



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART IX

#### ROADS, FOOTPATHS AND RIGHTS OF WAY

##### *Temporary road orders: mineral workings*

#### **213 Temporary stopping up of roads, footpaths and bridleways for mineral workings.**

- (1) Where the Secretary of State is satisfied—
  - (a) that an order under section 202 for the stopping up or diversion of a public road is required for the purpose of enabling minerals to be worked by surface working, and
  - (b) that the road can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public,the order may provide for the stopping up or diversion of the road during such period as may be prescribed by or under the order and for its restoration at the expiration of that period.
- (2) Where a planning authority are so satisfied in respect of an order under section 207, the order may so provide.
- (3) Where a planning authority are satisfied—
  - (a) that an order under section 208 for the stopping up or diversion of a footpath or bridleway is required for the purpose of enabling minerals to be worked by surface working, and
  - (b) that the footpath or bridleway can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public,

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*Status: Point in time view as at 17/09/2003.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Temporary road orders: mineral workings is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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the order may provide for the stopping up or diversion of the footpath or bridleway during such period as may be prescribed by or under the order and for its restoration at the expiration of that period.

- (4) Without prejudice to the provisions of section 202, 207 or 208, where provision is made in any order by virtue of subsection (1), (2) or (3) that order may also contain such provisions as appear to the Secretary of State or, as the case may be, the planning authority to be expedient—

- (a) for imposing upon persons who, apart from the order, would be subject to any liability with respect to the repair of the original road, footpath or bridleway during the period prescribed by or under the order a corresponding liability in respect of any road, footpath or bridleway provided in pursuance of the order;
- (b) for the stopping up at the expiry of that period of any road, footpath or bridleway so provided and for the reconstruction and maintenance of the original road, footpath or bridleway;

and any provision included in the order in accordance with section 202(4), section 207(2) or section 208(2) requiring payment to be made in respect of any cost or expenditure under the order may provide for the payment of a capital sum in respect of the estimated amount of that cost or expenditure.

- (5) In relation to any road which is stopped up or diverted by virtue of an order under section 202 or 207, sections 224 and 225 shall have effect as if—

- (a) for references to land which has been acquired as there mentioned and to the purchasing authority there were substituted respectively references to land over which the road subsisted and to the person entitled to possession of that land, and
- (b) references in subsection (6) of each of those sections to a planning authority or statutory undertaker included references to any person (other than the Secretary of State) who is entitled to possession of that land,

and sections 228 to 231 shall have effect accordingly.

**Status:**

Point in time view as at 17/09/2003.

**Changes to legislation:**

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