

# Nottinghamshire and Nottingham Waste Local Plan

Nottinghamshire County Council and Nottingham City Council  
Statement in response to Matters, Issues and Questions

## MATTER 4 – STRATEGIC POLICIES

**Issue:** *Do the Strategic Policies reflect the Vision of the Plan and deliver the Strategic Objectives; and are they justified and consistent with national policy?*

**Questions 1 – 14**

### *Policy SP1: Waste prevention and re-use*

#### **1. Are the justification paragraphs 7.9 and 7.10 sufficiently implicit in the policy or elsewhere in the Plan?**

- 1.1. Policy [SP1](#) has been drafted to reflect paragraph 010 of the [national Planning Practice Guidance \(PPG\) for Waste](#) (2015) that 'non-waste' planning authorities should regard [National Planning Policy for Waste \(NPPW, 2014\)](#) and help deliver the waste hierarchy. The PPG provides examples of what authorities, in this case the Borough and Districts, can do to deliver this, such as encouraging on-site management of waste and safeguarding existing waste management sites. Whilst Policy [SP8](#) provides detail on safeguarding, Policy [SP1](#) focuses on how proposed development can help to deliver the top two tiers of the waste hierarchy, prevention and re-use, which is something all proposed development can achieve.
- 1.2. To recognise that this policy can be applied to a wide range of development proposals, we have drafted Policy [SP1](#) to be flexible. The policy itself outlines the requirement to reduce and re-use waste for proposed development, with the justification text, including 7.9 and 7.10, then explaining what local authorities could do to satisfy this. What action may be appropriate will depend on the type and size of the proposed development, for example waste audits are most useful for proposals likely to generate large volumes of waste. It also should be noted that the PPG for Waste does not make these a requirement.
- 1.3. Considering the above, we therefore consider that the justification paragraphs [7.9](#) and [7.10](#) are sufficiently implicit in Policy SP1.

### *Policy SP2: Future Waste Management Provision*

#### **2. In the absence of any specific site allocations for waste management development, how does the Plan provide sufficient waste management capacity to meet identified needs over the Plan period?**

- 2.1. As outlined in [paragraph 5.52](#) of the Plan, a limited range of sites was submitted during the call for site exercise undertaken during the Issues and Options stage ([Chapter 15](#) of document CD9- Report of Consultation- Draft Waste Local Plan, details the 10 sites put forward). We therefore decided to take a flexible approach and include a criteria-based policy, [Policy DM1](#), to judge future waste management proposals. This indicates the types of locations likely to be considered suitable for different types of waste facilities. [Policy SP2](#) then seeks to ensure facilities helping to meet the identified need are permitted whilst supporting facilities which manage waste higher up the waste hierarchy.
- 2.2. This approach is similar to that of the adopted [Nottinghamshire and Nottingham Waste Core Strategy](#) (adopted December 2013) which has

enabled new facilities and extensions to existing facilities to come forward and be permitted.

- 2.3. Whilst [Table 11](#) of the Plan shows a capacity gap for energy recovery and disposal for Household, Industrial and Commercial (HIC) waste, this is relatively small. As detailed in [paragraph 5.48](#), there is permitted energy recovery capacity which would sufficiently cover the energy recovery gap and also potentially help to reduce future landfill requirements. As per the [NPPW \(2014\)](#), this permitted capacity has not been counted as it is not operational, but it is something that we have borne in mind when choosing not to allocate specific sites or areas of search in the Plan.
- 2.4. Overall, the policies within the Plan should enable flexibility and waste management facilities to come forward to ensure sufficient waste management capacity to meet identified needs over the Plan period. Should future monitoring of the Plan find that sufficient waste management capacity is not being developed to meet identified needs and achieve net self-sufficiency, as per the proposed modifications detailed in our response to question 4 of Matter 6, a review of the Plan will be undertaken. We will then consider the allocation of specific sites or areas of search for new waste management facilities.

**3. Is the policy sufficiently supportive of the waste hierarchy and is it sufficiently capable of ensuring that future waste management provision ensures that waste is managed higher up in the waste hierarchy?**

- 3.1. [Policy SP2](#) takes a hierarchical approach that reflects the waste hierarchy and seeks to prioritise recycling, composting and anaerobic digestion facilities. This is followed by energy recovery and other recovery facilities and then finally disposal, which is the least desirable option.
- 3.2. We amended Policy SP2 from the [Draft Waste Local Plan](#) (document PD2) based upon consultation feedback to ensure the policy promoted facilities where waste will be managed higher up the waste hierarchy. We amended clause b of the policy, which relates to energy recovery, to have three separate clauses that energy recovery facilities need to demonstrate to be permitted, adding that such facilities will not prejudice movement up the waste hierarchy and achieving recycling targets.
- 3.3. We therefore consider that [Policy SP2](#) is sufficiently supportive of the waste hierarchy and is sufficiently capable of ensuring that future waste management provision ensures that waste is managed higher up in the waste hierarchy.

## *Policy SP4: Managing Residual Waste*

### **4. Is the policy appropriately worded and sufficiently flexible to ensure that it is supportive and not prejudicial to the use of inert waste to achieve the restoration of mineral sites?**

- 4.1. Yes, we consider that [Policy SP4](#) is appropriately worded and sufficiently flexible to ensure it is supportive and not prejudicial to the use of inert waste to achieve the restoration of mineral sites.
- 4.2. The first clause of the policy outlines what proposals for the recovery of inert waste to land will need to demonstrate to gain permission. As detailed in [paragraphs 7.29 and 7.30](#), this covers all types of proposals that would import inert waste for recovery. This includes the restoration of mineral and landfill sites as well as schemes such as engineering operations, for example at golf courses.
- 4.3. For mineral sites which propose to restore quarries through the importation of inert waste, [Policy SP4](#) would be considered alongside [Policy DM12: Restoration, aftercare and after-use](#) in the Nottinghamshire Minerals Local Plan (adopted March 2021), which is more specifically focused upon inert waste being used to achieve the restoration of mineral sites. [Policy DM12](#) in the adopted Minerals Local Plan is supportive of mineral extraction proposals relying on the import of waste for restoration whereby it can be demonstrated the waste is available over an appropriate timescale in the type and quantity assumed, provides the optimum restoration solution and provides evidence that the waste cannot practicably be re-used or recycled.
- 4.4. [Policy SP4](#) of the Plan requires similar evidence through clauses a-d, all of which need to be demonstrated to show the proposal is using appropriate waste type and amounts and so ensuring that waste is being managed as high up the waste hierarchy as possible. Proposals for mineral sites will be able to meet these requirements by providing sufficient information to demonstrate the restoration proposed is of high quality, the most appropriate scheme when considering alternatives and meets the requirements of [Policy DM12](#) in the Minerals Local Plan.
- 4.5. [Clause 1, e\)](#) in Policy SP4 has been included to reflect the importance of ensuring permitted mineral and landfill sites are restored at the earliest opportunity. As expanded upon in [paragraph 7.29](#), clause e seeks to ensure that proposals for inert recovery are not permitted which may prevent or delay the restoration of permitted mineral sites nearby by diverting appropriate waste materials.
- 4.6. We consider then that [Policy SP4](#), alongside [Policy DM12](#) in the Minerals Local Plan, enables and supports proposals using inert waste to achieve the restoration of mineral sites where appropriate. [Policy DM12](#) is solely focused upon the restoration of mineral sites whereas [Policy SP4](#) applies to all proposals which may use inert waste for recovery and therefore must be flexible in this regard. However, the importance of restoring mineral sites is

noted in the Policy and the supporting text and so we consider the policy is appropriately worded and sufficiently flexible to ensure that it is supportive and not prejudicial to the use of inert waste to achieve the restoration of mineral sites.

**5. Does paragraph 7.38, which suggests that non-hazardous and hazardous waste may not necessarily be managed within the Plan Area, conflict with the provisions of Policy SP2?**

- 5.1. [Paragraph 7.38](#) of Policy SP4 aims to provide an honest reflection of the current situation in terms of residual non-hazardous and hazardous waste. Due to the geology and groundwater constraints of the Plan area, the opportunity for new disposal facilities for non-hazardous and hazardous waste to come forward is limited. With operators focusing on existing facilities due to the reducing amount of residual waste and environmental issues in finding a new site, it is likely that this waste will be managed beyond the Plan area at the nearest available site as driven by the market and waste operator contracts.
- 5.2. Though it may be unlikely, the Plan still needs to provide policies in which to assess any potential future applications for landfill. [Policy SP4](#) provides this with [Policy SP2](#) following the Plan's strategic aim to treat waste higher up the waste hierarchy, therefore seeking to divert waste from landfill. However, it is recognised that disposal can be necessary, which is why disposal is included as the least preferred option within [Policy SP2](#).
- 5.3. The Plan and [Policy SP2](#) also seek to provide sufficient waste management capacity to meet identified needs, [with paragraph 7.14](#) recognising that self-sufficiency is not always practical. The justification text continues to outline then the Plan takes a pragmatic approach which aims to provide sufficient capacity to manage the equivalent of our own waste arisings. This recognises as well that waste will move across borders to specialised facilities, as noted for residual non-hazardous and hazardous waste in [paragraph 7.38](#).
- 5.4. As per our responses to Matter 2, question 10, we recognise that the Plan could be more explicit about this approach and have proposed several modifications to the Plan to address this. This includes modifications to the [Vision](#), [Strategic Objective One](#), which address question 3 of Matter 3, and [Policy SP6](#), addressing question 11 of this matter. Considering this, we propose a main modification to [Policy SP2](#) which outlines in clause 1 our aim is to provide sufficient waste management capacity to meet the equivalent of the Plan areas identified needs.
- 5.5. This main modification will provide clarity and ensure that [paragraph 7.38](#) does not conflict with the provisions of [Policy SP2](#).

## *Policy SP5: Climate Change*

### **6. Should the policy and/or the justification text make reference to the effect of managing waste higher up the waste hierarchy on climate change?**

- 6.1. [Paragraph 7.42](#) of the introduction text for Policy SP5 recognises that reducing the amount of waste produced and moving towards a more circular economy is a key part of achieving net zero. It does not though explicitly state that managing waste higher up the waste hierarchy is a key part of reducing greenhouse gas emissions and so achieving net zero. We will propose an additional modification to this paragraph to make this clear.
- 6.2. Considering that Policies [SP1](#) and [SP2](#) are promoting the waste hierarchy through promoting waste reduction and re-use and prioritising recycling respectively, we do not consider it necessary for [Policy SP5](#) to also reference the preference of managing waste higher up the waste hierarchy as no policy will be applied in isolation. The Plan as a whole recognises its role and the impact it, and waste generally, can have on climate change which is why the circular economy and managing waste higher up the waste hierarchy are key elements of our [Vision](#) and [Strategic Objective 2](#).

### **7. Should the justification text explain the relationship between the planning regime and the pollution control/permitting regime in relation to climate change?**

- 7.1. Yes, we will propose an additional modification to add a paragraph after [7.48](#) of the justification text that explains the control of pollution is a matter for the pollution control authorities and the Councils will assume that the relevant pollution control regime will be properly applied and enforced, as per [paragraph 7 of the NPPW](#).

## *Policy SP6: Sustainable Movement of Waste*

### **8. Is the Plan sufficiently clear as to how the use of alternative modes of transport in waste management development should be first considered and demonstrated and should this be more explicit in a Development Management Policy?**

- 8.1. We believe between [Policy SP6](#) and [Policy DM12](#), the Plan is sufficiently clear as to how the use of alternative modes of transport in waste management development should be considered and demonstrated.
- 8.2. [Policy SP6](#) aims to help deliver [Strategic Objective 6: Sustainable transport](#) to encourage alternative modes of transport for waste. It is though recognised that road transport is likely to continue to be the predominant method to transport waste. The policy therefore reflects this balance by seeking to maximise the use of sustainable modes of transport where practical, with the

policy amended following representations received on the [Draft Waste Local Plan](#) (document PD2) to clarify this position.

- 8.3. [Policy DM12](#) then seeks to compliment Policy SP6 and Strategic Objective 6 by recognising that alternative modes are to be maximised but where it has been shown that this is not practical or viable, the impacts of road transport are mitigated.
- 8.4. As per our response to question 9 of Matter 5, we recognise that the justification text for [Policy SP6](#) could be expanded further to reflect clause 1 of the policy that proposals will need to demonstrate the consideration of alternative modes of transport and why these are not practical or viable. We therefore propose a main modification to [paragraph 7.52](#) to this effect.
- 8.5. With this modification, we consider that the Plan as a whole is sufficiently clear as to how use of alternative modes of transport in waste development should be first considered and demonstrated.

**9. In circumstances where the use of alternative modes of transport to the use of the highway network is not available, practical or viable, should the policy refer to the need for the use of low or zero emission vehicles?**

- 9.1. The use of low or zero emission vehicles is already encouraged within the Plan through [Policy SP5](#) and [Policy DM12](#). Clause 1.a) of Policy SP5 seeks for waste management facilities to minimise their impact on the causes of climate change by reducing greenhouse gas emissions. [Paragraph 7.47](#), bullet point 1 of the supporting text highlights this can be achieved through various means, including using low emission equipment or mobile plants. [Policy DM12](#) then seeks to further support and encourage the use of low or zero emission vehicles by ensuring sufficient EV charging points are provided, with our response to question 11 of Matter 5 detailing a main modification to ensure this is clear.
- 9.2. We also propose an additional modification to [paragraph 7.47](#) of the supporting text for Policy SP5 to include zero or low emission vehicles as one of the actions waste management facilities could do to help minimise greenhouse gas emissions and satisfy clause 1.a) of [Policy SP5](#).
- 9.3. We therefore consider that the Plan already encourages the use of low or zero emission vehicles and therefore it is not necessary to include this within Policy SP6.

**10. Should the Policy cross-reference the requirements of Policy DM12?**

- 10.1. We agree there should be a cross-reference to the requirements of [Policy DM12](#) and propose a main modification to clause 1 of [Policy SP6](#) to add that proposals which cannot use alternative modes of transport will need to



address Policy DM12. We also propose a main modification to [paragraph 7.52](#) to cross-reference the requirements of Policy DM12.

**11. Does clause 2 of the policy achieve the appropriate balance of supporting the Vision and Strategic Objectives of the Plan whilst recognising that some waste may need to be managed from areas outside the Plan area and should any reference be made to the concept of net self-sufficiency?**

- 11.1. We believe that clause 2 of [Policy SP6](#) reflects the pragmatic approach taken by the Plan to ensure sufficient capacity to meet current and future needs, which is part of the [Vision](#) and [Strategic Objectives](#). However, we recognise that self-sufficiency is not practical or viable for the reasons already given in Matter 3.
- 11.2. [Policy SP6](#) seeks to reduce the distance waste travels as part of the Plans aim to be sustainable and meet the proximity principle but recognises that waste will travel beyond authority boundaries within clause 2. Clause 2 therefore aims to ensure that facilities which have a wider catchment area still consider sustainability and support the waste hierarchy. By making clause 2 flexible by asking for proposals to demonstrate one of the three clauses, this reflects this balance between achieving the Plans aims and recognising waste may need to be managed from areas outside the Plan area.
- 11.3. As noted in our response to question 10 of Matter 2 and question 3 of Matter 3, we recognise that the Plan should make more explicit reference to the concept of net self-sufficiency and propose modifications to address this. For [Policy SP6](#), we believe a reference to the concept of net self-sufficiency would be best placed within [paragraph 7.53](#) of the supporting text which addresses clause 2 of Policy SP6.

***Policy SP8: Safeguarding Waste Management Sites***

**12. Is the appropriate balance struck between the needs of competing development with the need to protect waste management facilities?**

- 12.1. As outlined in [paragraph 7.64](#) of the justification text, [Policy SP8](#) is not seeking to unreasonably restrict non-waste development. It is to ensure that waste management facilities, operational and permitted, are sufficiently protected to continue to operate without unreasonable restrictions placed upon them as result of new development, reflecting the 'agent of change' principle as per paragraph 193 of the [NPPF \(2023\)](#).
- 12.2. The policy takes a hierarchical approach, which first and foremost seeks to avoid the loss of waste management facilities. Where proposals will cause adverse impacts on the operation of the facility, clause 2 seeks for mitigation measures to be put into place by the 'agent of change' to adequately address these. [Paragraph 7.64 and 7.65](#) of the justification text provides examples of



what these mitigation measures may be, such as amending the site layout of the non-waste development proposal to create a suitable buffer. Clause 3 then goes on to explain what would need to be satisfied if a non-waste proposal is unable to mitigate adverse impacts.

- 12.3. The Policy therefore seeks to ensure sufficient protection of waste facilities but also takes a flexible approach to try and accommodate non-waste development in the first instance so that both developments can co-exist. We therefore consider this is an appropriate balance between the needs of competing development with the need to protect waste management facilities.

**13. Does the Plan provide sufficient guidance to applicants for non-waste management development and District/Borough Council's as to how Policy SP8 should be implemented?**

- 13.1. Yes, the Plan provides sufficient guidance to applicants for non-waste management development and District and Borough Council's as to how [Policy SP8](#) should be implemented.
- 13.2. As per our response to question 2 of Matter 3, we have proposed a modification to the sub-chapter '[Local Policy](#)' of Chapter 3 to ensure it is clear that the Waste Local Plan is part of the Local Development Plans for the District and Boroughs. This therefore means that policies within the Waste Local Plan will need to be considered and addressed for non-waste management development where the District and Boroughs are the determining authority.
- 13.3. [Policy SP8](#) is a key policy that applicants for non-waste management development and District and Borough Councils need to address if the non-waste management proposal is located nearby a permitted waste management facility. [Policy SP8](#) is clear through clauses 2 and 3 what an applicant for non-waste management development will need to demonstrate to satisfy the policy and so ensure sufficient protection of waste management facilities. The justification text, paragraphs [7.64 - 7.66](#), then provides further detail and examples of what mitigation measures could be to satisfy the policy. As per comments received on the [Draft Waste Local Plan](#) (document PD2) from [Newark and Sherwood District Council](#) (document CD9), the Policy was amended to include detail of what applicants for non-waste management development would need to demonstrate, or provide, if impacts on waste facilities could not be mitigated.
- 13.4. As detailed in [paragraph 7.67](#) of the justification text, future AMRs will provide information on current permitted and operational waste management facilities which are safeguarded and so need to be considered. By publishing the sites through the AMRs this ensures that the safeguarding remains relevant and up to date as possible. The current [AMR](#) (document SD1) provides individual tables and maps for each District and Borough to identify the safeguarded waste management sites. This is accessible for both applicants and District

and Borough Councils to check if there are any waste management facilities in the vicinity of a proposed development. Further information and details can be provided by the Councils upon request.

- 13.5. We recognise that the implementation of this policy will require coordination and cooperation with the District and Borough Councils which is why the development of this policy has been discussed at meetings with the District and Boroughs in detail. As outlined in the [Representations to Pre-Submission Draft in plan order](#) (document CD5), Gedling Borough Council were supportive of the policy and Newark and Sherwood District Council recommended a change to clause 4 of the policy, which we have proposed as a main modification ([PMM4, document EXAM 2](#)). No other District or Borough made representations on the policy.
- 13.6. Considering the above, we therefore consider that the Plan does provide sufficient guidance to applicants for non-waste management development and District and Borough Council's as to how Policy SP8 should be implemented.

**14. Should the Plan identify any forms of development that would be acceptable within proximity of an existing waste management facility, and which would not require any consultation with the Waste Planning Authority?**

- 14.1. As detailed in [paragraph 7.65](#) of the Policy, the impacts of non-waste development proposals on waste management facilities and so the appropriate mitigations will be dependent upon the type of waste management facility and its operations and the nature of the non-waste development proposal. For example, environmental impacts may be detected more widely from an open-air composting waste facility compared to an enclosed Materials Recycling facility.
- 14.2. This means it is difficult to identify specific boundaries or forms of development that may be acceptable within the proximity of an existing waste management facility considering the variety of waste management facilities found in the Plan area.
- 14.3. To ensure sufficient protection of waste management facilities, we therefore do not think the Plan should identify any form of development that would not require any consultation with the Waste Planning Authority as by setting such boundaries we may overlook an issue that should be considered in the future. The County Council would be happy to discuss further with each District and Borough the consultation process to ensure the consideration of waste management facilities.