

## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Online on Wednesday, 16 September 2020.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr M A C Balfour, Mrs R Binks, Mr A Booth, Mr A H T Bowles, Mr J Burden, Mr I S Chittenden, Mr P M Harman, Mr H Rayner, Mr C Simkins and Mr J Wright

ALSO PRESENT: Mrs T Dean, MBE and Mrs S V Hohler

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr D Joyner (Transport & Development Manager) and Mr A Tait (Democratic Services Officer) Mr Richard Peers from Amey was also present as a Technical Advisor.

### UNRESTRICTED ITEMS

#### **39. Minutes - 2 September 2020**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 2 September 2020 are correctly recorded and that they be signed by the Chairman.

#### **40. Site Meetings and Other Meetings**

*(Item A4)*

The Head of Planning Applications Group informed the Committee that she was continuing to investigate options to enable Members to inspect the application site at Covers Farm in Westerham.

#### **41. General Matters**

*(Item B1)*

(1) The Head of Planning Applications Group reported that the County Council had adopted the Kent Minerals Sites Plan and modifications to the Kent Minerals and Waste Local Plan (as set out by the Early Partial Review).

(2) The Committee agreed that a training session on the White Paper *Planning for the Future* should be arranged.

#### **42. Application TM/19/2396 (KCC/TM/0211/2019) - Temporary development of an Anaerobic Digestion plant with ancillary gas-to-grid plant and associated infrastructure (part retrospective) at Blaise Farm Quarry, Blaise Quarry Road, Kings Hill, West Malling; Blaise Biogas Ltd**

*(Item C1)*

(1) The Chairman agreed to accept very late representations in objection to the application from Pinsent Masons LLP on behalf of their clients, New Earth Solutions

and its parent company DM Topco Ltd He explained that this was because of advice from Invicta Law that he should do so. Even so, he would not have accepted this advice if the applicants had not been able to provide a “right of reply” response in line with the Committee’s public speaking arrangements. He was very sympathetic to the views of those Members of the Committee who did not agree that these late representations should be heard and would seek to have measures put in place to underline to objectors that it was extremely unlikely that an exception would be made in future.

(2) The Clerk to the Committee then read the representations from Pinsent Masons LLP, followed by those from Mr Giles Moir from CL Planning on behalf of the applicants.

(3) During discussion of this item, the Committee agreed to add an Informative, encouraging the applicant to give consideration to the early management arrangements within the anaerobic digestion facility when HGVs arriving at the site gave rise to odour concerns.

(4) The Committee also agreed that the Chairman would write on its behalf to the Cabinet Member for Environment asking her to draw to the attention of the Waste Disposal and Collection Authorities the need for waste en-route to the Blaise Farm Quarry site to be appropriately mitigated to minimise the risk of odour.

(5) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried unanimously as amended in (3) and (4) above.

(6) RESOLVED that:-

- (a) the application be referred to the Secretary of State for Housing, Communities and Local Government and that subject to his decision permission be granted to the application subject to conditions, including conditions covering operations ceasing no later than 20 years from the commencement of commercial anaerobic digestion (AD) operations, the removal of the facility and all associated infrastructure within a further 12 months and the restoration of the site to forestry, ecological and amenity after-use within a further 12 months; no more than 75,000 tonnes of waste being imported to the AD facility each year (as proposed); no more than 78 HGV movements (39 in / 39 out) per day on Mondays to Fridays and 38 HGV movements (19 in / 19 out) on Saturdays (as proposed); hours of operation (as currently permitted / proposed but reworded to reflect the fact that the AD and gas to grid operation are technically carried out on a 24 hours a day, 7 days a week and 365 days a year basis and that it is the deliveries and exports that are specifically restricted); any remaining construction work taking place during normal working hours; the waste catchment being as currently permitted; only organic waste (and associated packaging) being imported into or deposited, stored or processed at the facility; the removal of permitted development rights in respect of new, extended or altered buildings, plant and machinery; external lighting only being used where necessary and designed and positioned to minimise light spill; no open storage of waste, contaminated materials or finished products outside buildings, tanks and structures permitted for these

purposes; the doors on the AD waste reception building remaining closed at all times except when vehicles or persons are entering and leaving the building or for maintenance purposes; all loaded, open backed vehicles entering or leaving the site being properly enclosed or sheeted; site fencing being maintained and repaired as necessary; the external colour treatment of all plant and buildings as proposed; no public deliveries and sales; records of waste quantities / sources being maintained and made available to KCC on request; records of the dates and times of vehicle movements and their loads being maintained and made available to KCC on request; signs advising all HGV drivers associated with site operations not to travel through the settlements of Offham, Mereworth and West Malling unless they are collecting waste from within those settlements; measures to prevent mud or other materials being deposited on the highway; noise limits (for day to day and temporary operations); a potential contamination / remediation strategy; prior approval and implementation of a sustainable drainage maintenance manual; surface and process water not being discharged onto land outside the lateral extent of the application site; no development taking place on the land within the application site to the north of the AD facility and west of the IVC reception building unless planning permission is secured for some alternative use; and restoration and aftercare (and related issues, including soil handling);

- (b) the applicant be advised by Informative:-
  - (i) that detailed controls in respect of emissions (e.g. odour and bioaerosols) are matters for the Environmental Permit;
  - (ii) of the nature and form of the required restoration scheme (as previously);
  - (iii) of the need for the operator of the Anaerobic Digestion plant to maintain a close working relationship with the landowners and other operators at Blaise Farm Quarry to minimise the possibility of any difficulties arising during the operation of the facility and ensure that effective restoration is provided when the site is restored;
  - (iv) of the requirements of the existing S106 Agreement (e.g. the liaison committee, HGV routing arrangements and site restoration);
  - (v) that they are encouraged to implement measures to minimise the impact of reversing alarms; and
  - (vi) that they are encouraged to give consideration to early management arrangements within the anaerobic digestion facility when HGVs arriving at the site give rise to odour concerns;
- (c) the applicant be asked to formally withdraw planning applications TM/19/2397, TM/19/2398 and TM/19/2399 (i.e. the Section 73 applications referred to in paragraph 17 of the report); and

- (d) the Chairman be requested to write on the Committee's behalf to the Cabinet Member for Environment asking her to draw to the attention of the Waste Disposal and Collection Authorities the need for waste en-route to the Blaise Farm Quarry site to be appropriately mitigated to minimise the risk of odour.

**43. Application TM/88/1002/RVARA (KCC/TM/0121/2020) - Details pursuant to Conditions 4,7,8,12,17 and 27 of Permission TM/88/1002 relating to 5-year schemes of working restoration and aftercare, prior approval for static replacement processing plant and ancillary mobile plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities and updated schemes of blasting and blast monitoring at Blaise Farm Quarry, Blaise Quarry Road, Kings Hill, West Malling; Gallagher Aggregates Ltd**  
*(Item C2)*

- (1) Mrs T Dean, MBE was present for this item and addressed the Committee as a Local Member.
- (2) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 11 vote to 0 with 1 abstention.
- (3) RESOLVED that:-
- (a) approval be given to the application subject to the conditions which are set out below:-
- (i) the details hereby approved shall be implemented as approved unless otherwise agreed beforehand in writing by the County Planning Authority (*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details*);
- (ii) except for the temporary operations defined in condition (iii) (below), noise generated from operations at the site associated with the approved details shall not exceed 55dB<sub>L<sub>Aeq,1hr</sub> (free field)</sub> as measured at any noise sensitive property (*Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community*);
- (iii) for temporary operations such as soil and overburden stripping, movement, storage and replacement, the noise level at any noise sensitive property shall not exceed 70dB<sub>L<sub>Aeq,1hr</sub> (free field)</sub>. Temporary operations that exceed the normal day to day criterion shall be limited to a total of eight weeks in any twelve month period at any noise sensitive property (*Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community*);
- (iv) Ground vibration as a result of blasting operations shall not exceed:-

- a peak particle velocity of 6mm/s in 95% of all blasts when measured over any period of one month as measured at any vibration sensitive location;
  - a peak particle velocity of 12mm/s as measured at any vibration sensitive location; and
  - a peak particle velocity of 15mm/s at the remains of the Chapel of St. Blaise.  
*(Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community); and*
- (v) all buildings, containers or structures outside the quarry void in the vicinity of the existing quarry offices shall be removed when no longer required for the effective working of the quarry  
*(Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details);*
- (b) the applicants be advised by Informative that:-
- (i) all conditions attached to Permission TM/88/1002 remain in force and must be complied with at all times;
  - (ii) conditions 4, 7 and 8 of Permission TM/88/1002 require schemes of progressive working, restoration and aftercare to be submitted to and approved by the County Planning Authority at intervals of no more than 5 years.
  - (iii) no works should be carried out which would in any way affect the current alignment of Footpath MR286 until such time as the Public Path (Diversion) Order has been confirmed and certified and the diverted route is in place; and
  - (iv) they need to comply with the archaeological requirements of condition 23 of Permission TM/88/1002. In particular, they should ensure that archaeological investigations take place in accordance with a specification agreed with the County Council's archaeological officers[ and
- (c) endorsement be given to an officer review and update of the "*Guidance on blasting at Ragstone Quarries in Kent*" (KCC, May 2004)" as a stand-alone document. This should include links to the KCC website where the blast monitoring results can be viewed together with contact details for Gallagher Aggregates Ltd (GAL) to enable individuals to address concerns directly with the company as necessary.

#### **44. 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) County Council developments;
- (c) Screening Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None).