

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO:
FROM:	WSSC - Public Rights of Way
DATE:	3 June 2021
LOCATION:	Land East of Drove Lane Yapton BN18 0EB
SUBJECT:	Y/49/21/RES Approval of reserved matters following Y/92/17/OUT for 300 No. dwellings covering landscape, layout, scale & external appearance (resubmission following Y/78/20/RES). This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & affects a Right of Way. This site falls within Strategic Site SD7 (Zero Rated).
DATE OF SITE VISIT:	n/a / XX/XX/XXXX
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	XXX
RECOMMENDATION:	Advice / No Objection / Objection / More Information / Modification / Refusal
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 WSSC map information. In respect to the above planning application I would provide the following comments.

Footpath 155, Drove Lane (north-western boundary and connection to Main Road)

We note from the Design and Access Statement that temporary contractors access is planned to be via Drove Lane, along footpath 155. Please ensure you have private rights of access with a vehicle from the landowner (without this an offence under the Road Traffic Act 1988 section 34(1) is being committed) and note that contractors have a duty of care to safeguard lawful path users. Public rights take precedence over the construction traffic's private rights (of access). 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 WSSC PROW Team.

To that end, we ask that:

- construction vehicle drivers be informed that they should stop and give way to pedestrians.
Signage is recommended to mitigate any potential conflict – signs should:
 - make pedestrian users aware of construction traffic;
 - remind vehicular users that public rights take precedent and vehicular users should give way to lawful public path users.

If unsure about wording, we can offer advice on wording.

- Public Footpath 155 (Drove Lane) should 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. There is a cost associated with this, a 6 – 8 week lead time and advice on this process can be sought from WSCC's PROW Team. Please note that should a closure be requested, the County Council will expect an alternative provision for members of the public to pass safely through the site given its size and location within the Rights of Way network.
- Any damage to the footpath needs to be rectified to the same or better standard than it was prior to any damage done during the vehicular use associated with this development activity, to a specification agreed by West Sussex County Council as the Highway authority. If upgrading the path as outlined in the S106 agreement and shown on Appendix 2 of that agreement, we request the surface be to a specification agreed by West Sussex County Council for Bridleway status and to a minimum 3 metre width, rather than just cycleway as this opens up the path for equestrian users. Bridleway status is necessary for cyclists to continue cycling, having emerged onto Drove Lane from the new cycleway.
- The developers note that if an accident or injury is caused by the vehicular traffic then it could be a case that the developers are liable so all steps should be taken to make this as safe as possible for lawful pedestrian users.

Where footpath (FP)155 along Drove Lane currently intersects FP200-1 and forms a new junction with Main Road, please note that any change to the legal line of either or both Public Rights of Way is subject to an application from the developer to Arun District Council to divert it/them via a Public Path Order (PPO) under Section 257 of the Town & Country Planning Act 1990 before works start. There are two stages, the 'making' and the 'confirmation'. Application for a PPO can begin prior to the granting of planning permission however the PPO will only progress to the 'making' stage. The 'confirmation' of the diversion can only proceed once planning permission has been granted.

The WSCC PROW Team will be a formal consultee as part of this diversion Order application process and its prior agreement to a specification will be required before lending formal support to any diversion proposal.

Any temporary closure application for Drove Lane cannot be granted if development is planned over the current legal line as recorded on the Definitive Map unless the diversion has been legally confirmed first.

Development affecting the currently recorded legal lines of the footpaths must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure.

The continuation of FP155 past its intersection with FP200-1 via the junction with Main Road also should be upgraded to a Bridleway to create continuity between Main Road and the proposed upgrade route south of this junction.

Footpath 200-1 (north-eastern boundary)

There is a County, District and Parish aspiration with local support to convert FP200-1 along the old canal route to a cycle route (the Greenway), as shown on page 69 of the Section 106 agreement. Once again, the section of FP200-1 that passes through this site needs to be surfaced to a specification as advised by West Sussex County Council, to a width of 4m so as to enable its upgrade to Bridleway status.

Footpath 157 (south western and south eastern boundaries)

The paths running through the open spaces to the south western and south eastern boundaries are Public Rights of Way (FP157).

Given the;

- emergence of the new cycle way through the site onto FP157,
- the need to mitigate against increased usage of this footpath following this development and that planned to the adjacent land, and
- Clause 8.1 of the Section 106 agreement

FP157 would also benefit from being surfaced to a specification agreed by West Sussex County Council for upgrading to Bridleway status.

Notes on all footpaths

We ask that the Public Rights of Way within the proposed development be formally noted on any subsequent plans.

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.

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Donna Trethewey
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Public Rights of Way
West Sussex County Council