

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Mid Sussex District Council FAO: Joseph Swift
FROM:	WSCC Highways - Public Rights of Way
DATE:	24 October 2023
LOCATION:	Land South Of Hanlye Lane Longacre Crescent Cuckfield West Sussex
SUBJECT:	DM/23/2610 Residential development of 55 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping and all other associated works.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	FP's 17Cu, 18dCu & 19cCu
RECOMMENDATION:	No Objection
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.

Having looked at the online documents it seems that there is no development directly impacting the three public footpaths referenced therefore we do not have any objection to the proposals however please see my comments below.

There appears to be reference to resurfacing FP19cCu (east to west) with an aggregate surface. This would be welcomed and a clear specification of these works must be approved by WSCC's PRoW team prior to any works taking place on the ground. Further to this however it would also be appropriate to resurface FP's 17Cu and 18dCu (heading south east and south west respectively) to the same standard yet to be agreed. With this development proposed and links from the site into this area will inevitably increase the footfall in this area so expectations will be higher. Therefore resurfacing of these routes to a rolled stone all weather surface would make sense.

Another point that isn't clear from the plans is whether there is a proposal to dedicate the NMU routes north from the existing FP19cCu through the development as Public Rights of Way (PRoW) or whether they will remain private routes for residents only. There are links to the north of the site which public users could continue on so something that would be useful for the applicant to clarify.

Other than this there is some general advice that must be noted by the applicant and this is detailed below:

* At no time can any of the existing PRoW be restricted or blocked during development works without prior consent of WSCC's PRoW team and a formal temporary path closure being in place. These can only be granted if any works on or alongside the PRoW put lawful path users at risk;

* The surface of a PRoW is Highway therefore no works can take place without prior approval of WSCC's PRoW team. Any unlawful disturbance of the surface would be an offence under the Highways Act 1980. If the surface is disturbed, even with consent, reinstatement must be done to a standard agreed with WSCC's PRoW team and must be agreed before any works take place;

* At no time can the legal line of the public footpaths be changed as part of this proposed development. If it is unclear where the legal lines run (not the used routes but the legally recorded PRoW) then we would strongly recommend you consult WSCC's PRoW team for clarification prior to any works starting. At present the routes represented on the drawings provided show a quite windy features however that may not be the legal line recorded on the Definitive Map and Statement (the legal record of PRoW) therefore should be clarified;

* At no time can any drainage works take place that will directly impact the PRoW network. IF there are drainage proposals that may impact the PRoW then these will require WSCC's PRoW team approval prior to works starting;

* 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 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;

* 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 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.

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Public Rights of Way
West Sussex County Council