

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Horsham District Council FAO: Matthew Porter
FROM:	WSCC Highways - Public Rights of Way
DATE:	20 March 2026
LOCATION:	Land North West of Southwater
SUBJECT:	DC/26/0366 Outline planning application, with all matters reserved (except for primary access to the highway) for a phased development comprising: the demolition of existing buildings and the construction of residential dwellings (including affordable housing) (Use Classes C2 and C3); a mixed-use neighbourhood centre (Use Classes E and F); education facilities (Use Class F1(a)); business and employment floorspace (Use Classes B2, B8 and E(g)); redevelopment of existing agricultural buildings including construction of a building for community use (Use Classes E and F2); improvements to public rights of way; sports pitches; gypsy and traveller pitches/plots; public open space; landscaping, and associated infrastructure.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Main site: BW1662, FP1660, FP1658, FP1656, FP1655, BW3568 (Downs Link) Outside site: FP1639_1, BW1642, BW1670
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.

As stated in the NPPF, para 104, *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.*

Defra Rights of Way Circular (1/09) states *The effect that a proposed development will have on Public Rights of Way is a material consideration for planning authorities when deciding whether or not to approve a planning application. The potential consequences on Public Rights of Way must be taken into account. Information supplied by an applicant should therefore explain how the potential development will impinge on Public Rights of Way.*

Bearing the above in mind, my comments are as follows:

I note plans to sensitively enhance existing walking, cycling and bridleway routes to improve access and connectivity. Whilst overall welcome, the comments below relate to each of the Public Rights of Way (PRoW) effected.

Within the red line site boundary:

Bridleway (BW) 1662

I note and welcome the retention of recent improvements to BW1662 and the planned crossing across the primary road to provide safety for bridleway users. As equestrians can use the bridleway, a Pegasus crossing should be considered.

Footpath (FP)1658 and FP1660

Please note that parts of FP1658 and FP1660 run alongside ancient woodland. Any enhancements to the paths to cater for increased footfall must take this into account.

FP1655 and FP1656

It's proposed to enhance public footpaths 1656 and 1655 within the site to mitigate against increased usage from on-site users. Improved surfacing and widening where appropriate are welcomed as would be a signalised crossing across Worthing Road, linking into FP1656.

BW3568 (Downs Link, NCN Route 223)

The part of the Downs Link within the proposed site's red line boundary is programmed for drainage and surface improvements by WSCC in the 2026/27 financial year. We would therefore ask that the Downs Link within the site be retained as is and not be improved. My objection is partly on this basis.

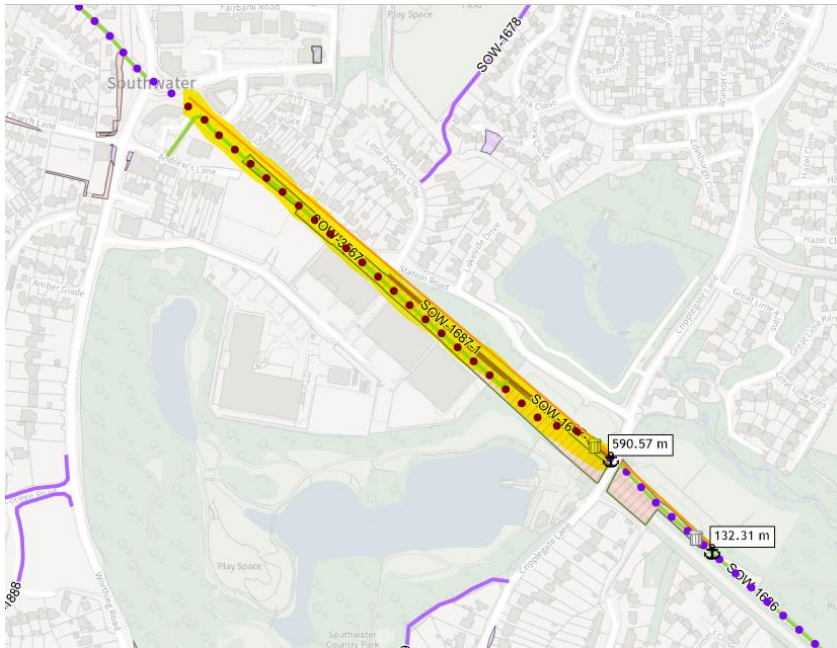
The section of the Downs Link between the site and Christ's Hospital has also very recently been improved and does not need any further enhancement or financial contribution towards it.

Financial contributions towards improvements along the Downs Link outside the site's boundary where occupants of the new site will travel would be welcomed via a S106 obligation however. These are described in the section below.

Outside the site boundary:

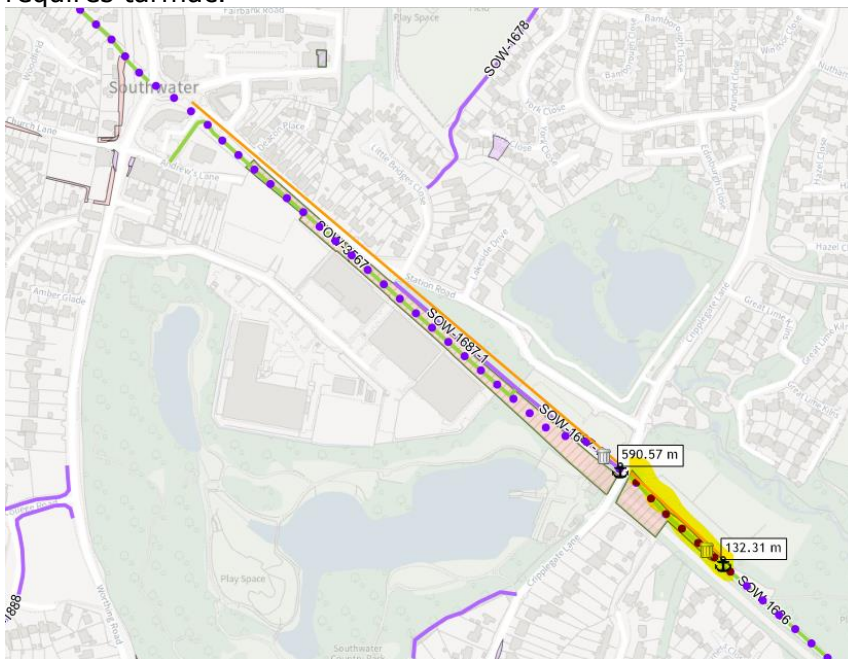
BW3568 (Downs Link, NCN Route 223)

A 590m section (highlighted) between the Southwater Health Centre and Cripplegate Lane would benefit from resurfacing with our standard Type 1 bridleway surfacing.



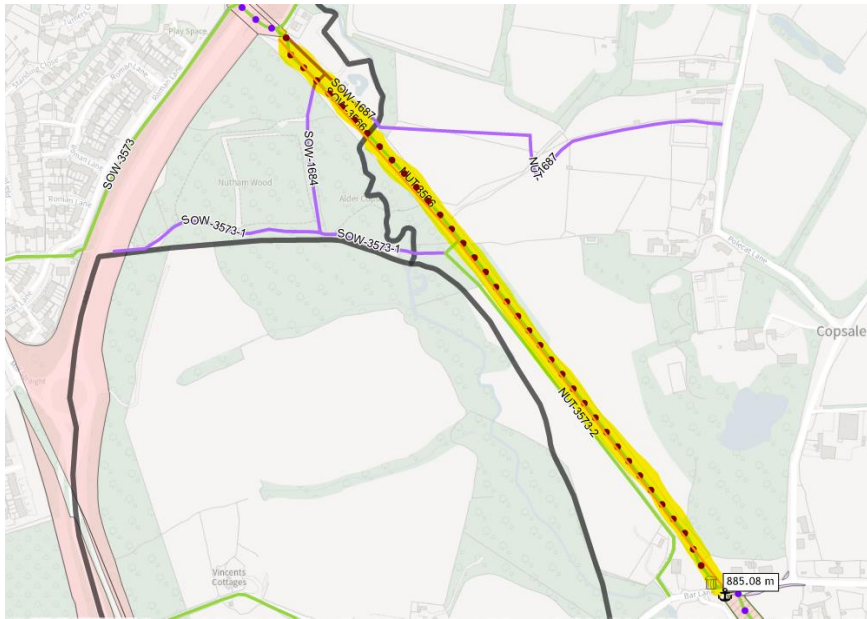
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East of Cripplegate Lane, there is a section approximately 132m long (highlighted) that requires tarmac.



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Finally, heading south-east of the A24 towards Bar Lane, surface improvements to our Type 1 Bridleway surfacing would mitigate against increased usage over approximately 885m.



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FP1639_1

I note the developer raises the possibility of enhancing FP1639_1 between Two Mile Ash Road to Longfield Road to enable cycle use. This would require landowner permission, the path to already have a 3m width, a financial contribution to cover the cost of physical improvements as well as a significant enhancement of the railway bridge to Network Rail's specification.

BW1642

There are sections of BW1642 that will require surface improvements to cater for the greater usage this development will result in. Being outside of the site's boundary, the local authority will decide if a S106 obligation or CIL should fund these.

The proposed improvements to the crossing between Bridleways 1642 and 1662 are welcomed but as equestrians have use of these bridleways, a Pegasus crossing should be considered.

Southwater to Horsham route via upgrading of Pedlars Way BW1670 public bridleways

I note the intention to provide active travel improvements that include the upgrading of Pedlars Way bridleway. Please be advised that a LTN 1/20 surface is inappropriate and will not be acceptable on a bridleway that must cater for equestrians as well as pedestrians and cyclists. With regards any white lining please note that no PRoW can be segregated – the full width must be available to all users. This proposal is also subject to an objection.

General notes

In the interests of improving accessibility across PRoW within the affected area, stiles should be removed if appropriate or replaced with gates where necessary. WSCC PRoW team can advise on suitable gates. Equally, 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 intention to allow cycle use across existing footpaths must be achieved by legal agreement with WSCC PRoW team.

The granting of planning permission does not authorise obstruction of, interference to or moving of any PROW; this can only be done with the prior consent of 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.

Any plans to divert the route of any PROW will require a legal diversion Order. In order to secure such a diversion, a Public Path Order (PPO) would need to be made by Horsham District Council as the local planning authority, who could make such an Order under the Town & Country Planning Act 1990, Section 257. The WSCC PROW Team will be a formal consultee as part of this diversion Order application process and its prior agreement to a specification will be required before lending formal support to any diversion proposal. Development affecting the currently recorded legal line of any PROW 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.

Where it will be necessary to permanently divert a path, 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.

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.

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 8 weeks is needed to consider an application.

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.

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