

Background Document D

Directorate: Communities & Environment	Service area: Parks & Countryside
Lead person: Claire Tregembo	Contact number: 3782875

1. Title: Public Path Diversion Order Under the Highways Act 1980

Is this a:

Strategy / Policy

 Service / Function

 Other

If other, please specify

2. Please provide a brief description of what you are screening

The diversion of a public right of way under Section 119 of the Highways Act 1980 in the interests of the landowner or public

3. Relevance to equality, diversity, cohesion and integration		
Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	✓	
Have there been or likely to be any public concerns about the policy or proposal?	✓	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		✓
Could the proposal affect our workforce or employment practices?		✓
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 		✓

4. Considering the impact on equality, diversity, cohesion and integration

- **How have you considered equality, diversity, cohesion and integration?**

The diversion is to be considered in accordance with Section 119 of the Highways Act 1980. Policies and the Statement of Action set out within the Rights of Way Improvement

Plan, which considered the needs of all users and potential users of public rights of way, will also be taken into consideration.

Local residents, public rights of way users and the landowners and occupiers are likely to be affected by the proposal.

Consultation has taken place public rights of way user groups, statutory undertakers and consultees, ward members, Leeds Local Access Forum, landowners, occupiers and any other interested parties identified.

- **Key findings**

Diversions are likely to affect all members of the local community who use the public right of way as well as recreational users from further away. However, they are likely to have more of an impact on those groups who are less mobile. Increased distances, increased gradient, the addition of steps or path furniture such as stiles can make it more difficult or impossible for some groups to use a public right of way. Increased distances can also impact of those without access to a vehicle who could face an increase in length and time to reach their destination.

A Public Path Diversion Order under Section 119 of the Highways Act 1980 can not be confirmed if the public right of way becomes substantially less convenient to the public following the diversion. This will involve consideration of the length, surface, incline and path furniture.

Regard must also be given to the effect which it would have on the public enjoyment of the path or way and the effects on land over which the new and old public right of way runs. This will include factors such as access to land, the nature of the path, views from the path and personal safety.

The Rights of Way Improvement Plan seeks the least restrictive option in terms of path furniture and improvements to the surface and drainage to make the path easier to use where possible. Additional links to the public rights of way network to improve connectivity and increase access are also desirable particularly for horse riders and cyclists.

Detailed consideration of these issues specific to the proposed Public Path Diversion are found in the relevant Report of the Public Rights of Way Manager Public for the Path Diversion Order.

- **Actions**

Diversions Orders will not be made if the proposed diversion significantly increases the distance or gradient of the public right of way. They will also not be made if they reduce the enjoyment of the public when using the new public right of way.

Diversion Orders will be made where there is a positive impact of the public rights of way network for the public. This may involve a shorter route, more convenience, a more enjoyable route, an improved path or additional links.

In line with the Rights of Way Improvement Plan Public Path Diversion Orders will seek the least restrictive option in terms of path furniture and improvements to the path surface and drainage to make the public rights of way easier to use.

Specific actions and a recommendation on the proposed Diversion Order are found in the relevant Report of the Public Rights of Way Manager Public for the Path Diversion Order.

5. If you are **not already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment**.**

Date to scope and plan your impact assessment:	N/A
Date to complete your impact assessment	N/A
Lead person for your impact assessment (Include name and job title)	N/A

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Bob Buckenham	Public Rights of way Manager	12/01/2012

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

Date screening completed	
Date sent to Equality Team	
Date published (To be completed by the Equality Team)	