



Town and Country Planning Act 1990

1990 CHAPTER 8

PART X

HIGHWAYS

Orders by other authorities

257 Footpaths [^{F1}, bridleways and restricted byways] affected by development: orders by other authorities.

- (1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath [^{F2}, bridleway or restricted byway] if they are satisfied that it is necessary to do so in order to enable development to be carried out—
- in accordance with planning permission granted under [^{F3}Part III [^{F4} or section 293A]] [^{F3}Parts 3 or 13], or
 - by a government department.

[^{F5}(1A) Subject to section 259, a competent authority may by order authorise the stopping up or diversion [^{F6}... of any footpath, bridleway or restricted byway if they are satisfied that—

- an application for planning permission in respect of development has been made under Part 3, and
 - if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out.]
- (2) An order under this section may, if the competent authority are satisfied that it should do so, provide—
- for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
 - for authorising or requiring works to be carried out in relation to any footpath [^{F2}, bridleway or restricted byway] for whose stopping up or diversion, creation or improvement provision is made by the order;

Status: Point in time view as at 09/05/2024.

Changes to legislation: Town and Country Planning Act 1990, Section 257 is up to date with all changes known to be in force on or before 07 August 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)

- (c) 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 any such footpath [^{F2}, bridleway or restricted byway];
 - (d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.
- (3) An order may be made under this section authorising the stopping up or diversion of a footpath [^{F2}, bridleway or restricted byway] which is temporarily stopped up or diverted under any other enactment.
- (4) In this section “competent authority” means—
- (a) in the case of development authorised by a planning permission, the local planning authority who granted the permission or, in the case of a permission granted by the Secretary of State [^{F7} or by the Welsh Ministers], who would have had power to grant it; ^{F8}...
 - (b) in the case of development carried out by a government department, the local planning authority who would have had power to grant planning permission on an application in respect of the development in question if such an application had fallen to be made.
- [^{F9}(c) in the case of development in respect of which an application for planning permission has been made under Part 3, the local planning authority to whom the application has been made or, in the case of an application made to the Secretary of State under section 62A [^{F10} or to the Welsh Ministers under section 62D, 62F, 62M or 62O], the local planning authority to whom the application would otherwise have been made.]

Textual Amendments

- F1** Words in s. 257 sidenote substituted (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), **Sch. 1 Pt. 1** (see [S.I. 2006/1172](#), art. 2(a)-(d) (with art. 3) and [S.I. 2006/1279](#), art. 2(a)-(d) (with art. 3))
- F2** Words in s. 257(1)(2)(b)(c)(3) substituted (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), **Sch. 1 Pt. 1** (see [S.I. 2006/1172](#), art. 2(a)-(d) (with art. 3) and [S.I. 2006/1279](#), art. 2(a)-(d) (with art. 3))
- F3** Words in s. 257(1)(a) substituted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3), **Sch. 10 para. 5** (with s. 247)
- F4** Words in s. 257(1)(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(c)**
- F5** S. 257(1A) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 12(2)**, 35(3)
- F6** Words in s. 257(1A) omitted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 38(2)**, 58(2)(b)(4)(b); [S.I. 2016/52](#), art. 5(b)
- F7** Words in s. 257(4)(a) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 14(a)**; [S.I. 2016/52](#), art. 3(e)
- F8** Word in s. 257(4) omitted (25.6.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 12(3)(a)**, 35(3)
- F9** S. 257(4)(c) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 12(3)(b)**, 35(3)
- F10** Words in s. 257(4)(c) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 14(b)**; [S.I. 2016/52](#), art. 3(e)

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Modifications etc. (not altering text)

- C1** S. 257 modified by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 5, **Sch. 3 para. 8(1)**
- C2** Ss. 257-261 applied (2.5.2006 for E. and 11.5.2006 for W.) by **The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006** (S.I. 2006/1177), reg. 2(1), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

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