



## 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

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**Ref: FPS/Z1585/14D/2-4**

**Representation on behalf of the Essex Bridleways Association**

**Essex County Council**

**Application to add a bridleway from the junction of Footpaths 67-7 and 67-8 to Water Lane in the parish of Bradwell and upgrade Footpath 67-7 to a bridleway (OMA ref. 993)**

**Application to add a bridleway between Back Lane and Stock Lane in the parish of Stock (OMA ref. 995)**

**Application to upgrade Footpath 68-11 in the parish of Bocking to bridleway status (OMA ref. 997)**

- 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 applications for orders, 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 certificates under Paragraph 2(3) of Schedule 14 are dated 22 September 2015, 22 February 2016 and 29 January 2016.
  - 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 directed to determine the above-mentioned applications.

### Reasons

2. 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. 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<sup>1</sup>.

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<sup>1</sup> Department for Environment, Food and Rural Affairs Rights of Way Circular 1/09

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3. The Council states that the applications generally rely on historical evidence and there is no apparent interest locally in the routes. Accordingly, there was no reason to give them priority over other applications. Reference is also made to other areas of work undertaken by the case officer. Nonetheless, 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 twelve months under normal circumstances. It is over four years since the last of the applications was submitted and I do not view this to be reasonable. Therefore, I have decided that there is a case for setting a date by which time the applications should be determined.
4. Due to the present situation of restrictions due to the outbreak of the COVID-19 virus, it would seem that exceptional circumstances have arisen which could not have been foreseen. Accordingly, and guided by the Council's own estimates, a further period of 9 months has been allowed for the applications to be determined.

### **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** Essex County Council to determine the above-mentioned applications not later than nine months from the date of this decision.

*Mark Yates*

INSPECTOR