Reform of the Northern Ireland Planning System:

Draft Equality Impact Assessment (EQIA) at a strategic level in response to Programme for Government proposals

Section 75 and Schedule 9
The Northern Ireland Act 1998

Draft Equality Impact Assessment at a Strategic Level
July 2009

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Executive Summary

Policy proposals
On October 25th 2007, the Northern Ireland Executive published its first Programme for Government (PfG): a detailed set of strategic proposals covering the period 2008 – 2011, which included plans for a major reform of the planning system. The Department of the Environment was tasked with developing proposals, including not only reform of fundamental elements of the planning system itself but also a transfer of responsibilities from central to local government following the Review of Public Administration (RPA) and the formation of 11 new district councils in 2011. This draft equality impact assessment (EQIA) at a strategic level is the Department’s response to the PfG proposals, and contains recommendations as to how Section 75 considerations will be addressed through each stage of implementation. The aim of the reform programme is not only to improve the efficiency and effectiveness of the planning system but also to create a planning system that provides transparency in decision-making and gives confidence to its users.

Section 75 Impacts
This draft EQIA at a strategic level presents comprehensive in-house and external data, both primary and secondary, which help to highlight Section 75 issues that will be relevant to key elements of the reform programme. The paper acknowledges that there are two elements to potential impacts – procedural impacts resulting from changes to planning processes and substantive impacts resulting from planning decisions taken. This draft EQIA at a strategic level is concerned, at this stage, with potential procedural impacts, but recognises that potential substantive impacts will need to be addressed at implementation stage by the relevant planning authority. The Department will ensure that any potential substantive impacts identified are brought to the attention of the relevant planning authority with advice and guidance on possible mitigating measures.

Preliminary Recommendations
To help promote equality of opportunity and/or mitigate any potential adverse impacts attaching to one or more of the Section 75 grounds it is proposed that the following measures will be taken:

1. This draft EQIA at a strategic level is being published at the same time as, and in conjunction with, the planning reform consultation paper and relevant screening documents. Where there is evidence of the need to promote equality of opportunity and/or significant adverse impact then a full EQIA will be carried out, as appropriate.

2. The Department commits to developing a Monitoring Strategy that will incorporate information on relevant Section 75 groups, in accordance with the statutory duties and the Equality Commission’s Guidance on Section 75 Monitoring.

3. In bringing forward proposals under the key elements of the reform programme, the Department will remain alert to Section 75 considerations and will aim to ensure that the reformed planning system is as user-friendly and inclusive as possible to all groups. Streamlining the planning system may benefit some groups in society but may have a negative impact on others and therefore other positive and affirmative action measures, such as improved advocacy services, may also need to be considered.

4. The Department is committed to consulting and engaging widely, including with representatives of those groups who may be at risk of potential adverse impact and/or for whom promotion of equality of opportunity can be ensured. Race, age and disability have been identified as potential Section 75 grounds that may warrant further attention to ensure that the reformed planning system is inclusive and genuinely accommodates those with particular needs.
5. The Department will ensure that all forms of consultation will be made accessible to all sections of the community, including written documents as well as the timing, management and location of consultation events.

6. Where a new issue/policy emerges through the programme of reform, over and above those key elements already identified, that issue/policy will also be subject to appropriate screening and, if necessary, an equality impact assessment.

7. Implementation of the reform programme post 2011 will fall to the relevant planning authority who will continue to operate in accordance with Section 75 obligations.

**Conclusion**

The Department acknowledges that the reform programme involves a fundamental review of the entire planning system in Northern Ireland, and is committed to ensuring that Section 75 principles and best practice are mainstreamed into the reform programme. This draft EQIA at a strategic level establishes how the Department aims, in practical terms, to implement the reforms and where Section 75 will feature. As the programme is rolled-out the Department will continue to engage and consult widely and welcomes comments in relation to any of the issues in this document. Following consultation, the Department will give due consideration to all responses and the Minister will arrive at a decision as to how best to proceed.
This draft report has been made available for formal consultation as part of the Department’s response to proposals as outlined in the Executive’s Programme for Government (PfG) 2008-11 (http://www.pfgbudgetni.gov.uk/finalpfg.pdf).

In its Programme for Government, the Executive made a commitment to, ‘Deliver a fundamental overhaul of the planning system by 2011 to ensure that it supports economic and social development and environmental sustainability’. (p.14) The Department has been tasked with turning this aspiration into a reality through a staged programme that will streamline the planning system while also transferring a number of planning functions from central to local government.

Following on from an initial screening exercise and subsequent engagements (both internal and external), this draft EQIA at a strategic level has been prepared as part of the Department’s Section 75 statutory duties in response to the PfG proposals. This draft EQIA at a strategic level will help establish a foundation for subsequent Section 75 activities that will continue to ensure that due regard for the need to promote equality of opportunity and regard for the desirability of good relations are mainstreamed within each stage of development and implementation of the reform programme up to and beyond 2011.

You are invited to give your views on this draft assessment. The purpose of the consultation is to obtain:

- consultees' views on this draft assessment of the equality impacts of the planning reform proposals;
- any further information which could be useful in assessing those equality impacts; and
- any comments or suggestions on how groups could be best engaged during the consultation process.

When considering your response, the following questions may offer a useful guideline:

- Do you have any views on any of the aspects of equality covered in this draft assessment?
- Are there any other issues that have not been addressed? If so, what are these?
- Do you have any views on how the delivery of the planning reform proposals should be taken forward to effectively address inequalities and differentials?
- Are there any measures that should be implemented to ensure the promotion of equality of opportunity and/or mitigate against an adverse impact on people in the Section 75 equality groups?

We would welcome any additional information and comments that you feel would help inform our equality considerations of the planning reform proposals. For ease of reference, a questionnaire is attached at Appendix 4.

We would like to receive your comments by 2nd October 2009. A copy of this draft EQIA report at a strategic level is available on our website at http://www.planningni.gov.uk. The final document will be prepared following consideration of the comments received during the consultation process. Thereafter the assessment will be produced in final form and placed on our website.

If you have any queries about this document, and its availability in alternative formats, please contact us to discuss your requirements:

Planning Reform Team
Planning Service
SECTION 75 NI ACT 1998

Section 75 of the Northern Ireland Act 1998 requires each designated public authority, when carrying out its functions in relation to Northern Ireland, to have due regard to the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

Without prejudice to these obligations, the public authority is also required, in carrying out its functions, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

The Department of the Environment (DOE, including the NI Planning Service), submitted its Equality Scheme to the Equality Commission for Northern Ireland (ECNI) in February 2001. The Scheme outlined how the DOE proposed to fulfil its statutory duties under Section 75.

As set out in its Equality Scheme, the Department carries out equality screening on all new or revised policies to assess impact on the promotion of equality of opportunity and/or good relations using the following criteria:

- Is there any indication or evidence of higher or lower participation or uptake by different groups?
- Is there any indication or evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy issue?
- Is there an opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in government or in the larger community?
- Have previous consultations with relevant groups, organisations or individuals indicated that policies of that type create problems that are specific to them?

THE NORTHERN IRELAND PLANNING SERVICE

Background

The Town and Country Planning Service (which had been established in 1973 following the Macrory Report on the review of local government in Northern Ireland) became an Executive Agency (known as the ‘Planning Service’) of the Department of the Environment on 1 April 1996.

The Department’s statutory planning functions are now mainly provided for by the Planning (Northern Ireland) Order 1991, associated subordinate legislation and relevant regulations implementing European Community Directives in the planning sector.

The aim of the Planning Service is:
‘to deliver a modern, effective planning system which meets the needs of the whole community and the economy while protecting the environment’.

Its key objectives are:
- To make good, timely planning decisions within a fit for purpose area plans, policy and legislative framework which supports the key priorities in the Executive’s Programme for Government.
- To deliver good quality service to its customers and stakeholders.
• To review, streamline, improve and monitor the Planning Service’s key systems and processes.
• To have the necessary financial, human and other resources to deliver the Agency’s aims and objectives.
SECTION 2: THE POLICY CONTEXT

The Programme for Government (PfG) 2008 - 2011

On 25 October 2007, the First and Deputy First Ministers launched the Executive’s first Programme for Government\(^1\). This document was published along with the Budget and Investment Strategy (ISNI2) covering the same three-year period. These documents highlighted a range of priorities but, in particular, economic growth and the development of a peaceful, prosperous, fair and healthy society. In acknowledging these two priorities it was recognised that, ‘economic growth and social progress cannot be taken forward in isolation from action to address poverty and disadvantage to build a fairer and more equitable society’.

The Programme for Government and Investment Strategy were formally endorsed by the Assembly on 28 January 2008. This was followed on 29 January 2008 with the Assembly formally agreeing to the Executive’s Budget for 2008-11. Within the Public Service Agreements established as part of the PfG, the Department is committed to reform of the planning system, the focus of this draft EQIA at a strategic level.

A major reform programme for the planning system in Northern Ireland, encompassing the structural changes announced under the Review of Public Administration (RPA), was launched in November 2007 and has been taken forward by the Environment Minister and planning officials. This draft EQIA at a strategic level is being published at the same time as, and in conjunction with, the planning reform consultation paper containing the Department’s proposals for reform.

In summary, the programme of reform incorporates a range of medium to long-term measures designed to address all the key elements of the planning system, including planning policy, development plans and development management (formerly known as development control). A number of process improvements, designed to have an immediate impact on the efficiency and effectiveness of the planning system, continue to be put in place.

In this way the reform programme represents a dynamic process of change over coming years in order to shape a planning system that can, ‘play its part in delivering on the Programme for Government priorities and, in particular, by contributing to growing a dynamic, innovative and sustainable economy’.

Draft EQIA: Programme for Government, Executive Budget, Investment Strategy (ISNI2)


In broad terms this EQIA presented a very positive message as to how the PfG and the budget would impact positively across the Section 75 categories. In the words of the EQIA,

‘The approach to the development of the Programme for Government, Budget and Investment Strategy is to promote equality and good relations and address the causes and consequences of poverty and exclusion. In this context, the Programme for Government highlighted that, alongside action to address poverty and exclusion, the Executive will seek to address differential outcomes in key areas such as health and education that may be experienced by a number of Section 75 groups and which significantly impact on the lifetime opportunities of those groups. Focusing action to address differentials will have a more positive impact on some Section 75 groups.


than others. However, there is no evidence to suggest that this is likely to equate to a negative impact on others’.

Included within this assessment were a number of statements with a direct bearing on the reform of the planning system, framed under the priority, ‘Protecting and enhancing our environment and natural resources’. The draft EQIA carried out on the PfG found no evidence to suggest that this priority would have significant adverse impacts; rather it was anticipated that delivery of the priority would have a positive effect on a number of Section 75 categories and also isolated communities.

A further PfG priority, ‘Delivering modern, high quality and efficient public services’, also includes the planning reform programme. The draft EQIA concluded that there was no evidence to suggest that the delivery of this priority would have an adverse impact on any Section 75 group; rather it would have the potential to deliver positive impacts on those groups that may experience particular difficulties in accessing public services. In addition, the development of more effective and efficient public services, which promote inclusion and accessibility, has the potential to contribute towards the promotion of good relations across all groups.

REFORM OF THE PLANNING SYSTEM

In November 2007 the Minister of the Environment at that time (Arlene Foster) announced her intention to bring forward a programme of planning reform, with the key aim of developing proposals that would enable the planning system to play its part in delivering the Executive’s priorities and, in particular, by contributing to growing a dynamic, innovative and sustainable economy, while promoting inclusion and equality of opportunity.

The consultation paper being launched at the same time as this draft EQIA at a strategic level sets out the measures the Department proposes to take to reform the planning system in Northern Ireland and to make the changes required to implement the decisions taken under the Review of Public Administration. These proposals will see the majority of planning functions returning to local government and, in combination, represent the most fundamental change to the planning system in Northern Ireland for over 30 years.

The planning reform consultation paper also presents certain related issues on which the Department is seeking views, including third party appeals, criminalisation of development without planning permission and increased developer contributions towards infrastructure provision.

In order to fully inform the proposals the Department has been involved in a number of different engagement activities, including a major conference in November 2007, attended by approximately 200 delegates and addressed by the Environment Minister. A questionnaire developed for the conference was posted on the Planning Service website for 10 weeks, with over 240 responses submitted and considered (see Appendix 1).

Officials have also been engaged in research and have liaised with their counterparts in planning throughout the UK and Ireland. A series of meetings have likewise been held with internal and external stakeholders in Northern Ireland, including other government departments, the Planning Appeals Commission, representative bodies such as Community Places, Northern Ireland Environmental Link (NIEL), the Construction Employers Federation, the Institute of Directors, the Confederation of British Industry, the Northern Ireland Local Government Association and others. The Department was also assisted in developing its reform proposals by Professor Greg Lloyd who was appointed as an independent expert on planning to advise the Minister on how best to take forward the reform agenda.
In addition, the reform consultation paper drew on the Emerging Proposals paper, which was posted on the Planning Service website in October 2008\(^3\). In the months following this, there were also a number of seminars and conferences to discuss the emerging proposals, involving groups such as NILGA, the Royal Institution of Chartered Surveyors (RICS), NIEL etc.

The planning system is about ensuring the effective and efficient use of land in the public interest, thereby contributing to achieving sustainable development in cities, towns and rural areas. Land use and development involves a complex interaction and analysis of economic, environmental and socio-economic issues and, with the return of devolved government in Northern Ireland, the Executive has made it clear that the top priority for the next three years is sustainable economic growth.

Driven by imperatives first laid out in the PfG, reform is therefore seen as critical to ensure that Northern Ireland has a modern, efficient and effective planning system that is fit for purpose and can support the Executive in delivering on its key priorities. The planning system needs to provide confidence to investors, developers and the public alike. It also needs to be highly responsive to the many and varied challenges we are facing today, including promotion of economic growth, promotion of equality of opportunity, enabling sustainable development, securing environmental protection, addressing climate change and demands for more social and affordable housing and, of course, ensuring effective use of resources and improved service provision.

The Department carried out an initial screening exercise which found that there was no evidence that the reform proposals would have any significant adverse effects on Section 75 groups. This screening document has been posted on the Department’s website and no Section 75 issues have been raised. However, this draft EQIA report looks at the Department’s strategic response to the PfG commitments and considers further Section 75 work that could be carried out during the development and implementation of the reform programme, by both central and local government. Following consultation, if any potential opportunities to ensure the promotion of equality of opportunity or significant adverse effects are identified, the Department will, as appropriate, conduct a full equality impact assessment on these elements.

Hence this draft EQIA at a strategic level forms an integral part of the reform programme and ongoing engagement with the wider community regarding the outcomes of the reform programme. For example, the Department will facilitate public and community debate on the issues contained in the planning reform consultation paper, and this will include consideration of the preliminary findings contained in this draft EQIA.

All comments received on both the proposals and this draft EQIA at a strategic level will be carefully considered before final policy decisions are taken.

**Those Affected by the Reform Programme**
The reform programme is likely to impact on a great many people, including anyone who makes a planning application, lodges an appeal, is a consultee, wishes to object to a planning application, wishes to comment on development plans, carries out a breach of planning control and, more generally, on all users of the planning system. The proposals will also impact on the Planning Service, the new district councils (post 2011), the Planning Appeals Commission (PAC) and a range of other statutory bodies that are involved in the planning system.

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\(^3\) Between March and June 2009, the Emerging Proposals paper has been downloaded over 600 times. To date no Section 75 groups have raised issues with regards to the paper. Figures for the period October 2008 to February 2009 are not available.
Responsibility for Implementing the Reform Programme

The Planning Service is, in general, responsible for delivering the reform programme with the intention that many responsibilities and functions will be devolved to the 11 new district councils from 2011, following implementation of the Review of Public Administration (RPA). The new district councils, when duly designated as public authorities under Section 75, will be obliged to have due regard to the promotion of equality of opportunity in the same way as central government. When responsibility passes to the new district councils it will be important to ensure that mechanisms are in place to consolidate the mainstreaming of due regard for the need to promote equality of opportunity and without prejudice to same, regard for the desirability of good relations in local planning systems, compliant with Section 75.

With regard to the appeals system, some of the policy will continue to be delivered by the Planning Appeals Commission (PAC) which, as a separate appeals body, is independent of the Planning Service. The PAC adheres to the Nolan Principles for maintaining standards in public life and adopts in its business plan the core values of impartiality, integrity, openness, fairness, professionalism, quality, valuing workforce and customer care.

Anticipated Outcomes

The anticipated outcomes from the proposed reform programme are:

- a more responsive planning system delivered at a local level with enhanced local political accountability;
- a streamlined development plan system, with a more meaningful level of community involvement;
- a more effective development management system with a greater focus given to economically and socially important developments;
- a system more capable of discharging the statutory obligations to have due regard for the need to promote equality of opportunity;
- improved efficiency of processing and greater certainty about timescales;
- a change in the culture of the planning system: seeking to ‘front load’ the development plan consultation process, make plans more strategic in nature, and to facilitate and manage development, rather than mainly controlling undesirable forms of development;
- stronger collaborative working across a range of stakeholders; and
- a better match of resources and processes to priorities and improved value for money for all users of the planning system through more proportionate decision-making mechanisms.

THE PLANNING REFORM PROGRAMME: KEY ELEMENTS

The changes currently proposed for the planning system will see a move from a unitary, centralised system, where central government not only sets policy but also deals with all planning applications, to a two-tier system similar to that in operation in England, Scotland, Wales and the Republic of Ireland.

Fundamental reviews of planning systems across the rest of the UK have served to highlight the inadequacy of existing processes, and the need to improve efficiency and effectiveness in the management of planning. In line with these developments, the reform process in Northern Ireland has already highlighted a number of areas where improvements can be made, and opportunities for streamlining a system that has been criticised for its bureaucratic and burdensome nature in the past.

Following implementation of the RPA, the 11 new district councils will have responsibility for the majority of key planning functions, including:

- local development planning;
- development management (excluding regionally significant applications); and
- enforcement.
Local government will also assume responsibility for associated resources, including finance and funding, accommodation, assets and Planning Service staff who will transfer with the relevant planning functions.

Post 2011, it is intended that central government will have responsibility for regional planning, planning policy, determination of regionally significant applications, legislation, oversight, guidance for councils, audit, governance and performance management.

In order to progress the necessary changes, to date six key elements have been identified for change by 2011 within the reform process, namely:

- Planning Policy Statements
- Development Plans
- Development Management
- Permitted Development
- The Appeals System
- Funding/Fees

In addition, there are three related elements of the planning system that continue to be afforded due consideration as to whether or not they may form an integral part of the reformed service, although it is recognised that, depending on the outcome of the consultation process, significant further work would be required to develop detailed proposals in these areas. These are:

- Third Party Appeals
- Enhanced Enforcement powers and Criminalisation of development without planning permission
- Developer Contributions

A brief description of each element is provided below, together with a preliminary recommendation as to how this theme will be addressed under Section 75 as the reform programme continues to develop and moves towards implementation.

**Planning Policy Statements**
The Regional Development Strategy and Planning Policy Statements (PPSs) combine as the key planning documents that shape future development outcomes across Northern Ireland. PPSs provide operational policy and guidance on a range of planning issues (e.g. industrial development, enforcement and the built heritage) and set out the main planning considerations that are taken into account in assessing proposals for various forms of development. In turn, they inform the preparation of development plans. Given the current system of central delivery of all planning functions in Northern Ireland (at both the strategic and operational levels), these statements can be overly detailed. Elsewhere in the UK and the Republic of Ireland, PPSs (or their equivalents) do not incorporate detailed operational policy.

One of the proposals in the reform programme is that PPSs should move from providing operational guidance and advice to providing strategic direction and regional policy advice, which would then be interpreted locally in development plans. It is also proposed that the content and process associated with PPS production would reflect the desire to produce shorter, more focused documents, in a shorter timescale.

The intention is that PPSs would set out the policy framework to achieve high level strategic objectives at a regional level, but retain sufficient flexibility to permit decisions to be taken based
on local circumstances. As such, PPSs would, in future, only contain context, direction and such policy detail that the Department deemed necessary, with increased use of complementary documentation, such as separately produced supplementary or best practice guidance.

The Department’s initial draft screening found that, as these proposals are not concerned with actual policies contained within PPSs, there is no evidence to suggest that the proposals will have a differential impact on any of the Section 75 groups but, instead, they have the potential to help ensure that there is comprehensive policy on certain land use topics that can be applied equally to the different circumstances arising throughout Northern Ireland. The individual planning policies contained in PPSs will continue to be subject to equality screening by the Department and, where appropriate and in line with statutory duty, full EQIA. However, as part of the consultation exercise, the Department is seeking feedback on this conclusion and, should significant impacts be found in relation to one or more of the Section 75 categories, will consider carrying out a dedicated equality impact assessment.

Development Plans
Development Plans allocate appropriate land for differing types of land use. They establish the main planning requirements which developers are expected to meet in respect of particular zoned sites while also showing designations such as conservation areas, areas of outstanding natural beauty, sites of local nature conservation importance etc. Development Plans apply regional policies at the appropriate local level and inform the general public, statutory authorities, developers and other interested parties of the policy framework and land use proposals that will guide development decisions.

In accordance with the RPA decisions, the new district councils will become responsible for drawing up their own local development plans, while central government will retain responsibility for regional planning. DRD and DOE are working together to develop proposals as to how central government will exercise its regional planning role, which in broad terms will be to set the regional strategy and vision for Northern Ireland and provide an appropriate regional planning framework within which the new district councils will develop their own local development plans.

Fundamental to reform is the provision of an effective, up-to-date development plan system. The Department proposes to introduce a new local development plan system which will operate within the two-tier planning system envisaged under the RPA, whereby planning functions will be administered by both district councils and the Department. The proposals are intended to:

- speed up the plan preparation process;
- ensure more effective participation from the community and other key stakeholders early in plan preparation; and
- ensure a more flexible approach that is responsive to change and capable of faster review.

The new local development plan system will provide more clarity and predictability for developers, the public and other stakeholders. It will also assist the new 11 district councils to target action to tackle social need and social exclusion. It is proposed that legislation should be put in place to require district councils to submit draft local development plans to central government for scrutiny to ensure they are aligned with central government plans, policy and guidance.

Development plans, as drawn up by the Planning Service, have historically been subject to equality screening and assessment, as applicable. This requirement will rest with the new district councils when responsibility for local development plans moves to local government.
The Department is committed to consulting widely on the development plan proposals. Section 75 considerations will be taken on board as the consultation process proceeds and, where significant impacts are found with regard to one or more of the Section 75 categories, an EQIA will be carried out, as appropriate.

**Development Management**
At present the Planning Service is responsible for processing all applications for planning permission (circa 30,000 applications per year since 2005). Many of these applications (75%) relate to local residential developments, a responsibility that it is proposed will pass to the new district councils.

In line with other reforms, it is inevitable that the planning application system must change, not only to provide a more modern, responsive, fair, predictable and efficient system, but also one that coordinates local decision-making with regional strategies. Development management (as opposed to its predecessor, development control) is likely to make a significant contribution to the modernisation of the planning system as part of the transfer of functions to district councils, highlighting distinctions between types of application and providing proportionate processes for dealing with applications that have either a regional, major or local significance.

It is widely acknowledged that a reformed application system must become more proportionate, more efficient and more responsive to the needs of all users. This will enable the new district councils and their elected members to deliver on the ambitions and priorities for the communities they serve. In addition, it is proposed that district councils will have greater scope to focus resources on those development proposals which are of the greatest economic and social benefit in their areas. The proposals will also encourage increased community engagement at an earlier stage in the process and, as such, facilitate the inclusion and consideration of the views of communities with the greatest social need who might otherwise be excluded.

Given the complexities of the planning application processes, consultation will be key to determining a system that is fit for purpose in the context of Northern Ireland. Section 75 considerations will be taken on board as the consultation process proceeds and, where significant impacts are found with regard to one or more of the Section 75 categories, then an EQIA will be carried out, as appropriate.

**Permitted Development**
Through the reform programme, the Department wishes to examine the scope for extending permitted development rights with regard to certain householder, minor and non-householder developments, including those associated with small scale renewable energy technologies.

Consultants have been engaged to advise on the scope for widening existing householder, minor and non-householder permitted development rights, together with a consideration of the scope for introducing additional categories of permitted development, with the intention of reducing the number of minor applications in the system, while mindful of the need to protect the interests of neighbours, the wider community and the environment. This work will include relevant screening under Section 75.

One of the key modern day challenges is climate change and one way of addressing this is to maximise the use of renewable energy sources (e.g. the wind, the sun, moving water, heat extracted from the air, ground and water [geothermal energy], and biomass [wood, biodegradable waste and energy crops]). In a wide public consultation in 2007, the Department proposed that, broadly, all forms of householder micro-generation should be permitted without the need to apply for planning permission, subject to certain limitations and conditions related to visual amenity, noise and local impacts. Reaction to the consultation paper was positive with strong support for the wider use of
renewable energy and a simplified regulatory regime of permitted development rights, although there were differences of opinion as to the types of renewable technology that should be permitted and the conditions and limitations that should be imposed, particularly in relation to noise associated with wind turbines and heat pumps.

The Department also proposes to extend permitted development for small scale renewable energy generation to non-residential land uses, including commercial, industrial, agricultural and public sector development. Consultants have been engaged to advise on how best this might be achieved and the Department expects to consult on the outcome of that work in 2009. This work will include relevant screening under Section 75.

**Appeals System**
The planning appeals system in Northern Ireland is delivered by the Planning Appeals Commission (PAC), an independent body established to decide a wide range of appeals and to report on various matters under planning and related legislation.

The number of appeals received by the PAC has in recent years risen from 762 in 2004/05 before peaking at 2765 in 2006/07. It has since dropped to 1493 in 2007/08 and, more recently, to 515 in 2008/09. In keeping with the aims of the reform agenda the appeal proposals seek to improve the planning appeals system by tackling delaying factors and by providing an appeals system which is more proportionate to the type and complexity of each appeal. The proposals are informed by similar proposed changes to the appeals systems in the rest of the UK.

At this time it is widely acknowledged that some of the existing appeals processes are disproportionately complex, while some administrative processes could also be streamlined. Building on best practice, the reformed system is likely to incorporate a number of significant changes to the existing system while retaining the core principle that an applicant has the right to appeal a planning decision. This must remain central to a democratic and accountable planning system.

Section 75 considerations will be taken on board as an integral part of the overall consultation process and, where opportunities to promote equality of opportunity and/or significant impacts are found with regard to one or more of the Section 75 categories, then an EQIA will be carried out, as appropriate.

**Funding**
The implementation of the RPA, in conjunction with the reform programme, will inevitably have implications for the funding of the planning system, and for the fee structure. The Department needs to assess how these proposed reforms will impact on funding and what revisions may be required as a result. Consultants will be engaged to research and to produce a report setting out a range of options in relation to the future funding of the planning system in light of both the reform initiatives and the decisions made as a result of the RPA. The consultants will be expected to undertake equality screening in relation to each of the preferred options and, if appropriate, to produce a dedicated equality impact assessment of the proposals.

**Third Party Appeals**
To date, in common with other parts of the UK, there is no mechanism for third party appeals in the Northern Ireland planning system but it is an issue that has been debated in the past. As responsibility for planning is transferred to district councils it is the intention that the planning system will be increasingly ‘front loaded’ with opportunities for third party engagement, thereby

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extending the openness and transparency of the system. In these circumstances it may well be that the need for third party appeals would become even less apparent. The Department wishes to find out from the consultation process whether or not there is a wide support for the introduction of third party appeals to the Northern Ireland planning system.

If the consultation demonstrates there is such support for the introduction of third party appeals, then further consideration will be given to the issue. Should a decision be taken to explore options for a third party appeal system, more detailed proposals will be prepared and equality screening carried out at that stage. At the moment, there is no requirement for a screening document in relation to this element of the consultation paper.

**Enforcement/Criminalisation of development without planning permission**
As part of the reform programme the Department is reviewing existing enforcement provisions to ensure that they are sufficiently robust, while also considering whether any new proposals should be developed in line with those brought in elsewhere (e.g. Scotland). The Department is also seeking views from the consultation process on whether or not there is a wide support for criminalisation of development without permission within the reformed planning system.

As with third party appeals, if the consultation demonstrates there is such support for enhanced enforcement powers and the inclusion of criminalisation proposals, then further consideration will be given and, if required, more detailed proposals will be prepared and equality screening carried out at that stage.

**Developer Contributions**
Through the consultation paper, the Department is seeking views on the contribution that the development industry might make to the provision of infrastructure (such as roads, water and sewerage) necessary for Northern Ireland’s economic and social improvement. Should responses indicate wide support for increased developer contributions, then further consideration will be given and, if required, more detailed proposals will be prepared and equality screening carried out at that stage.

**In Summary**

<table>
<thead>
<tr>
<th>Key Reform Element</th>
<th>Next Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Policy Statements</td>
<td>Already screened out but conclusions will be consulted upon</td>
</tr>
<tr>
<td>Development Plans</td>
<td>Following consultation, should opportunities to promote equality of opportunity and/or significant adverse effects be identified, an equality impact assessment will be carried out</td>
</tr>
<tr>
<td>Development Management</td>
<td>Following consultation, should opportunities to promote equality of opportunity and/or significant adverse effects be identified, an equality impact assessment will be carried out</td>
</tr>
<tr>
<td>Permitted Development</td>
<td>Equality screening to be carried out in a separate exercise</td>
</tr>
<tr>
<td>Appeals System</td>
<td>Following consultation, should opportunities to promote equality of opportunity and/or significant adverse effects be identified, an equality impact assessment will be carried out</td>
</tr>
<tr>
<td>Funding</td>
<td>Equality screening to be carried out in a separate exercise</td>
</tr>
</tbody>
</table>
The Reform Programme and Section 75

In summary, it can be seen that the reform programme is multifaceted and combines a number of elements that will combine together up to and beyond 2011 to define a reformed planning system. This draft strategic EQIA at a strategic level aims to help establish the strategic direction of the programme, and ensure that Section 75 statutory obligations are woven into the reform proposals.

The Department is keen to see Section 75 principles applied at each stage of the reform programme. The diagram at appendix 2 summarises this process.

POLICY AIM

The reforms are set in the context of the overall objective of improving the Northern Ireland economy, while promoting social inclusion, sustainable communities and personal health and well-being, as well as promoting viable and vital towns and city centres and helping to create shared spaces that are accessible to all and where people can live, work and socialise. This principal objective must also balance with the need to protect the environment and heritage, and will contribute to sustainable development.

Taken together, it is envisaged that the reforms will not only improve the efficiency and effectiveness of the planning system but will also create a planning system that provides transparency in decision-making, and gives confidence to its users.

In summary, the reform programme aims to bring about improvements in the planning system to ensure that it:

- supports the future economic and social development needs of Northern Ireland and manages development in a sustainable way, particularly with regard to large, complex or strategic developments;
- is delivered at the right level with the appropriate managed processes for regionally significant, major, local and minor applications;
- has streamlined processes that are effective, efficient and improve the predictability and quality of service delivery; and
- allows full and open consultation and actively engages communities.
SECTION 3: CONSIDERATION OF AVAILABLE DATA AND RESEARCH

In keeping with the Equality Commission for Northern Ireland Guide to the Statutory Duties and EQIA Guidelines, data has been drawn from a wide range of sources, both quantitative and qualitative, to help inform the impact assessment process. Given that the scope of the reform programme is so broad, it is likely that the policy has the potential to impact across the entire population of Northern Ireland, a breakdown of which is provided below:

TABLE 1: NORTHERN IRELAND POPULATION PROFILE BY SECTION 75 GROUNDS

<table>
<thead>
<tr>
<th>Section 75 Ground</th>
<th>Northern Ireland Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>49.0%</td>
</tr>
<tr>
<td>Female</td>
<td>51.0%</td>
</tr>
<tr>
<td>Age</td>
<td></td>
</tr>
<tr>
<td>0 to 9</td>
<td>13.09%</td>
</tr>
<tr>
<td>10 to 19</td>
<td>14.33%</td>
</tr>
<tr>
<td>20 to 29</td>
<td>14.14%</td>
</tr>
<tr>
<td>30 to 39</td>
<td>13.80%</td>
</tr>
<tr>
<td>40 to 49</td>
<td>14.27%</td>
</tr>
<tr>
<td>50 to 59</td>
<td>11.42%</td>
</tr>
<tr>
<td>60 to 69</td>
<td>9.17%</td>
</tr>
<tr>
<td>70 to 79</td>
<td>6.23%</td>
</tr>
<tr>
<td>80 and Over</td>
<td>3.65%</td>
</tr>
<tr>
<td>Religion (Community Background)</td>
<td></td>
</tr>
<tr>
<td>Catholic</td>
<td>43.8%</td>
</tr>
<tr>
<td>Protestant</td>
<td>53.1%</td>
</tr>
<tr>
<td>Other Religion</td>
<td>0.4%</td>
</tr>
<tr>
<td>No Religion or None Stated</td>
<td>2.7%</td>
</tr>
<tr>
<td>Political Opinion</td>
<td></td>
</tr>
<tr>
<td>(Based on seats in the NI Assembly October 2008)</td>
<td></td>
</tr>
<tr>
<td>DUP</td>
<td>36 seats</td>
</tr>
<tr>
<td>UUP</td>
<td>18 seats</td>
</tr>
<tr>
<td>Alliance</td>
<td>7 seats</td>
</tr>
<tr>
<td>SDLP</td>
<td>16 seats</td>
</tr>
<tr>
<td>Sinn Fein</td>
<td>27 seats</td>
</tr>
<tr>
<td>PUP</td>
<td>1 seat</td>
</tr>
<tr>
<td>Green</td>
<td>1 seat</td>
</tr>
<tr>
<td>Independent</td>
<td>1 seat</td>
</tr>
<tr>
<td>Ind Health Coalition</td>
<td>1 seat</td>
</tr>
<tr>
<td>Marital Status</td>
<td></td>
</tr>
<tr>
<td>(based on over 16s)</td>
<td></td>
</tr>
<tr>
<td>Single (never married)</td>
<td>33.1%</td>
</tr>
<tr>
<td>Married</td>
<td>48.45%</td>
</tr>
<tr>
<td>Re-married</td>
<td>2.67%</td>
</tr>
<tr>
<td>Separated</td>
<td>3.84%</td>
</tr>
<tr>
<td>Divorced</td>
<td>4.12%</td>
</tr>
<tr>
<td>Widowed</td>
<td>7.81%</td>
</tr>
<tr>
<td>Dependent Status</td>
<td></td>
</tr>
<tr>
<td>(based on households with children between 0 and 15 or a person between 16 and 18 in full-time education)</td>
<td></td>
</tr>
<tr>
<td>Dependent Children</td>
<td>36.47%</td>
</tr>
<tr>
<td>No Dependent Children</td>
<td>63.53%</td>
</tr>
<tr>
<td>Disability</td>
<td></td>
</tr>
<tr>
<td>(based on households with one or more person with a limiting long-term illness)</td>
<td></td>
</tr>
<tr>
<td>Disabled</td>
<td>41.21%</td>
</tr>
<tr>
<td>Not Disabled</td>
<td>58.69%</td>
</tr>
<tr>
<td>Ethnic Group</td>
<td>Percentage</td>
</tr>
<tr>
<td>------------------</td>
<td>------------</td>
</tr>
<tr>
<td>White</td>
<td>99.15%</td>
</tr>
<tr>
<td>Irish Traveller</td>
<td>0.10%</td>
</tr>
<tr>
<td>Mixed</td>
<td>0.20%</td>
</tr>
<tr>
<td>Indian</td>
<td>0.09%</td>
</tr>
<tr>
<td>Pakistani</td>
<td>0.04%</td>
</tr>
<tr>
<td>Bangladeshi</td>
<td>0.01%</td>
</tr>
<tr>
<td>Other Asian</td>
<td>0.01%</td>
</tr>
<tr>
<td>Black Caribbean</td>
<td>0.02%</td>
</tr>
<tr>
<td>Black African</td>
<td>0.03%</td>
</tr>
<tr>
<td>Other Black</td>
<td>0.02%</td>
</tr>
<tr>
<td>Chinese</td>
<td>0.25%</td>
</tr>
<tr>
<td>Other Ethnic Group</td>
<td>0.08%</td>
</tr>
</tbody>
</table>

Source: Northern Ireland Census 2001 Key statistics (except Age. NISRA 2007 Mid-Year Population Estimates)

**In-House Data Sources**

In order to fully inform the proposals, the Planning Service has been involved in a number of different engagement activities, including a major conference in November 2007. This was attended by approximately 200 delegates and addressed by the Environment Minister.

A questionnaire developed for the conference was posted on the Planning Service website for 10 weeks, with 243 responses (see Appendix 1). Key findings are summarised below:

- Agents/architects represented the largest proportion of respondents (39%), followed closely by members of the public (36%) and then developers (9%).
- The responses indicated that current levels of satisfaction with the planning system were low, with three quarters of respondents rating their satisfaction with the development plan and development control processes as either ‘poor’ or ‘very poor’.
- Development control (now development management) was clearly ranked by respondents as the number one priority area in need of reform (42%), well ahead of development plan (28%), administration (15%) and enforcement (14%).
- Key areas of priority for development control related to arrangements and response time with consultees, improving the speed of the decision-making process and managing applications in a proportionate manner.
- In terms of development plan, the areas that respondents felt needed addressed as a highest priority related primarily to the need to improve the speed and responsiveness of plan preparation. The need for improved engagement and consultation with other bodies was also highlighted as an area of key priority.
- The priority area identified by respondents in relation to enforcement was the need for increased deterrents e.g. higher fines and prosecutions.
- Respondents were also given the opportunity to provide general comments and suggestions in relation to the reform programme. A total of 320 additional comments were provided. These comments varied greatly in nature - from broad observations to specific ideas and from strong criticisms to constructive suggestions.
- Two of these responses referred to Section 75 groups: one commented that planners should be required to assume responsibility for increased dangers to users (especially children) of small rural roads and one asked what Planning Service was doing to allay public concerns and perceptions that some area plans are drawn up on a politically motivated basis to prevent development and an increase in the population of a certain side of the community.

Officials have also been engaged in research and have been liaising with their counterparts in planning throughout the UK and Ireland.
In addition, a series of face-to-face meetings have been held with internal and external stakeholders in Northern Ireland, including other government departments, the Planning Appeals Commission, representative bodies such as Community Places, Northern Ireland Environmental Link, the Construction Employers Federation, the Institute of Directors, the Confederation of British Industry, the Northern Ireland Local Government Association and others.

The Department was also assisted in developing its reform proposals by Professor Greg Lloyd who was appointed as an independent expert on planning to advise the Minister on how best to take forward the reform agenda.

The reform consultation paper has been developed from the Emerging Proposals paper, which has been posted on the Planning Service website since October 2008. Since then the Minister and planning officials have been engaged in a number of conferences, dinners and meetings with interested parties and key stakeholders. Feedback on the emerging proposals has been very positive.

Commissioned Research
As part of the preparation of this EQIA, in June 2009 the Department commissioned experts led by the Social Research Centre\(^5\) to support them in developing this draft EQIA at a strategic level and to provide a commentary on potential impacts that may be associated with the reform programme, either at the present time or at some time during its future implementation. The commentary, which is included in this EQIA, highlights various equality issues and equity considerations across the planning system.

In the context of the reform programme, due regard for the need to promote equality of opportunity in line with Section 75 should help to highlight all possible examples of differential participation by Section 75 grounds, and evidence of any disproportionate impact of the proposals on such grounds. In practice, these effects can relate to either the substantive outcomes of planning decisions or the procedural process of how decisions are made. Further, in reflecting on these considerations it is important to bear in mind that those affected by planning decisions may extend far beyond those who directly access the services delivered by the Planning Service (i.e. ‘clients’), including those who currently do not access the planning system and, as a consequence, may have unmet needs and rights. Comprehensive monitoring data, supported by a coherent monitoring strategy, is seen as an important step in providing a considered reflection on the accessibility, use and uptake of the wide range of services delivered by any planning system operating at both a regional and local level.

In equality proofing any planning reform proposal it is important to understand how planning decisions could potentially impact on groups associated with any of the nine Section 75 categories. It may be useful to understand how each of the categories could be affected by both the substantive outcomes (i.e. expressed as specific physical, land use development) of the planning process and the different procedural processes used in making planning decisions but it is recognised that the focus of the current planning reform programme is on the latter.

In terms of substantive impacts, some groups may have been directly affected by past land use planning decisions and their identity and lifestyle may be differentiated from mainstream society in the way they relate to land use and the spatial features of the built environment. Consideration of substantive impacts will be much more significant as the reform programme moves into the implementation stage (2011 onwards) but examples might include:

\(^{5}\) Consultancy support was provided by the Social Research Centre, led by Eileen Beamish, in association with John Kremer (Kremer Consultancy Services), Dr. Geraint Ellis (School of Planning, Architecture and Civil Engineering QUB), and Fiona Cassidy (Jones, Cassidy & Jones Solicitors).
• There is an established literature that shows how different cultural practices or economic activities associated with different ethnic groups may be reflected in the built environment and which may, under some circumstances, clash with the values of mainstream society, as projected through the regulatory planning system. Travellers in particular suffer multifaceted deprivation as a direct consequence of planning decisions that result in many families living on unauthorised sites, with poor access to services and with negative consequences for health and access to other services such as education. (Ref. 4)

• Gender: It has become recognised that the built environment may have differential impacts by gender due to how gendered lifestyles and relations are played out and reproduced in urban space. (Ref 5b).

• Age: The way in which both children and older people are able to access services and facilities has been shown to potentially result in negative consequences for health and well-being. (Ref 8 and 9)

• Disability: The physical barriers faced by those with disabilities are better known. (Ref 13)

In terms of procedural impacts, other literature (Ref 2) highlights the following critical points:

• Planning decisions are made in a variety of ‘policy processes’, which may include those decided through the judgement of experts (e.g. setting housing projections), the semi-judicial context of public inquiries, or by politicians in the context of representative democracy.

• Each of these processes will be more or less accessible depending on the attributes of a person. For example, those who are able to engage in ‘expert’ planning discourse (or who can afford an advocate) will have an advantage in expert-led or technocratic policy processes. Those who have poor literacy or fluency in English may therefore find some processes more difficult to influence than others. This may impact on, for example, those with a disability or those whose first language is not English.

• The different Section 75 categories are likely to be characterised by a mix of attributes that may result in collective advantage or disadvantage according to policy process.

It is important that the screening documents recognise that shifting the way planning decisions are made from one process to another could impact on the ability of different groups to influence that decision.

In order to ensure that future policies are sufficiently evidence-based, it is recognised that appropriate data gathering systems should be put in place in the future to consider not only those who use but also those who do not use various planning services. While this data gap may have traditionally characterised the planning system in Northern Ireland, as elsewhere, there are indications of a growing realisation of the value of such data for effective system control and management. For example, the Scottish Government (Ref 18) has completed a study that has attempted to examine whether those involved in the planning system are representative of the broader population. In summary, this report found that:

• In the case studies examined (N=3), those who volunteered views to the planning authority came from a particular cross section of the community, dominated by the middle aged and the elderly.

• People under 35 were largely absent from the process.

• Retired people dominated the responses.

• White Caucasians dominated responses in the three case studies.

• Evidence was unclear but it appears that those people in full time employment were also under-represented among respondents.

• Women were slightly more likely than men to become involved in the planning process, but significantly more likely to oppose an application.
The broad picture shown in this research seems to be also reflected in the work of the private Saint Consulting Group, who undertake an annual opinion survey\(^6\) of objections to development. There are also isolated examples of studies (Ref 19) that have looked at the ‘client’ group of specific areas of planning activity, such as conservation areas, and again insights gained from such research can help inform the emerging reform programme.

There are two further issues that have a key bearing on understanding who may be affected by the planning reforms:

- Although the Scottish data outlined above may suggest that certain groups are over-represented in some areas of planning activity, the fact that some groups are apparently absent should not necessarily be taken as an indication that they will not be affected by any proposal. It should be borne in mind that a group may be absent from such processes because the existing procedures may serve to exclude them (e.g. hidden ‘chill factors’), and some thought must be given as to how the planning reforms are likely to ameliorate or extenuate such processes. It is likely that an insight into this issue can only be gained through direct contact with under-represented groups, i.e. those that do not use the planning system.

- It may be inappropriate to consider the ‘clients’ of the planning system as being just those who access planning services such as appeals and applications – the outcome of the planning system affects all of society in terms of its land use outcomes, with obvious implications for differential impact on one or more of the nine Section 75 categories.

**Strategic Sources**

All government policies and reform proposals, including planning reform, are informed by a number of key strategic documents, notably the following cross-departmental strategies:

- Race Equality Strategy;
- Gender Equality Strategy;
- Sexual Orientation Strategy and Action Plan 2006-2009; and,
- Ageing in an Inclusive Society – strategy for older people.

(This list is not exhaustive.)

**Sources External to Planning Service**

There follows a synopsis of other data sources which have been referenced and will continue to be drawn upon during the reform programme, of which this draft EQIA at a strategic level forms a part.

- **Northern Ireland Census Data**
  A census of the population is normally taken every ten years and is carried out by the Census Office for Northern Ireland. The census provides essential statistical information about the population and households for all parts of the country. The most recent results available are from the 2001 census returns.

- **Indicators of Equality and Diversity in Northern Ireland**
  Published on 12 January 2007, this is the fifth in a series of reports from a research project commissioned by the Office of the First Minister and Deputy First Ministers to study the development of indicators of diversity and equality in Northern Ireland. Through reviewing and extensively analysing existing NI statistics and research, the report aims to develop an ‘equality and diversity picture’ of the region; to identify key indicators of change over time; and to consider the potential of existing data to provide useful indicators of equality and diversity.

\(^6\) 2009 Saint Index- Headline results (Saint Consulting).
• **Statement on Key Inequalities in Northern Ireland**
  Published by the Equality Commission for Northern Ireland in October 2007, the statement seeks to highlight the range and breadth of the equality agenda in Northern Ireland and to set out some of the inequalities that remain to be addressed.

• **Northern Ireland Multiple Deprivation Measure 2005**
  Published by NISRA, May 2005, the report identifies small area concentrations of multiple deprivation across Northern Ireland. The report includes a series of maps which set out each domain of deprivation and the overall Multiple Deprivation Measure.

• **Social Trends**
  Social Trends is an annual publication produced by the National Statistics Office. An established reference source, it draws together social and economic data from a wide range of government departments and other organisations to paint a broad picture of society today, and how it has been changing.

• **Continuous Household Survey**
  The Continuous Household Survey provides a regular source of information on a wide range of social and economic issues in Northern Ireland, and has been running since 1983. The survey is based on a random sample of 4,500 domestic addresses. Interviews are sought of all adults aged 16 and over in the selected households.

• **Northern Ireland Life and Times Survey**
  The Northern Ireland Life and Times Survey, launched in the autumn of 1998, monitors the attitudes and behaviour of people in Northern Ireland annually to provide a time-series and a public record of how attitudes and behaviour develop on a wide range of social policy issues.

• **Households Below Average Income**
  The DSD’s Annual Households Below Average Income Report uses household disposable incomes, adjusted for household size and composition, as a proxy for material living standards or, more precisely, for the level of consumption of goods and services that people could attain given the disposable income of the household in which they live.

• **Family Resources Survey**
  The Family Resources Survey collects detailed data on income levels, resources and financial circumstances of individuals and households for the period from April 2002 to the end of March 2003.

• **Northern Ireland Crime Survey**
  The Northern Ireland Crime Survey is carried out by Central Survey Unit on behalf of the Northern Ireland Office. It is a household survey which has been running as a continuous survey since January 2005. It was first carried out as a one-off survey in 1994/5 and was repeated in 1998, 2001 and 2003/4. The main purpose of the survey is to collect information about levels of crime and public attitudes to crime. The information is collected by interviewing people to find out about crimes they may have experienced, including those that were not reported to the police. Respondents are also asked their views about the level of crime and how much they worry about crime.

• **Regional Trends**
  Regional Trends is a comprehensive regular source of official statistics for the Statistical Regions of the United Kingdom (Scotland, Wales, Northern Ireland and the Government Office Regions within
England) produced by the National Statistics Office. It includes a wide range of demographic, social, industrial and economic statistics, covering aspects of life in the regions.

- **Labour Force Survey**
The Labour Force Survey (LFS) is a quarterly sample survey carried out by interviewing people about their personal circumstances and work. It is the biggest regular household survey in Northern Ireland and provides a rich and vital source of information about the labour force using internationally agreed concepts and definitions. The LFS provides information on labour market structure, employment, ILO (International Labour Organisation) unemployment, economic activity, groups within the labour market.


- **Women in Northern Ireland**
Women in Northern Ireland is a quarterly publication produced by the Department of Enterprise, Trade and Investment. This publication contains key facts and figures about women in Northern Ireland. It covers the areas of employment, unemployment, economic inactivity, education, childcare provision and representation in public life.

- **Child and Family Poverty in Northern Ireland**
Published in April 2006, the report was commissioned by the OFMDFM (Office of the First Minister and Deputy First Minister) and provides an analysis of the levels and composition of child and family poverty and social exclusion.

- **Equality Mainstreaming - Policy and Practice for Lesbian, Gay and Bisexual (LGB) People**
This research report was commissioned by the Equality Directorate of OFMDFM prior to devolution, with the aim of providing a ‘broad evidence base to assist statutory bodies in effectively considering LGB issues in the development of policy and practice’.
SECTION 4: ASSESSMENT OF IMPACTS

(Details of the References shown in brackets are included in Appendix 3)

In bringing forward proposals under the reform programme, the Department is aware that in each of the key elements there may exist the potential for impacts (whether positive or negative) on one or more of the Section 75 grounds. Until such time as the proposals have been consulted on, and agreed, it is not possible to be precise as to how and where these impacts may apply, and whether they will be positive or adverse in relation to groups attached to each Section 75 ground.

It must also be acknowledged that not all impacts will be adverse, and even within one Section category there may be both adverse and positive effects. For example, greater use of web-based systems may positively impact on certain people with a disability (e.g. those with restricted physical mobility) while having an adverse impact on those who have difficulties interacting with computer systems (e.g. those with sensory or learning difficulties).

The focus of the reform programme is primarily on procedural impacts and not substantive impacts. Operating within the broad terms of reference of the planning system reform programme, as laid out in the Programme for Government, and taking into account existing research, the following section highlights the potential procedural impacts.

Between men and women generally

- **Procedural Impact (i.e. planning system)**
  There is some evidence from other parts of the UK that women may be somewhat more likely to become involved in the planning process and also significantly more likely to oppose an application (hence a positive impact). These findings may reflect on related evidence which suggests that those who are more active in the labour market may be less likely (or able) to engage with the planning process, given that, in general terms, women are more likely than men to be either economically inactive or to be working part-time. It is also possible that women feel a greater sense of stewardship over the environment, and respond to development proposals accordingly.

Persons of different age

- **Procedural Impact (i.e. planning system)**
  Existing research would indicate that those who are aged 50 years and above are over-represented in the planning system (a positive impact) while those under 35 are largely absent (an adverse impact). Once more, it is likely that engagement with planning systems is likely to be influenced by availability and ease of access which in turn may be determined by employment status. For example, those in full-time work are least likely to engage with planning services while those who have retired from work are most likely.

Older people living in rural areas or on disadvantaged housing estates have difficulty accessing the sorts of opportunities that most people in society can often take for granted, perhaps including access to planning systems. This is a particular issue for pensioners in rural areas who are more likely to be in poverty than those in urban areas. For older women, in particular, participation can be further constrained by pensioner poverty. There is also evidence to suggest that exclusive reliance on e-technology and computer-based application systems can inadvertently serve to further marginalise such populations.
Persons with a disability and persons without

- **Procedural Impact (i.e. planning system)**
  Given typical application procedures that apply to any form of engagement with the public sector, it is likely that those with a disability will find it more difficult to access a planning system, whether in Northern Ireland or elsewhere. While, in common with many public authorities, the Planning Service has already introduced a number of positive action measures to help overcome obstacles to engagement it has been shown that those with a disability still perceive that they face obstacles when trying to access public and social services - such as transport, housing and financial services. Once more, while reliance on computer-based systems may increase accessibility for some (including those with a disability), for others it may create obstacles, also including those with a disability.

Persons of different marital status

- **Procedural Impact (i.e. planning system)**
  Available evidence would suggest that the existing planning services may be less accessible and available to those with competing family commitments.

Persons of different religious belief

- **Procedural Impact (i.e. planning system)**
  It has been estimated that there could be up to 150 separate religious groupings in Northern Ireland at the present time. Access to public services in general must accommodate this rich diversity of personal beliefs.

  While there may be no strong indication that religious belief will impact on the regional dimensions to the reformed planning system, given the correlation between political opinion and community background/religion, there may be concerns, whether real or perceived, that the political allegiance of elected members could reflect in decision-making at district council level, whether in relation to planning issues or other council functions.

Persons of different political opinion

- **Procedural Impact (i.e. planning system)**
  The strong correlation between political opinion and community background / religious belief in Northern Ireland would suggest that the comments applied to religious belief can be read across to this ground as well.

Between persons with dependants and persons without

- **Procedural Impact (i.e. planning system)**
  Dependency status may differentially impact on access and availability of planning services, given its recognised effect on employment status.

Persons of different racial group

- **Procedural Impact (i.e. planning system)**
  There may be barriers associated with the planning system for those whose first language is not English, and in particular where documents are of a technical nature. Lack of availability of translation services for those not fluent in English may also create an impediment. It has also been found that the planning system can be used as an outlet for discriminatory behaviour against some racial groups, particularly Travellers, through objections to planning applications, not made on the basis of the land use characteristics of the proposed development, but the ethnicity of the proposed occupants.
Persons of different sexual orientation

- **Procedural Impact (i.e. planning system)**

There is no indication or evidence that an individual’s sexuality will adversely affect his or her’s access to the planning system.

**TABLE 2: SUMMARY OF POTENTIAL SUBSTANTIVE AND PROCEDURAL IMPACTS BY SECTION 75 GROUNDS** (Details of the References shown in brackets are included in Appendix 3)

<table>
<thead>
<tr>
<th>S.75 groups</th>
<th>Procedural impacts of planning</th>
</tr>
</thead>
</table>
| Gender                          | **There is evidence that show women can be better represented in participative processes (Ref 6) and how policies can be gender proofed (Ref 7).**  
The Scottish Executive (Ref 18) found that women were slightly more likely than men to become involved in the planning process, but significantly more likely to oppose an application.  
Children have been largely neglected in decision-making in planning and to properly include them requires alternative, more creative participative processes (Ref 10)  
Older people appear to be over-represented amongst those responding to planning consultation (Ref 11) and there is evidence that older people respond differently to different methods of participation (Ref 12).  
The Scottish Executive found that those who volunteered views to the planning authority came from a particular cross section of the community i.e. the responses were dominated by white Caucasians, the middle aged (>35 years of age) and the elderly. (Ref 18).  
There is evidence that those with disabilities could be excluded from decision-making processes (Ref 14) and that developers’ attitudes towards disability can be highly varied (Ref 15), although recent work may suggest that these adverse effects may have been ameliorated following recent amendments to the legislation.  
Available research (Ref 24) indicates that adults with a disability and children with a disability have the highest risk of poverty before social transfers, at 77% and 70% respectively in 2004-05. After social transfers the risk of poverty for adults with a disability was 26% and children with a disability was 37%.  
It is assumed that marital status is a characteristic of the wider society and as such married people will not experience any disproportionate effects of different methods of decision-making.  
However, available evidence (Ref 25) suggests that those who are separated will tend to have the highest rate of poverty, followed by those who are divorced and then single people.  
While there may be no strong indication that religious belief will impact on the regional dimensions to the reformed planning system, given the correlation between political opinion and community background/religion, there may be concerns, whether real or perceived, that the political allegiance of elected members could reflect in local planning decisions at district council level and in particular where elected members are directly involved in any decision-making process. These anxieties should be duly acknowledged in any emerging proposals. |
| Age                             | **Children have been largely neglected in decision-making in planning and to properly include them requires alternative, more creative participative processes (Ref 10)  
Older people appear to be over-represented amongst those responding to planning consultation (Ref 11) and there is evidence that older people respond differently to different methods of participation (Ref 12).  
The Scottish Executive found that those who volunteered views to the planning authority came from a particular cross section of the community i.e. the responses were dominated by white Caucasians, the middle aged (>35 years of age) and the elderly. (Ref 18).  
There is evidence that those with disabilities could be excluded from decision-making processes (Ref 14) and that developers’ attitudes towards disability can be highly varied (Ref 15), although recent work may suggest that these adverse effects may have been ameliorated following recent amendments to the legislation.  
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While there may be no strong indication that religious belief will impact on the regional dimensions to the reformed planning system, given the correlation between political opinion and community background/religion, there may be concerns, whether real or perceived, that the political allegiance of elected members could reflect in local planning decisions at district council level and in particular where elected members are directly involved in any decision-making process. These anxieties should be duly acknowledged in any emerging proposals. |
| Persons with a disability       | **There is evidence that those with disabilities could be excluded from decision-making processes (Ref 14) and that developers’ attitudes towards disability can be highly varied (Ref 15), although recent work may suggest that these adverse effects may have been ameliorated following recent amendments to the legislation.  
Available research (Ref 24) indicates that adults with a disability and children with a disability have the highest risk of poverty before social transfers, at 77% and 70% respectively in 2004-05. After social transfers the risk of poverty for adults with a disability was 26% and children with a disability was 37%.  
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While there may be no strong indication that religious belief will impact on the regional dimensions to the reformed planning system, given the correlation between political opinion and community background/religion, there may be concerns, whether real or perceived, that the political allegiance of elected members could reflect in local planning decisions at district council level and in particular where elected members are directly involved in any decision-making process. These anxieties should be duly acknowledged in any emerging proposals. |
| Martial status                  | * It is assumed that marital status is a characteristic of the wider society and as such married people will not experience any disproportionate effects of different methods of decision-making.  
However, available evidence (Ref 25) suggests that those who are separated will tend to have the highest rate of poverty, followed by those who are divorced and then single people. |
| Religious beliefs/ Political opinion | **While there may be no strong indication that religious belief will impact on the regional dimensions to the reformed planning system, given the correlation between political opinion and community background/religion, there may be concerns, whether real or perceived, that the political allegiance of elected members could reflect in local planning decisions at district council level and in particular where elected members are directly involved in any decision-making process. These anxieties should be duly acknowledged in any emerging proposals. |

---

7 Religious belief and political opinion have been merged for the purpose of this analysis on the basis that in Northern Ireland there is a strong correlation between voting behaviour and religious background.
There is evidence that certain sections of some religious groups (e.g. young Protestant men) may have attributes such as low literacy rates that may act as a barrier to full participation in some planning processes.

It has been estimated that there could be up to 150 separate religious groupings in Northern Ireland at the present time. Access to the planning system must accommodate this rich diversity of personal beliefs.

Persons with dependents

** Whilst no evidence could be found that could confirm that those with dependents are differentially impacted by different planning processes, greater domestic commitments could discourage involvement in the planning system. It is conceivable that dependency status may differentially impact on access and availability of planning services, given its recognised effect on employment status.

Racial group

** There is evidence that suggests that different racial groups are differentially affected by the range of ways decisions are made in planning (Ref 2). There is also guidance on how participation can be improved for ethnic minorities (Ref 3) and specifically how Travellers can be better involved in the Northern Ireland planning system (Ref 4).

There may be barriers associated with the planning system for those whose first language is not English, and in particular where documents are of a technical nature. Lack of availability of translation services for those not fluent in English may also create an impediment.

Sexual orientations

* There is no indication that an individual’s sexuality will adversely affect their access the planning system.

It is assumed that people with different sexual orientations are characteristic of the wider society and as such will not experience any disproportionate affects of different methods of decision-making. There is some specific research undertaken on gay citizenship in Belfast, providing some evidence (Ref 17), although extrapolation on planning procedures is difficult to make.

Note:

**** = established and significant negative impact

*** = potential significant negative impact

** = potential impact, evidence not established

* = insignificant or no impact

### TABLE 3: NEW TSN CONSIDERATIONS

<table>
<thead>
<tr>
<th>New TSN Dimension</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Mortality</td>
<td>There is a clear relationship between deprivation and health outcomes with those in deprived areas tending to experience worse health outcomes, while also suffering from increased morbidity and mortality (Ref 21).</td>
</tr>
</tbody>
</table>
SECTION 5: CONSIDERATION OF MEASURES TO MITIGATE POTENTIAL ADVERSE IMPACT / ALTERNATIVE POLICIES TO PROMOTE EQUALITY

The Department has deliberately cast the net wide in describing and analysing data that may relate to the reforms of the planning system. It is also worth noting that the Department has a track record of responding positively to the needs of particular groups through previous revisions to its existing systems. For example, the Disability Discrimination Act 1995 (and successive amendments) have been responded to by the introduction of a number of positive action measures designed to make the service and the built environment more accessible to those with a wide range of disabilities. The reform programme will continue to aspire towards best practice in this regard and welcomes the fresh impetus it has provided.

This draft EQIA at a strategic level also shows the complex nature of the planning system, and the potential for impacts both positive and negative on so many groups linked to Section 75 grounds. While it is anticipated that the majority of changes that will accompany the reform programme will, by their very nature, have a positive impact on Section 75 groups, on those occasions where there is the potential for the promotion of equality of opportunity and/or adverse impact then the Planning Service is keen to explore any possible mitigating measures or alternative approaches.

At this time it is not possible to predict the precise impact of all proposals associated with each key element of the reform programme on the nine Section 75 categories. The broad principles driving the reform programme are derived from the Executive’s Programme for Government which has already been subject to an EQIA.

The Department is content that the planning reform proposals being consulted on will continue to help meet the aspirations as laid out by the Executive, to encourage economic growth along with the development of a peaceful, prosperous, fair and healthy society.

At the same time, it is proposed that the following preliminary recommendations will be acted on to further enhance the mainstream of Section 75 statutory obligations within the reform programme.

1. In addition to this draft EQIA at a strategic level, key elements of the reform programme have been subject to screening to help identify any significant impacts in relation to one or more of the nine categories. Following the consultation, if there is evidence of significant impact in relation to any of the key elements of the reform programme, a further EQIA will be carried out, as appropriate, and measures to mitigate adverse effects will be introduced, along with alternative policies to promote equality of opportunity, if necessary (see Appendix 2).

2. Existing data on those who do, or do not, engage with the planning system is less than substantial. The Department therefore commits to take action to develop a Monitoring Strategy that will incorporate information on relevant Section 75 categories, in accordance with best practice and the Equality Commission’s Guidance on Section 75 Monitoring.

3. Despite this historical absence of data, the Department recognises that, in Northern Ireland as elsewhere, all members of the community may not always have had equality of access to the planning system. Indeed, this is part of the rationale for the Department’s funding of organisations such as Disability Action and Community Places. In bringing forward proposals under the key elements of the reform programme, the Department will remain alert to these issues and will aim to ensure that the reformed planning system is as user-friendly and inclusive as possible.
4. The Department will commit to engage widely during the development and implementation of the reform programme, including with representatives of those groups who may be at risk of adverse impact. Race, age and disability have already been identified as Section 75 categories that may warrant further attention to ensure that the reformed planning system is inclusive and genuinely accommodates those with particular needs.

5. The Department will ensure that all forms of consultation will be made accessible to all sections of the community, including written documents as well as the timing, management and location of consultation events.

6. Where a new issue/policy emerges through the programme of reform, over and above those key elements already identified, that issue/policy will also be subject to appropriate screening and, if necessary, an equality impact assessment (EQIA).

7. As the reform programme is rolled-out, and the new planning system is created, there will be an expectation on both central and local government to ensure that Section 75 obligations continue to be mainstreamed through regional and local planning systems.

**Conclusion**

This draft EQIA at a strategic level has provided the Department with an opportunity to demonstrate that Section 75 statutory obligations are at the heart of the reform programme. While the Department’s initial screening exercise indicated that significant effects on each of the Section 75 categories were not anticipated, this draft EQIA at a strategic level was undertaken in order to offer a timely reflection on progress made to date, to consider the potential procedural impacts in greater detail and to begin the process of identifying those occasions during future implementation where it will be important to next apply the checks and balances that Section 75 affords. Through the operation of due diligence in this manner, the Department can make sure that fair treatment and the promotion of equality of opportunity remain a priority for the entire planning system up to and beyond 2011.
SECTION 6: FORMAL CONSULTATION, PUBLICATION AND MONITORING

Formal Consultation
The Planning Service wishes to consult as widely as possible on the findings included in this draft EQIA at a strategic level. With this in mind we propose to take the following actions:-

- A press release will be prepared and submitted to various media outlets.
- Prominent advertisements inviting the public to comment on this matter will be placed in the main newspapers in Northern Ireland, in accordance with normal practice.
- A letter will be issued to all consultees listed in the DOE’s Equality Scheme.
- A copy of this report will be posted on our website.
- Individual consultation meetings will be arranged with representatives of particular interest groups.
- This document is available in alternative formats, please contact us to discuss your requirements.

The arrangements for consultation are being co-ordinated by:

Planning Reform Team
Planning Service
1st Floor
Millennium House
17-25 Great Victoria Street
Belfast
BT2 7BN

e-mail: planning.reform@doeni.gov.uk
tel: (028) 9041 6767
fax: (028) 9041 6802
textphone: (028) 9054 0642

The closing date for responses is 2nd October 2009.

Publication
The final document will be prepared following consideration of the comments received during the consultation process. Thereafter the assessment will be produced in final form and placed on our website.

Monitoring
The Department intends to take action to develop a monitoring strategy to monitor the impact of the reform programme on users of the planning system. The Department will publish the results of this monitoring in due course and include same in the annual progress report to the Equality Commission for Northern Ireland.
APPENDIX 1: STAKEHOLDER QUESTIONNAIRE

SUMMARY TABLE OF RESULTS
A stakeholder questionnaire was developed for the stakeholder conference in 2007 as an initial step in obtaining views from those with an interest in planning, especially in relation to their current perceptions of performance and their priorities and suggestions for reform. Conference delegates were given the opportunity to complete the questionnaire on the day of the conference. It was also posted on the agency’s website from 29th November 2007 – 6th February 2008 for conference delegates to complete, thus providing the opportunity for general visitors to the website to complete it as well.

Respondee Details (Number of respondents = 222)

<table>
<thead>
<tr>
<th>Agent/Architect</th>
<th>87 (39%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member of public</td>
<td>81 (36%)</td>
</tr>
<tr>
<td>Developer</td>
<td>21 (9%)</td>
</tr>
<tr>
<td>Other NICS Department/ Agency</td>
<td>8 (4%)</td>
</tr>
<tr>
<td>Planning Service</td>
<td>7 (3%)</td>
</tr>
<tr>
<td>Other</td>
<td>6 (3%)</td>
</tr>
<tr>
<td>Local Government Official</td>
<td>6 (3%)</td>
</tr>
<tr>
<td>Environmental Group</td>
<td>3 (1%)</td>
</tr>
<tr>
<td>Elected Representative</td>
<td>3 (1%)</td>
</tr>
</tbody>
</table>

Current Performance

1. Respondents were asked to indicate their current level of satisfaction with the following aspects of the planning system:

<table>
<thead>
<tr>
<th>Planning Aspect</th>
<th>‘Very Good’</th>
<th>‘Good’</th>
<th>‘Neither good or bad’</th>
<th>‘Poor’</th>
<th>‘Very Poor’</th>
<th>AVERAGE RATING</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Development Plan Process (N = 230)</td>
<td>1 (&lt;1%)</td>
<td>17 (7%)</td>
<td>38 (17%)</td>
<td>72 (31%)</td>
<td>102 (44%)</td>
<td>4.1</td>
</tr>
<tr>
<td>The Development Control System Major Applications e.g. Article 31 Applications, etc. (N = 234)</td>
<td>1 (&lt;1%)</td>
<td>13 (6%)</td>
<td>41 (18%)</td>
<td>87 (37%)</td>
<td>92 (39%)</td>
<td>4.1</td>
</tr>
<tr>
<td>Locally Important Applications e.g. local housing developments, etc. (N = 233)</td>
<td>0 (0%)</td>
<td>18 (8%)</td>
<td>42 (18%)</td>
<td>90 (39%)</td>
<td>83 (36%)</td>
<td>4.0</td>
</tr>
<tr>
<td>Minor Applications e.g. householder extensions, etc. (N = 210)</td>
<td>3 (1%)</td>
<td>60 (28%)</td>
<td>65 (30%)</td>
<td>60 (28%)</td>
<td>28 (13%)</td>
<td>3.3</td>
</tr>
</tbody>
</table>
## Priorities for reform

2. Which area of the planning system would most benefit from reform (1=highest priority, 4= lowest priority)

<table>
<thead>
<tr>
<th>Area</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development control (N=237)</td>
<td>118</td>
<td>57</td>
<td>49</td>
<td>13</td>
<td>1.8</td>
</tr>
<tr>
<td>Development plan (N=221)</td>
<td>79</td>
<td>62</td>
<td>56</td>
<td>24</td>
<td>2.1</td>
</tr>
<tr>
<td>Administration (N=210)</td>
<td>42</td>
<td>42</td>
<td>47</td>
<td>84</td>
<td>2.8</td>
</tr>
<tr>
<td>Enforcement (N=234)</td>
<td>40</td>
<td>56</td>
<td>56</td>
<td>82</td>
<td>2.8</td>
</tr>
</tbody>
</table>

## Development Plan

3. Considering Development Plan specifically, which area of the planning system would most benefit from reform (1=highest priority, 5= lowest priority)

<table>
<thead>
<tr>
<th>Area</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improving the speed, flexibility and responsiveness of the plan preparation process (N=223)</td>
<td>106</td>
<td>58</td>
<td>17</td>
<td>30</td>
<td>12</td>
<td>2.0</td>
</tr>
<tr>
<td>Improving community engagement (N=217)</td>
<td>65</td>
<td>34</td>
<td>38</td>
<td>32</td>
<td>48</td>
<td>2.8</td>
</tr>
<tr>
<td>Improving the effectiveness and efficiency of the plan examination process (N=218)</td>
<td>35</td>
<td>76</td>
<td>44</td>
<td>26</td>
<td>37</td>
<td>2.8</td>
</tr>
<tr>
<td>Improving project management of plan preparation (No. of respondents = 210)</td>
<td>30</td>
<td>36</td>
<td>60</td>
<td>43</td>
<td>41</td>
<td>3.1</td>
</tr>
<tr>
<td>Improving content and format of plan documents (N=219)</td>
<td>27</td>
<td>41</td>
<td>43</td>
<td>61</td>
<td>47</td>
<td>3.3</td>
</tr>
</tbody>
</table>

## Development Control
4. Considering Development Control, which area of the planning system would most benefit from reform (Ranked in priority order: 1=highest priority, 6=lowest priority)

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improving consultation arrangements with key bodies (No. of respondents = 233)</td>
<td>70</td>
<td>48</td>
<td>48</td>
<td>24</td>
<td>32</td>
<td>11</td>
<td>2.7</td>
</tr>
<tr>
<td>Ensuring applications are managed in a manner proportionate to application type (N = 212)</td>
<td>59</td>
<td>51</td>
<td>37</td>
<td>23</td>
<td>20</td>
<td>22</td>
<td>2.8</td>
</tr>
<tr>
<td>Major Applications (N = 218)</td>
<td>61</td>
<td>32</td>
<td>41</td>
<td>38</td>
<td>24</td>
<td>22</td>
<td>3.0</td>
</tr>
<tr>
<td>Improving customer service (N = 213)</td>
<td>56</td>
<td>31</td>
<td>35</td>
<td>41</td>
<td>37</td>
<td>13</td>
<td>3.1</td>
</tr>
<tr>
<td>Improving appeals system (N = 213)</td>
<td>31</td>
<td>31</td>
<td>30</td>
<td>37</td>
<td>51</td>
<td>33</td>
<td>3.7</td>
</tr>
<tr>
<td>Increasing permitted development rights (N = 219)</td>
<td>23</td>
<td>19</td>
<td>24</td>
<td>32</td>
<td>42</td>
<td>79</td>
<td>4.3</td>
</tr>
</tbody>
</table>

Aims of the Reform programme

5. Aims listed in order of importance (1= ‘Most Important’ to 5= ‘Least Important’)
The proposed aims for the reform programme are to ensure that the planning system:

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>has streamlined processes that are effective, efficient and improve the predictability and quality of service delivery; (N = 224)</td>
<td>78</td>
<td>51</td>
<td>49</td>
<td>46</td>
<td>2.3</td>
</tr>
<tr>
<td>enables open and transparent consultation &amp; engages communities within the context of policy (N = 227)</td>
<td>71</td>
<td>32</td>
<td>47</td>
<td>77</td>
<td>2.5</td>
</tr>
<tr>
<td>is delivered at the right level with the appropriate managed processes for regionally significant, major, local and minor applications; (N = 235)</td>
<td>50</td>
<td>66</td>
<td>78</td>
<td>41</td>
<td>2.5</td>
</tr>
</tbody>
</table>
### Stakeholder Engagement

6. Preferred methods for future engagement (N = 357)

<table>
<thead>
<tr>
<th>Method</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus Groups/Face to face discussion</td>
<td>161</td>
<td>45%</td>
</tr>
<tr>
<td>Emails/Internet</td>
<td>112</td>
<td>31%</td>
</tr>
<tr>
<td>Conference</td>
<td>63</td>
<td>18%</td>
</tr>
<tr>
<td>Other</td>
<td>21</td>
<td>6%</td>
</tr>
</tbody>
</table>

### The Conference

7. Usefulness of conference. (N = 120)

<table>
<thead>
<tr>
<th>Usefulness</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very useful</td>
<td>11</td>
<td>9%</td>
</tr>
<tr>
<td>Quite useful</td>
<td>53</td>
<td>44%</td>
</tr>
<tr>
<td>Not very useful</td>
<td>30</td>
<td>30%</td>
</tr>
<tr>
<td>Not useful at all</td>
<td>26</td>
<td>22%</td>
</tr>
</tbody>
</table>
APPENDIX 2:

Section 75 and the Reform of the Northern Ireland Planning System

Programme For Government EQIA (OFMDFM)

Strategic Response to PIG: Programme of Reform to NI Planning System EQIA

Section 75 – Screening of Key Elements

Consultation (Current consultation round)

Funding & Fees
Planning Policy Statements
Permitted Development Minor Changes

Development Plan
Development Management Process (includes Duration of planning consent, conservation areas)

Appeals System

EQIA?

EQIA?

EQIA?

EQIA?

EQIA?

Implementation of Planning Reform Programme EQIA

Councils’ S75 Responsibilities
Relevant Department Responsibilities
Monitoring Strategy
Notes to Accompany Appendix 2

Note 1: Developer Contributions, Third Party Appeals, Enforcement and Criminalisation Issues

Proposals are not definitive at this stage. The Department wishes to find out from the consultation process whether or not there is a wide support for increased developer contributions towards infrastructure provision, the introduction of third party appeals, and also for various revisions to the enforcement regime, including the possible introduction of criminalisation of development without planning permission. If the consultation demonstrates wide support for these, further consideration will be given, and if required, more detailed proposals will be prepared and screening documents developed. At the moment, there is no requirement for screening documents.

Note 2:

Funding and Fees

The Department intends to commission consultants to carry out a review of the future funding of the planning system and to produce a report setting out a range of options. The successful consultants will be expected to undertake equality screening in relation to each of the preferred options and, if appropriate, produce a full equality impact assessment of the proposals.

Permitted Development

The screening of this and the associated consultation processes is being taken forward by two consultancy exercises currently ongoing.

Planning Policy Statements

The Department’s initial draft screening found that, as these proposals are not concerned with actual policies contained within PPSs, there is no evidence to suggest that the proposals will have a differential impact on any of the Section 75 groups but, instead, they have the potential to help ensure that there is comprehensive policy on certain land use topics that can be applied equally to the different circumstances arising throughout Northern Ireland. The individual planning policies contained in PPSs will continue to be subject to equality screening by the Department and, where appropriate and in line with statutory duty, full EQIA. However, as part of the consultation exercise, the Department is seeking feedback on this conclusion and, should significant impacts be found in relation to one or more of the Section 75 categories, will consider carrying out a full equality impact assessment.
<table>
<thead>
<tr>
<th>Ref No</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Women’s Environmental Network (2007) <em>Women in Decision-making</em>, WEN.</td>
</tr>
<tr>
<td>13a</td>
<td>e.g. Imrie R, (2000), &quot;Disabling environments and the geography of access policies and practices&quot; <em>Disability and Society</em> 15(1) pp. 5 - 24</td>
</tr>
<tr>
<td>20</td>
<td>DSD’s Annual ‘Households Below Average Income Report’, An analysis of the income distribution in Northern Ireland, 2006/7, NISRA</td>
</tr>
<tr>
<td>22</td>
<td>Department of Education GCSE Headline Statistics 2006/07</td>
</tr>
</tbody>
</table>
APPENDIX 4

RESPONDENT INFORMATION

Please Note that this form must be returned with your response to ensure that we handle your response appropriately.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation’s name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual’s name and address.

Please complete in BLACK ink and in BLOCK CAPITALS, one per box.

Example:

1. Name/Organisation
   Organisation Name

   [ ] [ ] [ ] [ ]

   Title
   Mr [ ] Ms [ ] Mrs [ ] Miss [ ] Dr [ ] Please tick as appropriate

   Surname

   [ ] [ ] [ ] [ ] [ ]

   Forename

   [ ] [ ] [ ] [ ] [ ] [ ]

2. Postal Address

   [ ] [ ] [ ] [ ] [ ] [ ] [ ]

   [ ] [ ] [ ] [ ] [ ] [ ]

   POSTCODE

   Phone:

   [ ] [ ] [ ] [ ] [ ] [ ] [ ]

   Email:

   [ ] [ ] [ ] [ ] [ ] [ ] [ ]
3. Are you responding:

As an individual ☐
On behalf of a group / organisation ☐

4. Which of the following best describes the capacity in which you are responding as:

Developer ☐  Agent/Architect ☐  Business ☐  Member of Public ☐
Environment Group ☐  Council / Councillor ☐  MLA, MP, MEP ☐
Other ☐  Please state:

5. Acknowledgment

Individual responses will not be acknowledged unless specifically requested

PLEASE FEEL FREE TO ATTACH ADDITIONAL PAGES IF YOU DO NOT HAVE ENOUGH ROOM FOR YOUR RESPONSES IN THE SPACES PROVIDED. IF ATTACHING ADDITIONAL PAGES PLEASE CLEARLY INDICATE TO WHICH QUESTION(S) YOUR RESPONSE(S) REFER.
Consultation Questionnaire
The aim of this questionnaire is to help obtain your views on the draft EQIA at a strategic level. If you would prefer to send in your comments without using the questionnaire that will also be fine. In completing the questionnaire please answer each question by writing your comments in the space provided. The closing date for this consultation is 2\textsuperscript{nd} October 2009 and we need to receive your completed questionnaire on or before that date.

1. Do you have any views on any aspects of equality covered in this draft assessment? YES / NO

2. Are there any other issues that have not been addressed? YES / NO

If YES, please indicate what other issues should have been addressed.
3. **Do you have any views on how the delivery of the planning reform proposals should be taken forward to effectively address inequalities and differentials?**

YES / NO

If YES, please indicate how delivery of the planning reform proposals should be taken forward.


4. **Are there any measures that should be implemented to ensure the promotion of equality of opportunity and/or mitigate against an adverse impact on people in the Section 75 equality groups?**

YES / NO

If YES, please give details.


5. *Do you have any other comments on this draft EQIA at a strategic level?*

**YES / NO**

If YES, please give details below.

THANK YOU FOR YOUR CO-OPERATION, IT IS MUCH APPRECIATED