

WEST SUSSEX COUNTY COUNCIL CONSULTATION

FROM: WSCC - Public Rights of Way

DATE: 11/08/2021

LOCATION: Pallinghurst Woods, Loxwood

SUBJECT: Planning Application WSCC/030/21

DATE OF SITE VISIT: January 2021

**RELEVANT PUBLIC RIGHTS OF
WAY NUMBER(S):** Various

RECOMMENDATION: Objection / More Information

Objection:

The Application states the following:

- **Section 3.16** "It is also proposed that where Footpath 795 runs parallel to the Private Right of Way in a north westerly direction from Bridleway 3240, for personal safety reasons, a fence is constructed between the footpath and the private right of way"
- **The Applicants Assessment states:** "The roadway does however run parallel to a short section of footpath 795 (approximately 90m long as shown on figure PS9) which belongs to neighbouring landowners the Harrisons. This pathway has been allowed to become overgrown in recent years, meaning walkers are using private right of way to get from bridleway 3240 to onto footpath 795 to the west. This lack of maintenance will need to be corrected and a fence erected to ensure walkers stay off the access road that is a private right of way."

I understood this to have been clarified during detailed correspondence with the applicant prior to this proposal being submitted.

As previously advised Public Footpath 795 does not 'run parallel' with the private access as stated in the application documents. Rather Public Rights exist across the entirety of the width of this track.

It is inaccurate to suggest the adjacent landowner has therefore allowed the PRow to become overgrown and that users are no longer using the Public Right of Way.

The applicant is advised that a public access right has precedence over private access rights.

We therefore object to the proposal of Public Highway users being 'fenced' to an unspecified width alongside this section of Public Footpath 795 (approximately 90m) as to do so would require the legal extinguishment of the public highway rights across that section of the public right of way.



Further information is sought on the following points:

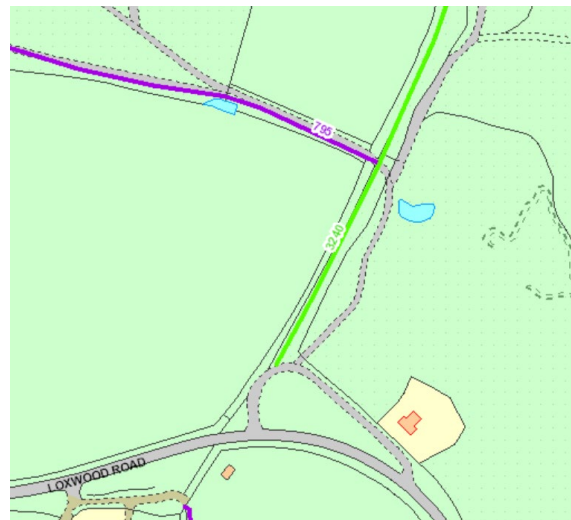
- Section 3.15 "For site security and hence safety to PROW users it will be prudent to suspend use of footpath 792_1 from its junction with Footpath 797 up to its junction with bridleway 801"

Please confirm whether 'suspend' relates to a proposal to apply for a temporary closure or the extinguishment of the Public Right of Way (PROW) entirely.

It should be noted that the legal test for extinguishment of a PROW is that it is no longer required for public use and the applicant's data clearly evidences that the path is indeed used.

The applicant is asked to confirm which legal mechanism will be sought for either the temporary closure or proposed extinguishment of any Public Rights of Way affected. Additional information with regards to specific waste and minerals development may be required and WSCC legal services should be consulted.

Proposed crossing point of Bridleway 3240 (Green Line) and access along Footpath 795 (Blue Line).



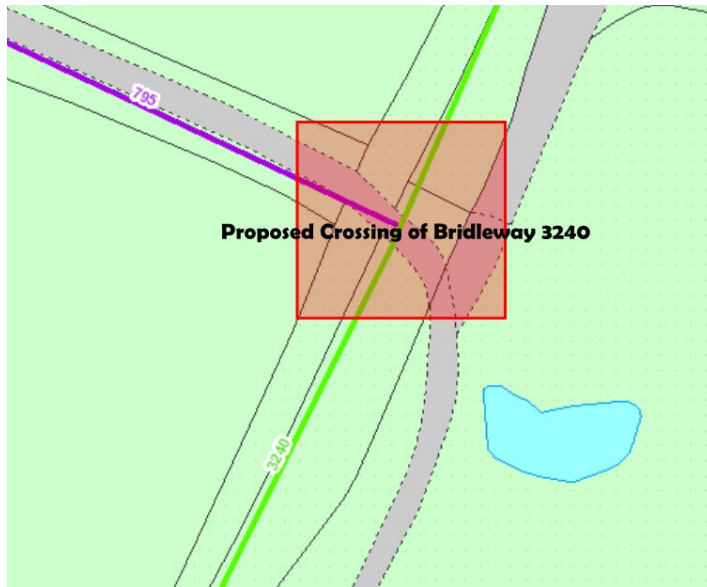
Clarity is sought on how the applicant plans to mitigate risks to users of the Footpath and Bridleway, particularly equestrians but also cyclists and pedestrian traffic.

Where the proposal seeks to introduce a Heavy Goods Vehicle crossing point to the Bridleway I cannot find any reference to managing conflict and safety, (ie site visibility line, signage or specification for infrastructure) other than 'barriers'.

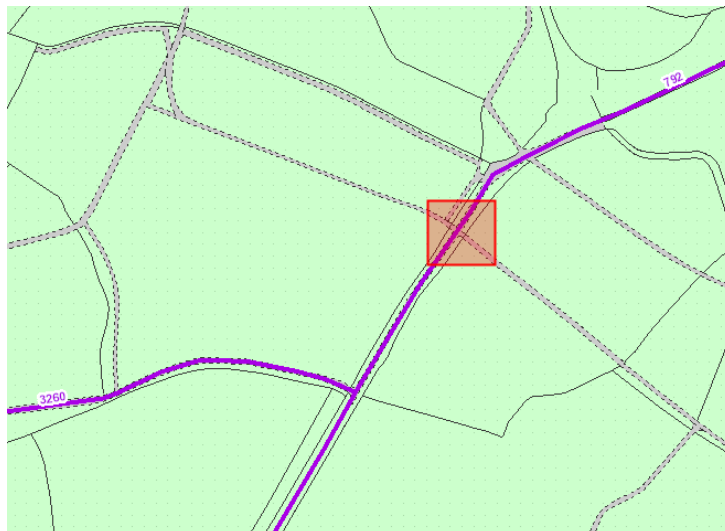
This is a junction of two Public Rights of Way and the introduction of an HGV crossing point requires detailed explanation as to how the Public Rights are to be accommodated and safeguarded.

It is anticipated the site would be served by type 1,2 or 3 Tipper Trucks (Gross weights of 18/26/32 tonne) Should the smallest trucks be used a total of 42 two-way movements (21 in / 21 out) would occur a day.

Equestrian users are at particular risk from sudden noise and traffic movement.

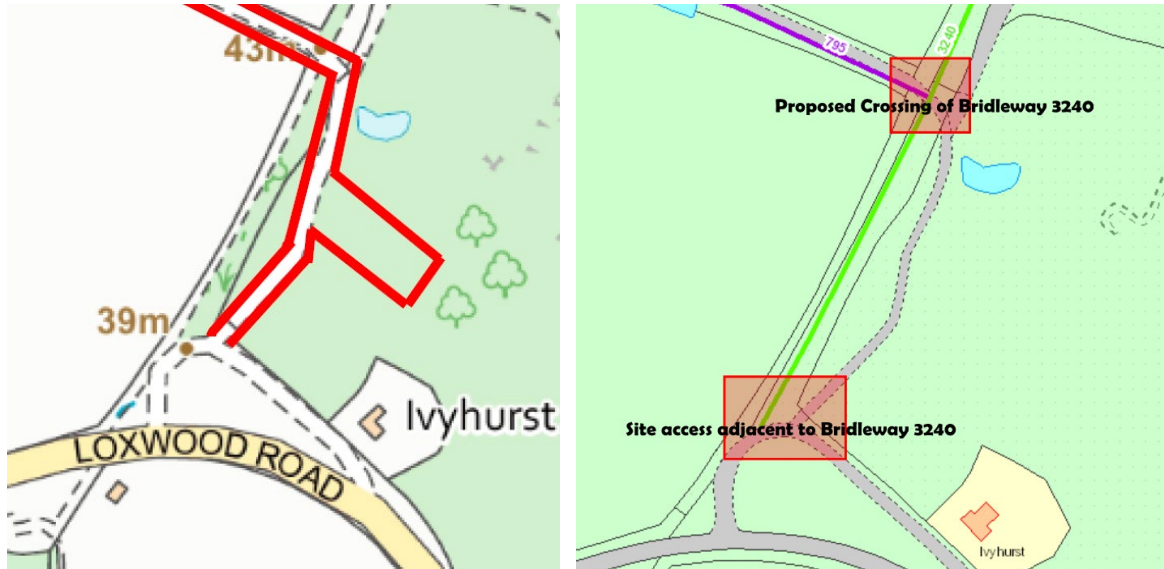


Further information is equally sought over the proposed crossing of Public Footpath 792 to the West.



Access from Loxwood Road

The proposal introduces significant HGV site access into the lay-by South of this crossing point and adjacent to the entry/exit point of Bridleway 3240:



I note the road safety audit identifies the following:

Loxwood Road is single carriageway rural road that accommodates grass verges and allows access to a number of bridleways, public footpaths and other rights of way. An off-line lay-by is present off the northern side of Loxwood Road that forms a loop and allows for parking as well as access to a single dwelling and a gated access to Tilhill Forestry. A bridleway is accessible off the northwest side the lay-by, adjacent to the gates access. Users of the bridleway were observed travelling along the Loxwood Road verge as well as parking within the lay-by. The proposals subject to this Stage 1 Road Safety Audit are to undertake highway works in order to facilitate an access to a minerals extraction site by HGV's with 21 expected throughout the day. No lighting is present in proximity of the lay-by or is it proposed and HGV drivers have a limited view of pedestrians. The access to the existing bridleway is situated immediately adjacent to the existing gates access and intervisibility between the proposed access and users of the bridleway, is restricted by vegetation. Non-motorised users travelling between the bridleway and lay-by may not therefore be clearly visible particularly during the hours of darkness. An HGV driver not slowing to ensure their path is clear before exit from the minerals extraction site to the lay-by, may therefore not become aware of a user at a safe distance which could lead to a non-motorised user being struck by a vehicle.

This layby greatly restricts options for users of the Bridleway, particularly equestrians but also cyclists and pedestrians with the introduction of a potential 42 two-way movements requires specific proposals as to how the conflict is to be managed to ensure public safety and amenity.

The present recommendation of the report is that:

"intervisibility is provided and measure is provided to ensure egressing drives stop/slow to an appropriate speed before entering the layby to ensure they become aware of non-motorised user of the Bridleway"

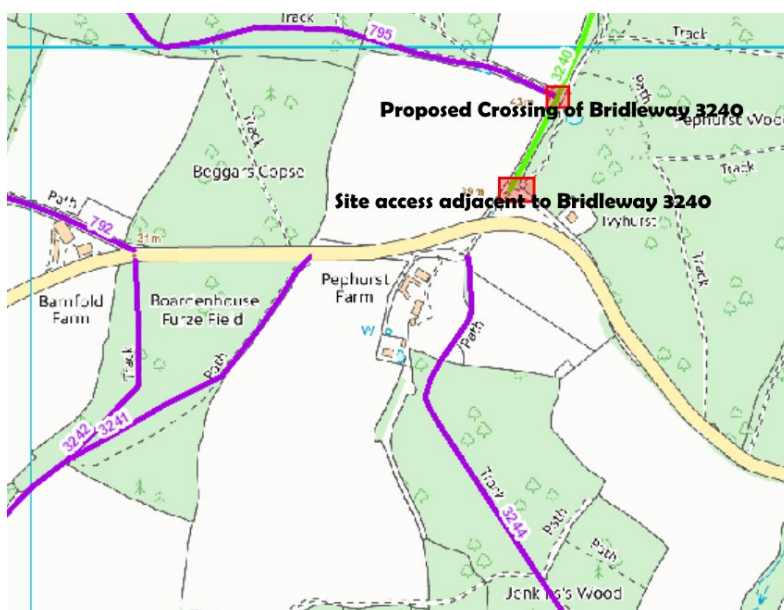
This is insufficient and requires a more detailed plan and consideration.

I recommend that the British Horse Society (BHS) are specifically consulted on this aspect, including the proposed Bridleway crossing point to the North. They will be best placed to advise on areas required for manoeuvring. Consideration should also be given to cars often parked here which further reduces space available.

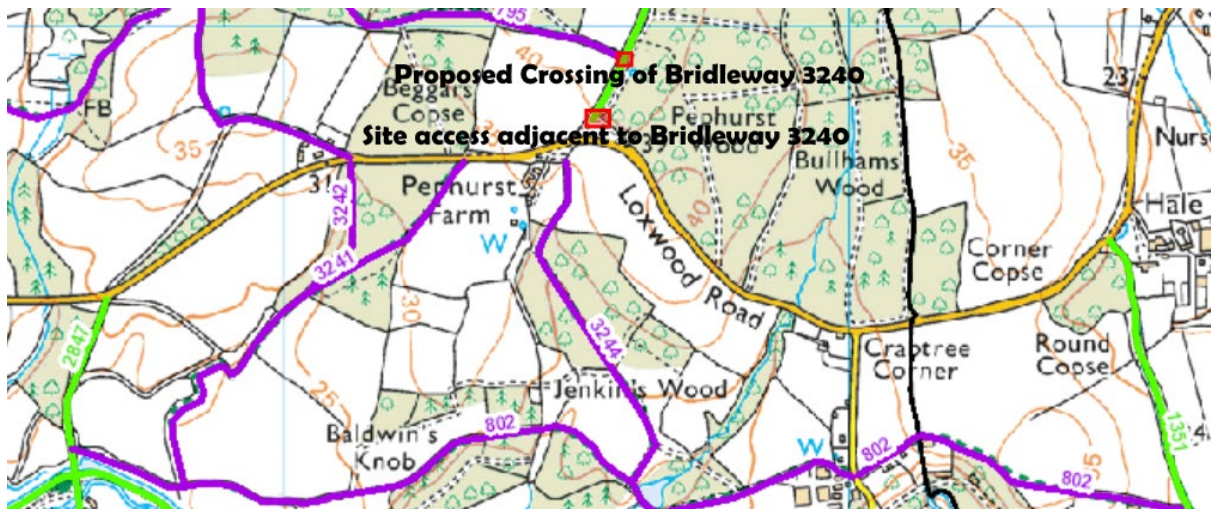
It would be prudent to consult local cycling groups also.

Local PRow Network and reliance on Loxwood Road for connectivity

Four Public Footpaths (792, 3242, 3241 and 3244) converge onto Loxwood Road in the proximity of the site access. This highlights the potential for pedestrian users on this stretch of Loxwood Road which carries no footway. This, accompanied by equestrians and cyclists (relying on Loxwood Road for connectivity) and subsequent access to the Bridleway via the lay-by is an important consideration for Highways and Safety Audits.



Closest Bridleway Network (Green Lines, BW2847 (Approx 1km West), BW1351 (Approx 1km East).



Bridleway 3240 access adjacent to proposed site access (Western end of lay-by)



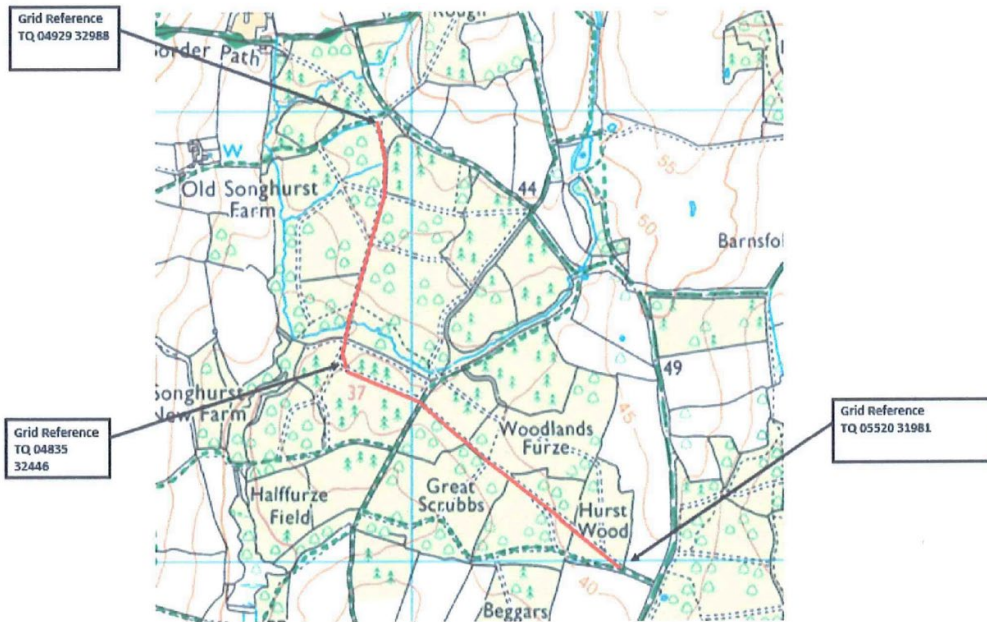
Bridleway 3240 access adjacent to proposed site access (Eastern end of lay-by)



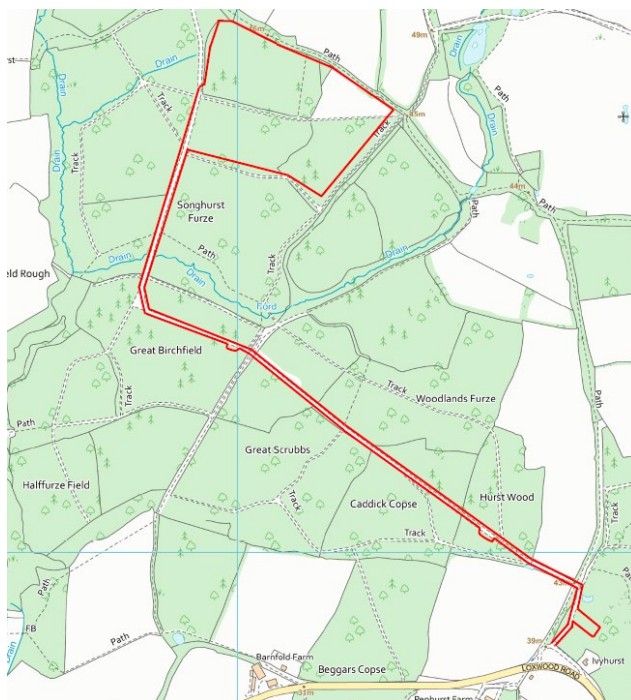
Definitve Map Modification Order (DMMO).

It should be noted by all parties that the County Council is in receipt of a DMMO (DMMO 2/21) application regarding the track proposed as access to this site. (See map below).

DMMO:



Proposed Access:



Implications of DMMO:

The application for a Definitive Map Modification Order (DMMO) may, pending legal tests, prove the existence of public highway rights along the section highlighted in red.

Given the application proposes this as access for Heavy Goods Vehicles along this track it is important that consideration be given to this aspect and implications to the existence of (presently untested) public access rights.

Surface

Further information is sought as to how the applicant proposes mitigating inevitable disturbance and damage to the surface of the Public Rights of Way affected by the introduction of Heavy Goods Vehicles.

Access

WSCC Public Rights of Way do not hold records of private access rights, it is therefore for the applicant to prove that private access rights exist and that no other private access rights will be detrimentally affected by this proposal.

Darryl Hobden

Access Ranger

WSCC Public Rights of Way

From: [Darryl Hobden](#)
To: [PL Planning Applications](#)
Subject: RE: Public Rights of Way Consultation Response - WSCC/030/21 (Pallinghurst Woods, Loxwood).
Date: 11 August 2021 12:54:11

Good Afternoon,

Could the following please be added, in addition to my full response sent earlier today:

WSCC are in receipt of a second DMMO (Definitive Map Modification Order) which may impact the proposed development site, should public rights be proved.

DMMO Application 6/21 – claimed route shown in red:



Kind regards,

Darryl Hobden

Darryl Hobden
Access Ranger – Area 4
Rights of Way - Highways and Transport
West Sussex County Council

Location: WSCC Public Rights of Way, 1st floor Northleigh, Tower Street,
Chichester, West Sussex, PO19 1RH
Phone: 0330 222 4233 Mobile: 07711 035667
Email: darryl.hobden@westsussex.gov.uk, Web: www.westsussex.gov.uk

If your enquiry is urgent outside of this time please email
pro@westsussex.gov.uk

To ensure any PROW enquiries are dealt with efficiently please report them via our on- line form: [Report a problem with a Public Right of Way](#)□□

Landowners please be aware that you are responsible for trees on your land and have a legal duty of care and must maintain your trees in a reasonably safe condition. View ash dieback here;
<https://www.westsussex.gov.uk/land-waste-and-housing/public-paths-and-the-countryside/ash-dieback/>

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From: Darryl Hobden

Sent: 11 August 2021 11:33

To: PL Planning Applications <planning.applications@westsussex.gov.uk>

Subject: Public Rights of Way Consultation Response - WSCC/030/21 (Pallinghurst Woods, Loxwood).

RE: WSCC/030/21 (Pallinghurst Woods, Loxwood).

Please see attached.

Kind regards,

Darryl

Darryl Hobden
Access Ranger – Area 4
Rights of Way - Highways and Transport
West Sussex County Council

Location: WSCC Public Rights of Way, 1st floor Northleigh, Tower Street, Chichester, West Sussex, PO19 1RH
Phone: 0330 222 4233 Mobile: 07711 035667
Email: darryl.hobden@westsussex.gov.uk, Web: www.westsussex.gov.uk

If your enquiry is urgent outside of this time please email prow@westsussex.gov.uk

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