

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Mid Sussex District Council FAO: Steven King
FROM:	WSCC Highways - Public Rights of Way
DATE:	10 April 2025
LOCATION:	Land West Of Turners Hill Road And North Of Huntsland, Turners Hill Road Crawley Down West Sussex
SUBJECT:	DM/25/0016 Outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 150 dwellings, a 65 bed care home, and community facility, and associated infrastructure including new access points off of Wychwood with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	FP32W, 33W, 34W, 35W, Worth Way
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.

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 see much consideration has been given to Public Rights of Way (PRoW) and the Worth Way within and in the immediate vicinity of the site. Overall, I welcome the intention to:

- integrate and enhance the existing PRoWs,
- connections that will be made onto the PRoW and Worth Way,

- installation of new signage and interpretation panels designed to contribute to the wider PRow network,
- the thought given to protecting the views and landscape through which the PRow travel, and
- the replacement of the existing uncontrolled crossing with a signal-controlled crossing across Turners Road near the southern access and Worth Way.

I note

FP32W eastern end is within site's boundaries.

FP33W (Huntsland) runs mostly outside the site and will be set within attractive landscaped corridors and have views protected where appropriate.

FP34W runs largely within the site's south-western boundary and will benefit from landscaped buffering.

FP35W lies mostly outside and partly adjacent to the western boundary. I note the connection to the PRow is planned to run only to the site boundary. Will this leave a gap between the site and the PRow? Efforts must be made to ensure any connection is meaningful and extends to FP35W.

Worth Way

There will be a new pedestrian and cycling connection to the Worth Way. It will also benefit from a landscape buffer along the site's southernmost boundary

I note you intend to provide a S106 financial contribution towards an improved Type 1 surface along Worth Way between the site and Old Station Close. This is welcomed and will need to cover the cost of the surfacing as approved by West Sussex County Council's Countryside Services team.

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 PROWs, 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 any 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 PROWs. 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 PROWs are to be raised above existing ground levels, this could increase the potential to flood the paths. A suitable drainage system must be installed adjacent to the paths to a specification agreed with the WSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROWs, 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.

Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

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.

In the event planning consent is granted and this site occupied, it can be reasonably predicted user demand of the affected PROWs 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, paths must be improved where appropriate. 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.

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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