



## Direction Decision

by Paul Freer BA(Hons) LLM PhD MRTPI

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

Decision date: 22 OCTOBER 2019

---

### Representation by Sally-Anne Robinson on behalf of the Telford Bridleways Association

#### Telford & Wrekin Borough Council

**FPS/C3240/14D/1 To upgrade Footpath 18 from Golf Links Lane,  
Wellington to Ercall Lane and Forest Glen to Little  
Wenlock Road**

**FPS/C3240/14D/2 Add a right of way from Golf Links Lane to Ercall Lane**

**FPS/C3240/14D/3 Upgrade Footpaths 69, 74 and 75 to bridleways**

**FPS/C3240/14D/4 Adding a restricted bridleway (Calcutts Road past  
Chapel Lane to the Severn Way in Coalford)**

- 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 Telford & Wrekin Borough Council to determine an application for an Order, under Section 53(5) of that Act.
  - The representation is made by Sally-Anne Robinson on behalf of the Telford Bridleways Association, dated 6 March 2019.
  - The certificates under Paragraph 2(3) of Schedule 14 are dated 25 June 2004 (FPS/C3240/14D/1,2 and 3) and 8 February 2018 (FPS/C3240/14D/4).
  - The Council was consulted about your representation on 27 March 2019 and the Council's response was made on 7 May 2019.
- 

### 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 applicant<sup>1</sup>.

---

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

---

3. Three of the applications listed above were submitted some 15 years ago now, whereas the other is comparatively recent, having been submitted some eighteen months or so ago. The applicant considers that, as a result of the time taken to determine these applications, the outcome could be prejudiced as the availability of witnesses potentially decreases over time. The applicant is also concerned that some of the landowners over which these routes pass are considering selling their land, and cites examples of where issues have arisen because no decision has been made on these applications.
4. In response, Telford & Wrekin Borough Council explains that it did not have a published statement of priorities at the date the representation was submitted but is in the process of adopting one. I have been provided with a copy of the Statement of Priorities that the Council intends to adopt but, because I do not know the present status of that document, I have not taken it into account. In the interim, the Council is using the date of the application as the determining factor for the consideration of applications. The Council advises that, prior to 2018, it received an average of 5 applications per year but has received 17 applications since January 2018. The Council has limited resources to deal with these applications and indicates that these resources will be further stretched in preparing for public inquiries in relation to matters not subject to this representation.
5. The Council has produced a chronology of events in relation to the above applications. I note that this chronology of events has been challenged by the applicant, and I take the applicant's point that there are some significant gaps in the chronology during which no action appears to have been taken on the applications. Nevertheless, the Council anticipates that the above applications could be resolved between 4 and 12 months from now.
6. Authorities are required to investigate applications as soon as reasonably practicable. 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. In your case, some 15 years have passed since three of the applications were submitted. A period of 15 years cannot be considered reasonable by any standard, even taking into account all the considerations that the Council has outlined in its response. Although more recent, the fourth application is also already beyond the 12 months in which the determination of the application could reasonably be expected.
7. It is appreciated that the County Council will require some time to carry out its investigation and make a decision on the applications. A further period of six months has been allowed.

### **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 Telford & Wrekin Borough Council to determine the above-mentioned applications not later than 6 months from the date of this decision.

*Paul Freer*

INSPECTOR