

Gaps, gates and stiles on a public right of way

Section 147 Highways Act 1980

Public Rights of Way (PROW) include Footpaths, Bridleways, Restricted Byways and Byways Open to All Traffic and are regulated by highways legislation, in particular the **Highways Act 1980**.

You must apply to Bath & North East Somerset Council (the Highway Authority) for permission to erect or alter any type of structure on or across a public right of way. Please note that the law does not allow the installation of stiles or gates across Restricted Byways or Byways Open to All Traffic.

There are three circumstances where structures may be permissible:

1. When a gate or stile is required in order to control the movement of animals on agricultural land (includes land used for forestry and keeping horses).
2. Where a structure is required for the purpose of safeguarding the public*
3. When the Definitive Map and Statement records the presence of a structure as a limitation on the right of way

*Safety issues are dealt with on a case by case basis. If you think that there is a safety issue on your land which may necessitate the installation or alteration of a structure, contact the PROW Team at the address given below.

Bath & North East Somerset Council has a duty to ensure the public's use of a path is not impeded unnecessarily. Therefore, the onus will be on the applicant to prove the need for the structure to control the movement of animals.

The Disability Discrimination Act requires authorities to make reasonable adjustments to their services to enable them to be used by those with disabilities. The PROW Team is specifically required to have regard to the needs of people with mobility problems. Consequently there is a practice of requiring the least restrictive option whenever a structure is being considered. This means that there is a preference for simply leaving a gap where possible followed by permitting a suitable gate and finally by permitting a stile only where there is no other practical option. Stiles will only be considered as replacement structures where there is no local need for easier access and an alternative structure cannot be made suitably stock proof e.g. a self closing latched gate or a kissing gate, or the terrain does not reasonably allow it.

Maintenance

Section 146 Highways Act 1980 places a duty on the landowner to maintain stiles and gates in a reasonable condition. For this reason authorisation for new structures will only be granted where an application has been signed by the owner or his / her agent. Signature by the tenant or lessee of land will not be sufficient.

The Council often provides materials and sometimes labour to help with the improvement and maintenance of existing structures. This is dependent on the availability of resources and

cannot be guaranteed. However, it is required to contribute a minimum of 25% of the reasonable costs incurred in maintaining authorised structures unless the authorisation provides otherwise.

Terms and Conditions

Any authorisation granted to erect a structure on a public right of way will be subject to the terms and conditions set out below.

1. All structures will be of suitable materials and constructed to a specification agreed with the Bath & North East Somerset Council Public Rights of Way Team.
2. All gates must be fitted and maintained with a suitable latch, enabling it to be easily opened and closed by lawful users from both sides at all times. On bridleways, the latch must be positioned so that it can be operated from horseback without difficulty.
3. All structures will be the property of the applicant and maintained by them.
4. The Council will be permitted to affix direction ("waymark") or information signs to the structures as it considers appropriate.
5. This authorisation is valid for only so long as it is expedient to prevent the ingress or egress of animals. Should the use or management of the land change so that the structure is no longer necessary for this purpose, then this Authorisation will lapse and the structure should be removed.
6. No other type of structure other than that for which authorisation has been granted shall be erected.
7. Failure to comply with any of these conditions may result in Bath & North East Somerset Council requiring the removal of the structure(s).

Once you have received authorisation you may proceed with the installation of the structure. It may be possible for the Council to provide you with the materials required (e.g. a complete gate kit) and / or arrange for a contractor to install it for you. A fee will be charged to cover the cost of labour and materials and you will be responsible for supervising the contractor and agreeing the quality of work carried out.

How to apply for authorisation

Please complete and return the application form and schedule 1 together with a map at a scale of 1:25,000 or greater marked with the location(s) of the proposed structure(s) to:

Public Rights of Way Team,
Bath & North East Somerset Council
Lewis House,
Manvers Street
Bath
BA1 1JG

We strongly advise you to discuss any proposal to put in a stile or gate with one of our field officers at an early stage before making your application.

If you wish to do this or discuss any other issue affecting public rights of way, please contact the team on the above address or by telephone on 01225 477532, Minicom: 01225 394166 Fax: 01225 394205 or by e-mail to prow@bathnes.gov.uk

Further information on our website: www.bathnes.gov.uk

We aim to issue the formal authorisation within two weeks of receiving the application. There is no charge for an authorisation.

Application for gates and stiles on a public right of way

Please complete and return this form and Schedule 1 together with a map at a scale of 1:25,000 or greater marked with the location(s) of the proposed structure(s) to Public Rights of Way, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG.

Section 147 Highways Act 1980

Application for authorisation to erect a stile or gate on a footpath or bridleway for preventing the ingress or egress of animals on agricultural or forestry land (including land for the keeping or breeding of horses)

Please authorise the installation of the structures identified in the attached Schedule1 and marked on the attached plan.

- A. I confirm that the structures are necessary to control the movement of animals.
- B. I confirm that I am the owner of the land on which the structures will be installed.
- C. I accept the terms and conditions set out below.

Signature of landowner:

Date:

PRINT NAME:

Terms and Conditions

1. All structures will be of suitable materials and constructed to a specification agreed with the Bath & North East Somerset Council Public Rights of Way Team.
2. All gates must be fitted and maintained with a suitable latch, enabling it to be easily opened and closed by lawful users from both sides at all times. On bridleways, the latch must be positioned so that it can be operated from horseback without difficulty.
3. All structures will be the property of the applicant and maintained by them.
4. The Council will be permitted to affix direction ("waymark") or information signs to the structures as it considers appropriate.
5. This authorisation is valid for only so long as it is expedient to prevent the ingress or egress of animals. Should the use or management of the land change so that the structure is no longer necessary for this purpose, then this Authorisation will lapse and the structure should be removed.
6. No other type of structure other than that for which authorisation has been granted shall be erected.
7. Failure to comply with any of these conditions may result in Bath & North East Somerset Council requiring the removal of the structure(s)

Application for gates and stiles on a public right of way Schedule One

Section 147 Highways Act 1980

Name of
Owner,
Occupier or
Lessee

Address of Owner,
Occupier or Lessee

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Phone
Number

Details of Structure(s) applied for:

Location on attached plan	OS Grid Reference	PROW Reference No. (if known) and Status	Type of Structure
1			
2			
3			
4			
5			