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Mrs T Hilliard  
20 Hermitage Road  
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MARKET HARBOROUGH  
LE16 8PE

Your Ref:  
Our Ref: FPS/K2800/14D/8  
Date: 5 August 2016

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Dear Madam

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION S14  
Northamptonshire County Council  
Direction for Claimed Public Footpath, Brampton Ash

1. I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to your application on 1 July 2016 for a direction to be given to Northamptonshire County Council under paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981. The direction you have sought would require the Council to determine your application for an order, under section 53(5) of the Act, to modify the Council's Definitive Map and Statement of public rights of way for the area so as to add to it a footpath from Brampton Ash Village to the church.
2. The Council was consulted about your request for a direction on 20 July 2016 as required by the Act. The Council's formal response was received on 27 July 2016.
3. The Secretary of State takes a number of issues into account in considering how to respond to such requests and whether she should direct an authority to determine an application for an order within a specific period. These issues include 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 that the authority has taken or expressed intentions to take or further action on the application in question; the circumstances of the case; and any views expressed by the applicant.

## Your case

4. You made an application for a modification order on 3 June 2013. On 2 October 2014 your application came to the head of the County Council's Application Register. Investigation of the application started on 4 November that year and you were informed that a decision would be made by late December 2014 or early January 2015. In February 2015 you were told the investigation was on hold due to financial constraints, then two weeks later that the application would be considered in the next 3 to 6 months, then in August that year that there was no indication of when

the application would be considered.

5. On 6 May 2016 you met with officers of the County Council to discuss the case. Mr Brawn, the Definitive Map Officer, promised to give you a timescale for the progress of the application. On 7 June Mr Brawn wrote apologising for not having sent it. He enclosed a breakdown of how long he thought the job should take, although no date on which it would start. As of 1 July 2016 you have been given no indication of the likely progression of your application.

### **The Council's Case**

6. The application is being dealt with by a trainee Definitive Map Officer under the direction of Mr Brawn. This is his first case, to which he was appointed after the meeting of 6 May. He has a schedule with approximate target dates, though as he has other tasks to perform he has not kept to it.
7. The application is not straightforward as it is to do with the deemed dedication of a way leading to a church, which is alleged to be an ancient church way, but the trainee foresees that he would have a draft report ready by 1 September 2016, which would then need to be reviewed before a decision on whether to make an order is taken.
8. The reason the case was at one time put on hold was that the colleague dealing with it left the Council.

### **Consideration**

9. The Secretary of State is pleased to see that this application is currently being progressed. She is, nevertheless, somewhat concerned that the trainee officer dealing with it has already slipped behind his timetable, and has admitted that it is taking him 'a little while to get into the flow of things' and that he thinks he will 'need to spend a while knuckling down'. She notes his estimate that a draft report should be complete by 1 September 2016, and that Mr Brawn's schedule of 'things to be done' allows for further stages, some of which have been given time estimates, before approval to make an order (or otherwise) is sought from the County Council. It seems to her that these stages should take no more than two months, and that, in the circumstances, and allowing for some further slippage, it would be reasonable to require a determination to have been made by 31 December 2016.

### **Decision**

10. In the circumstances the Secretary of State has decided that there is a case for setting a date by which time the application should be determined. In exercise of the powers vested in her by paragraph 3(2) of the Schedule 14 to the 1981 Act, the Secretary of State has directed Northamptonshire County Council to determine this application not later than 31 December 2016.
11. A copy of the Secretary of State's letter of direction to the authority is enclosed, and a copy of this letter is being sent to the authority.

Yours faithfully

*Peter Millman*

**Inspector**

Authorised by the Secretary of State for Environment, Food and Rural Affairs to sign in that behalf

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