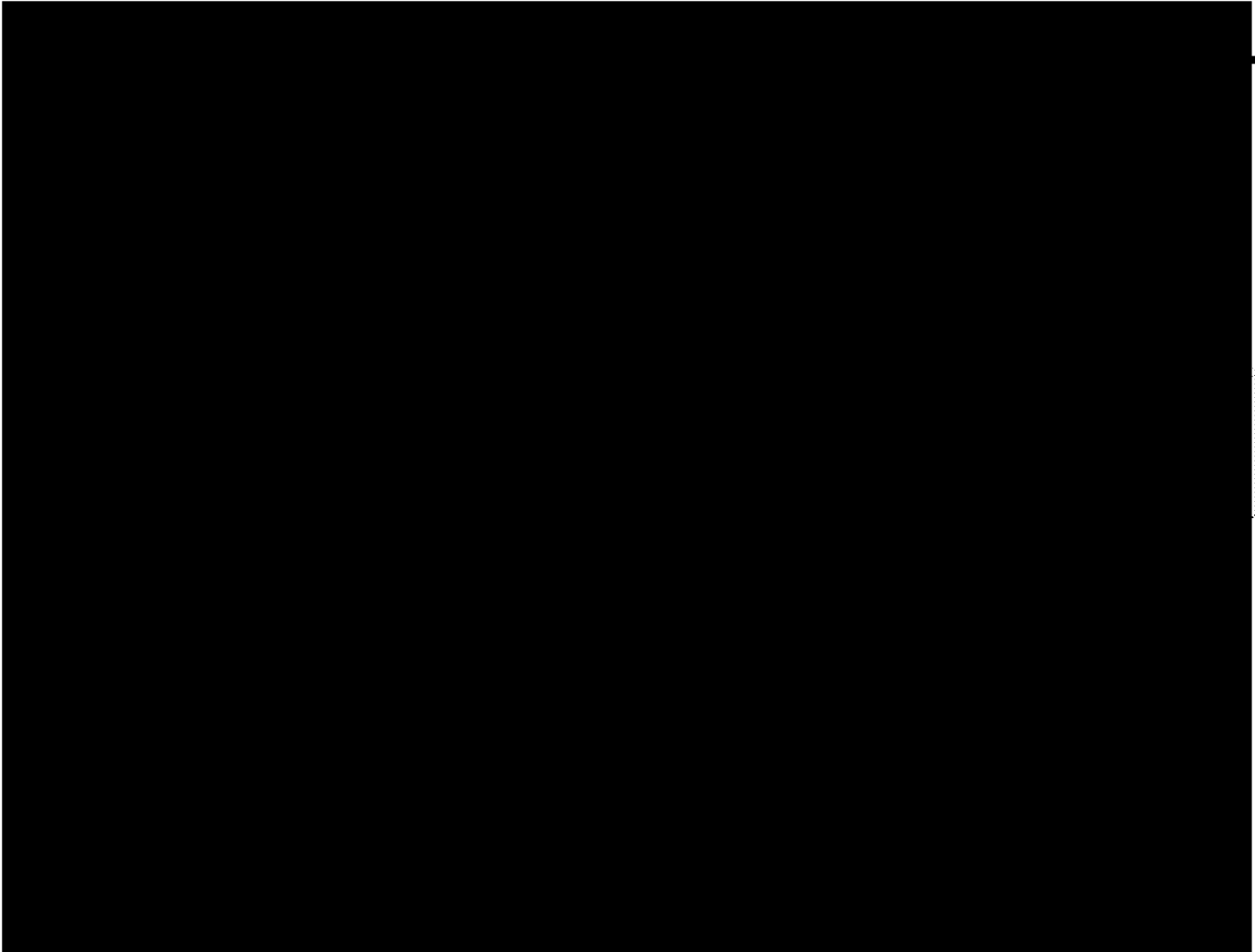




From: Nick Scott [REDACTED]
Sent: 22 January 2014 13:16
To: Cian Cronin
Cc: Katrina Harper
Subject: RE: Comments further to Planning Application. Ref: Y/87/13 (Installation of solar farm on land south west of Drove Lane Farm) FP155

Cian,

Further to the emails below I have now managed to speak to the local ranger about this proposal and apologies for it being past the deadline but below are a few further comments with regard to this proposal and the use of FP155 as access south to the proposed solar farm.

The track leading down to the site, being proposed as access for construction traffic, is currently in quite a muddy state along the eastern boundary of the site so path improvement is very welcomed in line with comments made in my last email. Having said that the Ranger reports that the used route currently runs to the east of the drain along its entire length whereas the legal line should run to the west of the drain and then cross over to the east side midway south alongside the site. As part of this proposal we would like to see the legal line reinstated through consultation with WSCC's rights of way team. This would require a crossing point of the ditch (as shown on Drawing No. 2562_101_REV F) and the specification for any such structure, like any surfacing works, would need to be agreed with us prior to any works taking place.

A final comment to make is the current existence of a metal field gate at the north east corner of the proposed development and looking through our files this structure never seems to have been consented to by WSCC. No structure should be installed on a public right of way without the consent of WSCC as highway authority and we are only able to offer consent for the purposes of retaining stock (S.147 of the Highways Act 1980) or to safeguard lawful users of the public footpath (S.66(3) of the Highways Act 1980). The forms necessary for making these applications for consent are available on WSCC's website. Considering the local rangers comments however I am not sure whether this structure would succeed under either of these applications but they must either apply for consent so it can be considered or remove this structure from the line of the public footpath as part of this proposal.

Hopefully this covers everything along with my previous comments sent on the 15th January but if you have any further questions then do please get in touch.

Kind regards,

Nick Scott

Senior Rights of Way Officer

From: Cian Cronin [<mailto:Cian.Cronin@arun.gov.uk>]

Sent: 15 January 2014 14:21

To: Nick Scott

Cc: Dominic Smith

Subject: RE: Comments further to Planning Application. Ref: Y/87/13 (Installation of solar farm on land south west of Drove Lane Farm) FP155

Nick,

Many thanks for the email below. I think most of the issues you raise regarding signage, priority, and surfacing can be covered through condition.

I will have the email below uploaded as a response to the application

Kind regards,

Cian

From: Nick Scott [REDACTED]

Sent: 15 January 2014 13:53

To: Cian Cronin

Cc: Katrina Harper

Subject: Comments further to Planning Application. Ref: Y/87/13 (Installation of solar farm on land south west of Drove Lane Farm) FP155

Dear Cian,

Further to a recent email from Adrian Hunter regarding the above named planning application I am responding with comments from the public rights of way team within WSCC.

Having looked at this application there is a considerable effect on the public footpath that runs along Drove Land, south from Bonhams Farm, that is proposed to be used for construction traffic. Having discussed this issue with the local ranger it seems that this route is a made up route with the majority being concrete track and then a short section up to the proposed access into the site being made up of hardcore. This is at present considered suitable for vehicular use and it is stated that it may require improvement to accommodate construction traffic along this route in the design and access statement and it would be important that WSCC are consulted and specifications are agreed before any works take

place as we are the highways authority and this route does carry a public footpath. If the surface is not improved however any damage done to this route by construction traffic must be reinstated to its original state, prior to access that may have damaged it, so pedestrian access for lawful users is not interrupted or restricted in any way.

The issue of construction traffic using this route is in itself another issue as this will inevitably lead to an increase of vehicles using this public footpath. Firstly it is important that strictly speaking any private vehicular rights of access must give precedent to the public right of access on foot as public rights do take precedent over private rights. Secondly signage would also be required informing both path users and vehicular users of the dual use of this route.

Due to the whole of Drove Lane included in this application being public footpath it should not be restricted or blocked at any stage without a legal temporary closure order which can be sought from the public rights of way team at WSCC. Having said this a process of using banksmen can be employed when vehicles are using the route if necessary so path users are not put at any undue risk when exercising their public right.

Finally on Drawing No. 2563_101_REV F it is shown that footpath resurfacing is proposed for the section south, from the vehicular access into the site opposite the "existing trees", south to the Ryebank Rife. This of course would be a benefit to the existing route as I have been informed that this is currently an unmade surface. There is no specific legal width reported for this stretch of footpath but I would ask for a minimum useable width of 2m to made available to accommodate the public right of pedestrian access and ideally a rolled stone surface to be laid to a specification agreed with WSCC prior to works beginning. The only other point I wish to make on this is that the legal line is shown to run south from the access into the site on the western side of a ditch and then crosses over to the eastern side of this ditch approximately half way down toward the Ryebank Rife. I am still awaiting confirmation of this from the local access ranger for the area which she should be able to confirm later next week. If it does cross over then there may be issues with the current structure however I will update you on this at my nearest convenience after my colleague has visited the site.

If you require any further information then do please get in touch otherwise I will be back in touch sometime next week to clarify the legal line and possible crossing of the drainage ditch.

Kind regards,

Nick Scott

Senior Rights of Way Officer

Nick Scott (Senior Rights of Way Officer, Public Rights of Way, Countryside Services, West Sussex County Council)
Location: 1st Floor Northleigh, Tower Street, Chichester, West Sussex, PO19 1RH



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