

## **EXECUTIVE FUNCTIONS DECISION RECORD**

The following decision was taken on 03/02/2017 by the Councillor Joe Blackham, Portfolio Holder for Regeneration and Transportation

Date notified to all Members 3 February 2017  
End of the call-in period is 5.00 p.m. on 14 February 2017

This decision can be implemented from 15 February 2017

Present : Councillor Joe Blackham Jeremy Johnson, Helen McCluskie

Apologies :

<p><b>1. AGENDA ITEM NUMBER AND TITLE</b> <b>Approve the preparation of South Yorkshire waste local plan</b></p> <p><b>2. DECISION TAKEN</b> Councillor Joe Blackham</p> <ol style="list-style-type: none"><li>1. Notes the contents of the report;</li><li>2. Approves the preparation of a South Yorkshire-wide Joint Waste Plan and;</li><li>3. Approves the development of a 'Memorandum of Understanding' between the South Yorkshire Authorities</li></ol>
<p><b>3. REASONS FOR DECISION</b></p> <p>1. In South Yorkshire, waste planning policies (including the supporting evidence base) need updating to take account of:</p> <ul style="list-style-type: none"><li>a) recent changes to government policy and legislation (i.e. the introduction of the National Planning Policy for Waste; the revocation of site waste management plans as a legal requirement; the introduction of the new Waste Management Plan for England);</li><li>b) new and more ambitious targets (recycling, disposal and landfill diversion) which are currently due to be enacted through European legislation, as part of the move towards a more competitive circular economy where the value of goods and services are maximised<sup>1</sup>;</li><li>c) cross-boundary flows of waste, following the recent opening/expansion of regionally significant facilities (e.g. Ferrybridge multi-fuel plant in Knottingley and Bernard Road energy-from-waste plant in Sheffield);</li><li>d) the amount of waste generated which has varied from the original predictions;</li><li>e) the actions/targets from the emerging South Yorkshire Waste Strategy (which sets out a target of reusing, recycling and recover energy from 95% of South Yorkshire's waste);</li><li>f) the closure of major waste facilities such as the Sterecycle</li></ul>

<sup>1</sup> Circular Economy Action Plan (EU Commission, December 2015)

- recycling site in Rotherham and Parkwood landfill site in Sheffield;
- g) the opening of major municipal waste facilities (such as the mechanical and biological waste treatment facility at Manvers, Bolton Road, Rotherham; and the waste transfer facility at Kirk Sandall, Doncaster;) and the granting of planning permissions (e.g. waste wood energy plants in Barnsley and Rotherham);
  - h) the ambitious growth targets and priorities set out in the Sheffield City Region Growth Plan and the Sheffield City Region Integrated Infrastructure Plan which provides challenges and opportunities to minimise waste and the use of natural resources, and maximise the recycling and economic re-use of these resources;
  - i) the lack of progress with regard to the delivery of commercial and industrial waste recycling and treatment facilities such as the Doncaster Energy from Waste Project (leading to a potential shortfall in future capacity);
  - j) There is a potential shortfall in landfill capacity in the Sheffield city region area due to a lack of void space. Meeting landfill requirements for this area will require coordinated working with other waste planning authorities; and
  - k) evidence which suggests that the Sheffield city region faces a significant decline in landfill capacity<sup>2</sup>, following the closure of disposal sites (e.g. Croft Farm, Erin and Parkwood Springs) and the Environment Agency's ban on granting waste licences in the groundwater aquifers (e.g. Barnsdale Bar, Warmsworth Quarry and Sutton Quarry) and the rise in landfill tax.

2. Doncaster with Barnsley, Rotherham and Sheffield as Waste Planning Authorities are required to include up to date appropriate waste policies within their statutory development plans. The Barnsley, Doncaster and Rotherham (BDR) Waste Plan is due for review and there is a risk that emerging Local Plans will be found unsound following independent examination, if there is no agreed process to update the existing joint waste plan. Waste planning policies in South Yorkshire need to be reviewed and updated to reflect changes to government legislation and guidance, new targets and address shortfalls in provision.

3. The South Yorkshire Joint Waste Plan will form a key component of each council's statutory development plan dealing with the planning requirements for all types of waste including municipal waste, commercial and industrial waste, construction, demolition and excavation waste, agricultural, hazardous and residual waste. Once adopted, the South Yorkshire Joint Waste Plan would have the status of a development plan document and sit alongside each authority's local plan. It will set out policies to guide decisions regarding the location, use and distribution of waste management facilities across South Yorkshire up to 2032/2033 coinciding with authority plan periods.

<sup>2</sup> Paragraph 11.6 Yorkshire and Humber Waste Position Statement, February 2016. Previous estimates suggested landfill capacity would run out in Sheffield in 2019 and Barnsley, Doncaster and Rotherham just after 2028.

4. This decision will establish a clear way forward on how the future planning of waste will be addressed on a cross-boundary basis through joint working with Barnsley, Rotherham and Sheffield planning authorities and the creation of a South Yorkshire Waste Plan.
5. The decision will allow Doncaster to progress with our contribution toward the initial preparation of a South Yorkshire-wide Joint Waste Plan. This will involve approval to start developing a Memorandum of Understanding and 'Duty to Cooperate' statement with the other South Yorkshire authorities, review existing policies and evidence base from Sheffield's Core Strategy and the Barnsley, Doncaster and Rotherham Joint Waste Plan and producing a new South Yorkshire Joint Waste Plan.
6. The South Yorkshire Waste Plan would be prepared jointly between the councils of Doncaster, Barnsley, Rotherham and Sheffield, with assistance, involvement and support from our city region partners and neighbouring county councils. These neighbouring authorities will retain or produce their own waste plans but will co-operate with the South Yorkshire plan through the duty to co-operate requirement.
7. A duty to co-operate statement is being prepared on behalf of SCR authorities and this should include the preparation of the South Yorkshire Joint Waste Plan. Also, each council's Local Development Scheme should be updated to reflect the commitment to prepare a South Yorkshire-wide Joint Waste Plan.
8. Barnsley, Doncaster, Rotherham and Sheffield planning authorities have a history of working together to address waste and planning matters that are dealt with at a sub-regional level, for example the current Joint Waste Plan and the emerging South Yorkshire Waste Strategy. The South Yorkshire Joint Waste Plan will form a key component of each council's statutory development plan and therefore alleviate any soundness issues with regard to independent examination. There is requirement to comply with the governments 'Duty to Cooperate' and a need attain consistent decision making across the authority areas, due to cross boundary flows of waste. The production of a joint waste plan will provide integrated approach toward resolving sub-regional waste issues. It will also enable the production of a joint evidence base and, the sharing of resources.

#### **4. ALTERNATIVES CONSIDERED AND REJECTED**

9. There is a need to update the Joint Waste Plan based on the new city region geography to show how we are keeping waste policies up-to-date in forthcoming local plan examinations. It is considered that there are 4 main options available.
  - Option A (recommended)
    - Produce a new Joint Waste Plan covering the South Yorkshire area of Doncaster, Rotherham, Barnsley and Sheffield, which will form a key part of each council's statutory development plan.

- Produce and agree a Memorandum of Understanding statement with the above authorities on the joint preparation of the plan.
- review and update the existing policies and evidence base from Sheffield's Core Strategy and the Barnsley, Doncaster and Rotherham Joint Waste Plan.
  
- Option B (not recommended)
  - Review the existing Barnsley, Doncaster and Rotherham Joint Waste Plan adopted in 2012
  
- Option C (not recommended)
  - No review – ("do nothing scenario")
  - With out an up to date waste plan, current local plan preparation will be at risk of being delayed and future waste and recycling proposals will not have sustainable policies to plan their location and operation.
  
- Option D (not recommended)
  - Produce a Joint Waste Plan covering other authorities in Sheffield City Region.

**5. DECLARATIONS OF INTEREST AND DISPENSATIONS**

Not Applicable

**6. IF EXEMPT, REASON FOR EXEMPTION**

This report is not exempt

**7. RESPECTIVE DIRECTOR RESPONSIBLE FOR IMPLEMENTATION**

Peter Dale, Regeneration and Environment

Signed .....

*J. Blackburn*

Chair/Decision Maker

**To the cabinet member for regeneration and transportation**  
**PREPARATION OF SOUTH YORKSHIRE WASTE LOCAL PLAN**

<b>Relevant Member(s)</b>	<b>Cabinet</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Cllr Joe Blackham		All	Non key

**EXECUTIVE SUMMARY**

1. Doncaster with Barnsley, Rotherham and Sheffield are 'Waste Planning Authorities' and are required to include up to date appropriate waste policies within their statutory development plans. The Barnsley, Doncaster and Rotherham (BDR) Waste Plan is due for review and there is a risk that emerging Local Plans will be found unsound following independent examination, if there is no agreed process to update the existing joint waste plan. Waste planning policies in South Yorkshire need to be reviewed and updated to reflect changes to government legislation and guidance, new targets and address shortfalls in provision.
2. The South Yorkshire Joint Waste Plan will form a key component of each council's statutory development plan dealing with the planning requirements for all types of waste including municipal waste, commercial and industrial waste, construction, demolition and excavation waste, agricultural, hazardous and residual waste. Once adopted, the South Yorkshire Joint Waste Plan would have the status of a development plan document and sit alongside each authority's local plan. It will set out policies to guide decisions regarding the location, use and distribution of waste management facilities across South Yorkshire up to 2032/2033 coinciding with authority plan periods.
3. This report seeks to establish a clear way forward on how the future planning of waste will be addressed on a cross-boundary basis through joint working with Barnsley, Rotherham and Sheffield planning authorities and the creation of a South Yorkshire Waste Plan.
4. This report is recommending and seeking approval to progress to the initial preparation of a South Yorkshire-wide Joint Waste Plan. This will involve approval to progress toward developing a Memorandum of Understanding and 'Duty to Cooperate' statement with the above authorities and reviewing existing policies and evidence base from Sheffield's Core Strategy and the Barnsley, Doncaster and Rotherham Joint Waste Plan and producing a new South Yorkshire Joint Waste Plan.
5. The South Yorkshire Waste Plan would be prepared jointly between the councils of Barnsley, Doncaster, Rotherham and Sheffield, with assistance, involvement and support from our city region partners and neighbouring

county councils. These neighbouring authorities will retain or produce their own waste plans but will co-operate with the South Yorkshire plan through the duty to co-operate requirement.

6. A duty to co-operate statement is being prepared on behalf of SCR authorities and this should include the preparation of the South Yorkshire Joint Waste Plan. Also, each council's Local Development Scheme should be updated to reflect the commitment to prepare a South Yorkshire-wide Joint Waste Plan.

## **EXEMPT REPORT**

7. Not Applicable

## **RECOMMENDATIONS**

- 8 It is recommended that the Cabinet member for regeneration and transport:
  - a) Note the contents of the report.
  - b) Approve the preparation of a South Yorkshire-wide Joint Waste Plan.
  - c) Approve the development a Memorandum of Understanding to be agreed by the Portfolio Holder for Regeneration and Transport.

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

9. Households in Doncaster, Rotherham, Barnsley and Sheffield produce over a million tonnes of waste each year. The Joint Waste Plan will address waste needs at a sub regional level providing for coordinated and planned waste facilities. The plan will help establish new ways to assemble, re-cycle, treat and dispose of waste to address long term needs as landfill space decreases and disposal becomes increasingly more expensive. The plan will in partnership with the private sector drive toward cleaner and more efficient methods such as waste reduction, composting, recycling and energy recovery, ultimately achieving the most sustainable option for Doncaster and the region. The plan will benefit not only the citizens of Doncaster, but also Rotherham, Barnsley and Sheffield and the emerging South Yorkshire Waste Strategy.

## **BACKGROUND**

10. In South Yorkshire, waste planning policies (including the supporting evidence base) need updating to take account of:
  - a) recent changes to government policy and legislation (i.e. the introduction of the National Planning Policy for Waste; the revocation of site waste management plans as a legal requirement; the introduction of the new Waste Management Plan for England);
  - b) new and more ambitious targets (recycling, disposal and landfill diversion) which are currently due to be enacted through European legislation, as part of the move towards a more competitive circular economy where the value of goods and services are maximised<sup>1</sup>;
  - c) cross-boundary flows of waste, following the recent opening/expansion of

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<sup>1</sup> Circular Economy Action Plan (EU Commission, December 2015)

- regionally significant facilities (e.g. Ferrybridge multi-fuel plant in Knottingley and Bernard Road energy-from-waste plant in Sheffield);
- d) the amount of waste generated which has varied from the original predictions;
  - e) the actions/targets from the emerging South Yorkshire Waste Strategy (which sets out a target of reusing, recycling and recover energy from 95% of South Yorkshire's waste);
  - f) the closure of major waste facilities such as the Sterecycle recycling site in Rotherham and Parkwood landfill site in Sheffield;
  - g) the opening of major municipal waste facilities (such as the mechanical and biological waste treatment facility at Manvers, Bolton Road, Rotherham; and the waste transfer facility at Kirk Sandall, Doncaster;) and the granting of planning permissions (e.g. waste wood energy plants in Barnsley and Rotherham);
  - h) the ambitious growth targets and priorities set out in the Sheffield City Region Growth Plan and the Sheffield City Region Integrated Infrastructure Plan which provides challenges and opportunities to minimise waste and the use of natural resources, and maximise the recycling and economic re-use of these resources;
  - i) the lack of progress with regard to the delivery of commercial and industrial waste recycling and treatment facilities such as the Doncaster Energy from Waste Project (leading to a potential shortfall in future capacity);
  - j) There is a potential shortfall in landfill capacity in the Sheffield city region area due to a lack of void space. Meeting landfill requirements for this area will require coordinated working with other waste planning authorities; and
  - k) evidence which suggests that the Sheffield city region faces a significant decline in landfill capacity<sup>2</sup>, following the closure of disposal sites (e.g. Croft Farm, Erin and Parkwood Springs) and the Environment Agency's ban on granting waste licences in the groundwater aquifers (e.g. Barnsdale Bar, Warmsworth Quarry and Sutton Quarry) and the rise in landfill tax.

## OPTIONS CONSIDERED

11. There is a clear need to update the Joint Waste Plan based on the new city region geography to show how we are keeping waste policies up-to-date in forthcoming local plan examinations. It is considered that there are 4 main options available.
  - Option A (recommended)
    - Produce a new Joint Waste Plan covering the South Yorkshire area of Doncaster, Rotherham, Barnsley and Sheffield, which will form a key part of each council's statutory development plan.
    - Produce and agree a Memorandum of Understanding statement with the above authorities on the joint preparation of the plan.
    - review and update the existing policies and evidence base from Sheffield's Core Strategy and the Barnsley, Doncaster and Rotherham Joint Waste Plan.
  - Option B (not recommended)
    - Review the existing Barnsley, Doncaster and Rotherham Joint Waste Plan adopted in 2012

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<sup>2</sup> Paragraph 11.6 Yorkshire and Humber Waste Position Statement, February 2016. Previous estimates suggested landfill capacity would run out in Sheffield in 2019 and Barnsley, Doncaster and Rotherham just after 2028.

- Option C (not recommended)
  - No review – (“do nothing scenario”)
  - With out an up to date waste plan, current local plan preparation will be at risk of being delayed and future waste and recycling proposals will not have sustainable policies to plan their location and operation.
- Option D (not recommended)
  - Produce a Joint Waste Plan covering other authorities in Sheffield City Region.

12. The recommended option will need agreement by each Local Authority to progress. It should be noted that these options have been considered by Sheffield City Region Heads of Service and Chief Executives with option ‘A’ the production of a new ‘Joint Waste Plan’ to cover the South Yorkshire area being the recommended option. Portfolio holders for each authority area have also been made aware of the proposal and agree in with the recommendation.

### REASONS FOR RECOMMENDED OPTION

13. The named authorities have a history of working together to address planning matters that are dealt with at a sub-regional level, for example the current Joint Waste Plan and the emerging South Yorkshire Waste Strategy. The South Yorkshire Joint Waste Plan will form a key component of each council’s statutory development plan and therefore alleviate any soundness issues with regard to independent examination. There is requirement to comply with the governments ‘Duty to Cooperate’ and a need attain consistent decision making across the authority areas, due to significant cross boundary flows of waste. The production of a joint waste plan will provide integrated approach toward resolving sub-regional waste issues. It will also enable the production of a joint evidence base and, the sharing of resources.

### IMPACT ON THE COUNCIL’S KEY OUTCOMES

14.

	<b>Outcomes</b>	<b>Implications</b>
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster’s vital services</i></li> </ul>	<p>Positive – the plan will help provide waste treatment facilities, recycling and jobs in planned locations</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>Positive – the plan will help provide facilities in planned locations</p>



	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>The plan will ensure facilities are provided that will protect the built and natural environment.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>Supporting recycling and re-use of resources will avoid land disposal will care for the environment, allow for a more healthy place that supports thriving communities</p>
	<p>Council services are modern and value for money.</p>	<p>Preparing a joint waste plan will build on the joint waste strategy and allow for pooling of resources.</p>
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>Positive – working with other authorities will result in consistent decision making.</p>

## **RISKS AND ASSUMPTIONS**

15. There are a number of risks and assumptions associated with the proposal. There is no precedent for the development of a South Yorkshire wide based plan, although Doncaster, Rotherham and Barnsley produced a 'sound' 'BDR Joint Waste Plan' in 2012. Joint working arrangements (including the pooling of resources and expertise across the four authorities) may be more resource intensive to manage and administer but it will address jointly and consistently cross boundary requirements. These issues will be addressed through a 'Memorandum of Understanding' including ensuring an equitable and agreed procedure for sharing of costs, pooling of expertise, distribution of resources, joint working requirements, clear lines of responsibility, an agreed approach to the final sign off for the Joint Waste Plan and the requirement for final full council approval by each participating Authority.
16. As a result of four local planning authorities working together there is a risk that joint working may impede the progress of the plan and joint evidence base required. Early discussions between the planning authorities and chief executives have been conducted to ensure cross boundary commitment to the preparation of a joint plan. The preparation of a joint waste strategy is already under way and provides a foundation for the joint plan reducing the risk of each authority seeking different objectives and priorities.
17. Currently resources in the authorities are devoted to the preparation of Local Plans with submission and examination planned for 2017/18. Once plans have passed this resource intensive stage, there are staff resources to focus on preparing this joint waste local plan.
18. Formal agreement to prepare the plan and include this within each local planning authority Local Development Scheme will place a statutory obligation for each planning authority to jointly prepare the plan.
19. The time scales for the preparation of the plan will be dependent on progress of each local planning authorities local plan preparation. Currently we are all at similar stages with joint work commencing from Jan 2018. However, preparation of evidence base work could commence sooner speeding up later plan preparation stages. The detail of the time table will be included with in the Memorandum of Understanding but initial evidence base work could be commissioned from summer 2017. The previous Joint Barnsley, Doncaster and Rotherham Waste Plan took four years to complete.

## **LEGAL IMPLICATIONS**

20. Section 28 of the Planning and Compulsory Purchase Act 2004 enables two or more local planning authorities to agree to prepare a joint Local Plan. Planning Practice guidance indicates that this "can be an effective means of addressing cross-boundary issues, and sharing specialist resources...." The duty to cooperate requires local planning authorities to co-operate with each other in preparing a local plan and as detailed within the guidance where there are matters that would have a significant impact on the areas of two or more authorities a joint Local Plan is one means of achieving the duty to co-operate.

As noted within the report the Joint Waste Plan will form part of the statutory development plan and will guide decisions regarding the location, use and distribution of waste management facilities.

## **FINANCIAL IMPLICATIONS**

21. The anticipated costs associated with preparing a South Yorkshire-wide plan, which will take about three years to produce will include.
  - Community engagement and consultation.
  - Preparation of the evidence base (including the costs associated with the commissioning of consultants and studies to determine future capacity forecasts, sustainability appraisal work, site assessments and report production)
  - Public examination (including costs associated with hiring an independent planning inspector and programme officer to support the examination)
22. Based on previous experience it is estimated that the cost of preparing the evidence base could be up to £200k, which would be divided between the four Authorities. Additionally, there will be smaller costs for publication, advertising etc.
23. The cost of the public examination is also not yet known, as it depends upon a variety of factors including the length of time spent by the inspector, but is expected to be approximately £100k
24. Costs associated with preparing the evidence base will be incurred across the financial years 2017/18 and 2018/19 with the examination costs in the following year 2019/20. The memorandum of understanding will set out how costs will be shared.
25. It is proposed that all the Doncaster's contribution to the cost of a joint plan will be funded from the examination in public core budget which is £30k per annum. Staffing resources required to support this process are reflected in the work priorities of the team and costs will be met from existing budget.
26. Part of the process of developing the Memorandum of Understanding will be to identify how much of the above work can be provided in-house by individual Authorities with an aim to keeping external costs to a minimum. Once this has been established the potential cost of the joint waste plan should become clearer and can be reported more accurately in future reports as the plan progresses.

## **HUMAN RESOURCES IMPLICATIONS**

27. It is difficult to determine what the specific HR implications are until an agreement is reached by the four councils in relation to how the Programme Officer will be 'hired'. If the decision is to utilise an existing Doncaster Council employee consideration should be given to whether this work is commensurate with their existing job description. If it is not then the 'value' of the work would need to be evaluated in accordance with the council's job evaluation scheme. If the role is to be advertised as an internal secondment,

this should be progressed in line with the council's secondment policy. If the decision is to engage an individual on a short term basis this should be in line with the council's recruitment policy and the regulations for fixed term workers should be observed.

## **TECHNOLOGY IMPLICATIONS**

28. There are no technology implications at this time in relation to the preparation of a South Yorkshire wide Joint Waste Plan.

## **EQUALITY IMPLICATIONS**

29. The South Yorkshire Joint Waste Plan will be developed in line with all relevant equality/diversity requirements and will have due regard to the Public Sector Equality Duty as introduced by the Equality Act 2010.

## **CONSULTATION**

30. The Portfolio Holder for Regeneration and Environment has confirmed support for the preparation of a Joint South Yorkshire Waste Plan and the SCR Chief Executives support a joint approach. The relevant portfolio holders in each SY authority have each been consulted and agree to the preparation of a joint waste plan. (Currently awaiting confirmation from Sheffield and Rotherham)

## **BACKGROUND PAPERS**

31. [Barnsley, Doncaster and Rotherham Joint Waste Plan 2012](#)

## **REPORT AUTHOR & CONTRIBUTORS**

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**Peter Dale**  
**Director of Regeneration and Environment**