



Town and Country Planning Act 1990

1990 CHAPTER 8

PART X

HIGHWAYS

Orders made by Secretary of State

253 Procedure in anticipation of planning permission.

(1) Where—

- (a) the Secretary of State [^{F1}or the council of a London borough] would, if planning permission for any development had been granted under Part III, have power to make an order under section 247 or 248 authorising the stopping up or diversion of a highway in order to enable that development to be carried out, and

- (b) subsection (2), (3) or (4) applies,

then, notwithstanding that such permission has not been granted, the Secretary of State [^{F2}or, as the case may be, the council of the London borough] may publish notice of the draft of such an order in accordance with section 252.

(2) This subsection applies where the relevant development is the subject of an application for planning permission and either—

- (a) that application is made by a local authority [^{F3}National Park authority] or statutory undertakers [^{F4} . . .]; or
- (b) that application stands referred to the Secretary of State in pursuance of a direction under section 77; or
- (c) the applicant has appealed to the Secretary of State under section 78 against a refusal of planning permission or of approval required under a development order [^{F5}or a local development order] or against a condition of any such permission or approval.

(3) This subsection applies where—

Status: Point in time view as at 06/08/2004. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 253 is up to date with all changes known to be in force on or before 29 June 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)

- (a) the relevant development is to be carried out by a local authority [^{F3}National Park authority] or statutory undertakers and requires, by virtue of an enactment, the authorisation of a government department; and
 - (b) the developers have made an application to the department for that authorisation and also requested a direction under section 90(1) that planning permission be deemed to be granted for that development.
- (4) This subsection applies where the council of a county, [^{F6}county borough,] metropolitan district or London borough [^{F7}a National Park authority] or a joint planning board certify that they have begun to take such steps, in accordance with regulations made by virtue of section 316, as are required to enable them to obtain planning permission for the relevant development.
- (5) Section 252(8) shall not be construed as authorising the Secretary of State [^{F8}or the council of a London borough] to make an order under section 247 or 248 of which notice has been published by virtue of subsection (1) until planning permission is granted for the development which occasions the making of the order.

Textual Amendments

- F1** Words in s. 253(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 8(2)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F2** Words in s. 253(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 8(2)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F3** Words in s. 253(2)(a)(3)(a) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(8)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F4** Words in s. 253(2)(a) repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 39(1), **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F5** Words in s. 253(2)(c) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by **Planning and Compulsory Purchase Act 2004** (c. 5), **s. 40(2)(j)** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, **art. 2**
- F6** Words in s. 253(4) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(11)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F7** Words in s. 253(4) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 32(8)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F8** Words in s. 253(5) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 8(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, **art. 2(2)(c)**

Status:

Point in time view as at 06/08/2004. This version of this provision has been superseded.

Changes to legislation:

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