

Public Report with Exempt Appendices  
Delegated Officer Decision

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**Committee Name and Date of Committee Meeting**

Delegated Officer Decision – 01 December 2023

**Report Title**

Memorandum of Understanding (MoU) – South Yorkshire Joint Waste Plan

**Is this a Key Decision and has it been included on the Forward Plan?**

No, but it has been included on the Forward Plan

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

All Waste Planning Authorities are legally obligated to have an up-to-date development plan including policies covering the strategic planning policy requirements for waste. The Barnsley Doncaster Rotherham (BDR) Waste Plan is time limited to 2026 and Sheffield has 'saved' three waste polices from the Core Strategy currently under examination of their Local Plan. All the South Yorkshire Authorities are therefore in a position where they need to progress a Waste Local Plan to ensure there are legally compliant, up-to-date and sound policies that identify and deliver adequate provision of waste management facilities within the borough and South Yorkshire.

The Memorandum of Understanding (MoU) is not a legally binding document however it is a statement of serious intent agreed between parties, outlines the commitment, resources and other considerations that each party will bring. This MoU sets out:

- a) the key objectives for the South Yorkshire Waste Local Plan (the 'Project');
- b) the principles of collaboration;
- c) the governance structures and decision making procedures the South Yorkshire local authorities (the 'Parties') will put in place; and
- d) the respective roles and responsibilities the Parties will have during the Project.

The Council enters into the MoU confirming the intention to honour all the obligations in relation to the production of a 'sound' South Yorkshire Local Waste Plan.

### **Recommendations**

1. That the Council acknowledges the current position regarding the South Yorkshire Joint Waste Plan and the contributions to be made as set out in the MoU (Appendix 1).
2. That the Assistant Director of Regeneration & Environment signs the Memorandum of Understanding to develop a South Yorkshire Joint Waste Plan with other South Yorkshire local authorities on behalf of the Council.

### **List of Appendices Included**

Appendix 1 Memorandum of Understanding – South Yorkshire Joint Waste Plan  
Appendix 2 Equality initial Screening (Part A)  
Appendix 3 Carbon Impact Assessment

### **Background Papers**

Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted 2012)  
<https://www.rotherham.gov.uk/downloads/file/345/adopted-barnsley-doncaster-and-rotherham-joint-waste-plan-2012>

South Yorkshire Waste Needs Assessment (2022)  
<https://www.rotherham.gov.uk/downloads/file/2973/south-yorkshire-waste-needs-assessment-2022>

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**  
None

**Council Approval Required**  
No

### **Exempt from the Press and Public**

An exemption is sought for (Annex A of the MoU) under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains estimate cost of the Project (Annex A of the MoU).

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information due to the sensitivity of the financial affairs of the Council and other South Yorkshire local authorities.

## Memorandum of Understanding (MoU) – South Yorkshire Joint Waste Plan

### 1. Background

- 1.1 The 2014 National Planning Policy for Waste (NPPW) sets out existing waste planning policy requirements for England and must be read in conjunction with the National Planning Policy Framework (NPPF). It requires local planning authorities to ***‘include strategic policies in their development plans setting out an overall strategy for the pattern, scale and quality of development, and to make sufficient provision for infrastructure for waste management’***. A Waste Local Plan forms part of a Local Authority’s Statutory Development Plan and is essential for informing decisions on waste planning applications.
- 1.2 The waste planning policies for Barnsley, Doncaster and Rotherham Councils are currently contained within the Barnsley, Doncaster, and Rotherham (BDR) Joint Waste Plan (2012 to 2026). Waste Policies for Sheffield City Council are contained within the Sheffield Core Strategy.
- 1.3 A South Yorkshire Waste Needs Assessment (SYWNA) was completed in May 2022 and contains evidence and future waste needs forecasting from 2021 to 2041. This document is being used as evidence when considering waste planning applications and is a time sensitive document.

### 2. Key Issues

- 2.1 National policy dictates Local Plans should be reviewed every 5 years, however, the BDR Waste Plan has never been formally reviewed, although a draft Planning Advisory Service (PAS) Local Plan review toolkit was completed in 2022. The toolkit contains a checklist of the key requirements as set out in the National Planning Policy for Waste (NPPW) and National Planning Policy Framework (NPPF). It identifies that the BDR Waste Plan requires updating to account for the government’s changing approach to waste as a resource and the divergence away from a linear waste model to a circular economy model.
- 2.2 All Waste Planning Authorities are legally obligated to have an up-to-date development plan including policies covering the strategic planning policy requirements for waste. The BDR Waste Plan is time limited to 2026 and Sheffield has ‘saved’ three waste policies from their Core Strategy awaiting the examination of the Local Plan. All the South Yorkshire Authorities are in a position where they need to progress a Waste Local Plan.
- 2.3 Although nationally planning policy is in a state of flux, with the government’s consultation on planning reform and local plans, a replacement to the BDR Waste Plan and Sheffield Core Strategy waste policies should be progressed imminently, especially given the BDR Waste Plan runs out in 2026 and Sheffield’s draft Local Plan does not contain any waste policies. A new Waste Plan (supported by the 2022 SYWNA) is needed to ensure the Local Authorities provide legally compliant, up-to-date sound policies to identify and deliver adequate provision of waste management facilities of the right type, in the right place and at the right time.

2.4 The BDR Waste Plan contains seven policies, and their current status are detailed below:

<b>Policy</b>	<b>Status</b>
WCS1	'Overall strategy for achieving sustainable waste management'
	The information on landfill and capacity gaps is out of date.
WCS2	'Safeguarding and enhancing existing strategic waste management sites'
	The safeguarded sites require reviewing and updating. Rotherham sites: <ol style="list-style-type: none"> <li>1. Sterecycle for autoclave treatment</li> <li>2. Eastwood for dredging</li> <li>3. Rotherham Road for material recycling</li> </ol>
WCS3	'New strategic waste management sites'
	The sites for strategic waste management facilities require reviewing and updating. Rotherham sites: <ol style="list-style-type: none"> <li>1. Bolton Road Manvers (completed and working)</li> <li>2. Aldwarke Steel Works (reserve site) (still undeveloped)</li> </ol>
WCS4	'Waste management proposals on non-allocated sites'
	Reflects the NPPF's positive planning framework and still functions as intended, but without a revised Waste Plan and Waste Needs Assessment the authorities could be in the position of allocating sites that are not needed.
WCS5	'Landfill'
	Seven safeguarded landfill sites need reviewing for capacity and viability in line with the government direction away from landfilling and updated Waste Needs Assessment information.
WCS6	'General considerations for all waste management proposals'
	It is a lengthy policy which requires review against the national planning policy and guidance for waste to ensure no policy / guidance repetition.
WCS7	'Managing waste in all developments'
	Does not conform to national policy in respect of the requirement for waste management plans.

2.5 The MoU sets out:

- a) the key objectives for the South Yorkshire Waste Local Plan (the 'Project');
- b) the principles of collaboration;
- c) the governance structures and decision making procedures the South Yorkshire local authorities (the 'Parties') will put in place; and
- d) the respective roles and responsibilities the Parties will have during the Project.

- 2.6 The approximate costs for the production of a South Yorkshire Waste Local Plan and required evidence base are set out in Annex A of the MoU (Appendix 1). These costs will be shared among the authorities based on the size of each authority. The shared monetary and resource costs will be met by the South Yorkshire local authorities (Annex C of the MoU in Appendix 1 of the report).
- 2.7 The Councils will enter into the MoU confirming their intention to honour all the obligations in relation to the production of a 'sound' South Yorkshire Local Waste Plan.

### **3. Options considered and recommended proposal**

#### **3.1 Option 1: Approval for the Assistant Director to sign the memorandum of understanding to develop a South Yorkshire Joint Waste Plan with other South Yorkshire local authorities.**

It will confirm the Council's commitment to work with other South Yorkshire local authorities (Sheffield, Doncaster, Barnsley) to develop and produce a legally compliant, effective and 'sound' Joint Waste Plan consistent with national policy. Being a signatory to the MoU would be of significant benefit to the Council in demonstrating to the planning inspector an active engagement in strategic planning matters and in the plan-making process.

#### **3.2 Option 2: The Council does not sign the memorandum of understanding**

Although the MoU is not a legally binding document, it is a statement of serious intent agreed between parties, outlines the commitment, resources and other considerations of each party will bring. If the Council does not sign the MoU then it may be detrimental to ongoing co-operation with other South Yorkshire local authorities, and lead to failing to prepare the South Yorkshire Joint Waste Plan to replace the BDR Joint Waste Plan (time limited to 2026) that forms part of the Local Plan. There are economies of scale gained by joint working. It would require significant resources and incur much higher cost if the Council prepares its own Waste Plan.

### **4. Consultation on proposal**

- 4.1 The MoU has been discussed at the Head of Planning meetings. Cabinet Members (Councillor Lelliott and Councillor Shepperd) have been briefed and agreed to pursue the South Yorkshire Joint Waste Plan.
- 4.2 A series of stakeholder engagement and public consultation will be carried out as part of process of the Joint Waste Plan. Cabinet approval will be sought prior to the consultation taking place.
- 4.3 Key stages for the production of a Waste Local Plan include:
- a) Call for Sites.
  - b) Issues and Options (Regulation 18).
  - c) Produce Waste Plan evidence base and Sustainability Appraisal (environmental outcomes).
  - d) On-going stakeholder engagement and consultation (Regulation 18).

- e) Invitation to comment on the Waste Local Plan evidence base workstreams, e.g. site selection methodology, sustainability appraisal, Waste Needs Assessment and emerging proposals in the local plan.
- f) On-going stakeholder engagement and consultation (Regulation 18).
- g) Opportunity for interested parties and statutory consultees to consider the options for the plan before the final document is produced. This stage may involve one or more public consultation rounds.
- h) Produce first draft Waste Plan.
- i) Consideration of Waste Plan by each Local Authority.
- j) Proposed Submission Publication/engagement (Regulation 19).
- k) Submission (Regulation 22).
- l) Independent Examination Hearing.
- m) Inspector's Report.
- n) Adoption of SY Waste Local Plan by each Local Authority.

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1 If the report's recommendations are approved, officers will make the necessary arrangements for Rotherham to be a signatory to the MoU in relation to those agreements set out. It is anticipated that the Assistant Director, Planning, Regeneration & Transport will sign the MoU.
- 5.2 The Project will take approximately two and half years to get to adoption and requires consultancy help to meet the deadlines proposed in the timeline. It is proposed to aim for an adopted South Yorkshire Waste Local Plan by Summer 2026.

## **6. Financial and Procurement Advice and Implications**

- 6.1 Rotherham's indicative share of the costs for the Joint Waste Plan is contained within Appendix 1. This contribution is expected to be required over the financial years from 2024/25 to 2026/27. These additional costs will need to be considered as part of the Council's decision making around budget setting in future years. The signing of the MoU does not formally commit the council to these costs at this stage.
- 6.2 There are no direct procurement implications arising from the recommendations detailed in this report.

## **7. Legal Advice and Implications**

- 7.1 Whilst not legally binding, signing the MoU demonstrates the Council's commitment and endeavours to work in co-operation with neighbouring authorities. Furthermore, it also assists the Council in achieving its statutory obligations in respect of the Local Plan.

## **8. Human Resources Advice and Implications**

- 8.1 There are no direct human resources implications arising from this report.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 There are no implications for children and young people and vulnerable adults arising from this report.

## 10. Equalities and Human Rights Advice and Implications

10.1 An equalities screening has been completed and is attached at Appendix 2.

10.2 A full equalities analysis is not required.

## 11. Implications for CO2 Emissions and Climate Change

11.1 A Carbon Impact Assessment has been carried out (Ref: CIA 182) and is attached at Appendix 3.

11.2 The signing of the MoU does not have direct impact on CO2 emissions or climate change. There would be greater carbon impact if there wasn't a waste plan.

## 12. Implications for Partners

12.1 Other South Yorkshire local authorities are seeking approval to sign the MoU by December 2023.

12.2 The implications for partners or other directorates are mainly associated with the development and adoption of the South Yorkshire Joint Waste Plan.

12.3 There will be opportunity to comment on these draft plans when they are subject to public consultation.

## 13. Risks and Mitigation

13.1 There are uncertainties with the government's proposals and timescales in terms of planning review however given the existing BDR Joint Waste Plan is due to be out-of-date in 2026 it is necessary to prepare the South Yorkshire Joint Waste Plan as part of the Rotherham Local Plan.

## 14. Accountable Officers

Simon Moss, Assistant Director of Planning, Regeneration and Transport

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.

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