



Town and Country Planning Act 1968

1968 CHAPTER 72

PART VI

MISCELLANEOUS CHANGES IN PLANNING LAW

Stopping-up and diversion of highways

92 Conversion of highway into footpath or bridleway.

- (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 responsible Minister 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 responsible Minister (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 statutory 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) above has effect, where the use is permitted in accordance with provisions of the order included by virtue of subsection (3) above.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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 the principal Act or the Town and Country Planning Act 1947, or access in respect of which no such permission is necessary.

- (6) A claim for compensation under subsection (5) above shall be made to the local planning authority within the time and in the manner prescribed by regulations under the principal Act.
- (7) Sections 153(2), (3) and (5), 154, 156, 157 and 158 of the principal Act (provisions ancillary to section 153(1), provisions as to compulsory acquisition of land in connection with highways, and provisions as to telegraphic lines) shall apply in relation to an order under this section, as they apply in relation to an order under section 153(1) of that Act, with the substitution for references to the Minister of Transport and that section of references to the responsible Minister and this section.
- (8) The responsible Minister 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) above; 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 the said subsection.
- (9) Subsection (8) above shall not be taken as prejudicing any provision of the principal Act enabling orders to be varied or revoked.
- (10) In this section—
- (a) "the responsible Minister" means, except in relation to Wales, the Minister of Transport and, in relation to Wales, the Secretary of State; and
 - (b) "statutory provision" means a provision contained in, or having effect under, any enactment.