Statement of Common Ground Between Medway Council and Thurrock Council Concerning Strategic Waste Management Matters

Draft

2 June 2025

Contents

1.0 Introduction and parties involved

1.1 National policy[1] states that: *"Local planning authorities and county councils (in two-tier areas) continue to be under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries."* and *"Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans."*

1.2 National policy[2] expects that Local Plans will include 'non-strategic' and 'strategic' policies, and explains that strategic policies should *".....set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:"…."b) .infrastructure for….waste management…".*

1.3 National Policy states: *"In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these."* [3]

1.4 This document represents a **Statement of Common Ground between Medway Council (MC) and Thurrock Council (TC)** and concerns the strategic matter of waste management.

1.5 MC and TC are neighbouring planning authorities (See Figure 1). Each has responsibility for planning for the future management of waste in their areas amongst other matters by including relevant strategic policies in their Local Plans.

1.6 The *Thurrock Core Strategy & Policies for the Management of Development* (as amended) adopted by TC in January 2015 includes policies relating to waste management. It includes a Strategic Spatial Objective (SSO16) which has the aim of providing self-sufficiency for waste arising in Thurrock and also for the management of a reducing amount of waste from London in accordance with the regional apportionment set out in the now revoked East of England Plan (Regional Spatial Strategy)[4]. Policy CSTP29 sets out Thurrock's strategic approach toward planning for waste management capacity throughout the period of the Core Strategy (to 2026) and sets the strategic planning policy context for land and sites suitable for waste management. These policies will be updated in a revised Thurrock Local Plan and work on the revision is currently underway.

[1] Paragraph 24 and 25 of the revised National Planning Policy Framework 2024.
[2] Paragraph 20 of the revised National Planning Policy Framework 2024 .
[3] Paragraph 28 of the revised National Planning Policy Framework 2024.
[4] East of England Plan >2031, Regional Spatial Strategy for the East of England March 2010.

This work involves preparation of an assessment of the need for future waste management capacity in Thurrock.

1.7 MC is preparing planning policies on waste management to be included in the new Medway Local Plan (plan period to 2041). Planning policy for waste management in Medway is currently set out in saved policies in the Kent Waste Local Plan (1998) prepared by Kent County Council[5].

1.8 While MC is a member of the regional waste planning grouping for the South East of England (South East Waste Planning Advisory Group (SEWPAG)), TC is a member of the regional grouping for the East of England (East of England Waste Technical Advisory Body (EEWTAB)).

1.9 National Planning Practice Guidance (PPG) recognises the need for Waste Planning Authorities (WPAs) to look beyond their administrative boundaries when seeking to develop an integrated network of waste management facilities that will enable waste to be handled effectively across a larger than local area. PPG notes[6] that although WPAs should aim for waste to be managed in accordance with the self-sufficiency and proximity principles…

'…there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles. Nor does the proximity principle require using the absolute closest facility to the exclusion of all other considerations. There are clearly some wastes which are produced in small quantities for which it would be uneconomic to have a facility in each local authority. Furthermore, there could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively.

The ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity.'

1.10 The need to achieve economies of scale for certain types of capital intensive waste management facilities is particularly relevant to unitary authorities that generally have smaller quantities of waste arising within their areas (when compared to areas administered by county councils), meaning that capacity may only become viable when facility catchments extend beyond the

[5] Prior to Medway Council becoming a unitary authority, the Medway area was included within the administrative boundary of Kent County Council.
[6] Paragraph: 007 Reference ID: 28-007-20141016 Revision date: 16 10 2014

administrative areas in which such facilities are located. In addition, as the disposal of waste to landfill is generally the least preferred option (being located at the bottom of the waste hierarchy) for waste management, available landfill void is becoming more limited with few WPAs hosting existing capacity and even fewer planning for the development of additional capacity.

1.11 The PPG also emphasises the importance of the Duty to Cooperate when particular constraints in an area make it difficult for a WPA to plan to meet its full needs for waste management within its area:
'*The duty to cooperate will be particularly important where waste planning authorities are unable to identify sufficient, suitable, opportunities for waste management facilities – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies in the National Planning Policy Framework, including the special protection given to the Green Belt.*'[7]

Landfill as a special case

1.12 Landfill capacity is a special case when planning for waste. This is because provision of sites is restricted by the suitability of underlying geology and proximity to sensitive groundwater resources due to the limitations imposed by the EU Groundwater Directive, and the appetite for the development of additional capacity being constrained by the requirements of the Landfill Directive (as implemented in England by the Landfill (England and Wales) Regulations 2002[8]). Historically landfill has taken place in mineral extraction sites, or occasionally by landraise. A particular benefit offered by landfill is flexibility, having no inherently fixed annual input requirements which might otherwise tie a minimum tonnage of waste to a particular management route for the long term. However, a particular limitation of landfill is that while capacity at most types of waste management facilities remains constant for the life of a facility, capacity at landfill sites diminishes over time (unless within an active mineral working), and is ultimately finite. As the amount of waste being landfilled has reduced over time , so the life of existing landfill sites has been extended, although in some cases this is subject to approval of applications to extend time limited planning permissions.

1.13 PPG recognises the importance of landfill capacity and longer term provision as follows:

'*Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England's waste. The continued*

[7] Paragraph: 017 Reference ID: 28-017-20141016 Revision date: 16 10 2014
[8] https://www.legislation.gov.uk/ukdsi/2002/0110395905/contents

movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances, provided this is in accordance with the Local Plan and having taken into account all material considerations.'

1.14 This Statement of Common Ground (SCG) will be updated at the Submission (Regulation 20) stage of the Medway Local Plan, with a final version being submitted to the Secretary of State alongside the Medway Local Plan (and all other evidence base documents), in line with National Policy and guidance.

2.0 Agreement between the parties

2.1 This statement is agreed by Medway Council's Portfolio Holder for *Climate Change and Strategic Regeneration* and Thurrock Council's [TBC - *Thurrock to confirm who will sign the SCG*].

[Insert signature]

Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration, ***Medway Council***

TBC 2025 [insert date]

[Insert signature]

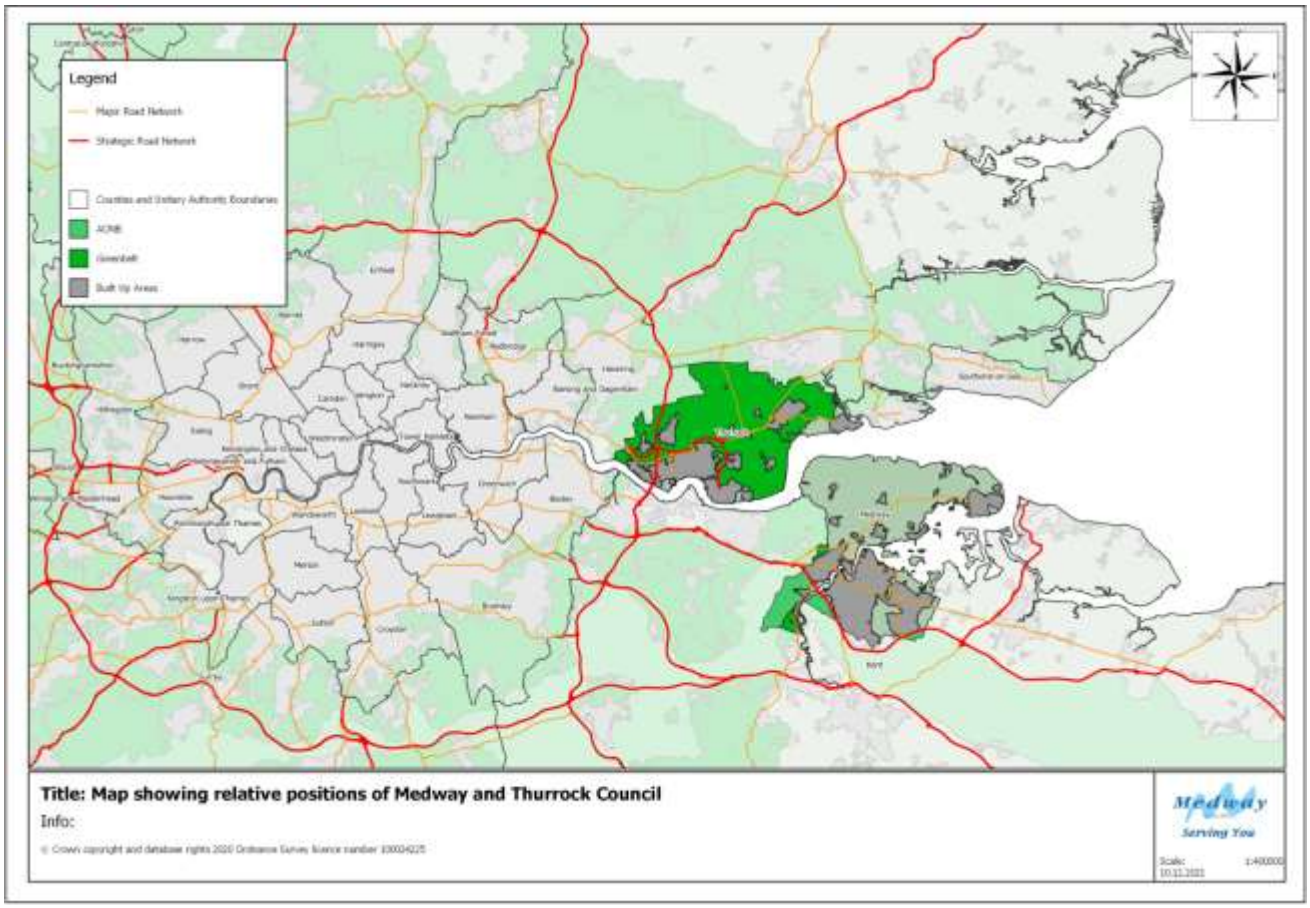
[TBC - Thurrock to confirm who will sign the SCG], ***Thurrock Council***

TBC 2025 [insert date]

3.0 Strategic Geography

3.1 Medway and Thurrock are neighbouring authorities in the south east of England sharing a riparian boundary formed by the stretch of the River Thames running from East Tilbury to Coryton (see Figure 1).

Figure 1: Location of Medway and Thurrock



4.0 Waste management

4.1 The South East Waste Planning Advisory Group (SEWPAG) and East of England Waste Technical Advisory Body (EoEWTAB) have agreed guideline thresholds for movements of waste between WPA areas above which it is advised that member WPAs seek express agreement from host WPAs for confirmation that the there is no planing reason why they may not continue for a Plan period. These guideline thresholds are as follows:

- Inert waste: 10,000 tonnes per annum (tpa)
- Non-hazardous waste: 5,000 tpa
- Hazardous waste: 100 tpa

4.2 It is agreed between MC and TC that these levels are appropriate to identifying waste movements considered to be strategic for the purposes of this SCG. Movements between Medway and Thurrock that exceeded these thresholds between 2021 and 2023 are set out in Appendix 1 on a site by site basis.

4.3 Waste management data for 202319 (See Table 1) shows that there was a significant movement of non-hazardous waste from Medway for management in Thurrock and a significant amount of hazardous waste produced in Thurrock managed in Medway.

Table 1: Waste movements between Medway and Thurrock, 2023

Waste Arisings	From Medway to Thurrock	From Thurrock to Medway
Inert	3,703 tonnes	0 tonnes
Non-hazardous	21,100 tonnes	430 tonnes
Hazardous	3 tonnes	216 tonnes

Source: Environment Agency WDI 2023

4.4 This agreement confirms that, whilst operational constraints may exist, there are no known planning reasons (in terms of planning policy and conditions on planning permissions for the receiving facilities identified in Appendix 1) why movements of the nature set out in Table 1 above may not continue.

5.0 Strategic Matters and Areas of Agreement - Waste

Net self-sufficiency

5.1 When applied to waste planning, net self-sufficiency is a principle that means an authority plans to provide waste management facilities with sufficient capacity to manage an amount of waste *equivalent* to that which is predicted to arise within its area over its Plan period. The use of the term 'net' means that it is assessed overall irrespective of imports and exports. This approach is intended to ensure that sufficient waste management capacity is provided across a wider area (such as a region) consistent with National Planning Policy for Waste[9] while recognising that the waste market is not generally confined within administrative boundaries.

5.2 In the south east the approach of net self-sufficiency was originally prescribed in the now revoked South East Plan. However it is now enshrined in the voluntary SEWPAG Statement of Common Ground[10] to which MC is a signatory. This approach has also been adopted by WPAs in the East of England. The approaches in the South East and the East of England allow for individual authorities to deviate from adhering to the net self sufficiency principle if certain conditions prevail, providing agreement is reached with affected host authorities on a one-to-one basis. The key section in the SEWPAG SCG concerning deviation from adherence to net self-sufficiency, is reproduced below:

*"**The Parties agree** that provision for unmet requirements from other authority areas may be included in a waste local plan but any provision for facilities to accommodate waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG."*

5.3 MC is also party to the following voluntary Joint Position Statements produced by SEWPAG:

- Non-hazardous landfill in the South East of England, March 2019
- Permanent Deposit of Inert Waste to Land in the South East of England, November 2019

5.5 TC is located within the East of England region and is therefore not a signatory to the SEWPAG Statement of Common Ground or a party to the above joint position statements. However, TC recognises that waste moves between WPA

[9] NPPW states: "Waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet **the identified needs of their area** for the management of waste streams." (para 3)

[10] Statement of Common Ground between the Waste Planning Authorities of South East of England, SEWPAG March 2020

areas and WPA areas accommodate facilities which manage waste from outside the host WPA area.

Waste movements

5.4 Data reported in Section 4.0 (and Appendix 1) shows that waste is transported between Medway and Thurrock. Both authorities recognise that cross-boundary movement is typical of the way in which waste is managed, as it is subject to market forces, generally having little regard to administrative boundaries. This is recognised in National Planning Policy for Waste that expects waste planning authorities to: *"...plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;".* Both authorities confirm that, although landfill capacity is finite, there are no planning reasons why the quantum of movements, as set out in Section 4.0 and Appendix 1, may not continue into the future.

Non Hazardous Non-Inert Landfill Capacity

5.5 The current Thurrock Core Strategy includes a strategic objective of ensuring Thurrock remains net self sufficient in waste management capacity while providing for a reducing amount of waste from London through the Plan period (to 2026). TC is embarking on a Plan production process that will reflect the strategic objective of ensuring Thurrock remains net self sufficient in waste management capacity while providing for a reducing amount of waste from London through the Plan period. TC is revising its Local Plan and this will need to in line with national targets concerning the diversion of non inert waste from landfill, in particular the landfill target to divert 90% of municipal waste[11] from landfill by 2030 contained in the adopted Circular Economy Package.

5.6 The non hazardous waste landfill at Ockendon in Thurrock was reported as having an estimated void of just under 3.3 million cubic metres (Mm3) at the end of 2023 in the Environment Agency tables on remaining landfill capacity[12]. Thurrock Council is preparing new technical evidence to assess the waste arisings and management requirements in Thurrock. It is not currently in a position to confirm the expected life of the Ockendon landfill given it serves an area wider than Thurrock and Medway as set out in Appendix 2. In view of TC's commitment to reduce landfill and the remaining capacity, TC may not plan to use all landfill capacity at the Ockenden site.

5.7 As part of its Local Plan production process, MC has prepared a Waste Needs Assessment[13] that identifies an ongoing reducing need for non-inert landfill capacity. The quantum of need for non-inert landfill that arises after

[11] noting the term 'municipal waste' is defined as household waste and similar waste from businesses.

[12] https://environment.data.gov.uk/portalstg/home/item.html?id=dc5ca7a937d34844b7e37e8bb8e6a360

[13] From *Medway Waste Needs Assessment 2024 Update – Medway Management Requirements 18 June 2024 BPP Consulting*

management targets have been applied to the management of an equivalent amount of waste forecast to be produced within the plan area through to 2035/36 as shown in the following table:

Table 2 Medway Non Hazardous Waste Management Targets at Plan Milestone years (%)

Management Method	Waste Stream	Non Inert Waste Management Requirements				
		2022	2023	2028	2035	2041
Recycling & Composting (Floor)	LACW[14]	*46%*	55%	60%	65%	70%
	C&I[15]	*48%*	50%	60%	60%	70%
	CDEW[16]	*13%*	13%	13%	20%	13%
Energy Recovery [17] (remainder)	LACW	*53%*	40%	38%	33%	29%
	C&I	*30%*	20%	30%	35%	28%
Landfill (ceiling)	LACW	*1%*	5%	2%	2%	<1%
	C&I	*32%*	30%	10%	0%	2%
	CDEW	*C1%*	1%	1%	4%	1%
Aggregate recycling/ Recovery to Land and Recovery in Landfill	Inert CDE	*86%*	>86%[18]			

The targets are considered to be ambitious and yet realistic and seek to ensure that only the minimum quantity of residual waste is sent to landfill over the Plan period. TC agrees that the targets set, reflect its own ambitions regarding the reduction of landfill in particular. The above targets translate to the following capacity requirements.

Medway Non Hazardous Waste Management Requirements at Plan Milestone years (tonnes)

		Measured Baseline (Actuals)	Forecast Waste Management Requirements (Tonnes at Plan Milestone)	Peak or Cumulative Capacity Requirement (landfill - underlined) (tonnes)

[14] LACW = Local Authority Collected Waste (including waste from households)
[15] C&I = Commercial and Industrial waste
[16] CDEW = Construction, Demolition and Excavation Waste
[17] Represents the remaining quantity of residual waste requiring management after recycling/composting targets and landfill diversion targets are met.
[18] It is assumed that 100% of inert waste will be recovered through some management method according to its actual composition.

		2022	2023	2028	2035	2041	
Recycling/Organic Waste Treatment	LACW	60,681	72,613	80,335	88,729	97,124	97,124
	C&I	68,036	70,836	87,149	97,766	108,485	108,485
	CDEW	18,636	18,636	18,636	18,636	18,636	18,636
	Total	147,353	162,085	186,120	205,131	224,245	**224,245**
Residual waste Other Recovery	LACW	69,284	52,809	50,879	46,412	40,237	52,809
	C&I	27,916	28,334	43,575	37,602	43,394	43,575
	Total	97,200	81,143	94,454	84,014	83,631	-[19]
Residual waste Non-Inert Landfill	LACW	1,685	6,601	2,678	1,365	1,387	49,600
	C&I	45,015	42,501	14,525	7,520	3,100	231,881
	CDEW	1,787	1,787	1,787	1,787	1,787	33,953
	Total	48,487	55,369	31,517	16,499	7,532	357,936
Aggregate recycling/ Recovery to Land and Recovery in Landfill	Inert CDE	131,855	131,855				-[20]

5.8 While MC has identified more then sufficient capacity to meet its forecast needs for recycling and other recovery, it has been unable to do so for that amount of waste predicted to require disposal to non-inert landfill - this amounts to 0.36 Mt over the Plan period. Therefore, currently a forecast capacity gap exists for the management of non-inert waste by landfill in Medway.

5.9 The adopted Thurrock Local Plan documents make no specific provision for management of waste from the South East region including Medway. Given the non-inert landfill capacity at the South Ockendon site in Thurrock and taking into account the current level of imports into Thurrock borough for management at the landfill, it is uncertain there will sufficient capacity to meet the need for landfill from Thurrock itself plus other authority areas over the period of the revised Medway Local Plan and revised Thurrock Local Plan should such a level of demand continue. Therefore, Thurrock Council is currently unable to confirm that waste arising in Medway requiring management by landfill could continue to utilise non-inert landfill capacity in Thurrock through to the end of the plan period of 2035/6. However it does agree that applying a mean annual input value as shown in Appendix 2, suggests the life of the South Ockenden Landfill can be expected to be c.14 years from 2024. It also agrees that there is a reasonable expectation for inputs to non-inert landfill to fall over time as other management capacity is developed in response to pressures such as rising landfill tax and landfill diversion targets, and therefore this may be regarded as a worst case scenario.

[19] It is assumed that 100% of inert waste will be recovered through some management method acc ording to its composition

5.10 Both MC and TC will continue to monitor the need for, and availability of, landfill and report on the findings in their respective annual Authority Monitoring Report. This SCG will be updated to reflect this monitoring.

Inert Landfill Capacity

5.11 TC is reviewing its landfill capacity for managing inert waste arising in Thurrock during the projected Plan period. MC notes that its assessment of future waste management capacity requirements has identified a surplus of inert landfill capacity in Medway that may be available to receive waste from Thurrock.

6.0 Additional Strategic Waste Matters

Safeguarding

6.1 MC and TC will seek to safeguard waste management capacity in their own areas through robust planning policies. Where development is proposed that might result in a reduction in capacity, the contribution the affected capacity makes to meeting the needs of other areas will also be taken into account.

7.0 Cooperation Activities

7.1 Activities undertaken when in the process of addressing the strategic cross-boundary matter of waste management, whilst cooperating, are summarised as follows:

- Input to draft proposals for planning policy concerning waste management in each other's area; and,
- ad-hoc exchange of information (via correspondence and meetings) related to the monitoring of waste movements and planning applications for additional management capacity.

8.0 Governance and Future Arrangements

8.1 The parties to this Statement have worked together in an ongoing and constructive manner. MC and TC will continue to cooperate and work together in a meaningful way and on an ongoing basis to ensure the effective strategic planning for waste management within their areas. Officers of each Party to this Statement will continue to liaise through correspondence and meetings as and when required.

8.2 The parties will review this SCG at least every 12 months and establish whether it requires updating. Specific matters likely to prompt updates of this SCG include the following:

- Modifications to the submitted new Medway Local Plan resulting from its independent examination (anticipated in 2026)
- Consultation on the scope of Thurrock waste and minerals policies (Date TBC)
- Consultation on drafts of policies in the proposed Thurrock Local Plan (Date TBC)
- Any evidence indicating significant changes in the management requirements of waste produced within their respective areas.

Appendix 1 - Reported movements of waste between Medway and Thurrock in excess of guideline thresholds 2021-23

Table A1 Household, Commercial & Industrial Waste (tonnes) (Source: Environment Agency Waste Data Interrogator)

Facility WPA	Facility Name	Operator	Exports from Medway to Thurrock			Exports from Thurrock to Medway		
			2021	2022	2023	2021	2022	2023
Thurrock	Ockendon Landfill	Veolia E S Landfill Limited	25,912t	27,387t	16,594t	<5kt	<5kt	<5kt

Table A2 Inert Waste (Source: Environment Agency Waste Data Interrogator)

Facility WPA	Facility Name	Operator	Exports from Medway to Thurrock			Exports from Thurrock to Medway		
			2021	2022	2023	2021	2022	2023
Thurrock	Little Belhus Restoration	Rural Arisings Limited	<10kt	<10kt	<10kt	<10kt	<10kt	<10kt

Hazardous Waste (Source: Environment Agency Waste Data Interrogator)

Facility WPA	Facility Name	Operator	Exports from Medway to Thurrock			Exports from Thurrock to Medway		
			2021	2022	2023	2021	2022	2023
Medway	Kingsnorth Oil Treatment Plant	Slicker Recycling Ltd	<100t	<100t	<100t	196t	250t	199t

Appendix 2: Reported Inputs in excess of guideline thresholds to Ockenden Landfill (2021-2023) tonnes. (values in excess of thresholds highlighted in gold) Environment Agency WDI

		Hhold/Ind/Com Waste			Inert/C+D Waste		
Origin Region	**Origin WPA**	**2021**	**2022**	**2023**	**2021**	**2022**	**2023**
East of England	Essex	18,863	224,485	161,760	9,675	11,739	26,794
	Hertfordshire	660	11,527	21,510	20	10	0
	Thurrock	18,719	3,750	4,483	0	0	88
London	City of London	0	0	2,698	0	12,691	15,924
	LB Greenwich	0	0	0	0	0	16,559
	LB Lewisham	0	7,409	633	0	0	0
	London (WPA Not codeable)	5,387	6,980	9,097	5,185	17,872	13,137
South East	East Sussex	2,941	13,275	2,447	0	0	0
	Kent	14,020	2,435	18,409	63	1,451	6,593
	Medway	11,668	27,387	16,594	0	0	3,303
Grand Total		**77,189**	**297,577**	**238,048**	**17,180**	**45,039**	**84,362**
Mean 3yr Input (tonnes)		**204,271**			**48,860**		
Volume equivalent (m3)		**204,271**			**32,573**		
Total annual vol (m3)		**236,845**					
Remaining vol (m3)		**3,288,928**					
Estimated Life at mean inputs		**14yrs**					