Public Rights of Way
Diversion Information Pack

Public Path Diversion Order Section 119 Highways Act 1980

Advice to Applicants

Before you apply
The process for diverting a public right of way can be drawn out and contentious. The outcome cannot be guaranteed. It is therefore recommended that you discuss your proposals with the Rights of Way Team before you send in your application.

The Council's power to make these orders is discretionary. Applications will only be processed once a fully completed application form has been received and the Council is satisfied that the proposal meets the requirements of the Highways Act.

The application must be accompanied by two Ordnance Survey maps at a scale of 1:2,500 (or similar). One should show the proposed diversion, and the second should show who owns or has an interest in the land affected by the existing and proposed paths. Maps (to accompany an application) will be provided on request from the Rights of Way Team.

The existing route to be diverted needs to be open and kept open until any Order has been confirmed and brought into effect. If a path is obstructed, the obstruction must be removed if a Diversion Order is unsuccessful. In the interim, we would require a permissive path to be made available and signed for public use. This can be the proposed path.

WCC Policy
The Rights of Way and Recreational Highway Strategy (RoWRHS) sets out how applications are prioritised and the minimum widths required for new paths.

Please read the Policy and Priorities section of this application pack before making your application. If you can offer additional benefits to the public, this may ensure your application receives a higher priority than would otherwise be the case.

The Process
The process will take several months and, in particularly contentious cases, may take several years. The Council operates a policy which prioritises cases according to their benefit to the public. It may therefore be some time before your application is processed. If you can offer additional benefits to the public this may ensure your application receives a higher priority. A flowchart showing the process is included at the end of the pack.

For further information, please contact:
Sonu Copson
Rights of Way Definitive Map Officer
Email: paths@warwickshire.gov.uk

Write to:

Warwickshire County Council
Rights of Way Team
PO Box 43
Shire Hall
Warwick
CV34 4SX

Public Path Diversion Order Section 119 Highways Act 1980

Notes for Applicants

Please read and retain these notes

Important
Before completing the application form, you are advised to contact the Rights of Way Team to discuss the feasibility of your proposal and whether it meets the relevant legal tests. However, discussing a proposal with the Rights of Way Team does not guarantee that an Order will be made or confirmed. The Rights of Way Team can also provide you with two suitable maps to accompany your application.

Path details
Each path has a unique reference number, for example AL124. Paths will be numbered on the maps available from the Rights of Way Team which should be used to accompany this application.

Reasons for application
For a diversion application under Section 119 of the Highways Act 1980 to be successful, the Council must be satisfied that the proposal meets the relevant legal requirements.

A diversion may be made where:

- it is in the interests of the owner, occupier or lessee of the land crossed by the path; and/or
- it is in the interests of the public; and
- the new route will not be substantially less convenient for the public to use.

When considering an application, the Council must also take account of the effect the proposed diversion would have on public enjoyment of the path as a whole and its impact on land crossed by both the existing and proposed routes.

Please explain on Page 2 of the application form why you believe your proposal satisfies these requirements and provide any supporting information available

Ownership
If you have proof of ownership of the land crossed by the existing and proposed routes, please provide this with the application. It is important that every person with an interest in the land crossed by the existing or proposed route signs and completes Section 6 of the application form. This is to declare their interest in the land and indicate whether they intend to seek compensation

.

"Interest" in land would include owners, tenants, those with private rights of access, shooting rights, other sporting rights,or anyone relying on a public right of way as a means of access to property. If you are in any doubt, please contact the Rights of Way Team.

Failure to declare a third-party interest may delay the process or invalidate the Order.

Policies

The Policy and Priorities section sets out priorities for dealing with cases and the minimum widths required for new paths.

Existing route

The existing route to be diverted must remain open until any Order affecting it has been confirmed and brought into effect.

New route

The applicant is responsible for any work considered necessary by the Council on the new route.

Compensation

Although uncommon, compensation claims may arise from changes made to routes over land in which third parties have an interest. The person who signs the form as the applicant will be required to pay for any compensation which becomes payable.

Maps

Two maps are required at a scale of not less than 1:2,500.

Map A should clearly show the sections of path to be diverted, with the existing path shown as a continuous bold black line and the proposed path shown as a bold black broken line.

Map B should show the boundaries of all parties with an interest in the land.

Consultations

Informal consultations are carried out on each application with relevant consultees before a formal Order is prepared. If objections are received when the Order is formally made, the Order cannot be confirmed by the Council and may be referred to the Secretary of State for determination.

For further information, please contact:

Sonu Copson
Rights of Way Definitive Map Officer
Email: paths@warwickshire.gov.uk

Warwickshire County Council

Public Path Diversion Order Section 119 Highways Act 1980

Policy RW5a: Creations, diversion, conversion and extinguishments

The County Council will prioritise creations, diversions, conversions and extinguishments on the rights of way and recreational highway network according to the following criteria and deal with them accordingly.

Any of the following will be treated as **High Priority:**

- Where there is a clear benefit to public safety, e.g. at-grade rail level crossings or major road crossings.
- Where an application is made under Highways Act 1980 Sections 118B or 119B (crime prevention), Section 119D (SSSIs). ***(NB Legislation for s118C or s119C; schools special orders not yet in force.)***
- Where a path is in danger of being (naturally) eroded.
- Where an additional link, higher status or new path is dedicated (or created) which will have a significant positive impact on the local network and/or local population.
- Where an order (or combination of orders) will contribute to achieving actions **within** the ROWIP Implementation Plan.
- Applications processed by the County Council in its capacity as the Planning Authority.

Any of the following will be treated as **Medium Priority:**

- Where processing an order could save significant costs incurred in processing other orders.
- Where an order will significantly benefit members of the public using a highway, i.e. where an order is in the public interest.
- Where the town/parish council or district/borough council resolve to actively support the proposal or where they are the applicant.

- Where, in the opinion of Warwickshire County Council heritage or ecology professionals, an order is necessary to safeguard an archaeological or ecological feature.

Any of the following will be treated as **Low Priority:**

- Where an order is principally in the landowner's or land manager's interest and meets none of the above criteria.

- Orders and agreements promoted by WCC and which meet none of the above criteria.

- Orders and agreements which resolve Definitive Map and Statement anomalies, but which meet none of the medium or high priority criteria.

Applications should be made in writing on the relevant form and the relevant charges will apply.

The County Council will make a number of orders and agreements each year in order to achieve ROWIP Implementation Plan actions. Whilst the County Council will try to reach agreement with persons who have an interest in the affected land, it will inevitably mean progressing orders contrary to the wishes of some individuals or landowners/land managers.

Widths of public rights of way and UCRs which are created or diverted by legal order will be subject to the widths given in Policy RW5c: Legal widths of rights of way and recreational highways.

N.B. See also Policy RW2a: Gaps, Gates and Stiles on Footpaths and Bridleways.

Policy RW5c: Legal widths of rights of way and recreational highways

The legal width is the width which must remain clear and unobstructed. The surfaced width will often be less than the legal width.

The following minimum legally recorded widths will apply to all new and diverted routes created by legal order.

Unenclosed footpaths	2 m
Enclosed footpaths	3 m
Unenclosed bridleways or bridleways where there is little likelihood of equestrian use (e.g. in urban areas)	4 m
Enclosed bridleways in rural areas	5 m
Restricted byways, byways open to all traffic and recreational UCRs	5 m

Exceptions may apply in the following circumstances:

- where existing physical features (e.g. buildings) mean there is insufficient width available

or

- where the land ownership extent means there is insufficient width available without taking land from a third party and it is not practical to do so

or

- where there is a pinch point or barrier.

N.B. See also Policy RW5d Cycling and Rights of Way.

Note: Policies RW2a and RW5d have not been reproduced in this document.

Charges for the Process of Making a Public Path Order

The charge payable to Warwickshire County Council (WCC) for processing a Public Path Diversion Order application is **£3,534.00 plus advertising costs***. The outcome of an application cannot be guaranteed.

* Charges are valid from 1 April 2026 until 31 March 2027 (unless amended in the interim).

Payment will become due once the application has reached the Order Making stage. If the Order is opposed and subsequently confirmed by the Secretary of State, advertising costs will also be charged. Payment must be received in full before the Order can be certified.

Please note:

- If you withdraw the application, or the application is withdrawn following objections at the consultation stage, we will charge 30% of the costs.

- If the application is abandoned following objections at the Order Making stage, we will charge full costs, less the charges for advertising at the confirmed Order stage.

- Any payments made are non-refundable if ownership of the land changes while the Order is being processed.

No guarantee of success

Officers will make every effort to minimise unnecessary costs for the applicant and will advise the applicant on the realistic chances of success. Applicants should be aware that costs are not refundable should an Order fail to be confirmed. There are several points at which a proposal may fail:

- If a proposal does not meet the legal tests for making an Order, WCC will offer the applicant the opportunity to amend the proposal.

- If an Order receives objections and the authority considers that the Order is unlikely to be confirmed by the Planning Inspectorate, the Council may decide to abandon the Order at that stage.

- Even if WCC submits an Order to the Planning Inspectorate, the Inspector may decide not to confirm the Order.

Flow Chart Showing Application and Order Making Process [Highways Act 1980]

