

## Councils Response to Written Statements and rebuttals to the Inspectors Matters, Issues and Questions

Question	Respondent	Respondent response	Councils' response
<b>Matter 2: Scope and Context of the Plan and Waste Management in the Plan Area.</b>			
<b>Issue: Whether the identification of future waste needs is sufficiently evidenced based and robust.</b>			
1	Sholmo and Josh Downen	<p>Based on ONS population forecast data for Nottingham and Nottinghamshire, in conjunction with the Environmental Improvement Plan (EIP) target to reduce residual waste per capita to 437 kg by 2027 and the Environment Act target to halve residual waste to 287 kg / capita by 2042, assuming a linear fall of 10kg per person per year between 2027 and 2042, total residual waste (excluding major mineral waste) in Nottingham and Nottinghamshire would fall to 417,981 tonnes per annum by 2038.</p> <p>This c. 418,000 tpa figure is a slightly lower level of waste than is reflected in the corrected Table 10 (PAM8) figure of 431,000 tpa (i.e. 225,000 + 206,000 tpa not recycled).</p> <p>This indicates that the Council is slightly over-estimating waste arisings compared to what would be achieved if the targets were to be on track to be met.</p> <p>It is also worth noting that if waste continues to fall in line with the 2042 target, then the combined figure for Nottingham and Nottinghamshire, accounting for both LACW and C&amp;I (while excluding major mineral waste) would fall from c. 418,000 tpa in 2038 to c. 372,000 tpa in 2042.</p> <p>As such, allowing new or expanded residual waste treatment capacity to be built to serve Nottingham and</p>	<p>It is understood that this calculation and assumption is based upon the difference between 437kg and 287kg would equal 150kg. Dividing this over the 15-year period (2027-2042) would result in a target of 10kg decline every year.</p> <p>As outlined in the Technical Note (EXAM 7), using the low decline scenario and high recycling scenarios, the Plan area would achieve 330kg per head of population by 2038. By Mr Downen and Mr Downen calculations, the Plan area should be at 327kg.</p> <p>As outlined in the Councils response, using the scenarios chosen, the Plan area would make progress towards the residual waste target. It should be noted that the introduction of measures to reduce waste is beyond the control of the Plan, with the Plan needing to ensure sufficient provision to treat waste. We have chosen scenarios that are ambitious and realistic based upon the current performance of the Plan Area. The Plan will be monitored and reviewed at least every five years, earlier if data indicates it is required.</p> <p>The Plan indicates a very small capacity gap in EfW (53,669 tonnes by 2038). Policy SP1 and SP2 supports the waste</p>

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		<p>Nottinghamshire based on 2038 figures could result in the over-provision of residual waste treatment in contravention of the principles set out in the updated EN-1 and EN-3, potentially undermining the waste hierarchy.</p> <p>It is also worth noting that much of this residual material is likely to be unsuitable for incineration due to being non-combustible, and that there is the potential for some of the residual material to be diverted to other purposes such as for the production of Sustainable Aviation Fuel or 'SAF' (in line with the Government's Jet Zero Strategy) and/or to heat cement kilns.</p> <p>With respect to the non-combustibility of some residual waste we note the comment made by Shlomo Downen within Objection 894 (CD4, page 8 and CD5, page 23 with further detail provided in CD6, electronic pages 300-307 and 477-478), which is not disputed by the Councils (as per CD7, electronic pages 45-46).</p> <p>With respect to the diversion of residual waste to SAF production and cement kiln usage we note CD6 electronic pages 303, 379, 380, 381, 479, and 501.</p> <p>Additionally, it should be noted that the interim (2027) target for residual municipal waste reduction is more ambitious than that for overall residual waste, reflecting the reality that the sort of waste that is currently used as incinerator feedstock (e.g. plastic and food waste) is a key focus for residual waste reduction efforts in the coming years.</p>	<p>hierarchy, with a prioritisation of recycling facilities. The Plan must be realistic and ambitious, achieving the waste reduction and recycling rates will be ambitious based upon the Plan areas current performance.</p> <p>This is noted which is why the assumption is taken that some, 5%, hopefully less, waste will continue to be disposed.</p> <p>This is noted, in the Technical Note (EXAM 7) it is concluded that the interim target to achieve a 24% reduction by 31<sup>st</sup> January 2028 would be missed under the current assumptions, with a 17% reduction achieved by 2028 and the 24% reduction achieved by 2029/2030- a year or two later.</p>

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		<p>These considerations mean that the capacity gap analysis in CD1 Table 11 296,831 figure could significantly overestimate the quantities of material that would be available for 'Energy Recovery' arising in Nottingham and Nottinghamshire for any new incinerator that was given planning consent under the plan.</p> <p>It would therefore be helpful if an indicative waste arisings figure for 2042 were provided (in Table 10, and transposed into Table 11) to show the level energy recover capacity required in the event that the residual waste reduction targets were met, taking account of alternative uses for non-recyclable waste, i.e. as feedstock for SAF and cement kilns. This is necessary because any new incineration facility granted planning permission based on compliance with the emerging Waste Local Plan could be expected to be operational in (and indeed well beyond) 2042.</p> <p>Interim Target 3 of the EIP is that: "By 31 January 2028, the total mass of municipal residual waste in a year does not exceed 333 kg per capita". Assuming the 2019 municipal waste per capita figure would be halved by 2042, this would mean that a linear fall in waste per capita for Nottingham and Nottinghamshire between 2027 and 2042 would result in municipal waste falling to a total of 333,319 tonnes by 2038 and then to 303,916 tonnes by 2042.</p> <p>Arguably, the municipal residual waste figures of 333,319 tonnes by 2038 and 303,916 tonnes by 2042 are a better fit for the types of waste covered in Table 11's HIC figure than</p>	<p>The Councils do not consider Table 11 significantly overestimates the quantities of material available for Energy from Waste, for the reasons outlined above about ensuring a balance between ambition and realistic.</p> <p>The Councils do not intend to provide indicative waste arisings figures beyond 2038, which is the Plan period. The Plan will be monitored and reviewed every five years or beforehand is necessary, with consideration given to arisings, recycling rates and capacity requirements.</p> <p>This is part of an interim target and includes just municipal waste whereas the data from the Technical Note (EXAM 7) looks at Household, Industrial and Commercial (HIC) Waste. Also, looking at National 2022 data against this municipal target, this shows there has been little progress towards this target, with municipal residual waste in England estimated to have decreased in 2022 by 0.9% from the 2019 baseline.</p>

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		<p>the aforementioned total residual waste figures of 418,000 tonnes in 2038 to c. 372,000 tonnes in 2042.</p> <p>As such, the 423,656 tonne combined residual arisings produced figure for HIC in Table 11 for 2038 (296,831 for energy recovery + 126,825 for disposal = 423,656 for total residual) should be reduced by more than 21% (to around 333,000 tonnes for total residual), and further reduced to around 304,000 tonnes to show the 2042 forecast.</p> <p>The table below sets out our calculations for the various figures used above.</p> <p>Residual waste calculations for plan area (Nottingham &amp; Nottinghamshire)</p> <table border="1" data-bbox="472 842 1319 1358"> <thead> <tr> <th>Year</th> <th>Population</th> <th>Total Residual Waste (kg/person)</th> <th>Total Residual Waste (tonnes)</th> <th>Municipal Residual Waste (kg/person)</th> <th>Municipal Residual Waste (tonnes)</th> </tr> </thead> <tbody> <tr> <td>2027</td> <td>1,219,581</td> <td>437</td> <td>532,957</td> <td>333</td> <td>406,120</td> </tr> <tr> <td>2028</td> <td>1,225,997</td> <td>427</td> <td>523,501</td> <td>326</td> <td>400,206</td> </tr> <tr> <td>2029</td> <td>1,232,159</td> <td>417</td> <td>513,810</td> <td>320</td> <td>394,126</td> </tr> <tr> <td>2030</td> <td>1,238,180</td> <td>407</td> <td>503,939</td> <td>313</td> <td>387,922</td> </tr> <tr> <td>2031</td> <td>1,244,125</td> <td>397</td> <td>493,917</td> <td>307</td> <td>381,614</td> </tr> <tr> <td>2032</td> <td>1,249,675</td> <td>387</td> <td>483,624</td> <td>300</td> <td>375,111</td> </tr> <tr> <td>2033</td> <td>1,254,818</td> <td>377</td> <td>473,066</td> <td>294</td> <td>368,415</td> </tr> <tr> <td>2034</td> <td>1,259,728</td> <td>367</td> <td>462,320</td> <td>287</td> <td>361,584</td> </tr> <tr> <td>2035</td> <td>1,264,645</td> <td>357</td> <td>451,478</td> <td>280</td> <td>354,691</td> </tr> </tbody> </table>	Year	Population	Total Residual Waste (kg/person)	Total Residual Waste (tonnes)	Municipal Residual Waste (kg/person)	Municipal Residual Waste (tonnes)	2027	1,219,581	437	532,957	333	406,120	2028	1,225,997	427	523,501	326	400,206	2029	1,232,159	417	513,810	320	394,126	2030	1,238,180	407	503,939	313	387,922	2031	1,244,125	397	493,917	307	381,614	2032	1,249,675	387	483,624	300	375,111	2033	1,254,818	377	473,066	294	368,415	2034	1,259,728	367	462,320	287	361,584	2035	1,264,645	357	451,478	280	354,691	
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		2036	1,269,393	347	440,479	274	347,687	
		2037	1,273,967	337	429,327	267	340,574	
		2038	1,278,229	327	417,981	261	333,319	
		2039	1,282,547	317	406,567	254	326,024	
		2040	1,286,984	307	395,104	248	318,700	
		2041	1,291,488	297	383,572	241	311,335	
		2042	1,296,017	287	371,957	234.5	303,916	
	Shlomo and Josh Downen	<p>Rebuttal to Council response.</p> <p>The Councils' response to question 1 in WS2/1 merely states that their approach "reflect[s] the approach taken nationally that to achieve the residual waste long-term target", which implies that while the Councils take into account the sort of principles that informed the targets, the Councils did not take into account the actual waste arisings targets themselves and the implications of achieving such a high level of residual waste reduction on the Councils' residual waste treatment infrastructure needs.</p> <p>Our submission from August set out how if the Councils had adequately taken account of these targets, then they would have forecast lower levels of waste arisings.</p> <p>The Councils cite the June 2024 Technical Note from AECOM on Residual Waste Target (EXAM7) and state that: "if the preferred scenarios for waste arisings and recycling are achieved by the end of the Plan period (2038), the Plan area will achieve a 40% reduction of residual waste per</p>						<p>To deliver the residual waste target, waste arisings need to be reduced and recycling increased, which is what the WNA and Plan assumes. The Plan needs to achieve a balance of being ambitious but also realistic to ensure we plan to have sufficient capacity. We have chosen the scenarios that reflect the historic and current trends. Achieving the residual target will also be dependent on national measures being implemented, which is beyond the control the Plan. The Plan will be monitored and reviewed every 5 years and earlier if necessary.</p>

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		<p>capita between 2019 and 2038. This is significant progress towards the national target of 50% reduction by 2042”.</p> <p>In response, it should be noted that the 40% reduction by 2038 claim is made with respect only to the “high recycling scenario”, and not to either of the other scenarios.</p> <p>As such, this supports UKWIN’s conclusion that the other recycling scenarios would clearly not be consistent with meeting the statutory residual waste reduction targets.</p> <p>We note that there is no account in EXAM7 of how the interim municipal residual waste target for 2027 is much more ambitious than the broader residual waste reduction target, and how this indicates that the sort of waste which is likely to be sought as incinerator feedstock is likely to be a focus for reduction.</p> <p>Despite the vast majority of the material set out in Table 2 and Table 4 of EXAM7 being HIC, consideration is not given to the interim municipal residual waste reduction target of reducing municipal waste to 333 kg set out in Table 1. If HIC is seen as equivalent to municipal waste, then the Councils appear not to meet the 2027 interim target until 2038 and even then, only in the high recycling scenario. It also indicates no further reduction in municipal waste beyond the achievement of that interim target.</p>	<p>The high recycling scenario is the chosen preferred scenario and what the capacity gap tables are based upon, achieving a 65% recycling rate will be ambitious for the Plan area performing currently at 37.8%.</p> <p>Yes, the study has only looked at the total residual waste as per response above.</p> <p>The Councils do not consider it appropriate to consider HIC as equivalent to municipal waste. As noted above, as per 2022 data for England, there is little movement towards this interim target for municipal waste.</p>

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		<p>This indicates that a combination of 'high recycling' and 'high decline' scenarios would better align with Government residual waste reduction targets.</p> <p>EXAM7 states that: "...the main waste codes sent to incineration and landfill were mixed municipal wastes (20 03 01) and wastes from the mechanical treatment of waste (19 12 12)".</p> <p>As we noted in CD5/CD6 objection 894: "...a large proportion of 19 12 12 currently sent to landfill is material that is inert and not combustible (or uneconomic to send for incineration as it could be landfilled at the lower rate) - see attached document. Such waste should be reallocated from 'Recovery' to 'Disposal'."</p> <p>In CD7 the Councils responded to this comment, acknowledging that: "The WNA does not consider the waste management scenario at an individual waste code level as this is considered to be too much detail for the purposes of the WNA".</p> <p>Ignoring the compositional (e.g. non-combustible) nature of a significant proportion of 19 12 12 currently sent to landfill and simply assuming it constitutes potential incinerator feedstock could result in incineration overcapacity if capacity is planned for the management of this waste stream. As such we are disappointed that the Councils did not use EXAM7 to rectify their past limitations in this regard.</p>	<p>The technical note is not discerning what should be considered disposal material or landfill. It is stating that main difference in residual waste between City and County was in these codes, suggesting it is commercial waste that is driving the difference.</p> <p>The Councils maintain their position and note that any application for an Energy from Waste facility would need to consider and demonstrate feedstock availability. Consideration will be given to add text within the Plan about Energy from Waste facilities demonstrating, at the application stage, availability of feedstock to satisfy clause b (i) of Policy SP2.</p>

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		<p>In terms of policy implications, this limitation raises questions about the viability of the assumptions set out in paragraph 5.49 of the Pre-Submission Draft Local Plan (CD1) that: "N.B. although the Waste Needs Assessment carried out by Aecom assumes a future landfill rate of 5% for LACW and 10% for C&amp;I and C, D&amp;E, this is a likely maximum to ensure sufficient provision, it does [not] preclude waste being recovered or recycled. If waste was handled higher up the waste hierarchy this would mean there will be less requirement for landfill than envisaged in the WNA".</p> <p>By failing to consider combustibility and whether currently landfilled waste is considered to meet landfill exemption criteria, the Councils' assumptions could overstate the quantity of LACW and C&amp;I that might not be diverted from landfill to incineration for economic or technical reasons. As such, this statement risks potentially resulting in waste being diverted from the top tiers of the waste hierarchy to meet any feedstock shortfalls for Nottingham and Nottinghamshire incinerators.</p> <p>One potential remedy is for the supporting text to make it clear that the Waste Needs Assessment did not consider the combustibility and suitability of the waste for incineration, and that proposals for incineration capacity ought to consider this matter in more detail if the applicant wishes to demonstrate waste hierarchy compliance.</p>	<p>Paragraph 5.49 was worded to acknowledge that the forecasted scenarios do not preclude waste being treated higher up the waste hierarchy, which is a key aim of the Plan which reflects National Policy.</p>



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	Susan Edwards	<p>No.</p> <p>Firstly, regarding using Scenario B “low rate of decline” to calculate the amount of waste per household in future years... With new legislation banning single use plastics, implementation of extended producer responsibility (EPR) etc. I would expect Scenario A “high rate of decline” is a more appropriate standpoint to use.</p> <p>Secondly, regarding the recycling scenarios, only the “high recycling rate” is nearing the waste reduction required to meet Government legislation. This should be the starting point for targets not the highest rate we can possibly imagine. The “alternative” recycling options of “low” and “medium” recycling are out of date and should not be included. A more aspirational target should be included.</p> <p>Thirdly, there should be plans in place to increase recycling of all kinds – composting, anaerobic digestion etc. should all be increased – especially to accommodate the separate food waste collections coming soon. All calculations show that any shortfall in capacity for residual waste disposal will be temporary and as recycling rates increase, in line with government legislation to halve residual waste per capita by 2042, any shortfall will be eliminated. It is therefore essential that long term planning does not include building more incinerators as this will be against national guidance/legislation to avoid overcapacity of incineration both nationally and locally. Any new incinerators will be</p>	<p>As detailed in paragraph 3.22 of the WNA, the low decline scenario was chosen as the preferred scenario as this removed the impact of the 2007 recession on the annual historic trend, with arisings between 2007 and 2008 declining by 40,000 tonnes. Considering this, the high decline scenario did not reflect predicted future trends. These factors, as well as the need to ensure the Plan provides sufficient capacity for the Plan area, concluded that the high decline scenario was inappropriate.</p> <p>The high recycling scenario for LACW achieves the national target to achieve a 65% recycling rate by 2035. Considering the current recycling rate of the Plan area (37.8%) achieving this will be ambitious, and achieving this will be down to measures being introduced which are beyond the control of the Plan. The recycling rate will be monitored, and the Plan reviewed every 5 years where any changes will be reflected.</p> <p>The WNA does take these into consideration, which is why the capacity gap changes over the Plan period, with the Energy from Waste gap identified decreasing over time to reflect higher recycling rates. The Plan as a whole seeks to treat waste higher up the waste hierarchy, as reflected in the Vision, Policy SP1 and Policy SP2.</p> <p>Consideration will be given to add text within the Plan about Energy from Waste facilities demonstrating, at the application stage, availability of feedstock to satisfy clause b (i) of Policy SP2.</p>

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		<p>functional well beyond 2042 at which point no additional capacity for residual waste disposal will be necessary. The temporary shortfall can easily be solved by use of incinerators in neighbouring areas such as Sheffield (already being used) and the newly built incinerator at Shepshed/Newhurst Quarry (455ktpa capacity!) – only one junction down the motorway from the proposed unnecessary incinerator at Ratcliffe on Soar.</p> <p>Incineration cannot be considered part of a circular economy and energy from waste (EfW) cannot be considered green energy. Incineration has a high environmental cost, not just greenhouse gas (GHG) costs and air pollution costs, but also extraction of new resources to replace the incinerated items.</p>	<p>Energy from Waste is considered the second step in the waste hierarchy, which the Plan seeks to reflect.</p>
2	Shlomo and Josh Down	<p>It would appear that all of the waste management facilities listed in WNA Appendices F and G are located within the Plan Area, and that no account is made of waste management capacity in neighbouring authorities. This means that no account is taken within the WNA of, for example, the prospect of there being any 'spare capacity' to process waste from the Plan Area at facilities such as the:</p> <ul style="list-style-type: none"> <li>• 455,000 tonnes of capacity at the fully operational Newhurst Quarry incinerator in Leicestershire</li> <li>• 245,000 tonnes of capacity at the fully operational Sheffield incinerator (where planning permission was varied in 2011 and 2012 to allow the facility to process waste from Nottinghamshire)</li> </ul>	<p>After undertaking the Duty to Cooperate with WPAs the Councils shared strategic waste movements with, no issues were raised about unmet capacity requirements which the WNA and Plan would need to consider. Therefore, the WNA only considered capacity within Nottinghamshire and Nottingham.</p>

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		<ul style="list-style-type: none"> <li>• 190,000 tonnes of capacity at the fully operational North Hykeham incinerator in Lincolnshire</li> <li>• 170,000 tonnes of capacity at the Drakelow incinerator (which is currently in commissioning)</li> <li>• 86,400 tonnes of capacity at the existing Boston Energy Production Facility, which moved from biomass to RDF feedstock in 2022</li> <li>• 56,000 tonnes of capacity at the fully operational Newlincs incinerator in North Lincolnshire</li> </ul> <p>This amounts to a combined capacity of more than 1.2 million tonnes of incineration capacity located in neighbouring authorities that appears to have been ignored by the WNA, due to the WNA focussing narrowly on facilities located within the Plan Area. Added to this omission is the failure to account for either form of waste management capacity in neighbouring authorities.</p> <p>We also understand from SD1 that quantities of waste from North Nottinghamshire are being processed in Sheffield to help make use of spare capacity at the Sheffield incinerator, and indeed waste from Nottinghamshire is also sent to the Ferrybridge incinerator complex which, with a combined 1.45Mtpa of capacity, requires waste from a large catchment area to remain operational. It is also the case that waste from Nottinghamshire is sent to help power the Hope Cement Works in nearby Derbyshire. It is possible that if waste from Nottingham and Nottinghamshire were not being sent to these facilities then these plants would need to source their feedstock from even further afield.</p>	<p>Waste movements are largely influenced by contracts and operators, something which is beyond the control of the Plan. Text to explain such could be added to Chapter 5 of the Plan, with detail of current movements based upon contracts for Energy from Waste facilities. This is detailed in the Statement of Common Grounds with Sheffield and Wakefield (CD10).</p>

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	Susan Edwards	<p>No.</p> <p>The WNA takes no account of levels of waste management capacity in neighbouring authorities. We currently send waste to Sheffield from North Nottinghamshire to use some of their spare capacity. Sheffield City Council is currently trying to get exemptions to government legislative reductions in waste because it is signed up to contracts to feed incinerators many years into the future. We could easily sign up to using their spare capacity rather than building our own. Our shortfall in capacity will only be temporary so signing up to spare capacity nearby makes a lot of sense. We have no need to provide overcapacity ourselves.</p> <p>We also have the option of the newly built 455,000 tonnes per annum (tpa) Shepshed/Newhurst Quarry incinerator. Our plans to build new incineration capacity of 892,100tpa is against all government legislation and is totally inappropriate, irresponsible planning.</p>	<p>Where waste travels is dependent upon contracts and operators. Text to explain such could be added to chapter 5, with current waste movements based upon contracts for Energy from Waste facilities. This is detailed in the Statement of Common Grounds with Sheffield and Wakefield (CD10). Further text could also be added to the Plan which outlines that Energy from Waste facilities will need to demonstrate feedstock availability at the planning application stage.</p> <p>The permitted capacity figure in paragraph 5.48 is based upon permissions already granted for Energy from Waste facilities in the Plan area. The Plan cannot revoke these permissions.</p>
<u>3</u>	Susan Edwards	<p>There are several arguments to be used re energy recovery in the form of EfW incinerators vs landfill and the environmental impact of each.</p> <p>If the landfill is stabilised, then the problem of methane production can be minimised thereby negating arguments of GHG emissions being as bad as/worse that EfW.</p> <p>There is also an argument that for plastics currently not recyclable it may be best to store them until such time as technology can recycle them rather than losing the resources forever by burning them and releasing all the</p>	<p>The Plan aims to treat waste higher up the waste hierarchy, which is in line with national policy. Energy from Waste sits one tier above disposal and so is seen as preferable.</p>

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		<p>carbon dioxide into the atmosphere. This is more in line with a circular economy than incineration.</p>	
	<p>Shlomo and Josh Downen Rebuttal</p>	<p>The Councils' proposed additional modification set out in paragraphs 3.5-3.6 of WS2/1 states: "...it is noted that the Plan does not go further to explain that, whilst this would reduce disposal requirements, this would mean a higher requirement of recycling and recovery capacity, with paragraph 5.48 of the Plan only highlighting that permitted recovery capacity could reduce landfill requirements if implemented... We therefore propose an additional modification to paragraph 5.49 of the Plan to add that if waste is treated higher up the waste hierarchy, this would also result in an increase of needed capacity for recovery to offset this".</p> <p>The August 2024 version of EXAM1 amends Paragraph 5.49 to read: "If waste was handled higher up the waste hierarchy, this would mean there will a lower requirement for landfill and a higher requirement for recovery than envisaged in the WNA".</p> <p>This would compound rather than resolve the issue set out above with respect to 19 12 12 that is currently sent to landfill due to it being effectively inert / non-combustible or otherwise unsuitable for incineration for economic, technical or environmental reasons. The proposed amendment increases the importance of including the aforementioned clarification, i.e. that the text should be modified to make it clear that the Waste Needs Assessment did not consider the</p>	<p>The proposed modification is trying to reflect a broader statement that if waste was recovered, which is higher up the waste hierarchy, instead of disposed, this would mean a higher requirement of recovery needed. The Plan recognises in paragraph 7.26 that some waste is not suitable for further treatment beyond disposal. Consideration to be given to add text within the Plan that outlines that Energy from Waste facilities will need to demonstrate feedstock availability at the planning application stage.</p>

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		<p>combustibility and suitability of the waste for use as incinerator / energy recovery feedstock, and that proposals for incineration / energy recovery capacity ought to consider this matter in more detail if the applicant wishes to demonstrate waste hierarchy compliance.</p>	
4	Shlomo and Josh Downen	<p>Only the 'high recycling' scenarios are in line with the residual waste reduction targets from the EIP and the Environment Act, although the total arisings forecast underestimates the level of waste minimisation required to meet these targets. The 'low recycling' scenario is clearly out-of-step with meeting our recycling targets.</p> <p>Therefore, only the high recycling scenarios should be retained, and these should be complemented by a scenario that anticipates higher rates of waste minimisation, i.e. lower levels of arisings.</p>	<p>The high recycling scenarios for all three waste streams have been chosen. As per the Councils response, these have been chosen as a balance between ambitious and realistic. The Councils consider that the scenarios presented are correct and follow PPG for Waste on how to forecast future waste arisings for each waste stream.</p>
	Susan Edwards	<p>No.</p> <p>As I have previously said in answer to point 1, the Scenario A "high rate of decline" would be more appropriate to use due to new government legislation banning single use plastics, implementation of extended producer responsibility (EPR) etc. This would mean that there should now be a significant decline in the Local Authority Collected Waste (LACW) per household.</p> <p>Also, as I have mentioned previously the "high" recycling rate scenario is the only appropriate option. The "low" and "medium" are not appropriate and should be dropped from</p>	<p>As detailed in paragraph 3.22 of the WNA, the low decline scenario was chosen as the preferred scenario as this removed the impact of the 2007 recession on the annual historic trend. Considering this, the high decline scenario did not reflect predicted future trends. These factors, as well as the need to ensure the Plan provides sufficient capacity for the Plan area, concluded that the high decline scenario was inappropriate to forecast future LACW arisings.</p> <p>The high recycling scenario for LACW achieves the national target to achieve a 65% recycling rate by 2035. Considering the current recycling rate of the Plan area (37.8%) achieving</p>

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		the list of options with a more ambitious/aspirational target of higher recycling rate included as an option to consider/try to achieve.	this will be ambitious, achieving this will be down to measures being introduced which are beyond the control of the Plan. The recycling rate will be monitored, and the Plan reviewed every 5 years where any changes will be reflected.
<u>5</u>	Susan Edwards	<p>Yes.</p> <p>As previously mentioned in answer to point 1, there doesn't seem to be any plans to increase recycling options to accommodate the separate food waste collections coming soon (composting, anaerobic digestion etc. There should be plans in place to increase recycling of all kinds including sorting facilities to separate waste.</p>	It should be noted that there is sufficient recycling capacity in the Plan area to achieve 65% recycling of LACW, 80% of C&I waste and 90% CD&E waste by 2038, and more, as shown in Table 11 and 12 of the Plan. The Plan also continues to prioritise recycling and anaerobic digestion and composting facilities through Policy SP2, despite having sufficient recycling capacity. Further text could be added to chapter 5 to ensure clarity that recycling continues to be a priority.
<u>6</u>	Susan Edwards	<p>It doesn't.</p> <p>The Plan doesn't accommodate for anything different to what has been done in the past. No extra provision for recycling facilities of any type and the entire plan seems to be based on using the planned extra, unnecessary, 892,100tpa EfW incineration capacity to "solve" all the waste problems. This is not in line with any government legislation/directives/guidance or with any direction towards a circular economy.</p>	By not allocating sites, the Plan offers flexibility for new, innovative facilities to come forward, which may have different land and market requirements. The Plan continues to prioritise recycling and has sufficient capacity to meet, and go beyond, the higher recycling scenarios as it is a net importer of waste. Further text could be added to chapter 5 to ensure clarity that recycling continues to be a priority. The attainment of the higher recycling scenarios is dependent on measures being introduced, which is beyond the control of the Plan.
<u>7</u>	Susan Edwards	<p>No.</p> <p>The Plan does not make any provision for landfill capacity. The Plan relies totally on proposed new build EfW to take on</p>	Considering the geology of the Plan area, it is unlikely that a new site will come forward for non-hazardous disposal that would be appropriate. The Plan therefore seeks to treat waste further up the waste hierarchy, with Energy from

Question	Respondent	Respondent response	Councils' response
		<p>all the waste disposal capacity gap. The capacity gap is not large and only temporary, so relying on the building of an extra 892,100tpa EfW incinerator capacity is irresponsible. It goes against circular economy principles, making no accommodation for alternative solutions higher up the waste hierarchy and signing us up to burning our waste far beyond a time when any extra capacity will be needed. As I've said previously, irresponsible and not in line with government legislation to avoid overcapacity of incineration. This policy is the opposite of planning for the future.</p>	<p>Waste above disposal. The Plan aims to prioritise recycling, treating waste higher up the hierarchy and strives to increase current recycling rates. The Plan does not rely on the permitted Energy from Waste capacity but is trying to outline this capacity could help reduce the deficit identified for disposal if it became operational. Further text could be added to make this clear if deemed appropriate.</p>
<p><u>9</u></p>	<p>Shlomo and Josh Downen</p>	<p>With respect to adverse climate impacts arising from residual waste treatment, we offer the following points:</p> <ul style="list-style-type: none"> <li>• As per the evidence set out in UKWIN's Good practice guidance for assessing the GHG impacts of waste incineration - available at <a href="https://ukwin.org.uk/files/pdf/UKWIN-2021-Good-Practice-Guidance-for-Assessing-the-GHG-Impacts-of-Waste%20Incineration.pdf">https://ukwin.org.uk/files/pdf/UKWIN-2021-Good-Practice-Guidance-for-Assessing-the-GHG-Impacts-of-Waste%20Incineration.pdf</a> - incineration is a high-carbon waste treatment option. As noted in that guidance, the adverse climate impacts of waste incineration is recognised, for example, by the Climate Change Committee (CCC) and Zero Waste Scotland (ZWS).</li> <li>• From a border perspective, the loss of materials to the circular economy through either incineration or landfill (setting aside the prospect of landfill mining) comes with the GHG cost of having to extract new resources and to produce new products to replace</li> </ul>	<p>The Councils consider that this is a broader issue which is beyond the role of the Plan.</p> <p>As per national policy, the Plan aims to manage waste higher up the hierarchy, seeking to reduce waste arisings per person, re-use more, increase recycling followed by Energy from Waste then disposal, which is at the bottom of the hierarchy. The Plan also recognises the important role waste plays within climate change, with Policy SP5 seeking to ensure the causes of climate change are minimised by waste facilities.</p>



Question	Respondent	Respondent response	Councils' response
		<p>those that were lost through incineration and landfill, and this comes with significant GHG costs.</p> <ul style="list-style-type: none"> <li>• As a result, we can expect efforts to be made across the board to reduce the generation of residual waste in order to reduce the harmful climate impacts associated with both the direct emissions and the indirect environmental consequences associated with a linear economy.</li> <li>• When the Government announced its proposals to halve residual waste - see: 'Consultation on environmental targets' (opened by Defra on 16 Mar 2022) available at <a href="https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/">https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/</a> - they rightly stated that: "Tackling residual waste reduces the environmental impacts of treatment, including air, soil, and water pollution [...]. It is more sustainable to prevent waste completely and, where waste is unavoidable, to recycle it [...]. The proposed target can drive both waste minimisation and recycling of unavoidable waste..." It also noted that a reduction in residual waste treatment "will lead to an increase in the reuse, repair and remanufacture [...] and move England's waste system to a more circular economy".</li> <li>• The impending inclusion of incineration in the UK Emissions Trading Scheme (UK ETS) from 2028 can be expected to encourage the diversion of plastic from incinerators. As more than one tonne of feedstock is required to replace each tonne of high calorific value plastic that is diverted from</li> </ul>	

Question	Respondent	Respondent response	Councils' response
		<p>incineration, the move to inclusion of incineration in the UK ETS is expected to free up millions of tonnes of existing incineration capacity at a time when overall waste arisings are expected to fall. For further detail, see CD6 electronic pages 482-483.</p>	
	Susan Edwards	<p>No. The Plan does nothing to encourage or set in place concrete options/facilities to increase “reduce and/or re-use” and almost nothing to increase recycling. The Plan to increase recycling seems to be an aspiration without any input into how exactly this will be achieved. The Plan to “deal with” any residual waste capacity gaps is to build massive overcapacity of EfW incineration which releases more carbon into the atmosphere (and a lot more pollutants too) than burning gas and in some cases more than burning coal. Not exactly in line with reductions in CO2 emissions and against government guidance/legislation to avoid overcapacity of incineration both nationally and locally.</p> <p>Incineration is a high carbon and high pollution waste treatment option which does not contribute to a circular economy. EfW is not low carbon energy.</p> <p>The upcoming inclusion of EfW in the UK Emissions Trading Scheme (UKETS) will make incineration more expensive and therefore a less attractive waste treatment option. No account has been made of the likely impact of this on amounts of residual waste being sent to EfW not only locally but also nationally, likely freeing up incinerator capacity in</p>	<p>Policy SP1 seeks to reduce the amount of waste in non-waste development proposals, therefore reflecting the upper tiers of the waste hierarchy. Policy SP2 then prioritises the treatment of waste higher up the waste hierarchy. It is not the role of the Plan to provide strategies to reduce waste but ensure sufficient capacity to handle the Plan areas waste arisings. As stated in the Councils response, the Councils are not currently aware of any implications to operators on the declarations of climate change emergencies, but the Plan reflects the aspiration to reduce and mitigate impacts waste facilities have on climate change.</p>

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		all areas of the country. Even more reason not to build any more incineration facilities.	
<a href="#">10</a>	Shlomo and Josh Downen	<p>It would not be appropriate for Nottingham and Nottinghamshire to seek to be net self-sufficient for energy recovery capacity because waste from the Plan Area is being relied upon for use as feedstock for incinerators in neighbouring authorities that might otherwise need to source feedstock from further afield, and because short-term self-sufficiency is likely to result in medium-term lock-in to the overprovision of incineration capacity within the Plan Area that could be expected to undermine the achievement of recycling and residual waste reduction targets.</p> <p>It should be noted that information about the overprovision of incineration capacity both nationally and within the Northeastern Cluster (that includes Nottingham and Nottinghamshire) and how incineration could harm recycling is set out on CD6 electronic pages 473-506.</p>	The Plans aim is to be net self-sufficient and so ensure sufficient capacity to manage the equivalent of the Plan areas arisings. The permitted capacity could help address the identified Energy from Waste deficit and also some of the landfill deficit. Policy SP2 has been amended to include a clause for Energy from Waste applications to ensure they do not prejudice waste being treated higher up the waste hierarchy and achieving recycling targets.
	Shlomo and Josh Downen rebuttal	As set out in WS2/2, our view is that: "It would not be appropriate for Nottingham and Nottinghamshire to seek to be net self-sufficient for energy recovery capacity because waste from the Plan Area is being relied upon for use as feedstock for incinerators in neighbouring authorities that might otherwise need to source feedstock from further afield, and because short-term self-sufficiency is likely to result in medium-term lock-in to the overprovision of incineration capacity within the Plan Area that could be	The Plan area is a net importer of waste, the Plan recognises the need for waste to move across boundaries and that it is not always practical or viable to be self-sufficient. Consideration could be given for additional text to be added to explain the current movement of waste outside of the Plan area to Energy from Waste and disposal facilities due to long term contracts and also that Energy from Waste facilities will need to demonstrate feedstock availability at the planning application stage.

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		<p>expected to undermine the achievement of recycling and residual waste reduction targets”.</p> <p>As such, we oppose the Councils' proposed Main Modifications set out in the August 2024 version of EXAM2 such as PMM1, PMM2, PM3, PMM6, PMM7, and PMM13, insofar as they promote the goal of net self-sufficiency for energy recovery capacity within the Plan Area.</p>	
	Susan Edwards	<p>Yes.</p> <p>Nottingham and Nottinghamshire should not seek to be self-sufficient for EfW capacity in the short/medium term. If it does so it is contrary to the legislative directives to avoid overcapacity of incineration both nationally and locally. There are two reasons for this. Firstly, waste from the Notts area is being relied upon to fulfil obligations to provide enough feedstock for incinerators in neighbouring authorities (e.g. Sheffield). Secondly, if we become self-sufficient in the short/medium term we will be contracted into providing feedstock for the newly built EfW incinerators well beyond a time when we will need extra capacity. This will be detrimental to meeting our obligations to Environmental legislation, against the aim of treating waste as high up the waste hierarchy as possible and devastating to the climate. Do we propose to import waste from abroad to feed these incineration facilities? Where else will we source the feedstock for an extra 892,100tpa of EfW capacity locally?</p>	<p>The Plan seeks to be net self-sufficient, and we have proposed several amendments to address this within the Plan. In terms of recovery, if the permitted capacity was to be built this would enable the Plan area to potentially absorb some of the residual waste exported out of the area to disposal.</p> <p>Policy SP2, clause b(i) requires that proposals for Energy from Waste facilities will need to demonstrate they will not prejudice movement up the waste hierarchy and achieving our recycling goals. The quoted 892,100tpa is already permitted, with these facilities demonstrating at the time a need for the facility. These have not yet become operational which is controlled by the operator and market needs.</p> <p>National data has indicated that increasing amounts of RDF is being exported out of the Country.</p>

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<b>Matter 4: Strategic Policies.</b> <b>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?</b>			
<u>6</u>	Shlomo and Josh Downen Rebuttal	<p>In WS 4/1 the Council states: "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".</p> <p>While the proposed additional modification for Paragraph 7.42 set out in the August 2024 version of EXAM 1 represents an improvement over the current text in some respects, we are concerned about the statement that "...managing waste higher up the waste hierarchy... is a key part of reducing greenhouse gas emissions and achieving net zero".</p> <p>While it is surely the case that managing waste at the top tiers of the waste hierarchy supports the reduction of greenhouse gas emissions (GHG) and the achievement of net zero, there are circumstances where diverting waste from landfill to energy recovery / incineration can result in higher levels of GHG emissions impeding the move to net zero.</p> <p>This is due to the adverse climate impacts associated with burning fossil-derived materials such as plastics which</p>	<p>The Councils consider the proposed modification is appropriate, noting from the decisions quoted and other NSIP applications for Energy from Waste that whether Energy from Waste facilities release more carbon and greenhouse gas emissions compared to landfill is debated. It is also noted that the comparison will also be dependent on the individual scheme and circumstances and so the weight given to climate change emissions in a decision will vary dependent on the individual circumstances of an application. In order to ensure the Plan is positive and not to prejudice future applications, the Councils consider the proposed modification appropriate.</p>

Question	Respondent	Respondent response	Councils' response
		<p>remain inert in landfill, but which release significant quantities of CO2 when combusted.</p> <p>For example, as we note in WS4/2 in response to question 7, the Medworth NSIP decision by the Secretary of State gave negative weight to the climate change impacts of the proposed energy recovery incinerator.</p> <p>There is also the risk of material being locked into incineration / energy recovery, as acknowledged by the updated EN-1 and EN-3 and as recognised as part of the Wheelebrator Kemsley North (WKN) NSIP decision which found that the proposed WKN plant could end up relying on waste that would otherwise be recycled.</p> <p>As such, we propose that the text be modified to state: “managing waste at the top tiers of the waste hierarchy” rather than “managing waste higher up the waste hierarchy”.</p>	
7	Shlomo and Josh Downen	<p>If additional supporting text is provided, this text should make clear that the GHG impacts of a waste development is a planning matter as the Environment Agency (EA) does not impose Emissions Limit Values (ELVs) on the total amount of GHG emissions as part of the Environmental Permit.</p> <p>It should also be noted that it cannot simply be assumed, for the purpose of planning decisions, that Energy from Waste incineration is significantly better than landfill, and additional supporting text should therefore that it is open to planning decision-makers to ascribe limited, neutral, or indeed</p>	<p>We have proposed an additional modification (PAM16) to add the following text: “<i>It should be noted that as per National Policy, the Councils will assume that the relevant pollution control regimes will be properly applied and enforced.</i>” This follows the wording as per the NPPW (paragraph 7).</p> <p>Policy SP5 will be applicable to all waste schemes, including Energy from Waste facilities. It will be for each individual application to demonstrate they comply with this policy and the amount of weight to overall GHG impacts of an Energy</p>

Question	Respondent	Respondent response	Councils' response
		<p>negative weight to the overall GHG impacts of an Energy from Waste incineration scheme.</p> <p>In a letter from the Environment Agency to Swindon Borough Council dated 7 July 2017 (EA Reference: WA/2016/122998/03-L02) the EA explained how: "Under IED [Industrial Emissions Directive] we [the EA] are not required to consider the relative CO2 emissions compared with other disposal methods, for example a landfill where the carbon may be 'stored in the ground' as these are matters for the waste planning authority".</p> <p>The reference to carbon being stored in the ground relates to the fact that the carbon in plastic and around half of the biogenic carbon are 'sequestered' (stored) in landfill but are released into the atmosphere as direct CO2 emissions for waste that is incinerated. This means that when comparing incineration and landfill one is not simply looking at the methane emissions from the landfill, but at the difference in overall GHG impact that might make incineration and landfill equivalent, especially as grid energy is progressively decarbonised and food waste is increasingly collected separately (and therefore diverted from both landfill and incineration).</p> <p>The EA set out their position that climate assessments considering the net GHG impacts of a waste treatment option should be made as part of the planning system rather than the permitting system.</p>	<p>from Waste facility will be dependent on the individual circumstances of the application.</p>

Question	Respondent	Respondent response	Councils' response
		<p>Making determinations that no weight should be given to climate benefit claims made by incinerator applicants (including applicants for facilities where energy would be generated through the incineration/gasification of waste), or indeed arriving at a determination that an incinerator proposal might have net adverse GHG impacts that should weigh against that proposal in the planning balance, are matters that fall squarely within the domain of the planning system and outside the EA's permitting process.</p> <p>In the decision for the Consett incinerator (PINS Reference 3294182), the Secretary of State agreed with the Planning Inspector "that the climate change benefits should only be afforded limited weight in the overall planning balance" on the basis that "...there are inherent uncertainties, particularly regarding the biogenic carbon content of the waste and hence the extent of emissions savings, the extent to which the available heat and power would be taken up by existing and new businesses / residential developments and whether CCS may be installed; therefore while there would be some savings on CO2 emissions over landfill, the extent of this cannot be determined with any degree of precision".</p> <p>As noted in the Inspector's Report for the Consett proposal: "...there are inherent uncertainties particularly regarding the biogenic carbon content of the waste and hence the extent of emissions savings, the extent to which the available heat and power would be taken up by existing and new businesses/residential developments and whether CCS may be installed. Whilst I accept that there would be some savings on CO2 emissions over landfill, the extent of this</p>	<p>Considering the cases mentioned and further decisions on Energy from Waste facilities, the Councils note that whether Energy from Waste facilities release more carbon and greenhouse gas emissions compared to landfill is debated. It is also noted that the comparison will also be dependent on the individual scheme and circumstances and so the weight given to climate change emissions in a decision will vary dependent on the individual circumstances of an application. It is also recognised that potential future technology, such as Carbon Capture, Utilisation and Storage (CCUS), could change the impact on climate change emissions from Energy from Waste facilities.</p>



Question	Respondent	Respondent response	Councils' response
		<p>cannot be determined with any degree of precision. These uncertainties lead me to conclude that the climate change benefits should only be afforded limited weight in the overall planning balance”.</p> <p>The Wheelebrator Kemsley North decision (PINS Reference EN010083), where the Secretary of State agreed with the Examining Authority (ExA) in this respect, gave no weight to the applicant’s claimed GHG benefits for the proposed waste incinerator on the basis that “the available evidence casts considerable doubt on whether the ‘net [climate] benefit’ can be ascertained with any great certainty, given it is highly sensitive to the assumptions applied” and that as such “the matter should carry little weight in the assessment”.</p> <p>The reference to the sensitivity of assumptions made covers a host of factors, including but not limited to the characteristics of the feedstock (in the short, medium, and longer-term) such as carbon content, moisture levels, combustibility, origin (including travel distances and modes of transportation), etc., alongside other factors such as the counterfactual(s) used as comparators, the marginal emissions factors applied as part of the assessment, the degree of pre-treatment prior to incineration or landfill, the level of biogenic carbon sequestration, the likelihood or otherwise of connection to a district heating scheme and/or to carbon capture and storage, and so forth.</p>	

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		<p>In the Medworth decision (PINS Reference EN010110) the Secretary of State reached a different conclusion to the Examining Authority (ExA) who gave the climate impacts neutral weight, and instead decided to give the climate impacts “minor negative weight”. The basis for this was explained as follows: “The Secretary of State, based on the available evidence and taking into consideration the unavoidable uncertainty as to whether there will be an overall net benefit in terms of GHG emissions when comparing the Proposed Development to landfilling, and noting the inevitable net and gross emissions from the Proposed Development, ascribes climate matters minor negative weight overall in the planning balance.”</p>	
	<p>Shlomo and Josh Downen Rebuttal</p>	<p>In WS4/1 the Council set out how: “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”.</p> <p>Nowhere in NPPW paragraph 7 does it specifically mention the Environment Agency having a key role with respect to regulating climate change emissions, and to imply that this is the case in the updated wording is highly misleading.</p> <p>As we set out in WS4/2, the Environment Agency has explicitly set out how their role with respect to regulating climate change is very limited and that assessing the overall</p>	<p>Please note that as agreed with the Environment Agency, the proposed modification (PAM16) has been updated to reflect paragraph 7 of the NPPW. The modification now reads:</p> <p><i>‘It should be noted that as per National Policy, the Councils will assume that the relevant pollution control regimes will be properly applied and enforced.’</i></p> <p>It was not the Councils intention to suggest the EA control the level of emissions but that the EA ensures operators comply with emission controls so that facilities that could harm the environment or human health are regulated.</p>

Question	Respondent	Respondent response	Councils' response
		<p>GHG impacts of a proposed waste development “are matters for the waste planning authority” to address within the context of the planning, and not the permitting, regime.</p> <p>As such, the newly proposed paragraph that would follow paragraph 7.48 overstates the Environment Agency’s role. Adopting this proposed change therefore risks leaving any planning decisions reliant upon this supporting text open to judicial review on the grounds of irrationally misapplying NPPW paragraph 7 and failing to account for material planning considerations.</p> <p>This would be far from an ideal position, and as such we suggest that either no amendment be made or that any amendment be required to accurately reflect the situation taking into account the points made in WS4/2 that the supporting text should set out how the Environment Agency pollution control/permitting regime does not control overall GHG emissions and that it is open to planning decision-makers to ascribe limited, neutral, or indeed negative weight to the applicant’s claimed overall GHG impacts of an Energy from Waste incineration scheme depending on the relevant circumstances of the proposal.</p>	
<p><b>Matter 5: Development Management Policies.</b>  <b>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?</b></p>			
<p><u>1</u></p>	<p>Shlomo and Josh Downen</p>	<p>It could be said that despite the Policy DM1 (‘General Site Criteria’) matrix listing various employment sites as ‘likely to be suitable’ for various types of waste development by being</p>	<p>The Councils consider that the wording within Policy DM1 is adequate and appropriate. The policy does not enable automatic permission based on location, with applications</p>

Question	Respondent	Respondent response	Councils' response
		<p>given a 'solid blue circle', this is tempered by the statement that support for use of such sites is "subject to there being no unacceptable environmental impacts".</p> <p>However, this is inadequate because the current draft wording is not sufficiently explicit to make clear that some employment sites may be unsuitable or may require mitigation measures, such as activities to be undertaken within the confines of a building, and that not all reasons why a site might not be suitable can be described as 'environmental'.</p> <p>The term "likely to be suitable" should therefore be amended to read "potentially suitable, depending on the type and scale of the facility and the locational constraints".</p> <p>Examples of such locational constraints should be provided, making it clear that locational constraints are set out in the locational criteria listed as part of the National Planning Policy for Waste (NPPW) and in the Nottingham and Nottinghamshire Waste Local Plan Policies DM2-12.</p> <p>Appendix B of the NPPW highlights the need "to bear in mind the envisaged waste management facility in terms of type and scale" and to consider the site's impacts with respect to (a) protection of water quality and resources and flood risk management, (b) and instability, (c) landscape and visual impacts, (d) nature conservation, (e) conserving the historic environment, (f) traffic and access, (g) air emissions, including dust, (h) odours, (i) vermin and birds, (j) noise, light and vibration, (k) litter, and (l) potential land use conflict.</p>	<p>needing to satisfy other policies within the Plan, with the Plan being read as a whole.</p> <p>The constraints listed in the NPPW are addressed by other Development Management policies and the Plan should be read as a whole. To demonstrate that a location is suitable, any application will need to satisfy all policies.</p>

Question	Respondent	Respondent response	Councils' response
		<p>While some of these issues could be covered by cross-reference to Policies DM2-12 these policies do not appear to cover the issue of 'potential land use conflict', and so it would be useful to also include a reference to national policy as well as local policy.</p> <p>The NPPW criterion for land use conflict states: "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".</p> <p>Alternatively (or additionally), the wording of Policy DM10 could be modified to more closely resemble what is stated in paragraph 8.22 of CD1 which is that: "Consideration will also be given to whether proposals are likely to result in an unacceptable cumulative impact (see Policy DM10 - Cumulative Impacts of Development) in combination with other existing or proposed development and when proposals are expanding an existing facility or extending its life".</p> <p>It appears from paragraph 8.22 that Policy DM10 was intended to cover the NPPW criterion L on potential land use conflict, but the actual policy makes no explicit mention of likely proposed development.</p> <p>The supporting text for the justification of Policy DM2 – Health, Wellbeing and Amenity at paragraph 8.31 states: "...Depending on local circumstances, there may also be a</p>	<p>In terms of land conflict, the Plan seeks to address this through the policies. By ensuring the impacts are limited by any proposed waste facility, this should ensure any potential land use conflict is addressed.</p> <p>The Councils consider Policy DM10 is appropriately worded without further modifications. Paragraph 8.130 covers existing development and 8.131 covers how the impacts on proposed development should be considered.</p>

Question	Respondent	Respondent response	Councils' response
		<p>need to consider whether there are likely to be cumulative impacts resulting from a proposed waste management facility in combination with other existing or proposed non-waste related development". However, in addition to only being found in the supporting text, this wording does not fully reflect the NPPW criterion.</p> <p>It is also important that it made clear that just because a site is an employment site this does not mean that all of the listed types of development would necessarily be 'likely' to be acceptable at a given location, and that the acceptability of a specific proposal will require consideration of the NPPW locational criteria and the scheme's compliance with policies DM2-12.</p> <p>The Sustainability Appraisal (CD2) states that Policy DM1 "directs different types of facilities to the most appropriate general locations". However, as matters currently stand, in some cases Policy DM1 might direct proposals to an inappropriate location.</p> <p>The Sustainability Appraisal acknowledges, with respect to Policy DM1, how a waste management proposal supported by Policy DM1 could have a negative impact on SA Objectives 5, 8 and 9. Whilst the Sustainability Appraisal claims that "any potential negative impacts can be mitigated by the application of other policies in the Plan" that is not necessarily the case.</p>	

Question	Respondent	Respondent response	Councils' response
		<p>Employment land can often be designated with the intention that the land be used for business parks and light industry, including in instances where that land could very well be unsuitable for purposes such as waste incinerators that raise issues in terms of visual impact, noise, odour, and HGV movements that would not have been anticipated for such a location when the site was originally designated for employment use. The current Nottinghamshire and Nottingham Waste Core Strategy Policy WCS7 ('General Site Criteria') is almost identical to the proposed DM1, and the interpretation of extant Policy WCS7 and its equivalent "other policies in the Plan" has resulted in proposals being directed to locations that we believe are inappropriate.</p> <p>For example, a proposal for a plastic chemical processing facility and energy recovery facility at the Shireoaks business park (Nottinghamshire County Council Planning Reference ES/4644) involves a site that has been historically designated as employment land. The proposed development site is located at the "former recycling site" on Shireoaks Road in Worksop, and the applicant refers to how the site has been deemed suitable for employment use without taking proper account that following historic unimplemented permissions the surrounding area has become much more residential in nature than when it was designated as an employment site.</p> <p>The Shireoaks Road site also suffers from a number of traffic issues that, whilst they might not arise from employment developments associated with commercial uses such as</p>	<p>The Councils have proposed a modification to the supporting text of Policy DM3 to address the agent of change principle. If the employment site was unsuitable for a waste facility as it would generate impacts in terms of noise, odour, visual impact and HGV movements, then Policies DM2, DM3, DM4 and DM12 would not be satisfied.</p> <p>Yes, the approach taken in DM1 is similar to that of existing Policy WCS7, the Councils do not consider that this has guided development to inappropriate locations.</p> <p>As noted by Mr and Mr Downen, this is a matter for the detailed planning application and not the Plan. This is an example whereby all other policies in the Plan would need to be addressed and satisfied to ensure that this is an appropriate location for the proposed development.</p>

Question	Respondent	Respondent response	Councils' response
		<p>offices, have the potential to give rise to a higher number of HGV movements than anticipated when the site was originally designated. Such considerations have given rise to highway safety concerns such as those set out in Nottinghamshire County Council's Highway Report for this proposal dated 7th June 2024.</p> <p>Whilst an Examination in Public of a Waste Local Plan is clearly not the place to debate the demerits of any specific planning application, this example does provide a useful 'case in point' with respect to the importance of making explicit reference within the Waste Local Plan to the notion that not all employment land is automatically likely to be suitable for all types of waste development.</p>	
<u>2</u>	Shlomo and Josh Downen	<p>With regard to the role of the environmental permitting regime and its relationship with the planning regime, with particular regard to emission controls, the justification text within the Waste Local Plan should make explicit that the Environment Agency's permitting process does not take into account factors such as: direct and indirect climate impacts, climate and other impacts of a proposal relative to other ways that the waste could be managed, the impacts, including adverse climate and amenity impacts, arising from traffic travelling to and from the installation and any other impacts from off-site vehicle movements (e.g. nitrogen deposition that could have an adverse impact on nearby habitats), operating hours, visual impact, whether or not the chosen site is an appropriate location for the proposed activity, and a host of amenity issues such as noise, dust,</p>	<p>Paragraph 8.1 reflects bullet point 5 of paragraph 7 in the NPPW and paragraph 194 of the NPPF. Paragraph 8.21 also outlines how facilities are regulated to protect human health by the EA through the permitting regime. The Councils consider it unnecessary to add further text to explain further what the permitting process does not cover, with the Plan having policies in place to consider the impacts referenced.</p>



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		<p>odour, pest control, alongside any cumulative effects of pollution on health, living conditions and the natural environment, and the potential sensitivity of the site or the wider area to adverse impacts that could arise from the development, as these are the local authority's responsibility to regulate.</p> <p>Evidence to support this can be found in the following examples where the EA has explained their role: As per the Portland Powerfuel Briefing 12 from the Environment Agency, which states: "Please note that our permitting process does not take into account factors such as off-site vehicle movements, operating hours, visual impact and whether this is an appropriate location for the activity, as these are the local authority's responsibility to regulate".</p> <p>As per the EA's letter to Dorset Council dated 2 November 2020, which states: "Planning has a role to play in managing amenity issues such as noise, dust, odour, pest control issues, etc., and your Environmental Health Department can advise you on this. Please note that an environmental permit cannot always prevent, eliminate or eradicate all such issues".</p> <p>As per the EA briefing on 'The role of Environment Agency and the Scottish Environmental Protection Agency in waste incinerators', which states: "In the majority of cases we are unlikely to object at planning application stage, subject to the inclusion of conditions on any permission granted, to secure</p>	<p>This is understood and why the Plan includes Policy DM12 and DM3 to ensure such impacts are considered.</p> <p>It is understood it is the role of Waste Planning Authority to manage impact on amenity, which is why the Plan contains Policy DM2.</p>

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		<p>mitigation measures to protect people and the environment. The National Planning Policy Framework (NPPF) is clear that the planning system should not duplicate the controls of other regulatory regimes, so we will only recommend the inclusion of planning conditions for things we can't control through the permit. That does not mean to say that the residual impacts of matters controlled through the permit cannot be material planning considerations. Such impacts are relevant to whether the proposal represents an acceptable use of the land and they can legitimately have a bearing on any planning decision".</p> <p>Furthermore, we cite the following from sources other than the EA:</p> <p>The NPPF explains that: "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development..."</p> <p>As explained in Harrison v SSCLG [2009] EWHC 3382 (Admin): "The thrust of the decision in Hopkins ... is that the planning decision maker was entitled to reach his own conclusions as to the impact of the proposed development on amenity and whether the site under consideration was the appropriate location for the proposed development. The fact that the impact might be capable of being regulated</p>	

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		<p>under a pollution control regime did not necessarily mean that the only possible option available to an Inspector was to leave everything to that regime. If the planning decision maker considered that there might be adverse consequences because of the effects of the proposed development on amenity and/or issues as to the appropriateness of locating the development on the site in question, he was entitled to have regard to such matters as material considerations in making his decision on the planning merits of the proposed development”.</p>	