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| **Direction Decision** |
| **by Mark Yates BA(Hons) MIPROW** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 24 December 2024** |

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| **Ref: ROW/3344885****Representation by Pakenham Parish Council****Suffolk County Council****Application to add a footpath from Mill Road to Broadway Lane, Pakenham**  |
| * The representation is made under Paragraph 3(2) of Schedule 14 of the Wildlife and Countryside Act 1981 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.
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| * The representation is made by Pakenham Parish Council, dated 17 May 2024.
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| * The certificate under Paragraph 2(3) of Schedule 14 is dated 27 July 2021.
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| * The Council was consulted about the representation on 14 August 2024 and the Council’s response was made on 13 September 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 12 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 Council’s Statement of Priorities is included within its Green Access Strategy for 2020-2030. Attention is drawn to the objective of making orders in the public interest. To achieve this objective the Council aims to prioritise definitive map casework to deliver a public rights of way network that meets the needs of present day users. Accordingly, officers meet six times a year to consider and prioritise applications using set criteria.
4. This application has been assigned a score of 69 which places it in the high priority category for future investigation. It was scored as a high priority case as the claimed route would provide an improvement to the local network. Use of the route has been challenged by the landowners who have erected ‘Private Notices’. Currently there are 3 modification order cases that the Council have not started to process that have a higher priority along with a medium priority directions case.
5. The Council outlines that it aims to determine high priority cases as soon as they have capacity, with the expectation that this is undertaken within 2 years. It is accepted that this application has waited longer than this period as the case has been overtaken by higher scoring cases and also by a number of cases the Council has been directed to determine.
6. I recognise that the Council has a significant number of applications before them, and resources are limited. However, authorities have a duty to keep the definitive map and statement up to date. Circular 1/09 makes it clear that they should ensure sufficient resources are allocated to meeting their statutory duties with regard to the protection and recording of public rights of way. A lack of resources is not considered to be an exceptional circumstance for failing to determine applications.
7. There is nothing to indicate that the Council’s statement of priorities is unreasonable. However, 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 this case, over 3 years have passed since the application was submitted and there is nothing to suggest that a decision is imminent. In contrast, the Council aims to determine high priority cases such as this application within 2 years.
8. 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. I consider a further period of 6 months should be 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** Suffolk County Council to determine the above-mentioned application not later than 6 months from the date of this decision.

Mark Yates

INSPECTOR