

|  |
| --- |
| **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: 22 May 2025** |

|  |
| --- |
| **Ref: ROW/3359293**  **Representation by Allan Thomson**  **Hampshire County Council**  **Application to upgrade West Meon Footpath 8 to bridleway from Church Lane to West Meon Bridleway 7 (Council Ref. DMMO 1406)** |
| * 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 Hampshire County Council to determine an application for an Order, under section 53(5) of that Act. |
| * The representation made by Allan Thomson, is dated 13 January 2025. * The certificate under paragraph 2(3) of Schedule 14 is dated 19 December 2023. |
| * The Hampshire County Council was consulted about the representation on 29 January 2025 and their response is dated 10 March 2025. |
|  |

Decision

1. The Hampshire 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 applicant has requested a determination because the Council has logged the application as B1 Priority due to tensions with the landowner who owns the land around the applicant’s property.
4. The Council deals with applications in chronological order but their policy guidelines set out criteria under which applications can be prioritised as follows: a) the extent to which the claimed route would improve public safety, b) the extent to which the route would provide a link between existing public highways, population centres, or places of interest, and c) where the determination of the claim would contribute to resolving an anomaly on the definitive map and statement. An application can also be taken out of turn and processed immediately if it can be demonstrated that the route is at risk of being physically lost, for example to development. If none of these criteria apply, a claim may also be processed immediately if, under consideration of the circumstances, it is considered expedient to do so by senior management.
5. The application ranks at number 123 on the Council’s historic evidence priority list having been determined that the application meets the criteria necessary to receive priority status.
6. Since 2022 the Council has sought to increase resources for the determination of applications. However, various challenges including staff departures, maternity leave, and long-term sickness has significantly reduced their capacity to deal with applications over the last two years. These challenges have been resolved and the Council has recently recruited a new Definitive Map Officer which should increase the rate at which applications are determined. However, it is likely to be several years before the application reaches the top of the list. The Council are ready to prioritise the application if directed.
7. Authorities have a duty to keep the definitive map and statement up to date and Circular 1/09 makes it clear 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 not determining applications.
8. 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 a year has passed since the application was submitted and no exceptional circumstances have been indicated.
9. Considering 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 Hampshire County Council to determine the above-mentioned application not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR