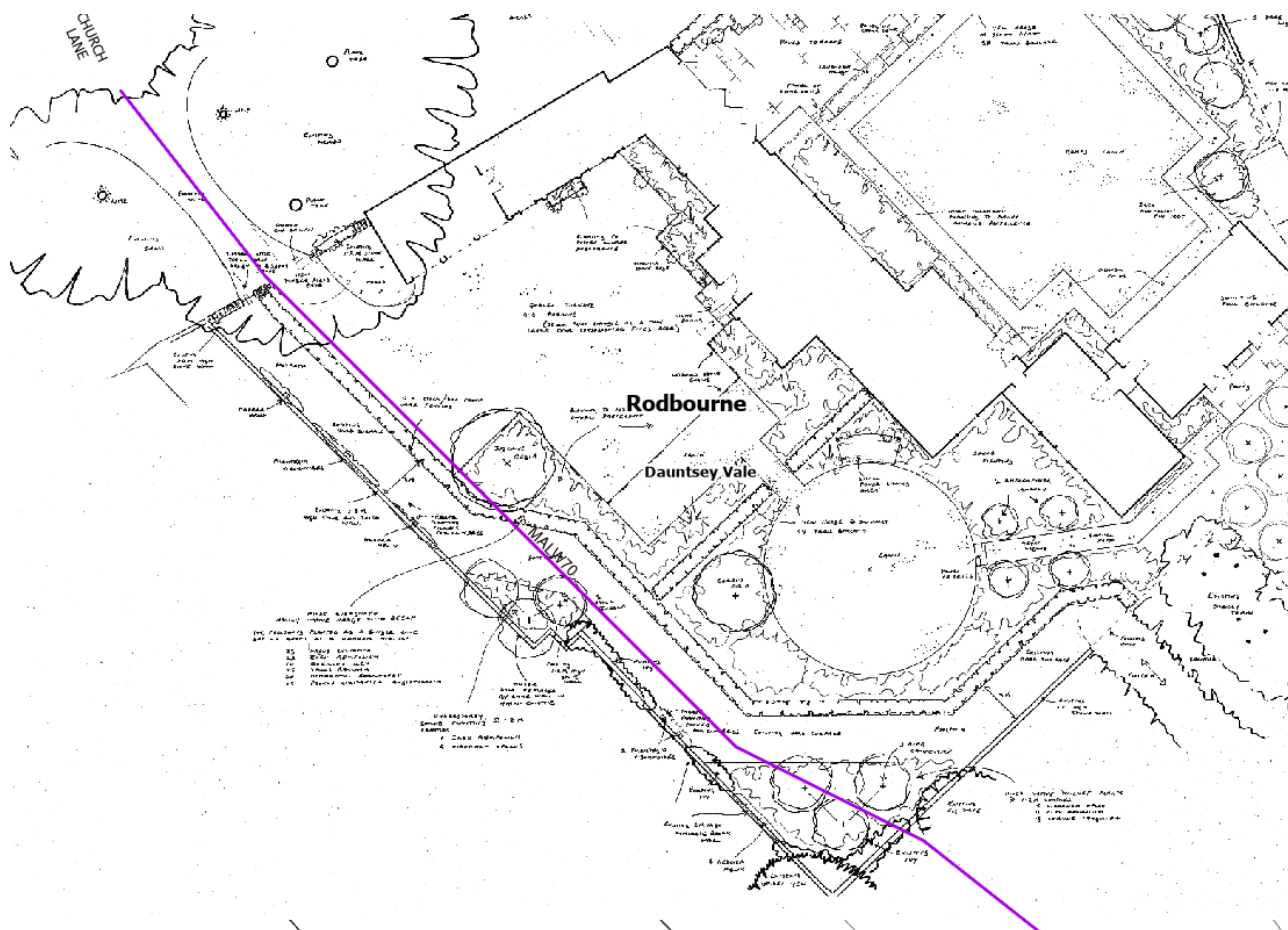




Information regarding the diversion or extinguishment of public rights of way affected by planning applications.

It is usually preferable and simpler to accommodate rights of way on their existing legal line - as recorded on the Definitive Map and Statement of Public Rights of Way. It should be noted that this definitive route is not necessarily the line that can be seen on the ground. Our on-line mapping shows the “working copy” of the definitive map, this can be found [here](#).

Where it is necessary to divert or extinguish a public footpath, bridleway or restricted byway to enable a development, an application must be submitted to Wiltshire Council at the earliest opportunity under section 257 of the Town and Country Planning Act 1990. It is advised that an application to divert or extinguish is made concurrently with the application for planning permission. Full details of affected rights of way and proposals to divert or extinguish them are still required as part of the application for planning permission. To expedite the process of dealing with affected rights of way the Council has powers to make (but not confirm) an Order before planning permission is granted.

Applications to divert or extinguish are processed by the Rights of Way and Countryside team and are liable to a fee of £2842.25 plus advertising, mileage and ground works on successful completion. Proportional charges will be made where an application does not reach successful completion.

Where an Order is made and no objections are received the Order may be confirmed by the Council and will come into effect when the alternative path is built and certified to the Council's satisfaction (if applicable). If the process goes smoothly, an application to divert or extinguish may take approximately 6 months from receipt through to completion. Where an Order is made and objections are received that are not withdrawn the Order may only be confirmed by the Planning Inspectorate. This results in a considerable delay in the process and it may be 12 or 18 months before such an Order is finally confirmed and the route certified.

Any work affecting the right of way cannot proceed until the legal process is complete, ie it can take up to 18 months. It is therefore essential that where a right of way is affected by a development that applicants contact the rights of way team and commence the process early in order to achieve a timely extinguishment or diversion. Obstruction of the highway is an offence at common law as a form of public nuisance and also a crime by statute under Section 137 of the Highways Act 1980.

If a diversion is applied for, the proposed route must either be on the applicant's land, or if it runs on someone else's land this must be with the written agreement of the landowner (including an agreement about compensation if required).

For further information please contact definitivemap@wiltshire.gov.uk

Updated April 2025.