



Town and Country Planning Act 1990

1990 CHAPTER 8

PART X

HIGHWAYS

Orders made by Secretary of State

247 Highways affected by development: orders by Secretary of State.

- (1) The Secretary of State may by order authorise the stopping up or diversion of any highway if he is 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, or
 - (b) by a government department.
- (2) Such an order may make such provision as appears to the Secretary of State to be necessary or expedient for the provision or improvement of any other highway.
- (3) Such an order may direct—
 - (a) that any highway provided or improved by virtue of it shall for the purposes of the ^{M1}Highways Act 1980 be a highway maintainable at the public expense;
 - (b) that the Secretary of State, or any county council, metropolitan district council or London borough council specified in the order or, if it is so specified, the Common Council of the City of London, shall be the highway authority for that highway;
 - (c) in the case of a highway for which the Secretary of State is to be the highway authority, that the highway shall, on such date as may be specified in the order, become a trunk road within the meaning of the Highways Act 1980.
- (4) An order made under this section may contain such incidental and consequential provisions as appear to the Secretary of State to be necessary or expedient, including in particular—
 - (a) provision for authorising the Secretary of State, or requiring any other authority or person specified in the order—

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 247 is up to date with all changes known to be in force on or before 12 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)

- (i) to pay, or to make contributions in respect of, the cost of doing any work provided for by the order or any increased expenditure to be incurred which is attributable to the doing of any such work; or
 - (ii) to repay, or to make contributions in respect of, any compensation paid by the highway authority in respect of restrictions imposed under section 1 or 2 of the ^{M2}Restriction of Ribbon Development Act 1935 in relation to any highway stopped up or diverted under the order;
 - (b) provision for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to which the order relates.
- (5) An order may be made under this section authorising the stopping up or diversion of any highway which is temporarily stopped up or diverted under any other enactment.
- (6) The provisions of this section shall have effect without prejudice to—
- (a) any power conferred on the Secretary of State by any other enactment to authorise the stopping up or diversion of a highway;
 - (b) the provisions of Part VI of the ^{M3}Acquisition of Land Act 1981; or
 - (c) the provisions of section 251(1).

Marginal Citations

M1 1980 c. 66.

M2 1935 c. 67.

M3 1981 c. 67.

Status:

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