



Direction Decision

by **Mark Yates BA(Hons) MIPROW**

an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs

Decision date: 05 March 2020

Ref: FPS/P2745/14D/4

Representation by Mr J. Moiser

North Yorkshire County Council

Application for the Addition of a Footpath between Ingthorne Lane and Meadow Lane, South Milford

- The representation is made under Paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981 ("the 1981 Act") seeking a direction to be given to the North Yorkshire County Council ("the Council") to determine an application for an order, under Section 53(5) of that Act.
 - The representation, dated 12 February 2019, is made by Mr Moiser.
 - The Council was consulted on the representation on 19 July 2019 and the Council's response was made on 11 September 2019.
-

Decision

1. The Council is not directed to determine the above-mentioned application.

Reasons

2. Applicants have the right to ask the Secretary of State to direct a surveying authority to determine an application if no decision has been reached within twelve months of the authority's receipt of the certificate in accordance with paragraph 2(3) of Schedule 14 to the 1981 Act.
 3. A copy of a certificate has been provided which certifies that the requirements of paragraph 2 of Schedule 14 have been complied with. The names of the notified parties stated to have an interest in the land are listed.
 4. An applicant is required to serve notice on every owner or occupier of land to which the application relates. Where it is not practicable to ascertain the owner or occupier, the authority may direct that notices are erected on site addressed to the "owner" or "occupier" of the land in question.
 5. The Council says it is now known that the parties served with the notice of the application are not the sole owners of the land crossed by the alleged footpath. This issue appears to be accepted by the applicant and it is acknowledged that there is no registered owner of the land. This means a notice still need to be erected on site in order to satisfy the requirements of paragraph 2 of Schedule 14.
 6. It is evident that the statutory requirements have not been completed in relation to the notification of the making of the application. The right for an applicant to seek a direction only arises after a period of twelve months has
-

elapsed since these requirements were complied with and a valid certificate submitted to the Council.

7. For these reasons, I do not consider that the Council can be directed at the present time to determine the application.

Mark Yates

INSPECTOR