

DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

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

Title The Planning (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) 2008

Aims To amend the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 to implement a European Court of Justice case, C508/03, Commission v UK. This case found that the UK had failed to correctly transpose Council Directive 85/337/EEC as amended by 97/11/EC and 2003/35/EC, by requiring Environmental Impact Assessment (EIA) only before the grant of planning permission and not at the later stage when reserved matters are approved.

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 additional obligations under the new regulations will fall on the decision makers in the EIA process i.e. the Department of the Environment's Planning Service, the Planning Appeals Commission (PAC) and statutory consultation bodies will be subject to the additional procedural requirements introduced by the legislation. The legislation will also impact on developers, particularly large scale developers whose developments are more likely to require Environmental Impact Assessment.

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) The policy originated with the European Union and is delivered via the transposition of Directive 85/337/EEC as amended by 97/11/EC and 2003/35/EC in each Member State. In NI this process is undertaken by the DOE.

- (b)

The Department of the Environment's Planning Service is responsible for granting planning consent having complied with the requirements of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999. In the case of planning appeals this function is exercised by the Planning Appeals Commission.

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

The Planning Appeals Commission conducts and reports on hearings as required by the regulations and applies the regulations in the determination of planning appeals.

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

None. The requirement to prepare an Environmental Statement is imposed on developers proposing projects that will have a significant effect on the environment. Section 75 groups will have an equal opportunity to comment on proposed projects.

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

No. The requirement for Environmental Impact Assessment applies equally to all Section 75 groups should they become involved in projects requiring an Environmental Assessment or wish to comment on a proposed project.

Section 3 – Screening Analysis

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		X
Political opinion		X
Racial group		X
Age		X
Marital status		X
Sexual orientation		X
Gender		X
Disability		X
Dependants		X

Please give details

All Section 75 groups are equally required to comply with the regulations where they submit planning applications or applications for approval of reserved matters which require Environmental Impact Assessment (EIA).

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		X
Political opinion		X
Racial group		X
Age		X
Marital status		X
Sexual orientation		X
Gender		X
Disability		X
Dependants		X

Please give details

No differential impact is anticipated on any Section 75 group as a result of this legislation.

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		X
Political opinion		X
Racial group		X
Age		X
Marital status		X
Sexual orientation		X
Gender		X
Disability		X
Dependants		X

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

There have been no consultations with specific Section 75 groups. This draft legislation is being subjected to a general public consultation which will provide an opportunity for Section 75 groups to identify differential impacts (if any). In the absence of any quantitative evidence the Department's view as informed by its understanding of the policy issues and subject matter, is that there will be no differential impact on any of the Section 75 groups.

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?

Yes No
 x

Please give details

Equal opportunities already exist for all groups within the scope of the EIA regulations. They are not related in any way to community relations.

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

The Department believes that the requirements for Environmental Impact Assessment already apply equally to all Section 75 groups and that there is therefore no need for changes that would promote better equality of opportunity or good relations.

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.			X
Effect on people's daily lives.			X
Effect on economic, social and human rights.			X
Strategic significance			X
Financial significance			X

Please give details

The legislative amendments relate to changes to existing statutory procedures and are designed to ensure compliance with the EIA Directive. Negligible impact is anticipated on the categories outlined above.

- 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 that the introduction of this legislation will have a differential impact on any Section 75 group. Therefore it is not considered necessary to subject this legislation to a full EQIA.

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

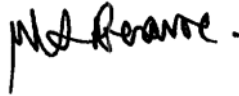
Not applicable

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:



Agency/Division: DOE Planning Service

Date: 5 December 2007

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: _____

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

UNA DOWNEY, EXT 40855
 una.downey@doeni.gov.uk

