

## 6 LEGISLATIVE AND PLANNING POLICY CONTEXT

This chapter provides an overview of the current planning policies relevant to the Proposed Development, with topic specific policy detailed in the relevant topic chapters (**Chapters 7-16**).

The purpose of an EIA is not to assess the compliance with the Development Plan, but rather to assess and protect the environment by ensuring the decision maker, in this case the Council, when deciding to grant planning permission for a Development, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process.

Nonetheless, local and national policy, where relevant to the assessment of likely significant effects, have been set out in the technical chapters of the ES. For example, where policy identifies that an environmental aspect, such as a particular habitat or landscape receptor is of particular value, this corresponding policy will be taken into account, typically in consideration of its sensitivity to change, when assessing the significance of effects. This is different to assessing the compliance of the Proposed Development with policies that set out how decisions on development consent should be made.

### 6.1 STATUTORY DEVELOPMENT PLAN (LOCAL PLANNING POLICY)

The following adopted planning policy documents from the statutory development plan are considered most relevant to the Proposed Development:

- Nottinghamshire: Minerals Local Plan (2021)<sup>1</sup>;
- Nottinghamshire Waste Local Plan (2002)<sup>2</sup>;
- Bassetlaw District Local Development Framework (LDF): Core Strategy and Development Management Policies DPD (2011)<sup>3</sup>;
- Sutton Cum Lound: Neighbourhood Plan 2016-2031 (2021)<sup>4</sup>.

Nottinghamshire County Council, along with Nottingham City Council consulted on a draft new Waste Local Plan<sup>5</sup> in February 2022. The Plan will provide the future planning strategy for waste management in Nottinghamshire and Nottingham. In addition, Bassetlaw District Council underwent an independent examination of the draft new Bassetlaw Local Plan 2020-2038<sup>6</sup>. Although both documents are not yet adopted they are material considerations and their policies, where relevant, have been provided in this chapter.

The policies from the Statutory Development Plan considered to be of most relevance are as follows.

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<sup>1</sup>The Nottinghamshire: Minerals Local Plan (2021). Available from: <https://www.nottinghamshire.gov.uk/media/5079375/adoptedmineralslocalplancompressed.pdf> [Accessed February 2023]

<sup>2</sup> The Nottinghamshire Waste Local Plan (2002). Available from: <https://www.nottinghamshire.gov.uk/media/109140/wastelocalplan.pdf> [Accessed February 2023]

<sup>3</sup> The Bassetlaw District Local Development Framework (LDF): Core Strategy and Development Management Policies DPD (2011). Available from: <https://www.bassetlaw.gov.uk/media/1543/cs1adoptedcorestrategy.pdf> [Accessed February 2023]

<sup>4</sup> The Sutton Cum Lound: Neighbourhood Plan 2016-2031 (2021). Available from: <https://www.bassetlaw.gov.uk/media/6179/sutton-cum-lound-np-review-final.pdf> [Accessed February 2023]

<sup>5</sup> The Nottinghamshire and Nottingham Waste Local Plan (2022). Available from: <https://www.nottinghamshire.gov.uk/media/5077597/wastelocalplan2022.pdf> [Accessed February 2023]

<sup>6</sup> Bassetlaw Local Plan 2020-2038 Publication Version Composite version (2022). Available from: <https://www.bassetlaw.gov.uk/media/7007/sub-010.pdf> [Accessed February 2023]

### **6.1.1 Nottinghamshire: Minerals Local Plan (2021).**

The policies considered to be of most relevance to the Proposed Development are as follows:

- Policy SP1 - Minerals Provision sites
- Policy SP2 - Biodiversity-Led Restoration
- Policy SP3 - Climate Change
- Policy SP5 - The Built, Historic and Natural Environment
- Policy MP5 - Secondary and Recycled Aggregates
- Policy DM1 - Protecting Local Amenity
- Policy DM2 - Water Resources and Flood Risk
- Policy DM3 - Agricultural Land and Soil Quality
- Policy DM4 - Protection and Enhancement of Biodiversity and Geodiversity
- Policy DM5 - Landscape Character
- Policy DM6 - Historic Environment
- Policy DM7 - Public Access
- Policy DM8 - Cumulative Impact
- Policy DM9 - Highways Safety and Vehicle Movements/ Routeing
- Policy DM10 - Airfield Safeguarding
- Policy DM12 - Restoration, aftercare and after-use
- Policy DM16 - Associated Industrial Development

### **6.1.2 Nottinghamshire And Nottingham Waste Local Plan**

The policies considered to be of most relevance to the Proposed Development are as follows:

- Policy W3.1 - Information in Support of Waste Planning Applications

### **6.1.3 Bassetlaw District Local Development Framework: Core Strategy and Development Management Policies DPD (2011)**

- Policy DM3: - General Development in the Countryside
- Policy DM8: The Historic Environment
- Policy DM9: Green Infrastructure, Biodiversity & Geodiversity; Landscape; Open Space & Sports Facilities
- Policy DM12: Flood Risk, Sewerage & Drainage
- Policy DM13: Sustainable Transport
- Sutton Cum Lound: Neighbourhood Plan: Final Version (2021) Policy 8: Improving Green Infrastructure

### **6.1.4 Sutton Cum Lound: Neighbourhood Plan: Final Version (2021)**

The policies considered to be of most relevance to the Proposed Development are as follows:

- Policy 8: Improving Green Infrastructure
- Policy 9: Highway Safety

## 6.2 OTHER MATERIAL CONSIDERATIONS

### 6.2.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF)<sup>7</sup> was published in March 2012 and last updated in July 2021. The NPPF sets out the Government's planning policies for England and how these are to be applied.

Paragraph 159 of the NPPF outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Paragraph 161 notes that all plans should apply a sequential, risk- based approach to the location of development- taking into account the current and future impacts of climate change- so as to avoid, where possible, flood risk to people and property. The paragraph details that the sequential test should be applied, and if necessary, the exception test. Paragraph 158 explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding.

Chapter 15 contains policies in relation to the conservation and enhancement of the natural environment. Paragraph 174 states: Planning policies and decisions should contribute to and enhance the natural and local environment by:

*"a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

*c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;..."*

Paragraph 180 states that when determining planning applications local authorities should apply the following principle

*"b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;"*

Paragraph 183 states in relation to ground conditions:

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<sup>7</sup> The National Planning Policy Framework (2021). Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf) [Accessed February 2023]

*"Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); (...)*

*c) adequate site investigation information, prepared by a competent person, is available to inform these assessments."*

*The policies contained within the NPPF are expanded upon and supported by the 'Planning Practice Guidance', which was published in March 2014 and has been updated periodically since.*

Paragraph 185 states in relation to pollution, in particular noise and light:

*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. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>65</sup>; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

Paragraph 194 in relation to proposals affecting heritage assets states:

*"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*

Paragraph 211 states in relation to mineral extraction:

*"When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:*

*a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;*

*b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*

*c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;*

*d) not grant planning permission for peat extraction from new or extended sites;*

*e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;”*

### 6.2.2 National Planning Policy for Waste

The National Planning Policy for Waste (NPPW)<sup>8</sup> document was published in October 2014 (Department for Communities and Local Government, 2014). It sets out the Government’s planning policies relating specifically to waste management and should be read in conjunction with the NPPF.

The overarching ambition of the NPPW and Waste Management Plan for England<sup>9</sup> to work towards a more sustainable and efficient approach to resource use and management. To deliver this ambition they seek to help secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

### 6.2.3 Bassetlaw Local Plan 2020-2037: Publication Version: August 2021

The policies considered to be of most relevance to the Proposed Development are as follows.

- Policy ST11 - Rural Economic Growth and Economic Growth Outside Employment Areas
- Policy ST35 - Design Quality
- Policy ST37 - Landscape Character
- Policy ST39 - Green and Blue Infrastructure
- Policy ST40 - Biodiversity and Geodiversity
- Policy 41 - Trees, Woodlands and Hedgerows
- Policy ST42 - The Historic Environment
- Policy 43 - Heritage Assets
- Policy 48 - Protecting Amenity
- Policy 49 - Contaminated and Unstable Land
- Policy ST50 - Reducing Carbon Emissions, Climate Change Mitigation and Adaptation
- Policy ST52 - Flood Risk and Drainage
- Policy ST53 - Protecting Water Quality and Management

### 6.2.4 UK Net Zero Strategy

The British Government published the ‘Net Zero Strategy: Build Back Greener’<sup>10</sup> in October 2021 which sets out the approach for reducing emissions and supporting the transition to a low carbon economy in order to achieve the UK Government’s legally binding net zero emission commitments by 2050. A key component of the strategy is to encourage the adoption of circular economy practices whereby resources utilisation and productivity is maximised. This includes schemes for end of life recycling of goods and materials, for reuse as lower carbon inputs for new products. The Net Zero Strategy

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<sup>8</sup> The National Planning Policy for Waste (NPPW) (2014). Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364759/1410\\_15\\_National\\_Planning\\_Policy\\_for\\_Waste.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/1410_15_National_Planning_Policy_for_Waste.pdf) [Accessed February 2023]

<sup>9</sup> The Waste Management Plan for England (2021). Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/955897/waste-management-plan-for-england-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955897/waste-management-plan-for-england-2021.pdf) [Accessed February 2023]

<sup>10</sup> Net Zero Strategy: Build Back Greener (2021). Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1033990/net-zero-strategy-beis.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf) [Accessed February 2023]

identifies the Resources and Waste Strategy (2018) as a key document to support the transition to a circular economy.

### **6.2.5 Resources and waste strategy for England**

The Resources and Waste Strategy 'Our Waste, Our Resources: A Strategy For England' (RWS)<sup>11</sup> was published in 2018 and acts as a guide for future Government policy in relation to resource management. Its core goal is to double resource productivity and eliminate avoidable waste by 2050, in doing so it seeks to minimise the damage, waste causes to the natural environment. Chapter 3 focuses on measures to improve resource recovery from waste. Section 3.2.4 clearly sets out the Government's support for businesses operators and consumers involved in the process of converting end of life materials into commercially viable products. Chapter 6 sets out the indicators used to measure progress on the RWS, this includes reduction in raw materials consumed, carbon emissions saved, and landfill diverted.

### **6.2.6 25 Year Environment Plan**

The UK Government published the 'A Green Future: Our 25 Year Plan to Improve the Environment'<sup>12</sup> in 2018 which seeks to deliver measurable improvements to the UK's natural environment. The content of Section 4 – 'increasing resource efficiency and reducing waste' is drawn from the RWS showing that resource management and protecting the environment is treated holistically at a national level.

### **6.2.7 Clean Growth Strategy**

The Clean Growth Strategy<sup>13</sup> published in 2017 sets out the Government's proposals for achieving economic growth while simultaneously reducing emissions and pollutants that result from economic activity. Chapter 4 identifies economic sectors where clean growth can be achieved. Within this section the UK Government commits to encouraging resource efficiency, preventing waste and supporting innovation and processes for reusing and recycling waste. By providing specific case studies of good practice across the UK, the Strategy acknowledges the reduction in emissions and economic benefits provided by waste recovery in the product supply chain.

### **6.2.8 Skidmore Review**

Former Energy Minister Chris Skidmore published an independent review titled 'Mission Zero an independent review of Net Zero'<sup>14</sup> In January 2023. The report examines how the UK can deliver on its Net Zero commitments and how this presents an opportunity for UK businesses and economic growth. Part 1 provides a holistic overview of the review. Achieving Net Zero is a global issue that will affect most sectors of the UK's economy. The review maintains that working toward Net Zero is the right course of action and the benefits will outweigh the costs. The report is framed from an economic perspective

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<sup>11</sup> Our Waste, Our Resources: A Strategy For England (2018). Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/765914/resources-waste-strategy-dec-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf) [Accessed February 2023]

<sup>12</sup> A Green Future: Our 25 Year Plan to Improve the Environment (2018). Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/693158/25-year-environment-plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf) [Accessed February 2023]

<sup>13</sup> The Clean Growth Strategy Leading the way to a low carbon future (2017). Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/700496/clean-growth-strategy-correction-april-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf) [Accessed February 2023]

<sup>14</sup> Mission Zero: Independent Review of Net Zero (2023). Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1128689/mission-zero-independent-review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128689/mission-zero-independent-review.pdf) [Accessed February 2023]

however it is acknowledged that the economic imperative of achieving Net Zero will bring wider societal benefits.

Part 2 outlines what action is needed to effectively deliver Net Zero. contains a package of actions required to implement in the form of six 'pillars'. Pillar Three 'Net Zero and the Economy' contains actions for specific economic sectors including manufacturing, the construction industry and creating a circular economy.

### **6.3 RESILIENCE FOR THE FUTURE: THE UNITED KINGDOM'S CRITICAL MINERAL STRATEGY**

The Critical Minerals Strategy<sup>15</sup> recognises the importance that minerals have to the UK Economy and how the consumption of minerals could change as a result of international climate change ambitions and associated energy transition strategies. The strategy seeks to ensure the long term stability of supply for critical and other important minerals including a transitions towards a more circular economy through increasing mineral recovery, recycling and innovation which would help to alleviate pressure on primary supplies (i.e. from mining) and -strengthen domestic supply.

#### **6.3.1 Industrial Decarbonisation Strategy**

The Industrial Decarbonisation Strategy<sup>16</sup> published in 2021 sets out how the UK Government will support the industrial sector to reduce its emissions by 66% in 2035 and by at least 90% by 2050.

Part 2 of the Strategy examines how industrial processes will be transformed to achieve the Strategy's goal. A fundamental aspect of this is improving resource efficiency through reuse, recycling and substitution. Action 5.5 within this section intends to support increased resource efficiency and material substitution within industry, by driving the transition towards a circular economy model and increasing reuse, repair and remanufacturing. This section notes that resource efficiency and material substitution measures could save 9 MtCO<sub>2</sub>e per annum in industry within the UK by 2050 including a reduction in emissions of 3MtCO<sub>2</sub>e relating to UK consumption. One measure with the most potential to reduce emission is using more construction materials with low embodied carbon.

Furthermore, the Strategy advocates industrial symbiosis whereby secondary materials from a given industrial process (which PFA is an example of) are used as inputs in a different industrial process (for example, PFA in concrete manufacture).

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<sup>15</sup> Resilience for the Future: The United Kingdom's Critical Minerals Strategy (2022). Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1097298/resilience\\_for\\_the\\_future\\_the\\_uks\\_critical\\_minerals\\_strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1097298/resilience_for_the_future_the_uks_critical_minerals_strategy.pdf) [Accessed February 2023]

<sup>16</sup> The Industrial Decarbonisation Strategy (2021). Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/970229/Industrial\\_Decarbonisation\\_Strategy\\_March\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970229/Industrial_Decarbonisation_Strategy_March_2021.pdf) [Accessed February 2023]