

STOPPING UP ORDERS

GENERAL INFORMATION

A **Highway** is a defined route over which the public has a right to pass and re-pass at all times without permission or charge.

A highway must be open for public use and must not be obstructed unless or until such time as it may be “stopped-up” by order.

A highway can be temporarily closed by a temporary traffic regulation order, made by the Council being the traffic authority.

A highway can be permanently extinguished by a **Stopping up Order**, mainly for the following two reasons:

1) To allow development to take place;

These requests are typically dealt with through the planning process and should be highlighted at the time of your planning application and referenced within it. The relevant orders are:

- a) A **Stopping up Order** under **section 247 of the Town and Country Planning Act 1990**, which is made by the Secretary of State, if he/she is satisfied that it is necessary to enable a development to be carried out in accordance with a planning permission. The Council, being the Highway Authority is consulted before a decision is made.
- b) A **Stopping up Order** under **section 257 of the Town and Country Planning Act 1990** may be made by the Council as the Local Planning Authority only when it involves a **Footpath, Bridleway or Restricted Byway**. Such orders may extinguish a right of way where it is necessary in order to enable a development to be carried out in accordance with a planning permission. If you wish to apply to stop-up or divert a public **Footpath, Bridleway or Restricted Byway** to enable development to be carried out, please ensure that the matter is raised with your planning officer and is referenced in any subsequent planning application. In considering such an application, the applicant will need to clearly demonstrate to the Authority that the **Footpath, Bridleway or Restricted Byway** proposed to be stopped up or diverted will be affected by the proposed development. Therefore a copy of the planning permission, together with the approved site layout plan clearly showing the boundary of the development area by a red line or similar means, must be enclosed with an application.

Please note that authority to stop-up or divert a Highway is not conferred through the approval of a planning application. Approval to stop-up or divert a highway is only given once the **Stopping up or Diversion order** has been confirmed and notice of its confirmation has been published. Any obstruction of the interference with the way concerned is not only an offence but may make it impossible to

proceed with the making or confirmation of a **Stopping up or Diversion order**.

2) Where the highway is no longer required for public use

- c) A **Stopping up Order** under **Section 116 of the Highways Act 1980**, which is granted by the Magistrates' court, if the court is satisfied that the highway is "unnecessary".
- d) A **Stopping up Order** under **Section 118 of the Highways Act 1980**, made by the Council as the Highway Authority only when the stopping up involves certain classes of highways, namely a **Footpath, a Bridleway or a Restricted Byway**. The Highway authority can only make such an order, if it is satisfied that the path in question is no longer needed for public use.

The sub soil over which a public highway runs is often not owned by Manchester City Council as the Highways Authority. If a **Highway** is stopped up the land comprising the former highway returns to the owner of the subsoil. Where the owner of the subsoil is not known and cannot be found, there is a legal presumption that the owners of the adjoining properties own the subsoil beneath the former highway out to the central line of the former highway

STOPPING UP ORDERS UNDER SECTION 116 OF THE HIGHWAYS ACT 1980

GENERAL INFORMATION

The Magistrates' court may make a **Stopping up Order** under **Section 116 of the Highways Act 1980** to authorise the stopping up of a **Highway**, if it is satisfied that the **Highway** is unnecessary.

Case law provides some principles as to when a **Highway** is "unnecessary". Where there is evidence of use of the **Highway**, it will be difficult for the justices to conclude that a **Highway** is unnecessary, unless the public are provided or are going to be provided with a 'reasonably suitable alternative route'. It is a matter for the court to determine whether the alternative route is reasonably suitable for the public.

Applications to stop up a **Highway** under **Section 116 of the Highways Act 1980** can only be submitted to the Court by Manchester City Council ("the Council"), being the highway authority for its administrative area. However, the Council can act on behalf of any other person, if a **Section 117 Application** is submitted to the Council, by anyone who thinks that a **Highway** should be extinguished because it is unnecessary. Section 117 also allows the highway authority, where they grant such a request, to recover from the applicant any reasonable costs incurred in making the application, including the costs of any contested hearing and the removal or diversion of statutory undertakers' apparatus. Please note that this is a discretionary power of the Authority and consequently applications will only be approved if a strong need can be demonstrated.

In any case, the Magistrates' court will ultimately decide whether all the legal grounds are complied with and whether an order to stop up a **Highway** under **Section 116 of the Highways Act 1980** can be made.

GENERAL PROCEDURE

Any person who is considering submitting to the Council a **Section 117 Application** to stop up or divert a **Highway** should be aware that the procedure can be lengthy and involves:

- (i) Informal pre-consultations with relevant parties and a **Section 117 Application** to the Council to request the court to make a **Stopping up Order (or a Diversion Order)** under **Section 116 of the Highways Act 1980**.
- (ii) Consideration of the application and preparation of a report by Council's officers to seek authorisation to apply to the Magistrates' court for an order or to refuse **the Section 117 Application**.
- (iii) Subject to the **Section 117 Application** being approved, statutory advertisement of the proposed **Stopping up Order** in the local press, London

Gazette and on site at least 28 days before the proposal is heard at the magistrates' court.

(iv) Notification of the proposed **Stopping up Order** to **Statutory Undertakers**, owners and occupiers of all land adjoining the highway, the local rights of way societies, the Secretary of State for Transport if the road is a **classified road** and the **Ringway Parish Council** if that is where the **Highway** is situated.

(v) A hearing at the Magistrates' court where the Council's officers attend and give evidence to support the stopping up. If objections have been submitted and they cannot be removed, it is at the Council's discretion to decide whether to proceed with a contested hearing or not. The magistrates' court may decline to make the order if objections are received or remain outstanding on the date of the hearing, or if it considers the case for stopping up has not been made.

In order to assist you in your **Section 117 Application**, the Council has separated the process into two phases. Phase 1 is a **Stopping up Assessment Test** to see whether your application satisfies the legal criteria and whether your application has any potential objections from the people likely to be affected from the proposed **Stopping up Order**. We suggest you consult with the following categories of people and organisations before submitting a **Section 117 Application** namely:

- Adjoining the highway and adjacent land owners and occupiers;
- the **Statutory Undertakers**;
- the four **Rights of Way Societies** who are active in Manchester;
- the Secretary for Transport if the road is a **classified road**;
- **Ringway Parish** if the highway is an unclassified road situated within its area. If Ringway Parish refuses to consent to your proposals, it is highly likely that your application will be rejected by the Council as the Highway Authority.

The purpose of your early informal consultation of these parties is to identify in advance any areas of concern or objection. Please note that all the bodies above will be served with a statutory notice by the Council's legal officers during the **Statutory Process**.

If, following the informal consultation, you have received negative comments from the persons and organisations listed above, then we suggest you try to resolve any outstanding issues before you submit your **Section 117 Application** or contact the Council to discuss your proposals.

If no objections or concerns have been raised by any of the persons and organisations listed above, you can progress to Phase 2 of the process, which involves completing and submitting the **Section 117 Application**, the **Indemnity Agreement**, together with payment of the **non-refundable deposit**. Upon receipt of the above, the Council will consider your application and decide whether it 'supports' your application or not. If the Council decides

to support your **Section 117 Application**, on the condition that an **Indemnity Agreement** has been completed and the **non-refundable deposit** has been paid. On the assumption that both these conditions have been fulfilled, the Council will then proceed with the statutory process and submit the stopping up or diversion proposal to the Magistrates' court.

In case the Council decides not to support your **Section 117 Application**, it will also inform you in writing providing the reasons for doing so. There is no right of appeal against such decisions, except for the general right of judicial review of any decision made by a public authority.

We strongly recommend you read the **General Procedure** together with the **Frequently Asked Questions** and complete the **Stopping up Assessment Test** before you submit a **Section 117 Application**. Please note that no **Section 117 Application** will be progressed without having received payment of the **non-refundable deposit**.

DIVERSION ORDERS

A **Highway** may be diverted under **Section 116 of the Highways Act 1980** if the Magistrates' court is satisfied that by diverting a **Highway**, the new route to be created by the Order will be "nearer or more commodious" to the public.

Diversion orders under section 116 of the Highways Act 1980

The Magistrates' court can grant an order under **Section 116 of the Highways Act 1980** to divert a **Highway**. The **Highway** can be diverted only when the court determines that to do so it will make it nearer or more commodious to the public. In effect, a diversion order extinguishes the public right of way over the existing **Highway** and diverts these rights over another defined route, which then becomes a **Highway**.

The court will not grant such an order unless all the persons who have a legal interest in the land over which the **Highway** is to be diverted have consented to the proposal and such written consent has been produced and deposited with the court.

Furthermore, if the proposed diversion necessitates temporary interference with an existing **Highway**, the court will not authorise the stopping up of any part of the existing **Highway** until the new part to be substituted for the part to be stopped up has been completed to the satisfaction of the court.

FREQUENTLY ASKED QUESTIONS

- **What is a Highway?**

A **Highway** is a defined route over which the public has a right to pass and re-pass at all times without permission or charge.

A **Highway** must be open for public use at all times and must not be obstructed unless or until such time as it may be “stopped-up” by order.

A **Highway** can be temporarily closed by a temporary traffic regulation order, made by the Council being the traffic authority.

A **Highway** can be permanently extinguished by a **Stopping up Order**.

- **What is a Footpath, Bridleway or Restricted Byway?**

Footpath is a **Highway** over which the public have a right of way on foot only (not being a footway/pavement).

Bridleway is a **Highway** over which the public have a right of way on foot or on horseback.

Restricted byway is a carriageway over which the public right of way is for all types of traffic except for mechanically propelled vehicles.

- **What is a classified road?**

It is a road that has been classified in accordance with section 12 of the Highways Act 1980. Classified roads have an A or B number. Unclassified roads don't but some are designated as C roads.

- **How can a Highway be closed on a temporary basis?**

A **Highway** can temporarily be closed (and the public right of way suspended), by a temporary traffic regulation order made by the Council being the traffic authority. If you wish to apply to the Council for such an order, please do this on line at the following address.

http://www.manchester.gov.uk/info/200063/licences_and_permissions/4293/traffic_regulation_orders

- **How can a Highway be stopped up?**

A **Highway** may be “stopped up”, i.e. the right of the public to use the way is permanently extinguished, mainly for either of the following two reasons:

a) To allow development to take place:

These requests are typically dealt with through the planning process and should be highlighted at the time of your planning application and referenced within it. The relevant orders are:

- e) A **Stopping up Order** under **section 247 of the Town and Country Planning Act 1990**, which is made by the Secretary of State, if he/she is satisfied that it is necessary to enable a development to be carried out in accordance with a planning permission. The Council, being the Highway Authority is consulted before a decision is made.
- f) A **Stopping up Order** under **section 257 of the Town and Country Planning Act 1990** may be made by the Council as the Local Planning Authority only when it involves a **Footpath, Bridleway or Restricted Byway**. Such orders may extinguish a right of way where it is necessary in order to enable a development to be carried out in accordance with a planning permission. If you wish to apply to stop-up or divert a public **Footpath, Bridleway or Restricted Byway** to enable development to be carried out, please ensure that the matter is raised with your planning officer and is referenced in any subsequent planning application. In considering such an application, the applicant will need to clearly demonstrate to the Authority that the **Footpath, Bridleway or Restricted Byway** proposed to be stopped up or diverted will be affected by the proposed development. Therefore a copy of the planning permission, together with the approved site layout plan clearly showing the boundary of the development area by a red line or similar means, must be enclosed with an application.

Please note that authority to stop-up or divert a Highway is not conferred through the approval of a planning application. Approval to stop-up or divert a highway is only given once the **Stopping up or Diversion order** has been confirmed and notice of its confirmation has been published. Any obstruction of the interference with the way concerned is not only an offence but may make it impossible to proceed with the making or confirmation of a **Stopping up or Diversion order**.

Or

b) Where the highway is no longer required for public use

- g) A **Stopping up Order** under **Section 116 of the Highways Act 1980**, which is granted by the Magistrates' court, if the court is satisfied that the highway is "unnecessary".
- h) A **Stopping up Order** under **Section 118 of the Highways Act 1980**, made by the Council as the Highway Authority only when the stopping up involves certain classes of highways, namely a **Footpath, a Bridleway or a Restricted Byway**. The Highway authority can only make such an order, if it is satisfied that the path in question is no longer needed for public use.

The sub soil over which a public highway runs is often not owned by Manchester City Council as the Highways Authority. If a **Highway** is stopped up the land comprising the former highway returns to the owner of the subsoil. Where the owner of the subsoil is not known and cannot be found, there is a legal presumption that the owners of the adjoining properties own the subsoil beneath the former highway out to the central line of the former highway

- **What is a Diversion Order under Section 116 of the Highways Act 1980?**

A **Highway** may be diverted under **Section 116 of the Highways Act 1980** if the Magistrates' court is satisfied that by diverting a **Highway**, the new route to be created by the Order will be "nearer or more commodious" to the public.

The Magistrates' court can grant an order under **Section 116 of the Highways Act 1980** to divert a **Highway**. The **Highway** can be diverted only when the court determines that to do so it will make it nearer or more commodious to the public. In effect, a **Diversion Order** extinguishes the public right of way over the existing **Highway** and diverts these rights over another defined route, which then becomes a **Highway**.

The court will not grant such an order unless all the persons who have a legal interest in the land over which the **Highway** is to be diverted have consented to the proposal and such written consent has been produced and deposited with the court.

Furthermore, if the proposed diversion necessitates temporary interference with an existing **Highway**, the court will not authorise the stopping up of any part of the existing **Highway** until the new part to be substituted for the part to be stopped up has been completed to the satisfaction of the court.

- **Who grants a Stopping up or Diversion order under section 116 of the Highways Act 1980?**

The Magistrates' court

- **Who can apply to the court for a Stopping up or Diversion Order under section 116 of the Highways Act 1980?**

The Highway Authority, which is Manchester City Council for the administrative area of Manchester.

Any third party can request the Council to apply to the Magistrates' court, by submitting to the Council a **Section 117 Application**.

- **What is a Section 117 Application?**

It is an application, under section 117 of the Highways Act 1980, which enables a person to ask the Council to present to the Magistrates' court a proposal for a stopping up or diversion of a **Highway** under **Section 116 of the Highways Act 1980**.

A **Section 117 Application** comprises a **form** of the application, the **Fee** and the **Indemnity Agreement**

Upon receipt of the above, the Council will consider the application and will either apply to the court for an order or refuse **the Section 117 Application**, providing reasons in writing. If the Council's decision is to approve the **Section 117 Application**, the Council will proceed to the **Statutory Process** of notification and presenting the proposals for a **Stopping up** or **Diversion Order** to the magistrates' court.

Before you submit a **Section 117 Application**, it is strongly recommended that you complete the **Stopping up Assessment Test**. If the outcome of the test suggests that you have the legal grounds and the responses from the informal consultation, part of the **Stopping up Assessment Test**, are neutral/positive, then you can proceed with submitting a **Section 117 Application**.

- **What is a Stopping up Assessment Test?**

It comprises a questionnaire and a series of actions to help you assess whether the proposed **Section 117 Application**, prima facie, satisfies the legal criteria. The test also requests you consult the following list of persons and organisations, mostly likely to be affected by the proposals:

- adjoining the highway and adjacent land owners and occupiers;
- the **Statutory Undertakers**;
- the four **Rights of Way Societies** who are active in Manchester;
- the Secretary for Transport if the road is a **classified road**;
- **the Ringway Parish** if the highway is an unclassified road situated within its area (please note that if Ringway Parish's consent is withheld any future **Section 117 Application** will be rejected by the Council).

The purpose of your early informal consultation of these parties is to identify in advance, before the legal process commences, any areas of concern or objection. All the bodies above will be served with a statutory notice by the Council's legal officers, once the **Section 117 Application** is approved by the Council and **Statutory Process** commences.

If you have received negative comments from the groups of people you have informally consulted, then we strongly advise you try to resolve any outstanding issues before you submit a **Section 117 Application** the Council.

The **Stopping up Assessment Test** has been provided within this application pack, see Document 4.

- **What is the Fee?**

The making of a Stopping up Order should be a cost neutral exercise for Manchester City Council and we will therefore look to recharge our costs for processing, making and advertising such orders. [This applies to requests from both internal and external clients, including applications made through Section 257 of the Town and Country Planning Act 1990 and Section 117 of the Highways Act 1980 which provide a specific mechanism to allow the Authority to recover reasonable costs].

The standard non-refundable deposit for processing a Section 117 Application currently is the amount of £4,000.00. The deposit value is calculated on an annual basis.

Manchester City Council will claim all reasonable costs incurred in processing a Section 117 application, this includes Highway Officers, Legal fees, advertising costs and court charges for example. Any costs incurred will be drawn down against the deposit paid, when the deposit is 80% expended Officers will contact you with an estimate of future fees and costs, you will be asked if you wish to proceed. If you confirm your intention to proceed with the application, once the value of the deposit has been exceeded you will be invoiced on a monthly basis.

- **What is an Indemnity Agreement?**

It is an agreement, being made as a deed, between the Council and the applicant under which the applicant undertakes to indemnify the Council against any costs, actions, charges, demands, proceedings, expenses and liabilities which might occur once the **Statutory Process** commences and which comprise the **Additional Payment**.

The Council will only process a **Section 117 Application** once the **Indemnity Agreement** is completed and duly executed by both the applicant and the Council.

- **What is the Statutory Process of making a Section 116 Stopping up or Diversion Order?**

If the Council decides to approve a **Section 117 Application**, the Council will proceed to the **Statutory Process**, which will involve:

- a) the drafting the various relevant notices;
- b) advertising the notices on a local newspaper and London Gazette;
- c) posting the notices on conspicuous places and keep notices in place for 28 consecutive days;
- d) service of notification of the proposals on **Statutory Consultees**;
- e) arranging for the listing of the proposal at the magistrates' court for a hearing date;
- f) dealing with objections.
 - a. In case that any objections are submitted but removed before the hearing date, the Council will proceed to an uncontested hearing.
 - b. If objections have been submitted, which cannot be removed by the hearing date, the Council will seek an adjournment, in an attempt to contact you or interested parties and secure the withdrawal of the objections before the new hearing date.
 - c. If objections have been submitted, but not withdrawn, it is at the Council's discretion to decide whether to proceed with a contested hearing or not. If it decides to proceed to a contested hearing, then see the follow steps. Otherwise, a decision will be

made in writing to notify the applicant of the reasons for not pursuing the application and the matter will close. Please note that any outstanding costs will still be charged.

- d. If objections have been submitted, not withdrawn and the Council decides to proceed to an uncontested hearing, an advocate (usually a junior barrister depending the case) will be presenting the case at the court. The Magistrates' court may decline to make the order if objections are received or remain outstanding on the date of the hearing, or if it considers the case for stopping up has not been made. It is normal that such hearings last for up to three days.
- g) Presenting the case at the Magistrates' court and giving evidence at the hearing.
- h) If the court agrees to stopping up the **Highway**, a stopping up order will be made by the court at the hearing (diversions under section 116 are a two-stage process that involves a second hearing).
- i) Sending letters to inform Statutory Consultees and other relevant persons about the stopping up/diversion and close the matter.

- **What is the likely timescale to secure a Stopping up or Diversion Order in the Magistrates' court?**

An average of 6-8 months from the time you complete **Section 117 Application** until the order is made, assuming that you submit all documents comprising your **Section 117 Application** and provide all the information in a timely manner and that no substantial objections have been received and remained outstanding.

- **Who are the Consultees the Council notifies as part of the Statutory Process?**

- Adjoining and adjacent land owners and occupiers;
- the **Statutory Undertakers**;
- the four **Rights of Way Societies** who are active in Manchester;
- the Secretary for Transport if the road is a **classified road**;
- **Ringway Parish** if the highway is an unclassified road situated within its area. Where this consent is withheld your application will be rejected.

- **Who are the Statutory Undertakers?**

1. National Rail- Manchester Square One- 4 Travis Street- Manchester- M1 2NY-
- 2.NRSA Coordinator -Atkins Telecoms- PO Box 290-260 Aztec West- Almondsbury- Bristol-BS32 4WE
- 3.Colin Charlton- Plant Enquiries- Instalcom House- Manor Way- Borehamwood-Herts -WD6 1QH
- 4.Sky Telecommunications Services Ltd- 70 Buckingham Avenue- Slough- SL1 4PN

5. Openreach Incoming Notice Reception- BT-PP 100B-1st Floor, Dial House-21 Chapel Street- Salford M3 7BA
6. Virgin Media Business- Bartley Way-Bartleywood Business Park- Hook-Hampshire-RG27 9UP-
7. United Utilities- Ground Floor, Windermere House- Lingley Mere Business Park -Lingley Green Avenue- Great Sankey-Warrington-WA5 3LP
8. Spectrum Interactive- 3rd Floor-One Park Lane- Hemel Hempstead- Hertfordshire-HP2 4YJ
9. Plant Protection Team-National Grid-Brick Kiln Street- Hinckley-LE10 0NA-
10. Peak and Northern Footpaths Society- Taylor House- 23 Turncroft Lane- Offerton-Stockport- SK1 4AB-
11. Cable and Wireless- Head Office- 1-2 Berkeley Square- 99 Berkeley Street -G3 7HR--
12. Estates & Wayleaves -Electricity North West -Frederick Road- Salford-M6 6QH--
13. Scottish Power- SPEN Construction Connections England- SP Energy Networks- Prenton Way- Prenton-CH43 3ET-
14. Vodafone- Vodafone House- The Connection- Newbury-Berkshire-RG14 2FN-
15. Colt Telecommunications- Colt Technology Services- Beaufort House-15 St. Botolph Street -London- EC3A 7QN-
16. KCOM Group PLC- 5th Floor-Prospect House-Prospect Street-Hull-HU2 8PU-
17. Verizon Business Ltd-Reading International Business Park-Basingstoke-Reading-RG2 6DA--
18. Network Rail-Network Rail Infrastructure Ltd-90 York Way-N1 9AG---
19. Virgin Media-Main Office-National Noticing Department-Communications House-Scimitar Park-SS13 1ND-
20. O2 (UK) Ltd-260 Bath Road -Slough -SL1 4DX---
21. Global Crossing-Global Crossing by Instalcom-Instalcom Ltd-Instalcom House-Manor Way-WD6 1QH-
22. Independent Pipelines Ltd-Energy House-Woolpit Business Park-Bury St Edmund's-Suffolk-IP30 9UP-
23. BSkyB Telecommunications Services Ltd.-70 Buckingham Ave-Slough-Berkshire -SL1 4PN--
24. KPN Telecomm Ltd-McNicholas Construction-Lismirrane Industrial Park-Elstree Road-WD6 3EA--
25. GTC Pipeline Ltd-Unit 23-Woolpit Business Park-IP30 9UP---
Level 3 Communications-Instalcom House-Manor Way-WD6 1QH---
26. Orange PCS Group-Fujitsu Telecoms-Birmingham Business Park-Birmingham-B37 7YU--
27. Atlantic Telecom-Instalcom House-Manor Way-WD6 1QH---
28. Interoute-Elm Resurfacing Ltd on behalf of Interoute-Adelaide Dock-Symmonds Drive-MF10 3SY--
29. TATA Communications-McNicholas Construction-Lismirrane Industrial Park-Elstree Road-WD6 3EA--
30. T-Mobile (UK) Ltd-Hatfield Business Park-Hertfordshire-AL10 9BW---
31. Vtesse Networks Ltd-John Tate Road-Foxholes Business Park-SG13 7DT---
32. Smallworld Cable Ltd-Chalmers Place-Riverside Business Park-KA11 5DH---
33. ES Pipelines Ltd-Hazeldean-Station Road-Leatherhead-KT22 7AA--

34. Energetics UK- Energetics Design and Build- International House- Stanley Boulevard- Hamilton International Technology Park- Glasgow- G72 0BN
35. Independent Power Networks Ltd- Energy House- Woolpit Business Park- Bury St Edmund's- Suffolk- IP30 9UP-
36. Fulcrum Pipelines Limited- Head Office- 2 Europa View- Sheffield Business Park- Sheffield- S6 1XH-
37. Instalcom (On behalf of Opal Telecom)- Instalcom House- Manor Way- WD6 1QH---
38. Chris Sexton, - Zayo Group UK Limited, -4th Floor, Harmsworth House- 13-15 Bouverie Street- London - EC4Y 8DP-
39. ESP Electricity- Hazeldean- Station Road- KT22 7AA---
40. Energetics Gas Ltd- 30a Kingsland Grange- Woolston- Warrington- WA1 4RW--
41. Core Utilities- Section 50 Works- Core Utilities (Other)- Prenton Way- Prenton- Ch43 3ET-
42. Fibernet- Level 3 Communications- 7th Floor- 10 Fleet Place- London - EC4M 7RB-
43. Telent-Teliasonera Line Plant Enquiries- Crompton Close- Basildon- Essex- SS14 3BA-
44. Gamma Telecommunications Ltd- Roy Darley- Unit C Focal Point- Second Avenue- Trafford Park- Manchester- M17 1FG
45. .Traffic Management- Transport for Greater Manchester- 2 Piccadilly Place- Manchester- M1 3BG--

- **Which are the Footpath Societies?**

1. The Open Spaces Society, 25a Bell Street, Henley-on-Thames, RG9 2BA
2. The Ramblers, 28 Derby Road, Heaton Moor, Stockport, SK4 4NE
3. Greater Manchester Pedestrian Association, 12 Tarleton Walk, Longsight, Manchester, M13 9DF
4. Peak and Northern Footpaths Society, 23 Turncroft Lane, Stockport, SK1 4AB

- **What is the address for Ringway Parish?**

Mr Peter Johnson,
 Clerk to Ringway Parish Council,
 Brewzehill,
 Hasty Lane,
 Ringway,
 Cheshire,
 WA15 8UT

- **What if an objection is raised and I cannot persuade the objector to withdraw it or an objector turns up at the Magistrates' court on the day of the hearing to object?**

If there are outstanding objections that have not been withdrawn by the time of the hearing, the Council will seek an adjournment date and during that time efforts will be made for the objections to be removed.

If objections have been submitted and they cannot be removed, it is at the Council's discretion to decide whether to proceed with a contested hearing or not. The Magistrates' court may decline to make the order if objections are received or remain outstanding on the date of the hearing, or if it considers the case for stopping up has not been made.

Please note that in any case a **Fee** will not be refundable and **Additional Payment** may have accrued.

- **Having submitted my Section 117 Application, what if I change my mind about applying to stop up the highway?**

The Council will cease processing your **section 117 application**, upon written request. However, please note that any **Fee** or **Additional Payment** made up to the time that you decide to withdraw your application is non-refundable.

If you wish to resume any **section 117 application**, which have requested in writing to be closed, you will need to start the procedure from the beginning, by filling the **Stopping up Assessment Test** and submitting a new **Section 117 Application**, which will trigger the payment of a new **Fee**.

STOPPING UP ASSESSMENT TEST

1. Which Highway(s) are you proposing to stop up?

2. Which areas does the highway serve?

3. Has the public been recently using the Highway(s)?

YES []

NO []

NB: if yes, it might not be easy to have an order confirmed under s.116 of the Highways Act 1980

4. Is there any alternative route that can be used by the public instead of the highway?

YES [] Provide a plan to show the alternative way edged red

NO []

5. Have you consulted the following?

- Adjoining the highway and adjacent land owners and occupiers;

YES [] Please provide details and comments

NO [] **If not, you cannot proceed to a Section 117 Application**

- the **Statutory Undertakers**;

YES [] Please provide their comments

NO [] **If not, you cannot proceed to a Section 117 Application**

NB: please note that if you have failed to consult them, you should not proceed to the making of a s.117 Application, unless you have a valid reason.

- the **Rights of Way Societies** who are active in Manchester;

a. The Open Spaces Society

YES [] please provide comments

NO [] **If not, you cannot proceed to a Section 117 Application**

b. The Ramblers

YES [] Please provide comments

NO [] **If not, you cannot proceed to a Section 117 Application**

c. Greater Manchester Pedestrian Association

YES [] Please provide comments

NO [] **If not, you cannot proceed to a Section 117 Application**

d. Any other Rights if way Society that you are aware of and it is not provided above?

YES [] Please provide comments

NO [] **If not, you cannot proceed to a Section 117 Application**

- If the Highways is within its area **Ringway Parish**

YES [] Please provide comments

NO []