
STATUTORY INSTRUMENTS

1993 No. 10

RIGHTS OF WAY

**The Town and Country Planning
(Public Path Orders) Regulations 1993**

<i>Made</i>	- - - -	<i>7th January 1993</i>
<i>Laid before Parliament</i>		<i>8th January 1993</i>
<i>Coming into force</i>	- -	<i>31st January 1993</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of their powers under sections 259(4) and 333(1) of, and paragraphs 1 and 6 of Schedule 14 to, the Town and Country Planning Act 1990⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Public Path Orders) Regulations 1993 and shall come into force on 31st January 1993.

(2) In these Regulations, unless the context otherwise requires,—

“the Act” means the Town and Country Planning Act 1990;

“authority” means the authority responsible for making the order;

“public path order” means an order made under section 257 (footpaths and bridleways affected by development: orders by other authorities) or 258 (extinguishment of public rights of way over land held for planning purposes) of the Act and includes an order revoking or varying any such order⁽²⁾.

“Schedule 14” means Schedule 14 to the Act.

Form of public path order and map and priority of schedule to order

2.—(1) A public path order shall be in the relevant form set out in Schedule 1 to these Regulations or in a form substantially to the like effect, with such modifications as may be required, and shall at the end be sealed and dated.

(2) A public path order shall contain a map which shall be on a scale of not less than 1:2500 or, if such a map is not available, on the largest scale readily available.

(1) 1990 c. 8.

(2) See Section 333(7) of the Act.

Notice of public path orders

3.—(1) Any notice required to be given under Schedule 14 by an authority shall be in the relevant form set out in Schedule 2 to these Regulations or in a form substantially to the like effect.

(2) The persons on whom notice is required to be served under paragraphs 1(2)(b) and 7(1)(b) of Schedule 14 shall in respect of the areas specified in column 1 of Schedule 3 to these Regulations include the persons specified in column 2 of Schedule 3 to these Regulations.

Procedure for public path orders

4.—(1) A public path order shall be made in duplicate, and where the order is submitted to the Secretary of State for confirmation the order and duplicate shall be sent to him accompanied by:

- (a) two copies of the order and a copy of any notice published as required by paragraph 1(2)(a) of Schedule 14,
- (b) a statement by the authority of the grounds on which the authority consider that the order should be confirmed, and
- (c) any representations or objections which have been duly made with respect to the order and not withdrawn, together with the observations thereon of the authority.

(2) Where a public path order provides for extinguishing a right of way over land under, in, over, along or across which there is any apparatus belonging to or used by statutory undertakers for the purpose of their undertaking, the consent of the undertakers to such order shall also be sent to the Secretary of State when the order is submitted to him for confirmation.

(3) After a decision not to confirm a public path order, the authority shall, as soon as the requirements of paragraph 7(4) of Schedule 14 have been complied with, so certify in writing to the Secretary of State.

(4) After a public path order has been confirmed by the Secretary of State, the authority shall, as soon as the requirements of paragraph 7(1) of Schedule 14 have been complied with, so certify in writing to the Secretary of State and send him a copy of the notice of confirmation of the order served under paragraph 7 or given under paragraph 8 of Schedule 14.

(5) After a public path order has been confirmed the authority shall send a copy of it as confirmed to the Ordnance Survey.

Revocation

5. The Town and Country Planning (Public Path Orders) Regulations 1983(3) are hereby revoked.

7th January 1993

Michael Howard
Secretary of State for the Environment

6th January 1993

David Hunt
Secretary of State for Wales

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SCHEDULE 1

Regulation 2(1)

FORMS OF PUBLIC PATH ORDER
FORM 1 PUBLIC PATH [STOPPING UP] [DIVERSION] ORDER TOWN AND COUNTRY
PLANNING ACT 1990, SECTION 257

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[TITLE OF ORDER]

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]* to which this order relates in order to enable development to be carried out *[in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990]* *[by a government department]* namely: *[insert description of development and, if appropriate, name of department]*.

BY THIS ORDER:

1. The *[footpath]* *[bridleway]* over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this order ("the Schedule") shall be *[stopped up]* *[diverted]* as provided below.

[2. There shall be created to the reasonable satisfaction of *[name of authority]* an alternative highway for use as a replacement for the said *[footpath]* *[bridleway]* as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.]

[2. The *[footpath]* *[bridleway]* over the land described in Part 3 of the Schedule and shown hatched black on the attached map shall be improved to the reasonable satisfaction of *[name of authority]* by *[description of improvement]*.]

3. The *[stopping up]* *[diversion]* of the *[footpath]* *[bridleway]* shall have effect on *[the date on which [name of authority] certify that the terms of Article 2 above have been complied with]* *[the confirmation of this order]*.

[4. The following works *[may]* *[shall]* be carried out in relation to the highway described in Part [1] [2] [3] of the Schedule: *[description of works]*.]

[5. *[Name of person]* is hereby required to *[pay]* *[make the payments of [details of payments]]* *[for]* *[towards]* the cost of carrying out the said works.]

[6. Where immediately before the date on which the *[footpath]* *[bridleway]* is *[stopped up]* *[diverted]* there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.]

SCHEDULE

PART 1

Description of site of existing path or way

[Describe position and width, where necessary in sections, e.g. A-B, B-C etc. as indicated on the map.]

PART 2

Description of site of alternative highway

[Describe position and width, where necessary in sections, e.g. D-E, E-F etc. as indicated on the map.]

PART 3

Description of existing highway to be improved

[Describe position and width, where necessary in sections, e.g. G-H, H-I etc. as indicated on the map.]

NOTE: Insert or omit words in square brackets as appropriate.

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FORM 2 PUBLIC PATH EXTINGUISHMENT ORDER TOWN AND COUNTRY PLANNING ACT 1990, SECTION 258(1)

[TITLE OF ORDER]

This order is made by [name of authority] under section 258(1) of the Town and Country Planning Act 1990, which:

- (a) has [acquired] [appropriated] for planning purposes the land described in the Schedule to this order ("the Schedule") which is subject to the public [footpath] [bridleway] to which this order relates and such land is held by the authority for the purposes for which it was [acquired] [appropriated]; and
- (b) is satisfied that [an alternative [footpath] [bridleway] [has been] [will be] provided] [the provision of an alternative [footpath] [bridleway] is not required];

BY THIS ORDER the public right of way over the land, being a [footpath] [bridleway] and shown by a bold black line on the attached map and described in the Schedule is extinguished [on the confirmation of this order] [at the expiration of days from the date of confirmation of this order].

SCHEDULE

Description of site of path or way extinguished

[Describe position and width, where necessary in sections, e.g. A-B, B-C etc. as indicated on the map.]

NOTE: Insert or omit words in square brackets as appropriate.

SCHEDULE 2

Regulation 3(1)

FORMS OF NOTICE

FORM 1 NOTICE OF PUBLIC PATH ORDER TOWN AND COUNTRY PLANNING ACT 1990, SECTION [257] [258(1)] AND PARAGRAPH 1 OF SCHEDULE 14

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[NAME OF AUTHORITY]

[TITLE OF ORDER]

(1)* [To:
of]

The above order was made on 19 . The effect of the order will be to [stop up] [extinguish] [divert] the public [footpath] [bridleway] running from to [and create an alternative [footpath] [bridleway] instead] [on] [to] a line running from to] [improve the public [footpath] [bridleway]] as shown on the order map.

A copy of the order and the order map may be seen free of charge at from a.m. to p.m. on . Copies of the order and map may be bought there at the price of [].

Any representation about or objection to the order may be sent or delivered in writing addressed to [the appropriate officer] [name and address of authority] not later than (2)* 19 . Please state the grounds on which it is made.

If no such representations or objections are duly made, or if any so made are withdrawn, [name of authority] may itself confirm the order as an unopposed order. If the order is sent to the Secretary of State for [the Environment] [Wales] for confirmation any representations or objections which have not been withdrawn will be sent with the order.

Dated 19 .

NOTE: insert or omit words in square brackets and blank spaces as appropriate.

(1)* Insert only in personal notices

(2)* Insert date not less than 28 days from the date of first publication of this notice.

FORM 2NOTICE OF CONFIRMATION OF PUBLIC PATH ORDERTOWN AND COUNTRY PLANNING ACT 1990, SECTION [257] [258] AND PARAGRAPH [7] [8] OF SCHEDULE 14

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[NAME OF AUTHORITY]

[TITLE OF ORDER]

* [To:
of .]
On 19 [the Secretary of State [for the Environment] [for Wales]] [name of authority] confirmed the above order [with modifications].

The effect of the order as confirmed is to [stop up] [extinguish] [divert] the public [footpath] [bridleway] running from to [and [create] [improve] an [alternative] [existing] [footpath] [bridleway] for use as a replacement] [to a line running from to] as shown on the order map.

A copy of the confirmed order and the order map may be seen at free of charge between a.m. and p.m. on . Copies of the order and map may be bought there at the price of [].

This order comes into force on [] [the date on which [name of authority] certify that the terms of Article 2 of the order have been complied with] but if any person aggrieved by the order desires to question its validity or that of any provision contained in it on the ground that it is not within the powers of the above Act, or on the ground that any requirement of that Act or any regulation made under it has not been complied with in relation to the confirmation of the order, he or she may apply to the High Court for any of these purposes under section 287 of the Town and Country Planning Act 1990 within 6 weeks from the date on which notice is first published as required by paragraph [7] [8] of Schedule 14 to that Act.

Dated 19 .

NOTE: Insert or omit words in square brackets and blank spaces as appropriate.

* Insert only in personal notices.

SCHEDULE 3

Regulation 3(2)

PERSONS TO BE SERVED WITH NOTICE OF PUBLIC PATH ORDERS

1. Area	2. Name of Persons
England and Wales	Auto-Cycle Union
	British Horse Society
	Byways and Bridleways Trust
	Open Spaces Society
	Ramblers Association
	Cyclists Touring Club
The counties of Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire	Peak and Northern Footpaths Society
Within the county of Bedfordshire: the borough of Luton, and within the district of Mid Bedfordshire the parishes of Harlington and	Chiltern Society

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1. Area	2. Name of Persons
<p>Shillington, and within the district of South Bedfordshire the parishes of Barton le Clay, Caddington and Slip End, Dunstable, Eaton Bray, Houghton Regis, Hyde, Kensworth, Streatley, Studham, Sundon, Toddington, Totternhoe and Whipsnade;</p> <p>Within the county of Buckinghamshire: the districts of Chiltern, Wycombe and South Bucks; and within the district of Aylesbury Vale, the parishes of Aston Clinton, Buckland, Drayton Beauchamp, Edlesborough, Halton, Ivinghoe, Marsworth, Pitstone, Wendover and Weston Turville;</p> <p>Within the county of Hertfordshire: the districts of Dacorum and Three Rivers; and within the district of North Hertfordshire, the parishes of Hexton, Hitchin, Ickleford, St. Ippollitts, Kings Walden, Langley, Lilley, Offley, Pirton, Preston and St Pauls Walden;</p> <p>Within the county of Oxfordshire: the district of South Oxfordshire</p>	
Wales	Welsh Trail Riders' Association

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact the Town and Country Planning (Public Path Orders) Regulations 1983 (“the 1983 Regulations”) with minor and drafting amendments. They prescribe requirements for orders made by local planning authorities under section 257(1) or 258 of the Town and Country Planning Act 1990.

Orders under section 257 authorise the stopping up or diversion of footpaths or bridleways to enable development to be carried out in accordance with planning permission or by a government department. Orders made by local planning authorities under section 258(1) of the Act extinguish public rights of way over footpaths or bridleways over land held by such local authorities for planning purposes.

Regulation 2 and Schedule 1 prescribe the form of order and require that it must contain a map on a specified scale.

Regulation 3 with Schedule 2 prescribe forms of notice of orders and with Schedule 3 prescribe additional persons on whom notice of the making and confirmation of orders must be served.

Regulation 4 contains provisions governing the procedure for orders.

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Regulation 5 revokes the 1983 Regulations.