

Executive Board – 18 July 2023

Subject:	Nottinghamshire and Nottingham Waste Local Plan - Pre Submission Version
Corporate Director(s)/Director(s):	Sajeeda Rose, Corporate Director for Growth and City Development
Portfolio Holder(s):	Councillor Angela Kandola, Portfolio Holder for Highways, Transport and Planning.
Report author and contact details:	Matthew Grant, Local Plans Manager matthew.grant@nottinghamcity.gov.uk 0115 8762561 Karen Shaw, Local Plans Manager karen.shaw@nottinghamcity.gov.uk 0115 876 3969
Other colleagues who have provided input:	Matt Gregory matt.gregory@nottinghamcity.gov.uk
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 type="checkbox"/> No	
Type of expenditure: <input type="checkbox"/> Revenue <input type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date:	
Total value of the decision: Nil	
Wards affected: All	
Date of consultation with Portfolio Holder(s): 16 June 2023 (scheduled for)	
Relevant Council Plan Key Outcome:	
Green, Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input checked="" type="checkbox"/>
Carbon Neutral by 2028	<input checked="" type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Living Well in our Communities	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users): The report is brought forward to enable the Executive Board to consider and endorse the publication of the Nottinghamshire and Nottingham Waste Local Plan Pre Submission Version (Regulation 19) in light of the earlier consultation on the Draft Plan.	
Does this report contain any information that is exempt from publication? No	
Recommendation(s):	
1. To accept the summary of the main issues raised during the consultation on the Draft Plan Stage as outlined in the Report of Consultation (Appendix A) and how these have been addressed.	
2. To endorse the Nottinghamshire and Nottingham Waste Local Plan – Pre Submission Version (Appendix B) and that it be published for formal representations.	
3. To authorise the Corporate Director for Growth and City Development to make any further	

1. Reasons for recommendations

- 1.1 To make Executive Board aware of the response to the Draft Plan consultation stage and to present a final Plan to the Executive for approval to publish for formal representations to be made.
- 1.2 To ensure that the Waste Local Plan is approved and published in accordance with the Constitution of the City Council.
- 1.3 To provide delegated authority for officers to make necessary minor changes considered necessary associated with publication.

2. Background (including outcomes of consultation)

- 2.1 The Waste Local Plan is a statutory document that all Waste Planning Authorities must prepare. It sets out policies against which all development proposals involving recycling and waste processing are assessed and determined by the City Council.
- 2.2 The overall aim of the Plan is to ensure that a sufficient range of sites are provided to meet expected demand for recycling and waste management in the most sustainable way by supporting greater levels of re-use and recycling of material, seeking to minimise landfill and to safeguard existing waste management sites from being unnecessarily lost or impacted by other development.
- 2.3 The City and County Councils have for many years prepared Joint Local Plans for Waste owing to the cross boundary nature of recycling and waste management. The current Waste Core Strategy was adopted in May 2013 and is supplemented by policies from the Waste Local Plan of 2006. These documents now need reviewing and both Councils agreed to prepare a single new Plan. The new plan will look ahead to 2038.
- 2.4 The preparation of the Plan began by carrying out an informal issues and options public consultation on the new plan period in early 2020. The feedback from this consultation fed into the development in 2021/22 of a draft version of the Joint Waste Local Plan, which was published for consultation between the February and April 2022.
- 2.5 In total 283 representations were received from a total of 39 organisations and individuals. This included statutory bodies, district and parish councils, neighbouring county councils, the waste industry, interest groups and members of the public.
- 2.6 The proposed Joint Waste Local Plan Pre Submission Version, which incorporates changes in response to the consultation on the Draft Plan, is appended to this report at Appendix B. It is termed Pre Submission as it is the version of the Plan which is published for formal representations prior to submission to the Secretary of State. Executive Board is able to approve publication of the Plan for consultation. Under the Constitution, approval of the submission of the Plan to the Secretary of State is a decision for City Council.

- 2.7 The Joint Waste Plan focusses on providing a planning framework to provide facilities to enable a shift to a high level of recycling from both households and businesses over the period to 2038 and reduce the level of residual waste which is disposed of to landfill to an absolute minimum.
- 2.8 Waste recovery and recycling businesses are growing in Nottinghamshire and the Government plans to bring in additional measures to support household and commercial recycling and introduce greater producer responsibilities to reduce waste and foster recycling over the next decade. We want Nottingham and Nottinghamshire business to benefit whilst protecting the environment and local residents from the impacts of waste management.
- 2.9 Preparation of the Pre Submission Version has been informed by a body of evidence, with the relevant documents listed as Background Papers. Should the Council decide to submit the Pre Submission Version to the Secretary of State, these documents will need to be updated and/or supplemented in order to meet ongoing statutory requirements and to demonstrate that the Plan remains up to date and consistent with national policy and guidance.
- 2.10 The Pre Submission Plan and Waste Needs Assessment (Appendix D) has been considered by the Cabinet lead and Portfolio Holder for Waste Planning at both Councils. A meeting of a Joint Councillor Working Group was held with officers on 28 March to discuss the revised plan, attended by Councillor Neil Clarke of the County Council and Councillor Pavlos Kotsonis of the City Council (the then Portfolio Holder). The development of the Joint Waste Plan has also been overseen by the Joint Committee on Strategic Planning and Transport which meets four times a year to enable Councillors of the County and City Councils to discuss matters of mutual concern. An update to the Joint Committee on the plan was made on 9 June 2023.
- 2.11 As part of the Local Plan preparation there is a statutory requirement to produce a Habitats Regulation Assessment (Appendix H). Natural England, the statutory consultee, have confirmed that the correct methodology has been used, the relevant legislation has been referenced and they agree with the conclusions that the Plan is unlikely to generate potential likely significant effects on European sites and that no further work on the HRA is required.
- 2.12 As this is a Joint Local Plan, it will require similar approval by Nottinghamshire County Council. It is anticipated that the Joint Waste Local Plan will be reported to the County's Cabinet (Executive Board equivalent) in July.
- 2.13 A Report of Consultation setting out the comments received on each policy of the Draft Plan is set out in Appendix A together with a summary response to the comments and an indication of how the policy has been changed, where this is the case. However, the Main changes to the Waste Local Plan between the Draft Version and the Pre Submission Version include the following;
- **National and Local Policy Updates:** The document now includes the latest relevant policy changes, such as the inclusion of the Carbon Budget, the Environment Act, and the Environmental Improvement Plan.
 - **Updated Waste Needs Assessment:** The Waste Needs Assessment has been revised to incorporate the most recent available data including updates to the baseline information, which is essential for predicting future waste generation.

- **Revised Vision:** The Vision section now includes an anticipation that communities will reduce waste production by minimising resource usage and promoting reuse as much as possible by the year 2038.
- **Focus on Waste Management Facilities:** The document now emphasises the importance of locating waste management facilities near the primary sources of waste. It also highlights the need for the scale of these facilities to be appropriate for their specific locations.
- **Enhanced Climate Change Policy:** The Climate Change policy has been amended to provide clear guidelines for applicants. It specifies that applicants should demonstrate their efforts to minimise their impact on climate change causes and ensure resilience and adaptability to a changing climate.
- **Redrafted Policy DM3 Design of New and Extended Waste Management Facilities:** The policy has undergone significant revisions to provide clarity regarding application expectations. It now emphasises the importance of considering the surrounding area, including the natural and historic environment and the overall landscape, during the design process.
- **Inclusion of Biodiversity Net Gain and Nature Recovery Networks:** Both the policy and supporting text have been amended to align with the requirements of the Environment Act. This includes the introduction of a minimum 10% biodiversity net gain and the establishment of Nature Recovery Networks.

Next steps

- 2.14 The Pre Submission Version is the final stage in the development of the Waste Local Plan prior to submission to the Secretary of State. It sets out the approach that the City and County Councils consider is the most appropriate approach for future recycling and waste development in Nottinghamshire and Nottingham. The Local Plan regulations stipulate that once a Plan has been finalised it must be published for formal representations before being submitted to the Secretary of State, who (through the Planning Inspectorate) will appoint an Inspector and report to the Council on the Plan prior to its adoption.
- 2.15 Subject to approval by the Executive Board, the Pre Submission Version will be therefore published for a period of six weeks in the summer of 2023 to allow for formal representations on the soundness of the plan with specific dates to be finalised.
- 2.16 A Guidance Note will be published on the Waste Local Plan webpage providing information on the tests of soundness which the plan will be assessed against by the Inspector along with a specific template/form to help respondents reply to the consultation.
- 2.17 Following this six week period, officers will consider the representations and if the Plan is still considered generally sound, will make a report to both Councils to recommend submission of the Plan to the Secretary of State for examination. For both Councils this is a decision which is reserved for the full Council.
- 2.18 At the examination stage, an Inspector will consider the Submission Version, the evidence supporting it and representations received at the Publication (Regulation 19) stage and judge whether it is sound and whether it meets the legal requirements of a Plan. The Inspector may suggest that the Councils

make further modifications to the Plan in order to make it sound, before it is formally adopted at meetings of both Councils.

2.19 It is currently anticipated that the Plan will be adopted in Autumn 2024.

3. Other options considered in making recommendations

3.1 Preparation and keeping up to date a Waste Local Plan is a statutory requirement. Without an up to date planning policy framework in place, planning applications for recycling and waste development could be submitted and decided with little weight afforded to local planning policy resulting in a lack of certainty for local communities and the waste industry. The only other option is to not approve consultation and suspend preparation of the Plan with the above consequence and this is not considered appropriate.

4. Consideration of Risk

4.1 It is acknowledged that the plan assumes relatively ambitious recycling targets for all waste streams however these targets will be re-examined in line with the statutory requirement to review Local Plans every 5 years.

5. Best Value Considerations, including consideration of Make or Buy where appropriate

5.1 The City Council is working in partnership with Nottinghamshire County Council to produce this joint Waste Local Plan. This partnership helps to share knowledge and expertise and should make the plan more economic to produce and therefore follows the Best Value theme of 'Do It With Others'.

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

6.1 There are no direct financial implications arising from the New Waste Local Plan. The preparation of the New Waste Local Plan is part of core business and so therefore forms part of the current services budget.

6.2 Any requirements from this Plan that do not have current budget will need to seek separate appropriate approval prior to commencement. If approved changes to the current budget are required this will be updated and recorded in the budget for the service. This will be monitored by the service for any variance and reflected in the monthly forecast for the service.

Paul Rogers - Commercial Finance Business Partner (G&CD) 15/06/2023

7. Legal colleague comments

7.1 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 formulation and preparation of the draft Waste Local Plan up to the submission stage is within the Executive's remit. As the Board is being asked to authorise release of the Pre Submission Version for consultation the risk of challenge at this stage is small.

Ann Barrett Team Leader, Legal Services – 15/06/23

8. Strategic Assets and Property

- 8.1 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. Strategic Assets and Property will work with Council Officers to support the Nottinghamshire & Nottingham Waste Local Plan wherever possible.

Beverley Gouveia Disposals and Development Manager - Strategic Assets and Property 15/06/2023.

9. Crime and Disorder Implications (If Applicable)

- 9.1 Not applicable

10. Social value considerations (If Applicable)

- 10.1 Not applicable

11. Regard to the NHS Constitution (If Applicable)

- 11.1 Not applicable

12. Equality Impact Assessment (EIA)

- 12.1 Has the equality impact of the proposals in this report been assessed?

Yes



Attached as Appendix E, and due regard will be given to any implications identified in it.

13. Data Protection Impact Assessment (DPIA)

- 13.1 Has the data protection impact of the proposals in this report been assessed?

Yes



Attached as Appendix F, and due regard will be given to any implications identified in it.

14. Carbon Impact Assessment (CIA)

- 14.1 Has the carbon impact of the proposals in this report been assessed?

Yes



Attached as Appendix G, and due regard will be given to any implications identified in it.

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

None

16. Published documents referred to in this report

- [Nottingham City Aligned Core Strategy - ACS \(2014\)](#) (Part 1 Local Plan)

- [Land and Planning Policies Document - LAPP \(2020\)](#) (Part 2 Local Plan) and Policies