

Annex 4: Equality Impact Assessment

City of York Council Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place		
Service Area:	Rights of Way		
Name of the proposal :	Public Footpath Copmanthorpe No 2 – Closure of Bishopthorpe Crossing, diversion of footpath over stepped pedestrian bridge at Beckett's Crossing, Copmanthorpe.		
Lead officer:	Alison Newbould		
Date assessment completed:	4 April 2022		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Alison Newbould	Rights of way Officer	City of York Council	Public Rights of Way

1.1	What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.
	<p>Network Rail are proposing to close the current level crossing in Copmanthorpe that carries Public Footpath, Copmanthorpe No 2 and divert the footpath across a new stepped bridge which will be installed at the Beckett's Crossing site to the north of the current crossing.</p> <p>The level crossing is to be closed due to Network Rail's plans to increase both the speed and the number of trains in service across all 4 lines, which is believed will create an increased risk to users of the footpath.</p> <p>Network Rail have submitted an application under s119A of the Highways Act 1980 for a Rail Crossing Diversion Order to enable the above to take place. This Equalities Impact Assessment (EqIA) assesses the affect the above proposal will have on people with protected characteristics as defined under the Equality Act 2010.</p>

Step 1 – Aims and intended outcomes

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>Under the Highways Act 1980 s119A (HA 80) the council, as highway authority, has powers to divert footpaths, bridleways and restricted byways that cross railway lines where it appears to the council expedient in the interests of the safety of members of the public that a footpath, bridleway or restricted byway in their area which crosses a railway, otherwise than by tunnel or bridge, should be diverted (whether on to land of the same or of another owner, lessee or occupier).</p> <p>The legislation requires the risk the public face when using the route to be established, for example with accident data. It also requires assessment of whether it is reasonably practical to make the crossing safe instead of altering the public right of way for example by the installation of an underpass or a bridge.</p> <p>If the application under the Highways Act is not successful, Network Rail may opt to make an application to the Secretary of State for Transport for an Order to be made under s 48 of the Transport and Works Act 1992. One Order could give the power to close the crossing, carry out works, divert the footpath, acquire land for the creation of new links and/or give rights to carry out works on private land to create the new links to the required standard. The alternative route to one being closed by the proposed Order needs to be 'suitable and convenient'.</p> <p>The required works would be funded by Network Rail who since September 2014 needs to respond positively to the Public Sector Equality Duty. This part of the Equality Act 2010 requires public bodies and organisations that carry out public functions to consider everyone's needs when doing so.</p>

1.3	Who are the stakeholders and what are their interests?
	<p>City of York Council – duty to assert and protect the use of the footpath by members of the public; Order Making Authority (OMA).</p> <p>Network Rail – the Applicant; Health and Safety of employees, passengers and members of the public.</p> <p>Current users of the footpath – Health and recreational use: walkers, dog walkers, joggers, cyclists. Utility use: commuters; access to village services, only off-road route between Copmanthorpe and Bishopthorpe.</p> <p>Possible future users of the footpath – Those currently put off using the path due to at-grade crossing. Additional demand - planned housing development nearby. Possible future off road cycle route to link Copmanthorpe with the Sustrans York/Selby cycle route at Bishopthorpe.</p> <p>Other Residents of Copmanthorpe and Bishopthorpe who may be affected by the diversion proposals.</p> <p>Users of the Ebor Way – a nationally promoted walking route.</p>
1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
	<ul style="list-style-type: none"> • To ensure the provision of a safe and more accessible means of crossing the railway line for current and future users of the public footpath and also for those who wish to use the footpath but are currently unable to do so, due to reasons of accessibility. • Council Plan: Two of the key outcomes are: Getting around sustainably and Good Health and wellbeing.

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| | <ul style="list-style-type: none">• Getting around sustainably – Following the 2021 Review the Council is to ‘Review city-wide public transport options, identifying opportunities for improvements in walking and cycling, rail, buses and rapid transit, which lay the groundwork for the new Local Transport Plan’ so that in 4 years’ time ‘More people will travel by sustainable means, such as walking, cycling and clean public transport throughout the year’.• Good Health and wellbeing – Following the 2021 Review the council is to ensure that ‘Open spaces will be available to all for sports and physical activity, including healthy walking, outdoor gyms and green spaces, which improve both physical and mental health and wellbeing’ so that in 4 years’ time, ‘We will increase the emphasis on the wider determinants of health, by understanding that how the city runs, how people live their lives and interact with one another and the way the Council creates, protects and enhances the environment which has positive impacts on the health and wellbeing of York’s population’ and ‘Health and wellbeing will continue to be a key driver in everything we do as a city - from the design of housing and infrastructure through to ensuring that transport options meet the needs of the most vulnerable’. |
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Step 2 – Gathering the information and feedback

2.1	<p>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? Please consider a range of sources, including consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p> <p>The following information has been provided by Network Rail:</p> <p>Information gathered from Community Insight (CI) – a joint project from Housing Associations’ Charitable Trust (HACT) and Oxford Consultants for Social Inclusion (OCSI) for the profile for the Copmanthorpe area in the catchment for Copmanthorpe Level Crossing. The data summarises that there are a slightly higher number (than national average) of people over 65 and of a Christian religion living in the Copmanthorpe area.</p> <p>A 9 day census completed in October 2021 - showed that an average 52 people per day used the footpath crossing. These included adults, accompanied and unaccompanied children, Network Rail employees and walkers pushing cycles. The vast majority of users were adult. No pedestrians pushing a pushchair or pram and zero attempts from wheelchair users or people with limited mobility were recorded as using the crossing. It was recognised by Network Rail that the 9 day census carried out may not give a full picture of use of the path for the year. It should be noted that the census would also not perhaps pick up use of the path by people who have a hidden disability.</p> <p>An online public consultation was carried out and postal questionnaires took place in September 2021 with a total of 1100 unique users visiting the virtual site. 351 responses to the survey were received with 235 (67%) of those agreeing to the closure of the crossing.</p> <p>Of the responses received a number commented that the current level crossing was dangerous citing speed of the trains, broken pedestrian gates either side of the embankment and misuse of the crossing.</p>
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	<p>However, comments were also received stating that the existing level crossing works effectively and safely, is easily accessible and used frequently by many residents. Also that replacing it with a longer walk as well as multiple steps would mean it may be impossible for some long-term residents in the area to continue to use the path. It was also suggested that removing the level crossing and replacing it with one that discriminates against some individuals is morally questionable.</p> <p>Comments that the proposed stepped footbridge would not be as accessible as the level crossing, and would prevent/discriminate against families with pushchairs, bicycles and those with mobility aids or less able to climb steps from using the path were also received. It was also suggested that the bridge should be of an innovative design and chosen on merit for the people of Copmanthorpe and not on cost.</p> <p>The location of local facilities including places of worship and places of education, all of which are located on the western side of the village/railway line, was collected. There are no residential properties located on the east side of the current level crossing or the proposed new bridge crossing.</p> <p>If the council makes the Order to divert the footpath, this will trigger a period of statutory consultation. All prescribed bodies (eg The Ramblers and British Horse Society) and statutory undertakers would be consulted as detailed in Regulations. However this does not currently include consultation with those groups with protected characteristics and no request has been made by these groups to be consulted on Rights of Way matters.</p>
Source of data/supporting evidence	Reason for using
Information gathered from Community Insight	Gives Age Group and Religion profile for the Copmanthorpe area
Data from Office of National statistics (mid 2020 data source and 2011 data source)	For comparison of the above data to the national average

9 day census of use of the footpath crossing (October 2021)	To give an indication of the use of the crossing and by whom
Network Rail's online and postal public consultation	To gain the opinion of Copmanthorpe Residents, the wider public and user groups regarding the 2 options presented by Network Rail for the safe crossing of the railway line following the closure of the level crossing. The 2 Options presented for the path diversion being the Temple Lane Road Bridge diversion and the Beckett's Crossing stepped footbridge option.

Step 3 – Gaps in data and knowledge

<p>3.1</p>	<p>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</p> <p>Data on possible latent demand ie increase in use of the current level crossing should access up the embankments either side of the railway line be made more accessible</p> <p>Likely future use of the path eg likely increased use and profile of residents of the planned new housing development adjacent to the bridge site.</p> <p>Currently no evidence present by Network Rail of any further attempt to engage with the 26 groups identified by Network Rail as representing people with a protected characteristic as defined under the Equality Act 2010 eg consultation with schools, youth groups, groups representing physically/mentally disabled, blind or partially sighted people.</p>	
<p>Gaps in data or knowledge</p>	<p>Action to deal with this</p>	
<p>Possible latent demand</p>	<p>Request this information from Network Rail.</p>	
<p>Possible future use of the path</p>	<p>Request this information from Network Rail.</p>	
<p>Knowledge gap</p>	<p>Request that Network Rail re-engage with the 26 groups identified as representing people with protected characteristics</p>	

	<p>impairments or younger children who cannot walk very far and only wish to go on a shorter walk.</p> <ul style="list-style-type: none"> • Young people may be attracted to the new crossing location for a place to “hang out”. There may be an increased risk in Anti-social behaviour or trespass on the line 	-	L
Disability	<ul style="list-style-type: none"> • The provision of a stepped footbridge would all but eliminate the risk of crossing the railway lines for people with disabilities who are able to manage the steps. • The proposed stepped footbridge may impact disabled people who have a mobility or cognitive impairment (but who are currently able to negotiate the existing level crossing), due to the large number of steps to be negotiated on either side of the footbridge. • A stepped bridge would not be accessible to people whose disability means they have to use a wheelchair. Improvements could more easily be made to the existing level crossing to allow easier access for wheelchairs. • Visually impaired users may have difficulty navigating the change to the footpath route. • A footbridge can act as a barrier for those with a sight impairment. The current traffic light system on the existing level crossing also acts as a barrier to use. • Although the proposed diversion route adds an additional 430 metres (5 minutes) to a walk between Copmanthorpe and Bishopthorpe, the additional 	<p>+</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>	<p>L</p> <p>L</p> <p>L</p> <p>L</p> <p>L</p> <p>M</p>

	distance may impact disabled people who have mobility or cognitive impairment who perhaps only wish to go on a shorter walk.		
Gender	<ul style="list-style-type: none"> The proposed stepped footbridge, which is also proposed to be unlit, is an enclosed structure and may make lone users, especially women feel vulnerable, due to the fact that there is no easy escape route. The current level crossing is overlooked by housing and benefits from latent lighting from street lights and neighbouring properties. The crossing is also more open with direct sightlines. 	-	M
Gender Reassignment	<ul style="list-style-type: none"> As above 	-	L
Marriage and civil partnership	No effects identified		
Pregnancy and maternity	<ul style="list-style-type: none"> The provision of a stepped footbridge would all but eliminate the risk of crossing the railway lines for people who are pregnant and who are able to manage the steps. Users who are pregnant may find the additional distance of the footpath and the stepped bridge difficult to negotiate due to reduced mobility. A stepped bridge would cause difficulty to maternal/paternal groups with pushchairs who may find the steps in accessible or challenging to use. The current access restrictions of the existing footpaths that may restrict access to the foot crossing 	+ - - -	L L L L

	by expectant mothers, paternal and maternal groups with pushchairs and young children will remain.		
Race	No effects identified		
Religion and belief	No effects identified		
Sexual orientation	<ul style="list-style-type: none"> The proposed stepped footbridge is an enclosed structure and may make lone users feel vulnerable. 	-	L
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	<ul style="list-style-type: none"> It is likely that carers of people with protected characteristics may be affected the same way as those groups. 	-	L
Low income groups	<ul style="list-style-type: none"> Public rights of way are free to use. People with low incomes may be affected by the inconvenience of the diversion if they use the route for utility purposes ie as a route to work etc instead of using the car or going by public transport. 	-	L
Veterans, Armed Forces Community	No effects identified		
Other	-		
Impact on human rights:			

List any human rights impacted.	-		
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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
- 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>High impact (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>Medium impact (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>Low impact (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>

Mitigating adverse impacts and maximising positive impacts

<p>5.1</p>	<p>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?</p>
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- Request that a ramped bridge be installed instead of a stepped bridge to ensure the new method of crossing the railway lines is at least as accessible as the current level crossing.
- Request that the bridge be designed to include lighting to make it feel safer for lone users and people with protected characteristics who may feel vulnerable using the bridge at the new location.
- Ensure that the diversion route is well signposted to reassure and give people confidence in using the path, especially for the first few occasions when it will be new and unfamiliar.
- Ensure that Ordnance Survey is aware of the changes to the path, to reflect the new crossing point and the change in route of the Ebor Way promoted route
- Look at providing seats and or resting places along the diversion route for people who are less mobile and may have difficulty walking the extra distance caused by the diversion.
- Consider the surface requirements of the new diversion route. Could they be made more accessible? – On the Bishopthorpe side of the railway line; currently a natural surface which is prone to poaching in the winter due to the popularity of the route.
- Ensure that the level crossing remains open and available until such time a diversion route and agreed new method of crossing the railway lines has been agreed and legally put in place.

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>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:</p>
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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.

Continue with the proposal - Network Rail's main driver to close the current footpath crossing is in the interest of increasing user safety as a result of the planned TRUe improvements to the railway line.

Network Rail have argued that although a ramped bridge would be the default consideration when closing such a level crossing, a stepped footbridge at the location of the old Beckett's site should be progressed, rather than a ramped bridge due to the issues summarised below:

- The option of lowering the wires to reduce the height of the ramped structure was considered to be too costly and significantly disproportionate to the scheme
- the height of the structure having to be approximately 2m higher than a standard footbridge, this would increase the amount of ramps required, which would further increase the length of the diversion and private land take to accommodate a ramped structure.

- The installation of ramps in this area would require additional land to be acquired. The required land take and re-landscaping that would be required is thought to be beyond what is deemed reasonable practicable and disproportionate to the scheme. Upon enquiry, this has already been objected to by the current landowner.
- Network Rail have stated that the approaching footpaths are in poor condition with steep gradients, uneven, unsurfaced ground and are negatively impacted by poor weather conditions. This already results in a challenging environment for individuals with mobility issues related to age, physical disability, pregnancy/parents and in particular non-multi-terrain wheelchairs. The provision of a stepped footbridge would therefore not have much impact on these users.
- Following public consultation – 67% of the replies supported the closure and replacement of the current level crossing.
- The location of the Beckett's Crossing site was the preferred option over diverting people over Temple Lane road bridge due to the much lengthier diversion of approximately 2.4km.

As, a result of this EqlA it is believed that a stepped bridge would present even more of a barrier to use as the current level crossing.

It is agreed that a bridge is required to cross the line and believed that Beckett's Crossing is the least convenient location for it due to the relatively short diversion of approximately 430m (net) via Field Lane/York Field Lane.

A crossing at this point would continue to provide access to the countryside and recreational walks for those residents living at the northern end of the village. It is noted that this is the only access to a countryside walk for these residents without a long walk through the village to either the footpath leading off the end of Moor Lane to the south, or a long on-road walk to the public bridleway leading off Hallcroft Lane, near Colton to the east.

As it stands, the current crossing excludes a number of users with protected characteristics. The public right of way was in existence prior to the railway line being constructed. As the railway line has expanded and train speeds have increased this which has in turn precluded an increasing number of people with from using the crossing, especially those with mobility impairments, blind and partially sighted people and those with pushchairs for example. The steep embankments leading up and down to the tracks have made the accessibility of this path even more problematic for these groups. The introduction of a stepped bridge will discourage or prevent yet more people from using the footpath. The expectations of these protected groups are expected to grow rather than diminish and no account is taken of those people with limited mobility etc who may want to use the path but are currently prevented from doing so. The council therefore favours a ramped bridge at this location.

Indeed it is not clear whether as a new build project, the proposal of a stepped bridge meets Network Rail's responsibilities under the Equality Act 2010. Once the new stepped footbridge has been constructed it is very unlikely that it will be changed in the foreseeable future, even if passive provision for ramps is made in the design of the bridge. The structure would be expected to remain "as is" for 120 years so any future aspirations to improve the off-road route between Copmanthorpe/Bishopthorpe to provide an off-road cycle link between the 2 villages for example, would stall.

The proposal does not take into consideration any future use of the path, for example by residents of the proposed new development on York Field adjacent to the railway line. It is likely that future residents living within this development will increase the use of the path even more so than current numbers.

In regard to the construction period of a bridge at Beckett's Crossing (steps or ramp), it is argued that as this is in reality a standard construction project, a variation of construction time from 6 to 8 months is more likely a result of railway possessions and in reality the impact on residents is likely to be minimal. Railway possessions are likely to be night time. If the ramp was directed away/off-set from the railway line this would reduce the dependency on railway possessions. Construction work for ramps should be no more disruptive than steps as this is effectively a "green field site" which would simplify the construction process and thus keep any additional timescales to a minimum. We believe the site does not present constraints which are difficult or impossible to overcome in this respect.

Option selected	Conclusions/justification
Continue with the proposal	<p>It is concluded that Network Rail's application to divert the footpath be supported due to the public safety evidence that has been presented supports the making of the requested order.</p> <p>The statutory consultation period that will follow the making of the order will engage the public, residents of Copmanthorpe/Bishopthorpe etc and provide evidence of any accessibility concern and premise that a stepped bridge is not as convenient for users as the current level crossing. It will also inform certain gaps in data and knowledge as identified above.</p>

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
This EqlA demonstrates that that the proposal to divert the footpath via a stepped footbridge would have an impact on people with protected characteristics as defined under the Equality Act	Support Network Rail's application for a s119A Highways Act 1980 Rail Crossing Diversion Order to divert the footpath via a stepped footbridge at Beckett's Crossing	Executive Member for Transport	Executive Member Decision Session to be held on 17 th May 2022

2010. Some people who are currently able to use the footpath via the existing level crossing will be prevented from doing so.			
Objections are received to the order	Review this EqIA based on the objections received	Rights of Way Officer	TBC
Objections are received to the order	Report back to the Executive Member for Transport to consider the objections, and determine if these outweigh the safety benefits of the proposal and make a decision as to whether to continue to support the application and refer the order with the objections to the Secretary of State for confirmation, or, based upon the objections received, to withdraw support and decide not to continue with the order.	Executive Member for Transport	TBC

Step 8 - Monitor, review and improve

Review this EqIA in view of any objections/representations received should a Railway Crossing Order Diversion Order be made and subsequent statutory consultation period ended.