

ADVICE ON
Cattle Grids

The
British
Horse
Society



Definition

A cattle grid, for highway purposes, is “a device designed to prevent the passage of animals, or animals of any particular description, but to allow the passage of all or some other traffic, and includes any fence or other works necessary for securing the efficient operation of the said device” (Highways Act 1980 (HA80) Section 82(6)).

Hazard for Horses

A horse which runs or steps into a cattle grid is likely to be very severely injured and will usually have to be destroyed. Therefore, it is very important that cattle grids are only installed in full compliance with the law and with best practice, and where no alternative solution to confine livestock is practicable. It is also important that any redundant grids are removed or filled in completely with a hard compacted material or concrete, so that they are not a safety hazard; once they become overgrown with grass or filled with mud or leaves, a rider may not see them until it is too late.

Authority for installation

The installation of cattle grids on the public highway is covered by HA80 Section 82-90 inclusive and Schedule 10. Exceptionally, cattle grids in the New Forest can be provided under the New Forest Act 1964 but are not dealt with here (NFA64s3).

Who may install?

On public carriageways, only the highway authority may install cattle grids, though they may do it at the request of another party.

Where can they be installed?

Under HA80 Section 82 a cattle grid may only be constructed in a carriageway. This does not include bridleways and footpaths. See Private Cattle Grids (below) for installations on bridleways.

Procedure

When it is proposed to construct a cattle grid in a highway the procedures in the Act must be followed and these include the publication of notices in the local press and posted adjacent to the site. There is provision for objections to be heard (HA80 Schedule 10).

Bypasses

When a grid is constructed it must have “facilities for the passage of . . . all other traffic unable to pass over the cattle-grid”. Other traffic will include driven or led animals under proper control, handcarts, ridden horses and wheeled vehicles drawn by animals (HA80s82(2)). That is, within the width of the carriageway. If the carriageway is too narrow for both the cattle grid and bypass, then additional width must be dedicated as highway.

The bypass must be wide enough to carry all legitimate traffic and any gate fitted may not be less than 10 feet wide (HA80s145).

- * NB There is a British Standard Specification No. BS 4008:2006 for the provision of cattle grids, and BS 5709:2006 for gaps, gates and stiles. The Society was party to their compilation and strongly advises that they should be observed.

The British Horse Society recommends that the hinges of the gate should always be on the side of the gate nearest the grid. When existing bypass gates that have been hung with the catch next to the grid are being replaced or repaired, they should be re-hung with the hinges next to the grid.

There must be a barrier between the grid and the bypass, extending well beyond the grid, so that horses cannot inadvertently tread on the grid.

With larger farm machinery and wider access required, a cattle grid and bypass gate combination is known where the latching post of the gate is next to the grid and both the post and the fence protecting users from the grid can be removed to allow access using the full width of the track. In this situation, the gate must be installed adjacent to the centre point of the side of the grid, so that a horse is still protected from the grid when opening the gate from either direction (the ‘side’ of the grid being parallel to the line of vehicular travel).

All bypass gates should be across the highway, in line with the middle of the grid, and not at an angle to the grid or set in a fence parallel to the highway, since the latter means that there is no guard between the ridden horse and the grid.

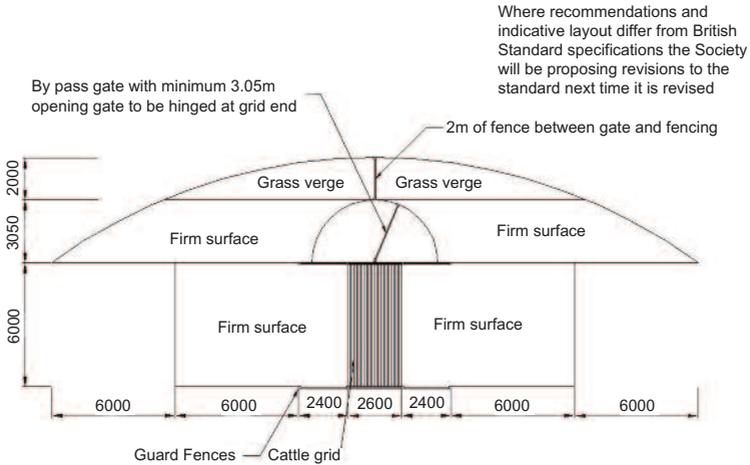
There should also be sufficient clear manoeuvring space (a minimum of 1.8 metres and preferably two metres) between the gate catch and any fencing at right angles to the gate, so as to enable horse riders to operate the gate safely without dismounting.

The Society’s advice note about gates should be read in conjunction with this advice note; much of the advice it contains applies equally to cattle grid bypass gates.

The Society recommends that on roads with two lanes, unless the road has a separate two way track for equestrians alongside it, bypasses should be provided on both sides of the cattle grid, so as to avoid the hazards caused by ridden and driven horses crossing and re-crossing the other lane of traffic in order to use the bypass.

Indicative layouts

Drawings of indicative cattle grid, bypass and gate layouts below.



Private cattle grids

An access track on private land may coincide with a public right of way and cattle grids may be requested for stock control to replace a gate on a track that is a bridleway or byway.

If the public right of way is a carriageway (a Byway Open to All Traffic or a Restricted Byway) then a grid may be installed in the highway subject to the provisions of the 1980 Act as indicated above. However, under the Act, the highway authority would then be responsible for maintaining the cattle grid, bypass and any gates associated with it. The highway authority will need to consider very carefully whether it is expedient for it to take on this responsibility when the cattle grid is to facilitate the passage of private motor vehicular traffic and not public access.

If the public right is that of bridleway or footpath, then a cattle grid cannot legally be constructed in the highway and to do so would cause an obstruction.

It has been argued that a cattle grid may be provided on a bridleway or footpath under Section 147 of the Highways Act, and in a letter of 10 August

2009, the Secretary of State adopted this view if the width of the bridleway or footpath could accommodate a gate and safety fencing as well as the cattle grid. The Society considers this interpretation to be legally doubtful, substantiated by the conclusion in *Kind (v Northumberland County Council [2012] EWHC 603)* that the Act does not permit 'other works' which force users off the right of way and because it compromises equality of access where there is currently no obstruction to free passage of all users.

'Kind' was a High Court case in which a footpath along a farm track road access was upgraded by modification order to a bridleway with a cattle grid across the full width of the track and a bypass gate off the line of the highway. It was upheld that a cattle grid cannot be authorised as an obstruction of the whole width of a right of way and that an informal bypass off the highway is not adequate

The Society recommends that where it is proposed to install a cattle grid in a private road which carries a public bridleway or footpath, the landowner should either:

- (i) build the grid beside the public path and gate the path so that the right of way remains on its existing line; or
- (ii) seek a legal diversion to divert the public path through a bypass at the side of the proposed grid.

If the gate is to be a new provision, then authorisation for the structure must be sought from the highway authority. Such a gate, on a bridleway, may not be less than 1.525m (5ft) wide between the posts and should meet the Society's recommendations for manoeuvring space, latch and all other criteria in its guidance (BHS advice on Gates or Gate Installation).

Cattle grids on common land

HA80s82(4) governs the placing of any part of a cattle grid and its bypass(es) in common or waste land adjoining a carriageway. However, the provision of cattle grids elsewhere on common land is governed by the Commons Act 2006 Section 38, and will require the Secretary of State's permission unless it is covered by one of the exceptions.

Many commons carry rights of access for air and exercise on horseback (often wrongly referred to as permissive access for ridden horses) and horse riders are strongly recommended to contact their County or Regional BHS Access and Bridleway Officer, or the BHS Access and Rights of Way Department, immediately they become aware of a proposal for any new cattle grid on, or adjacent to, common land.

If this advice note is a printed copy, please check for the latest version on www.bhs.org.uk/access-and-bridleways

For more information on The British Horse Society's rights of way work contact:

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