

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Horsham District Council FAO: Nicola Pettifer
FROM:	WSCC Highways - Public Rights of Way
DATE:	21 April 2023
LOCATION:	Land To The West of Ashington C of E School Park Lane Ashington West Sussex
SUBJECT:	DC/23/0406 Demolition of existing buildings and erection of 180 dwellings, sports pavilion, sport pitches and allotments; with associated access, landscaping, open space and infrastructure.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpath 2607 Footpath 2611
RECOMMENDATION:	Objection
S106 CONTRIBUTION TOTAL:	

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.

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.

In accordance with NPPF paragraph 100, planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

The following comments are made with the above in mind.

Footpath 2611

Firstly, I note that the diagrams on page 19 to 22 (Ref 16 – 19) and those on pages 24 – 26 of the Design and Access Statement show Footpath (FP)2607 but not FP2611 which is affected by the access arrangements.

I understand there are aspirations for FP2611 to be upgraded to a Bridleway (BW) as mitigation against this development, connecting it with Malthouse Lane and BW2612 to the south. In the event planning consent is granted and this site occupied, it can be reasonably predicted user demand of FP2611 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, ideally enhanced, and I ask that an obligation be placed on the developer within any S106 agreement.

Similarly, it would be beneficial for a Bridleway link to be created from this development to Park Lane in the west.

As these are outside the development's red line boundary however, these would require the permission of the landowner(s). The applicant should use reasonable endeavours for a period of 6 months following approval of any planning permission to seek agreement to, and, before the first dwelling is occupied, deliver any associated works of improvement, to enact the upgrade of FP2611 to preferably a Bridleway, but as a minimum, as a permissive cycleway to enable use by cyclists and create a new Bridleway link to Park Lane. If, after using reasonable endeavours, the applicant has been unsuccessful in obtaining consents, a financial contribution equivalent to the cost to deliver the improvements should be provided to West Sussex County Council to enable enhancement and creation of the routes.

FP2611 is shown on the access arrangements as it is currently used on the ground, not on its Definitive Line as recorded on the Definitive Map. I have to object to this application for this reason.

To accommodate the access arrangements as planned, a diversion of the path must be applied for by means of a Public Path Order (PPO) (under Town & Country Planning Act 1990 S257) through Horsham District Council prior to development. The WSCC PROW Team will be a formal consultee as part of this diversion Order application process. Development affecting the currently recorded legal line of FP2611 must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure. The PPO must be confirmed before WSCC PROW Team can grant the temporary path closure necessary for development to commence. More information on this can be found on our website at <https://www.westsussex.gov.uk/land-waste-and-housing/public-paths-and-the-countryside/public-rights-of-way/request-a-change-to-a-public-path/>

I note the access arrangements allow pedestrians to access FP2611 from Church Close by way of a 2m footway along the northern side of the access road and continue south by way of a raised pedestrian crossing with dropped curbs and tactile paving. This is acceptable if the PROW remains a pedestrian footpath but may need looking at again should any upgrade be enabled.

Footpath 2607

I acknowledge that improvements are being made to FP2607 under DC/22/0372. It is pleasing to note that this development is providing a pedestrian link to it.

General Notes

The granting of planning permission does not authorise obstruction of or interference to any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority.

Unless a temporary path closure has been applied for and approved by WSCC;

- 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.

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.

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