



# **Nottinghamshire Minerals and Waste Local Development Scheme**

4<sup>th</sup> February 2021

## **Preface**

Nottinghamshire County Council has prepared this Development Scheme in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. The County Council resolved to bring this scheme into effect on the 4<sup>th</sup> February 2021 and it replaces the previous scheme brought into effect in 2019.

## Contents

1	Introduction to Local Plans.....	1
2	The Local Development Scheme.....	2
3	Existing Plans and Transitional Arrangements .....	2
4	The Timetable.....	2
5	Joint Working.....	4
6	Risk Assessment .....	5
7	Community Involvement .....	6
8	Development Scheme Monitoring and Review .....	6
9	Further Information .....	6
	Glossary.....	7
	Appendix A – Local Plan Geographical Coverage .....	9
	Appendix B – Waste Local Plan Policies replaced by the Waste Core Strategy .....	11

## 1 Introduction to Local Plans

- 1.1 Nottinghamshire County Council is the minerals and waste planning authority for the county of Nottinghamshire. Appendix A provides a map showing the geographical coverage of the area. This means that it is responsible for all matters associated with minerals and waste development, including setting the land use policies and determining planning applications for such development.
- 1.2 The Nottinghamshire Minerals Local Plan (2005), the saved policies contained in the Waste Local Plan (2002) and the Waste Local Plan Part 1: Core Strategy (2013) along with District and Borough Local Plans and Neighbourhood Plans form the statutory development plan for Nottinghamshire. Decisions on planning applications should be made in accordance with statutory development plans unless material considerations indicate otherwise.
- 1.3 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires the Council to prepare and maintain a Local Development Scheme (LDS). The LDS sets out the Local Plans to be prepared by Nottinghamshire County Council and the timetable for their preparation. This is the latest version of the Local Development Scheme.
- 1.4 The County Council adopted a Waste Local Plan, Part 1: Core Strategy in December 2013 jointly with Nottingham City Council and now the two authorities are preparing a new Waste Local Plan. Consultation on the Issues and Options for the New Waste Local Plan was carried out between the 27<sup>th</sup> February until the 9<sup>th</sup> April 2020 and was extended until 7<sup>th</sup> May due to Covid 19.
- 1.5 The County Council adopted a Minerals Local Plan in 2005 and is currently preparing a revised Minerals Local Plan. The Nottinghamshire Minerals Local Plan and associated evidence base was submitted to the Secretary of State for Housing, Communities and Local Government on the 6<sup>th</sup> February 2020.
- 1.6 The Waste and Minerals Local Plans are both subject to examination by an independent Planning Inspector. An Examination on the Minerals Local Plan took place in October 2020.
- 1.7 Other documents which exist alongside the Local Plans, include:
  - **Supplementary Planning Documents (SPDs)** add further detail to the policies of the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the Development Plan. The County Council is not currently planning to prepare any SPDs.

- **Statement of Community Involvement** specifies how the authority intends to involve communities and stakeholders in the process of preparing planning policy documents and determining planning applications.
- **Annual Monitoring Report** sets out progress in producing planning policy documents and implementing policies.

## **2 The Local Development Scheme**

- 2.1 This Local Development Scheme (LDS) sets out the County Council's programme for the preparation of revised Waste and Minerals Local Plans. The LDS is published to confirm to the public and stakeholders, the Council's commitment to producing the Waste and Minerals Local Plans in Nottinghamshire and the timetable for their preparation
- 2.2 The County Council will keep under review this LDS and progress will be reported annually through Authority Monitoring Reports (AMRs). The AMRs are published on the Council's website.

## **3 Existing Plans and Transitional Arrangements**

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

## **4 The Timetable**

- 4.1 There will be a separate Minerals Local Plan covering Nottinghamshire and a separate Waste Local Plan covering Nottinghamshire and Nottingham City. Tables 1 and 2 below set out the timetable for the preparation of the local plans. It should be noted that timetables following submission of each Plan are outside the control of the Council and are influenced by the length of the independent examination process and the need or otherwise for Modifications to the Plan.

**Table 1: Revised Minerals Local Plan**

<b>Stage</b>	<b>Dates</b>	<b>Completed</b>
<b>Consultation on Scope, Issues and Options (Reg 18)</b>	<b>November 2017</b>	<b>Yes</b>
<b>Consultation on Draft Plan proposals</b>	<b>July 2018</b>	<b>Yes</b>
<b>Publication (Reg 19) and Submission</b>	<b>Aug/Sep 2019 and February 2020</b>	<b>Yes</b>
<b>Examination Period</b>	<b>March 2020 – February 2021</b>	<b>No</b>
<b>Adoption</b>	<b>March 2021</b>	<b>No</b>

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

<b>Stage</b>	<b>Dates</b>	<b>Completed</b>
<b>Consultation on Scope, Issues and Options (Reg 18)</b>	<b>Feb/May 2020</b>	<b>Yes</b>
<b>Consultation on Draft Plan proposals</b>	<b>Nov/Dec 2021</b>	<b>No</b>
<b>Publication (Reg 19) and Submission</b>	<b>September 2022/Jan 2023</b>	<b>No</b>
<b>Examination Period</b>	<b>Feb/Mar 2023</b>	<b>No</b>
<b>Adoption</b>	<b>July 2023</b>	<b>No</b>

4.2 All new development plan documents are subject to an ongoing process of strategic environmental assessment (SEA), combined with the existing practice of sustainability appraisal (SA). This examines the likely environmental, social and economic effects of new policies and proposals and informs the direction and content of each stage of the plan preparation process. The information used and the outcome of the appraisal process will be set out in a report, which will accompany each

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

- 4.3 All development plan documents are also subject to an equalities impact assessment (EQIA) to ensure that new policies do not discriminate against certain groups and that all opportunities to promote equality are sought in plan preparation.
- 4.4 The Minerals Local Plan and Waste Local Plan will also be subject to a Habitats Regulations Assessment (HRA). The purpose of the HRA of land use plans is to ensure the protection of the integrity of European sites is a part of the planning process at a regional and local level.
- 4.5 Local Plans are also subject to Strategic Flood Risk Assessments (SFRA), a Level 1 SFRA has been carried out which collates and reviews available information on flood risk in Nottinghamshire and individual SFRA's for both the Minerals and Waste Plans will be undertaken at the appropriate stages of Local Plan production.

## **5 Joint Working**

- 5.1 The Waste Local Plan is being prepared jointly with Nottingham City Council, as was the case with the 2013 Waste Core Strategy. Consultation on the Issues and Options for the New Waste Local Plan was carried between the 27<sup>th</sup> February until the 9<sup>th</sup> April 2020. The consultation period was extended until 7<sup>th</sup> May 2020 due to Covid 19.
- 5.2 The County Council has taken the lead role and the costs of plan preparation will be split proportionately according to population.
- 5.3 There are no significant mineral issues within the Nottingham City boundary and therefore the new Minerals Local Plan is not being prepared jointly. However a joint Local Aggregates Assessment is prepared annually to consider future apportionments for aggregate minerals within both the City and County Council boundaries. The City Council has adopted a Land and Policies Part 2 Local Plan which accompanies their adopted Core Strategy and contains policies in relation to minerals development.

## 6 Risk Assessment

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

- **Changes to National Policy** – as the new documents are being prepared there is a risk that new policy guidance, such as revisions to the National Planning Policy Framework (NPPF), national planning guidance or legislation could impact upon the timetable for plan preparation. The Government published a Planning White Paper in Summer 2020 which proposes major reform to the planning system.
- **Consultation outcomes** - the consultation process could identify additional issues/options to be evaluated and/or the scale of objections could significantly increase the workload and delay progress. To minimise the risk, whilst not a statutory requirement, it is proposed to publish a Draft Plans for consultation with stakeholders, statutory consultees, and other key consultees, including parish councils, local environmental groups and the minerals and waste industry, prior to the publication of a Pre Submission Plan.
- **Demands on the Planning Inspectorate** – the length of the independent examination will depend on the availability of Planning Inspectors and their workload together with the need for Modifications to be published if necessary.
- **Soundness of development plan documents** – if documents are found unsound by an Inspector the County Council may be offered the opportunity to address the issues raised through the making of proposed Modifications to the Plan. This may require additional work and the suspension of the hearings .
- **Joint working** –The County Council and City Council have different Committee/Cabinet reporting mechanisms and timetables (this relates to the Waste Local Plan only) and may have different views which would need to be reconciled.
- **Staff Resources** – the timetable is dependent upon the availability of staff to progress the plan from stage to stage. Delays may be caused because staff leave and new staff have to be recruited or due to other unexpected events . Staff may need to support other priorities of the County Council if required such as responding to the consequences of the Covid 19 global pandemic.,



## **7 Community Involvement**

- 7.1 The Statement of Community Involvement (SCI) sets out the standards to be achieved by the County Council in involving stakeholders and the community in the preparation, alteration and continuing review of planning policy documents and planning applications. It contains the County Council's proposals for fully engaging all sections of the community and stakeholders at an early stage in the preparation of each document.
- 7.2 A review of the adopted SCI took place in 2013 and the updated document was adopted in April 2013. A further review was undertaken in August 2017, with adoption in May 2018. The Council adopted a Statement of Community Involvement (SCI) Temporary Addendum in July 2020 in light of Covid 19 and the inability to hold physical meetings, exhibitions or provide physical copies of documents.

## **8 Development Scheme Monitoring and Review**

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

## **9 Further Information**

- 9.1 For further information on this minerals and waste development scheme or any of the documents mentioned please contact the County Council at [planning.policy@nottscc.gov.uk](mailto:planning.policy@nottscc.gov.uk). Information on the existing minerals and waste local plans and the development plan process is also available on the County Council's website [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)
- 9.2 This information can be made available in alternative formats and languages.

## Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

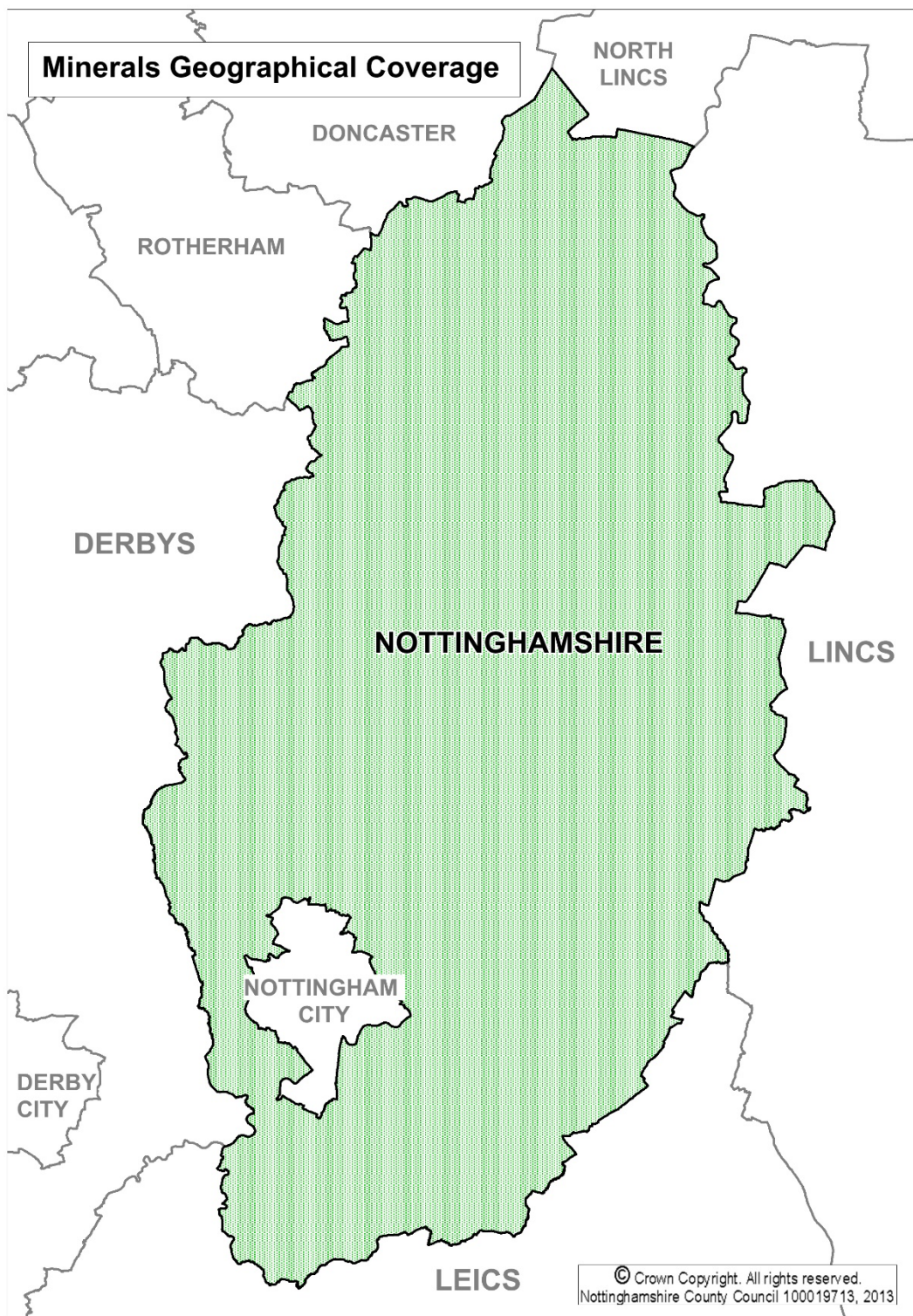
**Statement of Community Involvement (SCI):** a document which sets out how a council will involve the community on all major planning applications and in the preparation of planning policy documents.

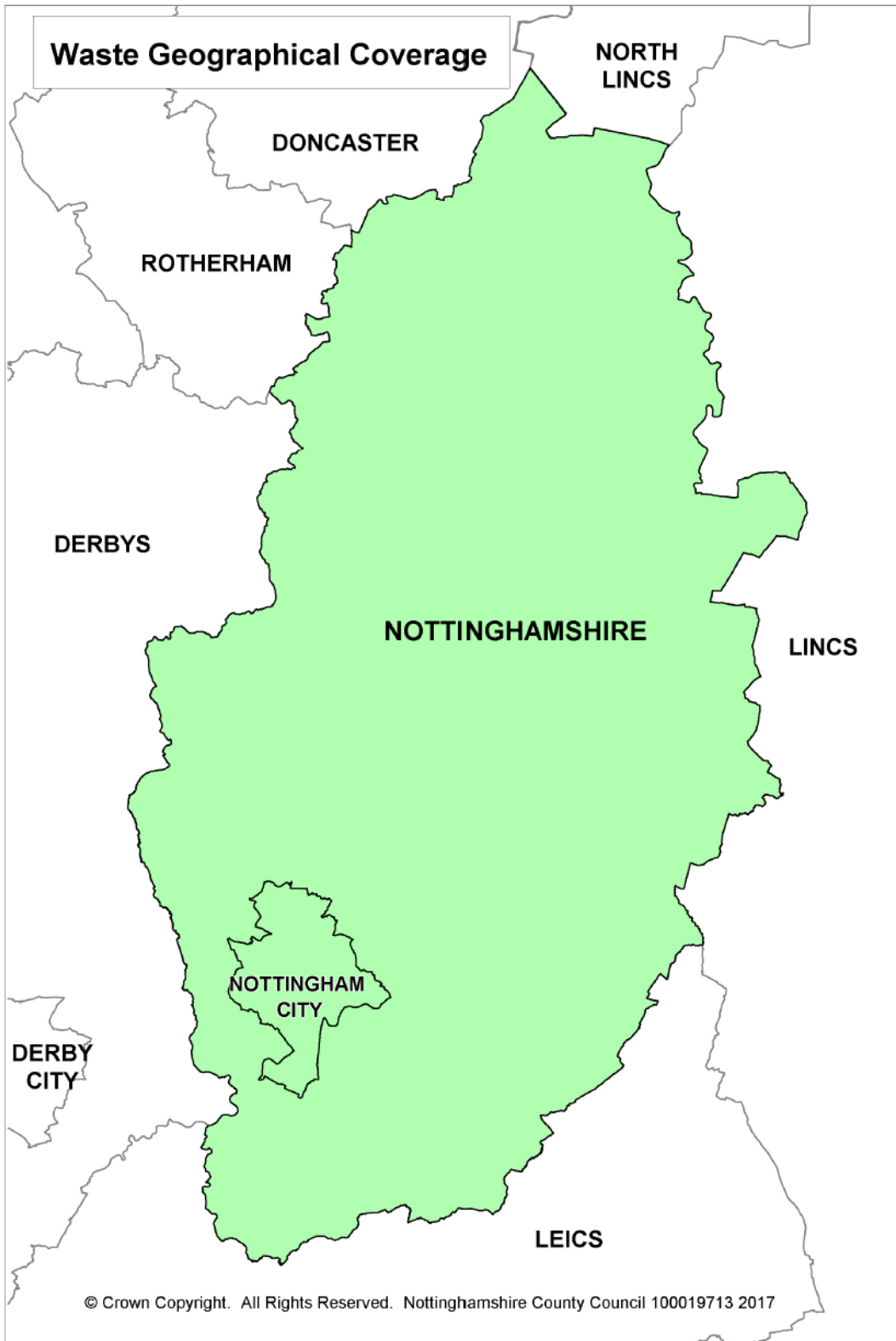
**Strategic Environmental Assessment (SEA):** a procedure (set out in the Environmental Assessment of Plan and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

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

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

## Appendix A – Local Plan Geographical Coverage





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

### Appendix 1

#### Waste Local Plan policies replaced by the Waste Core Strategy

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

##### Chapter 3 – Environmental Protection

W3.16 – Bulk Transport of waste

##### Chapter 5 – Waste Recycling

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

W5.2 – Household Waste Recycling Centres in Disposal Sites

W5.3 – Mini Recycling Centres

W5.4 – Material Recovery Facility – Eastcroft

W5.5 – Material Recovery Facilities – Industrial Estates

W5.6 – Material Recovery Facilities – Waste Disposal Sites

W5.7 – Permanent Aggregate Recycling Centres

W5.8 – Mobile Aggregate Recycling Centres

W5.9 – Recycling Soils

W5.10 – Scrapyards – Areas of Search

W5.11 – Scrapyards – Existing Sites

##### Chapter 6 – Waste Treatment & Energy Recovery from Waste

W6.1 – Future Provision of Municipal Incinerators

W6.2 – Clinical Incinerators

W6.3 – Other Technologies

W6.4 – Refuse Derived Fuel

W6.5 – Energy Recovery from Incineration – Environmental Impact

W6.6 – Energy Recovery from Incineration – Economic Viability

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

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

##### Chapter 7 – Composting & Landspreading

W7.1 – Commercial Composting Sites – Areas of Search

W7.2 – Commercial Composting – Waste Disposal Sites

W7.3 – Small Scale Composting Schemes in Agricultural Areas

##### Chapter 8 – Waste Water & Sewage Treatment

W8.1 – Future Requirements

##### Chapter 9 – Waste Transfer Stations

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

##### Chapter 10 – Waste Disposal

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

W10.2 – Waste Disposal in Derelict or Degraded Land

W10.3 – Waste Disposal in Greenfield Sites

W10.4 – Bentinck Void & Colliery Tip - Allocation