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STATUTORY INSTRUMENTS

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**1992 No. 1492**

**The Town and Country Planning General Regulations 1992**

*General*

**Concurrent procedure for acquisition of land and extinguishment of rights of way**

15.—(1) Where—

- (a) under section 226 of the 1990 Act a compulsory purchase order for the acquisition of any land has been made by a local authority to whom that section applies and submitted to the Secretary of State in accordance with the provisions of the Acquisition of Land Act 1981(1), or
- (b) any land has been acquired by a local authority under section 227 of the 1990 Act,

the following provisions of this regulation shall have effect to secure that proceedings required to be taken for the purposes of orders under section 251 of the 1990 Act may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished or for the purposes of the acquisition of any other land for the purpose of providing an alternative right of way.

(2) The Secretary of State may on or after such submission or acquisition as is mentioned in paragraph (1) publish in accordance with the provisions of section 252(1) of the 1990 Act notice of an order he proposes to make under section 251 of that Act relating to the extinguishment of any such right of way.

(3) On or after the publication of any such notice, the Secretary of State may prepare in draft, or a local highway authority may make, a compulsory purchase order under section 254(1)(b) of the 1990 Act for the acquisition of land for providing an alternative right of way.

(4) Subject to paragraph (5) any other proceedings required to be taken in connection with the making of an order under section 251 of the 1990 Act may be taken concurrently with the proceedings required to be taken in connection with such an order as is mentioned in paragraph (1)(a) and any other proceedings for the making or confirmation of such a compulsory purchase order as is referred to in paragraph (3) may be taken concurrently with either or both of the said proceedings.

- (5) Until the land over which the right of way subsists has been acquired by the local authority—
  - (i) no order under section 251 of the 1990 Act shall be made, and
  - (ii) no such compulsory purchase order as is referred to in paragraph (3) shall be made by the Secretary of State or confirmed.