

PLAF BRIEFING NOTE

17 December 2012 – Agenda Item 10 – Growth and Infrastructure Bill



I. Introduction

- I.1 At the Forums request this report provides an update on the forthcoming Growth and Infrastructure Bill and its impact upon public rights of way.
- I.2 The bill is currently being reviewed by the Public Bill Committee who are expected to report to the House of Commons on 6 December 2012. The bill has not yet received Royal Assent and is unlikely to do so until well into the new year. It may well be amended in that time.
- I.3 In essence however the bill proposes what the government see as minor, simple and non-contentious legislative change relating to the relationship between development and public rights of way. The bill proposes that s.257 of the Town and Country Planning Act 1990 be amended to remove the current constraint that a diversion or extinguishment Order which is needed to enable the implementation of planning permission can only be made after planning permission has been granted. Instead an application for planning permission and an application to divert or extinguish the public highway as part of that permission can be considered together.
- I.4 A further more minor change is to alter s.31(6) Highways Act 1980 which enables a landowner to deposit a plan and statement prevent new public rights accruing. The proposed amendment will extend the period between declarations to 20 years, prescribing the form of such deposits and allow a local authority to make a small charge for administrative costs. This change is designed to align the rights of way deposits with new provisions being introduced relating to Town or Village Greens.