

FAO: West Sussex County Council – Public Rights of Way

Planning Applications – P/30/26/OUT and P/31/26/OUT

26th May 2026

Northgate Properties, the applicant, write further to the reps made by Donna Tretheway, of WSCC PRoW Team, on 05 May 2026 (Appendix 1). Within the below paragraphs we have taken each point raised in turn and responded to them individually.

Footpath 100

The PRoW Team stated:

“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.”

We are engaged and working proactively with Nigel Bird of WSCC PROW team on the upgrades and delivery of FP 100 to a bridleway on the land we control. We are committed to upgrading the section of FP 100 which we own, in line with the proposed plans.

In terms of third-party landowners, we are unable to assist in arranging for any third party landowner along the route to enter into a dedication agreement. In terms of the Church Commissioners, we have no formal relationship with them on the land in question, and no control over their actions.

We don't feel it would be a reasonable request for us to be obligated to secure something which we have no mechanism to deliver.

In light of the information received from WSCC that the delivery of the upgrades to the full length of FP100 may have come into question, we will amend paragraph 6.5 and remove para 6.8 of our transport assessment.

Please note in terms of lighting FP100, we are happy in principle for the route to be lit, however any conditions will need to allow us to deliver lighting that meets both WSCC adoption standards and any ecological constraints. We would suggest this is confirmed in detail at the reserved matters stage.

Footpath 108

The PRoW Team stated:

“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.”

We are happy to agree that the stepped section of FP 108 will follow the WSCC standard step specification.

This design will remain subject to formal WSCC approval under a S38/S278 including a Stage 2 Road Safety Audit. We would ask this is confirmed/acknowledged in the wording of any conditions.

We are happy to agree that the surfacing of FP108 over the green sections (i.e. from Summer Lane north, upto the park home crossing point) will be to WSCC rural footpath specification, or a similar design to be agreed with WSCC at the reserved matters stage.

Summary

We trust this covers the points raised and hope that this will allow WSCC PROW team to withdraw their objection.

We would be happy to discuss any of the points raised further if required.

Northgate Properties

Appendix 1 – 05 May WSCC Public Rights of Way Letter

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

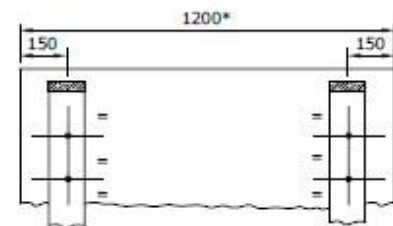
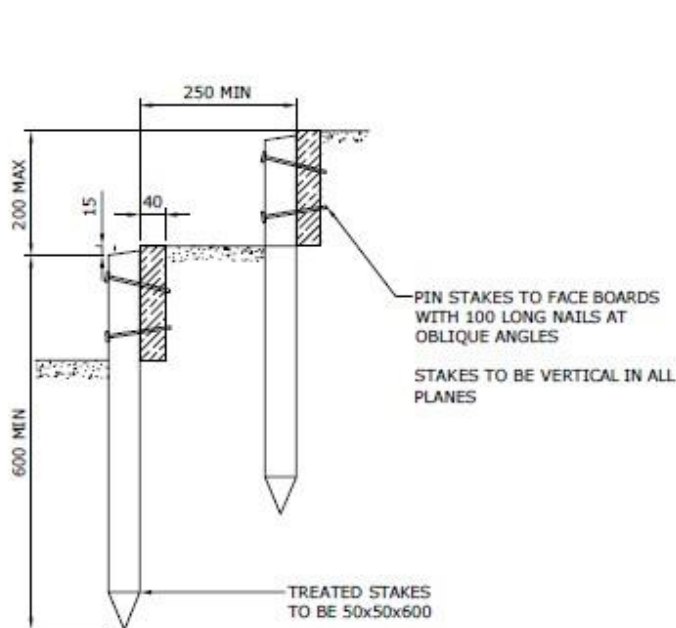
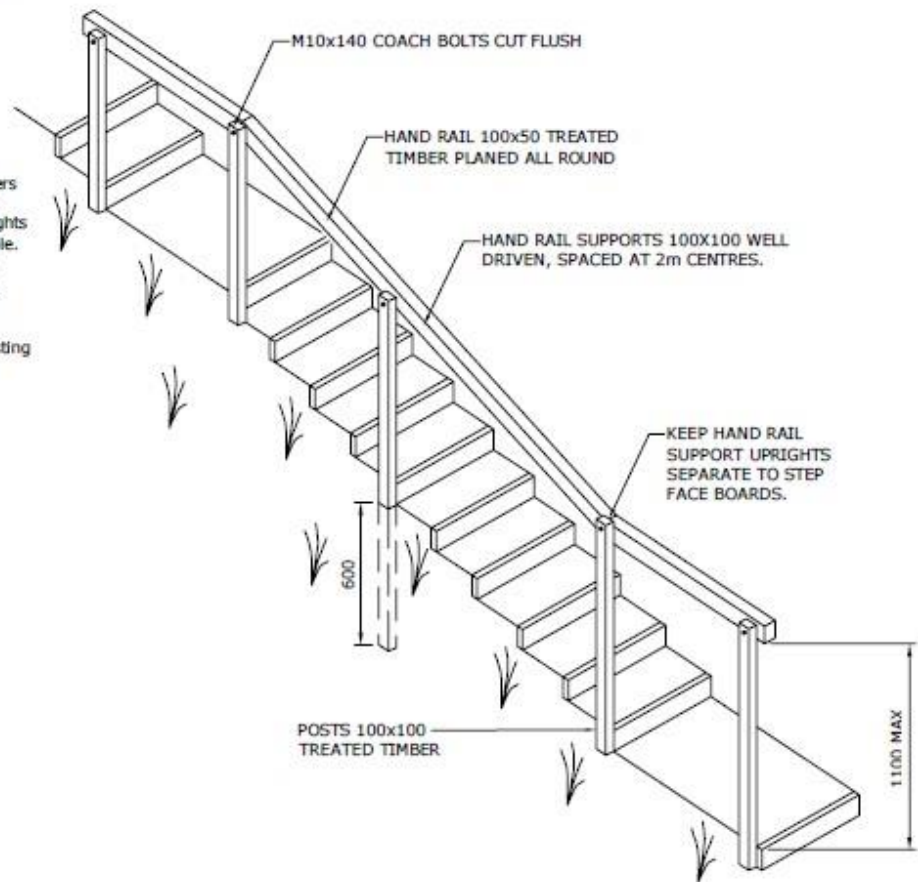
Visual Representations are for reference only and may not be to scale.

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.



0 100

2000 (Widths may vary on Plan)

Level finish may vary to suit 'no dig' areas identified

Timber Edging (Optional - to be agreed with WSCC PROW Officer)

Backfill behind edges as required.

Laid to 1 in 40 crossfall (or camber) to be agreed with WSCC PROW Officer

Timber Edging (Optional - to be agreed with WSCC PROW Officer)

Surface / Top Dressing

Sub-base

(refer to table for material depths and options)

ELEVATION DETAIL
(Scale 1:10)

No-dig Zones:
Where it is necessary to provide a footpath within a tree-root protection zone (TPZ), the Designer must comply with the following requirements if using this detail:
(a) no tree roots to be severed
(b) existing soil must not be compacted
(c) construction must allow aeration and run-off
(c) Specialist advice to be sought in conjunction with approvals from the WSCC Tree Officer, Cellweb, or similar approved by WSCC, may be used in accordance with manufacturer's specifications.

1000 Centres

Double up stakes where timber boards abut.

Reinstake verge as required.

Verge

Path

(refer to table for material depths and options)

PLAN DETAIL
(Scale 1:10)

EDGING DETAIL
(Scale 1:10)

40x150mmx2000mm (min) long treated timber edging with nominal upstand for run off collection. Fixed to stakes by 2 No. 80mm long galvanised nails.

Driven 50x50x450mm long pointed timber stake (See Plan Detail)

FOOTPATH - Alternative Construction Types			
	OPTION A	OPTION B	OPTION C
Sub-base			
Clean material suitable for use as a sub-base with grading approximately 75mm to dust (e.g. crushed chalk or similar quarried stone)	175-225	175-225	175-225
Surface / Top Dressing			
Type 1 Limestone	100	100	-
Limestone Dust	25	-	-
Fitteworth Screened Rubble	-	-	75

NOTES

- Do not scale from this drawing.
- All dimensions in millimetres unless stated otherwise.
- All timber shall comply with SHW Clause 304 unless otherwise stated.
- Actual position of footpath shall be determined on site with WSCC PROW Officer.
- Where footpath routing is in vicinity of trees, appropriate measures shall be undertaken in accordance with BS 5837 and in consultation with the WSCC Tree Officer.
- None of the details on this drawing are suitable where 'no dig' construction is required.
- Ground preparation: remove all existing mud, vegetation and organic matter by machine to enable standing water to drain towards existing and/or proposed drainage ditches, and to expose and leave intact any hard aggregate below. Minimum width specified by WSCC PROW Officer.
- Footpath to be constructed with 1 in 40 (2.5%) camber (centre high) or crossfall as specified by WSCC PROW Officer to help shed water from surface.
- Limestone Dust to be rolled a minimum four times. Stabilisation to be encouraged by surface compaction whilst rolling.
- Comparable clean recycled products containing no glass, metals or plastics may be acceptable for bridleway construction layers, but must be inspected and approved by WSCC before supply to site.

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