

Highways Act 1980 S119: West Thorney–Proposed Diversion of Part of Footpath(fp) 202

Consultation Report

Location – See [Location Plan](#)

Footpath 202 runs around the shoreline of Thorney Island- much of which is Ministry of Defence (MOD) land. The 15 kilometre route around the Island forms part of the Sussex Border Path; it offers extensive views across Chichester Harbour and to Pilsey Island, a RSPB reserve off Longmere Point and the bird watchers hide at its southern tip. The southern and south western shores of Thorney Island are part of the Pilsey Sands area of registered Common Land.

Please note that public access onto the Island (a Ministry of Defence base) by motor vehicle is not generally permitted. It is quite a long walk via the path to reach the length in question. However, if you do wish to inspect the proposal and would prefer to drive it is possible for you to access by car by prior arrangement with MOD. The person you should contact is:

Tim Kenealy -Station Staff Officer - Station Staff Office - 01243 388356 / email: tim.kenealy782@mod.gov.uk

Background and Reasons for the Application

Much of the definitive line of fp 202 follows a well established track around the Island and is in reasonable condition for use. However, a length of approximately a kilometre running north westwards from Longmere Point has been badly affected by coastal erosion; some parts traverse the damaged sea defences to run on the sand and shingle beach or have been entirely lost to the sea. As the erosion has advanced a generally parallel but slightly further inland route has become established by walkers as an unofficial alternative path. The MOD is willing for the path to be diverted onto the used route thereby enabling a continuous public footpath to be secured.

The Proposal – See [Proposed Diversion plan](#)

The proposed route of fp202 runs north west from Longmere Point for some 1006 metres(m) as shown by the green line on the Proposed Diversion plan. Please note that this is a draft plan at present as some further survey work to confirm the accuracy of the plotted tracks is yet to be completed. Significant variation is not anticipated and the proposed route will run mainly on hardened tracks which are used on an occasional basis largely by agricultural vehicles. It follows the shoreline offering extensive views over Chichester Harbour and Emsworth Channel but is well above the High Water line on a sound, easy to walk, all weather surface.

The Tests

The Making Test for Diversion of part of fp 202

The grounds:

The application to divert the footpath is made in the interests of the public. The reasons being that parts of the definitive line have been eroded by the sea and a diversion onto the more inland and presently used route will secure a continuous public path.

The point of termination and convenience:

The points of termination of this path have not changed and so in this respect the proposed route is considered as convenient to path users as the path to be stopped up.

Conclusion on the Making Test

It has been demonstrated that it would be in the public's interests for the path to be diverted because it would enable a continuous public path to be restored. The termination points of the route proposed will be as convenient to the public.

The Confirmation Test for the Diversion of part of fp 202

Is the proposed route substantially less convenient to the public?

The diversion will restore for public use a route which has not been possible to walk since it was eroded away by the sea over a number of years. The new path will be very obvious and easy to follow. It follows the shoreline, on the landward side of the sea defence and has a surface generally 2 m width varying between stone and gravel, turf and sand in keeping with its shoreline character but generally convenient for walkers to use.

Is it expedient having regard to:-

- i. the effect on public enjoyment of the way as a whole
 - ii. the effect on other land served by the existing way
 - iii. the effect on land over which the way is created
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- i. The proposed path will provide a pleasant route with a good surface that is very easy to follow and is not considered less enjoyable than the present path. It offers the same spectacular seascape views as would have been available from the lengths no longer possible to walk.
 - ii. It is not anticipated that other land will be affected by the diversion.
 - iii. The MOD who own the route crossed by the proposed path have given their consent.

Conclusion on the confirmation test

This diversion offers an alternative to the route that has been eroded by the sea . It will be easily accessible and not less convenient than the present path. It is concluded that the relevant tests set out in Section 119 of the Highways Act, 1980 have been satisfactorily met.

Consultations

On 7 August 2020 letters of consultation were sent to the relevant user groups and other interested parties with the request that any comments be submitted by 17 September 2020 Notice of the consultation was included in the members weekly Bulletin. Careful consideration will be given to all responses received.

West Sussex Rights of Way Management Plan, Human Rights Act 1998, Equality Act 2010 and Crime and Disorder Act 1998 Implications

In considering this application the County Council's responsibilities under the provisions of the above have been taken into account.

The Costs and Works

The costs associated with the order process, the usual administrative fees plus advertising charges will be borne by the County Council. The proposed path has a width of generally 2m.

Overall Conclusion

This is an opportunity to restore a continuous route for footpath 202 and the co-operation of the MOD is appreciated. It is considered that the legal tests for the diversion of fp 202 can be met.

Judith Grimwood
Public Rights of Way Officer
August 2020