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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: 09 July 2025** |

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| **Ref: ROW/3367333**  **Representation by David Warriner**  **Derbyshire County Council**  **Application to add Boggy Lane as a footpath between Ivy Cottage and Bradshaw Cottage (OMA Ref: 04760)** |
| * 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 Derbyshire County Council to determine an application for an Order, under section 53(5) of that Act. |
| * The representation made by David Warriner, is dated 27 May 2025. * The certificate under paragraph 2(3) of Schedule 14 is dated 14 June 2023. |
| * Derbyshire County Council was consulted about the representation on 17 June 2025 and their response is dated 18 June 2025. |
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Decision

1. 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 applicant has made the direction request because the Council has not considered the application over the last two years and the backlog suggests it will be five years before it is investigated. They would like to actively support the application but may not be able to if it takes this long. Furthermore, there is user evidence from someone in their 90s and it would be good if they could see the application reach a conclusion.
4. The Council has advised that they have a backlog of applications which they deal with in strict order of receipt unless there are exceptional circumstances such as planning permission for development. They intend to undertake informal consultations on this application in July 2025 and will prepare a determination recommendation in accordance with any timescale if a direction to determine is issued. They also advised that an earlier application to add this section of Boggy Lane as a bridleway was received in 2021. They will assess all the evidence, but if they find public rights subsist, they may be of a higher status than footpath.
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 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. The applicant would like a direction to determine the application within three months. However, I consider this is too short a timescale. Therefore, 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** Derbyshire County Council to determine the above-mentioned application not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR