



Department of
**Enterprise, Trade
and Investment**
www.detini.gov.uk

Consultation

Energy

OFFSHORE RENEWABLE ENERGY BILL

February 2013

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INTRODUCTION

1

Introduction

Strategic Energy Framework 2010

- 1.1 The Department of Enterprise, Trade and Investment (DETI), following NI Executive endorsement, published the overarching Strategic Energy Framework (SEF) for Northern Ireland in September 2010. It sets out a vision for a much more sustainable system where energy is used as efficiently as possible; where much more of Northern Ireland's energy is from renewable sources; and where Northern Ireland ensures that all generation is as competitively priced as possible.
- 1.2 Four key energy goals were identified in terms of building competitive markets, ensuring security of supply, enhancing sustainability and developing Northern Ireland's energy infrastructure. The SEF also confirmed new renewable energy targets of 40% renewable electricity and 10% renewable heat by 2020.
- 1.3 Some of the measures set out in the SEF require primary legislation so DETI issued a public consultation on an Energy Bill in June 2012, seeking views and comments on the proposed implementation of primary legislation. These measures include a proposal for an energy efficiency measure, the duties and obligations of the Department and the Utility Regulator in respect of sustainability, small-scale feed-in tariff powers, the transfer/assignment of energy licences, enforcement provisions and gas storage provisions.

Offshore Renewable Energy Legislative requirements

- 1.4 There is also a need for primary legislation for offshore renewable energy in respect of decommissioning powers, safety zones, navigation and certain offshore transmission issues. The original intention had been to include these offshore energy provisions in the policy consultation on the above Energy Bill, however, given the complexity of these issues a decision was taken to deal with offshore matters separately to allow key stakeholders to consider the relevant policy options in the round.
- 1.5 This consultation document now sets out the Department's policy proposals for the necessary legislation to facilitate the timely and sustainable development of offshore renewable energy projects by the private sector.
- 1.6 It is therefore proposed to take new powers in relation to the following areas:
 - Safety zones around offshore renewable energy installations and prohibition of certain activities in those safety zones;
 - Navigation and extinguishing of public rights of navigation in the relevant areas;
 - Preparation and implementation of decommissioning programmes; and
 - Consequential amendments to legislation as a result of the above measures.

Structure of this consultation document

1.7 The structure of this consultation paper is as follows:

- **Chapter 2** of this paper looks at the background to Offshore Renewable Energy in Northern Ireland;
- **Chapter 3** of this paper sets out the proposals for a decommissioning programme for offshore renewable energy installations;
- **Chapter 4** of this paper outlines the proposals for safety zones; navigation/public rights; and offshore transmission and generation;
- **Chapter 5** highlights the impact of implementing the policy proposals into legislation;
- **Chapter 6** lists all of the questions to which consultees are invited to respond within the consultation paper;
- **Annex A** focuses on the Initial Regulatory Impact Assessment; and
- **Annex B** concentrates on the equality screening form.

Invitation to respond

- 1.8 Your views and comments are invited on the proposals set out in this consultation paper, and on the draft Regulatory Impact Assessment and equality screening form attached at **Annexes A and B** respectively.
- 1.9 The consultation period will close on **15 April 2013**. Responses to this consultation should be forwarded to reach the Department on or before that date, and should be sent by post to:

Renewable Electricity Policy Branch
Department of Enterprise, Trade and Investment
Room 44
Netherleigh
Massey Avenue
Belfast
BT4 2JP

Or by e-mail to: offshorebill@detini.gov.uk

Confidentiality & Data Protection

- 1.10 Your response may be made public by DETI. If you do not want all or part of your response or name made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisations IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.
- 1.11 Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (**FOIA**) and the Data Protection Act 1998 (**DPA**)). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
- 1.12 In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Copies of the consultation

- 1.13 This consultation document is being produced primarily in electronic form and maybe accessed on the DETI Energy website: www.energy.detini.gov.uk or may be obtained in hard copy from the address above or by telephoning 028 9052 9240. If you require access to this consultation document in a different format – e.g. Braille, disk, audio cassette – or in a minority ethnic language please contact Renewable Electricity Policy and Legislation Branch on 028 9052 9240 and appropriate arrangements will be made as soon as possible.

OFFSHORE RENEWABLE ENERGY

2

Background

DETI's Offshore Renewable Energy Strategic Action Plan 2012 – 2020

- 2.1 Northern Ireland has significant offshore renewable energy resources. The development of these resources will not only contribute to the **SEF** goal of 40% electricity consumption to come from renewable sources by 2020, but will increase security of supply and offers significant potential for job creation through the associated supply chain.
- 2.2 The publication of the Offshore Renewable Energy Strategic Action Plan 2012-2020 (**ORESAP**) in March 2012, which was fully endorsed by the Northern Ireland Executive, is the framework for the development of these offshore resources in Northern Ireland territorial waters (out to 12 nautical miles). The ORESAP and its associated Strategic Environmental Assessment and Habitats Regulations Appraisal provided the necessary framework for The Crown Estate, as owners of the seabed, to launch the first Offshore Renewable Energy Leasing Round for NI territorial waters in 2011.
- 2.3 This process culminated in October 2012 when The Crown Estate announced the award of development rights to First Flight Wind Ltd for 600MW offshore wind off the East Coast of Northern Ireland; Tidal Ventures Ltd for the 100MW tidal opportunity at Torr Head and DP Marine Energy Ltd/DEME Blue Energy for their 100Mw tidal stream energy project off Fair Head.

Offshore regime

- 2.4 The development of offshore renewable energy projects in NI territorial waters requires the following leases/licences/consents:
 - A lease from The Crown Estate to operate in a designated area of the seabed;
 - A Marine Licence from the Department of the Environment, Marine Division under Part 4 of the UK Marine and Coastal Access Act 2009 to place the offshore energy device in the water;
 - An electricity consent from DETI under Article 39 of the Electricity (NI) Order 1992 (**the Electricity Order**) for the construction and operation of generating stations; and
 - A licence from the Northern Ireland Authority for Utility Regulation (NIAUR) under Article 10(1)(a) and/or Article 10 (1) (b) of the Electricity Order.
- 2.5 NIAUR is due to consult shortly on the connection arrangements for offshore renewable generation. The outcome of this consultation will determine if generation, transmission or distribution licences are required. DETI and NIAUR continue to work together on this issue.
- 2.6 The legislation referred to in 2.4 above, provides for consenting and licensing of offshore renewable energy installations in NI waters, but the ORESAP identified a number of key areas which need to be addressed in order to facilitate the timely and sustainable development of offshore renewable energy projects by the private sector. In particular, some of the key areas relate to the overall leasing, consenting and licensing regimes for offshore renewable energy projects.

Proposed Inclusions in the Offshore Renewable Energy Bill

- 2.7 A number of offshore energy generating provisions which have been introduced for GB waters by the Department for Energy and Climate Change (**DECC**) in the Energy Act 2004 (as amended in 2008) do not apply in NI waters. While these provisions do extend to Northern Ireland, our territorial waters were not included in the definition of geographical coverage and therefore, these provisions (and the additional provisions introduced in the GB Energy Act 2008) have no practical effect. DETI has given a commitment in the ORESAP to ensure that the necessary legislation is put in place to address these issues as soon as possible as part of the ongoing development activity for the current NI Offshore Renewable Energy Leasing Round.
- 2.8 It is therefore proposed to take new powers in relation to the following areas:
- Preparation and implementation of decommissioning programmes;
 - Safety zones around offshore renewable energy installations and prohibition of certain activities in those safety zones;
 - Navigation and extinguishing of public rights of navigation in the relevant areas; and
 - Consequential amendments to legislation as a result of the above measures.
- 2.9 Such a regime is an essential part of the overall strategic framework for the development of offshore renewable energy projects. Our aim is that the regime in Northern Ireland should, as far as possible and practicable, mirror that already in place in GB waters to simplify matters and avoid unnecessary local differences for our developers, who are already familiar with the existing GB regime, providing the necessary certainty for investment in Northern Ireland waters.
- 2.10 The purpose and principle objectives of this policy measure are therefore to bring the offshore electricity legislation for NI territorial waters into line with that which already exists in GB waters as far as is practicable. The changes could be achieved through the enactment of similar legislation to that contained within the Energy Act 2004 (as amended in 2008), customised as required for NI and taking into consideration existing Northern Ireland legislation. In GB waters, the powers frequently rest with the DECC Secretary of State but would rest with DETI, the Northern Ireland Authority for Utility Regulation (**NIAUR**) and possibly the Department of the Environment (**DOE**) in Northern Ireland waters.

DECOMMISSIONING OF OFFSHORE RERENEWABLE ENERGY INSTALLATIONS

3

Background

GB Decommissioning programme

- 3.1 Sections 105 to 114 of the Energy Act 2004 (as amended by the Energy Act 2008) introduced provisions for a decommissioning scheme for offshore renewable energy installations.
- 3.2 Under the terms of the Energy Act 2004 as amended, the DECC Secretary of State may require a person who is responsible for one of these installations to submit (and eventually carry out) a decommissioning programme for the installation. These decommissioning provisions reflect the UK government's view – taking into account our international obligations under UNCLOS¹ and OSPAR² - that anyone who constructs, extends, operates or uses an installation should be responsible for ensuring that it is decommissioned at the end of its useful life. They should also be responsible for meeting the costs of decommissioning. Imposing a legal obligation on businesses to prepare and carry out a decommissioning programme – and requiring them to provide financial security – reduces the risk of them defaulting on their decommissioning liabilities.
- 3.3 DECC operates a decommissioning scheme and guidance on the operation of the GB scheme is available at https://www.og.decc.gov.uk/EIP/pages/files/orei_guide.pdf.

Options for a decommissioning regime for offshore renewable energy installations in Northern Ireland

- 3.4 DETI's overall aim is to have in place a decommissioning solution which is consistent with the UK's international obligations and which has a proper regard for safety, the environment, other legitimate users of the sea and economic considerations.
- 3.5 This can be achieved in one of two ways:
 - **Option 1** - by taking similar powers to those in the Energy Act 2004 to cover all elements of decommissioning, including the protection of funds in the event of insolvency which is a key element of the DECC regime, resulting in a holistic regime which mirrors that already happening in the UK for renewable energy installations; or
 - **Option 2** - via the UK Marine and Coastal Act 2009 (UKMCA) which contains provisions for marine licensing powers and allows for conditions to be added to marine licences, which could include decommissioning.

¹ United Nations Convention on the Law of the Sea

² OSPAR: The Oslo and Paris Convention usually known as the Convention for the Protection of the marine environment of the North-East Atlantic

It has been identified that under Part 4 of the UK Marine and Coastal Access Act (UKMCA) 2009 the Department of the Environment/Marine Division could include certain decommissioning conditions relating to removal of licensed works and for the remediation of the site or works along with their existing marine licence powers.

Benefits of a Standalone Regime

- 3.6 The aim of a standalone regime, similar to that operated in GB, is to allow DETI to require a person who is responsible for an offshore renewable energy installation to prepare a costed decommissioning programme and ensure that it is (eventually) carried out. DETI would have the power to approve, modify or reject a programme, including any financial security provisions which the responsible person proposes to provide. DETI would be required to review the programme from time to time.
- 3.7 At this stage, it is anticipated that if a standalone regime is adopted, that once at least one of the statutory consents required for an installation has been granted, or has been applied for and is likely to be given, DETI would issue a notice requiring the appropriate person to submit a decommissioning programme. The requirement to submit a decommissioning programme may be imposed on more than one person, in which case a joint programme must be submitted.
- 3.8 In line with the GB decommissioning regime, it would be our intention to introduce powers to require DETI to review approved decommissioning programmes. Such reviews would consider the decommissioning proposals themselves and, in particular, the financial provision for them.
- 3.9 In the event that a developer would sell their asset and seek a transfer of decommissioning liabilities to the new owner. It is our intention that there would be no automatic change in liability on transfer of ownership. DETI would need to approve any change and would, for example, take account of any potential increase in the risk of default on decommissioning liabilities that might arise from such a change.
- 3.10 The requirement for a decommissioning scheme could be imposed on persons other than the licence holder and the obligation to carry out the programme could be imposed on a person other than the licence holder as well, e.g. this would mean that the decommissioning obligations could be imposed on a parent/subsidiary company if required.
- 3.11 A standalone regime will also allow DETI to make regulations relating to decommissioning of offshore renewable energy installations. Regulations could include prescribed standards for decommissioning and provision about security that a person may be required to provide.

Scope of the UKMCA in NI

- 3.12 Under section 69(1) of the UKMCA, a marine licence may be granted subject to conditions while section 71 allows that the conditions can relate to activities authorised by the licence and precautions or works to be carried out as a result of those activities (whether before, during or after the authorised activities). Furthermore, conditions of a licence may bind any other person who owns, occupies or uses any constructed works. It is considered that these 2 sections could be used to apply a decommissioning programme as a condition to a licence for constructing a renewable energy.
- 3.13 Additionally under section 72 of the UKMCA, a marine licence may be varied, which could provide the ability to revise the decommissioning programme attached as a condition to the licence.
- 3.14 Under section 91 of the UKMCA, following the breach of a condition of a licence, a remediation notice may be served on a licence holder/operator to require the taking of steps or the payment of the cost of remediation works. Failure to comply with a notice, or with a condition of a licence is an offence, which could result in a fine up to £50,000 and/or up to 2 years imprisonment.

Proposed option

- 3.15 **At this point of time DETI is minded to introduce a standalone scheme which would replicate the DECC decommissioning approach, where appropriate, through new powers to be taken through this Offshore Renewable Energy Bill. This has the advantage of ensuring that international developers constructing projects in Northern Ireland waters are following a familiar and accepted regime and are subject to the same legal obligation to put in place a decommissioning regime and provide the same financial security as in GB.**

CONSULTATION QUESTION

Do you agree that Northern Ireland should adopt the same decommissioning regime for offshore installations as operates in GB, subject to any necessary amendments to fit the Northern Ireland situation? If not, please give precise details and reasons why you disagree.

SAFETY ZONES; NAVIGATION/PUBLIC RIGHTS AND OFFSHORE TRANSMISSION AND GENERATION

4

Background

Safety zones around renewable energy installations

- 4.1 In GB, Section 95³ and Schedule 16 of the Energy Act 2004 set out the basic requirements for applying for a safety zone to be placed around or adjacent to an offshore renewable energy installation. The Electricity (Offshore Generating Stations) (Safety Zones) (Applications Procedures and Control of Access) Regulations 2007 (SI No 2007/1948) were introduced in August 2007 clarifying the safety zone requirements so that applicants and other interested parties would fully understand the processes for applying for a safety zone and advertising such applications. The Regulations are supported by guidance⁴ which sets out in more detail the approach and process for safety zones applications.
- 4.2 In addition Section 96 of the 2004 Energy Act deals with Prohibited Activities in safety zones created under Section 95 and Section 97 creates offences in relation to safety zones⁵. Section 98 extends criminal responsibility to those beyond the Master of the vessel.
- 4.3 Safety zones may be established upon request by an offshore renewable developer or by the regulatory authority (as regards GB waters, this is DECC) in consultation with the Maritime and Coastguard Agency (MCA). Should such a zone be considered necessary, the developer would submit an application to the MCA for consideration linked to the overall consenting process. If the application is granted, a time bound Safety Zone Notice is issued through standard channels by the MCA for marine users to note. We understand that to date in GB waters, this has mainly been at the construction stage and the developers monitor and police the position and report, as necessary to the MCA.
- 4.4 It should be noted that these sections of the Energy Act apply to the construction, extension, operation and decommissioning of a renewable energy installation. It is our understanding that the existing health and safety framework in NI would not provide the powers available to GB under the Energy Act and the Safety Zone Regulations to create or control activities within safety zones.
- 4.6 While it is the case that certain existing health and safety regulations in NI can apply to activities within a renewable energy zone, such application is limited to the energy structure and to specific matters relating to vessels.
- 4.7 We also understand that the UKMCA cannot be used to declare or enforce a safety zone around a renewable energy installation which would apply to third parties. A marine licence could only include conditions which required the licence holder/operator to provide safety markers etc around an installation, and is therefore not equivalent to the provisions in the 2004 Energy Act.

³ <http://www.legislation.gov.uk/ukpga/2004/20/section/95>

⁴ <https://www.og.decc.gov.uk/EIP/pages/files/file40651.pdf>

⁵ <http://www.legislation.gov.uk/ukpga/2004/20/part/2/chapter/2/crossheading/safety-zones-for-installations>

- 4.8 **It is therefore proposed that these GB provisions should be mirrored for Northern Ireland waters, with suitable NI revisions or consequential amendments.**

CONSULTATION QUESTION

Do you agree that legislation relating to safety zones around offshore renewable energy installations in Northern Ireland should mirror that in GB? If not, please give precise details and reasons why you disagree.

Navigation/public rights

- 4.9 Sections 99-100⁶ of the UK 2004 Energy Act provide for the extinguishing, suspending or allowing with conditions the public rights of navigation that usually apply on the sea. It enables Section 36 consents (equivalent to Northern Ireland's Article 39 consents under the Electricity Order) to extinguish public rights of navigation.
- 4.10 Under Sections 99-100, the DECC Secretary of State is able to make a declaration that the rights of navigation are extinguished, suspended or exercisable under certain conditions around the site of a renewable energy installation. This is not an automatic right. The applicant needs to ask for such a declaration when applying for the consent and the government may refuse to grant consent where a generating station is likely to cause interference with the use of recognised sea lanes essential to international navigation.
- 4.11 While navigation is a reserved matter, DECC has agreed that in the absence of UK legislation covering NI in this respect, the NI Assembly may legislate in this area.
- 4.12 **It is therefore proposed that these GB provisions should be mirrored for Northern Ireland waters, with suitable NI revisions or consequential amendments.**

CONSULTATION QUESTION

Do you agree that legislation about navigation and public rights around offshore renewable energy installations in Northern Ireland should mirror that in GB? If not, please give precise details and reasons why you disagree.

Offshore transmission and generation

- 4.13 As noted earlier, NIAUR will shortly issue a consultation document outlining proposals for connection arrangements for offshore renewable generation. The Department will continue to work with NIAUR on this matter.
- 4.14 Subject to NIAUR's final minded to position in relation to connection arrangements for offshore renewable generation and the subsequent licensing requirements, it is the Department's view that, should it prove necessary for a transmission licence to be needed for the cable between the offshore generating station and the point of connection, then, it may be necessary to introduce additional powers through the Offshore Renewable Energy Bill. DECC have included such provisions in the Energy Bill which was recently introduced in Westminster. These provisions will amend the Electricity (NI) Order 1992 to propose a legislative exemption to allow developers to build, test and commission a transmission asset without being in breach of IME3 requirements. The Department has consulted extensively on the implementation of the Third Energy Package (IME3) and further information on this regard can be accessed on the Department's [Energy Website](#).
- 4.15 Should NIAUR decide that only a generation licence is required by an offshore developer then this exemption would not be needed.

CONSULTATION QUESTION

Subject to NIAUR's final minded to position in relation of offshore renewable generation licencing requirements do you agree that, should a transmission licence be required, Northern Ireland should introduce powers to amend the Electricity Order to allow an exemption for offshore generators to build, test and commission a transmission asset without being in breach of IME3 requirements? If not, please give precise details and reasons why you disagree.

⁶ <http://www.legislation.gov.uk/ukpga/2004/20/part/2/chapter/2/crossheading/navigation-and-civil-aviation>

IMPACT OF IMPLEMENTATION OF POLICY PROPOSALS

5

- 5.1 The Department has considered the impact of implementation of the proposals in relation to a number of key groups.

Regulatory Impact

- 5.2 The Department has prepared an Initial Regulatory Impact Assessment (RIA) to assess the impact that implementation of the primary legislation proposals will have on businesses, particularly small businesses.
- 5.3 The RIA analyses the main aspects of the policy proposals to be included in the Offshore Renewable Energy Bill, detailed in the previous chapters and, where relevant, explores the options for implementation. When considering some issues it has not been possible to provide quantifiable evidence and a qualitative assessment has been provided instead. This is an initial RIA and comments received through this consultation will inform its completion. The document is attached at **Annex A**.

Impact on the Equality Groups under Section 75 of the Northern Ireland Act 1998

- 5.4 The Department is required, under Section 75 of the Northern Ireland Act 1998, to have due regard to the need to promote equality of opportunity between persons of religious belief, political opinion, racial group, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependents and persons without.
- 5.5 Without prejudice to these obligations, the Department is also required, in carrying out its functions, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.
- 5.6 The Department conducted a screening exercise to assess the impact of these proposals on the Section 75 groups and concluded that the proposed policies do not have any adverse impact on groups stipulated in Section 75 of the Northern Ireland Act 1998. The completed screening form is attached at **Annex B**.

CONSULTATION QUESTION

Please provide any comments on the Initial Regulatory Impact Assessment and the Equality Screening Form.

Impact on rural communities and areas

- 5.7 The Department has considered, as part of the process of rural proofing new policies, how implementation of the proposals might impact on rural areas or communities.
- 5.8 It has been concluded that there is no significant differential impact from this policy proposal which introduces a decommissioning and licensing regime for offshore renewables. There may be some level of visual impact from the development of offshore renewables but this will be dependent on the actual location of the individual projects, a matter which will be addressed at project level EIA. There may be some temporary impact on rural areas in terms of construction of offshore renewable energy installations

and connection to the electricity network onshore, however, this will be temporary and controlled via project-level detailed Environmental Impact Assessments. The renewable energy installations regulated by these projects proposals may have a positive impact on rural areas and communities through the provision of employment and supply chain opportunities.

CONSULTATION QUESTIONS

6

CONSULTATION QUESTIONS

Chapter 3 - Decommissioning

Do you agree that Northern Ireland should adopt the same decommissioning regime for offshore installations as operates in GB, subject to any necessary amendments to fit the Northern Ireland situation? If not, please give precise details and reasons why you disagree.

Chapter 4 – Safety Zones; Navigation/Public Rights; and Offshore Transmission and Generation

Do you agree that legislation relating to safety zones around off-shore renewable energy installations in Northern Ireland should mirror that in GB? If not, please give precise details and reasons why you disagree.

Do you agree that legislation around navigation and public rights around renewable energy installations in Northern Ireland should mirror that in GB? If not, please give precise details and reasons why you disagree.

Subject to NIAUR's final position in relation of offshore renewable generation licencing requirements do you agree that, should a transmission licence be required, Northern Ireland should introduce powers to amend the Electricity Order to allow an exemption for offshore generators to build, test and commission transmission assets without being in breach of IME3 requirements? If not, please give precise details and reasons why you disagree.

Chapter 5 – Impact of Implementation of Policy Proposals

Please provide any comments on the Initial Regulatory Impact Assessment and the Equality Screening Form.

OFFSHORE BILL

DRAFT INITIAL REGULATORY IMPACT ASSESSMENT

1. Title of Proposal

Offshore Renewable Energy Bill

2. Introduction

This Regulatory Impact Assessment supports the implementation of the above Bill which will introduce provisions relating to offshore renewable energy installations.

3. Background and Objective

In March 2012 the Department published the Offshore Renewable Energy Strategic Action Plan 2012-2020 (ORESAP). The ORESAP, which was fully endorsed by the Northern Ireland Executive, is the framework for the development of these offshore resources in Northern Ireland territorial waters (out to 12 nautical miles) and identified the opportunity to develop up to 900MW offshore wind and 300MW tidal energy by 2020.

The ORESAP, which was the subject of both a Strategic Environmental Assessment and a Habitats Regulations Appraisal provided the necessary framework for The Crown Estate, as owners of the seabed, to launch an Offshore Renewable Leasing Round for NI territorial waters in 2011 followed by a competitive call in December 2011 for Expressions of Interest for 600MW offshore wind opportunity off the East coast of Northern Ireland and 200MW of tidal energy around Torr Head and Fair Head.

The ORESAP identified a number of key areas which need to be addressed to allow the development of offshore renewable energy projects, particularly the overall regulatory regime for offshore renewable energy projects.

In order to install and operate offshore renewable energy projects in NI territorial waters, a developer must have the following leases/licences/consents:

- A lease or permission from The Crown Estate to operate in a designated area of the seabed;
- A Marine Licence from the Northern Ireland Environment Agency (as part of the Department for the Environment) under Part 4 of the UK Marine and Coastal Access Act 2009 to place the offshore energy device in the water;
- An electricity consent from DETI under Article 39 of the Electricity (NI) Order 1992 (**the Electricity Order**) for the construction and operation of generating stations;
- A licence from NIAUR under Article 10(1)(a) and /or 10 (1) (b) of the Electricity (NI) Order 1992 ; and

The UK Marine and Coastal Access Act 2009 and the Electricity (NI) Order 1992 provide for consenting and licensing of offshore renewable energy installations in NI waters but do not cover other related offshore generating issues which have been introduced for GB waters by the Department for Energy and Climate Change (**DECC**) in the Energy Act 2004 (as amended in 2008). While these provisions in the Energy Act 2004 do extend to Northern Ireland, our territorial waters were not included in the definition of geographical coverage and therefore, these provisions (and the additional provisions introduced in the GB Energy Act 2008) have no practical effect.

It is the Department's intention therefore to legislate for these issues through this Offshore Renewable Energy Bill. The following sections analyse in more depth these issues and, where relevant, explores the options for implementation including an assessment of costs and benefits and risks, where this information is available. When considering some issues it has not been possible to provide quantifiable evidence at this stage and a qualitative assessment has been provided instead.

4. Other impacts (equality; human right; rural proofing; environmental impact; sustainable development)

In accordance with the requirements of Section 75 of the Northern Ireland Act 1998, an equality screening exercise has been carried out and has concluded that the proposed provisions in the Offshore Renewable Energy Bill would not have any significant implications for equality of opportunity and good relations in respect of any of the Section 75 categories.

The Department has also carried out both rural impact and health impact screening exercises in relation to the Offshore Bill which found that the Offshore Renewable Energy Bill should not have any significant long term impacts.

5. Consultation

This Regulatory Impact Assessment forms part of the Department's consultation on the implementation of the Offshore Renewable Energy Bill and your views and comments are invited on the proposals set out in this assessment.

Contact Point

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OFFSHORE RENEWABLE ENERGY DEVELOPMENT

6.1 Purpose and intended effect

The purpose of this policy measure is to put in place a similar offshore electricity regulatory regime for Northern Ireland territorial waters to that which applies in the rest of the UK territorial waters with regard to certain issues such as safety zones, extinguishing of navigational rights at offshore renewable energy installations and decommissioning measures as well as licensing and consenting for offshore renewable energy installations. The development of offshore renewable energy has the potential to contribute to the Strategic Energy Framework target of 40% renewable electricity by 2020 and beyond.

The Crown Estate is taking forward the first Offshore Renewable Energy Leasing Round in Northern Ireland waters for offshore wind and tidal projects. It is essential that Northern Ireland has in place an offshore regime consistent with the rest of the UK, in advance of any commercial developments being developed in NI waters, estimate to be from 2017 onwards. The Department therefore proposes, through primary legislation, to take the necessary powers to develop this regime for Northern Ireland waters and such actions are included within the ORESAP.

6.2 Background and risk assessment

The Energy Act (as amended by the Energy Act 2008) sets out a range of requirements in relation to the offshore production of energy, safety zones and navigational restrictions and statutory decommissioning regimes for offshore renewable energy installations. While these provisions in the Energy Act 2004 do extend to Northern Ireland, our territorial waters were not included in the definition of geographical coverage and therefore, these provisions (and the additional provisions introduced in the GB Energy Act 2008) have no practical effect.

Such a regime is an essential part of the overall strategic framework for the development of offshore renewable energy projects. A specific comprehensive regime, similar to that already known and understood by the renewable energy sector, stakeholders and other marine users through the rest of the UK will provide the necessary certainty for investment in Northern Ireland waters. The absence of such a regime presents a real risk that developers would not come forward with offshore renewable energy proposals which could impact on the Executive's ability to meet the 40% renewable electricity target by 2020.

6.3 Options

- **Option 1** – do nothing

The renewable energy sector has shown considerable interest to date in The Crown Estate's Offshore Leasing Round in Northern Ireland waters. However, it is very unlikely that they would have the confidence to proceed with investment given the uncertainty caused by the absence of such a regime. In addition, DETI would not have the full range of powers to ensure the effective oversight of such developments which would be unacceptable e.g the powers to require the development of a costed decommissioning programme to ensure the removal of an offshore renewable energy installation at the end of its life with no/minimal impact on the environment.

The proposed provisions are essential to bring the offshore renewable energy regime into line with the rest of UK waters. Therefore, doing nothing is not a viable option.

- **Option 2** – introduce new primary legislation

This would enable the whole of the UK to be covered by similar safety zones/navigation and decommissioning provisions and would bring clarity and certainty to developers and stakeholders and other marine users.

The proposal to introduce such legislation was contained with the draft Offshore Renewable Energy Strategic Action Plan and there was support for its introduction to bring Northern Ireland into line with the rest of the UK.

This is the preferred option

Details of the proposed legislation

The legislation will cover the following areas:

- Safety zones around offshore renewable energy installations and prohibition of certain activities in those safety zones;
- Navigation and extinguishment of public rights of navigation in relevant areas and;
- Preparation and implementation of decommissioning programmes.

In addition the legislation is also likely to cover additional areas relating to offshore transmission and generation issues. As this is a regulatory matter, we are continuing to work with NIAUR on what would be the most appropriate regime for Northern Ireland waters and proposals will be the subject of a further specific policy consultation by NIAUR in the near future.

Subject to NIAUR's decision in relation to connection arrangements for offshore renewable generation and the subsequent licensing requirements, it is the Department's view that, should it prove necessary for a transmission licence to be needed for the cable between the offshore generating station and the point of connection, then, it may be necessary to introduce additional powers through the Offshore Renewable Energy Bill. DECC has included such provisions in the Energy Bill which was recently introduced in Westminster. These provisions will amend the Electricity (NI) Order 1992 to propose a

legislative exemption to allow developers to build, test and commission a transmission asset without being in breach of IME3 requirements.

Should NIAUR decide that only a generation licence is required by an offshore developer then this exemption would not be needed.

6.4 Costs

Option 1 – Do Nothing - The costs associated with this option would relate to the possible damage to the environment if e.g. there were no decommissioning powers in place in Northern Ireland waters or to the fishing/ navigation sector in the absence of safety regimes. In addition if developers declined to proceed with projects because of the uncertainty in Northern Ireland waters, costs would arise from the failure of offshore renewables to maximise its contribution to the Executive's renewable energy targets.

This option has not been costed as it is not a viable option.

Option 2 – Introduce Primary Legislation – the proposals to introduce safety zones and extinguish navigational rights may have cost implications for other marine users such as the fishing and shipping sectors. There would be costs for developers in complying with the decommissioning requirements. It is, however, impossible to quantify these costs at this stage as it will depend on the specific features of individual projects – size, scale, layout, location, connection arrangements etc – coming through the Leasing Round.

6.5 Benefits

Option 1 – Do Nothing - no benefits would accrue from this option.

Option 2 – Introduce primary legislation - this approach will deliver a consistent and transparent regime within which all parties can operate. It will enable developers to proceed with investment decisions knowing that the necessary regime is in place which will also be welcomed by stakeholders and other marine users.

6.6 Effects on Small Business

There could be impacts on the fishing and navigation sectors through the application of safety zones and extinguishment of navigation rights. The impact of individual projects on other marine users is taken into account as an integral part of the marine licence and consenting process.

The renewable/offshore renewable energy sector would be directly affected by the decommissioning provisions. Small companies may be members of a consortia (Utilities, Generating Companies and Engineering Companies) developing offshore wind projects. However given the significant costs of development, it is unlikely that small firms would take the lead in the development of offshore renewable projects. Therefore the potential impact on small business is minimal.

Given the level of maturity of the wave and tidal sector, there may be more small companies involved but as noted above, most companies coming forward with development proposals are part of a larger consortia.

6.7 Effects of Competition

All of the provisions within this legislation will be applied in a consistent manner to all offshore renewable energy developers taking forward projects in Northern Ireland waters. Therefore there is no detrimental effect as all developers will be subject to the legislation.

6.8 Enforcement & Sanctions (incl. compliance effects)

Sanctions and penalties for non-compliance will be contained within the Bill.

6.9 Other impacts (equality; human rights; rural proofing; environmental impact; sustainable development)

The development of offshore renewable energy can bring sustainable development benefits including reduced reliance on fossil fuels and associated climate change improvements. The introduction of the decommissioning regime in Northern Ireland waters will protect the environment and ensure that at the end of the offshore renewable energy installations life and ensure that the most appropriate actions are taken to avoid/reduce any impact to the environment.

In accordance with the requirements of Section 75 of the Northern Ireland Act 1998, an equality screening exercise has been carried out and has concluded that the proposed provisions would not have any impact for equality of opportunity and good relations in respect of any of the Section 75 categories.

The Department has also carried out a rural impact assessment and a health impact screening exercise in relation to the Energy Bill.

7 Consultation

This Regulatory Impact Assessment forms part of the Department's consultation on the implementation of the Offshore Renewable Energy Bill.

DETI EQUALITY SCREENING FORM

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy Offshore Renewable Energy Bill (Northern Ireland)
Is this an existing, revised or a new policy? The Offshore Bill will be a new policy.
What is it trying to achieve? (intended aims/outcomes) The development of offshore renewable energy has the potential to contribute to the Strategic Energy Framework target of 40% renewable electricity by 2020 and beyond. The purpose of this policy is to put in place a similar offshore electricity regulatory regime in Northern Ireland territorial waters as that which applies in the rest of the UK territorial waters. Measures include decommissioning, introduction of safety zones and extinguishing of navigational rights as well as consideration of licensing and consenting for offshore renewable energy installations. The Crown Estate is taking forward the first Offshore Renewable Energy Leasing Round in Northern Ireland waters for offshore wind and tidal projects. It is essential that Northern Ireland has in place an offshore regulatory regime consistent with the rest of the UK, in advance of any commercial developments entering NI waters, estimated to be from 2016/2017 onwards. The Department therefore proposes, through primary legislation, to take the necessary powers to develop this regime for Northern Ireland waters and such actions are included within the Offshore Renewable Energy Strategic Action Plan 2012-2020, which has been approved by the Executive and published in March 2012.

Are there any Section 75 categories which might be expected to benefit from the intended policy?
If so, explain how.

Decommissioning

The proposed introduction of a decommissioning scheme for offshore renewable energy installations is not likely to have any differential impact on any Section 75 categories.

Safety zones

The proposals will have an impact only on renewable energy installers and users of the sea ie fishing industry – the impact is equitable and there would not be any differential impact on any Section 75 categories.

Extinguishing of Navigational Rights

The proposals will only impact on renewable energy installers and users of the sea i.e. fishing industry. It is not anticipated that there would be any impact on Section 75 categories.

Licensing and Consenting for Offshore Renewable Energy Installations

This aspect will affect renewable energy installers and developers as well as the electricity industry. It is not anticipated that there would be any impact on Section 75 categories.

Who initiated or wrote the policy?

The Department of Enterprise, Trade and Investment (DETI)

Who owns and who implements the policy?

The Department of Enterprise, Trade and Investment (DETI)

Implementation factors

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

Yes

If yes, are they

financial – The policy measures within the Bill will directly affect renewable energy installers and energy companies and not energy consumers directly, although some increase in consumer bills is possible depending on the charging mechanism for connection of the offshore renewable energy installation to the electricity network. NIAUR have a statutory duty to protect the interests of consumers and therefore are tasked with ensuring that the deployment of renewable energy is at the least cost to the consumer. It is expected however that the full cost of connection will fall to the developer.

legislative –

other, please specify - the offshore renewable energy industry is largely supportive of these policy and legislative proposals which will facilitate installation and operation of offshore renewable energy devices by setting out and clarifying the appropriate regulatory regime.

Main stakeholders affected

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

- ✓ staff
- ✓ service users
 - Energy companies, including generators, suppliers and importers
 - Energy consumers
 - Renewable Energy Developers
- ✓ other public sector organisations
 - NIAUR/Utility Regulator
 - voluntary/community/trade unions

Other policies with a bearing on this policy

- what are they?
- who owns them?

Other policies with a bearing on this policy are:

- Strategic Energy Framework 2010 (DETI) which sets out energy policy for Northern Ireland in the period up to 2020 and also outlines the 2020 target of 40% of electricity to come from renewable sources, of which offshore renewables is expected to make a contribution.
- Offshore Renewable Energy Strategic Action Plan 2012-2020 (DETI) which aims to optimise the amount of renewable electricity generated from offshore renewables in NI waters to:
 - Enhance diversity and security of supply;
 - Reduce carbon emissions;
 - Contribute to the SEF 40% 2020 renewable electricity targets and beyond; and
 - Develop business and employment opportunities for NI companies.

The ORESAP Identified up to 900MW offshore wind and 300MW tidal opportunities without significant impact on the environment/ other marine users.

- The Energy Act 2004, as amended in 2008 (Department of Energy and Climate Change) which sets out the regulatory regime for offshore renewable energy installations in GB waters (not including NI territorial waters). It is this regime which developers are familiar with and which DETI wishes to replicate where appropriate for NI waters.
- Connection Arrangements for Offshore Renewable Generation (NIAUR) which has recently been issued for public consultation. This consultation sets out various options for connecting offshore renewable energy installations to the electricity network. It is anticipated that any legislative requirements will be covered by the DETI Offshore Renewable Energy Bill.

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

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

A consultation specifically on the Offshore Renewable Energy Bill will take place in 2013 offering the opportunity to comment on all aspects of the proposed policy measures and to provide information relevant to the assessment of equality impacts.

Previous consultations have already been held on offshore renewable energy policy (ORESAP) and associated Equality Screenings found that there was not likely to be any impact on Section 75 categories. Experience of liaison with offshore stakeholders would also suggest that this policy is likely to affect only the renewable energy industry as well as the electricity network owners and environmental bodies.

Section 75 category	Details of evidence/information
Religious belief	DETI has never received, in previous consultations on similar issues or in discussion with stakeholders, any information to indicate that any of the policies listed above would have a differential impact on this Section 75 category.
Political opinion	DETI has never received, in previous consultations on similar issues or in discussion with stakeholders, any information to indicate that any of the policies listed above would have a differential impact on this Section 75 category.
Racial group	DETI has never received, in previous consultations on similar issues or in discussion with stakeholders, any information to indicate that any of the policies listed above would have a differential impact on this Section 75 category.
Age	DETI has never received, in previous consultations on similar issues or in discussion with stakeholders, any information to indicate that any of the policies listed above would have a differential impact on this Section 75 category.
Marital status	DETI has never received, in previous consultations on similar issues or in discussion with stakeholders, any information to indicate that any of the policies listed above would have a differential impact on this Section 75 category.
Sexual orientation	DETI has never received, in previous consultations on similar issues or in discussion with stakeholders, any information to indicate that any of the policies listed above would have a differential impact on this Section 75 category.
Men and women generally	DETI has never received, in previous consultations on similar issues or in discussion with stakeholders, any information to indicate that any of the policies listed above would have a differential impact on this Section 75 category.
Disability	DETI has never received, in previous consultations on similar issues or in discussion with stakeholders, any information to indicate that any of the policies listed above would have a differential impact on this Section 75 category.
Dependants	DETI has never received, in previous consultations on similar issues or in discussion with stakeholders, any information to indicate that any of the policies listed above would have a differential impact on this Section 75 category.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	The policy measures proposed for the Offshore Renewable Energy Bill have no impact on equality of opportunity for this Section 75 category.
Political opinion	The policy measures proposed for the Offshore Renewable Energy Bill have no impact on equality of opportunity for this Section 75 category.
Racial group	The policy measures proposed for the Offshore Renewable Energy Bill have no impact on equality of opportunity for this Section 75 category.
Age	The policy measures proposed for the Offshore Renewable Energy Bill have no impact on equality of opportunity for this Section 75 category.
Marital status	The policy measures proposed for the Offshore Renewable Energy Bill have no impact on equality of opportunity for this Section 75 category.
Sexual orientation	The policy measures proposed for the Offshore Renewable Energy Bill have no impact on equality of opportunity for this Section 75 category.
Men and women generally	The policy measures proposed for the Offshore Renewable Energy Bill have no impact on equality of opportunity for this Section 75 category.
Disability	The policy measures proposed for the Offshore Renewable Energy Bill have no impact on equality of opportunity for this Section 75 category.
Dependants	The policy measures proposed for the Offshore Renewable Energy Bill have no impact on equality of opportunity for this Section 75 category.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 detailed below.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions detailed below and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	There will be no specific impact on this group.	None
Political opinion	There will be no specific impact on this group.	None
Racial group	There will be no specific impact on this group.	None
Age	There will be no specific impact on this group.	None
Marital status	There will be no specific impact on this group.	None
Sexual orientation	There will be no specific impact on this group.	None
Men and women generally	There will be no specific impact on this group.	None
Disability	There will be no specific impact on this group.	None
Dependants	There will be no specific impact on this group.	None

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		There are no opportunities for promoting equality of opportunity within the legislation for any of the Section 75 categories, as the policy measures within the Offshore Renewable Energy Bill are expected to have a neutral impact regardless of their section 75 status.
Political opinion		There are no opportunities for promoting equality of opportunity within the legislation for any of the Section 75 categories, as the policy measures within the Offshore Renewable Energy Bill are expected to have a neutral impact regardless of their section 75 status.
Racial group		There are no opportunities for promoting equality of opportunity within the legislation for any of the Section 75 categories, as the policy measures within the Offshore Renewable Energy Bill are expected to have a neutral impact regardless of their section 75 status.
Age		There are no opportunities for promoting equality of opportunity within the legislation for any of the Section 75 categories, as the policy measures within the Offshore Renewable Energy Bill are expected to have a neutral impact regardless of their section 75 status.
Marital status		There are no opportunities for promoting equality of opportunity within the legislation for any of the Section 75 categories, as the policy measures within the Offshore Renewable Energy Bill are expected to have a neutral impact regardless of their section 75 status.
Sexual orientation		There are no opportunities for promoting equality of opportunity within the legislation for any of the Section 75 categories, as the policy measures within the Offshore Renewable Energy Bill are expected to have a neutral impact regardless of their section 75 status.
Men and women generally		There are no opportunities for promoting equality of opportunity within the legislation for any of the Section 75 categories, as the policy measures within the Offshore Renewable Energy Bill are expected to have a neutral impact regardless of their section 75 status.
Disability		There are no opportunities for promoting equality of opportunity within the legislation for any of the Section 75 categories, as the policy measures within the Offshore Renewable Energy Bill are expected to have a neutral impact regardless of their section 75 status.
Dependants		There are no opportunities for promoting equality of opportunity within the legislation for any of the Section 75 categories, as the policy measures within the Offshore Renewable Energy Bill are expected to have a neutral impact regardless of their section 75 status.

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?		
Section 75 category	Details of policy impact	Level of impact minor/major/none
Religious Belief	No impact	None
Political opinion	No impact	None
Racial Group	No impact	None

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		As indicated in the screening questions above, the policy measures planned the new Offshore Renewable Energy Bill should have no differential impact on this group and, because they are in the energy sphere are not of a nature to promote 'good relations' between people with differences in this group.
Political opinion		As indicated in the screening questions above, the policy measures planned the new Offshore Renewable Energy Bill should have no differential impact on this group and, because they are in the energy sphere are not of a nature to promote 'good relations' between people with differences in this group.
Racial group		As indicated in the screening questions above, the policy measures planned the new Offshore Renewable Energy Bill should have no differential impact on this group and, because they are in the energy sphere are not of a nature to promote 'good relations' between people with differences in this group.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

The Department does not anticipate any potential impacts of the policy on offshore renewable energy on people with multiple identities, given that the policy content is largely technical and relates only to renewable energy installations.

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

Based on the above, no data has been identified that would show any differential impact on people with multiple identities.

Part 3. Screening decision

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

A decision has been taken not to conduct an equality impact assessment on the measures for inclusion in the proposed Offshore Renewable Energy Bill since there have been found to be no differential impact on section 75 groups.

DETI is mindful of the implications that any secondary legislation may have equality impacts and will carry out the appropriate assessment if secondary legislation is required in the future.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

There is no need for mitigation or alternative policy to be introduced.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	n/a
Social need	n/a
Effect on people's daily lives	n/a
Relevance to a public authority's functions	n/a

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5. Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when exercising their functions, are required to have due regard to the need:

- **to promote positive attitudes towards disabled people; and**
- **to encourage participation by disabled people in public life.**

5. Does this policy/legislation have any potential to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life? If yes, please give brief details.

It is not considered that this legislation offers potential for promoting positive attitudes towards disabled people or for encouraging participation by disabled people in public life.



Department of

**Enterprise, Trade
and Investment**

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Your views on this
document are welcome.

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