

DEPARTMENT FOR THE ECONOMY

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING TEMPLATE

This form should be completed when considering options for a new policy, service or programme, or changing an existing policy, service or programme. Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The template will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will be included in the quarterly Screening Report which is published on the Department’s website.

Please complete the Cover Sheet Table below

Policy Title (in full):	Transposition of Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment (the Environmental Impact Assessment (EIA) Directive) into the Offshore Electricity Development (EIA) Regulations.
Policy Aim	Revocation of the 2008 Offshore Electricity Development (EIA) Regulations. The overriding objective of the EIA Directive is to ensure that proposals for development, that are likely to have a significant effect on the environment, are subject to a requirement for development consent and an assessment of the environmental effects before the development is granted permission to proceed. The 2014 amendment to the EIA Directive seeks to simplify the rules for assessing the potential effects of developments on the environment by lightening unnecessary administrative burdens and making it easier to assess potential impacts; reinforcing the quality of decision-making; improving current levels of environmental protection; and introducing a more harmonised regulatory framework.
Decision (delete as appropriate)	Policy screened in Policy screened out with mitigation or an alternative policy adopted Policy screened out without mitigation or an alternative policy adopted
Business Area:	Renewable Electricity Branch
Contact:	Paul Rose
Date of form completion:	6 December 2017

For Equality Unit Completion:

Date received:	11/12/17
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Amendments requested?	Yes
Date returned to Business Area:	13/12/17
Date final version received:	14/12/2017
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Screening flowchart and template *(taken from Section 75 of the Northern Ireland Act 1998 – A Guide for public authorities April 2010 (Appendix 1)).*

Introduction

Part 1. Policy scoping – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

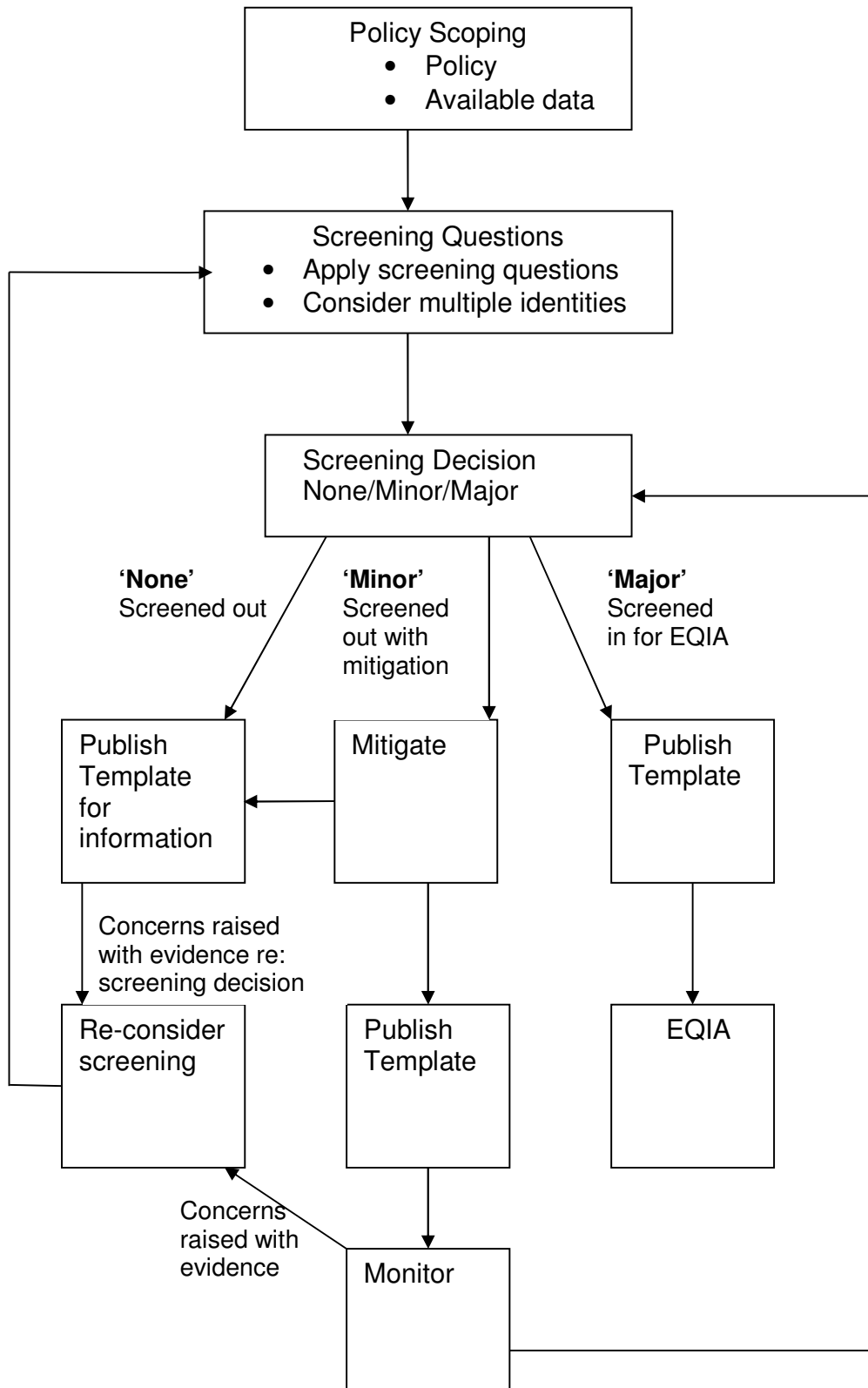
Part 2. Screening questions – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

Part 3. Screening decision – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Part 4. Monitoring – provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

Part 5. Approval and authorisation – verifies the public authority's approval of a screening decision by a senior manager responsible for the policy.

A screening flowchart is provided overleaf.



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

<p>Name of the policy</p> <p>Amendments to the Environmental Impact Assessment (EIA) Directive in the context of offshore electricity development: Proposals to revoke the Offshore Electricity Development (Environmental Impact Assessment) Regulations (Northern Ireland) 2008 (“2008 Regulations”)</p>
<p>Is this an existing, revised or a new policy?</p> <p>Revocation of existing policy. The EIA Directive was first introduced in 1985 and has been amended three times since i.e. in 1997, 2003 and 2009 with all amendments consolidated in 2011. The 1985 Directive and the 1997 and 2003 amendments have been taken into account in the 2008 Regulations.</p>
<p>What is it trying to achieve? (intended aims/outcomes)</p> <p>The overriding objective of the EIA Directive is to ensure that proposals for development, that are likely to have a significant effect on the environment, are subject to a requirement for development consent and an assessment of the environmental effects before the development is granted permission to proceed. The Offshore Electricity Development (EIA) Regulations set out the EIA process for the consenting regime established under Articles 39 and 40 of the Electricity (Northern Ireland) Order 1992 insofar as they relate to an offshore electricity generating station.</p> <p>The 2014 amendment to the EIA Directive seeks to simplify the rules for assessing the potential effects of developments on the environment by lightening unnecessary administrative burdens and making it easier to assess potential impacts; reinforcing the quality of decision-making; improving current levels of environmental protection; and introducing a more harmonised regulatory framework.</p> <p>In considering the impacts for the 2008 Regulations, it has been identified that there is overlap with the Marine Licensing regime and associated EIA regulations i.e. the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“2007 Regulations”). Having sought legal opinion, it is advised that the construction of an offshore</p>

generating station and installation of associated electric lines would fall into the definition of a licensable activity under Section 66 (7) of the Marine and Coastal Access Act 2009 (“the 2009 Act”) and, as such, that the EIA Directive is implemented in regard to such developments by the 2007 Regulations. It is therefore suggested that the 2008 Regulations should be revoked.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

No. It is not expected that the revocation of the 2008 Regulations will provide direct benefits or dis-benefits for any of the Section 75 Groups.

If so, explain how.

N/A

Who initiated or wrote the policy?

The EIA Directive has been initiated by the European Parliament/European Council. The Offshore Electricity Developments (EIA) Regulations have been written by Renewable Electricity Branch, Department for the Economy.

Who owns and who implements the policy?

The EIA Directive is owned by the European Parliament/Council and must be implemented by Member States. In respect of Offshore Electricity Developments, the consenting regime is implemented by Electricity Branch, Department for the Economy under the Electricity (Northern Ireland) Order 1992 with EIA requirements implemented through the 2008 Regulations.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? No.

If yes, are they:

- financial
- legislative
- other - please specify

Main stakeholders affected

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

- staff
- service users
- other public sector organisations
- voluntary / community/trade unions
- other - please specify

Developers of electricity generating stations.

Other policies with a bearing on this policy

• what are they?

- (i) The Marine and Coastal Access Act 2009;
- (ii) The Marine Works (Environmental Impact Assessment) Regulations 2007; and
- (iii) The Marine Act (Northern Ireland) 2013

• who owns them?

- (i) Department of Environment, Food and Rural Affairs (Defra)
- (ii) Department of Environment, Food and Rural Affairs (Defra)
- (iii) Department of Agriculture, Environment and Rural Affairs (DAERA)

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.

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

Section 75 category	Details of evidence/ information
Religious belief	No data has been gathered in relation to possible impacts of the policy proposal on people within this group. Revocation of the 2008 Regulations does not negate the need for developers to conduct an EIA in relation to an application for consent to construct and operate an offshore generating

	station. Instead the EIA process will be conducted under the framework established by the 2007 Regulations, which also govern the marine licencing regime on a UK-wide basis. As such, the proposal is not expected to lead to a change in circumstances for any Section 75 group.
Political opinion	No data has been gathered in relation to possible impacts of the policy proposal on people within this group. Revocation of the 2008 Regulations does not negate the need for developers to conduct an EIA in relation to an application for consent to construct and operate an offshore generating station. Instead the EIA process will be conducted under the framework established by the 2007 Regulations, which also govern the marine licencing regime on a UK-wide basis. As such, the proposal is not expected to lead to a change in circumstances for any Section 75 group.
Racial group	No data has been gathered in relation to possible impacts of the policy proposal on people within this group. Revocation of the 2008 Regulations does not negate the need for developers to conduct an EIA in relation to an application for consent to construct and operate an offshore generating station. Instead the EIA process will be conducted under the framework established by the 2007 Regulations, which also govern the marine licencing regime on a UK-wide basis. As such, the proposal is not expected to lead to a change in circumstances for any Section 75 group.
Age	No data has been gathered in relation to possible impacts of the policy proposal on people within this group. Revocation of the 2008 Regulations does not negate the need for developers to conduct an EIA in relation to an application for consent to construct and operate an offshore generating station. Instead the EIA process will be conducted under the framework established by the 2007 Regulations, which also govern the marine licencing regime on a UK-wide basis. As such, the proposal is not expected to lead to a change in circumstances for any Section 75 group.
Marital status	No data has been gathered in relation to possible impacts of the policy proposal on people within this group. Revocation of the 2008 Regulations does not negate the need for developers to conduct an EIA in relation to an application for consent to construct and operate an offshore generating station. Instead the EIA process will be conducted under the framework established by the 2007 Regulations, which also govern the marine licencing regime on a UK-wide basis. As such, the proposal is not expected to lead to a change in circumstances for any Section 75 group.
Sexual orientation	No data has been gathered in relation to possible impacts of the policy proposal on people within this group. Revocation of the 2008 Regulations does not negate the need for developers to conduct an EIA in relation to an application for consent to construct and operate an offshore generating station. Instead the EIA process will be conducted under the framework established by the 2007 Regulations, which also govern the marine licencing regime on a UK-wide basis. As such, the proposal is not expected to lead to a change in circumstances for any Section 75 group.
Men and	No data has been gathered in relation to possible impacts of the policy proposal on people within this group. Revocation of the 2008 Regulations does not negate the need for developers to conduct an EIA in relation to

women generally	an application for consent to construct and operate an offshore generating station. Instead the EIA process will be conducted under the framework established by the 2007 Regulations, which also govern the marine licencing regime on a UK-wide basis. As such, the proposal is not expected to lead to a change in circumstances for any Section 75 group.
Disability	No data has been gathered in relation to possible impacts of the policy proposal on people within this group. Revocation of the 2008 Regulations does not negate the need for developers to conduct an EIA in relation to an application for consent to construct and operate an offshore generating station. Instead the EIA process will be conducted under the framework established by the 2007 Regulations, which also govern the marine licencing regime on a UK-wide basis. As such, the proposal is not expected to lead to a change in circumstances for any Section 75 group.
Dependants	No data has been gathered in relation to possible impacts of the policy proposal on people within this group. Revocation of the 2008 Regulations does not negate the need for developers to conduct an EIA in relation to an application for consent to construct and operate an offshore generating station. Instead the EIA process will be conducted under the framework established by the 2007 Regulations, which also govern the marine licencing regime on a UK-wide basis. As such, the proposal is not expected to lead to a change in circumstances for any Section 75 group.

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 for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	No specific needs have been identified for this group in relation to the proposed policy change
Political opinion	No specific needs have been identified for this group in relation to the proposed policy change
Racial group	No specific needs have been identified for this group in relation to the proposed policy change
Age	No specific needs have been identified for this group in relation to the proposed policy change

Marital status	No specific needs have been identified for this group in relation to the proposed policy change
Sexual orientation	No specific needs have been identified for this group in relation to the proposed policy changes
Men and women generally	No specific needs have been identified for this group in relation to the proposed policy change
Disability	No specific needs have been identified for this group in relation to the proposed policy change
Dependants	No specific needs have been identified for this group in relation to the proposed policy change

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 10-12 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? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	The proposed policy changes do not impact on equality of opportunity for people within this category	None
Political opinion	The proposed policy changes do not impact on equality of opportunity for people within this category	None
Racial group	The proposed policy changes do not impact on equality of opportunity for people within this category	None
Age	The proposed policy changes do not impact on equality of opportunity for people within this category	None
Marital status	The proposed policy changes do not impact on equality of opportunity for people within this category	None
Sexual orientation	The proposed policy changes do not impact on equality of opportunity for people within this category	None
Men and women generally	The proposed policy changes do not impact on equality of opportunity for people within this category	None

Disability	The proposed policy changes do not impact on equality of opportunity for people within this category	None
Dependants	The proposed policy changes do not impact on equality of opportunity for people within this category	None

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote equality of opportunity
Political opinion		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote equality of opportunity
Racial group		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote equality of opportunity
Age		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote equality of opportunity
Marital		The policy relates to the consenting for and environmental impact assessment of offshore electricity

status		generating stations and as such does not provide opportunities to better promote equality of opportunity
Sexual orientation		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote equality of opportunity
Men and women generally		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote equality of opportunity
Disability		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote equality of opportunity
Dependants		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote equality of opportunity

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	There is no evidence of possible impact on good relations	None
Political opinion	There is no evidence of possible impact on good relations	None
Racial	There is no evidence of possible impact on	None

group	good relations	
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4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote good relations
Political opinion		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote good relations
Racial group		The policy relates to the consenting for and environmental impact assessment of offshore electricity generating stations and as such does not provide opportunities to better promote good relations

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.

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

There is no evidence that the policy has any impact on people with multiple identities.

Part 3. Screening decision

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

The Department has not been able to identify any evidence that suggests there are likely to be any direct equality impacts in relation to this policy. Legal opinion is that there is no need for public consultation on the revocation of the 2008 Regulations on the basis that: -

- (i) their removal is addressing an unnecessary duplication;
- (ii) there would be no prejudicial impact on current projects in the consenting pipeline;
and,
- (iii) there would be no breach in expectations.

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.

The transposition of the EIA Directive is mandatory and must be applied where a body has responsibility for a consenting regime, in this case, development consent for offshore electricity generating stations. No direct equality impacts have been identified through the screening process and legal opinion is that there is no need for public consultation.

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.

See above

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	Rating (1-3)
Effect on equality of opportunity and good relations	N/A
Social need	N/A
Effect on people’s daily lives	N/A
Relevance to a public authority’s functions	N/A

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?

If yes, please provide details

N/A

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.

Part 5 - Approval and authorisation

Screened by:	Position/Job Title	Date
Paul Rose	Deputy Principal	6 December 2017
Approved by:		
Kelly McKenna	Grade 7	6 December 2017

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.