Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Wednesday 30 August 2017

Committee:
Shropshire's Great Outdoors Strategy Board

Date: Thursday, 7 September 2017
Time: 10.00 am
Venue: Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of Shropshire's Great Outdoors Strategy Board

Peter Carr	Lezley Picton
Alex Carson-Taylor	Nigel Pocock
Lee Chapman	Ronald Repath
Sarah Faulkner	Jack Tavernor
Ruby Hartshorne	Mark Weston
Deb Hughes	Andrew Wood
Cecilia Motley	

Your Committee Officer is:

Tim Ward Committee Officer
Tel: 01743 257713
Email: tim.ward@shropshire.gov.uk

AGENDA

1 Welcome, Introductions and Apologies for Absence

2 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Shropshire Council Procedure Rule 14. The deadline for this meeting is 5.00pm on Monday 4th September 2017

3 Declaration of Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

4 Election of a Chair and Vice Chair

To confirm the election of Chair and Vice Chair

The following nominations have been received: -

Chair – Alex Carson Taylor

Vice-Chair – Mark Weston

5 Countryside Access Improvement Plan (Pages 1 - 20)

Clare Fildes, Outdoor Partnerships Enterprise Manager, will summarise the proposed plan for the new Countryside Access Improvement Plan (CAIP) and consultees (attached). The Rights of Way Network Assessment is also attached.

6 Supplementary Planning Guidance

Joy Tetsill, Senior Planning Officer, will give a short presentation on current relevant planning policy documents and the review of the Local Plan.

7 Public Health funding cutbacks

The future funding of the Outdoor Partnerships Team by the Public Health department will cease in 2019/20 if the current situation doesn't change. This currently funds Walking for Health, Shropshire Wild Teams and the active volunteering support.

A discussion will take place around possible alternative funding streams for this activity.

8 British Standard for Gaps Gates and Stiles BS5709:2006- Consultation

(Pages 21 - 60)

Shona Butter, Mapping and Enforcement Manager, will present the proposed changes to the British standards for Rights of Way furniture.

9 Future Meetings

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Shropshire Countryside Access Improvement Plan

2018-28

Plan

1.0 Introduction

- Background to Rights of Way Improvement Plan and legal context- Countryside and Rights of Way Act 2000
- Scope of Shropshire Countryside Access Improvement Plan (CAIP), explaining that it will cover more than what's required by the Right of Way Improvement Plan- Public Rights of Way, permissive paths, open access land (including commons), cycleways not alongside roads, canal towpaths, parks, nature reserves, verges where relevant, other publically accessible sites, forest with public access, stretches of road and pavement which link the above together

2.0 Why the CAIP is important

3.0 Context

4.1 Overview of Shropshire

- Key facts, demographics
- Landscape and biodiversity- AONB, NIA, SSSIs, RAMSAR, RIGs, landscape character link, Nature Reserves
- Cultural Heritage-WHSs, SAMs
- Countryside access network from market towns- review of six market towns

4.2 Strategic context-

  - Local-Shropshire Council Corporate Plan, Shropshire Hills AONB Management Plan, Shropshire Hills Sustainable Tourism Strategy, Shropshire Economic Strategy, Cultural Strategy, Health and Wellbeing Strategy, Local Transport Plan
  - National- Public Health England, Everybody Active Every Day, Wildlife Trusts, National Trust, Forestry Commission, Historic England, Sport England

4.3 Statutory responsibilities- of Shropshire Council, landowners and users. RoW and green space

4.4 Shropshire's Great Outdoors Strategy Board- acting as the Local Access Forum

4.5 Outdoor Partnerships

- Overview of the service- responsibilities, staffing, budget overview, volunteering
- Key Partners and consultees:
  - British Driving Society
  - British Horse Society
  - Businesses- outdoor activity and equipment providers, land agents
  - Byways and Bridleways Trust
  - Canal and River Trust
  - Country Land and Business Association
  - Cycling UK
  - Forestry Commission

- Historic England
- LEADER Local Action Group
- Local Enterprise Partnership
- Local Nature Partnership
- National Farmers Union
- National Trust
- Natural England
- Open Spaces Society
- Public Health
- Ramblers Association
- Rural Community Council
- Rural Services Network
- Severn River Trust
- Shropshire Council
- Shropshire Disability Network
- Shropshire Hills AONB Partnership
- Shropshire Wildlife Trust
- Sustainable Transport Shropshire
- Town and Parish Councils
- Trails Riders Fellowship
- User groups- walking, cycling, horse riding (including Walking Forums, Riding and Carriage Driving Forum), motorised use (Treadlightly, Green Lane Association Ltd.)
- Volunteers- Walking for Health, Wild Teams, Volunteer Rangers and Parish Paths Partnerships

4.6 Current Countryside Access provision- maps of ROW, parks and sites, open access land, canals

PROW, National Trails, long distance routes, open access (including commons), permissive access, canals, countryside sites (including forestry) and town parks, river access

Trends in activity

New types of activity- e.g. Strava, Pokemon

4.7 Current use of the countryside access network

- Casual/ leisure use
- Promoted walking, cycling and equestrian routes
- All ability and easy access
- Walking for Health
- Motorised vehicles
- Walkers Are Welcome
- Walking Festivals and other events
- Other outdoor activities- challenge events, climbing, mountain biking, canoeing, geocaching, orienteering
- Promotion- Shropshire's Great Outdoors, social media, other

4.8 Results from Countryside Access Strategy 2008-2018- key headlines, improvements, gaps, case studies/ examples (see attached)

4.9 Consultation process

4.10 Evidence and consultation results

- Results of the User Surveys, MENE, Public Health and DfT data
- ANGSt data review
- Open Spaces Review
- Consultation on CAS Review

5.0 Vision

Key words/ phrases:

- Shropshire's countryside is accessible
- Third largest RoW network in the country
- Residents and visitors are aware of what's available
- Access to the countryside is recognised as a priority for the local economy, wildlife, health and wellbeing
- Local people have 'ownership' and are supported to become more involved in decision making and maintenance
- Statutory requirements and Health and Safety are priorities
- Local businesses benefit from well managed access network
- Communities are happier and healthier as a result

Principles:

- Aspirational activity will need to be funded mostly through external sources
- Investment will be need to fulfil statutory requirements and to maximise opportunities to raise income
- Improvements should be sympathetic to the natural and cultural heritage
- Partnership working will be essential to maximise opportunities

Challenges

- The UK decision to leave the European Union and any impact on the Common Agricultural Policy, Environmental Stewardship and rural development
- Introduction of the Deregulation Bill
- Impact of devolved authority for ROW in Wales
- Impact of the Government austerity measures on staff and budgets
- Localism, commissioning services to Town and Parish Councils and the aspiration for devolved authorities
- Focus on economic growth and development, potentially at the detriment of the environment
- Creation of extensive new housing, development of employment land and changes to farm enterprises
- Increase in urban populations and the potential impact on RoW
- Education of users
- Increase in leisure time as jobs become more fragmented and there is more home working

6.0 Delivering priorities for Shropshire

7.0 Objectives and priorities (see attached)

7.1 Resilient communities- local access networks are improved for active travel and leisure and local partnership approaches are developed that enable communities to identify and act upon priorities for a high quality outdoor environment and biodiversity

- Input into Neighbourhood, Town and Parish Plans where appropriate and closer working with the Planning Department to prioritise access.
- Work with Town and Parish Councils to promote the value of outdoor infrastructure for health and the economy
- Development of the Local Cycling and Walking Infrastructure Plan- desire lines, links between communities.
- Master planning of six market towns to plan countryside access and green space provision at a town level in response to new housing and employment land development.
- Develop Supplementary Planning Guidance for access.
- Seek to secure CIL funding, where appropriate, for new multi-user routes in new developments
- Continued support and development of Parish Paths Partnerships.
- Consider circulating Parish Access Plan template to Parish Paths Partnership groups to further encourage local involvement.
- Identify further support for Volunteer Rangers, 'Friends of' groups and work with young people.
- Engage more with the cycling community, including mountain biking, to identify opportunities and address issues.
- Training and support for different user groups on Rights of Way, planning issues and responsibilities as a user and landowner and identifying local access priorities.
- Renegotiation of contract with Community Payback team.
- Better partnership working to help support volunteering and site management and to deliver landscape scale projects.
- Discussions with businesses about Corporate Social Responsibility
- Development of countryside access is sympathetic to biodiversity, heritage and relevant designations.
- Consider campaign to educate users and reduce user conflicts.
- Work with Highways Department on minor highways, quiet lands and verges that link off-road routes.

7.2 Healthy People - People are more active through better planned development and access to the countryside, and participation in a broad range of outdoor recreational activities and active volunteering

- Continued support for active volunteering, including the Wild Teams and Walking for Health
- Involvement in and monitoring of the Social Prescribing pilot.

- Joint approach needed with the Health and Wellbeing Board to help prevent chronic health conditions, including working more closely with Adult Social Care, Public Health and other organisations to reach those who need support most.
- Consider developing new programmes for young people, including the roll out of Healthy Shropshire for Schools, if external funding can be secured and developing 'Daily Miles' on sites.
- Programme of events and activities.
- Develop and maintain easy access and all-ability trails.
- Promote joint working with Public Health as a good practice example to other Authorities.
- Better engagement with disability network and groups to identify opportunities and get feedback on current facilities.
- Better monitoring and identification of existing routes.
- Increased use of dog-friendly sites where the landowner agrees.
- Better promotion of fully-gated routes on the Shropshire's Great Outdoors website.
- Supporting other outdoor activities e.g. fell running, orienteering, canoeing
- If a Local Cycling and Walking Infrastructure Plan is developed, the Outdoor Partnerships Service will seek to be actively involved, ensuring that walking and cycling for local journeys is a priority.
- Development and promotion of multi-user routes, improving connectivity of off-road routes, linking roadside verges and considering 20mph schemes for linking routes.
- Investigate opportunities to increase access and recreation on existing sites and develop new ones where appropriate.

7.3 Prosperous Economy- the local economy is supported by developing the extent and quality of the countryside access infrastructure, including parks and sites, and by working with businesses to access Shropshire's rich and varied natural environment and heritage.

- Development of externally funded projects that increase investment in key assets for economic growth.
- Further the aspiration for a new Country Park around the north west of Shrewsbury.
- Increase access alongside waterways by revamping the Severn Way, developing a new route alongside the River Teme and working more closely with the Canal and River Trust.
- Involvement in rural development programmes for the future, building on the LEADER experience.
- Working with outdoor activity providers and other relevant businesses to access funding, identify development opportunities and grow their businesses, possibly through a new business network.
- Increase the understanding and capacity of Council managed countryside assets to help mitigate climate change.
- Increase awareness of the role of access to the countryside as a driver for businesses and individuals to relocate to Shropshire.
- Offer opportunities for training for young people, including student placements and apprenticeships.
- Ensure high quality parks and sites management

- Support Walkers Are Welcome towns, festivals and events through User Forums, website and social media.
- Seek to develop new multi-user routes along disused railways and support the Canal and River Trust to develop canal towpaths for all users.
- Work with Theatre Severn, museums and cultural attractions to develop more joined up promotion and development.
- Work with other partners, such as the National Trust, Shropshire Wildlife Trust and Historic England to maximise economic benefit, whilst protecting natural and cultural heritage.
- Support routes from, or linking to, rural pubs, cafes and other relevant businesses.
- Develop and promote the Shropshire's Great Outdoors membership scheme.
- Further develop the Shropshire's Great Outdoors website and social media outlets.

7.4 Outdoor recreational assets are safe and well maintained to meet statutory obligations and new opportunities now and in the future, within current financial restrictions

- Development of the new Shropshire's Great Outdoors Strategy Board, ensuring better advice to the Council and other agencies and stronger links with other agendas, such as community, health and the local economy.
- Advise Central Government on changes to the Common Agricultural Policy with regard to countryside access.
- Prepare for likely increase of claims for unrecorded Rights of Way as a result of the Deregulation Bill.
- Further prioritisation of outstanding Formal Applications and anomalies, along with case files from the Discovering Lost Ways project in the north.
- Revision of the Definitive Map and Statement.
- Secure capital funding for major infrastructure repairs.
- Continue ploughing and cropping campaign.
- Better mapping and signage of Rights of Way across Country Parks and Heritage Sites.
- Show route closures on Shropshire's Great Outdoors website and changes to routes.
- New guidance for users in easy to follow booklet, along with user awareness campaign.
- New policies needed on Planning, Drones and Neighbourhood Disputes involving Rights of Way.
- Contact climbing groups regarding the safety issues associated with quarry faces on Countryside Sites.
- Continue to develop income generation, including business sponsorship, and secure other sources of funding to help sustain developments in the future.

8.0 Risk management- impact of further reductions in funding, impact of new roads and other development, lack of multi-user connections

9.0 Monitoring and evaluation- annual updates to spreadsheet/ case studies/ BVPI

Policies (these will be integrated into the main sections on each objective)

- Prioritisation of maintenance
- British Standards for gates, gaps and stiles
- Easier access
- Enforcement
- Ploughing and Cropping
- Surfacing
- Motorised vehicles
- Statutory provision for gates and stiles
- Definitive Map Modification Orders
- Public Path Orders
- Neighbourhood disputes
- Planning- Supplementary Planning Guidance
- Drones
- Safeguarding

10.0 Action Plan

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ROWIP – Network Assessment

1. **Existing Network**

- Shropshire has a Public Rights of Way network of over 5600km.
- It is the third largest network of Public Rights of Way in England.
- It is the largest landlocked area.

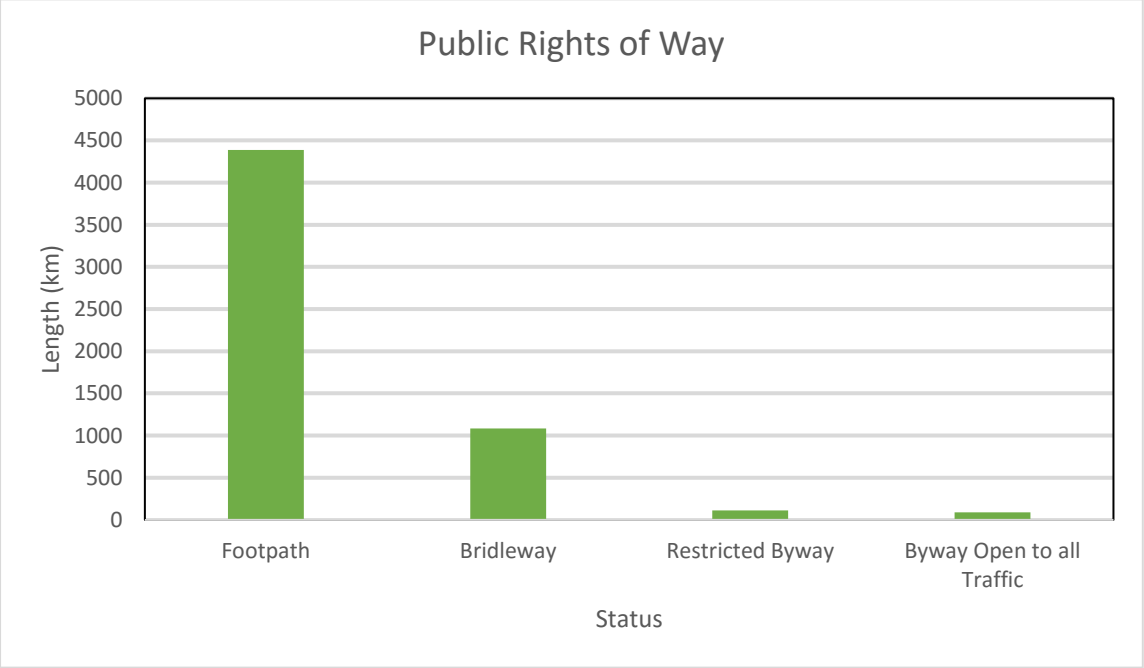
Categories of Public Rights of Way

Footpaths (FP), which allow access for the public on foot only.

Bridleways (BW), which allow access on foot, horseback and with pedal cycles.

Restricted Byways (RB), which allow access for the public on foot, horse, pedal cycle and non-motorised vehicles (e.g. horse and cart).

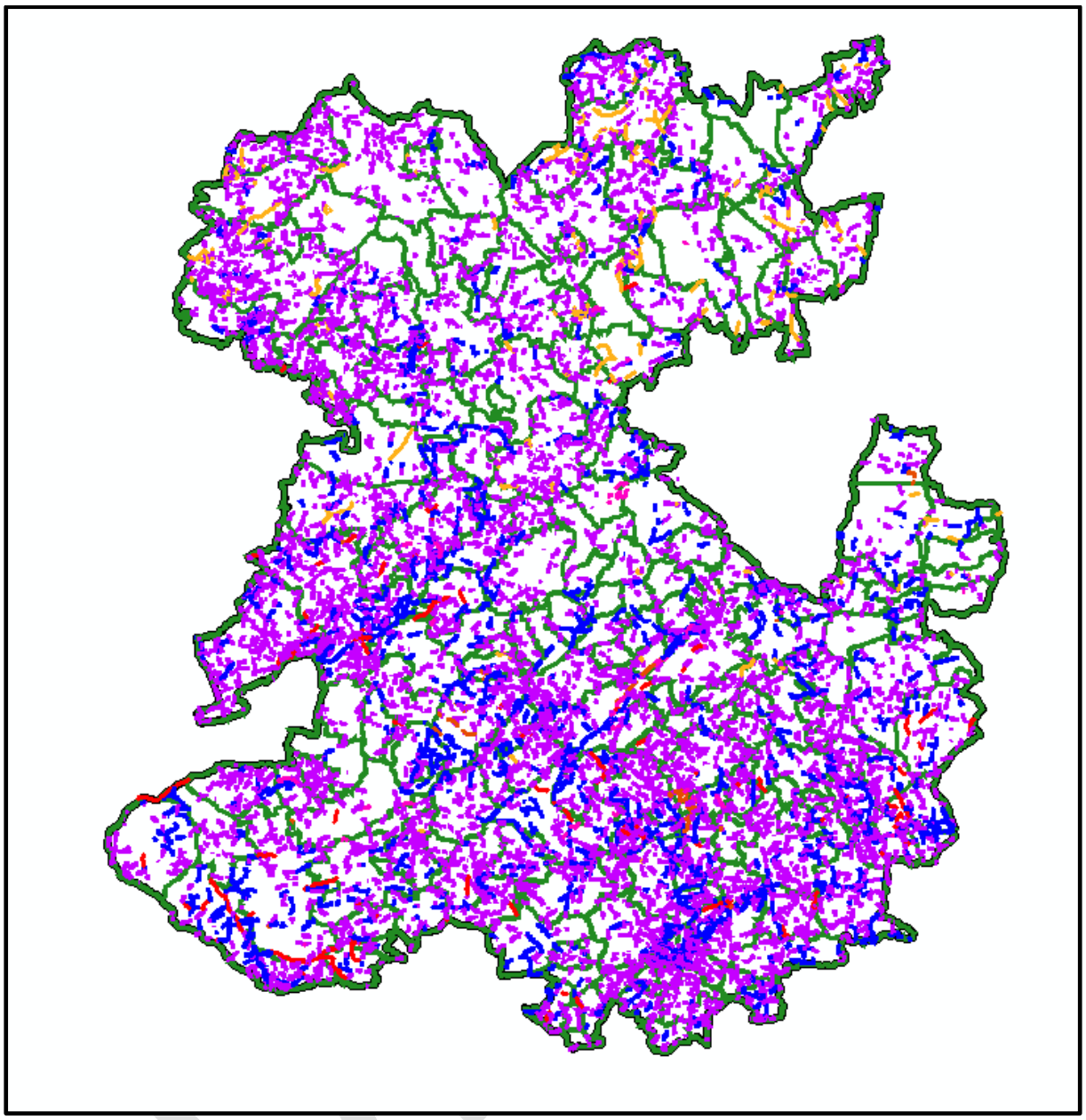
Byways Open to all Traffic (BOAT), which allow access for the public on foot, horse, pedal cycles and motorised vehicles.



1.1 Chart showing the length of the network by status

The graph above clearly demonstrates that the majority of the network in Shropshire are footpaths. They make up over 77% of the overall network compared to 19% of bridleways and the remainder are restricted byways and BOAT's.

The map below shows that the Rights of Way network is most dense in the south of the County and there are distinct differences in the topography of Shropshire, which has influenced this network, together with other factors such as the connecting Highway network, Canal Paths, Open Access Land, main towns and the rural nature of Shropshire.

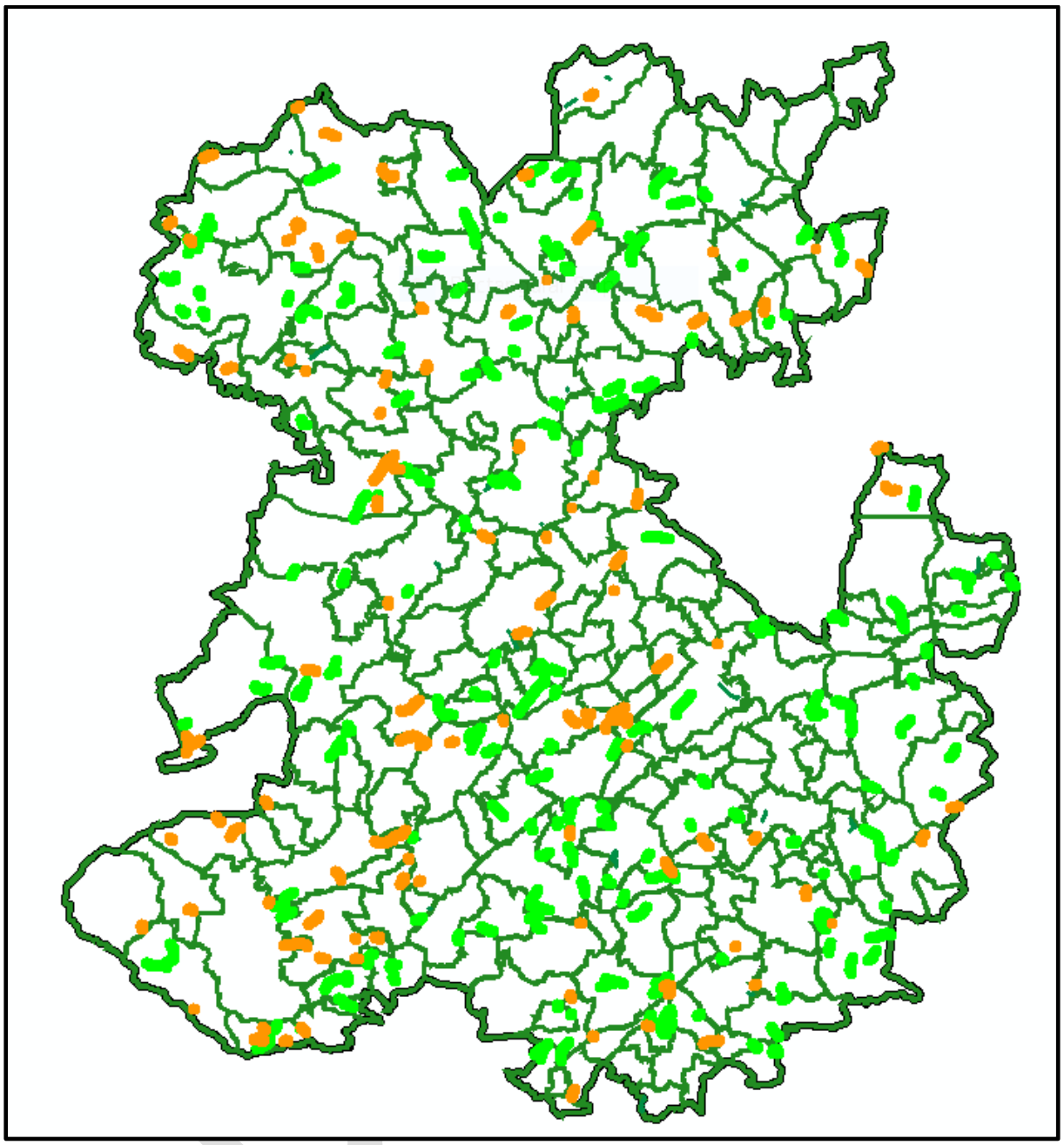


1.2 Map showing the Public Rights of Way network August 2017

Whilst this demonstrates the size and extent of the network, the legislation governing Public Rights of Way acknowledges that the map is conclusive in what it shows but that amendments and additions should be made when there is evidence to support such alterations. There is a legal requirement to keep the Definitive Map up to date and under continuous review.

2. Anomalies

Through various work undertaken over several years an extensive analysis of the network has revealed that there are over 600 anomalies on the existing definitive map. In the main these relate to routes with no legally recorded outlets or where the status is inconsistent, for example where a footpath may join a bridleway and then revert to a footpath again, resulting in no legal access to that section of bridleway on horseback/bicycle.



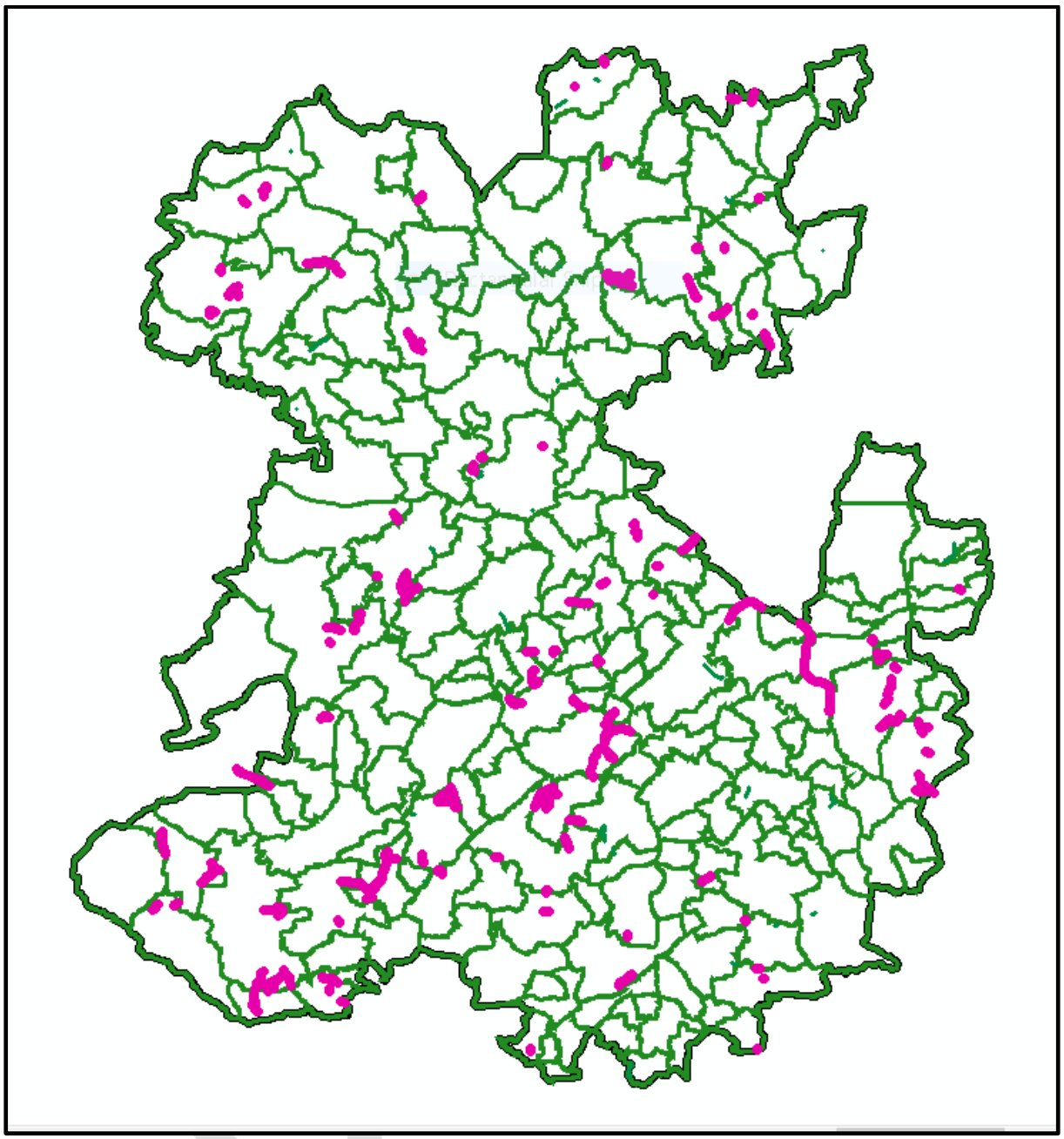
2.1 Map showing Status and Outlet anomalies

The only way to resolve these issues is to research how they came to be recorded and if sufficient evidence is discovered, publish legal orders to alter the definitive map.

3. Formal Applications

Under the provisions of the Wildlife and Countryside Act 1981, anyone can make a Formal Application to have the definitive map altered if they have evidence to support their application. The only evidence which can be considered is user and/or historical.

At present (August 2017) Shropshire has **64** Formal Applications which have yet to be investigated.



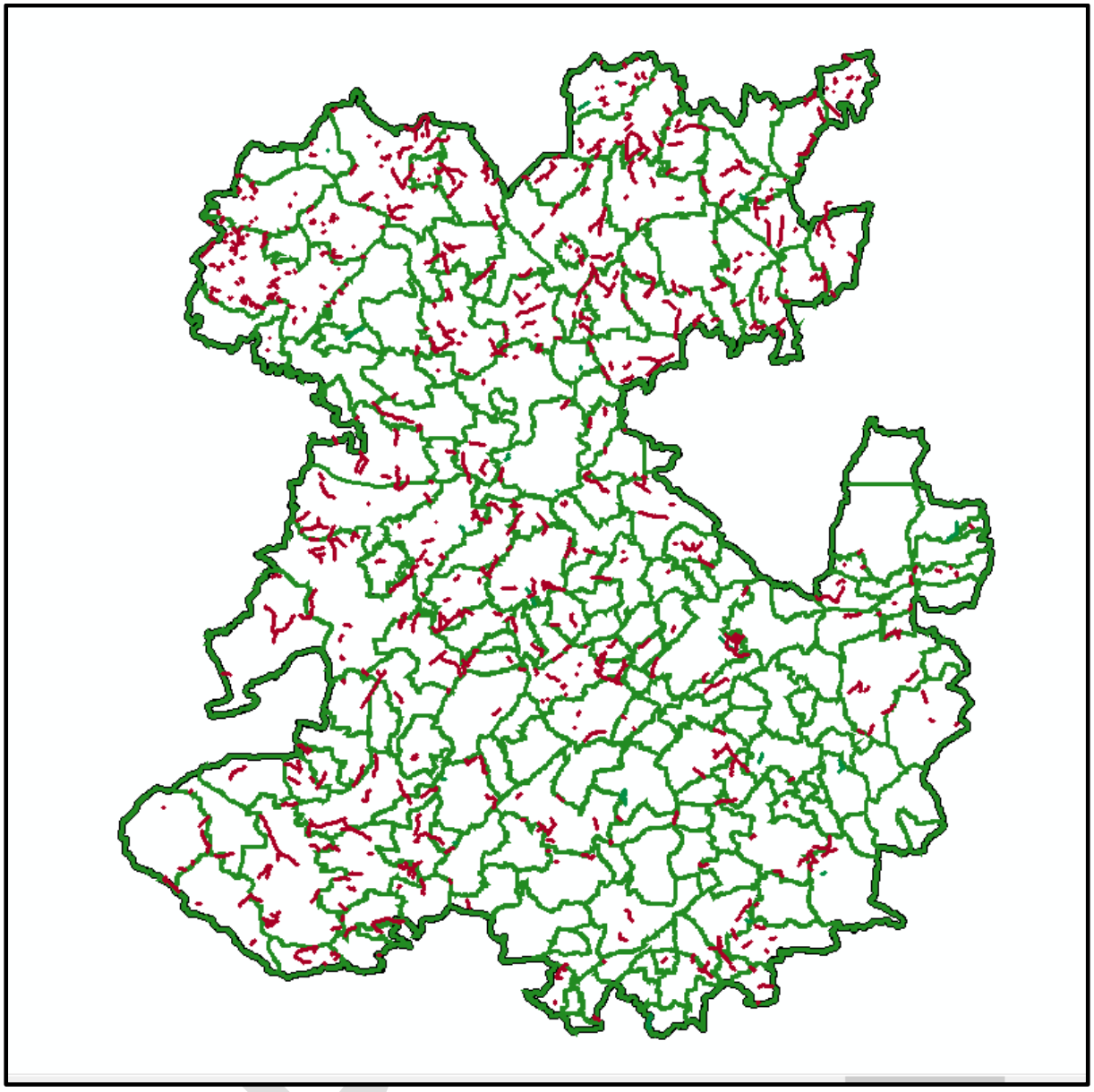
3.1 Map showing the location of existing Formal Applications

Once determined, some of these claims will resolve a number of the anomalies detailed above, as they may be claims to have unrecorded outlets added to the map, or for a change in status.

4. Discovering Lost Ways Project

From 2004-2007 The Discovering Lost Ways (DLW) project was set up by the Countryside Agency (now Natural England). The focus of the project was to identify so called 'lost ways' through systematic archive research. In May 2007 a review of the project resulted in a stakeholder report called 'finding the way forward' which resulted in 5 Pathfinder Projects being set up to look at certain aspects of the project. Shropshire was successful in being one of the projects.

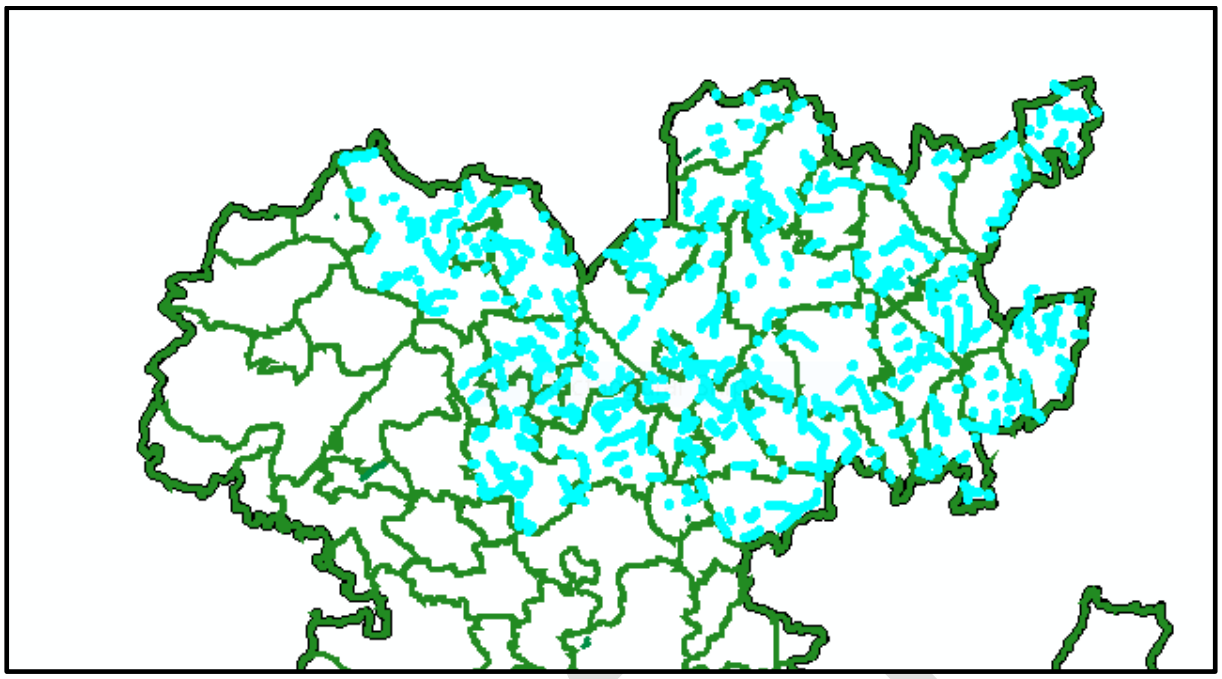
Part of the work associated with the project involved officers looking at the network and identifying the potential 'Lost Ways' for the teams to investigate. The map below shows the extent of potentially unrecorded routes which may be supported by historical evidence.



4.1 Map showing potential unrecorded routes.

As the north of Shropshire had not been proactively investigated by the Council as part of any review of the Public Rights of Way, the pilot decided to focus on this area.

This resulted in 100 case files being submitted to the Council with an indication from the historical evidence found as to whether the case was considered weak, tentative, strong or very strong.



4.2 Map showing the area investigated which resulted in 100 cases.

Officer analysis of these case files have revealed that

- **Thirty-Five** require no further action as they are of no public benefit or are already recorded on the List of Streets.
- **Two** are already being investigated as they were also Formal Applications
- **One** is over land owned by the council so could possibly be dedicated.
- **Sixty- two** will require investigation, of which 18 are considered key links in the network and 21 are routes with unrecorded outlets.

5. Historic Cut - off

There are proposals under the Deregulation Act 2015 to bring into force the proposal put forward in the Countryside and Rights of Way Act 2000 to implement the cut- off date of 2026 for claims based on historical evidence.

This will definitely increase the number of Formal Applications submitted and therefore increase the backlog of applications requiring determination.

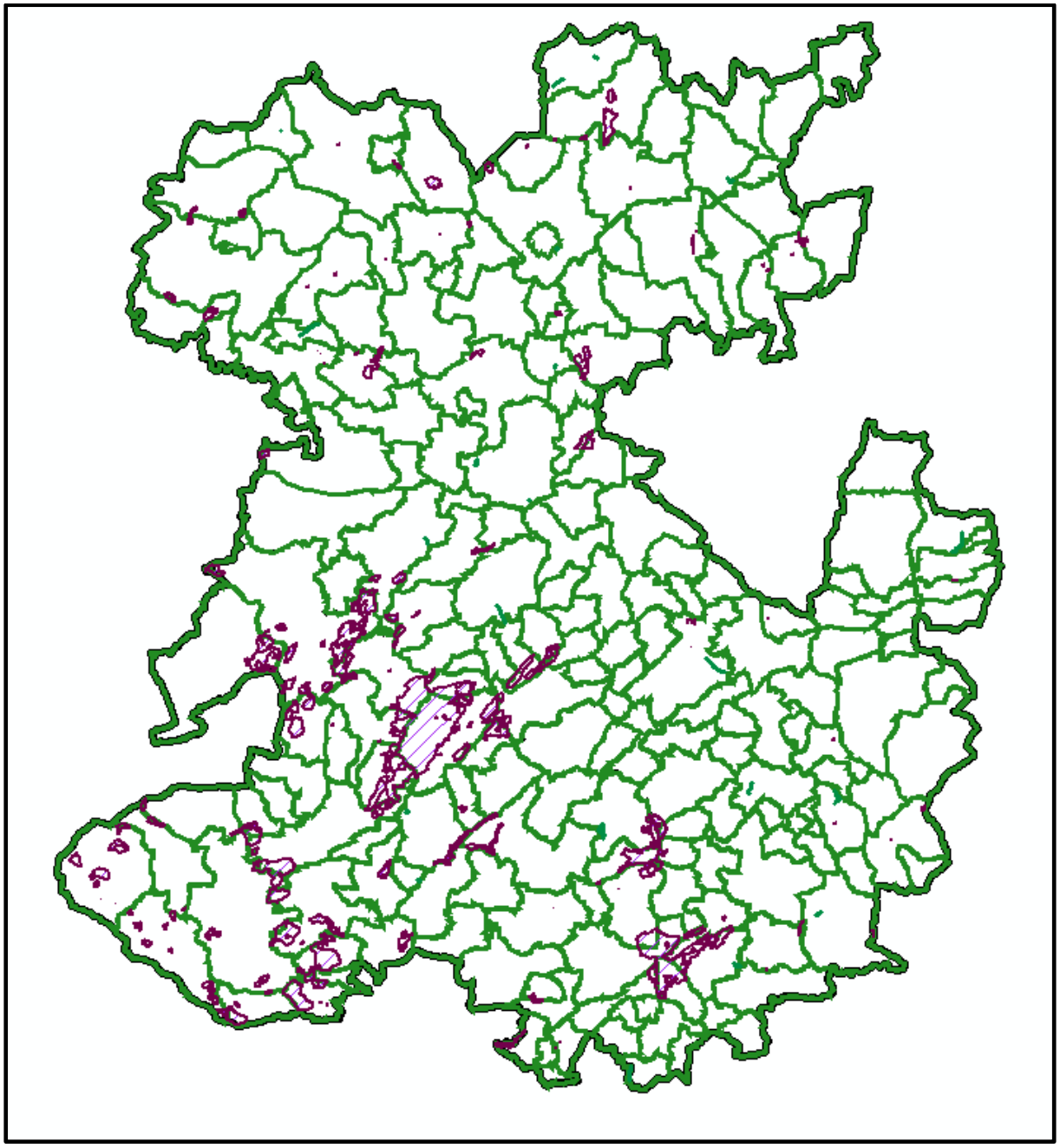
The documents, which often have the strongest weight as evidence for public Rights of Way, are Inclosure Awards, as they often set out public routes.

The Inclosure Awards for Shropshire cover approximately half of the County. It should be noted that some only cover very small areas within a Parish whilst others are more extensive. Officers are in the process of analysing these awards to determine whether there are additional ways, which should be on the definitive map but are currently unrecorded.

6. Other Access

In addition to the Public Rights of Way network, Shropshire has a wealth of other forms of access to the Shropshire Countryside.

The Countryside and Rights of Way Act 2000, made it a requirement to record and manage Open Access Land. This includes mountains, moors, heaths and downs that are privately owned. It also includes common land registered with the local council. You can use access land for walking, running, watching wildlife and climbing.



6.1 Open Access Land in Shropshire

The Council also manages two Country Parks and Twenty One Heritage Sites.

Shropshire Wildlife Trust manages 40 nature reserves across the county. These include heathlands, meadows, ancient woodlands and moorland and everyone is encouraged to explore them.

The Forestry Commission provide access to their land. The Marches Forest Area extends from just north of Shrewsbury south to Leominster and across to the Welsh border. The undulating landscape of this area is punctuated with woodland sites many of which have historical significance.

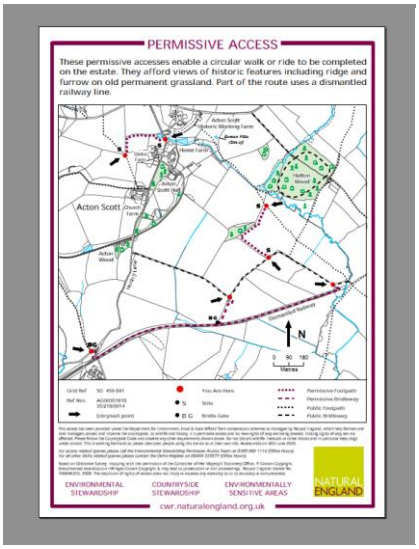
The National Trust have many special places in Shropshire to visit from open countryside to magnificent houses.

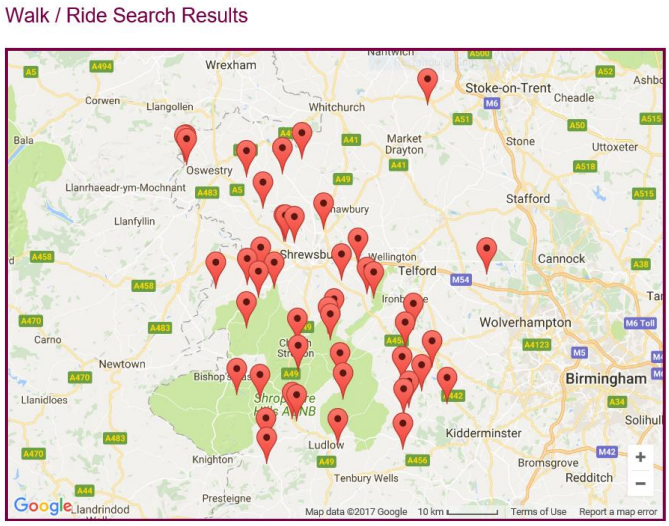
7. **Permissive Access**

In addition to the statutory access, some landowners also provide additional permissive access across their land. Where a formal agreement has been made with the Council these are shown on the electronic working copy of the Definitive Map.

There are many other routes that are also available on a permissive basis which are often used within local leaflets, such as the one illustrated below. This walk includes both definitive and permissive routes.

Under the previous environmental stewardship scheme, landowners were also able to provide additional permissive access. There are 46 sites in Shropshire some available until 2020.





8. Conclusions and proposed priorities

The information detailed above clearly demonstrates that there are a large number of outstanding claims and anomalies which require amendment of the Definitive Map and Statement. Due to the volume of issues and the current resources available, a policy is required to prioritise this work. The current policy is attached below at 8.1.

This will need to be amended to reflect the key priorities as defined within the revised Rights of Way Improvement Plan for 2018-2028.

The impact of the proposed amendments to Public Rights of Way legislation put forward in the Deregulation Act 2015 will also have to be taken into account. The proposals include

- Implementing the 2026 Historic cut off date which will increase the number of claims for potential lost ways based on historical evidence so will increase the number of Formal Applications to be determined.
- Local Authorities will be able to make their own applications for lost ways
- Stricter timescales for determination of Applications for local Authorities which could lead to appeals in the Magistrates Court or applications being sent directly for determination to the Secretary of State.

Proposed Priorities

- The current Definitive Map and Statement for Shropshire is dated 1 September 1965. The statement in particular is extremely limited and requires revision due to the number of legal orders that have been confirmed from 1965 to the present day. A revision of the Map and Statement should be a priority.
- Priority should be given to the high priority missing links in the network in North Shropshire as identified under the Discovering Lost Way Project. This area has not had a proactive review of its public Rights of Way and the project has already discovered key historical evidence to support the additions.
- Consideration should also be given to the prioritisation of an omnibus order to resolve those unrecorded outlets across the County, which are clearly open, available, signed and used by the public on the ground.
- Higher status claims, where they assist in linking together the higher status network, should be given priority.
- A proactive approach will be taken to look at key routes required in the network that are identified within Inclosure Awards across the whole of the County. The Awards covering the northern area have already been examined as part of the Discovering Lost Ways Project and are included in the analysis above.

POLICY STATEMENT 8
Definitive Map and Statement Modification Orders

The Definitive Map and Statement is a legal document which provides conclusive evidence that the Rights of Way shown on it exist. The Map and Statement is not a complete record of all Rights of Way and many more unrecorded public rights may exist. Under the Wildlife and Countryside Act 1981 anyone may apply to have routes added to the Definitive Map or to have it altered in some way. Due to the volume of claims and evidence which is discovered to amend the Definitive Map, it is common practice for all Highway Authorities to have a policy which details the order in which applications will be processed as resources do not allow for all claims to be dealt with at once. The policy is also necessary to defend any appeals which are made to the Secretary of State by applicants.

Policy Statement

The Council recognises:

- The legal requirement for provision of a Definitive Map and Statement that correctly records the alignment and legal status of all public Rights of Way.
- The need and value to the network of recording all 'Lost Ways' where historical documentation supports their existence.

The Council will prioritise applications to amend the Definitive Map as follows:-

1. Applications received based solely on user evidence will be a first priority. Those that fall within an area which has not undergone the district review process to date will be dealt with first; the remainder will be dealt with in order of receipt.
2. If the application is for a route that is being threatened by potential development works.
3. If the application is for a route which is very contentious locally.
4. If the application is for a route of 'strategic importance' or forms part of a promoted route supported by the Council.
5. Where an amendment to a route would significantly improve public safety.
6. Where the application would resolve a significant gap in the network.
7. Where the application is for a route of a higher status than that of a footpath.
8. Where an application assists in meeting other objectives within the Countryside Access Strategy.
9. Where an application resolves an error on the current Definitive Map.

Further Considerations
Following the Countryside and Rights of Way (CROW) Act 2000 Natural England was tasked by the government to find the best way to record all lost Rights of Way in England. It has been estimated that nearly 10% of England's Rights of Way do not appear on Definitive Maps. These could be lost forever if the Definitive Maps are not brought up to date by 2026.

References
Council meeting 24th February 2006
Cabinet 7th February 2006
Rights of Way Committee 5th April 2006
Countryside Access Strategy for Shropshire 2008-2018

Approval and Review
This Policy Statement was approved by Council on 14th December 2007.
This Policy Statement will be reviewed a minimum of every five years, the next review occurring in 2013.

DPC: 17 / 30359172 DC

bsi.

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Date: 17 July 2017
Origin: National

Latest date for receipt of comments: 19 September 2017

Project No. 2017/01225

Responsible committee: B/201 Fences and gates

Interested committees: B/201/-/4, B/201

Title: Draft BS 5709 Gaps, gates and stiles - Specification

Please notify the secretary if you are aware of any keywords that might assist in classifying or identifying the standard or if the content of this standard

i) has any issues related to 3rd party IPR, patent or copyright
ii) affects other national standard(s)
iii) requires additional national guidance or information

WARNING: THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A BRITISH STANDARD. THIS DRAFT IS NOT CURRENT BEYOND 19 September 2017

This draft is issued to allow comments from interested parties; all comments will be given consideration prior to publication. No acknowledgement will normally be sent. **See overleaf for information on the submission of comments.**

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Information on the co-operating organizations represented on the committees referenced above may be obtained from **http://standardsdevelopment.bsigroup.com**

Responsible Editorial Project Manager: **Mary Groom**
Direct tel:
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Introduction

Your comments on this draft are invited and will assist in the preparation of the resulting British Standard. If no comments are received to the contrary, this draft may be implemented unchanged as a British Standard.

Please note that this is a draft and not a typeset document. Editorial comments are welcome, but you are advised not to comment on detailed matters of typography and layout.

Submission of Comments

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BS 5709:201X

Gaps, gates and stiles – Specification

BS 5709:201X

BRITISH STANDARD

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Foreword

Publishing information

This British Standard is published by BSI Standards Limited, under licence from The British Standards Institution, and came into effect on XX MONTH 201X. It was prepared by Technical Committee B/201, *Fences and gates*. A list of organizations represented on this committee can be obtained on request to its secretary.

Supersession

This British Standard supersedes BS 5709:2006, which is withdrawn.

Information about this document

Country walking, cycling and riding have continued to increase since the first edition of this British Standard was published in 1979. Recent thinking and legislation has focused on the need for less able bodied and disabled people to be able to access the countryside.

This revision continues to place emphasis on the requirements of the Equality Act [1] and on the safety of all path users, in the context of the land management needs of the landowners. The experience gathered from the many years of use of the standard has been applied to clarify meaning and wording throughout.

More recently, the trial of bridlegates in York (see *A trial of self-closing bridlegates* [2]) has enabled the incorporation of requirements which improve the safety and the ease of use of these structures.

Use of this document

It has been assumed in the preparation of this British Standard that the execution of its provisions will be entrusted to appropriately qualified and experienced people, for whose use it has been produced.

Presentational conventions

The provisions of this standard are presented in roman (i.e. upright) type. Its requirements are expressed in sentences in which the principal auxiliary verb is “shall”.

Commentary, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element.

Where words have alternative spellings, the preferred spelling of The Shorter Oxford English Dictionary is used (e.g. “organization” rather than “organisation”).

Contractual and legal considerations

This publication does not purport to include all the necessary provisions of a contract. Users are responsible for its correct application.

Compliance with a British Standard cannot confer immunity from legal obligations.

Introduction

The United Kingdom is noted for the variety of structures which enable crossings to be made of boundaries where animals need to be contained. Whilst local, traditional forms of structures should not be lightly discarded for a standard design, it should be borne in mind that the main objective is for structures to be effective for the purpose for which they are installed, while providing good access for all legitimate users. Accordingly, this British Standard specifies structures by their functional performance, thus allowing many designs of structure to conform to the requirements. However, it also tries to meet the need for actual buildable designs by means of examples that meet the functional performance criteria.

This British Standard provides specifications for gaps, gates and stiles to ensure that they cause the minimum of inconvenience to users whilst fulfilling the requirement for substantially preventing the passage of animals that need to be controlled and, for all structures, where appropriate and lawful, preventing access to some of those not entitled to use the path.

NOTE Attention is drawn to the Equality Act 2010 [1], which requires local authorities authorizing the installation of gates, stiles and other works on footpaths and bridleways to have regard to the needs of people with disabilities.

This standard is an ongoing standard in that, in order to continue to conform to it, the structure might need to be modified, replaced or removed if the land usage changes.

When authorizing structures, "to BS 5709" means to the latest version of this standard, "to BS 5709:20xx" refers to a particular version of this standard.

1 Scope

This British Standard specifies field-measurable performance requirements for gaps, gates and stiles for footpaths, bridleways, restricted byways and other routes used by the public. It can also be used on wholly private ways. It provides a hierarchy of performance requirements to enable choices to be made as to which type of structure is most appropriate in given circumstances.

In regard to stiles, this standard is aimed at the repair and refurbishment of existing ones. It does not apply to stiles with moving parts.

This British Standard is intended to be used by:

a) those planning, specifying, or approving new structures on paths (e.g. highway authorities, highways agencies, district councils, landowners, tenants, user groups, and others handling diversions, creations or dedications of paths subject to gaps, gates and stiles);

b) those making and buying path structures or kits;

c) those installing path structures; and

d) those replacing, maintaining and inspecting path structures.

Most of the functional performance criteria are field measurable but this standard also gives guidance on design where field measurement is physically difficult or subjective.

NOTE This British Standard confines itself to the main structure across boundaries (e.g. hedge, fence, wall). Where the path is wider than this structure an additional structure is needed to fill the rest of the width. This could be the original hedge or fence or a new one.

2 Normative references

There are no normative references in this document.

3 Terms and definitions

For the purposes of this British Standard, the following terms and definitions apply.

3.1 barbed wire

any kind of wire with sharp protrusions

3.2 bridle gate

device hinged at one side installed in a boundary such as a fence, hedge or wall which acts as a barrier to controlled animals and motor vehicles, but which allows the passage of horse-riders, cyclists, pedestrians and their dogs, and mobility vehicles

3.3 bridleway

any route where horses are allowed

3.4 controlled animals

animals such as cattle, sheep (including lambs), pigs, llamas, deer and horses, even rabbits

3.5 cycle

wheeled, non-motorized, pedal- or hand-powered vehicle

NOTE A cycle could also be electrically powered if this is legal on the route in question.

3.6 cyclist

user of wheeled, non-motorized, pedal- or hand-powered vehicle

3.7 dog gate

device allowing the passage of a dog, whilst preventing the passage of controlled animals

3.8 enclosure

area within which the gate of a kissing gate swings or the area between a pair of gates comprising one structure

NOTE Also known as a refuge.

3.9 footpath

any route where walkers are allowed

NOTE For example, access land.

3.10 gap

unimpeded way through a boundary together with any side structure

3.11 horse stile

non-moving structure designed to allow horses to pass whilst forming a deterrent to motorcycles

3.12 kissing gate

device consisting of a hinged gate that is constrained to swing between two posts at the opening of an enclosure forming part of the structure, and which allows the passage of legitimate users, whilst preventing the passage of controlled animals, etc.

3.13 land manager

owner, user or occupier managing land on which there is, or might be, a structure

3.14 manoeuvring space

space needed by persons, horses, cycles and mobility vehicles to traverse the gap or structure conveniently and safely

3.15 mobility vehicle

wheeled vehicle such as a wheelchair, invalid carriage or children's pushchair or pram

NOTE Invalid carriages of Classes 1, 2 and 3 are defined in Road Traffic – the Use of Invalid Carriages on Highways Regulations 1988 [3].

3.16 path

public and private routes, as well as ways through fences onto and from land such as commons and access land where no specific paths exist

3.17 pedestrian gate

device hinged at one side, installed in a boundary such as a fence, hedge or wall which acts as a barrier to controlled animals, etc., but which allows the passage of pedestrians and their dogs, and mobility vehicles

3.18 RADAR lock

lock operated by a key (RADAR key), normally only available to disabled people

3.19 self-closing gate

gate which returns without intervention to a position touching, or in line with, the closing post

3.20 stepover

rail in a horse stile, on the ground surface, which horses need to step over

3.21 step-through gate

openable barrier allowing horses to step through when closed

NOTE This is also known as a horse-friendly barrier.

3.22 stile

fixed device allowing the passage of pedestrians over or through a fence, wall or hedge, while forming a barrier to controlled animals or other animals, cycles and vehicles

NOTE The term stile does not include horse stile.

3.23 stockproof

structure intended to prevent the passage of controlled animals

NOTE Some controlled animals, including wild animals, might require specially designed structures (e.g. tall kissing gates to prevent the passage of deer, fine mesh into the ground to prevent the passage of rabbits).

3.24 structure

object including a gap, within a path, designed to physically restrict access

4 Initial selection of path structure

4.1 General

The selection of a structure, which permits people to use a path crossing a boundary such as a hedge, fence or stone wall, shall result in as little restriction as possible for potential users, including users of mobility vehicles, while meeting the actual needs of the land manager (this is the principle of the least restrictive option, see **4.4**).

NOTE Regarding stiles, this standard is only applicable to repair or replacement of existing lawful stiles except in exceptional circumstances.

4.2 Rights of Way users

Structures shall be assessed for suitability, as a minimum, for the following legitimate path users with respect to categories of rights of way (see Highways Act 1980 [4] and the Countryside Act 1968 [5]):

a) footpaths:
   1) walkers (pedestrians);
   2) walkers with dogs under control;
   3) mobility vehicles (pushchairs/wheelchairs);

b) bridleways:
   1) all footpath users;
   2) horse riders;
   3) cyclists;
   4) persons leading horses;

c) restricted byways:
   1) all bridleway users;
   2) horse drawn vehicles;

d) byways open to all traffic;
   1) all restricted byway users;
   2) motor vehicles.

Where a structure becomes more restrictive than is necessary to its purpose, then it shall be removed or modified to be least restrictive within a reasonable period.

NOTE 1 Where a landowner grants access by concession there is scope to define the range of users differently from those in right of way legislation for public paths. For example, a permissive path could allow walkers and horse riders but preclude cyclists.

Care shall be taken when planning and installing gaps, gates and stiles on all routes where restrictions to mobility vehicle users might thereby be created.

NOTE 2 Attention is drawn to the Equality Act 2010 [1], which requires consideration of people with a wide range of disability on public paths. See also the Defra guidance Authorising structures (gaps, gates and stiles) on rights of way *[6].*

4.3 Reasonableness

If a structure is to be provided on a path, an assessment shall be made of whether such action is reasonable. The assessment shall, as a minimum, include evaluation of the following:

a) what alternative measures might be taken to avoid the need for a structure or a particular type of structure;

   NOTE For example, a swathe of land including the path might be fenced-in so as to keep controlled animals completely off the path's surface thus negating the need for any structure.

b) the likelihood of the structure, taken in the context of its environment, causing some restriction to users (e.g. if a gate would be difficult for some people with reach or dexterity difficulties); and

c) the extent of any restriction which is to be created (e.g. a stile would create an absolute barrier to mobility vehicle users and many walkers with pushchairs as well as those with limited mobility).

4.4 Least restrictive option

Where there are no explicitly identified and cogent counter-reasons in choosing a structure which conforms to this standard, the type of structure chosen shall be the least restrictive option.

NOTE 1 See the Defra guidance Authorising structures (gaps, gates and stiles) on rights of way *[6].*

NOTE 2 An example of a cogent counter-reason could be where a landholder wishes to dedicate a new path for public use but wishes to have a right to erect a kissing gate even though there is no requirement to control farm animals. Here the benefit to the public might outweigh the added inconvenience.

In general terms, the principle of applying the least restrictive option means that a path crossing a boundary shall in the first instance be unrestricted or, failing that, be restricted to the least possible extent consistent with the need for a structure on the land.

The requirement to be the least restrictive is an ongoing requirement and in order to conform to this standard when the purpose of the structure changes (for example, when the land use changes from pasture to arable) the appropriateness of the structure as the least restrictive shall be reviewed and changes to the structure made accordingly.

4.5 Choice of structure to be least restrictive

4.5.1 General

New structures shall not be stiles other than in exceptional circumstances. Where this applies, the reason behind the decision shall be made publically available.

The fact that there might be a more restrictive structure or ground condition further along the path shall not be taken as a reason for not choosing a less restrictive structure.

NOTE 1 As no single structure provides access across boundaries that is satisfactory in all situations, this standard provides a hierarchy of performance requirements to enable choices to be made as to which structure is most appropriate.

NOTE 2 In all cases, in order to be able to show that a structure conforms to the requirement of being the least restrictive, it is strongly recommended that the land manager (and the Authority, if applicable) retain a record of the reasons for the choice of structure and, in the case of public paths, make the record available to the public.

4.5.2 Choice of structure on footpaths

Least restrictive option for footpaths shall be in accordance with Table 1.

NOTE "Latched" includes latched by means of a loop.

Table 1 – Accessibility of structures conforming to BS 5709 on footpaths in least restrictive order

Section of BS 5709	Structure (in order of preference)	Performance
6.1	Gap	Allows all users
6.3	Gate unlatched, self-closing two way	Allows most users
6.3	Gate latched, non-self-closing, two way	Allows most users but can inhibit some, e.g. those with difficulty with dexterity and reach. This gate might with certain latches be less restrictive than one way unlatched non-self-closing gate
6.3	Gate, latched, Self-closing two way	Allows most users but can impede some, e.g. those with difficulty with dexterity and reach.
6.3	Gate, latched, Non Self closing one way	Allows most users, but can impede some users, e.g. those with difficulty with dexterity and reach.
6.3	Gate unlatched Self closing one way	Allows most users but can impede some users of mobility vehicles
6.4	Kissing gate, unlatched, dimensions that allow use by trampers and pushchairs	Allows most users but requires more effort than most gates
6.4	Kissing gate, latched dimensions that allow use by trampers and pushchairs	Allows most users but requires more effort than most gates and can impede some users, e.g. those with difficulty with dexterity and reach.
6.4	Kissing gate with RADAR bypass	Allows most users but requires more effort than most gates and can impede some users, e.g. those with difficulty with dexterity and reach, and those with pushchairs.
6.3	Gate, latched, Self-closing one way	Prevents most mobility vehicle users
6.4	Kissing gate, unlatched, dimensions insufficient for mobility trampers and pushchairs	Prevents some users (e.g. mobility vehicle users and pushchairs)
6.4	Kissing gate, latched, dimensions insufficient for mobility trampers and pushchairs	Prevents some users (e.g. disabled users) and is generally more difficult to use than latchless ones
7	Stile (existing and, exceptionally, new) with RADAR gate and dog gate	Allows most wheelchairs but not most pushchairs. Impedes or prevents the less able
7	Stile (existing and, exceptionally, new) with dog gate	Prevents most push-chairs and all wheelchairs. Impedes or prevents the less mobile
7	Stile (existing) without dog gate	Prevents most push-chairs and all wheelchairs. Impedes or prevents the less agile, and many dogs

4.5.3 Choice of structure on bridleways

NOTE 1 The least restrictive options for bridleways cannot be so clearly listed in sequence as for footpaths.

The choice of structure on bridleways shall be made in accordance with Table 2. Where there are reasons for deviation (for example, where a bridlegate separates a field with controlled animals from a busy road), those reasons shall be stated.

NOTE 2 "Latched" includes latched by means of a loop.

Table 2 – Accessibility of structures conforming to BS 5709 on bridleways

Section of BS 5709	Structure (in order of preference)	Performance
6.1	Gap	Allows all users
6.2	Kent carriage gap	Allows all users
6.5	Horse stile with bypass	Allows all users but shall be well set back from a vehicular highway.
6.6	Step through gate with bypass	Allows all users but shall be well set back from a vehicular highway.
6.3	Bridle gate, two way unlatched self-closing	Allows most users but can impede some riders, manoeuvring space is important.
6.3	Bridle-gate, two way, non-self-closing, latched	Allows most users but can impede some, e.g. those with difficulty with dexterity and reach,
6.3	Bridle-gate, one way, non-self-closing, latched	Allows most users but can impede some, e.g. those with difficulty with dexterity and reach, manoeuvring space is important.
6.3	Bridle-gate, two way, self-closing, latched	Allows most users but can impede some riders and those with difficulty with dexterity and reach. Manoeuvring space is important.
6.3	Bridle gate, one way unlatched self-closing	Allows most users but can impede some riders and some users of mobility vehicles. Manoeuvring space is important.
6.3	Bridle-gate, two way, self-closing, latched with stock proof handle	Allows most users but impedes some riders and those with difficulty with dexterity and reach. Manoeuvring space is important. Design of the stockproof handle is important, so some might be less restrictive than one way unlatched self-closing gates
6.3	Bridle-gate, one way, self-closing, latched	Allows most users but impedes riders, many users of mobility vehicles and those with difficulty with dexterity and reach. Manoeuvring space is important.
6.3	Bridle-gate, one way, self-closing, latched with stock proof handle	Allows most users but impedes riders, many users of mobility vehicles and can prevent access for those with difficulty with dexterity and reach. Manoeuvring space is important.

4.5.4 Choice of structure on restricted byways and byways open to all traffic

Accessibility shall follow the order of preference of Table 2 substituting “gate” for “bridlegate” and omitting “gap”.

NOTE Attention is drawn to section 24 of the Deregulation Act 2015 [7], which, when brought into effect, allows gates to be authorized on restricted byways and on byways open to all traffic.

5 General performance requirements for structures

5.1 The structure shall be built and maintained with adequate strength and rigidity and quality of material and design to meet the requirements in this British Standard and to ensure the safe and convenient passage of users, as well as providing a reliable barrier to controlled animals if required to do so.

Where a public path is wider than an authorized structure, then some form of cross-fencing or hedging shall be authorized.

5.2 There shall be no barbed wire, or other scratching or injurious object, or electric fencing capable of giving a shock, inside the structure or within 1 m of the structure or of the

manoeuvring space. Similarly, there shall be no scratching, stinging or common rash-making plant within 1 m of the structure.

NOTE 1 Annex A gives guidance on the use of barbed wire.

NOTE 2 The provision of safe manoeuvring space is important for safety, especially where structures are used by horses. On public rights of way this should be considered jointly by the landowner and the highway authority. Significant improvements to safe manoeuvring space can be achieved by the relatively simple process of clearing spaces around gates, removing man-made obstructions and ensuring that new obstructions are not created. Improving the manoeuvring space might not be possible in all situations due to the physical location of the right of way and existing ditches, hedges and other features. The ability to re-locate gates can be complicated by legal considerations (see A trial of self-closing bridlegates *[2]).*

5.3 The structure shall contain no projections such as bolts likely to catch on the clothing of path users, the harness of ridden or led horses, or likely to injure people or animals. All edges likely to come into contact with the user shall be rounded to a radius no sharper than 2 mm or chamfered with at least a 2 mm flat. Protrusions integral to the design (e.g. latches) shall be rounded, e.g. using "D" loop latch pins (see Figure 4).

5.4 Any finger or direction post carrying a protruding direction sign shall not form part of the structure, but shall be mounted separately so that the direction arm cannot overhang the structure or intrude into the manoeuvring space.

5.5 The path within 2 m of the structure and the ground through the structure as well as that part of the manoeuvring space beyond 2 m shall be kept free of surface water (except immediately after rain) and provide a firm surface.

5.6 Except for gaps and except at or near a cul-de-sac, where the structure abuts a vehicular road the structure shall be set back at least 4 m from the carriageway for bridleways and at least 2 m for footpaths to allow users to access and traverse the structure without risk of being struck by vehicles. For footpaths likely to be used by groups of walkers and in all cases where a footpath directly crosses a road (i.e. to another path), the structure shall be set back at least 4 m from the carriageway.

5.7 The ground slope along the route for 2 m either side of the structure shall be less than 1 in 6 unless explicitly specified otherwise.

5.8 The assessment of the design of a structure shall include evaluation of the needs of users with visual impairment.

NOTE This might involve highlighting structures with contrasting colours.

5.9 If the structure fails to conform to any one or more of the requirements of this British Standard it shall be repaired, replaced or removed.

5.10 The requirements shall be checked in accordance with Clause **8**.

6 Specific performance requirements for foot, horse and cycle (excluding pedestrian stiles and dog gates)

6.1 Plain gap

Plain gaps shall be selected in accordance with Clause **4**. Gaps shall conform to Clause **5** and to the following requirements (see example in Figure 1).

a) The minimum clear width of gaps shall be 1 100 mm for footpaths, 1 525 mm for bridleways and 2 500 mm for restricted byways and byways open to all traffic (when authorizable), measured along the line of the path.

   NOTE 1 Many path maintenance vehicles can gain access to paths through a 1 525 mm gap.

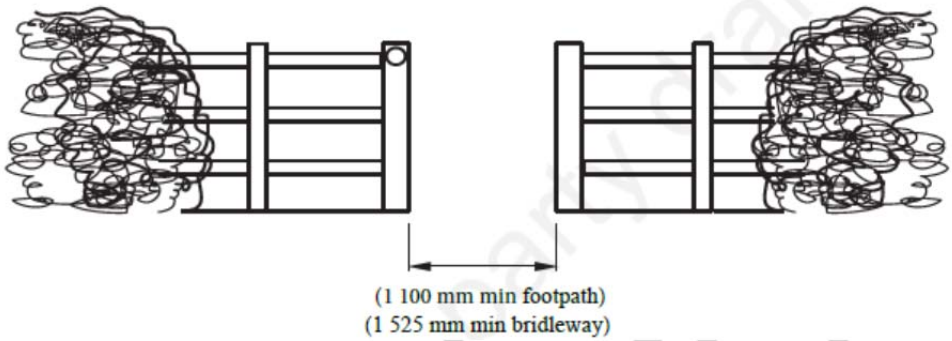
b) The gap shall be at right angles to the path within 20 degrees.

c) For bridleways, any bounding posts should minimize the risk of catching rider or harness.

NOTE 2 Bollards may be used as bounding posts.

Figure 1 – Example of a plain gap constructed in a hedge

Dimensions in millimetres



Here the post and fence is kept clear 1.5 m to 2 m either side of the two posts which define the gap width, ensuring that any sharp hedge does not need to be cut back, clear of the gap, as frequently as if the hedge formed the edge of the gap. If the hedge is not sharp growth it could be allowed to grow nearer to the actual gap.

This example is illustrative of one design of a gap which, if selected in accordance with Clause **4**, and if it meets the requirements specified in Clause **5** and **6.1** would conform to this British Standard (e.g. Clause **5** includes rounded or chamfered edges, firm dry ground surface, and checking after installation. **6.1** includes specifications for width and orientation, and for bridleways non-catching for harness).

Other designs which conform to these clauses are possible.

6.2 Kent carriage gap

The Kent carriage gap (KCG), for horse-drawn carriages, shall be selected in accordance with Clause **4**. KCGs shall conform to Clause **5**. and to the following requirements (see example in Figure 2).

NOTE 1 The Kent carriage gap can legally be used to enforce a Traffic Regulation Order made under the Road Traffic Regulation Act 1984 [8] to prevent the use of a route by cars, vans and lorries. It might also be used on a bridleway if the landowner has given permission for carriages, but was concerned that the path might be used by unauthorized motor vehicles. This layout does not stop motorcycles, and very small cars might be able to pass through. There are some horse carriages that might find the system obstructive, e.g. those based on car wheels and axles; those with a low fixed backstep, those with a pair or team of horses to a big carriage.

NOTE 2 The shorter-post-height tolerance is fairly tight and therefore the surface should normally be hardened in order to avoid the need for frequent repair.

a) The basic structure shall consist of a pair of posts.

b) One of the posts (the first post) shall be (340 ±40) mm high and shall be between 1 525 mm and 1 600 mm from the second post, measured at the shortest distance, above ground, between the posts. The second post shall be at least 330 mm high.

c) No other structure, man-made or natural, shall come within 600 mm of the first post, but further posts, structures, banks or fences could be used beyond this to prevent other vehicles bypassing the KCG.

NOTE 3 Up to three pairs of posts, satisfying the above dimensions, can be used together along the line of the path. This might help prevent forced access by large vehicles.

d) In order to ensure the minimum restriction to carriages where more than one pair of posts is used along the length of the path, the first post [see b)] in each pair shall be on

the same side of each of the pairs when viewed by someone about to enter the structure along the direction intended. The line joining the posts in each pair shall be perpendicular to the line joining the first posts.

e) Manoeuvring space shall be provided before and after the pairs of posts to allow the carriage to be driven straight through the structure.

f) The posts shall be conspicuous by day and by night, furnished with a reflective strip or strips all round and with a total height of not less than 25 mm and/or shall be finished at least 50% by area in a light colour or 100% of the area equally yellow and black, in all cases with the top 200 mm having at least 50% light reflectance when viewed from any direction.

g) The posts shall be rounded to not less than 10 mm radius.

h) The surface on the line of the path through the structure shall be hard and with a slope of less than 1 in 6.

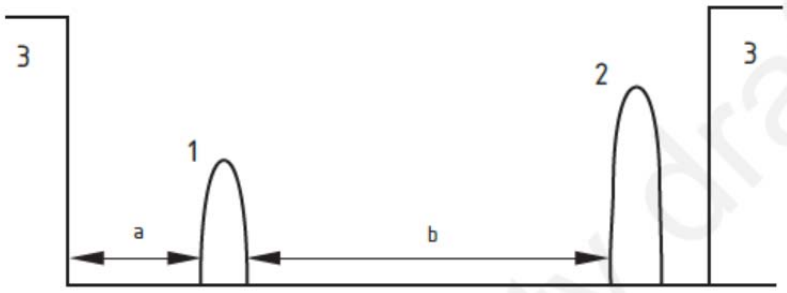
NOTE 4 Domed tops and round or oval cross-section posts are recommended so as to cause minimum damage to carriage wheels and minimum risk of injury to people.

NOTE 5 In some locations, depending on, for example, importance and cost, the force withstood would need to be substantially more than 5000 N.

NOTE 6 Joining the posts under the surface with steel and concrete could greatly increase the strength.

Figure 2 – Example of a Kent carriage gap

Dimensions in millimetres



Key
1 Bollard 300 mm to 380 mm high (the first post)
2 Bollard typically 750 mm high minimum 300 mm (the second post)
3 Fencing, wall, etc.
a 600 mm min, no max
b 1 520 mm to 1 600 mm

This example is illustrative of one design of a Kent carriage gap which would conform to this British Standard if selected in accordance with Clause **4** and if it meets all the relevant requirements specified in Clause **5** and **6.2**. Requirements include: **6.2** a) A straight run of 4 m; **6.2** g) Posts rounded to not less than 10 mm radius, fully rounded preferred; **6.2** e) Posts with a specified reflective strip.
Other designs which conform to these clauses are possible.

6.3 Pedestrian gates and bridle gates

6.3.1 General

Pedestrian and bridle gates shall only be used if they are the least restrictive structure (see **4.4**) and then the least restrictive among this class shall be used.

*NOTE 1 A field gate (farm gate) may be used as a pedestrian or bridle gate, if it conforms to this British Standard, but **6.3.13** should be taken into account.*

NOTE 2 Consideration should be given to additional features which might help specific users, e.g. a smooth push-plate on gates at height of bumper or footrests of mobility vehicles to assist passage.

Pedestrian gates and bridle gates shall be selected in accordance with Clause **4**. Pedestrian and bridle gates shall conform to Clause **5** and to the following requirements (see examples in Figures 3, 4 and 5).

NOTE 3 Where required to control animals, gates should normally open into the land used by them. "Handed" gates to enable this are sometimes available from manufacturers or gates can be modified.

NOTE 4 Battens, mesh, or other means of animal control may be used according to agricultural requirements.

6.3.2 Self closing

a) **Bridle gates.** Self-closing bridle gates shall have a closing time from fully open (without wind) of 8 s minimum.

NOTE 1 This timing derives from field trials conducted in 2015 (see A trial of self-closing bridlegates *[2]).*

NOTE 2 It is recommended that hydraulic or pneumatic two stage closers (slow from fully open, faster part way through closure) are used. Failing that, purpose-made offset hinges can be used.

b) **Pedestrian gates.** For self-closing pedestrian gates, springs without speed control, or torsion springs used as tension springs, shall not be used as a means of closing.

NOTE 3 It is recommended that purpose-made offset hinges are used as other constant force arrangements such as weight and cable are easily vandalized. Properly designed and installed torsion springs might be satisfactory if speed control is included but the practice of using these springs as tension springs is both ineffective and unacceptable.

6.3.3 Tying open

Where they are not needed for animal control on a holding for a significant time, then (in line with the least restrictive option) gates for animal control shall be tied open or temporarily removed.

NOTE There are benefits from this action for wear and tear on the gate and for surface quality due to less ground poaching.

6.3.4 Minimum clear width

The minimum clear width of pedestrian gates shall be 1 100 mm and the minimum clear width of bridle gates shall be 1 525 mm.

NOTE 1 Bridle gates that are somewhat wider than the minimum are generally easier for riders to pass through and 1.7 m is recommended.

NOTE 2 Many path maintenance vehicles can usefully gain access to paths through a 1 700 mm spacing.

6.3.5 Latches

Latches, including loop latches, on pedestrian and bridle gates shall only be fitted if needed and shall be visible, accessible and smoothly and easily operable with one hand from both sides of the gate by all path users.

Latches shall also be operable by a stick, by persons in mobility scooters.

NOTE Many users of mobility scooters cannot get off their scooter to open gates but want to be able to go out without more mobile helpers. If the latch is operable by a stick it can be lifted and the scooter driven slowly forwards against the gate until the user can reach the gate to open it fully. The gate can then self-close or be pushed shut.

The operating part of the latch shall be coloured yellow. Where the latch or latch operation is not obvious a notice shall be fixed nearby identifying the latch or giving instructions where necessary. The notice shall be black on yellow. Shutting the gate shall automatically fasten the latch except where a throw-over loop is used. The force needed to operate a latch normally operated by a grasped hand shall not in any event exceed 30 N (representing approximately 3 kg on a spring balance scale) and the force needed to operate a latch normally operated by finger tips shall not exceed 10 N (representing approximately 1 kg on a spring balance).

If a throw-over loop (loop latch) is used it shall be the only means of latching and it shall be attached to the moving gate.

Stockproof latches (latches requiring an extra movement to reduce accidental release by animals) shall only be used if the need is demonstrable, or the consequences of controlled animals opening it is likely to be substantial.

6.3.6 Opening force

Pedestrian and bridle gates shall swing freely and a force no greater than 18 N shall be needed to open them fully in the absence of wind forces.

NOTE 1 This was derived from field trials conducted in 2015 (see A trial of self-closing bridlegates *[2]).*

NOTE 2 18 N is approximately represented by 1.8 kg on a spring balance scale.

6.3.7 Two way opening

Self-closing pedestrian gates and bridle gates which do not adjoin roads shall be two-way.

NOTE Gates are normally easier to use for all users if they open in the direction of travel, i.e. they are two-way. This avoids back-tracking to open the gate. It also avoids the risk with self-closing gates of the horse or mobility vehicle being jammed by the closing gate. And it could reduce the amount of manoeuvring space required to be provided.

6.3.8 Manoeuvring space

A substantial manoeuvring space shall be provided either side of pedestrian gates and bridle or field gates to allow path users to operate the latch (if fitted) as well as to pass through the gateway.

NOTE The opening side of one-way gates normally need substantially more manoeuvring space than two-way gates owing to the need for the user to keep out of the way of the gate as it opens. Some horses and mobility vehicles need at least 3 m diameter to turn around in. See A trial of self-closing bridlegates *[2]).*

6.3.9 Straining posts

Gateposts shall not be used as straining posts for a fence.

6.3.10 Shearing action

In order to reduce shearing action on fingers etc., where two-way gates swing past a post, gates shall be at least 30 mm from the post they swing past (except for any latch area). See Figure 4.

6.3.11 Trapping

For one-way opening gates which close on to a closing post rather than onto a latch, to avoid trapping, the overlap at the closing line on the closing post shall be at least 30 mm (see Figure 3, key 5).

NOTE This trapping can be avoided by preventing the gate closing completely, for example by installing a block of resilient material on a part of the closing line. On metal gates such a block might also resolve noise issues. See Figure 3, key 6.

6.3.12 Visibility

Every part of a gate above 1 200 mm from the ground shall be of open construction so as to allow a clear sight of the route beyond the gate.

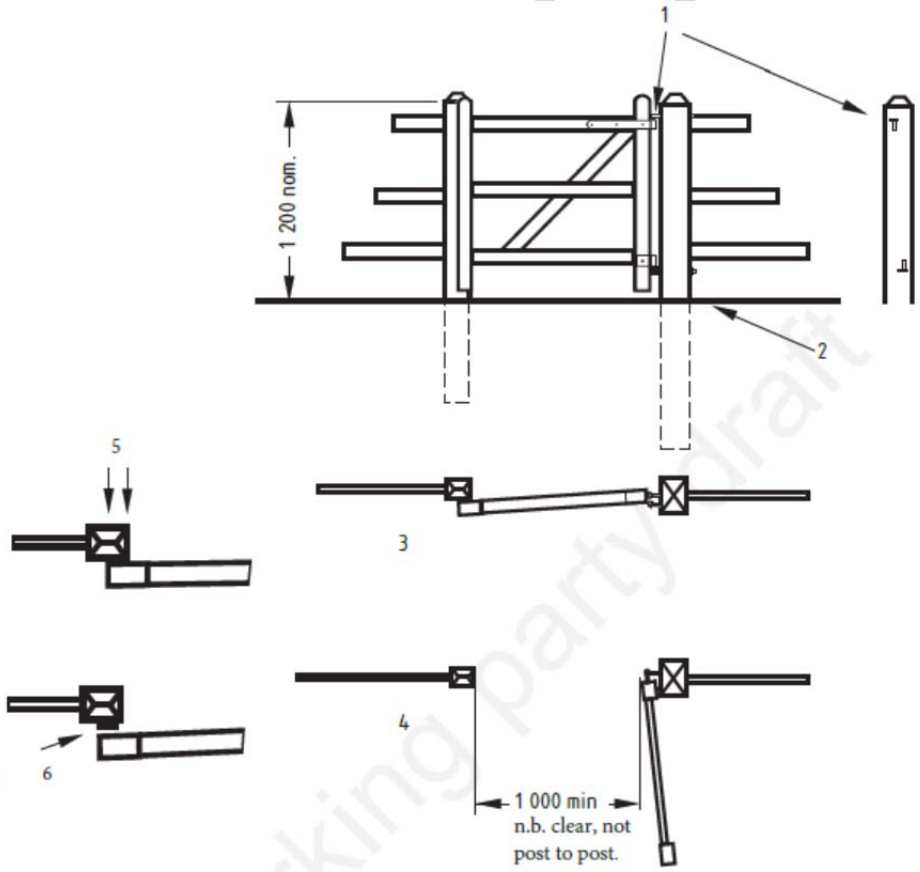
6.3.13 Heavy gates

For hinged gates individually weighing more than 75 kg, the failure of any single hinge fitting shall not result in the gate falling down.

NOTE A chain through the gate and round the hanging post might protect against top hinge failure.

Figure 3 – Example of a one-way opening timber, self-closing, unlatched, pedestrian gate

Dimensions in millimetres



Key

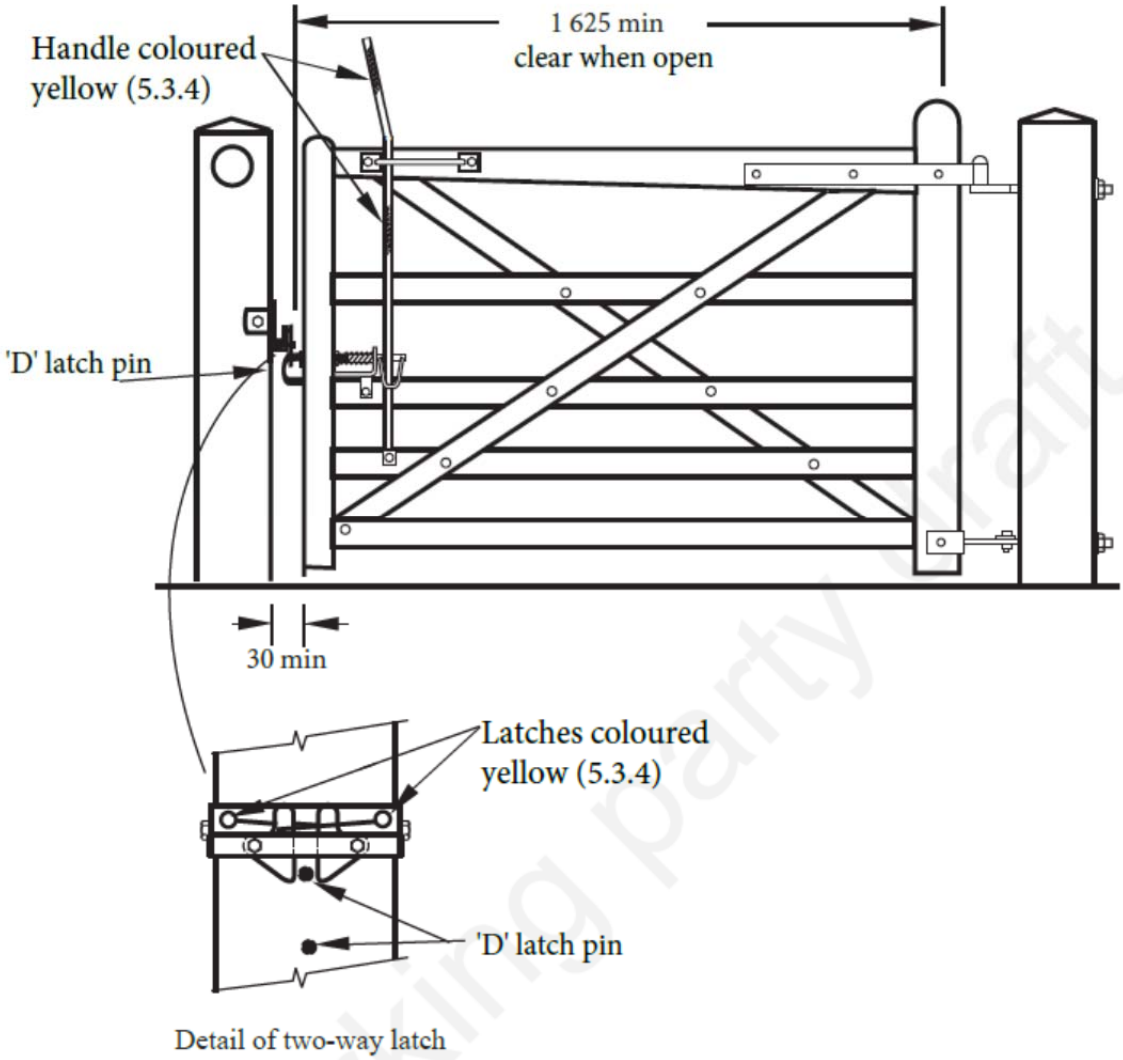
1 Offset hinge designed for 90° opening
2 Ground
3 Closed
4 Open
5 30 mm minimum overlap, see **6.3.11**
6 Optional resilient block to reduce noise and reduce trapping, see **6.3.11**

This example is illustrative of one design of a pedestrian gate which would conform to this British Standard if selected in accordance with Clause **4** and if it meets dimensional and other requirements as specified in Clause **5** (e.g. manoeuvring space, chamfered or rounded edges, firm dry ground, set back 2 000 mm/4 000 mm from any carriageway) and **6.3**.

Other designs which conform to these clauses are possible.

NOTE A ground (or other) stop might be needed to prevent opening the gate beyond the point where self-closing functions correctly.

Figure 4 – Example of a two-way opening bridle gate with handle

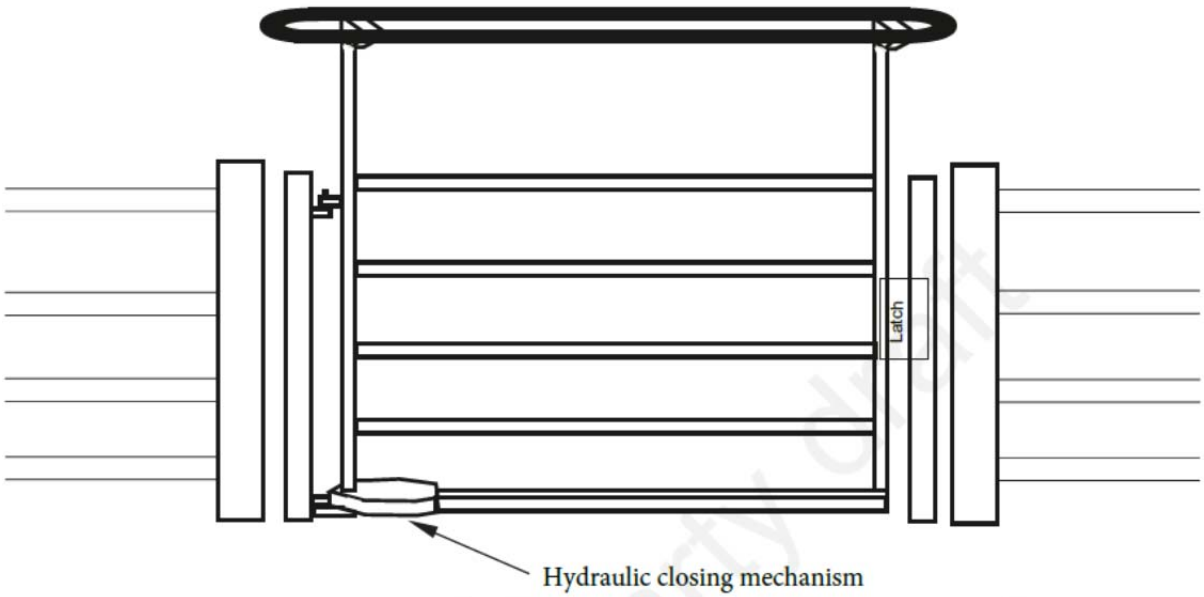


This example is illustrative of one design of a bridle gate which would conform to this British Standard if selected in accordance with Clause **4** and if it meets dimensional and other requirements as specified in Clause **5** and **6.3**. Other designs which conform to these clauses are possible.

NOTE 1 The handle cranked towards the closing post was found in the bridlegate trial (see A trial of self-closing bridlegates *[2]) to be easier for some riders.*

NOTE 2 This type of latch can allow some mobility vehicle users to open the latch with a stick and simultaneously with the same stick push the gate open.

Figure 5 – Example of a two-way opening bridle gate with a ring



This example is illustrative of one design of a bridle gate which would conform to this British Standard if selected in accordance with Clause **4** and if it meets dimensional and other requirements as specified in Clause **5** and **6.3**. Other designs which conform to these clauses are possible.

This gate is operated by pulling down or pushing up the top ring or by means of the side latch.

It is fitted with a hydraulic closing mechanism which closes slowly at first and then faster, thus giving a horse rider time to get through and when through to close quickly to prevent controlled animals slipping through.

6.4 Kissing gates

NOTE 1 Kissing gates are by their inherent design more restrictive for many users than pedestrian gates and should only be used when there are specific requirements.

NOTE 2 If the gate is constructed so the gatepost, gate, and closing post are in line with the fence, then that might allow the refuge/enclosure to be removed when local conditions allow. See Figure 6B.

NOTE 3 Where required to control animals, kissing gates should normally open into the land used by-animals. "Handed" gates to enable this are sometimes available from manufacturers or gates can be modified.

NOTE 4 Where the length from the gate to the end of the refuge/enclosure is less than 1 600 mm, provision of a RADAR bypass allowing full opening of the gate, or an adjacent RADAR lock operated gate (which could be an existing field gate) is strongly recommended to ensure access for users of Class III mobility vehicles. Attention is drawn to the Equality Act 2010 [1].

Kissing gates shall be selected in accordance with Clause **4**. They shall conform to Clause **5** and to the following requirements (see examples in Figure 6 and Figure 7).

a) A minimum internal manoeuvring space shall be provided so as to allow a 1 m diameter cylinder to pass through the kissing gate with its flat end on the ground.

NOTE 5 This minimum requirement allows many mobility vehicles, including most pushchairs and some wheelchairs, to pass through the gate but deters motorcycles.

NOTE 6 A self-closing-and-latching feature is desirable on all kissing gates where there are controlled animals in adjacent fields particularly when they are on both sides. Lambs, calves etc. might be able to get through when a non-self-closing gate is provided.

b) Latches shall only be fitted if needed; if fitted, they shall be visible, accessible and easily operable with one hand from both sides of the kissing gate by all path users. The latch shall automatically fasten when the gate is shut. The force needed to operate the latch shall not exceed 10 N.

NOTE 7 10 N is roughly equivalent to a spring balance reading of 1 kg.

c) Gates shall swing freely and a force no greater than 18 N shall be needed to open them fully.

NOTE 8 18 N is approximately represented by 1.8 kg on a spring balance.

d) Where moving parts of the structure could trap fingers, for instance at the gate closure line, the area shall be maximized to increase the overlap. See Figure 3, key 5.

NOTE 9 This trapping can be avoided by preventing the gate closing completely, for example by installing a block of resilient material on a part of the closing line. On metal gates such a block could also resolve noise issues. See Figure 3, key 6 and, for a metal gate, figure 7, key 3.

e) A manoeuvring space shall be provided on either side of the gate to allow path users to operate the latch (if fitted) as well as to pass through the gateway.

NOTE 10 Some mobility vehicles need at least 3 m diameter to turn around.

f) The gate overlap at the closing line on the closing post (whether the whole gate or just the locking tongue) shall be at least 30 mm.

g) Where use of a mobility vehicle is practicable, the ground within the gate, and the manoeuvring space shall either be level or shall be on a slope all in one plane and less than 1 in 10 gradient.

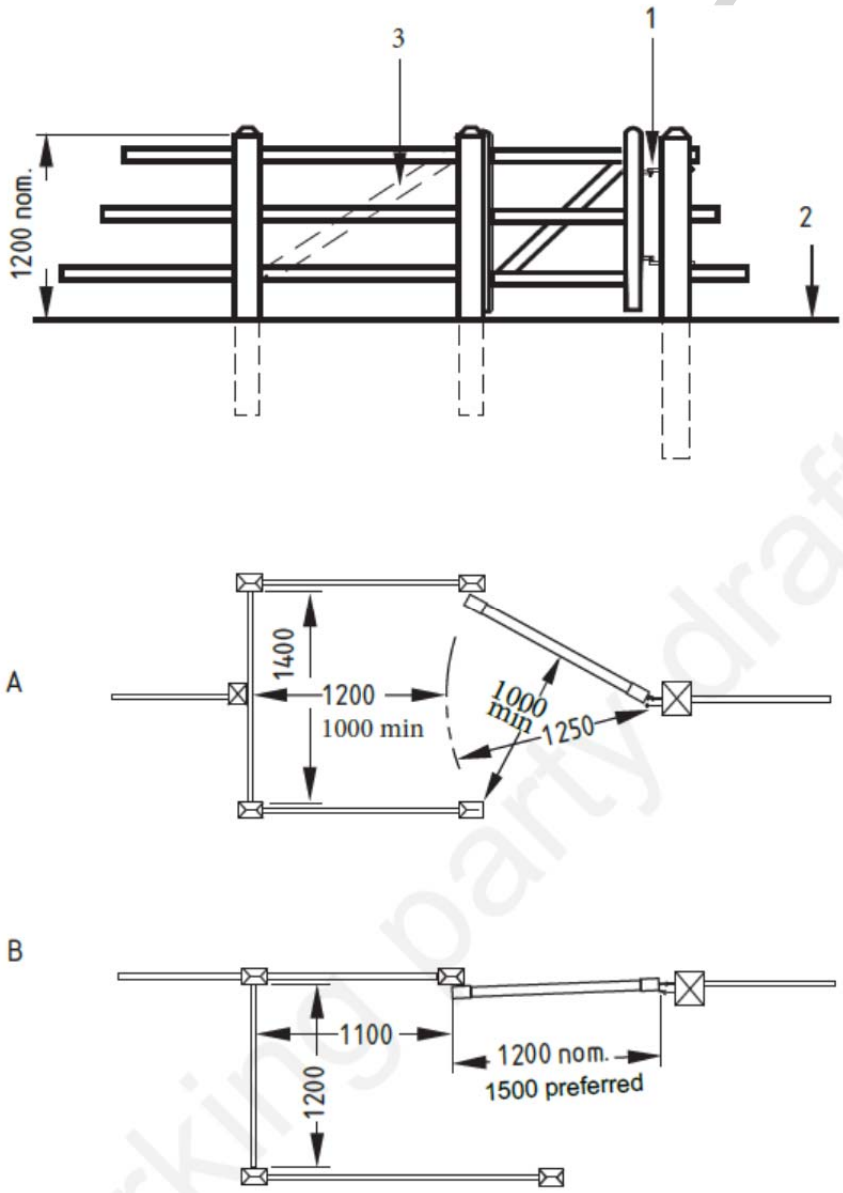
h) Every part of a gate above 1 200 mm from the ground shall be of open construction so as to allow a clear sight of the route beyond the gate.

i) For gates individually weighing more than 75 kg the failure of any single hinge fitting shall not result in the gate falling down.

j) Where a kissing gate is fitted with a RADAR lock that could give the impression that the gate is locked, a notice (black text on yellow background) shall be displayed near the lock informing users that it is not locked.

Figure 6 – Example of a timber kissing gate

Dimensions in millimetres



Key

1 Offset hinge optional
2 Ground
3 Optional strengthening cross-brace(s)

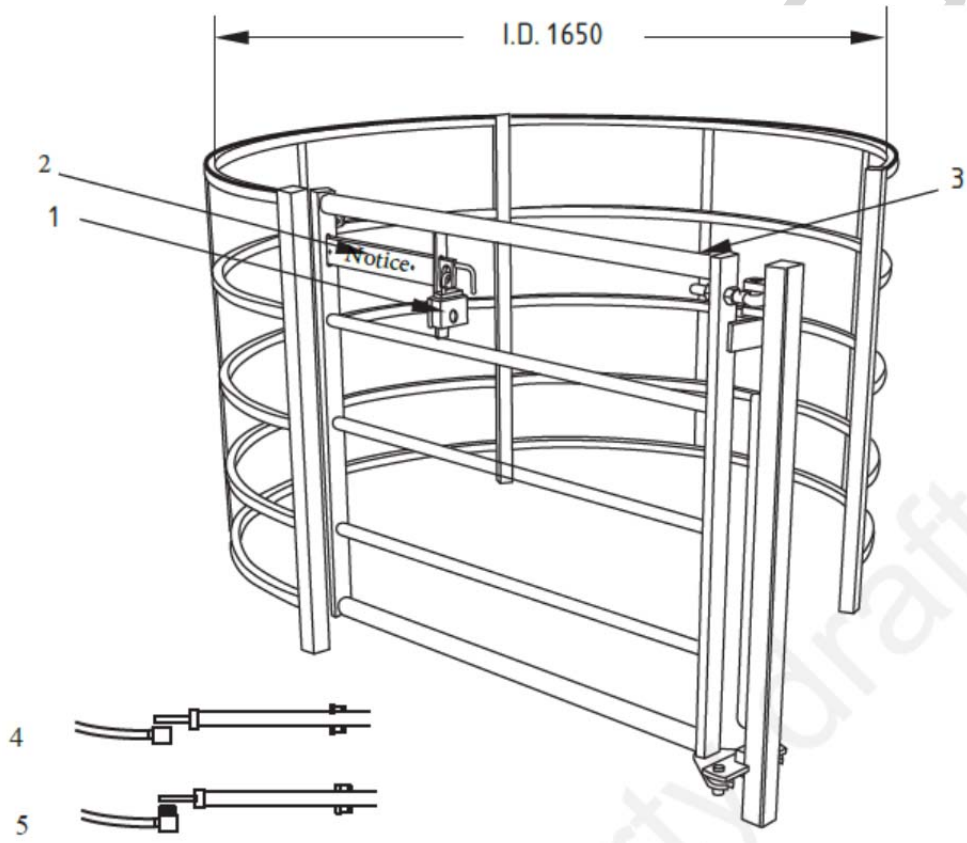
This example is illustrative of designs of kissing gates which would conform to this British Standard if selected in accordance with Clause **4** and if it meets dimensional and other requirements as specified in Clause **5** and **6.4** (e.g. no barbed wire or thorns near or sharp places on the structure, 2 000 mm from vehicular road junction, sufficient manoeuvring space). Other designs which conform to these clauses are possible.

See **6.4**, Note 3 regarding additional RADAR gate.

Plan B shows an alternative plan view for gate flush with a boundary fence (one side construction). This design (B) might be useful on land ownership boundaries, requiring only one approval. If the enclosure becomes redundant it may be removed, leaving the gate in place in the fence line.

Figure 7 – Example of a curved metal kissing gate with RADAR bypass

Dimensions in millimetres



Key

1 Captive padlock, RADAR key operated, fixed to structure
2 Notice, black on yellow, stating gate is not locked **5.4.1**
3 Gate. 1 200 mm nominal length (gate can be either latched or unlatched type)
4 Plan view of closure (non-latched type shown for clarity)
5 Plan view with silencing rubber buffer (see **5.3.11**, Note)

This example is illustrative of one design of a kissing gate which would conform to this British Standard if selected in accordance with Clause **4** and if it meets dimensional and other requirements as specified in Clause **5** and **6.4** (e.g. no barbed wire or thorns near or sharp places on the structure, 2 000 mm from vehicular road junction, sufficient manoeuvring space). Other designs which conform to these clauses are possible.

Gate operates in two modes.

- As a conventional self-closing kissing gate suitable for pedestrians, dogs and most mobility vehicles (children's pushcahirs, wheelchairs). The design prevents most motorcycles and can afford a high degree of stockproofing.
- With the release of the sliding latch by the use of a RADAR key the gate can be opened beyond the normal closing point allowing larger mobility vehicles and some path maintenance vehicles to pass through the gate.

6.5 Fixed horse stiles

NOTE 1 A horse stile can be used on paths where there is a proven need to deter use by motorcycles and prevent use by cars.

NOTE 2 A horse stile does not prevent the passage of controlled animals.

Horse stiles shall be selected in accordance with Clause **4**. They shall conform to Clause **5** and to the following requirements (see example in Figure 8).

a) There shall be a gap, pedestrian gate or RADAR kissing gate that conforms to this British Standard to the side of the step through gate or close nearby.

b) Two or three stepovers shall be installed on the ground across the path with a space between them and with no gap between the ground and the stepovers. The height of the top of the stepovers above ground shall be (190 ±60) mm.

NOTE 3 Some users have found the third stepover improves the ability to deter motorcycles.

c) The thickness of the stepover in the direction of travel shall be between 80 mm and 160 mm.

d) The minimum clear width of the stepover across the path shall be 1 525 mm.

e) The distance between the centre lines of the stepovers on the ground shall be (1 200 ±100) mm.

f) The space between the stepovers shall be free draining and generally level.

g) In order not to startle horses, the stepovers shall be constructed of a material that does not make a sudden ring or noise when struck by horses' hooves.

h) There shall be side-bars or planks on the inside of the posts.

i) The ends of all side-bars or planks, the inside corners of the posts and the top edges of the stepovers shall be fully chamfered to at least 5 mm flat, or rounded to a 5 mm radius, so as not to injure horse or rider if knocked against.

j) A clear manoeuvring space 4 m high, between 4 m and 5 m long and at least the same width as the horse stile shall be provided immediately before and after the horse stile.

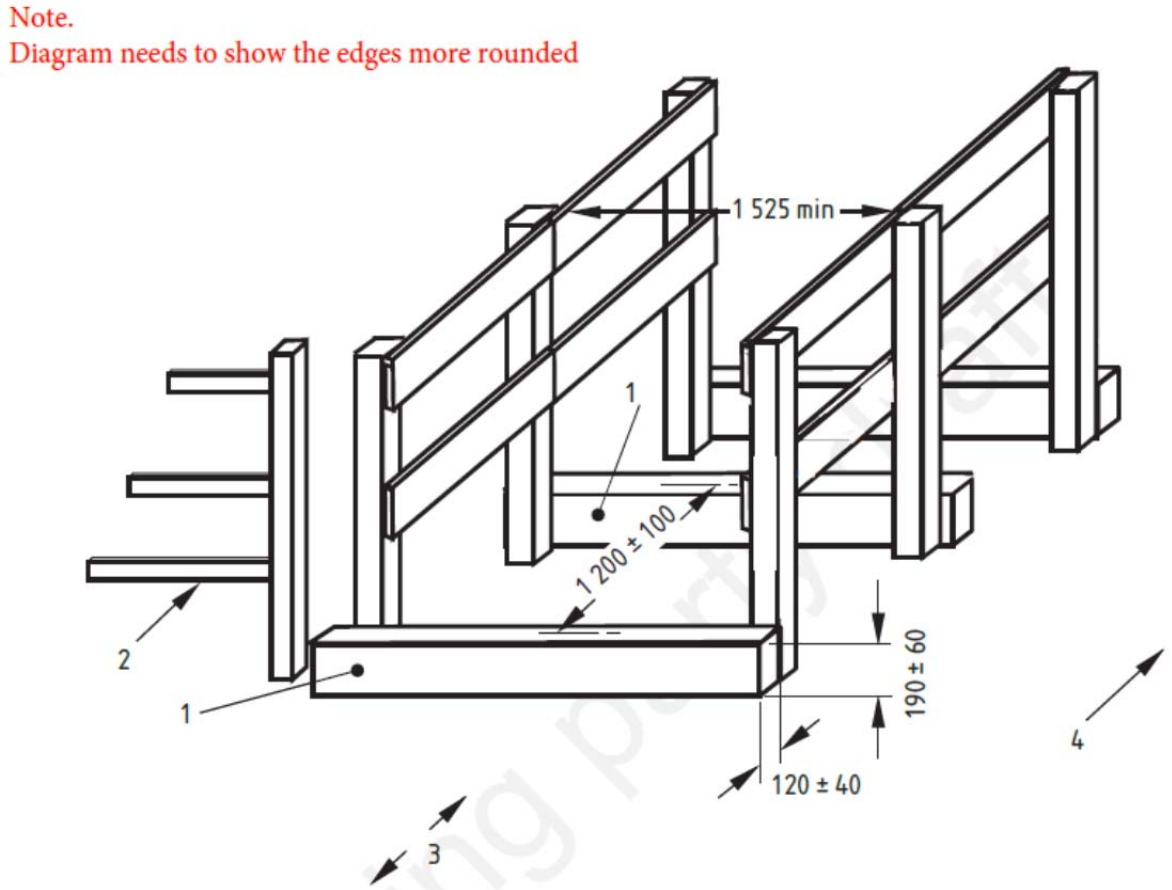
k) The uprights shall not protrude above the side fence or rails. To avoid catching on harness.

l) The ground surface within the horse stile shall be unbound and extend unbound for 3 m either end.

m) The stepovers shall be conspicuous and kept clear of vegetation.

Figure 8 – Example of a horse stile

Dimensions in millimetres



Key
1 Stepover
2 Adjacent fence
3 Direction of motion of horse
4 Access for other users, e.g. kissing gate with radar gate is required at one side

This example is illustrative of one design of a horse stile which would conform to this British Standard if selected in accordance with Clause **4** and if it meets dimensional and other requirements as specified in Clause **5** and **6.5** (e.g. manoeuvring space, horse accessible corners to be well rounded). Other designs which conform to these clauses are possible.

6.6 Step through gate

NOTE 1 Step through gates allow horses and most pedestrians to pass whilst allowing the gate to be locked against vehicles.

Step through gates shall be selected in accordance with Clause **4**. They shall conform to Clause **5** and to the following requirements (see example in Figure 9).

a) There shall be a gap, pedestrian gate or RADAR kissing gate that conforms to this British Standard to the side of the step through gate or close nearby.

b) The top surface width of the gate intended for stepping-over shall be straight, at least 1 525 mm wide and between 130 mm and 250 mm above the surface of the way.

c) The edges of the part intended for stepping over and 300 mm on both sides of it shall be well rounded to a radius of at least 10 mm.

d) The material at the surface shall be of a material that does not make a sudden ring or noise when struck by horses' hooves.

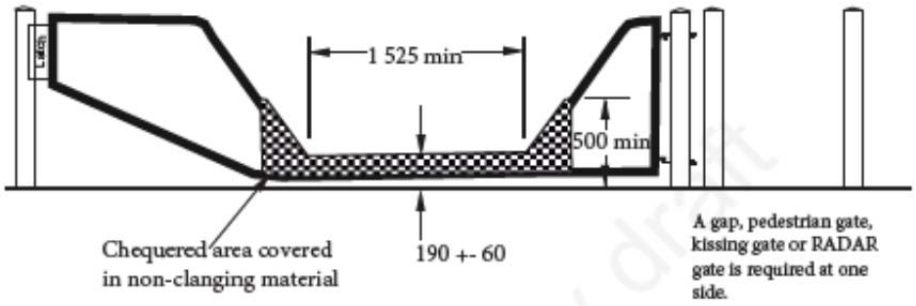
NOTE 2 Timber or rubber might be suitable.

e) There shall be no spaces in the structure likely to catch horses' feet or legs.

f) The surface on both sides of the structure, underneath and within 3 m along the route shall be level, even, well-drained and unbound.

Figure 9 – Example of a horse step through gate

Dimensions in millimetres



This example is illustrative of one design of a horse step-through gate which would conform to this British Standard if selected in accordance with Clause **4** and if it meets dimensional and other requirements as specified in Clause **5** and **6.6** (e.g. manoeuvring space, horse accessible corners to be well rounded, acoustic properties, ground surface). Other designs which conform to these clauses are possible.

7 Specific performance requirements for pedestrian stiles and dog gates

*COMMENTARY ON CLAUSE **7***

The term "stiles" is used in this clause for pedestrian stiles.

7.1 General

Stiles shall not be used as new structures, other than in exceptional circumstances. Where stiles are used as new structures there shall be a dog gate adjacent and the reasons for a stile shall be made publically available.

NOTE Many old stiles on public paths exist in the countryside and have never been required to conform to this British Standard. The Highways Act 1980 [4] at section 146 requires them to be maintained to a reasonable standard. This British Standard might be of assistance in meeting that obligation.

7.2 Post and rail (pedestrian) stile

NOTE 1 This structure came top for both estimated stockproofness and ease of use in competition with many other designs at the Countryside Commission trials in 1996. In use the top rail, if any, is normally stepped over.

Post and rail stiles shall be selected in accordance with Clause **4**. They shall conform to Clause **5** and to the following requirements (see example in Figure 10).

a) Stiles shall have a maximum of two steps except on sloping ground when a third step, forming a stepping platform, of double step-width on one side of the stile only, is permitted if it is needed in order to conform with the step height requirements specified.

b) The maximum distance between the ground and the top of the bottom step shall be 300 mm. The distance between the tops of the steps shall be a maximum of 300 mm.

c) The distance between the top of the top step and the top of the top rail (if any rail is fitted above the top step) shall be a maximum of 300 mm.

d) The thickness of the top rail (if any) in plan view shall not exceed 80 mm.

e) The width of the stile measured along the top rail shall be between 600 mm and 700 mm between the stile posts.

f) Where the stile is required to be stockproof the height of the top rail from the ground (measured at the side of the steps) shall be between 800 mm and 900 mm.

NOTE 2 For the stile to be stockproof some infilling might be required, for example 300 mm gaps between rails can be used for cattle, 150 mm for sheep, or sheep netting could be installed.

NOTE 3 Where the stile is not required to be stockproof the specification allows the use of only one step so long as it is not more than 300 mm from the ground.

g) Either two stile side-posts shall extend above the top step by between 800 mm and 1000 mm or hand hold poles shall be attached securely to the stile posts, extending the same distance. The cross section of the handposts shall be between 70 mm and 100 mm in diameter or across faces, a round cross section is preferred.

h) Neither the hand posts nor any other posts of the main structure shall be used as straining posts for the adjoining fence.

i) The width of the steps shall be no less than 200 mm. The length of step shall be 1 000 mm min. Steps shall be crossed over at 45° ±10° to the fence line (or stile rails). Steps shall be centred between the posts within 60 mm.

j) Steps shall not have a slope in any direction greater than 1 in 30 (i.e. over any 300 mm of the step surface it shall not be more than 10 mm out of level). Posts shall also be vertical to 1 in 30 (i.e. over 1 m a post shall be not more than 33 mm away from the vertical).

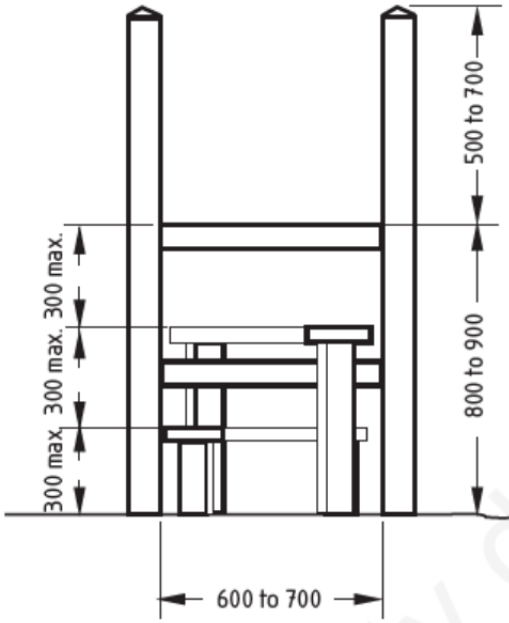
k) When a mass of 75 kg (a typical person's mass) is placed anywhere on a step or top rail a maximum deflection of 15 mm shall occur. When a mass of 150 kg (the mass of two typical people) is placed anywhere on a step or top rail acting through an area of no greater than 0.01 m^2 (approximately 100 mm^2 or 80 mm diameter circle) no visible permanent deformation or cracking shall take place.

l) Where steps are likely to become slippery due to mud, organic growth, or other reason, action shall be taken to reduce the risk of users slipping.

NOTE 4 Chicken wire can deteriorate, cause trip hazards and pierce dogs' paws and should not normally be used. Welded mesh and expanded metal are better. Abrasive filled paint can sometimes be appropriate.

Figure 10 – Example of a post and rail stile, showing optional top rail

Dimensions in millimetres



This example is illustrative of one design of a narrow stile which would conform to this British Standard if selected in accordance with Clause **4** and if it meets dimensional and other requirements as specified in Clause **5** and **7.1** (e.g. top rail chamfered and smoothed all edges, edges of the posts above the top rail well rounded off). Other designs which conform to these clauses are possible.

Steps: 1 100 mm long (min. 1 000 mm) × 250 mm wide (min. 200 mm).

7.3 Flat topped stile

NOTE Flat top stiles include those crossing stone walls or earth banks. They normally involve standing on the top with both feet whilst crossing.

For stone stiles and stiles in which the top rail is a flat surface at least 300 mm along the line of travel and 650 mm across it, the requirements of Clause **5** and **7.2** apply but with the following variations (see example in Figure 11).

a) The stile posts shall extend above the flat surface by at least 1 000 mm. These shall be either be both half way across the flat top or one each end of the flat top. They shall be within 200 mm laterally of the flat surface.

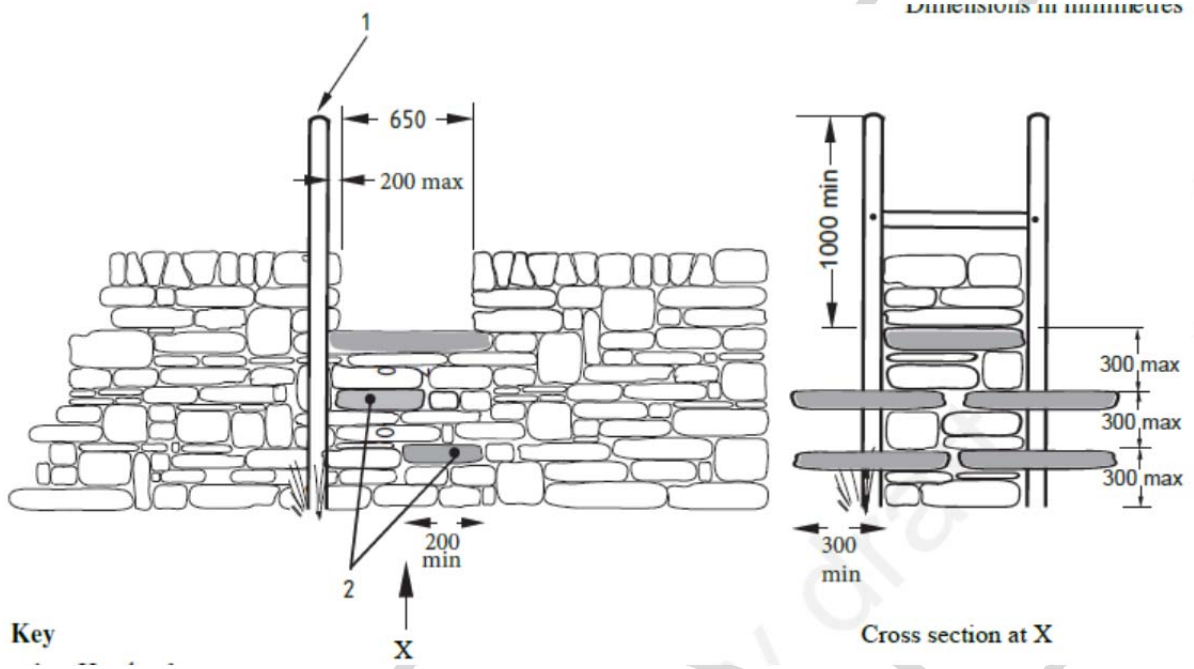
b) For stiles of cantilevered stone and similar material (see Figure 11) the length of each step shall be at least 300 mm from the cantilever face. The width of each step shall be at least 200 mm and vertically within the width of the top platform.

c) The width of the steps (at right angles to the usual line of the foot) shall be no less than 300 mm.

d) It is recognized that full conformity is sometimes difficult for this type of stile and it might have to be "To BS 5709 with [specified] exceptions".

Figure 11 – Example of a stone flat topped stile

Dimensions in millimetres



Key
1 Hand poles
2 Steps

This example is illustrative of one design of a stile which would conform to this British Standard if selected in accordance with Clause **4** and if it meets dimensional and other requirements as specified in Clause **5**, **7.2** and **7.3**. Other designs which conform to these clauses are possible.
Two hand-poles, one on each side, are joined by a crosspiece for rigidity. Steps protrude a minimum of 200 mm from the wall and measure at least 300 mm along the line of the wall.

7.4 Dog gates

Dog gates shall conform to the following requirements in addition to those of Clause **5** (see example in Figure 12).

a) Dog gate doors shall be of the vertical lift-up-door type. Dog gate doors shall not be capable of being lifted out of the structure and shall automatically close after use.

b) The gap when the door is fully open shall be a minimum of 300 mm in width and a minimum of 500 mm in height.

c) When the door is in the closed position, a gap no greater than 75 mm shall exist between the gate and the side posts.

d) The door shall have a lower edge of at least 50 mm thick by 100 mm wide with rounded edges of at least 4 mm radius.

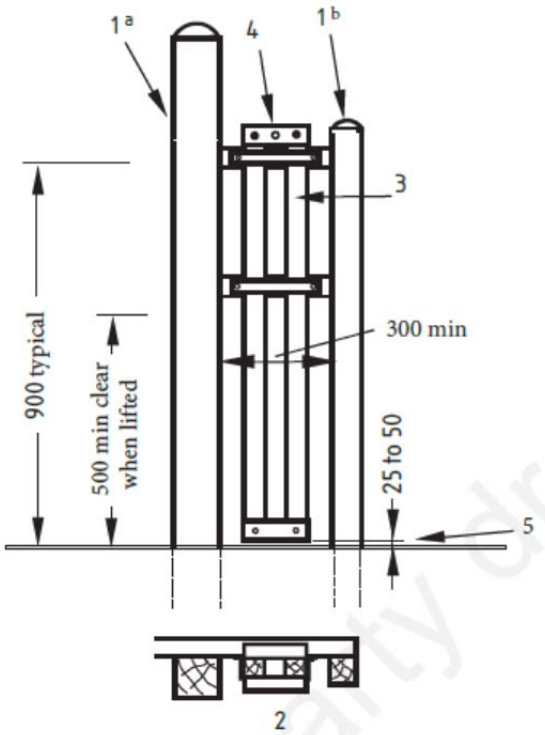
e) The mass of the door shall be a maximum of 3.5 kg.

f) A dowel or handle shall be attached to the door. It shall be visible and not obstruct the use of any adjacent stile or gate and shall allow easy operation from both sides of the structure.

g) When shut, the door shall be not less than 25 mm or more than 50 mm from the ground.

Figure 12 – Example of a dog gate attached to a timber post and rail stile

Dimensions in millimetres



Key

1a Stile post
1b Dog gate post
2 Plan view
3 Door
4 Dowel or handle to assist in lifting door
5 Ground clearance when closed

This example is illustrative of one design of a dog gate which would conform to this British Standard if selected in accordance with Clause **4** and if it meets dimensional and other requirements as specified in Clause **5** and **7.4** (e.g. door maximum mass 3.5 kg, lower edge of door rounded, no barbed wire near).

Top rail holds door off ground surface when not in use. Lower rail rises to be stopped by the lower metal strap or lower rail.

8 Conformity checks

8.1 General

Structures shall be both installed and maintained in accordance with this British Standard.

NOTE Structures specified to conform to BS 5709 in Statutory Orders (e.g. path diversions) or Statutory Powers (e.g. Highways Act 1980 [4] s147) could become unlawful if they fail to conform at installation or afterwards.

8.2 Post-installation conformity checks

The following post-installation checks shall be carried out as a minimum.

a) user-access dimensions required by the standard;

b) manoeuvring spaces;

c) surface quality, evenness, dryness and slope;

d) barbed wire or sharp plants or electric fence within 1 m of path or manoeuvring space;

e) chamfering;

f) protrusions;

g) closing overlap, if relevant;

h) opening and closing and latch operating forces (spring balance), if relevant;

i) general soundness – push and pull at structure. For stiles, stand on step for deflection (consider 75 kg in relation to weight), jump on step for strength.

The results of these checks, with photographs as appropriate, shall be recorded and the report kept. Reports on public paths shall be put in the public domain.

8.3 Ongoing checks

*COMMENTARY ON **8.3***

Since BS 5709 is an ongoing performance-based standard, there is a need to verify that structures continue to conform to it, for example where authorization is via a public path order some basic checks should be made, preferably annually but not less often than every two years.

If the structure has been replaced or significantly altered, then the post-installation conformity checks (see **7.2**) shall all be made. If it has not been replaced or significantly altered, then as a minimum checks shall be carried out, checking the following:

a) look for surface quality;

b) barbed wire or sharp plants etc., on or near;

c) sharp edges;

d) drainage;

e) ground surface;

f) manoeuvring space; and

g) seizing up of latches or hinges.

The results of these checks, with photographs as appropriate, shall be recorded and the report kept.

Annex A (informative)
Guidance on the use of barbed wire, razor wire and farm type electrical fences

Barbed wire, razor wire, farm type electric fences and suchlike should not normally be used in the vicinity of structures covered by this British Standard, but where these wires are necessary then assessment should be made of the effect they have on the safety and convenience of people in their vicinity.

For example, where they follow the line of a public highway (e.g. footpath, cycleway, bridleway) or abut areas to which the public has access, then generally such wire should not be used, but if it is necessary then the wire should either only be installed on any non-public-access side of the fence or structure, or fixed above the fence line. For example:

a) Any barbed wire on a post and rail fence abutting a public path should be on the far side and if wrapped round straining posts should be debarbed on the public side.

b) Any barbed wire on a post and wire fence abutting a public path should have a protective plain wire on the path side except where stock control requires otherwise.

c) Razor wire might be expected normally to be used only at a height out of reach of ordinary lawful activity.

d) Farm electric fences might be expected to be 1 000 mm from any narrow path so that the whole path can be used, and say 500 mm from wider paths. Warning signs should be erected.

Barbed wire, razor wire, farm type electric fences and suchlike should not cross or occupy any part of a public path except where a legally valid limitation on the path allows. In the case of electric fences, the wire may cross the area that is accessible to the public, but only if enclosed in all-weather insulation preventing shocks.

NOTE Certain barbed wire on land adjoining a highway might be removed in accordance with the Highways Act 1980 [4], Section 164, and might be prohibited in some circumstances under Section 147.

Bibliography

Standards publications

For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

Other publications

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Understanding the British Standard for Gaps Gates and Stiles

BS5709:2006 explained

The Standard covers gaps, pedestrian gates, bridle gates, kissing gates, dog gates (dog traps or latches) horse stiles, kent carriage gaps, wide (swing leg-over) and narrow (step over) pedestrian stiles. It does not explicitly cover stiles with moving parts nor vee stiles nor ladder stiles, though these and other structures had been considered for inclusion during the writing of the standard.

These explanatory pages cover eight 'rules' applicable to all compliant structures. Examples are then given of a gap, a bridle/pedestrian gate, three kissing gates and two stiles. Rules specific to each structure type are shown beside them.
Examples are not given of horse stiles (motorbike inhibitors), stone stiles, dog gates or the kent carriage gap. All of these are detailed in the standard itself.

The full Standard
BS5709:2006
(ISBN 0 580 48107 7)
is available from
libraries, bookshops and
BSi British Standards
389 Chiswick High Road
London W4 4AL
www.bsi-global.com

vers 3gn August 2007

Produced to assist anyone involved with gaps gates or stiles: highways officer, path order maker, land owner, contractor, gate and stile manufacturer, path user and user group.
by
The Pittecroft Trust (registered charity) and Tom Bindoff
(a PDF version of this paper, which may include later updates, is at www.pittecrofttrust.org.uk)

INTRODUCTION

BS5709, 2006 version, is performance based. The act of choosing which structure is suitable for a given situation is itself a requirement of the standard. Having made those choices the structural requirements are functional, and so long as the specified functional requirements are met then no matter what material is used in construction or what size or shape it is, the conformance with the standard will be satisfied.

History of this British Standard:
1. First published for 'stiles and gates' in 1979. This version was just for stiles and gates, and so long as the designs were met, it didn't matter if a stile or a gate was used.
2. The 2001 version was a major update. It was renamed for gaps, gates, and stiles, and the order of those words mattered. And even more significantly it was not, as the earlier version was, a bunch of fixed designs that, if erected, would comply. Instead it was a set of functional and mostly field measurable requirements, not requiring any particular design.
Countryside Commission, landowners, highway officers, user groups, manufacturers, all worked together on it.
3. The 2006 version was basically a fairly minor revision of the 2001 version. Mostly clarification and small revisions following the major 2001 changes. In view of the interest in restricted byways it also now includes the kent carriage gap.

DIMENSIONS The standard is concerned only with the functionally relevant dimensions of the structures. So for example the maximum step height and the step surface area is specified but not the thickness or material.

EXPLANATION OF 'GAP' This new concept has sometimes caused difficulty and warrants explanation. A gap in BS5709 is not just a hole in the fence, but is the hole plus any structure defining it. The standard requires certain characteristics of that structure to conform to functional rules, so for example barbed wire within 1 metre of the actual gap would mean non-compliance.

Eight key rules are described on the following pages, these 'rules' are not referred to as such in the standard but are used here as a checklist of the main requirements of the standard.

Note: in rare cases it may not be practicable to keep to all of the BS5709 requirements. The Standard can still be cited but with the exception spelled out. This action is likely to be both better and simpler than not citing the BS at all and/or relying on some other local standard.

This document is aimed at enhancing understanding of the principles and salient features of the standard, for the full and authoritative details the official document, BS5709:2006 ISBN 0 580 48107 7, should be consulted.

Square brackets [ ] are used to refer to sections of BS5709:2006.

RULE 1: LEAST RESTRICTIVE OPTION.

Least restrictive option must be chosen. The standard's words are:

The selection of a gap, gate or stile, which permits people to use a path crossing a field boundary such as a hedge fence or stone wall, ***shall result in as little restriction as possible for potential users****, while meeting the actual agricultural needs of the landowners (principle of least restrictive option).* [3.1][3.1.3]

Notice ***potential users***. On public footpaths that must mean all legitimate users including the mildly or seriously disabled, the elderly, children, mobility vehicles (pushchairs, wheelchairs) dogs. There will be some paths on which some of these users could not reasonably be expected ever to be able to travel, but they will be very few indeed. Just because other parts of the path are impassable to mobility vehicles (push chairs or wheelchairs) for example because of stiles, does not, under this standard, allow stiles or non-mobility-vehicle-passable gates to be put elsewhere on the path. To do so would be to make it harder in future to give access for all.
This is especially true of structures at the start of paths, where they leave a road. Some people with disabilities may get no further than the first field in the short term, but that is so much better than not getting anywhere at all.

The standard says that in the absence of explicitly identified counter reasons the following structures should be used in this order of preference [3.2]:
Gap, Gate, Kissing Gate, Stile.
Note the word 'explicitly'. Where a structure is being authorised under statute, for example under Highways Act 1980 sections 147 or 66 by a highway authority or their agent, it would be entirely reasonable to expect them to hold publicly available explicit reasons for not choosing a less restrictive structure.

Where something beyond a gap is needed then a two-way-opening self-closing gate is the preferred option (except adjoining roads where safety and vehicle exclusion may indicate a kissing gate).

Stiles. The Standard also says **new structures shall not be stiles unless exceptional circumstances require them** [3.1.3] [4.5.1].

RULE 2: REASONABLENESS.

Except where a gap is chosen, an **assessment of reasonableness** of putting a structure across a path must be made [3.1.2]. That assessment must include certain things being considered including whether there might be some other measure that would remove the need for any structure. An example would be where some side fencing or rerouting of cattle paths might allow elimination of the need for any cattle barriers at all on the path. As in Rule 1 it would be entirely reasonable to expect a highway authority to hold, publicly availably, their assessment of reasonableness.

Square brackets [ ] are used to refer to sections of BS5709:2006.

RULE 3: MANOEUVRING SPACE. [4.3.e , 4.4.e, 4.5.d]

This is the space needed to be kept clear so as to allow users to get into position to open, pass through, and close a gate or to negotiate a fixed structure. This is something that is a requirement of the standard but was found difficult by the writers of that standard to specify clearly. A great deal more space is needed than is commonly assumed. One-way-opening gates need more manoeuvring space than two-way opening ones and some horses and mobility vehicles (wheel or push chairs) may need a three metre diameter space. It is desirable that those involved have some training involving actual people with wheelchairs, pushchairs or horses as appropriate. Best to get it right before installation, since just one or two potential users who are unable to manoeuvre through the structure would probably serve to prove non-compliance.

RULE 4: LOCATION OF STRUCTURES.

At vehicular roads, structures must be set back at least four metres from the (usually metalled) carriageway. Except that when on a footpath which is unlikely to be used by groups of walkers and which does not continue on the opposite side of the road, the structure need only be set back two metres from the carriageway edge [4.1.6].

RULE 5: ONGOING.

The standard requires **continuous and ongoing satisfaction**. That is even if at installation the structure is fully compliant, as soon as any of the functional requirements are no longer satisfied (for example by the placing of barbed wire on it) it is no longer compliant to the BS and must be repaired or replaced to comply [4.1.8].

RULE 6: GROUND. [4.1.5]

Ground within two metres of the structure to be free of surface water and provide a firm surface. Except immediately after rain.

RULE 7: BARBED WIRE ETC. [4.1.1]

No barbed wire, electric fence etc within one metre of the structure or the manoeuvring space.

RULE 8: PROTRUSIONS. [4.1.2 *et al*]

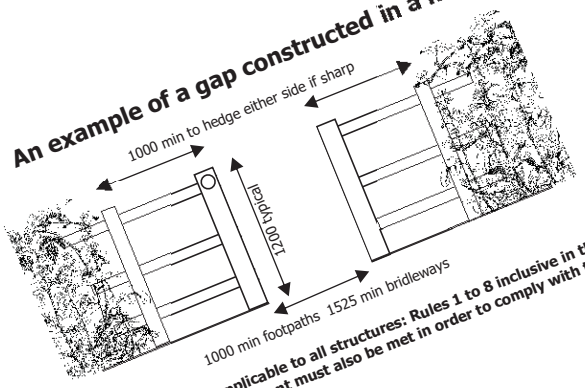
No protrusions likely to catch clothes or cause injury, edges radiused to 2mm or chamfered to 3mm minimum.
And certain other requirements about protruding direction posts [4.1.4], trapping of fingers by moving parts [4.1.3].

Examples of Gap and Gates compliant with BS5709:2006

Notes with double lines (ll) are mandatory. Dimensions in millimetres.
ll Dimensions marked max or min are mandatory.

These designs are examples of BS compliant structures, many different designs or constructions will also meet the BS5709's requirements.

An example of a gap constructed in a hedge.

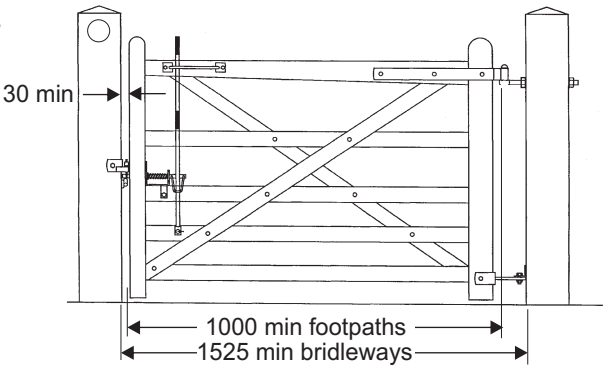


The requirements applicable to all structures: Rules 1 to 8 inclusive in the text pages of this document must also be met in order to comply with the BS

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

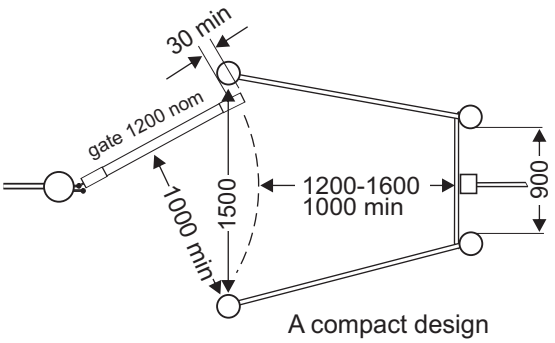


Three examples of kissing gates.

For all of these:

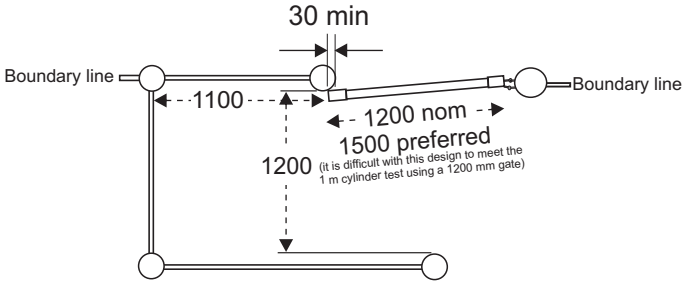
 # A 1 m cylinder, with axis vertical, must be able to pass through.
 # Latches, if any, must be easily accessible from either side by all users.
 # The gate must swing freely.
 # For public paths a notice 'Public Footpath' must be clearly visible to path users from both directions of approach and to 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 that 1in 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



A compact design

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

A very easy to install design
Including RADAR bypass for mobility vehicles

These designs are examples of BS compliant structures, many different designs or constructions will also meet the BS's requirements.
BS5709:2006 has structure examples similar to these as well as: horse stile (motorbike dissuader), stone stile, dog gate, Kent carriage gap.

Examples of Stiles compliant with BS5709:2006

Notes with double lines (ll) are mandatory. Dimensions in millimetres.
|| Dimensions marked max or min are mandatory.

|| BS5709:2006 says New Structures (that is new where nothing was before) shall not be stiles unless exceptional circumstances require them.
|| In order to comply with BS5709, the 8 RULES in the text pages of this document must also be met.

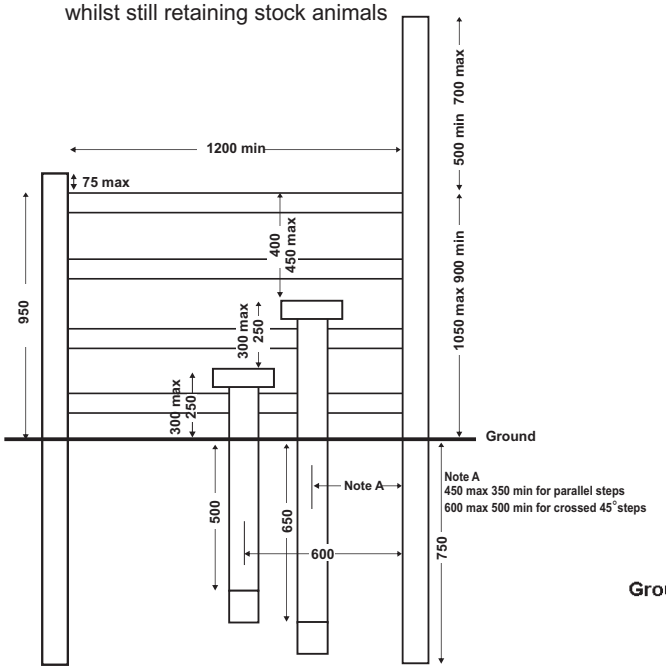
Whilst these stile diagrams may be useful where stiles are historically lawful structures and just need repair or upgrade, they are unlikely to be fully compliant with the BS because of Rule 1, the least restrictive option rule.

For both wide and narrow stiles:

|| **Step width 200 min**
|| **Hand posts 70 to 100 mm diameter or across faces**
|| **Posts not to be used as straining posts for fencing**
|| **Steps level in all directions to 1 in 30**
|| **Posts vertical to 1 in 30**

An example of a wide stile

Showing typical and max and min dimensions
This is a well known design updated by this Standard to make more convenient whilst still retaining stock animals

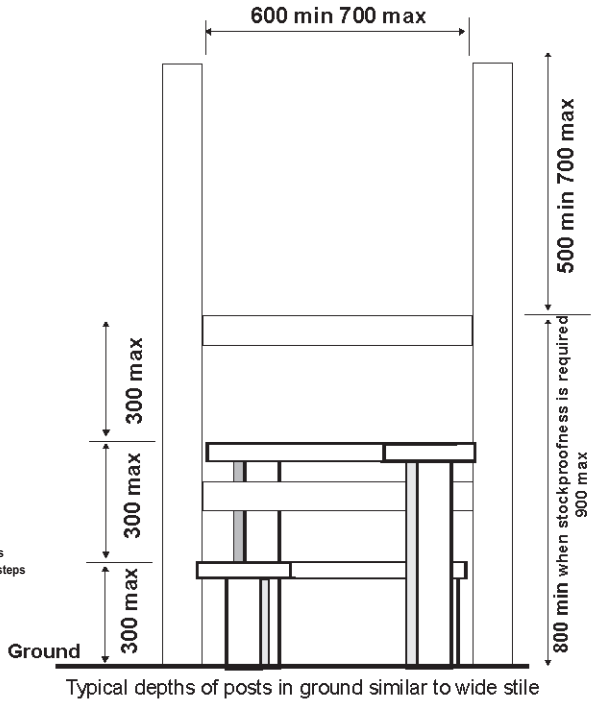


Specific to the wide stile:

|| **Steps either 90°+-10° to the stile rails or crossed over at 45° +-10° to them**
|| **Step length 900 min**
|| **Step width 200 min**

An example of a narrow stile

Good stockproofness with two steps, but when stock-proofness is less important this stile can have a single step, not more than 300 mm from the ground, making it easier to use especially if the top cross bar is omitted.



Typical depths of posts in ground similar to wide stile

Specific to the narrow stile:

|| **Steps to be crossed over at 45° +- 10° to the stile rails**
|| **Step length 1000 min**
|| **Step width 200 min**
|| **Two extended posts are required**

Note where the stile route is on a steep slope the downhill side may have a third step.
|| This step must be twice the width of a standard step and the 300 mm step height rule applies.

These designs are examples of BS compliant structures, many different designs or constructions will also meet the BS's requirements.

BS5709:2006 has structure examples similar to these as well as: stone stile, horse stile(motorbike dissuader), dog gate, Kent carriage gap.