

EQIA Submission – ID Number

Section A

EQIA Title

Proposed amendment of the Statement of Priorities - Section 53 Applications

Responsible Officer

Laura Wilkins - GT GC

Approved by (Note: approval of this EqIA must be completed within the EqIA App)

Graham Rusling - GT GC

Type of Activity

Service Change

Service Change

Service Redesign

No

Project/Programme

No

Commissioning/Procurement

No

Strategy/Policy

Strategy/Policy

Details of other Service Activity

No

Accountability and Responsibility

Directorate

Growth Environment and Transport

Responsible Service

Growth and Communities

Responsible Head of Service

Graham Rusling - GT GC

Responsible Director

Stephanie Holt-Castle - GT GC

Aims and Objectives

KCC is proposing changes to the Statement of Priorities in relation to the processing of Section 53 Applications under the Wildlife and Countryside Act 1981.

Any person may make an application to KCC, as the Surveying Authority, under section 53 of the Wildlife and Countryside Act 1981, to amend the Definitive Map and Statement (DMS) to add, upgrade, downgrade, or delete a Public Right of Way. The Council has a duty to investigate every application it receives. The current policy is to deal with these applications in order of receipt except where:

- the physical existence of the claimed route is threatened by development
- the resolution of an application would enable the Council to substantially improve public safety
- the claimed route may result in a significant improvement to the network.

In such instances a case may be accelerated.

During the past five years there has been a large increase in the number of Section 53 applications which has substantially increased the backlog. As of 31 March 2026, there are 100 unallocated applications. The next application to be allocated was received in January 2022 indicating a backlog of just over four years. However, when considering that on average, 12-14 applications are determined each year, the reality is that the current backlog is nearer to eight years.

Of the 100 applications awaiting allocation to an officer, 78 are based upon pre-1949 historical evidence with only 22 being based upon user evidence. This reflects a significant change in the basis on which applications had been made with the majority previously having relied on user evidence. It is this significant change that has prompted KCC to revisit the Statement of Priorities to see if it is still fit for purpose.

The rapid increase in historical based applications has resulted in a lengthy backlog meaning that the gap between submission and investigation is much longer. This significantly affects user-based applications for two main reasons:

1. the quality of user evidence deteriorates over time as memory fades.
2. the claimed routes are or were in use prior to the submission of an application and therefore their loss is more greatly felt by the users of the route.

The same cannot be said of historical (documentary) based applications. Many of these applications are to record routes that have not been used in living memory and the documentary evidence supplied will not deteriorate over time.

KCC is therefore proposing to prioritise user-based applications by taking them out of sequence so that for every one historical/documentary-based application allocated, one user-based application will be allocated. Each type of application would still be allocated in order of receipt unless any of the reasons for accelerating apply. This would still ensure that the historical based applications are investigated but this change in policy would significantly decrease the backlog for user based applications.

It is considered that the proposed change would have a positive impact for older applicants and witnesses.

Section B – Evidence

Do you have data related to the protected groups of the people impacted by this activity?

Yes

It is possible to get the data in a timely and cost effective way?

No

Is there national evidence/data that you can use?

Yes

Have you consulted with stakeholders?

Yes

Who have you involved, consulted and engaged with?

From 10 February to 23 March, KCC ran a consultation seeking views on a proposed change to its Statement of Priorities.

We consulted with the following:-

- Current applicants
- Stakeholder groups, including Ramblers, Open Spaces Society, Auto Cycle Union, British Horse Society, National Farmers Union, Country Land and Business Association
- Town and Parish Councils
- District and Borough Councils
- KCC Members
- KCC services and teams, including Explore Kent, Kent Downs and High Weald National Landscape teams
- Utility companies
- Agencies, such as Natural England, Environment Agency
- Kent residents
- Kent Countryside Access Forum

Has there been a previous Equality Analysis (EQIA) in the last 3 years?

Yes
Do you have evidence that can help you understand the potential impact of your activity?
Yes
Section C – Impact
Who may be impacted by the activity?
Service Users/clients Service users/clients
Staff Staff/Volunteers
Residents/Communities/Citizens Residents/communities/citizens
Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?
Yes
Details of Positive Impacts
<p>Applications based upon user evidence generally require a period of 20 years use to be demonstrated and this can relate to any period of 20 years in living memory. Applications are often submitted by older people and are supported by evidence very often from elderly members of the community.</p> <p>The current Statement of Priorities states that applications are to be processed in order of receipt. This can mean a delay in determining applications of up to eight years, over which time user-based evidence decays as recollection becomes less clear or sadly witnesses pass away. The proposed amendment to the Statement of Priorities will address these issues.</p>
Negative impacts and Mitigating Actions
19.Negative Impacts and Mitigating actions for Age
Are there negative impacts for age?
Yes
Details of negative impacts for Age
<p>There is a slight negative impact for applicants of the historical/documentary-based applications as it may take longer for their applications to be determined. There is currently no right to transfer an application to someone else which could mean if an applicant were to pass away, they could lose their right of appeal should the Council decline to make an Order. However, the application would still be determined and the evidence which supports that application would not diminish over time.</p> <p>It is considered that the positives would outweigh the negatives for the reasons stated above at question 18.</p>
Mitigating Actions for Age
<p>KCC is seeking to mitigate the impact of age by proposing the amendment to the Statement of Priorities.</p> <p>However, if an applicant were concerned that their application was taking too long, then they do have a right to appeal to the Secretary of State if their application has not been determined within 12 months of receipt.</p> <p>Also, the vast majority of historic-based applications have been submitted on behalf of an organisation and therefore the age of the applicant is less critical.</p>
Responsible Officer for Mitigating Actions – Age
Laura Wilkins
20. Negative impacts and Mitigating actions for Disability
Are there negative impacts for Disability?

No
Details of Negative Impacts for Disability
Not Applicable
Mitigating actions for Disability
Not Applicable
Responsible Officer for Disability
Not Applicable
21. Negative Impacts and Mitigating actions for Sex
Are there negative impacts for Sex
No
Details of negative impacts for Sex
Not Applicable
Mitigating actions for Sex
Not Applicable
Responsible Officer for Sex
Not Applicable
22. Negative Impacts and Mitigating actions for Gender identity/transgender
Are there negative impacts for Gender identity/transgender
No
Negative impacts for Gender identity/transgender
Not Applicable
Mitigating actions for Gender identity/transgender
Not Applicable
Responsible Officer for mitigating actions for Gender identity/transgender
Not Applicable
23. Negative impacts and Mitigating actions for Race
Are there negative impacts for Race
No
Negative impacts for Race
Not Applicable
Mitigating actions for Race
Not Applicable
Responsible Officer for mitigating actions for Race
Not Applicable
24. Negative impacts and Mitigating actions for Religion and belief
Are there negative impacts for Religion and belief
No
Negative impacts for Religion and belief
Not Applicable
Mitigating actions for Religion and belief
Not Applicable
Responsible Officer for mitigating actions for Religion and Belief
Not Applicable
25. Negative impacts and Mitigating actions for Sexual Orientation
Are there negative impacts for Sexual Orientation
No
Negative impacts for Sexual Orientation
Not Applicable
Mitigating actions for Sexual Orientation
Not Applicable

Responsible Officer for mitigating actions for Sexual Orientation
Not Applicable
26. Negative impacts and Mitigating actions for Pregnancy and Maternity
Are there negative impacts for Pregnancy and Maternity
No
Negative impacts for Pregnancy and Maternity
Not Applicable
Mitigating actions for Pregnancy and Maternity
Not Applicable
Responsible Officer for mitigating actions for Pregnancy and Maternity
Not Applicable
27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships
Are there negative impacts for Marriage and Civil Partnerships
No
Negative impacts for Marriage and Civil Partnerships
Not Applicable
Mitigating actions for Marriage and Civil Partnerships
Not Applicable
Responsible Officer for Marriage and Civil Partnerships
Not Applicable
28. Negative impacts and Mitigating actions for Carer's responsibilities
Are there negative impacts for Carer's responsibilities
No
Negative impacts for Carer's responsibilities
Not Applicable
Mitigating actions for Carer's responsibilities
Not Applicable
Responsible Officer for Carer's responsibilities
Not Applicable