



Town and Country Planning Act 1971

1971 CHAPTER 78

PART X

HIGHWAYS

Conversion of highway into footpath or bridleway

212 Order extinguishing right to use vehicles on highway

- (1) The provisions of this section shall have effect where a local planning authority by resolution adopt a proposal for improving the amenity of part of their area, being a proposal which involves a highway in that area (being a highway over which the public have a right of way with vehicles, but not a trunk road or a road classified as a principal road for the purposes of advances under section 235 of the Highways Act 1959) being changed to a footpath or bridleway.
- (2) The Secretary of State may, on an application made by the local planning authority after consultation with the highway authority (if different), by order provide for the extinguishment of any right which persons may have to use vehicles on that highway.
- (3) An order made under subsection (2) of this section may include such provision as the Secretary of State (after consultation with the highway authority) thinks fit for permitting the use on the highway of vehicles (whether mechanically propelled or not) in such cases as may be specified in the order, notwithstanding the extinguishment of any such right as is mentioned in that subsection; and any such provision may be framed by reference to particular descriptions of vehicles, or to particular persons by whom, or on whose authority, vehicles may be used, or to the circumstances in which, or the times at which, vehicles may be used for particular purposes.
- (4) No provision contained in, or having effect under, any enactment, being a provision prohibiting or restricting the use of footpaths, footways or bridleways shall affect any use of a vehicle on a highway in relation to which an order made under subsection (2) of this section has effect, where the use is permitted in accordance with provisions of the order included by virtue of subsection (3) of this section.

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- (5) Any person who, at the time of an order under subsection (2) of this section coming into force, has an interest in land having lawful access to a highway to which the order relates shall be entitled to be compensated by the local planning authority in respect of any depreciation in the value of his interest which is directly attributable to the order and of any other loss or damage which is so attributable.

In this subsection "lawful access" means access authorised by planning permission granted under this Act, the Act of 1947 or the Act of 1962, or access in respect of which no such permission is necessary.

- (6) A claim for compensation under subsection (5) of this section shall be made to the local planning authority within the time and in the manner prescribed by regulations under this Act.
- (7) Sections 178 and 179 of this Act shall have effect in relation to compensation under subsection (5) of this section as they have effect in relation to compensation to which those sections apply.
- (8) Without prejudice to section 287(3) of this Act, the Secretary of State may, on an application made by the local planning authority after consultation with the highway authority (if different) by order revoke an order made by him in relation to a highway under subsection (2) of this section; and the effect of the order shall be to reinstate any right to use vehicles on the highway, being a right which was extinguished by virtue of the order under that subsection.
- (9) Subsections (2), (3) and (5) of section 209 of this Act shall apply to an order under this section as they apply to an order under that section.

213 Provision of amenity for highway reserved to pedestrians

- (1) Where in relation to a highway an order has been made under section 212(2) of this Act, a competent authority may carry out and maintain any such works on or in the highway, or place on or in it any such objects or structures, as appear to them to be expedient for the purposes of giving effect to the order or of enhancing the amenity of the highway and its immediate surroundings or to be otherwise desirable for a purpose beneficial to the public.
- (2) The powers exercisable by a competent authority under this section shall extend to laying out any part of the highway with lawns, trees, shrubs and flower-beds and to providing facilities for recreation or refreshment
- (3) A competent authority may so exercise their powers under this section as to restrict the access of the public to any part of the highway, but shall not so exercise them as—
- (a) to prevent persons from entering the highway at any place where they could enter it before the order under section 212 of this Act was made; or
 - (b) to prevent the passage of the public along the highway; or
 - (c) to prevent normal access by pedestrians to premises adjoining the highway; or
 - (d) to prevent any use of vehicles which is permitted by an order made under the said section 212 and applying to the highway; or
 - (e) to prevent statutory undertakers from having access to any works of theirs underpin, on, over, along or across the highway.

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- (4) An order under section 212(8) of this Act may make provision requiring the removal of any obstruction of the highway resulting from the exercise by a competent authority of their powers under this section.
- (5) The competent authorities for the purposes of this section are—
- (a) the councils of counties, county boroughs and county districts; and
 - (b) in Greater London, the Greater London Council and the councils of London boroughs;
- but such an authority shall not exercise any powers conferred by this section unless they have obtained the consent of the local planning authority and the highway authority (in a case where they are themselves not that authority).