

# TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

## STOPPING UP/DIVERSION OF FOOTPATHS/BRIDLEWAYS

### Notes for Applicants

1. 'Highway' is a generic term encompassing various public rights of way over land. Highways, or parts of them, may be classed as follows:-

a) 'Footpath' - a highway in its own right over which the public have a right of way on foot only.

b) 'Bridleway' - a highway over which the public have the following, but no other, rights of way that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway.

2. Section 257 of the Town and Country Planning Act 1990 empowers the Local Planning Authority to make a stopping up or diversion order if it is satisfied that it is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

3. An application can only be considered if it can be shown that the diversion is:-

a) In the interests of the owner, lessee or occupier of land crossed by the path, or  
b) In the interests of the public.

In addition the diverted path must not be substantially less convenient to the public and regard will be had to the effect on public enjoyment of the path as a whole, to the effect on other land served by the existing path, and to the effect on land over which the new path will run.

#### 4. Submission of Plans and Forms

a) Five copies are required of a plan or plans as the case may be. They should be based on Ordnance Survey maps (please note the information on [OS Copyright](#) on our website), and drawn to a scale of not less than 1:2500.

b) Where footpaths and/or bridleways are proposed to be stopped up or diverted they should be shown by a solid black line. New footpaths and/or bridleways should be shown by thick black dashes.

c) A North point must be clearly marked on the plans, and the plans preferably prepared so that this point is parallel with the vertical side of the plan and pointing upwards.

d) The terminal points of the lengths of highway proposed to be stopped up or diverted should be clearly evident from the plans.

e) It is necessary to identify highways such as footpaths and bridleways in words (e.g. the footpath/bridleway leading from Chesil Street to Magdalen Hill) and sufficient information should be given on the plans and under questions 6(b), (c) and (d) to enable the Local Planning Authority to prepare an adequate description.

- f) An unmarked copy of the plan is also required for reproduction purposes. This should be of good quality and show no details of the stopping up or diversion.
- g) Five copies of the application form should accompany the submission.

## **5. Recovery of costs of making an Order**

The costs of making the public path order include the placing of adverts in the local newspaper and processing time by the Council's Legal Services Division. It is likely that the costs may be up to £700 for an uncontested Order. If the Order is contested, costs are likely to be higher.

The power to recharge costs is contained in the Local Authorities (Recover of Costs for Public Path Orders) Regulations 1993 (as amended by the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996.