

STOPPING UP AND DIVERSION OF HIGHWAYS SECTION 247/253 TOWN & COUNTRY PLANNING ACT 1990

You have no authority to stop up or divert a highway until the notice announcing that Croydon Council has made an order is published. Not only is it an offence to obstruct or interfere with a highway before this is done it may also make it impossible for Croydon Council to make an order

Please read the guidance notes at the end of this form before answering any questions. We will accept an application via email but will require all corresponding documents as per the check list by post including a signed copy of our declaration (Section H)

A – Contact Details

Site address where highway is situated

Council details responsible for highway concerned

Developers details

Applicants details
(if not developer)

**DEVELOPMENT & ENVIRONMENT
BERNARD WEATHERILL HOUSE**

A – Contact Details (cont)

Gas Company

Electricity Company

National Power Company

National Grid Company

Telecom Company

Water Company

Other Stat. Companies

PLEASE ENCLOSE COPIES OF ALL RELEVANT CORRESPONDENCE WITH THESE BODIES

B – The Development

Describe briefly why the stopping up or diversion is necessitated by the development. Please attach a statement justifying this stopping up or diversion

Who granted planning permission for this development

What is the date of this permission

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. If yes please give details

YES / NO

C – Highway to be stopped up or diverted

All purpose highway Bridleway Footpath Cycle track

What is its name

Classification number

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

	Length (m)	Width (m)	From	To
1				
2				
3				
4				

Who owns the land 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 an interest in the land to be developed in so far 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

1	
2	
3	
4	

E – New Highway to be provided

All purpose highway Bridleway Footpath Cycle track

Has the highway authority agreed to maintain the new highway YES / NO

If “NO” who will maintain the new highway

Who owns the land to be dedicated as new highway

If the applicant does not own or control the land to be dedicated has the landowner’s consent been given for its proposed dedication YES / NO

F – Highway to be improved

All purpose highway Bridleway Footpath Cycle track

What is it’s name

Classification number

Describe the improvement briefly

G – Section 253 applications

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

Name of the Local Authority or Statutory Company applying

Date on which the permission was applied for

or Date on which the Local Authority or Statutory Company 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 Date on which an application was referred to the Secretary of State under Section 77 of the Act

or Date on which an appeal was made to the Secretary of State under Section 78 of the Act

H – 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 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 described above

Contact's signature

Contact's name

Telephone number

Date

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

Check List – Items to be submitted with the application

Please ✓ to check enclosures

- Approved planning permission (orders cannot be made without it)
- One set of the plans approved by the above planning permission including the approved site layout plan
- One plan indicating the site boundary edged red and existing highway boundary edged blue
- One copy of existing highway layout taken from an up to date Ordnance Survey map to 1:1250
- Two copies of proposed order plan showing the highway to be stopped up or diverted
- One copy of any Section 106 agreement (if applicable)
- One copy of any Compulsory Purchase Order (if applicable)
- S253 relevant documents to be submitted (see guidance notes)
- Copies of correspondence with statutory companies

Please return applications to:

Croydon Council
Development & Environment Dept
Bernard Weatherill House
8 Mint Walk CR0 1EA
Tel: 020 87266000

GUIDANCE NOTES

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

These notes relate to orders under Sections 247/253 Town & Country Planning Act 1990

Definitions

highway is defined at common law as a way over which all members of the public have the right to pass and repass. Their use of the way must be as a right and not on sufferance or by licence. Highways may be classified as follows:

'all purpose highway' means one which may be used by all classes of traffic, including all motor vehicles, vehicles drawn by animals, pedal cycles and animals being ridden, led or driven

'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

'footpath' means a highway over which the public have a right of way on foot only, not being a footway

'footway' means a way comprised in a highway which also comprises a carriageway, being a way 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 constituting or comprised in 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

Power

Under Section 247 of the Act, Croydon Council may, by order, authorise the stopping up or diversion of any highway, if they are 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'

Croydon Council may make an order under Section 247 for any of the highways listed above or a combination of these highways

Under Section 257 of the Act a local planning authority may make a stopping up or diversion order in respect of a footpath or bridleway, if it is satisfied that it is necessary to do so for the purpose described in Section 247 (1)

Enclosures

When Croydon Council is considering an application to stop up or divert a highway, they must be able to understand the effect of the development on the highway

It is essential that measurements are 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 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 notices 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 with the site boundary edged red and the existing highway within that site edged blue

copies of correspondence with statutory companies

a plan showing the highway to be stopped up or diverted

S253 Applications

For an order to be processed under Section 253 we require a copy of the application for planning permission and relevant plans, a copy of the appeal, CPO or submission to the Secretary of State

Return of Form

One completed copy of the form (together with all necessary enclosures) should be sent to Croydon Council at the address given in this form

GUIDANCE NOTES

Submission of plans for incorporation in order

The following will be required:

4 copies of an up to date A3 or A4 plan based on Ordnance Survey and drawn to a scale of 1:1250 or 1:500

Plans should show existing buildings and highway clearly labelled (no details of the new development should be shown on this plan) and be marked to show the details of stopping up 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

Plans 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 new highway (all purpose highways) 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 realignment



d) New footpaths, bridleways or cycle tracks to be provided



e) All plans must clearly show a North Point preferably prepared so that North is shown parallel with the vertical side of the plan

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

g) Highways such as footpaths and bridleways must be identified in orders in words, e.g. 'the bridleway leading to North Street from West Road'. Sufficient information should be given on the plans to enable an adequate description to be prepared

Timescale for making an order

Once the details of an application have been agreed, it can take a minimum of six 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 details of the objection to be forwarded to the Mayor for London's office who shall cause a local inquiry to be held. 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 Council they will be copied to the applicant so that he may negotiate with the objectors with a view to resolving the objections. If in a case where the objection is made by a person other than such as a local authority or undertaker or supplier, the Mayor for London is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary he may dispense with the inquiry

Fees

The fee will be **£2000**

50% of the fee is required with application which is not refundable if the order is not confirmed

Balance of the fee is due when the order has been made and confirmed