



Direction Decision

by **Barney Grimshaw BA DPA MRTPI (Rtd)**

an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs

Decision date: 23 July 2019

Ref: FPS/W4705/14D/5

Representation by Freddie Wright-Thompson

City of Bradford Metropolitan District Council

**Application to delete Footpath 19 at Daisy Hill Farm (Parish of Keighley)
(OMA ref. 66660/T55)**

- 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 the City of Bradford Metropolitan District Council to determine an application for an Order, under Section 53(5) of that Act.
 - The representation is made by Freddie Wright-Thompson, dated 26 March 2019.
 - The certificate under Paragraph 2(3) of Schedule 14 is dated 15 May 2014.
 - The Council was consulted about the representation on 24 April 2019 and the Council's response was made on 29 May 2019.
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Decision

1. The Council is directed to determine the above-mentioned application not later than 6 months from the date of this Direction.

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 twelve months of the authority's receipt of certification that the applicant has served notice of the application on affected landowners and occupiers. 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 applicant¹.
3. In this case, the Council states that applications are listed in chronological order and priority is given to applications of a potential strategic value only when officer time becomes available to process an application. Currently 41 applications are awaiting commencement of investigations, 34 of which were received before the present case. Staff resources are severely limited and it is unlikely that a decision will be made on the application before 2035.

¹ Rights of Way Circular 1/09 Version 2, October 2009. Department for Environment, Food and Rural Affairs.

4. More than 5 years has already passed since this application was submitted and the Council is stating that it will be at least another 16 years before a decision is made.
5. This is not an acceptable situation; applicants should be able to expect a decision within a finite and reasonable time. In the circumstances, I have therefore decided that there is a case for setting a date by which time this application should be determined. However, it is appreciated that the Council will require some time to carry out its investigation and make a decision on the application. Accordingly, I propose to allow a further period of 6 months for a decision to be made.

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 City of Bradford Metropolitan District Council to determine the above-mentioned application not later than 6 months from the date of this Direction.

Barney Grimshaw

INSPECTOR