

Nottinghamshire and Nottingham Waste Local Plan

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

MATTER 5 – DEVELOPMENT MANAGEMENT POLICIES

Issue: *Whether the development management policies strike an appropriate balance between seeking to provide sustainable development and protecting people and the environment and are they justified, effective and consistent with national policy?*

Questions 1 – 12

Policy DM1: General Site Criteria

1. Is all employment land suitable for waste management development? If not, should the policy explain that some employment sites may be unsuitable or require mitigation measures, such as activities to be undertaken within the confines of a building?

- 1.1. Not all employment land will be suitable for waste management development which is why [Policy DM1](#) states that proposals will be supported subject to there being no unacceptable environmental impacts. Proposals will need to demonstrate this and ensure compliance with other policies within the Plan to be permitted.
- 1.2. In relation to some sites requiring mitigation measures, such as activities to be undertaken within the confines of buildings, this is highlighted in paragraph 8.7 of the justification text with further detail given in the supporting text of [Policy DM2](#). Paragraphs 8.26 and 8.27 specifically mention how enclosing operations within buildings can help mitigate the impacts of noise, light, dust, and odour and so make proposals acceptable.
- 1.3. We therefore consider that [Policy DM1](#) and the Plan does adequately explain that some employment sites may be unsuitable for waste management development or require mitigation measures.

Policy DM2: Health, Wellbeing and Amenity

2. Should the justification text be more explicit regarding the role of the environmental permitting regime and its relationship with the planning regime with particular regard to emission controls?

- 2.1. The introductory text to [Chapter 8](#), paragraph 8.1, reflects bullet point 5 of paragraph 7 of the [NPPW](#) (2014) and paragraph 194 of the [NPPF](#) (December 2023) that the Councils will not concern themselves with the control processes which are a matter for the pollution control authorities and assume these regimes will be properly applied. The introduction text to [Policy DM2](#) (paragraph 8.21) also outlines how waste facilities are strictly regulated to protect human health by the Environment Agency through their permitting regime.
- 2.2. We therefore consider that the Plan already sufficiently references the role of the environmental permitting regime and its relationship with the planning regime with regard to emission control. We therefore do not believe any further reference is needed in the justification text of Policy DM2.

Policy DM3: Design of Waste Management Facilities

3. Does the policy adequately consider the impact of waste management development on the historic environment?

- 3.1. As outlined in [EXAM 3 - Statement of Common Ground with Historic England](#), we have proposed a main modification (reference PMM6 in [EXAM 2 – Schedule of Proposed Main Modifications](#)) to clause 1.c) of [Policy DM3](#) to address the concerns raised by Historic England that the policy did not adequately consider the impact of waste management development on the historic environment. This modification addresses that harm to the historic and natural environment and landscape should be avoided rather than minimised. As detailed in the Statement of Common Ground, Historic England (document [EXAM 3](#)) accept this change.
- 3.2. It should also be noted that no policy in the Plan will be applied in isolation, therefore [Policy DM6: Historic Environment](#) will also need to be addressed in any application that may impact the historic environment, as well as any adopted Local Plan policies of the relevant Council.
- 3.3. Considering the above, we believe that [Policy DM3](#), and the Plan as a whole, adequately considers the impact of waste management development on the historic environment.

4. Should the policy/justification explain that the design of waste management facilities should also reflect the ‘Agent of Change’ principle by requiring that the waste management facilities are designed to ensure that the operation/use of nearby land uses is not prejudiced?

- 4.1. Paragraph 193 of the [NPPF](#) (December 2023) states that planning policies should ensure that new development can be effectively integrated with existing businesses and community facilities. Where the operation of an existing business or community facility could have a significant adverse effect on new development, the applicant or ‘agent of change’ should be required to provide suitable mitigation before the development is completed and becomes operational.
- 4.2. As outlined in the introduction to [Policy DM3](#) (paragraph 8.35), the Plan and the policy reflects paragraph 193 of the NPPF and seeks for waste facilities to be designed in such a way that they integrate into their locality and improve public understanding and acceptance of waste facilities. [Paragraph 8.36](#) of the justification text then goes into further detail about how facilities should be designed to minimise and mitigate impacts, which are detailed in [Policy DM2](#).
- 4.3. We recognise that [paragraph 8.36](#) could go further to explain that the design of waste management facilities should also comply with the ‘agent of change’ principle by ensuring that proposed waste management facilities do not place unreasonable restrictions on existing businesses and facilities. We therefore propose to add such to the justification text through a main modification. We

consider that with this additional reference alongside Policies [DM2](#) and [DM3](#), the Plan is compliant with the NPPF.

Policy DM4: Landscape Protection

5. Is it sufficiently implicit in the policy and/or Policy DM3 that waste management development should be designed and/or provided with appropriate landscape treatment to mitigate the visual impact of such facilities?

- 5.1. Clause 2 of [Policy DM4](#) states that where development has unacceptable impacts on landscape but can demonstrate the need for development, they will be required to provide appropriate mitigation measures. [Paragraph 8.47](#) of the justification text expands that necessary mitigation measures can include appropriate design principles and visual screening as covered by [Policy DM3](#). Policy DM3 details what should be considered in the design of waste facilities, with Clause 1.b) requesting proposals to provide well designed boundary treatments and site landscaping to ensure it is well integrated into its surroundings.
- 5.2. It is noted that the Plan could be more explicit that good design can provide appropriate landscape treatment to mitigate the visual impact of waste management facilities. We therefore propose a main modification to [Policy DM3](#), clause 1.b) to add that boundary treatments should be appropriate and should help screen development to mitigate any visual impacts. We also propose a main modification to the justification text, following [paragraph 8.36](#), to expand upon this and highlight the link with [Policy DM4](#).

Policy DM6: Historic Environment

6. Is the policy consistent with national planning policy with regard to the protection of the historic environment?

- 6.1. Yes, the policy is consistent with national planning policy with regard to the protection of the historic environment.
- 6.2. We have made several amendments to the policy since the [Draft Plan](#) stage based upon the representations from, and discussions with, Historic England to ensure it is consistent with national policy and chapter 16 of the [NPPF](#) (December 2023). These changes included amending the structure of the policy to ensure it was clear that, in the first instance, development should seek to avoid harm to the historic environment as well as adding a clause about the minimum requirements for an accompanying heritage statement.
- 6.3. We have continued to engage with Historic England following the Regulation 19 consultation and following submission of the Plan, as detailed in [EXAM 3-Statement of Common Ground with Historic England](#). To address representations made on the Pre-Submission Draft Plan and further discussions, we have now proposed further amendments to [Policy DM6](#) as

detailed in [EXAM 2 – Schedule of Proposed Main Modifications](#) (reference PMM7). This includes main modifications to clause 2, amendments to clause 3.c), d) and e) as well as a new clause added regarding archaeological assessment. As detailed in the [Statement of Common Ground with Historic England](#) (document EXAM 3), this has addressed most of their concerns raised around Policy DM6.

- 6.4. Whilst there are limited issues that remain outstanding, as highlighted in the Councils response in document [EXAM 3](#), we consider that the policy with the justification text adequately consider the issues raised and that the policy is consistent with national planning policy with regard to the protection of the historic environment.

Policy DM11: Airfield Safeguarding

7. Is the policy sufficiently clear regarding the planning considerations that a developer may need to take into account in respect of development proposed within an Airfield Safeguarding Area?

- 7.1. [Policy DM11](#) has been drafted to be flexible and recognise that the potential hazards to aviation safety from waste facilities will vary dependent on the type of facility proposed. This is explained further in paragraphs 8.137 and 8.138 of the justification text, which provides detail of what a developer may need to consider if the development proposed falls within an airfield safeguarding area. We consider that such information is better placed in the justification text and that, together, the policy is sufficiently clear of what developers should take into account.

8. Are the Airfield Safeguarding Areas shown on Plan 2 indicative in their size or geographically correct in the area shown on the plan? In any event, are the Airfield Safeguarding Areas shown in more detail on the Policies Map and, if so, should the justification text identify where more geographical detail can be found?

- 8.1. The safeguarding areas are geographically correct, with these areas being a 13km/ 8-mile radius from the identified aerodromes as per the aerodrome safeguarding procedure (DfT/ ODPM Circular 1/2003). We recognise that [Plan 2](#) currently lacks geographical detail, making it difficult to identify whether a proposal would fall within a safeguarding area. As the Plan does not contain a Policies Map, we propose an additional modification to Plan 2 to amend the background of the map to show more geographical detail.

Policy DM12: Highways Safety and Vehicle Movements/ Routeing

9. Is the policy/justification sufficient clear to explain how consideration of alternative transport modes should be demonstrated?

- 9.1. Clause 1 of [Policy DM12](#) was amended in response to comments received on the [Draft Waste Local Plan](#) (document PD2) and to also better reflect

[Strategic Objective 6: Sustainable Transport](#) and [Policy SP6: Sustainable movement of waste](#). Policy SP6 outlines the strategy of the Plan to encourage alternative modes of sustainable transport, Policy DM12 then seeks to ensure where these are not available, practical or viable, and so road transport will be used, that the impacts from road transport are mitigated.

- 9.2. The justification text of Policy SP6 outlines that applicants will need to show consideration has been given to alternative modes of transport in their planning application, with our response to question 8 of Matter 4 identifying a main modification to the justification text to ensure clarity. The introductory text to DM12 (paragraph 8.141) highlights the link between the two policies and we also propose a main modification to Policy SP6 to highlight this link, as per our response to question 10 of Matter 3.
- 9.3. We therefore consider the Plan as a whole, through Policies SP6 and DM12 and their justification text, is sufficiently clear to explain how consideration of alternative transport modes should be demonstrated.

10. Should the policy be more explicit regarding the need for Transport Assessments to accompany waste management development?

- 10.1. We agree that the policy should be more explicit regarding the need for transport assessments or statements to accompany waste management development. We therefore propose a main modification to clause 1 of [Policy DM12](#) to explain that a transport assessment or transport statement is required.

11. Should the policy refer to the need for development proposals to demonstrate the use of low or zero emission vehicles?

- 11.1. Clause e) of [Policy DM12](#) seeks to ensure sufficient EV charging points at waste management facilities, with paragraph 8.148 of the justification text expanding this to explain that this is to ensure electrical vehicles are considered in any parking layout. We consider that it would be appropriate for the supporting text to go further to encourage the use of low or zero emission vehicles and therefore propose a main modification to explain that the charging points can be for off-site and on-site vehicles and mobile plants. We will also add that their provision will help to encourage the use of low or zero emission vehicles which in turn supports clause 1.a) of [Policy SP5](#) to reduce greenhouse gas emissions. This then corresponds with paragraph 7.47 of Policy SP5, which outlines that greenhouse gas emissions can be minimised by using low emission equipment and mobile plants.

12. Should the policy be more pro-active in terms of its approach to alternative and sustainable transport provision for visitors and staff in waste management development proposals?

- 12.1. [Policy DM3](#), clause 2.f) asks for proposals to be designed to encourage employees to use sustainable modes of transport where practical and so

seeks to be pro-active to ensure alternative and sustainable transport provision for visitors and staff in waste management development proposals. To ensure this approach is clear across the Plan, we will propose an additional modification to highlight the requirement in Policy DM3 in paragraph 8.145 of the justification text.