

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Mid Sussex District Council FAO: Stuart Malcolm
FROM:	WSCC Highways - Public Rights of Way
DATE:	7 January 2026
LOCATION:	Land West Of Kings Business Centre Reeds Lane Sayers Common West Sussex
SUBJECT:	DM/25/3067 Erection of 80 new residential dwellings (Use Class C3), including affordable housing units, vehicular, pedestrian and cycle access (including new footpath links to the east and west of the site along Reeds Lane), landscaping and open space, parking, sustainable drainage and other related works.
DATE OF SITE VISIT:	3 rd December 2025
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpath 1AI
RECOMMENDATION:	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.

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:

Public Right of Way (PRoW) Footpath (FP) 1AI is correctly identified within the site boundary.

I note the intention is to surface the footpath with concrete block paving through the built-up area and resin bound gravel path through the green area. West Sussex County Council (WSCC) PRoW team has the responsibility to maintain PRoW surfaces and is set up to maintain specific surface specifications. Neither of the proposed surfaces are acceptable and my objection is made on that basis. We require that the surface is

instead made up to our rural specification throughout the green area in the north-western corner and tarmac'd over the rest of it.

At the FP's south-eastern junction with Reeds Lane, we require that the stile be removed. The Monday group that installed it might like it returned for re-use elsewhere. Their details can be found on the stile post.

At the FP's north-western site exit I require the 2-plank bridge and rail be replaced with something;

- a) more accessible to all users including pushchair and mobility scooter users, and
- b) substantial to mitigate against the increased use that will be made of it as a direct result of this development. Any such structure will need to be approved by WSCC PROW team.

I note the proximity of trees and swale / raingarden alongside the FP as it traverses the site. Please ensure a management plan is in place to prevent any branches overhanging the path from being too low to allow pedestrians to safely pass along. It is also important that the swale / raingarden not be able to flood the footpath.

General Notes

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way: this can only be done with the prior consent of West Sussex County Council, as Highway Authority, and possibly also a legal Order process by Mid Sussex District Council as 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.

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.

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.

Donna Trethewey
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Public Rights of Way
West Sussex County Council