



# Department for Transport

## Stopping Up and Diversion of Highways

and 248 of the Town and Country Planning Act 1990 and applications made under S253 as amended by the Growth & Infrastructure Act 2013.

TCPA 247 (1/15)

Please read the guidance notes and ensure all necessary enclosures accompany this form. If any documentation is missing or the form is incomplete your application will be delayed.

### A – Names and Addresses

Please give:

The applicant's full name, address and postcode  
(See guidance notes)

Contact Name

Telephone Number

E-mail

Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY.

[Redacted] Strategic Development Projects  
Manager

[Redacted]

[Redacted]@shepway.gov.uk

The developer's full name, address and postcode (if not the applicant)

Same as above

Contact Name

Telephone Number

E-mail

The name, address and postcode of the council which is the Highway Authority for the highway(s) concerned

Kent County Council Highways, County Hall, Maidstone, ME14 1XQ

The name, address and postcode of the council which is the Planning Authority for the highway(s) concerned

Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY.

The name of the parish or town council and the name, addresses, postcode and telephone number of its clerk (if none, put 'none')

Hythe Town Council, 1 Stade Street, Hythe, CT21 6BG

Contact Name

E-mail

[Redacted]

admin@hythe-tc.gov.uk

Name, address and postcode of the nearest local public office (such as a library, post office or local authority offices) where the public may inspect the order and deposited plan during normal opening hours  
(See guidance notes)

Hythe Town Council, 1 Stade Street, Hythe, CT21 6BG

Contact Name

Telephone Number

E-mail

[Redacted]

[Redacted]  
admin@hythe-tc.gov.uk

## B – The Development

Describe briefly why the closure/diversion is necessitated by the development. Please attach any statements justifying this stopping up or diversion, either as an appendix or as a covering letter.

By relocating the road to the rear of the site, we can generate a vehicle free link from the proposed leisure centre and housing development to the beach and existing promenade.

Is there a related compulsory purchase order, or other statutory action? If yes, please provide details, including the Order name, its current status and details of any public inquiries that have been arranged.	Yes/No
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No

## C – The Planning Permission

- Has planning permission been granted for this development? Yes  If yes complete section C  
No  If no go to section D
- What is the date of the Planning Permission Decision Notice?
- What is the type of Planning Permission?
- What is the Planning Permission Decision Notice reference?
- On what date is development on the highway expected to start?

Please also provide a copy of the approved site layout plans

## D – Applications without agreed planning permission (using S253 of TCPA)

- Date the Planning Application was made?
- Date the Planning Application was validated (if known)?
- What is the Planning Application reference number (if known)?
- or the date on which the local authority or statutory undertaker applied to a government department for deemed planning permission under section 90 of the Act or section 2 of the Opencast Coal Act 1958
- or the date on which an application was referred to the Secretary of State under section 77 of the Act
- or the date on which an appeal was made to the Secretary of State under section 78 of the Act
- Have you had any discussions with the Highway Authority regarding the areas to be stopped up? If yes, please provide any correspondence you have received. No

Please also provide a copy of the application form and proposed site layout plans submitted to the Local Planning Authority

### E – Highway to be stopped up or diverted

- Is it:
 

All purpose highway	<input checked="" type="checkbox"/>	bridleway	<input type="checkbox"/>	footpath	<input type="checkbox"/>	cycle track	<input type="checkbox"/>
Carriageway	<input type="checkbox"/>						
Footway	<input checked="" type="checkbox"/>						
Highway verge	<input type="checkbox"/>						

Princes Parade, Folkestone, CT21 6AQ

TR 18281 34781

E: 618281

N: 134781

- Description of each section:  
Please ensure you provide a full description of each area to be stopped up.

	Max Length (metres)	Max Width (metres)	Terminal Points	
			From	To
1	871M	Between 9.3 & 13.9 M	NGR TR17979 34666	NGR TR18831 134846
2				
3				
4				
5				
6				

(continue on a separate sheet if necessary)

Is the highway to be stopped up currently obstructed even temporarily? No

If yes, please give details of the obstruction and any permission granted for the obstruction

N/A

### F – Land ownership

- Who owns the highway to be stopped up and the land on each side of each area being stopped up?  
Please provide their full name and address and e-mail, as these will be contacted during the consultation stage.

1	The road and adjoining areas are owned by Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY. c/o Legal Services [redacted]@shepway.gov.uk. Which is then currently adopted highway by Kent County Council Highways, County Hall, Maidstone, ME14 1XQ
2	
3	

(continue on a separate sheet if necessary)

### G – New Highway to be provided (If any)

- Is it:
 

All purpose highway	<input checked="" type="checkbox"/>	Bridleway	<input type="checkbox"/>	Footpath	<input checked="" type="checkbox"/>	Cycle Track	<input type="checkbox"/>
If so, will the new highway include:-							
Carriageway	<input checked="" type="checkbox"/>						
Footway	<input checked="" type="checkbox"/>						
Highway verge	<input type="checkbox"/>						

- Has the highway authority agreed to maintain the new highway? Yes
- If "No" Who will maintain the new highway n/a
- Who owns the land to be dedicated as new highway? Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY.
- If the applicant will not own or control the land to be dedicated, has the landowner's consent been given to the proposed dedication? Yes

**H – Highway to be Improved (If any)**

- Is it:
 

All purpose highway	<input type="checkbox"/>	bridleway	<input type="checkbox"/>	footpath	<input type="checkbox"/>	cycle track	<input type="checkbox"/>
Carriageway	<input type="checkbox"/>						
Footway	<input type="checkbox"/>						
Highway verge	<input type="checkbox"/>						
- Are the improvements to take place on the
- What is its name and classification number (if any)?
- Describe the improvement briefly.

**I – Section 248 Orders**

Please provide a description of the main highway to which the order relates for which planning permission has been granted.

**J – Undertaking and declaration**

In submitting this form (electronically or otherwise) I declare that:

- I understand that I have no authority to stop up or divert a highway until the notice announcing that the Secretary of State has made an order is published. Not only is it an offence to obstruct or interfere with a highway before this is done, but this may also make it impossible for the Secretary of State to make an order.
- Except to the extent authorised by or under some other statutory provision, the highway(s) to be stopped up or diverted is/are in no way obstructed and is/are fully available for use until the order comes into operation.
- All the information given in this form is, to the best of my knowledge and belief, true and accurate.
- I apply for an order to authorise the stopping up or diversion of the highway(s) described above and give permission to the Department for Transport to reproduce the stopping up plan submitted with this application for use with any Order that is issued.

Applicant signature

[Redacted Signature]

Date

7<sup>th</sup> March 2018

Once signed and dated this form (together with all the necessary enclosures as listed in the guidance notes) should be sent to:

[nationalcasework@dft.gsi.gov.uk](mailto:nationalcasework@dft.gsi.gov.uk)

or by hard copy to:

The National Transport Casework Team  
Department for Transport  
Tyneside House  
Skinnerburn Road  
Newcastle Business Park  
Newcastle upon Tyne  
NE4 7AR

Once your application is received, our written communication to you will be via e-mail; If you have a 'junk' filter on your e-mail account, it is recommended that you add [nationalcasework@dft.gsi.gov.uk](mailto:nationalcasework@dft.gsi.gov.uk) (or the domain [@dft.gsi.gov.uk](mailto:@dft.gsi.gov.uk)) to your contacts or 'safe senders' list.

If you have specific pre-application queries, we would be happy to answer these by e-mail or by telephone on 020 7944 4115 or 4262

## Guidance Notes

**To be read before completing the application form for stopping up or diversion orders. These do not need to be returned with the application form.**

### **Section A:**

Where requested, please provide full contact names and details. These greatly assist us in directing our queries and public documents to the appropriate person.

The applicant is the person with whom day-to-day contact should be made and who will respond to our queries and address any objections received. If an agent is appointed for this, their details should be provided on a covering letter.

Local Public Office – It is advantageous to have discussed the depositing of plans at the office prior to providing their details. This will reduce the potential of plans not being displayed appropriately. This is of particular importance if the local public office is a large organisation, such as a council,

### **Section B:**

We do not require full statements of reasons/feasibility studies, just a brief outline on why the highway closure is needed.

### **Section C:**

Please provide a copy of the planning decision notice and associated approved plans including the site layout.

### **Section D:**

Please provide a copy of the planning application and associated plans showing the proposed site layout. Copies of any correspondence with the Highway Authority should also be included.

### **Section E:**

#### **Highway definitions:**

'Highway' is defined in common law as a way over which all members of the public have the right to pass and repass. Their use of the way must be as of right and not on sufferance or by licence. Highways may be classified as follows:

'all-purpose highway' - may be used by all classes of traffic, including all motor vehicles, vehicles drawn by animals, pedal cycles and animals being ridden, led or driven:

'carriageway' - forming all, or part of, a highway (other than a cycle track) over which the public have a right of way for the passage of vehicles;

'footway' - a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only (i.e. a pavement alongside a road)

'footpath' - a highway where the public have a right of way on foot only and where no carriageway is present;

'bridleway' - a highway over which the public have rights of way on foot, bicycle and on horseback, or when leading horses, with or without a right to drive any sort of animal along that highway. There is no other right of way on a bridleway.

'cycle track' - constituting or comprised in a highway, over which the public have a right of way on pedal cycles, with or without a right of way on foot. There is no other right of way on a cycle track.

We also do not just look at the adopted highways, but all highways which may have attracted highway rights. These areas should be considered in any stopping up Order. If they are not, then the application may attract objections.

It is essential that measurements are accurately described in the order schedule. The measurements described must be reflected in the plans submitted and must be measured in linear metres rather than m<sup>2</sup>.

### **Section F:**

When considering Land Ownership, any Lessee Interests should be taken into account.

### **Sections G & H:**

It should be noted that generally, 'new' highways are generally those which are new to the network and 'improvements' include widening or realignment of an existing highway.

### **Section I:**

A description of the main highway to which the order relates for which planning permission has been granted/sought.

### **Plans required with ALL applications:**

A copy of the approved (or proposed) site layout plan with the site boundary edged red and the existing highway boundary, within the site, edged blue;

An up to date plan(s) A3 or A4 size based on Ordnance Survey and *ideally* drawn to a scale of 1:1250 or 1:500 showing the area to be stopped up (see additional notes below).

Plans should also be dark enough to be photocopied.

All plans must clearly show a north point, preferably prepared so that North is shown parallel with the vertical side of the plan.

It should be possible to scale the measurements from the approved plan and the order plan and for both to agree.

**Maps provided electronically must be in pdf format and state clearly what size they should be printed.**

**You will also be required to print documents for display.**

**Please do not send copies of the elevation plans.**

**Please contact the National Transport Casework Team if your plans are larger than A3.**

**There are no fees payable.**