



Direction Decision

by Mark Yates BA(Hons) MIPROW

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

Decision date: 6 January 2020

Ref: FPS/L3055/14D/6-8

**Representation on behalf of Gringley on the Hill History Club
Nottinghamshire County Council**

Applications to add new public rights of way and upgrade existing rights of way in the parishes of Everton and Gringley on the Hill (Council Refs: 1165, 1166 and 1167)

- The representation is made under Paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981 seeking a direction to be given to Nottinghamshire County Council ("the Council") to determine applications for Orders, under Section 53(5) of that Act.
 - The representation, dated 18 June 2019, is made by Mrs K. McIlroy on behalf of Gringley on the Hill History Club.
 - The certificates under Paragraph 2(3) of Schedule 14 are dated 14 March 2016.
 - The Council was consulted on the representation on 16 September 2019 and the Council's response was made on 8 October 2019.
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Decision

1. The Council is directed to determine the above-mentioned applications.

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 applicant¹.
3. The applicant is concerned about the Council previously being unable to give an estimate for the determination of the applications. They would like to have the linked applications determined in advance of a project to mark the 400th anniversary of the Pilgrim Fathers journey in 2020.

¹ Department for Environment, Food and Rural Affairs Rights of Way Circular 1/09

4. The Council's policy is to determine applications chronologically, but officers have a discretion to take them out of order if certain criteria are applicable. Although one of the criteria applies to these applications, the Council says none of the other exceptions arise and given the absence of evidence of a high degree of public interest it does not see a case for giving them greater priority. The applications sit at numbers 89, 90 and 91 out of 123 awaiting determination and the Council estimates that it will take at least another ten years to determine the applications.
5. There is no reason to believe that the Council's policy for prioritising applications is unreasonable. However, an applicant's right to seek a direction from the Secretary of State gives rise to the expectation of a determination of that application within twelve months under normal circumstances. In these cases, it is approaching four years since the applications were submitted and the Council estimates that it will take at least a further ten years to determine them. I do not view this to be reasonable. Therefore, I have decided that there is a case for setting a date by which time the applications should be determined. Bearing in mind that the representation involves three applications I consider a further period of nine months should be allowed to determine them.

Direction

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

Mark Yates

INSPECTOR