

## **GUIDANCE NOTES**

### **Making a Statement or Declaration under the Highways Act 1980:** **Section 31(6)**

**NOTE:** These notes are intended for guidance only and do not represent a complete statement of the law.

New public rights of way can come into existence through public use, and North Yorkshire County Council, as the 'appropriate authority', has a duty to investigate claims to record additional public rights of way on The Definitive Map and Statement. One of the first questions the investigating officer asks is 'Has the landowner taken sufficient action to make it clear to the public that they have no right to access their land?' This is not always an easy question to answer. The landowner may have fenced their property, but the fences may be broken down. They may have erected notices, but these may have been damaged or removed. While it is important to take these basic steps in exercising landowners' control of access to their land, the law recognises that there can be problems.

Section 31(6) of the Highways Act 1980 allows landowners to make their intentions clear by depositing with the 'appropriate authority' a Highways Statement and Map that recognises the public rights of way that already exist on their land. If the landowner follows this up by depositing a Highways Declaration to confirm that no new rights of way have been dedicated and they renew this before the expiry date (see note below) any public use of their land will not count towards the establishment of new public rights of way. This gives the landowner a way of protecting their property, while still allowing a degree of permissive public access. Once lodged with the appropriate authority the Highways Statement and Map and Highways Declaration will be included in the authority's Highways Act 1980 Section 31(6) Register and the Highways Statements, Highways Declarations and Maps become public documents available for public inspection.

A landowner, by submitting a Highways Statement and Highways Declaration, will prevent future use counting towards the establishment of new public rights of way over their land. It will not necessarily prevent members of the public from making applications for public rights of way to be recorded, because the public may have used a route unchallenged for more than 20 years prior to the Highways Statement being submitted, or they might find documentary evidence showing that a public right of way came into existence at some time in the past. Highways Statements and Highways Declarations only prevent a public right of way being established through public use,

they do not protect against applications based on historic documentary evidence eg an Inclosure Award proving that a public right of way was created by statute.

Both the Country Land and Business Association (CLA) and the National Farmers' Union (NFU) have promoted wide use of Section 31(6) submissions. Further advice and information can be obtained from the County Council or from your local CLA or NFU representative. See also the Countryside Agency publication *Managing Public Access – A Guide for Land Managers* (CA 210 March 2005) and the Natural England publication – *A guide to the definitive map and changes to public rights of way – 2008 Revision* (Booklet NE112 – 2008).

### **Expiry dates**

S31(6) submissions made before 1 October 2013 are valid for a period of 10 years. On 1 October 2013 the legislation was amended to extend this period to 20 years, but this only applies to submissions (Highways Statements or Highways Declarations) made after 1 October 2013.

### **Format for Highways Act S31(6) submissions**

With effect from 1 October 2013 all new S31(6) applications and any renewals to existing S31(6) submissions must be made using Defra Form CA16. A copy of the form is included in these guidance notes for reference. An electronic copy of the form can be downloaded from:

<https://www.gov.uk/government/publications/commons-act-2006-landowner-statements-highways-statements-and-declarations-form>

Defra Guidance Notes for completing this form can also be found by following the link above.

The form can be completed by the landowner(s), or by someone authorised to act on the landowner's behalf, e.g. a land agent.

Making a S31(6) submission is a two-stage process: first you must submit a Highways Statement and Map, then, once receipt of this has been acknowledged by the appropriate authority, you should submit a Highways Declaration.

The Highways Declaration must be submitted within twenty years of the Highways Statement being submitted. It is very important that this deadline is not missed; if a Highways Declaration is submitted more than twenty years after the Highways Statement, it may leave the validity of the Highways Statement open to challenge, and the property may not have been protected under S31(6).

For this reason we strongly recommend that the Highways Declaration is submitted as soon as possible following acknowledgement of receipt of your Highways Statement,

to ensure that your land will be protected for 20 years. A deadline twenty years in the future may easily be forgotten, and the County Council is unable to issue reminders that a submission is about to expire. By completing both steps you also confirm your intention not to dedicate any further highways; the Highways Statement on its own simply states that no other ways (except those acknowledged in the Statement and shown on the Map) have been dedicated. The Highways Declaration states both that no other ways (except those acknowledged in the Statement and shown on the Map) have been dedicated, **and** that you have no intention of dedicating any more public rights of way.

If you complete both stages in quick succession, ie submit the Highways Declaration within two months of submitting the Highways Statement, the fee (see below) will cover the processing of both the Highways Statement and the Highways Declaration. Highways Declarations submitted more than two months after the Highways Statement will attract a renewal fee.

### **Fees**

With effect from 1 October 2013 regulations allow authorities charge a fee for processing Highways Act 1980 S31(6) applications, modifications and renewals. Depending on the size and complexity of the land holding authorities can charge an appropriate fee. See the attached Schedule of Charges for details. If you are unsure of the charges applicable to your submission, please contact us for advice. Applications with no fee attached will not be processed and will be returned.

## **Step by step guide for preparing a Highways Statement and Map and/or Highways Declaration**

### **1. Obtain a recent or current map of the entire area that you own**

You can use a copy of a map from your property deeds or farm records if you wish, as long as it is at the correct scale (see below). If you do not have a suitable map, you may be able to download one from the internet; try the County Council's online maps, Google maps, Bing maps, Ordnance Survey website or other online maps. Your map must be at the correct scale and show your property clearly (field boundaries etc.)

The Act specifies a minimum scale of 1:10560 (6 inch to 1 mile), but a map of a scale 1:10000, 1:5000 or 1:2500 for example would be suitable, depending on the size of your land holding. The extent of your land must be clearly outlined so that it is obvious which land you own and which parts are excluded.

For large land holdings (e.g. large estates) more than one map may be needed to cover the whole property at the specified scale. In these cases it is helpful if you

also submit an overview map to show the whole property. The overview map can be at a different scale e.g. 1:50000 or whatever scale is suitable.

If your property covers multiple separate parcels of land, but all in the same ownership (e.g. an agricultural business farming several different parcels of land), these can all be included in one Highways Statement, as long as all the land included is owned by the same landowner. In these cases a separate map at the specified scale will be required for each parcel of land.

## **2. Examine the Definitive Map and Statement to ascertain what public rights of way are already recorded over your land, and their precise routes**

This should avoid the need to rectify mistakes after your documents and maps have been formally submitted. Please note that a material error (either in the details on Form CA16, the public rights of way shown or not shown in the map, or the extent of the land outlined) may result in the authority rejecting the submission. Material errors brought to our attention after the submission of a S31(6) deposit will result in the removal of your submission from the Register.

The landowner / applicant should examine the Definitive Map or use a specialist Land Agent or Solicitor as required. Public rights of way are shown on the County Council's website [www.northyorks.gov.uk/paths](http://www.northyorks.gov.uk/paths) but the alignments shown on the online maps are only approximate. If you are unsure of the exact alignment of a public right of way, and would like to check it on the Definitive Map please contact us to arrange an appointment (see below for contact details).

It is also advisable:

- to check the status of any paths, tracks, farm roads or short cuts on your land to ascertain whether the public has been using them unopposed for 20 years or more;
- to check legal documents such as Inclosure Awards that may indicate that other public rights of way exist that are not shown on the Definitive Map and Statement;
- to consult the relevant District Council, Parish Council or local User Groups to see whether there are any other paths likely to be claimed that you may wish to recognise. The Definitive Map Team may also have records of possible claims - contact us for further information.

**3. Carefully mark on your map(s) the outline of the land that you own and the precise route of all public rights of way shown on the Definitive Map or otherwise acknowledged by you to exist**

We recommend you use the colour coding shown below:

A **Red Line** - for marking the external boundary of your land

A **Blue Line** – for Byways Open to All Traffic

A **Brown Line** – for Restricted Byways

A **Green Line** – for Public Bridleways

A **Purple Line** – for Public Footpaths

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 legal evidence of the existence and status of any public right of way shown on it, until the map is legally altered by a formal Definitive Map Modification Order or Public Path Order.

If you have made an application for a Definitive Map Modification Order to amend the Definitive Map in relation to any path shown on it, or if you have applied for a Public Path Order to divert a path this may be referred to in the Highways Statement and/or Highways Declaration. Please contact us for further advice if this is the case.

If you wish to divert or extinguish a public right of way, you should apply for a Public Path Order. Unofficial diversions should not be shown; the effect of showing these on your Highways Statement and Map and/or Highways Declaration would be to confer public right of way status on such routes, as well as the original route as shown on the Definitive Map remaining a public right of way until legally modified (in effect creating two routes).

Do not show on the map(s) any permissive paths, unless it is intended that they should now be dedicated as public rights of way. If you wish to advise the County Council of the existence of any permissive paths you should provide a separate map showing these paths only 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 the permission of the landowner, who may control access; these signs may indicate how and when control may be exercised.

Form CA16 does not include provision for acknowledging any Unsurfaced Unclassified Roads (UURs) across your land. If you have any UURs crossing your land we suggest that these can be shown in a different colour (e.g. orange) on your map and referenced in the key, and an extra sentence added to Part B / Part C of Form CA16 to refer to them. Please contact us if you would like further advice.

#### 4. Using Form CA16: complete the Highways Statement or Highways Declaration

We recommend that you download Form CA16 from the Defra website (see p2) as a Word document, and then delete and add text as appropriate to create a document suitable for your Highways Statement or Highways Declaration. You can also download Defra's Guidance Notes on how to complete Form CA16 from the same website.

If your land is extensive or complex you may wish to consider consulting a specialist Land Agent or Solicitor to ensure that your submission is accurate and compliant with the legislation. When we receive your submission we will check it, but it is your legal responsibility to ensure that it is correct; we cannot be held liable for incorrect submissions.

An annotated copy of form CA16 can be found at the end of these Guidance Notes, along with examples of a completed Highways Statement and Highways Declaration to help you. If you need any further help, or would like us to check a draft before you submit your signed documents, please contact us.

If you do not have access to a computer please contact us and we will provide a paper Form CA16 for you to complete by hand.

If the land to which the submission relates is owned by an individual the form must be signed and dated by 'the owner', or by a duly authorised representative of the owner of the land. If the land is owned by a body corporate or an unincorporated association the form must be signed by the secretary or some other duly authorised officer. In the case of land in joint ownership, all the joint owners must complete paragraphs 2 and 3 of Part A and complete and sign the application at Part F, unless a duly authorised representative completes and signs the form on behalf of all of the owners of the land. Paragraph 3 should be completed in full to clearly explain the capacity of the applicant e.g. trustee, land agent, executor etc.

'Owner' is defined in section 31(7) of the Highways Act 1980 and means, broadly, a legal owner of the freehold interest in the land (i.e. the person who is for the time being entitled to dispose of the fee simple in the land). This includes the tenant for life (land held under a strict settlement) or the trustees (land held under a trust for sale).

**Stage one, the Highways Statement**, should be submitted first. Complete Parts A, B, E (if necessary) and F of Form CA16, and send it to us along with the map showing the extent of your land and any acknowledged public rights of way, and a cheque for the appropriate fee. Receipt of these will be acknowledged by the Definitive Map Team, who will confirm that there are no queries or anomalies. If there are any queries or anomalies we will contact you to explain the next steps to be taken.

Following acknowledgement of receipt of your Highways Statement and Map you should then complete **stage two, the Highways Declaration**, by submitting the form again; this time completing Part A, C, E (if necessary) and F. There is no



need to submit a map with the Highways Declaration, as long as nothing has changed since you submitted the Highways Statement and Map. Please contact us for advice if there have been any changes since you submitted the Highways Statement (land ownership boundaries, rights of way diversions etc.) Receipt of the Highways Declaration will also be acknowledged. This confirms that the process is complete and will provide confirmation of the 20-year expiry date.

## **5. Submit your signed documents along with the appropriate fee**

Completed Highways Statements, Highways Declarations and Maps should be sent to the Definitive Map Team at the address at the end of these Guidance Notes, along with a cheque to cover the appropriate fee (see the attached Schedule of Charges for details). If you are unsure of the fees applicable to your submission, please contact us for advice.

Cheques should be made payable to “North Yorkshire County Council”, with the name of the property to which the submission relates written on the back.

We will acknowledge receipt, and advise you of your S31(6) Reference Number; please use this number if you need to contact us about your submission, e.g. when submitting or renewing Highways Declarations.

## **6. Keep copies of all Highways Statements, Highways Declarations and Maps with the title deeds for the property for future reference**

Make a note of your S31(6) Reference Number and keep a forward note to renew the Highways Declaration before the notified expiry date (twenty years from the date of submission under the current legislation). The County Council is unable to issue reminders / notification of submissions which are due to expire.

If there are tracks that cross the land that are not admitted to being public rights of way, it may be useful to place signs at the entrance to these to make it clear to the public that this is the position (as outlined in the opening paragraphs of these notes).

## **Notices**

The legislation requires the County Council to publicise receipt of Highways Statements and Maps and Highways Declarations by:

- Publishing Notice of the Statement and Map / Declaration on the Council's website
- Notifying anyone who has requested notification of all Highways Statements and Declarations (e.g. user groups).

The legislation also requires all Highways Statements and Maps and Highways Declarations to be included on the Register of HA1980 S31(6) Deposits, which is publicly available on the County Council's website [www.northyorks.gov.uk/paths](http://www.northyorks.gov.uk/paths) and at County Hall. Copies of your S31(6) documents (Highways Statements, Highways Declarations and Maps) form part of this Register.

## **Renewals & Amendments**

If you wish to renew an existing S31(6) submission, you must do so before it expires. If your previous submission has expired you will need to make a new submission rather than a renewal. Your submission will have expired if more than 10 years have passed since your previous Statement or Declaration (20 years for Statements or Declarations submitted on Form CA16 after 1 October 2013). Fees payable for renewals can be found in the attached Schedule of Charges.

### **Renewals with no changes to land holding**

To renew a previous submission where there have been no changes to your land holding, you should submit a Highways Declaration, referring to the Deposit or Declaration and Map previously submitted. To do this you need to complete parts A, C, E (if necessary) and F of Form CA16. If there have been no changes to any public rights of way across your land, there is no need to submit a new map; instead you should refer to the map submitted previously.

However, if there have been any changes, for example if any public rights of way have been diverted, extinguished or new paths recorded, you should submit a new map with your Highways Declaration to reflect these changes.

### **Renewals with changes to your land holding**

If you have sold part of your land when the time comes to renew your submission, you should submit a Highways Declaration, referring to the Deposit or Declaration and Map previously submitted, accompanied by a revised map showing the current extent of your land holding.

If at any time you purchase additional land to add to your land holding, you should consider submitting a new Highways Statement and Map, followed by a Highways



Declaration, even if the current deposit is not due for renewal yet. This will ensure that your whole land holding is protected under the legislation, as your existing submission will only cover the land included in the original submission and map, and will not cover any additional land you have acquired since.

## Contact Us

For further advice and information on Highways Statements or Highways Declarations, or to arrange an appointment to view the Definitive Map, please contact us

**Definitive Map Team**  
**Public Rights of Way**  
**North Yorkshire County Council**  
**County Hall**  
**Northallerton**  
**North Yorkshire DL7 8AH**  
**Tel: 01609 780780**  
**Email: [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk)**

## Commons Act 2006 – Landowner Statements

You can also use Form CA16 to submit a Landowner Statement under Section 15A(1) of the Commons Act 2006. This will help prevent your land from being registered as Village Green, if it is being used by local inhabitants for lawful sports and pastimes. You can do this separately, or as part of a joint submission together with a Highways Statement or Highways Declaration.

There is an additional fee for this – see the Schedule of Charges for details.

For further information regarding Landowner Statements under the Commons Act 2006, contact the Village Greens Officer at North Yorkshire County Council; [commons.registration@northyorks.gov.uk](mailto:commons.registration@northyorks.gov.uk)

**Application Form CA16 – this is available to download from:**  
<https://www.gov.uk/government/publications/commons-act-2006-landowner-statements-highways-statements-and-declarations-form>

## Application Form Form CA16

### • **Application Form for deposits under section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006 to North Yorkshire County Council**

**Please read the following guidance carefully before completing this form**

1. Guidance relating to completion of this form is available from <https://www.gov.uk/town-and-village-greens-how-to-register>. Please refer to these separate notes when completing this form.
2. Parts A and F must be completed in all cases.
3. The form must be signed and dated by, or by a duly authorised representative of, every owner of land to which the application relates who is an individual, and by the secretary or some other duly authorised officer of every owner of land to which the application relates which is a body corporate or an unincorporated association.
4. In the case of land in joint ownership all the joint owners must complete paragraphs 2 and 3 of Part A and complete and sign the application in Part F, unless a duly authorised representative completes and signs the form on behalf of all of the owners of the land. Paragraph 3 should be completed in full to clearly explain the capacity of each applicant e.g. trustee, landowner's managing agent, executor.
5. 'Owner' is defined in section 61(3) of the Commons Act 2006 and section 31(7) of the Highways Act 1980 and means, broadly, a legal owner of the freehold interest in the land.
6. Where the application relates to more than one parcel of land, a description of each parcel should be included in Paragraph 4 of Part A and the remainder of the form should be completed to clearly identify which statement and/or declaration relates to which parcel of land. This may require the insertion of additional wording. See separate notes for further guidance. Multiple parcels of land should be clearly identified by coloured edging on any accompanying map.
7. Where a statement or declaration requires reference to colouring shown on an accompanying map or previously lodged map, the colouring must be clearly specified and must match that shown on the relevant map. For example, if a footpath is specified in a Part C declaration as shown coloured yellow, the accompanying map or previously deposited map referred to must reflect that colouring.
8. An application must be accompanied by an ordnance map, or (in respect of declarations under Part C or statements under Part D of this form) refer to a map previously deposited in accordance with the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declaration) (England) Regulations 2013 or (if deposited before 1st October 2013) in accordance with section 31(6) of the Highways Act 1980. Any accompanying map must be an ordnance map at a scale of not less than 1:10,560 showing the boundary of the land to which the application relates preferably in red coloured edging.
9. An application must be accompanied by the requisite fee – please ask the appropriate authority for details.

10. 'Appropriate authority' means (a) in relation to a map or statement deposited or declaration lodged under section 31(6) of that Act, an appropriate council (as defined in section 31(7) of the Highways Act 1980); and (b) in relation to a statement and map deposited under section 15A(1) of the 2006 Act, a commons registration authority (defined in section 4 of the Commons Act 2006 and section 2 of the Commons Registration Act 1965). In practice, the appropriate council and commons registration authority will usually be the same body.

**PART A: Information relating to the applicant and land to which the application relates**

- **(all applicants must complete this Part)**

1. Name of appropriate authority to which the application is addressed: **North Yorkshire County Council**

2. Name and full address (including postcode) of applicant:

**This is the name of the person completing and signing the form – it can be either the landowner or someone acting on their behalf eg managing agent, farm manager etc, but the details here MUST be the same as the person signing Part F**

3. Status of applicant (tick relevant box or boxes):

**Tick the relevant box, and if you are not the landowner, in (b) you should state the landowner's name and the capacity in which you are completing the form eg managing agent, farm manager etc**

I am

(a) ☐ the owner of the land(s) described in paragraph 4.

(b) ☐ making this application and the statements/declarations it contains on behalf of [insert name of owner] who is the owner of the land(s) described in paragraph 4 and in my capacity as [insert details].

4. Insert description of the land(s) to which the application relates (including full address and postcode):

**Put the name and address of the property here. If there is no postal address put in details of where the land is eg Fields adjacent to River Swale, Catterick.**

5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known): **If you know the grid reference put it in here, if not leave blank or ask us to provide one**

6. This deposit comprises the following statement(s) and/or declarations (*delete Parts B, C, or D where not applicable*): **State here which parts you are submitting – Part B if you are submitting a first S31, Part C for renewals and follow-up submissions, Part D for Statements under the Commons Act.**

## PART B: Statement under section 31(6) of the Highways Act 1980

Complete this section for first S31 submissions, known as the “Highways Statement”. Also complete this section if you are renewing a S31 where there are changes to the property, eg you want to include additional land not covered by your previous S31.

Part B can be deleted if you are submitting a Highways Declaration (Part C).

[I am/[insert name of owner] is] the owner of the land described in paragraph 4 of Part A of this form and shown by [insert colouring eg. red edging] on the map accompanying this statement.  
(delete wording in square brackets as appropriate and/or insert information as required)

[Ways shown [insert blue colouring] on the accompanying map are byways open to all traffic.]

[Ways shown [insert brown colouring] on the accompanying map are restricted byways.]

[Ways shown [insert green colouring] on the accompanying map are public bridleways.]

[Ways shown [insert purple colouring] on the accompanying map are public footpaths.]

No [other] ways over the land shown [insert colouring eg. edged red] on the accompanying map have been dedicated as highways.

(delete wording in square brackets as appropriate and/or insert information as required)

## PART C: Declaration under section 31(6) of the Highways Act 1980

Complete this section for follow-up and renewals, known as the Highways Declaration, if you have already submitted Part B and had formal acknowledgement of receipt. If there have been no changes to the property or the rights of way across it, there is no need to submit a further map, and in this section you should refer back to the plan previously submitted.

Part C can be deleted if you are submitting a Highways Statement (Part B).

1. [I am/[insert name of owner] is] the owner of the land described in paragraph 4 of Part A of this form and shown by [insert colouring eg. edged red] on the map [accompanying this declaration/lodged with [North Yorkshire County] Council on [insert day, month, year]].

(delete wording in square brackets as appropriate and/or insert information as required)

The dates in paragraph 1 refer to the date you originally submitted your Highways Statement and Map. This could be fairly recently if you have just had acknowledgement of receipt of your Highways Statement & Map (Part B of this form), or it could be many years ago if you submitted it a while ago (as a “Deposit of Statement and Plan”)

2. On the [insert day] day of [insert month, year] [I/my/[insert name of owner's] predecessor in title [insert name]] deposited with [North Yorkshire County] Council, being the appropriate council, a statement accompanied by a map showing [my/[insert name of owner's]] property [insert colouring eg. edged red] which stated that:

[the ways shown [insert blue colouring] on that map [and on the map accompanying this declaration] had been dedicated as byways open to all traffic]

[the ways shown [insert brown colouring] on that map [and on the map accompanying this declaration] had been dedicated as restricted byways]

[the ways shown [insert green colouring] on that map [and on the map accompanying this declaration] had been dedicated as bridleways]

[the ways shown [insert purple colouring] on that map [and on the map accompanying this declaration] had been dedicated as footpaths]

[no [other] ways had been dedicated as highways over [my/[insert name of owner's]] property]. (delete wording in square brackets as appropriate and/or insert information as required)

Paragraph 2 refers to your original Highways Statement and Map / Deposit of Statement & Plan. You should complete this paragraph to reflect the wording in your original Statement and the paths shown on your original map.

[3. On the [insert day] day of [insert month, year] [I/my/[insert name of owner's] predecessor in title [insert name]] deposited with [insert name] Council, being the appropriate council, a declaration dated [insert day, month, year], stating that no additional ways [other than those marked in the appropriate colour on the map accompanying that declaration] had been dedicated as [byways open to all traffic] [restricted byways] [bridleways] [footpaths] since the deposit of the statement referred to in paragraph 2 above.]

(delete if not applicable and delete wording in square brackets as appropriate and/or insert information as required)

Paragraph 3 refers to any previous Highways Declarations you have submitted (previously known as a Statutory Declaration). If you have submitted one of these in the past, the date(s) should go in this paragraph.

If this is your first Highways Declaration you can delete paragraph 3.

4. No additional ways have been dedicated over the land [insert colouring eg. edged red] on the map [accompanying this declaration/referenced in paragraph 1 above] since the statement dated [insert day, month, year] referred to in paragraph 2 above [since the date of the declaration referred to in paragraph 3 above] [other than those [byways open to all traffic] [restricted byways] [bridleways] [footpaths] marked in the appropriate colour on the map accompanying this declaration] and at the present time [I/[insert name of owner]] [have/has] no intention of dedicating any more public rights of way over [my/the] property.

(delete wording in square brackets as appropriate and/or insert information as required)

Paragraph 4 is to state that you have not dedicated any additional rights of way since you last submitted a Highways Statement / Deposit of Statement & Plan or Highways Declaration / Statutory Declaration, and that you have no intention of dedicating any more.

If you have only submitted a Highways Statement previously, you should put that date in the wording that refers to the statement in paragraph 2, and delete the text referring to the declaration in paragraph 3.

If you have previously submitted a Declaration you should keep the text referring to that declaration and delete the text referring to the statement in paragraph 2.

If you are not submitting a map (you will only be doing so if there have been changes) you can delete all text referring to a map and to byways open to all traffic, restricted byways, bridleways, footpaths.

#### **PART D: Statement under section 15A(1) of the Commons Act 2006**

Complete this section if you want to submit a Statement under the Commons Act (to prevent an application for your land to be registered as village green). Please note there is an additional fee payable for processing this. Delete this section if it does not apply.

[I am/[insert name of owner] is] the owner of the land described in paragraph 4 of Part A of this form and shown [insert red edged colouring] on the map [accompanying this statement/deposited with [insert name] Council on [insert day, month, year]].

[I/[insert name of owner]] [wish/wishes] to bring to an end any period during which persons may have indulged as of right in lawful sports and pastimes on the whole or any part of the land shown [insert colouring] on the [accompanying map/map referenced above].

(delete wording in square brackets as appropriate and/or insert information as required)

**PART E: Additional information relevant to the application**  
*(insert any additional information relevant to the application)*

Use this section for any other relevant information not covered above.

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

This section must be completed and signed by the person named in Part A (applicant).

**WARNING:** If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE**

**Signature (of the person making the statement of truth):**

**Print full name:**

**Date:**

**You should keep a copy of the completed form**

• **Data Protection Act 1998 - Fair Processing Notice**

The purpose of this Fair Processing Notice is to inform you of the use that will be made of your personal data, as required by the Data Protection Act 1998.

The appropriate authority (see explanation of definition in above guidance notes) in England is the data controller in respect of any personal data that you provide when you complete this form.

The information that you provide will be used by the appropriate authority in its duties to process applications to deposit statements, maps and declarations under section 31(6) the Highways Act 1980 and statements under section 15A(1) of the Commons Act 2006. The information you provide will also be used by the appropriate authority in its duty to update the registers in which details of such deposits are recorded under the Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007 and the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013.

The appropriate authority is required by the legislation above to maintain a register which holds information provided in this form, which can be inspected online or in person by members of the public on request. It may also be required to release information, including personal data and commercial information, on request under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000. However, the appropriate authority will not permit any unwarranted breach of confidentiality nor will they act in contravention of their obligations under the Data Protection Act 1998.



## EXAMPLE 1 - Form CA16

### For Submitting a Highways Statement & Plan

<b>Form CA16</b>
<b>Application Form for deposits under section 31(6) of the Highways Act 1980 to North Yorkshire County Council</b>
<p><b>PART A: Information relating to the applicant and land to which the application relates</b></p> <p>1. Name of appropriate authority to which the application is addressed: <b>North Yorkshire County Council</b></p> <p>2. Name and full address (including postcode) of applicant: <b>Mr A Farmer</b> <b>Village Farm</b> <b>Anyplace</b> <b>North Yorkshire AB1 2CD</b></p> <p>3. Status of applicant (tick relevant box or boxes): I am</p> <p>(a) <input checked="" type="checkbox"/> the owner of the land(s) described in paragraph 4.</p> <p>(b) <input type="checkbox"/> making this application and the statements/declarations it contains on behalf of <i>[insert name of owner]</i> who is the owner of the land(s) described in paragraph 4 and in my capacity as <i>[insert details]</i>.</p> <p>4. Insert description of the land(s) to which the application relates (including full address and postcode): <b>Village Farm</b> <b>Anyplace</b> <b>North Yorkshire AB1 2CD</b></p> <p>5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known): <b>SE 1234 5678</b></p> <p>6. This deposit comprises the following statement(s) and/or declarations (<i>delete Parts B, C, or D where not applicable</i>): <b>Part B</b></p>
<p style="text-align: center;"><b>PART B: Statement under section 31(6) of the Highways Act 1980</b></p> <p>I am the owner of the land described in paragraph 4 of Part A of this form and shown by red edging on the map accompanying this statement.</p> <p>Ways shown blue on the accompanying map are byways open to all traffic. Ways shown brown on the accompanying map are restricted byways. Ways shown green on the accompanying map are public bridleways. Ways shown purple on the accompanying map are public footpaths.</p> <p>No other ways over the land shown edged red on the accompanying map have been dedicated as highways.</p>

**PART F: Statement of Truth**

**WARNING:** If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE**

**Signature (of the person making the statement of truth):** *A Farmer*

**Print full name:** **Mr Alan Farmer**

**Date:** **01/01/2014**

**You should keep a copy of the completed form**

**Data Protection Act 1998 - Fair Processing Notice**

The purpose of this Fair Processing Notice is to inform you of the use that will be made of your personal data, as required by the Data Protection Act 1998.

The appropriate authority (see explanation of definition in above guidance notes) in England is the data controller in respect of any personal data that you provide when you complete this form.

The information that you provide will be used by the appropriate authority in its duties to process applications to deposit statements, maps and declarations under section 31(6) the Highways Act 1980 and statements under section 15A(1) of the Commons Act 2006. The information you provide will also be used by the appropriate authority in its duty to update the registers in which details of such deposits are recorded under the Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007 and the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013.

The appropriate authority is required by the legislation above to maintain a register which holds information provided in this form, which can be inspected online or in person by members of the public on request. It may also be required to release information, including personal data and commercial information, on request under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000. However, the appropriate authority will not permit any unwarranted breach of confidentiality nor will they act in contravention of their obligations under the Data Protection Act 1998.

## EXAMPLE 2 - Form CA16

### For Submitting a Highways Declaration

<b>Form CA16</b>
<b>Application Form for deposits under section 31(6) of the Highways Act 1980 to North Yorkshire County Council</b>
<p><b>PART A: Information relating to the applicant and land to which the application relates</b></p> <p>1. Name of appropriate authority to which the application is addressed: <b>North Yorkshire County Council</b></p> <p>2. Name and full address (including postcode) of applicant: <b>Mr A Farmer</b> <b>Village Farm</b> <b>Anyplace</b> <b>North Yorkshire AB1 2CD</b></p> <p>3. Status of applicant (tick relevant box or boxes):</p> <p>I am</p> <p>(a) <input checked="" type="checkbox"/> the owner of the land(s) described in paragraph 4.</p> <p>(b) <input type="checkbox"/> making this application and the statements/declarations it contains on behalf of <i>[insert name of owner]</i> who is the owner of the land(s) described in paragraph 4 and in my capacity as <i>[insert details]</i>.</p> <p>4. Insert description of the land(s) to which the application relates (including full address and postcode): <b>Village Farm</b> <b>Anyplace</b> <b>North Yorkshire AB1 2CD</b></p> <p>5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known): <b>SE 1234 5678</b></p> <p>6. This deposit comprises the following statement(s) and/or declarations (<i>delete Parts B, C, or D where not applicable</i>): <b>Part C</b></p>
<p style="text-align: center;"><b>PART C: Declaration under section 31(6) of the Highways Act 1980</b></p> <p>1. I am the owner of the land described in paragraph 4 of Part A of this form and shown by red edging on the map lodged with North Yorkshire County Council on 01 January 2014.</p> <p>2. On the 1st day of January 2014 I deposited with North Yorkshire County Council, being the appropriate council, a statement accompanied by a map showing my property edged red which stated that:</p> <ul style="list-style-type: none"> <li>• the ways shown blue on that map had been dedicated as byways open to all traffic</li> </ul>

- the ways shown brown on that map had been dedicated as restricted byways
- the ways shown green on that map had been dedicated as bridleways
- the ways shown purple on that map had been dedicated as footpaths
- no other ways had been dedicated as highways over my property.

3. No additional ways have been dedicated over the land edged red on the map referenced in paragraph 1 above since the statement dated 1 January 2014 referred to in paragraph 2 above and at the present time I have no intention of dedicating any more public rights of way over my property.

#### • **PART F: Statement of Truth**

**WARNING:** If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE**

Signature (of the person making the statement of truth): ***A Farmer***

Print full name: **Mr Alan Farmer**

Date: **31/01/2014**

**You should keep a copy of the completed form**

#### • **Data Protection Act 1998 - Fair Processing Notice**

The purpose of this Fair Processing Notice is to inform you of the use that will be made of your personal data, as required by the Data Protection Act 1998.

The appropriate authority (see explanation of definition in above guidance notes) in England is the data controller in respect of any personal data that you provide when you complete this form.

The information that you provide will be used by the appropriate authority in its duties to process applications to deposit statements, maps and declarations under section 31(6) the Highways Act 1980 and statements under section 15A(1) of the Commons Act 2006. The information you provide will also be used by the appropriate authority in its duty to update the registers in which details of such deposits are recorded under the Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007 and the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013.

The appropriate authority is required by the legislation above to maintain a register which holds information provided in this form, which can be inspected online or in person by members of the public on request. It may also be required to release information, including personal data and commercial information, on request under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000. However, the appropriate authority will not permit any unwarranted breach of confidentiality nor will they act in contravention of their obligations under the Data Protection Act 1998.

## NORTH YORKSHIRE COUNTY COUNCIL

### Making a Statement or Declaration under Section 31(6) of the Highways Act 1980 or a Statement under Section 15A(1) of the Commons Act 2006

#### Schedule of Charges (effective from 1 April 2022)

#### **Highways Act 1980 Section 31(6) Statements and Declarations**

Fees are payable when either applying for a new Highways Statement and Declaration or renewing an existing Declaration. Submissions should be made using Form CA16 and accompanying map or maps.

If your previous submission has expired you will need to make a new submission rather than a renewal. Your submission will have expired if more than 10 years have passed since your previous Statement or Declaration (20 years for Statements or Declarations submitted after 1<sup>st</sup> October 2013).

Please include payment with your initial submission. Cheques should be made payable to "North Yorkshire County Council", with the name of the property to which the submission relates written on the back.

Charges are subject to review on 1 April each year.

#### **New S31(6) submission**

	Fee payable	What is included:
Registration fee	£380	Includes the processing and registration of the Highway Statement and Highway Declaration for up to two blocks of land
Registration of extra blocks of land	£30 per block (up to a max of £150)	Additional fee for the processing and registration of land holdings made up of multiple blocks of land

#### **Renewal of a current submission with no changes to be made**

	Fee payable	What is included:
Renewal fee	£60	Processing of a Highways Declaration to renew a previous submission which has not yet expired and where there have been no changes to the land holding or other details

**Renewal of a current submission where changes are being made**

	Fee payable	What is included:
Renewal update fee	£260	Processing of a Highways Statement and/or Highways Declaration to renew a previous submission which has not yet expired, to include minor modifications to the land holding (eg to include additional land purchased adjoining the current land holding, or to delete blocks of land which have been sold)
<p>Please note: where additional land has been purchased which is separate from (ie not adjoining) the current land holding or where large areas of new land are being added, the fee for a new registration will be charged.</p> <p>For all renewals where land is being added to the land holding, both a Highways Statement and Highways Declaration must be submitted, to ensure all land is protected.</p>		

**Definition of “Block of land”**

A block of land is a single, contiguous area of land not broken in multiple parts by land in another person’s possession or by a public road. For example, two fields separated by a boundary fence or hedge would constitute one block of land; the same two fields separated by a public road would constitute two blocks of land.

**Please note no registration will be processed until the appropriate fee is received.**

**Commons Act 2006 Section 15A(1) Landowner Statements**

	Fee payable	What is included
New Registration fee	£350	Registration of Landowner Statement for a first application
Renewal fee	£100	Renewal of existing Landowner Statement
Erection of site notices	£25 per notice	Includes the erection of each notice