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| **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: 4 March 2022** |

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| **Ref: FPS/G1440/14D/27****Representation by Christopher Smith, Open Spaces Society****East Sussex County Council****Application to add a footpath from point A at grid reference 556685 131097 to point C at 558012 131037**  |
| * 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 East Sussex County Council to determine an application for an Order, under Section 53(5) of that Act.
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| * The representation is made by Mr Christopher Smith, dated 20 September 2021.
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| * The certificate under Paragraph 2(3) of Schedule 14 is dated 27 November 2019.
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| * The Council was consulted about your representation on 23 September 2021 and the Council’s response was made on 11 October 2021.
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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 4 November 2019. The application was made on the basis of the discovery of documentary evidence. The Council states that it has completed its initial investigation and the application is now held in a queue to be fully investigated. At the time of writing the application is currently 31st on the list and the Council does not expect to reach decision for another 4-5 years at the earliest.
4. The applicant points out that the route is currently unavailable and he himself is in poor health. He further points out that there are likely to be objections to the order and in all likelihood the Order would not proceed without his knowledge and experience.
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 simply cannot be right that the Applicant should have a wait a further period of approximately five years before the Council makes a decision.
6. Whilst a system of prioritisation is a good one, this 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, in light of the Applicant’s personal circumstances, 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** East Sussex County Council to determine the above-mentioned application not later than 12 months from the date of this decision.

D. M. Young

INSPECTOR