



Town and Country Planning Act 1968

1968 CHAPTER 72

PART VI

MISCELLANEOUS CHANGES IN PLANNING LAW

Stopping-up and diversion of highways

94 Powers for local authorities analogous to s.153 of principal Act.

- (1) Subject to section 96 below, a competent authority may by order authorise the stopping-up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—
 - (a) in accordance with planning permission granted under Part III of the principal Act or the enactments replaced by that Part of the Act; or
 - (b) by a government department.
- (2) The competent authorities for the purposes of this section are—
 - (a) the local planning authority ; and
 - (b) in relation to development for which planning permission was granted by another authority to whom had been delegated the power of granting it, that other authority.
- (3) An order under this section may, if the competent authority are satisfied that it should do so, provide—
 - (a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
 - (b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping-up or diversion, creation or improvement, provision is made by the order ;
 - (c) for the preservation of any rights of statutory undertakers in respect of apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway ;

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- (d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.
- (4) The powers of a competent authority under this section shall include power to make an order authorising the stopping-up or diversion of a footpath or bridleway which is temporarily stopped up or diverted under any other enactment.
- (5) Section 32(1) and (2) of the Mineral Workings Act 1951 (power of Ministers to make temporary order for stopping-up or diversion of highway in connection with working of surface minerals) shall apply to an order made by a competent authority under this section as it applies to an order made by a Minister under section 153 of the principal Act, with the substitution—
 - (a) for references to Ministers, of references to a competent authority for the purposes of this section; and
 - (b) for the reference in subsection (2) to section 153(3) of the principal Act, of a reference to subsection (3) of this section.