

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Adur & Worthing Councils FAO: Louise Prew
FROM:	WSCC – Highways Authority
DATE:	30 April 2026
LOCATION:	Land West Of 35 Montague Street Montague Place Worthing West Sussex
SUBJECT:	AWDM/0146/26 Single storey concession kiosk.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	Advice

I refer to your consultation in respect of the above planning application and would provide the following comments.

The Kiosk is shown positioned within the publicly maintained highway boundary, within a pedestrianised area in Montague Street.

It has been outlined that this proposal is a part of a wider council regeneration scheme in Montague Place. The proposed location has been shown against the newly proposed layout within the submitted plans. The kiosk does not appear to hinder pedestrian movements through the precinct and due to its location does not pose a risk to visibility for road users.

Additional information has been provided outlining that this would be intended as a temporary structure and therefore will require the relevant street vendor licenses to operate on the highway, the unit must remain movable to ensure that any required maintenance works can be carried out on the highway.

Any works to the highway associated with the unit, including to connect to water or electrical supplies would need to be with agreement from the local area office team. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out highway works on the public highway. The granting of planning permission does not guarantee that permission shall be granted because the area highways team considers wider factors than are considered by the Highway Authority at planning stage.

See informative note below.

As previously advised it is possible that a license could be issued under S115 of the Highways Act, this would also likely incur a separate consultation with various stakeholders from multiple organisations regarding its acceptability. A S115 license would also be a temporary license needing routine renewal.

Should the kiosk be deemed to be a permanent structure, as previously advised the applicant would be required to formally stop-up and potentially purchase the land. For the land to be incorporated into the site, the highway rights would need to be formally removed by way of a Stopping Up Order. This would be subject to a separate process administered by the Department for Transport's National Casework Team. The Highway Authority along with other statutory undertakers and interested parties would be consultees in this process. There is also no guarantee that this process would be successful. The comments made here would not constitute the Highway Authority's formal position regarding any future Stopping Up. An informative has been included below which outlines the Stopping up process- should this be required.

To be enacted, all relevant licenses would require approval through their relevant processes.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Works within the Highway – Area Office Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Stopping Up Order (if proposed unit is deemed a permanent structure)

The applicant is advised that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process.

Jodie Wilkes

West Sussex County Council – Planning Services