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| **Direction Decision** |
| **by Claire Tregembo BA (Hons) MIPROW** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 01 May 2025** |

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| **Ref: ROW/3360803**  **Representation by Ann Martin, Ramblers Herts & North Middlesex Area**  **Hertfordshire County Council**  **Application to add a footpath from TL03152 13677 Great Gaddesden Footpath 6 at Widmore Spring to TL03007 13822 Studham Footpath 34 (OMA REF: DAC/158/MOD)** |
| * 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 Hertfordshire County Council to determine an application for an Order, under section 53(5) of that Act. |
| * The representation made by Ann Martin, is dated 15 February 2025. * The certificate under paragraph 2(3) of Schedule 14 is dated 23 June 2018. |
| * The Hertfordshire County Council was consulted about the representation on 19 February 2025 and their response is dated 20 February 2025. |
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Decision

1. The Hertfordshire County Council (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 sets out how they prioritise applications to change the legal record of public rights of way. Applications are prioritised according to three key principles; where public safety could be substantially improved, level of use, and where the Council’s actions could result in a significant positive impact on the network. Higher priority is also given to applications where the physical existence of an alleged route is threatened by development, where investigation of a case would involve substantially the same evidence as a route currently under investigation or about to be investigated which will provide significant cost or efficiency savings, and where there is only user evidence available. Applications with the same score will then be dealt with in order of receipt.
4. The application scored 11 points and currently sits at position 193 in the list of 362 applications awaiting determination. The Council do not consider the application will be dealt with for some time unless a direction is granted.
5. The applicant is concerned that the application will not be determined for many years. They were advised that it was at position 149 when they made their application in 2018. Therefore, the application has moved further down the list due to newer, higher scoring applications.
6. I accept that the Council need a priority system to manage the large number of applications. However, there is the potential for low scoring applications to remain at the bottom of the list and never get determined.
7. 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, more than seven years have passed since the application was submitted and no exceptional circumstances have been indicated.
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. 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 Hertfordshire County Council to determine the above-mentioned application not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR