

## ***RIGHTS OF WAY REPORT***



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Report Author	Geraint Morgan
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*To: Chairman, Ladies and Gentlemen*

### ***Basic Guidance on the law relating to Orders to be made under Town and Country Planning Act 1990 section 257***

- 1.0 It is possible for a Council to make an Order under s257 Town and Country Planning Act 1990 to stop up or divert highways that are affected by development for which planning permission has been granted.
- 2.0 For the power to be exercisable the local authority must be satisfied that it is necessary to stop up or divert the way in order to enable development to be carried out. It is not sufficient that the making of the order would facilitate the carrying out of the development. The order must be necessary in the sense that without the order development could not be carried out.