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| **Direction Decision** |
| **by Claire Tregembo BA (Hons) MIPROW** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 22 September 2023** |

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| **Ref: ROW/3323625 and ROW/3323627****Representation by Richard Kunz on behalf of the Great Northern Railway Trail Development Group****The City of Bradford Metropolitan District Council** **Application to amend the particulars relating to Bingley 219 and upgrading from footpath to bridleway and amending particulars relating to Denholme 40 (OMA Refs: T62 and T63)**  |
| * The representation is made under Paragraph 3(2) of Schedule 14 of the Wildlife and Countryside Act 1981 seeking a direction to be given to the City of Bradford Metropolitan District Council to determine two applications for Orders, under Section 53(5) of that Act.
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| * The representation made by Richard Kunz, is dated 3 June 2023.
* The certificates under Paragraph 2(3) of Schedule 14 are dated 18 October 2016
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| * The City of Bradford Metropolitan District Council was consulted about the representation on 27 June 2023 and their response is dated 9 August 2023.
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Decision

1. 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, 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.
2. Current guidance is contained within Rights of Way Circular 1/09 Version 2, October 2009 published by the Department for Environment, Food and Rural Affairs. This explains, at paragraph 4.9, that 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 applicant. Each case must therefore be considered in light of its particular circumstances.
3. The City of Bradford Metropolitan District Council (the Council) determines applications in accordance with its Policy Statement for the Definitive Map contained within its Rights of Way Improvement Plan. Priority is given to applications where there is a potential strategic value resulting from the application, or where lack of action could result in the permanent loss of the route. Other applications are then programmed in chronological order.
4. The Council has forty eight applications awaiting determination, thirty six of which were received before this one. The application routes link to an unrecorded route known as the Great Northern Railway Trail (GNRT) which runs along the track bed of a former railway line. The GNRT is a multi-user route and regarded by the Council as being of strategic value. If successful, the applications would provide a new, higher status through route linking to the GNRT. Therefore, these applications have been given priority over other earlier applications. The Council expects to make a decision on these applications in the next six months.
5. The applicant considers their applications have been side-lined by other projects over the last six years. They request a direction so the public can use the bridleway rights and to allow the extension of the GNRT for safe journeys to a primary school.
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 circumstances. In this case, almost seven years have passed since the applications were submitted and no exceptional circumstances have been indicated.
7. I note the Council are already investigating these applications and expect to determine them within the next six months. To give certainty to the applicant that this will be achieved, I will allow a period of six months by which time the applications should be determined.

**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 Borough Council to determine the above-mentioned application not later than six months from the date of this decision.

Claire Tregembo

INSPECTOR