



25a Bell Street, Henley-on-Thames RG9 2BA  
*tel:* 01491 573535 *e-mail:* [hq@oss.org.uk](mailto:hq@oss.org.uk) *website:* [www.oss.org.uk](http://www.oss.org.uk)  
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# Taking action

## Highways under threat

**Challenging councils who have failed to make  
progress with definitive map change  
applications**

## Update March 2017

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In *'Highways under threat, Challenging councils who have failed to make progress with definitive map change applications'*, our vice-chairman Phil Wadey explained how to complain to the secretary of state if a council is failing to progress your modification-order applications—and why (for England) this action needs to be taken promptly.

In this guidance note, he gives a short update on a recent case.

At present, the secretary of state and Welsh ministers have the same policy for considering requests for directions. Their appointed inspectors look first at whether the council has a statement of priorities setting out its general way of deciding which applications to consider next, and secondly at whether the council's statement is reasonable. The inspector considers any actions the council has taken and says it intends to take, including any estimate of when determination will take place. The general circumstances of the case and the views of the applicant are also relevant.

## Featherbed Lane

When the M1 motorway was constructed, Featherbed Lane (one mile north of junction 6a) in St Stephen parish, Hertfordshire, was severed. The approaches to the motorway were not stopped up, but no new linking routes were put in place.

The application to record the route was made in 1997. The inspector gave the council one further year to reach a decision on the case (FPS/M1900/14D/2 dated 18 Jan 2017, available at [www.gov.uk](http://www.gov.uk)).

The surveying authority, Hertfordshire County Council, has adopted a statement of priorities for investigating applications to modify the definitive map. The council processes cases of equal priority in the order in which they were received.



*Featherbed Lane Photo: Phil Wadey*

## **Prioritisation**

I had admitted that by and large the prioritisation system was OK, but argued that it did not take account of the age of the application (as opposed to the date when it was registered). I suggested adding one point to the prioritisation score for each year of delay so that every application would eventually reach the top of the pile. While not commenting on this idea, the inspector took the view that, without time as a factor, some applications could wait for ever.

The unreasonableness of waiting another 12 years after the near 20 years' delay was highlighted in the inspector's consideration. We recommend you to look at the likely time it will take for the council to reach a decision at its current rate of progress, and emphasise this in your direction application.

Thus, a direction application can succeed even if the authority is making progress with applications. (Hertfordshire determined over 30 cases last year.)