



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: 26 June 2024

Ref: ROW/3342627

Representation by Charles Townley

Wiltshire Council

Application to add a footpath from Croft Lane, Latton to an unrecorded highway at The Folly Woodland and to add a footpath from Latton Bridleway 6 to an unrecorded highway 'Road 7' (OMA ref. D/2023/002)

- 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 Wiltshire Council to determine an application for an Order, under section 53(5) of that Act.
 - The representation made by Charles Townley is dated 8 April 2024.
 - The certificate under Paragraph 2(3) of Schedule 14 is dated 16 March 2023.
 - The Council was consulted about the representation on 22 May 2024 and the Council's response was made on 30 May 2024.
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Decision

1. The Council is directed to determine the above-mentioned application.

Reasons

2. 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.
 3. 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.
 4. The Council has over 360 applications awaiting determination. A prioritisation scheme is used to decide the order in which applications should be determined. Applications are allocated a score based on factors relating to public benefit. Applications supported by user evidence are given the highest priority and
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applications affected by development or close to another application which could be done at the same time may also be given priority.

5. The application is based on historical evidence. It has been allocated a score of 125 and sits at 41 on the list of historical evidence applications. Officers deal alternatively with user and historical evidence based applications. This means the application sits at number 80 on the list of applications awaiting determination. The Council estimates it will be more than ten years before this application is determined if applications are determined at a rate of six per year. The Council do not consider there is sufficient public advantage to prioritising this route over other routes given there are similar opportunities to walk in the same direction.
6. The prioritisation system appears to be a reasonable approach to dealing with the large backlog of applications. However, sufficient resources should be in place to determine applications within a finite and reasonable period. However, some applications have been waiting longer than 20 years for determination.
7. The applicant made a request under Environmental Information Regulations and was advised the application sat at number 79 in the list of applications awaiting determination and would take between 13 and 15 years to be determined. They consider there is no prospect of the application being determined within a reasonable period.
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, 15 months have passed since the application was submitted and no exceptional circumstances have been indicated. I consider it unreasonable for the applicant to wait at least another ten years for the application to be determined.
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 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 Wiltshire Council to determine the above-mentioned application not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR