

# Public Rights of Way & Access Service

## Equality Impact Assessment

S118A & S119A Highways Act 1980

<b>Activity</b>	Definition - Rail Crossing Public Path Order (PPO)
<b>Directorate</b>	Growth, Environment and Transport
<b>Service/Division</b>	Growth and Communities
<b>Head of Service</b>	Graham Rusling (Head of Public Rights of Way and Access Service)
<b>Manager:</b>	Laura Wilkins (Definitive Map Team Leader)

<b>CAMS no</b>	<b>01150</b>	<b>Furniture no</b> if applicable	
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<b>Area</b>	<b>Ashford</b>	<b>Parish</b>	<b>Kennington</b>	<b>Path Number</b>	<b>AU17</b>
<b>Completed By</b>	<b>Maria McLauchlan</b>			<b>Date</b>	<b>01/09/2025</b>

<b>Path Category</b> Delete as appropriate	<b>Footpath</b>	<b>Bridleway</b>	<b>Byway</b>	<b>Restricted Byway</b>
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<b>Type of Activity</b>	<ul style="list-style-type: none"> <li>▪ <b>Diversion Order</b></li> <li>▪ Extinguishment Order</li> </ul>
<b>Proposal</b>	<b>To divert Public Footpath AU17 from the at grade crossing over the railway to a stepped bridge at Kennington.</b>
<b>Background</b>	<p>Public Path Orders (PPO'S) relating to Rail Crossings are Orders that are made under the Highways Act 1980. These Orders affect footpaths, bridleways, restricted byways &amp; byways open to all traffic.</p> <p>The Highways Act 1980 gives Kent County Council (KCC) the power to make a Rail Crossing Diversion or Extinguishment Order if it can be shown that it is in the interests of the safety of users or likely users of at grade crossings. Particular consideration has to be given to whether or not it is reasonably practicable to make the existing crossing safe for the public and what arrangements will be made to erect and maintain barriers and signs at the closed crossing.</p> <p>The statutory tests (Highways Act 1980) to divert or extinguish a Public Right of Way from an at grade crossing can be summarised as follows:</p> <ul style="list-style-type: none"> <li>▪ Whether it is in the interests of the safety of users or likely users of at grade crossings.</li> <li>▪ Whether it is reasonably practicable to make the crossing safe for use by the public, and what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.</li> <li>▪ Whether the diversion order alters a point of termination of the path or way, if that point is not on a highway over which there subsists a like right of way or, otherwise than to another point which is on the same highway, or another such highway connected with it.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Whether the order should make provision requiring the operator of the railway to maintain all or part of the right of way created by the order.</li> </ul> <p>To be taken into account but not listed as criteria under Section 119A of the Act but in Rights of Way Circular (1/09):</p> <ul style="list-style-type: none"> <li>• Whether the right of way will be reasonably convenient to the public.</li> <li>• The effect the proposal will have on the land served by the existing path or way and on land over which the new path or way is to be created.</li> <li>• The effect that the diverted way will have on the rights of way network as a whole.</li> <li>• The safety of the diversion, particularly where it passes along or across a vehicular highway.</li> </ul> <p>Any implications of a diversion or extinguishment and of any structures/surfacing on any new route, are assessed in accordance with the public sector equality duty.</p>
Site Specific Information	<p><b>Public Footpath AU17 connects with Public Footpath AE323 at its eastern end, Public Footpath AU18, which head north-east, Public Footpath AU21 on the western side of the railway, and Restricted Byway AU17A at its western end.</b></p> <p><b>Part of the footpath runs over fields, through a wooded area, and crosses the railway line via a level crossing which is accessed by a stile at each side. The surface of the path is mostly grass except for where it passes over the railway, and is uneven in parts.</b></p> <p><b>There is no width recorded in the Definitive Statement.</b></p> <p><b>The land to the west of the railway line has planning permission for residential development consisting of up to 725 houses, a new primary school and a community centre.</b></p> <p><b>The new path will have a width of 2.5 metres where it does not form part of the bridge or bridge approach. It will have a surface of bonded, crushed aggregate pressed into asphalt.</b></p>

Impact of the proposed change				
Protected Characteristic Group	Positive Impact	Negative Impact	Proposed Mitigation	Source of evidence
Age	<ul style="list-style-type: none"> <li>Reduce barriers to older age groups (55+) from accessing the network and both encourage and increase use of the routes/network.</li> <li>Improve and maintain high quality infrastructure in areas of countryside and green space for people of all ages across the county.</li> <li>Reduce health inequalities and assist in the long-term prevention of health and wellbeing issues associated with youth or older age inactivity and lack of access to good quality open spaces and the countryside.</li> <li>Provision of accessible routes and improve areas of connectivity to accommodate active travel and encourage leisure and recreational use (such as walking, cycling and horse riding), providing physical and mental health benefits for all age groups.</li> <li>Ensure that the PROW infrastructure is fit for purpose and supports existing and growing communities with opportunities/access and services that meet the needs of the community and visitors both now and in the future.</li> <li>Create an environment which unconsciously provides progression through the ages and in which people of all ages can navigate their way safely and with ease, whilst enabling people of different ages to socialise or exercise together.</li> <li>The PROW network provides a breadth of interaction, challenge and exploration through navigation which develops and supports social skills, and stimulates visual, sensory, physical and emotional experiences across the age groups.</li> </ul>	<ul style="list-style-type: none"> <li>There may already be limitations by the very nature of the rural/urban setting, which means those with protected characteristics, potentially would not be able to use the PROW very well.</li> <li>Users of mobility vehicles or wheelchairs may not be able to use the route/path and where the diversion will necessitate users to cross the Flow bridge on Public Footpath AU22, the connection across the rail line would not be available to those using wheel chairs or mobility vehicles and may be more challenging for those with an ambulant disability.</li> <li>Reduction of access to the network for a limited number of users but balanced against the statutory rights of the landowner to efficiently use their land. See <a href="#">Transport: Disability and Accessibility Statistics, England 2020</a></li> </ul>	<ul style="list-style-type: none"> <li>There may already be limitations by the very nature of the rural setting, which means those with protected characteristics, potentially would not be able to use it very well. Where the diversion will necessitate users to cross the Flow bridge on Public Footpath AU22, this design seeks to deliver a stepped solution that is as accessible as possible – but it is a stepped solution.</li> </ul>	<ul style="list-style-type: none"> <li>ROWIP 2018-2028</li> <li>Manufacturers specification / supplier product information.</li> </ul>

<b>Disability</b>	<ul style="list-style-type: none"> <li>▪ Provide improved accessible and inclusive opportunities to access the countryside/open spaces for a range of impairments, including but not limited to, physical, visual, hearing and learning.</li> <li>▪ Provide increased opportunities for those with additional needs to socialise or participate in recreational activities with and alongside their peers.</li> <li>▪ Improving access to the countryside and outdoor spaces will support the development of cognitive, physical and social skills amongst this group.</li> <li>▪ Reduce health inequalities and assist in the long-term prevention of health and wellbeing issues associated with youth or older age inactivity and lack of access to good quality open spaces and the countryside.</li> <li>▪ The PROW network provides a breadth of interaction, challenge and exploration through navigation which develops and supports social skills, and stimulates visual, sensory, physical and emotional experiences.</li> <li>▪ Ensure that the PROW infrastructure is fit for purpose and supports existing and growing communities with opportunities/access and services that meet the needs of the community and visitors both now and in the future.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There may already be limitations by the very nature of the rural/urban setting, which means those with protected characteristics, potentially would not be able to use the PROW very well.</li> <li>▪ Users of mobility vehicles or wheelchairs may not be able to use the route/path and where the diversion will necessitate users to cross the Flow bridge on Public Footpath AU22, the connection across the rail line would not be available to those using wheel chairs or mobility vehicles and may be more challenging for those with an ambulant disability.</li> <li>▪ Reduction of access to the network for a limited number of users but balanced against the statutory rights of the landowner to efficiently use their land. See <a href="#">Transport: Disability and Accessibility Statistics, England 2020</a></li> </ul>	<ul style="list-style-type: none"> <li>▪ Design and reasonable adjustments have been taken into account when considering the specification of the bridge.</li> <li>▪ There may already be limitations by the very nature of the rural setting, which means those with protected characteristics, potentially would not be able to use it very well. Where the diversion will necessitate users to cross the Flow bridge on Public Footpath AU22, this design seeks to deliver a stepped solution that is as accessible as possible – but it is a stepped solution.</li> </ul>	<ul style="list-style-type: none"> <li>▪ ROWIP 2018-2028</li> <li>▪ Manufacturers specification / supplier product information</li> </ul>
<b>Gender</b>	<ul style="list-style-type: none"> <li>▪ The Public Rights of Way network and associated furniture is gender neutral, in that both boys and girls, men and women, and those who identify as non-binary have access to and can socialise or exercise within the same space, on the same path, separately and together.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no specific negative impacts known with regards to this characteristic.</li> </ul>	<ul style="list-style-type: none"> <li>▪ None required</li> </ul>	<ul style="list-style-type: none"> <li>▪ ROWIP 2018-2028</li> </ul>
<b>Gender Reassignment</b>	<ul style="list-style-type: none"> <li>▪ There are no specific positive impacts known with regards to this characteristic</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no specific negative impacts known with regards to this characteristic.</li> </ul>	<ul style="list-style-type: none"> <li>▪ None required</li> </ul>	<ul style="list-style-type: none"> <li>▪ ROWIP 2018-2028</li> </ul>
<b>Marriage or Civil Partnership</b>	<ul style="list-style-type: none"> <li>▪ There are no specific positive impacts known with regards to this characteristic</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no specific negative impacts known with regards to this characteristic.</li> </ul>	<ul style="list-style-type: none"> <li>▪ None required</li> </ul>	<ul style="list-style-type: none"> <li>▪ ROWIP 2018-2028</li> </ul>
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>▪ There are no specific positive impacts known with regards to this characteristic</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no specific negative impacts known with regards to this characteristic.</li> </ul>	<ul style="list-style-type: none"> <li>▪ None required</li> </ul>	<ul style="list-style-type: none"> <li>▪ ROWIP 2018-2028</li> </ul>

<b>Race</b>	<ul style="list-style-type: none"> <li>▪ Ensure that the PROW infrastructure is fit for purpose and supports existing and growing communities with opportunities/access and services that meet the needs of the community and visitors both now and in the future.</li> <li>▪ Improve areas of connectivity to accommodate active travel and encourage leisure and recreational use (such as walking, cycling and horse riding).</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no specific negative impacts known with regards to this characteristic.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensure that Orders and Notices are made available in a range of formats and languages if requested.</li> </ul>	<ul style="list-style-type: none"> <li>▪ ROWIP 2018-2028</li> </ul>
<b>Sexual Orientation</b>	<ul style="list-style-type: none"> <li>▪ There are no specific positive impacts known with regards to this characteristic</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no specific negative impacts known with regards to this characteristic.</li> </ul>	<ul style="list-style-type: none"> <li>▪ None required</li> </ul>	<ul style="list-style-type: none"> <li>▪ ROWIP 2018-2028</li> </ul>
<b>Pregnancy or Maternity</b>	<ul style="list-style-type: none"> <li>▪ Improve and maintain high quality infrastructure in areas of countryside and in urban environments to enable users with buggies/pushchairs to access the paths.</li> <li>▪ Maintaining, repairing the surface of the paths access will improve connectivity, increase cohesion and sociality whilst maintaining supervision and independent exploration and an environment in which parents can interact and enjoy the countryside alongside their children.</li> <li>▪ Ensure that the PROW infrastructure is fit for purpose and supports existing and growing communities with opportunities/access and services that meet the needs of the community and visitors both now and in the future.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Reduction of access to the network for a very limited number of users but balanced against the statutory rights of the landowner to efficiently use their land.</li> <li>▪ There may already be limitations by the very nature of the rural/urban setting, which means those with protected characteristics, potentially would not be able to use it very well.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There may already be limitations by the very nature of the rural setting, which means those with protected characteristics, potentially would not be able to use it very well.</li> </ul>	<ul style="list-style-type: none"> <li>▪ ROWIP 2018-2028</li> </ul>

<p><b>Carers Responsibility</b></p>	<ul style="list-style-type: none"> <li>▪ Reduce barriers to accessing the network, and both encourage and increase use of the County's Rights of Way.</li> <li>▪ Reduce health inequalities and assist in the long-term prevention of health and wellbeing issues associated inactivity and lack of access to good quality open spaces and the countryside.</li> <li>▪ Provision of accessible routes and improve areas of connectivity to accommodate active travel and encourage leisure and recreational use providing physical and mental health benefits for all.</li> <li>▪ Ensure that the PROW infrastructure is fit for purpose and supports existing and growing communities with opportunities/access and services that meet the needs of the community and visitors both now and in the future.</li> <li>▪ The PROW network provides a breadth of interaction, challenge and exploration through navigation which develops and supports social skills, and stimulates visual, sensory, physical and emotional experiences.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no specific negative impacts known with regards to this characteristic other than those already listed above with regards age and disability.</li> </ul>	<ul style="list-style-type: none"> <li>▪ None required</li> </ul>	<ul style="list-style-type: none"> <li>▪ ROWIP 2018-2028</li> </ul>
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Assessment of Potential Impact			
None Identified	Low	Medium	High
Unlikely to impact	Minor impact	Likely to Impact <ul style="list-style-type: none"> <li>▪ Mitigation needed (if negative impact)</li> </ul>	Certain to Impact <ul style="list-style-type: none"> <li>▪ The change will have an adverse impact on one or more protected groups that are not justified and cannot be mitigated.</li> <li>▪ The proposed change must be amended or stopped.</li> </ul>

Protected Characteristic	Positive Impact	Negative Impact
Age	Low	Medium
Disability	Low	Medium
Gender	Low	None Identified
Gender Reassignment	None Identified	None Identified
Marriage or Civil Partnership	None Identified	None Identified
Religion or belief	None Identified	None Identified
Race	Low	None Identified
Sexual Orientation	None Identified	None Identified
Pregnancy or Maternity	Low	Medium
Carers Responsibility	Low	Medium

<b>Additional Information/Supporting Evidence</b> (to help determine the likely impact of the proposed change and how it has influenced the proposed change)	
<b>Additional Information/Supporting Evidence</b>	<b>Information/Evidence Source</b>
<p>Section 118A: Extinguishment Orders – power to extinguish a PROW if it is in the interests of the safety of users or likely users of at grade crossings.</p> <p>Section 119A: Diversion Orders – power to divert a PROW if it is in the interests of the safety of users or likely users of at grade crossings.</p>	<ul style="list-style-type: none"> <li>Highways Act, 1980</li> </ul>
<p>A site visit is undertaken with the Area Officer and the applicant and following this a Certificate of Works is drafted detailing all necessary works and requirements (e.g. width, surfacing, gradient, signage &amp; furniture) should the application be successful.</p> <p>A pre-Order consultation is carried out with the District/Borough Council, County &amp; District Councillors, Parish/Town Council, user groups and statutory undertakers. Notices are also posted on site and all feedback is taken on board and if necessary, changes are made to the proposal.</p>	<ul style="list-style-type: none"> <li>KCC's Public Rights of Way Network Change Policy</li> <li>Definitive Map and Statement</li> <li>Officer inspection</li> <li>Certificate of Works</li> <li>Feedback from consultation</li> </ul>
<p>Section 147 of the Highways Act 1980, gives the Highway Authority power to authorise the erection on a footpath or bridleway a stile, gate or other structure which prevents the ingress or egress of animals on land which is used, or being brought into use, for agriculture or forestry or for the breeding or keeping of horses.</p> <p>Section 66 of the Highways Act 1980, empowers the Highway Authority to install such barriers, posts, rails or fences as they think necessary for safeguarding persons using the highway. This applies to footpaths, and by virtue of section 70 (1) of the CROW Act 2000 to bridleways.</p> <p>KCC as the Highway Authority, has a duty under Section 41 of the Highways Act, 1980, to maintain all PROW. This includes powers to undertake a range of works and improvements, such as surfacing, vegetation clearance, signage and waymarking and furniture repair and installation.</p>	<ul style="list-style-type: none"> <li>Officer Inspections</li> <li>Highways Act 1980.</li> <li>Rights of Way Improvement Plan (2018 – 2028)</li> <li>Further EQIAs has been produced that informs the installation of gates and other barriers on the PROW network.</li> </ul>

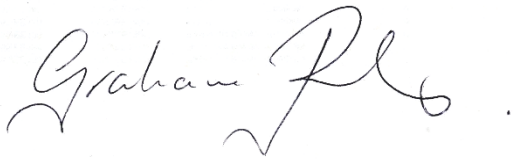


Conclusion
<p>The findings drawn from the Equality Impact Assessment are that the diversion of the PROW may have a negative impact on people that share one or more protected characteristics, more specifically in terms of age (very young and very old), disability (those in wheelchairs or with limited mobility which prevents using steps), pregnancy or maternity, and potentially those who have carers responsibility if caring for the very young, very old or those with disabilities IF their onward journey takes them over the proposed stepped footbridge which forms part of the diversion of Public Footpath AU22.</p> <p>Reduction of access to the network may be possible, therefore, for a limited number of users. However, in this case, it must be balanced against the safety of the public.</p> <p>The Public Path Order process promotes (indeed requires) engagement and seeks, through the legislative tests to be met, that adverse impact to the public is minimised. Potential negative impacts and issues raised in the tables above for any individual characteristic can be compounded for multiple characteristics.</p> <p>This analysis has concluded that the proposed changes to the Highway may have some negative impact on groups that share protected characteristics (compared to non-protected groups). It identifies the positive impact of improving safety for all users by removing the risks associated with crossing the railway line at grade.</p> <p>It is noted that due to the presence of stiles on the existing route, that some people with protected characteristics will not currently be able to use the footpath, so they would not be at a greater disadvantage by the proposed change. However, where change is taking place on the public rights of way network, the aim is to try and improve accessibility where possible.</p> <p>Therefore, taking everything into account, the conclusion is that no amendments are required to the proposal, with the evidence suggesting that although there is potential for some detriment, all options have been considered and appropriate measures have been taken to advance equality and foster good relations.</p>

Decision on proposed Change/Activity		Conclusion ✓
Continue with the proposed change/activity	Where it has been identified that there may be potential for minor adverse impacts or opportunities for one or more protected groups, we are satisfied that the change will not lead to unlawful discrimination and there are justifiable reasons to continue as planned.	✓
Adjust the proposed change/activity	We will take steps to lessen the impact of the proposed change by implementing the mitigating actions identified.	

Amend or stop the proposed change/activity	Our change would have an adverse impact on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be amended or stopped.	
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Signed	<i>Maria McLauchlan</i>	Date	01/09/2025
Name	Maria McLauchlan	Position	Public Rights of Way Officer – Definitive Map

Signed		Date	16 September 2025
Name	Graham Rusling	Position	Head of Public Rights of Way and Access