

**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>AUTHORISATION OF NEW GATE, BRIDLEWAY 542010, NEW BRIDGE, LAKES (GRASMERE) PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Service and sub-delegated to Ranger Team Leaders Meeting.</b>  <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	We have received a representation to authorise a new field gate across a public bridleway to prevent cattle ingress along a 'bottleneck' area of a field which a bridleway passes along at New Bridge, Easedale.	
Details of Decision	To grant authorisation	
Details of alternative options considered and rejected.	Not to grant authorisation	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Will Hinchliffe, Rights of Way Officer	
Background Papers	1410.002 – includes application form and authorisation letter	
Date of Report	11 April 2025	
Authorising officer	Steve Tatlock, Ranger Team Leader	
Date	24 April 2025	

## Brief Summary of reasoning

The occupier at Brimmer Head Farm has made a representation to us for authorisation to install a field gate close to New Bridge, Easedale, at NY 3275 0825 across Bridleway 542010 a short distance west-northwest of its junction with Footpath 542011 (see Annex 1 location plan).

To the east of the proposed gate location is an irregular shaped grass-covered field through which Easedale Beck runs. This field is used for grazing cattle approximately 3 months of the year. West of New Bridge the field narrows to essentially just the width of the stone pitched bridleway track which runs between the beck and a stone wall. The narrow section of the bridleway between the beck and wall extends for approximately 315m west-northwest to a field gate and then crosses a bridge over Blindtarn Gill into the next field.

Issues have arisen with the cattle heading up the 'bottleneck' of the track – this has an impact for the occupier, and also for users of the bridleway, as the bottleneck brings the public and cattle together in a confined space – causing obstruction of the bridleway and potentially also an increased likelihood of stress or irritation for the cattle. The occupier proposes that a gate where the available width narrows would prevent these issues arising. This reasoning would fit within the purposes for which we may authorise a new gate on a public right of way under Section 147 of the Highways Act 1980 (Annex 2), appearing expedient to aid agricultural efficiently by preventing the ingress / egress of stock.

The Equality Act (2010) requires that reasonable adjustments are made to ensure furniture is not unreasonably difficult for people with limited mobility. DEFRA guidance for local authorities on authorising structures on rights of way and compliance with the Equality Act (available on the Open Spaces Society's website here: <https://www.oss.org.uk/wp-content/uploads/2018/10/Authorising-structures.pdf>) provides further advice around this, '*the valid agricultural requirement to control animals must be balanced against the obligation of the authority to comply with the Equality Act. The assessment process should seek to define a suitable structure to satisfy both requirements*'. We should only authorise the least restrictive option which will meet the agricultural need. In this case the occupier requires vehicular access along the bridleway for their farming activities. We have queried whether a bridle gate (potentially alongside a field gate for vehicle access) could be appropriate here – the occupier has discussed this with our Ranger Dave Bell and fed back that there would only be room at the proposed location for one gate. Given the circumstances it appears reasonable to authorise a 3 metre field gate with a high-lift 'hunting' catch (the same width as the gate to the west-northwest along this bridleway), to the LDNPA 2011 specification (Annex 3) at this location to provide for the occupier's vehicular access needs. Short sections of post-and-rail fencing will be used to form a stockproof barrier between the wall and beck

The gate will be necessary for this purpose only whilst the land remains in agricultural use for grazing cattle. Therefore, this authorisation will cease if the land use changes and the gate is no longer necessary to prevent cattle ingress along the narrow track.

As the gate is only required when cattle are grazing in the field (which is only anticipated to be for a few months of the year), the gate must be fastened open by means of a separate post and gate catch at all other times.

For the reasons given above and in the application form, I consider that it is appropriate to issue the relevant authorisation for a field gate at this location.

**Will Hinchliffe, Rights of Way Officer, 11 April 2025**

Annex 1 – Location plan showing requested gate location (red circle)



## **Annex 2 – Section 147, Highways Act (1980)**

### **Section 147 Highways Act 1980**

#### **Power to authorise erection of stiles etc. on footpath or bridleway.**

- (1) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and  
(b) in the case of any other footpath or bridleway, the highway authority.

- (2) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

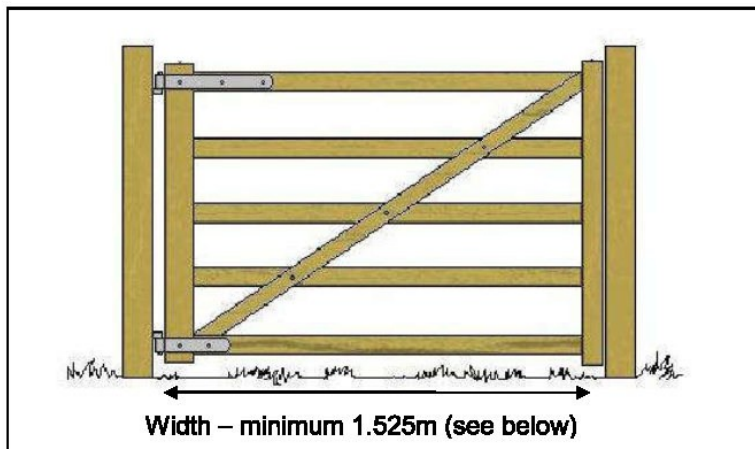
(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

- (3) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.
- (4) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.
- (5) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.
- (6) Nothing in this section prejudices any limitation or condition having effect apart from this section.

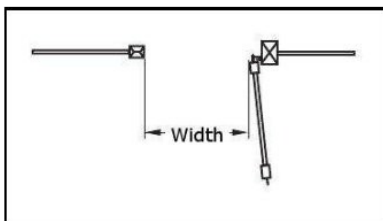
**LAKE DISTRICT NATIONAL PARK  
STRUCTURES STANDARDS 2011**

**GATES – FIELD & BRIDLE**

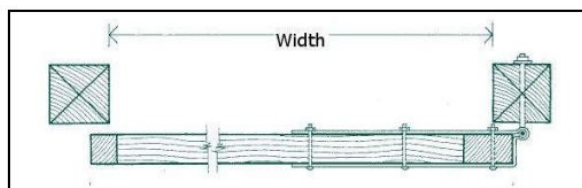


- Usable width for all for bridleway gates to be at least 1.525m (5ft) wide.
- Bridleway gates (5') are preferable to field gates (8-10') - except on byways.
- They should preferably be openable on horseback.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Bridleway gates should not have spring closures, and should open fully.
- Should try to have at least 1m clearance from the adjacent hedging or fence.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate and its manoeuvring spaces.
- If possible, roadside bridleway gates should be set back from the tarmac by 4m.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.525m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.525m gate width)



**Annex 4 – Photo showing approximate location of the proposed gate(2023 photo uploaded on LDNPA ROWMANS system)**





Lake District  
National Park

[REDACTED]  
Brimmer Head Farm Cottage  
Grasmere  
LA22 9QL

25 April 2025

Dear Matthew

**Our Reference: 1410.002**

**Authorisation of new gate across Public Bridleway 542010,  
New Bridge, Lakes (Grasmere) Parish**

Thank you for your application to erect a new gate across the above bridleway. On behalf of the Lake District National Park Authority, I authorise the installation of the following:

- 3-metre field gate over Bridleway 542010 at NY 3275 0825 (see Annex A – location map)

The authorised gate will prevent the ingress of stock along the narrow bottleneck between Easedale Beck and a stone wall along which the bridleway track passes.

My authorisation is granted under Section 147 of the Highways Act 1980 (Annex B). We must consider the needs of many users and the authorisation is therefore subject to the conditions below:

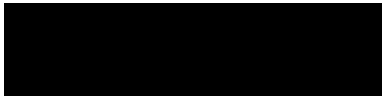
- The gate shall meet the LDNPA structures standard 2011 (Annex C included with this letter) for a field gate, complying with the least restrictive option suitable for the purpose.
- The gate will have a width of 3 metres and will have a high-lift 'hunting' style catch
- Post-and-rail fencing connecting with the gate will be used to create a stockproof barrier.
- You will maintain the gate in a safe condition and to a standard that does not unduly inconvenience the public (s146, Highways Act 1980). If you fail to do so, the Authority's staff can improve the gate and recover the costs from you. This gate does not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.
- Liability for the gate's safe maintenance lies with the landowner.
- The authorisation is granted whilst the agricultural need for a gate at this location remains. If the land use changes and a gate is no longer necessary to prevent ingress of stock then the gate must be removed to restore uninterrupted passage.

- The gate must be kept fastened open when stock are not being grazed in the adjoining field

Please sign and return the second copy of this letter, which will act as acceptance of the above conditions. Until we receive this, any structures will remain an unauthorised obstruction.

If you have any queries please contact the Ranger, Dave Bell, on 07747 767156 or Rights of Way Officer, Will Hinchliffe, on 01539 792696.

Yours sincerely



Steve Tatlock

Ranger Team Leader

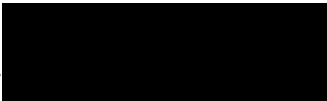
Direct: 01539 792733

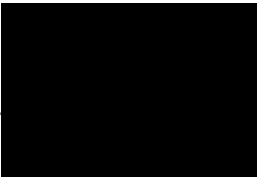
Email: [steve.tatlock@lakedistrict.gov.uk](mailto:steve.tatlock@lakedistrict.gov.uk)

**Landowner / Occupier Confirmation**

- I am the occupier of the land shown on the plan attached to this letter.

- I agree to the above conditions

Print name ..  .....

Signature ..  .....

Date ... 01/05/25 .....

.....

Annex A – Location plan showing gate location (red circle)



## **Annex B – Section 147, Highways Act (1980)**

### **Section 147 Highways Act 1980**

#### **Power to authorise erection of stiles etc. on footpath or bridleway.**

(7) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

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- (b) in the case of any other footpath or bridleway, the highway authority.

(8) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

(9) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.

(10) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.

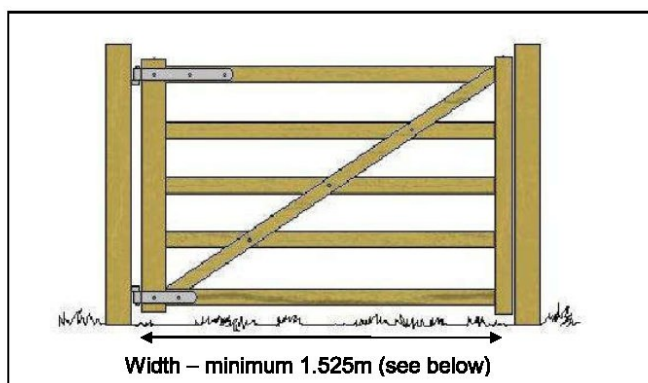
(11) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.

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## Annex C – LDNPA Field Gate Standard (2011)

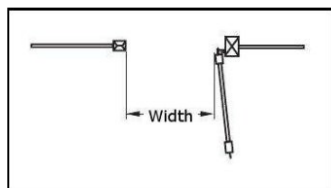
### LAKE DISTRICT NATIONAL PARK STRUCTURES STANDARDS 2011

#### GATES – FIELD & BRIDLE



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