

Report to: Planning Applications Committee
Date: 16th December 2020
Application No: LW/19/0371
Location: Land south and west of the East Sussex County Council Port Access Road, Southern Roundabout
Proposal: Application for Stopping Up and Diversion of Public Footpaths at Newhaven Port under Section 257 Town and Country Planning Act 1990.
Ward: Newhaven /Newhaven Denton & Meeching
Recommendation: That the Director of Regeneration and Planning be granted delegated authority to make and confirm:
A) A Stopping Up and Diversion Order relating to part of Public Footpath 7b, part of Public Footpath 40a and part of Public Footpath 40b,
B) To carry out all legal steps required to publicise and consult on the Order and,
C) Subject to no objections being received or any objection received having been withdrawn, to make and confirm the Order and to publicise it as required by the legislation.
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IMPORTANT NOTE: This scheme is not CIL Liable.

Map Location:



Executive Summary

- 1.1 Authorisation is sought for the Director of Regeneration and Planning to be granted delegated authority to make
 - A) a Stopping Up and Diversion Order relating to part of Public Footpath 7b, part of Public Footpath 40a and part of Public Footpath 40b, as shown on the drawing attached to Application for Stopping Up and Diversion of Public Footpaths at Newhaven Port under Section 257 of the Town and Country Planning Act 1990, dated 14 August 2020. B) to carry out all the legal steps required to publicise and consult on the Order and;
 - c) subject to no objections being received, or any objection received having been withdrawn, to make and confirm the Order and to publicise it as required by the legislation
 - 1.2 The stopping up of parts of these footpaths is necessary to enable the development at Newhaven Port to be carried out, namely the construction of two link roads between Newhaven Port and the East Sussex County Council Port Access Road, approved under ref. LW/19/0371 on 28 April 2020, following completion of a s106 Agreement to secure financial contribution of £10,000 toward habitat compensation.
 - 1.3 A new public footpath is proposed which will run eastwards along the southern bank of Mill Creek and then in a southerly direction to the east of the new Port Access Road to link in with the existing rights of way network which provides access to the beach and Tide Mills.
 - 1.4 Attached as Appendix A is a map showing the existing Tide Mills Rights of Way
 - 1.5 Attached as Appendix B is a drawing showing the proposed diversions, as attached to the Order.
 - 1.6 Attached as Appendix C is a General Arrangement drawing showing details of the proposed works.
2. **Relevant Planning Policies**
 - 2.1 Not applicable.
 3. **Site Description**
 - 3.1 The site comprises approximately 1.23ha and is located immediately to the east of Newhaven Port and adjoining the boundary with the Newhaven Port Access Road. To the north is Mill Creek. Under construction by ESCC at the moment is a bridge over Mill Creek, which will form part of the Newhaven Port Access Road Project (PAR), which has received DoT funding. The section of road southwards from the bridge will terminate in a new roundabout adjacent to the boundary of the Newhaven Port and Properties land.
 - 3.2 The site was formerly scrub land that has been cleared by ESCC in order to provide a temporary haul road and construction area. It is relatively flat and open. A Public Right of Way runs along the eastern boundary of the

operational area of the Port, providing access to footpaths 40a and 40b, leading to Seaford Bay and Tide Mills.

- 3.3 Although the site falls within the Planning Boundary, it is also wholly within the Tide Mills Local Wildlife Site. The boundary of the SDNP is approximately 100m to the north west of the site and 400m to the west.

4. Relevant Planning History

- 4.1 Relevant to this proposal is application ref. LW/19/0371 for the construction of two link roads between Newhaven Port and the East Sussex County Council Port Access Road, approved on 28 April 2020.

5. Proposed Development

- 5.1 Attached as appendix B is a map showing the diversion proposals.
- 5.2 The diverted footpath will run from point A for approximately 111.3m in a south-easterly direction passing under the new Port Access Road to point E.
- 5.3 A spur will be provided between points F and G to enable access for pedestrians to the footpath alongside the new Port Access Road.
- 5.4 The new footpath will then continue in a southerly direction for approximately 258.1m between points E and D where it joins the existing Public Footpath 40b (to Tide Mills)
- 5.5 It will then run in a south-westerly direction for approximately 21.8m between points D and C where it joins Public Footpath 40a (to the beach).
- 5.6 The new footpath will have a recorded width of 2.5m and will comprise a suitable level and firm surface of compacted stone surface or equivalent.
- 5.7 It will provide links between the existing rights of way network in the area allowing access on foot to the beach, Tide Mills and the area to the north of the Port.
- 5.8 It also enables a link to the new footpath alongside the new Port Access Road to be provided, thus improving accessibility and options for pedestrians.
- 5.9 It also preserves the views across the nature reserve towards Tide Mills to the east.
- 5.10 The works will be carried out jointly by ESCC and the Port Authority. Appendix C shows which sections will be carried out by each party - ESCC will provide the new footpath shown dotted green and the Port Authority will provide the section dotted blue. Also shown on the drawing is a spur (shown dotted orange) which will be provided by ESCC as an additional link to provide access to the new road. This is not part of the Order, but is shown on the drawing for completeness.

6. Consultations

- 6.1 The proposed diversion is supported by ESCC Rights of Way Team.

7. Neighbour Representations

7.1 Not applicable.

8. Appraisal

8.1 Principle

8.1.1 The principle of the footpath diversion was established under planning permission LW/19/0371.

8.2 Impact of the proposal on the surrounding area:

8.2.1 The route of the diversion has been carefully planned to ensure that members of the public will still have access to Tide Mills and the beach.

8.2.2 The diversion will facilitate links to the new Port Access Road, unlocking the capacity for new employment space in this part of Newhaven, will significantly enhance the development potential of the site and bring about employment and economic benefits for the area.

8.3 Design

8.3.1 As noted above, the diverted paths will be finished in a suitable material similar to existing footpaths all over the county and carried out jointly by ESCC and the Port Authority in accordance with standard specifications.

9. Recommendation

9.1 It is recommended that the Director of Regeneration and Planning is authorised delegated authority to make and confirm:

A) a Stopping Up and Diversion Order relating to part of Public Footpath 7b, part of Public Footpath 40a and part of Public Footpath 40b, as shown on the drawing attached to Application for Stopping Up and Diversion of Public Footpaths at Newhaven Port under Section 257 of the Town and Country Planning Act 1990, dated 14 August 2020.

B) to carry out all the legal steps required to publicise and consult on the Order and;

c) subject to no objections being received, or any objection received having been withdrawn, to make and confirm the Order and to publicise it as required by the legislation.

10. Background Papers

10.1 Draft Order.