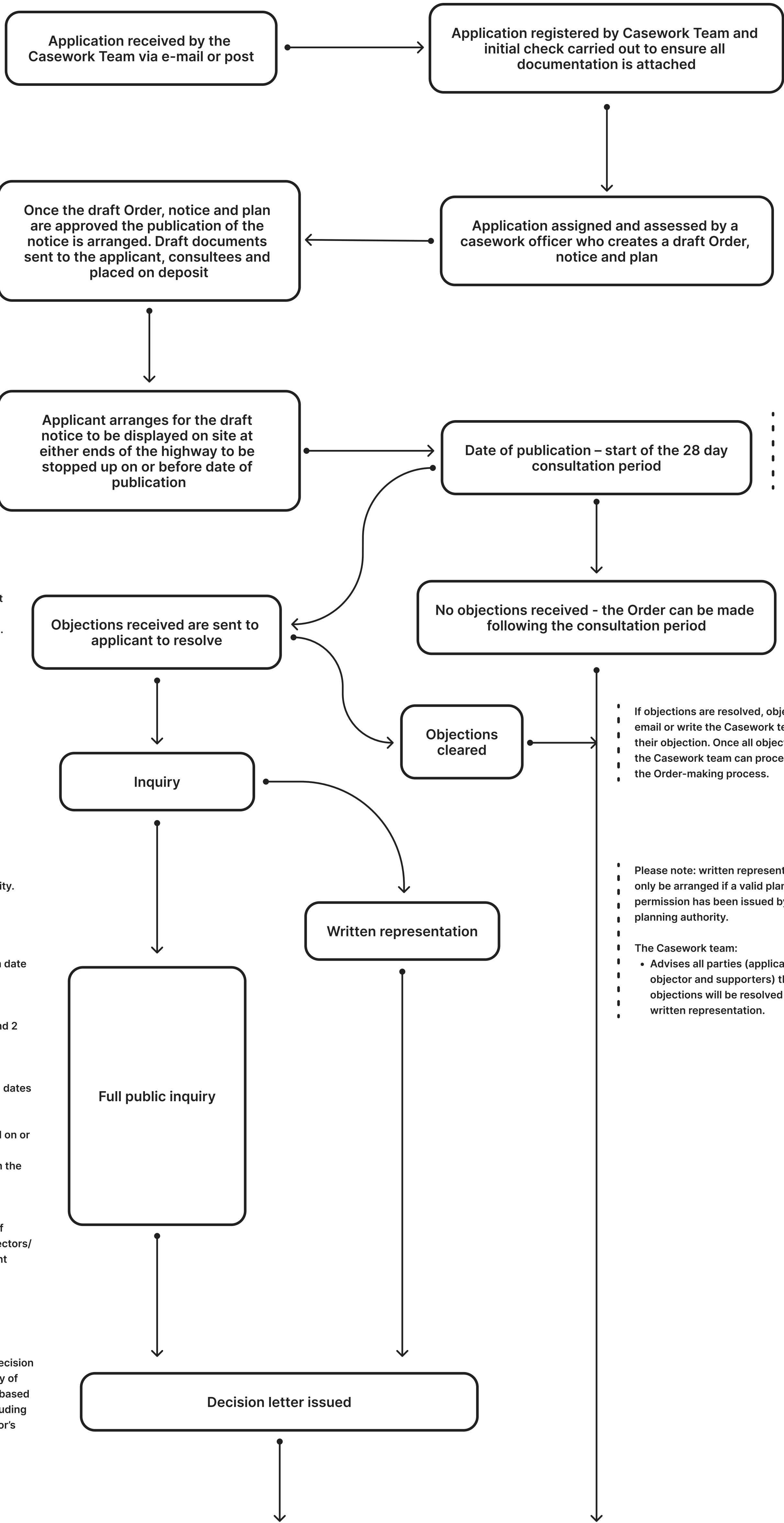


# Stopping Up of the Highway - Stage 1



**The Casework team:**

- Arranges for the publication of a draft notice in a local newspaper and the London Gazette. Normally around 10 days notice has to be given to our publishers, depending if the local newspaper is published daily or weekly.
- Circulates the draft order, notice and plan to consultees for comment.

**The applicant:**

- Posts the draft notice on site at either end of the sections of highway being stopped up, on or before the date of publication of the draft notice.
- Signs and returns the certificate of posting, stating notices have been displayed on site on or before the date of publication.

Any objections received are copied to the applicant to respond to, in order to resolve the issues raised. No Order can be made with outstanding objections. If the objections cannot be resolved they will be determined by the Casework team.

Please note: a public inquiry can only be arranged if a valid planning permission has been issued by the planning authority.

**The Casework team:**

- Advises all parties that a public inquiry is to be arranged.
- Requests possible dates and venue for the inquiry from applicant. The dates requested are around 13 weeks from date of reply to the casework officer.
- Arranges for an inspector to hold the inquiry.
- Issues an inquiry notice to all parties
- Arranges publication of the inquiry notice, normally around 2 weeks before date of inquiry.

**The Applicant:**

- Provides the Casework team with the possible venue and dates as mentioned above.
- Displays the inquiry notice on site and completes the certificate of posting stating inquiry notice was displayed on or before the date of publication.
- May wish to check that the inquiry notice has appeared in the local press.

**The applicant/objectors/supporters:**

- All interested parties submit statements of case/proofs of evidence to the casework team to send to inspector. Objectors/supporters also send a copy to the applicant and applicant sends copies to the objectors/supporters.

Once the inquiry is held an inspector issues a report to the casework team, around a month after the inquiry is closed.

The Casework team issues a decision letter on behalf of the Secretary of State, to all interested parties, based on all information received including (where applicable) the inspector's report.

The Casework team issues an acknowledgement letter, case reference number, along with a request for additional information (if needed) to the applicant.

The Casework officer assesses the application and requests additional information (if needed). They will then prepare the draft order, notice and plan. The draft documents will then be submitted to managers for approval.

Please note: if planning permission has not yet been issued, the Casework team will issue the draft order and notice, under Section 253. The Casework team will need a copy of the planning permission application form before this can be done. The Order will be made under section 247, once a valid planning permission has been received and any objections are removed.

The applicant may wish to check that the notice has been issued in the local press.

Following the consultation period, if no objections are received, the Casework team can proceed to stage 2 of the Order-making process.

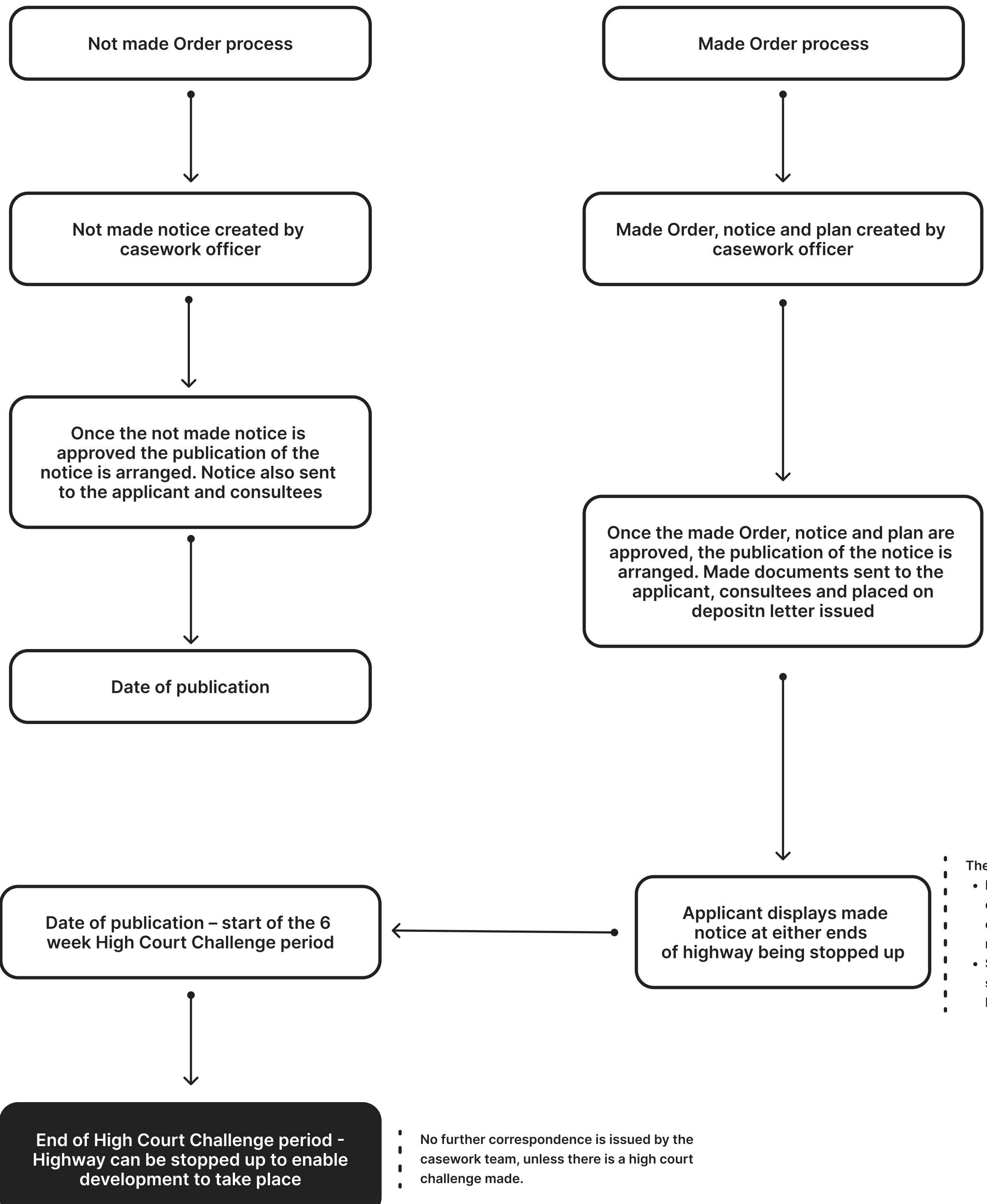
If objections are resolved, objectors will need to email or write the Casework team withdrawing their objection. Once all objections are resolved the Casework team can proceed to stage 2 of the Order-making process.

Please note: written representation can only be arranged if a valid planning permission has been issued by the planning authority.

**The Casework team:**

- Advises all parties (applicant, objector and supporters) that the objections will be resolved via written representation.

# Stopping Up of the Highway - Stage 2



**The Casework team:**

- Arranges for publication of a not made notice in the local press and London Gazette.
- Advises all interested parties of the decision not to make the Order.

**The Applicant:**

- Posts the not made notice on site either ends of the section of highway that was to be stopped up.

**The applicant:**

- May wish to check that the notice has been published in the local press.
- Signs and returns the certificate of posting, stating not made notices have been displayed on or before the date of publication.

The applicant may wish to check that the notice has been published in the local press. Once the made notice is published, the applicant has the authority to stop up the highway to enable development to take place. This is at the applicant's own risk as it is also the start of the 6 week High Court Challenge period. Any person aggrieved by or desiring to question the validity of any provision within the order on the grounds that it is not within the powers of the Act or that any requirement or regulation made has not been complied with, may apply to the high court for the suspension or quashing of the order or of any provision included.

Following receipt of the draft stage certificate of posting from the applicant and the press notices from local newspaper, from the casework team's publishers, the made Order, notice and plan will be prepared. Please note: if the draft Order was issued under section 253, the made Order cannot be prepared until a valid planning permission has been issued by the local authority.

**The Casework team:**

- Arranges for publication of a made notice in the local press and London Gazette.
- Issues the made Order, notice and plan to consultees advising that the Order to stop up the highway has now been made.
- Arranges for the made Order, notice and plan to be displayed on deposit.

**The applicant:**

- Posts the made notice on site at either ends of the section of highway being stopped up, on or before the date of publication of the made notice.
- Signs and returns the certificate of posting, stating the notices have been displayed on or before the date of publication.

No further correspondence is issued by the casework team, unless there is a high court challenge made.