



Lake District
National Park

The Openness of Local Government Bodies Regulations 2014

These require that officers keep and publish 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).

Subject of Decision: Authorisation of new gates, Footpath 220012, Nether How and Long How, Buttermere and Brackenthwaite Parish

Relevant section of Scheme of Delegation

PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS - ANNEX 3 - Functions

delegated to Head of Ranger Service and sub-delegated to a Ranger Team Leader.

Rights of Way and Access Matters - 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 Cumberland 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 request from the National Trust to authorise new gates at two locations across public footpath 220012 at Nether How and Long How for the purpose of preventing stock ingress into woodlands.

Details of Decision

To grant authorisation (subject to conditions).

Details of alternative options considered and rejected

Not to grant authorisation (explanation overleaf).

Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest

None

Lead Director	Hanna Latty, Director of Sustainable Development
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	9 September 2026
Authorising officer	Steve Tatlock, Southern Ranger Team Leader
Date	10 September 2026

Brief Summary of reasoning for authorisation

The National Trust (landowner) has made a representation asking us to authorise the installation of gates at two locations where footpath 220012 (see Annex 1 location plan) is currently obstructed by fencing.

The footpath at Long How has been obstructed for some years where it enters the woods off the B5289 – fencing appears to have been installed sometime between 1995 and 2004 to prevent stock ingress. An alternative route has been made available by the National Trust through a field gate a short distance to the north. However, the line of the footpath needs to be reinstated (it is unlikely we would consider progressing a diversion to the alternative route if applied for – it would involve additional walking on the road for the majority of users).

At Nether How fencing has been installed along the side of Mill Beck to prevent stock egress from the adjacent field into the woodland, there is a trod which ascends onto the How close to the point the fencing obstructs the footpath (which continues alongside the beck). But again the definitive line of the footpath needs to be re-opened.

At both locations the National Trust wish to prevent the ingress of stock into the wooded areas – to prevent grazing of the understorey which may inhibit natural regeneration. Both woodlands are included in the National Forest Inventory (2022), and are part of the Buttermere Fells SSSI (Long How and Nether How are part of a larger unit including Rannerdale Knotts categorised as dwarf shrub heath and currently assessed as being in ‘unfavourable – recovering’ condition). Long How is also recorded by Natural England as Ancient Replanted Woodland.

Authorisation under Section 147 of the Highways Act 1980 (Annex 2) can only be given where new gates or stiles are necessary in association with the use of the land for agriculture or forestry for the purpose of preventing the ingress or egress of animals. The interpretation section of the Highways Act includes a definition for the meaning of agriculture within the Act, but not forestry. However, the UK Forestry Standard (‘UKFS’, 5th Edition, 2023) defines forests as;

‘land that is predominantly covered in trees, with a canopy cover of at least 20%, whether in large tracts or smaller areas... Within the UKFS, the term ‘forest’ is used to indicate all types

and sizes of forest and woodland. References to 'forest and woodland' or to 'woodland' are made only where needed for clarity or to reflect commonly used terms (e.g. woodland creation, native woodland, riparian woodland)'.

Woodlands such as these fit within this definition of a forest, and the management of these woodlands would therefore appear to fall within what would be broadly accepted as 'forestry'. I therefore consider these requested gates to fit within the purposes for which we can authorise new structures. At Nether How the gate will also prevent the egress of sheep from the adjacent agricultural land, keeping them to the area they are intended to graze.

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 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*'.

At both these locations the National Trust have agreed that they would install a pedestrian wicket gate to our standard specification (minimum 1 metre width) which should suffice to provide a stockproof boundary whilst being the least restrictive option from our hierarchy of structures (other than a gap). At Long How the footpath leaves the road – we have therefore discussed with the National Trust Ranger that it would be best if the gate were installed set back from the road in a post-and-rail 'pen' to provide refuge space and avoid users having to open and close the gate directly from the road. Some minor surface clearance of vegetation / brash is also necessary to make the footpath usable, and the fingerpost which is currently incorrectly located on the alternative route will need to be moved.

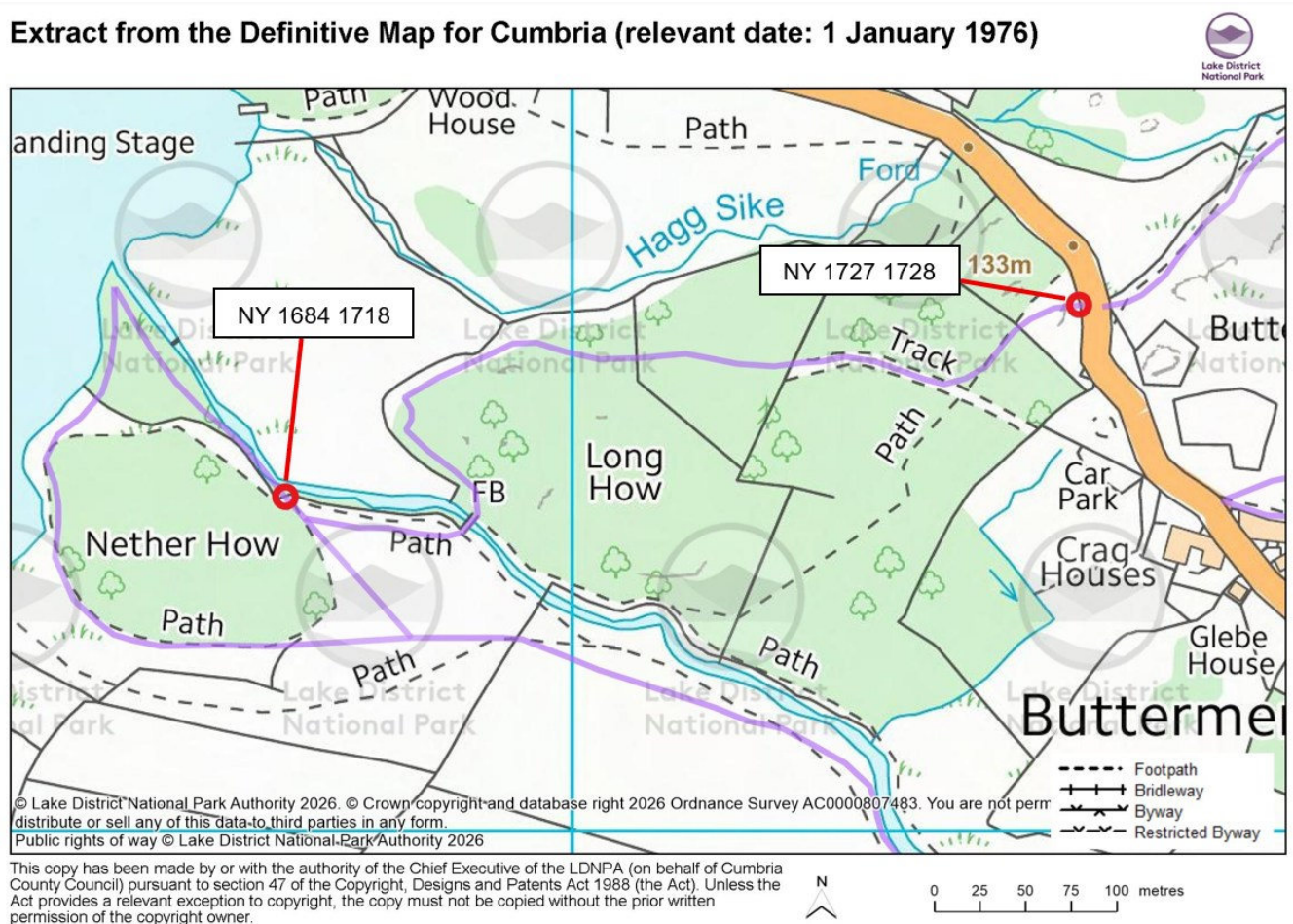
The gates will be necessary only whilst there remains a need to prevent egress of grazing stock from the surrounding agricultural land into the woodland. Therefore, this authorisation will end if and when the land use changes or there is a change to the grazing regime which renders the gates no longer necessary for this purpose.

For the reasons given above, I consider that it is appropriate to issue the relevant authorisation for the specified gates.

Will Hinchliffe, Rights of Way Officer, 9 September 2026

Annex 1 – Location plan showing requested gate locations (red circles)

Extract from the Definitive Map for Cumbria (relevant date: 1 January 1976)



Annex 2 – 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.

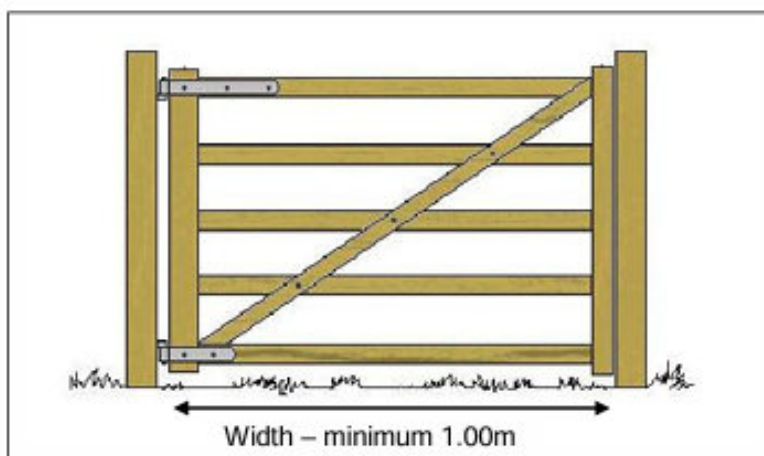
Annex 3 – LDNPA Wicket (Pedestrian) Gate Standard (2011)

Lake District
National Park



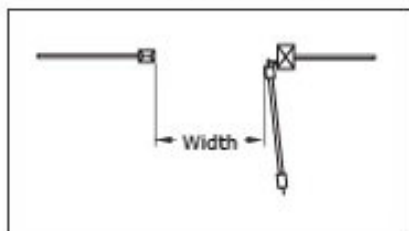
LAKE DISTRICT NATIONAL PARK STRUCTURES STANDARDS 2011

GATES – WICKET (PEDESTRIAN)

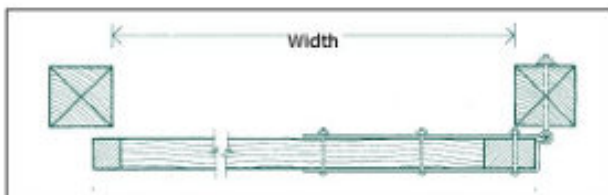


- **Usable width for all** pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the 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.
- 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 1.0m 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 1.0m gate width)



L:\Countryside Service\Rights of Way\Furniture and other specifications\Specification drawings and information.doc



**Lake District
National Park**

Mr Greg Dobrzanski
The National Trust
Bowe Barn
Borrowdale Road
Keswick
CA12 5UP

14 September 2026

Dear Greg,

Our Reference: 1410.002

Authorisation of new gates across public footpath 220012, Nether How and Long How, Buttermere and Brackenthwaite Parish

Thank you for your application on behalf of the National Trust (NT) for authorisation of new gates across the above footpath. On behalf of the Lake District National Park Authority, I authorise the installation of the following:

- Pedestrian wicket gate (1.1 metres usable width) on footpath 220012 at NY 1727 1728 (where footpath leaves B5289 towards Long How – but set back from road in a post-and-rail fenced pen)
- Pedestrian wicket gate (1.1 metres usable width) on footpath 220012 at NY 1684 1718 (footpath alongside Mill Beck / Nether How)

The authorised gates will prevent the ingress of stock into woodlands.

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:

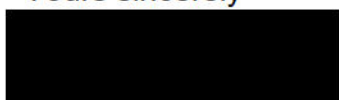
- The gates shall meet the LDNPA structures standard 2011 (included with this letter – Annex C) for a pedestrian wicket gate, complying with the least restrictive option suitable for the purpose.
- The NT will maintain the gates in a safe condition and to a standard that does not unduly inconvenience the public (s146, Highways Act 1980). If the NT fail to do so, the Authority's staff can improve the gates and recover the costs from the NT. These gates do not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.
- Liability for the gates' safe maintenance lies with the landowner.

- The authorisation is granted only whilst there is a need, for the efficient / effective management of the woodlands, to prevent stock ingress. Therefore the authorisation will end if the land use changes or surrounding grazing regimes are changed and the gates are no longer necessary for this purpose. If the authorisation ends, you must remove the gates to restore uninterrupted passage.

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 Area Ranger, Jo Willmott, on 07500 786458, or Rights of Way Officer, Will Hinchliffe, on 01539 792696.

Yours sincerely



Ranger Team Leader

Direct: 01539 792733

Email: steve.tatlock@lakedistrict.gov.uk

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Landowner Confirmation

- I am authorised to sign on behalf of the National Trust, the owner of the land shown on the plan attached to this letter.

- I have read and accept the above conditions

Print name

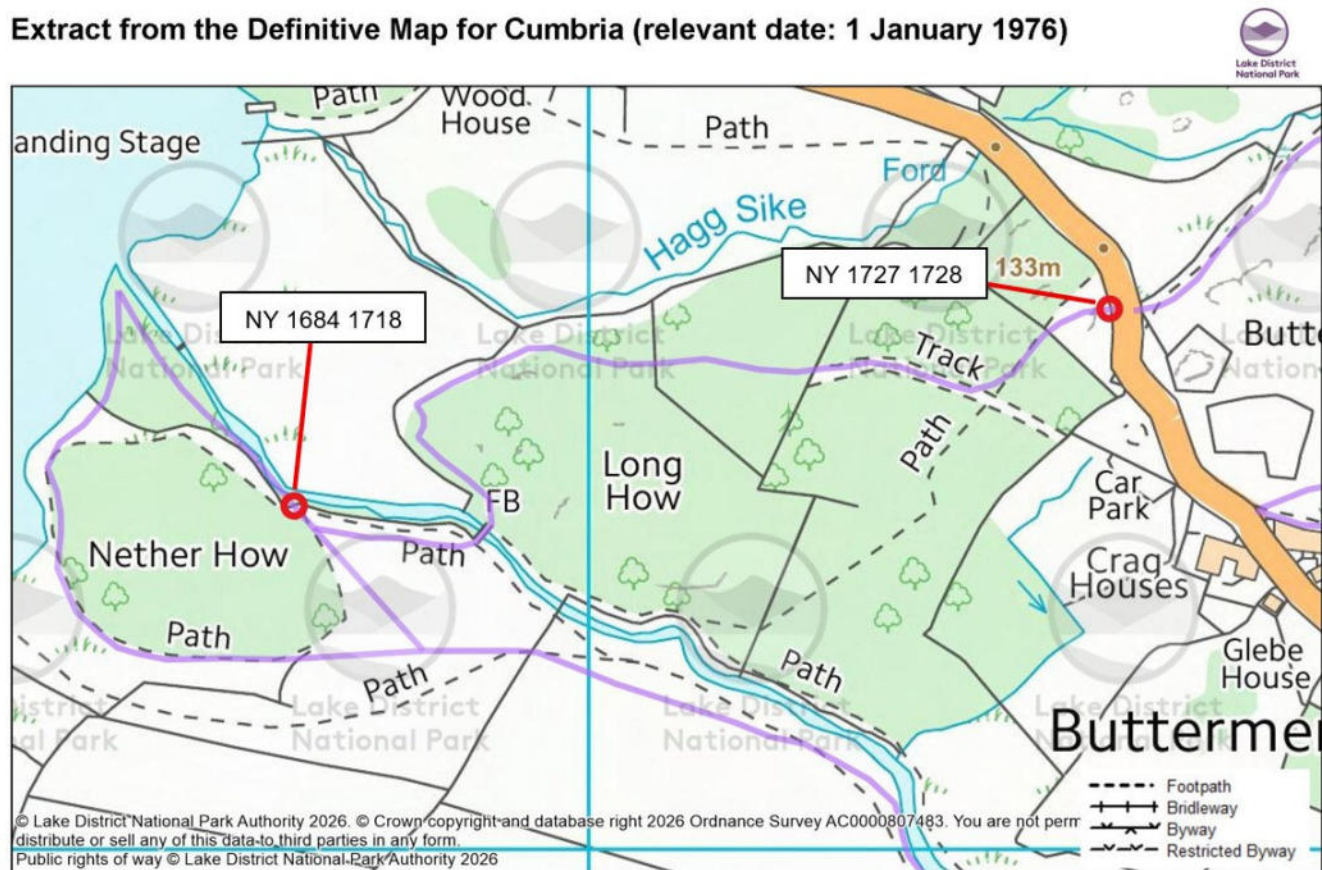
Signature

Date

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Annex A – Location plan showing gate locations (red circles)

Extract from the Definitive Map for Cumbria (relevant date: 1 January 1976)



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0 25 50 75 100 metres

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

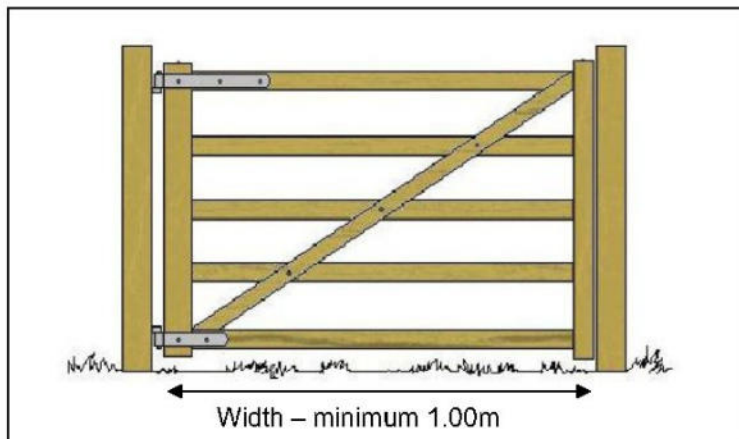
- (1) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or 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.

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- (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.
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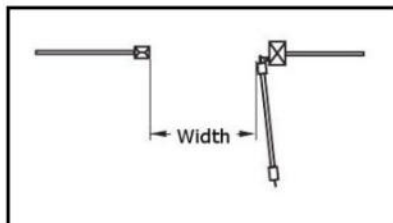
**LAKE DISTRICT NATIONAL PARK
STRUCTURES STANDARDS 2011**

GATES – WICKET (PEDESTRIAN)



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