

Consideration of Whether New Material Considerations Have Emerged Between the Committee's Resolution in September 2014 and the Issue of the Decision Notice in October 2015

Alton Road Sandpit, Farnham, Surrey. Application No: WA/2014/0005

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.

The application went before the Planning & Regulatory Committee on 3 September 2014 when Members resolved to permit the application subject to 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, through the preparation of a ecological enhancement and woodland management plan, and the planning conditions set out in the Officer report.

The Legal Agreement was completed on 10 July 2015 and we can therefore proceed to issue a planning permission. As a result of the need to wait until the Legal Agreement was complete, over a year has elapsed between the Committee resolution and the issue of the decision notice. As such, consideration is given below as to whether any new factors amounting to potential Material Considerations have emerged in the intervening period.

| Background Papers Referred to Within the Committee Report | Unchanged | Revised / Changed | Comments |
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| <i>Government Guidance</i> | | | |
| National Planning Policy Framework 2012 | ✓ | | |
| National Planning Practice Guidance 2014 | | ✓ | There have been a number of changes to the planning practice web based resource since 3 September 2014. The changes relate to various categories of guidance and include amendments to previous guidance and addition of new guidance. These changes relate to the following matters: pre application discussions, planning performance agreements, neighbourhood planning, strategic environmental assessment and sustainability appraisal, planning obligations (relating to infrastructure obligations and housing and economic development needs assessments), when is |



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| | | | <p>planning permission required and changes to a) permitted development rights for the change of use of agricultural buildings, b) renting out private residential parking spaces, local plans, housing and economic development needs assessments, housing and economic land availability assessment, transport evidence bases in plan making and decision taking (relating to the - the development of airport and airfield facilities and their role in serving business, leisure, training and emergency service needs), ensuring effective enforcement (stop notices), Community Infrastructure Levy (CIL), considering water supply, wastewater and water quality when plan making, Environmental Impact Assessment, viability, renewable and low carbon energy, climate change (setting local requirements for sustainability of a building), housing (optional technical standards) flood risk and coastal change (changes to statutory consultee requirements and sustainable drainage systems and surface water runoff (to apply to planning applications made on or after 15 April 2015 only), deemed discharge and written justification of conditions requirements, duty to cooperate.</p> <p>However, none of the changes are relevant to the consideration of this application.</p> |
| <p>Policy Statement 10 - Planning for Sustainable Waste</p> | | <p>✓</p> | <p>National Planning Policy for Waste (NPPW) 2014 was published on October 16 2014 replacing with immediate effect Planning Policy Statement 10: Planning for Sustainable Waste Management. The NPPW sets out detailed waste planning policies to work towards a more sustainable and efficient approach to resource use and management. The NPPW should be read in conjunction with the NPPF, the Waste Management Plan for England, National Policy Statements for Waste Water and Hazardous Waste or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management. Section 7 (Determining Planning Applications) states that: waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B. Appendix B sets out a range of locational criteria which waste planning authorities should consider in the determination of planning applications, namely: <i>(a) protection of water quality and resources and flood risk management; (b) land instability; (c) landscape and visual impacts; (d) nature conservation; (e) conserving the historic environment; (f) traffic and access; (g) air emissions, including dust; (h) odours; (i) vermin & birds; (j) noise, light and vibration; (k) litter; & (l) potential land use conflict.</i></p> <p>Officers do not consider this to be a material change so far as this application is concerned, given all relevant locational criteria were previously assessed.</p> |

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| The Development Plan | | | |
| Surrey Waste Plan 2008 | ✓ | | |
| Surrey Minerals Plan 2011 Core Strategy | ✓ | | |
| Surrey Minerals Plan 2011 Primary Aggregates DPD | ✓ | | |
| Surrey Minerals Plan 2011 Restoration SPD | ✓ | | |
| Surrey Aggregates Recycling DPD 2013 | ✓ | | |
| Waverley Borough Local Plan 2002 (saved policies) | ✓ | | Waverley Borough Council consulted on "Potential Housing Scenarios and Other Issues for the Waverley Local Plan" between 03/09/14 – 17/10/14. Farnham Town Council Neighbourhood Plan was out for public consultation between 31/10/15 - 15/12/14. Officers do not consider that these are factors material to the resolution of the P&RC, given the early stages of both documents. |
| Other Documents | | | |
| Town and Country Planning Act 1990 | ✓ | | |
| Planning & Compulsory Purchase Act 2004 | ✓ | | |
| Town & Country Planning Consultation Direction | ✓ | | |
| Planning permission ref WA99/0223 (13/09/02) & Section 278 Highways Agreement | ✓ | | |
| Environment Agency Waste Permit ref: EPR/AB3802KG, dated 18/06/2014 | ✓ | | |
| Landfill Reg's 2002 | ✓ | | |

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| Town & Country Planning (Environmental Impact Assessment) Regulations 2011 | | ✓ | The County Environmental Assessment Officer confirmed on 09/06/2015 that the changes made via the April 2015 amendments to the EIA Regulations 2011 by Statutory Instrument No.660 relate to the categories of development listed in subparagraphs (a), (b) and (c) of Paragraph 10 (Infrastructure Projects) of Schedule 2. Minerals and waste development is therefore not affected by the changes. |
| Minerals and Waste Plan & the Aggregates Recycling Joint DPD Inspector's Report | ✓ | | |
| Bright et al 2006 | ✓ | | |
| Surrey Aggregates Monitoring Update: May 2014 | ✓ | | |
| Planning permission ref: TA/2013/1799 dated 12 August 2014. | ✓ | | |
| Environmental Protection Act 1990 Development Control: Planning for Air Quality (EPUK, 2010) | | ✓ | The County Air Quality Consultant confirmed on 09/06/15 that this had been superseded by the EPUK/IAQM 'Land-use Planning & Development Control: Planning for Air Quality' Guidance dated May 2015. |
| Natural England Standing Advice for protected species, ancient woodland and veteran trees | ✓ | | |
| Conservation of Habitats & Species Regulations 2010 | ✓ | | |
| ODPM Circular 06/2005 | ✓ | | |
| Review of the revision of the Ancient Woodland Inventory in the South East (Natural | ✓ | | |

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| England, 2011) | | | |
| Water Framework Directive (European Union 2000) | ✓ | | |
| Guidelines for Noise Control Minerals & Waste Disposal (1994) | ✓ | | |
| CAP 278: Safeguarding of Aerodromes (Civil Aviation Authority December 2006) | ✓ | | |
| Model Procedures for the Management of Land Contamination, CLR 11 (June 2014) | ✓ | | |
| Highways Act 1980 | ✓ | | |
| Landfill Directive 1999 | ✓ | | |
| Public Health Act 1936 | ✓ | | |
| Land Drainage Acts 1991 and 1994 | ✓ | | |
| Water Resources Act 1991 | ✓ | | |
| Wildlife and Countryside Act 1981 | ✓ | | |
| Protection of Badgers Act 1992 | ✓ | | |

Key Considerations Identified within the Report and Highlighted at the Committee Meeting (see below)

| Issue | Unchanged | Revised / Changed | Comments |
|---------------------------------|-----------|-------------------|--|
| Extraction & Landfilling Issues | ✓ | | No new factors confirmed by Minerals & Waste Policy Team on 17/06/15. However, an update is provided in the attached Report at paragraphs 27-29. |
| Restoration Issues | ✓ | | County Restoration Officer confirmed no new factors on 05/06/15. |



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| Highways, Traffic & Access | ✓ | | County Highway Authority stated on 09/06/15 that they are not aware of any new factors; and confirmed on 13/08/15 that the further Air Quality addendum has no transportation implications. |
| Air Quality: Landfill Gas, Dust, Odour | | ✓ | <p>Following the introduction in May 2015 of updated guidance for air quality in planning, the CPA requested on 02/07/15, under Regulation 22 of the EIA Regulations 2011, an Addendum to the Air Quality Chapter of the ES supporting the application. This ES Addendum was received on 27 July 2015. The County Air Quality Consultant confirmed on 18/08/15 that they agree with applicant's analysis with no recommended further work.</p> <p>Environment Agency confirmed on 21/09/15 that they have reviewed the further air quality information and have no further comment to make.</p> |
| Ecology & Ancient Woodland | ✓ | | <p>Surrey Wildlife Trust stated on 17/06/15 that the CPA should ascertain from the applicant whether the nine months delay affects any of the findings and recommendations of any of the ecology survey reports and ensures that the applicant agrees to undertake any amendments to species or habitat recommendations.</p> <p>The County Ecologist responded on 16/09/15 that in view of condition 40, the presence of an Ecological Clerk of Work and the relative recent age of surveys, he considers that these are still fit for purpose and no updating is required at the present time.</p> |
| Flood Risk, Water Quality, Ground Water, Land Contamination | ✓ | | <p>County Geotechnical Consultant confirmed on 11/06/15 that they were not aware of any new factors since previous P&RC on 03/09/14.</p> <p>Waverley Borough Council's Environmental health team also confirmed on 11/06/15 that they are not aware of any new factors.</p> |
| Landscape & Visual Amenity | ✓ | | <p>County Landscape Officer confirmed on 18/06/15 that there were no new factors.</p> <p>South Downs National Park Authority raised no further comment on 04/08/15.</p> |
| Noise & Vibration | ✓ | | County Noise Consultant confirmed no further comments on 01/07/15. |
| Lighting | ✓ | | On 09/06/15 the County Lighting Consultant confirmed no changes. |
| Cultural Heritage | ✓ | | |
| Bird Hazard | ✓ | | |
| Cumulative Impact | ✓ | | Considered in the 2015 Air Quality Addendum; as set out in the attached Report. |
| Other Issues | | ✓ | There have been activities at the site since September 2014; considered in the attached Report. |

Case Law

| | Consulted Legal Dept./EIA Officer | Changes | No changes | Details/Comments |
|--|-----------------------------------|---------|------------|--|
| Have any relevant new legal issues arisen since the resolution by Committee? | ✓ | | ✓ | County Legal team confirmed on 29/09/15 that they are not aware of any further changes or new factors since September 2014. County Environmental Assessment Officer confirmed on 09/06/15 that she is not aware of any new factors that have emerged with regard to EIA since the application was considered by the Committee, which could have a bearing on the proposal and decision to be taken or any changes/updates or issues which could reasonably be described as material to the application. |

Other Matters

The Planning Portal, Gov.UK, DCLG, DEFRA, Natural England and WRAP websites have been checked for any new legislation, policy documents, circulars and official letters, speeches, statements and articles, good practice and guidance and consultation documents relevant to this application which may have been issued between September 2014 and October 2015. To Officers' knowledge nothing material to this application has been published in that time.

Mark O'Hare
Senior Planning Officer

Date: October 2015

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