

**DEPARTMENT OF AGRICULTURE, ENVIRONMENT  
AND RURAL AFFAIRS**

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**Transposition of Directive  
2014/52/EU (the Environmental  
Impact Assessment (EIA) Directive)  
in respect of marine works**

**Equality and Human Rights  
Screening**



Department of  
**Agriculture, Environment  
and Rural Affairs**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

# DAERA Equality and Human Rights Screening Template

## Section A

### Details about the policy / decision to be screened

**Title of policy / decision to be screened:-** Transposition of Directive 2014/52/EU (the Environmental Impact Assessment (EIA) Directive) in respect of marine works.

#### **Brief description of policy / decision to be screened:-**

##### **Background to EIA**

The European Directive 'on the assessment of the effects of certain public and private projects on the environment' (commonly referred to as the 'environmental impact assessment' or 'EIA' directive) has been in force since 1985. The Directive has been amended a number of times, most recently in 2014 by Directive 2014/52/EU. Directive 2014/52/EU must be transposed into UK law by 16 May 2017.

##### **Role of DAERA Marine and Fisheries Division**

DAERA Marine and Fisheries Division carries out licensing functions under the Marine and Coastal Access Act 2009 (MCAA) Part 4. The EIA process applies to certain projects which require a marine licence under the (MCAA). EIA requirements in respect of marine works are set out in the Marine Works (Environmental Impact Assessment) Regulations 2007. These Regulations are being amended to transpose the requirements of the 2014 EIA Directive.

#### **Aims and objectives of the policy / decision to be screened:-**

The 2014 EIA Directive aims to make requirements of EIA clearer; lighten unnecessary administrative burdens and make it easier to assess potential environmental impacts, without weakening existing environmental safeguards. It also contains provisions to ensure EIAs are of a high standard and are focused on those aspects of the environment likely to be significantly affected.

The aim of the transposition project is to ensure that the UK meets its obligations to transpose this EU legislation and does not incur infraction fines.

## On whom will the policy / decision impact?

Consider the internal and external impacts (both actual or potential)

- Staff will be required to implement the requirements of the Directive in the marine licensing determination process. It is anticipated that as the Directive clarifies and strengthens the existing EIA process it should have a positive impact on staff.
- Service users : these are users of the marine environment such as applicants for marine licences. The Directive seeks to make the requirements of environmental impact assessments clearer; lightens unnecessary administrative burdens and makes it easier to assess potential impacts. A positive impact on marine licence applicants is therefore anticipated.
- Rural community: It is unlikely that a policy which amends the Department's administration of the EIA process will have a direct impact on rural communities. However, rural coastal communities might be impacted by developments which are being licensed and which are the subject of the EIA assessment process. These are consulted on and advertised in newspapers which service the locality in which the proposed development is sited.
- Other public sector organisations : the Directive makes provision for coordinated/joint procedures for projects which require both an appropriate assessment under the Habitats and Wild Birds Directives and the EIA Directives. The potential for joined up government is therefore increased.
- Voluntary / community groups / trade unions: provisions to strengthen the quality of the Environmental Statement are likely to be welcomed by environmental NGOs.
- others, please specify

**Are there linkages to other NI Departments / NDPBs?** Yes, other Departments and NDPBs such as AFBI can provide input as a consultee or on behalf of a licence applicant.

Projects for which a marine licence is required can require permissions from other consenting regimes, such as terrestrial planning which is the responsibility of local councils.

~~There could also be linkages with the Department for Infrastructure in cases where multiple permissions are required for the construction of a coastal road or Department for the Economy for offshore renewable applications.~~

The Directive makes provision for coordinated/joint procedures for projects requiring an assessment under the Habitats and Wild Birds Directives as well as under the EIA Directive.

Local councils can be applicants for marine licences and may require an Environmental Impact Assessment to be completed as part of the consenting process.

## Section B

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

Section 75 category	Details of likely impact	Level of impact? Minor/Major/None
Religious belief	None	None
Political opinion	None	None
Racial group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependants	None	None

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

Section 75 category	If Yes, provide details	If No, provide reasons
<b>Religious belief</b>		No, the Directive clarifies the process of assessing the effects of certain public and private projects on the environment. It is being transposed in respect of marine works projects.
<b>Political opinion</b>		As above.
<b>Racial group</b>		As above.
<b>Age</b>		As above.
<b>Marital status</b>		As above.
<b>Sexual orientation</b>		As above.
<b>Men and women generally</b>		As above.
<b>Disability</b>		As above.
<b>Dependants</b>		As above.

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

Good relations category	Likely impact?	Level of impact? Minor/Major/None
<b>Religious belief</b>	There is unlikely to be any impact on relations between people. This is because the Directive clarifies the process to assess and mitigate against the environmental impacts of certain projects. It is being transposed in respect of marine works projects.	None
<b>Political opinion</b>	As above.	As above.
<b>Racial group</b>	As above.	As above.

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

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		No, the policy applies to assessing the impacts of projects on the marine environment.
Political opinion		As above.
Racial group		As above.

## Available evidence

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Set out all evidence below along with details of the different groups you have met and / or consulted with to help inform your screening assessment.

Section 75 category	Details of evidence / information and engagement
Religious belief	This policy applies the requirements of the 2014 EIA Directive to projects requiring a marine licence. It is a continuation of an existing policy and is necessary to meet the obligations of the Directive. The screening exercise will be posted on the Department's website.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men & women generally	As above.
Disability	As above.
Dependants	As above.



**No evidence held? Outline how you will obtain it:**

The collection of data does not appear to be relevant.

## Section C

DAERA also has legislative obligations to meet under the [Disability Discrimination Order](#) and [Human Rights Act](#) (insert links) Questions 5 -9 relate to these two areas.

### Consideration of Disability Duties

5. Does this proposed policy / decision provide an opportunity for DAERA to better **promote positive attitudes** towards disabled people?

**Explain your assessment in full**

No, the policy being screened applies to assessing the impacts of projects on the marine environment. Therefore, it does not provide an opportunity for DAERA to better promote positive attitudes towards people with a disability.

6. Does this proposed policy / decision provide an opportunity to actively **increase the participation** by disabled people in public life?

**Explain your assessment in full**

No, the policy being screened applies to assessing the impacts of projects on the marine environment. Therefore, it does not provide an opportunity for DAERA to increase the participation by people with a disability in public life.

## Consideration of Human Rights

7. The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland.

Indicate below (place an X in the appropriate box) any potential *adverse impacts* that the policy / decision may have in relation to human rights issues.

Right to Life	<b>Article 2</b>	<input type="checkbox"/>
Prohibition of torture, inhuman or degrading treatment	<b>Article 3</b>	<input type="checkbox"/>
Prohibition of slavery and forced labour	<b>Article 4</b>	<input type="checkbox"/>
Right to liberty and security	<b>Article 5</b>	<input type="checkbox"/>
Right to a fair and public trial	<b>Article 6</b>	<input type="checkbox"/>
Right to no punishment without law	<b>Article 7</b>	<input type="checkbox"/>
Right to respect for private and family life, home and correspondence	<b>Article 8</b>	<input type="checkbox"/>
Right to freedom of thought, conscience and religion	<b>Article 9</b>	<input type="checkbox"/>
Right to freedom of expression	<b>Article 10</b>	<input type="checkbox"/>
Right to freedom of peaceful assembly and association	<b>Article 11</b>	<input type="checkbox"/>
Right to marry and to found a family	<b>Article 12</b>	<input type="checkbox"/>
The prohibition of discrimination	<b>Article 14</b>	<input type="checkbox"/>
Protection of property and enjoyment of possessions	<b>Protocol 1 Article 1</b>	<input type="checkbox"/>
Right to education	<b>Protocol 1 Article 2</b>	<input type="checkbox"/>
Right to free and secret elections	<b>Protocol 1 Article 3</b>	<input type="checkbox"/>

## Consideration of Human Rights (cont)

**8. Please explain any adverse impacts on human rights that you have identified**

No adverse impacts on human rights have been identified.

**9. Please indicate any ways which you consider the policy positively promotes human rights**

None have been identified.

## Monitoring Arrangements

Section 75 places a requirement on DAERA to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; and to help identify barriers to fair participation and to better promote equality of opportunity.

Outline what data you will collect in the future in order to monitor the impact of this policy / decision on equality, good relations and disability duties.

<b>Equality</b>	<b>Good Relations</b>	<b>Disability Duties</b>
Transposition of the 2014 EIA Directive does not impact on equality.	Transposition of the 2014 EIA Directive does not impact on good relations.	Transposition of the 2014 EIA Directive does not impact on disability duties.
The collection of data does not appear to be relevant.		

# Section D

## Formal Record of Screening Decision

### Title of Proposed Policy / Decision being screened

Transposition of the of the revised Environmental Impact Assessment (EIA) Directive (2014/52/EU) in respect of marine works.

I can confirm that the proposed policy / decision has been screened for –

<input checked="" type="checkbox"/>	equality of opportunity and good relations
<input checked="" type="checkbox"/>	disabilities duties; and
<input checked="" type="checkbox"/>	human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

\*place an X in the appropriate box below

<input type="checkbox"/>	<b>*<u>Screened In</u></b> – Necessary to conduct a full EQIA
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<input checked="" type="checkbox"/>	<b>*<u>Screened Out</u></b> – No EQIA necessary (no impacts) The policy being screened is to transpose Directive 2014/52/EU, the revised Environmental Impact Assessment Directive in respect of marine works. The changes being brought forward are to make requirements of the EIA process clearer; lighten unnecessary administrative burdens and make it easier to assess potential environmental impacts, without weakening existing environmental safeguards. The Directive is unlikely to have any impacts on people in terms of their equality of opportunity, their rights as people with a disability or their human rights under the Human Rights Act 1998.
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<input type="checkbox"/>	<b>* <u>Screened Out</u> - Mitigating Actions (minor impacts)</b> Provide a brief note here to explain how this decision was reached:
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	<ul style="list-style-type: none"> <li>• Describe clearly the mitigating actions and / or policy changes that will now be introduced</li> </ul>
	<ul style="list-style-type: none"> <li>• Explain how these actions will address the inequalities:</li> </ul>

**Formal Record of Screening Decision (cont)**

**Screening assessment completed by (Staff Officer level or above) -**

Name: Susan Cramer

Grade: DP

Branch: Marine and Fisheries Division

Signature: *Susan Cramer*

**Screening decision approved by (must be Grade 3 or above) -**

Name: DAVID SMALL

Grade: 3



Date: 8/11/2016

Branch:

Signature: please insert a scanned image of your signature below