

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Horsham District Council FAO:
FROM:	WSCC Highways - Public Rights of Way
DATE:	22 October 2025
LOCATION:	Land North of Guildford Road Bucks Green Rudgwick West Sussex
SUBJECT:	DC/25/1269 Outline Planning Application for up to 90 no. residential dwellings (including 40% affordable) all matters to be reserved apart from access. Further information received.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpath 1386
RECOMMENDATION:	More Information
S106 CONTRIBUTION TOTAL:	Yes (see below)

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

Following the notification that further information has been received regarding this planning application, I have reviewed the additional documentation available on the Horsham and District Planning site. The only document that appears to relate to this update is titled "*Additional information on Minerals Resource Assessment, affordable housing provision and PROW.*" However, upon reading through this document, I could not find any reference to Public Rights of Way (PROW).

My colleague, Nick Scott, has requested further clarification. Therefore, could you please confirm whether, as per Nick's comments, you agree that **"public footpath 1386 along the eastern boundary of the site is recognised as being within the red line boundary"**?

Nick Scott also queried **"The proposed landscaping plan shows the proposed line of the path to be different to the existing legal line therefore for this diversion to be formalised it will require the developer to apply for a diversion under s.257 of the Town and Country Planning Act 1980. This will be necessary because if the legal line is not available due to the development it would be an offence, irrespective of the availability of an alternative route."** Please clarify if you intend to divert the PROW?

Additionally, Nick queried the status of **the "proposed alternative "footpaths" across the site and before we can give our formal view on this application we need to understand whether the applicants expectation is that these remain**

within their control or they are looking to dedicate these as Definitive public footpaths. If the applicant wishes to dedicate them as Definitive public footpaths then WSCC's PROW team will need to consider the benefit these offer and the future maintenance liability before a decision can be formally made."

I would ask the applicant to address the issues raised by Nick Scott, I would also like to draw the attention of the Applicant to the following comments:

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.

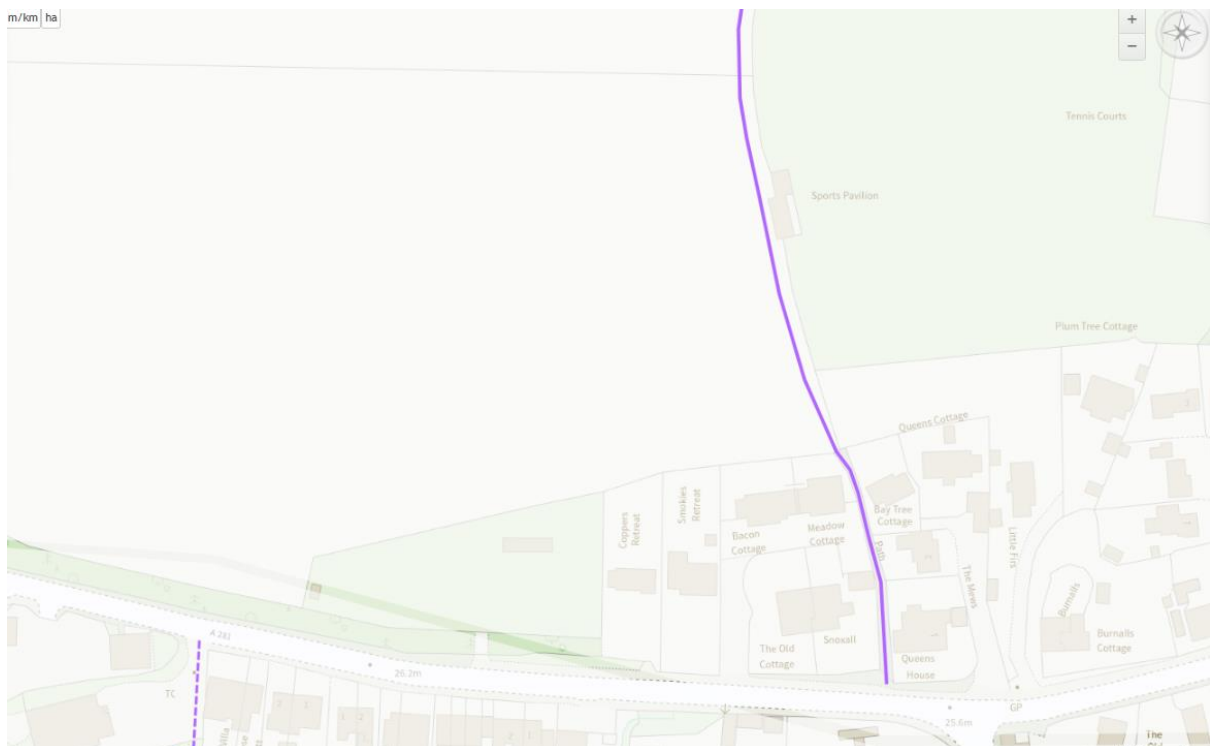
Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

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.



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Rights of Way information is not definitive.

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Public Rights of Way
West Sussex County Council