



Town and Country Planning Act 1990

1990 CHAPTER 8

PART X

HIGHWAYS

Orders made by Secretary of State

249 Order extinguishing right to use vehicles on highway.

- (1) This section applies where—
- (a) a local planning authority by resolution adopt a proposal for improving the amenity of part of their area, and
 - (b) the proposal involves the public ceasing to have any right of way with vehicles over a highway in that area, being a highway which is neither a trunk road [^{F1}, a GLA road] nor a road classified as a principal road.
- (2) [^{F2}Where the public is to cease to have such a right of way at a place outside Greater London,] the Secretary of State may, on an application by a local planning authority who have so resolved, by order provide for the extinguishment of any right which persons may have to use vehicles on that highway.

[^{F3}(2A) Where—

- (a) the public is to cease to have such a right of way at a place within a London borough, and
 - (b) the conditions mentioned in subsection (2B)(a) or (b) are satisfied,
- the council of that borough may by order provide for the extinguishment of any right which persons may have to use vehicles on that highway.

(2B) The conditions are that—

- (a) the council is a local planning authority for the place where the right of way is to cease and it resolves that the right should be extinguished, or

Status: Point in time view as at 31/03/2003. This version of this provision has been superseded.

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- (b) another authority is a local planning authority for that place and, having resolved to do so, it applies to the council of the borough for the right to be extinguished.]
- (3) An order under subsection (2) [^{F4}or (2A)] may include such provision as the Secretary of State [^{F5}or, as the case may be, the council of the London borough] (after consultation with every authority who are a local planning authority for the area in question and 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.
- (4) Such provision as is mentioned in subsection (3) may be framed by reference to—
- particular descriptions of vehicles, or
 - particular persons by whom, or on whose authority, vehicles may be used, or
 - the circumstances in which, or the times at which, vehicles may be used for particular purposes.
- (5) 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 under subsection (2) [^{F6}or (2A)] has effect, where the use is permitted in accordance with provisions of the order included by virtue of subsection (3).
- (6) If any authority who are a local planning authority for the area in which a highway to which an order under subsection (2) [^{F7}or (2A)] relates is situated apply to the Secretary of State [^{F8}or, as the case may be, the council of the borough] in that behalf, [^{F9}the Secretary of State or council] may by order revoke that order, and, if [^{F10}the order is revoked], any right to use vehicles on the highway in relation to which the order was made which was extinguished by virtue of the order under that subsection shall be reinstated.
- (7) Such an order as is mentioned in subsection (6) may make provision requiring the removal of any obstruction of a highway resulting from the exercise of powers under Part VIIA of the ^{M1}Highways Act 1980.
- (8) Before making an application under subsection (2) [^{F11}, (2A)] or (6) the local planning authority shall consult with the highway authority (if different) and any other authority who are a local planning authority for the area in question.
- (9) Subsections (2) [^{F12}, (2B)], (3), (4) and (6) of section 247 shall apply to an order under this section as they apply to an order under that section.

Textual Amendments

- F1** Words in s. 249(1)(b) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F2** Words in s. 249(2) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F3** S. 249(2A)(2B) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(4)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F4** Words in s. 249(3) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(5)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

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- F5** Words in s. 249(3) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(5)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F6** Words in s. 249(5) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(6)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F7** Words in s. 249(6) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(7)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F8** Words in s. 249(6) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(7)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F9** Words in s. 249(6) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(7)(c)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F10** Words in s. 249(6) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(7)(d)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F11** Words in s. 249(8) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 5(8)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F12** Words in s. 249(9) inserted (3.7.2000) by virtue of 1999 c. 29, s. 270, **Sch. 22 para. 5(9)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**

Modifications etc. (not altering text)

- C1** S. 249: power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3)(b), **Sch. 29 Pt. II para. 6** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**
- C2** S. 249: power to modify conferred (10.11.1993) by 1993 c. 28, s. 171(3)(b); S.I. 1993/2762, **art. 3**
- C3** S. 249 applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para. 6** (with arts. 6, 7)
S. 249 applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)
S. 249 applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**
S. 249 applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**
S. 249 applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**

Marginal Citations

- M1** 1980 c. 66.

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