

DEPARTMENT FOR INFRASTRUCTURE

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is 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 quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

HUMAN RIGHTS ACT

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

Don't forget to Rural Proof.

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Review of The Planning (Development Management) Regulations (Northern Ireland) 2015 – Hierarchy of Developments (Classes of Development and corresponding Thresholds / Criterion)

Is this an existing, revised or a new policy?

Revised policy

What is it trying to achieve? (Intended aims/outcomes)

Section 25 of the Planning Act (Northern Ireland) (the 2011 Act) introduced a hierarchy of development within the planning system, establishing development as one of two categories, major or local. The Planning (Development Management) Regulations (Northern Ireland) 2015 (the Development Management Regulations) sets out nine classes of development and relevant thresholds or criterion for each of these categories in a Schedule. The procedures for submitting and handling planning applications for the different categories of development vary, as does the extent of supporting information required.

The purpose of this review is to explore and determine the need for revisions to the categories, classes of development and the corresponding thresholds and criterion within the Development Management Regulations. The aim is to

ensure that the current classes and thresholds remain relevant, fit for purpose and take account of future development requirements.

Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.

No

Who initiated or wrote the policy?

The Department for Infrastructure (Dfi)

Who owns and who implements the policy?

Dfi own the policy. Local councils and Dfi implement the policy.

Background

As noted above the 2011 Act introduced a hierarchy of development within the planning system, establishing development as one of two categories, major or local.

The aim of the hierarchy is to encourage a more proportionate and responsive approach to processing planning applications, with resources and decision-taking mechanisms tailored according to the scale and complexity of the proposed development.

At the outset of the planning process, applicants preparing a planning application will screen their proposed development against the nine classes of development and corresponding thresholds or criterion in the Development Management Regulations, to identify if the proposal will be considered major or local development. This will determine the procedures to be followed during the pre-application stage, the information to be submitted with the planning application and the relevant planning authority.

Major Development

Major developments have important economic, social, and environmental implications for an individual council area, with potential to deliver important

benefits for the local community. They are developments which have the potential to be of significance and interest to communities.

There is a mandatory requirement for prospective applicants to consult with the local community before they submit proposals for major development to the council or Department. This is known as Pre-Application Community Consultation (PACC), and it aims to inform local communities about forthcoming development proposals and allows them an opportunity to view and comment on the emerging design proposals before a formal planning application is submitted. The intention is to add value and improve the quality of the proposed development, by addressing community issues, misunderstandings, and mitigate potential negative impacts where possible. A PACC Report must be prepared which should summarise this consultation process and collate the feedback garnered, to be submitted with the planning application.

A Design and Access Statement (D&AS) is also required in support of a planning application for major development, outlining the supporting design principles and proposed access for the development. All applications for major development are submitted to local councils and determined by the councils' Planning Committee.

Examples of major development might include residential developments with more than 50 dwellings, a large industrial development with floorspace greater than 5000 square metres, and a wind farm with a capacity greater than 5 megawatts.

Major Development of regional significance

Some major developments are considered to have the potential to make a significant contribution to the economic and social success of Northern Ireland as a whole or a substantial part of the region. These are known as regionally significant developments.

The Development Management Regulations identifies five classes of development with corresponding thresholds and criteria to establish what major development might be considered regionally significant. Regional significance is confirmed following consultations between the prospective applicant and DfI. All planning applications for major development deemed to be of regional significance are submitted to and determined by DfI.

Local Development

Local development comprises all other developments which is not major or regionally significant. They are likely to comprise the vast majority of residential and minor commercial applications received and are determined by councils. They do not require consultation with the local community prior to submission of a planning application.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

Legislative:

Amendments may be required to regulations 2 and 3 and the Schedule to the Development Management Regulations.

Main stakeholders affected.

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

Staff: Yes

Service users: Yes

Other public sector organisations: Yes

Voluntary/community/trade unions: Yes

Others (Please specify): Yes

- Members of the public
- Planning Consultants, Architects, and Legal profession

Other policies with a bearing on this policy

- **What are they?**
 - Council Scheme of Delegation
- **Who owns them?**
 - Councils

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief evidence / information:

The 2021 Census provides a religious breakdown of the NI population by Age and also by different geographic areas i.e. Electoral Area, Health Trust etc. The 2021 Census finds that of the total NI population, 42.3% are from a Catholic background, 37.3% are from a Protestant background and 20.3% were classified as Other/ No religion/ Not stated.

While there is no robust planning information in Northern Ireland on this S75 group there may be a minor positive impact and a minor negative impact from the review of regulations 2 and 3 and the Schedule (Major Development Thresholds) for those who fall into this group and use the planning application process and may wish to submit their views to the public consultation.

Political Opinion evidence / information:

The 2021 Census provides a national identity breakdown of the NI population. The 2021 Census finds that of the total NI population, 31.9% identified themselves as British Only, 29.1% identified as Irish Only, 19.8% identified as Northern Irish only and 19.2% identified within more than one of these categories, or as Other.

While there is no robust planning information in Northern Ireland on this S75 group there may be a minor positive impact and a minor negative impact from the review of regulations 2 and 3 and the Schedule (Major Development Thresholds) for those who fall into this group and use the planning application process and may wish to submit their views to the public consultation.

Racial Group evidence / information:

The 2021 Census provides an ethnicity breakdown of the NI population. The 2021 Census finds that of the total NI population, 96.5% are from a white ethnic group, with all other ethnic groups making up 3.5% of the NI population.

While there is no robust planning information in Northern Ireland on this S75 group there may be a minor positive impact and a minor negative impact from the review of regulations 2 and 3 and the Schedule (Major Development Thresholds) for those who fall into this group and use the planning application process and may wish to submit their views to the public consultation.

Age evidence / information:

Although the planning system does not request or hold information on age, the 2021 Census finds the NI population aged 18 years old or over to be 1,468,081 as of March 2021.

While there is no robust planning information in Northern Ireland on this S75 group there may be a minor positive impact and a minor negative impact from the review of regulations 2 and 3 and the Schedule (Major Development Thresholds) for those who fall into this group and use the planning application process and may wish to submit their views to the public consultation.

Marital Status evidence / information:

Although the planning system does not request or hold information on this S75 group there may be a minor positive impact and a minor negative impact from the review of regulations 2 and 3 and the Schedule (Major Development Thresholds) for those who fall into this group and use the planning application process and may wish to submit their views to the public consultation.

Sexual Orientation evidence / information:

Although the planning system does not request or hold information on this S75 group there may be a minor positive impact and a minor negative impact from

the review of regulations 2 and 3 and the Schedule (Major Development Thresholds) for those who fall into this group and use the planning application process and may wish to submit their views to the public consultation.

Men & Women generally evidence / information:

While there is no robust planning information in Northern Ireland on this S75 group there may be a minor positive impact and a minor negative impact from the review of regulations 2 and 3 and the Schedule (Major Development Thresholds) for those who fall into this group and use the planning application process and may wish to submit their views to the public consultation.

Disability evidence / information:

While there is no robust planning information in Northern Ireland on this S75 group there may be a minor positive impact and a minor negative impact from the review of regulations 2 and 3 and the Schedule (Major Development Thresholds) for those who fall into this group and use the planning application process and may wish to submit their views to the public consultation.

Dependants evidence / information:

Although the planning system does not request or hold information on age, the 2021 Census finds the NI population aged 18 years old or over to be 1,468,081 as of March 2021.

While there is no robust planning information in Northern Ireland on this S75 group there may be a minor positive impact and a minor negative impact from the review of regulations 2 and 3 and the Schedule (Major Development Thresholds) for those who fall into this group and use the planning application process and may wish to submit their views to the public consultation.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief

The review of the Development Management Regulations is part of a wider package of measures delivering change through the **Planning Improvement Programme**¹ (PIP), led by DfI in association with local government, encompassing regulatory improvements and legislative changes to the planning system. The review of the classes of development and the associated thresholds and criterion within the hierarchy of development, and any potential changes will apply uniformly across all S75 groups.

Political Opinion

As outlined above.

Racial Group

As outlined above.

Age

As outlined above.

Marital status

As outlined above.

Sexual orientation

As outlined above.

Men and Women Generally

As outlined above.

Disability

As outlined above.

¹ <https://www.infrastructure-ni.gov.uk/topics/planning/planning-improvement-programme>

Dependants

As outlined above.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;

- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?**

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**:

No specific impact has been identified for this group. The review of the classes of development and the associated thresholds and criterion, within the hierarchy of development, and any potential changes will apply uniformly across all S75 groups.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**:

As outlined above.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**:

As outlined above.

What is the level of impact? None

Details of the likely policy impacts on **Age**:

As outlined above.

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**:

As outlined above.

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**:

As outlined above.

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**:

As outlined above.

What is the level of impact? None

Details of the likely policy impacts on **Disability**:

As outlined above.

What is the level of impact? None

Details of the likely policy impacts on **Dependants**:

As outlined above.

What is the level of impact? None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief

No - The review of the classes of development and the associated thresholds and criterion, within the hierarchy of development, and any potential changes will apply uniformly across all S75 groups. As such there is no opportunity to better promote equality of opportunity for people within this S75 group.

Political Opinion

No – As above.

Racial Group

No – As above.

Age

No – As above.

Marital Status

No – As above.

Sexual Orientation

No – As above.

Men and Women generally

No – As above.

Disability

No – As above.

Dependants

No – As above.

- 3. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**:

The review of the classes of development and the associated thresholds and criterion, within the hierarchy of development, and any potential changes will apply uniformly across all S75 groups. As such the policy is unlikely to impact on good relations.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**:

As outlined above.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**:

As outlined above.

What is the level of impact? None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Religious Belief

No - The review of the classes of development and the associated thresholds and criterion, within the hierarchy of development, and any potential changes will apply uniformly across all S75 groups. As such there is no opportunity to better promote good relations between people within this S75 group.

Political Opinion

No - As outlined above.

Racial Group

No - As outlined above.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

No specific needs have been identified for multiple identities.

The review of the classes of development and the associated thresholds and criterion, within the hierarchy of development, and any potential changes will apply uniformly across all S75 groups.

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

It is not possible to identify the multiple identity impacts of this decision.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

As previously stated, the review of the classes of development and the associated thresholds and criterion, within the hierarchy of development, and any potential changes will apply uniformly across all S75 groups. Therefore, an equality impact assessment is not considered necessary.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated, or an alternative policy be introduced - please provide details.

N/A

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be

found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is ‘minor’ and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been ‘**screened in**’ for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion [Author pick 1 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations **Rating 1, 2 or 3**

Social need **Rating 1, 2 or 3**

Effect on people’s daily lives **Rating 1, 2 or 3**

Relevance to a public authority’s functions **Rating 1, 2 or 3**

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

No

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Any changes within the review of the classes of development and the associated thresholds and criterion, within the hierarchy of development, and any potential changes will apply equally to all S75 groups. However, further review may take place as part of the next statutory review of the implementation of the Planning Act 2011, due in 2025.

Part 5 - Approval and authorisation

Screened by: Anne Maguire/Aideen McFerran
Position/Job Title: Staff Officer/SPTO
Date: 12 October 2023

Approved by: Nola Jamieson
Position/Job Title: PPTO
Date: 19 October 2023

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

For Equality Team Completion:

Date Received:	20.10.23
Amendments Requested:	Yes
Date Returned to Business Area:	20.10.23
Date Final Version Received / Confirmed:	30.10.23
Date Published on Dfl's Section 75 webpage:	