

## WEST SUSSEX COUNTY COUNCIL CONSULTATION

<b>TO:</b>	Mid Sussex District Council FAO: Joanne Fisher
<b>FROM:</b>	WSCC Highways - Public Rights of Way
<b>DATE:</b>	25 August 2022
<b>LOCATION:</b>	Land South Of Henfield Road Albourne West Sussex
<b>SUBJECT:</b>	DM/22/2416  Outline planning permission for the erection of up to 120 residential dwellings including 30% affordable housing, public open space and community facilities. All matters are reserved except for access.
<b>DATE OF SITE VISIT:</b>	n/a
<b>RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):</b>	Footpath 12_1AI, Footpath 15_1AI
<b>RECOMMENDATION:</b>	No Objection (With Conditions)
<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.

The existence of Public Rights 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's documents make good reference to PRoW Footpath (FP) 15\_1A which dissects the site. They fail to identify and mention FP12\_1AI which borders the eastern edge of the Southern Parkland area. Does the Footpath lie outside the site boundary? Please clarify. Either way, please state any plans to alter the border of the site with the Footpath. Any intention should be approved by the WSCC PRoW team. Equally, please ensure the path width is not reduced.

I welcome:

- the lower density housing in Area 5, South View, along the northern edge of FP15\_1AI;
- connections between the southern edge of the proposed dwellings onto the PRoW; and the
- creation of the Southern Parkland area to the south of FP15\_1AI along with plans to enhance the hedgerow to accentuate views to the South Downs scarp from the footpath. It is important to retain as much of the visual impact of this footpath as possible.

In the event planning consent is granted and this site occupied, it can be reasonably predicted user demand of FP15\_1AI 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, this path must be improved. The applicant is required, at its expense, to accept to improve the surface by laying an all-weather surface to West Sussex County Council 's (WSCC) PRoW specification along the length that lies within the site's boundaries.

Unless a temporary closure is applied for and approved, safe and convenient public access is to be available at all times across the full width of the PROW during and after construction. Please note the full width may be wider than the available and currently 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.

Should the ground levels adjacent to the PROW 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 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; that a minimum of 10 weeks is needed to consider an application.

(Mapping reproduced from or based upon 2021 Ordnance Survey material, WSCC licence 100023447. Rights of Way information is not definitive).

**Donna Trethewey**  
**Planning and Communities Officer**  
**Public Rights of Way**  
**West Sussex County Council**