

Equality Impact Assessment - Policies

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| Title of policy being assessed: | Leicestershire Minerals Core Strategy and Development Control Policies DPD (MCS) and Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD (WCS) |
| Department and Section: | Community Services Planning Group |
| Names and roles of officers completing this assessment: | John Wright: Team Leader responsible for the preparation of the DPDs |
| Contact Telephone Numbers: | 01163057041 |
| Date assessment completed: | 12.06.08 |

Defining the policy

1. Why is the policy necessary? What are its aims and objectives? What outcomes is the policy designed to achieve and for whom?

The MCS and WCS are documents which form part of the Minerals and Waste Development Frameworks respectively. The Planning and Compulsory Purchase Act 2004 introduced a requirement for the County Council to produce Mineral and Waste Development Frameworks (MWDF) to replace the existing Mineral and Waste Local Plans. The County Council and Leicester City Council have agreed to prepare a joint Waste Framework covering the County and City areas. The County Council is preparing a Minerals Framework covering the County of Leicestershire only. The documents that will comprise the MWDF (including the MCS and WCS) are set out in the County Council's Minerals and Waste Development Scheme agreed by the County Council's Cabinet on 5th March 2007.

The documents set out the principles to guide the form of mineral and waste management development in the County (and City in the case of waste) and the criteria against which planning applications for mineral and waste development will be considered. It provides a vision, objectives, spatial strategy, and a framework for monitoring the future effectiveness of the document. The Core Strategies must conform with the Regional Spatial Strategy and reflect the Council's own Sustainable Community Strategy. The purpose of the documents is to provide the minerals and waste industry, the general public, interest groups, and all other interested parties with a clear understanding of the strategy in Leicestershire regarding the future scale and form of minerals and waste development and how that development will be controlled in order to protect the environment and amenity of residents.

The vision for the MCS is to manage mineral extraction in Leicestershire in a way which meets the social and economic needs of the County and makes an appropriate contribution to the national and regional need for minerals in ways which seek to protect and enhance the

character and quality of the environment and the quality of life for existing and future generations, in accordance with the principles of sustainability.

To implement the vision the following 8 strategic objectives have been identified.

- a. To make sufficient provision to meet national, regional and local requirements, in particular the sub-regional apportionment requirements for aggregates provision.
- b. To attain the maximum possible usage of recycled and secondary materials in meeting recognised national and regional requirements.
- c. To safeguard mineral resources from unnecessary sterilisation.
- d. To encourage the most efficient use of high quality minerals and the minimisation of waste materials.
- e. To protect local communities, and the natural and built environment from minerals development.
- f. To encourage opportunities for sustainable means of transporting minerals other than by road.
- g. To promote the delivery of measures for environmental, recreational, economic and community gain in mitigation or compensation for the effects of mineral development where possible.
- h. To ensure land is reclaimed at the earliest opportunity and that high quality restoration and aftercare takes place to an appropriate after-use that enhances and complements the natural environment and that is in keeping with the local area, adding to local distinctiveness and biodiversity.

The vision for the WCS is to provide an efficient, safe and sustainable range of sufficient waste facilities to manage the area's waste in locations that minimise environmental impact, provide community benefit and help improve quality of life by: encouraging waste reduction; increasing the re-use and recycling of waste; less reliance on landfill.

To implement the vision the following ten strategic objectives have been identified.

- a. To promote the implementation of waste minimisation initiatives.
- b. To enable the delivery of sufficient waste management facilities in the Waste Development Framework area to meet the waste management capacity apportionment requirement identified by the draft Regional Spatial Strategy to at least 2021.
- c. To support the delivery of the Leicestershire Municipal Waste Management Strategy and Leicester's municipal waste management requirements.
- d. To encourage waste management facilities which increase reuse, recycling, composting and value / energy recovery, including through the use of new waste management technologies where appropriate, in order to meet or exceed regional targets.
- e. To promote use of waste as a resource including optimum use of recycled waste materials as aggregates.
- f. To minimise final disposal as a means of managing waste arisings.
- g. To provide for a distribution of waste management facilities in the Waste Development Framework area at locations which optimise the use of previously-

developed land, meet the needs of communities, and minimise the distances waste is transported.

- h. To protect local communities, and the natural and built environment from unacceptable effects of waste management development.
- i. To encourage opportunities for means of transporting waste other than by road.
- j. To promote the delivery of measures for environmental, recreational, economic and community gain in mitigation or compensation for any adverse effects of waste related development where appropriate.

2. How have these aims, objectives and outcomes been determined? What research and consultation/engagement or involvement has been undertaken and used to inform the design and delivery of the policy? How have needs based on race, gender, disability, age, religion/belief or sexual orientation been taken account of?

To a significant extent the aims and objectives of the documents are set by the need to reflect and implement national planning policy, the Regional Spatial Strategy to which it must be in general conformity, and Leicestershire's Community Strategies. The WCS also has had close regard to the National Waste Strategy 2007, the Regional Waste Strategy and the Leicestershire Municipal Waste Management Strategy. The documents have been produced through an iterative consultation and public participation process with the objectives, strategy and outcomes being developed following initial consultation and then being tested by a statutory Sustainability Appraisal and Strategic Environmental Assessment process before further consultation taking place.

Consultation and participation has been carried out in accordance with the Council's Statement of Community Involvement (SCI). The SCI has been produced as part of the Minerals and Waste Development Frameworks and its purpose is to explain how and when the community will be able to take part in shaping the minerals and waste development plan documents for Leicestershire and how they will be consulted on planning applications decided by the County Council. It seeks to answer the following questions:

- Who will be involved?
- When and at what stage will they be involved?
- What will they be involved in?
- How should they be involved?
- Where can they get involved?

The SCI itself was produced with extensive consultation using workshops, telephone follow ups, a questionnaire to the Leicestershire Citizen's Panel, newsletter and questionnaire to parish councils, libraries and on the Council website, and open surgeries. After going through three stages of preparation and consultation the SCI was examined by an inspector from the Government's Planning Inspectorate who tested it for soundness before it was adopted by the County Council's Cabinet in January 2007. The aim of the SCI is that, as well as involving the main stakeholders who include representatives of the minerals and waste industry and the specific consultation bodies defined in the SCI, community involvement should take place as widely as possible within the resources available and should be in a way appropriate to the people it is intended to involve. Because minerals and waste planning affects everyone the SCI recognises that there is a need to try and engage all parts of the community and particularly those groups that have previously not become involved. The SCI proposes a range of

consultation methods with the most appropriate being chosen to for the different stages in the process.

The MCS and WCS are strategic documents and do not make proposals specific to individual communities. They are dealing with a broad societal need to provide mineral resources and new waste facilities in a sustainable way and are neutral in respect of race, gender, disability, age, religion/belief or sexual orientation. In accordance with the SCI and national government policy to engage hard to reach groups in the plan making process a range of methods have been used to involve communities as widely as possible as well as direct consultation by letter and e-mail to bodies representing groups which are at increased risk of discrimination. The response from the consultations has not identified any policies or proposals which may discriminate against any sections of the community.

The preparation of the MCS and WCS started with Issues and Options Reports produced in June 2005. These set out what were considered to be the main issues to be addressed in replacing the Mineral and Waste Local Plans and possible options for dealing with these. Consultation was undertaken in June and July 2005 on the Issues and Options Reports. The process has also been informed by evidence including a Waste Needs Assessment, a Baseline Environmental Review – Waste, Regional Waste Strategy, Leicestershire Municipal Waste Management Strategy and Annual Monitoring Reports.

The next stage was for the Council to set out its proposals and undertake consultation on these. To undertake this stage, known as the 'Preferred Options', draft MCS and WCS documents were produced. Both documents dealt with the period up to 2021 and their objectives, policies and proposals have been subjected to sustainability appraisal (SA) and strategic environmental assessment (SEA). In order to meet these latter two requirements Sustainability Reports, incorporating both SA and SEA requirements, were produced for each of the documents. It is a requirement of the 2004 Act and Regulations that consultation is also undertaken on the Sustainability Reports. This consultation was undertaken in parallel with the MCS and WCS documents in accordance with the SCI. The Sustainability Reports assessed the social, environmental and economic impacts of the objectives, strategies and policies of the MCS and WCS using a range of issues. Overall the findings of the Sustainability Reports was that they are likely to have a positive effect with the only overall negative effect being on the objective of reducing emissions from road transportation.

3. (a) Who is responsible for implementing the policy? What processes, procedures and/or criterion will be critical to deliver the policy? Review these against the access needs that various equality groups of people have and consider if they result in barriers which prevent these groups of people from either finding out about the policy or benefiting from it? (See Section 6 for examples)
- (b) Consider what barriers you can remove, whether reasonable adjustments may be necessary and how any unmet needs that you have identified can be addressed. For disabled people, as defined under the Disability Discrimination Act, this could mean treating them more favourably to ensure that there is equality of outcome.
- (c) When you are deciding priorities for action you will need to consider whether the barriers result in an adverse impact or discrimination that is illegal. These will constitute your top priority. The other priorities will be dependent on such issues as

whether a group is particularly excluded or connected to the core business of the service, whether there are adjustments that would mean several groups benefit.

Ensure that the actions you identify are put into the attached equality improvement plan.

The County Council is responsible for implementing the policy through the control of development undertaken by the mineral and waste industries. In carrying out that development control function the Council will consult and engage in accordance with its SCI. The SCI has been tested by an Independent Examination by a Government Planning Inspector for 'soundness' which includes being compliant with legal requirements. The consultation process for planning applications is aimed at those most affected by the proposed development irrespective of race, gender, disability, sexuality, age or religious belief. Consultation will also seek the views of interest groups, specialist and technical organisations where relevant to the particular development. How the Council undertakes its planning function and the standard of service to be expected is set out in its Planning Charter and Enforcement Policy Statement which are published on the Council's website. It is possible that the Planning Charter could have discriminatory or differential outcomes for race and disability although the likelihood is considered low. This document has been identified for review.

The MCS and WCS policies do not contain barriers. The procedure by which the Council implement the policies of these documents through its planning control functions may disadvantage some groups because of their disabilities or language. It is not believed that these disadvantages are illegal and the review of the Planning Charter has been set as a low priority.

4. What measures and methods have been designed to monitor the application of the policy, achievement of intended outcomes and identification of any unintended or adverse impact? How frequently will the monitoring be conducted and who will be made aware of the analysis and outcomes? List your answers below.

The MCS and WCS contain implementation and monitoring sections which set indicators and targets to monitor the effectiveness of the policies. Annual Monitoring Reports (AMRs) are required to be produced to report on the implementation of the MCS and WCS policies using the indicators and targets. The AMRs are put on the Council's website and are submitted to the Secretary of State for Communities and Local Government through the Government Office.

5. Consider the answers given in questions 1, 2, 3 and 4 and assess whether the policy and its implementation results, or could result in adverse impact on or discrimination against different groups of people. If you consider that there is adverse impact or discrimination, or the potential for either, please outline below and state whether is it justifiable or legitimate and give your reasons for this.

The MCS and WCS policies are not considered to have any direct discriminatory or adverse

effects on the equality groups. There is potential for discriminatory or adverse effects due to the way access to the process of preparing the policies is managed and the implementation of the policies through the development control process. How consultation and engagement in the planning process is undertaken is set out primarily in the Council's SCI and the Planning Charter. Both these documents seek to reduce negative impacts resulting from exclusion of equality groups from the planning process. The SCI sets out how local communities will be involved and the methods that will be used. It acknowledges that resource constraints will restrict how much use can be made of some methods such as workshops, exhibitions and public meetings which can take up considerable staff resources.

Local communities are likely to be more interested in the Minerals and Waste Site Allocations Development Plan Documents whose preparation is following on from the MCS and WCS. These documents will identify sites where new mineral extraction and waste management capacity will be provided. These allocations will have more direct impact on particular communities and equality issues may arise as a consequence of the characteristics of the community around an allocation. Exhibitions and public meetings in communities have been used in preparing these documents and will continue to be used.

The effectiveness of various engagement methods will be assessed as part of the preparation of the MCS and WCS and the SCI reviewed if necessary. Any discrimination that does take place as a result of inadvertent exclusion from the consultation process (e.g. because of language barriers or disability) is undesirable but may not be capable of resolving without large increases in cost beyond current planning budget.

6. (a) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.
- (b) If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people. This arises out of the duty to promote good relations between people of different groups and is in keeping with the Council's approach to social cohesion. Also, the new PSA15 explicitly requires councils to address disadvantage across all six equality strands.

Ensure that these actions are listed in the attached equality improvement plan.

OPPORTUNITIES FOR SOCIAL COHESION OR PROMOTING GOOD RELATIONS BETWEEN DIFFERENT GROUPS OF PEOPLE

7. Social cohesion is a priority for councils. Progress made towards building more cohesive, empowered and active communities is now being measured through national Performance Indicators. Essentially social cohesion is about promoting a sense of connection, trust and belonging both within and across communities and groups. Review all the actions and targets that you have identified as a result of this equality impact assessment to identify what social cohesion issues could arise, for example:

- (a) Are there ways in which the policy development process could bring different groups of people together, for example to monitor its impact or develop its future shape?
- (b) Could the implementation of the policy result in different groups of people being

brought together? Has the capacity of the policy to bring different groups together been fully utilised?

- (c) Does the implementation of the policy have the potential to lead to resentment between different groups of people? How can you compensate for perceptions of preferential or differential treatment? Are these implications or decisions being explained to those affected?
- (d) If the EIA improvement plan identifies addressing a gap in the service for a particular group of people, has this also addressed the potential for perceptions of preferential treatment for the group? (For example, if you give priority treatment to disabled people, how will you manage the negative attitudes that non-disabled people may develop as a result?)
- (e) How can the policy explicitly demonstrate the council's commitment to promote equality across race, gender, disability, age, religion/belief and the LGBT communities?

List your answers below. Ensure that the actions you identify are put into the attached equality improvement plan.

- (a) Because MCS and WCS policies are not discriminatory against particular groups the policy development process is likely to interest a range of groups. The consultation process is part of engaging the community in the development of the policy.
- (b) It is not considered that any capacity to bring different groups together has been unutilised.
- (c) Implementation is not considered to have potential to generate resentment between groups.
- (d) It is not for the MCS and WCS policies to explicitly promote equality across race, gender, disability, age, religion/belief and the LGBT communities. The SCI, which sets out how the Council will involve communities in the planning process, states that community involvement should take place as widely as possible within the limits of the resources available and should be appropriate to the people it is designed to reach. It seeks to involve a representative sample of the community and particularly those groups who would not normally become involved or feel excluded. The SCI lists the groups that will be involved in the consultation process including organisations representing those potentially more excluded. The list is not exhaustive and scope exists to improve the consultation process to make sure equality issues are addressed to best effect.

8. EQUALITY IMPROVEMENT PLAN

Please list all the equality objectives, actions and targets that result from the Equality Impact Assessment (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

| Equality Objective | Action | Target | Officer responsible | By when |
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| To continue to improve the engagement of groups at increased risk of discrimination in the development plan making and development control process. | Monitor the involvement of groups at risk of discrimination in the development plan making and planning application process. Consider more effective and efficient ways of involving such groups. | Revised Planning Charter to be incorporated in the Statement of Community Involvement. | JW/CJN | June 2009 |
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1st Authorised signature (EIA Lead) Date:

2nd Authorised signature (Member of DMT) Date:

Once completed and authorised, please send a copy of this form to the Equality and Diversity Team in the Chief Executives Department.

