

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, marital 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 persons of different religious beliefs, political opinion or racial group.

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 7 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 Review of Householder Permitted Development Rights (Part 1 and 2 of Planning (General Development) Order (Northern Ireland) 1993 (“the GDO”).

Aims The main aim of the review is to deliver proposals that improve the ability of the GDO to grant planning permission and thereby enable the planning system to regulate householder developments in a more productive and beneficial manner. The revisions to permitted development rights of the GDO therefore aim to:

- be easy to understand
- be proportionate to the anticipated impacts of such development;
- be simple and economic to operate for both developers and the planning authority; and
- control impacts upon local amenity and environmental interests, including the built heritage;

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 proposed changes to permitted development rights will benefit householders generally as they will be able to carry out more minor developments to their property without having to apply for planning permission. In the absence of a planning application, neighbours could be affected by permitted development without an opportunity to make representations before planning permission is given – however, an assessment has been made of the impacts of permitted development and appropriate exclusions and conditions applied to the permitted development rights to reduce such impacts to an acceptable level.

The proposed changes will benefit planning authorities by reducing the number of planning applications for householder developments. It is believed that householder permitted development rights which are simpler, easier to understand and apply, should enable householders and others, to determine whether householder development is permitted and result in a reduction in unfounded allegations of unauthorised development. A reduction in planning applications and complaints will enable the resources of the planning authority to be redirected to non-householder developments which are more strategically important or more beneficial to the local economy.

The proposed changes may also impact through a reduction in the need for planning applications, upon planning consultants and architects whose business involves the preparation and submission of householder planning applications on behalf of property owners.

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 Department of Environment is responsible for devising the new policy

and bringing forward the proposed changes to permitted development rights to the NI Assembly.

- (b) The proposed changes will be implemented by the District Councils when planning functions are transferred to them.

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

Other NI Departments and NDPBs have an interest in the impact of development upon the natural environment, the built heritage and road users, and local amenity. An assessment of the impacts of proposed permitted development upon such interests, particularly upon designated areas, has been made to apply appropriate exclusions and conditions to keep such impacts to an acceptable level.

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

The proposed permitted development rights apply to dwellinghouses which by legislative definition do not include purpose built blocks of flats or tenements, bedsits and caravans or other mobile or temporary structures. The NI Census 2001- housing and population- indicates that this group of accommodation is very much a minority. Detached houses are expected to benefit more from the proposed permitted development rights in relation to the length of permitted extensions.

Northern Ireland (All Persons)	Total in an unshared dwelling	Detached	Semi Detached	Terrace	Flats etc	Caravan or other
1658813	1658744 99.99%	694840 41.8%	463906 27.9%	424672 25.6%	70897 4.3%	4429 0.3%

2001 Census Statistics Table UV042- Accommodation Type

(Note: only 69 in a shared dwelling – 0.01%)

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

This is not anticipated at this stage.

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 proposed changes aim to provide simpler and clearer permitted development rights for all householders, irrespective of the section 75 group to which they belong, who wish to extend, alter or improve their properties and remove the need for planning permission where the impact of such works is considered acceptable.

The proposed changes will apply uniformly throughout urban and rural areas. Whilst most permitted development is likely to be undertaken by homeowners the proposed changes will also benefit private landlords and housing authorities. Persons with disabilities will also benefit from the extended permitted development rights in the same way as others. No differential impact upon any section 75 group is anticipated.

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 proposed permitted development rights will be of benefit to all householders, regardless of the Section 75 group to which they belong. Greater benefit will of course accrue to those undertaking permitted development. It could be that some age groups or persons of a particular marital status benefit slightly more than others. For example, it is a reasonable expectation that young couples starting a family or extending a family might be more likely to need to extend the family home and may therefore benefit more than those who are single or do not have children. There is no reason to expect that other groups would have different needs, experiences, issues or priorities in relation to the revised 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		
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Gender		
Disability		
Dependants		

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

A policy consultation on the proposed changes to permitted development rights and this screening document will be carried out before legislation is brought forward to the NI Assembly.

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

Please give details

The revised permitted development rights will apply equally to all persons.

- 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:**

The proposed changes to permitted development rights have not been developed to address an existing historical inequality of disadvantage. It is expected that they will reduce the number of planning applications for minor householder development in the planning system and be more user friendly than existing permitted development rights.

- 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

No adaptation of the policy for this purpose can be identified.

- 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.**

Please give details

The proposed permitted development rights are for householders and landlords undertaking developments within the curtilage of a dwellinghouse. Works affecting only the interior of a building required to accommodate people with disabilities are not development and therefore do not require planning permission. Persons with disabilities who are confined to or use a wheelchair may require external doors to be widened or to install an access ramp- however, these works in relation to a dwellinghouse are not considered to materially affect the external appearance of the building and do not require planning permission. The proposed changes to permitted development rights are not therefore considered to offer any scope for promoting more positive attitudes towards disabled people or encouraging participation by disabled people in public life.

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 proposed changes to permitted development rights are intended to provide a simpler and more efficient legislative framework for all. Insofar as householder permitted development rights allow a range of development without the need for a planning application, this may be considered to impact on people's daily lives. Those impacts are expected on the whole to be positive- the ability to undertake development without applying for planning permission- as potential negative impacts have been assessed in policy development and appropriate exclusions and conditions applied to control them. As regards the effect on economic, social and human rights, minor household developments can have an impact on human rights. However, the changes in permitted development rights proposed are based on a consideration of the likely impacts so where developments do have a material impact they will be subject to the normal planning controls i.e. require an application for planning permission.

- 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. Yes/No/Unsure**

No. If implemented the revised GDO will not have any significant impact or adverse effect on any Section 75 group.

- 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/requires a full equality impact assessment.

Signed:



Agency/Division: DOE Planning Service

Date: 21 September 2009

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: _____



Main Groups Relevant to the Section 75 Categories	
<u>Category</u>	<u>Main Groups</u>
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