

CITY COUNCIL - 10 DECEMBER 2012

REPORT OF THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORTATION

NOTTINGHAMSHIRE AND NOTTINGHAM WASTE CORE STRATEGY – SUBMISSION TO THE SECRETARY OF STATE

1 SUMMARY

- 1.1 Once adopted, 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 and landfill and treatment plants, such as sewerage works. The draft Waste Core Strategy, the Schedule of Proposed Changes, and other relevant documents can be found in the Group rooms and at www.nottinghamcity.gov.uk/wcssubmission.
- 1.2 The Waste Core Strategy has been produced jointly 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.
- 1.3 The Waste Core Strategy will set out policies regarding the waste management facilities that need to be developed until 2031. It addresses both how and (in broad terms) where waste should be managed. It covers all types of waste and not just the municipal waste that local authorities are responsible for collecting and managing, i.e. it also considers commercial and industrial and construction and demolition waste.
- 1.4 In January 2012, the Executive Board approved the ‘publication’ of the draft Waste Core Strategy – Proposed Submission Document for a six week period of formal representations. The representation period gave rise to a number of main and minor changes which needed to be made to the draft Waste Core Strategy, prior to its submission to Government. In addition, the publication of the National Planning Policy Framework gave rise to the need for substantive changes. In September 2012, Executive Board approved the Schedule of Proposed Changes for a further six week consultation period, to enable comment prior to submission. This consultation has now closed and the approval of the City Council is sought to submit the

draft Waste Core Strategy, and other submission documents, to the Secretary of State for an independent examination.

2 RECOMMENDATIONS

It is recommended that Council:

- 2.1 Approve the submission of the draft Nottinghamshire and Nottingham Waste Core Strategy, along with the Schedule of Changes, and accompanying submission documents (as set out at paragraph 5.7), to the Secretary of State for independent examination.
- 2.2 Grant delegated authority to the Corporate Director for Development to agree any necessary amendments to the submission Waste Core Strategy during the independent examination process.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

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

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

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

5 BACKGROUND

- 5.1 The Planning and Compulsory Purchase Act 2004, as amended, requires the production of a 'Local Plan'. The Waste Core Strategy is part of the Local Plan and will provide the strategic vision for waste development across the City and County. Prior to adoption, the document must go through a number of formal and informal consultation stages. 'Publication' of the Nottinghamshire and Nottingham Waste Core Strategy – Proposed Submission Document took place between 5 March and 30 April 2012, and was the first stage for formal representation. A further 6 week formal period for representations was required on Proposed Changes made as a result of the comments received, as well as the publication of the National Planning Policy Framework (NPPF). This took place between 1

October and 12 November 2012. Prior to this, there were three informal stages of consultation – the Issues and Options (2006), the Further Issues and Options (2010) and the Preferred Approach (2011).

- 5.2 All previously published documents can be found at www.nottinghamcity.gov.uk/wastecorestrategy
- 5.3 During consultation on the draft Waste Core Strategy (March – April 2012) 244 responses 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.
- 5.4 Publication of the Proposed Changes gave rise to a total of 48 representations 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. 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. A full schedule of the representations received on the ‘Publication’ Waste Core Strategy and on the Proposed Changes, including late representations, is available in the Group rooms and at www.nottinghamcity.gov.uk/wcssubmission, and Appendix 1 provides a brief summary.
- 5.5 It should be noted that at the time of drafting this report, there were three organisations which have been granted an extension of time to the consultation deadline as a result of a technical error registering their previous representations. Any representations made by these organisations to the most recent consultation will be reported to the Council on 10 December, either verbally or by an addendum. However, officers are not anticipating that there will be any significant changes necessary.
- 5.6 A number of minor additional modifications are proposed in response which will be put forward at the independent examination (see paragraph 5.9). This includes a minor change to reflect the new Green Belt policy wording in the NPPF. As the changes are minor, there is no requirement to consult on them. The Schedule of Minor Additional Modifications is available in the Group rooms and at www.nottinghamcity.gov.uk/wcssubmission.

Next steps

- 5.7 Following approval from both Councils, the Nottinghamshire and Nottingham Waste Core Strategy – Proposed Submission Document (March 2012) will be submitted to the Secretary of State, along with:
- Schedule of Proposed Changes (October 2012);
 - appendices to the Proposed Changes (October 2012);
 - Schedule of Representations Received on the Proposed Changes (December 2012);
 - Schedule of Minor Additional Modifications (in response to representations received on the Proposed Changes) (December 2012);
 - Sustainability Appraisal Report on Proposed Submission Document (February 2012);
 - Sustainability Appraisal Report on Proposed Changes (September 2012);
 - Consultation Statement (Regulation 22 Statement) (December 2012);
 - Equalities Impact Assessment of the Waste Core Strategy – Proposed Submission Document (December 2011);
 - Equalities Impact Assessment of the Proposed Changes (August 2012);
 - copies of all representations made on the Waste Core Strategy – Proposed Submission Document;
 - other relevant evidence, including a Habitats Regulation Assessment screening, Strategic Flood Risk Assessment, statements and background papers.
- 5.8 The submission documents, copies of representations, and links to the evidence base can be found at:
www.nottinghamcity.gov.uk/wcssubmission.
- 5.9 The formal submission of the draft Waste Core Strategy will be the start of the independent examination process and an independent Planning Inspector will be appointed to consider the representations that have been made and to test its overall soundness and legal compliance. Part of this process will involve a Public Examination where the Inspector will hold round-table sessions to discuss specific issues. He/she will invite further supporting evidence from the Councils and respondents as necessary. Participation in the Examination will be at the discretion of the Inspector. The Examination is currently expected to be held in April/May 2013.

- 5.10 Prior to the hearing stage, the Inspector is likely to hold a pre-hearing meeting with all interested parties. This is normally used to explain the arrangements for the hearing sessions. However, if, at this stage, the Inspector considers that there are likely to be any insurmountable issues of soundness or legal compliance, he/she may advise the Councils not to proceed but to withdraw the draft Waste Core Strategy and re-submit it at a later stage following any necessary re-drafting and consultation. In order to minimise the risk, the Councils have therefore taken all reasonable steps to satisfy themselves that the draft Waste Core Strategy is sound prior to submission, including carrying out their own self-assessment of soundness and participating in an advisory visit from the Planning Inspectorate which did not identify any significant issues. Following the independent examination, the Inspector will publish a report which will set out whether or not the draft Waste Core Strategy is sound. Where it is not considered to be sound the Inspector will suggest any further changes, agreed at the independent examination, which should be made to make it so. These will subsequently need to be approved by both Councils before the Waste Core Strategy can be adopted formally.
- 5.11 It is anticipated that if the Waste Core Strategy is found sound, the Councils will adopt it in autumn 2013.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 The preparation of, and consultation on, the Waste Core Strategy is part of the statutory planning process. The costs of this activity will be met from existing resources earmarked for this purpose.

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

- 7.1 Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) the approval of the Waste Core Strategy for the purposes of its submission to the Secretary of State for the stage of Independent Examination is a non-executive function. Under the Council's Constitution, responsibility for approval of the Development Plan (of which the Waste Core Strategy is a part) is a matter for the City Council.

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 Has the equality impact been assessed?

Yes – EIA attached at Appendix 2.

8.2 It has been agreed that a single EIA will be produced by both Authorities using the Nottinghamshire County Council template.

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

9.1 None.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Draft Nottinghamshire and Nottingham Waste Core Strategy – Proposed Submission Document (March 2012)

10.2 Schedule of Proposed Changes (October 2012)

10.3 Appendices to the Proposed Changes (October 2012)

10.4 Schedule of Representations Received on the Proposed Changes (December 2012)

10.5 Schedule of Minor Additional Modifications (in response to representations received on the Proposed Changes) (December 2012)

10.6 Sustainability Appraisal Report on Proposed Submission Document (February 2012)

10.7 Sustainability Appraisal Report on Proposed Changes (September 2012)

10.8 Consultation Statement (Regulation 22 Statement) (December 2012)

10.9 Equalities Impact Assessment of the Waste Core Strategy – Proposed Submission Document (December 2011)

10.10 Equalities Impact Assessment of the Proposed Changes (August 2012)

10.11 The Waste Core Strategy Issues and Options (2006)

- 10.12 The Waste Core Strategy Further Issues and Options (2010)
- 10.13 The Waste Core Strategy Preferred Approach (2011)
- 10.14 The Nottinghamshire and Nottingham Waste Local Plan (adopted January 2002)

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