

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 3 September 2014 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

Members Present:

Mr Keith Taylor (Chairman)
Mr Tim Hall (Vice-Chairman)
Mr Ian Beardsmore
Mrs Natalie Bramhall
Mrs Carol Coleman
Mr Jonathan Essex
Mrs Margaret Hicks
Mr George Johnson
Mr Ernest Mallett MBE
Mr Michael Sydney
Mr Richard Wilson

Apologies:

Mr Christian Mahne

83/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Christian Mahne.

84/14 MINUTES OF THE LAST MEETING [Item 2]

These were agreed as a true record of the last meeting.

85/14 PETITIONS [Item 3]

There were none.

86/14 PUBLIC QUESTION TIME [Item 4]

There were none.

87/14 MEMBERS' QUESTION TIME [Item 5]

There were none.

88/14 DECLARATIONS OF INTERESTS [Item 6]

There were none.

89/14 MINERALS/WASTE WA/2014/0005: ALTON ROAD SANDPIT, FARNHAM, SURREY, GU10 5EL [Item 7]

AN UPDATE SHEET WAS TABLED AND IS ATTACHED AS ANNEX 1 TO THE MINUTES

Declarations of interest:

None

Officers:

Alan Stones, Planning Development Control Team Manager
Nancy El-Shatoury, Principal Lawyer
Caroline Smith, Transport Development Planning Team Manager
Peter Brett, Consultant

Speakers:

Rob Dutton, read out the following statement on behalf of **Tony Goodall** who was unable to make the meeting.

“The original planning permission lapsed in 2006 due to non-compliance with Condition 28, when the site was declared dormant. Until verifiable evidence is provided to identify precisely how or when such a Condition could possibly have been waived, isn't it beyond the limits of reasonableness for Members to be expected to approve this Application?

The proposed development falls outside of the limits of adopted Policy AR1. Consequently any sand on the site is not listed in the Local Plan as part of mineral reserves, and wouldn't be needed to meet soft sand reserve targets. Pages 27,28 and 29 of the Planning Inspectors Report of November 2012 specifically identifies the limitations of the site that does not include quarrying for sand.

In any event the viability of these proposals is very questionable.

Furthermore, why should any Applicant be exceptionally granted an extension where in essence nothing has been done with the site since 1991 when the last landfill was deposited? Shouldn't there be substantive technical reasons that need to be identified to explain precisely why no development activities have taken place?

No gas flow data has been supplied by the Operator since 1998. Such fundamental data is essential in order to actually determine that the Gas Management System has been operating effectively. As a direct consequence about 52 million cubic metres of landfill gas is unaccounted over the past ten years alone. It can only be through pure luck that the gas has escaped through the porous surfaces of the landfill instead of migrating into homes as previously recorded.

Unfortunately the proposals would significantly increase the potential for lateral migrations of gas into homes, and the risks caused by any system failure would be increased astronomically. Under these circumstances is it possible for Members to feel confident about the Operators competence particularly since new Government guidance is not due out until late next year?

Why is it that an appropriate investigation to determine the site's suitability as a SANG and an SNCI has not been carried out, particularly since Waverley

Borough Council are desperately searching for SANGS to enable them to produce a viable Local Plan to satisfy the Government's housing targets? A Complaints procedure regarding the handling of this Application has yet to run its course. Furthermore, a request for this Application to be called-in for decision by the Secretary of State has been registered, as well as a request for the Complaint to be considered by the Local Government Ombudsman. If these procedures don't lead to a rejection of this Application then a Judicial Review is likely to follow".

Rob Dutton, a local resident, made representations in objection to the application and read out the following statement:

"Start by looking at the applicants submission prepared by Andrews Ecology This was, after all the Officers starting point. On page 24 there is a 2 line reference to part of the site (Block A on the plan) as being on the ancient woodland inventory.

On page 25 there is brief collective reference to Blocks A & B and reduced diversity but without distinguishing between the wooded Block A and the scrubby area to its East, Block B.

On Page 43 there is a heading entitled Effects on Habitat including reference to clear felling and ground disturbance again without distinguishing between Blocks A&B.

However Semi natural Ancient Woodland is sometimes referred to as managed ancient wood land as it may be coppiced or the standing trees may be periodically removed but it is still importantly covered by this legislation. Therefore some disturbance may be normal.

In summing up on the applicants work I would suggest that there is a critical lack of clear information and NO reference to Natural England's Standing Advice or the National Planning Policy Framework.

Moving to the officers report Page 64 briefly refers to "loss of natural woodland" and carries on to say "the site can be adequately mitigated".

Note that the officers go on to make the point that Natural England made NO OBJECTION Natural England makes it clear on their web site, The STANDING ADVICE replaces individual comments provided in the past to Local Authorities, so it is unlikely they would have responded.

On page s 104/105 the officers quote "planning permission should be refused for developments resulting in the loss or deterioration of irreplaceable habitats including ancient woodland"

This accords with the Standing Advice, however the officers go to considerable lengths on page 111 to say Block A is not worth keeping but completely fail to explain why their opinions are more important than Natural England's decision to include Block A on the register.

IT IS UNLIKLY THEIR COMMENTS ARE A MATERIAL CONSIDERATION.
We now come to the crux of the matter.

On one hand Block A is officially recognised and the Standing Advice must apply.

On the other the officers/applicants justification of greater need, principally for sand

This site is not listed in any of the current minerals or waste plans therefore this application is opportunistic. This application does not comply with the required tests.

There is just 770,000 tons of sand, just 6 months' worth of contribution to the counties consumption. An approval will be trading 6 months unsubstantiated need for 500 years of irreplaceable heritage.

Who will history judge correct, who will our grandchildren judge correct? Councillors, do you want to make this decision NOW, please vote to DEFER and drill down into the implications and make a measured, informed and legal decision?"

The agent of the applicant, **Steve Bowley of Stephen Bowley Planning Consultancy** addressed the Committee and raised the following points;

- Supports the officer's recommendation and reassured the committee that conditions were in place to ensure work on the site was done to a high level.
- The site in question has a long history with the applicant only becoming involved with the site two years ago. Eventually want to complete the scheme which was permitted in 2002.
- Site would only deal with inert waste and not household waste.
- Permitting this application will allow the site to be restored to a high level with the building extractor on the site meeting the needs of local residents.
- An environmental statement has been prepared with the application and there have been no technical objections to the application.
- Landfill gas will be dealt with in a safe manner.

The local Member, **David Munro**, a local Member from a neighbouring division addressed the committee and raised the following points:

- Supports application in principle. The site in question has a long history and nothing has changed from the previous application which was granted in 2002.
- Permitting the application would be beneficial as it would restore the site to a good condition.
- Objections received are concerned with operational use of the site but these concerns have been answered by the conditions in the report.

Key Points raised during the discussion:

1. The report was introduced by the Planning Development Control Team Manager who explained that the current application was a return of a previous application which was granted in 2002. The current application would work inert waste on the site and restore the site. Permitting this application would add to Surreys production of soft sand, details of this are set out in the NPPF. There is a strong argument of local need for this type of mineral working. The highways

impacts have been considered and are limited to 170 HGV movements per day. The current proposal would bring the site under better order especially in terms of landfill gas. An alternative habitat has been created for protected species on the site. The application for 2002 was not called in by the Secretary of State and Natural England has no objections to the proposal.

2. A member of the committee queried the routing of the HGV's which would be travelling to the site. The Transport Development Planning Team Manager explained that the routing would depend on the market for the sand but that access would be through the A31.
3. Members agreed that there was room for a community liaison group to be set up.
4. The committee was reminded that the current application is a repeat of a 2002 application which the previous committee had permitted. Reinstating the site to a good condition would reap benefits for the local community.
5. Queries were raised around the amount of sand required by the County and the impact this application would have on the ancient woodland on the site. The Planning Development Control Team Manager explained that ancient woodland had been considered by the previous committee in 2002 who agreed it would be permissible to work on the land. If the ancient woodland is excluded from the application area this would greatly reduce the sand output.
6. It was explained that a large amount of the soft sand in Surrey was to the east of the county. The NPPF states that the location and source for materials should be considered. Not having a location in the west could be detrimental to building material production in the area.
7. It was recognised that there was a need for soft sand in the west of the county especially with the increase of building production.
8. The Consultant explained that permitting the application would allow for the proper management of gas capping on the site. A monitoring scheme would be put in place to bring landfills to modern standards.
9. Some members of the committee queried the possibility of taking out the ancient woodland from the application area. A member of the committee stated that the ancient woodland could be reinstated elsewhere and had been permitted for use by the committee in 2002.
10. It was recognised that the planning environment had greatly changed over the last 12 years and the views around soft sand and ancient woodland had also changed.
11. It was queried what measures would be put in place to ensure that any odour from the site were controlled. The Planning Development Control Team Manager explained that the material going into the site was inert waste and not household waste and therefore there should not be any odours. Any odour issues would be picked up by the Environment Agency.

12. It was explained that any gas being generated at the moment was not causing any problems. Once work on the site begins, pipes on the site will collect gas and mitigate the gas hazard and any odour with it.
13. A vote was taken to defer the application on the basis of protecting the ancient woodland on the site. The deferment was lost.

Actions/Further information to be provided:

None

RESOLVED:

That application **MINERALS/WASTE WA/2014/0005: ALTON ROAD SANDPIT, FARNHAM, SURREY, GU10 5EL** is **PERMITTED** subject to conditions and the prior completion of a Legal Agreement with the applicant and landowners to secure the long term (20 years in addition to the 5 year aftercare scheme) management, maintenance and aftercare of the application site, edged red and blue, as denoted on the application site plan (Drawing ref: ALTONRD1309/Drawing No 2/ Revision B), through the preparation of a ecological enhancement and woodland management plan in accordance with the draft Heads of Agreement set out in Appendix 1 to the report,

Committee Next Steps:

None

90/14 DATE OF NEXT MEETING [Item 8]

The next meeting will be held on 24 September 2014.

Meeting closed at 11.40am.

Chairman

UPDATE SHEET TO AGENDA ITEM 7

Planning and Regulatory Committee 3 September 2014

Minerals and Waste Application: WA/2014/0005

Site: Alton Road Sandpit, Farnham, Surrey, GU10 5EL.

Application: Extraction of sand (770,000 tonnes) and clay (512,000 cubic metres) from a site of 36.2 ha; filling of existing and resultant void with (2.6 million cubic metres) non-hazardous industrial, commercial, household and inert waste; installation of plant and equipment; alterations to existing site access onto A31; and comprehensive restoration of the site over a period of 11.5 years without compliance with Condition 1 of planning permission ref. WA99/0223 to allow the development be completed in all respects not later than 31 December 2029.

Please note the Committee Report should be amended/corrected as follows:

CONSULTATIONS AND PUBLICITY

Wrecclesham Village Society / TRASH Campaign

Paragraph 59: On 15 August 2014, SCC responded to a complaint made by Wrecclesham Village Society / TRASH Campaign against the County Planning Authority. On 26 August 2014, Wrecclesham Village Society / TRASH Campaign then emailed in respect of SCC's response. The following main points of complaint were made against SCC:

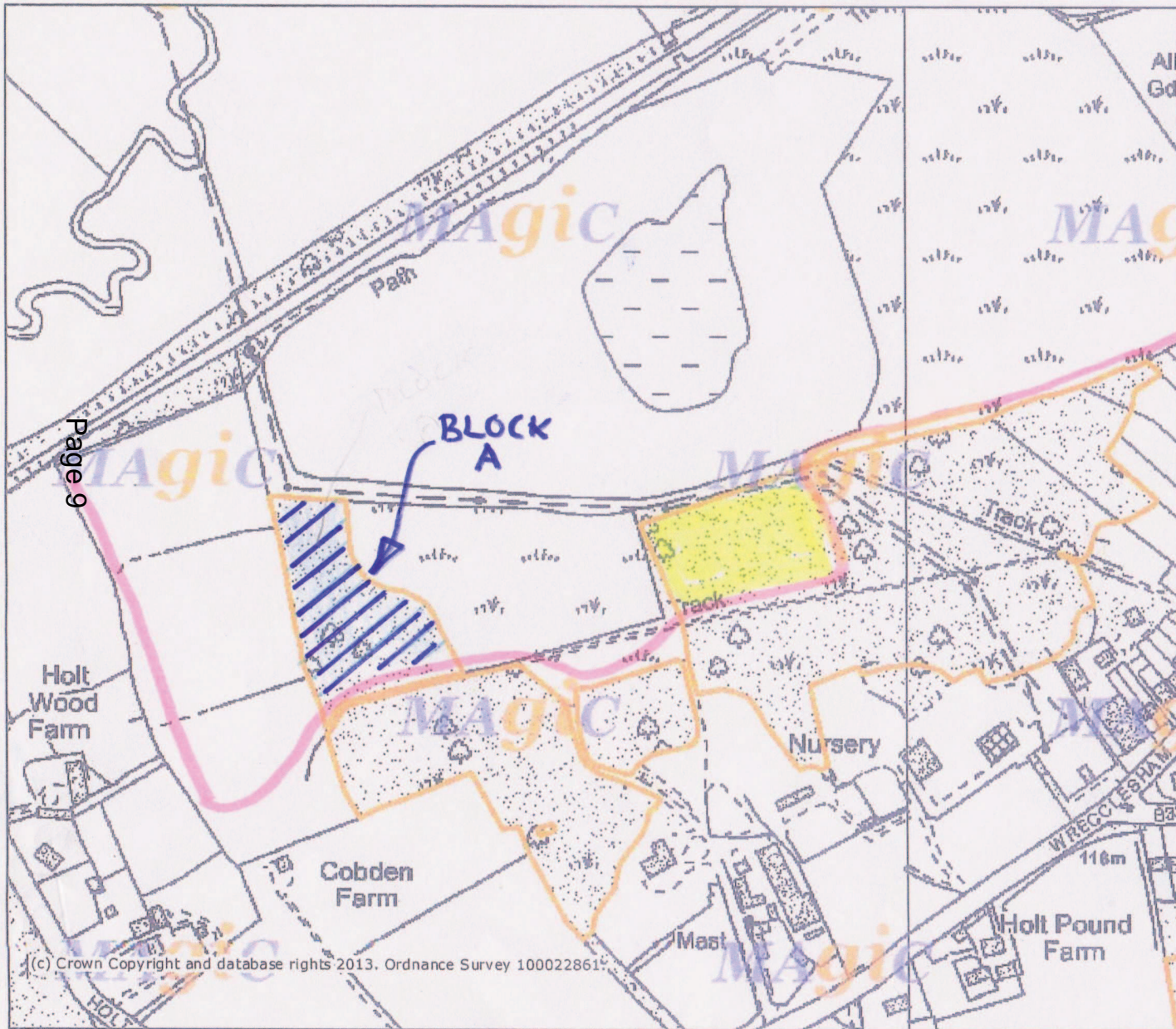
- 1. No evidence has been provided that would amount to proof that the Planning Application is actually legally valid.*
- 2. No evidence has been provided to demonstrate that the Applicant's proposals themselves fall within any part of the current Adopted Minerals and Waste Local Plans.*
- 3. Serious infringements of environmental and criminal law, namely:*
 - Incidents described within our email dated 22 May 2013 (including underground electric cables being exposed, and two lapwing nests being destroyed with stray fledglings running around).*
 - Incidents of motorcycle trespass and nuisance reported on 12 November 2013 and 14 April 2014.*
 - Land clearance on 7 June 2014 reported by email on 14 June 2014.*
- 4. Longstanding serious unacceptable risks caused by the Operators of the Gas Management System and the potentially significant increased risks that would be caused by the Proposals themselves.*
- 5. No evidence has been provided to demonstrate that the County Planning Authority have appropriately considered all of the options relating to this site.*

Officer's note: The above main points were made in respect of a separate complaints procedure and are provided here for completeness. In respect of point '1' above, the detail of Counsel advice received by SCC was previously requested, though as this is '*legally privileged*' (i.e. confidential) Officers have instead provided outline details in paragraph 13 of the Committee Report.



In respect of point '3' above, as set out in the Committee Report at paragraph 213 and paragraph 284, matters of environmental law (e.g. wildlife protection) and criminal law (e.g. trespass) are a matter for the Police and the sites' owners. The matter of claimed lapwing nest disturbance was considered at paragraphs 208-209 of the Committee Report. At the time of the reported incident, a County Planning Enforcement Officer visited the site and could find no signs of ground disturbance. Officers note that the detail of the account of events appears to vary yet again, with reference now to stray lapwing fledglings on the ground. At the time of writing the Committee Report and this Update Sheet, no evidence of damage to underground cables has been provided to SCC to pass on to the National Grid / Southern Electric, nor evidence of destroyed lapwing nests provided to pass on to the Police.

In respect of point '5', it was suggested on 26 August 2014 that the site should be considered as a Suitable Alternative Natural Greenspace (SANG) for the benefit of the whole community. Officers note, however, that a SANG designation would need to be formally adopted (e.g. via a Core Strategy examination process) and that the proposed final restoration would in any case allow community use and access.

Officers consider that no other new points or material considerations have been raised to those set out in the Committee Report.



Legend

-  Ancient and Semi-Natural Woodland
-  Ancient Replanted Woodland

Projection = OSGB36
xmin = 481000
ymin = 144100
xmax = 482500
ymax = 144800
Map produced by MAGIC on 27 November, 2013.
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