

City Council - 4 March 2024

Nottinghamshire and Nottingham Waste Local Plan

Report of the Portfolio Holder for Highways, Transport and Planning

Corporate Director:

Corporate Director for Growth and City Development

Report Author and Contact Details:

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Does the report form part of the Budget or Policy Framework?

Yes No

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

No

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"/> |

1. Summary

- 1.1 To provide the City Council with the opportunity to review and approve the joint Nottinghamshire and Nottingham Waste Local Plan for submission to the Secretary of State. This follows the publication of the Pre-Submission Plan (Regulation 19) for a legally required consultation period which allowed for representations to be made prior to the plan's submission.

2. Recommendations

- 2.1 Submit the Nottinghamshire and Nottingham Waste Local Plan – Pre Submission Version (Appendix 1) to the Secretary of State with a request that the appointed Planning Inspector should advise on any modifications considered necessary in order to make the Plan sound.
- 2.2 Note the summary of the main issues raised during the consultation on the Draft Plan Stage as outlined in the Report of Consultation including a summary of representations received on the Pre Submission Version (Appendix 2) and how these have been addressed.
- 2.3 Authorise the Corporate Director for Growth and City Development, in consultation with the Portfolio Holder for Highways, Transport and Planning, to consider, propose

and publish any modifications during the examination of the Plan in order to deal with issues of soundness, typographical corrections and to compile and submit further supporting documents as necessary prior to or following submission.

3. Reasons for recommendations

- 3.1 To ensure that Council is aware of the results of various consultation stages in preparing the Waste Local Plan and in particular, the representations made on the Pre Submission Plan.
- 3.2 To enable the Waste Local Plan to be submitted to the Secretary of State for examination which is a regulatory requirement prior to adoption.
- 3.3 To provide delegated authority for officers to propose and publish draft modifications to the Waste Local Plan as part of the examination process and to add as necessary to the evidence base to support the Waste Local Plan prior to and following submission.

4. Other options considered in making recommendations

- 4.1 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 submit the plan for examination and suspend preparation of the Plan with the above consequence and this is not considered appropriate.

5. Consideration of Risk

- 5.1 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.

6. Best Value Considerations

- 6.1 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 including the sharing of costs for the examination and preparation of background evidence and therefore follows the Best Value theme of 'Do It With Others'.

7. Background (including outcomes of consultation)

- 7.1 A Waste Local Plan is a statutory document that all Waste Planning Authorities must prepare and maintain. It sets out policies against which all development applications involving recycling and waste processing are assessed and determined by the City Council as waste planning authority.
- 7.2 The City and County Councils have for many years prepared a single Joint Local Plan for Waste owing to the cross boundary nature of recycling and waste management and movement of waste. The current Waste Core Strategy was adopted in May 2013 and is supplemented by policies from the Waste Local Plan of

2002. These documents are now out of date and both Councils agreed to prepare a single new Plan to replace them.

- 7.3 The preparation of the Plan began by carrying out an informal public consultation on the issues and options faced over 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 February and April 2022. The comments on the Draft Plan informed the Pre Submission Version which was approved for publication by Executive Board in July to allow final representations to be received on the proposed Plan.
- 7.4 Full Council approval is required to submit the Plan to the Secretary of State.

The Joint Waste Plan

- 7.5 The overall aim of the Plan is to ensure that a sufficient range of sites are provided by the waste industry to meet expected future 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.
- 7.6 The vision and strategic objectives of the Waste Local Plan therefore help support the City Council's environmental and sustainability objectives especially in terms of reducing the City's impact on the environment. Waste processing and recycling is an economic sector which helps avoid having to dispose of waste to landfill, which is an important consideration given that almost all former quarries in Nottinghamshire which historically accepted landfill waste are now full.
- 7.7 The Plan and its supporting Waste Needs Assessment (Appendix 3) seeks to accommodate the expected demand for waste management facilities resulting from waste generated within the City and County boundaries. The Plan follows the "hierarchy" of waste which seeks to ensure that waste is firstly prevented, then repaired/re-used, then the material recycled, then used to enable recovery (eg energy recovery) with disposal being the last resort. The Plan is under no obligation to provide waste management capacity for waste generated outside the City and County boundaries.
- 7.8 The Plan will provide an up to date policy basis for determining future applications for waste development. This will help achieve national recycling targets for household waste of 65% (and higher proportions for commercial/industrial and demolition/construction waste) and ensure that waste is managed as high up the waste hierarchy as possible to reduce the amount of waste having to be disposed to landfill to the absolute minimum. The Plan seeks to ensure that future applications for waste processing and recycling are considered against strong and carefully worded criteria to ensure that future development only takes place in locations and in a form which are most appropriate, taking into account the local environment and residential amenity in particular.
- 7.9 The proposed Joint Waste Local Plan Pre Submission Version is appended to this report at Appendix 1. In summary it:
- supports the Nottingham Strategic Council Plan's ambitions to focus on neighbourhoods, enhance community engagement, partnerships with stakeholders, and a commitment to Nottingham's growth and inclusivity, driven

by a strong belief in public service and a vision for a greener, fairer, and more equal city for all residents.

- provides an up to date 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.

7.10 Preparation of the Plan has been informed by a body of evidence, with the relevant documents listed as Background Papers and available at [Nottinghamshire and Nottingham New Waste Local Plan](#)

7.11 Should the City Council resolve to submit the Pre Submission Version to the Secretary of State, these documents will be updated and/or supplemented prior to or following submission to support the examination of the Waste Local Plan.

7.12 The Plan has already received approval by Nottinghamshire County Council on 7 December 2023 subject then to supporting documents being completed.

Representations following publication

7.13 The Pre Submission Version of the Plan was published for a period of six weeks between 30 August and 11 October 2023 to allow for formal representations on the 'soundness' of the plan.

7.14 During this period, 172 representations were received from 18 respondents. Of these 52 were in support of the Plan and 120 representations formed objections. The most commented upon policy was Policy SP4: Managing residual waste, followed by Policy SP2: Future waste management provision and Policy DM6: Historic environment. Many representations related not to specific policies but Chapter 5, mainly around the choice of recycling scenarios and the capacity gap analysis, with many indicating the Councils were not being ambitious enough on recycling and overplanning for Energy from Waste capacity. A summary of representations received and an officer response to these is contained in Appendix 2 as part of the Report of Consultation.

7.15 Officers from both Councils have considered the representations and whilst accepting that some wording of policies and text could be modified, if the Inspector considers these necessary for purpose of soundness, the overall Plan is considered generally sound and appropriate to submit to the Secretary of State for examination.

Examination

7.16 The Town and Country Planning (Local Planning) (England) Regulations 2012 stipulate that once a Plan has been finalised and published for formal representations it is then submitted to the Secretary of State who (through the Planning Inspectorate) will appoint an examiner and report to both Councils on the legality and 'soundness' of the Plan.

7.17 At the examination stage, an Inspector will consider the Pre Submission Version, the evidence supporting it and representations received at the Publication (Regulation 19) stage. The Inspector may suggest that the Councils make further modifications to the Plan to make it sound, before it is formally adopted at meetings of both Councils.

It is currently anticipated that the Plan will be submitted to the Secretary of State later in 2024, the examination will take place over the following six months (subject to Planning Inspectorate capacity) and is hoped to be adopted by the end of 2024.

7. Finance colleague comments (including implications and value for money)

The preparation of the Plan has followed a best value approach in that Nottingham City Council is working in partnership with the County Council, with Nottingham City Council contributing a 28.8% share to overall costs, costing £13,480. The costs for the Examination will be met from the 2024/25 budget. Spend Control approval for the Examination costs was obtained on 22/12/23 (ID: 2700) and there are no new unanticipated direct financial implications arising from the New Waste Local Plan. The preparation of the Plan is part of core business and so therefore forms part of the current services budget. The cost of not going ahead with the examination at this time would be considerable in terms of having to update the evidence base in the future and amending the Plan. In addition, there is a high risk that the partnership with the County Council would break down. If this situation was to incur then the costs of producing a Nottingham City Council specific Waste Local Plan would far exceed the budget for the service. Any requirements from this Plan that do not have current Spend Control approval 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 and will be monitored by the service for any variance and reflected in the monthly forecast for the service.

Paul Rodgers, Finance – 9 January 2024

8. Legal colleague comments

- 8.1 As indicated above, the formulation and adoption of Local Plan Documents have to follow a formal statutory process. 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 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 Council

Ann Barrett Team Leader, Legal Services – 03/01/2024.

9. Strategic Assets and Property

- 9.1 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 and Nottingham Waste Local Plan wherever possible.

Beverley Gouveia, Head of Property - Strategic Assets and Property 04/01/2024.

10. Crime and Disorder Implications (If Applicable)

- 10.1 Not applicable

11. Social value considerations (If Applicable)

11.1 Not applicable

12. Regard to the NHS Constitution (If Applicable)

12.1 Not applicable

10. Equality Impact Assessment (EIA)

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

Yes



Attached as Appendix 5, and due regard will be given to any implications identified in it.

11. Data Protection Impact Assessment (DPIA)

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

Yes



Attached as Appendix 6, and due regard will be given to any implications identified in it.

12. Carbon Impact Assessment (CIA)

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

Yes



Attached as Appendix 7, and due regard will be given to any implications identified in it.

13. Health Impact Assessment (HIA)

Has the health impact of the proposals in this report been assessed?

Yes



Attached as Appendix 8, and due regard will be given to any implications identified in it.

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

- Waste Needs Assessment (Appendix 3).

15. Related published documents

- [Nottingham City Aligned Core Strategy](#) - ACS (2014) (Part 1 Local Plan)
- Nottingham City [Land and Planning Policies Document](#) - LAPP (2020) (Part 2 Local Plan) and Policies

Councillor Angela Kandola
Portfolio Holder for Highways, Transport and Planning