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Public path orders

The Town and Country Planning Act 1990



Section 257 (diversion and stopping-up orders)

5.13 Section 257 gives an authority the power to divert or stop up (extinguish) footpaths or bridleways to develop the land they are on. The development must be:

- In line with planning permission given under Part III of the Act or by a government department.

5.14 The Secretary of State or the inspector must be sure that to stop up or divert the path is necessary for the development to be carried out.

5.15 If the Secretary of State or inspector finds that the order is necessary, he or she may consider any disadvantages or loss likely to be caused as a result of the order. If the disadvantages or loss are too great, the order may not be confirmed.

5.16 The Secretary of State or the inspector will not consider the need for the development. But he or she will be aware of the purpose of the development and how important it was considered to be when planning permission was granted. When reaching a decision on the order, he or she must take into account the advantages gained by closing or diverting the path, as well as the disadvantages.

5.17 There are no arrangements for compensating landowners whose land is needed for a new public right of way under this section, or for compulsorily purchasing that land. So the authority must have the landowner's permission to create a new right of way over the land.

Section 258 (extinguishment orders)

5.18 Section 258 gives an authority the power to stop up a footpath or bridleway on its own land if it plans to develop the land.

5.19 The Secretary of State or the inspector must be sure that either:

- The authority has provided or will provide an alternative right of way.
- An alternative right of way is not needed.

Section 261 (temporary stopping-up orders)

5.20 Section 261 gives an authority the power to stop up or divert a footpath or bridleway for a while so that minerals can be mined from the surface. The authority must restore the path afterwards to a reasonable condition.

5.21 The Secretary of State or inspector will consider the same criteria as for a Section 257 diversion and stopping-up order (see 5.13 and 5.14).



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