compulsory Purchase Act 2004 (as amended), makes provision for voluntary legal agreements to be entered into with developers/landowners as part of a grant of planning permission. These agreements are known by a variety of names: Section 106 agreements, planning contributions, planning obligations and developer contributions.
3. When developments take place, they frequently bring with them impacts on the local physical and social infrastructure, which must be addressed to make the development acceptable both in planning terms and to society in general. Planning contributions can be used to overcome these impacts, thereby enabling development schemes to go ahead that might otherwise be refused permission.
4. In March 2007 the County Council approved a Planning Contributions Strategy (PCS) for Nottinghamshire. The 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.
5. The strategy contains information relating to archaeology, education, libraries, minerals and waste, natural heritage, and transport in the form of tables which outline the circumstances in which planning contributions are likely to be required and the levels of contributions which will be sought. There is a requirement to review the strategy on a regular basis to ensure that both the costs of providing infrastructure and services, plus any new guidance regarding planning contributions are accurately included.
6. This strategy was subsequently updated in 2008 and 2010 to include updated information.

Review of the Planning Contribution Strategy

7. Since the last update to the Planning Contributions Strategy in 2010, the Government has significantly changed the planning system with the introduction of the National Planning Policy Framework (NPPF) and the abolition of the Regional Spatial Strategy for the East Midlands (RSS).
8. Paragraphs 203-206 of the NPPF set out guidance on the use of planning obligations and the tests which should be applied. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. However planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations should only be sought where they are:
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
9. The Planning Contributions Strategy has been renamed to reflect the new approach and will be called the 'Planning Obligations Strategy', all references to the RSS have been removed from the document and the text in the main body of the strategy has been updated to reflect these significant changes nationally.
10. Three new sections have been incorporated into the draft document:
 - Community Infrastructure Levy (CIL); which addresses this new mechanism for raising financial contributions for strategic items;
 - Viability; which sets out the County Council's position on this issue;
 - Implementation, monitoring and legal charges; which seeks a charge towards the administration of the Section 106 agreements which includes monitoring, undertaking site visits and chasing up outstanding payments.
11. Overall the strategy has been simplified to facilitate an 'easier read' including updates to each section in the appendices relating to specific service requirements.
12. The draft Planning Obligations Strategy can be found in Appendix 1.

Next Steps

13. If Committee approve the draft Planning Obligations Strategy it will be published to allow a period of targeted consultation involving Nottinghamshire district/borough Councils, developers, agents and other interested parties. The proposed consultation period is to run for a period of four weeks between 16 October and 13 November 2013.

Other Options Considered

14. The only other option would be to not update the current strategy however, it is significantly out of date and does not reflect current national guidance.

Reason/s for Recommendation/s

15. To seek approval to undertake a four week period for representations on the Draft Planning Obligations Strategy.

Statutory and Policy Implications

16. 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

17. 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

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

RECOMMENDATION/S

- 1) It is recommended that the Committee approves:
 - a) The publication of the draft Planning Obligations Strategy for a period of 4 weeks targeted consultation;
 - b) Authority to be given to the Chairman in consultation with the Group Manager to make any final minor changes required, e.g. typographical errors, prior to consultation.

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

For any enquiries about this report please contact: Lisa Bell, Planning Policy Team Manager, ext 74547

Constitutional Comments (SHB 12.09.13)

19. Committee have power to decide the Recommendation.

Financial Comments (SEM 06/09/13)

20. 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



**Nottinghamshire
County Council**

Planning Obligations Strategy

Draft for Consultation

October 2013

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INTRODUCTION

1.1 When developments take place, they frequently bring with them impacts on the local physical and social infrastructure, which must be addressed to make the development acceptable both in planning terms and to society in general. The purpose of this document is to set out clearly the standard requirements the County Council may seek in association with new developments, to mitigate against the impact of these upon the services which it provides. These standards apply to the following services:

- Archaeology
- Education
- Libraries
- Minerals
- Natural Environment
- Transport
- Waste

Further information on these requirements can be found in Appendix 1 to 7

1.2 The strategy seeks to provide a fair, consistent and transparent basis for negotiating legal agreements throughout Nottinghamshire, thereby enabling developers to take into account the potential costs of a proposed development at the earliest stage. The highway and transport infrastructure required from new development will continue to be negotiated on a site-by-site basis.

1.3 This document should be read in conjunction with any Supplementary Planning Documents and Local Plan Policies produced by the County Council and District/Borough Councils.

1.3 The County Council will provide a detailed justification/explanation of any contributions it seeks. The charges detailed later in this document illustrate the range of facilities which may be expected from developers as a consequence of the development. Developers will be expected to enter into a Section 106 legal agreement with the local planning authority regarding the contributions sought or will be obliged through a planning condition to deliver the on-site infrastructure requirements.

1.4 The charges may be revised to account for inflation, changes in national guidance/ standards and any other material considerations, as required.

STATUS OF THIS DOCUMENT

- 2.1 This Planning Obligations Strategy is a revision of the County Council's Planning Contributions Strategy, which was originally published in 2007 following a period of consultation. The document incorporates recent changes introduced at a national level such as the National Planning Policy Framework (NPPF) and the Community Infrastructure Levy (CIL) and the Government's wish for local authorities to adopt a flexible approach to planning contributions, to enhance developments' viability and thus to encourage development to come forward.
- 2.2 Whilst this document has no statutory status, it is a material consideration in the determination of planning applications and if development proposals do not comply, the strategy may be used as a reason or reasons for the refusal of planning permission by a Local Planning Authority.
- 2.3 Following this consultation, comments received will be incorporated into this strategy (where appropriate) and it will be adopted by Nottinghamshire County Council as a statement of Council policy.

PURPOSE, USE AND APPLICATION OF PLANNING OBLIGATIONS

- 3.1 Planning law recognises that it is reasonable to expect that developers should pay for, or contribute towards, the costs of services, infrastructure or resources that would not have been necessary but for their development.
- 3.2 Planning obligations can be secured through a voluntary legal agreement with developers/landowners as part of the granting of planning permission (Section 106 agreements) and can be used to overcome the otherwise harmful impacts of a development and therefore enable a development to go ahead which might otherwise have been refused; and to enhance the quality of development as a whole.
- 3.3 Legal agreements and any planning contributions run with the land in the same way that a planning permission does. This means that they are enforceable against the developer who originally entered into the agreement and any subsequent person acquiring an interest in that land. These legal agreements must be registered as a land charge and will form part of the planning register, available for public inspection.
- 3.4 Contributions/obligations can be in monetary form, as one-off payments or phased to a set schedule, or as contributions in kind such as the provision of land. Contributions can be used to cover for on-going maintenance and management, they can also be pooled to a limited extent or commuted for use off site.
- 3.5 If a legal agreement makes provision for a commuted sum to be paid to the Local Planning Authority (LPA), the money must be spent within a reasonable time frame. This period is usually five years but may be longer, if deemed appropriate. If the money is not spent within the agreed period, the developer would be reimbursed with the outstanding amount, together with any interest accrued. More generally, and in order to ensure that planning obligations provide for the actual costs of the infrastructure they are levied for, all financial contributions agreed in legal agreements will be appropriately index-linked to reflect increases in build costs between the date the agreement is signed and the actual delivery date of the service or facility.
- 3.6 This strategy sets out the likely level of planning obligations which will be sought in relation to Nottinghamshire County Council functions and services. However, it is acknowledged that the ability to levy contributions on a proposed development is directly related to that development's overall financial viability, which in turn can be adversely affected by negative market conditions, such as a recession. In such circumstances, Nottinghamshire County Council would encourage open discussions with the developer and the LPA to achieve the most satisfactory outcome, without an undue burden being placed on any body.

NOTTINGHAMSHIRE CONTEXT

- 4.1 Within Nottinghamshire (excluding Nottingham City which is a Unitary Authority), a two-tier system of local government applies. The County Council is responsible for the provision of certain services, such as Education, Libraries, Highways and Waste Disposal. Other services, such as the provision of affordable housing and waste collection, fall to the county's seven district and borough councils. In a planning context, the county's district and borough councils are the Local Planning Authority (LPA) for the vast majority of planning applications, and are ultimately responsible for granting planning consents and deciding what requirements should be placed upon a developer through planning conditions and any other contributions.
- 4.2 The County Council has a statutory duty to prepare Minerals and Waste Local Plans and is responsible for determining planning applications for waste and mineral developments and some County Council developments.

PLANNING POLICY CONTEXT

National

- 5.1 The National Planning Policy Framework (NPPF) is the Government's overarching national planning guidance and uses the term planning obligations which are "A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal."
- 5.2 Paragraphs 203-206 of the NPPF set out guidance on the use of planning obligations and the tests which should be applied. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. However planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations should only be sought where they are:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 5.3 Furthermore planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects. The NPPF seeks to ensure that obligations allow development to proceed in a viable manner, taking into account market conditions.

Local

- 5.4 Local Plans across Nottinghamshire are at varying stages of preparation and in varying formats. Adopted plans along with any saved policies often contain policies on planning contributions. In addition several Local Planning Authorities have Supplementary Planning Documents (SPD) covering planning obligations on a range of range of issues which may relate to district matters, such as affordable housing or open space provision, as well as County Council responsibilities. This document will sit alongside existing SPD's and provide up to date information relating to the County Council's responsibilities. This document will also inform the preparation or review of any new SPD's by the Local Planning Authorities.
- 5.5 The County Council is the responsible body for minerals and waste planning in the County. Requirements for minerals and waste are included in this document.

COMMUNITY INFRASTRUCTURE LEVY

- 6.1 Running alongside the more established section 106 agreements the Community Infrastructure Levy (CIL) is a mechanism which raises financial contributions from developments to fund infrastructure. Unlike S106, the CIL has a wider application funding more strategic items of infrastructure. Newark and Sherwood District Council were the first Nottinghamshire Local Authority to introduce a CIL on new development, with further districts/boroughs likely to follow.
- 6.2 These “charging authorities” for CIL will, as part of preparing Local Plans for their areas, identify the infrastructure needs to support planned growth (including those related to County Council functions or services) for which the levy may be collected. This list of requirements is known as the Regulation 123 list.
- 6.3 The charging authorities must publish their CIL proposals in a charging schedule. CIL is generally charged in pounds per square metre on the net increase in floor space of any given development. Rates set by the levy must be sensitive to the economic viability of a development and this may be reflected in the CIL being set at differential rates across a charging authority’s area.
- 6.4 The CIL regulations have and continue to be revised by the Government as part of reforms to planning obligations in general. The Government aims to limit the pooling of Section 106 contributions for individual items of infrastructure, with the aim that CIL should fulfil this role, leaving Section 106 monies for more local and site specific measures. Where CILs are in place, requests for Section 106 contributions remain valid so long as they do not represent ‘double-counting’ of services and facilities to be provided by any local CIL.
- 6.5 The County Council is not a ‘charging authority’ and will not have a CIL Charging Schedule, however the County Council can be a ‘collecting authority’ and receive funding from CIL charged by local planning authorities in order to fund strategic infrastructure and services.
- 6.6 The County Council will work with Nottinghamshire’s District and Borough Councils where they have decided to establish a CIL for their area, to ensure that their infrastructure development plans account fully for the implications of future development on County Council services such as schools and highways and that, where appropriate, the costs of these are built into each Local Planning Authority’s CIL Charging Schedule and detailed on the Regulation 123 list.

- 6.7 The Government requires increased community 'buy-in' to the CIL by redistributing a proportion of the funds raised, to local communities. In addition the County Council will work with local communities to assist in identifying community infrastructure needs and their effective provision.

DEVELOPMENT VIABILITY

- 7.1 The County Council appreciates that the economic downturn has significantly increased developer caution and the assessment of increased financial risks in bringing sites forward for development.
- 7.2 At the same time there has been a significant reduction in the level of public funding available to deliver infrastructure necessary for local communities. It is acknowledged that the ability of development to meet the shortfall in public funding and provide improvements to the amenities of an area is therefore very stretched. The result of these pressures has been that two key new issues are fundamental to any planning promotion: sustainability and viability.
- 7.3 The National Planning Policy Framework (paragraph 17) makes it clear that Local Planning Authorities should “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. It goes on to state that Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 7.4 It is clear that a balance needs to be struck between economic growth and ensuring that new developments do not have an adverse impact on existing and future communities.
- 7.5 The County Council will work with developers and Local Planning Authorities by considering the use of flexible trigger points for payment of contributions which in some circumstances could help ensure developments remain viable.
- 7.6 The County Council will require clear, transparent and independent evidence to be provided where viability is cited by a developer as a reason for not providing contributions to the levels required. Nevertheless, the County Council considers that the costs incurred in delivering a sustainable, high quality development which does not negatively impact on infrastructure and services for existing and future communities are reasonable and should be met for the development, otherwise the development will be unacceptable.
- 7.7 The County Council recognises that it is the District and Borough Councils (in most circumstances) who will determine the applications. In circumstances where Local Planning Authorities do not accept the County Council’s full request for developer contributions, overage (“claw-back”) will be expected to be incorporated into any agreement.

IMPLEMENTATION, MONITORING AND LEGAL CHARGES

- 8.1 The County Council's Planning Contributions team within the Planning Policy section of the Policy, Planning and Corporate Services Department provides a single point of contact within the County Council for developers and LPAs regarding planning contribution issues. The team also monitors the receipt and subsequent use of all planning contributions received by the County Council in order that a clear audit trail can be established between the two.

Legal Charges

- 8.2 The County Council will recharge its legal costs incurred in agreeing planning obligations, these are payable for work done regardless of whether agreements are ultimately completed. Legal fees will be recharged on a time expended basis.

Administration Charges

- 8.3 In addition to the legal charges the County Council will seek a charge towards the administration of the Section 106 agreements which includes monitoring, undertaking site visits and chasing up outstanding payments. The charge will be levied at a rate of £300 per obligation on all schemes involving the phasing of payments. Where the contributions are payable on commencement of the scheme, no administration charge will be sought.
- 8.4 On major strategic housing sites a higher charge may be sought to reflect the complexities of the Section 106 agreement and the additional work involved in monitoring.
- 8.5 The administration charge will be payable on commencement of the development.
- 8.6 For further information on Planning Obligations, please contact the Planning Policy team on 01159773793 or at development.planning@nottsc.gov.uk

ARCHAEOLOGY PROVISION

In its role as advisor in relation to archaeology, the County Council seeks to increase awareness of the importance of archaeological assets, and to protect them wherever possible. Whilst there are over 8,000 archaeological sites and historic features across the County, new sites continue to be discovered, often as a result of development activities. It is therefore important that measures are taken when planning permission is granted to investigate, record, analyse and protect this non-renewable asset.

Whilst a lot of matters relating to archaeology can be subject to a planning condition, there will be circumstances when a legal agreement is required.

Current guidance	<ul style="list-style-type: none"> National Planning Policy Framework PPS5: Planning for the Historic Environment: Historic Environment Planning Practice Guide
Type of facilities for which provision may be required	<ul style="list-style-type: none"> Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remains; Provision for site management, interpretation schemes and public access; Provision of open space, to protect archaeological remains that are of sufficient importance to warrant preservation in situ, and the maintenance of the open space to prevent any form of ground disturbance.
Type of development which may trigger need	<ul style="list-style-type: none"> All development which may have an impact on archaeologically sensitive structures or locations. (The extent of the interest must be located and defined through a field evaluation)
Form in which contributions should be made	<ul style="list-style-type: none"> Commissioning of relevant programme of work; Safeguarding of archaeological interest or provision for excavation, recording and archiving.
Does a threshold apply?	<ul style="list-style-type: none"> No threshold. (If sensitive site affected, it applies to all development proposals)
Location for application	<ul style="list-style-type: none"> Throughout Nottinghamshire (detailed information on sensitive areas will be provided by the County Archaeologist).

EDUCATION PROVISION

The County Council has a statutory responsibility for Education provision in the County for children between the ages 5 and 16 years. It works with other partners to provide 16 – 19 year places many of which are integrated in 11 – 19 year schools. The 'Raising of the Participation Age' initiative is fully implemented and as such there is now a greater post-16 demand. In addition the County Council has a statutory duty to ensure a sufficiency of pre-school places (e.g. Play Group and/or Nursery provision) for children aged three and four. There is also a duty to ensure places for certain 2 year olds. Contributions for pre-school provision may be required either for existing pre-schools or purpose built new facilities on a separate site, possibly shared with a school. Existing playgroups and nurseries (including private facilities) will be taken into account.

The Education Act 2006 gives the County Council the duty to secure sufficient places in its area. Subsequent legislation has created a platform for the development of a more diverse and more locally accountable school system, supported by a wider range of providers than in the past, particularly by academy trusts and sponsors.

Whilst education provision is a statutory function of the County Council, the government do not provide monies to accommodate pupils generated as a result of new development as a matter of course. Where there is a lack of funding available through developer contributions, the County Council has to make a case to the Government demonstrating that every effort has been made to secure appropriate contributions from the developer.

The County Council is, under the Education Act 2006 (as amended by the Academies Act 2010), a commissioner rather than a provider of new schools. It has the duty to set out the characteristics of a school needed for a new community in order that providers may identify their capacity to provide that school. It has to provide the site and funds for such a school, although these will usually be expected to come from the developer(s). The County Council will usually procure the school building through its Official Journal of the European Union (OJEU) compliant contractor framework and will provide the new building for the successful provider to occupy.

The County Council's consideration of whether developer contributions towards education provision are required will be informed by the projected capacity figures. Empty places at a school do not necessarily equate to their being sufficient capacity at that school as it is generally accepted that schools should not operate at 100% of their capacity.

Where a new development is proposed in an area with sufficient projected capacity, no financial contribution will be required, however, where the proposed development would result in insufficient projected capacity, a contribution will be required.

If there is insufficient capacity to accommodate the increase in pupils likely to be generated by a development and the development itself cannot enable the necessary provision the County Council will raise objections to the development unless it is satisfied that suitable alternative provision can be made elsewhere.

It is in the interests of the developer (in terms of saleability of dwellings) to potential residents to ensure that schools are able to accommodate the additional pupils generated by their development.

Current guidance	<ul style="list-style-type: none"> National Planning Policy Framework; Policy Statement –Planning for schools development (DCLG 2011)
Type of facilities for which provision may be required	<ul style="list-style-type: none"> Sites for new schools; Construction costs of new schools; Contributions towards additional classrooms; Other building provision at existing schools (including additional grass/artificial turf sports pitches; Contributions to highway needs arising as a result of the development.
Type and size of development which may trigger need and what these will be used for	<ul style="list-style-type: none"> Developer contributions will be generated by residential development, which create extra demand at local schools (subject to a lack of existing capacity at the local catchment schools). Requests for contributions will be made for all residential developments of 10 dwellings and above. The contributions will be used for: <ul style="list-style-type: none"> Extending and/or improving existing schools and pre-school provision that serve the development; and/or Building a new school or pre-school facility where there is a significant housing proposal (see new school costs below). When building a new school the County Council will consider the wider community use of both the school buildings and playing fields.
The numbers of children generated by new developments	<ul style="list-style-type: none"> A development of 100 dwellings can be expected to generate 21 children of primary school age and 16 children of secondary school age; (Calculated on the numbers of children of primary and secondary school ages which developments can be expected to generate. Current figures are based on the 2001 Census which will be updated on the basis of the 2011 census when available later in 2014).

	<ul style="list-style-type: none"> The impact of individual developments on pupil numbers will be based pro-rata on the above figures to help calculate the appropriate level of planning contributions required.
What if there is spare capacity at the existing catchment schools?	<ul style="list-style-type: none"> Contributions will be required for every pupil place required in excess of the projected capacity (Calculations indicate that spare places will exist in the catchment primary and/or secondary school by the time the development can reasonably be expected to generate new demand for places, the requirement will be adjusted accordingly). Projected capacity will be calculated on the basis of: <ul style="list-style-type: none"> the school's existing net capacity; any planned changes to the school building stock affecting the school's net capacity calculation (a revised net capacity); pupil projections (revised annually on 1st November); and development with planning permission which will generate a need for pupil places (and which may itself have been subject to a contribution).
How are the costs calculated and what are they?	<ul style="list-style-type: none"> The costs of providing the extra room necessary at the local catchment schools are based on "cost per pupil place" cost multipliers provided to the County Council by the Department for Education (DfE), at a price base of April 2009. They reflect the actual costs of building extensions to schools and are adjusted to account for regional cost variations. Using the local census information to determine the numbers of children dwellings can be expected to generate, the DfE figures can be translated into standard costs per dwelling. The costs per school place are: <ul style="list-style-type: none"> £11,455 for primary education and £17,260 for secondary education. These figures will be updated as and when the DfE produces updated information. These figures are also index-linked from the date of the relevant legal agreement relating to the granting of planning permission to the PUBSEC Tender Price Index. The trigger point for payment of the contribution will usually be prior to the first occupation of the first dwelling built pursuant to the planning permission for the development generating the need. Where a development is to take place in phases over a period of time, it may be possible to phase the payment of contributions to reflect this.
Do any discounts apply?	<ul style="list-style-type: none"> The costs are calculated on the basis of a mix of housing types and are not discounted unless the development proposed is solely for apartment developments which are unsuitable for

	<p>families, or specialist units, such as those for the elderly;</p> <ul style="list-style-type: none"> • Where a development is solely for apartments, the contribution will be discounted for the 1 bed unit element of the development – the County Council will not require a contribution from these units; • There is no discount for developments which are solely or wholly for affordable/social housing, as evidence shows that these can reasonably be expected to generate at least as many children as private housing.
What about large developments which generate the need for a new school?	<ul style="list-style-type: none"> • The figures above are not applicable to situations where a new school is required. Where this is the case, the County Council may require land from the developer within the site, plus sufficient monies to build a new school; • The cost of the new school will depend upon its required size, any relevant building standards requirements and issues relating to the proposed site itself; • The County Council will make every reasonable effort to minimise the cost of providing the new school and will usually provide the developer with the option of building the new school, subject to meeting the required standards.
Form in which contributions should be made	<ul style="list-style-type: none"> • Land where required, and either the costs of construction of buildings or work in kind, to the County Council's specification.

LIBRARY PROVISION

The County Council has a statutory responsibility under the terms of the 1964 Public Libraries and Museums Act, to provide “a comprehensive and efficient library service for all persons desiring to make use thereof”.

In Nottinghamshire, public library services are delivered through a network of library buildings and mobile libraries. These libraries are at the heart of the communities. They provide access to books, CDs and DVDs; a wide range of information services; the internet; and opportunities for learning and leisure.

The County Council has a clear vision that its libraries should be:

- modern and attractive;
- located in highly accessible locations
- located in close proximity to, or jointly with, other community facilities, retail centres and services such as health or education;
- integrated with the design of an overall development;
- of suitable size and standard for intended users.

Libraries need to be flexible on a day-to-day basis to meet diverse needs and adaptable over time to new ways of learning. Access needs to be inclusive and holistic.

Therefore contributions from developments which place demand on library services are required in order to maintain this statutory responsibility and vision for libraries.

Current guidance	<ul style="list-style-type: none"> National Planning Policy Framework;
What contributions could pay for	<ul style="list-style-type: none"> Sites for new libraries; Construction and fit out costs of new libraries; Construction and fit out costs of extensions/alterations to existing libraries; Stock costs.
Type and size of development which may trigger need	<ul style="list-style-type: none"> Residential (including student accommodation) of over 10 dwellings may trigger a requirement for a contribution; Where new development generates a need for additional library provision, a contribution will be required; The need for a contribution will be established by comparing the current capacity of the library and population it serves against the number of people likely to be generated by the new development; Where the existing library's capacity would be exceeded, a contribution will be required; The capacity of the library is determined using the standard set out in the “Public Libraries, Archives and New Development: A

	<p>Standard Charge Approach" (2008) Museums, Libraries and Archives document of a library space requirement of 30 sq metres per 1,000 population;</p> <ul style="list-style-type: none"> The catchment population of the library is identified by the home addresses of customers who borrow from that library using data from the Library Management System. For any postcode where the majority of customers use a specific library, that library will include that postcode in its catchment area.
Type and size of development which may trigger need	<ul style="list-style-type: none"> Residential (including student accommodation) of over 10 dwellings may trigger a requirement for a contribution; Where new development generates a need for additional library provision, a contribution will be required.
How are the costs calculated and what are they?	<ul style="list-style-type: none"> Where new development places demands on the library above its physical capacity, the following standard build cost charges will be applied: Building Costs (including stock): <ul style="list-style-type: none"> The basis for the calculation of building costs is derived from the Building Costs Information Service of the Royal Institute of Chartered Surveyors. The data provided by this service is for the total building and fitting out costs, including initial book stock etc and IT. For the East Midlands, at July 2008, this cost is quoted at £2,807 per sq metre. This does not include land value; In relation to residential developments, contributions are calculated on a recommended basis of 30 square metres of library provision per 1,000 population at £2,807 per sq metre, totalling £84,210. Thus, to provide for the physical expansion of a library to accommodate new demand arising from a new development (including new stock), £202.10 per dwelling (based on 2.4 occupants per dwelling) will be requested. Stock costs only: <ul style="list-style-type: none"> Where a library building is able to accommodate the extra demand created due to a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a "stock only" contribution will be sought; The National Library Standard upper threshold cites a recommended stock level of 1,532 items per 1,000 population. At an average price of £12.50 per stock item (based on Askews Library Services book prices at September 2012) total expenditure on new stock should be £19.150 per 1,000 population. Thus costs for the provision of stock only is as follows: £45.96 per dwelling (based on 2.4 occupants per dwelling)

Form in which contributions should be made	<ul style="list-style-type: none"> • Land, where required, and either: <ul style="list-style-type: none"> ○ The costs of construction of buildings for a new library; or ○ Extension to an existing one; or ○ Work in kind, to the County Council's specification and fitting out costs including initial book stock and IT; or ○ Contributions towards stock increases.
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MINERALS DEVELOPMENT

All minerals development, including both extraction and associated processing, could give rise to issues including highways, flood risk, landscape character and archaeological and ecological impact.

There are many areas where mineral extraction will continue to affect local communities. In order to ensure that a balance is struck between society's needs for minerals and the need to protect the local environment, measures need to be secured through legal agreements associated with planning permissions for minerals developments.

Current guidance	<ul style="list-style-type: none"> National Planning Policy Framework; Planning and minerals –practice guide (DCLG 2006)
Type of facilities for which provision may be required	<ul style="list-style-type: none"> Highway improvement and reinstatement works, lorry routing arrangements, off-site highway safety works; Off-site provision of landscaping, screening, noise attenuation measures, flood mitigation measures etc; Off-site monitoring of noise, dust, blasting impact; Financial guarantees for site restoration; Provision for extended aftercare; Long term management of restored sites; Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remains; Provision for habitat protection, enhancement, restoration and creation (off and on site); Safeguarding protected species and species of local biodiversity interest; Site interpretation; Public access; Associated community facilities and projects; Transfer of land ownership and associated management provisions.
Type of development which may trigger need	<ul style="list-style-type: none"> All minerals development, including both extraction and associated processing; Proposals typically give rise to issues in respect of impacts on highways and residential amenity, visual landscape and ecological impact; Site restoration provides opportunity for creation of habitats and features of landscape and ecological interest.
Form in which contributions should be made	<ul style="list-style-type: none"> Committed sums (for highways works); Establishment of trust funds (for long term management of restored sites, for example Quarry Products Association have a Restoration Guarantee Fund).

Does a threshold apply?	<ul style="list-style-type: none"> No threshold – obligations apply to all development proposals and will depend on specific circumstances.
Where does this apply?	<ul style="list-style-type: none"> All areas containing workable minerals reserves in Nottinghamshire.

NATURAL ENVIRONMENT

Biodiversity is a key test of sustainability in both rural and urban areas. Taking opportunities to protect, and where possible enhance, the natural environment is a key objective at national, regional and local level. Within Nottinghamshire, certain habitats and species have declined to such critical levels that they are now rarely found outside designated sites. Nottinghamshire County Council seeks measures to halt this decline, manage the current resource and restore past losses in order to promote sustainable development.

Whilst matters relating to the natural environment are usually subject to a planning condition, there may be circumstances when a legal agreement is required.

Current guidance	<ul style="list-style-type: none"> • National Planning Policy Framework; • Circular 06/2005 – Biological and Geological Conservation; • UK Biodiversity Action Plan; • Nottinghamshire Local Biodiversity Action Plan; • Nottinghamshire Landscape Guidelines; • Nottinghamshire Landscape Character Assessments.
Type of facilities for which provision may be required	<ul style="list-style-type: none"> • Mitigation measures; • Habitat protection, enhancement , restoration and creation (off and on site); • Landscaping; • Site management; • Site interpretation.
Type of development which may trigger need	<ul style="list-style-type: none"> • All development which may have an impact on ecological, geological or landscape sensitive features; • Specific locations will need to be assessed individually.
Form in which contributions should be made	<ul style="list-style-type: none"> • All capital costs of implementation, mitigation or compensation measures; and • Maintenance costs for a period to be agreed (for example, up to 10 years).
Does a threshold apply?	<ul style="list-style-type: none"> • No thresholds apply (If sensitive features or sites are affected, it applies to all development proposals)
Where does this apply?	<ul style="list-style-type: none"> • All ecologically / geologically sensitive features and locations in Nottinghamshire.

TRANSPORT

One of the core planning principles in the National Planning Policy Framework (NPPF) is to actively manage patterns of development growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable. The transport system should be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. All planning applications that propose developments that generate significant amounts of movement must be supported by a Transport Statement or Transport Assessment prepared in accordance with current Department for Transport guidance. In coming to a view as to whether a development is acceptable the County Council will take account of whether the opportunities for sustainable transport modes are sufficient for the nature and location of the site in order to reduce the need for major transport infrastructure.

In order to achieve sustainable development through integrated transport, the County Council will likely seek off-site public transport, cycling and walking measures, in the general area within which the development lies. These could include road based improvements such as crossings, footways, cycle routes, intelligent transport systems, public transport services, and bus priority measures. This may include general highway capacity improvements where journey times would otherwise be delayed.

In some instances the County Council may consider it more appropriate to seek a contribution towards integrated transport measures including infrastructure improvements and bus subsidy. This may be where the quantum of development is insufficient to afford worth while improvements in isolation and a contribution can be put towards integrated transport investment in the area, where there is a proposed integrated transport initiative in the area that would benefit the development and a contribution would help bring it forward, where the contribution can be pooled with that from other nearby developments to fund improvements, or to cover the cost of future travel plan initiatives.

Developers will be required to commit to travel plan monitoring and to pay a separate fee to cover the County Council's travel plan monitoring costs proportionate to the size of the development and the likely staff time involved. Contributions will be sought in all cases where it is necessary to make the development acceptable in planning terms.

When considering a development that is unable to demonstrate that opportunities for sustainable transport have adequately been taken up but infrastructure is deliverable by way of a contribution, as a guidance figure, the County Council would typically seek £32,000 for a development scenario that would generate 30 two-way peak hour vehicle trips. However, this figure should not be seen as a cap as certain locations, scale, and/or kind of development may attract particularly high infrastructure costs.

WASTE MANAGEMENT

Government legislation is focused on waste minimisation and maximising the re-use and recycling of waste and diverting waste from landfill.

Nottinghamshire County Council, as a Waste Disposal Authority, has a statutory duty under the Environmental Protection Act (1990) to provide facilities at which residents may deposit their household waste. Each facility must be situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area. There are a large number of household waste recycling centres (HWRC) around Nottinghamshire to maximise the amount of waste re-used or recycled that is delivered by local residents.

Nottinghamshire County Council's aim is to encourage waste management options that minimise environmental disturbance while ensuring that there is an adequate number and mix of sites to meet Nottinghamshire's needs.

Planned housing growth in Nottinghamshire will place further pressures on existing facilities and will require a combination of new or improved facilities in order to meet future demand. Contributions may be sought to deal with the cumulative impact of a series of both small and large developments.

Nottinghamshire County Council will assess the demands that the proposed development would have on existing facilities. Where the County Council concludes that a site currently has sufficient capacity to accommodate the proposed development, no contribution will be sought. However, where the proposed development is likely to result in a facility being unable to accommodate additional waste, contributions will be sought towards the provision of additional capacity.

Current guidance	<ul style="list-style-type: none"> National Planning Policy Framework; Planning for Sustainable Waste Management (DCLG); National Waste Management Plan
Type of facilities for which provision may be required	<ul style="list-style-type: none"> Upgrading/extending existing HWRCs; Provision of new HWRCs; Provision of landscaping, screening and noise attenuation.
Type of development which may trigger need	<ul style="list-style-type: none"> All Residential (including student accommodation) of over 10 dwellings may trigger a requirement for a contribution.
Form in which contributions should be made	<ul style="list-style-type: none"> Commuted sums
Threshold for size of development for which contributions are appropriate	<ul style="list-style-type: none"> No threshold – obligations apply to all development proposals and will depend on specific circumstances.

WASTE DEVELOPMENT

All waste development proposals could give rise to issues including highways, flood risk, landscape character and archaeological and ecological impact.

There are many areas where the treatment of waste will affect local communities. In order to ensure that a balance is struck between society's needs for waste infrastructure and the need to protect the local environment, measures need to be secured through legal agreements associated with planning permissions for waste developments.

Current guidance	<ul style="list-style-type: none"> National Planning Policy Framework; Planning for Sustainable Waste Management (DCLG).
Type of facilities for which provision may be required	<ul style="list-style-type: none"> Highway improvement and reinstatement works, lorry routeing arrangements, off-site highway safety works; Off-site provision of landscaping, screening, noise attenuation measures etc; Off-site monitoring of noise, dust, groundwater, landfill gas migration – provision of leachate/landfill gas control measures; Provision for extended aftercare; Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remains; Long term management of restored sites; Habitat creation, enhancement and protection; Safeguarding protected species and species of local biodiversity interest; Transfer of land ownership and associated management provisions.
Type of development which may trigger need	<ul style="list-style-type: none"> All waste management development though arrangements for leachate and landfill gas controls and extended restoration provisions are normally associated with landfill sites only.
Form in which contributions should be made	<ul style="list-style-type: none"> Commuted sums (for highways works); Establishment of trust funds (for long term management of restored sites); Off-site leachate/landfill gas control measures usually implemented directly by the operator.
Does a threshold apply?	<ul style="list-style-type: none"> No threshold – obligations apply to all waste development proposals and will depend on specific circumstances.
Where does this apply?	<ul style="list-style-type: none"> All areas of Nottinghamshire.

10 October 2013

Agenda Item:

REPORT OF CORPORATE DIRECTOR, POLICY, PLANNING AND CORPORATE SERVICES

WORK PROGRAMME

Purpose of the Report

1. To consider the Committee's work programme for 2013/14.

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>
Items to be scheduled for future meetings (dates to be confirmed)				
Strategic and operational study into effectiveness of HWRC. Date to be confirmed	Information		Mick Allen	
Consideration of options to progress recycling and waste minimisation across the County.	Information		Mick Allen	
November meeting				
Future Strategic Planning Observations			Lisa Bell	
Waste Core Strategy Update			Lisa Bell	
Ashfield District Council Local Plan – Ratification of officer comments			Lisa Bell	
Mill Farm, Newark Wind Turbine			Lisa Bell	
Orston Solar Farm			Lisa Bell	
Whatton Manor Wind Farm			Lisa Bell	
Northampton Minerals Local plan – formal response			Lisa Bell	
Cottam Wind Turbine			Lisa Bell	
Further discussion of relevant issues following initial consideration of renewable energy at the Committee meeting of 29 November 2012.				
Energy Opportunities” and “Waste PFI Credit Review”	Page 95 of 96			

<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>
December Meeting				
Waste Performance Report Quarter 1 2013/14				
Strategic Planning Observations				
District Planning applications				
January meeting				
Responses received from the Planning Obligations Strategy Consultation				
February meeting				
Responses received to the Minerals Local Plan consultation				