

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16th January, 2013

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16th January, 2013, at 10.00 am
Council Chamber, Sessions House, County Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **01622 694342**

*Tea/Coffee will be available from 9:30 **outside the meeting room***

Membership (18)

Conservative (16): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),
Mr R E Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton,
Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr J F London,
Mr S C Manion, Mr R F Manning, Mr R J Parry, Mrs P A V Stockell,
Mrs E M Tweed and Mr A T Willicombe

Liberal Democrat (1): Mr I S Chittenden

Independent (1) Mr R J Lees

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 11 December 2012 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/12/2549 (KCC/TM/0296/2012) - Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, Kings Hill, West Malling ; New Earth Solutions Group Ltd (Pages 7 - 48)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 49 - 52)

2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011
5. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)

Tuesday, 8 January 2013

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 11 December 2012.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr J R Bullock, MBE (Substitute for Mr R J Parry), Mr A R Chell, Mr I S Chittenden, Mr T Gates, Mr W A Hayton, Mr J D Kirby, Mr J F London, Mr S C Manion, Mr R F Manning, Mrs P A V Stockell, Mr R Tolputt (Substitute for Mr P J Homewood), Mrs E M Tweed and Mr A T Willicombe

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Team Leader - County Council Development), Mr J Moat (Planning Officer), Mr R White (Development Planning Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

68. Minutes - 6 November 2012

(Item A3)

RESOLVED that the Minutes of the meeting held on 6 November 2012 are correctly recorded and that they be signed by the Chairman.

69. Oaken Wood Public Inquiry

(Item)

(1) The Head of Planning Applications Group informed the Committee that the Public Inquiry into the proposed westerly extension to Hermitage Quarry, Aylesford (see Minute 2011/37) had commenced on 27 November 2012. It was expected that the Inquiry would close on 18 December 2012 and that decision would be taken early in 2013.

(2) The Chairman thanked Mrs Sharon Thompson, Mr Mike Clifton and Ms Angela Watts on behalf of the Committee for their hard work and professional input in this matter.

70. Site Meetings and Other Meetings

(Item A4)

The Committee agreed to visit Tunstall CEP School during the afternoon of Wednesday, 16 January 2013 in respect of an application for temporary change of use of the land from agriculture to car parking.

71. Proposal TW/12/1442 (KCC/TW/0151/2012) New primary school with associated hardcourt play areas, access, parking and landscaping at Land South of Rolvenden Road, Benenden, Cranbrook; KCC Property and Infrastructure Support

(Item D1)

(1) Mr R F Manning informed the Committee that he had been spoken to about the application by many of his constituents in his capacity as Local Member. He also had two grandchildren who attended the school. He had not, however, in any way pre-determined the application, nor given anyone cause to believe that he had. Nor did he have a significant other interest. He was therefore able to approach this matter with a fresh mind.

(2) Mr J R Bullock informed the Committee that he had been involved at the earliest stages of site selection in his capacity as a Tunbridge Wells Borough Councillor. He had not, however, made any decision on which of the proposed sites should be selected, nor had he pre-determined his views on the particular site that was under consideration at the meeting.

(3) Mr J A Davies informed the Committee that he considered that he had an Other Significant Interest in the application and would not be participating in its determination. He vacated the Chair and left the Chamber.

(4) Mr C P Smith thereupon assumed the Chair for this item.

(5) The Head of Planning Applications Group informed the Committee that 6 further letters of support had been received since publication of the report, including one from the Director of the Canterbury Diocesan Board of Education.

(6) The Head of Planning Applications Group informed the Committee that the phrase "Benenden Village Hall Management Committee" in paragraph 132 of the report should read "Harmsworth Memorial Trust."

(7) Mrs Judith Norris (Judith Norris Ltd) addressed the Committee on behalf of a number of objectors to the application. Mrs B Holmes, Mrs Jo Bird, Mr Edward Sarton and Mrs Mary Kellett (Benenden PC) also spoke in objection. Mr Sean Holden (local Borough Councillor), Ms Liz Butler-Graham, Mr David Harmsworth (Chair of Governors) and Mrs Jenny Reich (Head Teacher) spoke in support. Mr Chris Gabriel (KCC Property Services) and Mr Matthew Blythin (DHA Planning) spoke in reply.

(8) The Head of Planning Applications Group agreed to amend the proposed off-site traffic calming scheme and vision splays conditions so that they would be implemented prior to the construction of the new school.

(9) Mr R F Manning moved, seconded by Mr W A Hayton that the recommendations of the Head of Planning Applications Group be agreed.

(10) The proposer and seconder of the motion accepted an amendment to the proposed conditions in respect of the submission of a planting and seeding scheme. This set out that the scheme would include a range of semi- mature and younger species.

(11) The proposer and seconder also accepted an amendment to the Informative to the applicants (paragraph 132 of the report) to the effect that the applicant would be strongly urged to explore further with the Harmsworth Memorial Trust the possibility of shared school access and parking arrangements within the Village Hall.

(12) On being put to the vote, the motion as amended was carried unanimously.

(13) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; details of all external materials being submitted for approval; the submission of off-site traffic calming scheme measures and their implementation prior to the construction of the new school; the submission of details of visibility splays (including details of hedgerow planting), their implementation prior to the construction of the new school and maintenance in perpetuity thereafter; details of car park surface treatment being submitted for approval; vehicle and cycle parking (as proposed in the application) being provided prior to first occupation of the new school; details of all fencing (including specification and colour treatment) being submitted for approval; details of public right of way surface treatment(s) being submitted for approval; details of site levels, finished floor levels and building heights being submitted for approval; details of sustainable energy measures (including Ground Source Heat Pump, photovoltaic panels and solar thermal hot water) being submitted and implemented prior to first occupation; submission of a School Travel Plan, its implementation and ongoing monitoring; submission of a Community Use Scheme (covering proposed hours of use); details of a reptile mitigation strategy being submitted and implemented prior to the removal of the hedgerow; erection of reptile fencing prior to the commencement of construction activities; removal of vegetation being carried out outside of the bird breeding season (or being supervised by a qualified ecologist); full implementation of the ecological recommendations for precautionary mitigation being carried out prior to commencement and during the construction of the development; submission of a site biodiversity management plan covering the green roof, meadow areas and native hedgerows; submission of a detailed landscape/vegetation planting and seeding scheme (to include a range of semi- mature and younger species), its implementation within the first planting season following the completion of the development and its maintenance for a period of 5 years thereafter; tree protection details being implemented (as detailed in the application) in accordance with British Standard 5837:2005 (as amended); submission of lighting details for car park/general areas for approval; no external lighting being installed on or around the Multi Use Games Area; submission of foul and surface water drainage schemes for approval; submission for approval of a Code of Construction Practice (including measures such as wheel cleaning equipment, parking and storage of materials during construction activities); the hours of construction (08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays, with no working on

Saturday afternoons, Sundays, Bank and Public Holidays); measures to prevent mud and debris being tracked out onto the public highway; parking being made available within the site for construction operatives vehicles during construction activities; and removal of Permitted Development Rights; and

- (b) the applicant be advised that notwithstanding the conclusion that the access and car parking arrangements considered as part of this application are considered acceptable in planning and highway terms, the applicant is strongly urged to explore further with the Harmsworth Memorial Trust the possibility of shared school access and parking arrangements with the Village Hall. The applicant is therefore requested to initiate further discussions with the Harmsworth Memorial Trust to consider again the options for such a possibility and to inform the County Planning Authority of the outcome before any development is commenced.

72. Proposal TM/12/2777 (KCC/TM/0273/2012) - Extensions and alterations to existing office, swimming pool and nursery buildings at St Katherine's School, St Katherine's Lane, Snodland; Governors of St Katherine's School
(Item D2)

(1) Mr A R Chell informed the Committee that his granddaughter attended St Katherine's School. Mr C P Smith informed the Committee that he was a member of Tonbridge and Malling BC but had not taken part in any discussions of the proposal. He also knew one of the objectors; although this was not a close personal relationship. Neither Mr Chell nor Mr Smith considered that they had a significant other interest and they both therefore were able to participate in the determination of the proposal.

(2) In agreeing the recommendations of the Head of Planning Applications Group, the Committee included a condition ensuring that vehicle movements associated with construction activities would not conflict with the start and finish of the school day.

(3) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard 5 year time limit; the development being carried out in accordance with submitted details; a scheme of landscaping being submitted prior to commencement of the nursery extension; restriction on the hours of operation of the proposed nursery extension to 07.30am to 6.30pm Monday to Friday only; restriction on the hours of working during construction to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 Saturdays with no operation on Sundays or Bank Holidays; vehicle movements associated with construction activities not conflicting with the start and finish of the school day; restriction of the development to school use only as described in the application; submission (prior to commencement of work on site) of details of construction access, construction vehicle loading, unloading, turning, circulation and parking for the duration of the construction works; restoration and making good of any disturbed areas of field or planting; provision (prior to commencement of work on site) of parking facilities for site personnel and visitors for the duration of the construction works; provision (prior to the commencement of the

development) of measures to prevent the discharge of surface water onto the highway; provision of wheel washing facilities prior to commencement of work on site and for the duration of construction; implementation of the School Travel Plan; and protection for breeding birds.

73. Proposal TH/12/755 (KCC/TH/0291/2012) - Retrospective application for two timber framed chalet style buildings at Cliftonville Primary School, Northumberland Avenue, Margate; Governors of Cliftonville Primary School
(Item D3)

- (1) The Head of Planning Applications Group informed the Committee of correspondence from Mr M J Jarvis, the Local Member, fully supporting the application.
- (2) RESOLVED that permission be granted to the proposal subject to a condition requiring the chalet buildings to be removed from the site in the event of these buildings no longer being needed for the use applied for.

74. Matters dealt with under Delegated Powers
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments (None);
- (c) County Council developments;
- (d) Screening opinions under the Town and Country Planning (Environmental Impact Assessment Regulations 2011; and
- (e) Scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).

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SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents – the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case also as might be additionally indicated.

Item C1

Proposed Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/0296/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 January 2013.

Application by New Earth Solutions Group Limited for the temporary development of an Anaerobic Digestion Plant together with associated infrastructure, reconfiguration of the consented Advanced Thermal Conversion Plant, together with associated infrastructure, the realignment of part of the existing access road, the relocation of existing office and welfare accommodation and the relocation of the existing weighbridge at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/00296/2012).

Recommendation: Subject to no direction from the Secretary of State for Communities and Local Government and the prior completion of a Section 106 Legal Agreement, conditional planning permission be granted.

Local Members: Mrs S. Hohler, Mrs T. Dean and Mr R. Long **Classification:** Unrestricted

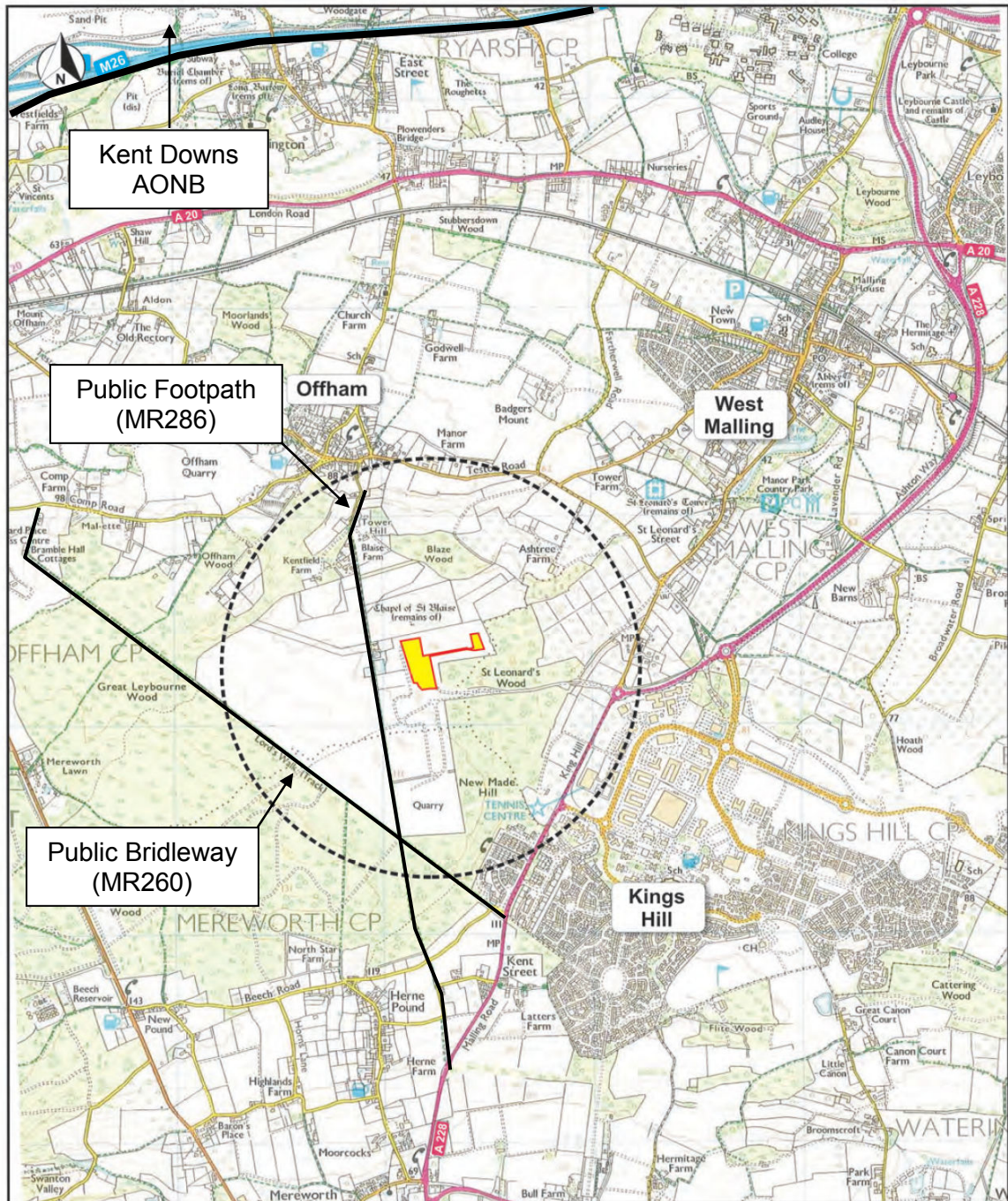
Site Description and Background

1. Blaise Farm Quarry comprises of a 116 hectare site which benefits from planning permission granted in January 1994 (consent TM/88/1002) for the winning and working of some 57 million tonnes of ragstone over a 62 year period in a series of four phases. The Blaise Composting Facility occupies an 'L' shaped previously worked area within the quarry void. The composting facility and wider quarry site lies to the south of the village of Offham, to the south west of West Malling and to the north west of the A228 and the residential area of Kings Hill. The quarry and composting facility are served by a purpose built hard surfaced access road onto the A228 West Malling roundabout located near Kings Hill. The quarry and composting facility is located within the Metropolitan Green Belt as identified in the Tonbridge and Malling Local Development Framework.
2. The area surrounding Blaise Composting Facility comprises of mixed agricultural fields and woodland. Ancient woodland is located along the east, south and western perimeters of the quarry, comprising St. Leonards Wood, Great Leybourne Wood and Offham Wood respectively, and are designated as Local Wildlife Sites. The nearest residential property, Blaise Farm House, is located some 590 metres to the north west of the application site. The remains of the Chapel of St. Blaise (a Scheduled Ancient Monument) lie approximately 100 metres to the north of the application site. A Public Right of Way (Footpath MR286) lies approximately 130 metres to the west of the application site but would be unaffected by the proposals. This Public Right of Way is due to be diverted around the western boundary of the quarry site as part of the ongoing future mineral operation. A site location plan is attached on Page C1.2.
3. The existing Blaise Composting Facility, operated by New Earth Solutions, treats source segregated waste collected from both municipal and commercial waste contracts. The



Item C1


Proposed Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/0296/2012)

Site Location Plan



LEGEND

-  Application Boundary
-  Study Area

Landscape & Visual Assessment	
On behalf of:	
	
Produced by:	
<div> <div> Davies Landscape Architects </div> <div> Suite 1, Fern House, Bath Road, Stroud, Gloucestershire, G15 3TJ t: 01453 760380 e: info@d-la.co.uk w: www.d-la.co.uk </div> </div>	
PROJECT:	
Proposed Anaerobic Digestion Facility at Blaise Composting Facility, Offham, Kent	
DRAWING TITLE:	
Fig 01 - Site Location	
DATE:	July 2012
SCALE:	1:25,000 @ A4
REPORT REFERENCE: DLA/1508/LVIA/RPT/01	

Proposed Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/0296/2012)

LEGEND

- Site Boundary
- Existing bund planting
- Exposed rock face and contours
- Floor of quarry
- Road/access routes
- Settlement lagoon
- Buildings

1. Weighbridge and Office
2. Waste Reception and preparation
3. Composting Process Hall
4. Composting Maturation and Storage
5. Plant Workshop, Vehicle and Plant Washdown
7. Surface Water Storage Lagoon
8. Vehicular Parking
9. Biofilters
10. Screening

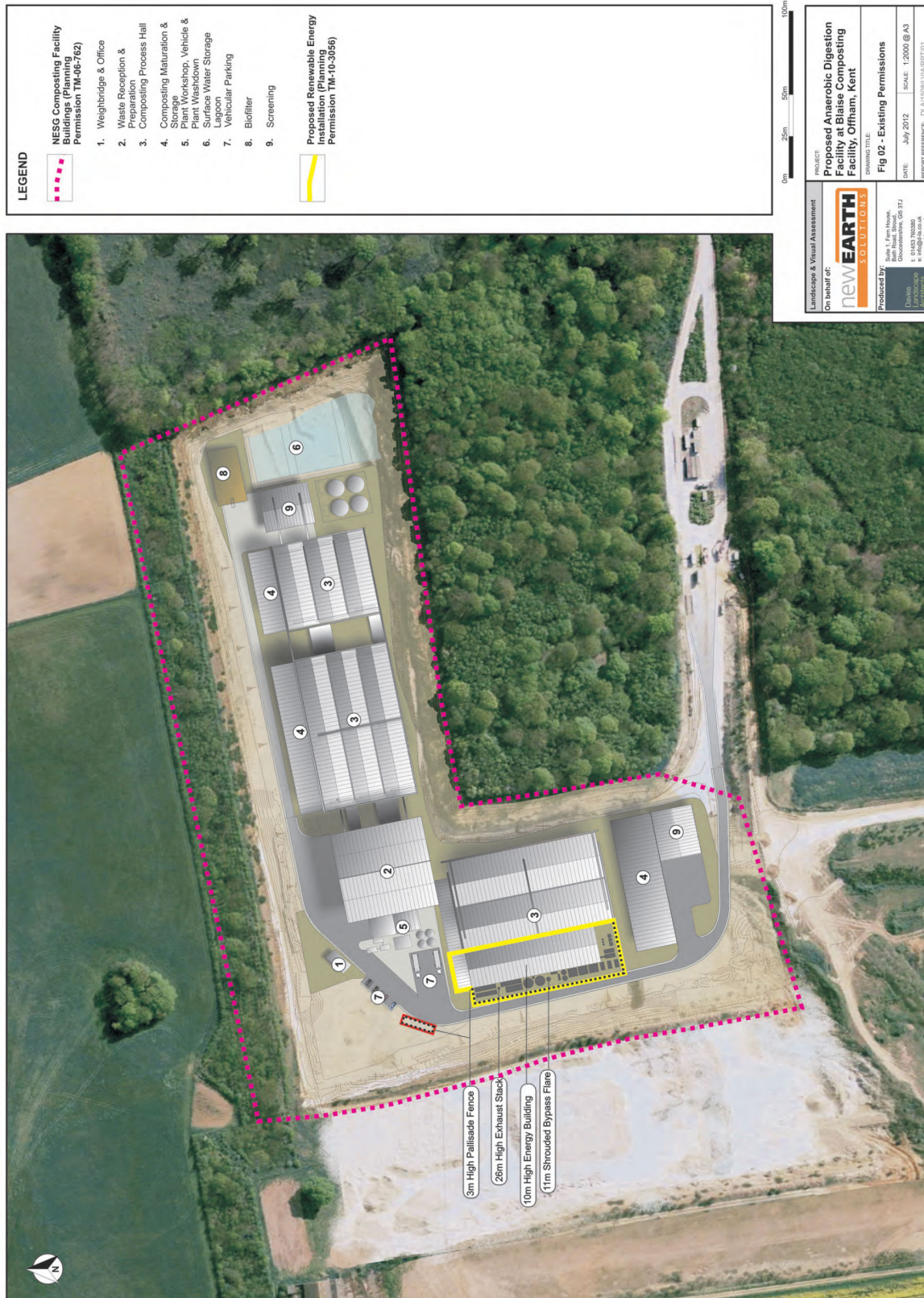
Client: Devon Light Associates
Project: Blaise Farm
Drawing Title: Site Layout
Scale: 1:2500
Date: Jan 06
DB: SJ
C/S: Rev
Drawing No: 1119/05

Devon Light Associates
 The Old Oakham Mill, 27 The Street,
 Okehampton, Devon PL20 9AA, Cornwall, United Kingdom
 Tel: 01792 776233 Fax: 01792 776246
 Email: info@devonlight.co.uk

Item C1

Proposed Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/0296/2012)

Permitted Composting Facility (showing consented ATC Plant and Composting Facility)



Item C1

Proposed Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/0296/2012)

Proposed Composting Facility (showing new AD Facility, reconfigured ATC Plant and existing In-Vessel Composting Facility)



Proposed Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/0296/2012)

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Proposed Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/0296/2012)

existing composting facility manages green/garden, food, vegetable and cardboard (GFVC) waste streams, utilising a fully enclosed composting process to produce compost. The Blaise Composting Facility currently comprises a series of composting buildings including waste reception, composting and maturation halls, together with a site office, weighbridge, biofilter, water storage tanks and a surface water balancing pond. This facility was granted planning permission on the basis of a 50,000tpa composting facility in September 2006, under permission reference number TM/06/762 and first became operational in September 2008. The terms of the existing planning permission time-limit the facility to a period of 20 years from the commencement of commercial composting operations (i.e. until 2028) after which the site shall be restored for forestry, ecological and amenity after uses, consistent with the wider restoration required pursuant to the Blaise Farm Quarry mineral planning permission (TM/88/1002).

4. Planning permission was subsequently granted to increase waste imports at the facility from 50,000 to 100,000tpa in March 2008, under permission reference number TM/07/4435. The current facility is operating with an annual throughput of around 50,000tpa of source segregated green/garden, food, vegetable and cardboard waste streams. In order for the applicant to increase waste throughput at the site to the consented 100,000tpa, it would need to implement the additional permitted Phase 2 composting buildings.
5. A number of recent planning permissions (including one on appeal) have been granted for alterations to the operation of the existing composting facility. The most significant being permission TM/09/3231 which extended the waste catchment to include Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove (for the life of the permission), from within the London Borough's of Bromley and Bexley (until 31 December 2015) and from Essex (until 31 March 2014 and limited to no more than 10,000tpa). Planning permission TM/09/3231 is now the key planning permission for which the current Blaise Composting Facility operates under. Approval was given in October 2011 for various changes to the "as built" composting facility under the terms of condition (5) of planning permission TM/09/3231. These changes included (amongst other matters) additional covered link buildings, changes to the surface water balancing pond, biofilter and air extraction systems, with the overall aim of reducing odour escape from the composting facility.
6. Planning permission was granted in November 2011 for the installation of renewable electricity generating equipment with associated alterations to the design of the consented southern composting hall and additional car parking spaces at the site (TM/10/3056). This permission was intended to offer an alternative solution to part of the remaining consented 50,000tpa composting capacity. It provided for an Advanced Thermal Conversion (ATC) plant using pyrolysis to break down oversized material from the enclosed composting process and convert it to a pyro gas. The pyro gas would then be fed into a number of gas engines to generate electricity and heat. This permission included new built development on the site, consisting of a number of buildings, plant and equipment, including a 26 metre high exhaust stack.
7. Planning permission was granted in October 2012 for the erection of a canopy structure and the siting of a container to provide an ancillary workshop facility for a temporary period of up to 3 years (TM/12/2585). An approval was also issued in October 2012 under the terms of condition (16) of planning permission TM/09/3231 to allow the composting facility to be open on the 26 December (Boxing Day) 2012 for the receipt of waste deliveries and the shredding of incoming material.

Proposed Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/0296/2012)

8. Members will recall that complaints about odour nuisance from the existing composting facility were reported to KCC's Planning Applications Committee when it initially considered planning application TM/10/3056 (ATC facility) on 15 February 2011 and again when it determined both that application and approved details pursuant to condition (5) of planning permission TM/09/3231 (relating to working programme, design and layout) on 11 October 2011. The odour complaints were also reported to KCC's Regulation Committee on 17 May and 7 September 2011. Notwithstanding various improvements to the composting facility undertaken by the applicant both prior to and since then (e.g. new and replacement plant and equipment and improved management practices designed to minimise odour emissions) which appear to have had a beneficial effect, complaints about odour have continued. Although further improvements are planned, Members should be aware of these ongoing concerns. These and related issues have been discussed at quarterly meetings of the Blaise Farm In-Vessel Composting Facility (IVC) Liaison Committee (attended by representatives of KCC, Tonbridge and Malling Borough Council, the four local Parish Councils, the Environment Agency and the applicant) and between officers of KCC, T&MBC and the Environment Agency (which is primarily responsible for the regulation of odour at the site) and with the applicant.
9. A Planning Applications Committee Members' Site Visit to Blaise Farm Composting Facility was held on 1 November 2012. The notes of the Site Visit are set out in Appendix 1. Following the Site Visit, Members of the Committee undertook a visit to Cassington in Oxfordshire to inspect the Anaerobic Digestion Plant owned by Aggrivert in operation. The Cassington AD facility is very similar in nature (in terms of the technology used, buildings and layout) to that proposed at Blaise Farm.

Proposal

10. The application (in summary) proposes the installation of an Anaerobic Digestion (AD) facility together with associated plant and infrastructure, reconfiguration of the consented Advanced Thermal Conversion (ATC) facility, the realignment of part of the existing access road and the relocation of office and welfare accommodation. The applicant proposes a temporary planning permission linked to the life of the quarry.
11. The physical requirements of the proposed AD facility reflect that of proven AD technologies in commercial use in the UK, whilst the physical requirements of the ATC plant reflect that of New Earth's own technology, known as New Earth Advanced Thermal, or 'NEAT' for short. The proposed physical development would broadly sit within the footprint area of the consented Phase 2 fully enclosed composting buildings.
12. The proposed AD facility would comprise the following key elements:
 - 1,178 sq. metre food waste reception / processing building measuring 26.5m x 43m x 12m high to the main ridge finished in grey. The fully enclosed reception building would serve as a delivery point for incoming Refuse Collection Vehicles (RCV's) and bulkers, de-packaging plant, maceration plant and pasteurisation vessels;
 - 3 primary / secondary digester cylindrical tanks with conical roofs, measuring approximately 28m in diameter x 13.5m high to the tip of the domes, sitting within a concrete bund. These would be finished in grey;
 - 6 digestate storage cylindrical tanks with conical roofs, measuring approximately 28m in diameter x 13.5m high to the tip of the domes, sitting within a concrete bund. These would be finished in grey;

Proposed Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/0296/2012)

- Digestate pumping stations;
 - 182 sq. metre digestate off-take and workshop building measuring 26m x 7m x 6.5m to the ridge finished in grey. The fully enclosed off-take and workshop building would provide a connection and venting point for tankers;
 - Up to 3 combined heat and power (CHP) bio-gas engines and transformers;
 - 26m high multi-core exhaust stack finished in a brown-green colour;
 - Emergency gas flare; and
 - Bio-filter.
13. The proposed reconfigured ATC facility would comprise the following elements:
- 320 sq. metre feedstock building and workshop measuring 40m x 8m x 7m to the ridge finished in grey. The fully enclosed feedstock building would accommodate a buffer store and feed mechanism to the NEAT units;
 - 3 NEAT units and associated pyro gas clean up systems;
 - Pyro gas buffer tank;
 - 3 CHP pyro gas engines and transformers;
 - Flue gas treatment system to treat exhaust gasses from the syn gas combustors;
 - 28m high multi-core exhaust stack finished in a brown-green colour; and
 - Emergency gas flare.
14. A number of associated additional plant and infrastructure is proposed, which would serve both the existing Composting Facility and proposed development and would include:
- 2 weighbridges “in” and “out” (replacing the existing single weighbridge);
 - 155 sq. metre two storey office and welfare block measuring 15.5m x 5m x 6m in height (replacing the existing single storey cabin) finished in grey;
 - 24 sq. metre switch gear building measuring 4m x 6m x 3m high finished in grey;
 - 19 car parking spaces;
 - New hard surfaced yard and circulation areas;
 - Aqueous scrubber and 541 sq. metre bio-filter serving the new food waste reception building, off-take / workshop building and the two existing reception buildings forming part of the established composting facility; and
 - Extension to the existing surface water balancing pond.
15. The AD process is essentially a form of composting. The key different between ‘traditional’ composting and the AD process comes down to the availability of oxygen and the set of micro organisms breaking down the material. Whereas traditional composting takes place in the presence of oxygen (often enhanced through aeration), AD is a series of processes in which micro-organisms break down biodegradable material in the absence of oxygen. It is an entirely natural phenomenon, but can be harnessed for industrial or domestic purposes to manage waste or to release energy. In digesting biodegradable material such as food waste and plant matter the micro-organisms produce a biogas – principally methane, carbon dioxide and small quantities of hydrogen sulphide. The process of AD often occurs within landfill sites, when the biodegradable fraction of the household/commercial waste begins to break down, releasing biogas, principally methane, into the atmosphere. In order to reduce the environmental impact, most modern landfills incorporate gas capture systems. However, such systems are only capable of capturing some of the methane and it is estimated that significant volumes still escape to the atmosphere. In recognition of this fact, the European Union has formulated policies requiring Member Nations to divert biodegradable wastes away from landfill. This requires investment in new waste management infrastructure – such as composting and AD facilities.

Proposed Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, West Malling – TM/12/2549 (KCC/TM/0296/2012)

16. Dedicated AD plants provide the ideal host conditions for micro-organisms to thrive, accelerating the digestion process and optimising the production of biogas. They are purposefully designed to capture the biogas within sealed tanks. Once captured, the methane can be combusted to generate electricity and/or heat using Combined Heat and Power (CHP) engines or boiler based steam turbine systems. Gas engines as proposed at Blaise tend to be the preferred option owing to the electrical efficiencies offered and the opportunity to recover heat.
17. The applicant intends to utilise a proven AD technology. The plant would be capable of treating 50,000 tonnes per annum of waste, principally pure food waste supplemented by leachate (that would otherwise be tankered offsite) from the existing fully enclosed composting process. The incoming food waste would be delivered from kerbside collections in Refuse Collection Vehicles (RCV's) with a payload of around 8 tonnes or from waste transfer stations in HGVs with payloads of 20-25 tonnes. Incoming delivery vehicles would pass across the weighbridge before proceeding to the entrance door on the northern elevation of the proposed reception building. The rapid rise door would open to allow access and would shut once the vehicle is inside, providing full enclosure. The plant would be equipped with multiple tipping points to accommodate different waste streams and vehicle types, thereby minimising potential queuing. The waste would be tipped, or in the case of liquid waste (leachate) pumped, directly into sealed concrete bunkers sunk into the floor. The sealed bunkers would each provide for the full containment of between 60-80 tonnes of waste. Delivery vehicles would then exit the reception building via rapid rise doors on the southern elevation of the reception building and leave the site via the weighbridge.
18. Air within the reception building would be continuously ventilated, creating a slight negative pressure within the buildings, reducing the opportunities for fugitive emissions. Extracted air would pass through an aqueous scrubber and bio-filter before being released to the atmosphere. The aqueous scrubber and bio-filter would reduce odour concentrations and mitigate potential amenity impacts.
19. Food waste in the bunkers would move forward continuously along a moving floor, conveying it to a screw feed conveyor. The screw feed conveyor transfers the waste to a hammer mill and screen, which would separate any residual packaging within the incoming waste stream. The residual packaging waste would be temporarily stored within a skip in the waste reception building prior to being removed from the site for further treatment or fed into the ACT plant. The remaining waste would be in a semi-liquid form. It would be fed by gravity into a reception tank embedded within the floor of the building, where any 'heavy' suspended solids would sink to the conical base. Deposited heavy materials would be removed periodically. The waste would then be macerated to aid consistency and optimise the surface area of suspended material to optimise microbial activity. The liquid waste would then be pumped into one of two primary digestion tanks where it would be stirred and heated to around 38°C, helping to stimulate microbial activity by optimising bio-gas production. If required an energy crop (typically maize or silage) would be added to aid and stabilise the digestion process. This is usually only required in the early start-up of the facility to ensure that digestion reaches a steady state.
20. As biogas is released it would be captured within the headspace of the primary and secondary digestion tanks. The gas would be kept at a low pressure by an inner moving membrane roof (situated beneath a fixed outer membrane roof) that fills and empties as methane levels rise and fall. Pressure within the tanks would be equalised by a series of interconnecting pipe work and pressure valves. Approximately 60% of the overall biogas

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yield would be extracted from the primary digestion tanks.

21. The liquid waste would begin to stabilise, and microbial activity decline. Only a small amount of biogas would be yielded from this point on and the remaining liquid resembles the end digestate. The digestate is then pumped from the secondary tank to a bank of pasteurisation tanks, where it is heated to over 70°C for a minimum of 1 hour, to kill of any pathogens that may have been present in the incoming food waste, and in order to comply with Animal By-Product Regulations. After this, the pasteurised digestate would be pumped into one of two settling tanks before being pumped into one of the four storage tanks where it would await dispatch for agricultural use. All of the tanks would be sealed to prevent localised escape of odour and ensure that any residual biogas is captured.
22. The end product (digestate) is nutrient rich and can be applied to agricultural land as a soil improver – in much the same way as compost. The digestate would be dispatched off-site by sealed tanker during the spreading windows in Spring and Autumn. The loading process into a mobile tanker would take place within a dedicated enclosed digestate off-take building. During loading, air would be continually drawn from within that building to create a slight negative pressure. Extracted air would be released to the atmosphere via the proposed aqueous scrubber and bio-filter (in the same manner as the air treatment for the main waste reception building).
23. The biogas extracted from the head spaces of the primary, secondary and storage tanks would be fed to three on-site CHP engines which would be housed within insulated containers. These engines are proposed to be used to generate electricity to power lighting, motors, pumps, etc. on the site, with the remainder to be exported to the local electricity grid. Heat recovered from the exhaust cooling jackets of the gas engines would be also be used to provide low-grade heat to the primary digester tanks and to the pasteuriser. The CHP engines are proposed to exhaust to the atmosphere via a single 26 metre high multi-core stack.
24. The ATC element of the proposal essentially remains the same as was permitted by the County Council's Planning Applications Committee in February 2011, albeit the associated infrastructure has been reconfigured as a result of the applicant's desire to install an AD facility at the site. The ATC process proposed is intended to comprise screened 'oversize' material from the applicant's adjacent enclosed composting facility, together with screened packaging materials from the AD process. The prepared feedstock would be held within a buffer store which would provide approximately 12 hours worth of storage. Internal conveyors would then distribute the prepared feedstock to one of three 'NEAT' units. Each NEAT comprises its own pyrolysis chamber, gasifier, cyclone filter, gas clean up plant and combustor. The NEAT units would be accompanied by a pyro gas buffer tank, three CHP engines and transformers, flue gas treatment system, a flare and a multi-core stack (as detailed in paragraph 13 above).
25. The dried feedstock would enter a pyrolysis chamber via an enclosed auger screw conveyor. This would compress the incoming material to create a plug seal. Within the chamber, the feedstock would be heated to a high temperature in the absence of oxygen, where it would break down into a pyro gas and a solid carbon char. The pyro gas would be piped to a gas clean up system where it would pass through a ceramic filter to capture particulates suspended in the gas, a quench to drop out any vaporised oils and tars and if required an aqueous scrubber to remove any acid gasses. The cleaned pyro gas would then be fed into a CHP engine to generate electricity. Exhaust gasses would be released to the atmosphere via a 28 metre high multi-core stack. Heat

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would also be recovered from the engine cooling jacket and exhaust.

26. The solid carbon char would be fed into a gasification chamber where it is injected with high pressure steam containing a limited amount of oxygen. The carbon char breaks down into a syngas and a solid non-hazardous ash residue. The syngas would be fed into a combustor to generate heat for the pyrolysis and gasification chambers. Exhaust gasses from the combustor would pass through a flue gas treatment system before being released to the atmosphere via the multi-core stack. The ash residue would equate to approximately 20% of the incoming prepared feedstock by volume. This would be removed and taken off-site for either disposal or use in block manufacture. Liquid from the pyro gas clean up system would also be taken off-site for treatment.
27. The existing planning permission for the composting (and ATC) permits a maximum of 82 HGV movements per day for the whole site. The applicant estimates that the integrated facility proposed (i.e. the existing in-vessel composting, AD and ATC) would generate a maximum of 120 HGV movements per day; the increase would be due to the fact that the demand for digestate vehicles varies on a seasonal basis, due to its agricultural application.
28. The proposed AD and ATC plant would operate continuously (24 hours a day, 7 days a week). Incoming deliveries of pure food waste to the AD plant, removal of digestate from the AD plant, as well as the delivery of consumables and removal of ash from the ATC plant would take place during the following times:

Day	Deliveries		Exports	
	Start	Finish	Start	Finish
Monday to Friday	07:00	18:00	07:00	18:00
Saturday (April to June inclusive and any Saturday following a Bank or Public Holiday)	07:00	17:30	07:00	13:00
Saturday (June to March inclusive)	07:00	13:00	07:00	13:00
Sunday	None	None	None	None
Bank and Public Holidays	07:00	17:30	07:00	17:30
25, 26 December and 1 January	None	None	None	None

29. It is proposed that construction activities would typically take place between 07:00 and 19:00 hours Monday to Friday, 07:00 and 13:00 hours on Saturday and no operations taking place on Sunday and Bank Holidays. Prior to the commencement of construction, the development platform would need to be created through consented minerals extraction at Blaise Farm Quarry, after which construction works would be take approximately 12 months to complete.

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30. The applicant advises that the operation of the AD and ATC plant would require five additional full-time members of staff. As part of the proposals new staff welfare facilities (as outlined in paragraph 14) would be installed at the site, together with a total of 19 on-site car parking spaces.
31. The applicant states that the proposed co-location of anaerobic digestion (AD) plant and advanced thermal conversion (ATC) plant alongside New Earth's established fully enclosed composting facility would give rise to a truly integrated sustainable waste management facility. The proposed technologies would be entirely complementary and their introduction would ensure that source separated green, card and food waste is treated efficiently with minimal environmental or amenity impacts.
32. Once fully operational, the AD and ATC plant would have an installed electricity generating capacity of 5MW, sufficient to power approximately 12,121 homes. The majority of electricity generated would qualify as 'renewable', displacing the need for energy from fossil fuels. This would save approximately 15,480 tonnes of carbon equivalent emissions every year, excluding the embodied energy required to mine, extract, drill for virgin fossil fuels. Heat would also be generated for re-use within the respective AD and ATC processes. In addition, a liquid fertilizer known as digestate would be produced as part of the AD process for sale to local farmers. Digestate provides an alternative to energy intensive artificial nitrogen based fertilizers, the cost of which has proved volatile.
33. Layout plans showing the permitted composting facility (with the Phase 2 Southern Composting Hall) can be found on Page C1.3, the permitted composting facility (with the ATC Plant and Composting Facility) on Page C1.4 and the proposed composting facility (showing the new AD Facility, re-configured ATC Plant and existing in-vessel composting facility) on Page C1.5. Proposed elevations are also included on Page C1.6.
34. The applicant has offered additional clarification on a number of issues as part of the application determination process. This includes further information relating to the temporary period in which permission is being sought and the catchment area for which pure food waste may be sought from. The original application stated that temporary planning permission was sought, the period being entirely within the life of Blaise Farm Quarry (which extends until 2056), however further information submitted by the applicant indicates that they require a minimum 20 year operational period from the commencement of commercial AD operations. The applicant has also stated that whilst it would wish for no waste catchment restriction to be imposed on the AD facility, it has suggested a number of geographical areas which would be acceptable should the County Council be minded to impose such waste catchment restriction on the incoming pure food waste stream. Both of these matters are examined further in the discussion section below.

Planning Policy Context

35. The key National and Development Plan Policies most relevant to the proposal are summarised below:
 - (i) **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (March 2012), Planning Policy Statement 10: Planning for Sustainable Waste Management (2005, as amended in 2011) and the Waste Strategy for England (2007).

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- (ii) **South East Plan (2009)** – the most relevant Policies are: SP5 (Green Belts), CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Renewable Energy), CC4 (Low Carbon Energy), C4 (Landscape and Countryside Management), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM10 (Noise), NRM13 (Target for Renewable Energy), NRM14 (Target for Renewable Energy within Kent), NRM15 (Renewable Energy located/designed to minimise adverse impacts on the landscape, wildlife, heritage assets and amenity), NRM16 (Support for Renewable Energy Development), W1 (Waste Reduction), W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling), W7 (Waste Management Capacity Requirements), W8 (Waste Separation), W11 (Biomass), W12 (AD and Advanced Recovery Technology), W14 (Restoration and Aftercare), W17 (Location of Waste Management Facilities) and C6 (Countryside Access and Rights of Way Management).

***Important note regarding the South East Plan:** Members will already be aware of the relevant South East Plan (SEP) policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan. The Government is currently consulting on the likely significant environmental effects of revoking the Plan.*

- (iii) **Kent Waste Local Plan (1998)** – These include Saved Policies W3 (Waste Processing), W6 (Need), W10 (Composting and Digestion), W17 (Airborne Emissions), W18 (Noise, Dust and Odour), W19 (Groundwater Protection), W20 (Land Settlement, Stability and Drainage), W21 (Nature Conservation), W22 (Highway Access), W25 (Siting, Design and External Appearance of Hard Surfacing, Plant, Buildings, Lighting, etc.), W27 (Public Right of Way), W31 (Landscaping) and W32 (Restoration and Aftercare).
- (iv) **Kent Minerals and Waste Development Framework – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – These include draft Core Strategy Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW3 (Strategy for Waste Management Capacity), CSW7 (Approach to Waste Management for Municipal Solid Waste and Commercial and Industrial Waste), DM1 (Sustainable Design), DM2 (Sites of International, National and Local Importance), DM2A (Metropolitan Green Belt), DM5 (Safeguarding Mineral Resources and Importation Infrastructure), DM7 (Water Environment), DM8 (Health and Amenity), DM9 (Cumulative Impact), DM10 (Transportation of Minerals and Waste), DM11 (Public Rights of Way), DM13 (Information Required in Support of an Application), DM14 (Planning Obligations), DM15 (Restoration and Aftercare) and DM16 (After-use).

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- (v) **Kent Minerals and Waste Development Framework – Waste Sites Plan: Preferred Options Consultation (May 2012)** – This identifies Blaise Farm (Site 23) as being suitable in principle for green waste treatment, subject to: the development being removed prior to the completion of the restoration of the mineral working; the capacity of the existing waste facility and any additional waste development not exceeding 100,000 tonnes per year; and all waste handling and composting operations being enclosed.
- (vi) **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007)** – These include Policies CP1 (Sustainable Development), CP2 (Sustainable Transport), CP3 (Green Belt), CP10 (Flood Protection), CP14 (Inappropriate Development in the Countryside), CP24 (High Quality Environment) and CP25 (Mitigation of Development Impacts).
- (vii) **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment Development Plan Document (2010)** – These include Policies CC1 (Sustainable Design), CC2 (Waste Minimisation), CC3 (Sustainable Drainage), NE1 (Local Wildlife Sites), NE3 (Impact of Development on Biodiversity), SQ1 (Landscape and Townscape Protection), SQ4 (Air Quality), SQ5 (Water and Sewerage Connection), SQ6 (Noise) and SQ8 (Road Safety).

Consultations

36. **Tonbridge and Malling Borough Council** – Objects to this application, unless the County Council:
- a. is completely satisfied that the methods for the control of the operation of the site to be regulated by the Environmental Permit are sufficient to preclude harm to the residential amenity of properties in the wider locality, particularly in respect of malodour;
 - b. is completely satisfied that the proposal will not create conditions which are harmful to highway safety;
 - c. attaches conditions to any grant of planning permission in respect of the following, or the County Council being satisfied that the following will be controlled by the Environmental Permit: the duration of the planning permission (i.e. to be temporary), the use of noise mitigation measures as detailed as part of the application, details regarding the prevention of pollution of surface and ground water and limits on the number of HGV movements;
 - d. investigates the scope for securing all food waste deliveries to be in sealed vehicles to reduce the risks of malodour in the locality and, if this is found to be feasible, to make it a requirement of any planning permission that might be granted.
37. **Offham Parish Council** – Objects to this application for further development of the site at Blaise Farm. It recognises that the application for AD and ATC plant may not, incrementally, have a material adverse effect on noise, visual appearance or traffic movements with respect to the site. It also recognises that, from several perspectives, such plant probably would be preferable to the already permitted Phase 2 expansion of the current composting facilities. However, it states that there is a key issue – odour, which, at times, has been awful for the village.

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It states that the planning permission granted for the first phase of the plant allowed processing of 50,000 tonnes of waste per annum. The odour appears to have been caused by a number of factors, including:

- a. The disproportion of food waste to non-food waste. The original application did not anticipate the higher proportion of food waste that New Earth Solutions (NES) are now required to deal with. The problem is such that food waste is currently being diverted to another site in Bedfordshire. Despite this, there has been a rise in complaints during August 2012, with no cause yet established;
- b. At Liaison Meetings, NES have admitted that the disproportion of non-food to food waste has damaged, and led to the breakdown of, the plant, apparently leading to odours being released;
- c. At Liaison Meetings it was apparent, and admitted by NES, that they had not maintained the facility properly, including failing to fix broken fans and failing to address inefficient filters/filter breakdown, both causing odours to be released; and
- d. At Liaison Meetings it was admitted by NES that the operational management of the process had been inadequate. This included leaving doors open (and that that had a substantial adverse impact on the ability to maintain a negative pressure to keep odours within the facility).

It states that NES claim to have taken steps to maintain the building and change the operational management, but the problems of odour continues. It considers that consideration should not be given to the new application until it is proven that NES can run the existing plant for a sustained period without causing nuisance; otherwise how can there be confidence in the future operational integrity of the site. To achieve this, it considers that NES need to:

- a. Review the fan and filter configuration of the facility to ensure that it has resilience with respect to failure of any component and sufficient spare capacity to cope with the outage of any particular unit;
- b. Be obliged to have back-up electricity generation facilities, in case of grid electrical failure;
- c. Be obliged to install a “lock-system” (with rapid-rise roller shutters) to be utilised by all vehicles entering and leaving the enclosed composting area to reduce, if not eliminate, escape of odours while the one of the doors is open, with the inner and outer door controls being interlinked to ensure that both cannot be open at the same time;
- d. Be obliged to monitor odours for sustained periods at the 12 sites in Figure 6 of Section 6 of their application and also at three additional sites to be nominated by Offham Parish Council; and
- e. If such monitoring or validated complaints from villagers indicate that odours are still escaping at an unacceptable level, propose to the Planning Authorities remedial measures and, if approved, implement.

It states that only once the current operations have been addressed as above, would it be responsible to consider the current application. Given the observations above, it believes that the application should be refused unless fan and filter resilience, back-up power and a lock-system at all entrances to the facility are also addressed in the latest application.

It states that as it stands, the current application says “low odour”, which suggests that NES expect there will be odours. Within the context of odours from the current

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operations, that must give considerable cause for concern. If NES cannot demonstrably deal successfully with odours from the current plant, then an acceptance of “low odour” by the Planning and Licensing Authorities for this application would, in reality, be a permission to allow sufficient odours to be released to cause an increased nuisance to nearby residents.

It notes that bad odour is classified and defined as a nuisance which is actionable in common law. At this site it is in breach of the Licensing and Planning Permissions given to NES. NES are currently operating Blaise Farm with a capacity of 50,000 tonnes per annum. They have been given permission (on appeal) to increase the amount of waste they treat at the existing plant to 100,000 tonnes per annum. The original application, and the extension granted on appeal, were given permission on the basis of assurances made by NES about their management of the plant, the quality of the equipment and the fact that there would be no odours. Permission was given for a plant that should not have caused a nuisance. However, that plant was not designed for its current mix of waste and is, evidently, not properly maintained or operationally managed.

It appreciates that the issue of odour is somewhat subjective. However, it notes that the applicant endeavours to introduce scientific method to the subject by stating that “D50 is the concentration at which an odour becomes just detectable to 50% of the population. This concentration of an odorous substance is given the value 1 odour unit (OU)”. Various diagrams and tables are then given to demonstrate the claim that odour would not be an issue as a result of this application. However, that analysis is unreasonable for the following reasons:

- a. Basing a unit of measurement, and hence the conclusion derived from analysis, on 50% of the population is clearly biased towards proving the case that it would not be a nuisance; in such a sensitive analysis the 90th percentile, or even the 95th percentile, would be a more appropriate basis of measurement, unless the intention to ignore the impact on a sizable minority of the population. Adopting that more reasonable base measurement would demonstrate the far greater likely impact of odours on Offham and other areas. The “contour lines” in Figure 8 of Section 6 of the application would have numbers against them that would be perhaps 5 or 10 times larger, with additional “contour lines” of impact extending to Offham and beyond;
- b. It is not at all evident that the analysis offered takes into account the topography of the surrounding area. Odours are channelled through “valleys”, especially in certain weather conditions, which means that odours would be in greater concentrations and hence create greater nuisance. Stated monitoring sites do not allow for this and that is why it suggests that it should nominate up to three further sites, based on its local knowledge;
- c. Another statistical point is that the analysis is based on hourly time periods an odour only has to last for a few minutes to cause distress and therefore the analysis should be based on a much shorter time period of like 5 minutes;
- d. The analysis does not, evidently, allow for different weather conditions, particularly humidity and density; that is, it does not allow for variation in weather conditions that affect concentrating effects for odours close to the ground; and
- e. The analysis, presumably, assumes that fans/filters and other aspects of the facilities are working at design parameters. Given historical evidence, that is a very un-safe assumption and the analysis should make considerable contingency allowance for plant and operational failures.

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38. **Kings Hill Parish Council** – At its Planning and Transportation Committee on 12 September 2012 it resolved that there were no objections to the proposals and that the applicant [New Earth Solutions] have been sensitive to the Parish Council's needs.
39. **Mereworth Parish Council** – Has confirmed that it has no comments to make on this application.
40. **West Malling Parish Council** – No objections in principle, but suggested that if consented the application ought to be conditioned so that the same restrictions apply as at present regarding the route used by traffic leaving the site. It would also like conditions imposed in respect of emissions, odour and noise in order to minimise the environmental impact of the facility on the community. It is particularly concerned about possible odours emanating from the site in view of the concerns about odours from the existing facility. It also noted that it was anticipated that compliance with these conditions would be monitored by the Environment Agency.
41. **Environment Agency** – No objection to the proposed development, noting that it would be subject to a modified version of the existing site Environmental Permit which it regulates. This would include further requirements to demonstrate that the proposed pollution prevention measures, particularly those containing potentially polluting liquids from being discharged to ground, are acceptable (e.g. the production of appropriate maintenance procedures, environmental monitoring and action plans).

It notes that the application has shown that site surfacing and drainage systems would continue to discharge to the existing approved separated surface and foul drainage systems and that the only change would be an increase in capacity. Provided that all storage tanks are appropriately bunded there is little risk of leaks being able to discharge to ground.

Only clean uncontaminated water should drain to the surface water system. Roof drainage should drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

Any facilities for the storage of chemicals should be sited on impervious bases and surrounded by impervious bund walls, details of which should be submitted to the County Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there are to be multiple tanks, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest.

All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

42. **KCC Highways and Transportation** – No objections to the proposed development, subject to a maximum of 120 HGV movements (60 in and 60 out) for combined operations (including IVC, AD and ACT plants) and all other conditions previously imposed on the main Composting Facility permission (TM/09/3231) being re-imposed

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with the exception of the peak hour HGV movement restrictions which allows no more than 9 HGV movements engaged in the delivery of waste to the site to enter from or leave the site to the south on the A228 during peak hours (08:00 to 09:00 and 16:30 to 17:30) and this is no longer considered necessary.

43. KCC Noise and Air Quality Consultant – Makes the following comments:Noise

“The Environmental Noise Report predicts noise levels at the nearest residential properties to the proposed facility, at Blaise House 590m to the north, Spitfire Road 790m to the south and at a property in Kings Hill residential development, some 950m to the south-east. The Report predicts that noise from the AD Plant at these local noise sensitive properties is minimal, largely due to the distance between the facility and the receptors.

Noise predictions of operation of the plant during the day gives a specific noise level at those properties in the low 20s dB, although the calculations are not provided, I would consider that these predictions are representative given the distances involved. When assessed in accordance with BS:4142, this relates to a Rating level of -12 to -25 dB. Similarly, when the predicted night-time noise levels are compared with the background noise survey a Rating level of between -10 and -19 dB is predicted. With the predicted noise levels significantly below the background noise level, I consider that the noise related complaints would be unlikely and the noise impacts from the proposal to be minimal. Furthermore, the existing noise conditions that relate to the site should also apply to the proposed development.”

Air Quality

“The risks from odour associated with the operation of the AD and associated plant is minimised through the treatment of the food waste within an enclosed area. The food waste is delivered for processing into a reception hall which is ventilated, keeping the area at a negative pressure to prevent external odour releases. The food waste is then emptied into an underground tank, from where all the processing occurs within a closed system.

The reception hall has fast acting roller door, which remain closed apart from when accepting deliveries. The air drawn from the reception hall and other process areas, including the digestate off-take building is ducted for treatment in a wet scrubber and then passed through a bio-filter to remove odours compounds and bio-aerosols, iron oxide is introduced into the process to reduce the generation of malodorous hydrogen sulphide.

The risk of odorous of bio-aerosol incidents at local sensitive receptors is further minimised by the distance of the proposed facility from the nearest receptor, which is over 550m away.

The air quality impacts arising from the running of the gas engines are predicted in the air quality assessment and are presented as a series of contour plots of the pollutant concentrations. The engines have little impact upon the local air quality and pollutant concentrations remain significantly below the Air Quality Objectives.

We therefore have no objections to this application on grounds of noise or gaseous emissions from the proposed facility.”

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44. **KCC Landscape Consultant** – Notes that the Landscape and Visual Impact Assessment is based on the latest guidance and agrees with the conclusions drawn. She understands that there would be no disturbance to existing vegetation, and does not consider there would be any significant impact on landscape character because the proposals would be in keeping with existing land use within the quarry. Views towards the site are restricted by its location within the quarry, and are further contained by a significant amount of surrounding mature woodland.

She notes that there would be two exhaust stacks, rising 8m and 10m above the edge of the quarry. Views of the stacks would be limited by intervening vegetation, although they would be seen from a Public Right of Way (MR286) to the south from where they would be viewed against the backdrop of a wooded bund and the North Downs and would not be seen rising above the skyline. She agrees that there would be no significant visual impacts on views of the elevated Kent Downs AONB because views would be long distance (approximately 3km), and the proposals would form a very minor part of a much wider panoramic view. From such locations, the stacks would be viewed against the surrounding landscape. She recommends the stacks be a muted dark colour (such as the brown green proposed).

She notes that whilst the proposals would inevitably add slightly to the amount of built development within the Green Belt, she agrees that they would have a negligible impact on the openness of the Green Belt because of the location within a quarry and the visually contained nature of the site.

45. **Campaign to Protect Rural England (CPRE Protect Kent)** – Has no major objections to the proposals, only some minor concerns. The move towards green waste recycling and associated energy recovery is welcomed and it would like to see this replicated elsewhere in Kent, if not across the country. The concerns expressed relate to the detail, not principle, and are common to all such plant of this type:

- a. A suitable colour scheme should be adopted for all new plant and buildings to give them (as far as possible) a low visual impact on the landscape and surrounding views;
- b. Welcome the commitment to install lighting units that would minimise the degree of light pollution created from the site;
- c. Notes that the number of HGV movements would increase from the permitted 82 per day to a maximum of 120 per day. This is an increase of over 46% which has the potential to increase the risk to drivers in the vicinity of the site, particularly at the site entrance off the A228 roundabout at Kings Hill. It would therefore recommend that relevant conditions be imposed on any planning permission to mitigate this risk, including appropriate signage to, from and in the vicinity of the site, and wheel washing facilities on site for the HGV's (if not already available); and
- d. It presumes that an appropriate Environmental Permit would be sought from the Environment Agency to cover the operational activities at the site, including waste importation and handling, emissions from the site processes and power generation. It hopes to be able to comment on these aspects separately to the EA.

46. **KCC Minerals & Waste Development Framework Policy Team** – Notes that the proposed development falls within the boundary of a site which is intended to be allocated in the Waste Sites Development Plan and that the nature of the development accords with the emerging Kent Minerals and Waste Development Framework (MWDF)

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strategy. The evidence base for the Kent MWDF shows that there is a predicted need for additional facilities in the County to manage green and kitchen waste and the current waste data shows that there is also an operational deficit in facilities in Kent to manage these types of waste.

47. **KCC Biodiversity Projects Officer** – Has confirmed that there is minimal potential for protected species to be present on site. Recommends that the applicant undertake ecological enhancement on the surrounding habitat to increase its suitability for protected species.
48. **KCC Public Rights of Way Officer** – No objection to the proposals, noting that that Public Right of Way MR286 (footpath) runs on the western side near the boundary of the site and should not be effected by the application.

Local Members

49. The local County Members Mrs Sarah Hohler, Mrs Trudy Dean and Mr Richard Long were notified of the application in August 2012.

Publicity

50. The application was publicised by the posting of a site notice at the entrance to Blaise Farm Quarry, a newspaper advertisement in the Kent on Sunday, and the individual notification of 22 nearby residential properties.

Representations

51. At the time of writing, 3 letters of objection have been received from local residents. The main issues of concern (in one or more of the letters) can be summarised as follows: -
 - Concerns over any expansion of the current composting facility when there are existing on-going and un-resolved odour complaints which have occurred on a continuing basis since at least March 2010. It has been demonstrated that NES has not been able to manage their existing facility properly;
 - Complaints have been made on at least 40 occasions since April 2010 to the various stakeholders – including the Environment Agency, KCC Planning Authority and Tonbridge and Malling Borough Council;
 - Odour complaints constitute a public nuisance under Common Law and a statutory nuisance according to the Environmental Protection Act 1990. The facility is also, by virtue of the malodorous emissions, in breach of the license issued by the Environment Agency and such remedial action as has been required by the EA has not been fulfilled adequately or in timely manner. The facility also breaches its planning permission in respect of controls imposed over odour;
 - Increase in infestations of flies which have coincided with odour complaints;
 - The Planning Authority should have all relevant data presented to them (relating to odour) before making any decision; and
 - Supports recycling and considers that efforts to minimise the amount of waste that goes to landfill should be fully supported – however, this process must be done correctly and with minimal disruption to the local environment;

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DiscussionIntroduction

52. The application seeks planning permission for the installation of an Anaerobic Digestion (AD) facility together with associated plant and infrastructure, reconfiguration of the previously consented Advanced Thermal Conversion (ATC) facility, the realignment of part of the existing access road and relocation of office and welfare accommodation. The application is being reported to the Planning Applications Committee as planning objections have been raised by the Borough Council, Offham Parish Council and several local residents.
53. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Policy and other material planning considerations including those arising from consultation and publicity.
54. In my opinion, the key material planning considerations in this particular case can be categorised under the following headings:
- Metropolitan Green Belt;
 - visual impact;
 - local amenity (e.g. odour, noise, light, dust and air quality issues);
 - highway impact;
 - waste catchment areas;
 - duration of the proposals, restoration and aftercare; and
 - any other issues arising from consultation/publicity.

Metropolitan Green Belt

55. Members will note that the application site is located entirely within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy (as set out in the National Planning Policy Framework) is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence. The National Planning Policy Framework (NPPF) states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm of the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations. Therefore in the context of the NPPF and Development Plan Policies that apply, consideration needs to be given to whether or not the proposals involve 'inappropriate development', and if so, whether there are 'very special circumstances' that would warrant setting aside the general presumption against development. South East Plan Policy W17 states that waste management facilities should not be precluded from the Green Belt.
56. The development proposed does not fall within one of the categories of new buildings which are considered to comprise appropriate development within the Metropolitan Green Belt. Therefore, the development will, by definition, be inappropriate and hence harmful to the openness of the Green Belt. However, it is important to note that the site has the benefit from a partially implemented consent for the construction of the

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remainder of the development (i.e. the Southern Composting Hall and ATC facility). In terms of the impact on the visual openness of the Green Belt of the proposed development I consider that the proposals would have a marginally greater impact than those elements of the already consented but not yet implemented Composting Facility and ATC Plant. Although the proposed new 'built' development, including buildings, structures, plant and equipment, would broadly cover the same sized area as the consented, not yet implemented Southern Composting Hall and ATC facility, the various buildings, plant and equipment proposed by this application would introduce an additional height element over and above the consented development. This additional height element includes: a higher roof ridge height of the proposed AD reception hall (12 metres) compared to the previous (10 metre) ridge height associated with the Southern Composting Hall and ATC developments; the introduction of nine cylindrical tanks extending to a maximum height of 13.5 metres to the tip of their domed roofs; and an additional and higher multi-core exhaust stack (28 metres) compared to the previously consented stack (26 metres).

57. It is therefore necessary to consider whether 'very special circumstances' exist which clearly outweigh the harm caused to the openness of the Green Belt by reason of inappropriateness or actual harm. The need for an assessment for proposals for renewable energy provision within Green Belt sites is acknowledged in the NPPF. The applicant has put forward a case of very special circumstances which include, *inter alia*:

- a. the fall-back position (i.e. permission already exists for the Southern Composting Hall and ATC facility);
- b. the temporary nature of the proposed facility (tied to the life of quarrying activities at Blaise Farm Quarry);
- c. the need for additional treatment capacity (as recognised in the South East Plan, Kent Waste Local Plan and emerging Kent Minerals and Waste Core Strategy);
- d. the strategic location and accessibility of the site, allowing it to act as a sub-regional treatment facility;
- e. site specific circumstances (the physical location of the site within a quarry void serving to minimise harm by virtue of visual impact on the openness of the Green Belt, the quarry itself is active meaning that the intermediate landscape is one of continuous change, the co-location with the established quarry benefits from shared infrastructure such as access road and the excellent access to the strategic highway network);
- f. co-location and technology integration (benefiting from shared infrastructure with the existing quarry and existing composting facility, reducing off-takes such as oversize material and leachate, thereby minimising vehicle movements);
- g. sustainability benefits (allowing for the treatment of pure food waste from the local area to be treated locally, the generation of renewable energy, the production of digestate displacing the need for artificial nitrogen based fertilisers, economic resilience provided to householders and businesses by decentralised energy generation, economic resilience provided to agricultural enterprises with digestate and the creation of additional jobs); and
- h. amenity benefits (ensuring that separated pure food waste would be treated using the most appropriate technology, minimising potential for adverse amenity impacts such as propensity for odours).

58. The application was advertised as a departure, in so far as it may not accord with the provisions of the Development Plan in force in the area owing to its proposed location within the Metropolitan Green Belt. The proposed development also exceeds the threshold of 1,000 square metres of new building floorspace for which an application

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must be referred under the Town and Country Planning (Consultation) (England) Direction 2009 to the Secretary of State for Communities and Local Government. Accordingly, any recommendation would be subject to the referral to the Secretary of State owing to the 2009 Direction to establish whether he wishes to call-in the proposal for his own determination.

59. I consider that given the limited amount of harm caused to the openness of the Green Belt, over and above that which would be caused as a result of the previously permitted developments, together with the clear benefits of AD in terms of dealing with pure food waste in the most appropriate manner and the scope for better dealing with oversized element of the existing waste stream there are sufficient 'very special circumstances' to clearly outweigh the usual presumption against inappropriate development. I also consider that the proposals need not conflict with Green Belt policy provided satisfactory controls are imposed to address those issues highlighted elsewhere in this report.

Visual Impact

60. As discussed above, the proposed 'built' development would cover an area of land broadly the same size as the previously consented Southern Composting Hall and ATC facility. This application would however introduce additional height elements over and above the previously consented development, including a higher roof ridge height of the proposed AD reception hall (12 metres) compared to the previous (10 metre) ridge height associated with the Southern Composting Hall and ATC developments; the introduction of nine cylindrical tanks extending to a maximum height of 13.5 metres to the tip of their domed roofs; and an additional and higher multi-core exhaust stack (28 metres) compared to the previously consented stack (26 metres).
61. A detailed Landscape and Visual Impact Assessment (LVIA) was submitted with the application, which assessed the impact of the proposed development upon the wider landscape, Metropolitan Green Belt and neighbouring Public Right of Way. The assessment identified that views of the proposed installation from public viewpoints would be limited to the proposed exhaust stacks only, as the building would be located below the landform within the quarry void, screened by existing woodland and landscape bunds associated with Blaise Farm Quarry. The predicted views would be restricted to two limited sections of Public Right of Way MR286, where approximately 9-14 metres of the stacks would be visible above the quarry rim from the west and approximately 10-13 metres visible above the quarry rim to the south. Both these views would be further restricted by intervening scrub planting along the quarry rim. These two views have been tested by the applicant's consultant using sectional and visualisation techniques, both of which have identified that the impact would be minimal and that the stacks would not easily be identified in current views. The LVIA also identifies that elevated long-distance views (from parts of the North Downs AONB and Trosley Country Park to the north) would be negligible due to the slim nature of the exhaust stacks, the distance, screening of the main built form by intervening trees and the vast panorama. Having carried out a site visit around the application site and taken account of public views obtained from Public Right of Way (MR286) I concur with the findings of the LVIA submitted with the application. I note that the County Council's Landscape Consultant (see paragraph 44) has also concluded that the LVIA has been undertaken in accordance with the latest guidance and agrees with the conclusions drawn.
62. The proposed buildings, tanks, plant and equipment would all be finished in colours which reflect the existing composting facility and appear as discrete as possible within the landscape. The existing composting buildings have light grey walls and roofing, with

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a mix of contrasting red and green doors. The proposed AD digestate and storage tanks walls and roofs would be finished in light grey with the proposed food waste reception, digestate collection building and buffer building and workshop finished with light grey profiled steel roofs and walls, with a mix of red and green access doors. The proposed site office and welfare block would also be finished in light grey, consisting of double stacked modular units. I consider that the proposed colour scheme of buildings, plant and equipment on site would be acceptable and blend in well with the existing built development already built and consented. The proposed exhaust stacks would be finished in a dark 'brown-green' colour (RAL 6008) which I consider would sit well within the wider landscape, quarry workings and woodland planting surrounding parts of the Blaise Farm Quarry site. I note that the County Council's Landscape Consultant (see paragraph 44) considers that the proposals would not cause any significant landscape or visual impact. I am therefore satisfied that the proposal would not cause a detrimental impact on the wider landscape or when viewed from the nearest public viewpoint (Public Right of Way MR286).

63. Members will note that the life of the existing Composting Facility is tied by planning condition to a 20 year period from the commencement of commercial composting operations (which first started at the site in September 2008) under planning consent TM/06/762. This proposal seeks a new temporary period from the commencement of AD operations (which is discussed separately below), however in respect of landscape and visual impacts the proposals would essentially be 'temporary' in a similar way to the existing composting buildings. I therefore propose that a condition be attached to any planning consent requiring the development to be removed and the area to be restored in accordance with the details approved pursuant to the main planning permission (TM/09/3231). Such restoration would accord with Green Belt policies, landscape policies which seek to preserve and enhance the countryside and those restoration and aftercare policies contained in the South East Plan (Policy W14) and Kent Waste Local Plan (Policy W32).
64. For the reasons set out above, I consider that the proposals accord with South East Plan Policy C3, Tonbridge and Malling Borough Core Strategy Policy CP14 and Kent Waste Local Plan Policies W25, W27, W31 and W32.

Local Amenity Considerations

65. The application is supported by a noise assessment which reviews background noise levels (both during day and night-time periods), considers noise emanating from the operation of fixed and mobile plant (during day and night-time periods) as well as vehicle movements associated with the proposals, considers the cumulative impact of the proposals in combination with the operation of the established composting facility and considers potential noise impacts at sensitive receptors.
66. As the AD and ATC plant would operate continuously (24 hours a day, 7 days a week) there would need to be a limited number of personnel on site during night-time periods. Movement of waste (namely incoming deliveries of pure food waste to the AD plant, the removal of digestate, the delivery of consumables and removal of ash from the ATC plant) would be confined to day-time periods (as set out in paragraph 28 above) in order to avoid night-time nuisance.
67. The noise assessment identified the nearest residential receptors as Blaise Farm House (located some 590 metres to the north-west), dwellings along Spitfire Road (located some 790 metres to the south) and dwellings at Kings Hill (located some 950 metres to

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the east). In considering the cumulative noise levels (taking into account the established composting facility) the noise assessment concludes that noise levels are only expected to increase by +1 dB and +2 dB which would not result in a perceivable increase in noise emission through the operation of the proposed AD facility, ATC plant and composting facility. I note that the County Council's Noise Consultant accepts the findings of the applicant's noise assessment and considers that noise related complaints would be unlikely. He also considers that the existing noise conditions that relate to the existing site should also similarly be applied to the proposed development. This includes a condition which limits noise associated with site activities to not exceed background noise levels at the nearest residential receptors. I am therefore satisfied that subject to the imposition of a noise control condition the proposed development is acceptable in noise terms and would not lead to any adverse impact on surrounding residential amenity.

68. Members will note that there have been significant concerns expressed by Offham Parish Council and a number of residents about odour emanating from the existing New Earth Composting Facility. These views were expressed at the Members Site Visit held at the existing facility on 1 November 2012 and are set out within paragraphs (37) and (51) of this report. As discussed in paragraph (8) above, a number of improvements have been made to the existing composting facility by the operator (including new and replacement plant, equipment, link-buildings and improved management practices) which appear to have had a beneficial effect. However, complaints about odour have continued. These complaints and on-going issues continue to be discussed at quarterly meetings of the Blaise Farm In-Vessel Composting Facility Liaison Committee, and I understand that further improvements are planned by the operator aimed at controlling fugitive emissions. It is important to note however that these complaints relate to the on-going operation of the existing In-Vessel Composting Facility.
69. The main point of concern expressed by both Offham Parish Council and local residents is that the operator should not be allowed planning permission for further development at its existing facility until such time as it is able to demonstrate to the community that it can run its existing operations without causing complaints to surrounding residential receptors in terms of odour.
70. The application details that the potential for the emissions of odour from the proposed AD plant would be limited, due to a number of key characteristics of the AD plant, including:
- Food waste being deposited in an underground bunker immediately on arrival at the site and is fully entrained in gas tight conditions within two hours;
 - Food waste would not be stockpiled in the reception, would not be turned regularly to introduce oxygen, or would not require the transfer of waste between buildings;
 - The main AD reception building would be maintained under negative pressure with odour control and have rapid rise roller shutter vehicular doors, limiting potential emissions of odour;
 - Odorous compounds in the biogas produced by the AD would be destroyed by the combustion of the gasses in the gas engines;
 - Delivery, liquefying and entrainment would occur within an odour controlled building which would be relatively small;
 - Liquid material would be processed in the AD tanks for a period of around 120 days. This would mean that by the end of the process it would have given up virtually all of its active organic content, its volume would be reduced and it would have minimal potential for odour;

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- Treated digestate would be retained as a liquid. It would be loaded onto road tankers within a fully enclosed digestate off-take building, a building which would be maintained under negative pressure with odour control; and
 - The new AD biofilter would provide capacity for the existing composting reception buildings, in addition to the AD facility buildings, therefore avoiding overloading the existing biofilter.
71. Based on these measures, the application details that potential sources of odour would therefore be limited to either bio-filter emissions or fugitive emissions. The application is accompanied by a detailed assessment which looks at the issue of odour, together with bio-aerosols, gaseous emissions and dust. In terms of the potential for odour emissions from the bio-filter, predicted odour concentrations from the proposed bio-filter have been calibrated against actual sample data from an operational reference plant (in this case Agrivert's Cassington AD Facility – which a number of Committee Members visited on 1 November 2012). The applicant's odour consultant assessed cumulative odour emissions from the proposed bio-filter and the existing bio-filter associated with the established composting facility, concluding that cumulative odour levels, as experienced at sensitive receptors, would be within generally accepted limits. In respect of the potential for fugitive emissions from the proposed plant, the applicant has concluded that it is evident that AD technology is a robust means of treating pure food waste which would represent a beneficial means of treating this waste stream which is currently diverted away from Blaise Farm.
72. Since opening Phase 1 of the existing In-Vessel Composting Facility, the applicant has witnessed a change in the way waste is collected in some parts of Kent. Originally much of the waste arrived in a comingled form (i.e. household receptacles containing a mix of green, food and card waste for collection). More recently, a number of Local Authorities have asked householders to segregate their food scraps into a separate caddy. The move towards separate food waste collections has resulted in increased deliveries of pure food waste to the Blaise facility. The physical properties of pure food waste are very different to that of co-mingled waste owing to the very high moisture content, posing an immediate challenge in the receipt of waste in the reception hall. Whilst the applicant initially sought to blend the pure food and comingled waste on site, the concentration of pure food waste began to pose other operational challenges. For instance the higher acidity of concentrated pure food waste began to adversely impact upon the operation of the emissions abatement system. As a result odour complaints began to increase. The applicant subsequently sought to remedy the situation by taking the decision in Spring 2011 to divert pure food waste to an AD facility in Bedfordshire. In parallel, the applicant has also invested in the upgrade of buildings and plant to minimise the risk of fugitive odour emissions.
73. Whilst I can appreciate the concerns expressed by Offham Parish Council and local residents on the basis of on-going complaints, I am satisfied that the addition of new plant and equipment at the site would not add to any existing operational odour problems. The proposed AD installation does not seek to import additional unconsented waste to the site, nor does it seek to alter the existing consented GFVC waste streams. Instead, it seeks to deal with the pure food waste elements in a more appropriate manner which is likely to give rise to less odour complaints than the existing In-Vessel Composting Facility. Furthermore, in planning terms I consider that it would not be reasonable or justified to effectively hold the applicant to ransom with their proposed AD plant until such time as all existing operational concerns odour are fully resolved. Moreover, Members should note that the appropriate regulatory body directly responsible for the control of odour at the site rests with the Environment Agency under

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the terms of an Environmental Permit. It is also worthy of note that the NPPF advises that in considering the potential effects of pollution on health, amenity and the environment, paragraph 122 of the Framework makes it clear that Planning Authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of process or emissions themselves where these are subject to approval under pollution control regimes. Paragraph 122 also states that Planning Authorities should assume that these regimes will operate effectively. PPS10 (2011) advises that in considering waste management development, Waste Planning Authorities should concern themselves with the use of land in the public interest and whether development is an acceptable use of the land. It also states that Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. I note that in this instance the Environment Agency have not raised an objection to the proposed development.

74. The application is supported by an air quality assessment report which has identified that the most appropriate exhaust stacks for the facility would be 26 and 28 metres respectively from the quarry void, rising to approximately 10 and 12 metres higher than the existing quarry rim. Even with all appropriate pollution abatement measures in place, there would still be the need to discharge exhaust gasses from fixed combustion processes through elevated exhaust stacks to allow adequate dispersion and dilution of residual emissions. To meet air quality limits, exhaust stacks need to be of sufficient height to ensure that residual emission concentrations are acceptable by the time they reach ground level. Exhaust stacks also need to be high enough to ensure that discharges are not within the aerodynamic influence of nearby buildings or surrounding land. To determine the optimum height for the proposed exhaust stack, heights were modelled by the applicant starting at 12 metres increasing by 2 metre increments until a height of 50 metres was reached, taking into other factors such as metrological data, terrain, surrounding built development, receptors and predicted emissions data. As stated above, the applicants own assessment has determined that the optimum stack heights would be 26 metres above the quarry floor for the AD CHP exhausts and 28 metres above the quarry floor for the ATC CHP exhausts.
75. Members will note that the County Council's Air Quality Consultant (see paragraph 43) is satisfied with the findings of the accompanying report. He notes that the proposed engines would have little impact upon local air quality and pollutant concentrations would remain significantly below the Air Quality Objectives. I therefore consider that the proposals would have no significant air quality impact upon the nearby residential properties or any adjacent sensitive receptors. Furthermore, Members should be advised that emissions to air are dealt with by the Environment Agency under the Environmental Permitting Regulations.
76. For the reasons discussed above, I am satisfied that the proposed new AD and reconfigured ATC plant at the existing Blaise Farm Composting Facility would not have any significant detrimental impact on local amenity through noise, odour or air quality issues. I consider that the proposed AD plant would offer an enhanced facility to adequately deal with the pure food waste stream in a manner which is likely to lead to less odour complaints than the applicant's existing IVC operations. I therefore consider that the proposals accord with South East Plan Policies NRM9 and NRM10 and Kent Waste Local Plan Policies W10, W17 and W18. I also consider that the proposals accord with emerging Policies DM8 and DM9 of the Kent Minerals and Waste Development Framework Core Strategy.

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Highway Issues

77. The existing planning permission for the composting (and ATC) permits a maximum of 82 HGV movements per day for the whole site. The applicant estimates that the integrated facility (i.e. the IVC, AD and ATC) would generate a maximum of 120 HGV movements per day, with the increase in HGV numbers owing to the fact that the demand for digestate vehicles would vary on a seasonal basis (due to its agricultural application).
78. A Transport Assessment was carried out by the applicant which details that the total traffic flow on the A228 is approaching 24,000 vehicles per day. Assuming that some 6.5% [an average figure of HGV vehicles on other sections of the A228] of those vehicles were HGV's the total number of HGVs would equate to some 1560 HGV's (including those currently travelling to/from the existing Blaise Farm IVC facility). The applicant states that the extra 52 HGV's over and above the existing number of HGV's currently permitted would therefore represent a 3% increase in the HGV flow on this section of the A228 above the estimated present flow. Other key factors which the applicant's Transport Assessment relies upon include a safe and suitable access to the site with a roundabout designed to current design standards, direct access being to a dual carriageway County Primary Route which gives a direct link to the motorway network and the fact that virtually all the traffic to the site would be using Primary roads and not local roads.
79. The proposals would not require any alterations to the consented access arrangements for the site which are currently shared between Blaise Farm Quarry and the Blaise Farm IVC facility. It is noted however that as part of the planning consent for the existing IVC facility (reference TM/09/3231) a Section 106 Legal Agreement covenants that all HGV's using the facility enter and leave the site via the A228 and not through surrounding local villages, unless specifically collecting waste or delivering compost within their area. As this proposal represents a new addition to the existing Blaise Composting Facility, I consider that it is necessary and reasonable in this instance to request a new Section 106 Legal Agreement covering the same vehicle routing restrictions as that previously imposed by the main planning permission (TM/09/3231). KCC Highways and Transportation has advised that the peak hour HGV restrictions which currently limits the number of HGVs entering or leaving the site on the Composting Facility is no longer necessary and need not be imposed on any new planning permission for the AD and ATC facility.
80. Subject to the imposition of a number of highway conditions, covering a maximum total of 120 HGV movements per day (for the integrated IVC, AD and ATC facility) and with the exception of that relating to peak periods, those others imposed on the previous Composting Facility permission (e.g. records of HGV movements being kept by the operator, the erection and maintenance of signage, the general upkeep of the site haul road, measures to prevent mud and debris being tracked onto the public highway and the sheeting of vehicles), together with a Legal Agreement to cover vehicle routing, I am satisfied that the proposals are acceptable in highway terms and conform to Kent Waste Local Plan Policy W22. I am also satisfied following the professional and technical highway advice received that a peak hour HGV movement restriction is unnecessary.

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Waste Catchment Areas

81. The main planning permission covering the existing IVC facility (reference TM/09/3231) limits, by planning condition, the geographical areas in which waste can be brought to the facility from. This restriction currently allows for waste to be sourced from:
- Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove (for the life of the facility);
 - The London Borough's of Bromley and Bexley (for a temporary period until 31 December 2015); and
 - Essex (for a temporary period until 31 March 2014 and additionally limited to no more than 10,000 tonnes per annum).
82. Since the ATC facility previously permitted (TM/10/3056) was dependant on the Composting Facility planning permission, the same waste stream and catchment restrictions apply.
83. The application states that the issue of waste catchment areas should be looked at afresh in determining the application for the proposed AD Facility. The applicant has suggested that there are a number of material considerations that justify a different approach when determining the current application, including:
- The Ministerial Statement on the intention to abolish Regional Spatial Strategies in May 2010 (and subsequent legal rulings);
 - The Localism Act (2011) which makes provision for the abolition of Regional Spatial Strategies;
 - The publication of the National Planning Policy Framework (2012);
 - Progression of the Kent Minerals and Waste Development Framework; and
 - The wider environmental, economic and social benefits arising from renewable energy generation.
84. In addition, the applicant considers that the existing contracted tonnage should be a material consideration in that it provides comfort as to the origins of waste arisings likely to be treated at the proposed AD Facility. The majority of green and food waste treated at the existing Blaise Farm IVC facility originates within Kent. Over 33,000 tonnes per annum is secured under long-term contract with the County Council (as the Waste Disposal Authority) which offers comfort that the facility would service Kent's needs for many years to come. The applicant also states that there are forthcoming contract opportunities within Kent, including Mid Kent (Swale, Maidstone and Ashford), Dartford, Gravesend and Sevenoaks. It states that businesses and/or Waste Collection Authorities in the immediate locality would generally benefit from reduced haulage costs either through contractual arrangements or direct costs. This natural competitive advantage means that waste would tend to gravitate towards the nearest treatment facility (subject to all other things being equal).
85. The applicant states that there is a lack of built treatment capacity for pure food waste within many parts of the country, despite a healthy pipeline of planning permissions / proposed developments. Indeed Kent is currently no exception. The applicant states that the fact that pure food waste is currently diverted from the Blaise Farm IVC Facility to an AD Facility in Bedfordshire illustrates this very point. If the facility at Bedfordshire had a catchment restriction pure food waste may have to travel even further to be treated. The applicant argues that Policy CSW3 of the emerging Kent Minerals and Waste Development Framework Core Strategy (2011) recognises the need for flexibility

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and contingency by stating that “*in reality, waste moves both into and out of Kent for management. The purpose in adopting the principle of net self-sufficiency is not to restrict the movement of waste. Restriction on waste catchment area could have an adverse effect upon the viability of the development of new waste facilities which are needed to provide additional capacity for Kent’s waste arisings...*”.

86. Ultimately, the applicant requests that the proposed AD Facility is not encumbered by a waste catchment restriction in the same manner as the existing IVC Facility. However, it has stated that should the Waste Planning Authority be minded to impose a catchment restriction, it has requested that this encompasses the following areas for the life of the development:

- Kent;
- Medway;
- Thurrock;
- Havering;
- South East London Waste Partnership Authorities (London Borough’s of Greenwich, Southwark, Lewisham, Bromley and Bexley);
- Surrey;
- West Sussex, East Sussex, Brighton and Hove; and
- Essex and Southend-on-Sea.

87. The applicant also states that all of the geographical areas identified in paragraph (86) above, either adjoin Kent or enjoy excellent transport connections to the proposed AD and ATC plant at Blaise Farm.

88. Whilst I acknowledge the arguments put forward by the applicant in respect of no waste catchment restriction being imposed on any new AD plant, I see no planning merit in proximity terms to not imposing such a catchment restriction. I also note that the current In-Vessel Composting Facility is subject to a waste catchment condition (as outlined in paragraph 81 above) which has been accepted by the applicant for some time following an appeal decision in 2009 and a subsequent permission in 2010, both of which broadened the initial waste catchment which was limited to Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks unless in exceptional circumstances. This initial condition had been designed to reflect the site’s Green Belt status however the appeal decision recognised that a wider geographical waste catchment would have no greater impact on the Green Belt. Whilst I accept the applicant’s position, in so far as it is Government’s intention to revoke Regional Spatial Strategies (including the South East Plan), I still consider that there are sound planning and sustainability merits in ensuring that waste is processed as near to its source as is practicably possible. In this respect, I accept the broad geographical waste source areas which the applicant has put forward in this instance (as set out in paragraph 86) as being reasonable in planning and sustainability terms given their relative proximity to and good road and transport connections with Blaise Farm. Furthermore, the suggested waste catchment areas (as set out in paragraph 86) are broadly similar to those previously imposed on the existing In-Vessel Composting Facility, with the exception of Thurrock, Havering, Essex, Southend-on-Sea and the South East London Waste Partnership Authorities where permanent permission is sought, as opposed to some elements of temporary permission previously given. I consider that there are strong planning merits in allowing waste from these additional areas, particularly owing to the increasing importance given to the close working relationships of local authorities within the South East Local Enterprise Partnership area, which in this instance include Kent, Greater Essex and East Sussex. I

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also accept that it is acknowledged that a proportion of London's waste will still need to be dealt with by surrounding Waste Planning Authority areas.

89. I therefore propose that a waste catchment restriction be imposed for the life of any new AD facility at Blaise Farm, covering the following geographical areas: Kent, Medway, Thurrock, Havering, South East London Waste Partnership Authorities (London Borough's of Greenwich, Southwark, Lewisham, Bromley and Bexley), Surrey, West Sussex, East Sussex, Brighton and Hove, Essex and Southend-on-Sea. I am satisfied that this can be secured by condition.

Duration of Permission, Site Restoration and Aftercare

90. The planning permission for the existing In-Vessel Composting Facility (TM/09/3231) provides for a temporary time-limited facility for a period of 20 years from the commencement of commercial composting operations. The existing facility became operational in September 2008 and therefore the temporary 20 year period for existing composting operations will run until September 2028. At the expiration of this 20 year period the site must be restored for forestry, ecological and amenity after uses, consistent with wider restoration required pursuant to the Blaise Farm Quarry mineral planning permission (TM/88/1002).
91. The applicant claims that the initial 20 year temporary planning permission period was essential to its business case for developing the current facility, both in terms of gaining long-term waste contracts and securing development financing. Similarly, the applicant has requested a fresh minimum 20 year period for the new facility for similar reasons. It has also stated that the operational life of any new facility would be tied to the financial incentives underpinning the UK's transition to a low carbon economy.
92. The applicant states that Government has encouraged Anaerobic Digestion through the qualification of electricity produced by AD plants as renewable under the Renewables Obligation (RO) and of heat as qualifying for the Renewables Heat Incentive (RHI). RHI is not of any relevance as no market for heat currently exists. The applicant has stated that RO came into being in 2002 and will be available for all new renewable energy schemes coming into commission before 31 March 2017. RO's are administered by Ofgen which issues Renewables Obligations Certificates (ROCs) to companies generating renewable electricity in proportion to the number of Megawatt Hours (MWh) supplied. Once accredited under the scheme and operational, ROCs are issued each month for a period of 20 years. Suppliers of electricity are required to hold ROCs in proportion to the amount of electricity they supply and there are regular auctions at which ROCs are sold. The RO therefore provides generators of renewable electricity with an additional revenue stream to the sale of power and, in the case of AD plants, gate fees for the treatment of waste.
93. The applicant considers that RO has been very successful, stimulating development of a considerable number of renewable electricity generation capacity. The majority so far have been wind and in order for RO to encourage other forms of renewable electricity the scheme was modified in 2009 by the introduction of Technology Bands with different rates of ROC issue. The Anaerobic Digestion Technology Band was set at two ROCs per MWh. Technology bands were reviewed in 2011/12 and the ROC issue rate for AD will reduce to 1.9 ROCs per MWh in 2015/16 with that rate dropping to 1.8 ROCs per MWh in the final year of the scheme, 2016/17. Beyond 2017 it is unclear how the mechanism to replace ROCs will work.

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94. The Department for Energy and Climate Change (DECC) significantly increased the incentives to waste and energy companies to develop AD projects by introducing a double ROC band for AD in the Technology Bands introduced to the RO in April 2009. The 2011/12 review of ROC Technology Bands initially suggested that no ROCs be issued to AD plants of less than 5MWe generating capacity and that these instead rely on the less attractive Feed in Tariff Scheme. Very recently DECC has reviewed this issue such that all AD plants can benefit for ROCs until 2017 (and receive them for 20 years from the date of commissioning).
95. The applicant has stated that ROCs are payable for 20 years from the date of commissioning of the plant. It has also stated that a minimum of 20 years of revenue is necessary to pay back the costs (including financing) for the construction and operation of the plant and to provide an adequate return on the investment. It states that this experience is borne out of the applicant's experience of seeking investment and finance for this project together with its other AD project at Hallen in South Gloucestershire. In both cases investors and funders require certainty that the plant would be in existence for a minimum of 20 years in order to back it.
96. Whilst the applicant recognises that a fresh 20 year period would result in a misalignment between the operational life of the established Composting Facility and that of the new facility, it points out that the new AD facility would not beholden to the operation of the established Composting Facility. It states that pure food waste would be delivered separately to the AD facility, with digestate similarly dispatched off-site independently. It recognises that whilst there would be a number of benefits that would arise from co-location and integration of the existing facility to that proposed, the AD plant and supporting infrastructure (including office and welfare accommodation, weighbridges, etc.) would be capable of being operated in complete isolation.
97. I consider that the case put forward by the applicant for a fresh 20 year minimum period for the new facility is reasonable and justified based on the grounds stated above, and is therefore considered to be acceptable in planning terms in this instance. Notwithstanding the fresh 20 year temporary period, the site would still need to be subject to appropriate restoration in the same manner as is a requirement on the existing Composting Facility permission. I therefore propose that a condition be imposed on any new planning permission requiring that all plant, structures and equipment be removed at the end of the 20 year period from first commercial operations, and that upon the end of this period the site be restored in accordance with a scheme to be approved which is consistent with the objectives of the main Blaise Farm Quarry mineral planning permission (TM/88/1002). The existing Section 106 Legal Agreement for the main Composting Facility ensures that sufficient restoration materials are made available by Hanson (the owner of Blaise Farm Quarry) at the appropriate time. I propose that the same obligations be required in this instance. On this basis, I consider that the proposals meet the general requirements of site restoration and aftercare development plan policies, specifically South East Plan Policy W14 and Kent Waste Local Plan Policy W32.

Other issues

98. National planning policy regarding renewable energy as set out in the NPPF details that Local Planning Authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy but instead should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and should approve applications if its impacts are (or can be) made acceptable. South East Plan

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Policies NRM13, NRM14, NRM15 and NRM16 actively support the principle of renewable energy development, introducing targets to ensure that 8% of electricity within the region is generated from renewable energy sources by 2016. I consider that the principle of generating renewable electricity from an otherwise inefficient element of the existing incoming GFVC waste stream (i.e. oversized biomass) and from the pure food waste element is a positive step in addressing wider climate change targets. I therefore fully support the principle that the applicant is seeking to achieve in this instance.

99. The application site is not located in an area at risk of flooding. The application provides details as to the manner in which surface water drainage would be dealt with, which is primarily based on the overall system agreed as part of the initial Composting Facility consent. This system includes the use of oil and petrol interceptors which surface waters would pass through before draining into the existing on site balancing pond, thereafter percolating into the permeable Hythe Beds. I note that the Environment Agency has no objection to the proposals, and therefore I am satisfied by this element of the proposal, subject to the later agreement of adequate surface water drainage details by planning condition.
100. The applicant does not seek to vary incoming waste streams of GFVC waste to the current Composting Facility, nor does it propose a new waste stream to feed the AD or ATC plants. Instead the AD plant would seek to deal with the incoming pure food waste stream, producing a digestate which would be used in agricultural practices and renewable electricity, whilst the ATC plant would utilise an otherwise inefficient element of the existing waste stream (i.e. oversized biomass) to generate renewable electricity which could be used both on site and exported off site to the local electricity network. In order to control the feedstock for the ATC plant exclusively to biomass material bought onto the site under the existing operational planning requirements set out in planning permission TM/09/3231, I propose that a condition be placed on any decision dictating that the proposed ATC plant can only operate using waste imported under the terms of the main Composting Facility planning permission or packaging and any associated residual waste arising from the AD plant. This means of control adopts the same approach as was undertaken when planning permission was given for the previous layout of ATC plant in 2010 (reference TM/10/3056). There is not a need to control the AD plant in the same manner, with the exception of waste sources and the total throughput, both of which have been discussed separately above.
101. Members will note that the Borough Council, in its recommendation as set out in paragraph (36) above, has suggested that the County Council investigate the scope for securing all food waste deliveries in sealed vehicles to reduce the risks of malodour in the locality and, if found to be feasible, this is made a requirement of any planning permission for a new AD facility. I note that there are a number of other regulatory controls which would cover this matter, including any requirements on the site's Odour Management Plan as required under the Environmental Permit, together with a Duty of Care placed on haulage carriers under a Waste Carrier's Licence. On this basis, I do not consider it to be reasonable to impose conditions to secure the Borough Council's aim in this instance. However, I am minded to impose a condition requiring all open backed vehicles entering or leaving the site to be sheeted at the request of KCC Highways and Transportation.
102. It is noted that the County Council's Biodiversity Projects Officer (see paragraph 47) has confirmed that there is minimal potential for protected species to be present on the site. However, she has requested that the applicant undertake ecological enhancement

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on the surrounding habitat to increase its suitability for protected species. I do not consider that it is possible to secure ecological enhancement at this stage as part of the proposals, instead I consider that ecological enhancement of the application site (and wider Blaise Farm Quarry) would be secured through appropriate site restoration and aftercare in future years.

103. The applicant has indicated that site lighting will be required as part of the proposals given the nature of the 24 hour operations proposed. Although precise details have not been provided at this stage, the applicant has indicated that lighting would be designed to minimise the degree of light pollution created from the site, in a similar manner to that currently used on the existing Composting Facility. The applicant has indicated that they are willing to accept a condition to the effect that no lighting shall be installed on site without the prior written approval of the Waste Planning Authority. This approach would ensure that the impact of any site lighting is considered at a future date, according with the general best practice principles contained in the NPPF and objectives of Policy W25 of the Kent Waste Local Plan.

Conclusion

104. The proposal seeks planning permission for the installation of ATC and AD plant at Blaise Composting Facility. The application site sits within the Metropolitan Green Belt and the proposed development does not fall within one of the categories of new buildings which comprise appropriate development. However, for the reasons set out above, I have concluded that in terms of the impact of the proposals on the openness of the Green Belt these proposals would have a marginally greater impact than the previously permitted, not yet implemented Phase 2 Southern Composting Hall and ATC developments. I have also concluded that the applicant has put forward a case of very special circumstances which are, in my opinion, in this instance sufficient to set aside the presumption against inappropriate development within the Green Belt. I also note that the application would need to be referred to the Secretary of State under the requirements of the 2009 Direction given the size and location of the proposals within the Green Belt to establish whether he wishes to call-in the proposals for his own determination.
105. I consider the proposals to be acceptable in wider landscape and visual terms and based on the technical and professional advice obtained relating to noise and air quality do not consider these proposals to give rise to any overriding unacceptable harm to local amenity. Notwithstanding the concerns received from the Borough Council, Offham Parish Council and a number of local residents relating to existing odour problems at the site I do not consider that the proposed development would increase the potential for odour in the locality. Instead, I consider that the proposed AD plant would allow the pure food waste element to be processed at the site in an appropriate manner which would be totally sealed from the point after the waste is tipped in the main reception hall. I am therefore satisfied that the AD plant proposed would be likely to give rise to less odour related complaints than if the applicant were to build the Phase 2 IVC Southern Composting Hall which, in essence, is its “fall-back” position. I therefore see no reason in planning terms to refuse planning permission for this facility nor delay the determination of the application. Furthermore, I note that existing odour concerns are being monitored and that measures have been, and continue to be, put in place to reduce concerns as far as possible. I would also point out that this matter relates to the existing Composting Facility and therefore is not directly relevant to the determination of the new plant proposed in this instance. I am therefore satisfied that the matters

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identified by the Borough Council, Offham Parish Council and a number of local residents have been satisfactorily addressed in this instance.

106. As discussed in the report, the proposals do not seek to alter the overall processing capacity of the Blaise Farm Composting Facility, which would be capped at 100,000 tonnes per annum. The proposals do however seek to introduce more appropriate technological means to deal with the pure food waste element of the existing consented incoming waste stream as well as to reconfigure the layout of the ATC plant which was previously permitted in 2010. Whilst the proposals do seek a further temporary period which would extend beyond the end of the existing Composting Facility operations, I consider that a fresh 20 year period is acceptable in planning terms for the reasons discussed above. I have also concluded that a waste catchment restriction should be imposed on any new AD plant, together with a restriction that waste processed through the ATC plant shall only be that brought to the site under the terms of the main Composting Facility permission (TM/09/3231) or any packaging and residual waste arising from the AD plant. I consider that the proposed development fosters the delivery of sustainable development which accords with the development plan and the objectives of the NPPF. I therefore recommend accordingly.

Recommendation

107. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government as required under the 2009 Direction and that SUBJECT TO no intervention by him that PLANNING PERMISSION BE GRANTED SUBJECT TO THE PRIOR satisfactory conclusion of a Section 106 Legal Agreement to secure the following Heads of Terms stated below, the applicant meeting all reasonable administrative Planning and Legal costs associated with the prior completion of the Section 106 Legal Agreement, AND planning conditions to cover (amongst others) the following matters:

(i) Section 106 Legal Agreement Heads of Terms:

- on-going requirement for Blaise Farm Site Liaison Committee;
- HGV routing; and
- site restoration (including the availability of restoration materials);

(ii) Planning Conditions:

- 5 year implementation period;
- operation to be time limited to 20 years from first commercial use of AD Facility with all plant, buildings and equipment being removed upon expiration of this period;
- the development to be carried out in accordance with the permitted details;
- site noise control (to ensure that noise associated with site operations does not exceed background noise levels at the nearest residential receptors);
- waste catchment areas being restricted to the following geographical areas for the life of the development: Kent, Medway, Thurrock, Havering, South East London Waste Partnership Authorities (London Borough's of Greenwich, Southwark, Lewisham, Bromley and Bexley), Surrey, West Sussex, East Sussex, Brighton and Hove, Essex and Southend-on-Sea;
- total site processing capacity (including IVC, AD and ATC plants) not to exceed 100,000 tpa;
- ATC plant to operate with only the waste imported to the site pursuant to the existing Composting Facility (as covered by planning permission TM/09/3231), packaging and any associated residual waste arising from the AD plant;

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- restoration of AD and ATC plant area (at the end of the 20 year period) as part of the details approved on the main Composting Facility permission (TM/09/3231) including provision for biodiversity enhancement;
- hours of use – 24 hours a day, 7 days a week (with deliveries and exports limited to those hours as set out in paragraph (28) above);
- external colour treatment of all plant and buildings as detailed in the application;
- combined HGV movements (including IVC, AD and ATC plants) be limited to 120 HGV movements per day;
- appropriate measures to control mud and debris;
- records of HGV numbers maintained by the operator;
- signs erected and maintained for the duration of operations advising HGV drivers not to travel through the settlements of Offham, Mereworth and West Malling unless they are collecting waste from within those settlements;
- surface of haul road to be maintained;
- all loaded, open backed vehicles entering or leaving the site shall be sheeted;
- details of surface water drainage to be agreed prior to commencement; and
- details of site lighting to be agreed prior to implementation.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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APPENDIX 1

APPLICATION KCC/TM/0296/2012 – TEMPORARY DEVELOPMENT OF AN ANAEROBIC DIGESTION PLANT TOGETHER WITH ASSOCIATED INFRASTRUCTURE, RECONFIGURATION OF THE CONSENTED ADVANCED THERMAL CONVERSION PLANT, TOGETHER WITH ASSOCIATED INFRASTRUCTURE, THE REALIGNMENT OF PART OF THE EXISTING ACCESS ROAD, THE RELOCATION OF EXISTING OFFICE AND WELFARE ACCOMODATION AND THE RELOCATION OF THE EXISTING WEIGHBRIDGE ATBLAISE FARM QUARRY, KINGS HILL, WEST MALLING

NOTES of a Planning Applications Committee Site Visit to Blaise Farm Quarry on Thursday, 1 November 2012.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr A R Chell, Mr C Hibberd, Mr J F London, Mr S C Manion, Mr R F Manning, Mrs E M Tweed and Mr A T Willicombe. Mrs T Dean and Mrs S V Hohler were also present as Local Members.

OFFICERS: Mrs S Thompson, Mr J Wooldridge and Mr J Moat (Planning); and Mr A Tait (Democratic Services).

THE APPLICANTS: New Earth Solutions: Mr B Spiller (Group Planning Manager) and Mr P Mills (Operations Director)

TONBRIDGE AND MALLING BC: Cllr M A C Balfour, Cllr F R D Chartres, Cllr Mrs S M Murray, Ms J Rands (Planning) and Mr P Thomason (Planning)

ENVIRONMENT AGENCY: Ms R Ricketts

LOCAL LIAISON COMMITTEE: Mrs C Saunders

(1) The Chairman opened the meeting by explaining that its purpose was for Committee Members to familiarise themselves with the application site and the issues involved with the current application.

(2) Mr Moat introduced the application by saying that Blaise Farm Quarry comprised a 116 hectare site which benefited from a planning permission granted in January 1994 for the winning and working of some 57 million tonnes of ragstone over a 62 year period in a series of four phases. The Composting Facility occupied an 'L' shaped previously-worked area within the quarry void. The composting facility and wider quarry site lay to the south of the village of Offham, to the south west of West Malling and to the north west of the A228 and the residential area of Kings Hill. The quarry and composting facility were served by a purpose-built hard surfaced access road onto the A228 West Malling roundabout, located near Kings Hill. The quarry and composting facility were located within the Metropolitan Green Belt.

(3) Mr Moat then pointed out the ancient woodland along the east, south and western perimeters of the quarry, and advised that the nearest residential property was some 590 metres to the north west of the application site. He said that the remains of the Chapel of St. Blaise (a Scheduled Ancient Monument) lay approximately 100 metres to the north of the application site.

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(4) Mr Moat went on to say that the existing composting facility, operated by New Earth Solutions, treated source segregated waste collected from both municipal and commercial waste contracts. It treated green/garden, food, vegetable and cardboard waste streams, utilising a fully enclosed composting process to produce compost. It consisted of a series of composting buildings including waste reception, composting and maturation halls, a site office, weighbridge, biofilters, water storage tanks and a surface water balancing pond. Permission had been granted in September 2006 for the composting of 50,000 tonnes per annum, and the site had become operational in September 2008. The terms of the existing planning permission gave a time limit of 20 years from the commencement of commercial composting operations (i.e. until 2028), after which the site would be restored for forestry, ecological and amenity afteruses.

(5) In March 2008, permission had been granted to increase waste imports at the permitted facility to 100,000 tpa. Although the facility is still operating with an annual throughput of around 50,000tpa. The applicants would need to implement Phase 2 of the permitted development in order to increase waste throughput at the site to the consented 100,000tpa.

(6) Mr Moat then said that a number of more recent planning permissions (including one on appeal) had been granted for alterations to the operation of the composting facility. The most significant of these had extended the waste catchment to include Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove (for the life of the permission), from within the London Boroughs of Bromley and Bexley (until 31 December 2015) and from Essex (until 31 March 2014 and limited to no more than 10,000tpa). Approval had been given in October 2011 for various changes to the “as built” composting facility, including additional covered link buildings, changes to the surface water balancing pond, biofilter and air extraction systems. These changes had the overall aim of reducing the amount of odour escaping from the composting facility.

(7) A further permission had been granted in November 2011 for the installation of renewable electricity generating equipment and additional car parking spaces at the site. This permission aimed to offer an alternative solution to the provision of part of the remaining consented 50,000tpa composting capacity. It provided for an Advanced Thermal Conversion plant which would use pyrolysis technology to break down oversized material from the enclosed composting process and converted it to a pyro gas. The pyro gas would be fed into a number of gas engines to generate electricity and heat. This permission also provided for buildings, plant and equipment, including a 26 metre high exhaust stack.

(8) In October 2012 permission had been granted for a temporary period of three years for the erection of a canopy structure and the siting of a container to provide an ancillary workshop facility. A further approval had also been given, allowing the composting facility to be open on Boxing Days for the receipt of waste deliveries and the shredding of incoming material.

(9) Mr Moat then reminded Members that complaints about odour nuisance from the existing composting facility had been reported to KCC’s Planning Applications Committee in February and October 2011. These odour complaints were also reported to the Regulation Committee in May and September 2011. Complaints had continued, even though the applicant had made various improvements to the composting facility. These and related issues had been discussed at quarterly meetings of the Liaison Committee (attended by representatives of KCC, Tonbridge and Malling Borough Council, the four local Parish Councils, the Environment Agency and the applicant) and also separately between officers of KCC, TMBC and the Environment Agency and the applicant.

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(10) Mr Moat then summarised the application which proposed the installation of an Anaerobic Digestion (AD) facility together with associated plant and infrastructure, the reconfiguration of the consented Advanced Thermal Conversion (ATC) facility, the realignment of part of the existing access road and the relocation of office and welfare accommodation. The applicant had asked for a temporary planning permission linked to the life of the quarry.

(11) The proposed AD facility would comprise a reception hall and processing building, digestion and storage tanks, gas engines an exhaust stack and biofilter. The ATC facility would use “New Earth Advanced Technology” (NEAT) units, a feedstock building and workshop, a pyro gas tank, gas engines and transformers, a flue gas treatment system, a multi-core exhaust stack and an emergency gas flare.

(12) There would also be associated shared plant and infrastructure, including 2 weighbridges, office and switch gear buildings, 19 car parking spaces, a new hard-surfaced yard, aqueous scrubber and an extension to the existing surface water balancing pond.

(13) Mr Moat said that the applicant had provided a summary of the anaerobic digestion process. This involved delivery of pure food waste to the site in vehicles with a payload of about 8 tonnes or in 20-25 tonne HGVs. The waste would be deposited in reception halls before being moved through a series of subterranean tanks and chambers in order to remove packaging, liquidise/heat the waste, enabling microbial activity to bring about digestion and produce biogas. The waste would then be moved to tanks for pasteurisation, before being pumped into settling and storage tanks. The nutrient-rich digestate produced would then be transported from the site by land tanker for agricultural use where it would be injected directly into soils.

(14) The biogas extracted from the head spaces of the tanks would be fed to three on-site engines in order to generate electricity for the site with any remaining being exported to the local electricity grid.

(15) Mr Moat then said that 82 HGV movements per day were currently allowed for the permitted composting and ATC facilities. The applicant estimated that the integrated facility would generate a combined maximum of 120 HGV movements per day. This increase would arise due to the seasonal variation of demand for digestate vehicles (due to its agricultural application).

(16) Mr Moat explained that it was proposed that the AD and ACT plants would operate for 24 hours per day on all seven days of the week. An additional 5 full-time members of staff would be needed.

(17) Mr Moat said that the applicant had stated that the proposed co-location of the AD plant and (ATC) plant alongside New Earth’s established fully-enclosed composting facility would give rise to a truly integrated sustainable waste management facility. The proposed technologies would be entirely complementary and their introduction would ensure that source separated green, card and food waste was treated efficiently, with minimal environmental or amenity impacts.

(18) Mr Moat summarised the impact of the proposed development by saying that the applicant had predicted that the AD and ATC plant would eventually have the capacity to generate sufficient electricity to power approximately 12,121 homes, saving approximately 15,480 tonnes of carbon equivalent emissions every year.

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(19) Mr Balfour (TMBC) said that the Borough Council's Area 2 Planning Committee had considered the application the previous day. It had decided to object to the application unless the County Council's Planning Authority was completely satisfied that the methods for the control of the operation of the site to be regulated by the Environment Permit are sufficient to preclude harm to the residential amenity of properties in the wider locality, particularly in respect of malodour. It also considered that the County Council should be completely satisfied that the proposal would not create conditions which are harmful to highway safety and should impose conditions on any consent covering: the duration of the planning permission; the use of noise mitigation measures as detailed in the application; details regarding the prevention of pollution of surface and ground water; limits on the number of HGVs; and that the scope for securing all food waste deliveries in sealed vehicles be explored in order to reduce the risks of malodour in the locality.

(20) Mr Moat then briefly summarised the views of the other statutory consultees. Offham Parish Council had supplied a detailed objection (set out in the briefing note) stating that permission should not be granted until the current odour problems had been rectified. There had been no objections from the Parish Councils of Kings Hill, Mereworth and West Malling.

(21) Mr Moat said that the Environment Agency had not objected to the proposed development, noting that the proposals would be subject to a modified version of the existing site Environmental Permit which it regulated. It had also set out advice for surface drainage and the storage of chemicals.

(22) Comments were still awaited from KCC Highways and Transportation. Meanwhile, KCC's Noise, Dust, Odour and Air Quality Consultant had made no objection on grounds of noise or air quality. KCC's Landscape Consultant had advised that she had no objections on grounds of disturbance to existing vegetation, visual impact or impact on the Green Belt.

(23) CPRE (Protect Kent) had no major objections to the proposals whilst recommending that a suitable colour scheme should be adopted for all new plant and buildings, lighting units being designed to minimise the degree of light pollution from the site and that appropriate signage be erected to direct HGVs. No objection had been received from the KCC Minerals and Waste Development Framework Team, the KCC Biodiversity Officer or the KCC PROW Officer.

(24) Mr Moat then summarised the written views of local residents. The objections and concerns raised were broadly similar to those put forward by Offham PC in that they supported the principle of recycling but considered that permission should not be granted unless the County Council was completely satisfied that the work would be done correctly with minimal disruption to the local environment.

(25) Mr Moat concluded his presentation by setting out the determining issues for the application. These included the impact of the proposals on the openness of the Metropolitan Green Belt and whether the proposals represent "inappropriate development"; landscape and visual impact; local amenity (in terms of the potential for adverse odour, noise, light, dust and air quality); the local highway network; as well as the future restoration and aftercare of the site.

(26) Mr Spiller (New Earth Solutions) said that he considered Mr Moat's presentation to be a true and fair representation of the application. He stressed that improvements to the composting process had already taken place and offered to show Members what had been undertaken in this regard.

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(27) Ms Ricketts (Environment Agency) responded to a question from Mr Manning by explaining the mechanism for monitoring odour. Although there was a scale for measuring its intensity, the actual identification process consisted of Officers responding to calls and personally verifying whether the odour existed and where it should be attributed to. This was supplemented by acceptance of complaints from individuals who were familiar with the smells which had previously arisen. Once it was established by the Environment Agency that odour had emanated from the site, they would hold discussions with the operator in respect of the improvements that needed to be made for the complaint to be mitigated without recourse to official action.

(28) Ms Ricketts said that 95 odour-related complaints had been received by the Environment Agency since 2010. Forty (40) of these had been substantiated. Official action had not been taken because New Earth Solutions had always taken positive steps to control odour in line with the Environment Agency's recommendations.

(29) Mr Hibberd referred to the difference between organic and inorganic smells. He asked whether there was any scientific method to measure chemical inorganic smells.

(30) Mr Mills (New Earth Solutions) replied to Mr Hibberd by saying that whilst he could not respond on the method of measuring such smells, the AD process would be similar to that used at the Aggrivert plant in Cassington, Oxfordshire. It would be completely enclosed, preventing inorganic odours from escaping.

(31) Mrs Hohler (Local Member) asked the Committee Members to note the smell from the tractor that had just passed. Mr Mills explained that this was a locally owned tractor that was transporting composting produced at the site to Church Farm in Offham.

(32) Mr Balfour said that local people often reported odour from the site but the Environment Agency was unable to substantiate the complaint due to the difficulty of getting its Officers to the location before the smell dissipated. He suggested that Parish Council records of the complaints might give a more accurate picture of the extent of the problem. Ms Ricketts confirmed that the ability of EA Officers to respond to complaints depended on the time they were received (during or outside normal working hours) and the geographical location of the Officer who was designated to investigate.

(33) Mr Chartres (TMBC) said that he was aware of three occasions where the Environment Agency had investigated a handful of odour complaints at other sites and then immediately closed it down. He asked why this was not the case at Blaise Farm. He asked whether there was evidence to demonstrate that the operators had got on top of the problem and whether Members of the Planning Applications Committee should be judging the application in the light of the facility at Cassington.

(34) Ms Ricketts replied to Mr Chartres by saying that the operators were in compliance with the Environmental Permit and were responding positively to every suggestion put forward by the Environment Agency. For example, they always consulted the Environment Agency before bringing new equipment on site.

(35) The Chairman thanked everyone for attending the visit and said that the notes of the visit would be appended to the report to the determining Committee meeting.

(36) Following the visit, Members of the Committee undertook a visit to Cassington in Oxfordshire to inspect the Anaerobic Digestion Plant owned by Aggrivert in operation. This site was stated to be the model for the proposal for Blaise Farm.

**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT
PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS -
MEMBERS' INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

AS/12/930	Use of land and engineering operations to infill depressed areas to south and east of existing lake. Knightingales, Wittersham Road, Stone, Tenterden
DA/12/1170	Upgrade to sewage treatment works including sludge cake storage building, odour control stack, kiosks, containerised plant and associated works. Long Reach Sewage Treatment Works, Marsh Street, Dartford
GR/12/951	Application for certificate of lawfulness of proposed use or development (CLOPUD) for replacement of existing pipeline and supporting jetty and removal of the old one. Northfleet Wharf, Botany Marshes, Manor Way, Northfleet, Gravesend
SW/10/774/R5&R9	Position and type of boundary treatment and surface water drainage scheme pursuant to conditions (5) and (9) of planning permission SW/10/774. Land at Ridham Dock, Ridham
SW/10/774/R7	Flood evacuation plan pursuant to condition (7) of planning permission SW/10/774. Land at Ridham Dock, Ridham
SW/10/774/R8	Flood resilience statement pursuant to condition (8) of planning permission SW/10/774. Land at Ridham Dock, Ridham
SW/10/774/R21	Code of construction practice pursuant to condition (21) of planning permission SW/10/774. Land at Ridham Dock, Ridham
TM/12/2586	Installation of an additional steel tank for the storage of PFA slurry. Celcon Blockworks, The Ightham Sandpits, Borough Green Road, Ightham

E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS
MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

AS/11/994/R4,5,7&10	Details of outbuildings and structures, external lighting, including for the new car parking areas, a scheme of landscaping and fencing, gates and means of enclosure. Goat Lees School Site, between Hurst Road and Guernsey Way, Kennington, Ashford, Kent
AS/12/1150	Demolition of existing polycarbonate canopy and construction of 3 new classrooms, 3 offices, storage, circulation and welfare facilities. Externally the proposal is to add a new pathway to the front of the extension and to install a new MUGA to the back of the original school. Charing C of E Primary School, School Road, Charing, Ashford
DA/12/14/RA	Application for a non-material amendment; amendment to car parking layout. Wilmington Academy, Common Lane, Wilmington, Dartford
MA/12/1839	Replacement of windows and doors. St Simon Stock Catholic School, Oakwood Park, Maidstone
MA/12/1875	Creation of 9 new car parking spaces and 1 disabled parking bay, to be located to the front of the building adjacent the existing car park, including the installation of surface water drainage to include a petrol interceptor and soakaway. Kingswood Primary School, Cayser Drive, Kingswood
SE/12/638/R3	Details of all materials to be used externally pursuant to condition 3 of planning permission SE/12/638 Four Elms Primary School, Bough Beech Road, Four Elms, Edenbridge
SH/12/953	Erection of wooden canopy with polycarbonate roof adjacent to school buildings and boundary fence. Brookland CE Primary School, High Street, Brookland, Romney Marsh
SW/10/1332/RA	Application for a non material amendment; provision of acoustic screen to biomass silo; and variation to sports building louvers Isle of Sheppey Academy East Site, Minster Road, Sheerness

TM/12/2000	Construction of modular building to provide additional teaching space. Platt CEP School, Maidstone Road, Platt, Sevenoaks
TM/12/2974	To create new school administrative office. St Peters CE Primary School, Mount Pleasant, Aylesford

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/CA/0426/2012 - Application for change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic ("black bag") waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury
- KCC/SW/0420/2012 - Application for regrading of eastern screen bank including extension onto adjoining land at Norwood Quarry and Landfill Site, Lower Road, Minster-on-Sea, Isle of Sheppey.
- TM/97/1064/R2, 5 & 12 - Application for non-material amendment to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham, Rochester, Kent
- TM/11/1632/R3 - Request for prior approval of siting, design, specification and appearance of new exhaust stacks pursuant to condition 3 of planning permission TM/11/1632 at Stangate Gas Utilisation Plant (GUP), Stangate Landfill Site, Quarry Hill Road, Borough Green
- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None