



# Department for Transport

## Extinguishing Public Rights of Way on land held for planning purposes

Orders using Section 251 of the Town and Country Planning Act 1990

TCPA 251 (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

#### APPLICANT AUTHORITY

Postal address

Reigate and Banstead Borough Council  
Reigate Town Hall, Castlefield Road, Reigate, Surrey  
RH2 0SH

E-mail address

[John.Reed@Reigate-Banstead.gov.uk](mailto:John.Reed@Reigate-Banstead.gov.uk)

Telephone number.

01737 276571

If different, the Highway Authority

Surrey County Council  
County Hall, Penrhyn Road, Kingston upon Thames  
KT1 2DN

The name, postal address, e-mail address and telephone number of the Parish or Town Council. (if none, put "None")

None

The contact name, postal address and telephone number of the local public office where the public may inspect the order and deposited plan

Reigate and Banstead Borough Council  
Reigate Town Hall, Castlefield Road, Reigate, Surrey  
RH2 0SH

[John.Reed@Reigate-Banstead.gov.uk](mailto:John.Reed@Reigate-Banstead.gov.uk)

01737 276571

### B – The Proposal

Describe **briefly** the plans which necessitate the extinguishing of highway rights.

*See guidance notes regarding supporting documentation.*

The adopted public highway currently serves the Marketfield Road public car park, and the rear properties located at 2-12 High Street (known as Marylebone House) and 16-34 Station Road. The purpose of the stopping up of the highway is to facilitate the development permitted under application reference 16/01066/F, granted by Reigate and Banstead Borough Council on 20<sup>th</sup> January 2017. Specifically, the planning permission granted consent for the erection of a multi-screen cinema, retail, restaurant and café units, and residential buildings over the existing public car park and the adopted highway. A copy of the planning permission is enclosed with this application.

- Is the highway currently obstructed even temporarily? No  
If "Yes", please give details of the license/statutory provision authorising this.

- Are all the sites owned by the Council? No

- Is there an outstanding compulsory purchase order? Yes

If "Yes", please provide the title(s) and details of progress

The applicant authority intends to make Reigate and Banstead Borough Council (Marketfield Way) Compulsory Purchase Order 2018 ("the CPO") shortly. Copies of the draft CPO, CPO Map and schedule are enclosed for ease of reference. A copy of the sealed CPO and Map will be provided as soon as it has been made. As advised at paragraph 36 of DCLG's Guidance on Compulsory Purchase Process, the applicant proposes that any inquiry in respect of this application be conducted jointly with any inquiry in respect of the CPO in accordance with Regulation 15 of the Town and Country Planning General Regulations 1992.

### C - Highway on which public rights of way are to be extinguished

Is it: All purpose highway  bridleway  footpath  cycle track   
(including footways and verges)

What is its name(s)?

Classification number (if any)?

- If not the full lengths of the highway, describe the section(s)

|   | Length (metres) | Width (metres) | Terminal Points |    |
|---|-----------------|----------------|-----------------|----|
|   |                 |                | From            | To |
| 1 | 22.4            | 2.8            | A               | B  |
| 2 | 70.4            | 7.9            | A               | S  |
| 3 | 61.4            | 2.7            | Q               | I  |
| 4 | 48.5            | 7.3            | R               | S  |
| 5 | 23.7            | 3.9            | F               | J  |
| 6 | 9.6             | 5.9            | M               | W  |
| 7 | 18.7            | 6.1            | O               | W  |
| 8 | 21.1            | 18.1           | S               | O  |

### D - Date of Order (See guidance notes)

- If the order is made, on what date do you wish it to come into operation?

The applicant would invite the stopping-up order to be made either immediately following the date upon which the applicant notifies the Orders Section that it has acquired all interests in the subsoil to the land under the highway proposed to be closed under the order, or these interests vest in the applicant following implementation of the CPO.

### E - Undertaking and declaration

In submitting this form I declare that:

- I understand that authority to permanently stop up or divert a highway is conferred solely by the publication of the final notice announcing that an order has been made;
- 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 and shall not be obstructed before the order comes into operation;
- All the information given in this form is, to the best of my knowledge and belief, true and accurate.

Applicant Signature

Date

## Guidance Notes

**To be read before completing the application form for extinguishing the public rights of way on land held for planning purposes.**

### Section B

It is expected that your application is supported by a resolution declaring the site is earmarked for development purposes.

*If you have a planning application, or planning decision, you should apply for the highways to be stopped up using Section 247 powers.*

If the authority does not already hold for the purposes of the 1990 Act all of the land over which the rights of way subsist, the Secretary of State can only propose the making of an Order. The National Transport Casework Team should be notified immediately once the land has been acquired. Until this is done the Order cannot be made.

### Section D

Unless requested otherwise, the Order will become effective on the date when notice of its making is first published. From that date, authorities should clearly indicate to users that rights of way have been removed.

### Plans

The plan should show the layout of existing rights of way and be marked to show the details of the extinguishment.

It is important that sufficient of the surrounding area appears on the plan to enable the location of the right(s) of way to be easily identified.

Where locations to which reference is made in the form do not appear on the plan, their direction and the distance in metres for the end of the length of the right of way should be indicated.

The terminal points of the lengths of rights of way to be extinguished must be clear on the plans.

The plan(s) should be up to date in respect of development adjoining the proposed extinguished right(s) of way

Measurements should normally be taken from the backline of the footway.



The public rights of way to be extinguished

### Checklist

- Resolution of the Council designating the land be used for development.
- If relevant, details of any outstanding Compulsory Order relating to the Order site
- Plan showing existing highway layout
- Plan showing existing highway layout marked to show public rights of way which are to be extinguished

