

**WEST SUSSEX COUNTY COUNCIL
STRATEGIC PLANNING CONSULTATION**

DATE: 23 February 2018

FROM: Jon Perks **TO: Arun District Council**
FAO: Mrs A Gardner

SUBJECT: AB/148/17 – To provide 4no. detached houses on existing semi natural woodland site

Wooded Land South West of Dalloway Road, Arundel

DATE OF SITE VISIT: not visited

RECOMMENDATION:

Advice	☐	Modification	☐	More Information	☐
Objection	☐	No Objection	☒	Refusal	☐

S106 contribution total (see below for breakdown): £ not yet determined

Thank you, on behalf of the West Sussex County Council (WSSC) Public Rights of Way (PROW) team, for the opportunity to comment on the above numbered planning application.

The existence of a 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.

Part of Public Footpath (FP) 342 runs through the site and is largely proposed to be retained on its legally recorded line through a landscaped area. At its junction with Priory Lane the applicant proposes, as shown on the location plan, to create a new access for the footpath closer to the existing gated track access west of the lane. Should planning consent be granted, the applicant must consult with the WSSC PROW service to determine whether a formal diversion Order is necessary to move the public footpath. If it is deemed necessary by WSSC, an application to Arun District Council (ADC) under Town and Country Planning Act 1990 s257 will be required. ADC is requested to add a suitably worded condition to any planning consent. The applicant should note the granting of planning permission does not itself authorise obstruction of, interference to or moving of any PROW.

It is an offence to damage the surface of a PROW without the prior consent of the WSSC PROW service. The applicant proposes to remove a number of trees adjacent to FP342, access for which will at the very least disturb the path surface. All works affecting the path surface must be agreed with the WSSC PROW service prior to site works beginning. ADC is requested to add a suitably worded condition to any planning consent.

Safe and convenient public access during any period of construction is to be available at all times across the full width of FP342, which may be wider than the available and used route. If the applicant is unable to guarantee this, application must be made to the WSSC PROW service 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; and that any temporary path closure will not be granted as a pre-cursor to seeking permanent diversion or extinguishment of a PROW.

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 service.

It is noted this section of FP342 is part of a recent Definitive Map Modification Order application for reclassification as a public bridleway. Whether or not that application succeeds, there is an obvious benefit for cyclists and horse riders to have this length of FP342 upgraded to bridleway. The ADC former Local Plan contained a number of policies that are relevant here:

- Policy Gen 1: creation of a bridleway between Dalloway Road and Priory Road will improve local sustainable access;
- Policy Gen 3: this seeks to improve quiet, informal recreation by creating safe routes for cyclists;
- Policy Gen 4: bridleway provision such as this will minimise demand for local vehicle travel, so reducing road congestion and air pollution; and is considered appropriate provision for safe and convenient access by cyclists.

A new Local Plan has not yet been adopted; however this proposal would meet the 'Our Kind of Place' Vision and drafted ambitions for sustainable and connected access.

ADC, if it is minded to grant planning consent, is therefore requested to require the applicant to dedicate the section of FP342 between Dalloway Road and Priory Lane as public bridleway under the Highways Act 1980 section 25 and to provide a 3.0m width, free of stiles and gates, and surfaced to a specification agreed in advance with the WSCC PROW service.

Jon Perks
Principal Rights of Way Officer