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| **Direction Decisions** |
| **by Barney Grimshaw BA DPA MRTPI (Rtd)** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 20 December 2022** |

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| **Ref: FPS/X2600/14D/19**  **Representation by Ian Witham**  **Norfolk County Council**  **Application to add to the particulars of the footpath running from opposite School Road, at the grid reference TG 0360 3400, to the Letheringsett-Glandford Road opposite Bayfield Park, at the grid reference TG 0475 4017, in the parish of Field Dalling (OMA ref. 70049/HP149/31)** |
| * 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 Ian Witham, dated 5 March 2022. |
| * The certificate under Paragraph 2(3) of Schedule 14 is dated 26 November 2020. |
| * The Council was consulted about the representation on 29 April 2022 and the Council’s response was made on 15 June 2022. |
| **Ref: FPS/X2600/14D/20**  **Representation by Ian Witham**  **Norfolk County Council**  **Application to add to the particulars of the footpath running from Blunt’s Corner to the Holkham – Fakenham Road, in the parish of Great Walsingham (OMA ref. 70112/HP184/3)** |
| * 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 Ian Witham, dated 2 April 2022. |
| * The certificate under Paragraph 2(3) of Schedule 14 is dated 26 November 2020. |
| **Ref: FPS/X2600/14D/21**  **Representation by Ian Witham**  **Norfolk County Council**  **Application to add to the particulars of the footpath running from east of the Norwich Road to the Keeper’s Cottage, in the parish of Westwick (OMA ref. 70104/HP507/2)** |
| * 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 Ian Witham, dated 2 April 2022. |
| * The certificate under Paragraph 2(3) of Schedule 14 is dated 26 November 2020. |
| **Ref: FPS/X2600/14D/22**  **Representation by Ian Witham**  **Norfolk County Council**  **Application to add to the particulars of the footpaths running from Quidenham Road to Copince’s Lane, and from Copince’s lane to Copince’s Lane in the parish of Banham (OMA ref. 70103/HP23/3)** |
| 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 Ian Witham, dated 1 April 2022. |
| The certificate under Paragraph 2(3) of Schedule 14 is dated 26 November 2020. |
| * The Council was consulted about the representation on 6 May 2022 and the Council’s response was made on 15 June 2022. |

Decision

1. The Council is directed to determine the above-mentioned applications not later than 6 months from the date of this Direction.

Reasons

1. 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 twelve months of the authority’s receipt of certification that the applicant has served notice of the application on affected landowners and occupiers. 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 (Rights of Way Circular 1/09 Version 2, October 2009. Department for Environment, Food and Rural Affairs).
2. In this case, the Council deals with applications in accordance with a statement of priorities contained in its published Access Improvement Plan. This means that applications are determined in chronological order of their receipt subject to priority being given to some cases in certain specified circumstances, none of which apply in these cases.
3. The Council also states that it has experienced a great increase in modification applications which it cannot progress as rapidly as it would like with the staff resources currently available. Whilst more resources have been sought, this is difficult to achieve as cuts in services are currently having to be made.
4. These applications seek the making of orders to modify the particulars relating to the paths in the definitive statement so as to record their width and the absence of limitations.
5. The Council disputes the need for the particulars to be modified to some extent and has stated that a decision on the applications is ‘not imminent’.
6. 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 these cases, more than 2 years have passed since the applications were submitted and no indication has been given as to when they will be determined. This would suggest that the Council is failing to deploy sufficient resources to the determination of such applications.
7. This is not an acceptable situation. Applicants should be able to expect a decision within a finite and reasonable time. I have therefore decided that there is a case for setting a date by which time these applications should be determined.
8. It is appreciated that the Council will require some time to carry out its investigation and make a decision on the applications. I therefore propose to allow a period of 6 months in these cases.

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

Barney Grimshaw

INSPECTOR