



Town and Country Planning Act 1968

1968 CHAPTER 72

PART VI

MISCELLANEOUS CHANGES IN PLANNING LAW

Stopping-up and diversion of highways

90 Procedure for making orders for stopping-up and diverting highways.

- (1) Where the responsible Minister would, if planning permission for any development had been granted under Part III of the principal Act, have power to make an order under section 153(1) of that Act authorising the stopping-up or diversion of a highway in order to enable that development to be carried out, then, notwithstanding that such permission has not been granted, that Minister may, in the circumstances specified in subsections (2) to (4) below, publish notice of the draft of such an order in accordance with section 154 of that Act (procedure in relation to orders under section 153).
- (2) The responsible Minister may publish such a notice as aforesaid where the relevant development is the subject of an application for planning permission and either—
 - (a) that application is made by a local authority or statutory undertakers or the National Coal Board; or
 - (b) that application stands referred to the Minister of Housing and Local Government or the Secretary of State in pursuance of a direction under section 22 of the principal Act; or
 - (c) the applicant has appealed to the Minister of Housing and Local Government or the Secretary of State under section 23 of that Act against a refusal of planning permission or of approval required under a development order, or against a condition of any such permission or approval.
- (3) The responsible Minister may publish such a notice as aforesaid where—
 - (a) the relevant development is to be carried out by a local authority, statutory undertakers or the National Coal Board and requires, by virtue of an enactment, the authorisation of a government department; and

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- (b) the developers have made application to the department for that authorisation and also requested a direction under section 41 of the principal Act or, in the case of the National Coal Board, under section 2 of the Opencast Coal Act 1958, that planning permission be deemed to be granted for that development.
- (4) The responsible Minister may publish such a notice as aforesaid where the council of a county or county borough, the Greater London Council, the council of a London borough, a joint planning board, or the Inner London Education Authority certify that they have begun to take such steps, in accordance with regulations made by virtue of section 42 of the principal Act (application of planning control to local planning authorities), as are requisite in order to enable them to obtain planning permission for the relevant development.
- (5) Section 154(4) of that Act (power of responsible Minister to make an order under section 153 after considering any relevant objections and report) shall not be construed as authorising the responsible Minister to make an order under section 153(1) of that Act of which notice has been published by virtue of subsection (1) above until planning permission is granted for the development which occasions the making of the order.
- (6) In this section " the responsible Minister " means, except in relation to Wales,—
 - (a) in relation to an order authorising the stopping-up or diversion of a footpath or bridleway only, the Minister of Housing and Local Government; and
 - (b) otherwise the Minister of Transport;and, in relation to Wales, means the Secretary of State.