



Town and Country Planning Act 1990

1990 CHAPTER 8

PART X

HIGHWAYS

Orders by other authorities

258 Extinguishment of public rights of way over land held for planning purposes.

- (1) Where any land has been acquired or appropriated for planning purposes and is for the time being held by a local authority for the purposes for which it was acquired or appropriated, then, subject to section 259, the local authority may by order extinguish any public right of way over the land, being a footpath or bridleway, if they are satisfied—
 - (a) that an alternative right of way has been or will be provided; or
 - (b) that the provision of an alternative right of way is not required.
- (2) In this section any reference to the acquisition or appropriation of land for planning purposes shall be construed in accordance with section 246(1) as if this section were in Part IX.
- (3) Subsection (1) shall also apply (with the substitution of a reference to the Broads Authority for the reference to the local authority) in relation to any land within the Broads which is held by the Broads Authority and which was acquired by, or vested in, the Authority for any purpose connected with the discharge of any of its functions.

Modifications etc. (not altering text)

- C1** S. 258: power to apply (with modifications) conferred by [Local Government, Planning and Land Act 1980](#) (c. 65, SIF 123:1), s. 149(3)(b), [Sch. 29 Pt. II para. 8](#) as substituted by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 4, [Sch. 2 para. 44\(13\)](#)
- C2** S. 258: power to modify conferred (10.11.1993) by 1993 c. 28, s. 171(3)(b); S.I. 1993/2762, [art. 3](#)
- C3** S. 258 applied (with modifications) (7.6.2004) by [The Milton Keynes \(Urban Area and Planning Functions\) Order 2004](#) (S.I. 2004/932), [art. 5](#), [Sch. para. 8](#) (with arts. 6, 7)

Status: Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 258 is up to date with all changes known to be in force on or before 10 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

S. 258 applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)

S. 258 applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**

S. 258 applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**

C4 S. 258(1) extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(a)** (with ss. 7(6), 115, 118, Sch. 8 para. 7)

Status:

Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation:

Town and Country Planning Act 1990, Section 258 is up to date with all changes known to be in force on or before 10 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.