

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO:David Easton
FROM:	WSCC Highways - Public Rights of Way
DATE:	11 July 2022
LOCATION:	Bognor Regis Golf Club Downview Road Bognor Regis PO22 8JD
SUBJECT:	FP/274/21/OUT Outline planning application with all matters reserved, except means of access, for the erection of up to 480 new homes (C3), the formation of a new means of access onto Golf Links Road, together with the creation of new surface water drainage, new landscaping and habitat creation, ground works and other infrastructure and the retention and re-purposing of the retained club house (F2). This site also lies within the parish of Yapton, affects a Public Right of Way and is a Departure from the Development Plan. This application is subject to an Environmental Statement.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	FP153
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 WSCC map information. In respect to the above planning application I would provide the following comments.

I'm pleased to see the developer agree to upgrade PRoW FP153 to permit cycle use by means of a S278 agreement (of the Highways Act 1980) meaning the developer will deliver agreed works on behalf of West Sussex County Council within the site's red line boundary. I am also happy to accept a S106 Planning Obligation contribution for necessary works outside of the site, payable to enable the upgrade for both the sections of FP153

- between the northern site edge and the A259, and
- between the southern site edge and Downview Primary School.

I understand and welcome PRoW 153 being an off-road route as much as possible through the site.

It is West Sussex County Council's intention to upgrade PRoW 153 south of Downview School to a combined pedestrian and cycle route via a Section 38 (Highways Act 1980) adoption. It is logical

therefore that PROW 153 through the developer's site should be constructed to the same standard and similarly adopted.

I note the addition of Proposed Permissive Footpaths on the Movement and Connectivity Parameter Plan (171-UW-P-A-009 Rev B). Whilst I welcome these, please note that Public Rights of Way would not look to adopt these as formal PROW and the responsibility for maintaining them should remain with the developer.

I particularly note one that has the potential to connect with FP154, east of the site's south-eastern boundary. Is it the developer's intention to seek landowner agreement for the small gap between the two, so as to create a useful connection?

On a general note, the granting of planning permission does not authorise obstruction of or interference to any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority.

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 - unless the applicant has successfully obtained a temporary path closure order from WSCC.

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

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.

Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

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