

**Kent County Council
Equality Analysis/ Impact Assessment (EqIA)
Kent Minerals and Waste Local Plan (KMWLP) 2013-30
Early Partial Review of the KMWLP 2018**

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

Name of decision, policy, procedure, project or service: Kent Minerals
and Waste Local Plan (KMWLP) 2013-30, Early Partial Review of the KMWLP
2018

Responsible Owner/ Senior Officer: Katie Stewart, Director of Environment,
Planning & Enforcement

Version: Version 1

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Pathway of Equality Analysis: Environment and Transport Cabinet
Committee, Cabinet Committee, County Council

**Summary and recommendations of equality analysis/impact
assessment.**

Context

The production of a Minerals and Waste Local Plan is a statutory requirement for the County Council as a Local Planning Authority. It forms the policy basis for decision making by the County Council in determining planning applications for proposed minerals and waste management development and mineral and waste safeguarding considerations for the District/Borough Councils in determining non-mineral development.

The KMWLP was adopted by the County Council in July 2016 following external examination by a Government appointed Planning Inspector. The Plan sets out the strategy for sustainable mineral supply and waste management in the County of Kent in accordance with Government advice and planning law and guidance and requires monitoring of the effectiveness of its policies. The KMWLP committed the County Council to prepare a Waste Sites Plan to meet the needs identified in the adopted Plan. Monitoring of the effectiveness of the KMWLP and significant additional waste capacity being developed within the County since the adoption of the KMWLP has led to the need for an early partial review of the KMWLP. This review work has concluded that a Waste Sites Plan is no longer required and that changes are required to the safeguarding policies to improve their effectiveness and that revisions are required to the Plan to bring effect to the changes. .

Aims and Objectives

The Plan making process has identified the need for an early partial policy review of waste needs and safeguarding matters. This will ensure that mineral and waste management development within the County is sustainable and meets legislative requirements. It will also ensure that planning decisions have a robust policy base and that they are taken in the wider public interest.

Monitoring of the KMWLP has identified significant changes in circumstances post adoption in respect of waste supply and mineral and waste safeguarding that indicate various policies are no longer robust for planning decisions. As a result, these policies and explanatory text are to be revised in the Early Partial Review of the KMWLP. Details are set out in the Pre-Submission Draft of the KMWLP - Early Partial; Review 2018 and the supporting evidence base.

In summary, the Early partial Review proposes: modifications in the following areas:

A. Waste management:

- The strategy for provision of future waste management capacity
- The identification of site allocations for waste management facilities – there is no longer a need for a sites plan.

B. Safeguarding - The approach to safeguarding mineral resources and waste management and minerals supply infrastructure.

The detail of the proposed changes is set out in the Pre-Submission Draft - Early Partial Review of the Kent Minerals and Waste Local Plan 2018.

A key driver for the review of waste requirements was the implementation of a planning permission for a significant new waste recovery facility at Kemsley which meant that the amount of existing waste management capacity used to inform the approach in the KMWLP was no longer robust.

Overall, the review of waste requirements indicated that there was no need for additional waste recovery capacity and that there was insufficient justification for a Waste Sites Plan. As a result, changes to a number of the adopted KMWLP waste policies and explanatory text are required to remove the commitment to identify sites within a separate Waste Sites Plan. This will help ensure that there is no over-supply of recovery capacity within Kent. A change to adopted policies can only be realised via modifications which the County Council is statutorily obliged to publish for representations and then submit to the Secretary of State for independent examination.

Minerals and Waste Safeguarding

Generally, it is considered that the KMWLP is performing as intended; however, in relation to the safeguarding of mineral resources and minerals

and waste management infrastructure. Implementation of the safeguarding policies DM 7 and DM 8 has revealed an ambiguity that means the policies are not being implemented wholly as intended in respect of allocated sites in Districts' Local Plans.

The intention of these safeguarding policies is to ensure that development on sites for non-mineral development (i.e. housing and commercial) allocated in a Borough or District Local Plan would be exempt from the KMWLP's safeguarding provisions if the need to safeguard any mineral resource underlying the site, and/or proximate minerals and waste infrastructure, had been assessed and factored into the decision to allocate the sites. In practice, however, there have been occasions where the policies are being interpreted to exclude any site allocations in adopted development plans from the safeguarding process, regardless of whether minerals and waste safeguarding matters were considered during the site allocation process. This is not the intention of the policies, nor national policy guidance, and it has the potential to undermine the effectiveness of these policies. The Early Partial Review provides the opportunity to address this matter.

Proposed minor changes to policies DM7 and DM8, as well as supporting text to ensure that the safeguarding intention of the KMWLP is effective was the subject of public consultation between December 2017 and March 2018

Summary of Impact Assessment

The policy review work and the proposed changes to the MWLP are neutral in the equality impact assessment on any one protected group. The purpose of the Plan is to provide a framework for determining planning applications, which are required to be determined in the public interest. The policy review work is unlikely to have a specific impact, either positive or negative, on any of the protected groups identified below to any lesser or greater extent than the general population. In determining planning applications and interpreting the proposed changes to policy, these are determined in the context of the development plan, planning policy and guidance and material planning considerations relevant to applications on a case by case basis. The impacts in respect of protected groups will be considered again in the context of individual sites. Monitoring of the KMWLP is undertaken annually and provides contextual data on Kent's population. This work is used to monitor the effectiveness of the Plan's policy, including its impact upon the equality protected characteristics.

Summary of Equality Impact

It is reasonable to conclude that as any exercise in Plan making and Plan review leads ultimately to a certain amount of new or safeguarded development. Therefore, there is arguably a degree of low overall negative impact in the outcome of this assessment, as all development can have some negative impact on the wider environment and communities within it. There will also be balancing competing planning interests such as increased

sustainability in waste management and mineral supply. Overall, the partial review of the Plan's safeguarding and waste policies is unlikely to have a specific impact, either positive or negative on any of the protected groups identified below to any lesser or greater extent than the general population. On this basis a Part 2 full equality impact assessment is not required.

Adverse Equality Impact Rating **Low** - See table below

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment for the Minerals Sites Plan Options Consultation. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed: Sharon Thompson

Job Title: Head of Planning applications

Date: 20th November 2018

DMT Member

Signed: Katie Stewart

Job Title: Director of Growth, Environment and Transport

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?

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqlA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age			.	<p>Removing the need for a waste sites plan will result in potential sites not being allocated and a potential reduction of negative impacts on this protected characteristic, in the event that sites had come forward.</p> <p>A more robust safeguarding of aggregate supply will allow for the materials to be available for new and maintained highway infrastructure for access, homes, retirement homes, schools, health infrastructure and children’s centres, resulting in a potentially positive impact for this protected characteristic.</p>

Disability				<p>Removing the need for a waste sites plan will result in potential sites not being allocated and a potential reduction of negative impacts on this protected characteristic, in the event that sites had come forward.</p> <p>A more robust safeguarding of aggregate supply will allow for the materials to be available for new and maintained roads and pavements for access, wheelchair adaptable homes, care homes, schools, community centres and health infrastructure, resulting in a potentially positive impact for this protected characteristic.</p> <p>Policy DM 11 Health and Amenity of the Kent Minerals and Waste Local Plan 2013-30 requires all mineral development planning applications to address any impacts on matters that would affect the interests of this identified group.</p>
Gender				<p>Removing the need for a waste sites plan will result in potential sites not being allocated and a potential reduction of negative impacts on this protected characteristic, in the event that sites had come forward.</p>
Gender identity/ Transgender				<p>Removing the need for a waste sites plan will result in potential sites not being allocated and a potential reduction of negative impacts on this protected characteristic, in the event that</p>

				<p>sites had come forward.</p> <p>A more robust safeguarding of aggregate supply will allow for the materials to be available for new hospitals, roads for access and community centres, resulting in a potentially positive impact for this protected characteristic.</p> <p>Policy DM 11 Health and Amenity of the Kent Minerals and Waste Local Plan 2013-30 requires all mineral development planning applications to address any impacts on matters that would affect the interests of this identified group.</p>
Race				<p>Removing the need for a waste sites plan will result in potential sites not being allocated and a potential reduction of negative impacts on this protected characteristic, in the event that sites had come forward.</p>
Religion and Belief				<p>Removing the need for a waste sites plan will result in potential sites not being allocated and a potential reduction of negative impacts on this protected characteristic, in the event that sites had come forward.</p> <p>A more robust safeguarding of aggregate supply will allow for the materials to be available for new and maintained roads for access, places of worship and community</p>

				centres, resulting in a potentially positive impact for this protected characteristic.
Sexual Orientation				Removing the need for a waste sites plan will result in potential sites not being allocated and a potential reduction of negative impacts on this protected characteristic, in the event that sites had come forward.
Pregnancy and Maternity				<p>Removing the need for a waste sites plan will result in potential sites not being allocated and a potential reduction of negative impacts on this protected characteristic, in the event that sites had come forward.</p> <p>A more robust safeguarding of aggregate supply will allow for the materials to be available for new and maintained roads for access, health infrastructure and community centres, resulting in a potentially positive impact for this protected characteristic.</p> <p>Policy DM 11 Health and Amenity of the Kent Minerals and Waste Local Plan 2013-30 requires all mineral development planning applications to address any impacts on matters that would affect pregnancy and maternity interests of any identified groups.</p>
Marriage and Civil Partnerships				Removing the need for a waste sites plan will result in potential sites not being allocated and a potential reduction of negative impacts on this protected characteristic, in the event that sites had come forward.

<p>Carer's Responsibilities</p>				<p>Removing the need for a waste sites plan will result in potential sites not being allocated and a potential reduction of negative impacts on this protected characteristic, in the event that sites had come forward.</p> <p>A more robust safeguarding of aggregate supply will allow for the materials to be available for new and maintained roads for access, hospitals and community centres, resulting in a potentially positive impact for this protected characteristic.</p> <p>Policy DM 11 Health and Amenity of the Kent Minerals and Waste Local Plan 2013-30 requires all mineral development planning applications to address any impacts on matters that would affect Carer's Responsibilities of any identified groups.</p>
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