

Guidance: Gaps, Gates and Stiles

Introduction:

Consultation undertaken in preparation of the Rights of Way Improvement Plan 2018-2028 (ROWIP) identified:

People with specific needs, including disabilities, are most in need of better access; and, improving access for people with mobility difficulties was identified as being one of the main aims of the Plan

As a result of the consultation and in compliance with the Equality Act 2010, the ROWIP includes the following policy at section B2 (making improvements to the existing network):

An inclusive approach will be adopted when improving existing public rights of way, so that whenever possible routes will be accessible to horse riders, cyclists, walkers and those with visual and mobility impairments. Attempts will be made to remove any obstacles that reduce accessibility for people with disabilities

Legal Position:

A gate, stile or other structure (e.g. bollard, barrier) is a potential nuisance at common law and an unlawful obstruction unless it is recorded as a lawful limitation in the legal record of public rights of way (the Definitive Map and Statement). Upon an application being made to an access authority, it may be possible for a stile or gate (which is necessary to control livestock/animals on land used for agriculture, forestry or for keeping horses) to be authorised (s147 Highways Act 1980).

A landowner is under a duty to maintain a gate or stile across a public right of way and to keep it in a safe condition and to a standard of repair required to prevent unreasonable interference with the rights of users. In this respect, compliance with the British Standard for Gaps, Gates and Stiles (BS 5709:2018) is advised by the Public Rights of Way Service – example diagrams are set out overleaf. Where a landowner complies with their duty, they are entitled to recover 25% of the reasonable cost of installation/maintenance from the access authority.

Policy:

To support the policy contained in the ROWIP, the Public Rights of Way Service adopts the least restrictive option to enable the network to be used in a safe and enjoyable manner by all. In most cases a gap will be the preferred option. If a gap is not appropriate, due to the need to control livestock/animals, then the next option is a pedestrian or bridle gate. On footpaths, a pedestrian gate will be preferred over a kissing gate. Generally, the Service does not support the installation of stiles due to their restrictive nature. A stile will be permitted only where a landowner insists that one be installed and it is recorded as a lawful limitation in the Definitive Map and Statement.

Additional Information for Landowners:

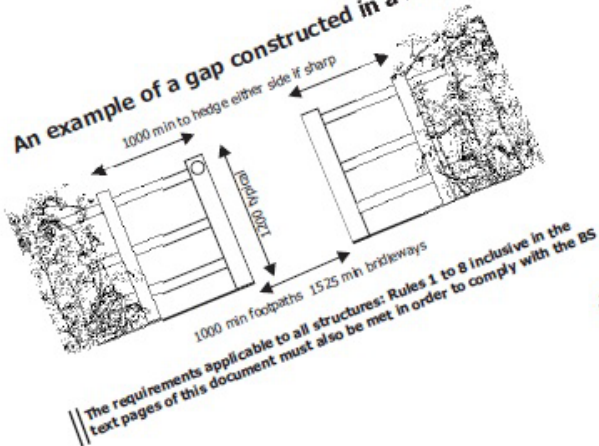
Where budget and resource allow, the Public Rights of Way Service will attempt to continue to assist landowners with the installation of gates* for the purpose of maintaining correct standards and continuity on the network. Where existing stiles have fallen into disrepair and/or require removal, the Service will (for the purposes of livestock control only) endeavour to provide and install a gate at no cost to the landowner* to support the policy contained in the ROWIP and to promote an accessible network. Where a stile is in need of repair or replacement and the landowner insists that it is retained, the Service will require that the landowner fulfils the maintenance duty itself (s146 Highways Act 1980), subject to recovery of 25% of the reasonable cost (as referred to above). A landowner is potentially liable to anyone injured because of a defective stile or gate and will be committing an offence under Health and Safety at Work legislation in the event of default.

(*provision of and installation of a gate by the Service will not override a landowner's duty to maintain it or to replace it in the future)

Donate a Gate Scheme:

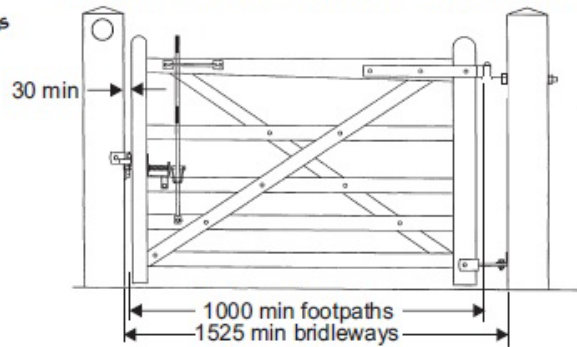
Information relating to the Isle of Wight Ramblers Association's donate a gate scheme can be found by clicking here: [Donate a Gate \(iowramblers.com\)](http://iowramblers.com)

An example of a gap constructed in a hedge.



An example of a two way bridle/pedestrian gate.

- # Latches if fitted (as here) to be visible, accessible and operable from both sides of the gate.
- # Not more than 50N (5kg on spring balance) force to fully open.
- # Gates, except off roads, if self closing must be two way.
- # For public paths a notice saying Public Footpath/Bridleway on both sides and within 2 m of the gate, is required.
- ## The requirements applicable to all structures: Rules 1 to 8 inclusive must also be met in order to comply with the BS



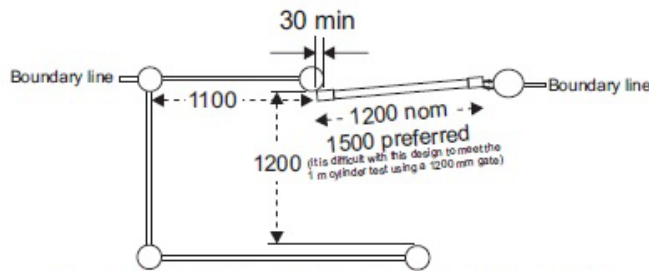
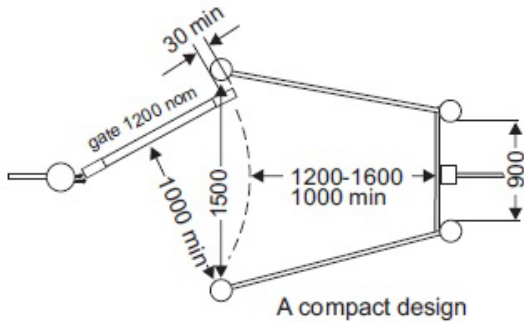
Three examples of kissing gates.

For all of these:

- # A 1 m cylinder, with axis vertical, must be able to pass through.
- # Latches, if any, must be easily accessible from either side by all users.
- # The gate must swing freely.
- # For public paths a notice 'Public Footpath' must be clearly visible to path users from both directions of approach and to be within 2 m of the structure.
- # Where the use of mobility vehicles (wheelchair or child's push-chair) is practicable at or near the structure the surface must be level or on a slope all in one plane and less than 1 in 10.

The requirements applicable to all structures: Rules 1 to 8 inclusive (in the text pages of this document) must also be met in order to comply with the BS

Height of all gates and top rails typically 1200 mm
Infill with wire mesh or other material to suit stock requirements



A design fitting neatly all on one side of a boundary

