

Respondents: Shlomo and Josh Downen

Main Matter 2 – Scope and Context of the Plan and Waste Management in the Plan Area – Supplementary comments in light of WS2/1 (23rd September 2024)

These comments should be read alongside WS2/2 from August 2024.

Issue: Whether the identification of future waste needs is sufficiently evidenced based and robust.

1. Does the Waste Needs Assessment (May 2023) (WNA) provide an appropriate and robust mechanism to support the identification of the future waste management needs in the Plan area and does it adequately take into account future growth forecasts and Government targets to reduce residual waste and increase recycling rates? and 4. Are the chosen scenarios for forecast waste arisings sufficiently evidenced based to be considered as the preferred options upon which to base the Plan?

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.

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.

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 capita between 2019 and 2038. This is significant progress towards the national target of 50% reduction by 2042*".

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.

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.

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.

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.

This indicates that a combination of 'high recycling' and 'high decline' scenarios would better align with Government residual waste reduction targets.

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)".*

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'."*

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".

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.

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&I and C, D&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"*.

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&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.

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.

3. Does the WNA and the Plan adequately consider the relationship between increased energy recovery capacity and landfill capacity?

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".

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".

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 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.

10. Should the Plan be more explicit regarding the approach to net self-sufficiency with particular regard to energy recovery?

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 expected to undermine the achievement of recycling and residual waste reduction targets"*.

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.