



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: 19 June 2025

Ref: ROW/3358704

Representation by Prof. Carol Chillington Rutter on behalf of Crimscote residents and parishioners of St Mary's Whitchurch

Warwickshire County Council

Application to add a footpath from Birchfurlongs Cottages, Crimscote to St Marys, Whitchurch

- 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 Warwickshire County Council to determine an application for an Order, under Section 53(5) of that Act.
 - The representation made by Prof. Carol Chillington is dated 6 January 2025.
 - The certificate under Paragraph 2(3) of Schedule 14 is dated 14 November 2023.
 - The Council was consulted about the representation on 10 January 2025 and the Council's response was made on 3 April 2025.
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Decision

1. The Warwickshire County Council (the Council) is directed to determine the above-mentioned application.

Reasons

2. 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.
 3. 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.
 4. The Council's Priority Policy determines the order in which applications are determined. Applications prior to 1 July 2011 are determined on a geographical
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basis and those received after by date of submission. Applications can be taken out of sequence if the following exceptions apply a) it will involve investigating substantially the same evidence as a route currently under investigation, b) evidence or an anomaly comes to light during a current investigation, c) a route is threatened by development, d) it will significantly progress a specific action within the ROWIP Implementation Plan, and e) there is an overriding operational need to do so. The Council do not consider any of the exceptions apply to this application particularly as the main evidence is user evidence.

5. The Council has 186 applications awaiting determination although 45 of these are 'administratively paused' with the agreement of the applicant. The application is at 179 in the list of applications awaiting determination. The Council does not consider they can predict when the application will be determined due to unforeseen circumstances, changing landscapes, and HS2 demands. They consider it will be difficult for it to be determined within the next ten years.
6. The applicant considers it is urgent for the application to be determined because it was blocked in February 2023. This has denied the most direct pedestrian route to the church which is used for parish meetings and events as well as worship and prayer. The vehicular access is permissive only and the applicant states the landowner threatens to withdraw permission. They consider a delay in determination could breach their human rights by denying a fair and public hearing within a reasonable time.
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 18 months has passed since the application was submitted and no exceptional circumstances have been indicated. I do not consider it would be reasonable for the applicant to wait another ten years, particularly as the application is based on user evidence which could be lost if witnesses move or pass away.
8. 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 Warwickshire County Council to determine the above-mentioned application not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR