

Skerrett, Rebecca (Avison Young - UK)

From: Adam Tucknott <Adam.Tucknott@westsussex.gov.uk>
Sent: 16 January 2026 10:35
To: Skerrett, Rebecca (Avison Young - UK)
Subject: Balcombe-10_1Ba-proposal to change the surface of a public right of way.
Attachments: Bowers Farm access Proposal.pdf; S5-06C_ML.pdf

Follow Up Flag: Follow up
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Dear Rebecca,

Following your email in relation to surface improvement to part of Balcombe 10_1Ba footpath for access to installation of electrical substation the following would be required. In principal we have no issue with the improvement to the surface of the footpath with the spec you have provided, our requirement would be that it needs to be a specification appropriate to a rural footpath or better which it clearly is as pre your spec. A question would be how much traffic would use this track post installation and works completed in relation to it being a footpath? If planning approved a temporary path closure would be needed for the duration of the works impacting the footpath. See attached link below.

[Temporary path closures - West Sussex County Council](#)

The following also needs to be considered that would be our standard responses to a planning application:

- The existence of a Public Right of Way (PROW) is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority.

- 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 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. See point '13' below if this condition cannot be met and the path needs to be closed temporarily.
- 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.
- The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along or crosses 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.
- 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 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. 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.

Hope this helps, if you require anything else do not hesitate to contact me,

Thanks,

Adam

Adam Tucknott

Access Ranger (Area 6)
Local Highway Operations

Location: Clapham Depot, Clapham Common, Worthing, West Sussex BN13 3UR
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From: Skerrett, Rebecca (Avison Young - UK) <Rebecca.Skerrett@avisonyoung.com>
Sent: 07 January 2026 14:43
To: PROW Planning <prow@westsussex.gov.uk>
Subject: Balcombe-10_1Ba-proposal to change the surface of a public right of way.

****EXTERNAL****

Hi,

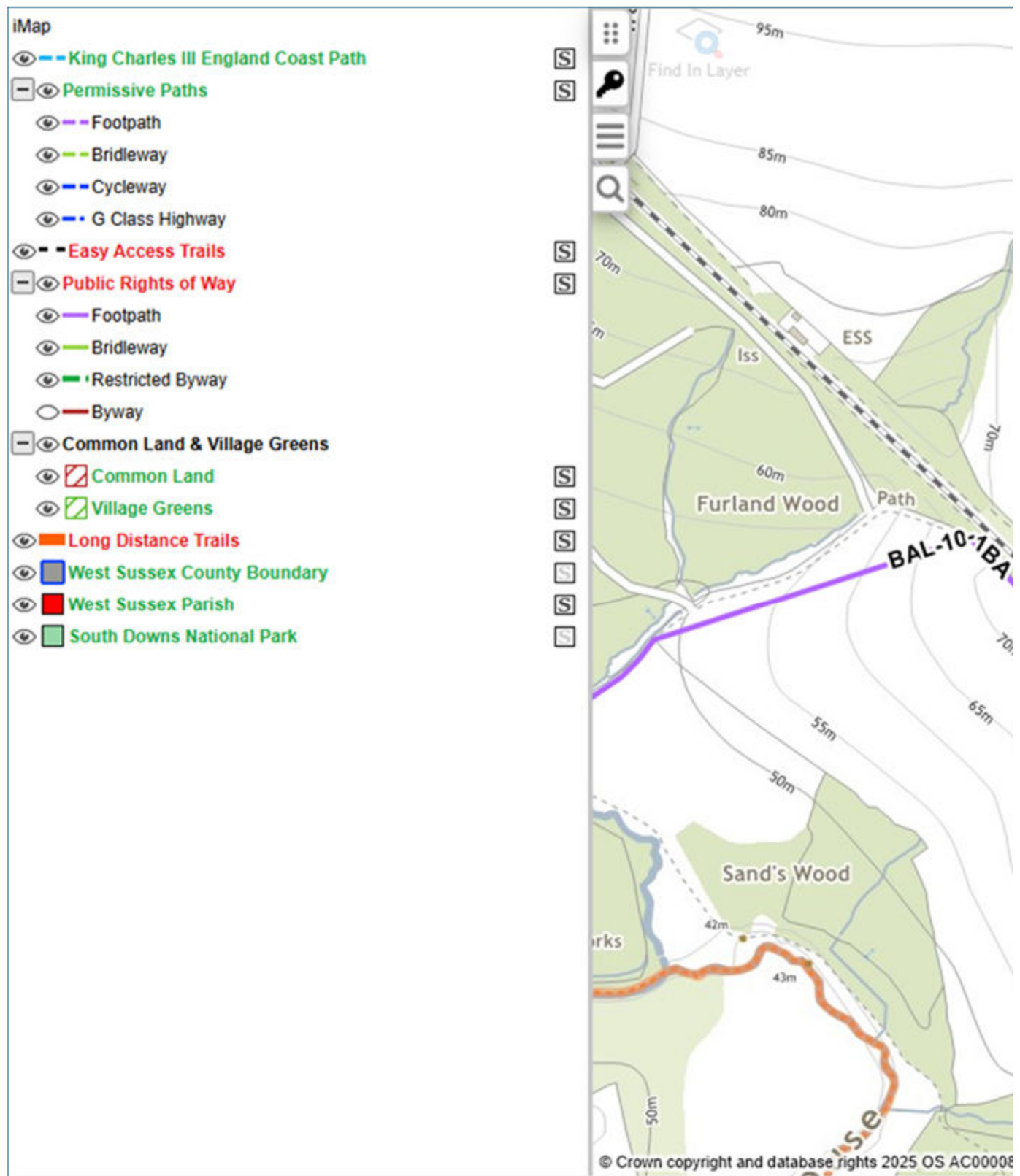
We have planning permission for the installation of a telecoms site at Bowders Farm, however, we need to install an electricity substation and the DNO is advising that they require an access track to the substation. We will be applying for planning permission for the section of track from the public right of way but we will also need to improve the existing surface of the public footpath as detailed in the attached document. The attached drawing shows two options one is to create an access next to the existing footpath as shown by the black line but the site provider is not happy with this option as it removes 3 metres from his field. The preferred option is therefore to upgrade the part of the footpath shown red in the attached plan and for it to be upgraded as per the specification on page 2.

As can be seen from the below photographs the existing surface needs to be upgraded as it is not suitable for the required vehicles.



The route of the footpath is not being changed only the surface is proposed to be upgraded, can you please advise of the procedure I need to follow to ensure that the works are carried out with the correct permissions and also advise of potential timescales?

The full footpath is illustrated below by the purple line.



If you need any further information, please do not hesitate to contact me, I look forward to hearing from you in the near future with regard to what permissions will be required.

Thanks and Kind regards

Becky Skerrett MRTPI (she/her/hers)

Director, Technology

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