

Nottinghamshire and Nottingham

# Waste Local Plan

Proposed Main Modifications

Habitats Regulation Assessment  
Screening Report

December 2024

# 1. Introduction

- 1.1. Nottinghamshire County Council and Nottingham City Council is undertaking a Habitats Regulations Assessment (HRA) of the proposed Main Modifications to its Joint Waste Local Plan (hereafter referred to as the 'Plan') as part of the examination the Plan.
- 1.2. The Councils prepared an [HRA Screening Report of the Waste Local Plan](#) in June 2023 prior to publishing the Plan and submitting it for examination to determine if further HRA work was needed. The report concluded that it was not, since no part of the Plan was considered to have a material impact alone or in combination on protected habitats of European significance. The HRA was submitted to the examination as document [CD3](#) and can be found on the [examination webpage](#). It includes background information on the purpose and content of the Plan and on the purpose of a Habitats Regulations Assessment screening report.
- 1.3. The Councils submitted the HRA Screening Report to Natural England on 6 June 2023. The Senior Planning Advisor for Natural England in the East Midlands responded on 12 June 2023 stating: *"Thank you for consulting Natural England on the draft Habitats Regulations Assessment Screening Report for the Nottinghamshire & Nottingham Waste Local Plan by your email of 6 June 2023. We have reviewed the report and consider that a correct methodology has been used and that relevant legislation has been referenced. We concur with the scope of the assessment and the identification of relevant designated sites. We acknowledge that the Waste Local Plan does not include any site-specific allocations for waste development but sets out policies which have been screened to determine if there is potential for likely significant effects on European sites from the Waste Plan itself or in combination with impacts from other plans. Natural England therefore agrees with the screening report's conclusion that the Plan is unlikely to generate potential likely significant effects on European sites and that no further work on the HRA would be required"*.
- 1.4. The Councils sought the advice of Natural England in carrying out a HRA screening report of the proposed Main Modifications. The Main Modifications as proposed do not include any site-specific proposals or policies which would appear to vary the Plan in terms of having likely significant effects on European sites and thus do not appear to impact on the conclusions of the HRA screening report previously undertaken.
- 1.5. To comply with the HRA requirements the Councils proposed to Natural England that a short supplementary statement related to HRA screening of the Main Modifications would be prepared with the intention that Natural England would be consulted on the statement once prepared.
- 1.6. Natural England responded confirming that they were satisfied with this approach and would respond to short supplementary statement related to HRA screening of

the Main Modifications. They agreed with the Councils view that, based on the nature of the Main Modifications outlined in the [Post Hearing Action List](#) (EXAM12) these do not appear to impact on the conclusions of the original HRA screening report.

## 2. Assessment of Main Modifications

- 2.1. The proposed Main Modifications are summarised below and do not include any site-specific allocations which can be screened to determine if there is potential for likely significant effects.
- 2.2. The Main Modifications includes the following matters, which have been screened to determine if there is potential for likely significant effects on European sites. The table below uses a colour coding scheme to illustrate the results of the screening, with “green” cell colour to signify that there are unlikely to be any potential likely significant effects on habitats of European significance.

*Table 1. Screening of Main Modifications to the Waste Local Plan*

| <b>PMM Ref/<br/>WLP Policy or<br/>Paragraph</b> | <b>Summary</b>  | <b>Screening to<br/>determine if there is<br/>potential for likely<br/>significant effects on<br/>European sites</b> |
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| PMM1<br><br>Chapter 5<br>Para 5.48 – 5.52       | Delete paragraphs 5.48 to 5.52 and replace with text to explain sufficiently how the Plan will meet capacity requirements in the Plan area.   | Explanatory text.<br><br>Unlikely for potential likely significant effects on European sites.                        |
| PMM2<br><br>Vision                              | Amend the Vision to ensure clarity that the Plans approach is to: <ul style="list-style-type: none"> <li>• Achieve net self-sufficiency by meeting the current and future needs for all waste streams and ensuring sufficient opportunities to meet this need.</li> <li>• Promote the Proximity Principle</li> <li>• Promote the waste hierarchy</li> <li>• Protect and enhance, where possible, quality of life</li> </ul> | Unlikely for potential likely significant effects on European sites.   |

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|  | <ul style="list-style-type: none"> <li>• Protect the best and most versatile agricultural land .</li> </ul>  |  |
| PMM3<br>Objective 1: Meet our future needs | Add text to the objective to ensure clarity that the Plans approach is to achieve net self-sufficiency and supports the opportunity to co-locate waste management facilities together and with complementary activities.   | Unlikely for potential likely significant effects on European sites. |
| PMM4<br>Objective 4: The environment       | Amend objective to:<br><br>a) include reference to best and most versatile agricultural land.<br><br>b) address Historic England's recommendation to ensure the significance of the historic environment, heritage assets and their setting are protected and conserved. | Unlikely for potential likely significant effects on European sites. |
| PMM5<br>Objective 6: Sustainable Transport | Amend the title of Strategic Objective 6 to ensure the name of the objective reflects all its elements.  | Unlikely for potential likely significant effects on European sites. |
| PMM6<br>Policy SP2                         | Add text to clause 1 of Policy SP2 to ensure clarity that the Plans approach is to achieve net self- sufficiency.  | Unlikely for potential likely significant effects on European sites. |
| PMM7<br>Para 7.14                          | Add text to paragraph 7.14 to ensure clarity that the Plans approach is to achieve net self- sufficiency.  | Unlikely for potential likely significant effects on European sites  |
| PMM8<br>Para 7.16                          | Add text to paragraph 7.16 to ensure applicants submit sufficient information at the application stage to address Policy SP2.  | Unlikely for potential likely significant effects on European sites  |
| PMM9<br>Para 7.20                          | Add text to paragraph 7.20 to support opportunities to co-locate waste management facilities together and complimentary activities and recognise the benefits.   | Unlikely for potential likely significant effects on European sites  |
| PMM10<br>Policy SP3                        | Amend Policy SP3 to ensure consistent wording across policies.   | Unlikely for potential likely significant                            |

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|   |  | effects on European sites   |
| PMM11<br>Para 7.25                                  | Add text and a paragraph following paragraph 7.25 to ensure the Plan promotes co-location of waste facilities together and with complimentary activities as per the NPPW.  | Unlikely for potential likely significant effects on European sites |
| PMM12<br>Policy SP4 – Managing Residual Waste       | Amend Policy SP4 to:<br>a) address Historic England’s recommendation that clause 3 of Policy SP4 references the need to protect heritage akin to the natural environment (ID: 1025).<br>b) address Tarmac’s objection that the Policy could prejudice restoration of mineral sites which require the importation of waste (ID: 971). | Unlikely for potential likely significant effects on European sites |
| PMM13<br>Para 7.47                                  | Add text to paragraph 7.47 to ensure sufficient consideration and detail is given at the application stage to greenhouse gas emissions and so climate change.  | Unlikely for potential likely significant effects on European sites |
| PMM14<br>Policy SP6 – Sustainable Movement of Waste | Amend clause 1 to cross-reference and highlight the requirements of Policy DM12.   | Unlikely for potential likely significant effects on European sites |
| PMM15<br>Para 7.52                                  | Add text to paragraph 7.52 to ensure the justification text highlights the requirements of Policy SP6 and links to the requirements set out in Policy DM12.  | Unlikely for potential likely significant effects on European sites |
| PMM16<br>Para 7.53                                  | Split paragraph 7.53 and amend to address Johnson Aggregates representation (ID: 970) which seeks for the justification text to clarify what is meant by ‘significant contribution’ in clause 2.a) of the policy.  | Unlikely for potential likely significant effects on European sites |

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|   | To ensure clarity on the Plans approach for net self-sufficiency.  |   |
| PMM17<br>Policy SP7 – Green Belt                          | Amend Policy SP7 to ensure consistent wording across policies.   | Unlikely for potential likely significant effects on European sites |
| PMM18<br>Policy SP8 – Safeguarding Waste Management Sites | Add text to Clause 4 to address Newark and Sherwood District Councils representation (ID: 976) that water companies have no objections to proposed development and agree any mitigations proposed.   | Unlikely for potential likely significant effects on European sites |
| PMM19<br>Policy DM1 – General site criteria               | Amend Policy DM1<br><br>To ensure consistent wording across policies.<br><br>To guide proposals to appropriate locations and ensure there is no potential land use conflict.<br><br>To address Shlomo Downen representation (ID: 902) that as per the NPPF, any mineral site with an active restoration condition is treated as a greenfield site. | Unlikely for potential likely significant effects on European sites |
| PMM20<br>Para 8.7   | Add text to paragraph 8.7 to show that the Plan will support and encourage opportunities to co-locate waste management facilities together and complimentary activities.   | Unlikely for potential likely significant effects on European sites |
| PMM21<br>Para 8.8   | Add the following text to paragraph 8.8 to reflect the modification made to Policy DM1 and ensure the agent of change principle from paragraph 193 of the NPPF is reflected in the Plan.   | Unlikely for potential likely significant effects on European sites |
| PMM22<br>Policy DM2 – Health, Wellbeing and Amenity       | Amend Policy DM2 to ensure consistent wording across policies.   | Unlikely for potential likely significant effects on European sites |

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| <p>PMM23<br/>Policy DM3 – Design of Waste Management Facilities</p> | <p>Amend Policy DM3</p> <p>To ensure consistent wording across policies.</p> <p>To ensure it is explicit that design should provide appropriate landscape treatment to mitigate the visual impact of waste facilities.</p> <p>Address Historic England’s representation (ID: 1046) that the policy should be amended to ensure any development proposal avoids harm to the historic environment.</p> <p>To ensure the policy is clear and in line with paragraph 180 of the NPPF that seeks to protect soils and the benefits of protecting the best and most versatile agricultural land.</p> | <p>Unlikely for potential likely significant effects on European sites</p> |
| <p>PMM24<br/>Para 8.36</p>  | <p>Add text to paragraph 8.36 to ensure the Plan covers the principle of the ‘Agent of change’ as per paragraph 193 of the NPPF.</p>   | <p>Unlikely for potential likely significant effects on European sites</p> |
| <p>PMM25<br/>Para 8.36</p>  | <p>Add a paragraph following paragraph 8.36 to link policy DM3 and DM4 and demonstrate how design can deliver mitigation measures to minimise impacts on landscape.</p>  | <p>Unlikely for potential likely significant effects on European sites</p> |
| <p>PMM26<br/>Para 8.38</p>  | <p>To amend paragraph 8.38 to reflect the modification made to clause 1.c) of Policy DM3. :</p>  | <p>Unlikely for potential likely significant effects on European sites</p> |
| <p>PMM27<br/>Para 8.44</p>  | <p>Amend paragraph 8.44 and move to follow paragraph 8.38 to reflect the modification made Policy DM3 to better reflect paragraph 180. A) of the NPPF.</p>   | <p>Unlikely for potential likely significant effects on European sites</p> |

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| PMM28<br>Para 8.45   | To amend paragraph 8.45 to reflect the modification to clause 2. F) of Policy DM3 that a travel plan will be required for proposals generating significant amount of vehicle movements. | Unlikely for potential likely significant effects on European sites |
| PMM29<br>Policy DM4 – Landscape Protection                                       | Amend Policy DM4 to ensure consistent wording across policies.  | Unlikely for potential likely significant effects on European sites |
| PMM30<br><br>Policy DM5 – Protecting and Enhancing Biodiversity and Geodiversity | Amend Policy DM5 to ensure consistent wording across policies.  | Unlikely for potential likely significant effects on European sites |
| PMM31<br><br>Policy DM6 – Historic Environment                                   | Amend Policy DM6 to address Historic England’s representations (ID: 1031, 1032, 1033, 1035 and 1036) to ensure the policy is compliant with the NPPF                                    | Unlikely for potential likely significant effects on European sites |
| PMM32<br>Para 8.87   | Amend the supporting text for Policy DM6 to address comments from Council colleagues.   | Unlikely for potential likely significant effects on European sites |
| PMM33<br>Policy DM7- Flood Risk and Water Resources                              | Amend Policy DM7 to ensure consistent wording across policies.  | Unlikely for potential likely significant effects on European sites |
| PMM34<br>Policy DM8 – Public Access  | Amend Policy DM8 to ensure consistent wording across policies.  | Unlikely for potential likely significant effects on European sites |
| PMM35<br>Policy DM10 – Cumulative Impacts of Development                         | Amend Policy DM10 to ensure consistent wording across policies.   | Unlikely for potential likely significant effects on European sites |
| PMM36<br>Policy DM11 – Airfield Safeguarding                                     | Amend Policy DM11 to ensure consistent wording across policies.   | Unlikely for potential likely significant effects on European sites |
| PMM37<br><br>Policy DM12   | Amend Policy DM12 to be explicit that a transport assessment or transport statement is required to accompany a planning application.  | Unlikely for potential likely significant effects on European sites |



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| PMM38<br>Para 8.148 | Add explanatory text to paragraph 8.148 to encourage the use of low or zero emission vehicles and highlight how this also helps deliver Policy SP5.  | Unlikely for potential likely significant effects on European sites |
| PMM39<br>Monitoring | Add explanatory text following paragraph 9.3 to provide clarity on what the monitoring report will cover.  | Unlikely for potential likely significant effects on European sites |
| PMM40<br>Monitoring | Add explanatory text between 9.3 and 9.4: to ensure continued engagement with key bodies and that relevant strategic matters are considered within the monitoring process  | Unlikely for potential likely significant effects on European sites |
| PMM41<br>Monitoring | Add to paragraph 9.5 to create two paragraphs to reference:<br>a) monitoring the delivery of the Vision and Strategic Objectives and so the Plan overall aims<br>b) the need for engagement with key bodies within the monitoring process. | Unlikely for potential likely significant effects on European sites |
| PMM42<br>SP2        | Add to the corrective action to ensure that monitoring of the Plan is effective and ensure continued sufficient capacity to handle waste arisings.   | Unlikely for potential likely significant effects on European sites |
| PMM43<br>SP4        | Add to the corrective action to ensure that monitoring of the Plan is effective and ensure continued sufficient capacity to handle waste arisings.   | Unlikely for potential likely significant effects on European sites |

### **In combination effects**

2.3. The Local Plans for the following districts overlap with the Sherwood ppSPA or associated plantations and areas of acid grassland: Mansfield, Newark & Sherwood, Ashfield, and Bassetlaw. They propose the delivery of housing and employment land over a period leading up to approximately 2038. Delivery of housing could lead to increased recreational pressure on the accessible parts of the Sherwood ppSPA. However, all submitted and adopted local plans in Mansfield, Newark and Bassetlaw have undertaken HRAs which consider impacts on the ppSPA from recreational pressure, and all conclude no adverse effect on integrity due to a combination of measures that all the authorities are introducing.

Ashfield have prepared a Draft Plan but are proposing to re-issue the Plan with reduced levels of housing and will complete a HRA in due course.

2.4. The majority of these Plans relate to local authority areas that are sufficiently distant to the European sites and possible European sites that there is no scope for in combination effects due to disturbance. The Doncaster Local Plan (adopted 2021) covers the area encompassing Hatfield Moor SAC and the Hatfield Moor unit of Thorne and Hatfield Moors SPA. Considering the distance from the Plan area and that there are no site allocations, there is no scope for in combination effects.

2.5. In combination effects due to disturbance are not therefore anticipated. Similarly, none of these plans propose development sufficiently close to any European sites or possible European sites of relevance to the Plan that in combination air quality impacts due to dust are a concern.

### **3. Conclusions**

- 3.1. This screening report has been undertaken to assess the Nottinghamshire and Nottingham Waste Local Plan Main Modifications in accordance with the Habitats Regulations to determine the need for appropriate assessment of its likely effect on habitats of European significance in and around Nottingham and Nottinghamshire.
- 3.2. The Waste Local Plan Main Modifications are not proposing site specific allocations of land for waste related development. The Main Modifications do not significantly alter the broad thrust of submitted Local Plan policies against which future applications will be judged. These include policies to safeguard the impact of development on sites of biodiversity, and control the impacts on noise, dust and air quality.
- 3.3. The screening assessment has concluded that there is unlikely to be any significant effects on European sites arising from the proposed Main Modifications of the Joint Waste Local Plan. Therefore, the process does not need to be followed to the next stage and ends here.