



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: 16 March 2018

Ref: FPS/D3450/14D/47

**Representation by Martin Beddall, The Cyclists Touring Club
Staffordshire County Council**

Application to add a Bridleway from Trent Walk Bridge (River Trent) (GR 983253) to public road SE corner of Home Farm ref Ingestre Path 3 (GR 980247) (Parish of Ingestre) (OMA ref. LE624G)

- 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 (the Council) to determine an application for an Order made under Section 53(5) of that Act.
- The representation, dated 19 November 2017, is made by Martin Beddall.
- The certificate under Paragraph 2(3) of Schedule 14 is dated 4 June 1999.
- The Council was notified of the representation on 18 December 2017 and submitted its response on 8 February 2018.

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

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 applicant¹.
2. With regard to this representation the 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.

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

3. Although this application was made over 18 years ago it is still only ranked at number 45 of the applications awaiting determination. The Council is unable to give an estimate of when the application will be dealt with but states that it is likely to be some time before it is determined.
4. The Council further points out that it has already been directed by the Secretary of State to determine 24 other applications before January 2019. Three of these relate to applications to add bridleways in the same area as the current application. The Council has requested that further directions are not issued as this will undermine the authority's 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 circumstances². In this case, more than 19 years have passed since the relevant certificate was submitted, no exceptional circumstances have been indicated and no date can be given with regard to when the application 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 this application 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 a decision 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 application not later than 6 months from the date of this direction.

Barney Grimshaw

INSPECTOR

² 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