

New gates on public rights 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 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 Equality 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 but a suitable gate will be considered where necessary.

Except in exceptional circumstances, the Council will only consider authorising gates which meet the following minimum criteria: the distance between gate posts of a latched pedestrian gate must be no less than 1100mm; the distance between posts of a kissing gate must be no less than 1500mm with an additional room for manoeuvre within the kissing gate pen of no less than 1000mm. The distance between gate posts of a latched bridle gate must be no less than 1525mm and, if the gate is to have a self-closing mechanism, there must be a minimum closing time from fully open of eight seconds.

The Council will only consider authorising a stile in exceptional circumstances when the Council considers that a gate cannot be used for the purpose.

Grid matting (with a height no less than 30mm and a wall thickness no less than 4mm) filled with 14mm clean gravel chippings must be installed in the surface of the path covering a 1000mm x 1000mm area either side of a pedestrian gate and within the enclosure of a kissing gate.

Maintenance

Section 146 Highways Act 1980 places a duty on the landowner to maintain 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 Bath & North East Somerset Council's 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 applicant must inspect the structure at least once per year and carry out any necessary maintenance as soon as is reasonably practicable; this will include replenishing gravel within the grid matting where applicable.
5. The Council will be permitted to affix direction ("waymark") or information signs to the structures as it considers appropriate.
6. No barbed wire or electric fencing is to be located within one metre of the structure.
7. Where Bath & North East Somerset Council in future requires access, the authorised structure must be removed to allow that access; the Council will not be responsible for any associated costs of removal or replacement.
8. 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 must be removed.
9. No other type of structure other than that for which authorisation has been granted shall be erected.
10. 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, grid matting etc.) 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:

prow@bathnes.gov.uk

or

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 gate with one of our PROW Inspectors 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 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.

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Application for gates 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 pro@bathnes.gov.uk or 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 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 Schedule 1 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:

Name of landowner:.....

Terms and Conditions

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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 applicant must inspect the structure at least once per year and carry out any necessary maintenance as soon as is reasonably practicable; this will include replenishing gravel within the grid matting where applicable.
5. The Council will be permitted to affix direction ("waymark") or information signs to the structures as it considers appropriate.
6. No barbed wire or electric fencing is to be located within one metre of the structure.
7. Where Bath & North East Somerset Council in future requires access, the authorised structure must be removed to allow that access; the Council will not be responsible for any associated costs of removal or replacement.
8. 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 must be removed.

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Application for gates on a public right of way Schedule One

Section 147 Highways Act 1980

Name:.....

Postal address:.....

Phone number:.....

Email address:.....

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			