



Department for Transport

Stopping Up and Diversion of Highways

Orders using Sections 247 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)

SJS (4) Limited (Walker Morris LLP is acting as their
agent and their contact details are set out here – 33
Wellington Street, Leeds LS1 4DL)

Contact Name

Josh Kitson

Telephone Number

0113 283 2500

E-mail

josh.kitson@walkermorris.co.uk

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

SJS (4) Limited, 33 George Street, Wakefield, WF1
1LX

Contact Name

Oliver Quarmby

Telephone Number

07921 973 253

E-mail

oliver@sjs.co.uk

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

Derby City Council, Council House
Corporation Street
Derby
DE1 2FS

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

Derby City Council, Council House
Corporation Street
Derby
DE1 2FS

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

Not applicable

Contact Name

E-mail

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)

Derby City Council
Council House
Corporation St
Derby
DE1 2FS

Contact Name

Kiley McDonald

Telephone Number

01332641702

E-mail

highways.maintenance@derby.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.

See attached statement.

Is there a related compulsory purchase order, or other statutory action?

Yes/No

If yes, please provide details, including the Order name, its current status and details of any public inquiries that have been arranged.

N/A

C – The Planning Permission

- | | | |
|---|---|--|
| • Has planning permission been granted for this development? | Yes
No | If yes complete section C
If no go to section D |
| • What is the date of the Planning Permission Decision Notice? | <input type="text" value="2 March 2023"/> | |
| • What is the type of Planning Permission? | <input type="text" value="Full"/> | |
| • What is the Planning Permission Decision Notice reference? | <input type="text" value="22/01765/VAR"/> | |
| • On what date is development on the highway expected to start? | <input type="text" value="1 June 2024"/> | |

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? | <input type="text"/> |
| • Date the Planning Application was validated (if known)? | <input type="text"/> |
| • What is the Planning Application reference number (if known)? | <input type="text"/> |
| • 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 | <input type="text"/> |
| • or the date on which an application was referred to the Secretary of State under section 77 of the Act | <input type="text"/> |
| • or the date on which an appeal was made to the Secretary of State under section 78 of the Act | <input type="text"/> |
| • 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. | Yes/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	x	bridleway	footpath	cycle track
Carriageway	x			
Footway	x			
Highway verge				

- The names, addresses, postcode and the easting and northing grid reference of the place(s) where the highway(s) is/are situated and classification (if any)?

Land at Colyear Street, Derby, DE1 1LF (point A on "Legal Plan – Stopping Up").

E: 435073200 N:336144649

- Description of each section:

Please ensure you provide a full description of each area to be stopped up (see attached further descriptions on separate page which relate to the lettering on the plan with reference x)

	Max Length (metres)	Max Width (metres)	Terminal Points	
			From	To
1	63.4	4.9	A	C
2				
3				
4				
5				
6				

(continue on a separate sheet if necessary)

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

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

Not applicable

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 Council own the land that is to be stopped up, and on either side of the highway to be stopped up. The land that is to be stopped up falls within title DY565374, which is owned by the Council. Contact details: Derby City Council, Council House, Corporation Street, Derby, DE1 2FS (estates.cor@derby.gov.uk)
2	The land to the north and south of the area to be stopped up falls within title DY565374. It therefore is owned by the Council. See above contact details.
3	The land to the west of the area to be stopped up falls within title DY568369, which is owned by the Council. See above contact details.
4	The land to the east of the area to be stopped up is not registered, and is part of the adopted highway. The land on either side of the highway is owned by the Council (within titles DY565374 and DY177840). It is therefore assumed that the land to the east of the area to be stopped up is also owned by the Council. See above contact details.

(continue on a separate sheet if necessary)

G – New Highway to be provided (if any)

- Is it: All purpose highway Bridleway Footpath Cycle Track
If so, will the new highway include:-
Carriageway
Footway
Highway verge

- Has the highway authority agreed to maintain the new highway? Yes/No

If "No" Who will maintain the new highway

- Who owns the land to be dedicated as new highway?

- 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/No

H – Highway to be improved (if any)

- Is it: All purpose highway bridleway footpath cycle track
Are the improvements to take place on the
Carriageway
Footway
Highway verge

- 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



Date

9 OCTOBER 2023

Data Protection Policy

The personal data you provide is purely for the use of this application. Your information will be kept securely within DfT and destroyed within 5 years after the form has been processed. Your personal information will not be shared with anyone else.

Further details on DfT's privacy policy can be found at www.gov.uk/dft/privacy-policy.

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

nationalcasework@dft.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.gov.uk (or the domain @dft.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 **07786 190909**

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 m².

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.

Guidance Notes

Stopping up plans:

Should show existing buildings and highway(s) clearly labelled. It is also important that sufficient of the surrounding area appears on the plan to enable the location to be easily identified.

The plans should be marked as follows:

Any highway (all-purpose highways, footpaths or bridleway) to be stopped up or diverted should be shown by zebra hatching or edged black;



Any new highway (all-purpose highways) pursuant to the order should be shown by stipple.



Any existing highway to be improved pursuant to the order should be shown by cross hatching over the affected length. Improvements include any widening or realignment.



New footpaths, bridleways or cycle tracks to be provided.



The terminal points of the lengths of highway proposed to be stopped up or diverted must be clear on the plans, if appropriate using labelled reference points.

Highways such as footpaths and bridleways must be identified in the order in words, such as 'the footpath / bridleway leading to North Street from West Road'. Sufficient information should be given on the plans to enable an adequate description to be prepared.

It is essential that measurements are accurately described in the order schedule; measurements must be to scale and shown in linear metres and not in square metres. The measurements shown on the application form should therefore match the area(s) being stopped up on the stopping up plan.

Check List

Items to be submitted with ALL applications.

An existing highway layout plan showing the highway to be stopped up or diverted, including any new highways to be maintained at the public expense or any improvements.

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

A copy of any Compulsory Purchase Order (if applicable).

If you already have planning decision, you also need to provide:

A copy of the planning permission decision notice.

A copy of the site layout plan(s) as approved by the above planning permission.

If you have yet to receive your planning decision you also need to provide:

A copy of the site layout plan(s) proposal as submitted with the planning application.

A copy of the planning application and any highway authority correspondence.

