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| Report of the Head of Planning and Regeneration ToPortfolio Holder for Regeneration and Growth On17 March 2022 |
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| **Consultation response to the Nottinghamshire and Nottingham Joint Draft Waste Local Plan** |

**1. SUMMARY**

1.1 The purpose of this report is to raise awareness of the Draft Waste Local Plan that has been prepared jointly by Nottinghamshire County and Nottingham City councils. The councils are consulting on the Joint Draft Waste Local Plan between 7 February and 4 April 2022, and appended to this report is the proposed response from Mansfield District Council. Approval is sought for the response to be sent as a formal reply to this consultation.

**Key Decision –** This is not a key decision as the report simply sets out the proposed response to Nottinghamshire County and Nottingham City councils.

1. **RECOMMENDATION**

**Recommendation**

That the Portfolio Holder for Regeneration and Growth approve the comments appended to this report and that they be submitted as Mansfield District Council’s formal consultation response in respect of the Joint Draft Waste Local Plan.

1. **BACKGROUND**
	1. As waste planning authorities, Nottinghamshire County and Nottingham City councils are each required to prepare Waste Local Plans. These plans should identify sufficient opportunities to meet the identified needs of an area for the management of waste, and aim to drive waste management up the waste hierarchy[[1]](#footnote-1). It should ensure that suitable sites and areas for the provision of waste management facilities are identified in appropriate locations.
	2. The Nottinghamshire and Nottingham Joint Draft Waste Local Plan will form the land use planning strategy for waste development within Nottinghamshire and Nottingham up to 2038. Once adopted it will provide the basis for the determination of all recycling and waste planning applications within the plan area, which covers all of Nottinghamshire and Nottingham City.
	3. The main theme of the Joint Draft Waste Local Plan is the promotion of sustainable development and achieving the highest quality waste management facilities, where possible. It contains:
* an overview of the County and City and a description of existing and future needs for recycling and waste facilities based on a waste needs assessment;
* a long-term vision for waste and strategic objectives, showing how the vision will be achieved;
* strategic policies covering how the councils will provide for new recycling and waste facilities;
* development management policies which provide the detailed criteria against which future waste development proposals will be assessed; and,
* how the plan will be monitored and implemented.
	1. The document along with further information about the consultation can be viewed at <https://www.nottinghamshire.gov.uk/planning-and-environment/waste-development-plan/new-waste-local-plan>.
	2. Waste is a strategic issue which is subject to the Duty to Cooperate. By the nature of the activity, waste planning policy requires a strategic, cross-boundary approach to ensure that waste is effectively managed and facilities are properly located. Integrated working between county and district planning authorities is critical to the preparation of Local Plans. While the duty to cooperate is not a duty to agree, waste planning authorities should make every effort to secure the necessary cooperation on waste matters.
	3. It is therefore considered important for the district council to review and submit a formal response to the consultation and the proposed response is appended to this report.
	4. At the end of the consultation exercise, Nottinghamshire Council and Nottingham City councils will consider all comments received and then prepare and publish a final plan upon which Mansfield District Council will have an opportunity to make formal representations. The final plan will then be submitted to the Planning Inspectorate for examination prior to adoption.

**4 OPTIONS AVAILABLE**

4.1 It is not considered appropriate to not make comments; Mansfield District Council are a Duty to Cooperate body and should support the preparation of the Waste Local Plan. Also the consultation offers the opportunity to raise any concerns with the document and the potential impact on residents and business in Mansfield district.

4.2 Alternative comments could be considered. All members were given the opportunity to provide comments which would be included in the proposed response.

**5 RISK ASSESSMENT OF RECOMMENDATIONS AND OPTIONS**

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| **Risk**  | **Risk Assessment**  | **Risk Level**  | **Risk Management**  |
| Reputation  | The Council could face reputational damage if it fails to submit a formal response to the consultation on the Draft Waste Local Plan.The relationship with Nottinghamshire County Council could be affected if we fail to discharge the requirements of the Duty to Cooperate. | Low | Providing comments on the Draft Waste Local Plan would address this risk. |

**6. ALIGNMENT TO COUNCIL PRIORITIES**

6.1 Whilst the council’s response will not specifically align with any of the council’s priorities, the content of the Waste Local Plan (when adopted) will form part of the development plan against which planning applications are determined.

**7. IMPLICATIONS**

7.1 It is important to note this report simply sets out the proposed response to Nottinghamshire County and Nottingham City council’s on the Draft Waste Local Plan.

(a) Relevant Legislation – The report relates to the process of creating a Local Plan and helps meet the Localism Act (2011) in relation to the Duty to Cooperate.

(b) Human Rights - No impact.

(c) Equality and Diversity - No impact.

(d) Climate change and environmental sustainability - No impact; any concerns with the proposals can be raised in the response.

(e) Crime and Disorder - No impact; any concerns with the proposals can be raised in the response.

(f) Budget /Resource - Making a response to the consultation does not generate any costs.

**8. COMMENTS OF STATUTORY OFFICERS**

(a) Monitoring Officer – No specific comments.

(b) Section 151 Officer – No specific comments.

**9. CONSULTATION**

9.1 All members were given the opportunity to provide comments that would be included in the proposed response of Mansfield District Council. No comments were received.

9.2 The Head of Neighbourhood Services and Head of Health and Communities were also aware of the consultation and the opportunity to provide comments. As a result, the Waste and Recycling Manager provided comments from a waste operative perspective. These have been incorporated into the appended consultation response.

**10. BACKGROUND PAPERS**

None

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| Report Author | - | Tracey Tucker |
| Designation | - | Senior Planning Policy Officer  |
| Telephone | - | 01623 463322 |
| E-mail | - | ttucker@mansfield.gov.uk  |

Appendix – Letter to Nottinghamshire County Council

1. The Waste Framework Directive (WFD) (2008), establishes the ‘waste hierarchy’ which prioritises the most beneficial ways of dealing with our waste. The concept aims to push waste management up the waste hierarchy in order to prevent waste in the first instance and then examine the way we re-use the waste that is produced. The least sustainable solution is disposal such as burning waste without capturing heat or energy or taking waste to landfill. However, it is recognised that disposal still has a necessary role to play for residual waste that cannot be further recycled or recovered. [↑](#footnote-ref-1)