

## WEST SUSSEX COUNTY COUNCIL CONSULTATION

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| <b>TO:</b>                                      | Mid Sussex District Council<br>FAO: Stuart Malcolm                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>FROM:</b>                                    | WSCC Highways - Public Rights of Way                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>DATE:</b>                                    | 12 March 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>LOCATION:</b>                                | L V S Hassocks, London Road, Hassocks BN6 9HT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>SUBJECT:</b>                                 | DM/26/0238<br>Hybrid application that seeks consent for separate and severable elements comprising: Demolition of all existing buildings bar the chapel, to retained for use within Use Class F and: a) Full planning permission for the development of the north western part of the Land at LVS Hassocks so as to accommodate a new SEN School with associated access from London Road, car parking, landscaping and drainage works; and b) Outline planning permission ( Appearance, Landscaping, Layout and Scale Reserved) for the development of the rest of the land at LVS Hassocks so as to accommodate up to 210 dwellinghouses (including 30% affordable housing) with associated access, car parking, landscaping, play areas, informal outdoor space and drainage works. |
| <b>DATE OF SITE VISIT:</b>                      | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):</b> | Bridleway HSC-9HU<br>Footpath HSC-10HU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <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.

*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:

It is pleasing to note that a new site access will be created that will divert school traffic off Bridleway (BW) 9HU. I see that BW9HU will be integrated within the site, a portion of it being incorporated into the spine road for a short distance. Please demonstrate how the safety of bridleway users, i.e. pedestrians, cyclists and equestrians will be catered for along this stretch.

Reference is made to landscape enhancements along the bridleway. What will these look like? Any additional trees or vegetation will need to be managed to ensure they do not encroach on the bridleway and low branches removed to allow for equestrians.

The new route providing connectivity between the bridleway and Footpath (FP) 10HU is welcomed. Will this be offered for adoption?

Finally I note that pedestrian and cycle access is suggested from and onto FP10HU along the northern boundary. With FP10HU being only a footpath, no cycle access is appropriate.

### General Notes

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 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.

It appears the proposed development will not affect FP10HU that runs along the northern boundary. The introduction of close board fencing is often proposed immediately adjacent to a path, which creates a potential social misuse problem; it can also reduce path users' enjoyment by creating a darkened, tunnel-like environment. The applicant and planning authority are strongly encouraged to consider mitigation in such cases, which could be to change the fencing or increase the path width.

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**