

Highway Statements and Declarations made under section 31(6) of the Highways Act 1980. What are they?

A highways statement and map followed by a declaration made under section 31(6) of the Highways Act 1980 is intended to show that there is or has been no intention on the part of the landowner to dedicate any additional **public** rights of way over a piece of land.

[Public rights of way should not be confused with private rights of way, such as a private right of way which has been granted in the transfer deed of a residential property.]

Section 31(6) of the Highways Act 1980 allows landowners to make their intentions clear by depositing with the Council maps and statements which admit any public rights of way which may already exist on their land, such as the Monarch's Way. Within 20 years a landowner may deposit a highway declaration to confirm that no new rights of way have been dedicated since the date of the deposit of the map and statement. Any public use during this period will not count towards the establishment of a new public right of way.

The deposit of a highways statement and declaration will not protect a landowner from claims supported by evidence of use by the public before the date of the highways statement.

Further guidance on how highways statements and declarations work can be found in paragraphs 11 to 17 of the attached DEFRA guidance.

Landowner Statements made under section 15A(1) of the Commons Act 2006. What are they?

The Growth and Infrastructure Act 2013 extended the protection afforded to landowners by the section 31(6) procedure in relation to public rights of way, to land over which village green rights may be claimed, by inserting section 15A(1) into the Commons Act 2006. This section allows the landowner to deposit a statement and map with the commons registration authority, bringing to an end any period of use 'as of right' for lawful sports and pastimes on the land to which the statement relates. The deposit of the statement and map will not prevent the start of a new period of recreational use as of right, but the landowner may deposit further statements to interrupt future periods of use.

Further guidance on how landowner statements work can be found in paragraphs 18 to 21 of the attached DEFRA guidance (including the one year "period of grace" from the date of their deposit to apply to register a village green).