



Town and Country Planning Act 1990

1990 CHAPTER 8

PART X **E+W**

HIGHWAYS

Orders made by Secretary of State

247 Highways affected by development: orders by Secretary of State. **E+W**

- (1) The Secretary of State may by order authorise the stopping up or diversion of any highway [^{F1}outside Greater London] if he is satisfied that it is necessary to do so in order to enable development to be carried out—
- in accordance with planning permission granted under [^{F2}Part III [^{F3}or section 293A]] [^{F2}Parts 3 or 13], or
 - 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 [^{F4}outside Greater London].

- [^{F5}(2A) The council of a London borough may by order authorise the stopping up or diversion of any highway within the borough, or within another London borough if the council of that borough consents, if it is satisfied that it is necessary to do so in order to enable development to be carried out—

- in accordance with planning permission granted under Part III [^{F3}or section 293A] , or
- by a government department.

- (2B) Such an order may make such provision as appears to the council to be necessary or expedient for the provision or improvement of any other highway within the borough.]

- (3) [^{F6}An order under subsection (1) or (2A)] may direct—

- 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;

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- (b) that the Secretary of State, [^{F7}a strategic highways company,] or any county council, [^{F8}county borough 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 [^{F9}or a strategic highways company] 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.

[^{F10}(3A) An order under subsection (2A) may not provide that—

- (a) the Secretary of State,
 - [a strategic highways company,]
 - ^{F11}(aa)
 - (b) Transport for London, or
 - (c) a London borough other than the one whose council is making the order,
 shall be the highway authority for a highway unless the Secretary of State, [^{F12}the strategic highways company,] Transport for London or the council, as the case may be, so consents.]
- (4) An order made under this section may contain such incidental and consequential provisions as appear to the Secretary of State [^{F13}or the council of the London borough] to be necessary or expedient, including in particular—
- (a) provision for authorising the Secretary of State [^{F13}or the council of the London borough], or requiring any other authority or person specified in the order—
 - (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 [^{F14}or a London borough] 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).

Textual Amendments

F1 Words in s. 247(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(2)** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(c), **Sch. 1**

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 22 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) View outstanding changes

- F2** Words in s. 247(1)(a) substituted (26.12.2023 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(3), **Sch. 10 para. 4** (with s. 247)
- F3** Words in s. 247(1)(a)(2A)(a) inserted (7.6.2006) by The Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006 (S.I. 2006/1281), **art. 5(b)**
- F4** Words in s. 247(2) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F5** S. 247(2A)(2B) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F6** Words in s. 247(3) substituted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(5)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F7** Words in s. 247(3)(b) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 104(2)(a)**; S.I. 2015/481, reg. 2(a)
- F8** Words in s. 247(3)(b) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(9)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F9** Words in s. 247(3)(c) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 104(2)(b)**; S.I. 2015/481, reg. 2(a)
- F10** S. 247(3A) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(6)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F11** S. 247(3A)(aa) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 104(3)(a)**; S.I. 2015/481, reg. 2(a)
- F12** Words in s. 247(3A) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 104(3)(b)**; S.I. 2015/481, reg. 2(a)
- F13** Words in s. 247(4) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(7)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F14** Words in s. 247(6)(a) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 3(8)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

Marginal Citations

- M1** 1980 c. 66.
M2 1935 c. 67.
M3 1981 c. 67.

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 22 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 165B inserted by [2024 asc 3 s. 99\(5\)](#)
- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106(1B) inserted by [2024 asc 3 s. 98\(2\)\(a\)](#)
- s. 106(9)(ab) inserted by [2024 asc 3 s. 98\(2\)\(b\)](#)
- s. 106(15) inserted by [2024 asc 3 s. 98\(2\)\(c\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106A(11)(zaa) inserted by [2024 asc 3 s. 98\(3\)](#)
- s. 106D inserted by [2024 asc 3 s. 98\(5\)](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)

- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 151(7B) inserted by 2024 asc 3 s. 99(4)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 169(7A)(7B) inserted by 2024 asc 3 s. 99(6)(a)
- s. 170(8D)-(8F) inserted by 2024 asc 3 s. 99(7)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24ZA inserted by 2024 asc 3 s. 99(2)(a)
- Sch. 13 para. 26 and cross-heading inserted by 2024 asc 3 s. 99(2)(b)
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)