

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO:Simon Davis
FROM:	WSCC Highways - Public Rights of Way
DATE:	22 April 2022
LOCATION:	Land West of Pagham Road and South of Summer Lane Pagham
SUBJECT:	P/51/22/PL Change of use of 12.16 hectares of agricultural land to use for Alternative Natural Green Space, Public Open Space, Allotments & SUDS Scheme (7.48 hectares) and use for a local centre comprising a library, health, child care facilities and a 1/2 FE Primary School. This site affects a Public Right of Way & is in CIL Zone SP2 (Zero Rated) as other development.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	FP101
RECOMMENDATION:	More Information
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.

The Block Plan shows 'existing vehicular access' as being along Public Right of Way (PRoW) Footpath 101. This development can reasonably be expected to intensify use of the PRoW therefore this application does affect a Public Right of Way.

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 (Defra's *Rights of way circular (1/09)*).

In accordance with the National Planning Policy Framework ([para 100](#)), all planning policies and decisions will look to protect and enhance PRoW and access, including taking opportunities to provide better facilities for users.

As my colleague in WSCC Highways has stated, the substantial intensification of the use of this Public Right of Way that can be expected as a result of this proposed development, requires further detail provided as to its suitability.

Should planning permission be granted, safe and convenient public access is to be available at all times across the full width of FP101. It must not be blocked, restricted, obstructed by vehicles,

plant, scaffolding, the storage of materials, be made difficult to pass over or along or be unavailable at any stage to lawful path users without a Temporary Closure Order (TTRO) being applied for and approved. Such instances will constitute an offence of obstruction under the Highways Act 1980. There is a cost associated with applying for a TTRO, a 6 – 8 week lead time and advice on this process can be sought from WSCC's PRow Team.

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.

Should the ground levels adjacent to the PRow 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 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 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 can not 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.

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.

(Mapping reproduced from or based upon 2021 Ordnance Survey material, WSCC licence 100023447. Rights of Way information is not definitive).

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