

Mr S Brown
11 Madeira Avenue

PO22 8DF

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Your Ref: OWPC26605
Our Ref: BR/81/20/RAI 31-03-2020
Please ask for:
Maria Tomalova

29th April 2020

Dear Sir/Madam

Town & Country Planning Act 1990 (as amended)

Town & Country Planning (General Permitted Development)(England) Order 2015 (As Amended) Schedule 2, Part 18

Prior Approval under Part 18, Schedule 2 of the General Permitted Development Order 2015 for the replacement of the Ivy Lane pedestrian bridge over the railway.

Ivy Lane Footbridge Ivy Lane

Thank you for your internet representation made on 28th April 2020 which has been recorded as '**support**' with the comments as follows:

I live near to the existing railway footbridge, and use the existing bridge regularly. Also, I was involved in helping a family friend who lived very close to this footbridge when the previous Network Rail (NR) prior approval application (BR/180/17RAI) was current.

I am very pleased to see that this latest application has been altered significantly to take account of serious concerns from neighbouring residents about the proposed positioning of the previous bridge design. This latest design helps to maintain the status quo as regards the impact of a new footbridge on surrounding track side residents.

One other point. The existing footbridge carries a public right of way (PROW) over the railway - Footpath No. 3038. The NR covering letter describing the proposed new footbridge does not appear to mention this fact?

The Town & Country Planning Act 1990 (T&CPA) must be used where it is required to divert (and, at this location, also close) a public right of way as a result of planning permission being granted. This proposed footbridge cannot be constructed (or the existing footbridge be removed) without such a legal diversion and closure order being in place. I believe that Section 257 of the Act would apply here as the right of way is a footpath.

The grant of planning permission does not entitle any developer/land owner to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate legal process which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under Section 257 will invariably be made or confirmed. Development, in so far as it affects a right of way, must not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

Please can you confirm that NR has applied to Arun District Council for the necessary orders?

Finally, I would be obliged if you could keep me informed on the progress of this proposal. Many thanks.

Unfortunately it is not possible for the council to respond to each representation individually but your views will be considered before the application is determined and I shall write to inform you of any decision made.

If the application is to be determined at the Development Control Committee and your letter has been received after the agenda has been published, you will not receive a separate letter notifying you of the date of the meeting and the procedures for public speaking. In such circumstances, it is

recommended that you track the progress of the application on the website or telephone for further information. Please be advised that any comments received after the the Development Control Agenda has been produced will be reported to the meeting. Please also note that only a small number of all planning applications are determined at the Development Control Committee, most are determined by officers under delegated power.

All representations are published on our website so please make sure your views are clear and only include information that you are happy for the public to view. Do not include personal information or information from third parties unless you have their permission to do so. If a complaint is received that permission has not been given for comments included about a third party, the Council reserves the right to redact/remove all relevant information. Do not include information that is defamatory or breaches equality or other legislation. If you do not wish your comments to appear on the website and on the file, please confirm this in writing and I will arrange for it to be destroyed, although this does mean that its contents will be disregarded. For details of what we do with your personal information please refer to our privacy statement comments on planning applications which is available on our website www.arun.gov.uk/planning-privacy-statements.

In the event of a subsequent written representations appeal, against a refusal of planning permission on a householder application, any representations made on the application will be automatically forwarded to the Secretary of State. Unlike all other types of appeal, there will be no further opportunity to comment at the appeal stage.

Yours faithfully

Neil Crowther
Group Head of Planning