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| **Direction Decision** |
| **By Mark Yates BA(Hons) MIPROW** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 20 December 2024** |

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| **Ref: ROW/3346908**  **Representation by Mr W. Hargreaves**  **Devon County Council**  **Application to add a footpath adjacent to Staverton Bridge to the river at Staverton Mill** |
| * The representation is made under Paragraph 3(2) of Schedule 14 of the Wildlife and Countryside Act 1981 seeking a direction to be given to Devon County Council (‘the Council’) to determine an application for an order, under Section 53(5) of that Act. |
| * The representation is made by Mr Hargreaves, dated 20 June 2024. |
| * The certificate under Paragraph 2(3) of Schedule 14 is dated 13 February 2013. |
| * The Council was consulted about your representation on 17 July 2024 and the Council’s response was made on 13 September 2024. |
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Decision

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

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 12 months of the authority’s receipt of certification that the applicant has served notice of the application on affected landowners and occupiers.
2. As required by Rights of Way Circular 1/09 (Version 2, October 2009, Department for Environment, Food and Rural Affairs) 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.
3. The Council draws attention to its current Rights of Way Improvement Plan (‘ROWIP’) which sets out its statement of priorities. The relevant paragraphs in the ROWIP outline that if a parish has been reviewed as part of the rolling parish by parish review for Devon, then any further application beyond 6 months of the end of the review in that parish, must wait until the district has been completed. It is apparent that the parish review has been carried out for Staverton and this application will now be held on file until the review has been completed in the relevant district.
4. The Council says it is unlikely that the application will be determined until the summer of 2025 in light of its current resources.
5. There is nothing to indicate that the Council’s statement of priorities is unreasonable. However, 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 this case, nearly 12 years have passed since the application was submitted and no exceptional circumstances have been indicated. Such a delay cannot be considered reasonable. As the Council acknowledges the situation between the parties in relation to the claimed right of way has at times been tense. The determination of the application would at least move towards a resolution of the matter to the benefit of all parties.
6. In the circumstances I have decided that there is a case for setting a date by which time the 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 application. Bearing in mind the Council’s estimate of when it could potentially reach a decision, I consider a further period of 8 months should be 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** Devon County Council to determine the above-mentioned application not later than 8 months from the date of this decision.

Mark Yates

INSPECTOR