

**WEST SUSSEX COUNTY COUNCIL
PLANNING SERVICES CONSULTATION**

DATE: 30/01/18

**FROM: Darryl Hobden TO: Arun District Council
FAO:**

SUBJECT: CM/33/17/PROW - Demolition of prefabricated former private school building and Mill Lodge residential unit. Refurbishment of existing Mill to retain and refurbish existing dwelling and flats 1 & 2 (adjoining) with 2No. additional dwellings. Refurbishment of Mill Cottage and Mill Thatch (units 1 & 2) and erection of 1No. new-build floating pond-house within feature pond. Departure from the Development Plan. This application also lies within the parish of Littlehampton and affects the setting of a Listed Building.

Clymping Mill, Climping Street, Climping, West Sussex, BN17 5RN

DATE OF SITE VISIT:

RECOMMENDATION:

**Advice
Objection**

X

**Modification
No Objection**

**More Information
Refusal**

X

S106 contribution total (see below for breakdown): £

The existence of a Public Right of Way (PROW Footpath 174) 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.

It appears the legal line of the PROW may cut across the northern section of the proposed development site. Although a 'walked route' may appear on the ground, the definitive line can only be altered by legal order.

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the local planning authority. (S.257 Town and Country Planning Act).



Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route – advice on the legal width can be provided by the WSCC PROW Team.

The path is 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.

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 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.

The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for

accident or injury – the applicant must consider how access is managed so the public is not endangered or inconvenienced.

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.

Darryl Hobden
Access Ranger, WSCC PROW.