
Bath & North East Somerset Council

**Highways Maintenance and
Public Rights of Way**

TCPA PPO Application Pack

Advice to applicants applying for
Diversion Orders or Extinguishment Orders
under section 257 of the Town and Country Planning Act
1990

**THIS APPLICATION PACK IS FOR ORDERS TO BE MADE
TO ALLOW DEVELOPMENT TO TAKE PLACE. IF THE
APPLICATION IS BEING MADE UNDER THE HIGHWAYS
ACT PLEASE USE THE HA APPLICATION PACK INSTEAD.**

Version 26.0 –

Only for use with applications submitted to the Authority between 1st April 2026 and 31st March 2027

GUIDANCE FOR APPLICANTS

Bath and North East Somerset Council ("the Authority") have discretionary powers under the Country Planning Act 1990 to divert or extinguish public rights of way by means of Public Path Orders ("PPO"). These Guidance Notes are intended to provide any prospective applicant for a PPO with a background to the process. A guide on how to complete the necessary application form is contained at Appendix 2 and the forms themselves are contained at Appendix 3.

If the application is not to allow development to take place please use the HA application pack instead.

Legislation and Policy

Any application for a PPO must meet the tests laid out in the relevant legislation. A path can be *diverted or stopped up* under section 257 of the Town and Country Planning Act 1990 in order to *allow development* to take place.

The legislation contains other legal tests which must also be met and taken into consideration. The Authority will also consider any application in relation to its PPO Policy. The Policy identifies a number of additional criteria against which any application will be judged. These include:

- | | | |
|---------------------|----------------|------------------------|
| • connectivity | • status | • gradients |
| • safety | • gaps & gates | • features of interest |
| • equalities impact | • width | • maintenance |

Process

The process for dealing with PPOs can be complex and time consuming. It would be advisable to informally consult with the parish council, your neighbours and relevant user groups before you make an application. Whilst their opinions are not in any way conclusive, it may prove useful to gauge the likely support and opposition to the proposals.

The completed Application Forms (see Appendix 3) and accompanying paperwork should be submitted to the Authority. As the Authority's power to make PPOs is purely discretionary, it can withdraw from the process at any time if it becomes apparent, from responses received following consultation, that the proposals do not meet the statutory criteria, or will attract too much opposition. If the new route cannot be agreed through negotiation, or opposition is strong, the Authority may decide to abandon the Application. Even if the Authority continues to make and support an order, it cannot guarantee that it will be confirmed and therefore take effect. This is because if objections to it are received and not withdrawn, the responsibility of confirming it passes to the Secretary of State for the Department of Environment, Food and Rural Affairs who will consider the matter independently.

Applications are ordinarily dealt with in chronological order of receipt and the process of diverting rights of way is both lengthy and complex; a flowchart of the process can be found at Appendix 1 below. The Authority will carry out an informal consultation and decide whether an order should be made. If an order is made it will be advertised and any member of the public can formally object. If no objections are received, the Authority can confirm the Order and it will come into effect. If objections are received, the Authority will decide whether to abandon the Order or submit it for determination by the Secretary of State. If the Authority decides to pursue the latter course of action, an Inspector acting on behalf of the

Secretary of State will hold a Public Inquiry or Hearing or consider the Order through Written Representations and decide whether the Order should be confirmed.

As a general estimation of timescales, the time period from the start of processing to the confirmation of an order is likely to be at least eight months and may be considerably longer. It should not be underestimated how long it can take to achieve consensus. If there are objections and agreement cannot be reached it can take several years. It is important to note that the development must not be 'substantially complete' before the order has been confirmed.

Cost

The total administrative cost of successfully applying to divert a public right of way under the Town and Country Planning Act 1990 is £6,463.44. The first £1,200 is payable at the time of applying. If the Authority decides to make an order then the next £3,594 is payable at that time. The remaining £1,669 will be payable when the works to bring the new path into a fit condition for use by the public have been completed. As detailed above, this is a complex legal process and the fee reflects the costs incurred by the Authority which include newspaper notices, officer time, legal expenses and site visits.

Additionally, you will be responsible for any costs incurred in bringing the new path into a suitable condition. Prior to a decision being made by the Authority, as to whether an order should be made, you will be required to enter into an agreement with the Authority regarding what works are necessary including an undertaking to carry out any remedial works for defects which occurs over the 12 months following implementation.

Additional Considerations

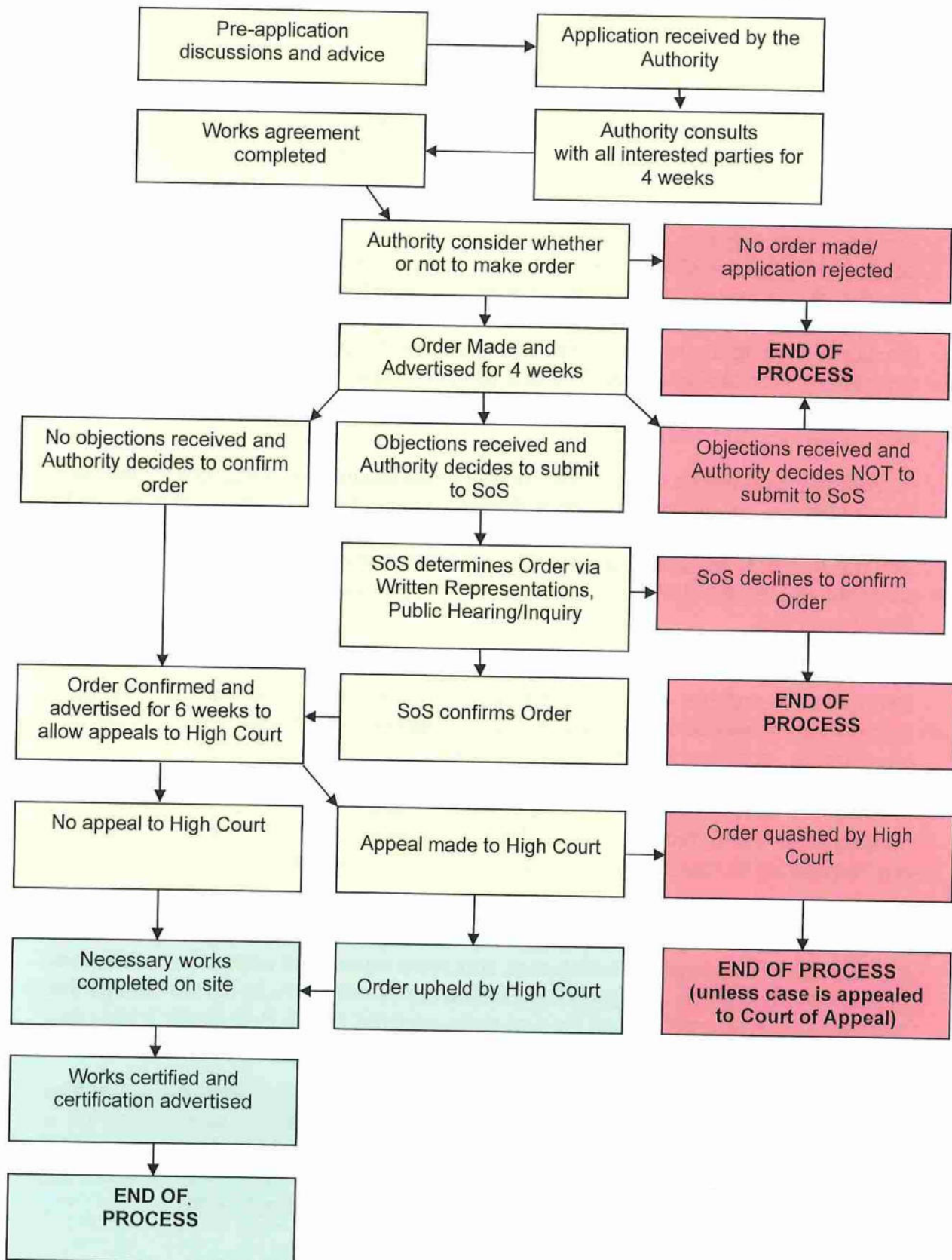
It should be noted that no authority for the diversion or extinguishment of a highway is conferred unless and until a Public Path Diversion or Extinguishment Order has been made, confirmed and come into effect. Developers should note that the granting of planning permission in no way authorises the disturbance or obstruction of a right of way. If other landowners are affected by the proposals you should obtain written confirmation that they have no objections to the proposals including any requirements relating to the provision of gaps or gates in any boundaries.

A TCPA order cannot be confirmed if the relevant development is substantially complete and developers should thus ensure that an application for the PPO is made as soon as possible. Developers should be aware that applications that seek to divert existing paths alongside new estate roads will normally be rejected as this is contrary to Paragraph 4.1 of the Council's adopted Public Path Order Policy and government guidance in Circular 1/09.

If the public right of way needs to be closed to allow works to start on site before the diversion order has been completed then a separate application for a temporary Traffic Regulation Order must also be made at least eight weeks prior to the planned closure. Further information can be found at: <https://www.bathnes.gov.uk/apply-temporarily-close-public-right-way>

APPENDIX 1

FLOWCHART OF THE PUBLIC PATH ORDER PROCESS



APPENDIX 2 HOW TO COMPLETE THE APPLICATION FORM

Only use this form if submitting an application between 1st April 2026 and 31st March 2027

- Section 1 Complete name and contact details of applicant. It should be noted that the application will be included in the Authority's statutory register and the applicant's names and postal addresses will therefore be publicly available. Signatures, telephone numbers and email address will be redacted and won't be publicly available.
- Section 2 Complete name and contact details of agent, if applicable
- Section 3 (a) Complete with path numbers as shown on map enclosed with application form.
(b) Complete names of all parishes affected by the proposals.
(c) Use scale-rule or measure on site. Use 'approximate' for length measurements.
(d) Width recorded in Definitive Statement or measured on site.
(e) e.g. *"the section of public footpath BA28/12 running from the High Street (grid reference ST 5725 6467) south to a junction with public bridleway BA28/32 (grid reference ST 5728 6482)"*
(f) Confirm that the 'legal' line (i.e. the route currently recorded on the Definitive Map and Statement) is not blocked, and can be currently used by the public. Obstruction or interference with the highway may make it impossible to proceed with the making of an order.
- Section 4 Please complete, with reasons for the diversion or extinguishment, e.g. necessary to allow for development etc. It must also be stated why the path needs to be diverted or stopped up to allow for development.
- In accordance with paragraph 7 of the PPO Policy, the Authority does not generally support applications for extinguishment orders unless they are part of a wider package with compensating public benefit.
- Section 5 Please give details of the associated planning permission.
- Section 6 Complete with details of the proposed alternative route.
(a) Use scale-rule or measure on site. Use 'approximate' for length measurements.
(b) The MINIMUM level width for a footpath is 2 metres, for a bridleway is 3 metres and for a restricted byway is 5 metres.
In some circumstances, such as if the path is to be fenced on either side, then a greater width may be required. The width will form part of the legal description of the path on the Def Statement.
(c) Description of surface type i.e. arable, grass, tarmacked etc.
(d) e.g. *"a new section of public footpath running from the High Street southeast to a junction with public bridleway BA28/32"*
(e) Describe any gates, bridges, steps, furniture or resurfacing works etc. that will be necessary to make the path useable by the public.
Please also note below the requirement for a GIS shape file (.shp, .shx and .dbf) georeferenced to British National Grid and a simplified Block Plan.
- Section 7 In addition to the legislative tests the Authority will assess any application for a PPO against the criteria of connectivity, equalities

impact, gaps & gates, gradient, maintenance, safety, status, width and features of interest. Fuller explanations of these criteria are contained in paragraph 13 of the Public Path Order Policy which is available on the Authority's website and applicants should state what impact the application would have on each criteria. It should be stressed that the Authority will seek to take a balanced view of the assessment against all the criteria as a whole.

Section 8 Complete ownership details

- (a) Confirm whether you are the owner/occupier/lessee of the land over which the legal line of the path runs, or whether other reasons apply for diverting or extinguishing the path
- (b) Confirm whether you are the owner/occupier/lessee of the land over which the alternative path is proposed to run
- (c) Confirm details of other persons with an interest in the land over which the existing or proposed path runs e.g. tenants, individuals holding sporting rights etc.
- (d) If other persons do have an interest in the land affected, the box should be ticked and a copy of their written consent to the proposals must be attached to the completed application form.

Section 9 (a) Please use a current Ordnance Survey base map of a scale not less than 1:2500. The Authority can provide such a plan, but a small charge may be made. Please mark:

- the section of existing path to be extinguished
- the route of the proposed new path
- (b) Please provide a GIS shape file (.shp) georeferenced to British National Grid containing the proposed development showing the existing and proposed paths.
- (c) Please provide a simplified Block Plan of the development which also shows the proposed and existing paths. This will be sent out by the Authority as part of the consultation so that consultees can understand how the proposed diversion relates to the proposed development.
- (d)(e) Payment can be made via cheque or credit/debit card and the initial fee is £1,200. Cheques should be made payable to '*Bath and North East Somerset Council*', marked '*YF2 LGA60 PR10 No VAT*' on the reverse and enclosed with the Application. Alternatively, payment can be made electronically [here](https://www.civicaepay.co.uk/BathNESEstore/estore/default/Catalog/Index); (<https://www.civicaepay.co.uk/BathNESEstore/estore/default/Catalog/Index> then search for PROW): please state '*PPO*' followed by your name/company name in the reference box. The total administrative cost will be £6,463.44.
- (f) If the public right of way needs to be closed to allow works to start on site before the diversion order has been completed then a separate application for a temporary TRO must also be made at least eight weeks prior to the planned closure.
- (g) The application will be included in the Authority's statutory register and the applicant's names and postal addresses will therefore be publicly available.

PLEASE SIGN AND DATE THE FORM AND SEND TO THE ADDRESS SHOWN TOGETHER WITH THE REQUIRED DOCUMENTS

APPENDIX 3

APPLICATION FORM FOR DIVERSION OR EXTINGUISHMENT OF PUBLIC FOOTPATH / BRIDLEWAY / RESTRICTED BYWAY

SECTION 257 OF THE TOWN AND COUNTRY PLANNING ACT 1990

IMPORTANT

No authority for the extinguishment or diversion of a highway is conferred unless and until a Public Path Extinguishment or Diversion Order has been made, confirmed and come into effect. Any preliminary obstruction of, or interference with, the highway concerned may not only be an offence, but may make it impossible to proceed with the making of an Order.

1. NAME AND ADDRESS OF APPLICANT

Name: ***Curo Places Ltd***

Postal Address: ***The Maltings, River Place, Lower Bristol Road, Bath,
BA2 1EP***

Email address:

Telephone No:

2. NAME AND ADDRESS OF AGENT(S)

Name: ***EG Carter & Co Ltd***

Postal Address: ***Bybrook House, Lower Tuffley Lane, Gloucester, GL2
5EE***

Email Address: alexmarles@egcarter.co.uk /

davidmerrick@egcarter.co.uk Telephone No: ***01452 529194***

3. PARTICULARS OF RIGHT OF WAY TO BE EXTINGUISHED/DIVERTED*

- a) Footpath / Bridleway /Restricted Byway* No. ***CL21/11***
- b) Parish of ***Timsbury***
- c) Length in metres of section to be extinguished/diverted; ***approximately 243 metres***
- d) Width in metres of section to be extinguished/diverted; ***no specific/formal width***
- e) Description of length to be extinguished/diverted by reference to terminal points on plan to accompany this application
The section of footpath no. CL21/11 between Points A & B shown on the attached plan. Point A being the south western end point of

CL21/11 adjacent North Road / Lansdown Crescent junction, and Point B being adjacent to a gap in the field boundary in the position shown.

- (f) Is the existing route freely available to the public? If NOT, please give reasons:

Yes

4. REASONS FOR THE DIVERSION/EXTINGUISHMENT* OF THE PATH

The diversion is proposed in relation to the delivery of development 26/00210/FUL, and in order to deliver public benefits including;

- a. Enable the delivery of new affordable homes on the site which are supported by Timsbury Parish Council***
- b. Provide new and existing residents a more useable and legible route with a tarmac finish in the western part of the site and a mown grass path in the eastern part of the site***

Please Note:

A path can be diverted or stopped up under **Section 257 of the Town and Country Planning Act 1990** in order to allow development to take place.

If an **extinguishment application**, please give details of an alternative route, or the reasons why an alternative route is not considered necessary.

N/A – diversion application

5. PLANNING APPLICATION DETAILS

- a) Application number; *26/00210/FUL***
- b) Date permission granted**
- c) If permission not yet granted, date application submitted; *21st January 2026***
- d) Nature of development; *erection of 54 homes, access, car parking, open space and landscaping***
- e) Date development expected to begin: *September 2027***

6. PARTICULARS OF NEW PATH TO BE PROVIDED (if applicable)

- a) Length in metres; *approximately 270 metres***
- b) Width in metres; *2 metres***
- c) Surface; *tarmac to western part of the site, mown grass to eastern part of the site***
- d) Description of length to be provided by reference to terminal points on plan to accompany this application**

A diverted section of public footpath CL21/11 running from Point A to Point B on the attached plan, following broadly the same line/configuration as the existing route of CL21/11 in this location.

- e) What works do you propose to undertake to bring the new path into a condition fit for use by the public?

The new path will include;

- a. New & improved surfacing – tarmac to western section, mown grass to eastern section***
- b. A raised table arrangement where the footpath crosses the estate road to retain a level walking route and to ensure pedestrian priority***
- c. Be adjacent to a new public viewing area/plinth & benches***

The new path will not include;

- a. Gates, bridges, steps or level changes***

7. RELEVANT CONSIDERATIONS

In what way would the proposals affect the following factors, as set out in the PPO Policy:

- a) **Connectivity;**

the proposed path maintains the same connectivity/links to the wider PROW network as per the existing route of CL21/11

- b) **Equalities Impact;**

the proposed path is understood to be an improved route for people with disabilities, including a 2m wide tarmac path in the western part of the site, with no level changes

- c) **Gaps & Gates;**

there are no proposed gates or structures

- d) **Gradients;**

there are no proposed level changes, steps, graded ramps or slopes

- e) **Maintenance;**

there will be no new or additional maintenance burden on the Council as a result of the diversion.

- f) **Safety;**

the new route will not introduce any additional hazards, and will benefit from better surveillance than the existing / corresponding route of CL21/11

g) **Status;**

no change in status is proposed

h) **Width;**

the proposed width of the diverted path is 2 metres

i) **Features of Interest;**

the diverted path will not remove public access from any feature of interest or place of resort, or result in lower quality or diversity of viws for the user

8. PARTICULARS OF OWNERSHIP

- a) Applicant's interest (owner/occupier/lessee) in the land over which the existing path referred to in this application passes.

The applicant is the planning applicant under 26/00210/FUL and will become land owner subject to the grant of planning permission.

- b) Applicant's interest in the land over which the new path is to be provided

As above

- c) Do any other persons have an interest in the land over which existing or proposed paths pass? If so, give names and addresses of persons and nature of interest

Yes – Lansdown Crescent (Timsbury) LLP, landowner at the time of submitting this application

- d) If other persons have an interest in the land affected, please tick to confirm that a copy of their written permission for the proposals to go ahead is enclosed. ***To follow*** ☐

9. ACCOMPANYING DOCUMENTS AND CONSENT

Please tick boxes as appropriate

- a) A plan based on a current Ordnance Survey base map showing section of path to be extinguished and new path to be provided is attached. ☒
- b) A GIS shape file (.shp, .shx & .dbf) georeferenced to British National Grid ☐
- c) A4-sized Block Plan showing the proposed development and the existing and proposed paths ☒
- d) A cheque for £1,200 is enclosed. ☐
- e) Payment has been made by credit/debit card for £1,200. ☒

- f) It is understood that if the Authority decides to make an order then the next £3,594 will be payable at that time ☒
- g) It is understood that if the Authority decides to make an order then the last £1,669 will be payable once the works are certifiable ☒
- h) Separate application for a temporary TRO submitted ☐
- i) Consent is granted for the applicant's name and postal address to be made publicly available. ☒

DECLARATION

I/We understand that no authority for the extinguishment of a public right of way is conferred unless and until any order made has been confirmed and come into effect and notice of this has been published.

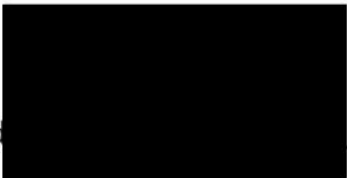
I/We declare that the public right of way to be stopped up is not obstructed and that it is fully available to the public. (Subject to Article 3(f) above).

I/We hereby agree that if a diversion/extinguishment order is made I/We will defray any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

I/We agree to pay a further £5,263 if the Authority decides to make an order.

I/We apply for the extinguishment/diversion of the highway described above.

I/We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate.

Signed  E.G. CARTER & CO. LTD Date ... 07/09/26

Name ALEX MARLES

On completion, this form, should be returned, together with the plan, cheque and copies of any consents if appropriate, to:

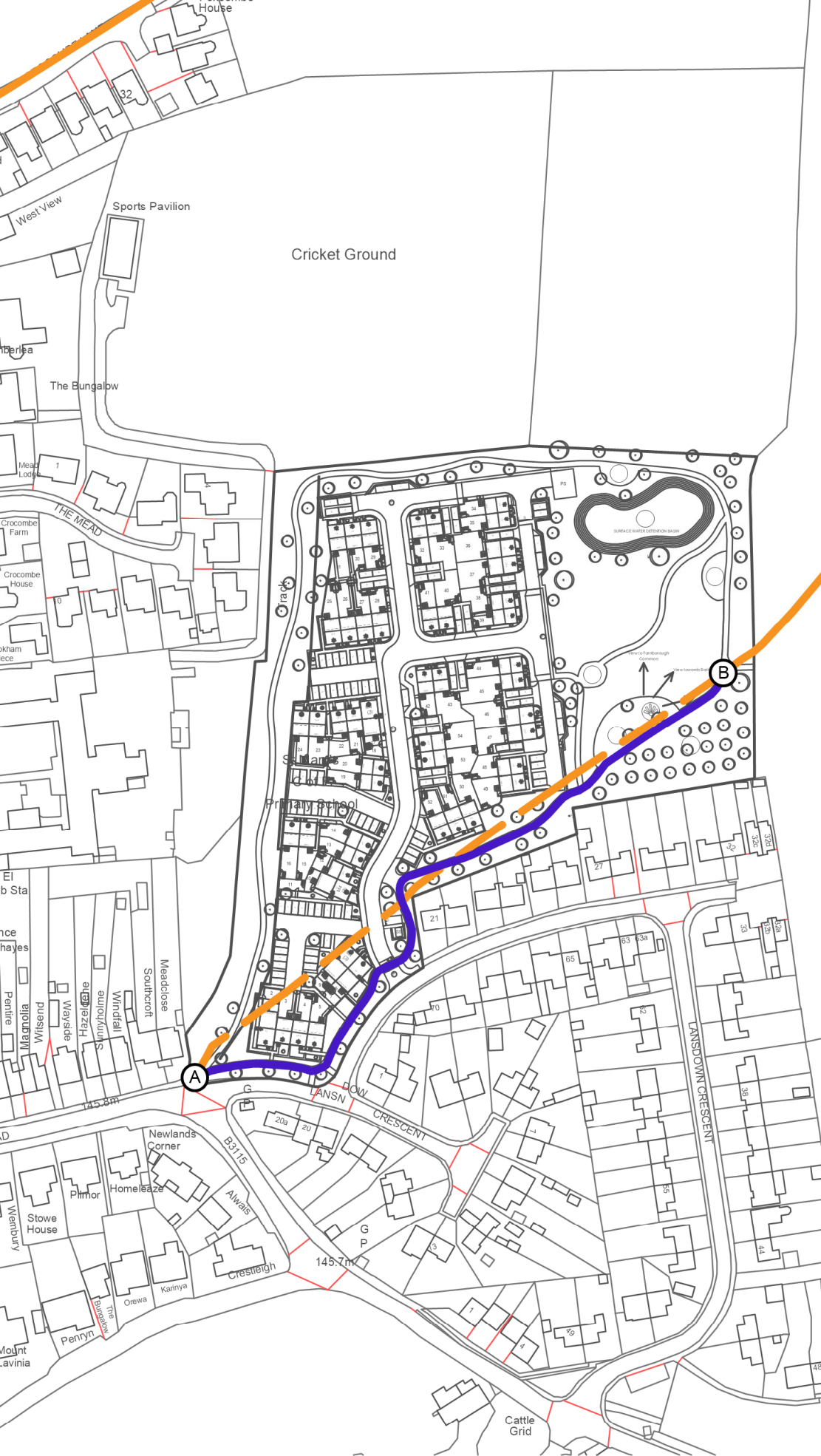
Public Rights of Way, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG or prow@bathnes.gov.uk

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APPENDIX 4

GLOSSARY

<i>Applicant</i>	The person applying to divert or extinguish a public right of way
<i>Authority</i>	Bath and North East Somerset Council, in its capacity as the local highway authority
<i>Definitive Map and Statement</i>	The legal record of rights of way within Bath and North East Somerset
<i>Limitation</i>	Something which lawfully limits the public's enjoyment of a right of way e.g. a gate or a bollard
<i>Planning Inspectorate</i>	An executive agency with the responsibility for determining opposed orders on behalf of the Secretary of State
<i>Public Path Order</i>	A type of legal order to create, divert or extinguish a public right of way
<i>Public right of way</i>	A way over which the public have a right to pass and repass; the way can be a footpath, bridleway, restricted byway or byway open to all traffic.
<i>Secretary of State</i>	The Secretary of State for Environment, Food and Rural Affairs, who has the power to determine opposed orders



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Rev	Date	By	Chk	Description
P01	25.08.2026	NM	-	Initial Issue

Key:

- Existing Public Rights of Way
- Existing Public Rights of Way to be Rerouted
- Rerouted Public Right of Way



Roberts Limbrick

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robertslimbrick.com

Registered Office: England No. 06658029

Project Name

Lansdown Crescent
Timsbury

Client Name

Curo Places Ltd and
EG Carter & Co Ltd

Drawing Title

Public Rights of Way Diversion
Plan A4

Scale

1:2000 • A4

Project No.

11506

Status

S3

Purpose Of Issue

Issued for Review & Comment

Project	Org	Vol	Level	Form	Role
11506	RL	XX	00	DR	MP

Number

0027

Revision

P01

0m 40m 80m 120m 160m 200m





KEY

- | | | | |
|--|--------------------------------|--|---|
| | Existing trees | | 2m wide mown path (no excavations required) |
| | Existing hedges | | Proposed SUDS features |
| | Proposed trees | | Proposed wildflower meadow for open space |
| | Proposed orchard trees | | Proposed tarmac roads and footways |
| | Proposed feature trees | | Proposed block paving |
| | Proposed specimen shrubs | | Picnic tables |
| | Proposed ornamental hedges | | Proposed natural play equipment |
| | Proposed native hedgerows | | Natural play spaces |
| | Proposed on-plot landscaping | | Community orchard |
| | Proposed rear gardens | | Viewing point |
| | Proposed amenity grass | | Informal 'kick about' space |
| | Proposed native shrub planting | | |

- | | |
|--|--|
| | Existing Public Rights of Way |
| | Existing Public Rights of Way to be Rerouted |
| | Rerouted Public Right of Way |



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Project Name

Lansdown Crescent, Timsbury

Client Name

Curo Places Ltd
E G Carter & Co. Ltd

Drawing Title

Landscape Masterplan & Diverted
PROW Overlay

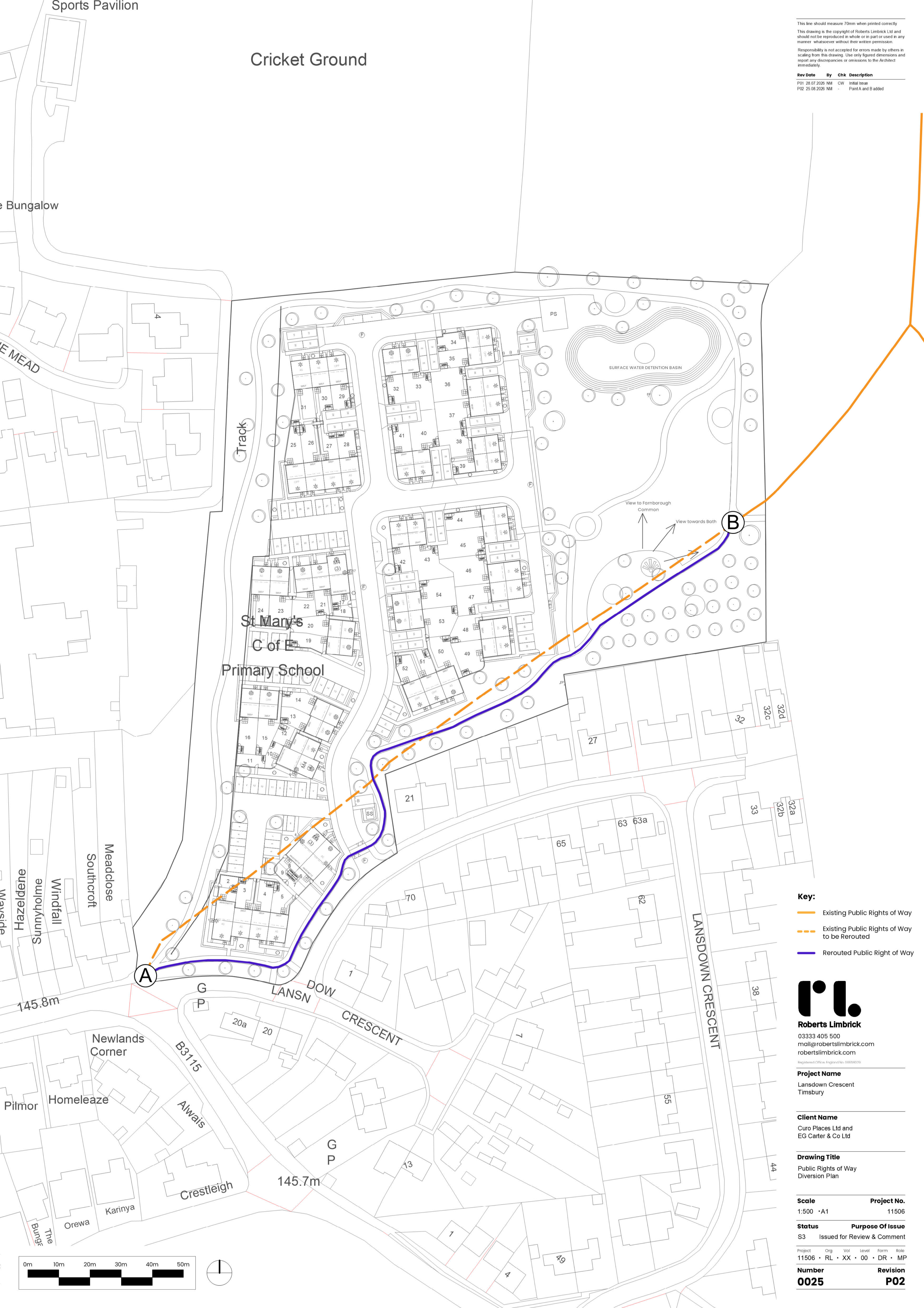
Scale	Project No.
1:200 • A1	11506

Status	Purpose Of Issue
S4	Issued for stage approval

Project	Org	Vol	Level	Form	Role
11506	RL	XX	ZZ	DR	L

Number	Revision
P8005	P01





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Rev	Date	By	Chk	Description
P01	28.07.2026	NM	CW	Initial Issue
P02	25.08.2026	NM	-	Point A and B added

- Key:**
- Existing Public Rights of Way
 - Existing Public Rights of Way to be Rerouted
 - Rerouted Public Right of Way

RL
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Registered Office: England No. 018896079

Project Name
Lansdown Crescent
Timsbury

Client Name
Curo Places Ltd and
EG Carter & Co Ltd

Drawing Title
Public Rights of Way
Diversion Plan

Scale
1:500 • A1

Project No.
11506

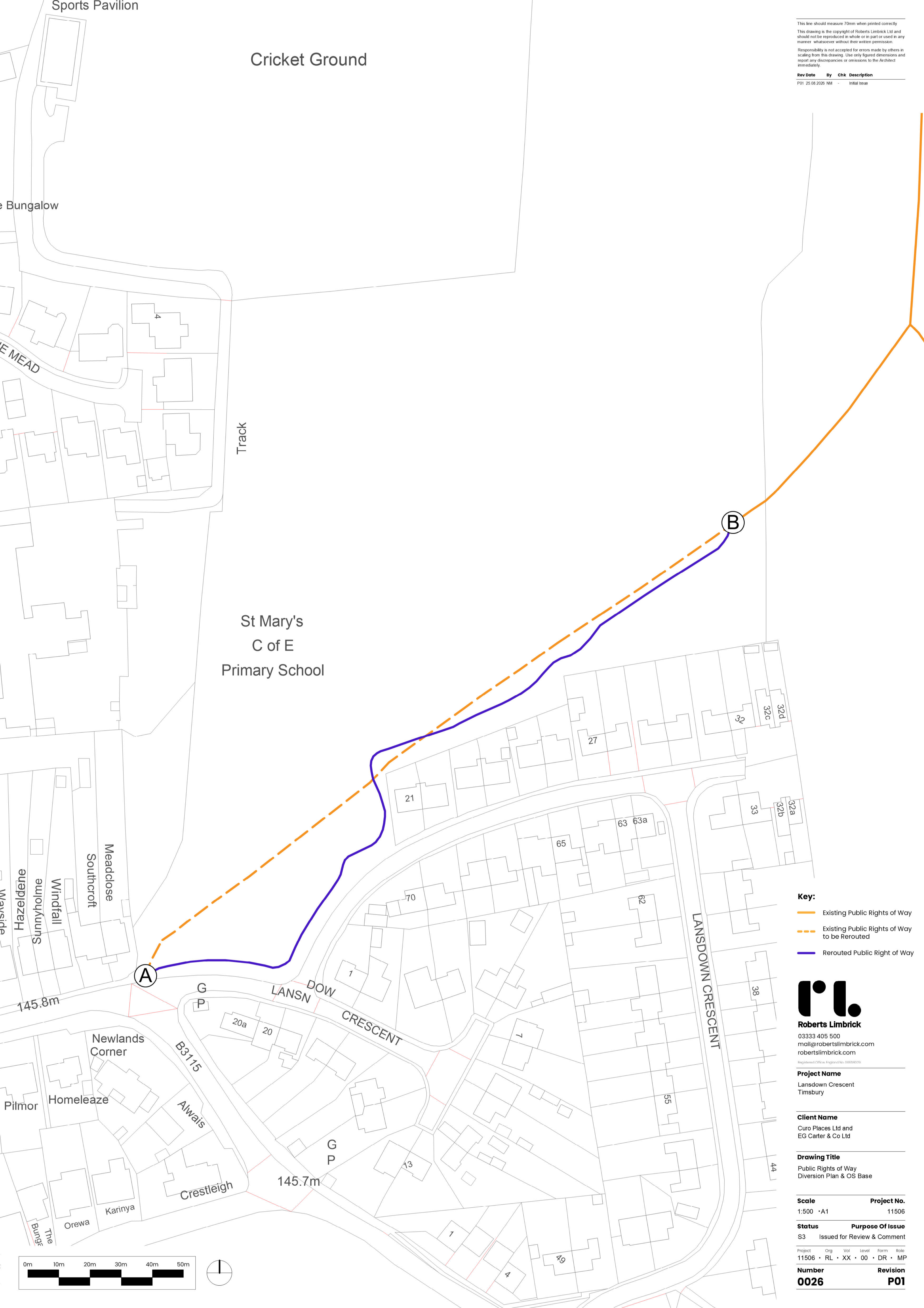
Status
S3

Purpose Of Issue
Issued for Review & Comment

Project Org Vol Level Form Role
11506 • RL • XX • 00 • DR • MP

Number
0025

Revision
P02



- Key:**
- Existing Public Rights of Way
 - Existing Public Rights of Way to be Rerouted
 - Rerouted Public Right of Way

RL

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Registered Office: England No. 08886079

Project Name

Lansdown Crescent

Timsbury

Client Name

Curo Places Ltd and

EG Carter & Co Ltd

Drawing Title

Public Rights of Way

Diversion Plan & OS Base

Scale

1:500

• A1

Project No.

11506

Status

S3

Issued for Review & Comment

Purpose Of Issue

Project

Org

Vol

Level

Form

Role

11506

• RL

• XX

• 00

• DR

• MP

Number

0026

Revision

P01

Lansdown Crescent Timsbury LLP

Leaffield Estate

Stratford Road

Warwick

CV34 6RA

4th September 2026

EG Carter & Co Ltd

Bybrook House

Lower Tuffley Lane

Gloucester

GL2 5EE

Dear Sirs

APPLICATION NO: 26/00210/FUL Land off Lansdown Crescent Timsbury

I understand that you wish to apply for a S257 application to divert a footpath on the land that we currently own.

We give our consent for you to do this as shown on the plan 11506-RL-XX-00-DR-MP-0025/P02.

Please let me know if you need anything else.



Clive Pulteney

LLP Designated Member