



Direction Decision

by **Helen Slade** MA FIPROW

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

Decision date: 15 November 2017

Ref: FPS/W4705/14D/3

**Representation by Martin Humphreys on behalf of Wrose Parish Council
City of Bradford Metropolitan District Council**

**Application to add a bridleway from Wrose Brow Road to Snowden Road in
the parish of Wrose**

Order Making Authority Reference: 66660/T56

- 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 ('Bradford MDC') to determine an application for an Order made under Section 53(5) of that Act.
- The representation, dated 29 July 2017, is made by Martin Humphreys on behalf of Wrose Parish Council.
- The certificate under Paragraph 2(3) of Schedule 14 is dated 20 January 2015.
- The Council was formally notified of the representation on 7 September 2017 and submitted its response on 13 October 2017.

Summary of Decision: 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, to 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.
2. In this case, the Parish Council of Wrose submitted an application to add a bridleway to the Definitive Map and Statement. The representation from Mr Humphreys, dated 29 July 2017 and sent to the Secretary of State The Right Hon. Michael Gove MP, indicates that the application was made on 21 January 2015. Two Certificates of Service of Notice of Application for a Definitive Map Modification Order ('DMMO') have been identified: one dated 1 October 2014

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

and one dated 20 January 2015. I have assumed that the correct one is the latter, although both appear to have been served on the same landowners.

3. The Parish Council has been informed that a decision on their application is unlikely to be made for many years. Bradford MDC has indicated in its response to the representation that, applications are generally dealt with in chronological order unless there is a strategic reason for taking them out of turn, or there is a threat to continued use of the application route. Neither of these circumstances has been deemed to be relevant in this case, and at the present rate of progress, the application is unlikely to be dealt with before 2033. This is not acceptable.
4. The reasons given are that there is currently no dedicated Definitive Map Officer or Senior Rights of Way Officer due to the reduction in resources for this work. The Order Making Authority has a statutory duty to keep the Definitive Map and Statement up to date, and the work involved in doing that cannot, in itself, be considered to be an exceptional circumstance. Adequate resources should be provided to permit the OMA to carry out its statutory functions.
5. The existence of applications of longer-standing than this one does not constitute a reason for not dealing with this particular application. The appeal procedure is available to everyone and is there to be used. Wrose Parish Council has availed itself of the opportunity and should not be penalised by the lack of action by others entitled to take advantage of the same procedures.
6. 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 circumstances². In this case, two and a half years have passed since the application was submitted and no exceptional circumstances have been indicated. It is appreciated that the Council will require some time to carry out its investigation and make a decision on the application. Nevertheless, I have decided that there is a case for setting a date by which time the application should be determined and I consider it appropriate to allow no more than a further 6 months for a decision to be reached.

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 decision.

Helen Slade

INSPECTOR

² The 12 month period commences on the date a valid certificate is submitted to the order-making authority in accordance with paragraph 2(3) of Schedule 14