

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Mid Sussex District Council FAO: Stuart Malcolm
FROM:	WSCC Highways - Public Rights of Way
DATE:	6 January 2026
LOCATION:	Land At Coombe Farm London Road Sayers Common West Sussex
SUBJECT:	DM/25/2661 Outline planning application (with all matters reserved except for access) comprising a residential development of up to 210 dwellings (Use Class C3); with associated access; landscaping; amenity space; drainage and associated works.
DATE OF SITE VISIT:	3 rd December 2025
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpath 34Hu, Bridleway 86Hu
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.

As stated in the NPPF, para 104, *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

Defra Rights of Way Circular (1/09) states *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.*

Bearing the above in mind, my comments are as follows:

The application documents correctly identify Public Rights of Way (PRoW) Footpath (FP)34Hu and Bridleway (BW)86Hu and state that they will be incorporated, retained and enhanced within the proposed development. No specifics are given as to how this will be achieved however, stating that these will be a matter for reserved matters applications. More specific information is required at this stage so as to ensure any necessary planning conditions and S106 obligations can be captured within any granting of planning permission.

Footpath 34Hu

It is pleasing to see that within the site boundary, this footpath will run through a green area as indicated by the dashed yellow line in the illustrative masterplan, excerpt below.



Assuming the blue area shown adjacently is a drainage pond, measures must be put in place to ensure the footpath will not be affected by any flooding.

In the event planning consent is granted and this site occupied, it can be reasonably predicted user demand of FP34Hu will increase. This will increase the rate of damage to the path surface, so inconveniencing users and despoiling their enjoyment. So existing and future users' enjoyment is not reduced, this path must be improved. The applicant is required, at its expense, to accept to implement works agreed with and to the satisfaction of the West Sussex County Council Public Rights of Way service; a suitable Section 106 and conditions are to be drafted and submitted to West Sussex County Council Public Rights of Way service for approval. As mitigation against increased use and in the interests of accessibility:

The whole footpath should be resurfaced in line with our rural footpath specification. At the northern end, at the footpath's junction with BW86Hu, I recommend a suitable replacement for the current 2 plank bridge is sought.

At the footpath's boundary with the site's southern extreme, I recommend the stile is replaced with an appropriate gate we recommend, if a gate is deemed necessary at all. Beyond the southern boundary, I recommend a S106 contribution be sought to cover the necessary mitigation of the path until it meets Footpath 33Hu. This will address the effects additional traffic will have on the path's surface.

Bridleway 86Hu

No improvements are sought to the bridleway running east – west across the site however it must not be interfered with in any way without the express permission of West Sussex County Council's (WSCC) PRoW team.

More information is required as to how the safety of bridleway users will be assured where it is crossed by the proposed spine road.

I note nearby properties have private access rights using the bridleway. This right of access is granted to individuals and / or properties only and does not extend to the public. Whilst these must be safeguarded, the developer must provide details how it will ensure no other vehicular use is encouraged.

General

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.

The paths are 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.

If 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.

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 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 8 weeks is needed to consider an application.

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.

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Rights of Way information is not definitive.

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