



Direction Decision

by **D. M. Young BSc (Hons) MA MRTPI MIHE**

an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs

Decision date: 2 March 2020

Ref: FPS/X2600/14D/16 & 17

Representation by Ian Witham

Norfolk County Council

Application to add a footpath from Bodham Common leaving Bodham Footpath No. 1 at grid reference TG 1072 3955, to the Cromer Road at grid reference TG 1078 3992 and then continuing to Bodham Woods at grid reference TG 1083 4017 (OMA ref. 52067/HP52/1)

And

Application to add a restricted byway from Brakefield Lane (U35020) at grid ref TG 0275 0885, to Mattishall Road (U35014) at grid ref TG 0347 0889 (OMA ref. 55027/HP168/5)

- 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 Norfolk County Council to determine an application for an Order, under Section 53(5) of that Act.
 - The representation is made by Mr Ian Michael Witham, dated 15 November 2019.
 - The certificate under Paragraph 2(3) of Schedule 14 is dated 26 February 2018.
 - The Council was consulted about your representation on 16 and 20 November 2019 and the Council's response was made on 17 January 2020.
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Decision

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

Reasons

2. Authorities are required to investigate applications as soon as is reasonably practicable and, after consulting the relevant district and parish councils, decide whether to make an order on the basis of the evidence discovered. Schedule 14 to the 1981 Act, allows applicants to ask the Secretary of State for a direction following the expiration of 12 months from the date the certificate is served on the surveying authority.
 3. 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 application forms to add public footpaths are dated 5 September 2016 and 17 July 2017. The applications were made on the basis of the discovery of documentary and user evidence. The Council states that in accordance with its prioritisation policy both applications are currently near the top of the list. In
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the case of Bodham Woods the report is with the Chief Legal Officer and a decision is expected imminently. For Garvestone, a report is in the process of being drafted. That being the case, it is argued that any Order will have little effect on the timescales for deciding both applications.

5. Whilst I appreciate the Council's wider point about staffing Circular 1/09¹, advises that adequate resources should be provided to permit the Council to carry out its statutory functions. It is appreciated that the Council will require some further time to carry out some further work in relation to Garvestone and for that reason I consider it appropriate to allow no more than a further 6 months for a decision to be reached on both applications.

Direction

6. 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 Norfolk County Council to determine the above-mentioned applications not later than 6 months from the date of this decision.

D. M. Young

INSPECTOR

¹ Rights of Way Circular 1/09 Version 2, October 2009. Department for Environment, Food and Rural Affairs.