



Direction Decision

by **Mark Yates BA(Hons) MIPROW**

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

Decision date: 23 September 2019

Ref: FPS/C2741/14D/2

Representation by Mr D. Jackson

York City Council

Application for the Addition of a Footpath Between Brecksfield and Burtree Dam, Skelton

- The representation is made under Paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981 ("the 1981 Act") seeking a direction to be given to York Council ("the Council") to determine an application for an order, under Section 53(5) of that Act.
 - The representation, dated 18 May 2019, is made by Mr Jackson.
 - The certificate under Paragraph 2(3) of Schedule 14 was served on 17 May 2018.
 - The Council was consulted on the representation on 21 June 2019 and the Council's response was made on 24 July 2019.
-

Decision

1. 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 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. The applicant points to the lack of action by the Council to progress rights of way matters, including applications to modify the definitive map and statement. In response, the Council acknowledges that there has been a problem in dealing with such applications and has made changes in order to improve matters. To this end it is stated that the application will be

¹ Department for Environment, Food and Rural Affairs Rights of Way Circular 1/09

determined by the deadline of 28 February 2020, but it is anticipated that a decision will be reached by the end of 2019.

4. I note the measures put in place to improve the determination of applications and the new deadline for this application to be determined. In the circumstances, I consider it appropriate for the Council to be directed to make its decision in accordance with this deadline. I therefore take the view that a further period of 6 months would be reasonable.

Direction

On behalf of the Secretary of State for Environment, Food and Rural Affairs and pursuant to Paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981, **I HEREBY DIRECT** the York City Council to determine the above-mentioned application not later than 6 months from the date of this decision.

Mark Yates

INSPECTOR