



3/25 Hawk Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0303 444 5502
Customer Services: 0303 444 5000
Fax No: 0117 372 6153
e-mail: clive.richards@pins.gov.uk

Mr G Field
c/o Mogers Drewett LLP
Bishopbrook House
Cathedral Avenue
Wells
Somerset
BA5 1FD

Your Ref: MJCC/SAD/F2448.001
Our Ref: FPS/Y3940/14D/2
Date: 13 August 2015

Dear Sir

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 14
Wiltshire Council [ref 2004/33]
Great Hinton Bridleway 24

1. I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to your application on 24 March 2015 for a direction to be given to Wiltshire Council under paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981 (the 1981 Act). The direction you have sought would require the Council to determine your application for an order under section 53(5) of that Act to modify the Council's definitive map and statement of public rights of way for the area so as to record a width for public bridleway no. 24 in Great Hinton Parish, also known as Bleet Lane.
2. The Council was notified of your request for a direction on 16 April 2015 as required by the Act. The Council's formal response was received on 26 April 2015.
3. The Secretary of State takes a number of issues into account in considering how to respond to such requests and whether she should direct an authority to determine an application for an order within a specific period. These issues include any statement made by the authority setting out its priorities for bringing and keeping the definitive map up to date; the reasonableness of such priorities; any actions that the authority has taken or expressed intentions to take or further action on the application in question; the circumstances of the case, and any views expressed by the applicant.

Your case

4. You made an application to Wiltshire Council on 12 August 2004 seeking a modification to the definitive map and statement so as to record the width of Bridleway 24 (Great Hinton).

5. The matter dates back to 1998 when you first started drawing public attention to encroachments along this bridleway. The original width is not recorded on the definitive statement but map evidence shows that the original width has been obstructed by encroachments over the years.
6. You wish to ensure the full extent of the public bridleway is recorded so that steps can be taken to remove these obstructions and encroachments.

The Council's Case

7. Wiltshire Council has confirmed that your application is logged in its Register of Applications held under Section 53(3) of the 1981 Act. In the current list of outstanding applications, yours is one of 182 cases.
8. The Council's 'Statement of Priorities' for dealing with such applications is contained within its Rights of Way Improvement Plan 2015-2025. This updated Plan recognises that there is currently a large backlog of applications waiting to be considered. In order to make the best use of limited staff resources to process these orders, a prioritisation scheme has been produced. This gives priority to routes which would potentially have the most public benefit and justifies why some applications are determined before others.
9. This scheme sets out three main criteria for the initial sifting of applications: does it contain user evidence; is it threatened by development; is it linked to another case so that both applications can be dealt with together? Cases are then prioritised on a points based system, with the criteria taking into account a number of factors including the length of time waiting to be processed, the potential value to the public of the route and its strategic significance.
10. Having considered these criteria, the Council does not consider that your application warrants being prioritised above others.
11. The resources available to deal with this casework are limited: the definitive map team has only one full time officer and one part time officer who also has other duties including processing applications for town and village greens. Whilst officers are sympathetic to all applicants and would wish to process all applications quicker than at present, with current staff resources it is not possible to do this and meet public expectation. Given the backlog and the present level of resources available, the Council hopes to deal with your application in approximately 5 years time.

Consideration

12. The Secretary of State recognises the scale of the task facing Wiltshire Council in dealing with its considerable backlog of definitive map modification order and other rights of way cases with limited resources. She accepts the need for a system for prioritising this work and acknowledges the Council's publication of a statement of priorities for addressing this task. In general, she considers this a reasonable approach to take in the circumstances.

13. The Council does not regard your application as a priority case since it does not consider that any of its criteria for urgent attention are met. Although it is arguable that your case is dependent on your own user evidence, you yourself have not advanced any arguments to explain why you think the Council should give priority to your case other than to deal with a number of obstructions and encroachments, the significance of which (to the public) has not been explained.
14. Nevertheless, the Secretary of State is aware that the legislation leads applicants to expect a decision within 12 months under normal circumstances. In your case, more than 11 years have passed since your application was submitted and the Council has advised that it is unlikely to be processed for another 5 years.
15. Although no grounds have been put forward to justify giving priority to your application over others that have also been waiting for an unacceptably long period, the Secretary of State does not consider it reasonable for an authority to take 16 years to determine this type of application.
16. Nevertheless, the Secretary of State accepts that the Council will require some time to carry out its investigations and to make a decision on the application. The Secretary of State therefore proposes to allow the Council a further 2 years to investigate and to determine the application.

Decision

17. In the circumstances the Secretary of State has decided that there is a case for setting a date by which the application should be determined. In exercise of the powers vested in her by paragraph 3 (2) of Schedule 14 to the 1981 Act, the Secretary of State has directed Wiltshire Council to determine your application not later than 1 August 2017.
18. A copy of the Secretary of State's letter of direction to the authority is enclosed, and a copy of this letter is being sent to the authority.

Yours faithfully

Sue Arnott

INSPECTOR

Authorised by the Secretary of State for Environment, Food and Rural Affairs to sign in that behalf