

WEST SUSSEX COUNTY COUNCIL CONSULTATION

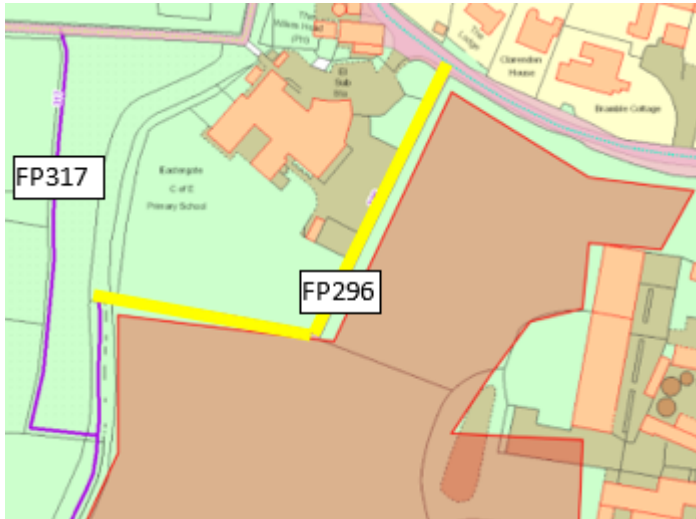
TO:	Arun District Council FAO: Claire Potts
FROM:	WSSC Highways - Public Rights of Way
DATE:	2 March 2022
LOCATION:	Barnham, Eastergate, Westergate BEW Parcel SC1 Barnham
SUBJECT:	BN/11/22/OUT Outline application with all matters reserved (except for the A29 Realignment) for the demolition of existing structures and mixed use development to provide residential dwellings (Use Class C3), Care Home/Senior Living Accommodation (Use Class E/F2/Sui Generis), a Primary School plus open space, landscaping, drainage and all other associated ancillary works; and realignment of the A29 and early connection to existing A29 including construction of a new road carriageway, junctions and associated infrastructure. This application also lies within the parish of Aldingbourne, affects the setting of listed buildings, affects the character & appearance of the Eastergate Church Lane Conservation Area and affects a Public Right of Way. This application is the subject of an Environmental Statement.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	FP296, FP321, FP323
RECOMMENDATION:	No Objection (With Conditions)
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 WSSC map information. In respect to the above planning application I would provide the following comments.

It is pleasing to note that this development is looking to protect and enhance the PRoW network, taking opportunities to provide better facilities for users. I appreciate that the diverted and retained PRoW and new pedestrian and cycleways all pass through green space in this Outline application. On a general note, **please confirm if the new pedestrian / cycle routes through the site are to become Public Rights of Way.**

FP296

FP296 runs alongside but outside the north-west boundary of the site. Along most of that length, as shown in yellow below, FP296 is also an E class maintainable footway for pedestrian use only. It has a metalled surface and is maintained at a higher level than a PRoW.



There is currently a short section between where the Class E highway ends and the proposed connection into the site (circled in yellow below), to join up with the pedestrian and cycle route along the Lidsey Rife, (as part of the 'South Downs to Coast' strategic route), according to your Landscape and Parameter plan. (The connection point seems to line up with FP317.) That short section between the two is a footpath only.



First of all, if this is the correct connection point, could the proposed connection be moved slightly north to join up with the Class E highway?

I note however, that the illustrative masterplan within Section 6 of the DAS shows the connection point being in the corner, as I would require, indicating that perhaps this is the plan.

6. Illustrative Masterplan 6.1 Illustrative Masterplan



ILLUSTRATIVE MASTERPLAN KEY

- 1 A multi-functional linear park incorporating a network of footpaths and cycleways
- 2 Existing vegetation including trees and hedgerows retained and enhanced
- 3 Green corridors connecting wildlife and existing landscape assets, and providing slow movement trails
- 4 A green link forming a buffer between existing neighbourhoods and the new neighbourhood

Please clarify.

Secondly, it is desirable for connectivity purposes that cyclists using the new route along the Lidsey Rife be able to continue cycling between the site and Church Lane (where FP296 emerges). To achieve this, the E class maintainable footway needs to be upgraded to a shared footway. It would need to be part of a dedicated cycle route with lane markings and signs to indicate that it is a shared cycleway for both cyclists and pedestrians.

Below is an example.



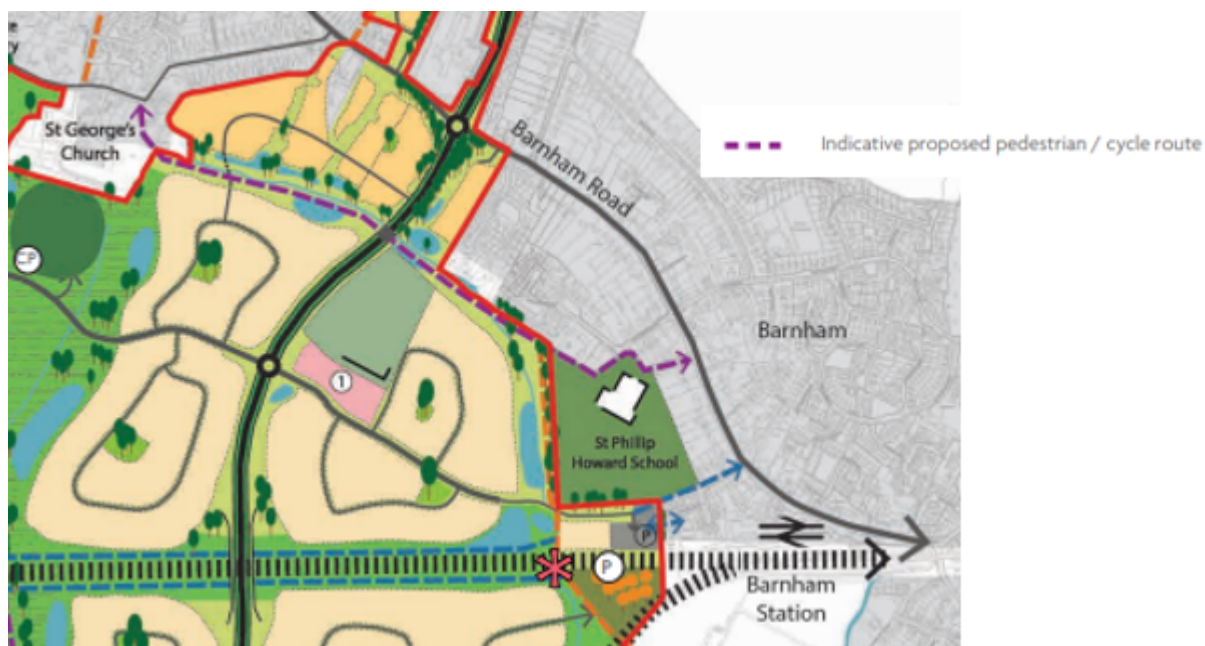
This needs to be arranged with Highways and achieved via condition.

FP321

FP321 is not always recognised as an existing PRow, purely as a proposed, segregated, pedestrian / cycle route on many diagrams. I note it is not being diverted but is being changed from a footpath to a pedestrian and cycle route whilst on site as part of the 'green link'. As footpaths do not allow cyclists, **please confirm whether your intention is to upgrade the PRow to a Bridleway or confer permissive cycle rights**. A Bridleway is preferred as this will give permanent rights.

With regards to it being segregated (page 24 of the DAS, extract of page 48 of Connectivity Principles from the Framework Masterplan Document), please note that **a Public Right of Way cannot be segregated. The full width must be available to all users**. This width must be a minimum of 3m and surfacing constructed to an approved standard.

The BEW Framework Masterplan shown on page 17 of the DAS shows the proposed pedestrian / cycle route as extending both west and eastwards from the red line site boundary along the route of the PRow,



to where it joins with Church Lane in the west



and Elm Grove South in the east.



This upgrade of the PRow outside of the site boundary is not reflected in this Outline application, but we would require this to allow connectivity and onward travel by cyclists into and out of the site. The applicant should therefore make reasonable endeavours for a period of 6 months following approval of any planning permission to seek agreement to deliver any necessary works of

improvement to enact the upgrade of these sections of FP321 or make a financial contribution to West Sussex County Council to enable enhancement of the route.

I note FP321 will cross the new Realigned A29 road.



I am pleased to see this crossing will be a signal-controlled crossing.

FP323

I note FP323 is being diverted. Planning permission is a right to carry out development, not to interfere with, move or block a Public Right of Way. It should not be assumed that if planning permission is given, this will automatically allow a diversion or extinguishment to be made. It's important that paths are kept open and unobstructed until the statutory procedures which authorise the closure or diversion of a path (if planning permission is granted) have been completed.

The need to permanently divert the footpath 'to enable development to take place' can take place by means of a Public Path Order (PPO) through the Local Planning Authority who can 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.

I note FP323 will cross the East-West link road. It is described within section 7.4 Sustainable Movement of the DAS as a pedestrian and cycle crossing of the East-West Link Road.



As footpaths do not allow cycle use, is the intention to upgrade the PRow from a footpath to a permissive cycleway or Bridleway? Again, Bridleway status is preferred to secure user rights.

The surface we will require of this diverted PRow will depend on its status. **Please advise on planned width of this path.**

I note the plan to introduce an at-grade crossing with a landscape island. My Highways colleagues will comment on the appropriateness of this given predicted traffic flows.

Section 4.1 of the DAS states there is the potential for future connections across the railway line.



The West Barnham railway crossing formed part of the discussion of a recent Appeal (Ref: APP/C3810/W/21/3273087) against refusal of an application (Ref: BN/142/20/OUT) for planning permission on land south of Barnham station. The developer won the Appeal however FP323 is to be diverted through a nearby underpass instead of going across the current at-grade West Barnham crossing. **The developer's plans should ensure they reflect this.**

General notes:

Boundaries

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.

Diversion and Closures

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 - unless temporary path closures have been applied for and approved via <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/temporary-path-closures/>

Please note, West Sussex County Council's PROW Team will only consider an application for a temporary path closure of FP323 once the Local Planning Authority has made and confirmed the PPO necessary to divert FP323.

Obstruction

No PROW is 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.

Structures

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.

Surfacing

No part of the development shall be first occupied until such time as plans, details and construction specification showing the proposed surfacing works for all the PROW have been submitted to and approved in writing by the Local Planning Authority after consultation with the Public Rights of Way Team as the Highway Authority.

Surface water and Drainage

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.

If 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.

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