

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO: Ms M Tomalova
FROM:	WSCC Highways - Public Rights of Way
DATE:	13 June 2022
LOCATION:	Salamanda 37 Coastal Road Littlehampton BN16 1SJ
SUBJECT:	K/11/22/PL Demolition and erection of 1 No detached dwelling. This site is in CIL Zone 4 and is CIL Liable as new dwelling.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Byway 3623
RECOMMENDATION:	objection
S106 CONBUTION TOTAL:	n/a

In respect to the above numbered planning application I would provide the following comments. This proposal has been considered by means of a desktop study, using the information and plans submitted with the application, in conjunction with other available WSCC map information.

The proposed development is on the west side of Byway 3623 and from the submitted plans it appears the development will directly affect Byway 3623, also known as Peak Lane, by encroaching onto the definitive width of the PROW, and for this reason, PROW object to this application.

To explain our reasoning for this objection the following information explains our position, as the highway authority, with regard to the width and status of Byway 3623.

Byway 3623 is a definitive public right of way recorded on the Definitive Map and Statement as a Byway Open to all Traffic. Highway rights along Byway 3623, were established following an application some years ago, known as a Definitive Map Modification Order application, made to the County Council to record the Lane as a Public Footpath. Full investigation of this application was conducted by Council officers and it was determined that the Lane was a historic highway and that highway rights extended across its full historical width.

Shortly after highway rights were established in 1996, a Traffic Regulation Order (TRO) was placed along the full length of Peak Lane prohibiting vehicular traffic, except for access.

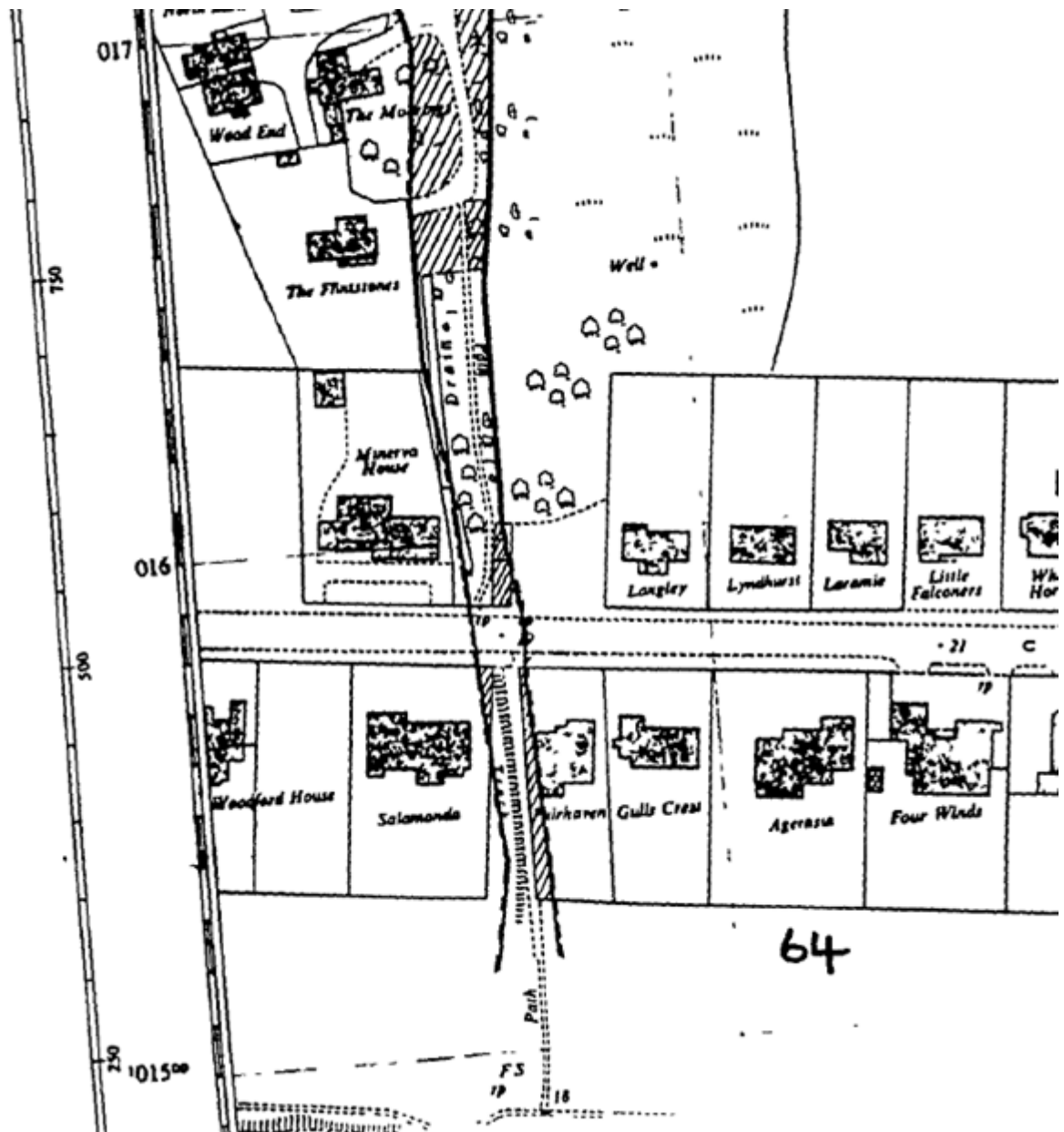
During the process to formally record the Lane as a public right of way, it was acknowledged that Peak Lane had been physically altered over time by the actions of adjoining landowners and that users of the lane were prevented from using its full historic width. A number of areas were identified as being maintained by adjoining

owners and a recommendation to issue Licences to these owners to allow them to continue to do so, was made and supported by the Rights of Way Sub Committee. Unfortunately, for reasons unknown the necessary licences never came to fruition and so they were not issued. However, this is not to say that the areas identified as being maintained do not form part of the public highway.

In 2020 this issue was brought to our attention again and in order to formalise the position the County Council placed notes on the land charges register identifying the properties in the section of Byway 3623 to the north of Coastal Road, as identified in 1996, who are occupying part of the highway and maintaining it. The purpose of Land Charges notes is to make it clear to potential future purchasers that the areas maintained form part of the publicly maintainable highway. At this time notes were not made on the Land Charges Register regarding effected properties adjacent to Byway 3623 to the south of Coastal Road, but regardless of this the property Salamander does occupy and maintain part of the public highway.

Below is an extract from the 1994 committee report map delineating the historic width of the highway with areas that are being maintained by the adjoining owners shown in cross hatch.

Whilst writing, I should also point out that Byway 3623, including the areas identified as being maintained by adjoining owners, is a public highway and that highway rights, limited to those on foot, horseback and bicycle extend across its full historic width. Any future changes to, or work along Byway 3623 will need the consent of West Sussex County Council as highway authority. Therefore, in order to build upon land that forms part of the highway the landowner will need to either 1) apply for a stopping up order or 2) apply for a diversion under S257 Town & Country Planning Act. Enquiries concerning this should be directed to the Public Rights of Way team.



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Katrina Harper
Access Ranger
Public Rights of Way
West Sussex County Council