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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: 20 May 2025** |

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| **Ref: ROW/3357495**  **Representation by William Fereday**  **Derbyshire County Council**  **Application to add a bridleway from Maple Drive through Long Walk Wood, Weston on Trent (OMA reference: 4786)** |
| * 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 Derbyshire County Council to determine an application for an Order, under Section 53(5) of that Act. |
| * The representation made by William Fereday, is dated 16 December 2024. |
| * The certificate under Paragraph 2(3) of Schedule 14 is dated 1 December 2023. |
| * The Council was consulted about the representation on 17 December 2024 and the Council’s response was made on 26 March 2025. |
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Decision

1. The Derbyshire 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 has advised that they determine applications in order of receipt unless there are exceptional circumstances. Since receiving the direction request, they have assigned this application to an officer for determination.
4. The applicant states the Council has a backlog of applications dating back to 2019 and no action has been taken to investigate their application. Part of the land over which the application route runs has been put up for sale and the applicant is concerned that a new owner may stop people from using it. They consider it would be a travesty if residents could no longer use the application route.
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 a year has passed since the application was submitted and no exceptional circumstances have been indicated.
6. 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 Derbyshire County Council to determine the above-mentioned application not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR