



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

Ref: ROW/3359987

Representation by Eugene Suggett on Behalf of The Ramblers

Warwickshire County Council

Application to add a byway open to all traffic from Kineton Road, Wellesbourne to the end of Bridleway SD311

- 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 Warwickshire County Council to determine an application for an Order, under section 53(5) of that Act.
 - The representation made by Eugene Suggett, is dated 30 January 2025.
 - The certificate under paragraph 2(3) of Schedule 14 is dated 19 June 2005.
 - Warwickshire County Council was consulted about the representation on 12 February 2025, but a response was not received from the appropriate Officer.
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Decision

1. Warwickshire County Council (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 12 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 Ramblers have requested the direction because it has been 20 years since the application was made. The unavailability of the application route impacts many users and would make a recorded cul-de-sac a through route resolving an

- anomaly. They consider the determination of the application should not be difficult or lengthy as it is based on strong documentary evidence. The determination of the application would also benefit a developer and residents as the application route is subject to an application for outline planning permission.
5. The appropriate Council Officer did not respond to the consultation about the direction. Another Council Officer provided a copy of their Priority Policy which determines the order in which applications are determined. They also advised that they are currently working on applications in area 1.6 the former Rugby RCC and this application would fall into area 1.10 the former Stratford upon Avon RDC. Applications prior to 1 July 2011 are determined on a geographical basis and those received after by date of submission. Applications can be taken out of sequence if certain exceptions apply.
 6. As this application was received in 2005, it would be determined geographically and there appear to be several areas to be investigated prior to this one. However, I have no information as to how many applications are in these areas, if any exceptions apply, or when the Council expect to determine this application.
 7. 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, 20 years have passed since the application was submitted. This is well beyond the timescales indicated by legislation. I consider it would be totally unacceptable for the applicant to wait much longer for the application to be determined.
 8. 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 Warwickshire County Council to determine the above-mentioned application not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR