

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Horsham District Council FAO:
FROM:	WSCC - Public Rights of Way
DATE:	7 January 2020
LOCATION:	Berkeley Homes Development Site Worthing Road Southwater RH13 9BT
SUBJECT:	DC/19/2464 Erection of 80 dwellings with associated access, parking and landscaping at Land West of Worthing Road (Phase 5), Southwater.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	More Information
S106 CONTRIBUTION TOTAL:	n/a

Public Footpath 1652 crosses the proposed development. The Design and Access Statement para 8.1 states:

"A footway / cycleway from Kensett Avenue leads northwestwards through the Phase 5 site and continues as a public right-of-way approximately 50m beyond the site as far as Shaws Lane. There are two further pedestrian links between the site and Shaws Lane. In the opposite direction, an uncontrolled crossing will be provided on Kensett Avenue to allow pedestrians on the footway / cycleway to continue eastwards through Phase 4. site from Ash Road to Shaws Lane."

It is assumed that the Applicant is referring to Footpath 1652 and this should be clarified. Furthermore, the Applicant must state its intentions for the Public Right of Way and whether this is proposed to remain as a footpath on its existing alignment or whether it is proposed that they intend to apply to divert or extinguish this (in part) under the Town & Country Planning Act?

The Applicant has not indicated its intention to dedicate other "footpaths" on the site as public rights of way and the WSCC PROW Team does not agree to adopt these without a Dedication Agreement and a specification having first been agreed with the PROW Team, prior to any development taking place.

In accordance with the **Horsham District Planning Framework, Policy 40 - Sustainable Transport**, the PROW Team considers that it would be beneficial for the existing public right of way, Footpath 1652, to have 'higher rights' dedicated to it and to be dedicated as a public bridleway to support pedestrian and cycling opportunities from the development, linking to Public Bridleway 2929 (Shaws Lane).

A Dedication Agreement together with a drawing and specification for a surfaced bridleway, with a width of 3m and appropriate visibility splays and dropped kerbs at junctions and signage, should be agreed with the PROW Team in advance of any development taking place. All such improvements to the PROW are to be delivered and constructed by the Applicant, at their expense.

It should be noted that:

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 footpath is maintained and there is no unlawful encroachment.

No structure, for example gates or stiles, may be erected on the PROW without the prior consent of the WSCC PROW Team. Should planning consent be approved by the Local Planning Authority this would not confer consent for such a structure, which would require a separate application to the WSCC PROW Team.

Access along the PROW by contractor's vehicles, deliveries or plant is only lawful if the applicant can prove they have a vehicular right of access. Parking on the PROW is considered an obstruction and is not permitted.

The surface of the PROW must not to be altered in any way without the prior consent of the WSCC PROW Team. Should planning consent be approved by the Local Planning Authority this would not confer consent altering the surface of the PROW, which would require a separate application to the WSCC PROW Team.

If the PROW's surface is considered damaged as a result of the development then the applicant will be required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Should any building works, demolition or construction encroach upon the PROW then a Temporary Path Closure Order may be required, for which an application must be made to the WSCC PROW Team. Should planning consent be approved by the Local Planning Authority this would not confer consent for such a closure, which would require a separate application to the WSCC PROW Team

Nigel Bird
West Sussex County Council – Public Rights of Way