APPENDIX 1

PLANNING POLICY CONTEXT

The policy considerations against which the application should be determined are contained in national policy in the Government's Waste Strategy 2007, its Planning Policy Statements and Guidance Notes, in regional policy i.e. regional planning guidance for the East Midlands (RSS 8), and the East Midlands Waste Strategy (January 2006). Local Policy comprises the Nottinghamshire and Nottingham Joint Structure Plan (adopted February 2006), the Joint Waste Local Plan (adopted January 2002) and the Nottingham Local Plan Review (adopted in November 2005).

Waste Strategy 2007:

Waste Strategy 2007 for England builds upon the progress since the waste strategy 2000 to increase recycling and composting (27% in 2005-06, a 9% fall in Landfill between 2001 -02 and 2004-05 and a reduction in waste growth with municipal waste growing much less quickly than the economy at 0.5% per year.

The Government's key objectives are to:

- decouple waste growth (in all sectors) from economic growth and put more emphasis on waste prevention and re-use;
- meet and exceed the landfill diversion targets for biodegradable municipal waste in 2010, 2013 and 2020;
- secure the investment in infrastructure needed to divert waste from landfill and for the management of hazardous waste; and
- get the most environmental benefit from that investment, through increased recycling of resources and recovery of energy from residual waste using a mix of technologies.
- A greater focus on waste prevention will be recognised through a new target to reduce the amount of household waste not re-used, recycled or composted from over 22.2 million tonnes in 2000 to 15.8 million tonnes in 2010 by 29%, by 35% in 2015 and a 45% reduction in 2020 to 12.2 million tonnes.
- Higher national targets than in 2000 have been set for
- recycling/composting of household waste: at least 40% by 2010, at least 45% by 2015, and 50% by 2020;
- and also for recovery of value municipal waste: from 53% by 2010; 67% by 2015; and 75% by 2010.
- The Government will be setting a new national target for reducing the amount of commercial and industrial (C&I) waste going to landfill; levels of C&I landfilled are expected to fall by 20% by 2010 from 2004 levels.

The Strategy continues to support energy recovery where this would help to reduce the need for landfill and would not adversely affect recycling rates. Energy from waste is expected to account for 25% of municipal waste by 2020 compared to 10% today. Emphasis is placed on a developing a variety of technologies with specific encouragement for using anaerobic digestion, where there may be environmental and economic advantages in the treatment of food waste. It indicates that any given technology is more beneficial if both heat and electricity can be recovered; therefore particular attention should be given to the siting of plant to maximise opportunities for combined heat and power (CHP). Greenhouse gases should be an important consideration for stakeholders developing energy from waste plant. Emissions will

vary from location to location according to local transport links etc.

The strategy comments upon concern over health effects being most frequently cited in connection with incinerators and points out that research carried out to date shows no credible evidence of adverse health outcomes for those living near incinerators. The relevant health effects – primarily cancers – have long incubation times, but the available research demonstrates an absence of symptoms relating to exposures twenty or more years ago, when emissions from incineration were much greater than they are now.

Planning Policy Statements

The Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications.

Planning Policy Statement 1 (2005):

PPS 1 sets out the Governments' objectives for the planning system with sustainable development as the core principle underpinning planning It reiterates the Government 's four aims for sustainable development (in its 1999 strategy for the UK) : social progress which recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; and, the maintenance of high and stable levels of economic growth and employment.
It sets out 6 key principles for delivery of sustainable development: (i) pursuit of sustainable development through development plans in an integrated manner, (ii) ensure that development plans contribute to global sustainability by addressing the causes and potential impacts of climate change, (iii) a spatial planning approach should be at the heart of sustainable development, (iv) planning policies should promote high quality inclusive design, development plans should include clear, (v) comprehensive and inclusive access policies, and (vi) community involvement is an essential element in delivering sustainable development and creating sustainable and safe communities.

The Planning System: General Principles (2005):

This companion document to PPS 1 confirms and enlarges on the approach to be taken towards determining planning applications as that set out in PPS 1 i.e. a local planning authority must determine a planning application in accordance with the statutory development plan unless material considerations indicate otherwise. Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up-to-date.

Supplement to Planning Policy Statement 1: Planning and Climate Change

Published in December 2007, this PPS sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. It provides advice on local requirements for decentralised energy to supply new development, including: "in considering a development area or site specific target, planning authorities should pay particular attention to opportunities for utilising existing decentralised and renewable or low-carbon energy supply systems and to fostering the development of new opportunities to supply proposed and existing development.

Planning Policy Statement 10: Planning for Sustainable Waste Management (July 2005)

PPS 10 sets out the overall objective of protecting human health and the environment and using waste as a resource wherever possible. It maintains the key aim of moving waste management "up the waste hierarchy "of reduction, re-use, recycling and composting, using waste as a source of energy and only disposal as a last resort. It identifies the following key planning objectives against which proposals should be tested for consistency with them:

- Helping to deliver sustainable development by driving waste management up the waste hierarchy;
- Encouraging communities to take more responsibility for waste and enabling sufficient and timely provision of waste management facilities to meet their needs;
- Implementing the national waste strategy and supporting targets;
- Securing the disposal or recovery of waste without danger to human health or harming the environment at one of the nearest appropriate installations;
- Reflecting the concerns and interests of communities, the needs of waste and disposal authorities and business and encouraging competitiveness;
- Protecting green belts;
- Ensuring the layout and design of new development supports sustainable waste management.

PPS 10 also contains further important guidance on determining planning applications:

- Waste planning authorities should work on the assumption that that the relevant pollution control regime will be properly applied and enforced.
- controls under the planning and pollution control regimes should complement rather than duplicate each other and conflicting conditions should be avoided;
- Where concerns about health are raised, waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies. Rather, they should ensure, through drawing from Government advice and research and consultation with the relevant health authorities and agencies, that they have advice on the implications for health, if any, and when determining planning applications consider the locational implications of such advice.
- in considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan. Any refusal of planning permission on the grounds of prematurity will not be justified unless it accords with the policy in PPS 1.
- until development plans are updated to reflect this 10, planning authorities should ensure proposals are consistent with the policies in PPS 10 and avoid placing requirements on applicants that are inconsistent;
- when proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal;
- The role of the BPEO *(Best Practicable Environmental Option)* process has been reviewed so that this procedure will now be delivered through plan led strategies that drive waste management up the waste hierarchy with the principles of proximity and self-sufficiency as objectives of those strategies.

PPS 10 provides advice about identifying suitable sites and areas for waste

management facilities and states that planning authorities should assess their suitability for development against the following criteria:

- the extent to which they support the policies in this PPS;
- the physical and environmental constraints on development, including existing and proposed neighbouring land uses; (in this context it specifies that likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility).
- the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking where practicable and beneficial to use modes other than road transport;
- give priority to the re-use of previously developed land, and redundant agricultural and forestry buildings and their curtilages.

Companion Guide to Planning Policy Statement 10 (2006):

This guide supports the implementation of PPS 10 within the wider context of reforms of the land use planning system flowing from the 2001 Planning Green Paper and the Planning and Compulsory Purchase Act 2004. It provides advice, ideas and examples of current practice, including the aim of assisting planning authorities in the consideration of planning applications.The guide's principal aim is to assist in the delivery of the key planning objectives for waste management set out in PPS 10.

PPS23: Planning and Pollution Control:

PPS23 advises that any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration where it may affect land use. It also advises that the controls under the planning and pollution control regimes should complement rather than duplicate each other.

Planning Policy Guidance Notes:
PPG 13: Planning and Transport

This guidance aims to promote sustainable transport choices at national, regional, strategic and local levels for the movement of people and freight. It does not specifically address the pollution implications of transport, but it is understood that this is intended to be included in a forthcoming review with the intention of including this topic in a new PPS. In the meantime pollution effects should be considered in the context of PPS 23.

Regional Policy - Regional Spatial Strategy for the East Midlands (RSS 8, March 2005):

provides a broad development strategy for the East Midlands up until 2021. It states that detailed policies on waste will be developed through a Regional Waste Strategy which will be based on the principles set out in *policy 38*. These include working towards zero growth in waste at the regional level by 2016, reducing the amount of waste sent to landfill in accordance with the EU Landfill Directive, exceeding Government targets for recycling and composting with the objective of bringing all parts of the region up to the level of best practice, and taking a flexible approach to

other forms of waste recovery, on the basis that technology in this area is developing very quickly and is difficult to predict over a 20 year period.

Policy 39 identifies regional priorities for waste management, that include promoting a package of policies and proposals that will result in zero growth in all forms of controlled waste by 2016, achieving a minimum target of for the recycling and composting of Municipal Solid Waste by all Waste Collection and Disposal Authorities of 25% by 2005, 30% by 2010 and 50% by 2015, and identifying the content of policies and proposals to promote sustainable waste management by the development of additional waste management capacity.

East Midlands Regional Waste Management Strategy (January 2006)

The Regional Strategy for managing controlled waste in the East Midlands aims to reduce waste arisings, promotes recycling and composting by exceeding Government targets and takes a flexible approach to other forms of waste recovery. Relevant key issues and concerns include: -

- Assuming no change to current waste management practice, the East Midlands will run out of landfill facilities in between 8 and 11 years;
- Meeting the requirements of the Landfill Directive will require a dramatic reduction in the quantity of biodegradable waste sent to landfill as a proportion of the total waste landfilled. This will require significant alternative waste management infrastructure.
- Achievement of the policies in the Regional Spatial Strategy will require progressive waste prevention and minimisation with rapid development of waste recovery/treatment infrastructure and disposal capacity to create a total capacity of at least 22 million tonnes per annum to ensure Regional self-sufficiency in waste management is achieved.
- The strategy (in Policy RWS1.5) recognises that it will not always be possible to manage waste wholly within authority boundaries. Therefore flexibility will be necessary to accommodate cross boundary flows (in relation to the movement, treatment and disposal of waste) of specific types where other facilities provide either the most appropriate method for treatment or disposal or the nearest appropriate site. The apportionment of future waste capacities within the East Midlands is therefore indicative.
- By 2020 the City and County must each recycle or compost at least 50% of their municipal waste. Government imposed landfill restrictions will also limit the amount of municipal waste that can be disposed of to landfill. Assuming that all the recycling targets are met there will still be a residual amount of waste that will need to be diverted from landfill, either through incineration or other methods if available. The Regional Waste Strategy estimates this figure as a combined City and County total. Current levels of recycling, composting and incineration are included for comparison.

Table 1: Estimate of future Municipal Waste Management Needs

	2010	2015	2020
Recycle/compost (minimum)	213 000	386 000	386 000
Landfill diversion (minimum)	128 000	162 000	214 000
Landfill (maximum	369 000	224 000	172 000

allowed)			
Total MS Waste Arisings	**710 000**	**772 000**	**772 000**

Estimate of future Commercial and Industrial Needs (including Hazardous Waste)

	2010	2015	2020
Recycle/compost (minimum)	550 000	546 000	532 000
Landfill diversion (minimum)	0	0	0
Landfill (maximum allowed)	759 000	754 000	735 000
Total C&I Waste Arisings	**1 261 000**	**1 253 000**	**1 221 000**

Table 1 is based on forecasts in Appendix 5 of East Midlands Regional Waste Strategy, EMRA January 2006, which assumes zero growth in waste at a regional level by 2016.

Local Policy

The Nottinghamshire and Nottingham Joint Structure Plan, February 2006, is saved pending the review of RSS8, which will contain policies up to 2026. Policy 2/15 of that document refers to the provision of for renewable energy generation in local plans/ development plan documents in accordance with indicative targets for the Plan Area in RSS8.

Policy 2/19 relates to waste implications of major development proposals defined in development plan documents. It requires major proposals to provide information on waste production implications involved and to demonstrate how the waste will be managed sustainably and recycling promoted.

The Joint Nottinghamshire and Nottingham Waste Local Plan, adopted in 2002*,* covers a period up until the end of 2004 but was 'saved' for a further period and was due to lapse on 28th September 2007 if not saved. Under transitional arrangements for the new planning system, the City Council applied to the Secretary of State not to save Policy W6.1as it considered the policy stands at odds with the more recent policy framework designed to achieve the wholesale regeneration of the Waterside. (Policy W6.1 indicates the acceptability of the extension of Eastcroft subject to adequate environmental safeguards). In September 2007 the Secretary of State issued a direction in respect of policies in the plan. It contained an assessment as to whether saved policies should be extended and indicated that the extension of saved policies is intended to ensure continuity in the plan-led system and a stable planning framework locally. The Secretary of State did not accept the City Council's request not to extend Policy W6.1 on the grounds that the policy supports waste management, including unimplemented site allocations.

Policy W3.1 identifies the information requirements for the consideration of proposals for waste management facilities, Policy W3.2 concerns the opportunity for the use of

planning obligations to control operations and/or the long term management of sites which cannot be achieved by the use of planning conditions, Policy W3.15 seeks to impose conditions in granting planning permission for a waste management facility (a) to require the posting of site notices and/or the issuing of instructions to lorry drivers detailing any routes to be avoided or followed , (b) seek to negotiate planning obligations in order to secure highway improvements.

The Nottinghamshire and Nottingham Waste Local Plan Monitoring Report (2004)

This reviewed the key changes to relevant legislation, policy guidance and waste management technology and the performance of individual plan policies over the period 2002-03. Overall it concluded that the plan had performed well and its assumptions about waste management needs had been proved largely accurate. Although its main shortfall assumptions remained broadly accurate, it showed that predicted shortfalls, particularly in the Greater Nottingham and Mansfield areas were beginning to emerge. The report identified the consequences if the Bentinck scheme cannot be implemented, namely that no alternative new landfill sites had come forward and waste is being diverted to other existing, and in some cases, more remote sites.

Minerals and Waste Development Plan Document

Work has commenced on a new replacement joint Waste Core Strategy, albeit at an early stage. It is anticipated that Waste Core Strategy Development Control Polices will be adopted in February 2009 and Waste specific allocations by December 2010.

Nottingham Local Plan (November 2005)

Eastcroft Incinerator is located in Waterside and neighbours the Southside and Eastside Regeneration zones. Sites for mixed-use redevelopment are identified in each of the Regeneration zones and Policies MU2 – MU7 identify the factors to be considered in development proposals. A mixed use development site (MU7.1) is allocated at the Eastcroft Depot to the west of, and adjacent to, the Eastcroft Incinerator. These policies are supported by supplementary guidance which has been adopted as overall frameworks for their planning and development. The Waterside Supplementary Guidance does not envisage the removal or redevelopment of Eastcroft Incinerator within the 20-25 year timescale of the plan.

Policy T2 concerns planning obligations and conditions for major development which is likely to generate additional journeys to secure off site highway improvements.

Policy T10.4 safeguards an extension of Cattle Market Road to facilitate Waterside Regeneration proposals and associated improvement to the London Road/ Cattle Market Road junction.

Policies BE 1 – 4 inclusive and BE 8 concern design context in the public realm, layout and community safety, building design, sustainability in design, and the city skyline and tall buildings.

Policy BE 10 concerns development affecting the setting of a listed building and BE12 is about development in conservation areas.

Executive Board Resolution on Renewable Energy Production

On 22nd May 2007 a report on Planning and the Response to Climate Change was considered by the Executive Board when it was resolved:

(1) that the Government's recent package of inter-related climate change documents be welcomed and addressed by the Council by the promotion of regeneration and development approaches which fully encompass sustainable design principles, contribute to reducing the impact of climate change and demonstrate the highest standards of sustainability in design and construction;

(2) that, in line with Government advice, an interim standard be adopted with immediate effect (prior to the adoption of the Core Strategy), requiring 10% of energy supplied (interpreted through carbon emissions) in all new developments over 1000 square metres to be gained on-site and renewably and/or from a decentralised, renewable or low carbon energy supply.

Planning applications for all major new development in Nottingham City will be expected to provide at least 10% of their energy use from renewable or low carbon sources (on-site or decentralised). The implications include: a slowing down of Nottingham's energy use and steps towards reducing the City's carbon footprint; an interim measure leading to potential higher levels of carbon reduction policies; encouraging energy efficiency in the design of new buildings; slow down the number of residents experiencing fuel poverty; where more than 10% of household income is spent on energy bills and will add to making Nottingham a cleaner city.

Appendix 2

Table 2

Nottingham and Nottinghamshire Projected Waste Arisings

Calculated using Defra data for waste arisings 2006/07 and assuming moderate waste growth of 1.7% per year until 2015/16 with zero growth beyond this date (based on forecasts in Appendix 5 of the East Midlands Regional Waste Strategy, EMRA, 2006)

Municipal Waste							
City				**County**			
Year	**Arisings**	**Growth %**	**Amount**	**Year**	**Arisings**	**Growth %**	**Amount**
2006/07	203,923[1]	1.7	3,467	2006/07	444,749[2]	1.7	7,561
2007/08	207,390	1.7	3,526	2007/08	452,310	1.7	7,689
2008/09	210,915	1.7	3,586	2008/09	459,999	1.7	7,820
2009/10	214,501	1.7	3,647	2009/10	467,819	1.7	7,953
2010/11	218,147	1.7	3,709	2010/11	475,772	1.7	8,088
2011/12	221,856	1.7	3,772	2011/12	483,860	1.7	8,226
2012/13	225,627	1.7	3,836	2012/13	492,086	1.7	8,365
2013/14	229,463	1.7	3,901	2013/14	500,451	1.7	8,508
2014/15	233,364	1.7	3,967	2014/15	508,959	1.7	8,652
2015/16	237,331	0	0	2015/16	517,611	0	0
2016/17	237,331	0	0	2016/17	517,611	0	0
2017/18	237,331	0	0	2017/18	517,611	0	0
2018/19	237,331	0	0	2018/19	517,611	0	0
2019/20	237,331	0	0	2019/20	517,611	0	0
2020/21	237,331	0	0	2020/21	517,611	0	0
2021/22	237,331	0	0	2021/22	517,611	0	0
By 2020 the City would have **237,331 tonnes** of Municipal Waste for disposal				By 2020 Nottinghamshire County Council would have **517,611 tonnes** of Municipal Waste for disposal			
Of the City total 50% would be required for recycling/composting, leaving **118,666 tonnes**				Of the Nottinghamshire County total 52% would be required for recycling/composting, leaving **248,453 tonnes**			
By 2020 there will be **227,850 tonnes**[3] of Commercial and Industrial Waste for disposal in the City. It is assumed that 50% of this would be available/suitable for incineration, leaving **113,925 tonnes**				By 2020 there will be **507,150 tonnes**[4] of Commercial and Industrial Waste for disposal in Nottinghamshire. It is assumed that 50% of this would be available/suitable for incineration, leaving **253,575 tonnes**			

[1] Defra 2006/07 data
[2] Defra 2006/07 data
[3] Data for C&I waste for disposal (after recycling/composting) from Appendix 5 of East Midlands Regional Waste Strategy (EMRA, 2006). City: County split 31%:69% (assuming same proportion split as shown in Defra 2006/07 MSW data)
[4] Data for C&I waste for disposal (after recycling/composting) from Appendix 5 of East Midlands Regional Waste Strategy (EMRA, 2006). City: County split 31%:69% (assuming same proportion split as shown in Defra 2006/07 MSW data)

The total amount of waste theoretically available in the City by 2020 will be **232,591 tonnes** (comprising 118,666 MSW + 113,925 C&I)	The total amount of waste theoretically available in Nottinghamshire by 2020 will be **502,028 tonnes** (comprising 248,453 tonnes of MSW + 253,575 C&I)

Assuming construction of Eastcroft Third Line and implementation of Municipal Waste Contract between Nottinghamshire County Council and Veolia Environmental Services the following disposal arrangements would be available:

Nottinghamshire's Waste Disposal Capacity (Veolia Environmental Services Contract & Eastcroft commitment)

By 2020 the County's theoretical total available waste is 502,028 tonnes as indicated on the previous page.

North Notts incinerator capacity	180,000
Eastcroft contribution	60,000
Total	**240,000 tonnes**

There would therefore still be a total of **262,028 surplus tonnes** of residual waste available for disposal from Nottinghamshire

Disposal at Eastcroft (following construction of Third Line)

Eastcroft capacity	250,000
Nottinghamshire CC commitment	60,000
Remaining capacity	190,000

By 2020 the City's theoretical total available waste is 232,591 tonnes as indicated in the table on the previous page. If the Eastcroft Third Line is constructed as set out above, there would still be a **surplus of waste available of 42,591 tonnes** within the City (i.e. 232,591 tonnes theoretically available – 190,000 tonnes remaining capacity).

If this is added to the residual waste available from Nottinghamshire (as set out above) there will be a **theoretical total of 304,619 tonnes of surplus waste** available in 2020 after construction of the Eastcroft Third Line and implementation of the Nottinghamshire Waste Disposal Contract within Veolia Environmental Services is taken into account.