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BN12 5DR
Your ref: PGB/LKO/F13812-15
Our ref: NATROW/P3800/529A/08/25
Date: 25 March 2009

National Rights of Way Casework Team

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Dear Sirs

**WILDLIFE AND COUNTRYSIDE ACT 1981
APPEAL UNDER PARAGRAPH 4(1) OF SCHEDULE 14
BY BENNETT GRIFFIN SOLICITORS AGAINST THE DECISION OF WEST SUSSEX
COUNTY COUNCIL NOT TO MAKE AN ORDER UNDER SECTION 53(2) IN
RESPECT OF THE ADDITION OF A FOOTPATH AT THE ROYAL ARCADE,
WORTHING FROM MONTAGUE STREET TO MARINE PARADE**

1. I am directed by the Secretary of State for the Environment, Food and Rural Affairs to refer to your appeal under Section 53(5) of, and Paragraph 4(1) of Schedule 14 to, the Wildlife and Countryside Act 1981 against the decision of West Sussex County Council not to make an Order modifying their Definitive Map and Statement for the area by adding a public Footpath at the Royal Arcade, Worthing. The claimed public Footpath route (which is shown on the attached Annex B map¹) commences at Marine Parade and passes through the Royal Arcade, a covered shopping precinct, to terminate at Montague Street. It is approximately 5.2 metres wide along most of its length widening at either end to approximately 13.3 metres and being approximately 74 metres in length.

2. An Inspector, Susan Doran BA Hons MIPROW, has carefully considered all the submissions made with regard to this appeal and has submitted her report to the Secretary of State. A copy of the Inspector's report is attached as Annex A to this letter. Your case as the appellant and the case for West Sussex County Council are set out in paragraphs 6 to 20 and 21 to 31, respectively, of the Inspector's report. Third party representations, of Mr John of Worthing Arcade Ltd, are given at paragraphs 32 to 38. The Inspector, whose conclusions are set out in paragraphs 39 to 50 of her report, has recommended, at paragraph 51, that the appeal should be allowed.

¹ The Annex B Map being the Plan: 01414, dated 24.01.2008, produced by Worthing Borough Council showing the claimed Footpath route as accompanied the Council's report to its Rights of Way Committee of 25 February 2008.

3. The Secretary of State agrees with the Inspector's conclusions and accepts her recommendation. Having taken all the arguments and representations presently before him into account, the Secretary of State has reached the view that an Order should be made. Therefore in accordance with the provisions of paragraph 4(2) of Schedule 14 of the Wildlife and Countryside Act 1981 he has directed West Sussex County Council to make an Order, under Section 53(2) of, and Schedule 15 to, the Act to modify the Definitive Map and Statement for the area, as proposed in your application dated 25 October 2006. This decision is given without prejudice to any decision that may be given by the Secretary of State in exercise of his powers under the said Schedule 15.

4. A copy of this letter has been sent to West Sussex County Council.

Yours faithfully

JULIE HUME

Authorised by the Secretary of State for
the Environment, Food and Rural Affairs
to sign in that behalf

Enc: