

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

Removal of Mandatory Pre-Determination Hearings

Is this an existing, revised or a new policy?

Revised Policy

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

The overall objective is to enable Councils to have greater flexibility and control over when and how a pre-determination hearing takes place. This will assist in ensuring the planning system operates in an efficient and effective way by improving processes that ultimately increase the efficiency of the system.

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?

The Department for Infrastructure own the policy and local councils implement the policy.

Background

Section 30(1) of the Planning Act (NI) 2011 provides a mandatory requirement for a council to convene a pre-determination hearing during the planning process for specific applications for planning permission prior to their determination. Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 states that Section 30(1) applies to those developments to which a direction under Article 17 of The Planning (General Development Procedure) Order (Northern Ireland) 2015 applies, where the Department has notified the council that they will not be 'called-in' by the Department under Section 29(1) of the Act.

In practice, a pre-determination hearing (PDH) is a meeting organised by the council with its planning committee during the planning application process, and prior to the planning decision being issued. This meeting is only mandatory in certain limited circumstances (outlined below). It is additional to the standard advertisement and neighbour notification procedures, which provide opportunities for the public to learn about planning applications and submit representations. It is also additional to pre-application community consultation (PACC) and the standard procedures for major planning applications, where the general public can appear before and be heard by the planning committee in respect of their issues and concerns. The council can also hold a discretionary PDH meeting to hear views on any planning application it so wishes.

The person who submits the planning application (the applicant) and anyone who has made representations to the application (for example, objectors) are invited to the PDH meeting. It is a final opportunity to express their views and concerns on the planning issues associated with the proposals to all elected members on the planning committee, to help inform their final decision on the application. Elected members can ask questions or cross-examine attendees, however the presentation of new information is discouraged and limited to clarification only. Each council has specific procedures for arranging, attending and conducting these hearings.

As outlined above, a mandatory PDH meeting is only held in certain limited circumstances, for certain types of applications. These types of applications comprise:

- Applications for petroleum development.

- Applications for major development which would significantly prejudice the implementation of the local development plans objectives and policies.
- Applications for major development which would not accord with any appropriate adopted marine plan.
- Applications for major development where there is a significant objection by a Government Department or statutory consultee in the case of:
 - i. Development affecting a road.
 - ii. Development in the vicinity of major hazards.
 - iii. Nature conservation, archaeology and built heritage.
 - iv. Flooding.
- Applications for development in which district councils have an interest.

If the council is minded to grant planning permission for these types of applications, they must notify DfI, before they grant planning permission. This notification process considers whether DfI wish to 'call-in' the planning application and determine it themselves or not. If DfI confirm that they will not 'call-in' the application, the Council will proceed to determine the application. However, following the notification process and prior to issuing a decision, the council must convene a mandatory PDH meeting to discuss these types of planning applications before finalising a planning decision.

A benefit of the mandatory PDH process is that those who made representations to the planning applications noted above, during the planning process, have an additional opportunity to reiterate their views and concerns on the planning issues associated with the proposals before a final planning decision is reached.

A disadvantage of the mandatory PDH process is that convening a PDH meeting can take time to organise and requires additional resources, and ultimately it will likely delay the applicant receiving their planning decision.

Under Section 228 of the Planning Act (NI) 2011 (the Act), the Department commenced a review of the implementation of the Act in 2021. This Review considered the objectives intended to be achieved by the Act, assessed the extent to which those objectives had been achieved and whether it was appropriate to retain, amend or repeal any of the provisions or subordinate legislation made under the 2011 Act.

Responses to the Call for Evidence (CfE) consultation in February 2021 raised concerns regarding the mandatory PDH process. Some comments received

during the CfE stated that the mandatory PDH process added delay, increased cost and hindered council's performance.

In January 2022 the Department published its first Review of the Implementation of the Planning Act (NI) 2011 (the Review). It made 16 recommendations / actions covering aspects of the Act governing development planning, development management, planning enforcement and additional planning control.

The Department acknowledged the issues raised in relation to mandatory PDHs and considered there to be merit in amending the legislation so that all PDHs are wholly at the discretion of councils. As such recommendation **PT3-10** of the Review Report states that:

“The Department will bring forward proposals to make pre-determination hearings discretionary for Councils in the exercise of their functions.”

This recommendation now forms part of the Planning Improvement Programme (PIP), which has been agreed with local and central government, and encompasses regulatory improvements and legislative changes to the planning system.

It is important to note that under Section 30(4) of the Act, councils will still retain the discretionary option to convene a PDH for any planning application they so wish. In practice, it will be for each council to judge when to carry out a PDH, and as part of this consideration they will take account of:

- The relevance of the objections received, in planning terms.
- The extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation.
- The number of representations against the proposal in relation to where the proposal is.
- The number of people likely to be affected by the proposal.

The overall objective of this procedural change is to provide councils with greater flexibility and control over when and how a pre-determination hearing takes place, which will ultimately improve efficiencies in the planning system.

It is noted above that this procedure provides a benefit to the general public by fostering an additional opportunity for engagement in the planning process. However, it is worth noting that the mandatory PDH requirement only applies in

a small number of limited circumstances, and it does not affect the standard procedures currently in place to encourage public engagement in the planning process, including pre-application community consultation, newspaper advertisement, neighbour notification, and opportunities to appear before and be heard by the planning committee (in the case of all major planning applications). In addition, it is notable that a mandatory PDH meeting must focus on the views and issues already expressed during these standard procedures (for example in submitted representations) and the key material planning considerations. It should also be noted that presentation of new information is strongly discouraged at this late stage.

Implementation factors

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

Legislative: Amendments will be required to revoke Regulation 7 in The Planning (Development Management) Regulations (NI) 2015.

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

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

Other policies with a bearing on this policy

- **What are they?**

- Council Standing Orders (including procedures for facilitating and determining PDHs)
- Council Scheme of Delegation
- Department for Communities (DfC) draft proposals Local Government (Consequential Amendments) Regulations (Northern Ireland) 2018
- Local Government Act (Northern Ireland) 2014

- **Who owns them?**

- Councils
- Department for Communities

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.

Statistics for all 11 Councils for the period May 2018 – April 2023 showed that the Department was notified of 33 applications of which 23 were referred back to Council for determination, and therefore required a mandatory PDH. This averaged out at 2.1 per Council over a 5-year span. Although the planning system does not request or hold information on religious belief, the number of mandatory PDHs is minimal in comparison to the NI population; 1,903,175 as of March 2021.

While there is no robust planning information in Northern Ireland on this S75 group, it is likely that those who fall into this group and use the planning application process may be impacted by the removal of mandatory Pre-Determination Hearings. Those in this group, who are applicants for planning permission for development which falls into a specific type of application (as outlined above) and which requires notification to the Department (subject to an Article 17 Direction) may be positively impacted, in that they will secure their planning decisions more promptly. Members of the public who have made representations to specific types of applications, via the standard procedures during the planning process, may be negatively impacted. They may wish to see mandatory PDHs retained to enable them to reiterate the views and concerns expressed in their representations to these particular applications.

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.

Statistics for all 11 Councils for the period May 2018 – April 2023 showed the Department looked at 33 applications of which 23 were referred for a mandatory Pre-Determination Hearing. This averaged out at 2.1 per Council over a 5 year span. Although the planning system does not request or hold information on political opinion, the volume of pre-determination hearings is minimal in comparison to the NI population; 1,903,175 as of March 2021.

While there is no robust planning information in Northern Ireland on this S75 group, it is likely that those who fall into this group and use the planning application process may be impacted by the removal of mandatory Pre-Determination Hearings.

Those in this group, who are applicants for planning permission for development which falls into a specific type of application (as outlined above) and which requires notification to the Department (subject to an Article 17 Direction) may be positively impacted, in that they will secure their planning decisions more promptly.

Members of the public who have made representations to specific types of applications, via the standard procedures during the planning process, may be negatively impacted. They may wish to see mandatory PDHs retained to enable them to reiterate the views and concerns expressed in their representations to these particular applications.

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.

Statistics for all 11 Councils for the period May 2018 – April 2023 showed the Department looked at 33 applications of which 23 were referred for a mandatory Pre-Determination Hearing. This averaged out at 2.1 per Council over a 5 year span. Although the planning system does not request or hold information on racial groups, the volume of pre-determination hearings is minimal in comparison to the NI population; 1,903,175 as of March 2021.

While there is no robust planning information in Northern Ireland on this S75 group, it is likely that those who fall into this group and use the planning

application process may be impacted by the removal of mandatory Pre-Determination Hearings.

Those in this group, who are applicants for planning permission for development which falls into a specific type of application (as outlined above) and which requires notification to the Department (subject to an Article 17 Direction) may be positively impacted, in that they will secure their planning decisions more promptly.

Members of the public who have made representations to specific types of applications, via the standard procedures during the planning process, may be negatively impacted. They may wish to see mandatory PDHs retained to enable them to reiterate the views and concerns expressed in their representations to these particular applications.

Age evidence / information:

Statistics for all 11 Councils for the period May 2018 – April 2023 showed the Department looked at 33 applications of which 23 were referred for a mandatory Pre-Determination Hearing. This averaged out at 2.1 per Council over a 5 year span.

Although the planning system does not request or hold information on age, the volume of pre-determination hearings is minimal in comparison to the NI population aged 18 years old or over; 1,468,081 as of March 2021.

While there is no robust planning information in Northern Ireland on this S75 group, it is likely that those who fall into this group and use the planning application process may be impacted by the removal of mandatory Pre-Determination Hearings.

Those in this group, who are applicants for planning permission for development which falls into a specific type of application (as outlined above) and which requires notification to the Department (subject to an Article 17 Direction) may be positively impacted, in that they will secure their planning decisions more promptly.

Members of the public who have made representations to specific types of applications, via the standard procedures during the planning process, may be negatively impacted. They may wish to see mandatory PDHs retained to enable them to reiterate the views and concerns expressed in their representations to these particular applications.

Marital Status evidence / information:

Statistics for all 11 Councils for the period May 2018 – April 2023 showed the Department looked at 33 applications of which 23 were referred for a mandatory Pre-Determination Hearing. This averaged out at 2.1 per Council over a 5 year span.

While there is no robust planning information in Northern Ireland on this S75 group, it is likely that those who fall into this group and use the planning application process may be impacted by the removal of mandatory Pre-Determination Hearings.

Those in this group, who are applicants for planning permission for development which falls into a specific type of application (as outlined above) and which requires notification to the Department (subject to an Article 17 Direction) may be positively impacted, in that they will secure their planning decisions more promptly.

Members of the public who have made representations to specific types of applications, via the standard procedures during the planning process, may be negatively impacted. They may wish to see mandatory PDHs retained to enable them to reiterate the views and concerns expressed in their representations to these particular applications.

Sexual Orientation evidence / information:

Statistics for all 11 Councils for the period May 2018 – April 2023 showed the Department looked at 33 applications of which 23 were referred for a mandatory Pre-Determination Hearing. This averaged out at 2.1 per Council over a 5 year span.

While there is no robust planning information in Northern Ireland on this S75 group, it is likely that those who fall into this group and use the planning application process may be impacted by the removal of mandatory Pre-Determination Hearings.

Those in this group, who are applicants for planning permission for development which falls into a specific type of application (as outlined above) and which requires notification to the Department (subject to an Article 17 Direction) may be positively impacted, in that they will secure their planning decisions more promptly.

Members of the public who have made representations to specific types of applications, via the standard procedures during the planning process, may be

negatively impacted. They may wish to see mandatory PDHs retained to enable them to reiterate the views and concerns expressed in their representations to these particular applications.

Men & Women generally evidence / information:

Statistics for all 11 Councils for the period May 2018 – April 2023 showed the Department looked at 33 applications of which 23 were referred for a mandatory Pre-Determination Hearing. This averaged out at 2.1 per Council over a 5 year span.

While there is no robust planning information in Northern Ireland on this S75 group, it is likely that those who fall into this group and use the planning application process may be impacted by the removal of mandatory Pre-Determination Hearings.

Those in this group, who are applicants for planning permission for development which falls into a specific type of application (as outlined above) and which requires notification to the Department (subject to an Article 17 Direction) may be positively impacted, in that they will secure their planning decisions more promptly.

Members of the public who have made representations to specific types of applications, via the standard procedures during the planning process, may be negatively impacted. They may wish to see mandatory PDHs retained to enable them to reiterate the views and concerns expressed in their representations to these particular applications.

Disability evidence / information:

Statistics for all 11 Councils for the period May 2018 – April 2023 showed the Department looked at 33 applications of which 23 were referred for a mandatory Pre-Determination Hearing. This averaged out at 2.1 per Council over a 5 year span.

While there is no robust planning information in Northern Ireland on this S75 group, it is likely that those who fall into this group and use the planning application process may be impacted by the removal of mandatory Pre-Determination Hearings.

Those in this group, who are applicants for planning permission for development which falls into a specific type of application (as outlined above) and which requires notification to the Department (subject to an Article 17 Direction) may

be positively impacted, in that they will secure their planning decisions more promptly.

Members of the public who have made representations to specific types of applications, via the standard procedures during the planning process, may be negatively impacted. They may wish to see mandatory PDHs retained to enable them to reiterate the views and concerns expressed in their representations to these particular applications.

Dependants evidence / information:

Statistics for all 11 Councils for the period May 2018 – April 2023 showed the Department looked at 33 applications of which 23 were referred for a mandatory Pre-Determination Hearing. This averaged out at 2.1 per Council over a 5 year span.

Although the planning system does not request or hold information on age, the volume of pre-determination hearings is minimal in comparison to the NI population aged 18 years old or over; 1,468,081 as of March 2021.

While there is no robust planning information in Northern Ireland on this S75 group, it is likely that those who fall into this group and use the planning application process may be impacted by the removal of mandatory Pre-Determination Hearings.

Those in this group, who are applicants for planning permission for development which falls into a specific type of application (as outlined above) and which requires notification to the Department (subject to an Article 17 Direction) may be positively impacted, in that they will secure their planning decisions more promptly.

Members of the public who have made representations to specific types of applications, via the standard procedures during the planning process, may be negatively impacted. They may wish to see mandatory PDHs retained to enable them to reiterate the views and concerns expressed in their representations to these particular applications.

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:

The proposed removal of mandatory PDHs is a procedural change in the statutory planning process, with the overall objective of streamlining the planning system as part of the wider Planning Improvement Programme (PIP).

All members of the public have a right to access and participate in the planning process. It is important that they have opportunities to give their views on development proposals which will affect their property, livelihood, and local communities. The current system encourages people to get involved in the planning process by:

- Encouraging participation in pre-application community consultation exercises for major development proposals.
- Publishing lists of new planning applications submitted in local newspapers and inviting the public to comment.
- Notifying neighbours of proposed developments in their local area and inviting comment.
- Providing opportunities to make their views and concerns known to the council and its elected members about proposals at planning committee meetings.

In practice, the requirement for a mandatory PDH provides an *additional* opportunity for the general public, including S75 groups, to reiterate their views and concerns before the planning committee, only in respect of certain types of applications (as outlined above). The number of these applications is small, and the standard procedures for participation in the process and expressing views are not affected. All information submitted during the process will be considered and assessed by the council and the committee in arriving at their recommendation. A PDH meeting does not offer an opportunity to present any new information, so in this latter phase of decision making, it is limited in its scope. In this context, there may be a minor negative impact on the needs experiences and priorities on S75 groups. This minor negative impact will apply to all S75 groups equally. In practice, a PDH meeting also offers those

applicants, including those which may be within S75 groups, an opportunity to engage and participate in the planning process.

Religious belief

The removal of mandatory pre-determination hearings forms part of the Planning Improvement Programme being taken forward by DfI and local councils. The overall objective of this procedural change is to streamline the planning process for all those involved.

Members of the public and this S75 group, who are engaging and participating in the planning process, may consider that the proposed changes to the PDH process may reduce their access to the planning system and their ability to engage meaningfully in regard to certain types of planning applications for development proposals.

Members of the public and S75 groups who are submitting planning applications may consider that this proposed change to PDHs an improvement to the planning system, in that it will make decision making more prompt in regard to certain types of planning applications for development proposals.

A public consultation on the proposed change to the PDH process is scheduled for Autumn 2023. Any S75 issues raised in respect of this group during the public consultation will be recorded in this screening and considered during revisions to the draft policy.

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.

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**:

Members of the public and this S75 group, who are engaging and participating in the planning process, may consider that the proposed changes to the PDH process will reduce their access to the planning system and ability to engage meaningfully in regard to certain types of planning applications for development proposals. In this context, there may be negative impact on this S75 group.

This impact is deemed to be a minor impact / disbenefit, which is limited / mitigated by the following:

- Currently, the requirement for a mandatory PDH only applies in a small number of limited circumstances, as outlined previously in this screening
- Evidence gathered by DfI indicates that 23 planning applications were referred back to Councils between May 2018 and April 2023, requiring a mandatory PDH. This averages out at 2.1 per Council over a 5 year period, therefore the impact on any group is limited and minimal.
- The proposed change to the PDH process does not affect the standard procedures currently in place to encourage public engagement in the planning process, including pre-application community consultation, newspaper advertisement, neighbour notification
- The proposed change to the PDH process does not affect the opportunity for a member of the public or S75 group to appear before and be heard by the planning committee (in the case of all major planning applications) prior to the committee making its initial decision.
- A mandatory PDH meeting should focus on the views and issues already expressed, considered and assessed during the standard planning process procedures (for example in submitted representations) and presentation of new information during a mandatory PDH is discouraged at this late stage in the process.
- A PDH meeting can still be held by the council in respect of any planning application, should it deem it appropriate to do so. Guidance

exists (and is outlined above) regarding the factors that would encourage a council to hold a PDH at its discretion.

Members of the public and those in this S75 group who are submitting planning applications may consider that this proposed change to PDHs is a positive change, which will improve efficiencies in the planning system resulting in more prompt decision making.

What is the level of impact? Minor

Details of the likely policy impacts on **Political Opinion:**
As outlined above.

What is the level of impact? Minor

Details of the likely policy impacts on **Racial Group:**
As outlined above.

What is the level of impact? Minor

Details of the likely policy impacts on **Age:**
As outlined above.

What is the level of impact? Minor

Details of the likely policy impacts on **Marital Status:**
As outlined above.

What is the level of impact? Minor

Details of the likely policy impacts on **Sexual Orientation:**
As outlined above.

What is the level of impact? Minor

Details of the likely policy impacts on **Men and Women:**
As outlined above.

What is the level of impact? Minor

Details of the likely policy impacts on **Disability:**
As outlined above.

What is the level of impact? Minor

Details of the likely policy impacts on **Dependants:**
As outlined above.

What is the level of impact? Minor

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

No

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

Religious Belief:

No. Mandatory pre-determination hearings are part of the decision-making process in limited circumstances, which only applies to certain types of planning applications and 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.

No – As above.

Marital Status:

No – As above.

Sexual Orientation:

No – As above.

Men and Women generally - No:

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 policy is unlikely to impact on good relations between different groups. Mandatory pre-determination hearings are part of the decision-making process in limited circumstances, which only applies to certain types of planning applications and as such there is no opportunity to better promote equality of opportunity for people within this S75 group.

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:

There are no opportunities. Mandatory pre-determination hearings are part of the decision-making process in limited circumstances, which only applies to certain types of planning applications and as such there is no opportunity to better promote equality of opportunity for people within this S75 group.

Political Opinion:

As outlined above.

Racial Group:

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).

Members of the public and this S75 group, who are engaging and participating in the planning process, may consider that the proposed changes to the PDH process will reduce their access to the planning system and ability to engage meaningfully in regard to certain types of planning applications for development proposals. In this context, there may be negative impact on this S75 group.

This impact is deemed to be a minor impact / disbenefit, which is limited / mitigated by the following:

- Currently, the requirement for a mandatory PDH only applies in a small number of limited circumstances, as outlined previously in this screening
- Evidence gathered by DfI indicates that the number of mandatory PDHs being carried out presently is minimal. 23 planning applications were referred back to Councils and required a mandatory PDHs. This averages out at 2.1 per Council over a 5 year period.
- The proposed change to the PDH process does not affect the standard procedures currently in place to encourage public engagement in the planning process, including pre-application community consultation, newspaper advertisement, neighbour notification
- The proposed change to the PDH process does not affect the opportunity for a member of the public or S75 group to appear before and be heard by the planning committee (in the case of all major planning applications) prior to the committee making its initial decision.
- A mandatory PDH meeting should focus on the views and issues already expressed, considered and assessed during the standard planning process procedures (for example in submitted representations) and presentation of new information during a mandatory PDH is discouraged at this late stage in the process.
- A PDH meeting can still be held by the council in respect of any planning application, should it deem it appropriate to do so. Guidance exists (and is outlined above) regarding the factors that would encourage a council to hold a PDH at its discretion

Members of the public and those in this S75 group who are submitting planning applications may consider that this proposed change to PDHs is a positive change, which will improve efficiencies in the planning system, resulting in more prompt decision making.

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

N/A

Part 3. Screening decision

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

The impact on any S75 group should be limited and minimal due to the very low numbers of mandatory PDHs involved, 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 or3**

Social need **Rating 1, 2 or3**

Effect on people's daily lives **Rating 1, 2 or3**

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.

A minor negative impact on all S75 groups has been identified during the screening of the draft proposals to remove the mandatory requirement for PDH in certain limited circumstances for certain types of planning application. However, given the low numbers of mandatory PDHs undertaken over the past 5 years (2.1 per council) and following consideration of the mitigating factors identified in this screening, there are no proposals to monitor the direct impact on S75 groups in the immediate future.

Part 5 - Approval and authorisation

Screened by: Anne Maguire/Aideen McFerran
Position/Job Title: Staff Officer/SPTO
Date: 09.06.23

Approved by: Nola Jamieson
Position/Job Title: PPTO
Date: 09.06.23

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: 09.06.23
Amendments Requested: Yes
Date Returned to Business Area: 20.06.23
Date Final Version Received / Confirmed: 30.10.23
Date Published on Dfl's Section 75 webpage: