

111-063
(Further comments)

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(01772) 534608

(01772) 533732

Anne.taylor@env.lancscc.gov.uk

Mr R A Clark
Stodday Land Ltd
Hayloft Barn
Ashton with Stodday
Lancaster LA2 OAJ

Your ref
Our Ref PRW K RHC/AT/CC
Date: 6 November 2007

Dear Sir

**STODDAY LAND LIMITED
STATUTORY DECLARATIONS – SECTION 31(6) OF THE HIGHWAYS ACT
1980**

I refer to your letter of 2 October which has been forwarded to me by my colleague Mr J Marginson regarding making a declaration about what highways, including public rights of way, if any, exist across the property of Stodday Land Limited.

If criteria set out in S31 Highways Act 1980 are satisfied, a highway can be deemed to have been dedicated unless there is sufficient evidence that there was no intention during that period to dedicate it.

Statutory declarations referred to in section 31(6) of the Highways Act 1980 are, in the absence of proof of a contrary intention, the sufficient evidence required to negative the intention of the owner or his successors in title to dedicate as highway any route on land shown on a deposited map other than those admitted in the deposited statement.

I enclose a copy of Section 31 Highways Act 1980 for your information and would advise that the map attached to your letter is appropriate, and I have returned it to you so that you may use it for your declaration. Members of the CLA and the NFU may obtain additional information from their regional offices and you are advised to take independent advice. If documentation is lodged with the Council you are advised to keep copies of any maps, statements and declarations with the title deeds for the property or with your Land or Charge certificate.

It is suggested that depositing an effective set of documentation, namely a map and statement and declaration, would:

1. Make it possible to allow continued informal use of farm tracks or access roads (e.g. by local people) if you wish but claims for a public right of way over the land on the basis of future use from the date of the declaration (always provided that there is no evidence of an intention to dedicate a public right of way and declarations are filed at appropriate intervals) will be unlikely to succeed.
2. Where a track has been used for less than 20 years, it will be difficult for a future claim for a right of way after twenty years use to be successful if based on deemed statutory dedication under S31 Highways Act 1980 although a claim at common law might still be possible.
3. Indicate that any new farm tracks or roads will be protected from the possibility of any claim from the outset.

Please note, however, that depositing a map and statement and declaration does not take away any rights that have already been established. If any subsequent claims succeed, the deposited documents should be revised.

Please note that under the Countryside and Rights of Way Act 2000 the Section 31(6) declaration on your land would be added to the Register of Declarations, and would also be added to our on-line map web-site www.mario.lancashire.gov.uk. The Register would give details of the extent of the land, the name of the owner or agent, and the date of deposit. It is expected that the on-line version of the Register will be active by the end of the year.

If you require any further information, please do not hesitate to contact me on the above telephone number.

Yours faithfully

Anne Taylor
Definitive Map Officer

13627

Stodday Land Ltd

Hayloft Barn
Ashton with Stodday
Lancaster
LA2 0AJ
07799 537 860

HM/90/11/6

Jim Marginson
Environment Directorate
Lancashire County Council
Guild House
Cross Street
Preston PR1 8R3

2nd October 2007

Dear Mr. Marginson,

I hope you are well.

Further to our recent telephone conversation, please find enclosed copies of maps of the area in Ashton with Stodday, highlighting the riverside and roadways in ownership of Stodday Land Ltd.

Could you please organize a Declaration from the Environment Directorate, under the auspices of Section 31 of the 1980 Highways Act, stating that there are no rights of way over the riverside area and that it is in private ownership, and that the roadways indicated on the map are in private ownership .

Please do not hesitate to contact me if you require any further information.

Thank you for all your help.

With best wishes

Yours sincerely

Roger A Clark.

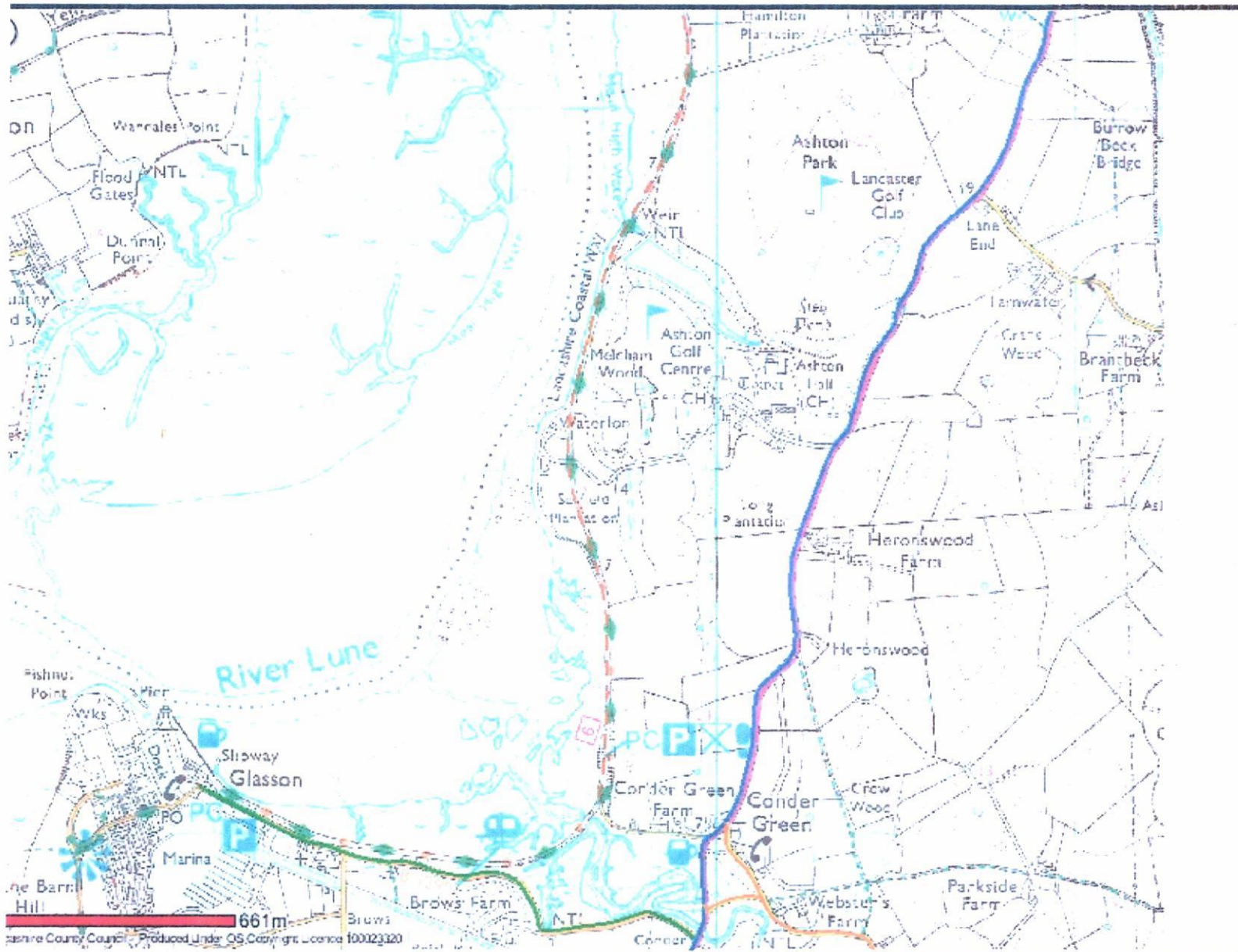

Director Stodday Land Ltd.

Highway Department Maintenance Group					
	AV	DATE	BY	INITIAL	
TH					
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Searches					

H.E.M.			
RECEIVED		04 OCT 2007	
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RHC		ARH	4/10
RB		AD	
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VB		BAC	
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DR		JR	
REH		JP	

RECEIVED

ENVIRONMENT
DIRECTORATE
- 4 OCT 2007



Functional Road Hierarchy

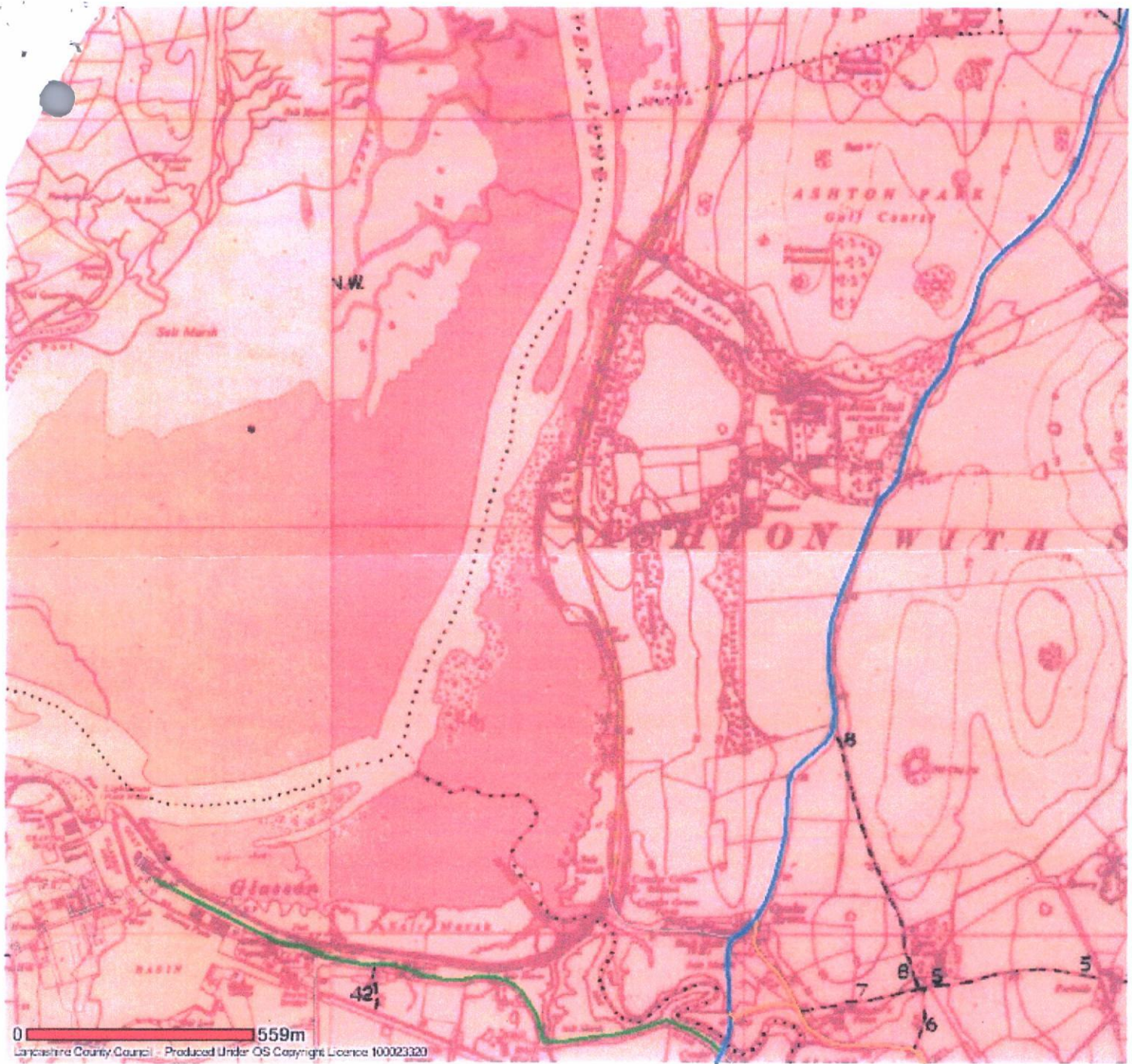
- 20mph Zones
- Access Roads
- Cycle Routes
- District Distributors
- Local Distributors
- Pedestrian Routes
- Other Routes of Regional Significance
- Pedestrian Street
- Primary Distributors
- Strategic Access Routes
- Districts**
- Other District/Unitary Authority
- Lancashire Districts



Date: 26/6/2007

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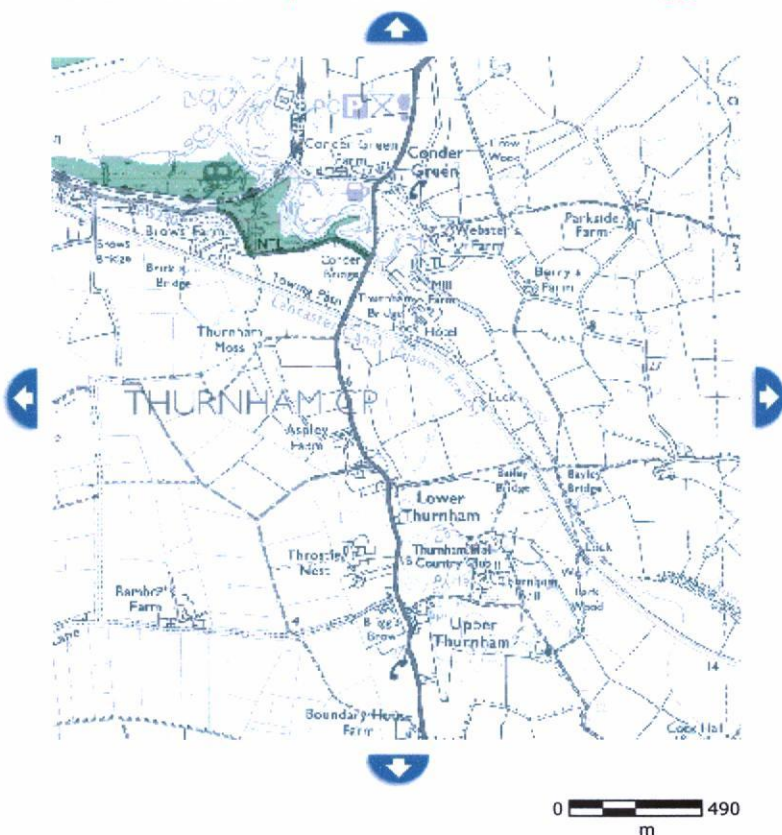
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Section 15

CROW access land in mapping areas 1 - 8

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Restrictions shown on the Map

No restrictions to view

Details at point of interest

To see more detail about a land area, click the Identify button, place your mouse pointer over the area you are interested in and click. Any additional information available will be shown below.

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Key	Land Type
	CROW Access Land - Registered Common
	Recently dedicated CROW Access Land (within 6 months)
	CROW Access Land - Open Country
	Other Open Access Land not subject to CROW rights (Section 15 Land)
	CROW public access is excluded
	CROW public access is restricted but not excluded
	Access point and route restricted for CROW public access

Some areas of excepted land are included within the areas shaded green or yellow as CROW access land. These will not be subject to CROW rights - See [Schedule 1 of the Act.](#)



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