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**RE: PROW Comment - DC/25/1269 - Land North of Guildford Road**

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From Abbie Smith [REDACTED]

Date Fri 31/10/2025 14:02

To Sam.Whitehouse [REDACTED]

Good Afternoon Sam,

Thank you for getting in contact with us.

Regarding the email you forwarded from Paul Carnell of ECE Planning, we note the following statement:

“The application does not propose that the route of the public footpath is altered. The landscape plan shows a network of paths within the site which run around the perimeter including the eastern site boundary. The landscape plan shows that this path connects with the existing PROW to the north and south of the site, but does not propose any alteration to footpath 1386.”

Based on this confirmation, we find the proposal acceptable.

As the public right of way falls within the red line boundary, the landowner must be aware that they are responsible for managing and maintaining side vegetation along the path.

Additionally, I would like to draw the applicant's attention to our request for a Section 106 agreement.

**As stated in our latest response, the following comments still apply:**

The existence of a Public Right of Way (PROW) is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority.

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by Horsham District Council as the local planning authority. Further advice can be provided on request.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route – advice on the legal width can be provided by the WSCC PROW Team.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

In the event planning consent is granted and this site occupied, it can be reasonably predicted user demand of public (footpath) 1386 will increase. This will increase the rate of damage to the path surface, so inconveniencing users and despoiling their enjoyment. So existing and future users' enjoyment is not reduced, this path must be improved. The applicant is required, at its expense, to accept to implement works agreed with and to the satisfaction of the West Sussex County Council Public Rights of Way service; a suitable Section 106 is to be drafted and submitted to West Sussex County Council Public Rights of Way service for approval.

Kind regards

**Abbie Smith**

Access Ranger (Area 5)  
Local Highway Operations  
Highways, Transport and Planning  
West Sussex County Council

**Location:** Clapham Depot, Clapham Common, Worthing, West Sussex BN13 3UR

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