

WEST SUSSEX COUNTY COUNCIL CONSULTATION

FROM: WSCC - Public Rights of Way

DATE: 22/02/22

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 / Advice / More information

Response to 'additional information and rebuttal'

THE OFFICER ERRED IN NOT REFERRING TO THE CA16 WHICH WAS DULY MADE IN 2020

The CA16 referred to is relevant only to the DMMO application and does not negate the possible existence of public access rights as specified in my consultation response.

THE OFFICER ERRED IN NOT CONSIDERING THE REVISIONS TO THE LAYBY AS SET OUT IN THE HIGHWAYS SECTION OF THE ENVIRONMENTAL STATEMENT AND IN FIGURE PS13 TO THE PLANNING STATEMENT

Revisions and PS13 have been considered.

Advice: Seek specific input from British Horse Society regarding the layby and adjacent proposed access if not already obtained.

THE OFFICER ERRED IN NOT REFERRING TO THE PRIOR CORRESPONDENCE WITH LCP'S SOLICITOR

Correspondence was referred to in my initial consultation response.

"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."

THE OFFICER'S POSITION WOULD APPEAR TO BE INCONSISTENT WITH HIS POSITION REFERRED TO IN HIS EMAIL CORRESPONDENCE WITH LODDERS SOLICITORS AS DETAILED IN SECTION A 1. ON THE ONE HAND, HE CLAIMS THAT THE ENTIRE WIDTH OF THE 100m SECTION OF FOOTPATH 795 IS A PROW AND IT COULD NOT BE PARTLY FENCED ON HEALTH & SAFETY GROUNDS BUT ON THE OTHER HAND CLAIMS IT IS ACCEPTABLE FOR THE LANDOWNER TO REDUCE THE WIDTH WITH ARMCO BARRIERS AND TO INSTALL BARBED WIRE FENCE GATES RESTRICTING PUBLIC ACCESS TO ONE SIDE. THIS POSITION IS ALSO CONTRARY TO THE LAW.

Consistent advice has been provided. As per prior advice sought the position has been made clear and confirmed by WSCC legal services in February 2021, which was duly conveyed to Lodders Solicitors at the time and again during the initial consultation phase of the application in December that year.

Objection stands, however if applicant removes any reference to 'segregating' pedestrians and acknowledges there can be no physical or inferred reduction in the full legal width of the Footpath being available to users this can be withdrawn.

THE OFFICER HAS NOT CONSIDERED PARA. 5.1 OF THE ENVIRONMENTAL STATEMENT WHICH MAKES IT CLEAR THAT HGV'S HAVE USED THE PRIVATE RIGHT OF WAY WHICH IS ALSO THE 100m SECTION OF FOOTPATH 795, FOR AT LEAST 30 YEARS. THE OFFICER HAS NOT CONSIDERED PARA. 5.4 RE BARRIERS ON PRIVATE LAND ADJACENT TO BRIDLEWAY 3240.

WSCC Public Rights of Way do not hold records to confirm private access rights, hence generic advice provided. Any addition of barriers must be on private land and not on the Public Highway.

More Information:

Please provide additional information regarding the surface as previously requested.

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.

PRoW Response:

Not addressed. Requires suitable surface to accommodate predicted HGV traffic. Retrospective work would likely delay operations and inconvenience users of the relevant PRoW so this should form part of the application.