

|  |
| --- |
| **Direction Decision** |
| **by D. M. Young JP BSc (Hons) MPlan MRTPI MIHE** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 04 March 2022** |

|  |
| --- |
| **Ref: FPS/B3600/14D/2****Representation by Mark Warren****Surrey County Council****Adding the footpath which runs from Cranleigh FP393/10 TQ 04090 38740 to Alfold BR280a/10 TQ 04120 38120 (OMA ref. DW/CV/CP588)** |
| * 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 Surrey County Council to determine an application for an Order, under Section 53(5) of that Act.
 |
| * The representation is made by Mark Warren, dated 21 September 2021.
 |
| * The certificate under Paragraph 2(3) of Schedule 14 is dated 18 October 2019.
 |
| * The Council was consulted about your representation on 11 October 2021 and the Council’s response was made on 15 November 2021.
 |
|  |

Decision

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

Reasons

1. 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.
2. 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 application form to add a public footpath to the Definitive Map is dated 25 October 2019. The application was made on the basis of the user evidence. The Council states that it has completed its initial investigation and the application is now held in a queue to be fully investigated. With 11 other applications waiting to be determined before Mr Warren’s application, the Council does not expect to reach decision for at least another 30 months.
4. The applicant points out that the route has been unavailable since July 2019 prior to which it was well used by the local community for a period of time exceeding 20 years.
5. Whilst I appreciate the Council is doing the best it can with current levels of staffing, as confirmed by Circular 1/09, adequate resources should be provided to permit the Council to carry out its statutory functions. It cannot be right that the Applicant (and local community) should have a wait another two years before the Council starts work on the application.
6. Whilst a system of prioritisation is a good one, it does not absolve the Council of its statutory responsibilities to keep the Definitive Map and Statement up to date and to allocate sufficient resources to allow that to happen. The existence of applications of longer-standing origin does not constitute a compelling reason for not dealing with this particular application within a reasonable timeframe.
7. It is appreciated that the Council will require some further time to carry out its investigation and make a decision on the application. Nevertheless, I have decided that there is a case for setting a date by which time the application should be determined and I consider it appropriate to allow no more than a further 12 months for a decision to be reached.

**Direction**

1. 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** Surrey County Council to determine the above-mentioned applications not later than 12 months from the date of this decision.

D. M. Young

INSPECTOR