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| **Direction Decision** |
| **by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 23 February 2022** |

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| **Ref: FPS/D3450/14D/157-160****Representation by Staffordshire Moorlands Bridleways group****Staffordshire County Council****Application to modify the Definitive Map and Statement for the area by upgrading the Public Footpath from SK 04707 39246 to SK 04590 38451 (Checkley FP 27) to a Bridleway (Parish of Checkley) (OMA ref. 018983DW)****Application to modify the Definitive Map and Statement for the area by upgrading the Public Footpath from map ref 4152 5400 to 4138 5428 (shown as FP 11 Wetton) to a Bridleway (Parish of Wetton) (OMA ref. 019931)****Application to add a Bridleway from Leekfrith PF28(a) (grid ref SJ99082 65632) across the ford over Black Brook to Mill Lane, Gradbach (grid ref SJ99102 65643) then carrying on to the end of the ORPA as indicated on OS Map OL24 (grid ref SJ99473 65957) (OMA ref. 019631)****Application to upgrade to a bridleway the Public Footpath from map ref 0912 5225 to 0898 5133 (OMA ref. 019669)** |
| * The representations are 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 County Council’) to determine four applications for Orders, under Section 53(5) of that Act
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| * The representations are made by Staffordshire Moorlands Bridleways Group and are dated 26 October 2019, 21 January 2020, 17 February 2020 and 28 January 2020, respectively.
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| * The certificates under Paragraph 2(3) of Schedule 14 are dated 26 October 2019, 21 January 2020, 17 February 2020 and 28 January 2020, respectively.
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| * The Council was consulted about your representations on 11th and 26th November 2021 and the Council’s responses were made on 13 December 2021.
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Decision

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

Reasons

1. 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[[1]](#footnote-1).
2. In these cases, the Council states that applications are dealt with in the order of receipt subject to certain exceptions, none of which apply in these cases. There is currently a backlog of over 273 applications awaiting decisions. In addition, the Council’s evidence reveals that it has already been directed to determine 85 applications by the Secretary of State. In these circumstances the Council states that it is not possible to estimate how long it will be before the current applications are determined.
3. Furthermore, the Council points out that it would be unfair on other applications currently in the system to be overtaken, including those who are ahead in the ranking and who may be equally deserving. Should Directions be also made for these applications, it would effectively mean that the Council’s prioritisation would be seriously undermined and replaced by one imposed by the Planning Inspectorate. This will also have serious implications for staffing resources within the Council.
4. The applicant points out that there is a serious failing on the part of the Council who allegedly have been unable to determine previous cases that have been the subject of Directions. Although the Council may retort by stating that its Committee system and lack of delegation to officers may be hampering a speedier process, there is no doubt that the Council has allowed a significant backlog to be built up. The Council has been unable to identify a date by which the applications will be determined. This is a most unsatisfactory situation and one which appears to have arisen through the Council being unable or unwilling to devote sufficient resources to an important statutory function.
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. In the circumstances I have decided that there is a case for setting a date by which time the applications should be determined. It is appreciated that the Council will require some time to carry out its investigations and make a decision on the applications. In the light of the need to secure the evidence, a further period of 12 months will be allowed in each case.

**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 Staffordshire County Council to determine the above-mentioned applications not later than 31 March 2023.

Gareth W Thomas

INSPECTOR

1. Rights of Way Circular 1/09 Version 2, October 2009. Department for Environment, Food and Rural Affairs. [↑](#footnote-ref-1)