

NOTTINGHAMSHIRE AND NOTTINGHAM DRAFT WASTE LOCAL PLAN
DRAFT RECOMMENDED NSDC REPRESENTATIONS

Chapter 4

Comment:

As stated in our previous representations, it would also be useful to highlight that between the main towns and 'small villages' a number relatively large towns and villages exist across the County. This is a particular issue when considering how to plan the provision of services (including waste) in rural areas.

The map on page 23 still does not appear to show the A46 Newark bypass.

Recommended Change:

Include text to highlight that between the main towns and 'small villages' a number relatively large towns and villages exist across the County.

Update the map on page 23 to include the A46 Newark bypass.

Paragraph 5.41

Comment:

The commitment to a target of a 65% recycling rate for Local Authority Collected Waste is welcomed.

Recommended Change:

Paragraph 5.42

Comment:

The commitment to a target of an 80% recycling rate for C&I waste is welcomed.

Recommended Change:

N/A

Paragraph 5.44

Comment:

The commitment to a target of a 95% recycling / recovery rate for CD&E waste is welcomed.

Recommended Change:

N/A

Table 11

Comment:

A query is raised in relation to the HIC Waste Disposal figures in Table 11. It is appreciated that these are taken from the Waste Needs Assessment, however, the remaining capacity figures don't appear to correlate to the arisings produced figures and clarification is sought. If additional capacity is required, it is questioned how the plan will make provision for this.

Recommended Change:

To clarify the disposal arisings produced and remaining capacity figures as they do not appear to correlate to each other.

The plan needs to demonstrate how additional disposal capacity requirements will be met.

Table 12

Comment:

A query is raised in relation to the CD&E Waste Disposal figures in Table 12. It is appreciated that these are taken from the Waste Needs Assessment, however, the remaining capacity figures don't appear to correlate to the arisings produced figures and clarification is sought.

If additional capacity is required, it is questioned how the plan will make provision for this.

Recommended Change:

To clarify the disposal arisings produced and remaining capacity figures as they do not appear to correlate to each other.

The plan needs to demonstrate how additional disposal capacity requirements will be met.

Paragraph 5.51 / Lack of Site Allocations

Comment:

In order to plan effectively for future needs, the WLP should include a range of allocated sites and / or identify broad locations, shown on a map base, on which future waste management facilities could be appropriately located.

Whilst it is acknowledged that very few sites were put forward during the previous Call for Sites exercise, there could be a range of reasons why this was the case, not least because it was conducted during the Covid-19 pandemic when there was great uncertainty for businesses. It is considered that the Call for Sites exercise should be re-run, potentially putting measures in place if necessary, to generate a greater level of response and potential sites. Pro-active consultation should take place with the waste industry and landowners in order to achieve a range of potential sites for allocation.

It is also suggested that existing waste management sites and employment land should be reviewed, in consultation with the District and Borough Councils, to establish the potential for extensions or new facilities and as such, the identification of broad locations on which future waste management development might be acceptable.

Recommended Change:

The WLP should contain allocated sites and / or map-based broad locations on which future waste management facilities could be sited, in suitable locations depending on the nature of the waste management facility, based on sustainability principles and the proximity principle, to enable the vision and objectives of the plan to be met.

Vision

Comment:

Concern has been raised previously regarding the suitability of locating a new waste management facility near Newark and this concern is carried forward due to the uncertainties within this plan and the lack of allocated sites. The identification of Newark as a location for waste management facilities requires justification and clarification should be provided within the plan as to what constitutes a medium scale waste management facility, as referred to in the Vision for Newark.

Recommended Change:

The identification of Newark as a location for waste management facilities requires justification and clarification should be provided within the plan as to what constitutes a medium scale waste management facility.

Policy SP1 Waste Prevention and Re-Use

Comment:

Whilst the intentions of this policy are welcomed, it is unclear how it could be applied in practice in the determination of planning applications. It is recommended that additional text is added to the policy setting out how its aims will be achieved and assessed in the determination of applications for planning permission.

Recommended Change:

Additional text should be added to the policy setting out how its aims will be achieved and assessed in the determination of applications for planning permission, for example, stating what information planning applications should include to demonstrate compliance with the policy.

Policy SP2 Future Waste Management Provision

Comment:

Whilst the positive approach to facilities which help to move waste management up the waste hierarchy is welcomed, Policy SP2 should set out clearly and precisely what the identified waste management needs for the plan area are over the plan period.

Additionally, this policy does not cover all types of waste management facility or requirement and so potentially leaves a gap in policy provision if proposals come forward for waste management facilities not specifically addressed by the policy, for example, waste transfer stations or waste water treatment plants. It is noted that the consultation response document states that the Waste Local Plan will contain a specific policy on waste water treatment plants but this has not been carried forward.

Part a) of this policy covers both recycling and recovery, which sit at different points in the waste hierarchy, and therefore this part of the policy ought to be broken down into two separate sections, ensuring that recycling is given priority over recovery.

Recommended Change:

It is recommended that Policy SP2 sets out clearly and precisely what the identified waste management needs for the plan area are over the plan period, even if this is in broad terms by reference to Tables 11 and 12.

The coverage of waste management facilities needs to be expanded within Policy SP2 such that it applies to all types of proposed new waste management developments. Whilst it is appreciated that it might not be desirable to list all types of waste management facility within the policy itself, there should be provision made for those types of facility and waste stream which the policy currently doesn't address.

Part a) of this policy ought to be broken down into two separate sections, ensuring that recycling is given priority over recovery, reflecting their respective positions in the waste hierarchy.

Policy SP3 Broad Locations for New Waste Treatment Facilities

Comment:

Policy SP3 needs to be expanded to include both new and extended waste management facilities to ensure that the expansion and extension of existing facilities is adequately covered within the plan.

The policy makes reference to large, medium and small-scale waste management facilities but nowhere in the policy or in the supporting text are these types of facilities defined. The policy, or supporting text, needs to provide clarity as to what constitutes a large, medium and small-scale waste management facility. Given that it is likely that the scale of the facility will be determined by the waste stream, it may be necessary to provide different definitions for different waste streams, however, in order for the policy to be effectively implemented, it is absolutely necessary to define what it means.

Concern has been raised previously regarding the suitability of locating a new waste management facility near Newark. The identification of Newark as a location for waste management facilities requires justification and the ambiguity as to what constitutes a medium scale facility requires clarification.

Whilst it is appreciated that the Waste Local Plan needs to be read and considered as a whole, it is considered that it would be helpful if this policy could cross reference to Policy DM1, to provide a more comprehensive approach to the types of locations where new waste management development might be acceptable.

The final paragraph of this policy considers both the open countryside and Green Belt. These issues should be treated as distinct from one another, with development in the Green Belt being required to meet different criteria to development in the open countryside. It is suggested that this distinction is clarified within the policy and that, in the interests of completeness, reference is made within the policy to Policy SP7 in relation to Green Belts.

Recommended Change:

Policy SP3 needs to be expanded to include both new and extended waste management facilities.

The policy, or supporting text, needs to provide clarity as to what constitutes a large, medium and small-scale waste management facility. Given that it is likely that the scale of the facility will be determined by the waste stream, it may be necessary to provide different definitions for different waste streams, however, in order for the policy to be effectively implemented, it is absolutely necessary to define what is meant by these terms.

The identification of Newark as a location for waste management facilities requires justification.

It is suggested that this policy cross references to Policy DM1 to provide a more comprehensive approach to the types of locations where new waste management development might be acceptable.

It is suggested that the element of this policy which addresses the Green Belt, specifically references Policy SP7 and that the approach taken is in line with the NPPF.

Policy SP4 Residual Waste Management

Comment:

Policy SP4 needs to be expanded to include both new and extended waste management facilities.

Given that this policy relates to waste at the bottom of the waste hierarchy, in order for it to be effective, it should be negatively worded so that part a) is phrased in a similar way to part b), stating either *“will only be permitted where”* or *“will not be permitted unless”*.

In relation to the parts a) and b) of this policy, there might be benefits in requiring consideration of extensions and the expansion of existing facilities, prior to new facilities being permitted, and criteria requiring consideration of this could be added to parts a) and b) of the policy.

The supporting text to this policy at paragraphs 7.29 to 7.35 states that there is a priority to use inert waste in the restoration of mineral working, landfill and landraise sites, however, this is not addressed within the policy itself and ought to be. Policy SP4 should be expanded to include reference to this priority.

Recommended Change:

Policy SP4 needs to be expanded to include both new and extended waste management facilities.

Given that this policy relates to waste at the bottom of the waste hierarchy, in order for it to be effective, it should be negatively worded so that part a) is phrased in a similar way to part b), stating either *“will only be permitted where”* or *“will not be permitted unless”*.

In relation to the elements of this policy, there might be benefits in requiring consideration of extensions and the expansion of existing facilities, prior to new facilities being permitted, and criteria requiring consideration of this could be added to parts a) and b) of the policy.

Policy SP4 should be expanded to include reference to the priority to use inert waste in the restoration of mineral working, landfill and landraise sites.

Policy SP5 Climate Change

Comment:

The inclusion of a policy specifically addressing climate change is welcomed, however, the policy should be worded in such a way as to place an onus on developers to actively demonstrate how waste management proposals have been located, designed and will be operated in a manner to minimise any potential impacts on climate change and to be resilient to future climate change. This could be a criteria-based policy which sets out what development proposals will need to include and demonstrate.

Recommended Change:

It is recommended that Policy SP5 is amended such that it places a clear requirement on developers to demonstrate within planning applications how their proposals have been located, designed and will be operated in a manner to minimise any potential impacts on climate change and to be resilient to future climate change. This could be a criteria-based policy which sets out what development proposals will need to include and demonstrate.

Policy SP6 Minimising the Movement of Waste

Comment:

The first sentence of Policy SP6 needs to be clear that the distance waste travels from source to the relevant waste management facility needs to be minimised, in accordance with the proximity principle.

The second sentence of this policy sits somewhat at odds with the first sentence and it should make clear that where more sustainable modes of transporting waste are not available, or are not viable, proposals should seek to make the best use of the existing transport network, to ensure that sustainable modes of transport are promoted as a first priority.

In order to not encourage the importation of waste, it is suggested that the third sentence of this policy is worded in a negative manner.

Recommended Changes:

It is recommended that the words *“from source to waste management facility, in accordance with the proximity principle”* are added after the word *“travel”* in the first sentence of this policy.

It is recommended that the second sentence of this policy is amended to start with the words *“Where more sustainable modes of transport are not available, or are demonstrated to not be viable, proposals should seek to make the best use of ...”*.

The word *“only”* should be added to the third sentence of this policy such that it states *“will only be permitted”*.

Paragraph 7.53

Comment:

Parts of Newark and Sherwood District Council’s administrative area are within the Green Belt. At present, this is omitted from this paragraph and this needs to be amended.

Recommended Change:

The first sentence of this paragraph needs to be amended to include reference to Newark and Sherwood District, as parts of the District are within the Green Belt.

Policy SP7 Green Belt

Comment:

Waste management developments are not a type of development the NPPF expressly states are considered to be appropriate in the Green Belt. Many types of waste management developments may constitute inappropriate development in the Green Belt and Policy SP7 needs to be more explicit in this regard.

It is suggested that the first part of this policy refers to the need for development proposals to constitute appropriate development, as the second paragraph then sets out how inappropriate development will be dealt with.

Recommended Change:

It is recommended that the following be added to the first sentence of Policy SP7 after “will only be approved” *“where it constitutes appropriate development and where ...”*.

Policy SP8 Safeguarding Waste Management Sites and Paragraph 7.64

Comment:

Within the first paragraph of this policy, it is suggested that reference is not only made to long term need and any wider regeneration benefits but that the sustainability of the existing waste management facility ought to also be taken into consideration in determining whether the loss of an existing facilities is acceptable.

Whilst the intention of this policy in relation to non-waste uses is welcomed, in order to ensure that existing and permitted waste management sites are sufficiently protected from non-waste development, and non-waste developments are protected from existing and permitted waste management sites, it is considered that the second paragraph of this policy needs to be amended to be more robust. The supporting text to this policy sets out the difficulties which can be faced by waste management facilities when new, sensitive types of development are located nearby. The reasonableness of requiring a developer to fund the relocation of a safeguarded waste management facility, as set out in paragraph 7.64, is questioned, and could not be required through the policy as it is currently worded.

It is recommended that the second paragraph of this policy is amended to require that an assessment of the potential for impacts between existing waste management facilities and new, non-waste development will be required as part of the consideration of proposals for new non-waste development, taking into account the type of waste management facility which exists. If adverse impacts either on the new development, or on the existing waste management facility are found to exist, these must be suitably addressed, mitigated against, or compensated for, as part of the proposed new non-waste development proposal, and the mitigation and / or compensation must be in place for the lifetime of either the waste management facility or the lifetime of the non-waste development, to prevent foreseeable issues arising in the future. This approach will ensure that both the existing waste management facility, and the new non-waste development, can be acceptably allowed.

Recommended Change:

It is recommended that the first paragraph of this policy is amended to include “, *the sustainability of the existing facility ...*” after “long term need for the facility ...”.

It is recommended that the second paragraph of this policy is amended to require that an assessment of the potential for impacts between existing waste management facilities and new, non-waste development will be required as part of the consideration of proposals for new non-waste development, taking into account the type of waste management facility which exists. If adverse impacts either on the new development, or on the existing waste management facility are found to exist, these must be suitably addressed, mitigated against, or compensated for, as part of the proposed new non-waste development proposal, and the mitigation and / or compensation must be in place for the lifetime of either the waste management facility or the lifetime of the non-waste development, to prevent foreseeable issues arising in the future. This approach will ensure that both the existing waste management facility, and the new non-waste development, can be acceptably allowed.

Policy DM 1 General Site Criteria

Comment:

The current structure of this policy is somewhat misleading and ambiguous, with the information on page 74 at first read appearing to imply that all waste management facilities will be supported in all of the types of locations listed. This policy needs to be in line with Policy SP3. If this type of policy is to be taken forward, it is strongly recommended that the table which appears on page 75 is set out at the outset, with the explanation of the types of location either in the supporting text or later within the policy.

It is recommended that it is also made clear within the policy that the types of locations identified are not necessarily mutually exclusive, for example, previously developed land can occur in the open countryside, and not all of the types of waste management facility identified as being suitable on previously developed land would be appropriate if that was in an open countryside location. The policy needs to be clear that the locational criteria established in Policy SP3 will be used to determine whether development is acceptable (or otherwise) in conjunction with this policy.

In order to provide clarity that this policy relates to all new waste management development, it is suggested that the words “*Proposals for new and extended ...*” are added to the start of the policy.

In addition, to provide clarity of approach, it is suggested that a further criteria be added to the first sentence of this policy, stating not just that proposals must have no unacceptable environmental impacts but also that there must be no conflicts with the delivery of non-waste development on strategic, allocated and major consented sites, or existing non-waste uses.

Recommended Change:

It is recommended that consideration is given to amending the structure of the policy to provide a clear and unambiguous policy which is in line with Policy SP3. If this type of policy is to be taken forward, it is strongly recommended that the table which appears on page 75 is set out at the outset, with the explanation of the types of location either in the supporting text or later within the policy.

It is recommended that it is also made clear within the policy that the types of locations identified are not necessarily mutually exclusive and that the locational criteria established in Policy SP3 will be used to determine whether development is acceptable (or otherwise) in conjunction with this policy.

It is recommended that the words *“Proposals for new and extended ...”* are added to the start of the policy.

It is also recommended that the words *“and there being no conflicts with the delivery of non-waste development on strategic, allocated and major consented sites, or existing non-waste uses:”* are added after *“no unacceptable environmental impacts”*.

Policy DM2 Health, Wellbeing and Amenity

Comment:

Policy DM2 needs to provide clarity that it relates to both new and extended waste management facilities and additional text should be added to achieve this.

Whilst it is accepted that the list of issues cited within the policy is not exhaustive, it is important that consideration of the potential for migration of contamination is included within the criteria of the policy, as set out in paragraph 8.23, and it is suggested that a further bullet point is added in this regard.

It is also suggested that transport impacts are included within the policy as a bullet point, rather than within the introductory text, to give all of the issues highlighted equal weight.

Recommended Change:

It is recommended that the words *“and extensions to existing ...”* are added after *“Proposals for new ...”* at the start of this policy.

It is recommended that *“Potential for migration of contamination”* is added as a bullet point.

It is recommended that *“Transport impacts”* is moved from the opening paragraph of the policy to be a bullet point.

Policy DM3 Design of New and Extended Waste Management Facilities

Comment:

In order to provide clarity that the policy specifically relates to design, it is suggested that reference should be made to design within the first sentence of this policy.

In order to maximise the sustainability of new waste management development proposals, it is suggested that reference to the re-use of materials where possible is added to the third bullet point.

Recommended Change:

It is recommended that the words *“the design of”* are inserted into the first sentence after *“where it can be demonstrated that ...”*.

It is recommended that *“and re-use materials where possible”* is added to the third bullet point.

Policy DM6 Historic Environment

Comment:

It is considered that the first point of this policy requires clarification and that the addition of the words *“heritage asset”* after *“significance of a designated ...”* would achieve this.

Recommended Change:

It is suggested that the words *“heritage asset”* after *“significance of a designated ...”* in point 1 of this policy should be added.