

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 9th January, 2014

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WARD(S): All

PART I

DUTY TO CO-OPERATE: BERKSHIRE WIDE MEMORANDUMS OF UNDERSTANDING

1 Purpose of Report

- 1.1 The purpose of the report is to seek Members approval of three Memorandums of Understanding (MoU) that set out the basis for meeting the Duty to Co-operate for strategic plan making.

These are:

Memorandum of Understanding on Strategic Planning and the Duty to Co-operate on Planning Matters in Berkshire - between the six Berkshire Unitary Authorities

Memorandum of Understanding for Minerals and Waste Planning - between the six Berkshire Unitary Authorities

Memorandum of Understanding for the preparation of Waste Local Plans – between the Waste Planning Authorities of the South East of England

2 Recommendation(s)/Proposed Action

- 2.1 The Committee is requested to resolve:

- That the Memorandum of Understanding for Strategic Planning and the Duty to Co-operate on Planning Matters in Berkshire be agreed;
- Memorandum of Understanding for Minerals and Waste Planning in Berkshire be agreed; and
- Memorandum of Understanding for the preparation of Waste Local Plans in the South East of England be agreed.

3 Community Strategy Priorities

- 3.1 The Memoranda of Understanding are an important part of developing links with adjoining Local Authorities to ensure the impact of their evolving planning frameworks on Slough is considered. This forms an important spatial element of the Community Strategy and will help to contribute to the following emerging priorities:

- **A Cleaner, Greener place to Live, Work and Play**
- **Prosperity for All**

4 **Other Implications**

(a) Risk Management

The failure to cooperate with neighbouring Authorities could result in needs generated by a neighbouring authority, for example for affordable housing, over-spilling into Slough.

(b) Human Rights Act and Other Legal Implications

It is considered that there are unlikely to be any significant implications in relation to the Human Rights Act.

(c) Equalities Impact Assessment

It is considered there will be no equality impacts.

(d) Workforce

The proposed actions form part of the existing work programme.

5 **Supporting Information**

The Duty to Cooperate

- 5.1 Following the abolition of Regional Plans, the Government introduced a new “Duty to Cooperate” in the Localism Act 2011, which is intended to ensure that plan making takes account of adjoining areas. This places a legal duty on local planning authorities to engage constructively, actively and on an on-going basis to maximise the effectiveness of plan preparation in taking account of strategic cross boundary matters.
- 5.2 Failure to demonstrate that an Authority has complied with the Duty to Cooperate will result in a plan being found un-sound and therefore prevent it being approved.
- 5.3 The Duty to Cooperate applies to the production of documents which prepare the way for the formulation of plans and so must be carried out from the very beginning of the plan making process.
- 5.4 As a result, although we are not currently preparing a new plan for Slough, we will have to consider the Duty to Cooperate in the preparation of any documents that will eventually feed into the evidence for a plan. At the same time some of our neighbouring authorities are reviewing their plans and so it is important that we are actively engaged in responding to any requests for cooperation.
- 5.5 The guidance makes it clear that Councillors and officers are responsible for leading discussions and negotiations about the strategic matters in their local plans and so it will be necessary to involve this Committee in Member level issues raised by adjoining authorities.
- 5.6 Officers have recently made representations to the Hearing on the Ascot, Sunnighill and Sunningdale Neighbourhood Plan examination on the grounds that it was premature to go ahead with the plan as it stood in advance of the production of the Borough wide Local Plan.
- 5.7 Windsor and Maidenhead have now agreed a Preferred Options version of the Borough Local Plan which could involve Green Belt releases in order to meet a doubling of the current house building rate. This will be the subject of consultation in the new year when it will be brought to this Committee for consideration.
- 5.8 One of the problems with the Duty to Cooperate is that although Authorities have to be fully engaged in the process, there is no “duty to agree”. As a result there is no mechanism for resolving disputes.

Memorandum of Understanding on Strategic Planning and the Duty to Co-operate on Planning Matters in Berkshire

- 5.9 In order to make the Duty to Cooperate process as manageable as possible, the six Berkshire Unitary Authorities have drawn up a Memorandum of Understanding setting out how they will cooperate in the plan making process.
- 5.10 This contains a number of elements. Firstly it is proposed that where possible the authorities will agree baseline positions on relevant strategic planning matters as a starting point for the potential development of strategic planning policies for all or part of Berkshire. This could include things like housing numbers or what major infrastructure projects are needed.
- 5.11 Secondly it is proposed to produce joint evidence where appropriate. This does not necessarily mean that all of the authorities will commission a joint study because they are at different stages in the plan making cycle. It does however mean that any work that is carried out is compatible with that of neighbours. This is at an early stage but work is for example taking place on agreeing a joint methodology for producing a Strategic Housing market Assessment, and a joint methodology for a Gypsy and Traveller Needs Assessment has already been produced by the other 5 authorities.
- 5.12 Thirdly, it has been agreed that where possible the Berkshire Authorities will make joint representations when consulted on plans from other areas in order to give Berkshire concerns more weight.
- 5.13 Finally it is proposed that where specific cross border issues arise, two or more authorities will work together to produce a joint strategy. Examples of this are the joint working on the Special Protection Area for birds which covers large areas of Berkshire and policies for the Atomic Weapons Establishment which affects more than just West Berkshire.

Memorandum of Understanding for Minerals and Waste Planning in Berkshire

- 5.14 A separate Memorandum of Understanding has been drawn up to deal with Minerals and Waste Planning in Berkshire.
- 5.15 Following the withdrawal of the Berkshire Minerals and Waste Core Strategy after the public inquiry and the subsequent abolition of the Joint Strategic Planning Unit, each of the individual Berkshire Authorities have had to take responsibility for this specialised area of planning.
- 5.16 Each Berkshire UA can undertake its own mineral and waste planning. Slough Borough Council has very few minerals reserves remaining after previous periods of extraction and so attaches less priority to a new review. West Berkshire however have decided to produce a Minerals and Waste Core Strategy. That plan covers their administrative area but it may have implications and impacts on the rest of Berkshire. It will be reasonable to engage under the Duty to Cooperate and this Memorandum of Understanding is useful to deliver this.
- 5.17 Furthermore there are commitments to collect data from aggregates operators based in Berkshire to produce an annual Local Aggregates Assessment. Berkshire Authorities are together producing the first LAA for Berkshire which provides information about the availability of the landbank across the South-East. It is necessary to follow this approach to ensure mineral operators continue to participate and release their data. The information will be fed into a regional database and failure to supply this would leave a data gap in the south east data.

5.18 As a result a specific Memorandum of Understanding has been produced for Minerals and Waste. This follows the principles set out in the general one but goes into more detail in a number of areas.

5.19 It specifies the mechanisms where by the Authorities will work together through existing Officer Working Groups.

Memorandum of Understanding for the preparation of Waste Local Plans in the South East of England

5.20 The preparation of Waste Plans can have wide reaching consequences for areas way beyond the boundaries of the plan area. The plan for the North London Waste Authorities recently failed in its Duty to Cooperate because proper consultation had not taken place with the areas that were expected to receive waste.

5.21 A Memorandum of Understanding has been produced for all of the Waste Authorities in the South East. This recognises that there will be the cross border movement of waste but that plans should be prepared upon the basis of net self sufficiency.

5.22 It also recognises the importance of liaising with the South East Waste Planning Advisory Group (SEWPAG).

6 Conclusion

6.1 Members are asked to endorse and agree the three Memorandums of Understanding, and be aware that the Duty to Cooperate will involve Member engagement on some important planning issues in the future.

7 Background Papers

1. The Composite Plan for Slough (approved for Development Control purposes)
2. The NPPF

Appendix 1

Memorandum of Understanding between the Berkshire Unitary Authorities on Strategic Planning and the “Duty to Co-operate” on Planning Matters in Berkshire.

- 1.1 As single tier authorities, the six Berkshire unitary authorities are both local and strategic planning authorities for their areas. The Localism Act 2011 brings significant changes to strategic planning in England. Strategic planning remains an essential part of the planning system. The Act provides for a bottom up approach to strategic planning in a local area through the “duty to co-operate.”
- 1.2 The Act sets out that a local planning authority has a duty to co-operate by:

“engaging constructively, actively and on an on-going basis in the preparation of development plan and other documents and in activities that can reasonably be considered to prepare the way for the preparation of such documents for strategic matters.”
- 1.3 The requirements of the Localism Act are complemented by the guidance in paragraphs 178-181 of the National Planning Policy Framework (NPPF), although these are additional to those within the Act. The NPPF includes reference to local authorities considering agreements on joint approaches to the undertaking of activities and to considering whether to agree to prepare joint local development documents. The duty involves a continuous process of engagement from initial thinking through to implementation. It should result in meeting development requirements, including unmet requirements from neighbouring authorities, where it is practical to do so. Authorities should also consider producing plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position.
- 1.4 The Duty to Co-operate has become the first matter that is tested at a local plan examination. Failure to co-operate will result in delay and increased costs in bringing forward up to date local plans thereby increasing the risks at planning appeals.
- 1.5 In the light of the duty the Berkshire Unitary Authorities have formulated and agreed the following memorandum of understanding:
 - A. **Agreeing Strategic/Cross Boundary Issues:** The authorities will endeavour to agree appropriate Berkshire, or part of Berkshire, baseline positions on relevant strategic planning matters as a starting point for the potential development of strategic planning policies for all or part of Berkshire.
 - B. **Joint Evidence Base:** The authorities will develop an evidence base that provides potential for sharing across authorities where it is prudent and appropriate to do so relating to strategic planning matters. This might include issues such as demographics, population projections, housing market assessments, gypsy and traveller needs, employment, retail and transport studies, infrastructure plans, minerals and waste (see separate Memorandum of Understanding), strategic environmental and green infrastructure, decentralised energy infrastructure and other issues of cross boundary interest. This could include the joint commissioning by two or more Berkshire authorities of studies into these matters.
 - C. **Other Authorities Plans:** Where it will add weight, the authorities will consider, assess and make joint representations on the strategic aspects of local plans prepared by authorities adjoining Berkshire, especially on minerals and waste matters;
 - D. **Joint Strategies:** The authorities will consider opportunities to develop joint strategies and deliver agreed or joint positions or policies in relation to specific topics

or development needs where the evidence demonstrates that this is appropriate, (e.g. planning for the SPA or AWE.

- E. **Statements of Common Ground:** The authorities will involve their neighbouring authorities and other partner organisations (e.g. the Berkshire LEP, Environment Agency, Highways Authority, etc.) to which the duty to co-operate applies in the identification of issues and options, in resolving objections and preparing statements of common ground in relation to the preparation of individual local plan documents and other planning policy documents.

1.6 The operation of this Memorandum of Understanding will be the responsibility of Berkshire Development Plans Group (DPG), reporting to the Berkshire Heads of Planning (BHoP). In turn, BHoP will periodically (at least once a year) keep Lead Councillors informed on how mechanisms for fulfilling the duty to co-operate are progressing and being taken forward.

1.7 This Memorandum of Understanding provides a framework for joint working between the Berkshire authorities and it allows refined Agreements to be agreed between individual authorities on specific areas where they consider it appropriate.

Signed:

Bracknell Forest Council

Reading Borough Council

Royal Borough of Windsor Maidenhead

Slough Council.

West Berkshire Council

Wokingham Borough Council

Appendix 2

Memorandum of Understanding between the six Berkshire Unitary Authorities on Minerals and Waste Planning May 2013

Introduction

The six Berkshire Unitary Authorities (BUAs) are as follows:

- Bracknell Forest Borough Council
- Reading Borough Council
- Royal Borough of Windsor and Maidenhead
- Slough Borough Council
- West Berkshire Council
- Wokingham Borough Council

The BUAs are minerals and waste planning authorities for their respective areas. The Localism Act 2011 introduces a legal “duty to co-operate” for local planning authorities and other public bodies, that, in terms of minerals and waste planning, partly replaces the regional and strategic planning policy tiers that have been, and will be, removed.

Under Section 110 of the Localism Act, planning authorities are required to engage constructively, actively, and on an ongoing basis in any process where there are cross-boundary issues or impacts. This includes the preparation of development plan documents so far as relating to strategic matters such as planning for minerals or waste.

The National Planning Policy Framework (NPPF) confirms that the duty involves a continuous process of engagement throughout the plan-making process. The duty to cooperate includes the need to demonstrate effective cooperation on issues with cross-boundary impacts and the need to plan positively, and should enable plans to seek to meet development requirements, including unmet requirements from neighbouring authorities, where it is practical to do so. Authorities should

also consider producing plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position.

This Memorandum of Understanding has been produced in order to form an ongoing basis for implementing the duty to co-operate for minerals and waste planning in the former county of Berkshire.

The Memorandum of Understanding covers the period from June 2013 to June 2018. It will be updated as required, and the latest version signed by all six BUAs will replace all previous versions.

The Memorandum of Understanding is not intended to be legally binding. It does not form a statement of policy, rather it is the six BUAs' understanding of how joint working on minerals and waste planning will proceed.

The UAs agree the following:

Mechanisms for Joint Working

- A. The BUAs recognise that planning for minerals and waste is a strategic matter requiring co-operation between the six BUAs;
- B. The main officer-level mechanism through which co-operation on minerals and waste planning matters will be the Berkshire Minerals and Waste Planning Working Group (BMWPWG), formed of officers from each of the six BUAs. This group will meet on a regular basis (at least twice a year), and will report to Development Plans Group (DPG), which in turn will report to Berkshire Heads of Planning (BHoP).
- C. The BUAs will continue to contribute to the regional groupings South East England Aggregates Working Party (SEEAWP) and South East Waste Planning Advisory Group (SEWPAG) as individual authorities (where they are members), but will share information and collaborate on regional planning matters of joint interest to all BUAs through the BMWWG.
- D. The BUAs will discuss and share information relating to development plans and major schemes outside Berkshire through BMWPWG. Where there is a Berkshire-wide interest, or a wider interest than for a single BUA, the relevant BUAs will collaborate through the most appropriate grouping of authorities.
- E. The BUAs will discuss and share information relating to plans and major schemes within Berkshire through BMWPWG. The BUAs will engage positively with minerals and waste plans produced by individual BUAs or groupings of BUAs throughout the process, including sharing information and seeking to reach agreement on key issues. There may be further Memoranda of Understanding or Statements of Common Ground on specific key issues that arise in the production of development plans.
- F. Where there is a Berkshire-wide need for liaison with the minerals and waste industries, and/or with industry bodies, this will be co-ordinated through BMWPWG.

Monitoring

- G. The BUAs agree that certain key matters should be monitored across all BUA areas to ensure consistency of information:
 - Amount of primary aggregate produced (tonnes per annum);

- Amount of primary aggregate reserves (tonnes) in permitted sites and any restrictions on the projected future output from permitted sites;
- Amount of secondary and recycled aggregate produced (tonnes per annum);
- Capacity and throughput of new waste facilities permitted/ operational (tonnes per annum);
- Capacity of new landfill sites (total available voidspace);
- Amount of municipal solid waste produced and how that waste is managed (tonnes); and
- New or extended minerals and waste sites and facilities, to feed into the maintenance of a Berkshire-wide list of minerals and waste sites.

H. Much of the information, particularly for waste, can be derived from existing published sources. However, it can be difficult to generate BUA-level data for aggregate production. Therefore, the BUAs agree to co-operate on the monitoring of aggregate production, as appropriate, and this may be undertaken by jointly-commissioned consultants as required or through the most appropriate grouping of authorities.

Evidence Base

- I. The BUAs will seek to agree on the main components of a Berkshire-wide evidence base for minerals and waste planning. They will co-operate as appropriate in producing this Berkshire-wide evidence base.
- J. A vital part of the evidence base will be a Local Aggregate Assessment (LAA) 2013 to cover the area of the six BUAs. This will be undertaken on behalf of all six BUAs, and jointly commissioned, and will provide a basis for development of a further minerals evidence base, whilst meeting the requirements of the National Planning Policy Framework. The BUAs will consider whether and with what frequency future versions of the LAA will be produced, but this will need to be subject to further agreement by the BUAs. The BUAs agree to liaise with the South-East Aggregates Working Party on all LAA matters.
- K. The BUAs will discuss whether the results of the LAA can lead to agreement on future apportionment for minerals extraction, both for Berkshire as a whole and for individual BUAs or groupings of the BUAs.
- L. The BUAs, alongside inputting into work being carried out by SEWPAG, will seek to establish and agree the capacity of existing waste management facilities and the level of need for new facilities within Berkshire, in order to reduce the scope for disagreement in future plan-making. This may require the commissioning of Berkshire wide Waste assessment documents.
- M. The BUAs will consider whether there is a need for this Memorandum to be updated and expanded in future to provide more detail on the extent of a joint minerals and waste evidence base.

Plan-Making

- N. This Memorandum does not commit any BUA to joint plan-making for minerals and waste within Berkshire. However, the BUAs agree that there remains future scope for joint plan-making between individual signatories to this Memorandum.
- O. In particular, there is scope for authorities within central Berkshire to consider future joint plan-making for minerals and waste. The authorities within central Berkshire (Bracknell

Forest Borough Council, Reading Borough Council, Royal Borough of Windsor and Maidenhead and Wokingham Borough Council) agree to explore the potential for joint working on plan-making for minerals and waste, above and beyond the measures set out in the rest of this Memorandum.

P. In planning for minerals development, the BUAs will aim to:

- Safeguard potentially important deposits of aggregate minerals from sterilisation by surface development, either by steering that development elsewhere or by securing prior extraction where possible.
- Seek to maintain a steady and adequate supply of primary minerals and, whilst acknowledging the geology of Berkshire, seek to ensure that new mineral extraction sites are sustainable located whilst taking account of national and international designations such as the Area of Outstanding Natural Beauty, Green Belt, Special Areas of Conservation and Special Protection Areas.
- Ensure that the supply of land won minerals will cause the minimum of environmental damage, including that from transportation. Capacity for the recovery and use of recycled and secondary aggregates will be increased and located where it can best serve development needs.
- Retain rail facilities that are required for the movement of minerals to meet requirements which cannot be met from Berkshire's own natural resources, and utilise real opportunities for other means of non road mineral transport to serve local markets.

Q. In planning for waste development, the BUAs will have regard to the following key principles:

- Drive waste treatment higher up the waste hierarchy and specifically secure an increase in re-use, recycling and recovery of materials, and energy recovery, while minimising the quantities of residual waste requiring final disposal.
- Safeguard existing waste management facilities which are appropriately located from loss or unnecessary operational constraint as a result of competing forms of development.
- Ensure that new waste management facilities are located, insofar as is possible, to meet the needs of the main centres of population and economic activity in Berkshire, taking account of national and international designations such as the Area of Outstanding Natural Beauty, Green Belt, Special Areas of Conservation and Special Protection Areas.
- Recognise that, whilst net self-sufficiency for waste management facilities (in terms of total volume rather than individual streams) may be a viable aspiration for Berkshire as a whole to work towards, such net self-sufficiency cannot be achieved by all individual unitary authorities. In producing waste local plans within Berkshire, authorities will have to liaise closely to plan for existing and expected future movements of waste across authority boundaries both within Berkshire and to and from other authority areas.

Appendix 3

Memorandum of Understanding between the Waste Planning Authorities of the South East of England

April 2013

1. Introduction

1.1 The Waste Planning Authorities of the South East of England comprise the following authorities:

Bracknell Forest Council	Milton Keynes Council
Brighton & Hove Council	Oxfordshire County Council
Buckinghamshire County Council	Reading Council
East Sussex County Council	Royal Borough of Windsor and Maidenhead
Hampshire County Council (incorporating	Slough Council
Southampton City, Portsmouth City and	South Downs National Park Authority
New Forest National Park Waste Planning	Surrey County Council
Authorities)	West Berkshire Council
Isle of Wight Council	West Sussex County Council
Kent County Council	Wokingham Council
Medway Council	

1.2 These authorities are each responsible for planning for sustainable waste management in their areas and in particular for the preparation of waste local plans. A waste local plan can cover the area of a single waste planning authority or a larger area administered by more than one waste planning authority where they decide to act together.

1.3 Section 110 of the Localism Act sets out a duty to cooperate in relation to planning of sustainable development, under which planning authorities are required to engage constructively, actively, and on an ongoing basis in any process where there are cross-boundary issues or impacts. This includes the preparation of development plan documents so far as relating to a “strategic matter” such as waste management. This duty to cooperate therefore applies to the preparation of waste local plans.

1.4 In addition, the National Planning Policy Framework (NPPF) refers to planning authorities having a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities defined in paragraph 156 which includes waste management infrastructure. The NPPF expects local planning authorities “to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts” (paragraph 181). The ‘tests of soundness’ (paragraph 182) also require planning authorities to work with their neighbours: to be “positively prepared” a plan should seek to meet “unmet requirements from neighbouring authorities where it is reasonable to do so”; and to be “effective” a plan should be “based on effective joint working on cross-boundary strategic priorities”.

2. Purpose

2.1 The purpose of this Memorandum is to underpin effective cooperation and collaboration between the Waste Planning Authorities of the South East of England in addressing strategic cross-boundary issues that relate to planning for waste management.

2.2 It sets out matters of agreement, reflecting the spirit of co-operation between the Parties to the Memorandum. It is, however, not intended to be legally binding or to create legal rights.

3. **Parties**

3.1 The Memorandum is agreed by the following Councils: (to be completed as agreements are confirmed).

4. **Aims**

4.1 The memorandum has the following broad aims:

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

5. **Limitations**

5.1 The Parties to the Memorandum 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 Parties in relation to any of its statutory powers and duties, and is not intended to be legally binding.

5.2 The Parties recognise that for a majority of existing waste management facilities, there are no restrictions on the handling of waste that has arisen outside their authority area.

6. **Background**

6.1 The disposal of waste to land (both landfill and landraise) is at the bottom of the Waste Hierarchy as defined in the updated Planning Policy Statement 10: "Planning for Sustainable Waste Management" March 2011 (PPS10). It is the least desirable form of waste management in environmental terms.

6.2 PPS10 recognises that there will be a need for new waste management facilities and that these need to be planned for. It sets out key planning objectives for sustainable waste management (paragraph 3) which include that authorities should prepare planning strategies that:

- "help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option but one which must be adequately catered for";
- "provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities; and
- "help secure the recovery or disposal of waste ... and enable waste to be disposed of in one of the nearest appropriate installations.

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

6.4 Paragraph 263 of the Government Review of Waste Policy in England 2011 states that "there is the need for councils to work together and look at waste management needs across different waste streams and across administrative boundaries." It further states that "There is no requirement for individual authorities to be self-sufficient in terms of waste infrastructure and transporting waste to existing infrastructure to deliver the best environmental solution should not be considered a barrier."

6.5 PPS10 (paragraph 18) states that “waste planning authorities should be able to demonstrate how capacity equivalent to at least ten years of the annual rates set out in the RSS could be provided”. The South East Plan is no longer in place and so WPAs will assess the extent to which they will accommodate imported waste from outside their plan area. Net self-sufficiency is an approach by which one of the key planning objectives in PPS10 can be achieved, since it will demonstrate that the communities within the WPA areas are taking responsibility for the waste which they produce. In order to meet paragraph 18 of PPS10, there is therefore an aspiration to achieve net self-sufficiency within each waste planning area for the management of non-hazardous waste.

7. **Agreement between the Parties**

7.1 The Parties recognise that there will be a degree of cross-boundary movement of waste. In light of this the Parties 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 plan area. All parties accept that when using this principle to test policy, it may not 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 area, the Parties will plan on the basis that no provision has to be made in their waste local plans to meet the needs of any other authorities which are basing their waste policies on achieving the principle of net self-sufficiency.

7.3 There may be cases where some waste will not be planned to be managed within a waste plan area because of difficulty in delivering sufficient recovery or disposal capacity. Provision for unmet requirements from other authority areas may be included in a waste local plan, in line with paragraph 182 of the NPPF, but any provision for facilities to accommodate waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this Memorandum.

7.4 The parties note that there may be some kinds of waste that cannot be managed within their own plan area, either in the short term or within the relevant plan period. These may include hazardous wastes and radioactive wastes. Where provision for the management of these wastes will be planned for in a different waste planning authority area, this will need to be considered between the relevant authorities.

The Parties will work together in the consideration of how to plan for the implications arising from the management of waste from London and any other authority areas that are not party to this Memorandum.

7.5 The Parties 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.

7.6 The Parties agree to continue to positively plan to meet any shortfalls in recovery and disposal capacity in their areas and to enable the delivery of new facilities. This includes making appropriate provision in their local plans, including, as required, the allocation of sites for new recycling and other recovery facilities.

7.7 The Parties recognise that private sector businesses (and, therefore, commercial considerations) will determine whether new merchant waste management recycling and treatment facilities will be built and what types of technology will be used.

8. **Actions and Activities**

- 8.1 The Parties to this Memorandum will continue to share knowledge and information relevant to strategic cross-boundary issues relating to waste planning including the matters set out in the Agreement in Section 7.
- 8.2 The Parties will seek to ensure that the matters in the Agreement 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 Parties will take account of the matters in the Agreement in the consideration of planning applications for waste management.
- 8.4 The Parties will continue to liaise with each other in relation to the general matters set out in the Agreement, in particular, the implications of the decline in permitted landfill capacity in the region.

9. **Liaison**

- 9.1 Appropriate officers of each Party to this Memorandum will liaise formally through the South East Waste Planning Advisory Group (SEWPAG) which normally meets four times a year. As appropriate, the Memorandum will be formally discussed at SEWPAG meetings and any decisions and actions relating to it will be recorded in the minutes.
- 9.2 In addition, there are other cross boundary groups within the South East of England (e.g. SE7). Any liaison on waste planning matters between Parties to this Memorandum within such groups will be undertaken with due regard to this Memorandum.

10. **Timescale**

- 10.1 The Memorandum of Understanding is for a three-year period to December 2016.
- 10.2 It will be reviewed annually by the Parties to establish how effective it has been and whether any changes are required. The results of the review will be reported at SEWPAG meetings and recorded in the minutes.

11. **Signatures:**

Surrey County Council
Wokingham Borough Council
West Sussex County Council

March 2013
March 2013
April 2013