

*These notes refer to the Planning (Wales) Act 2015  
(c.4) which received Royal Assent on 6 July 2015*

# PLANNING (WALES) ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 6 Development Management etc**

#### ***Section 38 – Stopping up or diversion of public paths where application for planning permission made***

145. This section amends sections 257 of the TCPA 1990 to enable the process leading to the stopping up or diversion of public paths to start once an application for planning permission has been made but before planning permission has been granted.
146. [Section 257](#) currently enables an order authorising the stopping up or diversion of footpaths (and certain other paths) where this is necessary in order to enable development to be carried out in accordance with planning permission (or by a government department). The amendment enables an order stopping up or diverting a public path to be made in anticipation of planning permission.
147. The section also amends section 259 of the TCPA 1990 so that the competent authority or Welsh Ministers may not confirm a stopping up or diversion order until planning permission has actually been granted. It further amends section 259 so that the competent authority or Welsh Ministers may not confirm an order unless satisfied that it is necessary to enable the development to be carried out.