

Summary of Key Responses and Proposed Changes on Nottinghamshire and Nottingham Waste Core Strategy - Proposed Submission Document (March 2012) and Schedule of Proposed Changes to the Nottinghamshire and Nottingham Waste Core Strategy (October 2012)

Nottinghamshire and Nottingham Waste Core Strategy - Proposed Submission Document (March 2012)

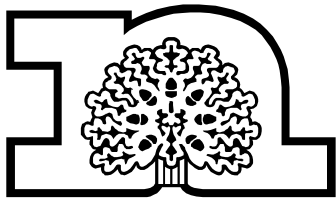
- 1.1 In line with the NPPF, and in accordance with guidance from the Government's Planning Advisory Service (PAS), the Authorities amended the draft Waste Core Strategy to include a policy that reflects the overarching presumption in favour of sustainable development. Advice received indicates that inclusion of this policy is the most straightforward way of demonstrating compliance with the NPPF to an Inspector. The addition of this policy is one of the main changes to the draft Waste Core Strategy proposed in the schedule.
- 1.2 In all 244 representations were received from a total of 35 different organisations and individuals including statutory bodies, local district and parish councils, neighbouring county councils, the waste industry, utility companies, interest groups and members of the public. Of these, there were 190 objections and 54 supporting representations.
- 1.3 A nearby waste authority objected to the lack of a specific policy on hazardous and low level radioactive waste. Changes are proposed to policy WCS4 to reflect this.
- 1.4 Changes are proposed to policy WCS5 for clarification and to recognise the potential for, but limitations of, stockpiling pulverised fuel ash (PFA) for future recycling or re-use.
- 1.5 Policy WCS6 is proposed to be amended to clarify that it applies to facilities for all types of waste, including hazardous, unless specified otherwise within the policy text.
- 1.6 It is also proposed to amend Policy WCS9, which sets out the criteria for safeguarding land for facilities. The changes clarify the need to safeguard for possible expansion of facilities.
- 1.7 Changes are also proposed to Policy WCS11 to recognise the need to allow for waste entering and leaving the Plan Area for treatment but account for the fact that needs assessments are inappropriate except for disposal.
- 1.8 There have been objections from Natural England and Environment Agency on points of detail. These are more appropriate for the Development Management policies, which will be in a later Development Plan Document (DPD).
- 1.9 Concerns were raised over an inadequate level of environmental protection in policy WCS12 with wording being overly positive towards waste facilities. Officers held subsequent discussions with objectors and development management teams and took into account the new guidance in the NPPF. Policy WCS12 has been re-drafted to be more specific on the circumstances in which development would not be allowed; this should provide a more robust basis against which to determine future planning applications and if necessary defend against appeals.
- 1.10 It is also proposed to amend the extent of the Green Belt boundary shown on Plans 2 and 4 for accuracy.

- 1.11 Some representations particularly relating to monitoring and implementation will be addressed in the preparation of final submission documents, including the Statement of Consultation, incorporating a statement on the duty to cooperate and an Implementation Plan.
- 1.12 A Sustainability Appraisal, which assesses the potential social, economic and environmental impacts of the policies, has been undertaken in order to assess the effects of the proposed changes, i.e. whether they would be positive or negative, and to proposed mitigation where potential negative effects are identified.
- 1.13 Some representors challenged the waste data used as evidence in the draft Waste Core Strategy. Whilst this could be a significant matter, the challenge is not accepted on the grounds that the most up to date figures/estimates are used and no additional, more reliable or accurate information has been presented by the objector. As the objector is seeking a reduction to waste arisings without any substantive evidence to support it, no changes are proposed in response to the objection.

Schedule of Proposed Changes to the Nottinghamshire and Nottingham Waste Core Strategy (October 2012)

- 1.14 A total of 48 representations were received from 14 organisations and individuals. Of these, there are 24 objections to Proposed Changes and 24 supporting representations. Late objections were received from Nottinghamshire Wildlife Trust and have been accepted. Two members of the public submitted new representations that do not relate to the Proposed Changes but these have been accepted in order to address the concerns raised. Two representations from the previous draft Waste Core Strategy stage have now been withdrawn unconditionally and a number of parties have also indicated that they would be willing to withdraw some or all of their representations subject to further, minor changes.
- 1.15 At the time of drafting, there are also two organisations which have been granted an extension of time to the consultation deadline as a result of a technical error registering their previous representations. However, officers are not anticipating that there will be any significant changes necessary. There is also one member of the public who has been invited to re-submit their representation as it is unclear which of the Proposed Changes they are referring to.
- 1.16 The main objections to the Proposed Changes maintain previous concerns about the underlying waste data, the role of energy recovery, and the degree of environmental protection provided. No modifications are proposed in response to the issue of waste data as advice has been sought from the Environment Agency at all key stages, and the data that is presented is the most up to date and relevant that is available. There is also a clear undertaking to update this through regular monitoring as and when new data is published. Objections from People Against Incineration (PAIN) continue to argue that the Waste Core Strategy approach to energy recovery is not in line with the waste hierarchy and would 'maximise' the amount of waste used for energy at the expense of recycling. PAIN are seeking a further detailed wording change which is not considered necessary as the Waste Core Strategy gives a very strong and clear commitment to the waste hierarchy. Policy WCS2 establishes the very high aspirational recycling target of 70% for all waste and this is reinforced within the vision, strategic objectives, and supporting text which all clearly refer to the principles of re-use and recycling before energy recovery and finally disposal.

- 1.17 CPRE and Nottinghamshire Wildlife Trust and have maintained their objections to Policy WCS12 as they do not consider that the Proposed Change goes far enough to address their concerns about the need to reference specific environmental assets such as biodiversity and landscape within the policy. As this is a strategic policy that will be supported by a range of separate, more detailed, development management policies, it is not considered appropriate to provide an exhaustive list of environment assets within Policy WCS12. Changes were made at the previous stage to improve the supporting text to the policy to address these concerns and no further changes are considered necessary at this stage.
- 1.18 Peel Environmental Limited has objected to the re-wording of Policy WCS11 and its supporting text. They feel that the policy is unclear as to what meant by non-local waste and that the sustainability requirements set out in the policy criteria are more onerous to a developer than those contained in national policy. In response, a minor modification is proposed to clarify that non-local is intended to cover any waste from outside the plan area i.e. Nottinghamshire and Nottingham. However, it is not considered that policy imposes an unreasonable burden on developers. The Waste Core Strategy has a role to play in interpreting national policy at the local level and it is therefore reasonable for Policy WCS12 to set out what factors will be considered in assessing the sustainability of proposals. This provides an appropriate level of clarity and does not impose any additional burden beyond that already set out in the NPPF and Planning Policy Statement 10 (PPS10) 'Planning for Sustainable Waste management'.
- 1.19 The addition of the new 'model' policy WCSSD on the presumption in favour of sustainable development has been generally welcomed but one objector (PAIN) is seeking a further statement of presumption against unsustainable development. This is not considered necessary as it is not required by national policy and would duplicate the effect of the other Waste Core Strategy policies, which should be read as a whole.
- 1.20 Both Northamptonshire County Council and Leicestershire County Council have indicated that the Proposed Changes have met their concerns in relation to hazardous waste disposal and managing waste from outside the plan area.
- 1.21 In response to this most recent consultation stage, thirteen minor additional modifications are proposed which will be put forward at the independent examination. These modifications are a combination of factual updates and clarification to the supporting text. This includes a minor change to reflect the new Green Belt policy wording in the NPPF. No further changes to the plan policies are proposed. As these are minor changes, there is no requirement for further consultation.



**Nottinghamshire
County Council**

APPENDIX 2

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 – Schedule of Proposed Changes	
Date	August 2012
Lead Officer for this assessment	Sally Gill (Group Manager Planning – Nottinghamshire County Council) and Matt Gregory (Policy and Research 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.
<p>This EqIA considers the Schedule of Changes to the Proposed Submission Waste Core Strategy, which is jointly produced by Nottingham City Council and Nottingham County Council. Once adopted, the strategy will replace parts of the saved Nottinghamshire and Nottingham Waste Local Plan. The policies 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.</p> <p>The Schedule of Changes sets out the proposed changes to the Waste Core Strategy, as a result of representations received during the Publication period, as well as those proposed as a result of the publication of the National Planning Policy Framework.</p> <p>The main changes proposed include the addition of policy WCSSD, which sets out the presumption in favour of Sustainable Development, in line with the National Planning Policy Framework and the addition of criteria to Policy WCS4 to enable consideration of</p>	

sites for the disposal for Hazardous Waste.

**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 Schedule of Proposed Changes 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):

	Total	Females	Males
Nottinghamshire:	785,800	399,100	386,700
Nottingham City:	305,700	151,900	153,800

Source: Census 2011 (First Release)

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	Buddhist	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, nor will the changes proposed in the schedule. 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

<p>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.</p>	
1d	<p>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?</p>
<p>Age: Will the change in your service / policy have an adverse or negative impact on different age groups? Policies in the Waste Core Strategy, and those proposed in the Schedule of Changes, will not have an adverse or differential impact in terms of the provision of waste management facilities and will have an equal effect irrespective of age.</p>	
<p>Disability: Will the change in your service / policy have an adverse or negative impact on people with a disability or on people who are associated with someone who has a disability eg a carer? Policies in the Waste Core Strategy, and those proposed in the Schedule of Changes, will not have an adverse or differential impact in terms of the provision of waste management facilities and will have an equal effect irrespective of disability. The possibility that those who are blind, partially sighted or colour-blind may have difficulty reading the document will be addressed by making the information available in an appropriate format on request.</p>	
<p>Gender (includes gender reassignment, pregnancy and maternity): Will the change in your service / policy have an adverse or negative impact on different genders, pregnant women or breastfeeding mothers, people who have reassigned their gender and have a different gender identity to the one they were born with? Policies in the Waste Core Strategy and those proposed in the Schedule of Changes, will not have an adverse or differential impact in terms of the provision of waste management facilities and will have an equal effect irrespective of gender.</p>	
<p>Race: Will the change in your service / policy have an adverse or negative impact on people of different races, ethnicity, colour or nationality? Policies in the Waste Core Strategy, and those proposed in the Schedule of Changes, will not have an adverse or differential impact in terms of the provision of waste management facilities and will have an equal effect irrespective of race. The possibility that non-English speakers may have difficulty reading or understanding the document will be addressed by making the information available in an appropriate format on request.</p>	
<p>Religion or belief: Will the change in your service / policy have an adverse or negative impact on people who practice a religion or belief or no belief? Policies in the Waste Core Strategy, and those proposed in the Schedule of Changes, will not have an adverse or differential impact in terms of the provision of waste management facilities and will have an equal effect irrespective of religion or belief.</p>	
<p>Sexual orientation: Will the change in your service / policy have an adverse or negative impact on lesbian, gay or bisexual people? Policies in the Waste Core Strategy, and those proposed in the Schedule of Changes, will not have an adverse or differential impact in terms of the provision of waste management facilities and will have an equal effect irrespective of sexual orientation.</p>	
1e	<p>Are there any positive impacts on people with the above protected characteristics?</p>
<p>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.</p>	

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.
No disproportionate, negative or adverse impact has been identified in terms of the provision of waste management facilities. The Waste Core Strategy and the proposed Schedule of Changes and related consultation material all contain a standard statement explaining that this can be made available in different languages or formats on request to assist those using the document.	
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.	

(Complete this section where staff are directly affected:)

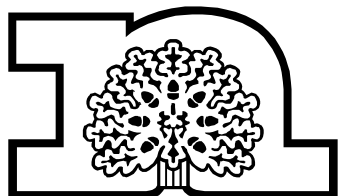
4a	What is the profile of your current staff by age group, disability, gender, race and ethnicity, religion or belief, sexual orientation?
N/A	
4b	Give details of how the proposed service changes (if applicable) will affect staff? Will staff of any particular protected equality characteristic be affected 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: 10 July 2012 Nottinghamshire County Council: Environment and Sustainability Committee 13 September 2012 Nottingham City Council: Executive Board Meeting 18 September 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:
Sally Gill (Nottinghamshire County Council) and Matt Gregory (Nottingham City Council)	
7b	Approval date:
29 August 2012	



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:

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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.

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Instructions

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Title	
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Date	December 2011
Lead Officer for this assessment	Sally Gill (Group Manager Planning – Nottinghamshire County Council) and Matt Gregory (Policy and Research 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.
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Source: ONS Mid Year Population Estimates for 2010

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

4. Religion:

	Christian	Buddhist	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

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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:
Policies in the Waste Core Strategy will not have an adverse or differential impact in terms of the provision of waste management facilities and will have an equal effect irrespective of 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 and will have an equal effect irrespective of disability. The possibility that those who are blind, partially sighted or colour-blind may have difficulty reading the document will be addressed by making the information available in an appropriate format on request.

Gender (includes gender reassignment, pregnancy and maternity):
Policies in the Waste Core Strategy will not have an adverse or differential impact in terms of the provision of waste management facilities and will have an equal effect irrespective of 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 and will have an equal effect irrespective of race. The possibility that non-English speakers may have difficulty reading or understanding the document will be addressed by making the information available in an appropriate format on request.

Religion or belief:
Policies in the Waste Core Strategy will not have an adverse or differential impact in terms of the provision of waste management facilities and will have an equal effect irrespective of religion or belief.

Sexual orientation:
Policies in the Waste Core Strategy will not have an adverse or differential impact in terms of the provision of waste management facilities and will have an equal effect irrespective of 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.

No disproportionate, negative or adverse impact has been identified in terms of the provision of waste management facilities. 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 to assist those using the document.

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: 14th January 2011, 24th October 2011, 2nd November 2011.

Nottinghamshire County Council: County Council Meeting 26th Jan 2012

Nottingham City Council: Executive Board Meeting 17 th January 2012
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6a	Date of Next Review:
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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.	
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6b	If review is not required, explain why.
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N/A	
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7a	Approved by:
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Sally Gill (Nottinghamshire County Council) and Matt Gregory (Nottingham City Council)	
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7b	Approval date:
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4 th January 2012	
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