



Direction Decision

by **D M Young BSc (Hons) MA MRTPI MIHE**

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

Decision date: 9 May 2019

Ref: FPS/D3450/14D/113 & 114

Representation by Staffordshire Moorlands Bridleways Group

Staffordshire County Council

Application to upgrade Footpath 16 to a Bridleway, Alton (Route A)

AND

Application to upgrade Heaton Footpath 25 and Leekfrith Footpaths 22 and 28(a) to a Bridleway (Route B)

- 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 an application for an Order, under Section 53(5) of that Act.
 - The representations are made by Staffordshire Moorlands Bridleways Group.
 - The certificates under Paragraph 2(3) of Schedule 14 are dated 23 October 2017 and 4 December 2017.
 - The Council was consulted about your representation on 24 January 2019 and the Council's response was made on 5 March 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 is reasonably practicable and, after consulting the relevant district and parish councils, decide whether to make an order on the basis of the evidence discovered. Schedule 14 to the 1981 Act, allows applicants to ask the Secretary of State for a direction following the expiration of 12 months from the date the certificate is served on the surveying authority.
 3. 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.
 4. The application forms to add bridleways to the Definitive Map and Statement are dated 23 October 2017 for Route A and 14 December 2017 for Route B. The applications were made on the basis of the discovery of documentary evidence. As things stand the Council has a backlog of 237 applications and is currently processing 1 application a year. The applications are shown as being in positions 223 and 224. As a simple mathematical exercise this means it
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- could be the year 2242 before the applications are processed. That is simply unacceptable.
5. The Council states that a request for priority has not been made in respect of the applications and accordingly they will be held in abeyance until they achieve the requisite ranking. No indication as to when that might happen has been provided.
 6. Whilst I appreciate the Council is doing the best it can with current levels of staffing, as confirmed by Circular 1/09¹, adequate resources should be provided to permit the Council to carry out its statutory functions. The Council should be prioritising its resources to ensure the current backlog is cleared before the approaching 2026 cut-off date and it simply cannot be right that the Council cannot give any specific timescales in relation to these applications.
 7. Whilst a system of prioritisation is a good one, this does not absolve the Council of its statutory responsibilities to keep the Definitive Map and Statement up to date and to allocate sufficient resources to allow that to happen. The existence of applications of longer-standing origin does not constitute a compelling reason for not dealing with these particular applications within a reasonable time-frame.
 8. It is appreciated that the Council will require some further time to carry out its investigation and make a decision on the applications. Nevertheless, I have decided that there is a case for setting a date by which time the applications should be determined and I consider it appropriate to allow no more than a further 12 months for a decision to be reached.

Direction

9. 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 12 months from the date of this decision.

D. M. Young

INSPECTOR

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