

## WEST SUSSEX COUNTY COUNCIL CONSULTATION

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| <b>TO:</b>                                      | Mid Sussex District Council<br>FAO:                                                                          |
| <b>FROM:</b>                                    | WSCC Highways - Public Rights of Way                                                                         |
| <b>DATE:</b>                                    | 17 July 2026                                                                                                 |
| <b>LOCATION:</b>                                | 2 Keymer Road<br>Hassocks<br>BN6 8HA                                                                         |
| <b>SUBJECT:</b>                                 | DM/26/1502<br>Variation of condition no 2 to planning application<br>DM/23/3181 to allow for design changes. |
| <b>DATE OF SITE VISIT:</b>                      | 17/07/2026                                                                                                   |
| <b>RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):</b> | Footpath 23C                                                                                                 |
| <b>RECOMMENDATION:</b>                          | More Information                                                                                             |
| <b>S106 CONTRIBUTION TOTAL:</b>                 | 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.

I understand this application to be for a variation on a condition to planning application DM/23/3181. If I am mistaken in that belief then I reserve the right to make a further submission.

It would appear that no WSCC submission was made in relation to DM/23/3181 although a submission was made by myself on DM/25/2253 which was also for a dwelling in the same location. My submission on that occasion was that more information was required as the application did not reference the Public Right of Way (PROW) in any way.

The PROW in question is Footpath 23C which lies along the western boundary of 2 Keymer Road. I have visited this location and met with the Applicant on a number of occasions to advise on legal responsibilities relating to the PROW but I note again that there is no reference to the presence of the PROW in the application.

I am unable to support this application without understanding what, if any, impact this will have on the PROW both prior to, during and after the building stage.

I look forward to formally receiving this information and ask that the following comments are brought to the attention of the Applicant:

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 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 and that a minimum of 6 weeks is needed to consider an application.

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 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.

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Rights of Way information is not definitive.

**Steve Alexander**  
**Access Ranger**  
**Public Rights of Way**  
**West Sussex County Council**