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| **Direction Decisions** |
| **by Claire Tregembo BA (Hons) MIPROW** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 20 May 2025** |

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| **Ref: ROW/3355565, ROW/3355566 & ROW/3355567****Representation by Lisa McLean****North Lincolnshire Council** **Application upgrade Wroot Footpath 79 to bridleway** **Application to upgrade Wroot Footpath 81 to bridleway****Application to upgrade the footpath from Sand Lane, Wroot, along Acres Lane, and down Common Lane to Bridleway**  |
| * 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 North Lincolnshire Council to determine the applications for an Order, under section 53(5) of that Act.
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| * The representation made by Lisa McLean, is dated 13 November 2024.
* The certificates under paragraph 2(3) of Schedule 14 are dated 24 February 2023.
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| * The North Lincolnshire Council was consulted about the representation on 6 December 2024 and their response is dated 27 January 2025.
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Decision

1. The North Lincolnshire Council (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.
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 applications sit at numbers 6, 7, and 8 in the chronological order of receipt list of applications awaiting determination. The Council do not have a statement of priorities for determining applications. The post of Definitive Map Officer has been vacant since 2021 despite several recruitment attempts. The Council has not begun determining the applications, but they expect to issue a decision before the end of the year, or sooner if directed.
4. Authorities have a duty to keep the definitive map and statement up to date and Circular 1/09 makes it clear they should ensure 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.
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 twelve months under normal circumstances. In this case, more than two years have passed since the applications were submitted and no exceptional circumstances have been indicated.
6. 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 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 North Lincolnshire Council to determine the above-mentioned applications not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR