

Application for new structures on Public Rights of Way– Guidance notes

New structures can only be considered for authorisation if they are on public footpaths and public bridleways. We cannot authorise structures on restricted byways and byways open to all traffic.

Norfolk County Council (NCC) will need to ensure that all applications for structure authorisation are warranted by the forthcoming use of the land and that the minimum obstruction is caused to the public before authorisation is granted. Authorisation will only be given for structures required for immediate stock control and not as a secondary control measure.

We will only authorise the least restrictive option. In the first instance avoiding the need for a structure is the preferred option, such as excluding the right of way from the livestock by fencing. However, if this is not possible, the least restrictive option means:

- Providing a gap
- If a gap is not practicable for reasons of stock control, then a field gate or wicket gate shall be provided. Gate latches on public bridleways must be useable by a competent rider from horseback.
- If a gate is not practicable and the route is a public footpath, then a kissing gate may be used.

NB Gates cannot be locked at any time.

Only the least obstructive structure will be authorised; it is NCC policy **not** to authorise new stiles. Conditions and specifications may be included as part of any authorisation and these must be adhered to. All new authorised structures should be inspected by NCC staff within 1 month of erection to ensure compliance.

Where a path has been fenced from an area of livestock to avoid the need for a new structure, minimum widths for the public right of way must be adhered to. Standard minimums required by NCC for such widths (where not mentioned in the Definitive Statement) are 2m for a footpath and 4m for a bridleway. Preferably barbed wire should not be used, however if it is necessary for stock control, minimum widths should be increased to 2.5m and 5m. In addition to this the barbed wire must be fixed to the field side of the fence not on the public right of way side of the fence.

It is the responsibility of the landowner or occupier to contact the Public Rights of Way Officer to discuss the options available to them before erecting any new structures. If a structure has been erected prior to in principle approval, this will be treated as an obstruction.

Should the council refuse an application or impose conditions there is no right to appeal against these decisions.

Any authorisation will be rescinded if the land use changes so there is no longer a need for a structure to prevent the ingress or egress of animals and the structures will need to be removed. If structures are not removed they will be treated as an obstruction.

Application process:

- Landowner/Occupier contacts Norfolk County Council to discuss request for structures
- If applicable, landowner/occupier completes application form and returns to NCC
- NCC decides whether or not to agree to application. If agreed, a letter of in principle approval will be sent to applicant
- Applicant has 1 month to erect structures and must contact NCC to inform that structures are in situ
- NCC inspects structures and if they meet conditions and specification, authorisation letter is issued.