

DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

Section 1 - Introduction

This form is intended to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the Annual Report to the Equality Commission. Copies of completed forms should be retained on file within business areas (**and a copy sent to the Equality Unit**) and reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, material status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between

Advice on Completion of the Screening Form

It is important that the screening form is completed carefully and thoughtfully. Your Divisional or Agency Equality Officer and the Department's Equality Unit in room 413A Clarence Court (ext 40203/40813) will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

Further advice on the screening process can be accessed at Section 4 of the Equality Commission's Guide to the Statutory Duties.

Policies included for EQIA

If, after screening, it is decided that a policy will require a full EQIA, a decision will be required on the priority and timing of the assessment. The screening form should be noted accordingly, signed off and copied to the Equality Unit for inclusion in the EQIA programme.

Policies excluded for EQIA

If a decision is taken to screen out the policy or where there is ambiguity about the equality implication of the proposal, the screening form should be signed off by a senior officer responsible for the policy and a copy sent to the Equality Unit. Copies of all screening out forms will be placed on the Department's website.

Section 2 - Policy to be Screened

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider changes to or any new initiatives, proposals, schemes or programmes as policies. The policies covered in the Equality Scheme EQIA programme are a reasonable guide both to the nature of external departmental policies and the level at which they should be considered.

The revised Guidance from The Equality Commission emphasises that the Statutory duties apply to **internal** policies (relating to people who work for the organisation) as well as **external** policies (relating to those who are, or could be, served by the organisations).

It is important to remember that even if a full EQIA has been carried out in respect of an "overarching" policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and well defined. You must take into account any available data or evidence that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories. Evidence may be qualitative and or quantitative and may include research or internal information and or experience in relation to service and customer monitoring exercises. Where appropriate, arrangements should be made to obtain any data necessary to assist screening. The Equality Unit or Central Statistics & Research Branch (Stephanie Harcourt ext 40878 or Michael Bennett ext 40916) are available to provide advice on data requirements.

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

Title: Wind Energy Development in Northern Ireland's Landscapes – Supplementary Planning Guidance to Planning Policy Statement 18 'Renewable Energy'

Aim: This supplementary planning guidance is not in itself a policy document, rather it is intended to complement the Department's published Planning Policy Statement 18 'Renewable Energy'. It is an objective of PPS18 to ensure that the environmental, landscape, visual and amenity impacts associated with renewable energy development are adequately addressed during development control processes.

The aims of this supplementary planning guidance are to assist planners, developers and other stakeholders:

- In assessing wind energy development in landscape and visual terms;
- To identify appropriate locations for wind energy development;
- To produce appropriate siting, layout and design proposals for wind energy developments; and
- To inform judgements on the impacts and acceptability of proposed wind energy developments in landscape and visual terms by those with responsibility for making planning decisions.

It is essential that all the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

The supplementary planning guidance will have direct implications for developers and applicants seeking planning permission for the development of renewable wind energy generating facilities.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

- (a) DoE Planning and Environmental Policy Group, Northern Ireland Environment Agency and Planning Service through external consultants and in consultation with Interdepartmental Working Group and representative NGOs
- (b) The document will be implemented through the development control process as supplementary guidance by those with responsibility for making planning decisions, normally the DoE Planning Service, but also the Planning Appeals Commission.

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

The supplementary planning guidance has been prepared in consultation with an Interdepartmental Working Group and representative NGOs.

2.5 What data are available to facilitate the screening of this policy/legislation?

There are a variety of information sources that can be drawn upon on the Section 75 groups from the Northern Ireland Statistics and carried Research Agency (NISRA) and the Planning Service database of development decisions. No detailed analysis of this data has been carried out as there is nothing to suggest that the guidance would impact adversely on any of the Section 75 groups and there are no anticipated effects on equality.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

No additional data is required to facilitate screening.

See Appendix 4 of the Equality Commission Practical Guidance on EQIA which provides a list of Sources of S75 data or speak to Central Statistics and Research Branch (Stephanie Harcourt, ext 40878 or Michael Bennett, ext 40916) or Equality Unit (Alex Boyle, ext 41194, or Laura McAleese, ext 40203).

Section 3 - Screening Analysis

In cases where there is no available quantitative evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with Equality Unit, Statistics Branch and organisations representing the Section 75 Groups will be important and helpful at this stage in obtaining qualitative evidence of impacts. Every effort should be made to ensure that assessments are evidence based.

The following criteria must be considered when screening.

3.1 Is there any indication or evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Gender		✓
Disability		✓
Dependants		✓

Please give details

The Department considers there is no evidence that the supplementary planning guidance will have any differential impact on any of the groups within the Section 75 groups in relation to lower participation or take up. The document will be implemented through the development control process as supplementary guidance by those with responsibility for making planning decisions, normally the DoE Planning Service, but also the Planning Appeals Commission.

3.2 Is there any indication or evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Gender		✓
Disability		✓
Dependants		✓

Please give details

The Department considers there to be no indication or evidence that any of the Section 75 groups have different needs, experiences, issues and priorities in relation to this supplementary planning guidance. The document will have direct implications for developers and applicants seeking planning permission for proposals involving renewable wind energy technology.

In addition it is stressed that the document is not itself a policy document, rather it provides supplementary planning guidance to support the Department's policy contained in Planning Policy Statement 18 'Renewable Energy'. PPS18 itself was screened for Equality Impact Assessment and it was concluded that it would have no significant implications for equality of opportunity or community relations.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Gender		✓
Disability		✓
Dependants		✓

Please give details of any consultations carried out, and any problems identified.

It has not been considered necessary to specifically consult with any of the Section 75 groups. Public consultation on the draft supplementary planning guidance was carried out in February 2008 and no issues of equality were identified in public consultation responses. In addition the associated PPS18 was subjected to an equality impact screening exercise and public consultation prior to its publication. As part of that public consultation exercise PPS18 was forwarded to relevant key groups in the Departments Equality Scheme. The outcome of that exercise concluded that PPS18 was unlikely to have significant adverse implications for equality of opportunity or community relations.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

No

Please give details

Not applicable.

- 3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:**

Not applicable.

- 3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.**

Please give details

Not applicable.

- 3.7 In relation to Departmental obligations under Section 49A of the Disability Discrimination Act 1995(DDA) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.**

Not applicable.

Section 4 - EQIA Recommendation

You should consider carefully in this section whether full EQIA is necessary, particularly where answers to any questions in Section 3 are affirmative.

4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			✓
Effect on people's daily lives.			✓
Effect on economic, social and human rights.			✓
Strategic significance		✓	
Financial significance			✓

Please give details

The growth in the use of wind energy technology presents the potential to develop an indigenous renewable energy industry and provides a range of opportunities to support the local economy, and has indirect implications in assisting the diversification of the Regions energy supply and a more competitive market.

4.2 In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly.

No. There is no evidence to suggest, and it is not considered likely, that the supplementary planning guidance will impact disproportionately on any of the Section 75 groups or will have an impact on equality of opportunity. The Department therefore considers that it is not necessary for a full EQIA to be carried out.

- 4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.**

Not applicable

- 4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?**

Please give details

Not applicable.

Section 5 - Endorsement

I can confirm that the proposed policy has been screened for equality of opportunity and good relations implications and has been screened out for equality impact assessment.

Signed: G. R. Seymour

**Agency/Division: Natural Heritage
Northern Ireland Environment Agency**

Date: 2 June 2010

PLEASE FORWARD A COPY OF THE COMPLETED FORM TO:

**DOE EQUALITY UNIT
ROOM 413A
CLARENCE COURT
10-18 ADELAIDE STREET
BELFAST
BT2 8GB**

**QUERIES TO: ALEX BOYLE, EXT 41194
alex.boyle@doeni.gov.uk**

**LAURA McALEESE, EXT 40203
laura.mcaleese@doeni.gov.uk**

Section 6 - For Completion by Equality Unit

Date

Screening result recorded: _____

Placed on website: _____

Screening out completed: _____

Screening to be reconsidered: _____

Give reasons:

Agency/Division notified date: _____



Appendix 1.

Main Groups Relevant to the Section 75 Categories	
Category	Main Groups
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
Gender	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long- term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians
