



Direction Decision

by **Helen Heward BSc (Hons) MRTPI**

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

Decision date: 4 February 2019

Ref: FPS/K2800/14D/9

**Representation by Braunston Parish Council
Northamptonshire County Council**

Add footpath across the former railway line from ED8 to A45

- 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 Northamptonshire County Council to determine an application for an Order, under Section 53(5) of that Act.
 - The representation made by Braunston Parish Council is dated 11 June 2018.
 - The certificate under Paragraph 2(3) of Schedule 14 is dated 7 August 2007.
 - The Council was consulted about your representation on 18 September 2018 and the Council's response was made on 2 November 2018.
-

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.
3. 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.
4. In this case the application was lodged with the Council in 2007 and relies partly upon user evidence. The applicant points out that some of the witnesses are no longer able to give evidence. However, the Council advise that the application is now under investigation and that they estimate that they will be able to determine the application by March 2019.
5. Although more than 11 years have passed since the application was submitted and no exceptional circumstances have been indicated for the previous delay,

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

the Council is now making progress. They will require some time to carry out its investigation and make a decision on the application. A period of 6 months would be reasonable in the circumstances.

6. Therefore I have decided that there is a case for setting a date 6 months from now, by which time the application should be determined.

Direction

7. 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 **Northamptonshire County Council** to determine the above-mentioned application not later than 31 July 2019.

Helen Heward

INSPECTOR