



Consent for a Structure on a Public Right of Way

Highways Act 1980 Section 147

Legislation requires that any new structure across a right of way is given authorisation, without such the structure is deemed an obstruction.

Type of Structure

Route Status (Please indicate which applies) Footpath / Bridleway / Byway

Parish and Path Number

Please state the reason a structure is required. This must comply with permissible reasons as set out under Section 147 of the Highways Act 1980 (e.g stock-proofing/keeping horses/agricultural reason)

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Please note that the least restrictive option for the character of the path should be supplied.

Least restrictive hierarchy: 1) Gap 2) Self-closing gate 3) Kissing gate 4) Stile

Under the Equality Act 2010 there is a requirement to consider the needs of people with disabilities and restricted movement. Consent for stiles may only be granted in exceptional circumstances.

Any further details

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e.g. specification/ standard number, handles, latches, additional fencing, 2-way opening, self closing.

The structure is to be located at the point marked X on the attached plan. Grid Reference (8 figures)

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Applicants Name

Address

Postcode:

Telephone email.....

I am the landowner / lessee / tenant / licensee / occupier of the land in question. (Please indicate which applies)

Name of Landowner if different

Address.....

Postcode

Construction *Please tick one option only*

a. I will undertake the construction myself and ensure that the structure will conform to the standards agreed by Milton Keynes Council and accept the responsibility for the ongoing maintenance of the structure to those standards and the liability therein.

Or

b. I would like the Council to undertake the construction at my expense (subject to contractor availability) and I will thereafter accept the responsibility for the ongoing maintenance of the structure to the standards agreed by Milton Keynes Council and the liability therein.

The Conditions

- 1) The Applicant accepts the responsibility for maintenance of the structure to the standards agreed by Milton Keynes Council and the liability therein and any reasonable adjustments arising from changes to county and national standards, until such time as the structure is removed.
- 2) The Applicant undertakes to notify Milton Keynes Council of any anticipated material changes relating to the ownership/occupancy and use of the land and any changes to the structure.
- 3) This authorisation covers only the structure as specified above and only for the period of the applicant's occupancy. Any additions (such as fencing wire, sheep netting, latches, springs), may constitute an unlawful obstruction unless prior authorisation has been given.
- 4) Gates must be capable of being opened at all times with reasonable ease by all lawful users of the route (e.g. on foot, cycle or horseback) as relevant.
- 5) Should any of the conditions under section 147 [Highways Act 1980], which allow the structure to be erected cease to exist, then the authorisation becomes void and the structure becomes an unlawful obstruction and must be removed.
- 6) If at any time the status of the route changes to that of a higher status this authorisation becomes void and should be reapplied for.
- 7) Milton Keynes Council reserves the right to attach waymark discs or other approved signage to the structure.
- 8) The Applicant will control the growth of any vegetation immediately around or under the structures to maintain free passage. No barbed wire is to be attached to any part of the structure.
- 9) The Applicant will make alternative access available if at all possible for Milton Keynes Council contractors to access the right of way for the purpose of path maintenance.
- 10) Any failure of the Applicant to abide by these conditions may lead to the Council requiring the removal of the structure as an unlawful obstruction, under sections 143 or 333 [Highways Act 1980] and/or legal proceedings being commenced for the wilful and unlawful obstruction of the public highway under section 137 [Highways Act 1980]. Alternatively the Council may require that the structure be upgraded at the applicant's expense to one that is more convenient to the public.
- 11) This approval is a restriction on public rights and this document may be shown to any member of the public requesting it.
- 12) Other condition(s) specific to this case:
(e.g. securing a gate open during periods without stock)

Signature of Applicant Date

Inspection & Authorisation The structure has been inspected and conforms to an agreed suitable standard. Milton Keynes Council, as Highway Authority and pursuant to Section 147 of the Highway Act 1980, hereby authorises the erection of the structure.

Signature of authorising MKC Officer..... Date

Print Name Position

Rights of Way Data Protection Privacy Statement

We collect and use information about you so that we can provide you with Rights of Way services under Highways Act 1980 Legislation. Full details about how we use this data and the rights you have around this can be found on our website. If you have any data protection queries, please contact the Data Protection Officer at data.protection@milton-keynes.gov.uk