



**KCC - Growth, Environment and Transport Directorate (GET)**

**Kent Minerals and Waste Local Plan 2013-30  
Proposed changes to Kent Minerals and Waste Local Plan 2013-30 Resulting from the 5-Year Review  
2021 – November 2021  
Equality Analysis/Impact Assessment (EqIA)**

## GET Document Control

### Revision History

Version	Date	Authors	Comment
V0.1	09 August 2021	Bryan Geake	
V0.2	13 August 2021	Sharon Thompson	
V1 <i>(this should be assigned to the version the Director signs off)</i>			

### Equality Analysis/Impact Assessment (EqIA)

**Directorate/Service:** Growth, Environment and Transport Directorate; Growth and Communities

**Name of decision, policy, policy, procedure or service:** Proposed changes to Kent Minerals and Waste Local Plan 2013-30 resulting from the 5-Year Review, 2021

**Responsible Owner/Senior Officer:** Stephanie Holt-Castle, Director for Growth and Communities

**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 a development plan for the delivery of mineral resources and the management of waste. This was achieved in July 2016 with the adoption of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP or the Plan), that sets out the vision, strategy and policies for this objective. Early experience with implementing policies of the adopted Plan demonstrated that waste management recovery targets and certain criteria of the safeguarding policies that allow exemptions from the presumption to safeguard land-won minerals, waste management and mineral processing and transportation facilities were not considered effective. This led to an Early Partial Review of these elements of the Plan, which the County Council adopted in September 2020.

Since the original Local Plan was adopted in 2016, the County Council was required by The Town and Country Planning (local Planning) (England) Regulations 2012 (the Regulations) to undertake a full review of the Plan in 2021 as part of the need to review all policies at least every 5 years. The work on this current review has been undertaken with an assessment of the Plan's vision and objectives, along with all policies and supporting text of the Plan. As a result, a number of policies have been identified as outdated or no longer meeting the legal test of soundness. In addition, it is considered that some of the supporting text and part of the Vision and Objectives require modification to fully align with current national planning policy and governmental strategies and other statutory legislation that have been either published or statutorily enabled post 2016.

This assessment is set out in detail in the *Review of the Kent Minerals & Waste Local Plan 2021* document. The identified changes required of the 2016 Kent Mineral and Waste Local Plan then form the basis for the next plan making cycle. This entails the publication of the proposed changes with a public consultation on the proposed changes to the KMWLP, as required by Regulation 18 of the Regulations. There are separate Equality Analysis/Impact Assessment for the assessment review and the future local plan work.

- **Aims and Objectives**

The adopted Kent Minerals and Waste Local Plan was prepared in accordance with national planning policy and guidance. The Local Plan identified the amount of waste to be managed according to the principle of net self-sufficiency and how much land-won mineral is to be supplied to meet objectively identified needs, the safeguarding of important economic minerals and infrastructure (mineral and waste management related) and development management policies. However, since 2016 a number of changes in national planning policy

and governmental strategies and other statutory legislation has occurred. The regulatory required 5<sup>th</sup> year review of the Plan has identified where policies are no longer effective or justified as currently drafted, and that supporting text and the Plan's Vision and Strategic Objectives require some modification. These changes will ensure the Plan is, as a whole, effective and justified for the rest of the Plan period, i.e. 2030. These proposed changes are required to be published and a period of public consultation undertaken as required by Regulation 18 of the 2012 Regulations.

This EqIA has been prepared to comply with the County Council's statutory obligations to ensure equality impact considerations have been properly assessed for the consultation of the proposed changes to the Plan.

- **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	Date of Issue
Stephanie Holt-Castle		Director – Growth and Communities	
Sharon Thompson		Head of Planning Applications	

**Part 1 - Screening**

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?

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

There is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements.

**Screening Grid Analysis**

Protected Group	You <i>MUST</i> provide a brief commentary as to your findings, or this EqIA will be returned to you unsigned			
	High Negative Impact	Medium Negative Impact	Low negative Impact	High/Medium/ <b>Low</b> Favourable Impact
Age				<p>The Kent Minerals and Waste Local Plan (KMWLP) establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>The Plan's proposed review changes will result in enhanced effectiveness of the Plan's policies and will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management, sustainable mineral supply and the safeguarding of finite resources and the required waste and mineral infrastructure. Impacts on the differing age elements of the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p> <p>All policy changes are required to conform to national planning policy and</p>

				<p>guidance. Most of the proposed changes to the KMWLP are necessary to ensure compliance with national policy changes that have arisen since 2016. It is noted that equality impacts would have been considered as part of the adoption of national policy.</p>
<b>Disability</b>				<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>The Plan's proposed review changes will result in enhanced effectiveness of the Plan's policies and will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management, sustainable mineral supply and the safeguarding of finite resources and the required waste and mineral infrastructure. Impacts on individuals with a disability from the policy review would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p> <p>All policy changes are required to conform to national planning policy and guidance. Most of the proposed changes to the KMWLP are necessary to ensure compliance with national policy changes that have arisen since 2016. It is noted that equality impacts would have been considered as part of the adoption of national policy.</p>
<b>Sex</b>				<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>The Plan's proposed review changes will result in enhanced effectiveness of the Plan's policies and will deliver positive outcomes for the whole community, in</p>

			<p>terms of enhanced sustainable waste management, sustainable mineral supply and the safeguarding of finite resources and the required waste and mineral infrastructure. Impacts on individuals of different sex in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p> <p>All policy changes are required to conform to national planning policy and guidance. Most of the proposed changes to the KMWLP are necessary to ensure compliance with national policy changes that have arisen since 2016. It is noted that equality impacts would have been considered as part of the adoption of national policy.</p>
<b>Gender identity/ Transgender</b>			<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>The Plan's proposed review changes will result in enhanced effectiveness of the Plan's policies and will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management, sustainable mineral supply and the safeguarding of finite resources and the required waste and mineral infrastructure. Impacts on individuals of different gender identity/transgender in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p> <p>All policy changes are required to conform to national planning policy and guidance. Most of the proposed changes to the KMWLP are necessary to ensure compliance with national policy changes that have arisen since 2016. It is noted</p>

				that equality impacts would have been considered as part of the adoption of national policy.
<b>Race</b>				<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>The Plan's proposed review changes will result in enhanced effectiveness of the Plan's policies and will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management, sustainable mineral supply and the safeguarding of finite resources and the required waste and mineral infrastructure. Impacts on individuals of different race in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p> <p>All policy changes are required to conform to national planning policy and guidance. Most of the proposed changes to the KMWLP are necessary to ensure compliance with national policy changes that have arisen since 2016. It is noted that equality impacts would have been considered as part of the adoption of national policy.</p>
<b>Religion and Belief</b>				<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>The Plan's proposed review changes will result in enhanced effectiveness of the Plan's policies and will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management, sustainable mineral supply and the safeguarding of finite resources and the required waste and mineral</p>

			<p>infrastructure. Impacts on individuals of different religion and belief in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p> <p>All policy changes are required to conform to national planning policy and guidance. Most of the proposed changes to the KMWLP are necessary to ensure compliance with national policy changes that have arisen since 2016. It is noted that equality impacts would have been considered as part of the adoption of national policy.</p>
<p><b>Sexual Orientation</b></p>			<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>The Plan's proposed review changes will result in enhanced effectiveness of the Plan's policies and will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management, sustainable mineral supply and the safeguarding of finite resources and the required waste and mineral infrastructure. Impacts on individuals of different sexual orientation in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p> <p>All policy changes are required to conform to national planning policy and guidance. Most of the proposed changes to the KMWLP are necessary to ensure compliance with national policy changes that have arisen since 2016. It is noted that equality impacts would have been considered as part of the adoption of national policy.</p>

<p><b>Pregnancy and Maternity</b></p>				<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>The Plan's proposed review changes will result in enhanced effectiveness of the Plan's policies and will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management, sustainable mineral supply and the safeguarding of finite resources and the required waste and mineral infrastructure. Impacts on individuals who are within the pregnancy and maternity category in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p> <p>All policy changes are required to conform to national planning policy and guidance. Most of the proposed changes to the KMWLP are necessary to ensure compliance with national policy changes that have arisen since 2016. It is noted that equality impacts would have been considered as part of the adoption of national policy.</p>
<p><b>Marriage and Civil Partnerships</b></p>			<p>.</p> <p>.</p>	<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>The Plan's proposed review changes will result in enhanced effectiveness of the Plan's policies and will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management, sustainable mineral supply and the safeguarding of finite resources and the required waste and mineral infrastructure. Impacts on individuals who are within this category in the community would be no different to impacts on the wider general population.</p>

			<p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p> <p>All policy changes are required to conform to national planning policy and guidance. Most of the proposed changes to the KMWLP are necessary to ensure compliance with national policy changes that have arisen since 2016. It is noted that equality impacts would have been considered as part of the adoption of national policy.</p>
<p><b>Carer's Responsibilities</b></p>			<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>The Plan's proposed review changes will result in enhanced effectiveness of the Plan's policies and will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management, sustainable mineral supply and the safeguarding of finite resources and the required waste and mineral infrastructure. Impacts on individuals who are exercising carer's responsibilities in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p> <p>All policy changes are required to conform to national planning policy and guidance. Most of the proposed changes to the KMWLP are necessary to ensure compliance with national policy changes that have arisen since 2016. It is noted that equality impacts would have been considered as part of the adoption of national policy.</p>

## **Part 2 - Full Equality Analysis /Impact Assessment**

**From the screening grid, identify the Protected Groups impacted**

**Given that planning for sustainable waste management and mineral supply is undertaken in the interests of the whole population, all groups are being represented through the Kent Minerals and Waste Local Plan's Full Review process pursuant to the Town and Country Planning (Local Planning) (England) Regulations 2012.**

**Information and Data used to carry out your assessment**

A review of the Vision, Strategic Objectives and policies, along with the supporting text in Kent Minerals and Waste Local Plan has been undertaken in accordance with statutory requirements. The methodology and the outcomes of this review are detailed in a separate report which was presented to the Environment and Transport Cabinet Committee in September 2021. The review process identified the need for updates to the Kent Minerals and Waste Local Plan in response to relevant Government policy and legislation published since the Kent Minerals and Waste Local Plan was adopted in 2016. The process consisted of identifying all the post 2016 changes to national planning policy and guidance and other governmental strategies and statutory legislation that has a bearing on the Plan's Visions, Objectives and policies to deliver sustainable waste and minerals development, along with monitoring data of the effectiveness of the existing policies.

The review identified that 39 of the Plan's 52 policies, and/or their supporting text, should be updated. Updates to the Vision and Strategic Objectives are also recommended. In light of the review, draft updates to the Vision, Strategic Objectives, Policies and supporting text have been prepared.

**Who have you involved consulted and engaged with?**

To inform the Local Plan review process, views on the need for updates to the Kent Minerals and Waste Local Plan were sought from key stakeholder groups including District and Borough Councils in Kent, neighbouring Minerals and Waste Planning Authorities, representatives from the minerals and waste operators in Kent and interested parties such as the Environment Agency, Natural England and Historic England. A total of nine responses were received.

The experience of applying the Local Plan policies in the determination of planning applications over the last 5 years has also been used to establish how effective the policies are in achieving desired outcomes in terms of waste management and mineral supply in Kent. Up to date data and information relating to the supply of minerals and management of waste has been collated to establish how the Plan's objectives for waste management and minerals supply are being achieved and how they may be modified to enhance their effectiveness in delivering sustainable development.

## **Analysis**

Any impacts on identifiable groups under equality legislation arising from the changes proposed to the Kent Minerals and Waste Local Plan would essentially be no different to those impacts that would be experienced by the wider general population.

## **Adverse Impact**

It is considered that the changes proposed to the adopted Plan are unlikely to have any significant adverse impact. There are unlikely to be any additional adverse impacts compared to that of the adopted Plan. The proposed revisions to the Kent Minerals and Waste Local Plan are in the main to reflect changes to national policy and guidance which will have had equality assessments prior to implementation.

## **Positive Impact**

In updating the Kent Minerals and Waste Local Plan, the County Council will ensure that the required waste management infrastructure matches the known and reasonably anticipated waste arisings across all waste streams and will ensure that overall net waste management self-sufficiency is achieved over the remaining plan period. This will help to ensure that the community is not subjected to impacts that would otherwise occur if greater than necessary waste capacity was developed and managed in Kent. Assessing waste arisings data and matching this to Kent's waste capacity is part of annual monitoring undertaken by the County Council.

With regard to the supply of finite minerals (and their importation facilities) the proposed changes to the Local Plan concentrate on ensuring that this continues to occur with increasingly sustainability. This will ensure needed mineral supply to the communities of Kent and will facilitate the maintenance of its infrastructure. It will also enable the efficient use of local resources for new development is achieved as sustainably as possible. This is to the benefit of all defined groups of Kent's population. Similarly, the continued effective safeguarding of mineral supply and transportation and waste management facilities will enable sustainable minerals and waste development to be maintained over the Plan period to the benefit all defined groups of the general population of Kent.

For both waste and mineral development, changes to the Local Plan will seek to deliver reduced carbon emissions and help to mitigate and adapt to climate change. The process, whilst not new to the Plan, would be brought in line with the recent changes in legislation and planning policy and guidance to decarbonise the economy. Along with other sectors of the economy, minerals and waste planning policy will play an important part in responding to climate change, for the benefit of the community as a whole, including those with protected characteristics.

## **JUDGEMENT**

It is considered that the proposed changes to the adopted Kent Minerals and Waste Local Plan are likely to have a largely positive impact on persons with a protected characteristic. The changes proposed are to ensure that the Plan remains sound, effective and justified over the remaining local plan period (2030). It is considered that the Plan will meet both the identified needs of the community for sustainable waste and minerals planning for the benefit of the community as a whole, and help to eliminate discrimination and inequality and foster good community relations. There will be no definable 'negative' impacts on any of the defined groups above. It is considered that the proposed changes will either enhance or be neutral to the objective of the elimination of discrimination and inequality.