

WEST AREA COMMITTEE – 11 JANUARY 2011

Title of paper:	NOTTINGHAMSHIRE AND NOTTINGHAM JOINT WASTE CORE STRATEGY – PUBLICATION	
Director(s)/ Corporate Director(s):	David Bishop Corporate Director of Development	Wards affected: All
Portfolio Holder(s):	Councillor Jane Urquhart Portfolio Holder for Planning and Transportation	Date of consultation with Portfolio Holder(s): 5 th January 2012
Report author and contact details:	Sarah Watson, Senior Planning Officer Ph: 0115 8763974 email: sarah.watson@nottinghamcity.gov.uk	
Other colleagues who have provided input:		
Relevant Council Plan Strategic Priority:		
World Class Nottingham		
Work in Nottingham		
Safer Nottingham		
Neighbourhood Nottingham		X
Family Nottingham		
Healthy Nottingham		X
Leading Nottingham		
Summary of issues (including benefits to citizens/service users):		
<p>The Waste Core Strategy will provide the planning policy framework against which all future waste management proposals will be determined. This includes proposals for recycling and composting plants, energy from waste plants, landfill and treatment plants, such as sewage works. The Waste Core Strategy is being produced with the County Council as the two areas share many waste management issues making a joint approach the best and most efficient way to secure a coherent strategy.</p> <p>The Waste Core Strategy looks ahead to 2031 and sets out the waste management infrastructure we want to see develop over this plan period. This is both in terms of how and, in broad terms, where waste should be managed. It will cover all types of waste and not just the municipal waste that Local Authorities are responsible for collecting and managing.</p> <p>The Waste Core Strategy is statutory Development Plan that all waste planning authorities must prepare by law. 'Publication' is the first formal stage in the production of the document.</p>		
Recommendation:		
1	That the imminent period for representations on the draft Nottinghamshire and Nottingham Waste Core Strategy is noted.	

1 **BACKGROUND**

- 1.1 The Planning and Compulsory Purchase Act (2004) along with the Town and Country Planning (Local Development) (England) Regulations (2004), as amended require the production of a 'Local Development Framework'. The Joint Waste Core Strategy is part of this framework and will provide the strategic vision for waste development across Nottingham City and Nottinghamshire County. Prior to adoption, the document must go through a number of formal and informal consultation stages. Publication is the first stage of formal representation, after consultation on the Issues and Options (2006), Further Issues and Options (2010) and Preferred Approach (2011), which were all informal stages. Following the publishing of the plan for a formal period of representation, the Council will submit it to the Secretary of State for examination.
- 1.2 Under the EU Waste Framework Directive, there is a requirement on Waste Planning Authorities to ensure a waste plan is in place, otherwise costs may be incurred by the Local Authority. A letter received from Communities and Local Government in January 2011 expressed the urgency of adopting a Waste Plan by late 2011 / early 2012. No advice was provided as to whether the current Waste Local Plan fulfils the requirements of the Directive. Therefore the City and County Councils are seeking to publish the new Waste Core Strategy within this time period in order to meet their obligation on this regard.
- 1.3 Waste Management is going through a period of rapid transformation across all sectors. A combination of factors, including government recycling targets, escalating landfill taxes and new technologies are making it more possible to recycle compost or obtain energy from an increasingly wide range of wastes. Waste prevention and re-use initiatives are also becoming more commonplace. Landfill, which for many years has been the default option for many waste streams, is in decline.
- 1.4 The overarching issue for the Waste Core Strategy is to move waste management up the 'waste hierarchy'. This means preventing waste production in the first place, or re-using it and, where that is not possible, recycling or composting as much of what is left. Energy from waste is the next option, with landfill being a last resort but one that will continue to have a role to play for the foreseeable future.
- 1.5 The Preferred Approach set out the following:
 - That the City and County should be self sufficient in provision of waste treatment requirements and therefore provide sufficient processing and disposal capacity within the county boundary to manage wastes which arise from the same area
 - An ambitious recycling target of 70% for all the main waste streams.
 - Energy Recovery should be preferred where waste cannot be recycled, with disposal being a last resort.
 - Broad locations should state where new waste infrastructure development is required. In order that waste is managed as close to its source of production as possible (the proximity principle), new strategic facilities should be built to serve the Nottingham urban area, Mansfield and Ashfield. Medium sized facilities are required in Newark, Worksop and Retford with smaller community facilities required to serve more rural settlements where less waste is produced.

1.6 The response to the Preferred Approach was broadly positive and no new evidence emerged to suggest any significant changes to the proposed strategy.

1.7 The proposed draft Waste Core Strategy (which can be found at www.mynottingham.gov.uk/wastecorestrategy) contains the following policies:

- Waste awareness, prevention and re-use
- Future waste management provision – setting out a hierarchy by which facilities should be constructed to manage waste (including a 70% recycling target)
- Broad locations for new facilities – setting out the areas in which different scales of development would be acceptable
- Disposal sites for non-hazardous and inert waste – directing new sites to areas where there is a current deficiency
- Disposal sites for pulverised fuel ash
- Site selection criteria – setting out different locations where different types of facilities would be suitable
- Extensions to existing waste management sites – permitting this subject to environmental considerations
- New and emerging technologies – supporting this where it leads to more sustainable waste management
- Safeguarding sites - for existing and potential future waste management
- Sustainable transport – using non-road transport where possible
- Managing our own waste – only permitting facilities to serve waste coming from outside Nottingham where certain criteria are met
- Protecting the environment – ensuring that the environment is protected
- Managing climate change – managing the effects of and impact upon this
- Design of waste management facilities – encouraging high standards of design.

Other Development Plan Documents

1.8 It is also proposed to prepare two further Development Plan Documents that will provide more detailed guidance. A Site Specific Document will allocate sites that will help implement the strategy. A Development Management policies document will set out the detailed planning policies by which to consider planning applications.

Replacing Existing Waste Policies

1.9 The Waste Core Strategy must set out what, if any, existing adopted waste planning policies it is replacing. Our current waste policies are those set out in the Nottinghamshire and Nottingham Waste Local Plan, adopted in January 2002, which were 'saved' via a Government direction in September 2007.

1.10 It is proposed to replace all policies, except those relating to development management, as the Waste core Strategy will not be covering that issue. These policies are recommended to remain saved until the new development management policies document is adopted. The Waste Local Plan does include some site specific proposals, including the Eastcroft Energy from Waste Plant, however the merit of retaining this is considered to be limited as a planning permission for the third line already exists and it will be implemented before this plan is adopted and the policies in the publication Waste Core Strategy will be sufficient to determine any future application.

1.11 A full list of policies to be replaced is set out in Appendix 1 of the draft Waste Core Strategy.

What Happens Next?

- 1.12 Subject to approval by both Councils, the Draft Strategy will be published to allow for a formal statutory public representation period. The City Council are seeking approval for the strategy at Executive Board on 17th January 2012. The County Council are taking a similar report for approval at their Full Council meeting on 26th January 2012.
- 1.13 Allowing for the time it will take to print and publish material it is expected that the representation period should be able to commence no later than the end of February for the minimum of six weeks.
- 1.14 All valid representations received will be considered and, if necessary, detailed drafting changes may be proposed if any factual or other minor inaccuracies emerge. This is not, however a consultation stage. If the Councils wish to make any substantial changes to the draft in response to the representations or other key factors, then it is likely that these will need to be subject to further consultation. A new draft will then need to be put before Councillors for approval and a further period of public representation will be required. This would result in a lengthy delay.

The Examination

- 1.15 The draft Waste Core Strategy, along with all representations received will then be submitted to Government to allow an independent examination by an Inspector. The Inspector will examine the whole plan for its 'soundness', irrespective of whether or not any representations are received. The examination is likely to include a public hearing session, when parties making representation may, at the Inspector's discretion, present their views in person.

Adoption

- 1.16 The inspector will issue a report that will either declare the Waste Core Strategy sound or unsound. If sound, the Councils can adopt the strategy. If the strategy is unsound, then it cannot be adopted. Adoption will require approval by Full Council of both Authorities.

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Production of the Waste Core Strategy is a statutory requirement and the Councils could be subject to EU fines if they do not have an up to date Waste Plan.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 There are no alternative options, production of the Waste Core Strategy is a statutory requirement.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 4.1 No direct financial implications from the report.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

- 5.1 Action is authorised by Sections 17 and 28 of the Planning and Compulsory Purchase Act 2004.

6 EQUALITY IMPACT ASSESSMENT (EIA)

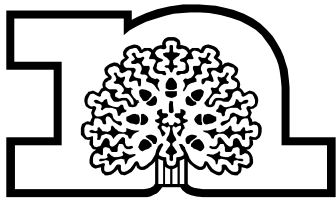
- 6.1 Yes – Equality Impact Assessment attached
- 6.2 It has been agreed that a single EIA will be produced by both Authorities using the Nottinghamshire County Council template.

7 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 7.1 The Waste Core Strategy Publication (2012)
- 7.2 Waste Core Strategy Sustainability Appraisal (2012)
- 7.3 Waste Core Strategy Report of Consultation (2012)

8 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 8.1 The Waste Core Strategy Issues and Options (2006)
- 8.2 The Waste Core Strategy Further Issues and Options (2010)
- 8.3 The Waste Core Strategy Preferred Approach (2011)
- 8.4 The Nottinghamshire and Nottingham Waste Local Plan (adopted January 2002)



Nottinghamshire
County Council

Equality Impact Assessment

Purpose of assessment

The Public Sector Equality Duty which is set out in the Equality Act 2010 requires public authorities to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality), religion or belief (this includes lack of belief), gender and sexual orientation.

The purpose of carrying out an Equality Impact Assessment is to assess the impact of a change to services or policy on people with protected characteristics and to demonstrate that the Council has considered the aims of the Equality Duty.

The Equality Duty must be complied with before and at the time that a change to services or particular policy is under consideration or decision is taken. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.

Instructions

Please write in Plain English as this document, once approved, will be published on the Council's website.

Title Nottinghamshire and Nottingham Waste Core Strategy	
Date	December 2011
Lead Officer for this assessment	Sally Gill (Group Manager Planning – Nottinghamshire County Council) and Matt Gregory (Planning Policy Manager - Nottingham City Council)
List of other officers/organisations involved in the assessment	Suzanne Moody (Principal Planning Officer – Nottinghamshire County Council), Karen Moss (Equality Officer – Nottinghamshire County Council), Sarah Watson (Senior Planning Officer - Nottingham City Council), Vincent Bryce (Equality Officer – Nottingham City Council)

1a What is being considered and why? Explain rationale behind proposed changes and other options considered, if applicable.

Submission and subsequent adoption of a new waste planning policy document to replace parts of the saved Nottinghamshire and Nottingham Waste Local Plan. This is part of the Councils' statutory duty to prepare and maintain an up to date waste planning policy framework for its area. The policies contained within the Waste Core Strategy will set out the Council's general approach towards waste management facilities and broad locations for development, supported by criteria-based policies which will be used to help refine any later site-specific allocations and determine planning applications.

1b What is the demographic profile of the community you are serving? What is the profile of your services users by protected characteristics, where information is available?

The Waste Core Strategy will cover the administrative areas of Nottinghamshire County Council and Nottingham City Council. As such, this Equality Impact Assessment has been produced jointly with both areas.

The demographic profile of the County and the City is as follows:

1. Population (Gender):

	<u>Total</u>	<u>Females</u>	<u>Males</u>
Nottinghamshire:	779,900	396,000	383,900
Nottingham City:	306,700	153,100	153,600

Source: ONS Mid Year Population Estimates for 2010

2. Age Breakdown:

Age Bands	Nottinghamshire		Nottingham City	
0-14	129,600	16.6%	47,300	15.4%
15-29	139,000	17.8%	107,100	34.9%
30-44	155,100	19.9%	61,000	19.9%
45-59	162,100	20.8%	44,800	14.6%
60+	194,100	24.9%	46,400	15.1%

Source: ONS Mid Year Population Estimates for 2010

3. Ethnic Breakdown:

Ethnic Background	Nottinghamshire	Nottingham City
White British	94.4%	79.2%
Asian/Asian British	2.3%	9.4%
Black/Black British	1.1%	4.7%
Mixed	1.3%	3.4%
Chinese/other ethnic groups	0.9%	3.3%

Source: (Nottinghamshire figures ONS 2009 Mid-Year Population Estimates)
(Nottingham City figures ONS 2007 Population Estimates)

4. Religion:

	Christian	Buddist	Hindu	Jewish	Muslim	Sikh
Notts	74.8%	0.2%	0.3%	0.1%	0.5%	0.3%
City	20.1%	0.4%	0.8%	0.2%	4.6%	1.2%

Source: Census 2001

5. Disability:

14.6% (24,610) of the total elderly population in Nottinghamshire (over 65's) claim attendance allowance.

5.7% (26,930) of the total population of working age people in Nottinghamshire claim the higher rate of Disability Living Allowance.

Source: Dept of Work & Pensions May 2011

6. Sexual Orientation:

There is limited data available about sexual orientation. However the Census 2001 reported 0.3% of the population living as same-sex couples.

1c What will be the affect on service users?

The Waste Core Strategy will not provide a direct service to the public. It will make land use provision for the development of essential waste management facilities to support future growth and encourage a move towards recycling away from landfill. The majority of these facilities will be built and operated by the private sector and will be commercial facilities not accessible to the public. The only facilities to which there would be public access are household waste recycling centres. Public accessibility to these is assessed by that service. The impact on those living and working within the county is considered to be equal across all groups and it is considered that there will be an overall benefit due to the provision of sustainable network of waste management facilities to safely treat and/or dispose of the county's waste.

1d Even if the proposals apply to everyone equally, could they have a disproportionate / adverse or negative impact on people with protected characteristics, if so how?

Age:

No, policies in the Waste Core Strategy will not have an adverse or differential impact. They will have the same effect on people irrespective of their age.

Disability:

Policies in the Waste Core Strategy will not have an adverse or differential impact in terms of the provision of waste management facilities. However, an individual's awareness and understanding of the Waste Core Strategy policies may be affected for those who are blind or partially sighted.

Gender (includes gender reassignment, pregnancy and maternity):

Policies in the Waste Core Strategy will have the same effect on people irrespective of their gender.

Race:

Policies in the Waste Core Strategy will not have an adverse or differential impact in terms of the provision of waste management facilities. However, an individual's awareness and understanding of the Waste Core Strategy policies may be affected for those who do not speak English.

Religion or belief:

Policies in the Waste Core Strategy will have the same effect on people irrespective of their religion or belief.

Sexual orientation:

Policies in the Waste Core Strategy will have the same effect on people irrespective of their sexual orientation.

1e	Are there any positive impacts on people with the above protected characteristics?
Although positive overall benefits will accrue from encouraging the provision of a network of modern, sustainable waste management facilities, this will benefit businesses and communities alike so it is considered there would be no significant positive benefits over and above those experienced by all groups.	

2a	In terms of any disproportionate / negative / adverse impact that the proposal may have on a protected group, what steps (if any) could be taken to reduce that impact for each group identified. Attach a separate action plan if necessary.
The Waste Core Strategy and related consultation material all contain a standard statement explaining that this can be made available in different languages or formats on request.	
2b	If ways of reducing the impact have been identified but are not possible, please explain why they are not possible.
N/A	

3	Evidence Sources (i) Give details of any data or research that has led to your reasoning above, in particular, the sources used for establishing the demographics of service users. (ii) Give details of how you have engaged with service users on the proposals and steps to avoid any disproportionate impact on a protected group and how you have used any feedback to influence your decision.
Sources of data for demographic information have been given in section 1b. The draft equality impact assessment was circulated to the equalities group (i.e. Community Equality Forum), which consists of people with protected characteristics.	

(Complete this section where staff are directly affected:)

4a	What is the profile of your current staff by age group, disability, gender, race and ethnicity, religion or belief, sexual orientation?
N/A	
4b	Give details of how the proposed service changes (if applicable) will affect staff? Will staff of any particular protected equality characteristic be affected more than any other?
N/A	
4c	In terms of any disproportionate / negative / adverse impact that the proposal may have on a protected staff group, what steps (if any) could be taken to reduce that impact for each group identified.
N/A	
4d	If ways of reducing the impact have been identified but are not possible, please explain why they are not possible.
N/A	

5	Decision Log – (detail how Elected Members and Senior Managers have been involved in the decision process (give dates of key meetings and decisions made))
Project Group Meetings: 14 th January 2011, 24 th October 2011, 2 nd November 2011. Nottinghamshire County Council: County Council Meeting 23 rd Jan 2012 Nottingham City Council: Executive Board Meeting 17 th January 2012	

6a	Date of Next Review:
A review will only take place when the Plan is reviewed. An equality impact assessment may be undertaken for subsequent additional Development Plan Documents or for individual waste proposals where required.	
6b	If review is not required, explain why.
N/A	

7a	Approved by: Nottinghamshire County Council and Nottingham City Council
7b	Approval date: