

UK Marine Policy Statement

Equalities Impact Assessment
Screening Report

HM Government
Northern Ireland Executive
Scottish Government
Welsh Assembly Government

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Equalities Impact Assessment Form: Stage 1 – Initial Screening

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High Level Marine Objectives

Abbreviations

The following abbreviations have been used in this report:

| Abbreviation | Description |
|---------------------|------------------------------|
| AoS | Appraisal of Sustainability |
| EqIA | Equalities Impact Assessment |
| HLOs | High Level Marine Objectives |
| MPS | Marine Policy Statement |
| NPS | National Policy Statement |

1 Introduction

1.1 Equalities Impact Assessment Screening Report

This Equalities Impact Assessment (EqIA) screening has been undertaken to identify any areas of the UK Marine Policy Statement (MPS) which may give rise to an equalities impact. The Equality Act¹, which received Royal Assent on 8th April 2010, seeks to address inequalities in the areas of gender, race, disability, age, sexual orientation and religion or belief. The EqIA screening considers the effects of the MPS on equality and identifies any key equality issues which will have significant implications for the MPS.

1.2 Legal Framework

The Equality Act 2010 forms part of the law of England, Wales and Scotland. It replicates some of the equality duties the Scottish Government can already impose on public bodies and bodies involved in cross-border activities. Some of the provisions in the Act form part of the law in Northern Ireland. However, in Northern Ireland Government Departments are required to consider and promote equality under section 75 of the Northern Ireland Act 1998. A separate screening for EqIA has been undertaken by the Department of the Environment and screened out the need for full EqIA².

1.3 Brief description of the Marine Policy Statement

The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment. It will facilitate and support the formulation of Marine Plans ensuring that marine resources are used in a sustainable way. The MPS is expected to lead to more strategic and efficient management of our marine environment and marine resources. It is the first step in the new marine planning system, setting out policies in the UK marine area to contribute to the achievement of sustainable development and providing a consistent policy steer for decision makers and users in the marine area. The MPS aims to take into consideration the priorities of all the UK Administrations (UK Government, Scottish Government, Welsh Assembly Government and Northern Ireland Executive) and to be forward looking (over 20 years and longer where possible). It aims to address European Union (EU) and international obligations and commitments and to explain how the UK Administrations are addressing these and taking them forward through domestic policies.

The MPS will be used by and referred to by a wide range of public bodies and decision-makers. Authorisation or enforcement decisions by public authorities which affect or might affect the UK marine area, including decisions on authorisation conditions and enforcement action to ensure compliance with such conditions, will all need to be made in accordance with the MPS and any relevant Marine Plans, unless relevant considerations otherwise indicate.

The MPS sits alongside existing planning regimes across the UK. In England and Wales this includes the suite of National Policy Statements (NPSs) currently being prepared by UK Government departments. NPSs are being produced for nationally significant infrastructure projects in key sectors under the Planning Act 2008 (including energy, ports, transport, water, wastewater and waste).

¹ Equality Act 2010

² Department of the Environment, *Section 75 Equality of Opportunity Screening Analysis Form*. Available at: http://www.doeni.gov.uk/screening_analysis_form_-_marine_policy_statement.pdf

In Scotland the second National Planning Framework under the Planning (Scotland) Act 2006 sets out a number of national development priorities to support the Scottish Government's central purpose of sustainable economic growth. In Northern Ireland the Regional Development Strategy and Planning Policy Statements are the key planning documents which set the policy framework for terrestrial planning decisions.

The UK Administrations have developed the MPS, working closely with a range of stakeholders.

1.4 Approach for the EqIA Screening

EqIA is the process by which organisations examine their activities in order to minimise the potential for discrimination. The process is also used to monitor interventions designed to have a positive impact on a particular group.

EqIA usually follows two key stages:

- Initial Screening – to identify potential equality impacts posed by the document (in this case the MPS) and the potential scope of influence i.e. to determine whether a full EqIA assessment is required.
- Full Assessment – to undertake an assessment of all elements of the MPS which have potential to give rise to an equalities impact including creating an action plan to mitigate any adverse impacts, reporting and monitoring.

This report presents the findings of the Initial Screening. There is no standard widely accepted guidance for undertaking EqIAs, although organisations and government bodies have produced their own guidance³. This Initial Screening has considered available guidance⁴. A copy of the completed screening table is included in Appendix A.

The approach adopted for the Initial Screening comprises the following stages:

- Review of the aims, objectives and projected outcomes of the MPS to identify areas which may give rise to equality impacts;
- Identify equalities legislation of relevance. A list of key legislation is included in Appendix B;
- Identify different groups within equality groups (e.g. race, gender, religion, age and disability), that the MPS is likely to affect;
- Assess any potential issues relating to equalities and identification of a need for a Full Assessment.

³ Improvement and Development Agency, *Introduction to EqIAs (2008)* available at: <http://www.idea.gov.uk/idk/core/page.do?pageId=8017247> and the Department of Health (2009) *Equality Impact Assessment Summary, tool and guidance for policy makers*

⁴ Department for Environment Food and Rural Affairs (undated) Corporate Guidelines for conducting Equality Impact Assessments: Delivering on Diversity. V1.1.07

2 The Marine Policy Statement Vision

2.1 Vision

The UK's vision for the marine environment is for clean, healthy, safe, productive and biologically diverse oceans and seas. To achieve this vision, a series of High-Level Marine Objectives (HLOs) have been developed in the context of the five sustainable development principles outlined in the UK's shared framework for sustainable development⁵:

- Achieving a sustainable marine economy;
- Ensuring a strong, healthy and just society;
- Living within environmental limits;
- Promoting good governance;
- Using sound science responsibly.

2.1.1 Projected outcomes

Under these principles are the outcomes that the UK Administrations are seeking to achieve in the marine area to take forward the vision. The HLOs are reproduced in Appendix C and the key points are summarised below:

Achieving a sustainable marine economy: The outcomes relate to infrastructure to support marine businesses so that they are operating efficiently and within environmental limits, as well as being socially responsible.

Ensuring a strong, healthy and just society: The outcomes relate to the appreciation and use of the marine environment so that it benefits society as a whole, ensuring that there is safe, equitable access to the coast, seas and their resources.

Living within environmental limits: Protection and conservation of biodiversity, healthy marine and coastal habitats and oceans supporting viable populations of valued species.

Promoting good governance: The outcomes relate to input into associated decision-making for all those who have a stake in the marine environment, as well as ensuring marine, land and water management mechanisms work together through the use of tools including Integrated Coastal Zone Management (ICZM) and River Basin Management Plans. An ecosystems approach is promoted that takes account of climate change.

Using sound science responsibly: The outcomes focus upon ensuring that scientific and socio-economic research continues to develop understanding of the marine environment and underpins effective marine management. The need to apply the precautionary principle consistently is identified.

Based on the above, the MPS aims to achieve a range of positive outcomes for the economy, society as a whole and the environment. These are to be achieved through good governance and the use of sound science. Likely beneficiaries are the marine environment, marine businesses and society, in particular those who require access to the coast and marine area and those who work in the marine sector.

⁵ One future – different paths – The UK's shared framework for sustainable development.

3 Relevance to Equality and Diversity Duties

3.1 Introduction

This section considers if the MPS will differentially affect the following six equality groups as required by legislation:

- Black, Black British, Asian, Asian British, Chinese or other minority ethnic and/or cultural groups;
- Disabled and deaf people;
- Women, men and transgender people;
- Different religious communities/groups;
- Older people, children and young people;
- Gay, lesbian and bisexual people.

The following issues have also been included:

- The Welsh language;
- Working patterns (part time or seasonal).

Further information regarding the key assessment questions is provided in the screening form in Appendix A. The findings are discussed below.

3.2 Potential Effects of Marine Activities

Whilst marine activities may have benefits and disbenefits for coastal communities it is not possible to disaggregate the effects upon equalities target groups or other groups. The MPS does not specifically encourage or discourage activities. Spatial guidance is expected to be provided through the forthcoming Marine Plans.

Marine activities have the potential to affect these groups in many ways. For example, coastal communities may benefit economically and socially from the success of coastal and marine economies in their area, such as fishing, port infrastructure or tourism. Similarly, communities can suffer high levels of social and economic deprivation as a result of industrial decline. Coastal communities may benefit from improved coastal recreation opportunities and environmental improvements whereas they may suffer from possible adverse effects of marine air quality, visual intrusion, coastal erosion and flood risk.

The different sectors and activities likely to benefit from the guidance in the MPS include marine industries such as fisheries, marine dredging, marine aggregates, ports and shipping and other sectors such as energy (oil and gas, wind and tidal power), tourism, heritage and nature conservation. Population groups likely to be affected by decisions based on the MPS include those working in marine businesses and the sectors mentioned above as well as decision makers, planners, coastal communities and those participating in coastal recreation and tourism.

These effects may impact equalities target groups embedded within these communities both positively and potentially negatively. However, at this scale there is no clear differentiation between the potential effects upon target groups and non-target groups.

3.3 What influence does the MPS have on these issues?

The MPS is a high level, strategic document which does not stipulate what activities should occur where and to what extent. Nor does it stipulate levels of growth in activities over a period of time. As such, it is not possible at this level of policy-making to identify exact physical outcomes in specific areas and consequently identify the effects on target groups.

The guidance in the MPS seeks to ensure that the effects on the environment, the economy and coastal communities are given appropriate weight in the development of Marine Plans and in taking decisions affecting the marine area.

In addition to this, the MPS is guided by the overarching principles of the HLOs. A specific HLO is, *'to ensure a strong, healthy and just society'* with the intention that decisions made in accordance with the MPS should benefit society as a whole. This concept is reinforced further by specific outcomes under the HLOs which specifically seek to benefit society:

- Under, 'Achieving a sustainable marine economy', an outcome is: "The marine environment and its resources are used to maximise **sustainable activity, prosperity and opportunities for all**, now and in the future";
- Under 'Ensuring a strong, healthy and just society', an outcome is: "The use of the marine environment is **benefitting society as a whole**, contributing to resilient and cohesive communities.....as well as **contributing to physical and mental well being**";
- Another outcome is: "There is **equitable access** for those who want to use and enjoy the coast";
- Under 'Promoting good governance', an outcome is: "**All those who have a stake in the marine environment** have an input into associated decision-making".

The above statements suggest that the MPS will not discriminate against any sections of society and therefore support the provision in the Equality Act which stipulates that an authority, such as a government department, *"when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce inequalities of outcome which result from socio-economic disadvantage"*.⁶

⁶ Equality Act 2010 Part 1, Section 1 Public sector duty regarding socio-economic inequalities, page 1.

Conclusions

Marine activities referred to in the MPS have the potential to result in benefits and disbenefits upon coastal communities and groups of society which may have equalities target groups embedded within them.

The MPS will not stipulate what activities should occur where and how. Rather it will provide high-level guidance to marine plan authorities in developing Marine Plans and decision-makers when taking decisions that might affect the UK marine area. At this high-level the consequences of applying the MPS cannot be easily disaggregated between societal groups according to people's racial group, sexuality, gender, age, faith, belief or disability.

Furthermore, the MPS is guided by the overarching principles of the HLOs which make specific provisions to ensure that decisions on marine activities benefit society as a whole and are made in the context of ensuring a strong, healthy and just society. This suggests that the MPS would not discriminate against any sections of society and therefore supports the provision in the Equality Act.

It is therefore concluded that there is no requirement for a full EqIA.

Equality impacts would be better considered in the preparation of Marine Plans which will translate the provisions of the MPS into area specific requirements. It is at the area specific level that specific communities and areas will be defined, making it possible to disaggregate data according to the equality groups. Monitoring provisions for the implementation of Marine Plans should include a set of indicators relating to equality.

Opportunities will also exist to encourage the appropriate consideration of equality issues when individual projects are considered under the MPS. This has also been promoted through the Appraisal of Sustainability (AoS) process which has been undertaken on the MPS and which contains objectives and guide questions relating to equalities and sustainable communities.

Appendix A

Equalities Impact Assessment Form – Stage 1 Initial Screening

Equalities Impact Assessment Form Stage 1 Initial Screening

1. Person(s) & project team/directorate/Unit responsible for completing the assessment:

Hyder Consulting (UK) Limited on behalf of UK Administrations

2. Name of policy, strategy or project:

Marine Policy Statement

3.

To set out policies in the UK marine area to contribute to the achievement of sustainable development, provide a framework for marine planning and guide decision making in the marine area. The overarching High-Level Marine Objectives (HLOs) are:

- Achieving a sustainable marine economy;
- Ensuring a strong, healthy and just society;
- Living within environmental limits;
- Promoting good governance;
- Using sound science responsibly;

4. Who will be the beneficiaries of the policy/strategy/project?

Beneficiaries include marine businesses covering fisheries, marine aggregates, marine dredging and disposal, ports and harbours and shipping. Beneficiaries include other sectors such as energy (oil and gas, renewable energy such as wind and tidal power), military/naval activities, coastal defence and engineering, tourism, cultural heritage and nature conservation and planning authorities (local).

5. Has the policy/strategy/project been explained to those that it might affect directly or indirectly?

UK Administrations prepared a paper outlining initial thinking on the contents of the MPS for Peers and Members of Parliament during the passage of the Marine and Coastal Access Bill through Parliament. The Department for Environment, Food and Rural Affairs (Defra) and the Welsh Assembly Government held a joint stakeholder workshop in May 2009. Defra, Northern Ireland Executive and Scottish Government held separate events in June 2009. Defra also held workshops in November and December 2009 and January 2010 and all events were well attended by a range of stakeholders.

As indicated below a consultation document consulting upon the draft MPS and the associated AoS and other assessments was issued to all interested persons. The consultation documents were placed on UK Administrations' websites and publicised. The UK Administrations provided updates on progress through electronic and printed newsletters and stakeholder and coastal forum groups.

6. Have you consulted on this policy?

Consultations were held during the preparation of the Marine and Coastal Access Bill. Defra issued consultation documents in 2006 and 2007 and public consultation on the draft Marine Bill was held from April to June 2008.

For the MPS, workshops have been held (as discussed in Question 5 above). The AoS involved consultations on the Scoping Report through a scoping workshop and a six week consultation with the following consultees: Natural England, Countryside Council for Wales, Environment Agency, English Heritage, Cadw, Sustainable Development Commission, Welsh Assembly Government, Health Protection Agency, Department of Health, Joint Nature Conservation Committee, Scottish Environmental Protection Agency, Scottish Natural Heritage and Historic Scotland (via the SEA Gateway) and with the Northern Ireland Environment Agency.

UK Administrations issued the draft MPS and supporting draft Impact Assessment for 8 weeks pre consultation from March to May 2010. There were approximately 100 responses from a wide range of interested parties across various sectors.

There was a formal 12 week public consultation period on the draft MPS and the AoS, the Habitats Regulations Assessment and this EqIA screening (July 2010-October 2010). During this period updates were provided by newsletters and on websites and work carried out with key stakeholders and coastal groups. The draft MPS was laid before both Houses of Parliament and the legislatures of all the Devolved Administrations for scrutiny (July 2010- January 2011).

7. Please complete the following table and give reasons/comment where:

- a) The policy could have a positive impact on any equality target groups or contributes to promoting equality, equal opportunities and improving relations within equality target groups.
- b) The policy could have a negative impact on any equality target groups, i.e. disadvantage them in any way.

| Equality Target Group | Potential impacts |
|---------------------------------------|--|
| Men and Women | <p>Communities along the coasts will include members of the target groups shown in the column to the left. These communities could potentially be affected by development and activities consented under the guidance presented in the MPS. Proposals for developments will include proposals for ports development, fishing, tourism/recreational facilities, energy infrastructure, dredging and aggregates extraction and coastal defences.</p> |
| Asian or Asian British people | |
| Black or Black British people | |
| White people (including Irish people) | <p>Some potential impacts could be disruption, dislocation or loss of amenity and views although it is not considered target groups would be any more or less affected than other groups given the scale of influence of the MPS. The MPS provides high-level guidance only and does not make decisions on what activities should be consented in specific locations.</p> |
| Chinese People | |
| Mixed Race people | <p>However, these impacts are local and so should be assessed during the preparation of Marine Plans. At that stage particular groups likely to be affected can be more easily identified. The MPS seeks to provide high level national guidance for activities in the marine environment and it would be inappropriate to identify target groups at this level. In addition, the MPS specifically seeks that the whole of society benefits from the marine environment and resources. It is not proposing anything negative relating to equality groups but is setting a framework and providing clarity for the future development of the marine area.</p> |
| Other racial/ethnic group | |
| Disabled and deaf people | |
| Gay, Lesbian and Bisexual people | |
| Transgender people | |
| Older people (50+) | |
| Younger people (17-25) and | |
| Working patterns (PT or part year) | |
| Faith groups | |
| Welsh Language | |

8. Please give a brief description of how this policy benefits the equality target groups identified in the above table, i.e. promotes equality.

Coastal communities may benefit from the vision behind the MPS of ensuring clean, healthy, safe, productive, and biologically diverse seas. Those who would benefit include workers in the marine businesses, fishermen, coastal communities and visitors. The MPS will provide guidance to decision makers, marine planners and provide clarity for developers. Equality groups form part of those communities. The MPS promotes equality through the HLOs which state that the use of the marine environment would benefit society as a whole and contribute to cohesive communities.

9. If there is a negative impact on any equality target group, is the impact intended or legal?

The MPS seeks to benefit all of society, as stated in the HLOs. There are no clearly negative proposals relating to equality groups.

Appendix B

Equalities Legislation

Equalities Legislation and Other Relevant Provisions⁷

Civil Partnership Act 2004

Disability Discrimination (Northern Ireland) Order 2006

Disability Discrimination Act 1995

Disability Discrimination Act 2005

Employment Act 2002

Employment Equality (age) Regulations 2006

Employment Equality (religion or belief) Regulations 2003

Employment Equality (sex discrimination) Regulations (Northern Ireland) 2005

Employment Equality (sexual orientation) Regulations 2003

Equality Act 2006

Equality Act 2010

Gender Equality Duty – created by the Equality Act 2006

Human Rights Act 1998

Northern Ireland Act 1998

Race Relations (Amendment) Act 2000

Race Relations Act 1976

Sex Discrimination Act 1975

The Disability Discrimination Act 1995 (Commencement No. 9) Order (Northern Ireland) 2003

The Employment Equality (Age) Regulations (Northern Ireland) 2006

Welsh Assembly Government's Welsh Language Scheme

⁷ This is a list of some of the key pieces of legislation of relevance and is not an exhaustive list of all equalities related legislation for all UK Administrations. It should be noted that a number of pieces of legislation will be repealed as a result of the Equality Act 2010.

Appendix C

High Level Marine Objectives

Achieving a sustainable marine economy

- Infrastructure is in place to support and promote safe, profitable and efficient marine businesses;
- The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future;
- Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently;
- Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded in the marketplace.

Ensuring a strong, healthy and just society

- People appreciate the diversity of the marine environment, its seascapes, its natural and cultural heritage and its resources and act responsibly;
- The use of the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing;
- The coast, seas, oceans and their resources are safe to use;
- The marine environment plays an important role in mitigating climate change;
- There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets and recognition that for some island and peripheral communities the sea plays a significant role in their community;
- Use of the marine environment will recognise, and integrate with, defence priorities, including the strengthening of international peace and stability and the defence of the UK and its interests.

Living within environmental limits

- Biodiversity is protected, conserved and where appropriate recovered and loss has been halted;
- Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems;
- Our oceans support viable populations of representative, rare, vulnerable, and valued species.

Promoting good governance

- All those who have a stake in the marine environment have an input into associated decision-making;
- Marine, land and water management mechanisms are responsive and work effectively together for example through integrated coastal zone management and river basin management plans;
- Marine management in the UK takes account of different management systems that are in place because of administrative, political or international boundaries;
- Marine businesses are subject to clear, timely, proportionate and, where appropriate, planned regulation;
- The use of the marine environment is spatially planned where appropriate and based on an ecosystems approach which takes account of climate change and recognises the protection and management needs of marine cultural heritage according to its significance.

Using sound science responsibly

- Our understanding of the marine environment continues to develop through new scientific and socio-economic research and data collection;
- Sound evidence and monitoring underpins effective marine management and policy development;
- The precautionary principle is applied consistently in accordance with the UK Government and Devolved Administrations' sustainable development policy.