

## Guidance Notes

Please read before completing the application form for stopping up or diversion orders  
These notes relate to orders under Section 247 and 253 of the Town and Country Planning Act 1990

### Definitions

- 'Highway' means land over which the public have certain rights of way. Highways may be classified as follows:
  - 'all-purpose highway' means one over which the public have rights of way on foot and with vehicles, and over which they may exercise an animal that can use a bridleway:
  - 'carriageway' means a way forming all, or part of, a highway (other than a cycle track) over which the public have a right of way for the passage of vehicles;
  - 'footway' means that part of an all-purpose highway over which the public have a right of way on foot only:
  - 'footpath' means a highway that is not an all-purpose highway, over which the public have a right of way on foot only;
  - 'bridleway' means a highway over which the public have rights of way on foot and on horseback, or when leading horses, with or without a right to drive any sort of animal along that highway. There is no other right of way on a bridleway, except in certain circumstances for non-motorised bicycles.
  - 'cycle track' means a way forming all, or part of, a highway, over which the public have a right of way on pedal cycles, with or without a right of way on foot. There is no other right of way on a cycle track.

### Powers

- **Under Section 247 of the Act, the Highway's Authority may, by order, authorise the stopping up or diversion of any highway, if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission granted under Part III of the Act, or to be carried out by a government department.**

Therefore a copy of the relevant planning permission must be submitted before an application can proceed - see advice under 'Enclosures'.

- In the case of footpaths and bridleways, Section 257 of the Act empowers a local planning authority to make a stopping up or diversion order if it is satisfied that it is necessary to do so for the purpose described in Section 247 (1).

### Enclosures

- When the Highways Authority is considering an application to stop up or divert a highway, the Authority must be able to understand the effect of the development on the highway.
- It is essential that measurements be accurately described in the order schedule, measurements must be to scale. **It should be possible to scale the measurements from the approved plan and the order plan and for both to agree.**
- You should send the following items with your application:
  - a copy of the planning permission with plans granted under Part III of the Act. **Although an outline planning permission may be acceptable when publishing notice of a draft order, it may be necessary to wait until detailed planning permission is given before making that order;**
  - a copy of the approved site layout plan with the site boundary edged red and the existing highway with that site edged blue;
  - copies of correspondence with the highway authority;
  - copies of correspondence with statutory undertakers;
  - a plan showing the highway to be stopped up or diverted.
  - **Initial interim fees - £6,524.21 Please note, final fees associated with the stopping up order will be based on Time Charge to process the application and calculated based on Council's Fees and Charges rates and confirmed before the Order is published.**

### S 253 Applications

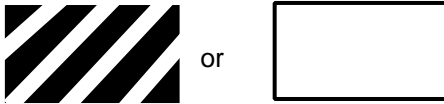
Copy of the application for planning permission and relevant plans, a copy of the appeal, CPO or submission to the Secretary of State.

## Submission of plans for incorporation in order

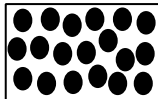
The following will be required:

- An up-to-date plan, or plans A3 or A4 size based on Ordnance Survey and drawn to a scale of 1/1250 or 1/500 or to other suitable scales.
- The plans should show existing highway(s) clearly labelled and be marked to show the details of stopping up etc as indicated below. It is also important that sufficient of the surrounding area appears on the plan to enable the location to be easily identified. Where locations to which reference is made in the form do not appear on the plan, their direction and the distance in metres from the end of the highway to be stopped up should be indicated.
- plan(s) to be marked as follows:

- (a) The highways proposed to be stopped up or diverted should be shown by zebra hatching or edged black;



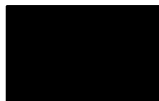
- (b) Any new highway (all-purpose highways, footpaths or bridleways) pursuant to the order should be shown by stipple.



- (c) Any existing highway to be improved pursuant to the order should be shown by cross hatching over the affected length. The cross-hatching should also include any widening or re-alignment.



- (d) Any private means of access to premises or footpath to be stopped up should be shown in solid black.



- (e) Any new means of access to premises should be shown by thin diagonal hatching.



New footpath to be provided.



- (f) **All plans must clearly show a North point**, preferably prepared so that North is shown parallel with the vertical side of the plan.
- (g) The terminal points of the lengths of highway proposed to be stopped up or diverted must be clear on the plans.
- (h) Highways such as footpaths and bridleways must be identified in orders in words, eg. 'the footpath/bridleway leading to North Street from West Road'. Sufficient information should be given on the plans to enable an adequate description to be prepared.
- (i) An unmarked copy of the above plan is required.

- Measurements - metric, normally taken from the backline of the footway.
- No other details are required.

### Timescale for making an order

- Once the details of an application have been agreed and registered, it can take a **minimum of 6 to 8 months** to make an order provided there are no objections to the proposals:
- If objections are received and cannot be resolved within a reasonable timescale, it will normally be necessary for the Mayor of London to hold a local inquiry. **In such cases the period before a decision is taken will be considerably longer, possibly a year or even longer in some cases.**

### **Objections**

If any objections to the proposed order are made to the Highway Authority, they will be copied to the applicant so that he may, if he wishes negotiate with the objectors with a view to resolving the objections. Where objections cannot be resolved within a reasonable timescale, it will normally be necessary for the Mayor of London to hold a local inquiry.

### **Return of Form**

One completed copy of form TCPA 247 (together with all the necessary enclosures) should be sent to the appropriate Highways Authority at the address given below:

**London Borough of Barnet  
Development Regulatory Services  
Highways Service - Traffic & Development Section  
3<sup>rd</sup> Floor  
2 Bristol Avenue,  
Colindale,  
London NW9 4EW**