

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO: Steve Davis
FROM:	WSCC Highways - Public Rights of Way
DATE:	5 May 2026
LOCATION:	Land North of Summer Lane Pagham
SUBJECT:	P/30/26/OUT Outline application with some matters reserved, except access, for up to 120 No residential dwellings including means of access into the site (not internal roads). This application is a Departure from the Development and affects a Public Right of Way.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpath 100 and Footpath 108
RECOMMENDATION:	Objection
S106 CONTRIBUTION TOTAL:	

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 105, 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 affects two Public Rights of Way (PRoW), Footpath (FP)100, (Summer Lane) and Footpath 108.

Footpath 100, Summer Lane

There are plans to confer bridleway rights upon FP100 and beyond, linking the developments in this area with Chichester. These plans require neighbouring landowner permission however, specifically from the Church Commissioners. Without this, no such cycle link can be made which, I believe, is required to make this and other developments in this area acceptable. An obligation should be placed upon the developer that requires

them to arrange for the Church Commissioners to enter into a dedication agreement with West Sussex County Council, creating the bridleway link.

Should Highways have no plans to adopt Summer Lane (FP100), it's legal status will remain that of a PRow with private access rights. This means:

- the PRow team's maintenance liability will be limited to that of bridleway users. All damage caused by vehicular use will remain the responsibility of the landowner.
- the safety of PRow users (pedestrians, cyclists and equestrians) should therefore be a priority over that of vehicular users. At the 'straight across' access over Summer Lane, the planned width restrictions, prohibited right or left turn, raised tables and signage are welcomed. The area must also be well lit and have good visibility.

Footpath 108

The stepped and ramped access from Summer Lane onto Footpath 108 is welcome. The ramp would not form part of the PRow so maintenance liability would remain that of the developer whereas the stepped access would be part of the PRow as it would be along the definitive line and provides sufficient access for pedestrians. I note the Safety Audit identifies the risk that the steps may lead to trips and falls and subsequent recommendation that corduroy tactile paving be used to highlight the steps. This is not necessary or acceptable and my objection is on this basis. Our standard step specification as shown below should be followed.

Rights of Way Standard Step Detail

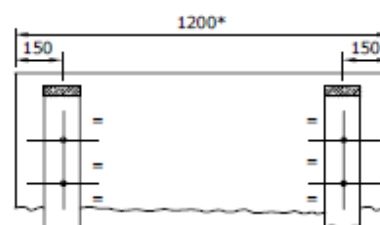
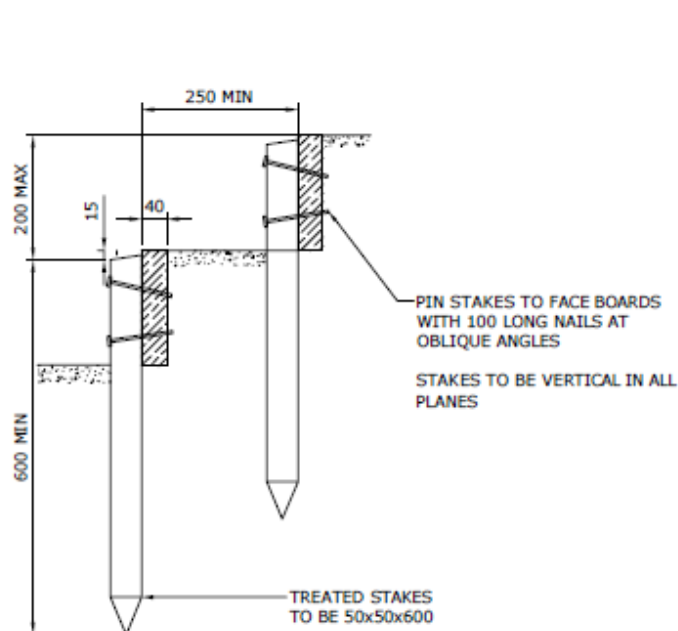
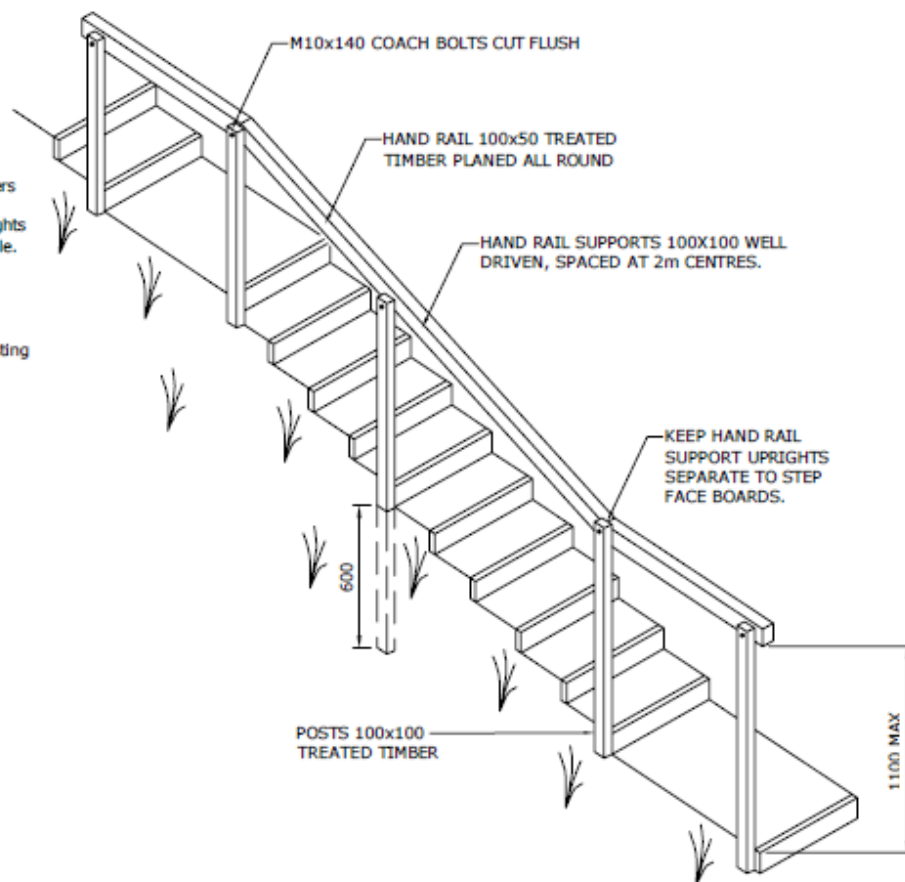
Visual Representations are for reference only and may not be to scale.

Measurements are stated in millimetres.

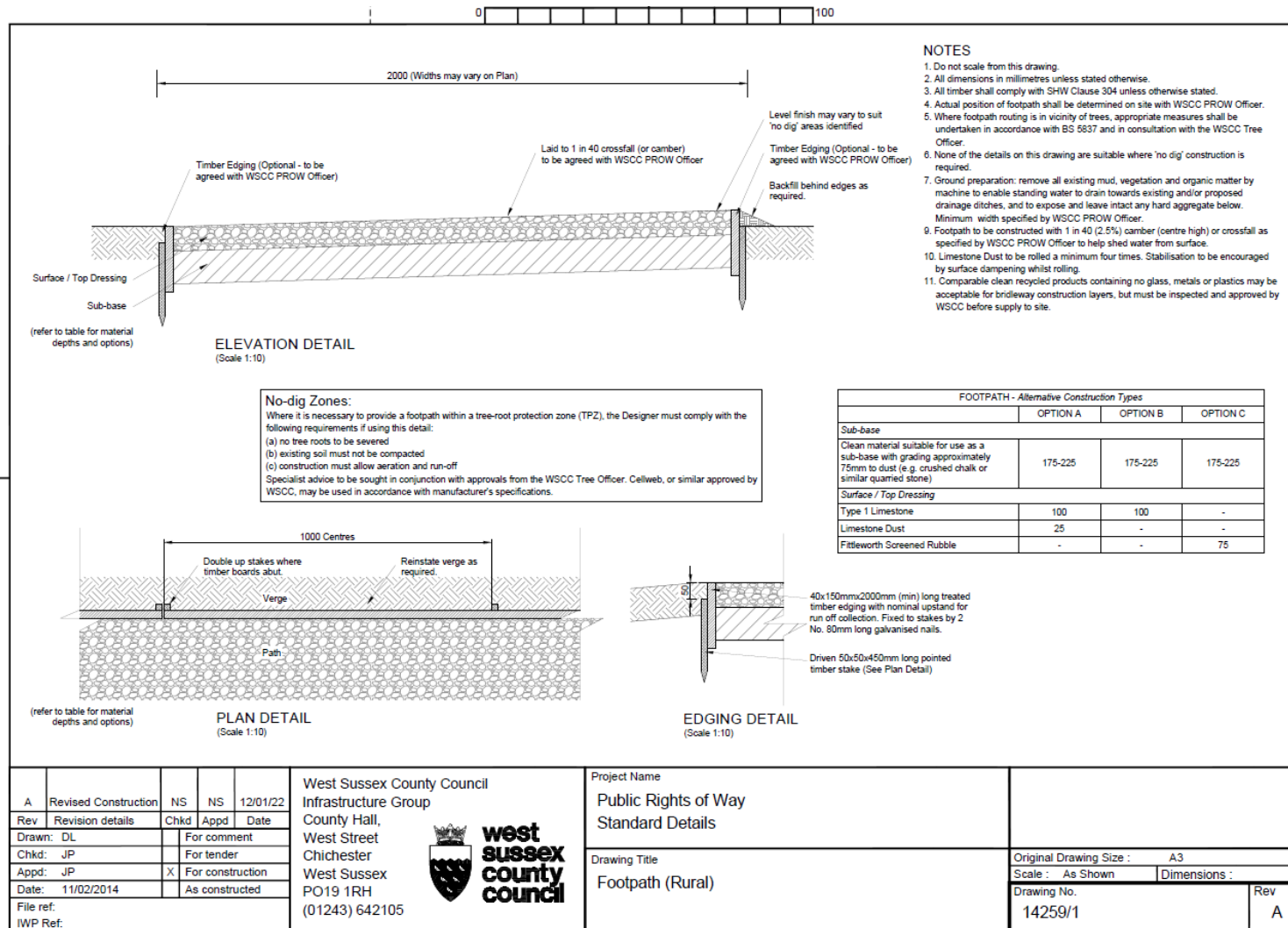
Notes:

A flight must not be more than 10 risers between landings. Landings to be min length of 1200 by 1200 wide. Long flights of steps should have curve in if possible. Backfill steps with suitable material to level above fascia board and compact.

(*) Step riser width reduced to fit existing where appropriate.



Footpath 108 crosses through a green area within the development. I require the developer to submit details of how they propose to surface the footpath. As a minimum, the footpath surface should be improved to the PRoW rural footpath specification (shown below) up to the red line boundary.



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 Mid Sussex District Council as the local planning authority. Further advice can be provided on request.

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.

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 8 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

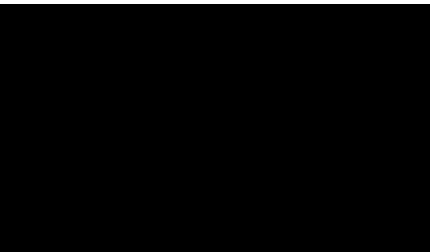
must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

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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

PL- Consultation- WSCC Public Rights of Way response



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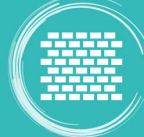
Improving the wellbeing of Arun



Delivering the right homes in the right places



Supporting our environment to support us



Fulfilling Arun's economic potential



Our core foundations



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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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