

Equality Impact Assessment (EIA) and our equality duty

The Equality Duty helps public bodies to deliver their overall objectives for public services, and as such should be approached as a positive opportunity to support good decision-making.

It encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve providing a service in a way which is appropriate for people who share a protected characteristic, such as providing computer training to all people to help them access information and services.

Whilst [the Gunning Principles](#) set out the rules for consulting with 'everyone', additional requirements are in place to avoid discrimination and inequality.

Cheshire East Council is required to comply with the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 simplified previous anti-discrimination laws with a single piece of legislation. Within the Act, the Public Sector Equality Duty (Section 149) has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, by consciously thinking about equality when making decisions (such as in developing policy, delivering services and commissioning from others)
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, by removing disadvantages, meeting their specific needs, and encouraging their participation in public life
- foster good relations between people who share a protected characteristic and people who do not

The Equality Act identifies nine 'protected characteristics' and makes it a legal requirement to make sure that people with these characteristics are protected from discrimination:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Applying the equality duty to engagement

If you are developing a new policy, strategy or programme you may need to carry out an Equality Impact Assessment. You may be able to ascertain the impact of your proposal on different characteristics through desk-based research and learning from similar programmes, but you also need to carry out some primary research and engagement.

People with protected characteristics are often described as ‘hard to reach’ but you will find everyone can be reached – you just need to tailor your approach, so it is accessible for them.

Please feel free to contact the [Equality and Diversity mailbox](#) who will try to help you to assess the impacts of your proposals and will ensure that you help the Council to comply with the Equality Act 2010 and the Public Sector Equality Duty.

Section 1 – Details of the service, service change, decommissioning of a service, strategy, function or procedure

Proposal Title	Rights of Way Improvement Plan – development of strategy
Date of Assessment	30 th April 2025
Assessment Lead Officer Name and other officers involved	Genni Butler, Countryside Access Development Manager Nicola Lewis-Smith, Public Rights of Way Manager
Directorate/ Service	Rural and Cultural Economy
Details of the service, service change, decommissioning of the service, strategy, function or procedure.	<p>The Council has a statutory duty, under the Countryside and Rights of Way Act 2000, to prepare and publish a Rights of Way Improvement Plan (ROWIP). The ROWIP has to assess:</p> <ul style="list-style-type: none"> • the extent to which the local Public Rights of Way network meets the present and future needs of the public • the opportunities provided by local Public Rights of Way for exercise and other forms of open-air recreation and the enjoyment of the local authority's area • the accessibility of local Public Rights of Way for blind or partially sighted persons and others with mobility problems. <p>The ROWIP has to set out a Statement of Action as to how the issues identified are to be addressed.</p> <p>The assessment has to cover Public Rights of Way (PROW), countryside parks and other wider countryside access routes, such as canal towpaths and permissive paths.</p>

	<p>As such, the strategy may change the current policy on structures on the PROW network (for example, bridges, stiles and gates) and may change the priorities and/or geographic focus of access improvement works.</p>
<p>Who is impacted?</p>	<p>As a key part of the assessment and Statement of Action will relate to the improvement of those networks in terms of accessibility, users of the PROW network, countryside sites and wider countryside access routes may be potentially affected:</p> <ul style="list-style-type: none"> • For some, particularly those who share the protected characteristics of age, disability and pregnancy and maternity, improved access will be easier: <ul style="list-style-type: none"> ○ the evidence for this is provided in national guidance documentation including Cycle Infrastructure Design LTN 1/20 and Outdoor Accessibility Guidance. • For some, particularly vulnerable groups, proposals to remove access control barriers to increase the accessibility of routes may raise concerns due to the risk of increased use of routes by motorbikes, quadbikes etc. and the removal of speed-limiting controls for pedal cycles, electrically assisted pedal cycles (EAPCs), etc. Such concerns may arise due to the perceived risk of using a route, and the potential change in the ambience of that route from a quiet and safe greenspace environment for outdoor recreation and active travel: <ul style="list-style-type: none"> ○ the evidence for this is provided through on-site conversations with users and evidence provided to public inquiry in relation to a Cycle Track Act Order which proposed to change a public footpath into a cycle track for use by pedestrians and cyclists. • There may also be concerns should barriers be removed where routes meet the highway that users may collide with vehicles if barriers are removed: <ul style="list-style-type: none"> ○ the evidence for this is provided in the form of consultation response to a proposal to change a public footpath into a public bridleway for use by pedestrians, cyclists and horse riders, in which barriers were requested to be installed. ○ Landowners and managers may also have concerns with increased accessibility of access control barriers (for example the replacement of stiles with kissing gates, or the replacement of

	<p>kissing gates with self-closing 2-way gates), due to livestock control matters, or increased access for dogs which may cause livestock worrying and faeces contamination.</p> <p>Staff affected include Countryside Rangers and PROW Officers who manage the sites and networks and are frequently in face to face contact with users and landowners, responding to complaints, enquiries and requests. Staff have to deal with conflict between user groups and manage the potential and perceived risks arising from shared-use routes.</p>
<p>Links and impact on other services, strategies, functions or procedures.</p>	<ul style="list-style-type: none"> • The management of leisure and active travel routes is linked to other areas of the Council’s work including Highways, Parks and Property. • A corporate access control policy is proposed to be developed and adopted. • The Public Rights of Way network contributes to the health and wellbeing of residents and visitors by offering routes for outdoor activities, contributing to active travel, public health and air quality. • The management of leisure and active travel routes supports the Corporate Plan 2025-2029 aim of ‘A thriving and sustainable place’, the emerging Active Travel, Rural Action Plan, the Joint Local Health and Wellbeing Strategy for the population of Cheshire East 2023-2028 and other strategies of the Council and partners.
<p>How does the service, service change, strategy, function or procedure help the Council meet the requirements of the Public Sector Equality Duty?</p>	<p><i>The Public Sector Equality Duty is a legal requirement contained within the Equality Act 2010 which requires public authorities and others carrying out public functions to have due regard to the need to:-</i></p> <ul style="list-style-type: none"> • <i>Eliminate unlawful discrimination, harassment and victimisation</i> • <i>Advance equality of opportunity between people who share a protected characteristic and those who do not</i> • <i>Foster good relations between people who share a protected characteristic and those who do not</i> <p>Proposals to improve access to routes and sites would increase the physical accessibility of the route to all users, and particularly those who share the protected characteristics of age, disability and pregnancy and maternity.</p>

Section 2 - Information – What do you know?

<p>What do you know?</p>	<ul style="list-style-type: none"> • The public sector Equality Duty under the Equality Act 2010 means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy and in delivering services - and includes the duty to make reasonable adjustments for disabled people. • A Court of Appeal judgement in 2021 (Garland v Secretary of State for Environment, Food and Rural Affairs) concluded that “<i>it cannot possibly be justified to prevent bicycles from taking advantage of what would otherwise be a lawful use of the track in order to inhibit the unlawful use by motorcycles</i>”. • Current national design guidance e.g. Cycle Infrastructure Design LTN 1/20 and Outdoor Accessibility Guidance says: <ul style="list-style-type: none"> ○ the overriding design requirement for an access point is that it is accessible to all legitimate users of a traffic-free route ○ that restrictive access control barriers should not be provided on traffic-free routes ○ that there should therefore be a general presumption against the use of access controls unless there is a persistent and significant problem of antisocial moped or motorcycle access that cannot be controlled through periodic policing. • There are frequent requests from local members of the public, including groups like the Disabled Ramblers, for access control barriers to be removed or improved where feasible. • The Cheshire East Council Cabinet meeting of 9th March 2021 minutes note, in response to a Councillor question about whether the Council would review its policy regarding paths on housing estates with a view to removing barriers to accessibility to allow both cycling and walking, and providing appropriate signage to support all travel modes: <p><i>The Deputy Leader responded that the Council’s preference would be against the use of access controls unless there was a persistent and significant problem of antisocial moped or motorcycle usage or regular incursions leading to fly-tipping. Where a level of access control was required, the provision of bollards would be considered that still allowed all types of</i></p>
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	<p><i>cycle and mobility scooter to gain access. He would advise against unnecessary advisory signing as it led to additional maintenance costs and had a very limited legal basis and it problematic to enforce effectively.</i></p> <p>However, on many Public Rights of Way, particularly in rural areas, the routes cross working agricultural landscapes on private land. Landowners and occupiers may require stock-proof boundaries and, as the path furniture of stiles and gates is in the ownership of the landowner, the decision as to the accessibility of any particular piece of furniture where a route crosses a boundary, sits outside of the Council.</p>
<p>Information you used to arrive at the decision</p>	<p>Consultation has been undertaken on a specific access control barrier removal proposal on a linear country park which forms part of the National Cycle Network. Engagement involved the public and key local stakeholders in order to help understand and quantify the extent of concerns and to identify any measures which may help to mitigate those concerns.</p> <p>The extent to which the risk of increased use of the route by motorbikes, quadbikes etc. and the potential removal of speed limiting controls for pedal cycles, electrically assisted pedal cycles (EAPCs), etc. may change the perceived risk of using the route, and may change the ambience of that route from a quiet and safe greenspace environment for outdoor recreation and active travel, was uncertain.</p> <p>Likewise, the extent of concern where routes meet the highway that users may collide with vehicles if access control barriers are removed, was uncertain.</p>
<p>Gaps in your Information</p>	<p>Previous consultation with key local stakeholders has helped to understand and quantify the extent of these concerns and to identify any measures which may help to mitigate those risks and concerns. The impact of those changes on the one particular route continue to be monitored.</p> <p>The extent to which changes in the wider policy on structures on PROW and any geographic prioritisation on improvements may affect users who share the protected characteristics of age, disability and pregnancy and maternity, is not fully established.</p>

Section 3 - Information - What did people tell you?

<p>What did people tell you about your proposals?</p>	<p>The large majority of respondents to the site-specific consultation were in support of the removal of the access control barriers for the benefit of all users. Some respondents did, however, raise concerns about the removal of the barriers, due to anticipated use of the route by motorcycles. Potential mitigation measures included the use of signage on site to encourage users to ‘share with care’, to explain that motorbikes are not permitted, to ask cyclists to give advanced notice of approach and to slow down, use of signage where site meets the highway to warn drivers of pedestrians and cyclists and the cutting back of vegetation to improve sightlines. Respondents to the consultation put forward a number of suggestions for mitigating concerns included signage and policing.</p>
<p>Details and dates of the consultation/s and/or engagement activities</p>	<p>Consultation on a specific access control barrier removal proposal has been undertaken with the public, including key local stakeholders, in order to help understand and quantify the extent of concerns and to identify any measures which may help to mitigate those concerns. The consultation lasted for 6 weeks and included direct email distribution, webpage banner and on-site notices. Responses were received from a range of different users of the Biddulph Valley Way, along with local community groups, residents and land managers. Engagement on the wider topic of countryside access is ongoing through the statutory Cheshire East Countryside Access Forum and the Rights of Way Consultative Group.</p>
<p>Are there any gaps in consultation and engagement feedback?</p>	<p>Gaps in consultation on the ROWIP strategy will be addressed via statutory consultation on the draft vision, objectives and statement of action to engage with stakeholders and the wider public. A 12-week public consultation period, as stipulated in government guidance, is proposed in autumn 2025.</p>

Section 4 - Review of information, consultation feedback and equality analysis

<p>Protected characteristics groups from the Equality Act 2010</p>	<p>What do you know? <i>Summary of information used to inform the proposal</i></p> <p><u>Refer to Section 2</u></p>	<p>What did people tell you? <i>Summary of customer and/or staff feedback</i></p> <p><u>Refer to section 3</u></p>	<p>What does this mean? <i>Impacts identified from the information and feedback (actual and potential).</i></p> <p><i>These can be either positive, negative or have no impact.</i></p>
<p>Age</p>	<p>Accessibility may be difficult for users with mobility issues, visual impairment or with a companion due to natural and man-made path features</p>	<p>Awaiting feedback from the consultation</p>	<p>Awaiting feedback from the consultation</p>
<p>Disability</p>	<p>Accessibility may be difficult for users with mobility issues, visual impairment or with a companion due to natural and man-made</p>	<p>Awaiting feedback from the consultation</p>	<p>Awaiting feedback from the consultation</p>

	path features		
Gender reassignment	No impact anticipated	No impact anticipated	No impact anticipated
Pregnancy and maternity	Accessibility may be difficult for users with mobility issues, or with a companion due to natural and man-made path features	Awaiting feedback from the consultation	Awaiting feedback from the consultation
Race/ethnicity	No impact anticipated	No impact anticipated	No impact anticipated
Religion or belief	No impact anticipated	No impact anticipated	No impact anticipated
Sex	No impact anticipated	No impact anticipated	No impact anticipated
Sexual orientation	No impact anticipated	No impact anticipated	No impact anticipated
Marriage and civil partnership	No impact anticipated	No impact anticipated	No impact anticipated

Section 5 - Review of information, consultation feedback and equality analysis

Mitigation	What can you do to mitigate any negative impacts or further enhance positive impacts?
<p><i>Please summarise the impacts listed in section 4 and what will be done to mitigate these impacts</i></p>	<p>Potential mitigation measures, depending on the location and type of route, include:</p> <ul style="list-style-type: none"> • Use of signage on site: <ul style="list-style-type: none"> ○ to encourage users to ‘share with care’, ○ to explain which types of users are / are not permitted on a route ○ to ask cyclists to give advanced notice of approach and to slow down • Use of signage where site meets the highway to warn drivers of pedestrians and cyclists • Cutting back of vegetation to improve sightlines <p>The PROW team seek to improve the accessibility of the PROW network as opportunities arise for discussions with landowners and occupiers about stiles and gates.</p> <p>Sharing of information about the accessibility of routes would enhance the positive impacts of increased accessibility.</p>

Section 6 – Monitoring and review


<p>Details of monitoring activities</p>	<p>Monitoring will be undertaken through:</p> <ul style="list-style-type: none"> • Continued engagement with the statutory Cheshire East Countryside Access Forum and the Rights of Way Consultative Group. • Analysis of complaints and compliments. • Analysis of Countryside Ranger Service monthly site inspection reports which include fields for incidents. • Analysis of incidents and near miss reports. • Continued liaison with Police Rural Crime team. • Statistical and interview research with users undertaken within Motability-funded research
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	<p>project 'Monitoring access control removal on traffic-free walking, wheeling, and cycling routes (2024-2027)'.</p> <ul style="list-style-type: none"> Monitoring of National Land Access Centre access control barrier demonstration and testing centre and related research into accessible livestock-proof gate designs.
Date and responsible officer for the review of the EIA	<p>May 2026</p> <p>Green Infrastructure Manager</p>

Section 7 – Sign off

When you have completed your draft EIA, it should be sent to the [Equality, Diversity and Inclusion Mailbox](#) for review.

If your EIA is approved, it must then be signed off by a senior manager within your Department (Head of Service or above).

Name	Carole Hyde, Head of Rural and Cultural Economy Service
Date	31/7/2025
Signature	

Once the EIA has been signed off, please forward a copy to the [Equality, Diversity and Inclusion mailbox](#) for it to be published on the website.

For Transparency, we are committed to publishing all Equality Impact Assessments relating to public engagement.

Help and support - For support and advice please contact the [Equality, Diversity and Inclusion mailbox](#)