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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: 20 May 2025** |

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| **Ref: ROW/3362242**  **Representation by King’s Sutton Parish Council on behalf of David Hall**  **West Northamptonshire Council**  **Application to add a footpath from Mill Lane to Footpath AS11, King’s Sutton (Council Reference: 175)** |
| * 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 West Northamptonshire Council to determine an application for an Order, under section 53(5) of that Act. |
| * The representation made by King’s Sutton Parish Council on behalf of David Hall is dated 6 March 2025. * The certificate under paragraph 2(3) of Schedule 14 is dated 23 March 2015. |
| * The West Northamptonshire Council was consulted about the representation on 12 March 2025 and their response is dated 20 March 2025. |
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Decision

1. The West Northamptonshire 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 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 Council currently determine applications in date order of receipt but prioritise applications in extenuating circumstances such as when development affects the physical existence of the application route. They have 175 applications awaiting determination and this application sits at number 3 on that list. The oldest application awaiting determination dates back to 2004.
4. The Council was formed in April 2021 and the Definitive Map team split between two authorities in September 2022. There have been management positions vacant, and the only full-time Definitive Map Officer (DMO) left in October 2023 and the remaining DMO only works one day a week. There has also been a significant increase in applications received. This has led to an impact on the time it takes to determine applications. A new DMO is expected to start in April 2025, and they anticipate they will be able to commence investigation within the next twelve months.
5. King’s Sutton Parish Council requests a direction as more than nine years has passed since the application was made by David Hall, who was their Footpath Warden at that time. They are keen for the application to be determined as soon as possible.
6. Authorities have a duty to keep the definitive map and statement up to date and Circular 1/09 makes it clear they should ensure that 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 not determining applications.
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 twelve months under normal circumstances. In this case, more than ten years has passed since the application was submitted and no exceptional circumstances have been indicated.
8. I appreciate a direction to make a determination on the application before me would disadvantage applicants who have been waiting longer. However, I do not consider these higher scoring applications should be grounds to not justify giving a direction when the twelve month determination period has passed.
9. In the circumstances I have decided 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 West Northamptonshire Council to determine the above-mentioned application not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR