



Order Decision

Site visit made on 25 March 2019

by Helen Slade MA FIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 30 May 2019

Order Ref: ROW/3208590

- This Order is made under Section 26 of the Highways Act 1980 ('the 1980 Act') and is known as Bridleway Link at Great Dunmow Between Bridleway 34 Great Dunmow and the Ongar Road (B184) in the District of Uttlesford Public Path Creation Order 2018.
- The Order is dated 15 June 2018 and proposes to create a public right of way as shown on the Order plan and described in the Order Schedule.
- There were two objections outstanding when Essex County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is not confirmed.

Procedural Matters

1. One of the objections was withdrawn after the matter was submitted to the Planning Inspectorate. The sole remaining objection is from Savilles on behalf of the landowners.
2. There was a discrepancy on the Notice for the Order regarding the length of the proposed new route. In order to avoid any prejudice due to possible confusion or misunderstanding, Essex County Council ('the Council') was requested to re-advertise the Order with the corrected length of the path.
3. The Council notified the Planning Inspectorate that it intended to delay the re-advertisement process as it had engaged in further negotiations with the objector and that it was likely that a new Order would be made as a result.
4. There has been a lengthy delay in complying with the request to re-advertise the Order, and there is currently no prospect of that request being fulfilled. In addition, there are a number of typographical or drafting errors on the Order which, if the Order were to be confirmed, require alteration to ensure clarity.
5. Without the re-advertisement of the Order there is a risk that the discrepancy I have identified between the Notice of the Order and the text of the Order itself would result in misunderstanding and confusion. The possible publication of a new order without the determination of the present Order would only add to that confusion.
6. Following the submission of the Order by the Council, the jurisdiction for the determination of this Order rests with the Planning Inspectorate on behalf of the Secretary of State. It is not helpful to any party to leave matters in abeyance for an unspecified period. Under the circumstances, and given that a new order is likely to be published, I do not consider that it is expedient to create the path which is the subject of this Order.

7. So as not to prejudice any Order which might be made in the future, I have not examined the merits of this Order against the relevant legislative criteria.

Conclusions

8. Having regard to these matters, I conclude that the Order should not be confirmed.

Formal Decision

9. I do not confirm the Order.

Helen Slade

Inspector

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Plan drawn by L. H. Page

C

D

54

MAP NOT TO ORIGINAL SCALE

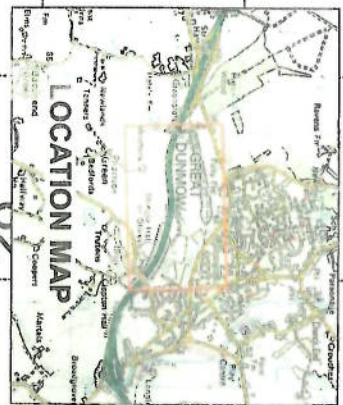
Plan no. DUN CRE 3 EAST
 Bridleway Creation at Great Dunmow
 Diversion and Upgrade of Footpath to
 Bridleway C-D-E-F

Existing Public Rights of Way
 Definitive Map Sheet: TL 67 SW
 Scale: 1:2500 at A3
 Grid Ref at C: 6186,2126

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E

F



LOCATION MAP

02

Essex County Council

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Plan no. DUN CRIE 3 WEST

Bridleway Creation at Great Dunmow

Upgrade of FP 32 A-B
Bridleway Creation B-C }
Upgrade of FP 54 C-D

Existing Public Rights of Way

Definitive Map Sheet: TL 62 SW

Scale 1:2500 at A3

Grid Ref at O: 6188, 2126

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Plan drawn by L.H. Page

Round House

MAP NOT TO ORIGINAL SCALE

Finch Way

Track

Collects

561800

221400

34 A

32

B

32

Issues

C

Path

93m



A.M.P. OFFICER

Track

GREAT DUNMOW



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