



TOWN & COUNTRY PLANNING ACT 1990 – Section 257

Notes re: Stopping up or diversion of footpaths and bridleways

1. Scope of Local Planning Authority's Powers

The Local Planning Authority's powers under Section 257 of the Town and Country Planning Act, 1990, are limited to stopping up of footpaths and bridleways to the extent necessary to enable development to be carried out in accordance with planning permission granted under the Town and Country Planning Act, 1990. Small lengths of footpaths outside the area of approved development becoming otherwise redundant may, however, be included in an application for a diversion.

2. Planning Permission

It is essential for the Local Planning Authority to know precisely how the highway will be affected by the proposed development. In the case of outline planning applications, it will not normally be possible for the Local Planning Authority to deal with an application for the stopping up or diversion of footpaths until planning approval has been given to the detailed plans. An outline permission may be acceptable for the purpose of making the Order, providing it contains sufficient information to show that the proposed stopping up order or diversion order is necessary to enable the development to be carried out in accordance with the approved plans.

3. Plans

Six copies of plans illustrating the proposed stopping up or diversion are required. These must be drawn to a scale of 1/2500 (1/1250 should be used if the length of highway to be stopped up is very short). The scale must be quoted on the plan. The plan must show a North Point and be dated. Sufficient of the surrounding area must be shown on the plan to enable the location of the highways to be easily identified and these must be illustrated as follows:-

- a) Footpaths or bridleways to be stopped up must be shown by a solid black line and terminal points marked A and B on the plan.

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- b) Any substitute footpaths or bridleways must be shown by thick black dashes, and the terminal points, if different from the original, marked C and D on the plan.

In addition to the above, the terminal points of the highways to be stopped should be described in words on the application form. If a substitute highway is to be provided with different terminal points, these should be described in words on the form (see questions 3(d) and 4(c) on the application form). The proposed development should be shown on the plan to illustrate its effects on the footpath and bridlepaths in question.

4. Period for making an Order

The minimum time taken for making an Order – allowing for the statutory objection period of one month from the date of publication of Notice of the Local Planning Authority’s proposal to make an Order – could be about 4 months from the date of receiving all the required information.

5. Objection

If any objections to the proposed order are made to the Local Planning Authority, a copy will be sent to the applicant for the Order so that he may, if he wishes, negotiate with the objectors with a view to resolving the objections. Where objections cannot be resolved by the applicant, the Order will be sent to The Secretary of State for the Environment, and it will normally be necessary for the Secretary of State to hold a local inquiry.

6. Effective Date

Any Order made will become effective on confirmation, but if the Order provides for a substitute to be provided before the existing highway is stopped up, this provision must be complied with to the satisfaction of the Highway Authority.

7. Return of the Completed Application Form

Two copies of the completed application form, together with 6 copies of the necessary plans, should be sent to:

**Group Manager Planning & Housing
Forest of Dean District Council
High Street
COLEFORD
Glos
GL16 8HG**