



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: 14 October 2019

Ref: FPS/C2741/14D/4

Representation by Derek Jackson

City of York Council

Application to add a Bridleway from Hurns Bridge to Moorlands Wood (Parish of Skelton) (OMA ref. 201805)

- 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 City of York Council to determine an application for an Order, under Section 53(5) of that Act.
 - The representation is made by Mr Derek Jackson, dated 14 July 2019.
 - The certificate under Paragraph 2(3) of Schedule 14 is dated 19 June 2018.
 - The Council was consulted about the representation and the Council's response was made on 24 July 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 has recently reviewed its procedures for dealing with these applications and states that it is now in a position to determine outstanding applications much more quickly. It is ~~now~~ anticipated that this application will be determined no later than 28 February 2020.
4. 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

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

normal circumstances. In this case, more than 12 months have passed since the application was submitted and no exceptional circumstances have been indicated. However, the council has now indicated that it expects to determine your application by the end of February 2020.

5. Nevertheless, in view of the time that has already elapsed since the application was made, I have decided that there is a case for setting a date by which time it should be determined. It is appreciated that the Council will require some time to carry out its investigation and make a decision on the application. A further period of 6 months should therefore be allowed.

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 York Council to determine the above-mentioned application not later than 6 months from the date of this Direction.

Barney Grimshaw

INSPECTOR