



Kent County Council

Equality Analysis/Impact Assessment

Growth, Environment and Transport Directorate (GET)

Kent Minerals and Waste Safeguarding Supplementary Planning Document 2021

GET Document Control

Revision History

Version	Date	Authors	Comment
V0.1	8 February 2021	Bryan Geake	
	12 February 2021	Sharon Thompson	
V1 <i>(this should be assigned to the version the Director signs off)</i>	17 February 2021	Stephanie Holt-Castle	

Equality Analysis/Impact Assessment (EqIA)

Directorate/Service: Growth, Environment and Transport Directorate; Environment, Planning & Enforcement

Name of decision, policy, policy, procedure or service: Kent Minerals and Waste Safeguarding Supplementary Planning Document (SPD) 2021 applicable to the implementation of Kent Minerals and Waste Local Plan safeguarding policies.

Responsible Owner/Senior Officer: Stephanie Holt-Castle, Interim Director Environment, Planning and Enforcement

Author: Sharon Thompson, Head of Planning Applications

Pathway of Equality Analysis:

Summary and recommendations of equality analysis/impact assessment

- **Context**

The County Council is required by statute to produce development plans (commonly known as local plans) for the delivery of mineral resources and waste management development required in Kent and to ensure that these facilities and mineral resources are safeguarded from needless sterilisation. This safeguarding plays an important role in the delivery of sustainable development.

Mineral and waste safeguarding is the responsibility of all planning authorities, not only those responsible for determining minerals and waste management planning applications and plan making in two tiers areas. Safeguarding is also taken into account when preparing District/Borough local plans and neighbourhood plans and forms part of the Duty to Cooperate requirements under the Localism Act (2011). The County Council recognises the need for local plans to be effective in their delivery of sustainable development. The revised Safeguarding Supplementary Planning Document is intended to assist those involved in the planning and development process by providing clarification as to how the safeguarding process for the determination of planning applications and plan formulation can address the adopted safeguarding policies in the Mineral and Waste Local Plan (Early Partial Review) 2020. The guidance seeks to reduce the uncertainty and delays surrounding safeguarding matters and increase the effectiveness of Kent's authorities in delivering sustainable development into the future.

- **Aims and Objectives**

The revised Supplementary Planning Document (SPD) 2021 details how the local planning authorities in Kent should take account of the need to consider minerals and waste safeguarding in both the determination of planning allocations and the formulation of allocations in local plans that may affect safeguarded mineral resources and safeguarded minerals and waste infrastructure. The guidance seeks to ensure that safeguarding assessments are done by both applicants for planning permission and the promoters of sites in local plans and demonstrate safeguarding principles have been applied where relevant and any policy exemptions as set out in Policies DM 7 and DM 8 are justified. The revised Supplementary Planning Document details the legislative background of minerals and waste safeguarding and sets out how it is an integral part of the planning process.

The revised Supplementary Planning Document also details how safeguarding assessments should be approached, when in the local plan making cycle and what they should contain. The document places an emphasis on the need to have objective analysis of the issues to prevent needless sterilisation of minerals resources or the loss or compromising of lawful operation of safeguarded facilities. The revised Supplementary Planning Document is essential in ensuring an understanding of minerals and waste safeguarding in the planning process in Kent. This EqlA has been prepared to comply with the County Council's statutory obligations to ensure equality impact issues have been properly assessed in the formulation of the Supplementary Planning Document.

- **Summary of Equality Impact**

Adverse Equality Impact Rating: Low

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment. I agree with the actions to mitigate any adverse impact(s) that has /have been identified.

Name	Signature	Title	<i>Date of Issue</i>
Stephanie Holt-Castle	<i>Stephanie Holt-Castle</i>	Director (Interim)	<i>17 February 2021</i>
Sharon Thompson	<i>Sharon Thompson</i>	Head of Planning Applications	<i>17 February 2021</i>

Part 1 - Screening

Regarding the decision, policy, procedure, project or service under consideration, could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

No, it is considered that the revised Supplementary Planning Document is beneficial to all groups as it will have the effect of ensuring a more sustainable pattern of development is achieved over the County of Kent irrespective of any defined group in the community.

Could this policy, procedure, project or service promote equal opportunities for this group?

The clarification of the safeguarding process is considered to be neutral to this objective.

Screening Grid Analysis

You <i>MUST</i> provide a brief commentary as to your findings, or this EqIA will be returned to you unsigned				
Protected Group	High Negative Impact	Medium Negative Impact	Low negative Impact	High/Medium/Low Favourable Impact
Age			Any impacts on individuals who are in different age cohorts in the community would be no different to impacts on the wider general population.	<p>The potential for more efficient minerals and waste safeguarding will have a beneficial impact on all age groups in the community, due to an enhanced pattern of sustainable development that does not needlessly waste resources.</p> <p>The outcome of the policy in safeguarding existing mineral and waste resources from potentially new conflicting non mineral and waste development (i.e. housing) is considered to be to the benefit of all characteristic groups in the community.</p> <p>In addition, effective safeguarding processes results in national economic benefits that are considered to be to the advantage of all characteristic groups in the community.</p>

Disability			Any impacts on individuals with declared or undeclared disabilities within the community would be no different to impacts on the wider general population.	<p>The potential for more efficient minerals and waste safeguarding will have a beneficial impact on all characteristic groups in the community, due to an enhanced pattern of sustainable development that does not needlessly waste resources.</p> <p>The outcome of the policy in safeguarding existing mineral and waste resources from potentially new conflicting non mineral and waste development (i.e. housing) is considered to be to the benefit of all characteristic groups in the community.</p> <p>In addition, effective safeguarding processes results in national economic benefits that are considered to be to the advantage of all characteristic groups in the community.</p>
Sex			Any impacts on individuals of different sex in the community would be no different to impacts on the wider general population.	<p>The potential for more efficient minerals and waste safeguarding will have a beneficial impact on all individuals in the community, due to an enhanced pattern of sustainable development that does not needlessly waste resources.</p> <p>The outcome of the policy in safeguarding existing mineral and waste</p>

				<p>resources from potentially new conflicting non mineral and waste development (i.e. housing) is considered to be to the benefit of all characteristic groups in the community.</p> <p>In addition, effective safeguarding processes results in national economic benefits that are considered to be to the advantage of all characteristic groups in the community.</p>
Gender identity/ Transgender			Any impacts on individuals irrespective of gender identity in the community would be no different to impacts on the wider general population.	<p>The potential for more efficient minerals and waste safeguarding will have a beneficial impact on all individuals in the community, due to an enhanced pattern of sustainable development that does not needlessly waste resources.</p> <p>The outcome of the policy in safeguarding existing mineral and waste resources from potentially new conflicting non mineral and waste development (i.e. housing) is considered to be to the benefit of all characteristic groups in the community.</p> <p>In addition, effective safeguarding processes results in national economic benefits that are considered to be to the advantage of all characteristic groups in</p>

				the community.
Race			Any impacts on individuals irrespective of race in the community would be no different to impacts on the wider general population.	<p>The potential for more efficient minerals and waste safeguarding will have a beneficial impact on all individuals in the community, due to an enhanced pattern of sustainable development that does not needlessly waste resources.</p> <p>The outcome of the policy in safeguarding existing mineral and waste resources from potentially new conflicting non mineral and waste development (i.e. housing) is considered to be to the benefit of all characteristic groups in the community.</p> <p>In addition, effective safeguarding processes results in national economic benefits that are considered to be to the advantage of all characteristic groups in the community.</p>
Religion and Belief			Any impacts on individuals irrespective of religion or belief in the community would be no different to impacts on the wider general population.	<p>The potential for more efficient minerals and waste safeguarding will have a beneficial impact on all individuals in the community, due to an enhanced pattern of sustainable development that does not needlessly waste resources.</p> <p>The outcome of the policy in</p>

				<p>safeguarding existing mineral and waste resources from potentially new conflicting non mineral and waste development (i.e. housing) is considered to be to the benefit of all characteristic groups in the community.</p> <p>In addition, effective safeguarding processes results in national economic benefits that are considered to be to the advantage of all definable groups in the community.</p>
Sexual Orientation			Any impacts on individuals irrespective of sexual orientation in the community would be no different to impacts on the wider general population.	<p>The potential for more efficient minerals and waste safeguarding will have a beneficial impact on all individuals in the community, due to an enhanced pattern of sustainable development that does not needlessly waste resources.</p> <p>The outcome of the policy in safeguarding existing mineral and waste resources from potentially new conflicting non mineral and waste development (i.e. housing) is considered to be to the benefit of all characteristic groups in the community.</p> <p>In addition, effective safeguarding processes results in national economic benefits that are considered to be to the</p>

				advantage of all characteristic groups in the community.
Pregnancy and Maternity			Any impacts on individuals who may be pregnant or caring for very young children in the community would be no different to impacts on the wider general population.	<p>The potential for more efficient minerals and waste safeguarding will have a beneficial impact on all individuals in the community, due to an enhanced pattern of sustainable development that does not needlessly waste resources.</p> <p>The outcome of the policy in safeguarding existing mineral and waste resources from potentially new conflicting non mineral and waste development (i.e. housing) is considered to be to the benefit of all characteristic groups in the community.</p> <p>In addition, effective safeguarding processes results in national economic benefits that are considered to be to the advantage of all characteristic groups in the community.</p>
Marriage and Civil Partnerships	Not applicable	Not applicable	Any impacts on individuals irrespective of marriage and civil partnerships in the community would be no different to impacts on the wider general population.	The potential for more efficient minerals and waste safeguarding will have a beneficial impact on all individuals in the community, due to an enhanced pattern of sustainable development that does not needlessly waste resources.

				<p>The outcome of the policy in safeguarding existing mineral and waste resources from potentially new conflicting non mineral and waste development (i.e. housing) is considered to be to the benefit of all characteristic groups in the community.</p> <p>In addition, effective safeguarding processes results in national economic benefits that are considered to be to the advantage of all definable groups in the community.</p>
Carer's Responsibilities			Any impacts on individuals who have caring responsibilities would be no different to impacts on the wider general population.	<p>The potential for more efficient minerals and waste safeguarding will have a beneficial impact on all individuals in the community, due to an enhanced pattern of sustainable development that does not needlessly waste resources.</p> <p>The outcome of the policy in safeguarding existing mineral and waste resources from potentially new conflicting non mineral and waste development (i.e. housing) is considered to be to the benefit of all characteristic groups in the community.</p> <p>In addition, effective safeguarding processes results in national economic</p>

				benefits that are considered to be to the advantage of all characteristic groups in the community.
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Part 2 - Full Equality Analysis /Impact Assessment

From the screening grid, identify the Protected Groups impacted

Given that planning for minerals and waste and its safeguarding both in terms of Development Management decisions and the formulation of local plan allocations is undertaken in the interests of the whole population, all groups are being represented through these processes pursuant to the Planning Acts. The revised Supplementary Planning Document will assist in meeting the National Planning Policy Framework (NPPF) requirement to both safeguard minerals and waste management and mineral handling and processing facilities, thereby enhancing the planning system operating in Kent in meeting the National Planning Policy Framework's overarching requirement to ensure a sustainable pattern of development for the benefit of all protected characteristic groups in Kent's communities.

Information and Data used to carry out your assessment

The revised Supplementary Planning Document has been shaped by views received during the determination of planning applications where safeguarding is a material consideration and the process of plan making, government advice and good practice, along with public consultation and engagement. Since the publication of the previous Supplementary Planning Document in 2017, there has been more experience gained in how the adopted safeguarding policies operate in both planning application determinations and local plan formulation across Kent. The revised Supplementary Planning Document builds on the previous version by adding further clarification and guidance on how the safeguarding process should be undertaken and the information required to ensure it is successful in supporting the adopted Plan's policy provision understanding and its proper implementation. The revised version has been informed by the experience of the Borough and District Councils who commented in considerable detail on the consultation draft.

Who have you involved, consulted and engaged with?

The County Council has produced and had examined the Early Partial Review of the adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan), and the Mineral Sites Plan 2020. Both of which have recently been adopted (September 2020). Significantly the safeguarding exemption policies (DM 7 and DM 8) were central to the Partial Review of the adopted Plan. The process involved significant consultation and engagement with Kent's borough and district authorities, who made comments and a number attended the Independent Examination hearings in October 2019. This greatly informed the County Council's knowledge as to how the safeguarding process and the exemption criteria of the adopted policies was generally understood. This resulted in the County Council offering to revise the 2017 version of the Supplementary Planning Document to further clarify and inform how the minerals and waste safeguarding process should be approached and implemented. The revised Supplementary Planning Document has been the subject of public consultation that ended in late January 2021. The comments received further assisted in modifying the document to improve the above objective.

Analysis

Given that sustainable development is a core part of the modern planning process and securing the long-term conservation of economic mineral resources and waste capacity and mineral handling and processing capacity is recognised as an important element of securing sustainable development, the Supplementary Planning Document benefits the entire community irrespective of the differences of the protected characteristic groups that are represented within the community.

Adverse Impact

Given the objective of the revised Supplementary Planning Document is to clarify how the safeguarding process should operate in the planning system as exercised in Kent and is in accordance with national planning policy (NPPF) to secure sustainable development for all the community it is considered that the overall favourable impact rating of the revised Supplementary Planning Document is correct and justified. The revised Supplementary Planning Document will not in itself, result in planning decisions or processes that will cause an adverse impact on any protected characteristic groups in the community.

Positive Impact:

The revised protected characteristic will increase the clarity of how the minerals and waste safeguarding process should be carried out in Kent. Thus, increasing the overall attainment of a sustainable pattern of development for the benefit of all the community (including all protected characteristic groups) of Kent.

JUDGEMENT

It is considered that the revised Supplementary Planning Document revision is likely to have a largely 'positive' impact on persons with a protected characteristic. There will be no definable 'negative' impacts on any of the defined groups. It is considered that the revised Minerals and Waste Safeguarding Supplementary Planning Document will either enhance or be neutral to the objective of the elimination of discrimination and inequality.