

For Department's Use Only

File Ref:
Date Acknowledged:



Stopping Up and Diversion of Highways

Section 248 of the Town and Country Planning Act 1990
(and section 125 of the Highways Act 1980)

Important:

- You have no authority to stop up or divert a highway until the notice announcing that the Secretary of State has made an order is published. Not only is it an offence to obstruct or interfere with a highway before this is done, but it may also make it impossible for the Secretary of State to make an order.
- Please read the guidance notes at the end of this form before answering any questions.
- Please ensure all the necessary enclosures accompany this form (*see guidance note*).
- Please ensure you sign the declaration (Section H)

A – Names and Addresses
Please Give:

The names, addresses, postcode and ordnance survey number of the place(s) where The highway(s) is/are situated	<input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/>
The name, address and postcode of the Council which is the Highway Authority for the highway(s) concerned	<input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/>
The name, address and postcode of the Borough/District Council for the highway(s) concerned if not the highway authority	<input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/>
The Name of the parish or town council and the name, address, postcode and telephone number of its clerk (if none, put 'none')	<input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/>
The developer's full name, address, postcode and telephone number	<input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/>
The applicant's full name, address, postcode and telephone number if not the developer	<input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/>
The name of the main local newspaper and the day which it is published	<input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/>
A contact name, telephone number, address and postcode of a local public office which can be a library or post office where the public may inspect the order and deposited plan	<input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/> <input style="width: 100%; height: 15px;" type="text"/>

A – Names and Address (cont.)

Please give the names, addresses and postcodes of the relevant statutory undertakers:

Gas	<input type="text"/> <input type="text"/> <input type="text"/>
Electricity Company	<input type="text"/> <input type="text"/> <input type="text"/>
National Grid Company (PLC)	<input type="text"/> <input type="text"/> <input type="text"/>
Powergen, National Power	<input type="text"/> <input type="text"/> <input type="text"/>
Water Company or Undertaker	<input type="text"/> <input type="text"/> <input type="text"/>
Telecommunications Code Systems Operators (e.g. British Telecom)	<input type="text"/> <input type="text"/> <input type="text"/>
Any other Undertaker	<input type="text"/> <input type="text"/> <input type="text"/>

Please enclose copies of all correspondence with these bodies (Continue on a separate sheet if necessary)

B – The Intended Road Works

Describe briefly the road works which necessitates the closure/diversion. Please also attach a statement justifying this stopping up or diversion, either as an appendix or as a covering letter.

- Who granted planning permission for this development Council
- What is the date of this permission?
- On what date is development on the highway expected to start?
- Is there a related compulsory purchase order, or other statutory action Yes No
- Is the highway to be stopped up currently obstructed even temporarily? Yes No

If "Yes" to either question, please give details

C – Highway to be stopped up or diverted

- Is it: All purpose highway (including footways and verges) bridleway footpath cycle track

• What is its name?

And classification number (if any)?

- Description of each section:
Please ensure you provide a full description of each area to be stopped up.

	Length (metres)	Width (metres)	Terminal Points	
			From	To
1				
2				
3				
4				

(continue on a separate sheet if necessary)

- Who Owns the land on either side of each section?

1	
2	
3	
4	

(continue on a separate sheet if necessary)

D – Consents

WARNING – if there is no evidence to the contrary, then it is presumed that the owners of the adjoining land own the sub-soil of the highway, up to the centre line. The making of an order may be delayed or frustrated if you fail to obtain consent from the owner of the sub-soil. Even if an order is made, a development may be frustrated if consent has been withheld.

- Have you obtained written consent from everyone who has an interest in the land to be developed

Insofar as consent is needed before the development can be carried out? Yes No

If “Yes”, please attach these consents.

If “No”, please attach names and addresses of persons whose consents you have not obtained.

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•	
•	
•	

(continue on a separate sheet if necessary)

E – New Highway to be provided (if any)

- Is it: All purpose highway bridleway footpath cycle track
- Has the highway authority agreed to maintain the new highway? Yes No
If “Yes”, please attach copies of any correspondence
- If “No”, Who will maintain the new highway?
- Who owns the land to be dedicated as new highway?
- If the applicant will not own or control the land to be dedicated, has the landowner’s consent been given to the proposed dedication? Yes No

(continue on a separate sheet if necessary)

F – Highway to be improved (if any)

- Is it: All purpose highway bridleway footpath cycle track
- What is its name?
- and classification number (if any)?
- Describe the improvement briefly.

G – Private means of access to be stopped up

- Please give a description and state the location of the private access to be stopped up
- Is a new means of access to be provided? Yes No
- If “No”, please state what other means of access is available to the premises affected or why it is thought that no access is required. (if necessary, please continue on a separate sheet).
- Has the consent been obtained of the owners and occupiers of the land whose private means of access is to be stopped up? Yes No
- Please give the names and address of the owners and occupiers affected (Please state whether they are owners of occupiers). [If necessary, please continue on a separate sheet]

H – Section 253 applications

(Normally only applicable to Local Authority or Statutory Undertaker unless [D] or [E] applies)

If you are applying in anticipation of planning permission, then please state:

A the name of the local authority or statutory undertaker which is applying

B the date on which the permission was applied for

or **C** the date on which the local authority or statutory undertaker applied to a government department for deemed planning permission under section 90 of the Act or section 2 of the Opencast Coal Act 1958

or **D** the date on which an application was referred to the Secretary of State under section 77 of the Act

or **E** the date on which an appeal was made to the Secretary of State under section 78 of the Act

I – Undertaking and declaration

- I declare that:

I understand that authority to stop up or divert a highway is conferred solely by the publication of the final notice announcing that an order has been made:

Except to the extent authorised by or under some other statutory provision, the highway(s) to be stopped up or diverted is/are in no way obstructed and is/are fully available for use.

- I undertake that:

Except to the extent authorised as above, such highway(s) shall in no way be obstructed before the order comes into operation.

- All the information given in this form is, to the best of my knowledge and belief, true and accurate.

- I apply for an order to authorise the stopping up or diversion of the highway(s) described above,

Contact Signature required

Contact's name

Telephone Number

Date

Please ensure you sign the declaration above.

Please check that you have enclosed everything specified in the guidance notes then send your application to the appropriate Government Office as detailed overleaf. Failure to submit all necessary documentation will result in your application being delayed.

Your attention is drawn to the guidance notes within this application form.

Check List – Items to be submitted with the application.

Please ✓ to check enclosures:

- Approved planning permission (the majority of orders cannot be made without it).
- One** set of the plans approved by the above planning permission, including the approved site layout plan.
Please contact the appropriate Government Office if your order plan is larger than A3. Please also note we do not require a copy of the elevation plans.
- One** approved plan indicating the site boundary edged red and the existing highway boundary within the approved site edged blue.
- One** copy of existing highway layout taken from an up to date Ordnance Survey map to a scale of 1:1250 or 1:500 as appropriate.
- Two** copies of proposed order plan to one of these scales, showing the highway to be stopped up or diverted (*see guidance notes*).
- One** copy of any Section 106 agreement (if applicable).
- One** copy of any Compulsory Purchase Order (if applicable).
- S253 relevant documents to be submitted (if applicable) (see the guidance notes for the documents required)
- Copies of correspondence with statutory undertakers.
- Copies of correspondence with highway authorities including their approval to the proposal together with a plan

Government Offices

Address	Telephone Number	Areas/Counties
Government Office for the North East Wellbar House Gallowgate Newcastle Upon Tyne NE1 4TD	Direct - 0191 202 3712 Switch - 0191 201 3300 Fax - 0191 202 3744	Northumberland, Tyne and Wear, Durham and Teeside.
Government Office for the North West Sunley Tower Piccadilly Plaza Manchester M1 4BE	Direct - 0161 952 4262 Switch - 0161 952 4000 Fax - 0161 952 4490	Cumbria, Lancashire, Greater Manchester, Cheshire and Merseyside.
Government Office for Yorkshire and the Humber City House New Station Street Leeds LS1 4SU	Direct - 0113 283 6437 Switch - 0113 283 6437 Fax - 0113 283 6429	North Yorkshire, South Yorkshire, West Yorkshire and the Humber.
Government Office for the West Midlands 77 Paradise Circus Queensway Birmingham B1 2DT	Direct - 0121 212 5373 Switch - 0121 212 5375 Fax - 0121 212 5455	Metropolitan Districts of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton, and the Counties of Warwickshire, Staffordshire, Shropshire, and Herefordshire and Worcester.
Government Office for East Midlands The Belgrave Centre Stanley Place Talbot Street Nottingham NG1 5GG	Direct - 0115 971 2555 Switch - 0115 971 2558 Fax - 0115 971 2410	Derbyshire, Leicestershire, Lincolnshire, Northamptonshire, Nottinghamshire and Rutland.
Government Office for the Eastern Regions Eastbrook Shaftesbury Road Cambridge CB32 2DF	Direct - 01223 372 755 Switch - 01223 372 500 Fax - 01223 372 501	Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Suffolk.
Government Office for the South East Bridge House 1 Walnut Tree Close Guildford Surrey GU1 4GA	Switch – 01483 882 255 West Team Direct - 01483 882 415 Fax - 01234 796 314 East Team Direct - 01483 882 356 Fax - 01483 882 499	Buckinghamshire, Oxfordshire, Berkshire, Hampshire, Isle of Wight, West Sussex, East Sussex, Surrey and Kent.
Government Office For the South West 1 st Floor 2 Rivergate Temple Quay Bristol BS1 6ED	Direct - 0117 900 1896 Switch - 0117 900 1700 Fax - 0117 900 1906	B.A.N.E.S, Bristol, South Gloucestershire, North Somerset, Cornwall, Isles of Scilly, Devon, Plymouth, Torbay, Dorset, Bournemouth, Poole, Gloucestershire, Somerset, Wiltshire and Swindon.

Guidance Notes

To be read before completing the application form for stopping up or diversion orders.

These notes relate to orders under **Sections 248 and 253** of the **Town and Country Planning Act 1990** and **Section 125** of the **Highways Act 1980**.

Secretary of State's Power

- Where planning permission is granted for constructing or improving a main highway, or the Secretary of State proposes to do this work, or another highway crosses or enters the main highway route or is or will be affected by the construction or improvement, the Secretary of State may make an order under section 248 of the Town and Country Planning Act 1990. Such an order can authorise the stopping up or diversion of any other highway if it appears expedient to do so in the interests of safety or to facilitate the movement of traffic on the main highway. The use of the term main highway in section 248 is purely a term of reference and the powers are available where the construction or improvement of any highway affects any other highway if the first highway has planning permission. The procedure provisions of section 252 apply.
- Section 125 of the Highways Act 1980 extended the powers of the Secretary of State under Section 248 of the 1990 Act to authorise the stopping-up of any private means of access to premises. An order can only be made if the Secretary of State is satisfied that no access to premises is reasonably required or that an alternative means of access is available or will be provided. The procedural provisions of section 252 of the 1990 Act apply.
- Where the Secretary of State would, if planning permission had been granted, have the power to make a stopping-up order or divert a highway, and the applicant is a local authority, statutory undertaker or the National Coal Board or sections 77 or 78 of the 1990 Act apply special provisions exist. In any of these circumstances the Secretary of State may, under section 253 of the 1990 Act publish notice of a draft order before planning permission or deemed planning permission is granted. The Secretary of State cannot actually make the order before planning permission is granted. He can, however, inquire into any objections to the draft order while the planning application or appeal is being considered.

Enclosures

- Subject to what is said below the Secretary of State, in considering an application needs to appreciate how the highway will be affected by the proposed road-works. He also needs to know that the highway authority has been fully consulted by the local planning authority.
- The Secretary of State will therefore require a copy of the planning permission together with the approved site layout plans clearly showing the details of the road-works by a red line or similar means. This should be forwarded in one of the following forms, together with evidence that the highway authority if different from the planning authority granting permission for the road-works, has been consulted. The following will be required:

- a copy of a planning permission granted under Part III of the Town and Country Planning Act 1990;

- a copy of a planning permission granted by the Secretary of State for the Environment or the Minister of Housing and Local Government;

- a copy of a permission by a planning authority before 1 July 1948 together with a copy of any consent necessary under the Restriction of Ribbon Development Act 1935;

- a copy of a resolution passed by a local authority for the purposes of Regulation 4 & 5 of the Town and Country Planning Regulations 1976, whereby planning permission is deemed to have been granted; together with confirmation that the development does not conflict with the Local Plan nor to any direction regarding the planning permission. If the resolution of a committee is submitted a statement is required either confirming the resolution has been adopted by the Council or that the Committee were acting under delegated powers.

- a plan showing the highway to be stopped up or diverted.

- Where the application is submitted under section 253 of the 1990 Act, a copy of the planning application and relevant plans should be forwarded. Private developers should supply a copy of the appeal, CPO or submission to the Secretary of State.

- **Outline planning permission may be acceptable to enable the Secretary of State to publish notice of a draft order under section 248. It will not be possible, however, for the order to be made until detailed planning permission has been granted.** The Department will advise if such planning permission is adequate and of the necessary information required to show the proposed stopping-up or diversion is necessary.

Guidance Note

Submission of plans for incorporation in order

- The following will be required:

- 4 copies of 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 buildings and highway(s) clearly labelled (no details of the new development should be shown on this plan) 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:

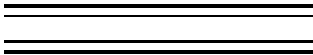
- a) Any highway (all-purpose highways, footpaths or bridleway) to be stopped up or diverted should be shown by zebra hatching or edged black;



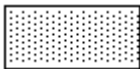
- b) Any private means of access to premises or footpath to be stopped up should be shown in solid black.



- c) The 'main highway' or the route along which the main highway is to be constructed should be shown by clear thick and thin black lines. **(This route will need to be shown on a separate plan to the stopping up)**



- d) Any new highway (all-purpose highways) pursuant to the order should be shown by stipple. **(The new highway should be shown on the same plan as the main highway)**



- e) 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 realignment. **(The improved highway should be shown on the same plan as the main highway)**



- f) New footpaths, bridleways or cycle tracks to be provided. **(The new public right of way should be shown on the same plan as the main highway)**



- g) Any new means of access to premises should be shown by thin diagonal hatching. **The new means of access should to be shown on the same plan as the main highway)**



- h) All plans must clearly show a north point, preferably prepared so that North is shown parallel with the vertical side of the plan.

- i) The terminal points of the lengths of highway proposed to be stopped up or diverted must be clear on the plans.

- j) Highways such as footpaths and bridleways must be identified in orders in words, e.g. '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.

- k) An unmarked copy of the above plan is required.

- No other details are required.

Timescale for making an order

- Once the details of an application have been agreed, it can take a minimum of 5 months to make an order providing there are no objections.**
- If objections are received and cannot be resolved within a reasonable timescale, it will normally be necessary for the Secretary of State 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 Secretary of State, 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 Secretary of State to hold a local inquiry.

Return of form

One completed copy of form TCPA 248 (together with all the necessary enclosures) should be sent to the appropriate Government office at the address given within this form.

CONTINUATION SHEET

A- Names and Address (cont.)

Statutory Undertakers (continued)

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C – Highway to be stopped up or diverted

Description of each section:

	Length (metres)	Width (metres)	Terminal points	
			From	To
5				
6				
7				
8				
9				

Who Owns the land on either side of each section?

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D – Consents

Have you obtained written consent from everyone who has an interest in the land to be developed?

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E – New Highway to be provided (if any)

Who owns the land to be dedicated as new highway?

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Any Other Information

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