

HIGHWAYS ACT 1980 – SECTION 31(6) COMMONS ACT 2006 – SECTION 15A(1)

INTRODUCTION

Under section 31(6) of the Highways Act 1980, an owner of land may at any time, make a deposit of a statement and plan, indicating what ways over their land have been dedicated as highways. Submissions under the 1980 Act do not protect a landowner from claims which can establish 20 years uninterrupted use 'prior' to the date of submission, or which are based on documentary evidence. Once a Section 31 Deposit has been lodged with the County Council any use of the land by the public would be classed as permissive and would not count towards the establishment of a new right of way.

Section 15 of the Growth & Infrastructure Act 2013 inserted section 15A(1) into the Commons Act 2006 allowing for landowners to submit a statement which brings to an end any period of recreational use 'as of right' over the land which could establish a Town or Village Green.

Statement and Plan

A landowner or duly authorised representative can deposit:

- A map of the area on a scale of not less than 1:10,560 outlined in red.
- A statement indicating what ways (if any) over the land he admits to having been dedicated as highways.
- A statement bringing to an end any period during which persons may have indulged 'as of right' in lawful sports or pastimes on the whole or any part of the land

Details of the application will appear on the authority's web site and we will email a copy to any person who makes a request. Also, so as to bring it to the attention of users of the land, we will post a copy of the notice at or near at least one obvious entry point on each parcel of land and this should remain in place for at least 60 days.

Please carefully check the precise route of all public rights of way shown on the map within the entire area involved. Copies of the Definitive Map are held at the County Council and may be inspected free of charge during normal office hours.

The application and plan should then be sent to Somerset County Council, County Hall, Rights of Way Definitive Map Team, Taunton, Somerset TA1 4DY.

The application and plan will then be checked against the definitive map. If no amendments are required to the statement and plan, a letter of acceptance will be sent to you to confirm that the statement and map have been submitted to the County Solicitor for depositing.

Renewing

For Section 31(6) deposits, a statutory declaration should be submitted within 20 years of the date of the statement to confirm the original intention of the deposit and maintain its effectiveness for the next 20 years.

For Section 15A(1) deposits a further statement should be submitted within 20 years to bring to an end any further period of recreational 'as of right' use.

The responsibility of submitting a statutory declaration or statement every 20 years lies with the landowner or any successors in title of the land, in order to maintain the original deposit's effectiveness. Somerset County Council is under no duty to remind landowners.

General Guidance

- The Rights of Way Definitive Map Team will acknowledge receipt of all documents.
- Once lodged with the County Council, the map, statements and declaration become public documents and are available for public inspection.
- Except as indicated below, you should not try to deny the existence of any public rights of way shown on the Definitive Map. As a matter of law the Definitive Map provides conclusive evidence of the existence and status of any public right of way shown on it until a formal Modification Order or Public Path Order alters the map.
- Do not show on the map any permissive paths that are subject to a formal agreement unless it is intended that they should be dedicated as public rights of way. If you wish you may submit a separate map showing only these paths and stressing that it is not intended to dedicate such paths as public rights of way. You should also consider placing notices on these paths to make it clear that use is with permission of the landowner.
- Keep copies of maps, statements and declarations with the title deeds of your property or land or charge certificates for future reference. Make a note to renew the application within 20 years.