



## 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: 15 January 2018

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**Ref: FPS/D3450/14D/19, 20 & 21**

**Representation by Mr Martin Reay**

**Staffordshire County Council**

**Application for the addition of a Bridleway between Syerscote Lane and Public Bridleway No. 33, (Parish of Clifton Campville) LJ618G (my ref: FPS/D3450/14D/19)**

**Application for the addition of a Footpath between New Hayes Farm and Butterton Road (Parish of Whitmore) LG661G (my ref: FPS/D3450/14D/20)**

**Application for the addition of a Bridleway from A449 Main Drive to Canal Bridge (Parish of Penkridge) LG628G (my ref: FPS/D3450/14D/21)**

- 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 applications for Orders made under Section 53(5) of that Act.
- The representation, dated 15 September 2017, is made by Mr Martin Reay.
- The certificates under Paragraph 2(3) of Schedule 14 are dated 21 June 1999 (LJ618G), 3 March 1998 (LG661G) and 5 September 1997 (LG628G).
- The Council was notified of the representation on 21 September 2017 and submitted its response on 30 November 2017.

**Summary of Decision:** The Council is directed to determine the above-mentioned applications not later than 6 months from the date of this Direction.

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### Reasons

1. Authorities are required to investigate applications as soon as reasonably practicable and, after consulting the relevant district and parish councils, to 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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2. With regard to this representation the surveying authority, Staffordshire County Council, has stated that it currently has a backlog of 241 applications waiting to be determined. The authority's policy is to deal with applications in order of receipt subject to certain exceptions in respect of priority criteria which do not apply to the applications referred to in the representation.
3. Although the applications were made over 18 years ago they are still only ranked at numbers 116, 82 and 74 of the applications awaiting determination. The authority is unable to give an estimate of when the applications will be dealt with but states that it is likely to be some time before they are determined.
4. The authority further points out that it has already been directed by the Secretary of State to determine 14 applications in 2018 and requests that further directions are not issued as this will undermine the authority's own prioritisation system.
5. 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 12 months under normal circumstances<sup>2</sup>. In this case, more than 18 years have passed since the relevant certificates were submitted, no exceptional circumstances have been indicated and no date can be given with regard to when they will be determined. This is a totally unacceptable situation which would seem to indicate that the authority is failing to devote sufficient resources to the determination of applications.
6. Accordingly, I have 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 a decision on the applications and I therefore propose to allow a further 6 months for decisions to be reached.

### **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** Staffordshire County Council to determine the above-mentioned applications not later than 6 months from the date of this Direction.

*Barney Grimshaw*

INSPECTOR

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<sup>2</sup> The 12 month period commences on the date a valid certificate is submitted to the order-making authority in accordance with paragraph 2(3) of Schedule 14