

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

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| Directorate: | Economy and Place | | |
| Service Area: | Strategic Planning Policy | | |
| Name of the proposal : | Minerals & Waste Joint Plan – Inspector’s Report | | |
| Lead officer: | John Roberts, Strategic Planning Policy Officer | | |
| Date assessment completed: | 15/02/22 | | |
| Names of those who contributed to the assessment : | | | |
| Name | Job title | Organisation | Area of expertise |
| Heidi Lehane | Senior Solicitor Planning | City of York Council | Legal |

Step 1 – Aims and intended outcomes

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| 1.1 | <p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p> |
| | <p><i>The proposal has been produced jointly by North Yorkshire County Council, City of York Council and the North York Moors National Park Authority. In line with the requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012, it was submitted to the Planning Inspectorate in November 2017 for independent examination. The Examination in Public took place between Tuesday 27th February and 23rd March 2018. Additionally, a session was held on 13th April 2018, and later, in 2019, a further session was held on Thursday 24th and Friday 25th January 2019, relating to unconventional oil and gas. The Planning Inspector examined the submitted document in relation to the tests of ‘soundness’, as set out in the National Planning Policy Framework. The authorities producing the Joint Plan have now received the Inspectors Report and accompanying letter, dated 4 February 2022, stating that the Joint Plan satisfies all requirements and is considered to be ‘sound’, subject to the modifications recommended by her, to satisfy as a result of the discussions which took place at the Examination. The adoption of the Minerals & Waste Joint Plan will provide an up to date policy framework against which to assess and determine applications in relation to both minerals and waste in York & North Yorkshire.</i></p> |
| 1.2 | <p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p> |
| | <p><i>The proposal needs to be considered in line with the Planning and Compulsory Purchase Act 2004 and the Town & Country Planning (Local Planning) (England) Regulations 2012. The council’s duties under the Equalities Act 2010 and the Human Rights Act 1998 are also key considerations.</i></p> |
| 1.3 | <p>Who are the stakeholders and what are their interests?</p> |
| | <p><i>Stakeholders primarily include people who live & work within York and North Yorkshire, and also interested parties in relation to minerals & waste, within York & North Yorkshire.</i></p> |

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| 1.4 | What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans. |
| | <p><i>The Minerals & Waste Joint Plan is required to be in conformity with the National Planning Policy Framework (NPPF). The proposals seek to support the Council Plan (2019-2023) in particular, with respect to:</i></p> <ul style="list-style-type: none"> • <i>Well-paid jobs and an inclusive economy</i> • <i>A greener and cleaner city</i> <p><i>With respect to the emerging Local Plan, the proposal seeks in particular to support:</i></p> <ul style="list-style-type: none"> • <i>Policy WM1: Sustainable Waste Management</i> • <i>Policy WM1: Sustainable Minerals Management.</i> |

Step 2 – Gathering the information and feedback

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| 2.1 | What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc. | |
| Source of data/supporting evidence | Reason for using | |
| National Planning Policy Framework: Equality Impact Assessment, July 2018 | <i>The updated NPPF was assessed under an Equalities Impact Assessment (EqIA) and the Plan has been developed to comply with the National Planning Policy Framework.</i> | |
| Public consultation on the Minerals & Waste Joint Plan | <i>The plan has undergone a number of stage of public consultation, between 2013 and 2021, inc Regulation 18 Consultation (May-June 2013), Issues & Options Consultation (Feb-April 2014), Supplementary Sites Consultation (Jan- March 2015), Preferred Options Consultation (Nov 2015-Jan 2016), Regulation19 Consultation (Nov-Dec 2016),</i> | |

Addendum of Proposed Changes to the Publication Draft). The last stage of consultation ending on 15th September 2021, which sought the views on proposed main Modifications to the Plan. Additionally, some interested parties only consultation has taken place. The consultation has informed the development of the Minerals & Waste Joint Plan.

Step 3 – Gaps in data and knowledge

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| 3.1 | What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with. | | |
| Gaps in data or knowledge | | Action to deal with this | |
| n/a | | n/a | |

Step 4 – Analysing the impacts or effects.

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| 4.1 | Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations. | | |
| Equality Groups and Human Rights. | Key Findings/Impacts | Positive (+) Negative (-) Neutral (0) | High (H) Medium (M) Low (L) |

ANNEX 5

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| Age | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Disability | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Gender | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Gender Reassignment | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Marriage and civil partnership | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Pregnancy and maternity | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Race | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Religion and belief | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Sexual orientation | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Other Socio-economic groups including : | Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes? | | |
| Carer | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Low income groups | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Veterans, Armed Forces Community | <i>No impacts identified</i> | 0 | <i>n/a</i> |
| Other | <i>n/a, no other groups identified</i> | <i>n/a</i> | <i>n/a</i> |

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| Impact on human rights: | | | |
| List any human rights impacted. | <i>No impacts identified</i> | 0 | <i>n/a</i> |

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

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| <p>High impact (The proposal or process is very equality relevant)</p> | <p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p> |
| <p>Medium impact (The proposal or process is somewhat equality relevant)</p> | <p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p> |
| <p>Low impact (The proposal or process might be equality relevant)</p> | <p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p> |

Step 5 - Mitigating adverse impacts and maximising positive impacts

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| 5.1 | <p>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</p> |
| <p><i>The Minerals & Waste Joint Plan supports a number of positive impact measures, including assisting in the strengthening of employment in the minerals & waste sectors, promotion of sustainable waste management, mitigating against unacceptable impacts on air quality, mitigating against any impacts on the natural environment etc. These positive impacts will be optimised through policies in the Plan. Additionally, the plan will also be subject to monitoring and periodic review.</i></p> | |

Step 6 – Recommendations and conclusions of the assessment

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| 6.1 | <p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p> |
| <p>- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p> | |

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

| Option selected | Conclusions/justification |
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| No major change to the proposal | <i>The EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impacts.</i> |

Step 7 – Summary of agreed actions resulting from the assessment

| 7.1 What action, by whom, will be undertaken as a result of the impact assessment. | | | |
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| Impact/issue | Action to be taken | Person responsible | Timescale |
| n/a | | | |

Step 8 - Monitor, review and improve

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| 8. 1 | <p>How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p> |
| | <p><i>National legislation requires that development plans must be reviewed every 5 years from adoption, although it is possible that matters justifying a review may arise over a timescale of less than 5 years. The Minerals & Waste Joint Plan will be reviewed in line with these requirements. It recognises that there are 3 key areas addressed by the Plan which could lead to the need for a review, including; to ensure that adequate landbanks of sand & gravel and/or crushed rock can be maintained over the plan period; to ensure that sufficient site allocations are identified to meet requirements resulting from a significant & unforeseen increase in waste arising in the plan area; to respond to new issues arising from any further exploration activity for shale gas in the area.</i></p> |