

Appendix 1

NOTTINGHAMSHIRE AND NOTTINGHAM PRE SUBMISSION DRAFT WASTE LOCAL PLAN REGULATION (August 2023)

NEWARK AND SHERWOOD DISTRICT COUNCIL REPRESENTATIONS

1.0 Introduction

1.1 Thank you for providing an opportunity for Newark and Sherwood District Council (NSDC) to make a representation on the Nottingham and Nottinghamshire Pre-submission Draft Waste Local Plan. In submitting this representation NSDC understands that this consultation provides an opportunity for final representations prior to Nottinghamshire County Council and Nottingham City Council submitting the plan for examination (known as the Regulation 19 stage) and so is a formal consultation. These representations therefore focus on issues of legal compliance, compliance with duty to co-operate and soundness.

2.0 Legal Compliance

2.1 Newark and Sherwood District Council is satisfied that the Nottingham and Nottinghamshire Pre-submission Draft Waste Local Plan (2023) is legally compliant in that it is included in the Local Development Scheme (LDS); it is in general accordance with the Statement of Common Ground (SCI); it has been subject to a Sustainability Appraisal which identifies the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process; and it complies with the Planning and Compulsory Purchase Act 2004, as amended, and with all other relevant requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

3.0 Soundness

3.1 The four tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- Positively prepared – providing a strategy which, as a minimum seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2 NSDC has reviewed the Pre-submission Waste Local Plan and would like to raise the following issues in relation to whether it meets the tests of soundness:

Paragraph 5.32

Comment:

The Waste Needs Assessment concludes that there is no evidence to suggest an increase in future Construction, Demolition & Excavation (CD&E) waste arisings. The only major construction project considered potentially likely to have a significant impact on CD&E generations rates during the plan period is Phase 2b of high-speed railway HS2, with the eastern leg terminating just inside the boundary of Nottinghamshire.

Whilst we acknowledge that the Waste Needs Assessment¹ (WNA), undertaken by Aecom, takes into consideration the majority of major development in and around Newark and Sherwood District, it does not mention the Southern Link Road² (a strategic road linking the A46 to the A1 to the south of Newark which is due for completion by winter 2025), and improvements to the A1 Overbridge at Fernwood (planned to commence by 2033). It also does not mention the two large urban extensions to the south of Newark which are planned to deliver in excess of 6000 new homes plus associated infrastructure and a combined total of 65 hectares of new employment (some of which has commenced).

NSDC would question whether the last sentence in paragraph 3.63 of the WNA is accurate. It reads: *'The schemes, given their nature, will be unlikely to generate significant waste arisings.'*

Paragraph 3.63 of the WNA reads as follows:

'Research has been undertaken to identify any major infrastructure projects scheduled to take place in the plan area within the plan period (i.e. until 2038). The 2016 National Infrastructure Plan identified two infrastructure schemes for Nottinghamshire; the Midland Mainline electrification (MME) programme estimated to start in 2019 and the A1/A46 junction improvements near Newark estimated to start between 2020 and 2025. However, in July 2017 the Department for Transport announced that the MME from Kettering to Leicester, Derby and Nottingham has been cancelled. The A1/A46 junction improvements have also been put back to around 2027. Another National project which is partly within Nottinghamshire is the High-Speed 2 Rail line (HS2). In November 2021 the Government announced in order to integrate HS2 with other rail projects, including the Northern Powerhouse Rail and Midlands Rail Hub, the new high speed line will now run from Birmingham to the existing East Midlands Parkway station, which is just inside the County's south-western border. From there trains will continue to central Nottingham, Derby and Sheffield on an upgraded and electrified Midland Mainline. There is no date set for the start of construction at present. At this stage it is difficult

¹ <https://www.nottinghamshire.gov.uk/media/5082576/waste-needs-assessment-2023.pdf>

² <https://www.middlebecknewark.com/the-plan/>

to quantify the amount of waste arisings resulting from the section in Nottinghamshire, but it is unlikely to be significant. Improvements to the A614/ A6097 Junctions and the A46 Newark bypass are other projects proposed within Nottinghamshire but still await formal approval and commencement. The schemes, given their nature, will be unlikely to generate significant waste arisings.

Timetable of works for schemes in Newark and Sherwood District

The following table sets out the timetable of planned works for each large scheme:

Table 1. Major infrastructure and development schemes in Newark and Sherwood District

Infrastructure Project	Proposed Commencement	Proposed Completion
A46 Newark Bypass	Winter 2025	2028
Southern Link Road, Middlebeck, Newark	Summer 2023	Summer 2025
A1 Over bridge, Fernwood, Nr. Newark	TBC (prior to 2033)	Prior to 2038
A614/A6097 Improvement Scheme	Spring 2024	Winter 2026/27
Middlebeck Urban Extension (3150 dwellings, a mixed use commercial estate of up to 50 hectares)	Commenced	Beyond 2033
Fernwood Urban extension (3200 dwellings, Employment development (15 hectares))	Commenced	Beyond 2033
Thorsby Vale, Edwinstowe up to 800 new homes, a primary school, and commercial and leisure development.	Commenced	Beyond 2033

If the WNA is inaccurate in its assessment of requirements for construction waste it is likely to result in the Plan being found to be unsound on all four elements of the test of soundness: it will not have been positively prepared, it won't be justified or effective, and it will not comply with national policy.

Policy SP4 Residual Waste Management

Comment:

Given that this policy relates to waste at the bottom of the waste hierarchy, in order for it to be effective, we feel that it should be negatively worded by adding 'only' as follows:

"Proposals for the recovery of inert waste to land will **only** be permitted where it can be demonstrated that:"

Recommended Change:

Policy SP4

“1. Proposals for the recovery of inert waste to land will **only** be permitted where it can be demonstrated that:”

Policy SP8 Safeguarding Waste Management Sites

Comment:

In order to ensure it is positively prepared and consistent with national policy, it is recommended that part 4 of this policy is amended to require an agreement with the water company. It currently reads as follows:

‘4. Where proposals are within the Cordon Sanitaire of a wastewater treatment facility, the applicant will need to discuss the proposal with the water company which operates the site.’

Suggested change:

‘4. Where proposals are within the Cordon Sanitaire of a wastewater treatment facility, the applicant will need to discuss the proposal with the water company which operates the site and demonstrate that they have no objections which cannot be appropriately mitigated.’

4.0 General Comments

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, for example Ollerton and Southwell. This is a particular issue when considering how to plan the provision of services (including waste) in rural areas.

Paragraph 5.42

Comment:

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

Paragraph 5.43

Comment:

The commitment to a target of an 80% by 2038 recycling rate for C&I waste is welcomed.

Paragraph 5.45

Comment:

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

Paragraph 5.52 / Lack of Site Allocations

Comment:

Whilst it is acknowledged that very few sites were put forward during the two previous Call for Sites exercises, there could be a range of reasons why this was the case, not least because one was conducted during the Covid-19 pandemic when there was great uncertainty for businesses. There is no detailed evidence regarding the call for sites / site assessments, so it is difficult to determine what sites are available. Pro-active consultation should continue to take place with the waste industry and landowners in order to identify a range of potential sites for allocation as part of the future review of the Waste Plan. The District Council would welcome the opportunity for cooperation between the two Authorities through that future review, with the potential for positive assistance to be given in the identification and delivery of appropriate land to meet the waste needs of Newark & Sherwood District.

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, it would be helpful if Policy SP2 set out clearly and precisely what the identified waste management needs for the plan area are over the plan period.

Policy SP3 Broad Locations for New Waste Treatment Facilities

Comment:

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.

Policy SP5 Climate Change and Policy DM3 Design of Waste Management Facilities

Comment:

NSDC welcome these policies which emphasise the need for development proposals to be located, designed and operated in a way which minimises any impacts on climate change.

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