

Delegated Decision

21 July 2021



PUBLIC RIGHTS OF WAY

Highways Act 1980 Section 147 authorisation

Bridle gate on Public Bridleway No 10 Great Aycliffe

Ordinary Decision

Report of Neighbourhoods and Climate Change

Paul Watson, Strategic Highways Manager (Interim), Technical Services

Electoral division(s) affected:

Aycliffe East

Purpose of the Report

- 1 To seek authorisation for a new gate on Public Bridleway No 10 Great Aycliffe.

Executive summary

- 2 Durham County Council has a power under the Highways Act 1980 Section 147 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.
- 3 A gate is required for livestock control on Bridleway No 10 to prevent cattle from entering the adjacent land. The gate facilitates pedestrian, equestrian and bicycle access along the Public Bridleway.

Recommendation

- 4 It is recommended that authorisation of the gate be agreed subject to the Authority's standard conditions including conforming to BS5709.

Background

- 5 A request has been received from Mr H Thompson of Coatham Lane Farm, Whiley Hill, Darlington, for the authorisation of a bridle gate in the

boundary of land in his ownership. The attached plan in Appendix 2 show the location of the gate at point A.

- 6 The request from the landowner has been made via Darlington Borough Council's Public Rights of Way (PRoW) Officer as the location on Public Bridleway No 10 abuts Public Bridleway No 4 Coatham Mundeville in Darlington. Darlington's PRoW Officer is dealing with a long-term obstruction situated on their Bridleway No 4. The obstruction was placed there to prevent cattle entering fields to the north via the Bridleways.
- 7 Authorisation of the bridle gate is requested by the landowner to safeguard cattle and prevent them from accessing adjacent fields to the north. These fields are due to be developed and the gate is to prevent livestock entering the land which also abuts the A1(M).
- 8 Authorising the gate will also allow the obstruction on Darlington's Bridleway No 4 to be resolved.
- 9 The gate proposed is a metal galvanised bridle gate with bridle latch. This gate facilitates pedestrian, equestrian and bicycle access along the Public Bridleway.
- 10 Where a structure across a highway is not authorised, it is considered in law to be an obstruction.

Options

- 11 The provisions under Section 147 is the only process available to the Authority to authorise the gate.

Main implications

- 12 Where a structure across a highway is not authorised, it is considered in law to be an obstruction.

Conclusion

- 13 The proposals will be in accordance with the requirements of Section 147 of the Highways Act 1980 on the authorisation of gates and stiles on public rights of way.
- 14 It is recommended that authorisation of the gate be agreed subject to the Authority's standard conditions including conforming to BS5709.

Background papers

- F:\Rights of Way\Cams\PathFolders\Great Aycliffe 049\10\2021 Gate auth s147

Appendix 1: Implications

Legal Implications

Section 147 of the Highways Act 1980 sets out the criteria to consider for authorising gates and stiles. Authorisation protects the Council from any future challenge as to the gate's legitimacy.

Finance

The gate will be installed at no cost to the County Council. For future maintenance the Council is obliged by Section 146 of the Highways Act 1980 to pay a minimum of 25% of costs, should the owner apply. Galvanised gates normally have a minimum lifespan of 30 years.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

The installation of the gate will ensure that access for pedestrians, equestrians and cyclists is as convenient as possible, while ensuring the control of livestock.

Climate Change

None.

Human Rights

The proposal safeguards the public's rights while enabling the owner to manage their land.

Crime and Disorder

None.

Staffing

Routine officer responsibilities.

Accommodation

None.

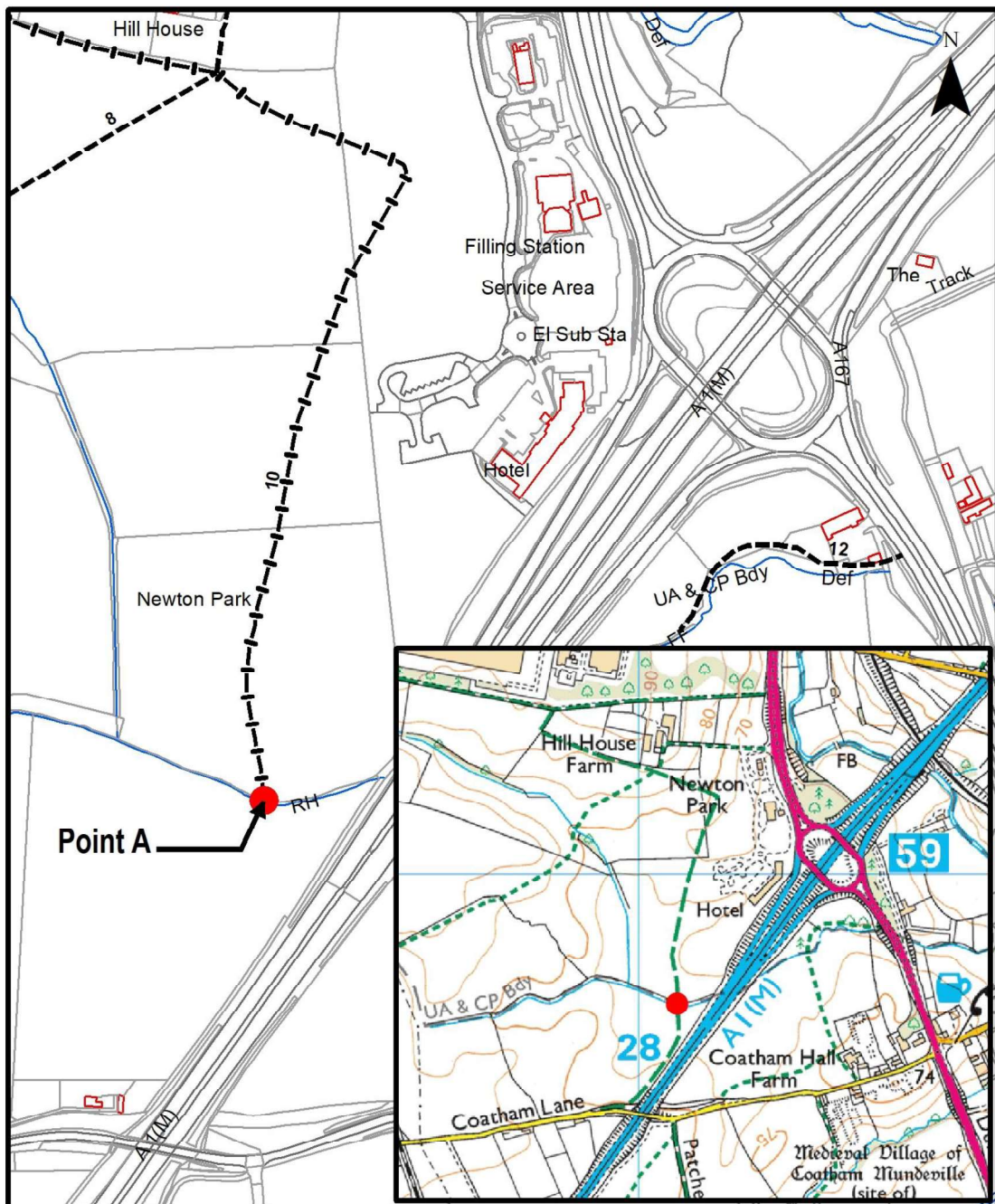
Risk

None.

Procurement

None.

Appendix 2: Location plan



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This is a working copy of the Definitive Map as at the date shown

Public Rights of Way

- Footpath
- - - - Bridleway
- ^ V ^ V ^ V Byway
- v - v - v Restricted Byway

Drawn by: NH

Date: 21/07/21

Scale 1:4,000

Only a legal record when Public Rights of Way are shown at 1:2,500. Other information:

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