



Advice Note

Authorisation of gates and stiles on Rights of Way

“a s.147 Highways Act 1980 agreement”

*To be read in conjunction with “Advice Note - Rights of Way and Landowners/ Land Manager’s Responsibilities” and “Advice Note – Specifications for Furniture on Rights of Way”.

The North York Moors National Park acknowledges that from time to time it is necessary for landowners/land managers of agricultural, livery or forestry landholdings to erect new structures across Rights of Way in order to manage and control livestock and other animals. Landowners/land managers cannot erect any gates or stiles across a Right of Way without first obtaining consent from the National Park Authority (known as “a s.147 Highways Act 1980 agreement”). Replacement gates do not require this form of agreement.

What’s needed - a gate, gap or stile?

When considering granting consent for a new gate or stile, the National Park Authority is legally required (s.69 Countryside and Rights of Way Act 2000) to work on the principle of “least restrictive access” - to have due regard to the needs of persons with mobility problems. Therefore, when making an assessment the following questions are asked:

1. Is any form of barrier necessary here?
2. Could a gap be left instead?
3. If a barrier is necessary, can it be a gate?

Usually only gates will be authorised unless there are extenuating circumstances which necessitate a stile (on a Public Footpath only).

Any new structures installed without prior consent will be treated as being unlawful and will constitute an offence of obstructing the Right of Way. Action will then be taken to ensure their removal.

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How to apply for authorisation

Landowners/land managers are encouraged to contact the Ranger for their area of the National Park to start the consent process. An initial meeting will discuss the questions stated above and once the details of furniture type, location, specification and certain conditions (listed below) have all been agreed, the landowner/land manager will be required to complete the form attached and return it to the National Park office in Helmsley. Consent is then usually granted within 10 working days.

The conditions mentioned above are as follows:

1. If the land manager is applying for authorisation on behalf of the landowner, then written consent from the landowner must be attached to the form;
2. The landowner/land manager will be required to cover the cost of installation of the gate or stile;
3. The landowner/land manager accepts that they must maintain the gate or stile and ensure that it is in a safe and usable condition at all times;
4. Barbed wire must not be attached to the gate or stile;
5. Failure to maintain the gate or stile is unlawful and the National Park Authority may take steps to ensure its repair and removal;
6. If the gate or stile is no longer required for agricultural, livery or forestry operations, then it must be removed.
7. The landowner/land manager grants consent for the National Park Authority to affix waymarkers to the gate or stile after installation.

If you have any questions, please do not hesitate to contact the Senior Ranger or Rights of Way Officer. Please telephone (01439) 772700, write to the address below or email paths@northyorkmoors.org.uk

North York Moors National Park Authority, The Old Vicarage, Bondgate, Helmsley
York, YO62 5BP
www.northyorkmoors.org.uk



North York Moors Park Authority

Consent for Authorisation for a Gate or Stile on a Right of Way - "a s.147 Highways Act 1980 agreement".

TO BE COMPLETED BY THE RANGER:

Applicant's Name:

Address:

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Path Status, Number & Parish

Furniture type and grid reference:

1.

2.

3.

TO BE COMPLETED BY THE APPLICANT:

1. **Landownership confirmation:**

Are you the owner of the land on which the gate or stile is to be erected? **YES/NO**
If no, then you must obtain written consent from the landowner and attach it to this form

2. **Declaration:**

I, the undersigned confirm the following:

- a) That I own the land on which the authorised furniture is to be installed or have obtained written consent from the landowner for said works; (delete where appropriate);
- b) Agree to cover the cost of installing the authorised gate(s) or stile(s);
- c) Accept that all authorised gates and stiles are my responsibility to maintain and must all be kept in a safe and usable condition at all times;
- d) Agree not to attach barbed wire to any authorised gates or stiles;
- e) Acknowledge that failure to maintain the authorised gates or stiles will be unlawful and accept that the National Park Authority may take steps against me to ensure its repair or removal;
- f) To remove the authorised furniture if the land is no longer required for agricultural, livery or forestry operations.
- g) Grant the National Park Authority consent to affix waymarkers to the authorised gate(s) or stile(s);

Signed Date

Print Name

Return to:

The Rights of Way Officer, North York Moors National Park Authority,
The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP.

Please be aware that:

s.147 Highways Act 1980 agreements are reported to the relevant National Park Authority Committee but personal details are treated as confidential. Also, the National Park Authority is registered under the Data Protection Act 1990. The information on this form will be processed lawfully, treated as confidential and shall not be disclosed to another person or party without your prior consent.