

**City of York Council**  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	Place		
<b>Service Area:</b>	Rights of Way		
<b>Name of the proposal :</b>	Proposed diversion and upgrade of public footpath Acaster Malbis 3		
<b>Lead officer:</b>	Russell Varley		
<b>Date assessment completed:</b>	XX		
<b>Names of those who contributed to the assessment:</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Alison Newbould	Rights of way Officer	City of York Council	Public Rights of Way
Russell Varley	Definitive Map Officer	City of York Council	Public Rights of Way

<b>1.1</b>	<b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.
	<p>This proposal relates to the proposed diversion and upgrade of Public Footpath, Acaster Malbis 3 to public bridleway. The existing footpath is blocked. The proposed new bridleway will be more accessible and its change in status from footpath to bridleway means the route will be open to horse riders and cyclists, as well as pedestrians and wheelers.</p> <p>This EqIA investigates the impact the above proposal will have on the accessibility of the path for people who have a protected characteristic.</p>

**Step 1 – Aims and intended outcomes**

<b>1.2</b>	<b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)
	<p>This proposal is possible at this time because the owner of the land over which Acaster Malbis 3 passes is remodelling the holiday park through which Acaster Malbis 3 runs.</p> <p>The diversion will be made under s119 of the Highways Act 1980. There is no guarantee that the order to divert the footpath will be successful. If there are objections to the order to divert the path, the proposal will have to be referred to the Secretary of State for determination, should the council wish to continue to support it. It is the officer's opinion that the diversion meets the statutory tests.</p>

<b>1.3</b>	<b>Who are the stakeholders and what are their interests?</b>
	<p><b>City of York Council</b> – the Highway Authority. Duty to assert and protect the use of the public footpath for members of the public and to maintain the surface. Powers to make the required Public Path Orders to divert and upgrade the footpath to bridleway.</p> <p><b>Mr and Mrs Smith</b> – the landowners and owners of the holiday park.</p> <p><b>Current users of the routes</b> – Health and recreational use by walkers and runners.</p> <p><b>Possible future users of the proposed bridleway</b> – Horse riders, cyclists, disabled horseriders and cyclists.</p> <p><b>Other stakeholders</b> – Visitors to the holiday park</p>
<b>1.4</b>	<b>What results/outcomes do we want to achieve and for whom?</b>
	<p>The proposal will divert the currently blocked for all users of public footpath Acaster Malbis 3 on to a new alignment and upgrade its status to bridleway. This will open the route to the current permitted users (pedestrians) and also make the route open to equestrians and cyclists.</p> <p><b>Links to Council Plan:</b> Two of the key outcomes are: Climate and Health.  <u>Climate – Environment and the climate emergency</u>  The diversion and upgrade of the existing footpath to bridleway will allow additional use by cyclists and horse riders, as well as pedestrians, and provide a convenient off-road, active travel and sustainable means of travelling between Moor End and Hauling Road, Acaster Malbis. The diversion and upgrade of the route may help dissuade some users to travel by car from neighbouring campsites, to access the wider riverside path network and village amenities.</p>

Health - Health and wellbeing

The diversion and upgrade of the footpath to bridleway will help the city meet the 10 'big goals' of the current Council Plan's Health and Wellbeing Strategy; in particular:

2. Support more people to live with good mental health, reducing anxiety scores and increasing happiness scores by 5%

5. Reverse the rise in the number of children and adults living with an unhealthy weight

9. Reduce sedentary behaviour, so that 4 in every 5 adults in York are physically active

10. Reduce the proportion of adults who report feeling lonely from 25% to 20% of our population

Use of the route is free to all and all users (leisure users and commuters) will continue to benefit from improved physical/ mental health and wellbeing eg dog walking, jogging and enjoyment of green space as a place to relax and meeting up with others.

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## Step 2 – Gathering the information and feedback

2.1	<p><b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?.</b></p> <p>Beside the evidence noted below, this diversion is proposed because the landowner is willing to change the status to a bridleway and provide an accessible surface and width throughout.</p> <p>In addition, it requires fewer staff and financial resources from the Council than removing the obstructions from the existing footpath.</p>	
	<b>Source of data/supporting evidence</b>	<b>Reason for using</b>
	Data from the Council's rights of way management systems	Records of reports and comments taken from members of the public re the obstruction of the footpath. Since 2007 the Council has been receiving reports from the public that the existing footpath was obstructed. Removing the obstruction has been investigated in the past but as there has always been an alternative route in place (the proposed diversion route), which is more accessible than the legal line of the footpath, it has always been a low priority.
	Information gathered from PROW Officer's site visits and correspondence with the landowners.	To give an indication of the use of the path and by whom. The suitability of the proposed bridleway route particularly for users who may have one or more of the protected characteristics has been assessed by officers and discussed with the landowner. This assessment included discussions re the alignment of the proposed diversion, the planned exclusion of path furniture along the route, available widths, surface treatments and the gradients the new route would traverse.

## Annex C:

ROWIP (under review)	Examines, in detail, the needs of walkers, including people with a disability, blind and partially sighted people. Information gathered from a large number of publications and wide consultation.
Countryside for All Good Practice Guide (2005) The Fieldfare Trust	Provides a series of tools and outlines suggested processes which can lead to better countryside access for disabled people, with due regard to economic and environmental constraints.

## Step 3 – Gaps in data and knowledge

3.1	<p><b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b></p> <p>This diversion order is being used to resolve a long standing obstruction of the right of way network. As the legal line of the footpath has not been used by the public for many years (users have historically used the proposed diversion line to cut through the caravan site), the council has no data on its likely level of use particularly from people with protected characteristics and what impediments to that use there may be. Hence the main gap in the knowledge around this proposal is the possible latent demand.</p>	
<b>Gaps in data or knowledge</b>		<b>Action to deal with this</b>
Possible latent demand		Monitor use of the route and requests for action received by the rights of way team paying particular attention to any that affect equality of access
Knowledge gap		Monitor the use and requests for action of the wider rights of way network in the area to alert the Council to any opportunities to further improve access.

## Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>		
Equality Groups and Human Rights.	Key Findings/Impacts  (Think about these in terms of physical, operational and behavioural impacts)	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>Children and older people will benefit from the increased width of the proposed new bridleway route and the smoother tarmac surface, which is substantially more accessible than the surface of the original footpath.</p> <p>The proposed new bridleway route will not have any path furniture along it which children and older people might have problems operating.</p>	+	M
Disability	<p>The bridleway being much wider means the path better accommodates mobility aids and other forms of additional assistance.</p> <p>The smoother, more level surface is also easier to use for those with mobility problems (blind/partially sighted,</p>	+	M

## Annex C:

	<p>people with balance problems and people whose disability means they are required to use a wheelchair or other mobility aid.</p> <p>The proposed new bridleway route will not have any path furniture along it which may prevent, cause problems and dissuade people with disabilities from using the path.</p>		
<b>Gender</b>	No effects identified		
<b>Gender Reassignment</b>	No effects identified		
<b>Marriage and civil partnership</b>	No effects identified		
<b>Pregnancy and maternity</b>	<p>The increased width of the route and smoother surface will make the path more accessible to people with pushchairs.</p> <p>The above also applies for people who are perhaps less mobile due to their pregnancy.</p>	<b>+</b>	<b>M</b>
<b>Race</b>	No effects identified		
<b>Religion and belief</b>	No effects identified		
<b>Sexual orientation</b>	No effects identified		
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		

## Annex C:

<b>Carer</b>	<ul style="list-style-type: none"> <li>Carers could personally have the same characteristic as any other group listed above and would therefore experience the same benefits.</li> <li>Carers who look after others who have a protected characteristic, may experience the same benefits/ issues as those with that protected characteristic</li> </ul>	<b>+</b>	<b>M</b>
<b>Low income groups</b>	The creation agreement extends the useable rights of way network meaning there are more opportunities for free access to the countryside and the health and well-being benefits that brings.	<b>+</b>	<b>M</b>
<b>Veterans, Armed Forces Community</b>	No effects identified		
<b>Other</b>			
<b>Impact on human rights:</b>			
List any human rights impacted.	No impacts identified		

### Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them

## Annex C:

- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p><b>High impact</b> (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p><b>Medium impact</b> (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p><b>Low impact</b> (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

**Step 5**

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### Mitigating adverse impacts and maximising positive impacts

5.1	<b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b>
<p>No unlawful prohibited conduct or unwanted adverse impacts have been identified. The proposal has been agreed in conjunction with the landowner, who has agreed to a significantly wider and better surfaced bridleway which if the proposal is authorised , will provide a path that is open to more users than the current footpath. The route will be recorded on the definitive map and statement giving full statutory protection to a route which represents an improvement to the public rights of way network.</p>	

### **Step 6 – Recommendations and conclusions of the assessment**

6.1	<b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b>
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- **No major change to the proposal** – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.
- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance equality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
<p><b>No major change to the proposal</b></p>	<p>The EIA demonstrates the proposal is robust. There is no identified potential for unlawful discrimination or adverse impact. Officers have taken every opportunity to advance equality and foster good relations in furthering the proposal.</p> <p>The proposed diversion and upgrade of footpath Acaster Malbis 3 to a bridleway improves both the width and surface of the public right of way,</p>

	removes previous barriers to access and resolves a long standing obstruction on the public rights of way network, thus making it more accessible to all users.
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## Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
To resolve a long-standing obstruction to the public rights of way network in Acaster Malbis.	To divert and upgrade public footpath Acaster Malbis 3 to a bridleway using section 119 of the Highways Act 1980.	Director of Environment, Transport and Planning	Executive Member Briefing Session to be held on XX

## Step 8 - Monitor, review and improve

Monitor use of the routes and requests for action received by the rights of way team paying particular attention relating any to equality of access.