

Publication Draft Minerals and Waste Policies and Allocations Document

Equality Impact Assessment

November 2022

Altogether better



NB: The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have ‘due regard’ to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

Section One: Description and Screening

Service/Team or Section	Spatial Policy Team
Lead Officer	Mike Allum
Title	Spatial Policy Manager
MFTP Reference (if relevant)	N/A
Cabinet Date (if relevant)	16 November 2022
Start Date	June 2021
Review Date	Post consultation

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):

The Minerals and Waste Policies and Allocations document (M&WDPD) is a Development Plan Document (DPD). It is part of a requirement set out in the County Durham Plan (CDP)(2020) and fulfils its roll to complement and add value to the CDP by providing further details to supplement the objectives, strategic and non-strategic polices already present in the CDP.

Once adopted following several stages of consultation and an examination by an independent Inspector, along with the County Durham Plan and any ‘made’ (adopted) Neighbourhood Plans it will form part of the statutory development plan for County Durham. It will then, together with the provisions of the County Durham Plan provide the decision-making framework for the determination of all planning applications for the minerals and waste development in County Durham.

Upon adoption it will also replace the remaining saved policies of the County Durham Minerals Local Plan (December 2000) and the County Durham Waste Local Plan (April 2005). The remaining saved policies of these plans are currently listed in Appendix B of the County Durham Plan.

The Publication Draft M&WDPD seeks to complement the provisions and policies of the County Durham Plan which was adopted in October 2020. The County Durham Plan sets out the councils overarching strategy for the development and use of land in County Durham to 2035. It also sets out the spatial vision and strategic objectives for future development of the county, including minerals and waste development. The County Durham Plan contains policies and site allocations to deliver these objectives upon which planning applications will be determined including fourteen strategic and one non-strategic policies for minerals and waste.

The Publication Draft M&WDPD still shares the same key elements, visions and strategic policies of the CDP. The Policy Framework and additional non-strategic objectives of the M&WDPD sit within the overarching strategic objectives of the CDP:

- It seeks to provide a number of complementary minerals and waste development management policies to provide clarity and assist CDP policies in the control of minerals and waste development including specific policies on noise, air quality and dust, vibration and the restoration and after-use of mineral, landfill and landraise sites. It includes policies related to the manufacturing and processing of minerals (which the M&WDPD seeks to restrict to quarry and employment locations to minimise environmental harm), the transport of minerals including road to rail transshipment facilities, borrow pits (which are temporary mineral workings to serve specific construction projects which are well related to the construction project and a policy detailing the benefits of minerals development.
- It seeks to provide the policy framework for some types of waste management operations development which were only addressed by the County Durham Plan at a strategic level such as inert and non-hazardous waste landfill (both of which can only occur at existing or former quarries) and the use of inert waste for recovery operations such as for ecological or agricultural benefit in accordance with the EU Waste Framework Directive.
- It seeks to provide the policy framework for a number of economically important minerals not addressed by the strategic minerals policies of the County Durham Plan but where future planning applications cannot be discounted such as for conventional and unconventional oil and gas, silica sand, vein minerals and lithium.
- Where needed and justified further allocations for mineral working and waste development will be made within the M&WDPD.

This equality impact assessment will be continually reviewed and updated as the M&WDPD develops. It was updated prior to consultation on the Publication Draft Plan.

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):

Anyone who lives in, studies in, works in, visits, or has an interest in County Durham may be interested in the M&WDPD. This includes the general public, anyone previously interested in local plan consultations and included on our database, council staff, Elected Members, developers and landowners, various partners, stakeholders from various sectors and interest groups or communities, Area Action Partnerships, Town/Parish Councils, Neighbourhood Forums and statutory consultees / prescribed bodies as defined by the Government.

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?

Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	N	N
Disability	N	N
Marriage and civil partnership (workplace only)	N	N
Pregnancy and maternity	N	N
Race (ethnicity)	N	N
Religion or Belief	N	N
Sex (gender)	N	N
Sexual orientation	N	N
Transgender	N	N

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

The non-strategic objectives of the Publication Draft M&WDPD sit within the strategic objectives of the CDP. The CDP has already undergone a full EQUIA and with no issues regarding the objectives and policies relevant to the M&WDPD. Therefore, the council is not currently aware of any likely impact on arising as a result of the preparation of the M&WDPD on protected characteristics. In line with its ongoing duties to consider equalities impacts, if the council

becomes aware of such an impact, the council will fully consider any such change of circumstances.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:
eliminate discrimination, harassment and victimisation,
advance equality of opportunity, and
foster good relations between people from different groups

The CDP and the Councils Statement of Community Involvement (SCI) are overarching documents for this M&WDPD. The nature of this document means that there are no identified negative or positive impact on the public in general, including all protected characteristics. This document and EQUIA will be reviewed as appropriate.

Evidence

What evidence do you have to support your findings?
Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

The County Durham Plan <https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000> aims to improve the county its communities, economy and environment to make County Durham a successful place. It aims for equality of opportunity across all equality protected characteristics and identifies actions to eliminate inequality issues. The M&WDPDs policies and allocations complement and add value to the fourteen strategic and one non-strategic minerals and waste policies of the County Durham Plan and will be used in association with other relevant County Durham Plan policies. The overall intent is to assist in ensuring that society's needs for minerals and waste management can be met whilst also ensuring that there are no unacceptable adverse impacts on the environment, human health, or the amenity of local communities.

A full EQUIA was taken out on all stages of the CDP document (CDP evidence base (C9) <https://durhamcc-consult.objective.co.uk/kse/folder/52317>). It did not raise issues in relation to the County Durham Plan objectives related to minerals and waste (Objective 20: Supply of Minerals and Objective 21: Waste and the fourteen strategic and one non-strategic policies for minerals and waste within the County Durham Plan. The council is not currently aware of any likely positive or negative impact arising as a result of the preparation of the M&WDPD on the protected characteristics. This judgement is made considering the findings of the equality impact assessment which was undertaken on the County Durham Plan. It is therefore considered that a full EQUIA assessment is not necessary for this document at this time.

Consultation update

An initial stage of consultation has already taken place as a scoping exercise for the document. This initial stage was undertaken between Friday 15th January 2021 and Friday 26th February 2021 when the Council consulted for six weeks on its Regulation 18 Statement - Notice of Intention to Prepare a Local Plan Development Plan Document. A call for new minerals and waste sites was also undertaken at this time. See here: <https://consult-durhamcc.objective.co.uk/kse/event/35975/section/> and here: <https://consult-durhamcc.objective.co.uk/kse/event/35973/section/>

An EQUIA was not necessary for this stage. This was confirmed with the Equalities & Diversity Team.

The second stage of consultation was undertaken on the Draft Plan between 24 September 2021 and 5 November 2021 upon the draft M&WDPD. A number of supporting documents were also published at this time including a document which assessed the potential minerals and waste allocations submitted in response to the call for sites 2021 and accompanying Sustainability Appraisal and Habitats Regulation Assessment Screening Report. A statement of consultation was also published which detailed the comments which were received in response to the initial stage of consultation, see here:

<https://www.durham.gov.uk/article/26303/Consultation-on-the-County-Durham-Minerals-and-Waste-Policies-and-Allocations-Documents-stage-two-> and here: <https://consult-durhamcc.objective.co.uk/kse/event/36490> . An EQUIA was prepared at this stage. No comments were received which raised on matters which raised equality issues.

An EQUIA was required for the second stage of consultation and this was submitted to the Equalities & Diversity Team which concurred with its findings.

The M&WDPD is now at its third and final stage of consultation prior to its submission to the Secretary of State for formal examination. Following agreement by Cabinet on 15 November 2022 it is anticipated that consultation will occur for eight weeks. Consultation is expected to commence on 28 November 2022 and run until 13 January 2023. A number of supporting documents will also be published at this time including a document which updates the Council's assessment of the potential minerals and waste allocations submitted in response to the call for sites 2021, an updated Sustainability Appraisal and Habitats Regulation Assessment Screening Report. A Statement of Consultation will also be published which sets out the comments which were received in response to the second stage of consultation (The Draft Plan) and the Council's response to the matters raised. No comments were received at the second stage on the nine specific matters which relate to the protected characteristics. In addition, the Statement of Consultation also includes an appendix which lists all of the consultees who were consulted directly by Durham County Council's Consultation Team, it lists all of the consultees which the Council consults to engage groups which are related to protected characteristics i.e., Age, Disability, Marriage and civil partnership (workplace only), Pregnancy and maternity, Race (ethnicity), Religion or belief, Sex (gender), Sexual orientation and Gender Identity.

The consultation documents will be able to be accessed directly from the Councils Consultation webpage: <https://www.durham.gov.uk/consultation>

All documents have been checked for their accessibility to ensure they meet Web Content Accessibility Guidelines - WCAG2.1 AA. The aim of the regulations is to ensure public sector websites and mobile apps are accessible to all users, especially those with disabilities.

All consultation on the M&WDPD is being undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, and in accordance with the Council's Statement of Community Involvement (SCI) which sets out how the Council will consult on planning documents. The Council's SCI was reviewed and updated in 2019 to reflect the Covid 19 pandemic. It seeks to provide real opportunities for all to be involved in all aspects of planning, from plan making to the determination of planning applications. This includes treating some people more favourably to avoid disadvantage. A full EQUIA was also carried out on the updated Statement of Community Involvement to reflect the Covid-19 related changes.

In line with its ongoing duties to consider equalities impacts, if the council becomes aware of any such positive or negative impact on any protected characteristics, the council will fully consider any such change of circumstances.

Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	N
No evidence of actual or potential impact on some/all of the protected characteristics?	Y

Sign off

Lead officer sign off: Spatial Policy Team Leader	Date:
Service equality representative sign off: Equality and Diversity Officer	Date:

If carrying out a full assessment please proceed to section two.

If not proceeding to full assessment please return completed screenings to your service equality representative and forward a copy to equalities@durham.gov.uk

If you are unsure of potential impact please contact the corporate research and equalities team for further advice at equalities@durham.gov.uk

Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: Age		
What is the actual impact or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact	What further action mitigation is required?

Protected characteristic: Disability		
What is the actual impact or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact	What further action mitigation is required?

Protected Characteristic: Marriage and civil partnership (workplace only)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected characteristic: Pregnancy and maternity		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Race (ethnicity)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Religion or belief		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Sex (gender)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Sexual orientation		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected characteristic: Transgender		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Section Three: Conclusion and Review

Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.

Will this promote positive relationships between different communities? If so how?

Action Plan

Action	Responsibility	Timescales for implementation

Review

Are there any additional assessments that need to be undertaken? (Y/N)	Y on going review throughout the consultation

Sign Off

Lead officer sign off: Spatial Policy Officer, Spatial Policy Team	Date:
Service equality representative sign off: Equality and Diversity Officer	Date:

Please return the completed form to your service equality representative and forward a copy to equalities@durham.gov.uk