



Planning Act 2008

2008 CHAPTER 29

PART 7

ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

CONTENT OF ORDERS

Miscellaneous

136 Public rights of way

- (1) An order granting development consent may extinguish a public right of way over land only if the decision-maker is satisfied that—
 - (a) an alternative right of way has been or will be provided, or
 - (b) the provision of an alternative right of way is not required.
- (2) The following provisions of this section apply if—
 - (a) an order granting development consent makes provision for the acquisition of land, compulsorily or by agreement,
 - (b) the order extinguishes a public right of way over the land, and
 - (c) the right of way is not a right enjoyable by vehicular traffic.
- (3) The order granting development consent may not provide for the right of way to be extinguished from a date which is earlier than the date on which the order is published.
- (4) Subsection (5) applies if—
 - (a) the order granting development consent extinguishes the right of way from a date (“the extinguishment date”) which is earlier than the date on which the acquisition of the land is completed, and

Status: This is the original version (as it was originally enacted).

- (b) at any time after the extinguishment date it appears to the appropriate authority that the proposal to acquire the land has been abandoned.
- (5) The appropriate authority must by order direct that the right is to revive.
- (6) “The appropriate authority” is—
 - (a) if the order granting development consent was made by a Panel or the Council, the Commission;
 - (b) in any other case, the Secretary of State.
- (7) Nothing in subsection (5) prevents the making of a further order extinguishing the right of way.