

Memorandum of Understanding
Yorkshire and Humber Waste Technical Advisory Body (Y&H WTAB)

July 2016

1. Introduction

- 1.1 Each Unitary, County and National Park Authority is responsible for planning for sustainable waste management in their area and for the preparation of local plans which address waste.
- 1.2 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.
- 1.3 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”.
- 1.4 The National Planning Policy for Waste builds on this. Paragraph 3 specifically advises that waste planning authorities should “work collaboratively in groups with other waste planning authorities...through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management” when preparing Local Plans. Paragraph 3 additionally requires consideration of the need for waste management capacity of more than local significance and the need to manage waste which arises in more than one waste planning authority area but where only a limited number of facilities would be required.

2. Purpose

- 2.1 The purpose of this Memorandum is to underpin effective cooperation and collaboration between the Waste Planning Authorities in the Yorkshire and Humber area 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.

3. Aims

- 3.1 The memorandum has the following broad aims:

- to ensure that planned provision for waste management in the Yorkshire and Humber Area is co-ordinated, as far as is possible; and
- to ensure that the approach to waste planning throughout the Yorkshire and Humber Area is consistent as possible between authorities.
- to provide a framework for the on-going liaison and co-operation between waste planning authorities in the Yorkshire and Humber Area.

4. **Limitations**

- 4.1 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. **Agreement, terms of reference and liaison**

- 5.1 A formal body, to be known as the Yorkshire and Humber Waste Technical Advisory Body (Y&H WTAB) shall be set up, with a named officer of an appropriate level and knowledge assigned to the body from each party.
- 5.2 Each party will support co-operation by providing objective and authoritative technical advice on sustainable waste management, waste management data, issues, and development policies and proposals to other local authorities, LEP's and research institutions and organisations such as WRAP, and industry including the waste management industry.
- 5.3 The Parties will seek to ensure, where possible and in accordance with paragraph 4.1, that the matters agreed through the Y&H WTAB are reflected in local plans that they prepare; this includes the allocation of sites.
- 5.4 The Parties will take account of the matters raised through the Y&H WTAB in the consideration of planning applications for waste management in their area and other areas within Yorkshire and Humber Area.
- 5.5 The parties will disseminate knowledge and awareness of national policy and good practice on the sustainable management of material resources in the Yorkshire and Humber Area
- 5.6 The parties will, through the Y&H WTAB, provide comment on waste management and waste planning policy advice and guidance that may have relevance or implications on sustainable waste management in the Yorkshire and Humber Area.
- 5.7 The parties, through the Y&H WTAB, will prepare a regular report setting out key waste management and waste planning trends in the Yorkshire and Humber area, in order to help identify cross-boundary issues and provide a context for local plan making and monitoring
- 5.8 The parties shall formally liaise through the Y&H WTAB and this shall meet at least 3 times each year. Minutes shall be kept of these meetings, to include discussions and decisions.

5.9 The Environment Agency shall be a party to all information, discussion and shall be invited to the Y&H WTAB meetings. Consideration shall be given to the invitation of the waste management industry and environmental organisations.

6. **Timescale**

6.1 The Memorandum of Understanding is for a two-year period to July 2018. 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 Y&H WTAB meetings and recorded in the minutes.