

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Horsham District Council FAO:
FROM:	WSCC Highways - Public Rights of Way
DATE:	3 March 2026
LOCATION:	Huddlestone Farm Horsham Road Steyning West Sussex BN44 3AD
SUBJECT:	DC/26/0030 Variation of Condition 1 of previously approved application DC/22/0100 (Installation of a solar farm with associated infrastructure) Relating to the Traffic Management Plan.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Public Footpath 2600 & 2602
RECOMMENDATION:	No 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.

I understand this application to be for the Variation of Condition 1 of previously approved application DC/22/0100 (Installation of a solar farm with associated infrastructure) Relating to the Traffic Management Plan. Having reviewed the online documentation, it is stated that during the construction phase the points at which the public rights of way cross the site access will remain open. It is also confirmed that banksmen will be positioned at the site access points to ensure the safe movement of pedestrians whenever construction vehicles are present. Therefore, the Public Rights of Way team offers no objection to the proposal. Should the applicant now, or in the future, propose any alteration to the public rights of way, they must first consult directly with West Sussex County Council, Public Rights of Way Team (prow@westsussex.gov.uk).

As stated previously the PROW Team request that the Local Planning Authority consider making the following conditions of any planning consent:

That the stile at the junction of Footpath 2600 and Horsham Road be removed and replaced with a 1.2m gap, unless a structure is required for livestock control in which case it should be replaced with a gate that conforms to British Standard BS 5709-2018, the minimum width of such a gate being 1.2m. The PROW Team are available to advise the applicant on a suitable structure, if required.

All other stiles within the red line of the boundary should be removed and replaced with a 1.2m gap, unless a structure is required for livestock control in which case it should be

replaced with a gate that conforms to British Standard BS 5709-2018, the minimum width of such a gate being 1.2m. The PROW Team are available to advise the applicant on a suitable structure, if required.

Adequate visibility splays must be available and maintained at all times, where the internal road crosses Public Footpath 2602.

The Applicant must erect signs on the service road at either side of the junction with Footpath 2602 advising drivers of all vehicles of the presence of the public right of way (PROW) and of the requirement to give way to the public using the PROW.

The Applicant must ensure that the surface of the public footpath is not adversely affected by the service road and this must not present a trip hazard or other obstacle to users of the footpath. The Applicant must make good any damage or undertake any remediation as required by the PROW Team.

The Applicant has not clearly identified the need for or location of any trenching across any PROW. Should any trenching be necessary for the laying of underground utilities, such as electrical cables, through a PROW, this would require the consent of the PROW Team. It is a criminal offence to disturb the surface of a PROW without such consent.

Perimeter fencing of the site alongside the PROW must not encroach the width of the PROW. A minimum width of 3m is suggested to be appropriate to ensure that the use of the PROW is not negatively impacted by the development (please note that this is a minimum requirement). Any side and overhead vegetation should be regularly cut back to ensure that encroachment does not occur with summer growth.

If the Local Planning Authority is minded to grant planning consent the applicant should be advised of the following informative notes:

A. 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 the relevant local planning authority. Further advice can be provided on request.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury – the applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

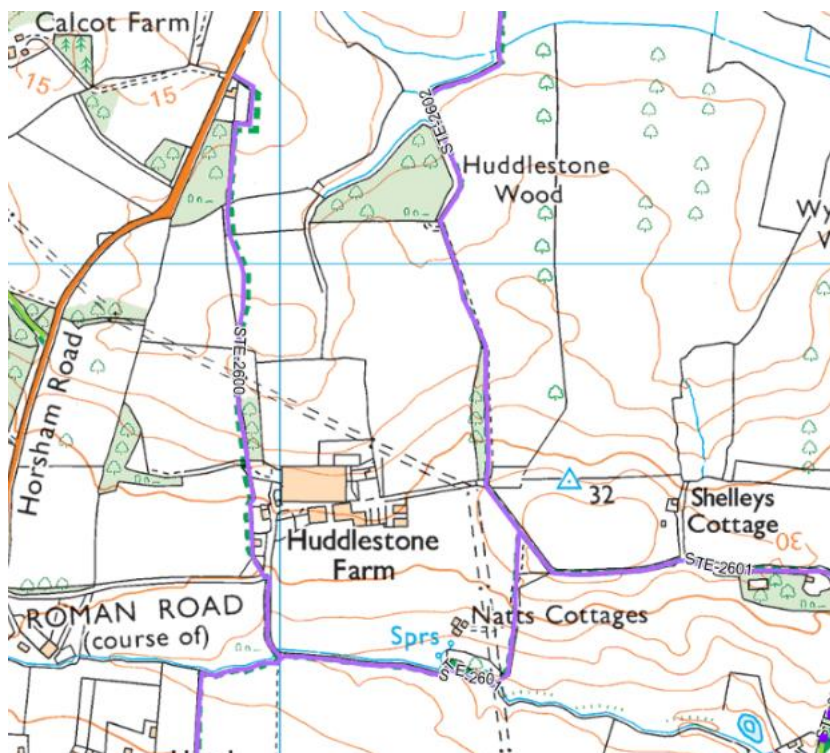
K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and 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.

L. 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.

M. 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.

N. 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.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.



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Abbie Smith
Access Ranger
Public Rights of Way
West Sussex County Council