

# CITY DEVELOPMENT

## Application for a Stopping Up or Diversion Order Town and Country Planning Act 1990 Section 257

### Important

- You have no authority to Stop Up or Divert a highway until the notice announcing that the City Council or the Secretary of State has confirmed the order, has been 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 Order to be made or confirmed
- Please read the Guidance Notes before answering the questions
- Please ensure all the necessary enclosures accompany this form (see Guidance Notes)

### A – Names and Addresses

Please give:

The address of the place where the highway(s) is/are situated

Postcode

The developers full name, address and telephone number (private or business)

Postcode
Telephone

If a limited company, address of Registered Office

Postcode
Telephone

The agents full name, address and telephone number.  
(if no agent, put 'none')

Postcode
Telephone

**B – The Development**

Describe briefly the development that necessitates the proposed stopping up or diversion. Would you also attach a statement justifying this stopping up or diversion, either as an appendix or as a covering letter?


- What is the planning application reference for the development?
  
- What is the date planning permission was granted?
  
- On what date is work on the development expected to start?
  
- Is there a related compulsory purchase order, or other statutory action?      Yes       No

If 'Yes, please give details.


**C – Highway to be (\*stopped up) or (\*diverted) (\*delete as appropriate)**

• Is it:- Bridleway  Footpath  Unregistered Right of Way

• What is its name?

and number (if known)

• Description of each section

	Length (metres)	Width (metres)	Terminal Points (use OS grid reference points)	
			From	To
1			SK	SK
2			SK	SK
3			SK	SK
4			SK	SK

• Who owns the land on either side of each section?

1	
2	
3	
4	

**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 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 consent's.  
If 'No', please give particulars below of those you have yet to obtain.

(Continue on separate sheet)


**E – (For Diversions): New highway to be created**

- Will it be:- All purpose highway  Bridleway  Footpath

- Description of each section.

	Length (metres)	Width (metres)	Terminal Points (use OS grid reference points)	
			From	To
1			SK	SK
2			SK	SK
3			SK	SK
4			SK	SK

- Who owns the strip of 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   
If 'Yes', please attach copies of any correspondence

**F – (For Stopping Up): Existing highway to be improved (if any)**

- Is it:- All purpose highway  Bridleway  Footpath

- What is its name?   
and classification (if any)

- Description of each section

	Length (metres)	Width (metres)	Terminal Points (use OS grid reference points)	
			From	To
1			SK	SK
2			SK	SK
3			SK	SK
4			SK	SK

- Describe the improvement briefly (continue on separate sheet if necessary)

### G – Undertaking and Declaration

I/We declare that:-

I/We understand that authority to stop up or divert a highway is conferred solely by the publication of a notice announcing that the order has been confirmed.

- I/We undertake that:-  
Except to the extent authorised above, such highway shall in no way be obstructed before the order has been confirmed and comes into operation.
- All information given in this form is, to the best of my knowledge and belief, true and accurate.
- I/We apply for an order to authorise the stopping up or diversion of the highway(s) described above.
- I/We agree to pay any costs, which may be incurred, under Section 257(2) of the Town and Country Planning Act 1990.
- I/We agree to pay all of the City Council's legal, administrative and advertising costs in connection with the making and confirmation of the Order (please see below Guidance Notes and Charging for Public Path Orders)

Signed:	Position:	Dated:
.....	.....	.....
.....	.....	.....
.....	.....	.....

Please check that you have enclosed everything specified on the form or identified in the Guidance Notes, then send your completed application to:

**Nottingham City Council  
City Development  
Traffic Management  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT**

- Check list of items to be submitted with application. Please  to check enclosures.
- The approved planning permission. (The majority of orders cannot be made without it)
- One set of plans approved by the planning permission, including the site layout plan.
- One copy of existing highway layout taken from an up to date Ordnance Survey map scale 1:1250 or 1:500 as agreed.
- One copy of proposed order plan, showing the highway to be stopped up or diverted, to scale as above.
- One copy of a plan showing the existing highway to be improved (if any).
- One copy of section 106 Agreement (if applicable).
- One copy of Compulsory Purchase Order details (if applicable).
- Copies of correspondence with statutory undertakers.
- Copies of any correspondence with the Highway Authority.

## **GUIDANCE NOTES**

Please read carefully before completing the application forms for Stopping Up or Diversion Orders under Section 257 of the Town and County Planning Act 1990

### **Definitions**

“Highway” means land over which the public has certain rights of way. These forms may be used to stop up or divert highways with footpath and bridleway rights over them

“footpath” means a highway over which the public have a right of way on foot only.

“bridleway” means a highway over which the public have a right of way on foot, on horseback or non-motorised bicycles or when leading horses, with or without a right to drive any sort of animal along the highway.

### **Powers**

Under Section 257 of the Act, the City Council being the Local Planning Authority may, by order, authorise the stopping up or diversion of footpaths and bridleways, if the Authority 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. Therefore a copy of the relevant planning permission must be submitted before an application can proceed, except where Section 253 of the Act applies.

### **Plans required for submission**

One copy of existing highway layout taken from an up to date Ordnance

Survey map of a scale not less than 1:2500 or as agreed. The plan should show existing highways, with the terminal points of the lengths of the highway proposed to be stopped up, diverted or improved, clearly labelled.

An unmarked copy of the above plan is also required

All plans must clearly show a north point preferably shown parallel with the vertical side of the plan.

Highways must be identified in orders in words e.g. “the footpath/bridleway leading to Nottingham Road from London Street”. Sufficient Information should be given on the plans to enable an adequate description to be prepared.

Distances and highway lengths shall be provided in metric measurement.

### **Objections**

If any objections to the proposed order are made to the City Council, they will be copied to the applicant so that the applicant may, if they wish, negotiate with the objectors with a view to resolving the objections.

Where objections cannot be resolved within a reasonable time scale, it may be necessary for the Secretary of State to hold a public Inquiry. In such cases, the period before a decision is taken will be considerably

long, possibly a year or even longer in some cases.

### **General Information**

If you believe that a path, track or way exists on the land that may be affected by the proposed development and that the public have had access to and along that path, track or way you are advised to discuss the proposal with one of the City Council's Highway Authority officers as early as possible. They will be able to advise whether the path, track or way is a public right of way and whether the effect of the development on the line of the path, track or way meets the basic statutory criteria (which are detailed in these Guidance Notes under Powers) and that the making of an order can be fully justified. A site visit would generally be necessary between the applicant(s)/developers and representative(s) of the Highway Authority.

In normal circumstances, the City Council will only consider the stopping up of a path if an existing alternative path can be improved to act as a replacement to the one(s) being authorised to be stopped up, or where it is neither practical nor physically possible for a diversion to be used instead.

**Please Note:** You will also need to provide evidence of who has title to the land concerned.

### **Charging for Public Path Orders**

The Local Authorities (Recovery of Cost of Public Path Orders) Regulations 1993, as amended by

The Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 allows the City Council to charge for the administrative costs incurred in the making of a Public Path Order.

There is a fixed (non-refundable) fee of £150.00 which is payable to cover the initial costs of opening a file, notifying interested parties and holding a site meeting. Please send a cheque for £150.00 payable to Nottingham City Council with the completed application forms to:-

**Nottingham City Council  
City Development  
Traffic Management  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT**

Once it is agreed that it is reasonable to proceed, a cheque for £1850.00 payable to Nottingham City Council should be sent with a covering letter to the address given above. This covers the costs of any further site meetings, preparing and advertising the Order and maintaining notices on site during the statutory consultation period and the cost of confirming the Order including preparing and maintaining the notices, consultation and advertising.

An Order will not be confirmed by the City Council, or submitted to the Secretary of State for confirmation, unless all payments are honoured. If the Order is opposed and the City Council exercises its right to revoke the Order a refund may be made which will not be more than 50% (or £1000.00) of the total cost.

There may be additional costs to the applicant if the Order is opposed, and the applicant wishes to continue, and a public inquiry is deemed necessary to determine the opposed Order.

There may also be additional costs related to bringing a newly created path (to replace the diverted path or to act as an alternative path) into a fit and proper condition for public use.

### **The steps in processing an application**

Once the City Council has agreed a proposal there may be a delay, possibly up to six months before it reaches the head of the queue. Once it does, the following steps will take place:

- The Order is prepared and advertised in a local newspaper and on site and all statutory consultee's are consulted.
- If no objections are received by the Council in the 28 days following publication, the Council may confirm an Order itself.
- If there are objections, and the objector(s) cannot be persuaded to withdraw their objection(s) then the Council cannot confirm the Order itself, but may decide either not to proceed further (revoke the Order), or to submit the Order to the Secretary of State, who may request a public inquiry to be held.
- Following an inquiry, the Inspector appointed by the

Secretary of State would give a decision whether to confirm the opposed Order or not.

These stages of the process could take anything from three months to two years, depending on the need for negotiation and/or a public inquiry.