

## Delegated Cabinet Member Decision Report

<b>Decision Maker and Portfolio area:</b>	Cllr Elaine Taylor, Deputy Leader and Cabinet Member for Decent Homes
<b>Date of Decision:</b>	17 July 2024
<b>Subject:</b>	Kirklees Duty to Co-operate response on Strategic Waste Movements
<b>Report Author:</b>	Elizabeth Dryden-Stuart, Strategic Planning and Information
<b>Ward(s) Affected:</b>	Not applicable

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**Reason for the decision:** *To submit a response to the Kirklees Duty to Co-operate request on strategic waste movements between Kirklees and Oldham, in accordance with paragraph 24 of NPPF.*

**Summary:** *Kirklees Council is in the process of reviewing their Local Plan.*

*To form part of the evidence base for the updated Local Plan, work has been commissioned to assess the waste needs and capacity for the District. To inform this work Kirklees Council has identified the strategic waste flows between themselves and other planning authorities across the country, including Oldham, and set out a request for information to fulfil its Duty to Co-operate requirements (see attached).*

*A response to the Duty to Co-operate request has been provided by the Greater Manchester Combined Authority (GMCA), as lead on Minerals and Waste across Greater Manchester. It is recommended that this response is sent to Kirklees Council.*

**What are the alternative option(s) to be considered? Please give the**

*Option 1: To submit a response to the Kirklees Duty to Co-operate request on strategic waste*

**reason(s) for recommendation(s):**

*movements between Kirklees and Oldham, in accordance with paragraph 24 of NPPF which places local planning authorities under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.*

*Option 2: To not submit a response to the Kirklees Duty to Co-operate request on strategic waste movements between Kirklees and Oldham. This would not be in accordance with paragraph 24 of NPPF which places local planning authorities under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.*

**Recommendation(s):**

*Option 1: To submit response to the Kirklees Duty to Co-operate request on strategic waste movements between Kirklees and Oldham, in accordance with paragraph 24 of NPPF which places local planning authorities under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.*

**Implications:**

*What are the **financial** implications?*

*There are no financial implications.*

*What are the **procurement** implications?*

*There are no procurement implications.*

*What are the **legal** implications?*

*Under S33A of the Planning and Compulsory Purchase Act 2004 local planning authorities are under a duty to cooperate with each other to maximise effectiveness in the preparation of development plan documents and other local development documents and the NPPF reiterates the duty on planning authorities to cooperate with each other on strategic matters that cross administrative boundaries. The proposed response would be in accordance with this statutory duty. (A Evans)*

*What are the **Human Resources** implications?*

*There are no human resources implications.*

**Equality and Diversity Impact**

*This report is in response to a Duty to Co-*

**Assessment** attached or not required because (please give reason)

operate request from Kirklees Council. An Equality and Diversity Impact Assessment is not required.

What are the **property** implications

There are no property implications.

**Risks:**

Submitting a response to the Kirklees Duty to Co-operate request on strategic waste movements is in accordance with the requirements and this will aid transparency and ensure that Kirklees can manage any risks associated with waste disposal in their area. The service should consider whether reciprocal arrangements are in place with Oldham to reduce risk, aid transparency and safety in relation disposing of waste within Oldham Council boundaries.

**Co-operative agenda**

Vicki Gallacher (Head of Insurance and Information Governance)  
Paragraph 24 of the National Planning Policy Framework (NPPF) places local planning authorities under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.

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Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

No

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

No

**There are no background papers for this report.**

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<b>Report Author Sign-off:</b>	<i>E.Dryden-Stuart</i>
<b>Date:</b>	17 July 2024

Please list any appendices:-

<b>Appendix number or letter</b>	<b>Description</b>
Appendix 1	Letter from Kirklees Council, dated 19 June 2024, re: Kirklees Local Plan Update (2024 to 2043) – Duty to Co-operate and Strategic Waste Movements
Appendix 2	Extract from the Environment Agency’s Hazardous Waste Data Interrogator (HWDI) provided by Kirklees Council
Appendix 3	Extract from the Environment Agency’s Waste Data Interrogator (WDI) provided by Kirklees Council

## Background:

Kirklees Council is in the process of reviewing their Local Plan, which will establish the vision and strategic objectives for the development of Kirklees up to 2043 and set out a spatial strategy setting out how development will be accommodated across the district.

To form part of the evidence base for the updated Local Plan, work has been commissioned to assess the waste needs and capacity for the District. To inform this work Kirklees Council has identified the strategic waste flows between themselves and other planning authorities across the country, including Oldham, and set out a request for information to fulfil its Duty to Co-operate requirements (see attached at Appendices 1 to 3).

The strategic waste movements between Kirklees and Oldham have been identified. In relation to:

- Exports, the data shows the total amount of waste received at facilities in Oldham which have been recorded as originating in Kirklees; and
- Imports, the data shows the total tonnage of waste received into Kirklees facilities which are recorded as having originated from Oldham.

## Proposals:

To supplement and verify the evidence gathered Kirklees have asked the following questions regarding waste flows between Kirklees and Oldham Council. These questions have been shared with the Greater Manchester Combined Authority (GMCA), as lead on Minerals and Waste across Greater Manchester, who have provided responses to the individual questions as shown in italics below.

1. Do you agree that the thresholds<sup>1</sup> used to identify strategic movements are appropriate and if not, what do you consider to be appropriate thresholds and why?

*The thresholds used by Greater Manchester Authorities are below although it is accepted that what is considered a strategic waste movement would vary between Waste Planning Authorities.*

- *Non-hazardous waste: 5,000 tonnes per annum*
- *Inert waste: 10,000 tonnes per annum*
- *Hazardous waste: 500 tonnes per annum*

2. Do you consider the movements listed in the table(s) to be correct? If not, please detail any discrepancies.

Yes

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<sup>1</sup> The thresholds that Kirklees Council intend to use to define strategic waste flows between Kirklees and other planning authorities are as follows: 100 tonnes per annum for hazardous waste; 1,000 tonnes per annum for household, industrial and commercial waste; 1,000 per annum for inert/C+D waste.

3. In relation to waste received in your planning authority from Kirklees, are you aware of any matters or constraints that might affect these waste movements in the future?

No

4. In relation to waste being received in Kirklees from your planning authority, are you aware of any matters that may affect the scale of these movements in the future?

No

5. Are there any other waste movements of a strategic nature that you are aware of?

No

6. Do you consider the movements set out in the table(s) to be a strategic matter for your planning authority? If yes, do you consider that further discussion and/or collaboration is necessary, and a joint Statement of Common Ground is created to reflect this discussion/collaboration?

*Not in relation to movements between Kirklees and Oldham.*

**Conclusions:**

To submit the responses to question 1 to 6 above to Kirklees Council in response to their Duty to Co-operate request received 19 June 2024.

In consultation with



(Relevant Deputy Chief Executive/ Executive Director

Date: 19 July 2024