

MEMORANDUM OF UNDERSTANDING (MoU)

Managing and planning for cross boundary waste movements

1. Purpose and scope of this MoU

- 1.1. The purpose of this MoU is to establish a framework (outlining the roles and responsibilities) of Devon County Council (DCC), and Torbay Council with regard to fulfilling the Duty to Cooperate and appropriately planning to meet the waste management needs of the area through the preparation of planning policy documents. This seeks to ensure that sufficient waste management capacity can be provided to meet the needs of the authorities to 2031.
- 1.2. The MoU is intended to enhance and formalise partnership working in:
 - plan preparation;
 - evidence gathering;
 - recording and monitoring minerals issues; and
 - plan implementation.
- 1.3. Further information on DCC's approach to the Duty to Cooperate can be found in the DCC's *Duty to Cooperate Statement and Waste Topic Paper 2: Cross-boundary waste movements' assessment*.

2. Consideration of preparing a joint plan

- 2.1 There were a number of factors influencing the decision not to produce a single Devon and Torbay Waste Plan. This included timing and format of plan production at both authorities.
- 2.1 As a Unitary Authority, Torbay's waste policies will form part of a wider Local Plan with full policy coverage. It would therefore not be appropriate for policies forming part of the development plan for Torbay to be included in a separate document, as this would potentially make policy interpretation more difficult, and make the development plan a less user friendly document. Locating all policies in a single document is clearly a more effective format for such a plan, and the view supported by central government.
- 2.3 Whilst it has been decided it is not appropriate to produce a single joint plan across the two authorities, a significant level of liaison between the authorities has taken place during the preparation of the Devon Waste Plan to ensure the duty to cooperate has been fulfilled.

3. Background on cross boundary waste movements: summary of evidence

3.1 Devon

- 3.2 During 2011 over 1.7 million tonnes of waste generated within Devon was managed at waste management facilities operating under an Environment Agency waste management permit. Of the 1.7 million tonnes of waste generated in Devon, 79% was managed at facilities within Devon, demonstrating that Devon is largely self-sufficient in waste management terms¹. Of the remaining 21% of waste generated within the county which was not managed within Devon, 14% was managed at one of Devon's adjacent Waste Planning Authorities, meaning only 7% of waste generated in Devon was managed beyond this.

¹ In 2010 self-sufficiency was even higher, with 84% of the waste generated in Devon being managed at facilities within the county (WPA area).

- 3.3 In 2011 Devon exported 8,100 tonnes more waste more waste than it imported. Data for the previous year indicates that in 2010 Devon was a net importer of waste, importing 28,400 tonnes more than it exported. This demonstrates how waste movements can vary from one year to the next.
- 3.4 96.2% of waste managed within Devon during 2011 was generated within the south west region, with only a very small proportion coming from further afield. The origin of 2.9% of waste managed within Devon was not codeable, meaning it is not possible to identify where it came from, however, a proportion of this waste may also have originated within the south west including Devon itself.
- 3.5 Whilst on a strategic level Devon is broadly self-sufficient in waste management terms, it is necessary to assess the detailed relationships with neighbouring waste planning authorities to address any significant localised cross boundary movements.

3.6 Torbay

- 3.7 Currently there are significant cross boundary movements of waste from Torbay into Devon. Torbay relies heavily upon Devon for disposal capacity, sending 46,000 tonnes of waste to Devon in 2011, and over 55,500 tonnes the previous year. This relationship is currently largely due to a lack of disposal sites available within Torbay's authority area. 83% of the 46,000 tonnes of waste which came to Devon from Torbay was landfilled, with the vast majority of this material being deposited at Heathfield landfill site near Kingsteignton. A much smaller volume of Devon's waste was managed within Torbay, at only 7,300 tonnes.
- 3.8 From 2015 this relationship will change, as the Plymouth energy from waste plant becomes operational. This facility will receive approximately 32,000 tonnes of waste per annum from Torbay, diverting this material from its current disposal destination in Devon. Whilst this facility will handle all of Torbay's residual LACW for the remainder of the plan period, there is still a need to plan for the management of CIW produced within the Bay.
- 3.9 Torbay Council has undertaken work to establish the availability of sites within the Bay which could potentially be suitable for energy recovery development. This work has concluded that there are no suitable sites within the Bay and therefore residual CIW is likely to continue coming to Devon for management for the remainder of the plan period. This issue has been built into the development of the Waste Plan from the initial Issues and Options Consultation, with more detail being developed as the Plan has progressed. Devon County Council has acknowledged this strategic cross boundary waste movement and therefore incorporated the anticipated requirement for CIW from Torbay into the Devon Waste Plan capacity requirements. Due to a lack of non-hazardous landfill capacity within the Bay, the Devon Waste Plan has also incorporated provision for any residual LACW and CIW requiring disposal via landfill.
- 3.10 Data from recent years has demonstrated that there are only very small cross boundary movements of inert waste between Devon and Torbay and therefore this does not represent a strategic cross boundary waste issue with implications for the Waste Plan.

4. Joint approach

- 4.1 It is agreed that:
- Devon County Council and Torbay Council have developed planning policy documents which acknowledge the lack of landfill capacity available within Torbay Council's administrative boundary, and reflect current and future likely cross boundary patterns for disposal of waste generated in Torbay.

- The impact upon cross boundary waste movements as a result of the delivery of the Plymouth energy from waste facility has been acknowledged within Devon County Council and Torbay's planning policy documents.
- Devon County Council has sufficiently planned to accommodate the CIW to be produced in Torbay which is likely to require management by energy recovery within Devon.

5. Devon County Council's specific responsibilities under this MoU

5.1 As Waste Planning Authority for Devon, Devon County Council has undertaken and will continue to undertake and cooperate with the other signatories of this MoU in the preparation and delivery of the Devon Waste Plan by:

- Meeting with Torbay Council as required monitoring the preparation and implementation of waste policy and strategy across Devon; and reviewing work undertaken jointly by parties signed by the MoU.
- Co-operating with Torbay Council in the preparation of evidence and annual monitoring reports, including related dialogue with members of the South West Waste Technical Advisory Body (SWWTAB).
- co-operating with relevant organisations, in particular the Department for Communities and Local Government (DCLG) and, as required, the relevant Local Economic Partnership(s).

6. General responsibilities of Torbay Council under this MoU

6.1.1 As signatory to this MoU, Torbay Council will undertake to cooperate with Devon County Council in the preparation and delivery of the Devon Waste Plan. In particular, this will entail:

- Responding to each consultation stage in the preparation of Devon's Waste Plan, including the development of evidence and strategy approaches. If appropriate, meet and discuss any issues raised;
- Meeting with Devon County Council as required to monitor the preparation and implementation of waste policy and strategy across Devon; and review work undertaken jointly by parties signed up to the MoU; and
- Informing Devon County Council should there be any substantive change in respective positions summarised in the background evidence on cross boundary movements (section 2 of this MoU).