



## Direction Decision

by **Barney Grimshaw BA DPA MRTPI (Rtd)**

an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs

Decision date: 14 October 2019

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**Ref: FPS/D3450/14D/128-130**

**Representation by Julie Turner on behalf of Staffordshire Moorlands  
Bridleways Group**

**Staffordshire County Council**

**Application to upgrade Footpath 12 (Fleets Lane) Grindon Parish to a  
Restricted Byway;**

**Application to upgrade Footpath 18 Quarnford Parish to a Restricted  
Byway; and**

**Application to upgrade Footpath 56 Cotton Parish to a Bridleway (OMA ref.  
17019, 16104 & 17021)**

- The representation is made under Paragraph 3(2) of Schedule 14 of the Wildlife and Countryside Act 1981 (the 1981 Act) seeking a direction to be given to Staffordshire County Council to determine 3 applications for Orders, under Section 53(5) of that Act.
  - The representation is made by Julie Turner on behalf of Staffordshire Moorlands Bridleways Group, dated 16 June 2019.
  - The certificates under Paragraph 2(3) of Schedule 14 are dated 10 April 2018 (2) and 14 May 2018.
  - The Council was consulted about the representation on 8 July 2019 and the Council's response was made on 21 August 2019.
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### Decision

1. The Council is directed to determine the above-mentioned application not later than 6 months from the date of this Direction.

### Reasons

2. Authorities are required to investigate applications as soon as reasonably practicable and, after consulting the relevant district and parish councils, decide whether to make an order on the basis of the evidence discovered. Applicants have the right to ask the Secretary of State to direct a surveying authority to reach a decision on an application if no decision has been reached within twelve months of the authority's receipt of certification that the applicant has served notice of the application on affected landowners and occupiers. The Secretary of State in considering whether, in response to such a request, to direct an authority to determine an application for an order within a specified period, will take into account 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 already taken by the authority or expressed intentions of further action on the application in question, the circumstances of the case and any views expressed by the applicant<sup>1</sup>.

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<sup>1</sup> Rights of Way Circular 1/09 Version 2, October 2009. Department for Environment, Food and Rural Affairs.

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3. In these cases, the Council states that applications are dealt with in the order of receipt subject to certain exceptions, none of which apply in these cases. There is currently a backlog of over 239 applications awaiting decisions. In addition, the council has already been directed to determine 82 applications by the Secretary of State. In these circumstances the council states that it is not possible to estimate how long it will be before the current application is determined.
4. The council accepts that it has not been able to deal with applications within 12 months of receipt as a result of the limited resources allocated to rights of way matters. It has requested that a direction should not be given with regard to these cases as the directions already received will require significant staff resources to carry out the necessary investigations. The receipt of further directions will result in more delay in dealing with other applications some of which ought to be of higher priority.
5. In these cases, it appears that it could be many years before decisions are made unless the council gives greater priority to carrying out its duty with regard to determining such applications. This is not an acceptable situation. Applicants should be able to expect a decision within a finite and reasonable time. I have therefore decided that there is a case for setting a date by which time these applications should be determined. It is appreciated that the Council will require some time to carry out its investigation and make decisions on the applications. I therefore propose to allow a further period of 6 months for decisions to be made.

### **Direction**

On behalf of the Secretary of State for Environment, Food and Rural Affairs and pursuant to Paragraph 3(2) of Schedule 14 of the Wildlife and Countryside Act 1981, **I HEREBY DIRECT** the Staffordshire County Council to determine the above-mentioned applications not later than 6 months from the date of this Direction.

*Barney Grimshaw*

INSPECTOR