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| **Direction Decisions** |
| **by J Ingram LLB (Hons) MIPROW** |
| **an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 23 June 2025** |

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| **Ref: ROW/3359525**  **Representation by Sheila Greetham (on behalf of the Moorlands Bridleway Group and the British Horse Society)**  **Calderdale Metropolitan Borough Council**  **Application to upgrade footpath no. 64 Ripponden from footpath no. 51 Ripponden to footpath no. 65 Ripponden to bridleway** | |
| * 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 Calderdale Metropolitan Borough Council (CMBC) to determine an application for an Order, under Section 53(5) of that Act. | |
| * The representation is made by Sheila Greetham, dated 23 January 2025. | |
| * The certificate under Paragraph 2(3) of Schedule 14 is dated 21 April 2023. | |
| * CMBC was consulted about the representation on 28 January 2025 and the Council’s response was made on 10 March 2025. | |
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| |  | | --- | | **Ref: ROW/3359530**  **Representation by Sheila Greetham (on behalf of the Moorlands Bridleway Group and the British Horse Society)**  **Calderdale Metropolitan Borough Council**  **Application to upgrade footpath no. 51 (part) Ripponden from Elland Road to the junction with Quakers Lane to bridleway** | | * 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 Calderdale Metropolitan Borough Council (CMBC) to determine an application for an Order, under Section 53(5) of that Act. | | * The representation is made by Sheila Greetham, dated 23 January 2025. | | * The certificate under Paragraph 2(3) of Schedule 14 is dated 21 April 2023. | | * CMBC was consulted about the representation on 28 January 2025 and the Council’s response was made on 10 March 2025. | | | |
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Decisions

1. CMBC are directed to determine the above-mentioned applications.

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 contained within the Rights of Way Circular 1/09 Version 2, October 2009 and published by the Department for Environment, Food and Rural Affairs details the following: 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. These applications are all for the upgrading of footpaths to bridleways, they are located in the same area and the applications were made at the same time. Initial checks have been made by CMBC and the applications have been duly registered. The cases now await investigation.
4. The applicant refers to the historical nature of the routes and states that she has dedicated many years of research to these and other routes in this region. She is concerned about the delay due to her age and states it would be of benefit if the applications could be determined in her lifetime. The applicant claims that public access is currently being denied on one of the routes.
5. CMBC operate a policy of prioritisation for all Definitive Map Modification Order (DMMO) applications to establish the order in which applications shall be determined. CMBC places emphasis on prioritising definitive map case work that is affecting the community and has the greatest potential effect on the network. A point is also awarded for each year an application is on the waiting list. The score an application receives is used to determine the place on the list of outstanding DMMO applications.
6. CMBC state that the priority matrix aims to give a fair and balanced score and prioritisation. The applications are currently ranked at 73, 96 and 72 respectively out of 189 applications. CMBC also state there are currently 17 undetermined applications for which directions have been given.
7. There is nothing to suggest that the priority system employed is unreasonable, or that the applications have been incorrectly ranked. CMBC are unable to give a time frame on when the applications will be determined, however, they state at current resource levels it will be several years.
8. I do recognise that there are a large number of applications awaiting determination, and that CMBC have a policy of prioritisation to ensure fair ranking. However, the applicant is entitled to expect their applications to be determined within a finite and reasonable period. I consider that there is a likelihood that these applications could remain undetermined for a considerable amount of time.
9. 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, 2 years have now passed since the applications were submitted and no exceptional circumstances for the delay have been indicated.
10. In the circumstances I have decided that there is a case for setting a date by which time the applications should be determined. It is appreciated that CMBC will require some time to carry out their investigations and make informed decisions on the applications. A further period of 12 months has been allowed.

**Directions**

**ROW/3359525**

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 Calderdale Metropolitan Borough Council to determine the above-mentioned application not later than 12 months from the date of this decision.

**ROW/3359293**

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 Calderdale Metropolitan Borough Council to determine the above-mentioned application not later than 12 months from the date of this decision.

**ROW/3359530**

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 Calderdale Metropolitan Borough Council to determine the above-mentioned application not later than 12 months from the date of this decision.

J Ingram

INSPECTOR