

**OFFICER DELEGATION SCHEME
RECORD OF OPERATIONAL DECISION**



Date: 25/04/2024	Ref No: ENG284
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Responsible Officer: David Chadwick – Public Rights of Way Officer

Title/Subject matter: Application to Upgrade Public Footpath Number 23 St Andrews Radcliffe (Higher Pit Lane) and Part of Public Footpath Number 10 Christchurch Radcliffe to Bridleway Status, Wildlife and Countryside Act 1981.

Budget/Strategy/Policy/Compliance:

(i) Is the decision within an Approved Budget?	Yes
(ii) Is the decision in conflict with Council’s policies, strategies or relevant service plans?	No
(iii) Does the decision amend existing or raise new policy issues?	No
(iv) Is the decision a non-key decision (below £100,000, outside the MO definitions)	Yes
Is publication still required? (see guidance)	Yes

Summary:
 Application under Section 53 Wildlife and Countryside Act 1981 to upgrade Public Footpath Number 23 St Andrews Radcliffe (Higher Pit Lane) and part of Public Footpath Number 10 Christchurch Radcliffe to Bridleway status. The paths connect Starling Road to Sumner Avenue - as shown on the attached plan (PROW/01). The full route is 595m in length.

The application for a Definitive Map Modification Order has been made based on historic evidence and is the first application of this type to be considered by the Authority. Given this and the submission of a detailed objection from one of the landowners who had been contacted as part of the search for relevant evidence, a decision was taken to seek advice from Counsel as to whether the application should be accepted and the relevant Orders made or refused and the applicant informed of that decision. Counsel provided a response that stated that the application should be refused.

The applicant can appeal to the Secretary of State within 28 days of the Authority refusing to make the Order. The Sec of State could then instruct the Authority to make the Order. The Authority would not need to support this Order should there be objections to it leading to the Sec of State requesting written representations, a hearing or a public inquiry.

- Options considered:**
1. Ignoring Counsel advice and requesting Legal Services to make the necessary Orders.
 2. Use the advice to refuse this and the other fourteen applications that have been submitted by the same person using broadly the same types of evidence.
 3. Refuse this application and await the outcome of any appeals process before deciding upon how to process the remaining fourteen applications.

Decision [with reasons]:

To refuse this application and await the outcome of any appeals process before deciding upon how to process the remaining fourteen applications.

Decision made by:	Signature:	Date:
Pete Stokes Head of Engineering & Streetscene		30/04/24
Members Consulted [see note 1 below]		
Cabinet Member/Chair		
Lead Member		
Opposition Spokesperson		

Notes

1. Where, in accordance with the requirements of the Officer Delegation Scheme, a Chief Officer consults with the appropriate Cabinet Member they must sign the form so as to confirm that they have been consulted and that they agree with the proposed action. The signature of the Opposition Spokesperson should be obtained if required, to confirm that he/she has been consulted. Please refer to the MO Guidance.
2. **This form must not be used for urgent decisions.**
3. Where there is any doubt, Corporate Directors should err on the side of caution and seek advice from the Council's Monitoring Officer.

