2013 No. 2201

RIGHTS OF WAY, ENGLAND

The Town and Country Planning (Public Path Orders) (Amendment) (England) Regulations 2013

Made - - - -	*3rd September 2013*
Laid before Parliament	*6th September 2013*
Coming into force - -	*1st October 2013*

The Secretary of State, in exercise of the power conferred by section 333(1)(a) of the Town and Country Planning Act 1990(**a**), makes the following Regulations.

Citation, commencement and application

1. These Regulations—

(a) may be cited as the Town and Country Planning (Public Path Orders) (Amendment) (England) Regulations 2013;

(b) come into force on 1st October 2013; and

(c) apply in relation to England only.

Amendment of the Town and Country Planning (Public Path Orders) Regulations 1993

2.—(1) The Town and Country Planning (Public Path Orders) Regulations 1993(**b**) are amended as follows.

(2) In Schedule 1 (forms of public path order), in Form 1, for the preamble, substitute—

"[This order is made by [*name of authority*] under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to [stop up][divert] the [footpath][bridleway][restricted byway] to which this order relates in order to enable development to be carried out [in accordance with planning permission granted under [Part 3][section 293A] of the Town and Country Planning Act 1990][by a government department], namely: [*insert description of development and, if appropriate, name of department*].]

[This order is made by [*name of authority*] under section 257 of the Town and Country Planning Act 1990 because it is satisfied that—

(a) an application for planning permission has been made under Part 3 of that Act, namely: [*insert description of development*], and

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(**a**) 1990 c. 8.
(**b**) S.I. 1993/10, amended by S.I. 2006/1177; there are other amending instruments but none is relevant.

(b) if the application were granted it would be necessary to authorise the [stopping up][diversion] of the [footpath][bridleway][restricted byway] to which this order relates in order to enable the development to be carried out.".

Richard Benyon
Parliamentary Under Secretary of State
3rd September 2013   Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Public Path Orders) Regulations 1993 (S.I. 1993/10) ("the 1993 Regulations") in relation to England, following the enactment of section 257(1A) of the Town and Country Planning Act 1990 (c. 8) ("the 1990 Act") by section 12 of the Growth and Infrastructure Act 2013 (c. 27).

By section 257(1)(a) of the 1990 Act competent authorities are permitted to make orders authorising the stopping up or diversion of a footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under either Part 3 or section 293A of the 1990 Act.

Section 257(1A) now permits competent authorities to stop up or divert a footpath, bridleway or restricted byway where they are satisfied that it would be necessary do so in order to enable development to be carried out in accordance with planning permission for which an application has been made under Part 3 of the 1990 Act, were that application to be granted.

These Regulations provide for an alternative preamble to the draft form of stopping up or diversion Order set out in Form 1 in Schedule 1 to the 1993 Regulations which refers to this new ground for a competent authority to make such an Order.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.