



APPLICATION FOR AUTHORISATION TO INSTALL A
STRUCTURE ON A FOOTPATH OR BRIDLEWAY
HIGHWAYS ACT 1980
SECTION 147

Parish

Status of Path:

Footpath

Bridleway

Path Number

What type of structure are you seeking authority for (pedestrian gate, kissing gate, etc)

(Attach detailed specification including eg surfacing improvements through gateways)

Ordnance Survey Grid Reference

State the reasons for wishing to install the structure:

(Attach details of fencing plans etc that may be of relevance)

I, _____ of (NAME IN BLOCK LETTERS)

_____ (ADDRESS)

as the OWNER / LESSEE / OCCUPIER of the land (circle the correct one) I confirm that the land is agricultural (or is being brought into agricultural use), and hereby agree to the following conditions:

- 1 I will not commence works until I have received written authorisation.
- 2 I will notify the County Council when the structure has been installed.
- 3 The structure will conform to BS5709 2006 (Gaps, Gates and Stiles).
- 4 I will not attach barbed wire/electric fence to any part of the structure.
- 5 I will regularly inspect and maintain the structure in a safe condition that allows it to be used without any inconvenience to the public.
- 6 The County Council may attach such signs or waymarkers to the structure as it sees fit.
- 7 If I do not comply with any of the conditions above, or if the structure is no longer needed for regular primary stock-proofing purposes I will remove the structure and restore free passage along the path.

Signed: _____

Date: _____

Telephone Number: _____

OFFICE USE ONLY

Maintenance access implications

Authorisation date:

Structure justifiable?

Authorised by:

Disability Discrimination Act

Inspection date:

Suitability of specification

Installation satisfactory?

Authorisation recommended?

**APPLICATION FOR AUTHORISATION TO INSTALL A
STRUCTURE ON A FOOTPATH OR BRIDLEWAY**
HIGHWAYS ACT 1980
SECTION 147
GUIDANCE NOTES

1. Background

As Highway Authority, the County Council has the power under section 147 of the Highways Act 1980 to authorise the owner, lessee or occupier of agricultural land (or land which is being brought into use for agriculture) to erect a stile or gate, or carry out other works along a Public Footpath or Public Bridleway for preventing the egress or ingress of animals.

The power is discretionary, but authorisation of a structure will not be unreasonably withheld, although permission will only be given for gate structures which conform to **BS5709:2006 (Gaps, Gates and Stiles)**.

2. Disability Discrimination Act 2005

Under this Act the County Council has a duty to consider the needs of access for less-able members of the community in any new works carried out. Any new stock-proofing barrier must thus not further impede legitimate access along a path, and there is thus a presumption against allowing any new stiles, even though there may be existing stiles elsewhere along the path.

3. Secondary Stock-proofing

Authorisation will not be given for 'secondary' stock-proofing barriers (e.g. barriers to prevent livestock escaping further when having broken through a fence or hedge).

4. Fencing layout

A new structure will not be authorised in circumstances where in the Council's opinion, the fencing layout could be amended to avoid the necessity for the structure.

5. Completing the Application Form

- i. Complete a separate form for each proposed structure
- ii. State the Parish, status and number of the path (if known)
- iii. Give details of the proposed structure, attaching full details of its specification. State an 8 figure Ordnance Survey Grid Reference, or otherwise show the proposed location of the structure on a clear map (minimum scale 1:2500) State the reason for wishing to install the structure. Attach details of the fencing plan or other works associated with the proposal.
- iv. Complete your name and address, status as owner, occupier or lessee. The Council may require evidence of the applicant's status in relation to the land
- v. Read the Conditions, and sign, date and return the form to:

**Rights of Way & Access Group, Buckinghamshire County Council, County Hall,
Aylesbury HP20 1UY**

6. Installing the structure

- i. Works to install the structure may not begin until the structure has been duly authorised, as will be indicated when the form is completed by the County Council and copied to the applicant. Normally a 4 week period should be allowed for the application to be processed.
- ii. The applicant must inform the Council when installation of the structure is complete in order that it may be inspected and approved.

7. Maintenance of the structure

- i. The duty to maintain the structure rests entirely with the landowner.
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