

**Durham County Council
Regeneration, Economy and Growth**

**Conditions for Authorisation of Stiles and
Gates on Public Footpaths and Bridleways**

1. - Approval for the siting and design (to include dimensions, materials and any fastener) must be obtained from Durham County Council as Highway Authority before the structure is erected or we may request the removal of the structure or amendments to be made. The structure will normally be expected to be compliant with BS5709 (as attached) although there may be circumstances when this is not considered appropriate.
2. - Any subsequent alterations to the siting and design of a stile or gate must be approved by Durham County Council as Highway Authority.
3. - The stile or gate shall be maintained by the landowner in a condition which is safe and convenient for use by the public exercising the right of way.
4. - The gate or stile is authorised only so long as the structure is needed for the purposes of agriculture **and** for the control of stock.

Notes:

- i) *The above conditions are made under the provisions of Section 147 of the Highways Act 1980. This gives the County Council the power to authorise the erection of a stile or gate across a footpath or bridleway where an owner, occupier or lessee of agricultural land or of land being brought into use for agriculture demonstrates that to secure the efficient use of the land, it is expedient that the erection of a stile or gate will prevent the ingress or egress of animals. In consideration of any application to erect a stile or gate the County Council will consider its duties contained in the Equalities Act 2010.*
- ii) *Where the landowner or occupier fails to observe the above conditions, the Highway Authority may view the stile or gate as an unlawful structure and may remove it on a rechargeable basis after the expiry of a period of time notified to the landowner and occupier, or without notice on a non-rechargeable basis under its common law powers.*
- iii) *Should it be discovered subsequent to this authorisation that it infringes any other public rights that were not known to the County Council at the time of authorisation, the authorisation should be considered null and void.*
- iv) *Any authorisation is only for the purposes of Section 147 of the Highways Act 1980 and does not constitute any approval that may be necessary under the Town and Country Planning Act 1990 or any other statute. Additional consents may be required between landowners and occupiers.*
- v) *It should also be noted that any authorisation will only apply to the public element of a right of way; if the erection of a structure would also affect any private rights additional agreements may be required from persons exercising those rights.*