

**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 of public bridleway Heworth (Without) 1 and 2		
<b>Lead officer:</b>	Molly Kay		
<b>Date assessment completed:</b>	8 November 2024		
<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
Laura Williams	Assistant Director of Housing and Communities	City of York Council	Equalities and Human Rights
David Smith	Access Officer	City of York Council	Accessibility

<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 of a section of public bridleway Heworth (Without) 1 and 2 away from Cow Moor Farm buildings, on to a wider and longer route mainly passing through mixed woodlands.</p> <p>The application to divert the public bridleway has been made by the landowner because moving the bridleway away from its current alignment, next to farm buildings, will streamline farming operations.</p> <p>This Equalities Impact Assessment 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>The diversion will be made under S119 of the Highways Act 1980. The making of a diversion order is a power that the council can choose to exercise. There is no guarantee that the order to divert the footpath will be successful. If there are strong, unresolved objections to the order to divert the path, the proposal may be referred to the Secretary of State for determination, however in this scenario it is likely that the council will abandon the order. It is the officer's opinion that the diversion meets the statutory tests, which is that it is expedient to divert the path in the interests of the owner of land crossed by the path.</p> <p>Under S119(A) of the Highways Act 1980, the council must consider any material provisions of their Rights of Way Improvement Plan (ROWIP). The ROWIP is intended to be a mechanism for improving the network of public rights of way and other non-motorised routes in light of the needs of all types of users. It is not designed to provide detailed solutions to access problems in every locality, but to take a strategic approach to managing public access. York's ROWIP is currently in draft format. The council are satisfied that the proposal meets the aspirations of the draft ROWIP.</p>

1.3	<p><b>Who are the stakeholders and what are their interests?</b></p>
	<p><b>City of York Council</b> – The Highway Authority. Duty to assert and protect the use of the public bridleway for members of the public and to maintain the surface. Powers to make the required Public Path Order to divert the bridleway.</p> <p><b>The Landowner</b>– The owner of the land over which the bridleway passes.</p> <p><b>Current and future users of the routes</b> – Health and recreational use by walkers, runners, horse riders, cyclists, disabled horse riders and cyclists.</p> <p><b>Other stakeholders</b> – Statutory utilities who may have services, access points, pipework, telecommunications poles or cabling near or along the route.</p>
1.4	<p><b>What results/outcomes do we want to achieve and for whom?</b></p>
	<p><b>Links to Council Plan:</b> Two of the key outcomes are: Climate and Health.</p> <p><u>Climate – Environment and the climate emergency</u> The diversion of the existing bridleway will continue to allow use by cyclists and horse riders, as well as pedestrians, and to provide a convenient off-road, active travel and sustainable means of travelling between Stockton Lane and Bad Bargain Lane.</p> <p><u>Health - Health and wellbeing</u> The diversion of the bridleway will continue to help the city meet the 10 ‘big goals’ of the current Council Plan’s Health and Wellbeing Strategy, in particular:</p> <p>2. Support more people to live with good mental health, reducing anxiety scores and increasing happiness scores by 5%</p>

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|  | <p>5. Reverse the rise in the number of children and adults living with an unhealthy weight</p> <p>9. Reduce sedentary behaviour, so that 4 in every 5 adults in York are physically active</p> <p>10. Reduce the proportion of adults who report feeling lonely from 25% to 20% of our population</p> <p>Leisure users and commuters will continue to benefit from improved physical/mental health and wellbeing for example dog walking, jogging and enjoyment of green space as a place to relax and meet up with others.</p> |
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## Step 2 – Gathering the information and feedback

2.1	<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>	
<b>Source of data/supporting evidence</b>	<b>Reason for using</b>	
Application from the landowner	This helps us understand the needs of the individual landowner and their reason for applying for the diversion, which is to streamline farming operations. It allows us to understand what impact their day-to-day working activities can have on those with a protected characteristic.	
Responses from initial consultation	To gauge public opinion on the proposed diversion. An initial consultation was carried out between 11 July 2024 and 9 August 2024. Responses were received from Northern Powergrid, CYC Natural Environment, York Consortium of Drainage Boards, Northern Gas Networks and the Ramblers, all of whom had no objections to the proposed diversion. Heworth (Without) Parish Council, the British Horse Society and one member of the public all supported the proposed diversion. Please note there will be a second consultation if the Executive Member authorises the making of an order. This is required by the Highways Act 1980.	
Data from the council's rights of way management systems	Records of reports and comments taken from members of the public regarding the condition of the current bridleway. There have been intermittent reports from the public about the bridleway being difficult to use. This is due to the narrow width of an enclosed section of the path where users are unable to safely pass each other. The surface is also prone to water logging and rapid nettle growth. The latest report was recorded in July 2023.	
Previous diversion in 2003	The current section of bridleway was previously diverted in 2003. The alignment, before the 2003 diversion, ran through the farmyard and	

	closer to the farm buildings and cottage. Although records from this time are limited, the 2003 diversion provides some insight to the history of this route.
Information gathered from PROW Officer's site visits and correspondence with the landowner	To give an indication of the use of the path and by whom. The suitability of the proposed diversion has been assessed by officers and discussed with the landowner. This assessment included discussions regarding the alignment of the proposed diversion, increasing the available width to all users, effectively separating livestock from all users of the bridleway and improvement to the surface and bridle gates. There will be no increase in the number of bridle gates but these will need to remain along the route, as they are used for stock control purposes and they are the least restrictive option for this purpose. No stiles are included in this diversion.
ROWIP (draft under review)	Examines, in detail, the needs of walkers, ensuring we consider the accessibility for disabled people. Information gathered from a large number of publications and wide consultation, including a 'Bridleway Survey'. The survey was carried out in the local area, so that the council could better understand the needs of horse riders and users, and to help them take the first steps towards improving the bridleway network.
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	<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>	
<b>Gaps in data or knowledge</b>		<b>Action to deal with this</b>
If the proposed section of the bridleway will be used as frequently as the current section of the bridleway is used		Monitor use of the route. Although a bit longer, this diversion allows avoidance of the area that puts path users and livestock in frequent direct contact when livestock is moved across and along the path. It will also provide users with an increased available width from the current 1.5 metres to 3 metres.
If the schedule of works agreed between the council and landowner will satisfy requirements for all users		The order will not be confirmed until the council are satisfied that the works to the section of bridleway proposed to be diverted have been carried out to a satisfactory standard by the landowner. Following this, monitor requests for action received by the rights of way team, paying particular attention to any that affect equality of access and enjoyment.





	<p><b>Gates</b> The current bridleway has 3 bridle gates along it. The proposed new bridleway route will still include 3 bridle gates however they should be easier to operate.</p> <p><b>Surface (terrain)</b> The surface of the current bridleway is a natural surface (with mud and leaves) around a field edge meaning it is not a smooth surface, which children and older people might have difficulty crossing. The proposed new bridleway route will also be around a field edge and then through mixed woodlands. However, as there will be an increased width and less livestock on the bridleway, then it may be less likely to become water logged.</p> <p><b>Personal safety</b> There is a generally agreed perception that older people are more fearful of crime and anti-social behaviour, so they may be wary of using a circuitous woodland path for personal safety reasons.</p>	<p>+</p> <p>0</p> <p>-</p>	<p>L</p> <p>L</p> <p>L</p>
<p><b>Disability</b></p>	<p><b>Route</b> The proposed route has a section running along the edge of a grass field and a section running through airy trees, all with good visibility which is better than along the existing narrow section. The width of the bridleway will increase from 1.5 metres to 3 metres and will be slightly longer than before.</p>	<p>+</p>	<p>L</p>

	<p><b>Surface (terrain)</b> The surface of the new bridleway route will be similar to that of the existing one, which has a natural surface (with mud and leaves), follows around a field edge and then through mixed woodlands. It will remain an uneven surface which will become boggy when wet. However, as there will be an increased width and less livestock on the bridleway, then it will be less likely to become water logged.</p> <p><b>Signage</b> The new section will be clearly signposted to make these users aware of the change in route. We will be reviewing the design of signposts we use on rights of way in the new year with the CYC Access Officer to ensure they are as accessible as possible.</p> <p><b>Gates</b> The proposed new bridleway route will still include 3 bridle gates, which should be easier to operate.</p> <p><b>Noise</b> The proposed new bridleway route will pass closer to the A64, which can be louder during busy traffic periods. This may cause anxiety for neurodivergent people and for those who are sensitive to noise.</p>	<p>0</p> <p>0</p> <p>+</p> <p>-</p>	<p>L</p> <p>L</p> <p>L</p> <p>M</p>
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	<p><b>Livestock</b> The current bridleway is used to move livestock between fields, which means livestock can come in to contact with users as it is moved along and across the path. The proposed diversion should more effectively separate users from livestock, as the bridleway will no longer be used as a corridor to transport livestock. However, the proposed bridleway will have a section across an open field, for approximately 81 metres, where users of the bridleway will not be separated from livestock and they may come in to contact.</p> <p><b>Impact</b> Some disabled people, especially those who are neurodiverse, blind or visually impaired, ambulant disabled, use a wheelchair (whether powered or manual) or other mobility device will continue to have difficulty using the footpath. This will likely put some off using this bridleway. However the terrain of the footpath remains as before but accessibility will be improved by the wider bridleway.</p>	+	L
		0	L
<b>Gender</b>	Lone females, especially at night-time, may feel vulnerable and prefer to stick to well-lit, busier areas. They may be wary of using a circuitous, unlit woodland path for personal safety reasons.	-	L
<b>Gender Reassignment</b>	No effects identified		
<b>Marriage and civil partnership</b>	No effects identified		

<b>Pregnancy and maternity</b>	<b>Route</b> The increased width of the route will make the path more accessible to people with pushchairs. It will be slightly longer, which will mean a small increase in travel time.	<b>+</b>	<b>L</b>
	<b>Surface(terrain)</b> The surface of the new bridleway route will be around a field edge and then through mixed woodlands, which will not have a smooth surface and those with pushchairs might have difficulty crossing. The surface of the new bridleway route will be similar as it goes around a field edge and then through mixed woodlands. However, as there will be an increased width and less livestock on the bridleway, then it may be less prone to becoming water logged.	<b>0</b>	<b>L</b>
	<b>Gates</b> For those with small children or toddlers then the operation of the bridle gates may temporarily take a parent's attention away from monitoring the child/toddler. There is also the risk to small children and toddlers of getting their fingers caught or trapped in the gates. Those with pushchairs may struggle with the additional effort required to manoeuvre the pushchairs around/through the gate and to unlatch/latch the gate.	<b>0</b>	<b>L</b>
	The above also applies for people whose pregnancy means they are less mobile.	<b>0</b>	<b>L</b>

	<p><b>Livestock</b></p> <p>The current bridleway is used to move livestock between fields, which means livestock can come in to contact with users as it is moved along and across the path. The proposed diversion should more effectively separate users from livestock, as the bridleway will no longer be used as a corridor to transport livestock. However, the proposed bridleway will have a section across an open field, for approximately 81 metres, where users of the bridleway will not be separated from livestock and they may come in to contact.</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>		
<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>L</b>
<b>Low income groups</b>	The diversion order continues to benefit the rights of way network, meaning there are still opportunities for free	<b>+</b>	<b>L</b>

	access to the countryside and the health and well-being benefits that brings.		
<b>Veterans, Armed Forces Community</b>	No effects identified		
<b>Other</b>	No effects identified		
<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
- 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 – 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>
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The existing bridleway route has 3 bridle gates along its length, a natural surface, the possibility of livestock coming into contact with users and is unlit, which affect people with protected characteristics. The proposed new alignment of the bridleway has the same issues, plus there is a small increase in the length of the route and the route runs closer to the A64.

This is how the council plan to mitigate these unwanted advert impacts:

1. Bridle gates – The number of bridle gates is the same as there are on the current route, so there will be no increase to users. The new gates will be to British Standard (BS) 5709:2018. The 2018 version has been updated so that ‘The needs of land managers have been made rather more explicit without losing sight of the overall need for the structures to be as least restrictive as practicable.’ The council have discussed with the landowner how to make the new bridle gates easier to operate and the bridle gates are considered the least restrictive option. It is essential to have bridle gates on the route so that it is possible to contain livestock on the farm. We will monitor feedback from members of the public and take any action if needed.
2. The surface of the route being uneven in places – The proposed route will benefit from the trees along most of the route, which aid drainage. Also, the proposed route should be less prone to water logging. The surface of the new bridleway should be an improvement. We will monitor feedback from members of the public and take any action if needed.
3. The approximately 81 metre section where users are not effectively separated from livestock - This is a significant reduction in the current length of bridleway where users are not effectively separated from livestock. The proposed diversion will not be used as a corridor to transport livestock, unlike the current bridleway. Further, this 81 metre section will be across an open field, therefore the chance of livestock coming into contact with users in a confined space is reduced. Another improvement of this is that users will be able to divert around muddy or wet sections as there will be more space for users to divert around temporary obstacles and safely pass one another.
4. The route being unlit and users being wary of using the route – Although being diverted, it would remain a path over farmland in an area with a low crime rate. Users may prefer to use the route during daylight hours and/or with company.

5. The small increase in length – The new section of bridleway will increase the total length of the route by approximately 237 metres. Feedback from the initial consultation is that this is seen as a positive change and it should make a more pleasant route for users.
6. Proximity to A64 – It is not possible to control traffic flow on the A64 however we will ensure that trees remain planted on the A64 side of the route to aid in noise-reduction. If this continues to be an issue, we will suggest planting more trees/shrubs in this area. Users may prefer to use the route when the A64 is less busy.

Aside from the above, the proposal has been agreed in conjunction with the landowner, who has agreed to a wider bridleway which if the proposal is authorised, will provide current and future users with an improved and more accessible route.

## **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
<b>Continue with the proposal</b> (despite the potential for adverse impact)	<p>Where adverse impacts have been identified, there are sufficient ways to mitigate these. Officers have taken every opportunity to advance equality and foster good relations in furthering the proposal.</p> <p>The proposed diversion of Heworth (Without) 1 and 2 improves the width and surface of the public right of way, as well as the condition of the bridle gates and overall it makes it a more pleasant route; therefore making it more accessible and enjoyable for current and future users.</p>

## Step 7 – Summary of agreed actions resulting from the assessment

<b>7.1 What action, by whom, will be undertaken as a result of the impact assessment.</b>			
<b>Impact/issue</b>	<b>Action to be taken</b>	<b>Person responsible</b>	<b>Timescale</b>
To enable the landowner to carry out farming activities more efficiently, whilst providing users with an alternative route which is not considered less convenient than the current one.	To authorise the making of the order to divert Heworth (Without) 1 and 2 using S119 of the Highways Act 1980.	Director of Environment, Transport and Planning	Executive Member Decision Session to be held on Thursday 5 December
Adverse impacts identified by this EqIA will be monitored.	The public rights of way team	Public Rights of Way Officer	Ongoing

## Step 8 - Monitor, review and improve

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