WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council
FROM:	WSCC Highways - Public Rights of Way
DATE:	10 April 2026
LOCATION:	Land off Arundel Road Fontwell
SUBJECT:	WA/18/26/PL Erection of 64 residential dwellings with access off Arundel Road, together with associated parking, open space, play space, landscaping, drainage and infrastructure. This application is a Departure from the Development Plan, affects a Public Right of Way, may affect the setting of listed buildings and is in CIL Zone 3 and is CIL Liable as new dwellings.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	2825
RECOMMENDATION:	Advice / No Objection
S106 CONTRIBUTION TOTAL:	Yes

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.

Footpath 2825 runs along the Western edge of the site and is presently on an unmade surface and narrowed in places due to encroaching side and overhead vegetation.
I welcome the retention of this footpath on its present line and also the retaining of the natural 'corridor' of trees and vegetation which will screen the PRoW from any future development to its East. As it already lies in an urban area with a new development underway to the West, the Footpath form an important link and additional access onto the development is sensible.

Due to its importance as a link both to the North and South of the site and inevitable increased use in the future I would ask that improvements be made to the Public Footpath, funded and carried out by the applicant and made a condition of any planning consent.

I would ask that a minimum 2m width be achieved and surfaced to WSCC PRoW requirements. The surface will consist of a stone surface, compacted and cambered to shed rainfall; full specifications can be requested in due course. Some light clearance and overhead pruning will be required and should form part of any future maintenance programme as is the landowners' responsibilities with regards keeping Public Highways clear of vegetation.

A closure of the footpath will be required during improvement works and a temporary closure application must be submitted to this departments at least 6 weeks in advance. Beyond any improvement work I would urge the applicant to allow access to the footpath

during other phases of the development, however if this is not possible for practical or safety reasons a temporary closure application will also be required as above.

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If the Local Planning Authority is minded to grant planning consent the applicant should be advised of the following informative notes:

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

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury – the applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

K. 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.

L. 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 6 weeks is needed to consider an application.

M. Where it will be necessary to permanently divert or extinguish 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 prior to development, 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.

N. 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.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

Rights of Way information is not definitive.

Kevin Dewitt
Access Ranger
Public Rights of Way
West Sussex County Council

[redacted]

From: Elaine Walby on behalf of Planning.Responses
Sent: 13 April 2026 16:14
To: Planning Scanning
Subject: FW: Response To Application Number WA/18/26/PL at Land off Arundel Road Fontwell
Attachments: Response_WA-18-26-4.pdf

PL- Consultation- WSCC Public Rights Of Way response

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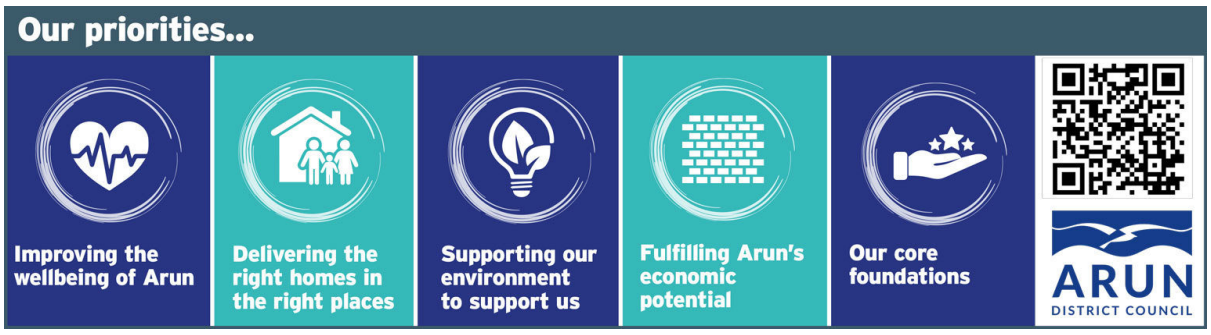

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From: [redacted]
Sent: 13 April 2026 11:40
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: Response To Application Number WA/18/26/PL at Land off Arundel Road Fontwell

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

Regards

Kevin Dewitt

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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