

*These notes refer to the Planning Act 2008 (c.29)  
which received Royal Assent on 26 November 2008*

# **PLANNING ACT 2008**

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## **EXPLANATORY NOTES**

### **COMMENTARY**

#### **Part 7, Chapter 1: Content of development consent orders**

##### ***Section 136: Public rights of way***

233. This section specifies that no order granting development consent can be made that extinguishes any public right of way over land unless the authority making it is satisfied that an alternative right of way has been or will be provided, or that such an alternative right of way is not required. Where an order granting development consent authorises the purchase of land and also extinguishes a non-vehicular public right of way over the land, the latter cannot take effect earlier than the date on which the order is published. Additionally, the appropriate authority must direct that the right revives, if the right is extinguished before the acquisition of the land is completed and the proposal to acquire the land is abandoned.