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| **Direction Decision** |
| **by A Behn Dip MS MIPROW** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 25 March 2025** |

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| **Ref: ROW/3356206****Representation by Elaine Chappell** **Wakefield Council****Application to add various routes within Holmes Plantation (Council ref. CL214 )** |
| * 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 Wakefield Council (the Council) to determine an application for an Order, under Section 53(5) of that Act.
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| * The representation is made by Elaine Chappell (the applicant) and is dated 25 November 2024.
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| * The certificate under Paragraph 2(3) of Schedule 14 is dated 26 March 2022.
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| * The Council was consulted about the representation on 24 December 2024 and the Council’s response was made on 13 February 2025.
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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 twelve 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 the 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 application in question was made in March 2022 due to concern for the safety of pedestrians using the footpaths because of unauthorised vehicles using and parking in the area. A Direction was previously sought in April 2023, but was declined by the Inspector who, although sympathetic to the applicants concerns, considered that there was nothing to suggest that the footpaths would be closed, and that the safety concerns detailed in the appeal were matters more relevant to the police and / or landowner.
4. The applicant provided photographs with the current appeal illustrating how popular the routes are and the potentially hazardous interaction of vehicles using the route alongside pedestrians. She felt that if these footpaths had been recorded on the Definitive Map in 2012, there would be protection from the hazard above.
5. The Council have a prioritisation scheme in place and allocate high, medium or low priority to the application received using a matrix system. The premise is that applications are prioritised where the route is under greatest threat. In the case of the Holmes Plantation footpaths, the Council consider that the footpaths are fully available for use and have scored the application as low priority.
6. Looking at this in relation to outstanding applications on the register, there are currently 10 high priority cases, 15 of medium priority and 8 of low priority which include the application in question. Additionally there are 2 applications that are yet to be graded and 6 that are presently dormant.
7. There is currently one Officer working on DMMO applications and another unfulfilled vacancy. The Council advised that there was significantly reduced resource in 2022 due to illness and given the current and expected future resources, the timeframe for addressing this specific application is likely to be significant.
8. I recognise that the Council has a prioritisation scheme to ensure fair ranking and also appreciate that the officer time allocated by the Council to work on DMMO applications in recent years has been under resourced. Additionally, I acknowledge that the issue of a direction in this case would disadvantage any applications that have been waiting longer, as well as those that rank higher on the priority list.
9. The Council drew attention to the previous appeal for a Direction, wherein it was considered that the making an Order would not resolve the concerns raised by the applicant and submitted that the circumstances have not changed. Whilst I agree that the circumstances have not altered, the applicant is entitled to expect their application to be determined within a finite and reasonable period and the Council have a statutory duty to keep their Definitive Map and Statement up to date. Difficulty complying with this due to staffing resources and a backlog are not exceptional circumstances, as proportionate resources should be in place to deliver this statutory duty.
10. More than three years have now passed since the application was submitted, no exceptional circumstances have been indicated and the Council are unable to give a timeframe by when the application may be determined.
11. Correspondingly, I have decided that there is now a case for setting a date by which time the application should be determined. It is appreciated that the Council will require time to carry out its investigation and make a decision on the application and I do recognise that there is no apparent threat of closure of the paths. Taking this into consideration, a further period of 18 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** Wakefield Council to determine the above-mentioned application not later than 18 months from the date of this decision.

A Behn

INSPECTOR