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Memorandum

Office of the Clerk of the County Council and Chief Executive

to

he Director of Planning and
Transportation

from

Clerk of the County Council and Chief Executive

For the attention of
Mr G.S. Jones



please ask for Mr Porter
tel ext 3108
date 7th December 1979
your ref
our ref DKP/GPA.TR-F3-Hickling

43

Mr and Mrs D. Johnson, Long Lane, Hickling
Deposit of Statutory Declaration under Section 34(6)
of the Highways Act 1959

Please find attached a copy of two letters with enclosures that I have
received from R.A. Young and Pearce which are self explanatory.



Clerk of the County Council
and Chief Executive



R.A.Young & Pearce

Solicitors

Your Ref: W.GSJ/EKK/43 Hickling

Our Ref: JG/WM/M.111



1 Talbot Street, Nottingham NG15CQ.
Tel: Nottingham (0602) 47451/2/3

9 Main Street, Keyworth, Nottingham.
Tel: Plumtree 4671

24-Hour Answering Service.

Vat Registration no. 117 2154 03.

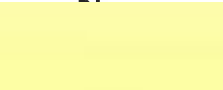
25th October, 1979

Dear Sir,

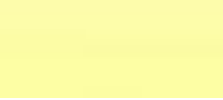
Further to our letter of 19th October relating to the affairs of Mr. and Mrs. D.R. Johnson of Havendale, Long Lane, Hickling, we enclose herewith pursuant to Section 34(6) of The Highways Act 1959 an appropriate Statutory Declaration.

Please acknowledge receipt.

Yours faithfully,


The Clerk to The County Council,
County Hall,
WEST BRIDGFORD,
Nottingham.

Enc.


JA.Pearce P.S.King LLB. J.J.V.Gossage LLB. M.Phil

We DAVID ROBERT JOHNSON and MARIE JOHNSON both of Havendale Long Lane Hickling in the county of Nottingham do hereby solemnly and sincerely declare as follows:-

1. On the 22nd day of October 1979 we deposited a map of our land at Hickling in the county of Nottingham with the Nottinghamshire County Council together with a statement of the highways over that land admitted to have been dedicated to the public at the date of deposit of the said statement.
2. Since such map and statement were deposited with the said Council, no additional way over the land delineated on the said map has been dedicated as a highway.

AND WE make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED at *Nottingham*)
in the *Nottingham* of)
this *22nd* day of *October*)
- 1979)

BEFORE ME

[Redacted signature area]

OLD POST HOUSE,
WOLLATON
NOTTINGHAM.

Dated

1979

Mr and Mrs D R Johnson

Statement under section 34 (6)
of the Highways Act 1959.

R.A. Young & Pearce

Solicitors

1 Talbot Street, Nottingham NG15CQ.
Tel: Nottingham (0602) 47451/2/3

9 Main Street, Keyworth, Nottingham.
Tel: Plumtree 4671

24-Hour Answering Service.

Vat Registration no. 117 2154 03.

Your Ref:

Our Ref: JG/PAU/M.111

19th October 1979

Clerk to the County Council
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham.

Dear Sir,

We act for Mr and Mrs D R Johnson of Havendale, Long Lane, Hickling and we enclose herewith by way of deposit under Section 34(6) of the Highways Act 1959 a map and Statement.

Yours faithfully,



DKP
P&C check with DT
and discuss

J.A. Pearce P.S. King LL.B. J.J.V. Gossage LL.B. M.Phil

HIGHWAYS ACT 1959, SECTION 34 (6)

To: Nottinghamshire County Council, County Hall, West
Bridgford, Nottingham.

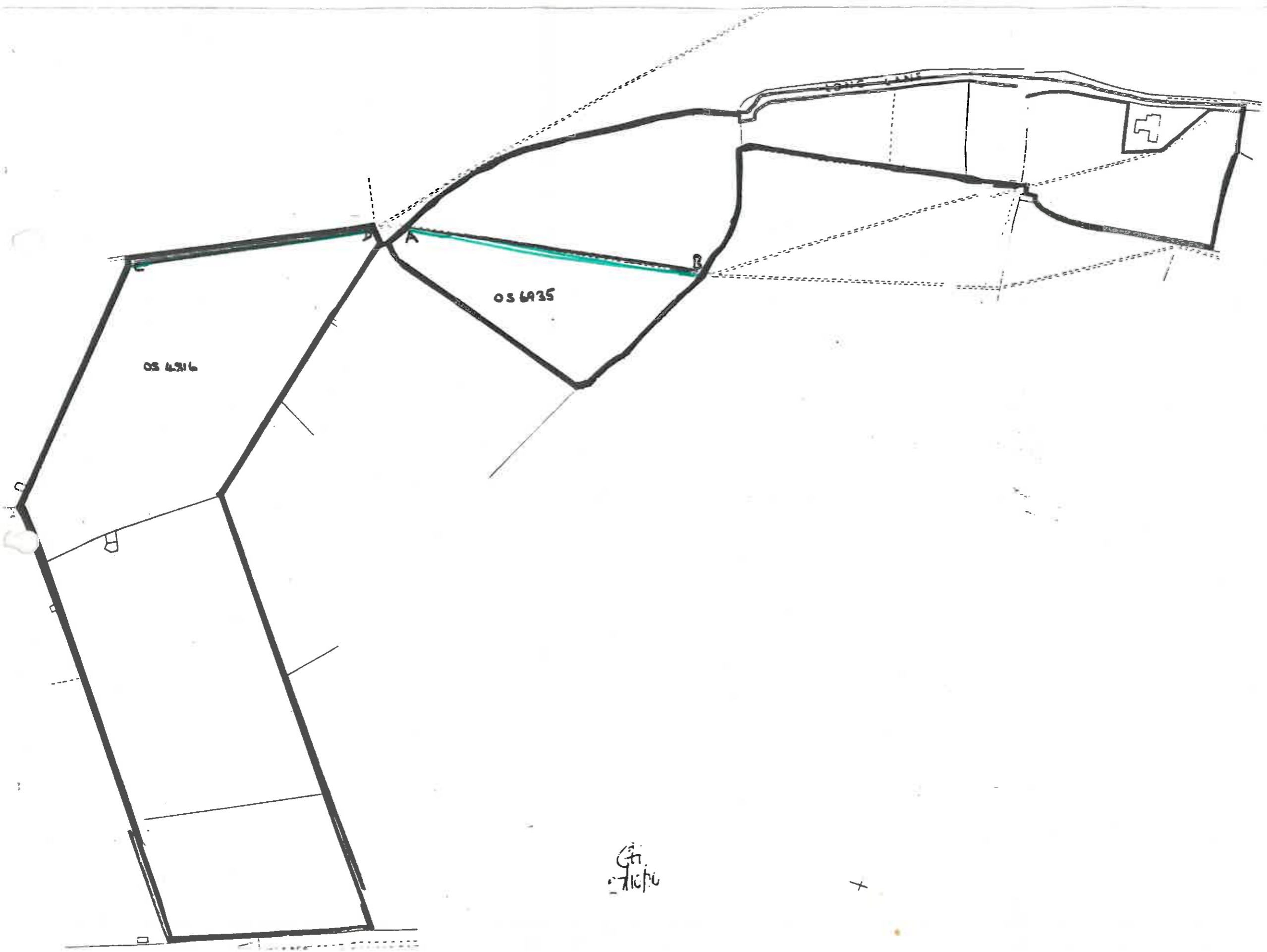
We DAVID ROBERT JOHNSON and MARIE JOHNSON both of Havendale
Long Lane, Hickling in the County of Nottingham, the owners
of the land at Hickling aforesaid shown edged red on the plan
attached hereto, hereby admit that the undermentioned ways
shown coloured green on the said plan intended to be deposited
by us with the Nottinghamshire County Council pursuant to
section 34 (6) of the Highways Act 1959 have been dedicated
as highways:-

- a) A footpath across field no. OS6935 between the points
marked 'A' and 'B' on the said plan.

- b) A footpath along the north western boundary of field no.
OS4816 between the points marked 'C' and 'D' on the said plan.

Dated this *Nineteenth* day of *October* 1979

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The Director of Planning and
Transportation

For the attention of
Mr G.S. Jones

Mr Porter
3108
7th December 1979

DKP/GPA.TR-F3-Hickling

Mr and Mrs D. Johnson, Long Lane, Hickling
Deposit of Statutory Declaration under Section 34(6)
of the Highways Act 1959

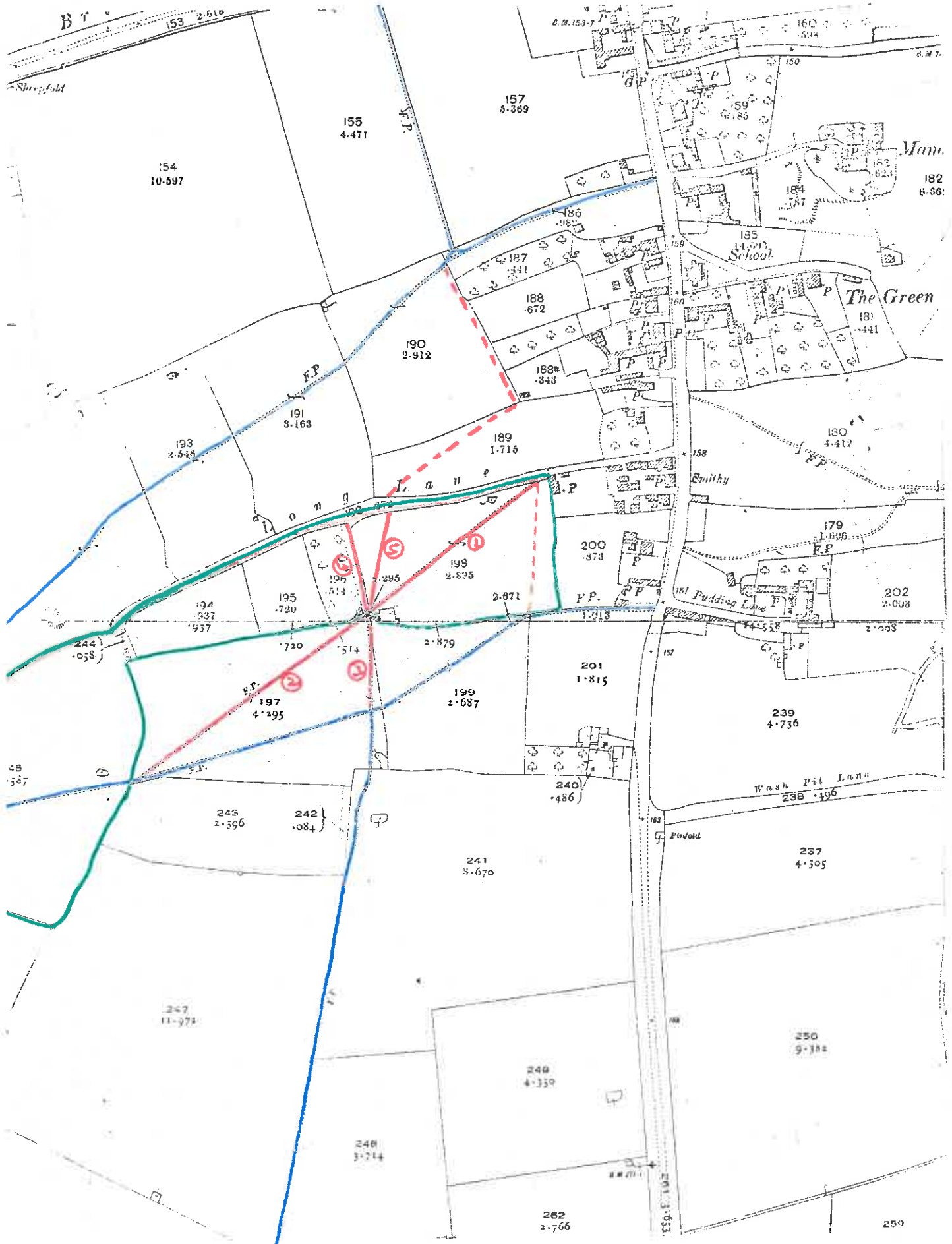
— Please find attached a copy of two letters with enclosures that I have
received from R.A. Young and Pearce which are self explanatory.

Clerk of the County Council
and Chief Executive

Hickling Footpaths - Summary of Events

1. The matter first arose in 1978 as a result of an application on behalf of Mr. and Mrs. Johnson of Long Lane, Hickling and by Miss G.M. Price for the formal diversion of the Footpath numbered 1 and 2 on the plan attached hereto. Messrs. R.A. Young & Pearce, acting on behalf of Mr. and Mrs. Johnson and Miss Price, were informed that the footpaths in question were not shown on the definitive map for the village. The recognised paths are shown marked blue on the plan.
2. At around the same time the Parish Council wrote to the Planning and Transportation Department claiming the footpaths numbers 1, 2, 3 and 4 on the plan on behalf of the village. Numerous rights of way information sheets were supplied but unfortunately no plans were attached to those sheets and the exact route of the paths being claimed was not ascertained until later.
3. In June 1978 Footpaths numbered 1, 2, 3 and 4 were examined by one of the County Council's Footpaths Inspectors. Both paths were found to cross grass fields and were not easily definable on the ground. Path 4 was found to terminate at a fence giving access onto Long Lane but this was badly overgrown with shrubs and obstructed with barbed wire which had been in position for some considerable time. It was at this point that the matter was referred to the Clerk's Department.
4. In November 1978 a letter was sent to Messrs. R.A. Young & Pearce pointing out that the County Council had received 31 public rights of way information sheets from the Parish Council indicating that the paths in question had been used by the public as of right, 26 of those sheets having been completed by persons who had known and walked the paths for periods ranging from 20 - 80 years. Copies of the rights of way information sheets were subsequently sent to Messrs. R.A. Young & Pearce.
5. In October of 1979 the County Council received from Messrs. R.A. Young & Pearce a Statutory Declaration pursuant to Section 34 (6) of the Highways Act 1959 signed by Mr. and Mrs. Johnson and declaring that as far as they were concerned, the only public footpaths which they acknowledged to exist on their land were those which were already shown on the definitive map.
6. In November 1979 a letter was received from the Parish Council saying that the Parish were to meet Mr. and Mrs. Johnson with a view to seeking a solution acceptable to both sides.
7. On 14th March 1980 a meeting was held with Mr. and Mrs. Johnson and their solicitor. Mr. and Mrs. Johnson cast doubts on the exact route of the paths being claimed by the Parish Council. They pointed out that Path 1 was not in fact a straight line since it had a "dog leg" in it to enable the path to pass round the corner of their property. With regard to Path Number 4 it was stated by Mr. and Mrs. Johnson that the Parish Council were in fact claiming a diagonal path running from the bottom of the orchard up to Long Lane (Path 5 on the attached plan). With regard to Paths 3 and 4/5 it was accepted by the County Council that at that time there was no evidence to suggest a public

route basically along the line of Footpath Number 4, the County Council at that time being under the impression that the Inclosure Award for the Parish of Hickling may have awarded a public footpath along the line of Paths Numbers 3 and 4. Mr. and Mrs. Johnsons' view was that they were not willing to acknowledge that public rights existed along Path Number 4 and their solicitor stated that he would look into the question of the wording of the Inclosure Award. Messrs. R.A. Young & Pearce were subsequently able to prove to the satisfaction of the County Council that Paths numbers 3 and 4 were not referred to in the Inclosure Award and that in fact the route of the awarded paths was as shown in the definitive map. It was indicated to the County Council that Messrs. R.A. Young & Pearce had sought the advice of Counsel and that it was Counsel's view that, on the strength of the evidence so far supplied, the Parish Council were not able to demonstrate that public rights existed over any of the paths claimed.



B T

153 2.610

Sheepfold

154
10.597

155
4.471

157
3.389

Man.

182
6.86

185
11.613
School

The Green

190
2.912

191
3.163

193
2.548

189
1.716

180
4.412

I a n e

158
Smithy

200
3.73

179
1.806

194
3.37

195
7.20

196
5.14

198
2.295

199
2.825

201
1.815

161
Wash Pit Lane

202
2.008

244
0.58

194
3.37

195
7.20

196
5.14

198
2.295

199
2.825

201
1.815

161
Wash Pit Lane

202
2.008

197
4.295

199
2.687

239
4.736

48
587

243
2.396

242
0.84

240
4.86

Wash Pit Lane
238 1.196

241
3.670

237
4.305

247
11.974

249
4.330

250
9.184

248
3.714

262
2.766

259

Dated

1979

Mr and Mrs D R Johnson

Statement under section 34 (6)
of the Highways Act 1959.
