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| **Direction Decision** |
| **by Susan Doran BA Hons MIPROW** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 30 July 2024** |

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| **Ref: ROW/3343985**  **Representation by Michael Peachey**  **Suffolk County Council**  **Application to add a footpath from Friday Street, TL 673757, to approx. 155m west of Friday Street, TL 672757 (OMA ref. CPM 1003)** |
| * 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 Suffolk County Council (‘the Council’) to determine an application for an Order, under Section 53(5) of that Act. |
| * The representation made by Michael Peachey is dated 7 May 2024. |
| * The certificate under Paragraph 2(3) of Schedule 14 is dated 3 May 2023. |
| * The Council was consulted about the representation on 9 May 2024 and the Council’s response was made on 27 June 2024. |
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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 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.
2. As required by Rights of Way Circular 1/09 (Version 2, October 2009, Department for Environment, Food and Rural Affairs) 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 was made to the Council on 23 December 2021, with the certificate of notification to the landowners served after negotiations to secure the route’s dedication as a public right of way fell through. The route provides off-road access to West Row Village Hall and sports facilities, and the claim is supported by 56 user evidence forms. The applicant comments that part of the route is becoming overgrown, and the landowner aspires to see the land developed for residential purposes.
4. The application is listed amongst the backlog of cases awaiting future investigation by the Council. Amongst the objectives in the Council’s Statement of Priorities (the Green Access Strategy 2020) is to make and prioritise definitive map modification orders (DMMOs) in the public interest (Objective 1.1.3), by delivering a public rights of way network that meets the needs of today’s user. To achieve this, Council Officers prioritise new claims and public path order requests against a prioritising scoring sheet, advising applicants of the priority assigned to their application. There are 140 applications in the Council’s DMMO Register. The Priority level assigned to this application is ‘Medium’, with a score of 49, placing it at the top of this category. However, with 21 DMMO applications assigned a higher priority, and direction requests already under consideration, this application is likely to slip further down the list of cases awaiting determination.
5. The Council acknowledges the application route is well-used and, on an initial assessment, that there is sufficient evidence to support public footpath status. They also comment that any formal application for the land to be developed would result in the application being reassessed. The Council notes their prioritising system can lead to disappointment for applicants, however, given its limited resources, it considers that priority should be afforded to those cases with the greatest potential public benefit.
6. Nevertheless, 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 twelve months under normal circumstances. Some two and a half years have passed since the application was submitted to the Council, and just over twelve months since notice was served on the landowner, and no exceptional circumstances have been given for it not having been determined. Notwithstanding the Council’s prioritisation system and the efforts of its Officers to address the backlog of cases, a lack of sufficient resources does not justify the delay in investigating the application. In the circumstances I have decided that there is a case for setting a date by which time the application should be determined. It is appreciated that the Council will require some time to carry out its investigation and make a decision on the application. A further period of six months has been allowed.

**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 Suffolk County Council to determine the above-mentioned application not later than six months from the date of this decision.

S Doran

**Inspector**