



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: 14 April 2020

Ref: FPS/Z1585/14D/1

Representation on behalf of the Essex Bridleways Association

Essex County Council

Application to upgrade Footpath 63 (part) and Footpath 67 in the parish of Shalford to a restricted byway (OMA ref. 987)

- 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 Essex County Council ("the Council") to determine an application for an order, under Section 53(5) of that Act.
 - The representation, dated 17 September 2019, is made by Ms C. Tout on behalf of the Essex Bridleways Association.
 - The certificate under Paragraph 2(3) of Schedule 14 is dated 22 July 2015.
 - The Council was consulted on the representation on 11 October 2019 and the Council's response was made on 22 November 2019.
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Decision

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

Reasons

2. Authorities are required to investigate applications as soon as reasonably practicable and 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.
3. No decision had been reached when the applicant requested that the Secretary of State direct the Council to determine the application. However, I have been informed that the Council has now determined this application and issued its decision. Accordingly, there is no need for the Council to be directed to determine the application.

Mark Yates

INSPECTOR
