


SURREY COUNTY COUNCIL
PLANNING AND REGULATORY COMMITTEE
DATE: 14 JUNE 2017
LEAD OFFICER: DEBBIE PRISMALL, SENIOR COUNTRYSIDE ACCESS OFFICER
**SUBJECT: ALTON ROAD SANDPIT, ALTON ROAD, FARNHAM
 TEMPORARY FOOTPATH DIVERSION ORDER –
 FOOTPATHS 16 AND 17**

PLANNING AND REGULATORY COMMITTEE
Planning and Regulatory Committee's authorisation is required so that a temporary diversion order can be made under S257 and S261 of the Town and Country Planning Act.
1. SUMMARY OF ISSUE
<p>1.1 Under section 257 of the Town & Country Planning Act 1990, the County Council may make a footpath diversion order if it is satisfied that it is necessary to do so in order to enable authorised development to be carried out.</p> <p>1.2 Planning permission (ref WA99/0223) was granted by this Committee on 13 September 2002 for sand and clay extraction and then restoration using inert materials primarily to agriculture at Alton Road Sandpit.</p> <p>1.3 The applicant submitted an application on 26 March 2004 to temporarily divert Public Footpath Nos. 16 and 17 at Alton Road Sandpit. The order to temporarily divert these footpaths was made on 26 January 2005 and confirmed on 21 April 2005.</p> <p>1.4 New planning permission (ref. WA/2014/0005, MIN/WA/8/SCC) was granted by this Committee on 21 October 2015 for sand and clay extraction and then restoration using inert materials primarily to agriculture at Alton Road Sandpit.</p> <p>1.5 The applicant submitted a new application on 15 March 2017 to temporarily divert Public Footpath Nos. 16 and 17 at Alton Road Sandpit.</p> <p>1.6 The new application would continue the temporary diversion of Footpath Nos. 16 and 17 as made in 2005.</p>
2. RECOMMENDATIONS
<p>2.1 The Planning and Regulatory Committee is asked to agree that:</p> <p>2.2 Authority be granted to make a temporary diversion order under section 257 and 261 of the Town and Country Planning Act to temporarily divert Public Footpath No. 16 from the line A-B-C to the line A-C and Public Footpath No. 17 (Farnham) from the line D-B to the line D-C as shown on Drawing No. 3/1/18/H89.</p> <p>2.3 If any objections are received and maintained to the Order, it will be submitted to the</p>

Secretary of State for the Environment, Food and Rural Affairs for determination.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Under section 257 and 261 of the Town & Country Planning Act 1990, the County Council may make a footpath diversion order if it is satisfied that it is necessary to do so in order to enable authorised development to be carried out.
- 3.2 The temporary diversion of Public Footpaths 16 and 17 (Farnham) is required to enable the authorised development to be carried out.

4. INTRODUCTION AND BACKGROUND

- 4.1 Planning permission (ref. WA99/0223) was granted by this Committee on 13 September 2002 subject to conditions, for the extraction of sand and clay, infilling with inert waste, installation of plant and equipment and comprehensive restoration of the site.
- 4.2 The applicant submitted an application on 26 March 2004 to the County Council's Rights of Way section to divert Public Footpaths Nos. 16 and 17 at Alton Road Sandpit to enable these works.
- 4.3 The 'Surrey County Council Footpath Nos. 16 & 17 (Farnham) Temporary Diversion Order 2005' was made on 26 January 2005 and confirmed on 21 April 2005.
- 4.4 New planning permission (ref. WA/2014/0005, MIN/WA/8/SCC) was granted by this Committee on 21 October 2015 for sand and clay extraction and then restoration using inert materials primarily to agriculture at Alton Road Sandpit.
- 4.5 As there is a new planning permission covering the site crossed by the public footpaths, the applicant has had to reapply to temporarily divert Public Footpath Nos. 16 and 17 (Farnham).
- 4.5 The new application to temporarily divert Public Footpath Nos. 16 and 17 (Farnham) was made on 15 March 2017.
- 4.6 The application is for the temporary diversion of Public Footpath No. 16 from the line A-B-C to the line A-C and Public Footpath No. 17 (Farnham) from the line D-B to the line D-C as shown on Drawing No. 3/1/18/H89.
- 4.6 The proposed route of the temporary diversion is the same as that in the 'Surrey County Council Footpath Nos. 16 & 17 (Farnham) Temporary Diversion Order 2005' which was confirmed on 21 April 2005.
- 4.7 Within three months of the mineral planning permission expiring (31 December 2029), the definitive routes of the footpaths will need to be reinstated, or an application made to permanently divert the footpaths.

5. ANALYSIS

- 5.1 Under section 257 and 261 of the Town & Country Planning Act 1990, the County Council may make a footpath diversion order if it is satisfied that it is necessary to do so in order to enable authorised development to be carried out.
- 5.2 The temporary diversion on Public Footpaths 16 and 17 (Farnham) is required to enable the authorised development to be carried out.

6. OPTIONS

- 3.1 Make a temporary diversion order and advertise it in accordance with the statutory procedures. If any objections are received and maintained submit the order with the objections to the Secretary of State for determination. This is the Officer's preferred option.
- 3.2 Refuse the application.

7. CONSULTATIONS

- 7.1 All interested parties were consulted. The Open Spaces Society responded and had no objection as such, subject to the 'diversion saying temporary and the width is at least the definitive width or 2m whichever is the greater.' The Ramblers responded 'Given that the diverted footpaths will be on the same routes as at present we have no objections to your proposals.'

8. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 8.1 The County Council will be charging the Applicant for the costs of making and advertising the order in accordance with the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993. The costs are estimated to be in the region of £2,500.
- 8.2 The proposed route crosses an existing footbridge built by the site operator, which the operator is required to maintain.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 There are no equalities and diversity implications. In any event these are irrelevant factors under the current legislation.

10. LOCALISM

- 10.1 There are no localism issues.

11. OTHER IMPLICATIONS

Area assessed:	Direct Implications:
Crime and Disorder	No significant implications arising from this report
Sustainability (including Climate Change and Carbon Emissions)	

Corporate Parenting/Looked After Children	
Safeguarding responsibilities for vulnerable children and adults	
Public Health	

12. HUMAN RIGHTS ACT 1988

- 12.1 Under Section 6 (1) of the Human Rights Act 1998, local authorities are required to act, as far as possible, in a way that does not breach rights contained in the European Convention on Human Rights. This includes the right to property, under Article 1 of the First Protocol to the Convention. In the officer's view this proposal has no human rights implications.

13. DISCUSSION, CONCLUSION AND RECOMMENDATIONS

- 13.1 The Officer's recommendation is that a temporary diversion order should be made.

The Planning and Regulatory Committee is asked to agree that:

Authority be granted to make a temporary diversion order under section 257 and 261 of the Town and Country Planning Act to temporarily divert Public Footpath No. 16 (Farnham) from the line A-B-C to the line A-C, and Public Footpath No. 17 (Farnham) from the line D-B to the line D-C as shown on Drawing No. 3/1/18/H89, and that if any objections are received and maintained to the order that it is submitted to the Secretary of State for the Environment, Food and Rural Affairs for determination.

14. WHAT HAPPENS NEXT

- 14.1 All interested parties will be informed about the decision.

Contact Officer:

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Consulted:

Waverley Borough Council, Farnham Town Council, Open Spaces Society, The Ramblers, Legal Services, Wyatt Ramsdale County Councillor, Byways and Bridleways Trust, CTC, Auto Cycle Union, British Driving Society, British Horse Society, statutory utility companies.

Annexes:

Annex A – Drg. No. 3/1/18/H89

Sources/background papers:

- Papers contained in file 3/1/18 Farnham FP16 and FP17