

Gates & Stiles – Lake District National Park Authority contribution notes accompanying claim form



Section 146(4) Highways Act 1980

Your responsibilities for a gate or a stile

Use this form to request a contribution from the Lake District National Park Authority (LDNPA) towards fulfilling your responsibilities under section 146 Highways Act 1980 (keeping gates and stiles in a safe and fit condition for use on public rights of way)

The LDNPA has a duty to ensure that the public rights of way and access network is fit for use. The actual responsibilities are divided between the Authority and the owner/occupiers of the land over which the rights of way run.

Under section 146 of the Highways Act 1980, the owner of land is responsible for maintaining any gates and stiles providing public access through their boundaries in a condition that is safe and reasonably easy to use. They may have agreements with tenants (occupiers) regarding maintenance of such features, but it is ultimately the owner that is responsible under section 146.

A structure will generally be considered to be safe and reasonably easy to use if it meets our standard specifications, which can be provided or downloaded from <https://www.lakedistrict.gov.uk/visiting/things-to-do/rowupdates/structures-policy-and-specifications>

When replacing gates or stiles, owner/occupiers may claim from the LDNPA 25% of any expenses they can show to have been reasonably incurred in complying with the legislation.

If a stile or gate is not maintained to the required condition, the National Park Authority may have to take action such as serving legal Notice on the responsible person, or carrying out the necessary work and recovering the costs from them.

It is important to note that whoever installs the item, it is the owner that remains liable and responsible for continued safe upkeep. That is, if a member of the public injures themselves because of a defect in a stile or gate, whoever installed it, it will be the owner who will receive and deal with any insurance claims.

Access must not be made more difficult – for instance a wicket gate must not be replaced with a kissing gate, and gaps or gates must not be replaced with a stile. It is also advisable to have only one item at each boundary as this reduces liabilities (that is – just a gate, not a gate and stile, or two gates).

The National Park Authority are responsible for any waymarking, and may place waymarkers on new gates and stiles if required once installed.

Further advice can be given by the LDNPA, or bodies such as the CLA or the NFU.

For the relevant section from the Highways Act please see the following page.

Lake District National Park Authority, June 2024

Section 146 Highways Act 1980

146 Duty to maintain stiles etc. on footpaths, bridleways and restricted byways.

- 1) Any stile, gate or other similar structure across a footpath, bridleway or restricted byway shall be maintained by the owner of the land in a safe condition, and to the standard of repair required to prevent unreasonable interference with the rights of the persons using the footpath, bridleway or restricted byway.
- 2) If it appears to the appropriate authority that the duty imposed by subsection (1) above is not being complied with, they may, after giving to the owner and occupier not less than 14 days' notice of their intention, take all necessary steps for repairing and making good the stile, gate or other works.

For the purposes of this section the appropriate authority is—

- (a) in the case of a footpath, bridleway or restricted byway which is for the time being maintained by a non-metropolitan district council by virtue of section 42 or 50 above, that council, and
 - (b) in the case of any other footpath, bridleway or restricted byway, the highway authority.
- 3) The appropriate authority may recover from the owner of the land the amount of any expenses reasonably incurred by the authority in and in connection with the exercise of their powers under subsection (2) above, or such part of those expenses as the authority think fit.
 - 4) The appropriate authority shall contribute not less than a quarter of any expenses shown to their satisfaction to have been reasonably incurred in compliance with subsection (1) above, and may make further contributions of such amount in each case as, having regard to all the circumstances, they consider reasonable.
 - 5) Subsection (1) above does not apply to any structure—
 - (a) if any conditions for the maintenance of the structure are for the time being in force under section 147 below,
 - (aa) if any conditions for the maintenance of the structure imposed by virtue of subsection (4) of section 147ZA below are for the time being in force under that section, or
 - (b) if and so long as, under an agreement in writing with any other person, there is a liability to maintain the structure on the part of the appropriate authority or, where the appropriate authority are a non-metropolitan district council, on the part of either the appropriate authority or the highway authority.

Gates & Stiles – Lake District National Park Authority contribution claim form



Section 146(4) Highways Act 1980

Return completed forms to your Ranger

or to Ranger Service, LDNPA, Murley Moss, Oxenholme Road, Kendal, Cumbria, LA9 7RL

Parish	
Path number (if known)	
Location of item LDNPA Furniture Item number (if known). If not known, provide map showing exact location	
Contact Details	Name..... Address..... Email..... Phone no.....
Are you the owner of the land? If not, who is?	
Item Type (please circle)	EXISTING - Field Gate / Wicket Gate / Kissing Gate / Ladder Stile / Stone Stair Stile / Squeeze Stile / Simple Wooden Step Stile NEW - Field Gate / Wicket Gate / Kissing Gate / Ladder Stile / Stone Stair Stile / Squeeze Stile / Simple Wooden Step Stile
Why did the item need replacing? (provide a photo if possible – preferably a digital image)	
Description of works carried out. (You must attach a photograph of new item – preferably a digital image)	

<p>Please provide a breakdown of the costs involved (£) (copies of invoices need to be attached).</p>	<p>If you are VAT registered enter the costs Net (Excluding VAT). If you are not VAT registered enter the amount, Gross.</p>
<p>Amount you are claiming (£) and %age of total cost</p>	<p>If you are VAT registered the claim will be a %age of the Net cost. If you are not VAT registered %age Gross cost.</p>
<p>Bank Details for contribution</p>	<p>Account name.....</p> <p>Bank Sort Code.....</p> <p>Account Number.....</p>
<p>Please add any other relevant comments or information here</p>	
<p>Name of claimant</p>	
<p>Signature of claimant</p>	
<p>Date</p>	

Notes for preparing the form:

Use the correct Costs.

When preparing the claim, it is important to distinguish between the Net cost and Gross cost of the items / labour used. Where you, the Landowner, are VAT registered it is assumed you will have claimed back the VAT on the items purchased so the claim should be made Net. If as the Landowner, you are not VAT registered and have not been able to claim back the VAT on the purchase, you can claim 25% of the Gross amount paid.

Include Invoice copies.

We need invoice copies to be attached. If no invoice is available as the item has come out of stock, please provide up to date information showing the price of the item at the supplier you would have purchased from. This must provide us with reasonable evidence of the amount for the item included net of VAT.

Remittance advice.

Where email addresses are included, these will be used for finance to send a remittance saying when the amount has been paid.

LDNPA Use Only

RoWMANS number			
Ranger name:			
Ranger comments on work necessity and suitability			
Have works been completed to relevant standards? (Yes/ no)			
Ranger decision to make contribution (yes/ no)			
Agreed amount to contribute (£)			
Date invoice raised			
Account Code	Cost Centre	Product code	Project code
5240	North - 101R South - 119R	00	00
Reviewed By:		Date:	
Authorised By:		Date:	

LDNPA Costs procedure:

- Claim form sent to Rangers, or Murley Moss
- Rangers complete this page of the form
- Form sent to BSO;
- BSO enter job completion records on RoWMANS, including costs;
- BSO sends to Finance to refund applicant

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