

Equality Screening Template



The Council has a statutory duty to screen. This includes our strategies, plans, policies, legislative developments; and new ways of working such as the introduction, change or end of an existing service, grant funding arrangement or facility. This screening template is designed to help departments consider the likely equality impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Before carrying out an equality screening exercise it is important that you have received the necessary training first. To find out about the training needed or any other queries on screening, contact the Equality and Diversity Officers (job-share) Stella Gilmartin or Lorraine Dennis on extension 6026/7 or by email equality@belfastcity.gov.uk

The accompanying **Screening Guidance** note provides straightforward advice on how to carry out equality screening exercises. Detailed information about the Section 75 equality duties and what they mean in practice is available on the Equality Commission's website¹.

The screening template has 4 sections to complete. These are:

Section A - provides details about the policy / decision that is being screened

Section B – gives information on the consultation process, supporting evidence gathered and has 4 key questions outlining the likely impacts on all equality groups.

Section C - has 4 key questions in relation to obligations under the Disability Discrimination Order

Section D - is the formal record of the screening decision.

¹ <http://www.equalityni.org/archive/pdf/S75GuideforPublicAuthoritiesApril2010.pdf>

Section A

Details about the policy / decision to be screened

1. Title of policy / decision to be screened:-

Planning application recommendation for office development at Stewart Street, Belfast

2. Brief description of policy / decision to be screened:-

Recommendation by the Director of Planning and Building Control to Members of Belfast City Council Planning Committee to grant planning permission for office and retail development on currently vacant brownfield lands at Stewart Street, Belfast.

This decision-making process is a statutory duty of the City Council as planning authority under the Planning Act (Northern Ireland) 2011.

Planning application reference number: LA04/2016/0559/F

3. Aims and objectives of the policy / decision to be screened:-

The aim of this equality screening process is to make a decision on whether there are any equality implications in the granting of planning permission for the development of a vacant site close to Belfast City Centre for commercial office use. The site is located at the junction of Stewart Street and East Bridge Street and is immediately adjacent to Lanyon Place train station. The description of the development proposal made to the Council is: Proposed construction of new 13 storey office building (in 2 blocks) with 4No retail units, car parking and plant on lower ground floor and 4No 3 storey pavilion office buildings including external plaza and landscaping.

4. On whom will the policy / decision impact?

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

Staff	YES/NO
Service users	YES/NO
Other public sector organizations	YES/NO
Voluntary / community groups / trade unions	YES/NO
Others, please specify	YES/NO

The implementation of the planning permission (i.e. the construction and occupation of the office development) may have potential to have an impact on some of the groups. The objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. The SPPS states that the planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. This requires the planning system to provide protection to the built and natural environment, while unlocking development potential, supporting job creation and aiding economic recovery for the benefit of all our people. Planning decisions should consider whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.

As with all built development, there are potential impacts on local residents, landowners and other occupiers of neighbouring lands. These impacts are assessed as part of the planning application process and constitute normal planning considerations.

There are likely to be positive socio-economic impacts arising from the development, including employment opportunities. There are likely to be positive environmental impacts in terms of urban regeneration and beneficial use of this brownfield land. There are likely to be other impacts in relation to the use of land that has been vacant for many years, including through additional activity and footfall in the neighbouring areas. All normal planning matters are duly considered in the planning application assessment.

5. Are there linkages to other Agencies/ Departments?

No

Section B

Information on the consultation process, supporting evidence gathered and has 4 key questions outlining the likely impacts for equality and good relations

6. Outline consultation process planned or achieved

Public consultation was undertaken as part of the statutory planning application:

- In line with S41 of the Planning (NI) Act 2011 and Article 8 of the Planning (General Development Procedure) Order NI 2015 (GDPO) the Council advertised the proposed development in the Andersonstown News, Belfast Telegraph, Irish News and News Letter newspapers on 8 April 2016, and notified neighbours of the proposed development on 5 April and 29 April 2016.

The Council also consulted the following statutory and non-statutory agencies seeking their view on the development:

- Transport NI; River Agency; Northern Ireland Water Ltd; DOE (Historic Environment Division; Water Management Unit; Waste Management Unit); Environmental Health Belfast City Council; Belfast City Airport; Northern Ireland Transport Holding Company; and Health & Safety Executive NI.
- As an amended scheme was received, the Council re-advertised the application in the Andersonstown News, Belfast Telegraph, Irish News and News Letter on 22 July 2016 and conducted the neighbour notification again on 27 July 2016.
- A further round of consultation took place with Environmental Health Belfast City Council on 1 August 2016 and with Transport NI on 14 July and 30 August 2016.
- The planning applicant submitted a pre-application discussion (PAD) on 1 October 2015. There is no statutory requirement for a planning applicant to submit a PAD, however it is often used by planning applicants in order to discuss and seek advice on proposed future planning applications. Upon receipt of the PAD request the Council consulted with the Department of the Environment (DOE) (Archaeology and the Built Heritage, Drainage and Water; and, Transport NI and Environmental Health Belfast City Council on the proposed development.
- On 1 October 2015, Kilmona Property Ltd submitted a Proposal of Application Notice (PAN). It is a statutory requirement that the PAN must set out how the applicant intends to consult with the community for major projects (S27 of the Planning Act

(NI) 2011 and Regulation 4 of the Planning (Development Management) Regulations (NI) 2015.

- A Pre-Application Community Consultation Report was submitted in support of the application. The report confirms that the first Public Event took place in the Markets Community Centre on 3 November 2015. This event was advertised in the Belfast Telegraph on 23 October 2015 and a leaflet containing details of the public event was distributed in the local area as well as advertised on social media. Direct invites were also issued to all elected representatives in the South Belfast area as well as a number of local community groups.
- A second Public Event was held in the Markets Community Centre on 18 February 2016. This event was advertised by direct invite, a leaflet drop in the area and also on social media. Approximately 63 people attended across both Public Events with a total of 39 feedback forms collected.
- A number of responses outlined their support for the scheme and the positive impact it would have. Issues of concerns were also raised. There included: concerns regarding the height of the proposal; and the need to tie in with the tunnels projects and the local community; further consultation was considered necessary regarding the final design of the project; the importance of cooperation with the local community was emphasised; the need to opportunities for local employment and training was referenced; and, increased car parking as a result of the development was raised as well as security issues.
- In response to the concerns raised by the local community the agent advised that a number of amendments were made: These are as follows:
 - Kilmona Holdings and the Market Developments Association (MDA) reached an agreement to reserve a 10 metre strip between the proposed office accommodation and the Tunnels Project at lower ground levels to allow sufficient access to the Tunnels from the East Bridge Street site.
 - Retail use was introduced at lower ground level to complement the Tunnels Project.
 - The design of the proposal was amended to reflect the residential character of Stewart Street.
 - As requested by the MDA the entrances from East Bridge Street and Stewart Street have been designed to be as open as possible, ensuring connectivity

between the two developments. The entrance from Stewart Street to the Tunnels is an open and accessible staircase. A smaller three storey office unit was removed to the rear to the development in order to improve access from Stewart Street to the central public space and through the site for the residents of the Markets.

It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under S27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

Meetings were held with elected representatives, the MDA and objectors to the proposal during the initial consideration of the proposal in 2016.

- Further consultation has taken place with the Ministerial Advisory Group (MAG), DfC Historic Environment Division and, DfI Rivers Agency.
- The MDA representing third party objectors requested the Council to seek a design review of the proposed scheme by the Ministerial Advisory Board.
- The Planning Authority considered this request and instructed MAG to undertake an independent design review of the proposal on 16 October 2018. The MAG Review was carried out on 6 November 2018 and their Design Review Report was received by the Council on 16 November 2018.
- A consultation was also issued to DfC Historic Environment Division on 24 October 2018 and 5 February 2018, as this had been raised as a third party concern.
- Historic Environment Division, response dated 20th November 2018, advised that the proposal is sufficiently removed in situation from St George' Market (Grade B+ listed building) as to have no further impact on this urban setting. HED considers that the proposal has no greater demonstrable harm on the setting of the listed building under the policy requirements of 6.12 and 6.13 of the SPPS for Northern Ireland and Policy BH11 of PPS6.
- In addition, HED noted that the reason the Authority had consulted was due to third party objections and noted the high numbers of objection. They sought further clarification regarding the specific representations concerning St George's Market. In this respect, the relevant information was issued to HED on 5th February 2019. Awaiting formal response from HED – no objections are considered likely.

- A consultation was issued to DfI Rivers Agency on 17 June 2019 – their response remains outstanding.
- The Design Review Report was published on the Planning Portal on 3 December 2018, and neighbours and objectors were notified of this additional information on 8 February 2019.

7. Available evidence

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Set out all evidence below to help inform your screening assessment.

It is important to record information gathered from a variety of sources such as: monitoring information; complaints; research surveys; consultation exercises from other public authorities.

As outlined above, the subject of this screening report is a planning application recommendation. This is not an assessment of a new or revised policy approach. Nor is this an assessment of the planning merits of the proposed development, which are considered in the case officer's report. The planning application decision-making process is a statutory one, as is the plan and policy making process. The legislation that establishes these processes has been subject to all required assessments and provisions.

The subject planning application recommendation must be based on the planning merits of the development proposal. In addition, the recommendation relates to the current proposal only and not to any alternative proposals or potential future proposals. In this respect, the recommendation must be founded on the material planning considerations of the case at hand – i.e. the current planning application.

The proposed development comprises an office development with some additional retail uses and all associated development. It is located within the designated city centre area (Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan (dBMAP)) and is highly accessible to the city and wider region, including by public transport. The proposed use of this vacant site for office and ancillary uses is considered to be in line with existing

regional planning policy, including the SPPS, relevant Planning Policy Statements and the current local planning policy framework.

As regards the Strategic Planning Policy Statement for Northern Ireland (SPPS), a final Equality Screening report was published alongside it in September 2015. The SPPS EqIA screening report notes that the SPPS, and the planning system generally, “*is for securing the orderly and consistent development of land across Northern Ireland under a two-tier planning system*”. It concludes that “*it will be uniformly applied across all section 75 categories without prejudice*” and, therefore, it will not positively or negatively discriminate towards any Section 75 groups. It concludes that “*the SPPS is expected to equally benefit all Section 75 categories.*”

There is also a range of other regional Planning Policy Statements and guidance that have helped to inform the planning application recommendation and decision. These documents have been prepared by public bodies who are subject to the general equality duty that s75 places on a public body. The Equality Screening for the SPPS highlights similarities between the SPPS and the existing suite of PPSs, noting that as high level, strategic policies that it is unlikely that there will be any adverse impacts on the equality of opportunity or promotion of good relations for any section 75 group.

BUAP was not subject to equality impact assessment (being prepared and adopted before the Section 75 provisions of the Northern Ireland Act 1998). Although alterations were made in 1996, BUAP is now largely out-of-date and is considered to have a limited range of policies that affect the planning application decision-making process. BMAP, in both its draft and final form, was subject to equality impact assessment.

Further to the above policy context, and in tandem with the preparation of the new Belfast draft LDP, research papers have been prepared over a wide range of topics, including some that are relevant to the subject planning application recommendation and any subsequent decision. These include topic papers and technical supplements on population & demographics and employment & economy. Whilst the emerging policy approach in the new draft LDP has not informed the subject planning recommendation and any subsequent decision, the topic papers and technical supplements include evidence of the current state

of affairs in Belfast and also highlight key issues to be considered and addressed in the new LDP. The research paper on the city's population and demography includes consideration of Section 75 categories. All research papers were initially prepared in late 2016 and have been updated and published in summer 2018.

Having regard to the above, the planning policy provisions on which this planning recommendation are founded have been subject to equality impact assessment.

Notwithstanding the above, the proposed development is of a significant scale, being a major application. Its accessible city centre location also renders the proposed development of city-wide scale and, therefore, of city-wide potential impact. In this regard, the proposal represents the beneficial use of a vacant brownfield site at a prominent location of a key city transport corridor. As there is no current authorised use of the site, its proposed new use does not prejudice any existing use. Indeed, the vacant brownfield site has no amenity value to the city or the local area and, on the contrary, in its current state it is considered to degrade local environmental quality. Therefore, the principle of bringing into use of the site does not have any impact on section 75 groups.

All matters raised by the consultees and third parties have been assessed and are not considered to outweigh the conclusion that on balance, the proposal would constitute an acceptable development at this location.

The proposed office and retail uses are of potential benefit to the city and wide city-region area in terms of economic development and employment opportunities. Being located at a highly accessible city centre location, with excellent public transport links across the city and city-region, future employment opportunities are considered to represent a positive impact to the entire population or the city-region area, including the Section 75 groups. There is no evidence to suggest that any of the Section 75 will be disproportionately impacted, either negatively or positively, by the subject planning application recommendation and any subsequent decision.

Summary

Having regard to all the above, it is considered that the planning application recommendation will impact equally on all section 75 categories and this impact will be beneficial across the entire population in terms of economic development and employment opportunities. The benefits also include the redevelopment of a prominent vacant brownfield site in the city centre.

There is no evidence to suggest that any of the Section 75 will be disproportionately impacted, either negatively or positively, by the subject planning application recommendation. Therefore, for the purposes of this equality impact screening report, which focusses on impacts on the designated Section 75 groups, it is concluded that the recommendation is not expected to impact on the designated groups any differently to its impact on the wider population. Therefore, the recommendation does not have any likely impact on equality of opportunity for each of the Section 75 equality categories.

On 22 May 2015 planning permission was granted to permit the development of the tunnels. The tunnels run below East Bridge Street, connecting the Markets Area, Lanyon Station, St George's Market and Lanyon Place. The proposed development included childcare facilities and commercial premises. One tunnel will be used to link the Market's Area to the City Centre. The NI Executive has pledged £1.3m to the proposal, which is matched by Belfast City Council. The tunnels project will be accessed from both East Bridge Street and Stewart Street. The developer for the subject application agreed to a 10m separation distance between the proposed Tunnels project and Block A of the proposed development. This will encourage access to the tunnels project. In addition, the developer also proposed 4 retail units at lower ground floor of the development. This will create an active street frontage which will enhance the vitality and viability and tie in with the commercial aspect of the tunnels project. Access will be through attractive public landscaped areas of the development. The development proposal includes improvements to the footways along Stewart Street, and the creation of 3 access points on Stewart Street which will allow access through the development to the tunnels project and the City Centre. Rather than interfering with the tunnels project, the proposed development will complement and enhance it, and increase accessibility through the site for residents of the Markets area.

The Section 76 Agreement prohibits the developer from commencing development at the site until a method statement showing the proposed protection system for the bridge and tunnels at East Bridge Street has been submitted and, agreed by Belfast City Council. The Section 76 Agreement also secures the developers co-operation in relation to providing access for the purposes of construction and maintenance of the Tunnel project. It also secures an agreement from the developer to permit the public to have access through the development to the tunnels project. It also requires the developer to invite local residents to attend a meeting with the developer twice each year, to review any matters arising which may affect residents, thus ensuring the involvement of local residents and providing an avenue for them to raise any concern.

The planning agreement provides that the development will pay the total sum of £230,000 towards the cost of public realm improvement works.

In addition, the developer has expressed a willingness to ensure that apprenticeships will be offered during the proposed 2 year construction period. The developer is also prepared to offer a reduction in rent of the proposed retail units for the Market community.

There is a Memorandum of Understanding (MoU) between the Markets Development Association (MDA) and Kilmona Holdings. This agreement includes capacity for training, job opportunities and other associated community benefits. The land required by the MDA for the Tunnels Project and access to the Tunnels is also included in the MoU.

8. What is the likely impact (indicate if the policy impact is positive or negative) 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	Likely impact?	Level of impact? Minor/Major/None
Religious belief	The recommendation to grant planning permission is not expected to impact differently on those with different religious beliefs.	None
Political opinion	The recommendation to grant planning permission is not expected to impact differently on those with different political opinions.	None
Racial group	The recommendation to grant planning permission is not expected to impact differently on those from different racial groups.	None
Age	<p>The recommendation to grant planning permission is not expected to impact differently on those from different age groups.</p> <p>The proposed Tunnels development includes childcare facilities. The tunnels project will be accessed from both East Bridge Street and Stewart Street. The developer for the subject application agreed to a 10m separation distance between the proposed Tunnels project and Block A of the proposed development. This will encourage access to the tunnels project.</p> <p>The proposal will increase accessibility through the site for residents of the Markets area.</p>	Minor Positive
Marital status	The recommendation to grant planning permission is not expected to impact differently on those of different marital status.	None

Sexual orientation	The recommendation to grant planning permission is not expected to impact differently on those of different sexual orientations.	None
Men and women generally	The recommendation to grant planning permission is not expected to impact differently on men and women generally.	None
Disability	<p>The recommendation to grant planning permission is not expected to impact differently on those with a disability.</p> <p>The development proposal includes improvements to the footways along Stewart Street, and the creation of 3 access points on Stewart Street which will allow access through the development to the tunnels project and the City Centre. In addition, the proposal also includes 2 lifts – one on Stewart Street and one on the lower ground floor connecting to East Bridge Street and Lanyon Station.</p> <p>The proposal will increase accessibility through the site for residents of the Markets area.</p>	Minor Positive
Dependants	<p>The recommendation to grant planning permission is not expected to impact differently on those with dependants.</p> <p>The proposed Tunnels development includes childcare facilities. The tunnels project will be accessed from both East Bridge Street and Stewart Street. The developer for the subject application agreed to a 10m separation distance between the proposed Tunnels project and Block A of the proposed development. This will encourage access to the tunnels project.</p>	Minor Positive

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

Any impacts of the recommendation are consequent on the development proposals being granted and implemented. The highly accessible city centre location of the proposed development renders it of at least city-wide significance.

The Section 76 Agreement set out in detail a number of obligations upon the developer in relation to the markets tunnel project and to secure public realm improvement works.

There is also a Memorandum of Understanding (MoU) between the Markets Development Association (MDA) and Kilmona Holdings. This agreement includes capacity for training, job opportunities and other associated community benefits. The land required by the MDA for the Tunnels Project and access to the Tunnels is also included in the MoU.

Therefore, there are potential positive impacts to the local community and wider population, including improved access through site permeability and better equality of opportunity for a range of people. The proposal represents a £55 million investment and has the potential to create 2500 jobs.

Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief		No – see above
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Men and women generally		No
Disability		No
Dependants		No

10. To what extent is the policy likely to impact (positive or negatively) 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
Religious belief	The recommendation represents a statutory planning decision and, irrespective of any future implementation (if granted) is not considered likely to have any impact on good relations.	None
Political opinion		
Racial group		

11. 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	None	None
Political opinion		
Racial group		

Section C

Belfast City Council also has legislative obligations to meet under the **Disability Discrimination Order** and Questions 12-13 relate to these two areas.

Consideration of Disability Duties

12. Does this proposed policy / decision provide an opportunity for the Council to better promote positive attitudes towards disabled people?

The development proposal includes improvements to the footways along Stewart Street, and the creation of 3 access points on Stewart Street, which will allow access through the development to the tunnels project, and the City Centre.

In addition, the proposal also includes 2 lifts – one on Stewart Street and one on the lower ground floor connecting to East Bridge Street and Lanyon Station.

The proposals will increase accessibility for all through the site, including for residents of the Markets area. In addition, the provision of lifts demonstrates a positive incorporation of facilities to meet the needs of disabled people.

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

The development proposal includes improvements to the footways along Stewart Street, and the creation of 3 access points on Stewart Street, which will allow access through the development to the tunnels project, and the City Centre.

In addition, the proposal also includes 2 lifts – one on Stewart Street and one on the lower ground floor connecting to East Bridge Street and Lanyon Station.

The proposals will increase access through the site, including for residents of the Markets area, and will improve accessibility to other local facilities (including the Tunnels project) for those with a disability.

14. Multiple Identities

Provide details of data on the impact of the policy with multiple identities

N/A

15. Monitoring Arrangements

Section 75 places a requirement the Council to have equality monitoring arrangements in place 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.

Equality	Good Relations	Disability Duties
The Section 76 Agreement also secures the developers co-operation in relation to providing access for the purposes of construction and maintenance of the Tunnel project. It also secures an agreement from the developer to permit the public to have access through the development to the tunnels project. It also requires the developer to invite local residents to attend a meeting with the developer twice each year, to review any matters arising which may affect residents, thus ensuring the involvement of local residents and providing an avenue for them to raise any concern.		

Section D

Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened
Planning application recommendation for office development at Stewart Street, Belfast

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

x	equality of opportunity and good relations
x	disabilities duties

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"/>	*Screened In – Necessary to conduct a full EQIA
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<input checked="" type="checkbox"/>	<p>*Screened Out – No EQIA necessary (no impacts)</p> <p>Provide a brief note here to explain how this decision was reached:</p> <p>The planning application recommendation will impact equally on all section 75 categories and this impact will be beneficial across the entire population in terms of economic development and employment opportunities. The benefits also include the redevelopment of a prominent vacant brownfield site in the city centre.</p> <p>There is no evidence to suggest that any of the Section 75 will be disproportionately impacted, either negatively or positively, by the subject planning application recommendation. Therefore, the recommendation does not have any likely impact on equality of opportunity for each of the Section 75 equality categories. However, there are likely to be benefits consequent on the s76 legal agreement that represent a minor positive impact on the age, disability and dependants s75 groups.</p>
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<input type="checkbox"/>	<p>* Screened Out - Mitigating Actions (minor impacts)</p> <ul style="list-style-type: none">• Provide a brief note here to explain how this decision was reached:• Explain what mitigating actions and / or policy changes will now be introduced:
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Formal Record of Screening Decision *(cont.)*

Screening assessment completed by (Officer Level) –

Name: Aidan Thatcher

Date:

Department: Planning & Place

Signature: please insert a scanned image of your signature below

Screening decision approved by –

Name: Alistair Reid

Date:

Department: Planning & Place

Signature: please insert a scanned image of your signature below

Please save the final version of the completed screening form and forward to the Equality and Diversity Officer – equality@belfastcity.gov.uk. The screening form will be placed on the BCC website and a link provided to the Council's Section 75 consultees.

For more information about equality screening contact –

Stella Gilmartin / Lorraine Dennis

Equality & Diversity Officer *(job-share)*

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