Introduction

Under section 31(6) of the Highways Act 1980 (the “1980 Act”), an owner of land may at any time deposit a statement and map with the County Council, 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.

However, a deposit does stop time running forward for the acquisition of public rights by usage, and constitutes an effective challenge for future claims.

The Growth and Infrastructure Act 2013 (effective from 1 October 2013) introduced a new set of prescribed application forms and extended the renewal period to 20 years (previously 10 years), for any statements deposited after that date. The County Council was also required to post a notice of the application on the land and on the Council’s website. However the requirement to post a notice on the land was removed by new regulations for applications received after 1 December 2016. Therefore for applications received after that date, notice will only be posted on the County Council’s online register.

The procedure under the 1980 Act has two stages. Defra amended its guidance on 9 January 2014 to advise that, in its view, in order to be effective the declaration must be lodged after the statement and accompanying map, not at the same time, and no more than 20 years later.

1. Statement and Accompanying Map

At this stage a landowner needs to deposit:

- A map of the land on a scale of no less than 6 inches to the mile (1:10,000cm)
- The completed application form – parts A, B and F (E only if required) and
- The appropriate fee

The application form is available in two formats. If you require a form that can be printed out and filled in by hand click http://www.suffolkpublicrightsofway.org.uk/assets/Stat-Dec-docs/Print-CA16.doc

If you require a form that can be downloaded and filled in electronically click http://www.suffolkpublicrightsofway.org.uk/assets/Stat-Dec-docs/On-line-CA16.doc
Extracts of the definitive map showing public rights of way, can be obtained by contacting the Rights of Way and Access Team (see contact details below). On receipt, the completed application form and accompanying map will be checked against the definitive map of public rights of way, at which point any advice and observations will be provided.

If no amendments are required to the statement and accompanying map, the landowner will be given an effective date for the deposit and details of the deposit will be added to both the register on the County Council’s website, and the hard copy register.

2. Declaration

The declaration confirms the original intention of the deposit and maintains its effectiveness for the following 20 years. It is the responsibility of the landowner to submit a declaration within 20 years.

At this stage a landowner needs to deposit:

- A map indicating the land in question (you can refer to the map previously deposited with a statement)
- The completed application form – parts A, C and F (E only if required) and
- The appropriate fee

On receipt the completed declaration form will be checked, at which point any advice and observations will be provided if required. Once all is in order the landowner will be advised of the date the declaration will be due for renewal, and details will be added to both the register on the County Council's website and the hard copy register.

The Growth and Infrastructure Act 2013 extended the renewal period to 20 years (previously 10 years), for any declarations deposited on or after 1 October 2013.

The responsibility for submitting a declaration every 20 years lies with the landowner, or any successors in title of the land, in order to maintain the effectiveness of the original deposit.

Please note that the County Council is under no duty to remind landowners when declarations need to be renewed. It is the responsibility of the landowner to remember to renew the deposit at the appropriate time.

Under the Countryside and Rights of Way Act 2000, the County Council is required to make deposits made under section 31(6) of the 1980 Act available for public inspection and to provide a register of these deposits on the County Council’s website. The register can be viewed at: http://www.suffolkpublicrightsofway.org.uk/registers/statement-and-declaration/statement-and-declaration-register/
The definitive map and statement are also available for public inspection. Please contact the Rights of Way and Access Team via the details below.

Completed statements and maps and/or declarations, should be clearly marked for the attention of the Rights of Way and Access Team, and sent to:

Rights of Way and Access
Suffolk Highways
Phoenix House
3 Goddard Road
Ipswich
Suffolk
IP1 5NP


PLEASE NOTE:
These notes are for guidance only. For further information please contact the Rights of Way and Access Team: email definitivemaps@suffolkhighways.org or telephone: 01473 264774, or contact your legal advisor.