

2015



**Leicestershire
County Council**

Leicestershire County
Council

Duty to Cooperate Report

1.0 Duty to Cooperate

1.1 The duty to cooperate was brought into being by Section 110 of the Localism Act 2011. The Section requires County Councils (as well as other bodies) to engage constructively, actively and on an ongoing basis and to have regard to relevant activities of other bodies on strategic matters in the preparation of their Local Plans. The bodies set out by the Localism Act 2011 that are subject to the duty to cooperate are:

- the Environment Agency
- the Historic Buildings and Monuments Commission for England (known as English Heritage)
- Natural England
- the Mayor of London
- the Civil Aviation Authority
- the Homes and Communities Agency
- each clinical commissioning group established under section 14D of the National Health Service Act 2006
- the National Health Service Commissioning Board
- the Office of Rail Regulation
- Transport for London
- each Integrated Transport Authority
- each highway authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
- the Marine Management Organisation.

Planning authorities also have a duty to cooperate with Local Enterprise Partnerships and Local Nature Partnerships.

1.2 Of the bodies set out in paragraph 1.1 all of those set out below were consulted as part of the issues consultation which began on 22nd November 2013:

- Environment Agency
- English Heritage
- Natural England
- Civil Aviation Authority
- Homes and Communities Agency
- each clinical commissioning group established under section 14D of the National Health Service Act 2006
- the National Health Service Commissioning Board
- the Office of Rail Regulation
- highway authority
- Local Enterprise Partnership
- Local Nature Partnership.

1.3 As part of the issues consultation waste planning authorities which received or exported significant amounts of waste from and to Leicestershire were contacted. Significant amounts of waste was set at 5,000tpa (tonnes per annum) for non-hazardous waste and 250tpa for hazardous waste going in to a single waste facility in a single calendar year; identified from the Environment Agency's waste data interrogator. Table 1 in the Appendix sets out those authorities that were contacted, what type of significant waste movements had taken place, and the date of any responses received. Responses received are presented in the County Council's Consultation Statement which accompanies this report as part of the evidence base for the current consultation. In brief terms, no authority identified a problem with the identified movements or the approaches presented.

1.4 Since the production of the issues consultation document newer data from the Environment Agency became available (the environmental permit returns from 2012). Analysis of the data showed that some additional sites met the significant thresholds for waste movements. Therefore, correspondence was sent in late 2014 to those waste planning authorities which had not replied to the November 2013 consultation and to those where the Environment

Agency's 2012 data showed a new waste facility had been used. Table 2 of the Appendix shows which waste planning authorities correspondence was sent to and Table 3 a summary of the responses received both as a result of the issues consultation and the 2014 correspondence; none of the responses have raised any matters of concern.

- 1.5 In the light of some waste planning authorities not responding to the issues consultation and the correspondence sent in 2014 Leicestershire County Council has undertaken its own analysis of the planning status of the sites identified as receiving significant amounts of waste from Leicestershire. The results of this are presented in Table 4 of the Appendix which shows that two facilities are temporary, the landfills in North Lincolnshire and Warwickshire due to close towards the end of the emerging Local Plan and beyond its timescales, respectively. The only waste planning authority not present either in Table 3 or Table 4 is that of Reading; Reading is not a significant receiver of Leicestershire's waste but a significant exporter of hazardous waste to the De-Pack site, near Burton on the Wolds which has a permanent permission and no restrictions on waste sources. It is worth noting that even at the thresholds of significance chosen some authorities, through a lack of response, appear not to consider the identified movements to have strategic implications.
- 1.6 Beyond the correspondence on waste movements, in late 2014 the County Council contacted a small number of bodies to seek their views on specific text of the plan drafted in light of their comments made on the issues consultation. Correspondence was sent to Anglian Water, Coal Authority, English Heritage, Environment Agency, Highway Authority, Natural England, Severn Trent Water. With the exception of Anglian Water responses were received further assisting the Authority in producing the draft Local Plan.
- 1.7 Beyond the formal correspondence between other mineral & waste planning authorities and Leicestershire County Council there have been other undertakings which relate to the duty to cooperate. The County Council has been (prior to the duty to co-operate's creation) and continues to be an active member of a number of forums attended by other waste planning authorities, Leicestershire's district councils and adjoining district councils in which cross border issues are discussed. These forums include, but are not exclusively, East Midlands Aggregates Working Party, East Midlands Strategic Waste Advisory Group, Leicestershire Development Plans Forum; and National Forest Planning and Technical Working Group. The tables below

(Tables 1-4) summarise the roles of the four afore mentioned groups and any specific matters that are worthy of note from the meetings.

Table 1: Summary of the functions of the East Midlands Aggregates Working Party (EMAWP)

East Midlands Aggregates Working Party (EMAWP)			
Participants	Frequency of Meetings	Approved Available	Minutes
All Mineral Planning Authorities of the former East Midlands region, and representatives of the mineral industry	1-3 times a year	Yes	
Main Focus of Group			
To agree the level of mineral provision for each authority and, more recently, advise on the content of Local Aggregate Assessments (LAA)			
Key Outcomes/Matters since November 2011			
04/02/2013 – comments on Nottinghamshire and Northamptonshire’s LAA 27/11/2014 – comments on Nottinghamshire’s LAA 23/01/2015 – correspondence from EMAWP on Leicestershire’s LAA (which was taken in to account in producing the LAA dated January 2015) General – organisation and collation of industry returns to produce annual reports			

Table 2: Summary of the functions of the East Midlands Strategic Waste Advisory Group

East Midlands Strategic Waste Advisory Group			
Participants	Frequency of Meetings	Approved Available	Minutes
All Waste Planning Authorities of the former East Midlands region	Intermittent	No	
Main Focus of Group			
As of yet to be determined but focus is on the movement of waste across administrative boundaries			
Key Outcomes/Matters since November 2011			
05/11/2014 - discussions on thresholds on when to consult waste planning authorities on waste movements			

Table 3: Summary of the functions of the Leicestershire Development Plans Forum

Leicestershire Development Plans Forum			
Participants	Frequency of Meetings	Approved Minutes Available	
All Leicestershire district/borough councils, Rutland and Leicestershire County Councils, and Leicester City Council	2-3 times a year	Yes	
Main Focus of Group			
Discussion of matters relating to the development of planning policies including evidence base			
Key Outcomes/Matters since November 2011			
07/06/2013 – discuss the need to consider mineral safeguarding areas as part of planning process			
07/06/2013 and 12/06/2014– updates on Strategic Housing Market Appraisal			
30/01/2015 – work has begun on the Leicester and Leicestershire Strategic Growth Plan and Leicestershire’s draft plan includes a waste safeguarding policy			

Table 4: Summary of the functions of the National Forest Planning and Technical Working Group

National Forest Planning and Technical Working Group			
Participants	Frequency of Meetings	Approved Available	Minutes
All authorities whose administrative areas are within the National Forest boundary	1-2 times a year	Yes	
Main Focus of Group			
Discussion of matters relating to the development of planning policies and determination of large scale planning consents within the boundaries of the National Forest			
Key Outcomes/Matters since November 2011			
23/02/2012 – discussion on green infrastructure planning			
12/06/2014 – launch of new 10 year strategy for the National Forest			
General – discussions on cross boundary and strategic issues within the National Forest			

1.8 As well as that set out above there have been meetings and/or telephone conversations on matters relating to cooperation; these are set out chronologically below.

19/03/2013 – Meeting between Leicestershire County Council and Leicester City Council to discuss joint working.

15/10/2014 - Telephone conversation with Warwickshire County Council on waste movements, new sites and authority’s strategies.

16/10/2014 - Telephone conversation with Essex County Council on hazardous waste movements.

16/12/2014 - Letter sent to Leicester and Leicestershire Local Enterprise Partnership to attempt engagement on plan production.

14/01/2015 - Meeting between Leicestershire County Council and Leicester City Council regarding waste arisings, movements and current capacities.

27/01/2015 - Comments made by Leicestershire County Council on Leicester City's Issues & Options consultation.

Appendix

Table 1: Waste planning authorities that were contacted during the issues consultation, the type of significant waste movements that have taken place between 2009-2011, and the date of any response

Waste Planning Authority	Contact email address	Non-hazardous waste movements		Hazardous waste movements		Response	Date of response
		Waste in >5000tpa	Waste out >5000tpa	Waste in >250tpa	Waste out >250tpa		
Birmingham City	planningstrategy@birmingham.gov.uk	*	*				
Buckinghamshire	mwldf@buckscc.gov.uk	*				✓	18/02/2014
Cheshire	spatialplanning@cheshirewestandchester.gov.uk				*		
Coventry	localdevelopmentframework@coventry.gov.uk		*				
Derby	derby.ldf@derby.gov.uk	*	*				
Derbyshire	wasteminsldf@derbyshire.gov.uk	*	*	*	*	✓	22/01/2014
Doncaster	ldf@doncaster.gov.uk				*	✓	16/12/2013
Dudley	ldf@dudley.gov.uk				*		
Essex	mineralsandwastepolicy@essex.gov.uk			*			
Kent	mwdf@kent.gov.uk		*				
Knowsley	planning@knowsley.gov.uk				*		
Lancashire	lmwf@lancashire.gov.uk				*		
Leeds	ldf@leeds.gov.uk				*	✓	21/11/2013
Leicester	planning.policy@leicester.gov.uk	*	*	*			
Lincolnshire	mineralsandwaste@lincolnshire.gov.uk	*	*		*	✓	09/12/2013
Middlesbrough	planningpolicy@middlesbrough.gov.uk		*				
North Lincolnshire	spatial.planning@northlincs.gov.uk		*				
Northamptonshire	planning@northamptonshire.gov.uk	*	*	*	*	✓	03/01/2014
Nottingham	localplan@nottinghamcity.gov.uk	*	*				
Nottinghamshire	development.planning@nottscc.gov.uk	*	*	*	*		
Reading	planning.info@reading.gov.uk			*			
Redcar	strategic.planning@redcar-cleveland.gov.uk				*	✓	21/01/2014
Sandwell (includes West Bromwich)	ldf_planning@sandwell.gov.uk				*		
Sheffield	planning@sheffield.gov.uk				*		
Staffordshire	planning@staffordshire.gov.uk	*				✓	24/01/2014

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Table 1 continued

Waste Planning Authority	Contact email address	Non-hazardous waste movements		Hazardous waste movements		Response	Date of response
		Waste in >5000tpa	Waste out >5000tpa	Waste in >250tpa	Waste out >250tpa		
Stoke on Trent	stoke.ldf@stoke.gov.uk				*		
Surrey	mdf@surreycc.gov.uk	*		*		✓	16/01/2014
Walsall	planningPolicy@walsall.gov.uk				*		
Warrington	ldf@warrington.gov.uk				*	✓	16/01/2014
Warwickshire	planningstrategy@warwickshire.gov.uk	*	*	*	*		
Wolverhampton	planning@wolverhampton.gov.uk				*		
Worcestershire	wcs@worcestershire.gov.uk		*		*		

NB Cambridgeshire County Council were consulted as part of the issues consultation but on reflection the waste movements identified were not consistent with the selected thresholds (their response related solely to mineral movements).

Table 2: Waste planning authorities that were contacted in 2014, the type of significant waste movements that have taken place between 2009-2012, and the date of any response

Waste Planning Authority	Contact email address	Non-hazardous waste movements		Hazardous waste movements		Response	Date of response
		Waste in >5000tpa	Waste out >5000tpa	Waste in >250tpa	Waste out >250tpa		
Bexley	spandtteam@bexley.gov.uk		*			✓	26/11/2014
Birmingham City	planningstrategy@birmingham.gov.uk	*	*			✓	03/11/2014
Bristol	blp@bristol.gov.uk				*		
Cambridgeshire	POST		*			Wrong Authority	
Cheshire West	spatialplanning@cheshirewestandchester.gov.uk				*		
Coventry	localdevelopmentframework@coventry.gov.uk		*				
Derby	derby.ldf@derby.gov.uk	*	*				
Derbyshire	davidM.Dale@derbyshire.gov.uk	*	*	*	*	✓	18/12/2014
Dudley	ldf@dudley.gov.uk				*	✓	23/10/2014
Essex	mineralsandwastepolicy@essex.gov.uk			*		✓	16/10/2014
Kent	mwdf@kent.gov.uk		*			Wrong Authority	16/10/2014
Knowsley	planning@knowsley.gov.uk				*		
Lancashire	lmwf@lancashire.gov.uk				*		
Leicester	planning.policy@leicester.gov.uk	*	*	*			
Liverpool	waste.dpd@sefton.gov.uk		*			✓	01/12/2014
Middlesbrough	planningpolicy@middlesbrough.gov.uk		*			Wrong Authority	16/10/2014
North Lincolnshire	spatial.planning@northlincs.gov.uk		*				
Nottingham	localplan@nottinghamcity.gov.uk	*	*			✓	22/10/2014
Nottinghamshire	development.planning@nottscc.gov.uk	*	*	*	*	✓	15/10/2014 & 23/10/2014
Peterborough	planningpolicy@peterborough.gov.uk		*				
Reading	POST			*			
Redcar	strategic.planning@redcar-cleveland.gov.uk		*		*	✓	21/11/2014
Rotherham	planning.policy@rotherham.gov.uk				*	Wrong Authority	24/10/2014

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Table 2 continued

Waste Planning Authority	Contact email address	Non-hazardous waste movements		Hazardous waste movements		Response	Date of response
		Waste in >5000tpa	Waste out >5000tpa	Waste in >250tpa	Waste out >250tpa		
Rutland	ldf@rutland.gov.uk				*	✓	01/11/2014
Sandwell (includes West Bromwich)	ldf_planning@sandwell.gov.uk				*		
Sheffield	local.plan@sheffield.gov.uk				*	Half right	20/10/2014
Stoke on Trent	stoke.ldf@stoke.gov.uk		*		*	✓	20/10/2014
Tameside	planpolicy@tameside.gov.uk				*	✓	20/12/2014
Walsall	planningPolicy@walsall.gov.uk		*		*		
Warwickshire	planningstrategy@warwickshire.gov.uk	*	*	*	*		
Wolverhampton	planning@wolverhampton.gov.uk				*	✓	21/10/2014
Worcestershire	wcs@worcestershire.gov.uk		*		*	✓	24/10/2014

Table 3: Summary of responses received from waste planning authorities

Waste Planning Authority	Summary of Response
Bexley	No planning reasons which would result in the identified waste movements ceasing. Identified site is included in the South East London Boroughs Joint Waste Apportionment Technical Paper as an important waste site within the borough and it is likely that this site will be safeguarded through the borough's Local Plan.
Birmingham	No planning reasons which would result in the identified waste movements ceasing.
Buckinghamshire	No planning reasons which would result in the identified waste movements ceasing.
Derbyshire	No planning reasons which would result in the identified waste movements ceasing.
Doncaster	No comments to make.
Dudley	Identified site permitted to accept waste until 30 October 2015. Subject to the operator seeking an extension of time it might be acceptable to at least the end of 2026.
Essex	No planning reasons which would result in the identified waste movements ceasing.
Leeds	Identified site is a long life facility and is safeguarding in Local Plan.
Lincolnshire	Currently, no planning reasons which would result in the identified waste movements ceasing. However, Lincoln's EFW will become operational reducing the waste that will go to landfill and the landfill site which has accepted Leicestershire's waste may not remain available.
Liverpool	No planning reasons which would result in the identified waste movements ceasing.
Northamptonshire	No specific comments on waste movements.

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Table 3 continued

Waste Planning Authority	Summary of Response
Nottingham	Identified site in Nottingham is a long established site operational since at least the 1970s. Satisfied that appropriate steps, in terms of the duty to cooperate, have been taken.
Nottinghamshire	No planning reasons which would result in the identified waste movements ceasing.
Redcar	No planning reasons which would result in the identified waste movements ceasing.
Rutland	No planning reasons which would result in the identified waste movements ceasing.
Sheffield	No planning reasons which would result in the identified waste movements ceasing.
Staffordshire	No specific comments on waste movements.
Stoke on Trent	Both identified sites have permanent planning consents.
Surrey	No planning reasons which would result in the identified waste movements ceasing.
Tameside	No planning reasons which would result in the identified waste movements ceasing.
Warrington	No planning reasons which would result in the identified waste movements ceasing.
Wolverhampton	No planning reasons which would result in the identified waste movements ceasing.
Worcestershire	No planning reasons which would result in the identified waste movements ceasing.

Table 4: Status of waste facilities that received significant levels of waste from Leicestershire and have not responded to any correspondence

Waste Planning Authority	Facility Operator and Address	Longevity of Facility	Evidence and Other Information
Bristol	Augean, Smoke Lane, Avonmouth	No evidence of facility being temporary.	West of England Joint Waste Core Strategy states an objective is to provide an integrated network to meet requirements in the West of England.
Cheshire West and Chester	Sims Group, South Road, Ellesmere Port	No evidence of facility being temporary.	Identified in Cheshire West and Chester Waste Needs Assessment Update 2013.
Coventry	Tom White Waste, Stonebrook Way	Permanent.	As per planning permission 42059/B(AD).
Derby	Veolia, 969 London Road	Permanent.	Letter from Derbyshire states it is also from Derby City and no issues raised.
Knowsley	Avanti, Charley Wood Road, Knowsley Industrial Estate	No evidence of facility being temporary.	Merseyside and Halton Waste Local Plan 2013 on page 41 sets an objective to plan for sufficient waste management facilities to meet Merseyside and Halton's identified waste management needs.
Lancashire	Mulberry Waste Ltd., Clydesdale Transfer Station	Permanent.	As per planning permission 07/08/0772. Lancashire Minerals and Waste Core Strategy, February 2009, on page 41 states that the aim is for net self-sufficiency by 2021.

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Table 4 continued

Waste Planning Authority	Facility Operator and Address	Longevity of Facility	Evidence and Other Information
North Lincolnshire	Roxby Landfill Site	Temporary, permitted to shut, at the latest, by 10/05/2029,	As per planning permission WD/2006/0411.
Peterborough	Eye Landfill North	Closed.	As per planning permission 10/00650/WCMM.
Sandwell	Arrow Environmental, Exchange Works, Kelvin Way	No evidence of facility being temporary.	Adopted Black Country Core Strategy, adopted February 2011, on page 155 states that there is an aim for "equivalent self-sufficiency".
Sandwell	Biffa, Wednesbury Waste Management Resource Centre, Potters Lane	No evidence of facility being temporary.	Adopted Black Country Core Strategy, adopted February 2011, on page 155 states that there is an aim for "equivalent self-sufficiency".
Sandwell	Nilwaste Ltd, Robbins Ind. Est., Bagnall Street, Tipton	No evidence of facility being temporary.	Adopted Black Country Core Strategy, adopted February 2011, on page 155 states that there is an aim for "equivalent self-sufficiency".
Sandwell	Tipton, Purdy Road, Tipton	No evidence of facility being temporary.	Adopted Black Country Core Strategy, adopted February 2011, on page 155 states that there is an aim for "equivalent self-sufficiency".
Walsall	Empire Works, Stubber Green Road, Aldridge	No evidence of facility being temporary.	Adopted Black Country Core Strategy, adopted February 2011, on page 155 states that there is an aim for "equivalent self-sufficiency".

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Table 4 continued

Waste Planning Authority	Facility Operator and Address	Longevity of Facility	Evidence and Other Information
Walsall	Greenstar Environmental, Westgate, Aldridge	No evidence of facility being temporary.	Adopted Black Country Core Strategy, adopted February 2011, on page 155 states that there is an aim for "equivalent self-sufficiency".
Warwickshire	M A Clay, St David's Way, Nuneaton	Permanent.	As per planning permission NBB/12CM012. Warwickshire Waste Core Strategy, adopted July 2013, on page 50 sets out the strategy to provide equivalent to arisings.
Warwickshire	Palm Recycling, Pilgrims Walk, Prologis Park	No evidence of facility being temporary.	Warwickshire Waste Core Strategy, adopted July 2013, on page 50 sets out the strategy to provide equivalent to arisings.
Warwickshire	Ufton Farm Landfill Site, Ufton	Unknown	Warwickshire Waste Core Strategy, adopted July 2013, on page 50 sets out the strategy to provide equivalent to arisings.
Warwickshire	Veolia, Ling Hall	Temporary, permitted to shut, at the latest, by 16/09/40.	As per planning permission RBC/14CM029. Warwickshire Waste Core Strategy, adopted July 2013, on page 50 sets out the strategy to provide equivalent to arisings.