

WEST SUSSEX COUNTY COUNCIL CONSULTATION

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| TO: | Arun District Council FAO: Emma Sheppard |
| FROM: | WSCC Highways - Public Rights of Way |
| DATE: | 4 August 2025 |
| LOCATION: | Land to the South of Ford Lane, Arundel BN18 0DF |
| SUBJECT: | F/19/25/OUT Outline planning application with all matters reserved (except access proposed along Ford Lane) for development of up to 400 No dwellings, a 8-10 form entry secondary school with associated sports pitches and facilities, a community hub building of up to 600 sqm, new pedestrian and cycle routes, Public Open Space, sustainable urban drainage system, landscaping and associated infrastructure. This application lies within the parish of Ford and Yapton, affects the setting of listed buildings, affects a Public Right of Way and is a Departure from the Development Plan. This is a CIL liable development. |
| DATE OF SITE VISIT: | n/a |
| RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S): | PRoW 359, 363, 200_2 |
| RECOMMENDATION: | Objection |
| 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.

As stated in the NPPF, para 104, *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

Defra Rights of Way Circular (1/09) states *The effect that a proposed development will have on Public Rights of Way is a material consideration for planning authorities when deciding whether or not to approve a planning application. The potential consequences on Public Rights of Way must be taken into account. Information supplied by an applicant should therefore explain how the potential development will impinge on Public Rights of Way.*

Bearing the above in mind, my comments are as follows:

This application directly affects Public Rights of Way (PRoW) 359, 363 and offers connection to 358 and 200_2. Of relevance to this application is The Landings development immediately to the east which is obligated to upgrade PRoW 363 from a footpath (FP) to a bridleway (BW) and Meadow Gardens immediately to the west which has recently improved PRoWs 357 and 358.

PRoW 363

I note the developer hopes to stop up FP363. We will not support this and my objection is based on this. Continuation must be assured for PRoW users using 363 both from the east and west. To overcome this, we require:

1. The routes outlined in pink below to be created to West Sussex County Council (WSCC)'s BW specification and dedicated as bridleways.
2. A financial contribution to be made to cover the cost of WSCC upgrading the western end of 363 (as outlined in blue below) outside the site boundary from a footpath to a bridleway.



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PRoW 359

The developer plans to divert PRoW 359 and retain it as a footpath. The diversion may be acceptable but we require the diversion to be made to WSCC's bridleway specification along its entire length and, as a minimum, the section of PRoW 359 highlighted in pink above to be dedicated as a bridleway. Ideally, the entire diversion will be dedicated as a bridleway.

Where it will be necessary to permanently divert a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 S257), to be applied for by the developer **through the Local Planning Authority, Arun District Council, prior to development**, please note WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

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. Development affecting the currently recorded legal line of the PRoW must not

begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure.

Connection to PRoW 200_2

The development proposes to encourage people to utilise FP200_2 through the creation of a footpath link (outlined in pink below). FP200_2 follows the existing towpath along the former alignment of the historic canal. This route connects eastwards to the Arun Way, through The Landings and onwards and westwards into Downview Way and Main Road, Yapton.

I request that the section outlined in pink below be made up to WSCC's bridleway specification. Also, is it possible for the developer to extend the link to join up with the proposed path immediately to the north, as shown in orange below?



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General notes

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way: this can only be done with the prior consent of West Sussex County Council, as highway authority, and possibly also a legal Order process by Arun District Council as the local planning authority. Further advice can be provided on request.

Unless a temporary closure has been granted, 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.

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.

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.

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 cannot 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. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 7 weeks is needed to consider an application.

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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Rights of Way information is not definitive.

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

Please could the attached response be distributed to the relevant case officer.

Regards

Donna Trethewey

Please do not reply directly to this email.

Any formal reconsultation on the application should be directed to
[REDACTED] but the responding officer can be contacted directly via
email if there are any questions relating to this response.

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