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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: 20 May 2025** |

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| **Ref: ROW/3359427****Representation by Christopher Smith, on behalf of the Ramblers****The London Borough of Bromley****Application to add a footpath from the junction of Footpath 239 at TQ 397605 to the junction of a claimed bridleway at TQ 402598 (OMA Ref:)**  |
| * 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 London Borough of Bromley to determine an application for an Order, under section 53(5) of that Act.
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| * The representation made by Christopher Smith, was received on 22 January 2025.
* The certificate under paragraph 2(3) of Schedule 14 is dated 22 January 2024.
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| * The London Borough of Bromley was consulted about the representation on 10 February 2025 and their response is dated 4 March 2025.
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Decision

1. The London Borough of Bromley (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 12 months of the authority’s receipt of certification that the applicant has served notice of the application on affected landowners and occupiers.
2. As required by Rights of Way Circular 1/09 (Version 2, October 2009, Department for Environment, Food and Rural Affairs) 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.
3. The applicant has requested a direction because the Council has not indicated when they are likely to determine the application. They consider there will be objections to any order made. Therefore, it will take time before any order is determined and, if confirmed, the route made available. Due to their age and health, they would like the application to be determined in a reasonable time to ensure they are fit enough to participate in a public inquiry. The public are also being denied the use of the application route. They consider the Council is failing in their statutory duties by not employing enough staff or consultants.
4. The Council deal with applications in chronological order. There are currently 13 applications awaiting determination ahead of the application before me. The backlog is due to falling behind on processing claims during Covid and an unprecedented number of applications due to the former ‘cut-off date’. They are making every effort to deal with these applications and have employed a consultant to assist with the backlog. They expect it will be 12 months before the application is considered.
5. Authorities have a duty to keep the definitive map and statement up to date and Circular 1/09 makes it clear they should ensure that sufficient resources are allocated to meeting their statutory duties with regard to the protection and recording of public rights of way. A lack of resources is not considered to be an exceptional circumstance for not determining applications.
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, more than a year has passed since the application was submitted and no exceptional circumstances have been indicated.
7. In the circumstances I have decided that there is a case for setting a date by which time the application 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 has been 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 London Borough of Bromley to determine the above-mentioned application not later than 6 months from the date of this decision.

Claire Tregembo

INSPECTOR