

Service and Community Impact Assessment

Rights of Way Management Plan 2015-2025 (Annex A)

Summary of judgement:

The public rights of way network is freely available, subject to the provisions of the various legislation. The network has developed historically and may not always be suitable for modern use. Stiles and other features on public rights of way can restrict and sometimes even prohibit access for some users, in particular the disabled, mobility impaired, visually impaired, the elderly and the very young could be at a particular disadvantage. The County Council will work with others to limit restrictions and encourage responsible access and try to manage and improve the network to meet current and future needs

Purpose of assessment:

It is a statutory duty for the highway authority to prepare, publish & review a Rights of Way Improvement Plan (RoWIP). The RoWIP provides the strategy framework for public rights of way recording, management and development. RoWIP1 was adopted on 21 February 2006 and ran until the end of 2011/12. On 22 March 2012 the Cabinet Member for Transport authorised the extension of the current RoWIP validity date to March 2014 and the development of its replacement.

Since then the Countryside Access Team has worked with staff and stakeholders, especially the Oxfordshire Local Access Forum to review the first RoWIP and develop the second RoWIP with regard to the changed financial and economic climate. A consultation to assess the review of the first RoWIP secured broad agreement with the direction of travel.

The RoWIP is a 'daughter' strategy to the Local Transport Plan as the two plans have shared outcomes and a degree of integration. As the LTP is reviewed this will be reflected in development of the plan. RoWIP is a key part of the emerging Green Infrastructure Strategy. Although there is no duty to implement the plan, the plan sets out a framework for operations which is why the Service and Community Impact Assessment has been undertaken.

Section 149 of the Equalities Act 2010 ("the 2010 Act") imposes a duty on the Council to give due regard to three needs in exercising its functions. This proposal is such a function. The three needs are:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic, and those who do not.

Complying with section 149 may involve treating some people more favourably than others, but only to the extent that that does not amount to conduct which is otherwise unlawful under the new Act.

The need to advance equality of opportunity involves having due regard to the need to:

- remove or minimise disadvantages which are connected to a relevant protected characteristic and which are suffered by persons who share that characteristic,
- take steps to meet the needs of persons who share a relevant protected characteristic and which are different from the needs other people, and
- encourage those who share a relevant characteristic to take part in public life or in any other activity in which participation by such people is disproportionately low.
- take steps to meet the needs of disabled people which are different from the needs of people who are not disabled and include steps to take account of a person's disabilities.

The need to foster good relations between different groups involves having due regard to the need to tackle prejudice and promote understanding.

Of the protected characteristics under the Act, the SCIA for the Rights of Way Management Plan assesses those most likely to be applicable. These are:

- **Age**
- **Disability**
 - gender reassignment
- **Pregnancy and maternity**
- **Race** – this includes ethnic or national origins, colour or **nationality**
- religion or belief – this includes lack of belief
- sex
- sexual orientation
- marriage and civil partnership
and
- **Rural communities**
- **Areas of deprivation**

Context / Background:

The Rights of Way Management Plan increases the focus on core work to record, protect and maintain public rights of way. The plan sets out a broadly similar 'direction of travel' to RoWIP1. Vision and aims have been slightly amended to include management of the network and more clarity on what each aim means.

Proposals:

The Rights of Way Management Plan's vision statement broadly reflects that contained in the first RoWIP which was developed through compliance with legislation and statutory guidance as well as through extensive public consultation and liaison with key user and interest groups.

Vision: To record and maintain the existing public rights of way and countryside access network for all users and would-be users, and where possible improve the extent, facilities, use and understanding of the network, so that public rights of way fulfil their role as a vital part of life in the County.

Aims:

1. Public rights of way are recorded, protected, maintained, promoted, and improved when opportunities arise
2. A public rights of way and countryside access network that adapts to balance the current and future needs of communities and users, farmers and landowners and the natural and historic environment

3. A public rights of way and countryside access network which is reasonably accessible to those with limited mobility, vision or understanding
4. Countryside access contributes to a thriving local economy and communities are able to be actively involved in caring for and promoting responsible walking and riding in their area.

A new rights of way management framework has been developed that shows the integration of the various elements of OCC and stakeholder work and how this contributes to economic and social growth and sustainability. An outline of the expected direction of travel over the life of the plan is included. As well as existing work it also sets out how local communities, volunteers and groups may work on the public rights of way and countryside access network, and the outcomes sought from the development planning process.

The RoWMP is a high level plan covering a ten year period and so includes more generalised actions. Government requires the authority to undertake the research and then produce the RoWIP but there is currently no statutory duty, nor specified funds, to implement it. A more detailed bi-annual Rights of Way and Countryside Access delivery or business plan, based on known resources, will set out aspirations and actions for the coming period covering all operational areas and this will feed into team and individual performance plans and reports to stakeholders.

Evidence / Intelligence:

The original RoWIP was developed as a result of extensive research and consultation and the RoWMP builds on this work. Evidence and intelligence has been obtained through two-yearly surveys of countryside access plus on-going receipts of reports about issues on the public rights of way network. There has also been an assessment of what succeeded and failed with the original RoWIP and this formed part of early development and views of stakeholders. Responses to the draft RoWMP consultation have helped to shape the final iteration of the plan.

Impact on Individuals and Communities with protected characteristics:

Age	
Risks	Mitigations
Young people may not understand public rights of way or countryside appropriate behaviours and could put themselves at risk of harm, or could harm property of others	All information provided uses accessible and simple language
Young people are less likely to be able to assess the risks of road and rail crossings especially the speed and dangers of traffic	Work to support organisations who want to improve communications and understanding
Old age is not by itself an issue for public rights of way management and provision. It is the conditions that (mostly) affect older people that are significant like reductions in mobility, agility and eyesight, and reduced ability to use private cars. Levels of available money can also affect older people more	Work with others to reduce the risk and seek to improve connections so there is less exposure to unavoidable hazardous crossings or paths next to traffic
All farm animals naturally carry a range of diseases some of which can also infect humans, known as zoonoses; The elderly, children and those with impaired immune	Work with National Farmers Union (NFU) and Country Land & Business Association (CLA) to reduce risks and increase biosecurity and livestock health. Public to be

systems are more vulnerable to zoonoses from farm animals	advised on suitable signs to avoid contact with grazing livestock and faeces and farmers may provide stock-free picnicking spots in busy areas
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Disability	
Risks	Mitigations
<p>The rights of way network is available for use by everyone, subject to the provisions of the various legislation. The network has developed historically and may not always be suitable for modern use. Stiles and other features on public rights of way can restrict and sometimes even prohibit access for some users, in particular the disabled, mobility impaired, visually impaired, the elderly and the very young could be at a particular disadvantage.</p>	<p>Farmers and landowners are encouraged and supported to replace stiles with more accessible structures</p> <p>Information is provided about routes known to be more accessible</p> <p>Where possible, public money spent on public rights of way improvements is targeted towards better accessibility and payments for restrictive access measures are not made</p> <p>OCC's work is delivered in as accessible way as possible</p>
<p>Some routes, where livestock are grazed, may have a demand for furniture and/or surfaces to be made reasonably accessible furniture by users. Case law is weak as to how this could be addressed if the farmer or landowner is not willing to accommodate these needs and where public funds are not being used.</p>	<p>Farmers and landowners with public rights of way crossing their land are not generally considered service providers. However organisations like the National Trust and Wildlife Trust who promote access to their land are service providers and should make easier access possible</p>

Pregnancy and maternity	
Risks	Mitigations
<p>The rights of way network is available for use by everyone, subject to the provisions of the various legislation. The network has developed historically and may not always be suitable for modern use. Stiles and other features on public rights of way can restrict and sometimes even prohibit access for some users, in particular the disabled, mobility impaired, visually impaired, the elderly and the very young could be at a particular disadvantage.</p>	<p>Farmers and landowners are encouraged and supported to replace stiles with more accessible structures</p> <p>Information is provided about routes known to be more accessible</p> <p>Where possible, money spent on public rights of way improvements is targeted towards better accessibility</p> <p>OCC's work is delivered in as accessible way as possible</p>

<p>All farm animals naturally carry a range of diseases some of which can also infect humans, known as zoonoses; The elderly, children and those with impaired immune systems are more vulnerable to zoonoses and there are potentially higher risks for pregnant or potentially pregnant women when in direct contact with pregnant ewes.</p>	<p>Farmers and landowners with public rights of way crossing their land are not generally considered service providers. However organisations like the National Trust and Wildlife Trust who promote access to their land are service providers and should make easier access possible</p> <p>Work with NFU and CLA to reduce risks and increase biosecurity and livestock health. Public to be advised on suitable signs to avoid contact with grazing livestock and faeces and farmers may provide stock-free picnicking spots in busy areas</p>
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Race	
Risks	Mitigations
<p>A lack of language/understanding and cultural awareness or differences are the bigger issues with regard to using public rights of way and especially passing through farmland. Access to farmland can however foster a sense of belonging and a means to connect people to the natural environment</p>	<p>A translation service can be offered where needed for public rights of way information but this is available to individuals online using free translation tools for documents</p> <p>Where possible, OCC can work with service providers and outreach teams to inform and engage with people about public rights of way and how they can be responsibly used and enjoyed</p>

Rural communities	
Risks	Mitigations
<p>The public rights of way network is a key tourism and transport asset in rural areas and can also help connect communities</p>	<p>Managing and maintaining the network to provide a high quality experience on the ground is the best way for OCC's rights of way team to help people to make the best of the areas they live in and visit</p>

Deprived areas	
Risks	Mitigations
<p>The public rights of way network is a key tourism and transport asset in rural areas and can also help connect communities</p>	<p>Managing and maintaining the network to provide a high quality experience on the ground is the best way for OCC's rights of way team to help people to make the best of the areas they live in and visit</p>
<p>The public rights of way network is available for use for free by everyone, subject to the provisions of the various legislation.</p>	
<p>Deprived areas may often be those that have very low availability or accessibility of green spaces and public rights of way</p>	<p>Where possible, money spent on public rights of way improvements is targeted towards better accessibility in these areas and for providing additional links to pleasant experiences and better information about how to get there and enjoy them responsibly</p>

The Rights of Way Management Plan has been assessed to not have any impact on staff, other council services, or people with the following protected characteristics: Gender reassignment; ethnic or national origins or colour; religion or belief; sex; sexual orientation; marriage and civil partnership

Impact on providers:

Risks	Mitigations
Communities and other organisations may not understand what their responsibilities and powers are and how this fits into the overall management of public rights of way and countryside access in the county	The development of the countryside access framework gives more detail of the work that communities and other organisations can undertake with the Countryside Access Team

Action plan:

Action	By When	Person responsible
Draft RoWMP public consultation concluded and comments included in document put for adoption	Early summer 2014 <i>[consultation ended May 2014 and all comments considered with amendments made to final plan]</i>	OCC Countryside Access
Production of bi-annual operations business plan that takes account of this assessment	After budget is established	OCC Countryside Access

Monitoring and review: Every two years on the date of RoWMP's adoption

Person responsible for assessment:

Version	Date	Notes (eg Initial draft, amended following consultation)
1.0	9 th Sept 2013	initial draft (PH)
	30 th Sept 2013	Approved by team leaders (AC and HP)
1.1	1 st October 2013	Amended and cut down draft for inclusion in draft RoWMP as Appendix A(PH)
1.2	6 th October 2014	Amended for inclusion as Annex A for adoption of final RoWMP (PH)

Document produced by OCC Countryside Access Team September 2014

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