

WEST SUSSEX COUNTY COUNCIL CONSULTATION

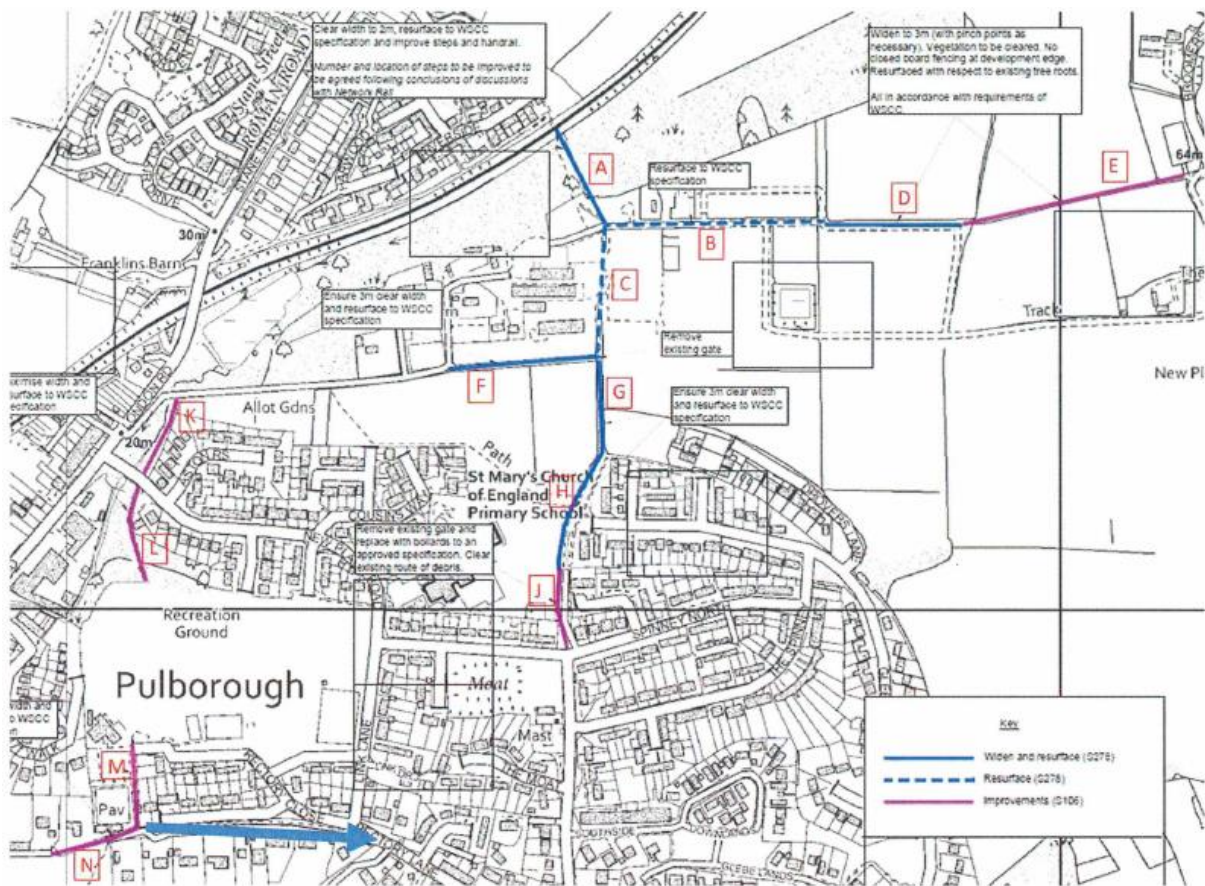
TO:	Horsham District Council FAO: Stephanie Bryant
FROM:	WSCC Highways - Public Rights of Way
DATE:	19 February 2025
LOCATION:	New Place Nurseries London Road Pulborough West Sussex RH20 1AT
SUBJECT:	DC/24/1676 Reserved Matters application pursuant to Outline Planning Consent DC/21/2321, as varied by application DC/24/1204. The Reserved Matters comprise details of 160 no dwellings, associated internal access roads, parking and landscaping for areas east of the right of way. Details of appearance, landscaping, layout and scale to be considered.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpath 2330, Bridleway 2332
RECOMMENDATION:	Objection
S106 CONTRIBUTION TOTAL:	n/a

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.

This Reserved Matters application covers several of the Public Rights of Way (PRoW) mentioned in the S106 agreement, namely:

- Part of the northerly part of Footpath (FP) 2330 referred to as Section A
- The westerly part of Bridleway (BW) 2332 referred to as Sections F, C, B and D,
- The middle and part of the southern part of FP2330 referred to as Sections G and H

Extracts from the S106 agreement are shown below for reference.



The works required for each section are outlined in the S106 and are again shown below for reference.

Section	PRoW No.	Landowner	Improvement	S278 / S106
A	FP2330	Developer	Up to new footbridge: Clear to 2m wide Replace steps with something substantial, i.e. concrete Replace handrail (metal) Both steps & rail to remain maintenance responsibility of developer Remove gate Widen path to 2m (Note path to be diverted over footbridge)	S278
B	BW2332	Developer	Resurface to specification	S278
C		Developer		S278
D		Developer	Widen to 3m (with pinchpoints where necessary) Vegetation to be cleared with some trees to be retained, as agreed. Recommend native hedging or post and rail edging. Surfaced to specification with respect to existing tree roots.	S278
E (@251m)		To be established	Widen to 3m (with pinchpoints where necessary) Vegetation to be cleared with some trees to be retained, as agreed. Surfaced to specification.	*(see below)
F		Developer	Widen to 3m Surface to specification	S278
G	FP2330	Developer	Upgrade to Bridleway Remove gate at north end Widen to 3m Re-do top dressing to specification	S278
H		Developer	Upgrade to Bridleway Widen to 3m Resurface to specification	S278
J (@82m)		To be established	Upgrade to Bridleway Widen to 3m if necessary Remove gate and replace with WSCC-approved bollards Remove debris	*(see below)
K (@86m)	FP3500	To be established	Upgrade to Bridleway Widen to 3m Resurface to specification	*(see below)
L		WSCC Highways	Upgrade to Bridleway Widen to 3m where necessary Clear overhead vegetation Surface to specification	Add to S278 schedule
M	FP2331	WSCC Highways	Upgrade to Bridleway Widen to 3m Clear overhead vegetation Surface to specification	Add to S278 schedule
N (@330m)	BW2328	To be established	Extend works to include section indicated by blue arrow. Clear overhead vegetation. Resurface middle strip to bridleway specification	*(see below)

The Combined Hard and Soft Landscaping Plans only state that the PRoW will be 'Informal path – colour buff'. My objection is on this basis.

Please ensure all PRoW are surfaced to West Sussex County Council's (WSCC) PRoW specifications, available on request. We cannot take responsibility for or maintain any other specification.

Please ensure all other S106 obligations are met.

General Notes:

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.

Unless a temporary path closure has been applied for and approved:

- Safe and convenient public access is to be available at all times across the full width of the PROWs, which may be wider than the available and used route – advice on the legal width can be provided by the WSCC PROW Team.
- The paths are 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 works can be undertaken within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice).

The applicant must be advised there is no guarantee an application for a temporary closure will be approved; that a minimum of 8 weeks is needed to consider an application.

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 will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a

temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

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Rights of Way information is not definitive.

Donna Trethewey
Planning and Communities Officer
Public Rights of Way
West Sussex County Council