

East of England Waste Technical Advisory Body

Memorandum of Understanding between the Waste Planning Authorities of the East of England March 2019

1 Introduction

- 1.1 Since the abolition of regional planning and the introduction of the duty to co-operate, there has been greater uncertainty in the framework under which waste planning takes place. A Memorandum of Understanding (“this Memorandum”) between the Waste Planning Authorities (“WPAs”) as defined in Section 3 can help to set out the basis of co-operation between the WPAs and set out some of the ground rules under which the WPAs can agree to operate.
- 1.2 Such a document can add to the evidence of co-operation between the WPAs and help to identify the issues that require further discussion.

2. Purpose

- 2.1 The purpose of this Memorandum is to underpin effective co-operation and collaboration between the WPAs in addressing strategic cross-boundary issues that relate to planning for waste management.
- 2.2 This Memorandum sets out matters of agreement between the WPAs, reflecting the spirit of co-operation between them. It is, however, not intended to be legally binding or to create legal rights.

3. The WPAs

- 3.1 The following Councils constitute the WPAs:-

- Cambridgeshire County Council
- Peterborough City Council
- Suffolk County Council
- Norfolk County Council
- Essex County Council
- Thurrock Council
- Southend-on-sea Borough Council
- Hertfordshire County Council
- Central Bedfordshire Council
- Bedford Borough Council and
- Luton Borough Council

and collectively agree to this Memorandum.

4. Aims

- 4.1 This Memorandum has the following broad aims:-

- to ensure that planned provision for waste management in the East of England is co-ordinated, as far as is possible, whilst recognising that provision by waste industry is based on commercial considerations;
- to ensure that the approach to waste planning throughout the East of England is

consistent between the WPAs; and

- to provide a framework for the on-going liaison and co-operation between the WPAS.

5. **Limitations**

- 5.1 The WPAs recognise that there will not always be full agreement with respect to all of the issues on which they have a duty to cooperate. For the avoidance of doubt, this Memorandum shall not fetter the discretion of any of the WPAs in relation to any of its statutory powers and duties, and is not intended to be legally binding.
- 5.2 The WPAs recognise that for a majority of existing waste management facilities, there are no restrictions on the handling of waste that has arisen outside their WPA area.

6. **Background**

6.1 The disposal of waste to land (both landfill and landraise) or by incineration without energy recovery is at the bottom of the Waste Hierarchy as defined in the National Planning Policy for Waste (“NPPW”) October 2014. These are the least desirable form of waste management in environmental terms.

6.2 The NPPW recognises that there will be a need for new waste management facilities and that these need to be planned for. It sets out the way in which positive planning can deliver a more sustainable and efficient approach to waste management (paragraph 1 of the NPPW) through:-

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

6.3 There will continue to be a need for some landfill capacity to deal with residual waste in the East of England, particularly in the short and medium term before new recycling and treatment facilities are built and become operational.

6.4 The NPPW states that waste planning authorities should work jointly and collaboratively with other planning authorities to collect and share data and information on waste arisings, and take account of waste arisings across neighbouring waste planning authority areas;” (paragraph 2 of the NPPW).

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6.5 Paragraph 3 of the NPPW further states that waste planning authorities should:-

- consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally;
- take into account any need for waste management, including for disposal of the residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required; and
- work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;

7. Agreement between the WPAs

- 7.1 The WPAs recognise that there will be a degree of cross-boundary movement of waste. In light of this the WPAs will plan on the basis of **net** self-sufficiency which assumes that within each Waste Local Plan area the Planning Authority or Authorities will plan for the management of an amount of waste which is equivalent to the amount arising in that Waste Local Plan area. All the WPAs accept that when using this principle to test policy, it is unlikely to be possible to meet this requirement in full, particularly for hazardous and other specialist waste streams.
- 7.2 In keeping with the principle of net self-sufficiency for each WPA area, the WPAs will plan on the basis that no provision has to be made in their Waste Local Plans to meet the needs of any other waste planning authorities which are basing their waste policies on achieving the principle of net self-sufficiency. Waste from London will be planned for in the East of England on the basis that this will only comprise residues from waste treatments to be sent to landfill by 2026.
- 7.4 There may be cases where some waste will not be planned to be managed within a Waste Local Plan area because of difficulty in delivering sufficient recovery or disposal capacity. Provision for unmet requirements from other WPA areas or a different waste planning authority area may be included in a Waste Local Plan, in line with paragraph 2 of the NPPW. However any provision for facilities to accommodate waste from other waste planning authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between those waste planning authorities and is outside the terms of this Memorandum.
- 7.5 The WPAs note that there may be some kinds of waste that cannot be managed within their own Waste Local Plan area, either in the short term or within the relevant Plan period. These may include hazardous wastes and radioactive wastes. Some WPAs may be very constrained in the provision of landfill capacity. Where the management of waste is planned for in a different WPA area or a different waste planning authority area, this will need to be considered between the relevant WPAs.
- 7.6 The WPAs will work together in the consideration of how to plan for the implications arising from the management of waste from London and from the area of any other waste planning authority that is not a WPA.
- 7.7 The WPAs agree that the challenge to be addressed is to implement the waste hierarchy and to enable better, more sustainable, ways of dealing with waste to reduce the current dependence on landfill.

7.8 The WPAs agree to continue to positively plan to meet any shortfalls in recovery and disposal capacity in their Local Waste Planning areas and to enable the delivery of new facilities. This includes making appropriate provision in their Waste Local Plans, including, as required, the allocation of sites for new recycling and other recovery facilities.

7.9 The WPAs recognise that private sector businesses (and, therefore, commercial considerations) will determine whether planning applications are submitted for new merchant waste management, recycling and treatment facilities, and the types of technologies they propose to use.

8. **Actions and Activities**

8.1 The WPAs will continue to share knowledge and information relevant to strategic cross-boundary issues relating to waste planning including the matters set out in Section 7 of this Memorandum.

8.2 The WPAs will seek to ensure that the matters in this Memorandum are reflected in the Waste Local Plans that they prepare (including, in the case of unitary authorities, any Local Plans that include waste policies); this includes the allocation of sites.

8.3 The WPAs will take account of the matters in this Memorandum in the consideration of planning applications for waste management.

8.4 The WPAs will continue to liaise with each other in relation to the general matters set out in this Memorandum, in particular, the implications of the decline in permitted landfill capacity in the East of England.

9. **Liaison**

9.1 Appropriate officers of each WPA will liaise formally through the East of England Waste Technical Advisory Body ("EoEWTAB") which normally meets three or four times a year. As appropriate, this Memorandum will be formally discussed at EoEWTAB meetings and any decisions and actions relating to it will be recorded in its minutes.

10. **Timescale**

10.1 This Memorandum is for a three year period from 8th April 2019.

10.2 It will be reviewed annually by the WPAs to establish how effective it has been and whether any changes are required. The results of the review will be reported at EoEWTAB meetings and recorded in its minutes.

11. **Signatures:** (To be signed by Services Heads, Directors, or Cabinet Member as deemed appropriate by each authority)

Name:

Signature:

Position:

Date: