

Appendix 4

Kent Minerals and Waste Local Plan 2013-30 Partial Review and Mineral Sites Plan Options Consultation - Equality Analysis/ Impact Assessment (EqIA Environment and Transport Cabinet Committee 30th November 2017

Directorate/ Service: Growth, Environment and Transport, Environment, Planning & Enforcement, Minerals and Waste Planning Policy

Name of decision, policy, procedure, project or service:

Kent Minerals and Waste Local Plan 2013-30 Partial Review and Mineral Sites Plan Options Consultation

Responsible Owner/ Senior Officer:

Sharon Thompson, Head of Planning Applications

Version:

Version	Author	Date	Comment
1	B Geake	September 2017	Initial Screening
2	S Thompson	September 2017	Revision of first draft
3	A Agyepong	11 October 2017	No comments to add

Author: Bryan Geake, Principal Planning Officer Minerals and Waste Policy Team

Pathway of Equality Analysis: The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) sets the overarching core strategy for minerals and waste management development and was subject to detailed EQUIA. It was the subject of a report to Environment & Transport Cabinet Committee 8th July 2016, Cabinet Committee 27th June 2016 and Full Council 12th December 2013 and 14th July 2016. It is intended that the Mineral Sites Plan and the Partial Review will be reported to Environment & Transport Committee on 30th November 2017. Each Plan making stage was the subject of a key decision and supported by a FED.

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 safeguarding for the District/Borough Councils.

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. It requires sites to be identified and brought forward in a Sites Plan to realise the adopted KMWLP's

objectives, together with monitoring of the effectiveness of its policies. The KMWLP was accompanied by an agreed EQUIA. In adopting the assessment it was recognised that further assessment would be required for the Sites Plans and that this work would be subject to wider consultation and independent examination appointment by the Secretary of State.

Aims and Objectives

This next stage of the Plan Making process has identified the following work streams: - partial policy review of waste needs and safeguarding and the preparation of a Mineral Sites Plan. 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.

Partial Policy Review

Monitoring of the KMWLP has identified significant changes in circumstances post adoption in respect of waste supply and mineral and waste safeguarding that indicate policies CSW 4 (Strategy for Waste Management Capacity), CSW 7 (Waste Management for Non-hazardous Waste), CSW 8 (Recovery Facilities for Non-hazardous Waste), CSW 12 (Hazardous waste), CSW 14 (Disposal of Dredgings), DM 7 and DM 8 (Minerals and Waste Safeguarding) are no longer robust for planning decisions. As a result these policies and explanatory text require review.

The adopted Plan identified a shortfall in capacity over the Plan period in waste recovery energy from waste and organic waste treatment, hazardous waste and the disposal of dredgings. As a consequence, the following policies will need to be changed:

Waste Policy CSW 4: states that the waste management strategy for Kent is to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. This is to achieve the targets set out in the Kent Joint Municipal Waste Strategy (as amended) on recycling and composting, reuse and landfill diversion.

Waste Policy CSW 7: identifies the amount of new waste recovery capacity that is needed in the county until 2030; this has changed significantly with the implementation of a major waste to energy plant in the county which is now under construction. To avoid over supply and continue to meet the agreed net self-sufficiency requirements, a review of this policy is necessary. This work will also inform the need for a Waste Sites Plan.

Waste Policy CSW 8: states that a waste recovery facility will be identified in the Waste Sites Plan to treat a capacity of 562,500 tonnes per annum. Furthermore, planning permission will be granted for facilities managing a maximum of 437,500 tonnes in total capacity until the results of annual monitoring indicate that this restriction would result in the loss of all non-hazardous landfill capacity in the county before the end of the plan period.

Waste Policy CSW 12: states that a site will be identified within the Waste Sites Plan for the landfilling of asbestos.

Waste Policy CSW 14: states that a site will be identified within the Waste Sites Plan for the disposal of dredgings.

Safeguarding Policies DM 7 and DM 8 detail the circumstances where an exemption from the presumption to safeguard minerals and mineral and waste permitted infrastructure is justified. Criteria detailing these circumstances are set out in the policies. Both policies identify that when a non-minerals and a non-waste development allocation exists in an adopted development plan, safeguarding presumptions can be set aside as an exemption can be invoked. The intention of the policies exemption criteria in this regard is to ensure that the development allocations of Borough Council local plans are formulated with due regard to the overarching need to safeguard minerals and minerals and waste infrastructure. This ensures that 'safeguarding considerations' are taken into account prior to the allocation of non-minerals development (i.e. housing) prior to the adoption of the Borough Council's Local Plans.

Post adoption of the KMWLP, differing interpretations of the safeguarding DM7 and DM8 policy exemptions have emerged with the suggestion that non mineral development allocations in a post 2016 adopted Borough Local Plan that have not considered mineral safeguarding matters can benefit from an exemption. This is not the County Council's view and has the potential to undermine the KMWLP's safeguarding strategy.

As a result, the potential ambiguity in the wording of criterion (7) in Policy DM 7 and criterion (2) of Policy DM 8 requires review so as to clarify their intended meaning as to what constitutes an exemption in an 'adopted development plan'. This will ensure the Plan is effective in the interests of all groups within Kent's communities.

Minerals Sites Plan Options Consultation

The identification of potentially economically important mineral sites to meet the requirements of the KMWLP is highly dependent on the geographical distribution of the economic geology of Kent; along with the promotion and deliverability of potential mineral sites by landowners and operators to meet the requirements. Site allocation is undertaken in accordance with an agreed site methodology and recognised best practice.

Public Consultation

The options document identifying potential sites for future development and the partial review of the KMWLP will be subject to public consultation in accordance with the Council's Statement of Community Involvement (SCI) and statutory planning requirements (Regulation 18) later this year. Community engagement is an important part of the plan making and planning application process with opportunities for engagement and consideration against the protected characteristics, amongst other planning matters. A variety of different methods has and will be used to disseminate information and to encourage participation.

Summary of Impact Assessment

The policy review work and the emerging Mineral Sites Plan 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 and the emerging Mineral Sites Plan are 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. The Plans will have no direct physical effect until such time as proposed development is granted permission and development commences. As part of the planning application process, there is a further requirement to conduct public consultation and have regard to responses made. 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 development. Therefore there is arguably a degree of low overall negative impact in the outcome of this assessment, as all development has 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 and the preparation of the Mineral Sites Plan Options document are 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: 6th November 2017

DMT Member

Signed: Katie Stewart

Job Title: Director of Growth, Environment and Transport

Date: 6th November 2017

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 EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Disability			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Gender			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Gender identity/ Transgender			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Race			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further	

			assessment is required.	
Religion and Belief			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Sexual Orientation			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Pregnancy and Maternity			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Marriage and Civil Partnerships			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Carer's Responsibilities			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	

Part 2 is not required.