

**Executive Board
18 January 2022**

Subject:	Draft Nottinghamshire and Nottingham Waste Local Plan
Corporate Director(s)/Director(s):	Sajeeda Rose, Corporate Director for Growth and City Development
Portfolio Holder(s):	Councillor Linda Woodings, Portfolio Holder for Planning, Housing and Heritage
Report author and contact details:	Karen Shaw, Local Plans Manager karen.shaw@nottinghamcity.gov.uk
Other colleagues who have provided input:	Peter McAnespie, Partnership and Local Plans Manager Matt Gregory, Head of Planning Strategy and Building Control
Subject to call-in: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Key Decision: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Criteria for Key Decision:	
(a) <input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision	
and/or	
(b) Significant impact on communities living or working in two or more wards in the City	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of expenditure: <input type="checkbox"/> Revenue <input type="checkbox"/> Capital	
Total value of the decision: Nil	
Wards affected: All	
Date of consultation with Portfolio Holder(s): 29 November 2021	
Relevant Council Plan Key Outcome:	
Clean and Connected Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input checked="" type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Healthy and Inclusive	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Financial Stability	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

Summary of issues (including benefits to citizens/service users):

The Council is a waste planning authority and has a statutory duty to maintain an up-to-date Waste Local Plan. The Waste Local Plan is prepared jointly with Nottinghamshire County Council and the current adopted Joint Waste Core Strategy (2013) is now dated.

Consequently, the two Councils commenced work on a review of the Joint Waste Local Plan in 2019, with the consultation on the Issues and Options version of the Plan (including a 'call for sites') taking place between 29 February and 7 May 2020. The results of this consultation have now been taken forward into the Joint Draft Waste Local Plan, which is attached to this report. The Joint Draft Plan can now move forward for consultation in accordance with the Town and County Planning (Local Planning) (England) Regulations 2012.

Does this report contain any information that is exempt from publication?

No

Recommendation(s):

1. To approve the carrying out of a consultation process for the Nottinghamshire and Nottingham Draft Waste Local Plan (attached to the report as Appendix 1).
2. To delegate authority to the Director of Planning and Regeneration, in consultation with the Portfolio Holder for Planning, Housing and Heritage, to make any minor changes to the draft Plan prior to the start of the consultation process.

1. Reasons for recommendations

- 1.1 The Constitution specifies that the Waste Local Plan is part of the Council's formal Policy Framework. In accordance with the Constitution (and the Local Authorities (Functions and Responsibilities) (England) Regulations Act 2000 (as amended), the Executive Board has the power to approve the Draft Waste Local Plan (DWLP) for consultation. This report therefore seeks approval from Executive Board to release the Joint DWLP for an 8-week period of consultation.

2. Background (including outcomes of consultation)

- 2.1 Nottingham City and Nottinghamshire County Councils commenced work on the DWLP in 2019. An informal consultation on the Issues and Options version of the Plan (including a 'Call for Sites') took place between 29 February and 7 May 2020 (extended by a month in light of the Covid-19 Pandemic). A Preliminary Waste Needs Assessment accompanied this document.
- 2.2 The consultation exercise generated 270 representations and nine potential waste management sites were put forward for consideration as part of the Call for Sites. The representations received have been analysed, written up into a Report of Consultation (contained in Appendix 2 to the report) and used to inform the DWLP.

- 2.3 There was general support for the approach taken with many also suggesting that the overall vision for the DWLP be strengthened. There was support for the timeframe of the plan and the proposed waste scenarios. Key points made included:
- the approach to forecasting waste arisings was supported;
 - comments were made on variable data quality and. Therefore. the need for flexibility in Plan policies;
 - there was general support for the Strategic Objectives, with suggestions to strengthen them;
 - there was support for stretching recycling targets;
 - energy recovery is acknowledged as part of the waste treatment mix, but should not undermine prevention or recycling waste;
 - there was broad support for locating larger waste facilities close to main urban centres where most waste is generated;
 - a call from the waste industry for a flexible approach to deal with changing approaches to managing waste;
 - there was an overall preference for site criteria to guide future development rather than allocating land; and
 - general support for range of development management policies proposed, including detailed and helpful comments made on aspects of potential policies, for example, to safeguard water resources and biodiversity.
- 2.4 In March 2021, AECOM was commissioned to carry out a full Waste Needs Assessment (WNA) on behalf of both Councils. This is a technical assessment of the likely future levels of waste that will be produced in Nottinghamshire and Nottingham, the proportions of recycling recovery and residual waste to be expected by 2038. It also assesses the capacity or otherwise for waste management facilities in light of future changes to waste flows. AECOM have now completed this work. The conclusions from the Assessment are as follows:
- 2.5 For Local Authority Collected (LACW - mainly household waste) and Commercial and Industrial (C&I) Waste:
- sufficient capacity is provided by recycling/composting facilities within the plan area to manage the plan area's LACW and C&I waste up to 2038;
 - there is currently insufficient capacity for energy recovery and landfill within the plan area to manage the plan area's LACW and C&I waste, with further decline to 2038, with the exception of the high recycling scenario, in which case there would be a small surplus energy recovery capacity at the end of the plan period; and
 - landfill capacity within the plan area is currently effectively exhausted, and even in the high recycling scenario, the assessment shows that up to 3.5 million tonnes of waste may require landfilling within the plan period.
- 2.6 For Construction, Demolition and Excavation (CD&E) Waste:
- sufficient recycling/recovery capacity for managing CD&E waste exists during the plan period; and
 - currently, sufficient landfill capacity exists for CD&E waste, but a deficit is likely to arise during the plan period.

- 2.7 It is predicted that 42,896 tonnes of hazardous waste will be generated within the Plan area in 2038. There is sufficient capacity within the Plan area to manage hazardous waste arisings (146,120 tonnes per year capacity).
- 2.8 There are significant flows of waste into and out of the Plan area: based on recent data, approximately 1.4 million tonnes of waste originating from outside of the Plan area is being imported into waste management facilities located in the plan area (equivalent to 38% of the total waste managed by facilities in the Plan area), with approximately 670,000 tonnes of waste originating from the Plan area being exported. The Plan area is therefore a net importer of waste, with most of this being waste imported for treatment within the Plan area.
- 2.9 Consequently, some of the key issues addressed in the DWLP include:
- supporting wider waste initiatives to ensure waste is seen as a resource to be re-used, recycled and then recovered, and ensure sufficient facilities for this are provided to meet anticipated rates of recycling, recovery and disposal;
 - ensuring waste is planned for in a sustainable way, having regard to the need to address climate change and support 'net zero' ambitions; and
 - looking over the period to 2038 to provide a planning framework and a set of policies to guide development management decisions both over the long-term as well as shorter-term.
- 2.10 The policies of the DWLP seek to meet seven strategic objectives:
- Acting on climate change (with direct links to Nottingham City's Carbon Neutral 2028 agenda)
 - Strengthening our economy
 - Protecting our environment
 - Safeguarding community health and wellbeing
 - Meeting our future waste management needs
 - Promoting high quality design and operation
 - Minimising the impacts of transporting waste
- 2.11 The DWLP contains a set of strategic policies that will guide the provision of facilities for recycling and waste to appropriate locations. It also contains detailed development management policies which will help secure appropriate standards of development when planning applications are submitted. In light of the Waste Needs Assessment, which indicates generally sufficiency of provision other than for landfilling, it is not considered necessary to make site allocations for waste facilities. Instead, the DWLP has criteria-based policies which will guide development to appropriate locations and new provision will be therefore made through planning applications being approved in light of these policies.
- 2.12 The DWLP is being prepared at the same time as a new Municipal Waste Strategy. Whilst the DWLP sets the planning policy framework against which to consider waste infrastructure planning applications, the Municipal Waste Strategy will set out the

Council's strategic and policy framework to manage local authority collected or controlled waste. Both are being prepared to complement one other, by using a common evidence base and assumptions where appropriate (for example, the Waste Needs Assessment). The consultation periods for both documents are programmed to overlap, and this will ensure that consultees can consider the interrelationship between the two when making responses.

- 2.13 This is a draft Local Plan and as required by planning regulations, a Local Plan has to be prepared in consultation with the community to which it applies. This report is therefore seeking approval to publish the DWLP for comments and responses from statutory undertakers, local communities, waste operators and other stakeholders. The comments received will help shape a final version of the Plan.
- 2.14 It is proposed to commence a formal consultation exercise (jointly with the County Council) in February for an eight-week period. In light of the current pandemic, the consultation will be primarily online, however it will be advertised and promoted via social media and other means. There will also be opportunities for interested parties to meet planning officers via video call and other initiatives which are being explored to inform and involve people in the development of this DWLP.
- 2.15 Following consultation, the responses will be considered in preparing a Pre-Submission version of the DWLP, which will be published for formal representations in Autumn/Winter 2022/23. The DWLP will then be submitted for examination by a Government-appointed Planning Inspector in Spring 2023, after which (assuming it is found sound with or without modifications) it can be adopted by both Councils. It is anticipated that adoption will happen in Autumn 2023.
- 2.16 An advisory Councillor Working Group comprising members of both authorities has been established to brief leading members on the proposals and to steer the DWLP. The Working Group met on 5 November to discuss and agree the Draft Plan. As well as requiring approval by the City Council, the DWLP has also gained formal approval by the County Council.

3. Other options considered in making recommendations

- 3.1 To do nothing: the Council has a statutory responsibility to prepare an up-to-date Waste Local Plan, so this option is rejected.

4. Consideration of Risk

- 4.1 This is a draft version of the Waste Local Plan. Testing the Plan's assumptions, evidence and policies through the consultation period will enable the Plan to be amended in light of feedback received. This feedback will provide a good indication of risk, which will be considered and mitigated against in the next version of the Plan.

5. Finance colleague comments (including implications and value for money/VAT)

- 5.1 There are no direct financial implications arising from the report. The preparation of the Waste Local Plan is part of core business and so therefore forms part of the

current services budget. Any requirements from this Plan that do not have current budget will need to seek separate appropriate approval prior to commencement.

Comments provided by Susan Tytherleigh, Finance Business Partner, on 14 December 2021.

6. Legal colleague comments

- 6.1 As indicated above, the formulation and adoption of Local Plan Documents have to follow a formal statutory process. Whilst not all of these functions are the responsibility of the Executive, the initial formulation and preparation of the draft Waste Local Plan is within the Executive's remit. The Board is being asked to authorise release of the draft Waste Local Plan for consultation and the risk of challenge at this stage is therefore small.

Comments provided by Ann Barrett, Team Leader – Legal Services, on 13 December 2021.

7. Strategic Assets and Property colleague comments

- 7.1 This report will provide the planning policy framework for the future, long-term delivery of waste management. There are no property implications arising from the plan at this stage as such there are no immediate concerns from a property perspective.

Comments provided Pippa Hall, Acting Head of Corporate Property and Investment, on 15 December 2021.

8. Equality Impact Assessment (EIA)

- 8.1 An EIA is attached as Appendix 3 to the report and due regard will be given to any implications identified in it.

9. Data Protection Impact Assessment (DPIA)

- 9.1 A DPIA is attached as Appendix 4 to the report and due regard will be given to any implications identified in it.

10. Carbon Impact Assessment (CIA)

- 10.1 A CIA is attached as Appendix 5 to the report and due regard will be given to any implications identified in it.

11. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

- 11.1 The following documents have been produced to support the Joint Draft Waste Local Plan and are contained within appendices to this report:
- the Waste Needs Assessment as detailed above (Appendix 6);

- a Sustainability Appraisal, which appraises the social, environmental and economic effects of the Plan. In doing so it will help ensure that decisions are made that contribute to achieving sustainable development (Appendix 7);
- an Equalities Impact Assessment, which helps to ensure the Waste Local Plan considers any potential risk on different groups and offers an opportunity to consider how the policies may help to further develop equality, thereby ensuring the best possible policies in place (Appendix 3); and
- a Report of Consultation (Appendix 2), which details the consultation that was carried out for the previous Issues and Options Draft of the Joint Waste Local Plan. The statement explains:
 - (a) which statutory bodies, organisations and persons were invited to make representations at each stage;
 - (b) how they were invited to be involved; and
 - (c) a summary of the main issues raised by the consultation and how these have been addressed in the Plan.

12. Published documents referred to in this report

12.1 Nottinghamshire and Nottingham Waste Core Strategy, adopted December 2013.