

|  |
| --- |
| **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: 03 June 2025** |

|  |
| --- |
| **Ref: ROW/3356931**  **Representation by Lisa Winterbourn, Lickey and Blackwell Parish Council**  **Worcestershire County Council**  **Application to add a bridleway from Spirehouse Lane to Dale Hill, Blackwell known as Cobbley Path (OMA Ref: M-157 (M-610))** |
| * 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 Lisa Winterbourn, Lickey and Blackwell Parish Council, is dated 4 December 2024. * The certificate under paragraph 2(3) of Schedule 14 is dated 20 November 1995. |
| * The Worcestershire County Council was consulted about the representation on 6 December 2024 and their response is dated 17 December 2024. |
|  |

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 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 applicant has requested the direction because they consider 29 years is long enough to wait for a decision. The land the application route passes through is owned by the Cropwood Trust and managed by Birmingham City Council who are seeking to dispose of the land. The Parish Council are concerned that access to the application route will be called into question if sold. There is also a tree on the application route that poses a hazard to the public.
4. The Council use an Application Prioritisation Criteria to ensure applications affecting the most people or with the most potential effect on the network are considered first. 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.
5. The application sits at number 14 on the list of 75 applications awaiting determination with a score of nine points. In addition to this there are seven other applications under investigation but not determined.
6. In light of the direction request the Council have reassessed the application and determined its score should be changed to ten points moving it up to position two. However, they advise it will still be at least two or three years before the application is likely to be determined.
7. I accept the Council need a priority system to manage applications. However, there is the potential for low scoring applications to remain at the bottom of the list and never get determined. Furthermore, where claims are based on user evidence, witnesses for all parties are unlikely to be available after such a long period of time.
8. 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 29 years have passed since the application was submitted and no exceptional circumstances have been indicated. Twenty nine years is well beyond the timescales indicated by legislation and it would be completely unacceptable for the applicant to wait another two or three years.
9. In the circumstances I have decided 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. 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