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| **Direction Decision** |
| **by Claire Tregembo BA (Hons) MIPROW** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 12 March 2025** |

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| **Ref: ROW/3357240**  **Representation by David Cameron for and on behalf of the Friends of Dingle Lane**  **Worcestershire County Council**  **Application to add a bridleway from The Lodge, Berrow (grid ref. SO 765 364 to A438, Berrow (grid ref. SO 774 361) Dingle Lane, Hollybush, Worcestershire (OMA REF: M-2048)** |
| * 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 Worcestershire County Council to determine an application for an Order, under section 53(5) of that Act. |
| * The representation made by David Cameron is dated 5 December 2024. * The certificate under paragraph 2(3) of Schedule 14 is dated 27 September 2021. |
| * The Worcestershire County Council was consulted about the representation on 20 December 2024, and their response is dated 30 December 2024. |
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Decision

1. The Worcestershire County Council (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 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 use an Application Prioritisation Criteria (APC) to ensure the best utilisation of resources and sustained progress on processing applications. Points are awarded for the following five criteria. 1) Conflict Resolution, 2) Development, 3) Effective Use of Resources, 4) Level of Support, and 5) The Wider Public Rights of Way Network and Rights of Way Improvement Plan Objectives.
4. The application scored ten points and sits at number ten of 75 on the list of applications awaiting determination. The Council are also working on seven other applications. However, the Council estimate it will be more than five years before the application is determined based on their current processing capacity. I also note that some of the applications date back to 1995 and are 30 years old.
5. I consider the Council’s APC to be a reasonable approach to decide the order in which applications should be determined. 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, more than three years have passed since the application was submitted.
6. Authorities have a duty to keep the definitive map and statement up to date, and Circular 1/09 makes it clear that they should ensure that sufficient resources are allocated to meeting their statutory duties with regard to the protection and recording of public rights of way. A lack of resources is not considered to be an exceptional circumstance for not determining applications.
7. Considering the circumstances, I have decided that there is a case for setting a date by which 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. 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 Worcestershire County Council to determine the above-mentioned application not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR