

Regulatory Committee

Meeting to be held on 25 January 2023

Electoral Division affected: Oswaldtwistle

Wildlife and Countryside Act 1981

Definitive Map Modification Order

The Lancashire County Council Footpath from Aspen Lane to Mill Lane near West End Primary School, Oswaldtwistle, Definitive Map Modification Order 2021 – Appendix A; Extract of Evidence Presented to the Regulatory Committee on 23 June 2021

Consultations

Hyndburn Borough Council

Hyndburn Borough Council did not provide a response to the consultation.

Information from Others

Nick Bower, LCC Estates Surveyor was consulted as LCC own land adjacent to the application route forming the grounds of West End Primary School. Nick clarified that LCC has a boundary fence along the line of its boundary, which fences out the application route. He stated that he would contact the school to seek any comment or further information they may be able to provide; no response was provided.

Information from the Landowner

The Churchwarden of All Saints Church was consulted and advised that they had contacted the Diocesan Registry in order to access the relevant deeds, they subsequently provided the 1962 and 1965 conveyances and associated plans referred to below in the map and documentary evidence section.

The congregation were consulted and recollected use of the route since at least 1990, probably longer.

Blackburn Diocese was consulted but provided no additional response.

Information from the Applicant

The applicant provided extracts of maps published in 1848, 1863, 1894, 1912, 1931, 1932 and 1947 all of which have been considered earlier in the report.



The applicant also included a copy of a letter regarding the sale of land by Miss D Evans to Blackburn Diocese for the building of All Saints Church in 1960, 4 statements from people claiming to have used the route and two undated photographs.

The letter from the Reverend F. Creears to Miss D Evans postmarked 23 November 1960 discusses the sale of the land in Standhill for the construction of All Saints Church, seeking clarification of whether Miss Evans would be willing to sell the land and if so how much the asking price would be.

The back of the envelope seemingly includes a draft reply from Miss Evans stating that she is willing to sell upon clarification of the land required and provided an agreeable settlement could be reached.

As noted 4 user statements were included with the application, these provided evidence use going back at least 51 years, their evidence is summarised below.

The first user recalled using the route over a period of 51 years for their morning walk. No further details of use were provided.

The second user recalled having used the application route since they could walk, having been born in 1925. No further details of use were provided.

The third user recalled having used the application route over a period of 50+ years having moved to an address close to the route in 1969. They record using the route frequently to access school, church and West End to catch the bus and access the shops there. The user also reported that their mother used the route daily whilst employed at the local school.

The fourth user recalled using the route for 40+ years. They noted that although they only moved to the area 12 years prior to the application they had visited for 40+ years and used the application route on a number of occasions. They also noted that the route is an integral part of Stanhill Village Heritage Trail and is a popular daily walk for many in the locality.

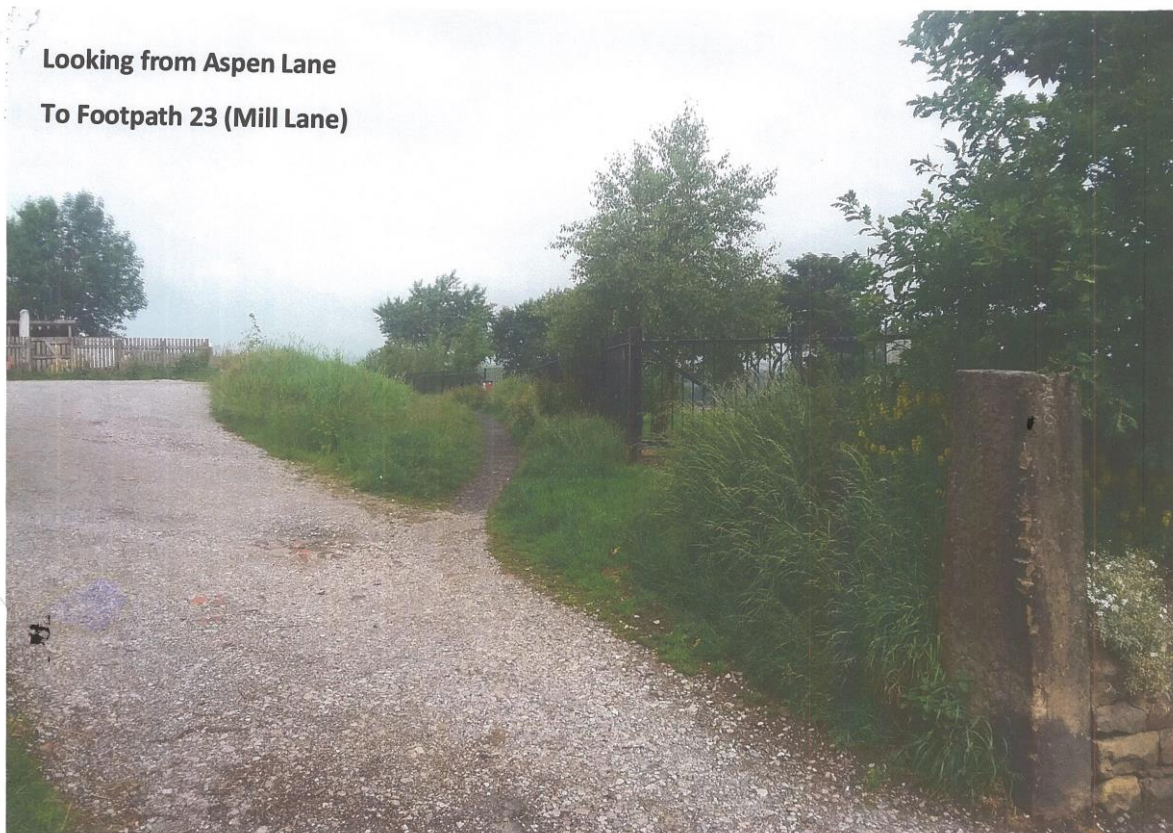
The undated photographs provided by the applicant are included below.



**Looking from Footpath 23 (Mill Lane)
To Aspen Lane**



**Looking from Aspen Lane
To Footpath 23 (Mill Lane)**

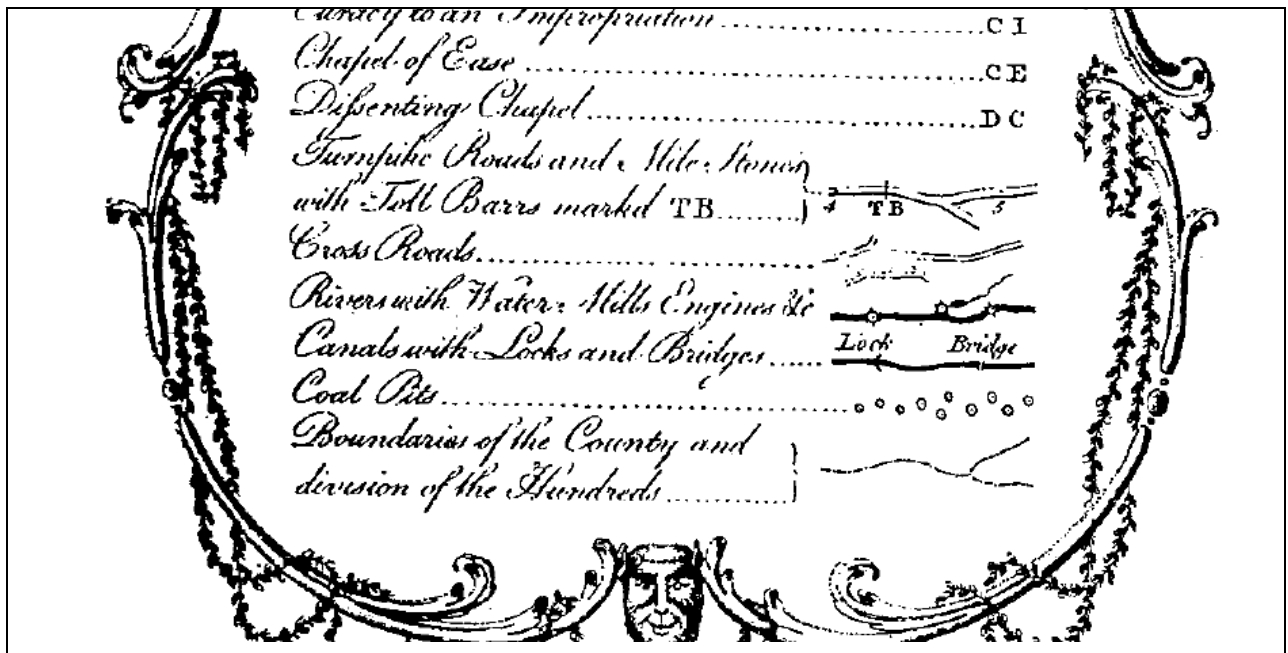


Map and Documentary Evidence

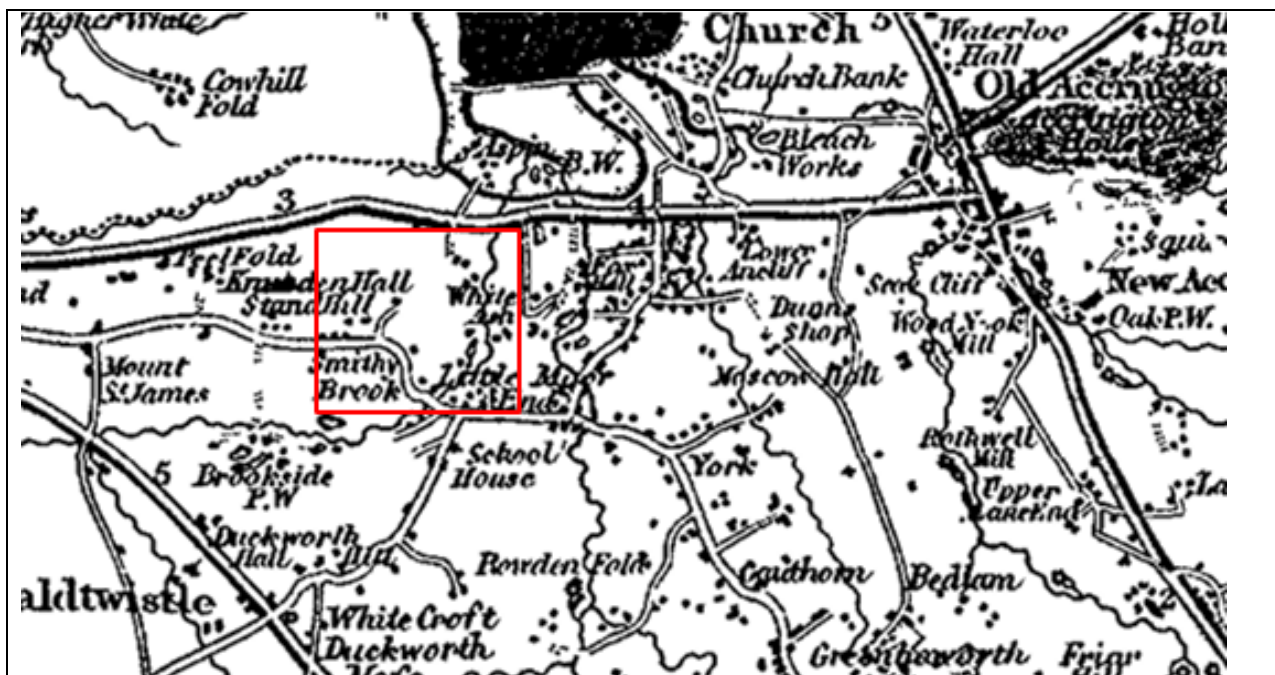
A variety of maps, plans and other documents were examined to discover when the route came into being, and to try to determine what its status may be.

Document Title	Date	Brief Description of Document & Nature of Evidence
Yates' Map of Lancashire	1786	Small scale commercial map. Such maps were on sale to the public and hence to be of use to their customers the routes shown had to be available for the public to use. However, they were privately produced without a known system of consultation or checking. Limitations of scale also constrained the routes that could be shown.





Observations		The application route is not shown.
Investigating Comments	Officer's	It is unusual to find public footpaths recorded on small scale commercial maps of this era as they were generally published for the use of travellers although the application route may have existed as a private access route or as a public footpath. No further inference can be drawn.
Greenwood's Lancashire	Map of 1818	Small scale commercial map. In contrast to other map makers of the era Greenwood stated in the legend that this map showed private as well as public roads and the two were not differentiated between within the key panel.



Observations		The application route is not shown.
Investigating Officer's Comments		The application route may have existed but if it did was not considered by Hennet to be a significant public vehicular route at that time. It may have existed as a private access route or as a public footpath but such routes were not normally shown due to the scale and purpose for which they were published. No further inference can be drawn.
Canal and Railway Acts		Canals and railways were the vital infrastructure for a modernising economy and hence, like motorways and high-speed rail links today, legislation enabled these to be built by compulsion where agreement couldn't be reached. It was important to get the details right by making provision for any public rights of way to avoid objections but not to provide expensive crossings unless they really were public rights of way. This information is also often available for proposed canals and railways which were never built.
Observations		The land over which the application route is located is not crossed by any canals or railways and there are no known proposals to have constructed either across that land in the past.
Investigating Officer's Comments		No inference can be drawn with regards to the existence of public rights.



Tithe Map and Tithe Award or Apportionment		Maps and other documents were produced under the Tithe Commutation Act of 1836 to record land capable of producing a crop and what each landowner should pay in lieu of tithes to the church. The maps are usually detailed large scale maps of a parish and while they were not produced specifically to show roads or public rights of way, the maps do show roads quite accurately and can provide useful supporting evidence (in conjunction with the written tithe award) and additional information from which the status of ways may be inferred.
Observations		There is no Tithe Map or Award for the area crossed by the application route.
Investigating Officer's Comments		No inference can be drawn with regards to the existence of public rights.
Inclosure Act Award and Maps Enclosure Award 1776 CRO Ref: AE/2/7	1776	<u>Inclosure Awards are legal documents made under private acts of Parliament or general acts (post 1801) for reforming medieval farming practices, and also enabled new rights of way layouts in a parish to be made. They can provide conclusive evidence of status.</u>
Observations		The Inclosure Map and Award do not cover the area crossed by the application route.
Investigating Officer's Comments		No inference can be drawn.
6 Inch Ordnance Survey (OS) Map Map Sheet 63	1848	The earliest Ordnance Survey 6 inch map for this area surveyed in 1844-1846 and published in 1848. ¹

¹ The Ordnance Survey (OS) has produced topographic maps at different scales (historically one inch to one mile, six inches to one mile and 1:2500 scale which is approximately 25 inches to one mile). Ordnance Survey mapping began in Lancashire in the late 1830s with the 6-inch maps being published in the 1840s. The large scale 25-inch maps which were first published in the 1890s provide good evidence of the position of routes at the time of survey and of the position of buildings and other structures. They generally do not provide evidence of the legal status of routes, and carry a disclaimer that the depiction of a path or track is no evidence of the existence of a public right of way.





Observations		The application route is clearly shown as a bounded route from Aspen Lane (which is named on the map) through to Mill Lane and continuing through to Blackburn Road (a former Turnpike Trust Road) via buildings marked as New Inn and an engraving shop. One line is shown across the application route which suggests that it was not gated at the ends and the dotted line which crosses the route part-way along appears to be a contour line indicating height above sea level rather than a physical feature across the route.
Investigating Officer's Comments		The application route existed in 1844-46 (when the area was surveyed) and appeared to be capable of being used.
Extract of Map supplied by applicant	1863	Extract of map supplied by applicant. No scale is given for the map and the date



of the survey is unknown. Date of publication is stated to be 1863.



Observations

This annotated map provided by the applicant has no details regarding the scale of the map or the date that the land was surveyed. It shows the application route in a similar way as it was shown on the earlier 6 inch OS map detailed above.

Investigating Officer's Comments

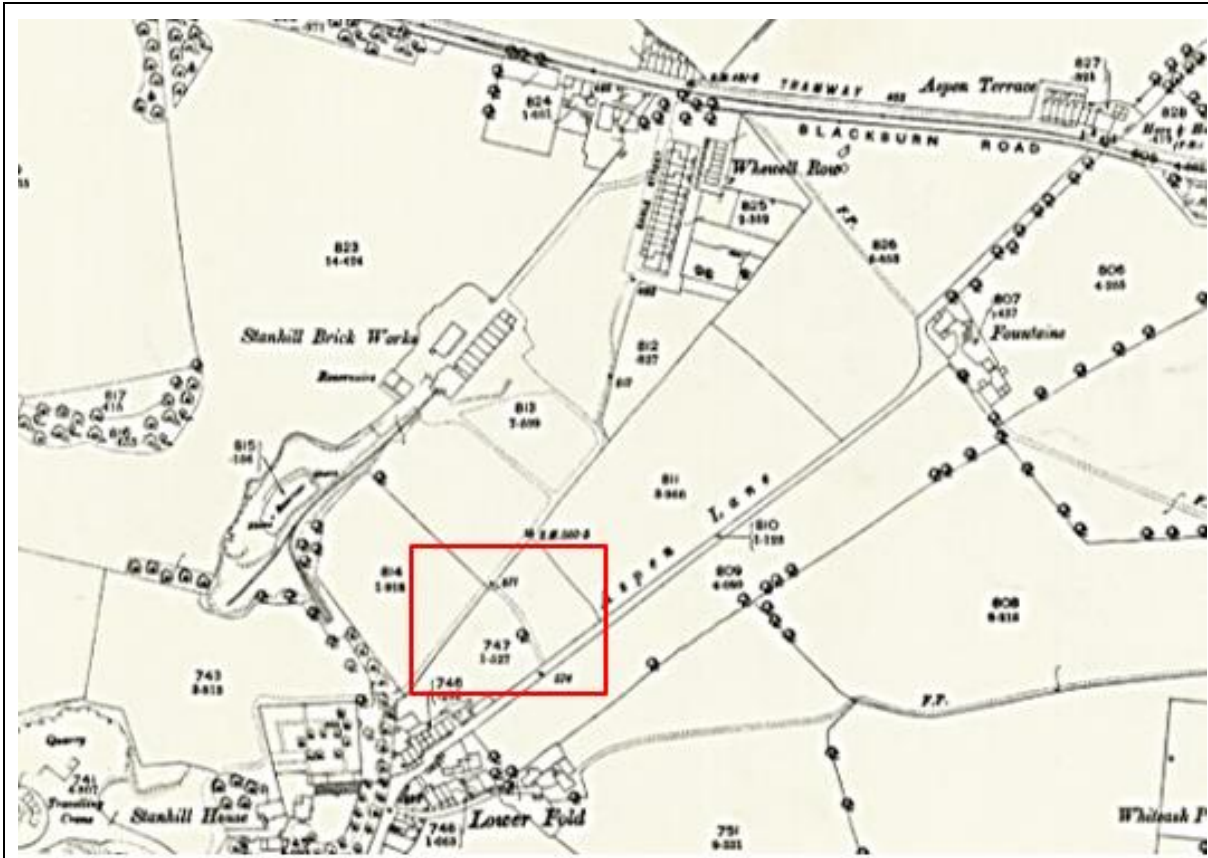
The application route appears to have existed in the 1860s.

25 Inch OS Map Sheet 63-14

1893

The earliest OS map at a scale of 25 inch to the mile. Surveyed in 1890-1891 and published in 1893.





Observations		The application route is now shown as an unbounded track through a field with lines across the route at point A and near point B suggesting that it was gated at either end.
Investigating Officer's Comments		The application route still existed in 1890-91 but was no longer shown as a bounded route. It is shown as an unenclosed track across a field – gated at point A and near point B. The fact that the gate was slightly set back from Mill Lane and the angled boundaries beyond that suggest it was used for access not only on foot. The existence of gates along a public route would not have been considered unusual in the 1800s particularly in the proximity of farms or in rural locations. Gateways, if they were found to exist, were shown by the surveyor in their closed position although this is not necessarily a true reflection of what may have been the position on the ground. And does not necessarily mean that access was not available.
6 inch OS Map	1894	OS 6 inch map surveyed 1890 to 1891



LXIII.SW

and published 1894.



Observations		The application route is shown as an unbounded track.
Investigating Officer's Comments		The application route existed in 1890-91 and appeared capable of being used.
25 inch OS Map Map Sheet 63-14	1911	Further edition of the 25 inch map surveyed in 1890-1891, revised in 1909 and published in 1911.

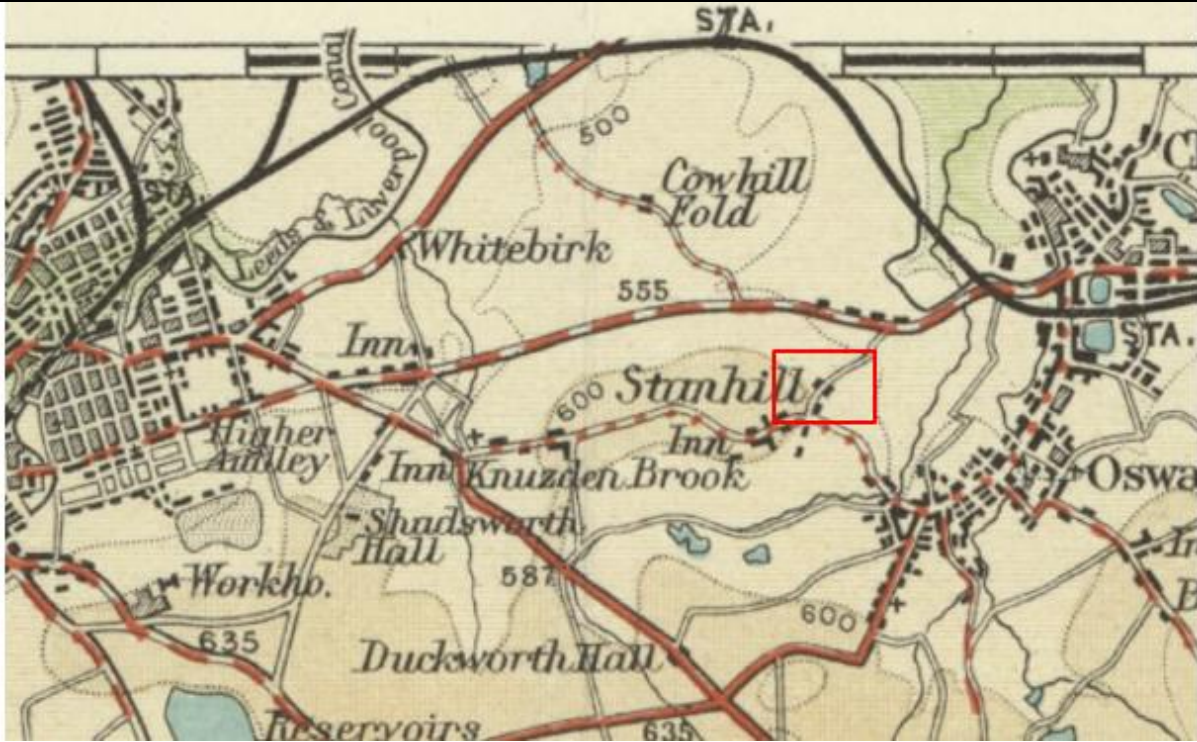




Observations		The application route is shown in the same way as it is shown on the first edition of the 25 inch map crossing the field numbered as 905 on the OS map.
Investigating Comments	Officer's	The application route existed in 1909 and appeared to be capable of being used.
6 inch OS Map LXIII.SW		6 inch OS map submitted by the applicant, revised 1909 and published



		1912.
Observations		The application route is shown.
Investigating Officer's Comments		The application route existed in 1909 and appeared to be capable of being used.
Bartholomew half inch Mapping	1902-1906	<p>The publication of Bartholomew's half inch maps for England and Wales began in 1897 and continued with periodic revisions until 1975. The maps were very popular with the public and sold in their millions, due largely to their accurate road classification and the use of layer colouring to depict contours. The maps were produced primarily for the purpose of driving and cycling and the firm was in competition with the Ordnance Survey, from whose maps Bartholomew's were reduced. An unpublished Ordnance Survey report dated 1914 acknowledged that the road classification on the OS small scale map was inferior to Bartholomew at that time for the use of motorists.</p>

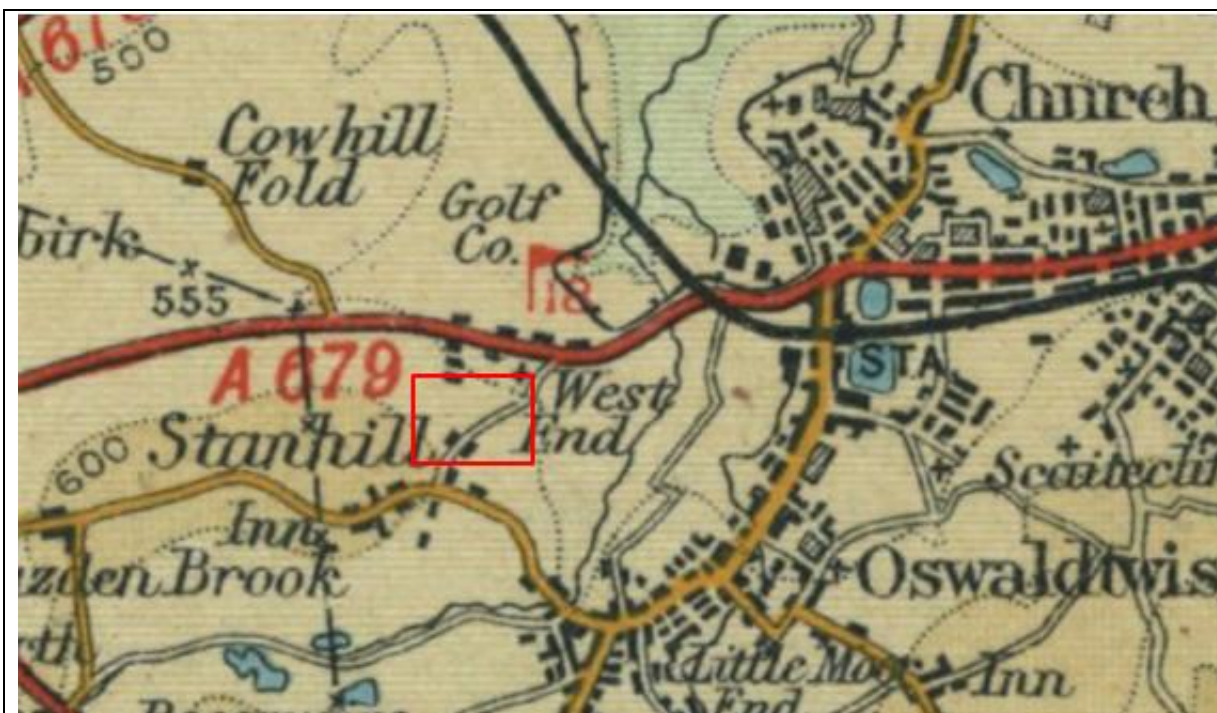


1904



1920





1941

Observations		The application route is not shown on any of the ½ inch maps produced by Bartholomew in the first half of the 1900s.
Investigating Officer's Comments		Bartholomew's small scale ½ inch maps were published with the main market being the travelling public with emphasis on the use of motorised vehicles and cyclists. It is not uncommon for routes regarded as public footpath – particularly those across fields – not to be shown on these maps due to the scale and purpose for which they were produced.
Finance Act 1910 Map	1910	The comprehensive survey carried out for the Finance Act 1910, later repealed, was for the purposes of land valuation not recording public rights of way but can often provide very good evidence. Making a false claim for a deduction was an offence although a deduction did not have to be claimed so although there was a financial incentive a public right of way did not have to be admitted. Maps, valuation books and field books produced under the requirements of the 1910 Finance Act have been examined. The Act required all land in private ownership to be recorded so that it could be valued and the owner taxed on



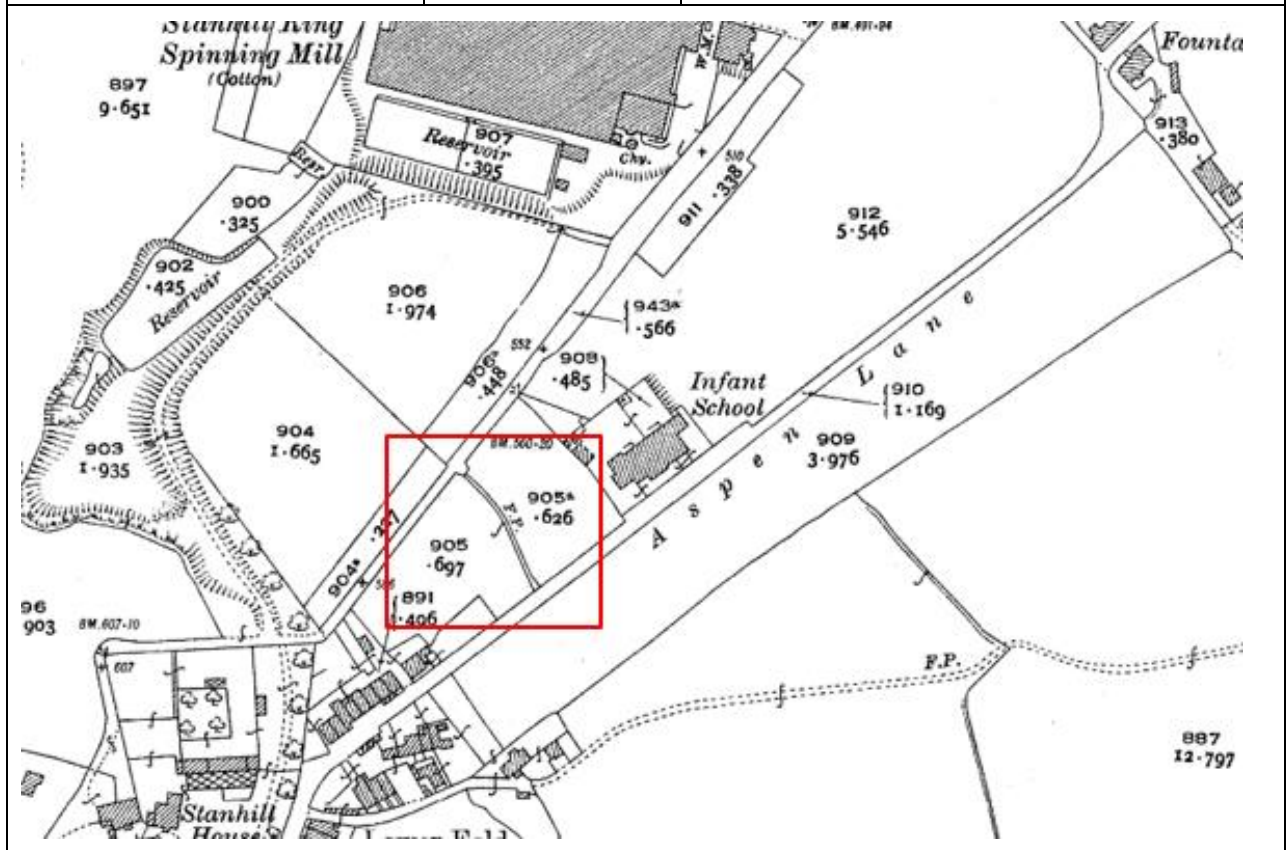
		<p>any incremental value if the land was subsequently sold. The maps show land divided into parcels on which tax was levied, and accompanying valuation books provide details of the value of each parcel of land, along with the name of the owner and tenant (where applicable).</p> <p>An owner of land could claim a reduction in tax if his land was crossed by a public right of way and this can be found in the relevant valuation book. However, the exact route of the right of way was not recorded in the book or on the accompanying map. Where only one path was shown by the Ordnance Survey through the landholding, it is likely that the path shown is the one referred to, but we cannot be certain. In the case where many paths are shown, it is not possible to know which path or paths the valuation book entry refers to. It should also be noted that if no reduction was claimed this does not necessarily mean that no right of way existed.</p>
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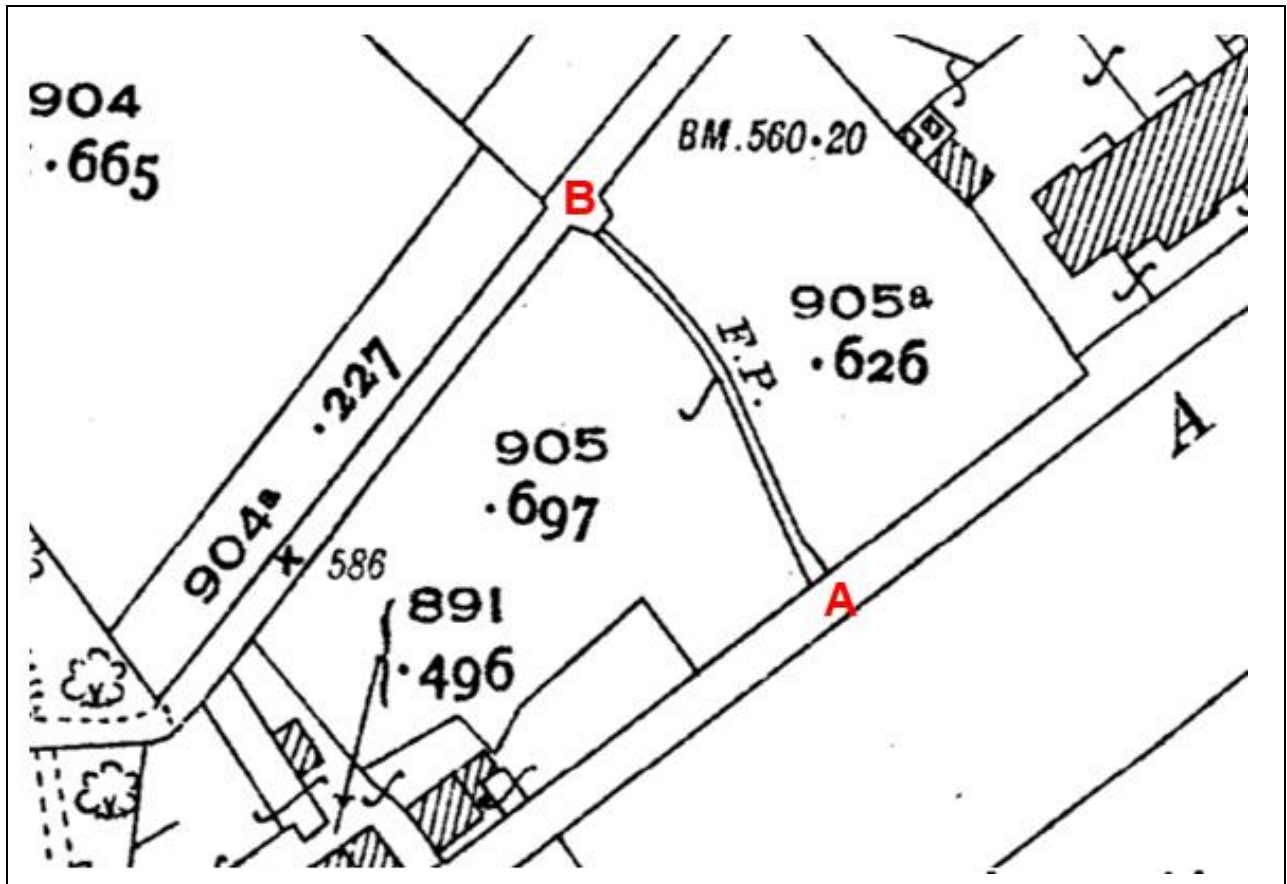


Observations		The 25 inch scale OS map sheet available at the National Archives does not show the area crossed by the application route but refers to the 1:1250
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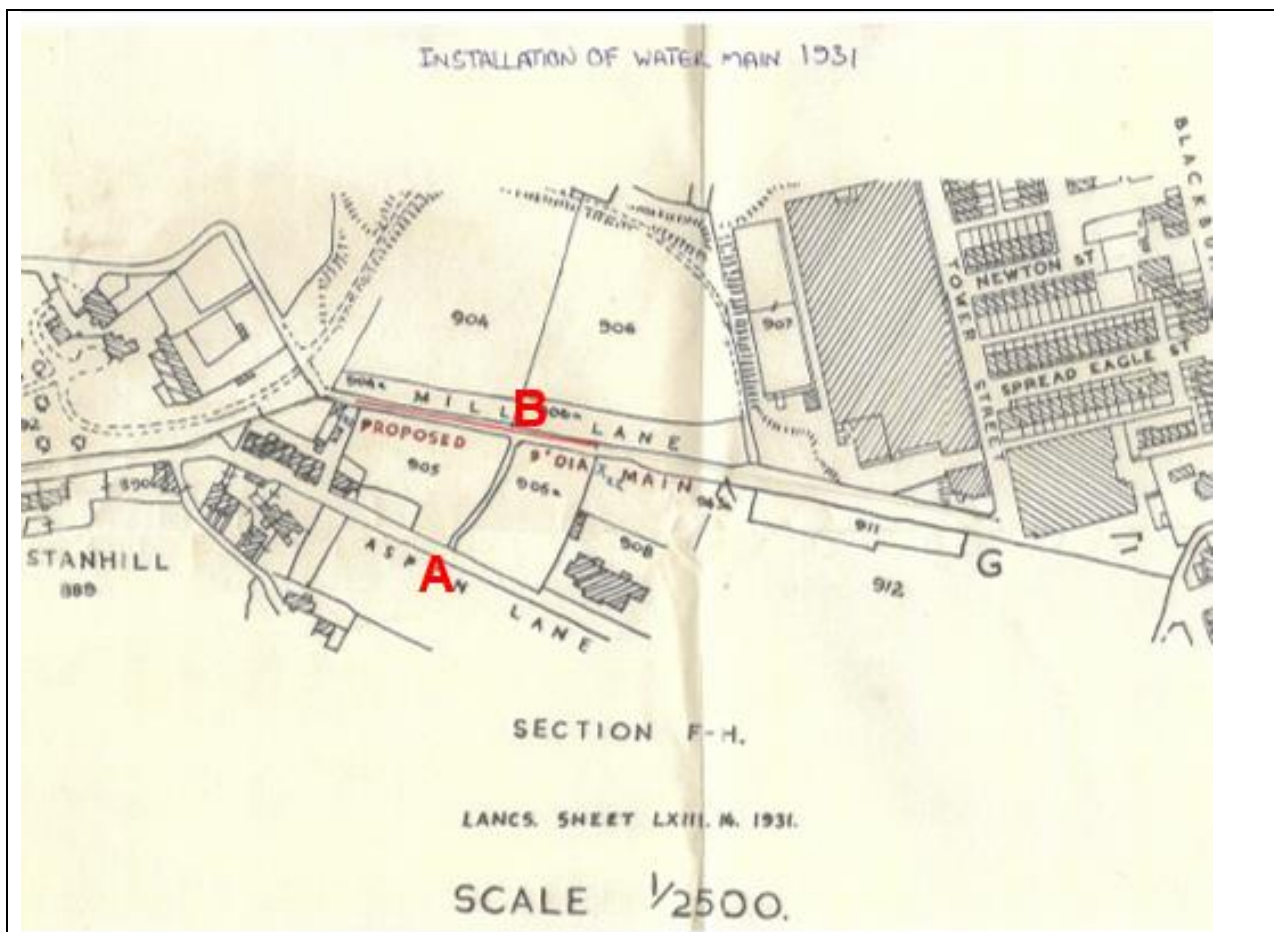
		sheet 63.24.SW and a copy of the relevant 1:1250 map sheet could not be found at the County Records Office or amongst records obtained from the National archives.
Investigating Officer's Comments		No inference can be drawn.
25 Inch OS Map Sheet 63-14	1931	Further edition of 25 inch map (surveyed 1844-1846, revised in 1930 and published 1931.





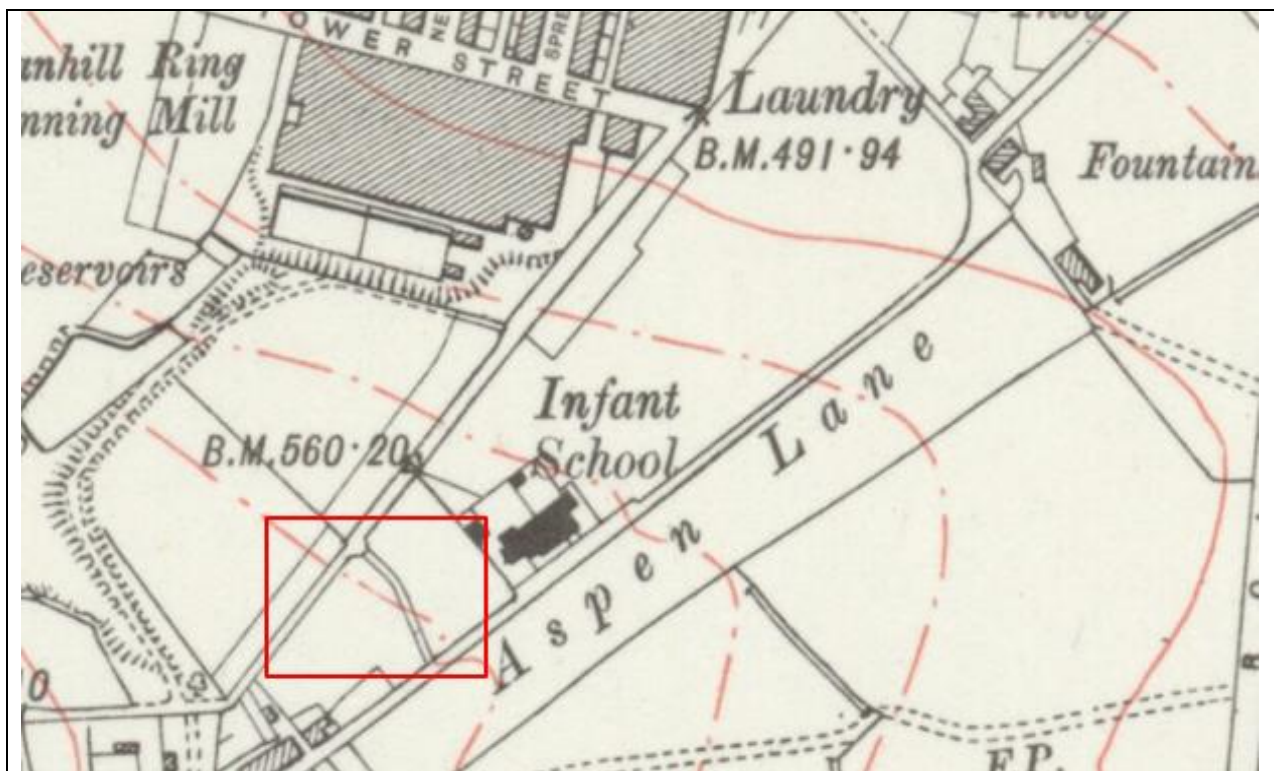
Observations		The application route is shown once more as a bounded route separate from adjacent fields numbered with individual parcel numbers 505 and 605a. Lines are shown across the route at point A and near point B and the route is annotated as a footpath – 'F.P.'. Although the bell-mouth at Mill Lane appears unchanged from the earlier 25" maps the path has been enclosed to a narrower width, consistent with the 'F.P.' annotation.
Investigating Officer's Comments		The application route existed in 1930 as a clearly defined bounded route splitting what was previously shown as one field (numbered 905) into two (numbered 905 and 905a). It was shown marked as a footpath indicating that its appearance and width was that of a route used on foot. Its width had been reduced from that previously depicted.
Copy of OS 25 inch map LXIII.14 published 1931 titled 'Installation of Water Main 1931'	1931	Map extract provided by the applicant.





Observations		The plan submitted has been drawn supposedly from copying the OS 25 inch map published in 1931 (detailed above) and shows the location of pipes proposed to be laid along Mill Lane north of the application route. The plan shows the application route but gives no indication as to its status (i.e. whether it was considered to be a public or private path).
Investigating Officer's Comments		The application route was drawn on the plan – which was dated 1931. No inference can be drawn regarding its legal status.
6 inch OS Map Sheet LXIII.SW	1932	Extract of 6 inch OS map submitted by the applicant revised 1928 to 1929 and published 1932.





Observations		The application route is shown as a bounded route gated at point A and near point B and possibly at an intermediate point. It is shown wider than on the 1931 Ordnance Survey sheet.
Investigating Officer's Comments		The application route existed in 1928-1929 as a clearly defined bounded route and appeared capable of being used.
Authentic Map Directory of South Lancashire by Geographia	Circa 1934	<p>An independently produced A-Z atlas of Central and South Lancashire published to meet the demand for such a large-scale, detailed street map in the area. The Atlas consisted of a large scale coloured street plan of South Lancashire and included a complete index to streets which includes every 'thoroughfare' named on the map.</p> <p>The introduction to the atlas states that the publishers gratefully acknowledge the assistance of the various municipal and district surveyors who helped incorporate all new street and trunk roads. The scale selected had enabled them to name 'all but the small, less-important thoroughfares'.</p>



Observations		Aspen Lane and Mill Lane are shown but the application route is not shown.
Investigating Officer's Comments		The Street Atlas was published primarily to show public roads and due to its scale bridleways and footpaths – unless substantial in their nature – were not shown. The application route existed – as evidenced by the fact that it is shown on OS maps pre-dating and post-dating this map directory – and the fact that the route is not shown on this map is consistent with the view of the applicant that the route should be recorded as a public footpath rather than with higher rights.
Aerial Photograph ²	1940s	The earliest set of aerial photographs available was taken just after the Second World War in the 1940s and can be viewed on GIS. The clarity is generally very variable.

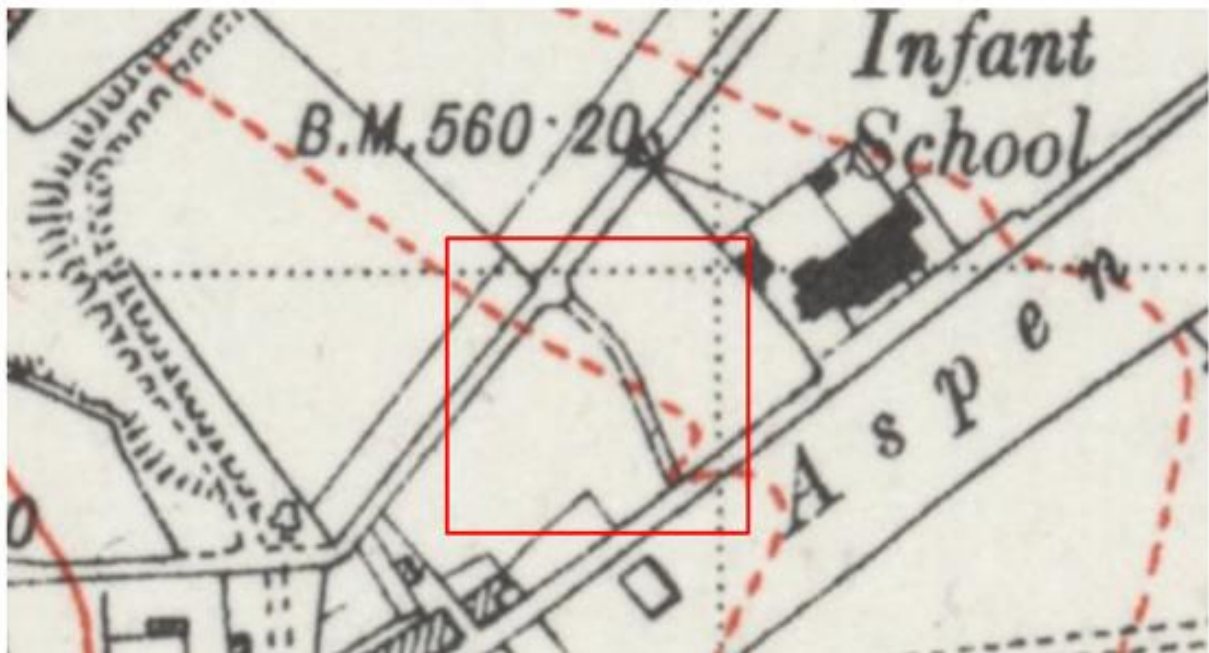
² Aerial photographs can show the existence of paths and tracks, especially across open areas, and changes to buildings and field boundaries for example. Sometimes it is not possible to enlarge the photos and retain their clarity, and there can also be problems with trees and shadows obscuring relevant features.



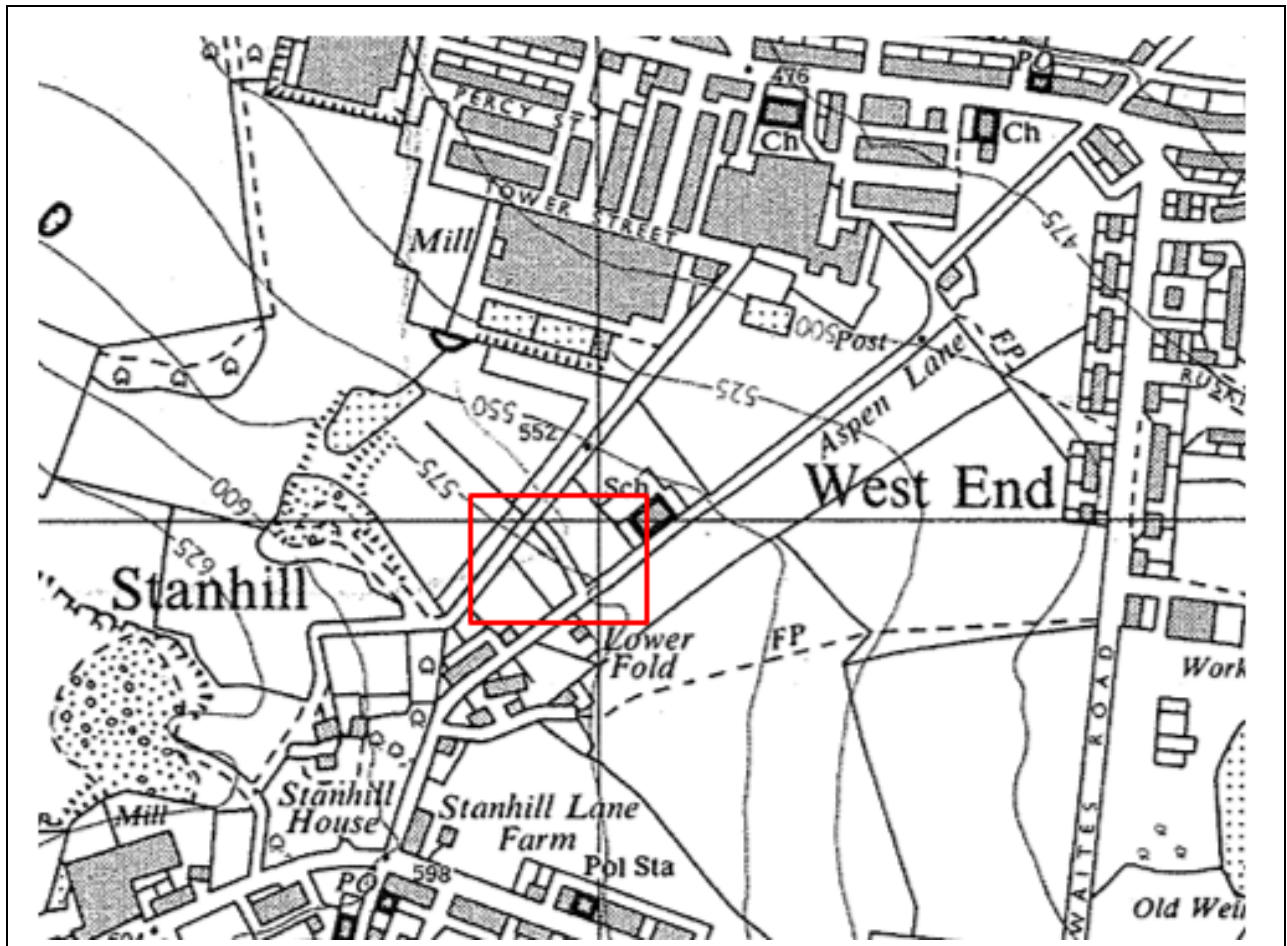


Observations		The application route is clearly shown. It is not possible to see whether the route was fenced or whether gates or stiles existed across it at point A and/or point B and the width of the trodden line (lighter on the photograph) appears more consistent with use as a footpath or possibly use by equestrians and cyclists rather than vehicles.
Investigating Officer's Comments		The route existed in the 1940s and appeared to be well used.
6 inch OS Map LXIII.SW	1947	6 inch map extract provided by the applicant, revised 1938 and published 1947.





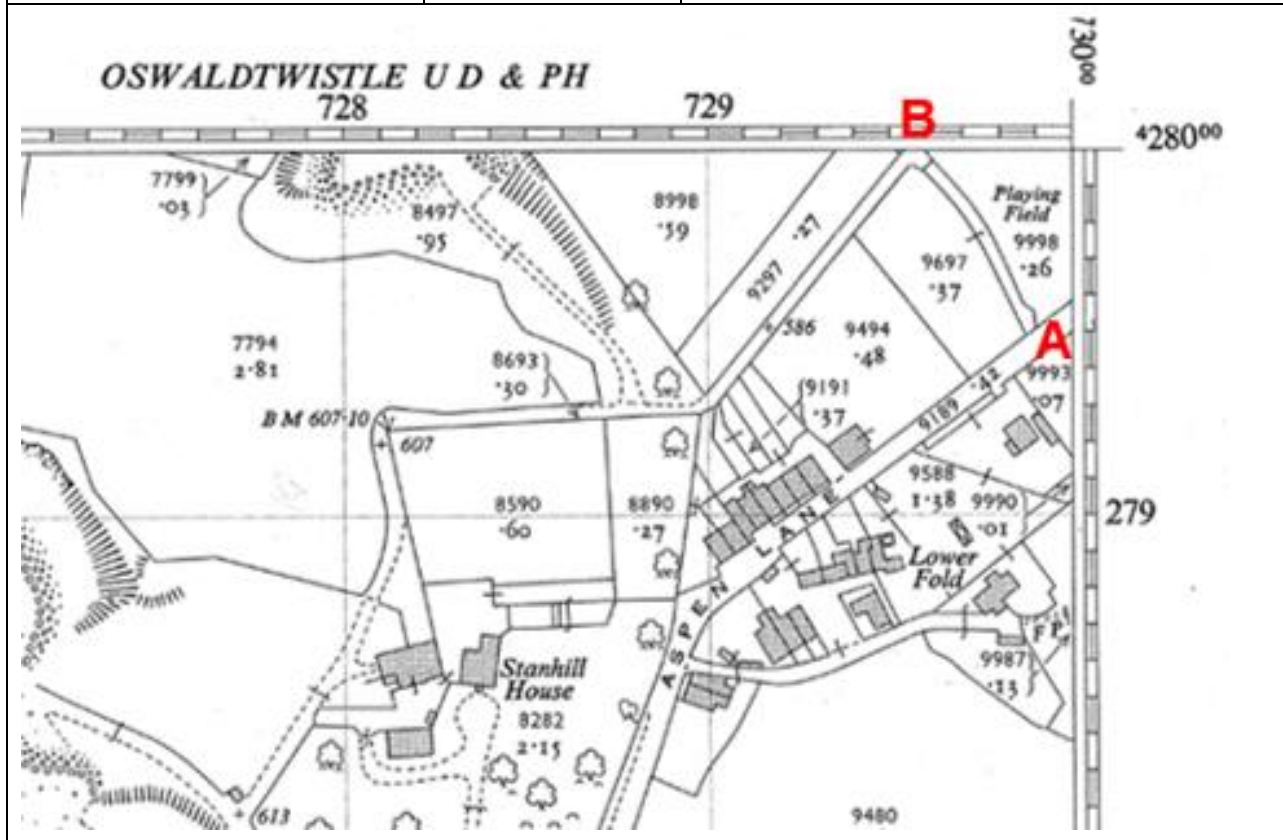
Observations		The application route is again shown. Gates or other barriers are shown at/near each end and at an intermediate point.
Investigating Officer's Comments		The application route existed and appeared capable of being used in 1938.
6 Inch OS Map SD 72NW	1965	6 inch OS map published in 1965 and revised between 1956 and 1963.



Observations		The application route is again shown as a bounded route. It appears to be open and unrestricted at point A but a line is shown across it at point B. The route is shown to be as wide as Aspen Lane and Mill Lane on the map.
Investigating Officer's Comments		The application route existed in the 1950s and appeared to be capable of being used. The width of the route is shown to be the same as many public vehicular roads on the map sheet. This is not considered to be an accurate depiction of the width of the route – which is better shown on the larger scale 25 inch OS maps. This particular map series appears to have been drawn with in a particular style whereby bounded routes – including public roads and the application route are all shown in a very similar way. That style also shows the gate (line) across the end of the path at B rather than set back into the path as most of the other maps show.



1:2500 OS Map Map Sheet SD 72-27	1957	Further edition of 25 inch map reconstituted from former county series and revised and published in 1957 as national grid series.
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Observations		The application route is shown as a bounded route with lines across it at point A and near point B. The width is similar to a vehicle-width track not the narrowed footpath shown on the 1931 sheet. The field immediately east of the route is labelled as a playing field with the application route braced with the field to the east.
Investigating Officer's Comments		The application route existed in 1957 and appeared capable of being used.
Aerial photograph	1960s	The black and white aerial photograph taken in the 1960s and available to view on GIS.

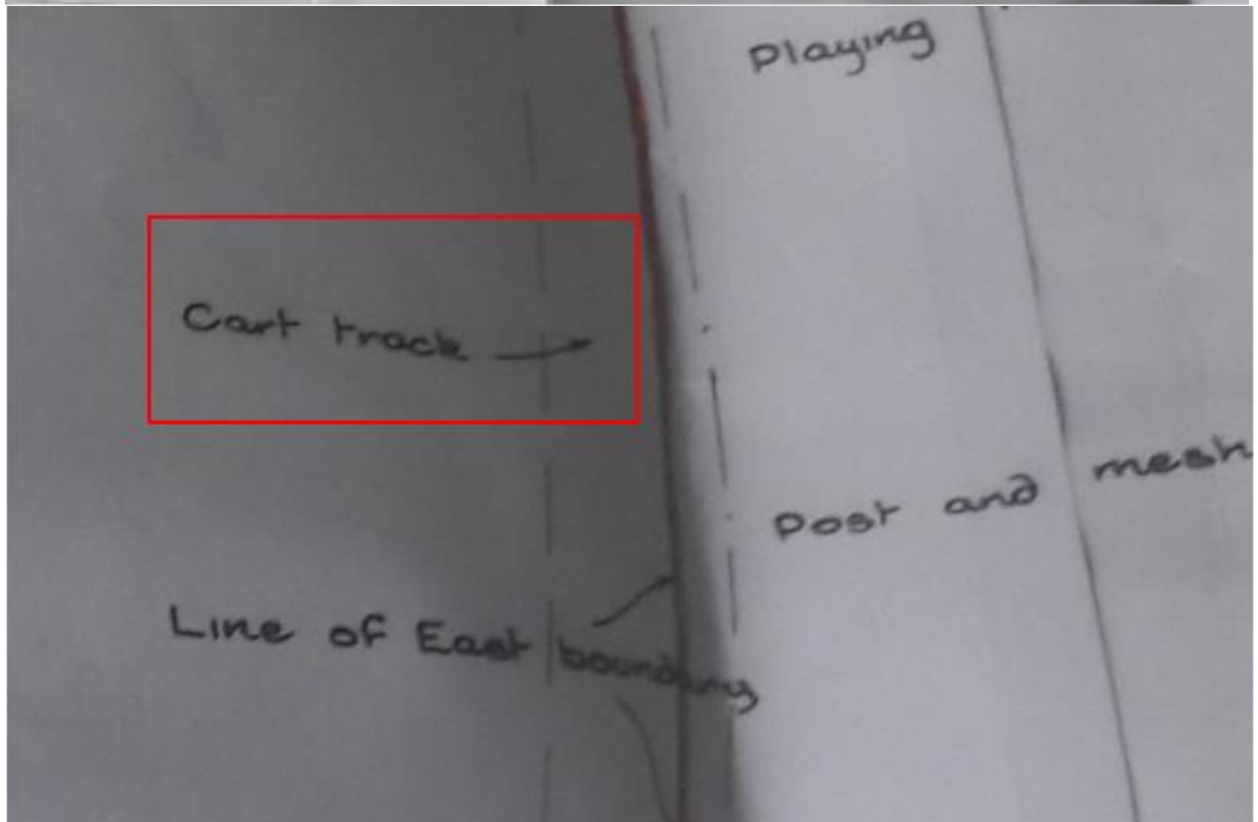
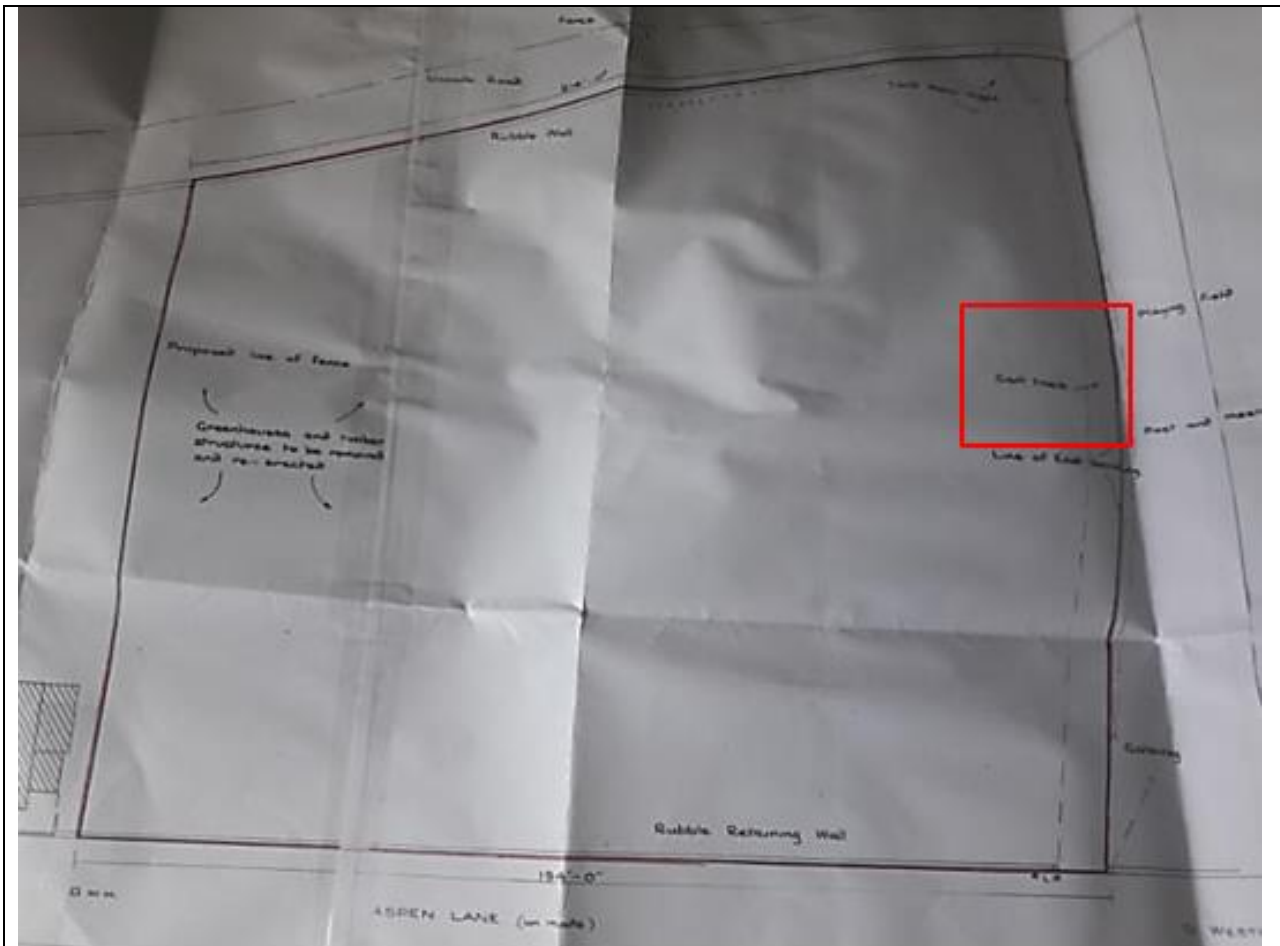




Observations		The application route can be clearly seen as a worn track consistent with at least pedestrian use although it is not possible to see what fencing existed adjacent to the route or whether gates existed at point A and point B. The photograph pre-dated the construction of All Saints Church which was founded in 1961.
Investigating Officer's Comments		The application route existed and appeared to be capable of being used.
Conveyance for the Sale of the Land supplied by All Saints Church Warden	1962	Conveyance dated January 1962 between Mrs Doris Evans of 17 aspen Lane and the Parochial Church council and Blackburn Diocesan Board of Finance for the sale of the plot of land crossed by the application route.

2. THE Grantor as Beneficial Owner by direction of the Council HEREBY CONVEYS unto the Authority A L L THAT the said property T O HOLD the same unto the Authority in fee simple Subject only to the rights of the public over and along the footway or cart track shown on the plan annexed hereto



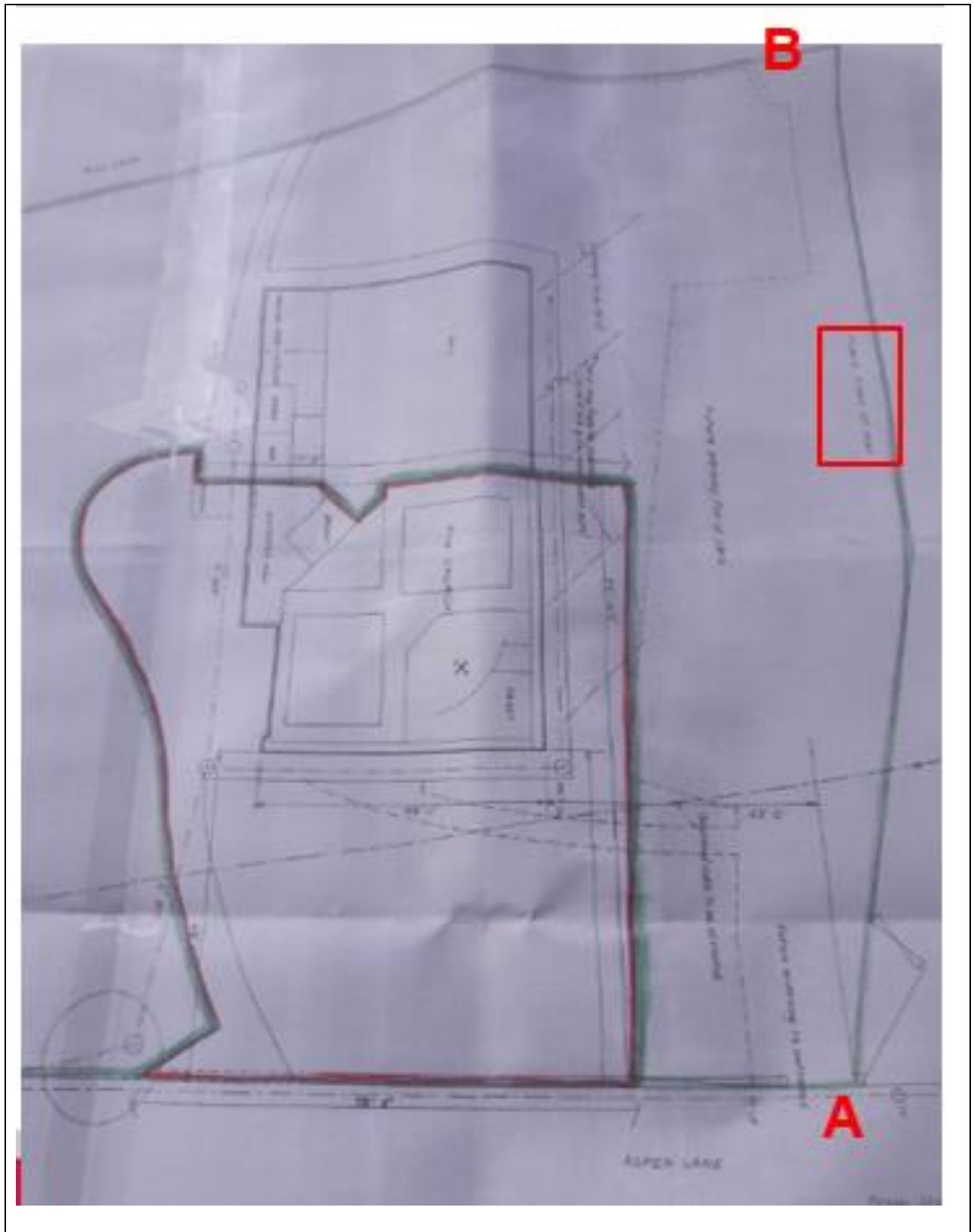


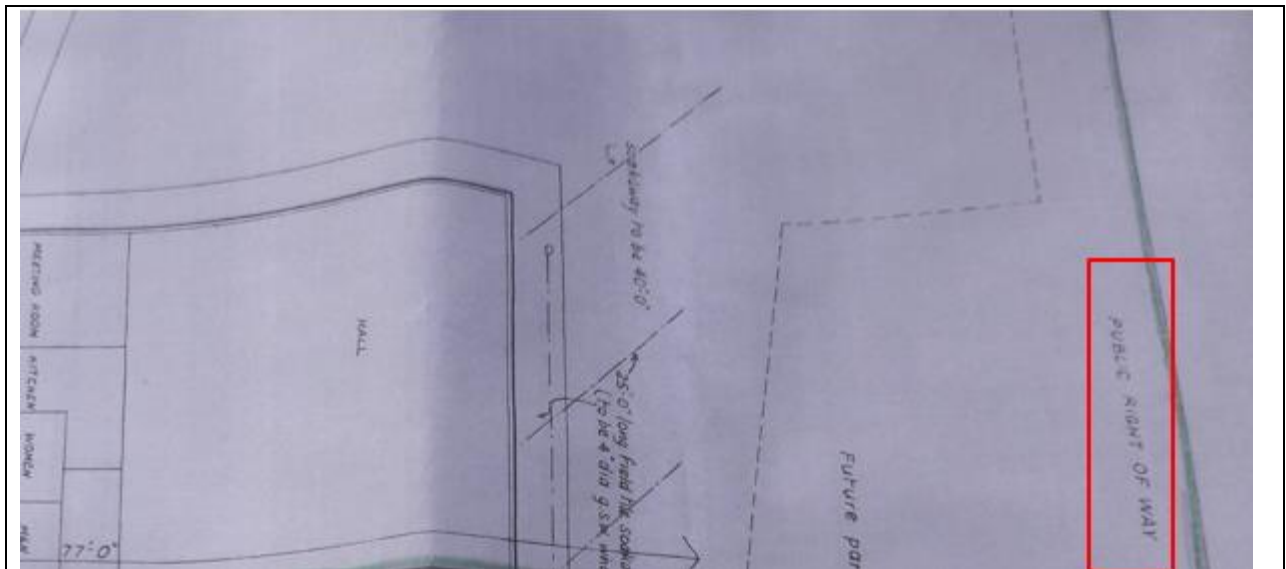
<p>Observations</p>		<p>The conveyance expressly states that the land is to be conveyed subject to the rights of the public over and along the</p>
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		footway or cart track shown on a plan annexed to the conveyance. The plan attached to the conveyance shows the route referred to as being the application route and labels it as a cart track.
Investigating Officer's Comments		The owner of the land prior to its sale in 1962 acknowledged the existence of the application route as at least a footpath (footway) and sold the land subject to the rights of the public being retained over and along the route.
Conveyance and Plan for transfer of the land supplied by All Saints Church Warden	1965	A copy of a Conveyance and plan transferring the land and church from the Diocese and Parochial Church Council to the Commissioners and the Incumbent on trust for the purposes laid out in the relevant legislation (Parochial Church Councils (Powers) Measure 1956) was supplied by the Church when they were consulted about the application.

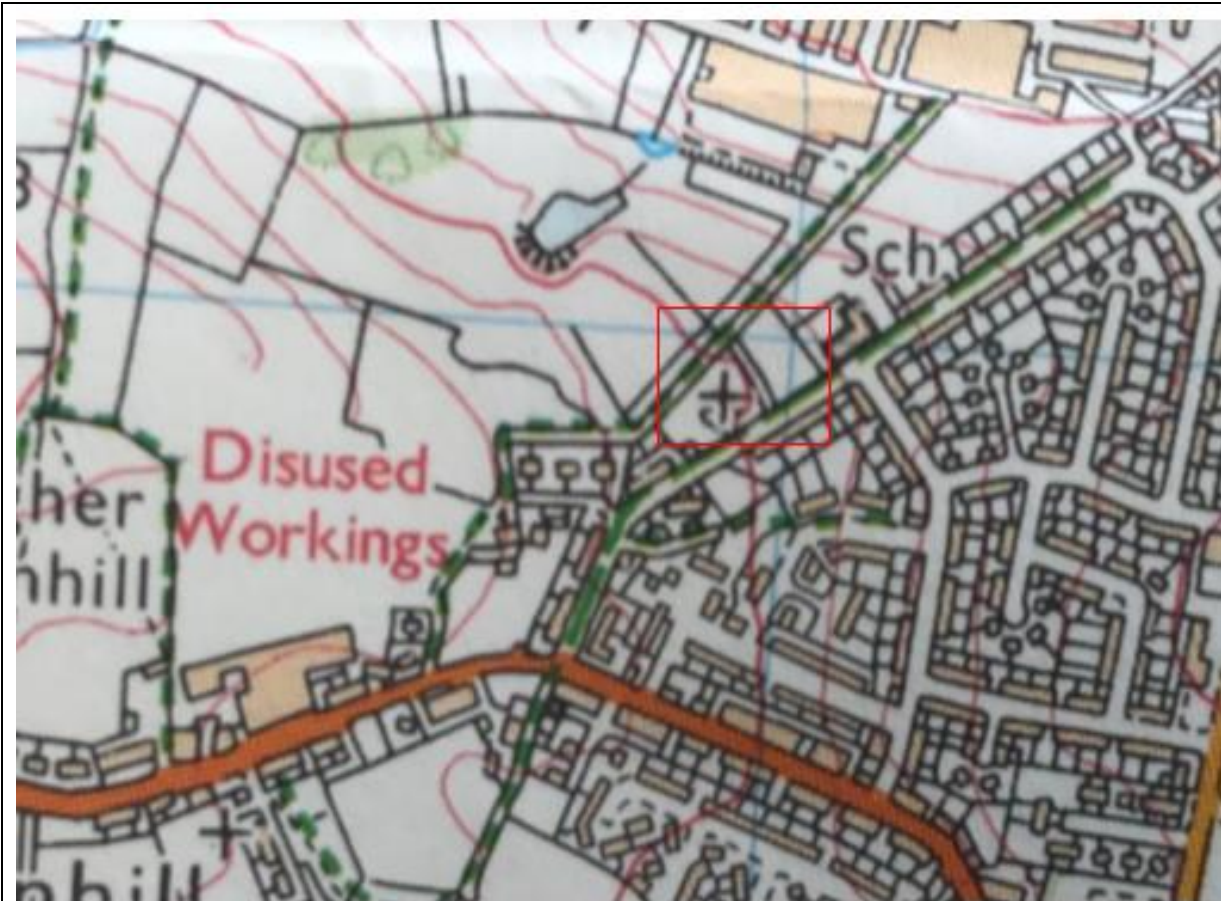






Observations		The 1965 conveyance makes no specific reference to the application route but the plan attached to the conveyance shows the land crossed by the application route within an area marked by a green boundary. The words 'public right of way' are written along the eastern side of the land consistent with the alignment of the application route in keeping with the fact that the land had been sold in 1962 subject to the rights of the public. There is no key on the plan extract and it appears to be a plan drawn up with regards to the proposed construction of the church.
Investigating Officer's Comments		The plan contained within the conveyance documentation indicates that when the church was constructed and transferred to the Commissioners and the Incumbent on trust there was an acknowledgement of the existence of a 'public right of way' along the application route.
OS Explorer Map 287 West Pennine Moors Scale 1:25 000	2004	OS Explorer Map revised and published 2004





Observations		The application route is shown as a bounded route with gates at each end. A cross is shown to the west of the route indicating the existence of All saints Church.
Investigating Officer's Comments		The application route existed in 2004 and appeared to be capable of being used.
Aerial Photograph	2014	Aerial photograph available to view on GIS.



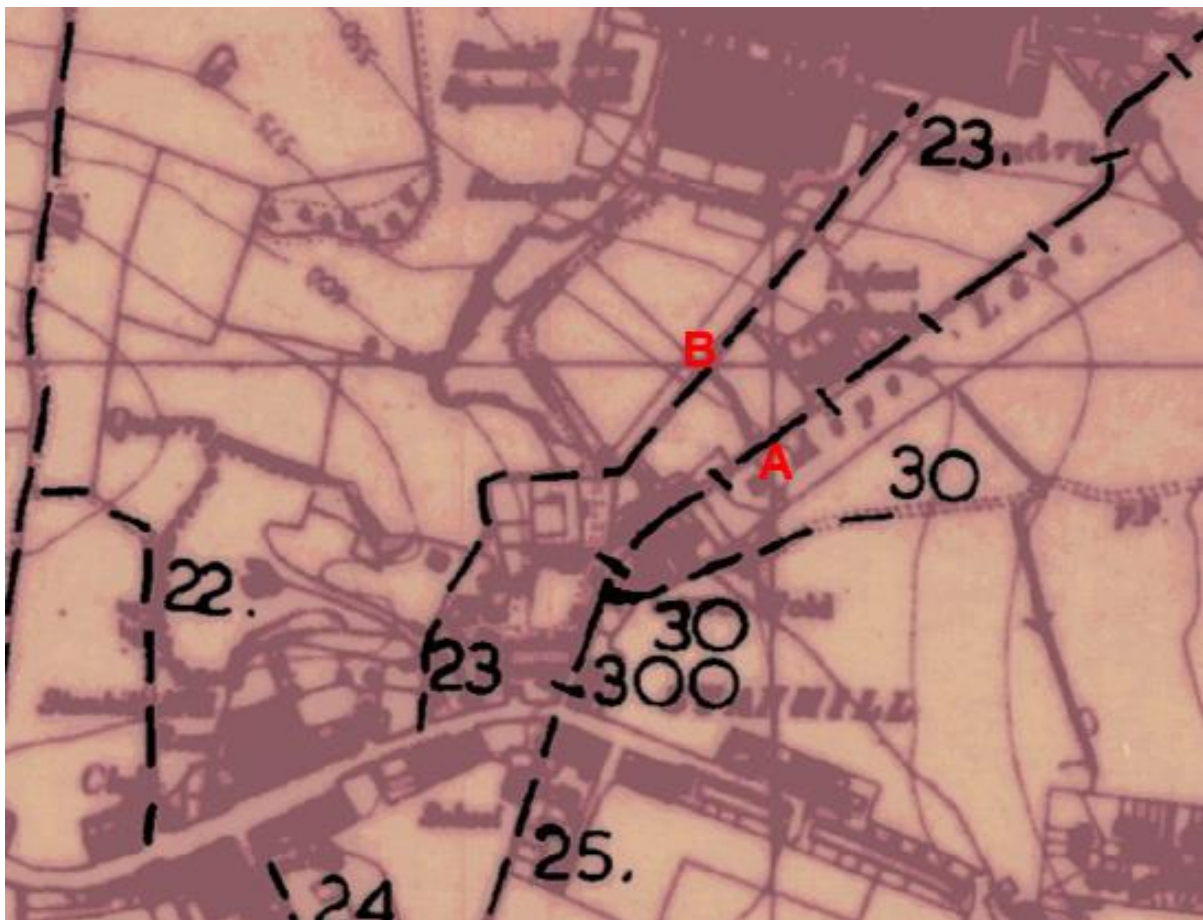
Observations		The application route can be seen as a less prominent route alongside the boundary of the school. It does not appear to be gated at point A or point B and from point A appears to follow the start of the access road up to the church.
Investigating Officer's Comments		The application route existed in 2014 and appeared to be capable of being used on foot.
Definitive Map Records		<p>The National Parks and Access to the Countryside Act 1949 required the County Council to prepare a Definitive Map and Statement of Public Rights of Way.</p> <p>Records were searched in the Lancashire Records Office to find any correspondence concerning the preparation of the Definitive Map in the early 1950s.</p>
Parish Survey Map	1950-1952	The initial survey of public rights of way was carried out by the parish council in those areas formerly comprising a rural district council area and by an urban district or municipal borough council in their respective areas. Following completion of the survey the maps and schedules were submitted to the County



		<p>Council. In the case of municipal boroughs and urban districts the map and schedule produced, was used, without alteration, as the Draft Map and Statement. In the case of parish council survey maps, the information contained therein was reproduced by the County Council on maps covering the whole of a rural district council area. Survey cards, often containing considerable detail exist for most parishes but not for unparished areas.</p>
Observations		<p>Oswaldtwistle was an Urban District Council in the 1950s and no parish survey map was produced.</p>
Draft Map		<p>The Draft Maps were given a “relevant date” (1st January 1953) and notice was published that the draft map for Lancashire had been prepared. The draft map was placed on deposit for a minimum period of 4 months on 1st January 1955 for the public, including landowners, to inspect them and report any omissions or other mistakes. Hearings were held into these objections, and recommendations made to accept or reject them on the evidence presented.</p>
Observations		<p>The application route was not shown on the Draft Map and there were no representations made regarding the fact that it was not shown.</p>
Provisional Map		<p>Once all representations relating to the publication of the draft map were resolved, the amended Draft Map became the Provisional Map which was published in 1960, and was available for 28 days for inspection. At this stage, only landowners, lessees and tenants could apply for amendments to the map, but the public could not. Objections by this stage had to be made to the Crown Court.</p>
Observations		<p>The application route was not shown on the Provisional Map and there were no representations made regarding the fact that it was not shown.</p>



The First Definitive Map and Statement		The Provisional Map, as amended, was published as the Definitive Map in 1962.
Observations		The application route was not shown on the First Definitive Map and Statement.
Revised Definitive Map of Public Rights of Way (First Review)		Legislation required that the Definitive Map be reviewed, and legal changes such as diversion orders, extinguishment orders and creation orders be incorporated into a Definitive Map First Review. On 25 th April 1975 (except in small areas of the County) the Revised Definitive Map of Public Rights of Way (First Review) was published with a relevant date of 1 st September 1966. No further reviews of the Definitive Map have been carried out. However, since the coming into operation of the Wildlife and Countryside Act 1981, the Definitive Map has been subject to a continuous review process.



Observations		The application route is not shown on the Revised Definitive Map and
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		Statement of Public Rights of Way (First Review).
Investigating Officer's Comments		The application route was not considered to be public during the preparation of the 1 st Definitive Map and Statement through to the 1960s.
Highway Adoption Records including maps derived from the '1929 Handover Maps'	1929 to present day	<p>In 1929 the responsibility for district highways passed from district and borough councils to the County Council. For the purposes of the transfer, public highway 'handover' maps were drawn up to identify all of the public highways within the county. These were based on existing Ordnance Survey maps and edited to mark those routes that were public. However, they suffered from several flaws – most particularly, if a right of way was not surfaced it was often not recorded.</p> <p>A right of way marked on the map is good evidence but many public highways that existed both before and after the handover are not marked. In addition, the handover maps did not have the benefit of any sort of public consultation or scrutiny which may have picked up mistakes or omissions.</p> <p>The County Council is now required to maintain, under section 31 of the Highways Act 1980, an up to date List of Streets showing which 'streets' are maintained at the public's expense. Whether a road is maintainable at public expense or not does not determine whether it is a highway or not.</p>





Observations		The application route is not recorded as a publicly maintainable highway on the county council's records.
Investigating Officer's Comments		The fact that the route is not recorded as a publicly maintainable highway does not mean that it does not carry public rights of access. No further inference can be drawn.
Highway Stopping Up Orders	1835 - 2014	Details of diversion and stopping up orders made by the Justices of the Peace and later by the Magistrates Court are held at the County Records Office from 1835 through to the 1960s. Further records held at the County Records Office contain highway orders made by Districts and the County Council since that date.
Observations		No records relating to the stopping up, diverting or creation of public rights along the application route were found.
Investigating Officer's Comments		If any unrecorded public right exist along the route they do not appear to have been stopped up or diverted.



<p>Statutory deposit and declaration made under section 31(6) Highways Act 1980</p>		<p>The owner of land may at any time deposit with the County Council a map and statement indicating what (if any) ways over the land he admits to having been dedicated as highways. A statutory declaration may then be made by that landowner or by his successors in title within ten years from the date of the deposit (or within ten years from the date on which any previous declaration was last lodged) affording protection to a landowner against a claim being made for a public right of way on the basis of future use (always provided that there is no other evidence of an intention to dedicate a public right of way).</p> <p>Depositing a map, statement and declaration does not take away any rights which have already been established through past use. However, depositing the documents will immediately fix a point at which any unacknowledged rights are brought into question. The onus will then be on anyone claiming that a right of way exists to demonstrate that it has already been established. Under deemed statutory dedication the 20 year period would thus be counted back from the date of the declaration (or from any earlier act that effectively brought the status of the route into question).</p>
<p>Observations</p>		<p>No Highways act 1980 Section 31(6) deposits have been lodged with the county council for the area over which the application route runs.</p>
<p>Investigating Officer's Comments</p>		<p>There is no indication by the landowners under this provision of non-intention to dedicate public rights of way over this land.</p>

The affected land is not designated as access land under the Countryside and Rights of Way Act 2000 and is not registered common land.



Landownership

The entire length of the application route crosses land which is unregistered however the conveyance dated January 1962 confirms that the church owns the land even though it is not registered.

