

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 and also as might be additionally indicated.

Item C1

Application for development of a fully enclosed composting facility within confines of the previously excavated area at Blaise Farm Quarry, West Malling, Kent – TM/06/762

A report by Head of Planning Applications Unit to Planning Applications Committee on 20 June 2006.

Application by New Earth Solutions Ltd for development of a fully enclosed composting facility within confines of the previously excavated area at Blaise Farm Quarry, West Malling, Kent.

Recommendation: Subject to no direction from the Secretary of State, Permission be Granted subject to Legal Agreement and Conditions.

Local Members: Mrs S Hohler, Mrs T Dean and Mr R Long

Unrestricted

Site description and background

1. Blaise Farm Quarry (some 116 hectares) is located to the south of the village of Offham and to the west of the A228 and the residential area of Kings Hill. The quarry site is bounded to the east, south and west by woodland. The site is served by a purpose built surfaced access road onto the A228 West Malling roundabout located near Kings Hill. The site offices, weighbridge and parking facilities, etc, relating to the quarry, are located approximately 600 metres from the roundabout and are surrounded by woodland.
2. A number of planning permissions are of particular relevance to the application:-
 - (a) Planning permission TM/88/1002 was granted for the winning and working of some 57 million tonnes of ragstone from four phases over a 62-year period in January 1994. Of this total, 34 million tonnes would be marketable and the rest (40%) quarry waste. Anticipated production was estimated to be 550,000 tonnes per annum (tpa) generating an average of some 230 HGV movements per day. The permitted hours of operation were 0700 to 1800 on Mondays to Fridays and 0700 to 1300 on Saturdays. Upon completion of ragstone extraction within each phase restoration will be back to agriculture at a lower level using only 'in-situ' materials. Quarrying has been undertaken in the north east part of the Quarry (phase 1) and, with the exception of areas in the south east which are used for storage of topsoil, subsoil, hassock and overburden, and the soil blending area in the centre of the site (see below), the rest of the site is still in agricultural use.

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- (b) Planning permission TM/01/3039 was granted for the siting of a facility to manufacture and store soils utilising imported compost and in-situ overburden for a 25-year period near the centre of the site in January 2002. The permission, which has not been implemented, originally contained a condition that restricted all vehicle movements to and from the Quarry (both from quarrying and soil blending operations) to 230 movements each day. This was amended in July 2002 to allow a combined total of 86 HGV movements (43 in and 43 out) associated with all activities at Blaise Farm Quarry to enter or leave the site during each of the peak hours of 0800 to 0900 and 1700 to 1800 Monday to Friday. It also contained a specific limit on vehicles associated with the soil blending to a daily average of 46 (23 in and 23 out) in any one working year.
 - (c) Planning permission for the dualling of the West Malling by-pass and by-passing of Leybourne Way (to the north of Blaise Farm Quarry) was granted on 28 January 2003. The development is in the process of being implemented and is expected to be completed during Autumn 2006.
 - (d) Planning permission TM/03/1155 was granted for the use of land and erection of buildings near the centre of the quarry on land currently in agricultural use for the composting of up to 50,000 tonnes per annum (tpa) of green waste and green/garden, food, vegetable, cardboard (GFVC) waste in January 2005 following completion of a Section 106 (legal) Agreement. The Section 106 Agreement restricted the sources of waste to those Districts proposed (i.e. Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks) and secured appropriate vehicle routing (to avoid Offham, West Malling and Mereworth), the establishment of a local liaison group and the creation of a new public footpath across the quarry on completion of mineral working. The permission, which has not been implemented, contains conditions restricting, amongst other matters, duration (15 years temporary permission), waste sources (as in the Section 106 Agreement), annual capacity (20,000tpa green waste and 30,000tpa GFVC waste), HGV movements (maximum 78 movements in any day and combined peak hour movements as (b) above) and hours of operation.
3. Blaise Farm Quarry lies within the Metropolitan Green Belt and a Special Landscape Area as identified in the Tonbridge and Malling Borough Local Plan (December 1998). The application site incorporates the existing access to the quarry from its junction with the A228 (roundabout), the existing quarry offices, weighbridge, wheel wash and associated facilities and the existing “L” shaped quarry void (the majority of the Phase 1 working area) which lies in the north east corner of the permitted mineral working area. The remains of the Chapel of St Blaise (Scheduled Ancient Monument) lie about 100m to the north of the application site. The access road passes through, and the site borders, areas of ancient woodland that are designated Sites of Nature Conservation Importance (SNCI).
4. The proposed composting facility would occupy the whole of the current quarry void which is about 15 to 20m lower than adjacent ground with steep almost vertical sides. The quarry void is bounded to the east / part south by St Leonard’s Wood, to the north by farmland and recent planting associated with the quarry and to the west / part south

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by the unexcavated part of the quarry. A public right of way (Footpath MR286) lies about 130m to the west of the application site but would be unaffected by the proposals. The right of way is due to be diverted around the western boundary of the mineral site as part of the ongoing mineral operation. The proposed facility is about 500m from the nearest residential property at Blaise Farm House (to the north west).

The Proposal

5. The proposal is for the development of a fully enclosed composting facility with a capacity of up to 50,000tpa within the confines of the existing quarry void at Blaise Farm Quarry, West Malling. Compost would be produced mainly from biodegradable materials comprising paper, card, food, vegetable and garden waste delivered by Waste Collection Authorities in Kent collected from household kerbside collection schemes and from Household Waste Recycling Centres (HWRCs). The facility could also accept business waste from within Kent. The applicant (New Earth Solutions Ltd) intends to purchase the freehold of the existing quarry void from the current owner (Hanson) and acquire rights to use the existing quarry access.
6. The applicant has been awarded a 15 year composting contract by KCC, which could be extended by 5 years, to process up to 25,000tpa of waste derived from Tonbridge and Malling and Tunbridge Wells. The application therefore seeks planning permission for a 20 year temporary period.
7. The proposals would require the existing quarry void to be remodelled to accommodate the development and provide a continuous gradual fall with levels from 77m AOD in the south to 72m AOD to the north. This would result in the quarry depth after levelling varying between 23m at the southern end where existing unexcavated ground levels are 100m AOD and 18m at the northern end where existing ground levels are 90m AOD.
8. The proposals include buildings with a gross floor area of 24,153m³. These comprise weighbridge office, waste reception and preparation building, composting process buildings (x3), compost screening buildings (x2), compost maturation buildings (x3), turner workshop and washdown building and process and monitoring control building. The buildings would vary in height from 10m to 3m. The main buildings would be of steel clad portal frame construction and have goose grey coloured walls and roofs. Building floor slabs would be of reinforced steel concrete. Access to the facility would be via the existing purpose built quarry access from the A228.
9. The composting process would utilise the applicant's fully enclosed dynamic housed windrow system which is compliant with the Animal By-Products Regulations (ABPR). This creates optimum composting conditions and enables noise, odour, dust and bio-aerosol emissions to be controlled. The system has been utilised at the applicant's facility at Poole since June 2003.
10. Incoming materials would be weighed, assessed against acceptance criteria and, if acceptable, tipped within the reception building having passed through an 'air lock' system. This building would have rapid rise doors with strip curtain protection to contain odour and dust egress. Materials would be sorted by wheeled loader and

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placed in temporary storage bunkers to await processing. Odour and dust control is provided by units which extract air through a biofilter. Materials are then shredded and screened for size and blended as necessary to ensure a suitable mix and passed via a sealed conveyor to a composting hall. Unsuitable and reject material would be placed in bays prior to removal from the site. The digestion process would take place in a composting hall which would be subdivided by internal walls to enable batches to be separated. Steel plate push walls would act as containment along the internal walls and a sealed concrete floor with perimeter kerbs would prevent ingress or egress of surface water. Incoming material would be placed by wheeled loader into a windrow over an aerated floor (a duct that also acts also as a drain). Air would then be sucked from the composting hall through the windrow and expelled via condensation traps through a biofilter to remove odour and bio-aerosols. The system would be automatically monitored and controlled by computer from the control building. This would also control windrow irrigation sprays. Liquids passing through the windrows would be collected via the ducts to tanks for re-use or disposal. The windrows would be turned regularly using a purpose built machine to invert the material (including base layer) and ensure effective mixing. During these turning periods, air would be transferred within the composting hall to ventilate the area affected. After two digestion stages (about 28 days) compost would be transferred to a screening building to remove oversize material and then moved by wheeled loader to a maturation building. Any oversize material would be returned to the reception building for re-blending with fresh material. In the maturation building, compost would be placed in bays with aerated floor ducts and turned regularly to ensure the product is homogenised and matured uniformly. When mature the material would be moved off site. The screening building would be enclosed on all sides with doors to enable vehicle entry. The maturation building would have a gale breaker front to allow air circulation and be connected to the bio-filter.

11. The applicant proposes that the compost produced would be used in a variety of beneficial ways and the following potential markets have been identified: agriculture (soil amendment and seedbed preparation); horticulture (in the production of fruit and vegetable crops); soil blending (with quarry overburden or soils recovered from construction waste recycling); landscaping and grounds maintenance; the general public (although not available to the public at the site); and bio-mass and bio-fuel crop production.
12. The applicant states that waste would be delivered to the site Monday to Saturday in HGVs. All waste would be delivered under contract and volumes are expected to vary considerably during different parts of the year. Overall HGV movements associated with the delivery of waste and export of compost would be 14,208 per year averaging 44 movements (22 in and 22 out) per day with a maximum of 76 movements per day (38 in and 38 out) anticipated in May and a minimum of 16 movements per day (8 in and 8 out) in January. In addition, there could be a further 2 HGV movements (1 in and 1 out) every two days to dispose of contaminated materials and 4 articulated 20 tonne tanker movements (2 in and 2 out) each day to dispose of foul water during peak periods (*worst case*). It also estimates that the 6 employees and visitors will generate about 16 private vehicle movements per day and that one person will need to visit the site on Sundays (generating 2 private vehicle movements). Total private vehicle movements would be about 4800 annually. Parking is proposed for 10 private

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cars and 5 HGVs.

13. It is proposed that surface water from the site (including roofs) would drain by a series of drains and pipes to a large lake at the bottom of the site which would act as a large soakaway into the permeable Hythe Beds. Any surface water from roads or hardstandings would use a separate drainage system and pass through a petrol and oil interceptor before discharging to the lake. The lake would be designed to facilitate de-silting operations. The entire facility would be designed (with liner membrane) to ensure that there is no discharge of liquids to ground. Foul water would go to a septic tank and the outfall either incorporated into the composting water treatment system or tankered off site. Fuels would be stored and transferred in accordance with Environment Agency requirements. Mains water would be used for domestic needs and the initial processing, however, subsequent processing would rely on water collected from within the site and recycled water (where possible).
14. The applicant proposes that the composting process would operate continuously with a member of staff on call 24 hours a day. It also proposes that waste deliveries would take place between 0700 and 1800 on Mondays and Fridays and 0700 to 1300 on Saturdays except for the months of April to June (inclusive) and on any Saturday immediately following a Bank or Public Holiday for the rest of the year when waste may be delivered between 0700 and 1730. It is proposed that operations employing plant and vehicles for handling and screening compost would be restricted to the same times as deliveries and that turning operations would be permitted to take place on any day between 0700 and 1800 hours to maintain aerobic conditions and time temperature profiles required under the ABPR. It is proposed that lighting would be designed to reduce impact on the rural area (e.g. use of downlight reflectors) and only be used during normal operating hours. The application proposes that the composting facility may use the existing quarry weighbridge whilst quarrying is suspended, although a new weighbridge is also proposed within the new development.
15. The application is accompanied by a supporting statement, together with reports on noise, odour / bioaerosols, traffic impact, alternative sites and landscape / visual impact. Amongst other things, these conclude that:-
 - the proposals would not affect the amenity of the surrounding residential properties due to noise;
 - no harm would be caused to sensitive receptors by odour or bioaerosols;
 - the immediate traffic impact at the Kings Hill roundabout at the site access would be insignificant and that HGV movements would not result in any undue impact in terms of safety;
 - that the proposed location would meet the proximity principle serving 9 Districts (including Medway) in north, west and mid Kent with a combined population of 1.1 million;
 - of the 4 District areas considered (Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks), only 3 locations offer practical opportunities for development of the proposed facility based on the criteria used for assessment (i.e. Blaise Farm Quarry, Wealdon Granary and Fishponds Farm); and
 - the proposed development would not be visible from any houses or footpaths other than limited glimpsed views of the roof of the maturation building from the footpath

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near the existing disused farm buildings (this would not occur once the footpath is diverted as part of mineral working) and would have less impact than the permitted composting facility (due to the location in the quarry void and since there would be no need for major engineering works to screen the site).

16. The applicant states that the following very special circumstances justify granting planning permission in the Green Belt:-
- a clearly defined need for the facility;
 - the site location accords with the proximity principle;
 - the absence of alternative sites in urban areas and non-Green Belt locations;
 - the quarry void is previously developed land and there would therefore be no encroachment in the Green Belt;
 - there would be no impact on openness of the Green Belt;
 - Government policy supports composting to achieve diversion of biodegradable waste from landfill;
 - South East Regional Planning Guidance accepts that the Green Belt may have to accommodate waste management facilities; and
 - none of the 5 purposes of the Green Belt would be compromised by the proposal.
17. In May 2006, the applicant submitted two alternative restoration proposals (options) designed to take account of potential future scenarios for Blaise Farm Quarry: (A) no further quarrying takes place; and (B) quarrying activities continue. These were subject to minor amendment / clarification (*also in May*). Both options would involve the site being restored for nature conservation use, following removal of the facility and associated structures and hardstandings after 20 years, with the proposed lagoon retained as a water catchment area for the Phase 1 quarry area. Option A would involve the use of 400,000m³ of restoration materials currently being stored as part of the mineral permission in the south west corner of Blaise Farm Quarry. The majority of the material would be used to marry with existing unexcavated levels on the western and southern boundaries and these slopes would be planted with woodland in accordance with the existing approved restoration scheme. Much of the northern and eastern quarry faces would be left with steep sides and the remaining part of the area of the composting facility would be restored at low level using 1 to 2m of overburden and subsoil. Option B would involve the use of 120,000m³ of restoration materials from stockpiles (as required) to restore the area with a 2m depth of overburden and subsoils and marry with final restoration contours approved under the terms of the mineral permission. Further detail is not possible at this stage due to uncertainties about exactly how the next phases of quarrying and restoration will progress (*these matters would be addressed as part of the next 5-year quarry plan required pursuant to the mineral permission*). The amount of woodland planting would be less than Option A. The applicant states that the habitats created for both options would fulfil some of the objectives of the Kent Biodiversity Action Plan.
18. A site location plan is included on page C1.2. Drawings showing the relationship with quarrying phases and the permitted composting facility (Appendix 1) and proposed site layout and restoration Option B (Appendix 2) are appended. A Planning Applications Committee Members' Site Visit took place on 8 June 2006. A note of this visit will be circulated to Members prior to Committee.

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Planning Policy Context

19. **National Planning Policies** – the most relevant National Planning Policies are set out in PPG2 (Green Belts), PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy 2000 (as amended in July 2005).
20. **Regional Planning Policies** – These include Policies E1 (areas of cultural importance), E2 (biodiversity), E3 (Green Belts) and INF3 (waste) of the adopted Regional Spatial Strategy (RPG9) and Policies W4 (sub-regional self-sufficiency), W5 (targets for diversion from landfill), W6 (recycling and composting targets), W7 (capacity requirements) and W17 (location of waste management facilities) of the Proposed Changes to Regional Planning Guidance for the South East (RPG9) – Waste and Minerals (August 2005).
21. **Kent Structure Plan (1996)** - These include Policies S1 (sustainable development and energy conservation), S2 (environment), ENV1 (countryside), ENV2 (landscape and nature conservation), ENV4 (Special Landscape Areas), ENV7 (trees, woodland and hedgerows), ENV20 (pollution), ENV21, ENV22 and ENV23 (waste disposal), NR3 (groundwater protection), NR4 (surface water protection), NR7 (minerals sterilisation), MGB3 (uses appropriate in the Green Belt), T18 (traffic impacts of development) and SR3 (informal countryside recreation / rights of way).
22. **Kent and Medway Structure Plan: Proposed Modifications (September 2005)** – These include Policies SP1 (conservation and enhancement of environment / sustainable development), SS8 (uses appropriate in the green belt), E1 (countryside protection), E3 (protection and enhancement of landscape character), E5 (Special Landscape Areas), E9 (trees, woodland and hedgerows), NR4 (pollution impacts), NR7 (water quality), WM1 (integrated waste management), WM2 (assessment criteria for waste proposals), WM6 (provision of strategic waste management facilities), M12 (safeguarding of mineral resources), TP11 and TP14 (traffic impacts of development / access) and QL18 (rights of way).

The County Council resolved to adopt the Kent and Medway Structure Plan at its meeting on 25 May 2006.
23. **Kent Waste Local Plan (1998)** – These include Policies W1 (waste processing provision / waste hierarchy), W2 (protecting environmental resources), W4 (green belt), W6 (consideration of need / harm), W10 (criteria for composting proposals) and W18 to W32 (operational policies).
24. **Tonbridge and Malling Borough Local Plan (December 1998)** - Identifies that the application site lies in the Green Belt and within a Special Landscape Area.
25. **Sustainable Management of Household Waste Joint Strategy for Kent (November 2002)** – The most relevant Policy is WPS5. Paragraphs 6.2.5 and 6.2.10 are also of particular relevance.

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Consultations

26. **Tonbridge and Malling Borough Council** – Comments awaited.

[The application is due to be reported to the Borough Council's relevant Area Planning Committee on 14 June 2006. Members will be updated appropriately.]

27. **Offham Parish Council** – “Bearing in mind that your Council has already granted consent for a composting facility, albeit on another part of the site and of a different specification, there seemed to be little point in debating the principle of the proposed development but to concentrate our efforts on the detail and our comments are therefore as follows:-

- Overall the proposed development is a significant improvement on that for which consent was granted in January 2005, bearing in mind that the proposed facility is fully enclosed and located within the former worked area of the quarry thereby eliminating all our concerns regarding visibility and impact on the local environment.
- New Earth Solutions have explained their reasoning for applying for a longer time period to the temporary planning permission. Bearing in mind that we do not believe that 15 years is in reality “temporary”, we have no issue with the 15 years being extended to 20 to tie in with the contract period. Page 6 of the planning application, final paragraph states “...The composting facility is of permanent construction and the need for composting to divert bio-degradable waste from landfill is a continuing requirement beyond 2020.” – why therefore are we calling the consent, if forthcoming, temporary?
- We would like to see the same stringent conditions, if consent is granted, imposed as were attached to the previous consent in January 2005 especially with regard to
 - Time limits – commencement and duration
 - Restriction of Permitted Development Rights
 - Access and Traffic routing
 - Hours of operation
 - Landscaping, restoration and aftercare
- Whilst we are aware that all the supporting information clearly states that there will be no noise or odour issues, bearing in mind the sorts of problems that have emanated from the (*Offham*) landfill site over the years these are still two extremely sensitive issues. New Earth Solutions agreed at our meeting on 18th April that they would be more than happy to supply copies of their annual noise monitoring survey bio-aerosol monitoring of the operation facility to all interested parties, including the surrounding Parish Council's and that they would accept this obligation as a planning condition.”

With regard to the restoration options, has no objection to the creation of a permanent lagoon in either Option A or B but would like an explanation of the benefits (or otherwise) of not restoring the site to its original levels. Also questions the reality of the proposed facility being demolished and restoration taking place at the end of any

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temporary period.

28. **West Malling Parish Council** – No objection (including to the restoration options). Has the following comments:-
- vehicle movements should not be permitted through West Malling, Offham or other villages but should be confined to the By Pass;
 - vehicle movements should avoid peak times;
 - lorries must be sheeted;
 - steps must be taken to minimise dust, noise, odour and other pollution; and
 - Members would like to know what steps are being taken to prevent pollution of groundwater.
29. **Mereworth Parish Council** – Objects. Has stated that: “In principle Mereworth Parish Council is fully supportive of recycling waste, including composting. However, we believe that this proposal contravenes both metropolitan green belt policies and locally adopted planning policies. If the proposal is approved we would like to see some measures included to prevent vehicles travelling on roads other than major lorry routes. We would not wish to see the proposed operating hours, the proposed 50,000 tonnes per annum or the proposed lorry movements extended beyond the present proposals without further planning applications made.”
30. **Kings Hill Parish Council** – Objects. Has raised a number of concerns including:-
- The waste types listed in the planning application are different than those permitted previously and some are not suitable for composting (i.e. non-biodegradable);
 - The facility at Poole is similar, but not identical, to that proposed at Blaise Farm (*hence it is not directly comparable*);
 - Monitoring would not be independent;
 - Inadequate public consultation has been undertaken; and
 - The application should not be regarded as a “fait accompli” (*in the context of publicity surrounding the Green Waste service provided by Tonbridge and Malling Borough Council*).
31. **SEERA** – Has the following observations:-
- On the basis of the information provided it is considered that the proposed development does not materially conflict or prejudice the implementation of the regional spatial strategy (RPG9 and alterations) and the Government’s Proposed Changes to the Regional Waste Strategy;
 - The County Council should consider whether it would be appropriate to require additional biodiversity measures to be incorporated within the current proposal and implemented in the short term in accordance with Policy E2; and
 - If the County Council are minded to approve this application, it should use appropriately worded conditions and / or legal agreements to secure the following:-
 - An appropriate restoration scheme following the expiration of the temporary planning consent;

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- That planning permission for the previously consented composting facility is rescinded to restrict unnecessary development in the Green Belt.
32. **Divisional Transport Manager (West Kent)** – No objection subject to restrictions on the maximum number of HGV movements each day and annual composting capacity (to those proposed) and HGVs being routed to avoid local settlements.
 33. **Environment Agency** – No objection in principle subject to the imposition of planning conditions to prevent pollution of the water environment (e.g. scheme for disposal of foul and surface water, use of an oil separator and trapped gullies) and that detailed advisory text in respect of surface water disposal, foul water discharge and waste management be noted. The advisory text in respect of waste management specifically states that a waste management licence will be required and that at this time compost produced from controlled waste remains controlled waste until it has been put to final use (*this has detailed implications for end uses for the compost which are matters for the Environment Agency and applicant*). No objection to either restoration option.
 34. **State Veterinary Service (SVS)** – Has raised no objection. Has advised that although some of the issues that would be covered by the SVS are not covered in the supporting statement accompanying the planning application, it would seem likely that SVS approval could be forthcoming in due course since the proposals are similar to those at the existing plant in Poole (*which already has such approval*).
 35. **KCC Rights of Way** – No objection. Public footpath MR286 runs near to the application site and is unlikely to be affected by the application.
 36. **KCC Waste Management Unit** – Supports the application as the proposed facility would assist in diverting biodegradable waste from landfill into a more sustainable form of waste management within the County in accordance with the Waste Management Strategy and Government Policy.
 37. **KCC Biodiversity Officer** – The site borders, and the haul route passes through, areas of ancient woodland SNCI (*Site of Nature Conservation Importance*) and Kent Wildlife Trust may have a view on whether this proposal adds to the existing and past impacts from the mineral extraction. Very recent extraction within the development boundary reduces the possibility of direct ecological impacts from the proposal. The proposal would affect the proposed mineral restoration / after-use and in reviewing these (*as would be required*) there may be opportunities for enhancements to biodiversity that could be actioned as part of phased restoration. Parts of the overall mineral site offer opportunity for fertile woodland or acid grassland and heath creation.
 38. **KCC Landscape Consultant (Jacobs)** – No objection to the proposed development on visual impact and landscape character grounds. Whilst restoration of the application site to original ground levels would be preferable in landscape terms, Options A and B are considered to be acceptable in principle as alternatives. Further details would be required to assess the full acceptability of either option and this is capable of being addressed at a later date. If Option B is chosen, such details should preferably include more tree planting than currently illustrated.

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39. **KCC Noise, Dust, and Odour Consultant (Jacobs)** – No objections in respect of noise, dust or odour / bioaerosols.

Noise – Is satisfied that noise from the proposed composting plant should not cause detriment to amenity at the indicated levels. Notes that the nearest noise sensitive receptor (Blaise Farm) is more than 500m from the proposed facility. Recommends that a noise condition be imposed to ensure that a BS4142 rating level of 0 is not exceeded.

Odour and bioaerosols – The use of negative pressure and gas scrubbers, coupled with the large distances to the nearest sensitive properties, should minimise the potential for detrimental effects on amenity. The distance to the nearest sensitive receivers (more than 500m) should also ensure that bioaerosol levels remain at background concentrations at these locations.

Dust – The use of negative pressure, dust control units, doors being closed when not required for access / egress and regular cleaning of internal roads should ensure that dust is unlikely to cause detriment to sensitive receivers given the distance to such receivers.

40. **Kent Wildlife Trust** – Welcomes the restoration of the site for nature conservation enhancement and focus on Kent Biodiversity Action Plan priorities, despite the scheme being very general. Has not identified any obvious missed opportunities.
41. **Southern Water** – No objections.

Representations

42. The application has been publicised both by site notice and newspaper advertisement and 25 local residents / business properties were notified. In addition, the Airfield Residents Association and the Tonbridge & Malling Housing Association were notified. 1 letter of objection has been received stating that the proposal is not the best use of the site. The objector has also requested that if permission is granted noise should not be audible at the quarry boundary wall or air contaminated with pollution from the quarry.
43. Hanson Aggregates has written in support of the proposals and has confirmed (amongst other things) that the restoration options are acceptable in principle and that it will make available the necessary restoration materials at the appropriate time (through legal contract with the applicant). It has also advised that since quarrying has recommenced, Option B is the more likely scenario.

Local Members

44. County Council Members Mrs S Hohler, Mrs T Dean and Mr R Long were notified in March 2006 and informed about the additional information in May 2006. No written comments have been received.

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Discussion

45. 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. In the context of this application, the policies outlined in paragraphs 19 to 25 are of greatest relevance. An important material consideration in this case is that the County Council has already granted planning permission (TM/03/1155) for a 50,000tpa composting facility at Blaise Farm Quarry (albeit in a different location and of different design).
46. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO to individual applications should be afforded substantial weight in the decision making process. The new advice moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA / SEA process (as is the case with the Kent Waste Local Plan) it is appropriate to consider planning applications against the principles of BPEO. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are "*of the right type, in the right place and at the right time*" in accordance with paragraph 2 of PPS10. This approach is also consistent with the underlying principles of the emerging South East Regional Waste Strategy / RSS for the South East.
47. The main issues to be considered in this instance relate to:-
- Need for the proposed development;
 - Alternative sites, sources of waste and the proximity principle;
 - Location (including Green Belt);
 - Traffic;
 - Potential pollution and amenity (noise, dust, odour, air quality, water environment);
 - Landscape and visual impact; and
 - Ecology and archaeology.

Need for the proposed development

48. The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Paragraphs 3 and 5 of PPS10 state that planning has an important role in delivering sustainable waste management and that waste planning authorities should have regard to its advice as a material consideration which may supersede the policies in their development plan in considering planning applications for waste management facilities before development plans can be reviewed to reflect it. Policy INF3 of RPG9 requires that adequate provision should be made for managing the Region's waste within its boundaries and that waste planning authorities should make provision for the

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range of facilities necessary to deal with the waste that should be managed in their areas. Policy W4 of the proposed Regional Waste Management Strategy states that waste planning authorities should plan for net self-sufficiency through provision for management capacity equivalent to the amount of waste arising and requiring management within their boundaries. Policies W5 and W6 respectively set targets for diversion from landfill and for recycling and composting. Policy W7 sets out benchmarks for annual rates of wastes to be managed in Kent and Medway, but leaves the type, size and mix of facilities required to achieve this to individual Waste Planning Authorities.

49. Policy ENV21 of the Structure Plan states that the planning authority will make provision for the waste arising in Kent, together with a contribution to meeting wider waste management needs in the South East region. Policy ENV22 states that proposals for disposal will not be permitted unless the need for such development overrides material agricultural, landscape, conservation, traffic and environmental or land use concerns. Policy WM2 of the emerging Kent and Medway Structure Plan (KMSP) states that proposals for the disposal of waste will be required to show that they represent the best balance between the most efficient and most environmentally sustainable method of managing a specific type of waste and that they should demonstrate that they meet a demonstrable need that overrides material agricultural, landscape, conservation, traffic and other environmental or land use concerns.
50. Policy W1 of the Kent Waste Local Plan (WLP) states that the local planning authority will make provision in accordance with the principles of sustainable development (based on the waste hierarchy) for wastes arising in Kent to be dealt with in Kent and will also provide for a share of the region's waste (to be agreed by SERPLAN) which cannot reasonably be dealt with in the area of origin. Policy W6 of the Kent WLP states that need will be a material consideration where a proposal is outside a location identified as suitable in principle in the plan (in this case the criteria in Policy W10) and demonstrable harm would be caused to an interest of acknowledged importance.
51. The need for additional composting capacity to serve a number of Districts in West Kent was previously identified in the Sustainable Management of Household Waste Joint Strategy for Kent (November 2002). The Household Waste Strategy defines the West Kent Area as Dartford, Gravesham, Maidstone, Sevenoaks, Swale, Tonbridge and Malling and Tunbridge Wells. It specifically identifies that additional composting capacity will be needed to ensure continued provision for Dartford, Gravesham, Swale and the northern parts of Maidstone and Tonbridge and Malling. It does not say whether this should be one or several facilities. This is reflected in Policy WM6 of the emerging KMSP which states that the Waste Development Frameworks will assess a pattern of waste management facilities over the plan period that will include consideration of industrial scale composting facilities. The proposed facility at Blaise Farm could be regarded as an industrial scale facility and could serve to provide a facility to serve parts of West or North Kent.
52. There are a number of green waste composting sites operating in the County that take green waste from household waste recycling centre (HWRC) sites and various landscape contractors and use the open windrow technique to compost the material. The main sites are at Dunbrik (Sevenoaks) and Shelford (Canterbury), which can

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accept some 18,000tpa and 16,000tpa respectively, although much smaller facilities operate at Hope Farm near Folkestone (Shepway) and Conghurst Farm near Hawkhurst (Tonbridge Wells). Planning permission has also been granted for open windrow composting at Norwood Farm on the Isle of Sheppey (Swale). Planning permissions for other types of composting facility have also been granted at Larkfield Mill (40,000tpa in-vessel)¹, Blaise Farm Quarry (50,000tpa in-vessel/open windrow), Great Ness Quarry, Sevenoaks (10,000tpa temporary/c. 9 years 'eco-pod' containment) and Shelford (14,000tpa temporary in-vessel). Other green waste is either landfilled or exported to Essex for processing. However, the composting capacity within Kent implied by this is misleading. It should be noted that the existing facility at Dunbrik would close if a proposed new waste transfer station and enhanced HWRC is built², the permitted facility at Norwood will not be implemented if hazardous waste landfilling at the site goes ahead, the permission at Larkfield Mill will not be implemented as the landowner has stated that it is pursuing other options for the site, the in-vessel permission at Shelford has not been implemented after several years (and may never be) and the permission at Blaise Farm Quarry is not consistent with the recent GFVC waste contract for Tonbridge and Malling and Tunbridge Wells and would be replaced by the current proposals.

53. It can be seen from the above that the principle of composting as an alternative to landfilling has considerable policy support and that there is a clear and immediate need for further capacity if relevant targets are to be met. It can also be seen that the issue is exacerbated by the fact that one of the major existing composting facilities in the County may soon close and that a number of recent planning permissions, which could otherwise provide additional capacity, will/may not be implemented. It is also worth noting that no one has disputed the need for additional composting capacity in Kent (either generally or specifically to serve the north and west of the County). The fact that the applicant must demonstrate very special circumstances to justify the location of the facility in the Green Belt together with the inevitable environmental impacts associated with the proposals (*discussed below*) ensure that need is a material consideration pursuant to Policy ENV22 of the Kent Structure Plan, Policy WM2 of the emerging KMSP and Policy W6 of the Waste Local Plan. The point at issue, however, is not the general case of need, rather it is whether the need for additional composting capacity is sufficient to justify a facility at this location. This is explored further below in the "Location (including Green Belt)" section.

Alternative sites, sources of waste and the proximity principle

54. Paragraphs 23 and 24 of PPS10 state that in the interim period before development plans are updated, planning authorities should ensure that proposals are consistent with the policies in the PPS and avoid placing requirements on applicants that are inconsistent. Applications for sites that are unallocated in development plan documents should be considered favourably when consistent with the policies in the PPS, including criteria set out in paragraph 21 (e.g. physical and environmental constraints, cumulative effects, highway capacity, sustainable movement of waste and giving priority to the re-use of previously developed land), and the waste planning

¹ 15,000tpa of waste paper sludge from the Paper Mill and 25,000tpa of GFVC (green, food, vegetable and cardboard) waste.

² KCC resolved to grant planning permission for this in January 2006.

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authority's core strategy. Paragraph 20 states that in searching for sites for new or enhanced waste management facilities, waste planning authorities should consider looking for opportunities to co-locate facilities together with complementary activities. Policy W17 of the proposed Regional Waste Management Strategy states that the suitability of existing sites and potential new sites should be assessed against characteristics which include good accessibility from existing urban areas or major new or planned development, good transport connections and compatible land uses such as active mineral working sites. It also states that waste management facilities should not be precluded from the Green Belt where this is the nearest appropriate location (*i.e. is consistent with the proximity principle*), where there are no alternative sites, and provided that the development would not cause harm to the objectives of the designation (*Green Belt is examined further below*).

55. Reducing the need to travel is one of the key principles of PPS1 and the proximity principle is an important element of sustainable waste management. Paragraph 3 of PPS10 states that waste should be disposed of in one of the nearest appropriate installations. RPG9 states that Waste Local Plans should identify sites for waste treatment and disposal facilities having regard to the proximity principle. The proximity principle is also implicit in the proposed Regional Waste Management Strategy and Policies S1, ENV21 and ENV22 of the Structure Plan. Policy WM2 of the KMSP states that waste proposals should accord with the proximity principle, taking into account the environmental impact of the mode of transport proposed. The desirability for disposal solutions to be proximate to waste sources is also implicit in the need for each waste planning authority to seek to meet its own waste management needs.
56. Consideration of alternatives (including sites) by the applicant is regarded as best practice and can be a material consideration in determining applications. In this instance, the applicant has submitted the results of an alternative site assessment exercise which looks at land in Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts that may be suitable, available and viable for use for the development of a composting facility.³ The report concludes (*amongst other things*) that: the four District areas offer very limited potential for employment development; a significant majority of the areas are classed as AONB, SLA or Green Belt; most commercial / land agents showed no interest and suggested looking further afield / elsewhere; where employment land is available it tends to be on smaller / infill sites, whereas larger sites are aimed at higher quality uses (*i.e. not those perceived as "bad neighbour"*) which command high values; and of the sites that may have potential, most tend to be long term opportunities requiring major infrastructure works to enable development. The report identifies three sites within the four Districts as offering practical opportunities (in preferred order): Blaise Farm Quarry (application site); Wealdon Granary Site (Mereworth Woods); and Fishponds Farm (Tunbridge Wells). All three lie within the Green Belt.
57. Based on the information available at this time, I consider that the applicant's site assessment exercise was adequate and that there are no suitable non-Green Belt sites currently available. This is not to say that there is no land in the four Districts that may have the potential for composting development in the longer term. This will

³ Criteria included: regular shaped site of at least 6 acres; suitable for B2 / B8 use; good road access; away from residential areas; capable of development being operation within 18 months.

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be a matter for the emerging Kent WDF or future proposals. The question as to whether the applicant's site assessment exercise was sufficiently broad in scope when considered against proposed waste sources is considered further below and in the context of Green Belt.

58. Consideration of proximity by the applicant is encompassed in a traffic impact assessment report which contains the results of a time / distance survey using the motorway, trunk and primary route network. The study contains the results of timed runs and the distance from each waste transfer station (WTS) / household waste recycling centre (HWRC) in Kent and Medway to Blaise Farm Quarry. For Tonbridge and Malling (with no WTS or HWRC), two points were taken at Tonbridge town centre and Aylesford to ensure that all Local Authority areas were represented. The report acknowledges that the use of kerbside collections could affect the results if materials were to be delivered direct. The results of the time / distance survey show that all Local Authority area sources (including Medway) apart from Canterbury, Dover, Shepway and Thanet lie within 26 miles of Blaise Farm Quarry and can be accessed in no more than 47 minutes. It is interesting to note that apart from Canterbury, Dover, Shepway and Thanet only Ashford and Swale perform worse than Sevenoaks (one of the four Local Authority areas included in the alternative site assessment exercise) in terms of distance and only Swale performs worse than Sevenoaks in terms of time. On this basis, the applicant suggests that wastes from Tonbridge and Malling, Maidstone, Tunbridge Wells, Medway, Dartford, Gravesham, Sevenoaks, Ashford and Swale should be regarded as proximate and be permitted to be composted at the site. The report also notes that these areas contain 65% of the entire population of Kent and Medway. Clearly the proposed facility would be unable to handle all compostable waste from these areas.
59. I see no reason to dispute the results of the time / distance survey or the applicant's assertions on proximity and consider that the proposals are consistent with adopted and emerging national, regional and local waste management policy insofar as they relate to the proximity of the application site to the proposed waste sources. I also consider that waste sources can and should be secured by condition if permission is granted to ensure that these remain proximate to the facility. Notwithstanding this, the issue of appropriate waste sources is explored further below in terms of "Location (including Green Belt)".

Location (including Green Belt)

60. PPG2 states that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved except in very special circumstances. It also states that inappropriate development includes the construction of new buildings unless for certain specified purposes (*the proposal for built development at Blaise Farm Quarry does not fall into one of the specified categories*). It further states that inappropriate development is by definition harmful to the Green Belt and that it is for the applicant to show why permission should be granted. The PPG also sets out the purposes of including land in Green Belts and objectives for use of land in Green Belts. The purposes of including land in the Green Belt are (amongst others): to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding

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the countryside from encroachment; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Once Green Belt land has been defined the use of land in them has a positive role to play in fulfilling the following objectives: to provide opportunities for access to the open countryside for the urban population; to provide opportunities for outdoor sport and outdoor recreation near urban areas; to retain attractive landscapes, and enhance landscapes, near to where people live; to improve damaged and derelict land around towns; to secure nature conservation interest; and to retain land in agricultural, forestry and related uses.

61. Paragraph 3 of PPS10 states that planning authorities should deliver strategies that “protect green belts but recognise the particular locational needs of some types of waste management facilities when defining green belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.” Policy W17 of the proposed Regional Waste Management Strategy states that waste management facilities should not be precluded from the Green Belt where this is the nearest appropriate location (*i.e. is consistent with the proximity principle*), where there are no alternative sites, and provided that the development would not cause harm to the objectives of the designation.
62. Policy MGB3 of the Kent Structure Plan reflects PPG2 and provides for a general presumption against inappropriate development in the Green Belt and confirms that the construction of new buildings is inappropriate unless it is for the purposes set out in PPG2. Policy SS8 of the KMSP simply states that there is a general presumption against inappropriate development in the Green Belt and that new building should accord with the provisions of PPG2 and Annex B of PPG3. Policy W4 of the Waste Local Plan is clear that there will be a general presumption against any built waste management developments within the Green Belt unless these are temporary proposals related to the restoration of mineral workings whilst Policy W10(a) states that non-windrow composting proposals will be permitted if the site is within an established or committed industrial or industrial type area.
63. Both Kings Hill and Mereworth Parish Councils and the only local resident to have made representations have (*in effect*) expressed the opinion that the proposed development is inappropriate and that no very special circumstances exist to overcome the usual presumption against such development. It is clear that the proposed built development at Blaise Farm Quarry does represent “inappropriate development” in the Green Belt. The issue for consideration is whether the facility could be accommodated without severe impact on the purposes of the Green Belt and whether the applicant has demonstrated very special circumstances to overcome the normal presumption against inappropriate development.
64. Having accepted that the site could be regarded as satisfying the proximity principle for compostable waste from nine Local Authority areas (paragraphs 58 and 59 above), consideration is needed as to whether it is appropriate that waste from all these areas should be composted at Blaise Farm Quarry when assessed against Green Belt policy. In this context, it should be noted that the applicant’s site assessment exercise

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only included four District areas (Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts) and that there has therefore been no assessment as to whether alternative sites may exist outside the Green Belt in other areas.

65. Strict interpretation of emerging Policy W17 of the proposed Regional Waste Management Strategy would suggest that the lack of such an assessment means that it would be unacceptable under normal circumstances for wastes to be imported from outside the four Districts. I consider that this approach would also be consistent with the usual Green Belt policy presumptions. Notwithstanding this, I accept that whilst the applicant already has a contract which would provide for 25,000tpa of compostable MSW sourced from Tonbridge and Malling and Tunbridge Wells (i.e. 50% of the proposed capacity at Blaise Farm Quarry) and that it would be well placed to secure further similar MSW contracts for Maidstone and Sevenoaks or C&I waste contracts from within the four District areas, there can be no guarantee that these will be forthcoming. On this basis, there would be a risk that the facility may not be able to operate at or near full capacity using only MSW and C&I wastes from within the four District areas. In view of the costs of developing and operating a major composting facility of the type proposed, I can understand that applicant's desire to ensure that waste is permitted to be sourced from a sufficiently wide area to ensure that full 50,000tpa capacity is attained within a reasonable timescale. I therefore consider that if permission is granted waste should only be imported to the composting facility from the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks except where the following conditions are met:-

- (i) those occasions where there is sufficient capacity to handle the additional wastes at the Blaise Farm composting facility without diverting wastes from sources within Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts; and
- (ii) where the additional wastes would otherwise be exported from the County or landfilled; and
- (iii) where the additional sources of waste are from within the administrative areas of Kent and Medway.

This is capable of being addressed by conditions and reinforced by Section 106 Agreement and is similar to the approach adopted in respect of the existing composting permission at Blaise Farm Quarry. By seeking to restrict the waste sources to the four Districts with significant areas of Green Belt in this way the likelihood of further inappropriate composting development being needed in such areas should be reduced. It would also serve to ensure that potential composting capacity at the facility is not wasted.

66. Having accepted that the site satisfies the proximity principle and that there are no alternative sites outside the Green Belt (subject to the restrictions on waste sources set out above), two of the three main elements of Policy W17 of the proposed Regional Waste Management Strategy relating to Green Belt have been met. Consideration is therefore needed as to whether the proposed development causes harm to the objectives of Green Belt designation (i.e. those matters listed in paragraph 60 above).

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67. The fact that the proposed facility would be located within the existing quarry void and adjacent to an area which is already disturbed by mineral workings means that it cannot be currently said to fulfil the objectives of providing opportunities for access to the open countryside for the urban population or providing opportunities for outdoor sport and outdoor recreation near urban areas. Whilst the restoration proposals for this part of Blaise Farm Quarry do not include public access, they would not preclude such opportunities in the longer term. Since the composting application proposes restoration of this part of the quarry after 20 years this remains the case. Regardless of the outcome of the current application, it is unlikely that public access would be afforded to this part of the site for many years in any event due to constraints associated with mineral working. The land is currently incapable of being used for agricultural, forestry or related use as it is currently used for mineral working. If the proposals were to be permitted, there would be a delay in the land being restored / returned to these uses under the terms of the mineral permission. However, a 20 year temporary planning permission would not prevent the site from fulfilling these objectives in future. If permission is granted it would be important to ensure that the existing permitted composting facility is not developed as well in order to restrict unnecessary development in the Green Belt. This is capable of being addressed by Section 106 Legal Agreement (see Heads of Terms at Appendix 3). The remaining Green Belt objectives (i.e. retaining attractive landscapes, and enhancing landscapes, near to where people live; improving damaged and derelict land around towns; and securing nature conservation interest) are addressed in detail below (see sections on “landscape and visual impact” and “ecology and archaeology”). For the reasons given in those sections, it is considered that the proposals can be viewed favourably against the remaining Green Belt objectives.
68. Of the proposed very special circumstances put forward by the applicant (see paragraph 16 above):-
- (a) the following are accepted as such for the reasons given:-
- a clearly defined need for the facility – see paragraph 53;
 - the site location accords with the proximity principle – see paragraphs 59 and 65;
 - the absence of alternative sites in urban areas and non-Green Belt locations – see paragraphs 57 and 65;
 - none of the 5 purposes of the Green Belt would be compromised by the proposal – see paragraph 67 (and above references).
- (b) the following is partially accepted:-
- there would be no impact on openness of the Green Belt – whilst there would be some impact on openness, this would be limited for the reasons given at paragraph 89 of the “landscape and visual impact” section (below) and since any impact on openness would be less than would be the case in respect of the current composting planning permission;
- (c) the following are not considered to represent very special circumstances in their own right for the reasons given but can be viewed favourably where stated:-

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- Government policy supports composting to achieve diversion of biodegradable waste from landfill – this is part of the need case; and
 - South East Regional Planning Guidance accepts that the Green Belt may have to accommodate waste management facilities – this policy consideration is acknowledged and has been addressed above.
- (d) the following is not considered to represent a very special circumstance but is accepted as a material planning consideration that is addressed elsewhere in this report as being relevant in terms of Green Belt policy:-
- the quarry void is previously developed land and there would therefore be no encroachment in the Green Belt – see paragraph 67;
69. On the basis of the above, it is considered that the applicant has demonstrated the very special circumstances necessary to overcome the usual presumption against inappropriate development and that proposals need not conflict with Green Belt policy provided satisfactory controls are imposed to address those issues highlighted elsewhere in this report.

Traffic

70. Government guidance on waste seeks to ensure that transportation impacts of development proposals are minimised. Paragraph 21 of PPS10 states that the selection of sites for new or enhanced waste management facilities should involve consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (and non-road transport should be used where practicable and beneficial). Annex E(f) states that the suitability of the road network and the extent to which access would require reliance on local roads are criteria that should be considered. Good transport connections including, where possible, rail and water, are also encouraged in RPG9 and Policy W17 of the proposed Regional Waste Management Strategy. Policies ENV22 and T18 of the Structure Plan and Policies WM2 and TP14 of the KMSPP require that development is acceptable in terms of traffic impact and, in the case of T18 and TP14, well related to the primary or secondary route network. Policy W10(c) of the Kent WLP requires that the site has, or is planned to have, ready accessibility to the primary or secondary route network, Policy W22 requires waste management proposals to be acceptable in terms of highway safety and capacity and for the developer to provide for any necessary improvements and Policy W23 requires measures to prevent mud and debris being deposited on the public highway for waste management proposals.
71. Blaise Farm Quarry is already served by a purpose built surfaced access road onto the A228. The application proposes to extend this to serve the composting facility. This, together with the use of existing or proposed wheel cleaning facilities, should ensure that mud or other materials should not be on roads would not become a problem provided vehicles associated with quarry operations do not ‘track’ mud onto sections of the access road between the composting facility and site access. These matters are capable of being addressed by conditions.

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72. The proposed composting facility could give rise to a maximum of 84 HGV movements per day. This is marginally more than the 78 HGV movements allowed under composting permission TM/03/1155 and is not significant. In view of the fact that the dualling of the West Malling By-Pass is expected to be completed by Autumn 2006 (well before the proposed composting facility could become operational), the previous restriction on peak hour movements from all activities at Blaise Farm Quarry is no longer considered to be justified. The restrictions on HGV movements and composting capacity sought by the Divisional Transport Manager are capable of being addressed by condition(s).
73. The Parish Councils have sought restrictions on vehicle routing so that HGVs associated with the proposed development do not use local roads or pass through settlements off the A228. The applicant has indicated a willingness to accept the same HGV routing agreed previously (i.e. all vehicles involved in transporting waste to the site shall only use the A228 (North and South) to access the site and shall not pass through those parts of the settlements of Offham, West Malling or Mereworth that lie off the A228 except where this waste is being collected from premises in those settlements). This is reflected in the proposed Heads of Terms at Appendix 3.
74. On the basis of the above, it is considered that the proposals are consistent with adopted and emerging national, regional and local waste management policy insofar as they relate to traffic.

Potential pollution and amenity (noise, dust, odour, air quality, water environment)

75. Government guidance on waste seeks to ensure that the natural environment is not adversely affected by development proposals and that potential adverse amenity and health impacts associated with development proposals are minimised. Paragraph 21 and Annex E(a) of PPS10 are clear that the protection of water resources is an important locational criterion when considering waste management proposals. Paragraph 29 of PPS10 states that waste planning authorities should consider the likely impact on the local environment and on amenity in considering planning applications for waste management facilities (i.e. locational criteria). Paragraphs 5 and 26 of PPS10 state that “controls under the planning and pollution control regimes should complement rather than duplicate each other” and that “in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities.” Paragraph 27 states that “Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.” Policy W17 of the proposed Regional Waste Management Strategy states that the suitability of waste management sites should be assessed on the basis of being capable of meeting a range of locally based environmental and amenity criteria.
76. Policies ENV20 and ENV22 of the Structure Plan and Policies WM2 and NR4 of the KMSPP require proposals to be acceptable in terms of their (*general*) environmental impacts. Policies NR3 and NR4 of the Structure Plan and Policy NR7 of the KMSPP require proposals to be acceptable in terms of potential impacts on ground and

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surface water. Policy W10(b) and (e) of the Kent WLP require that composting proposals should not cause significant harm to residential amenities due to noise, dust, smell or visual impact and that impact on the natural environment should be minimised. Policy W18 requires planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity, Policy W19 requires that surface and groundwater resources will be protected, Policy W25 requires plant, buildings and associated elements to be designed to minimise adverse visual and noise impact and Policy W26 sets out the hours during which waste facilities will normally be permitted to operate.

77. The nearest residential property (sensitive receiver) is more than 500m from the proposed composting facility. Consultee responses indicate that provided the proposed facility is operated and managed effectively, noise, dust and odour are unlikely to cause significant harm to residential amenity. In addition, the Environment Agency has confirmed that the proposed facility would require a waste management licence and the State Veterinary Service has confirmed that it would have a detailed role in authorising and monitoring the proposed GFVC operations for the purposes of meeting the Animal By-Products Order 2003.
78. The waste management licence is the appropriate mechanism for securing detailed operational controls relating to (amongst other things) odour and bioaerosols and, in accordance with Government Guidance, it is not proposed to duplicate these with unnecessary planning ones. Any waste management controls would be complemented by those available through planning and environmental health legislation and together these are considered to be sufficient to ensure that any potential harm can be minimised and adequately controlled. On this basis, and since noise and dust emissions can be satisfactorily controlled by planning conditions, the proposals are considered to accord with Policy W18 of the Waste Local Plan. In view of the fact that odour and bio-aerosol would be matters for the Environment Agency and since the applicant has demonstrated that any noise from the proposed development would not lead to an increase in background noise levels at any noise sensitive properties, it is not considered appropriate to require the applicant to submit annual monitoring reports on these issues as suggested by Offham Parish Council.
79. Although the application includes proposals (e.g. site drainage and design) designed to protect the water environment, and these are acceptable in principle, the Environment Agency has requested further details relating to these matters in the event that permission is granted. Since the Environment Agency has raised no objections to the proposed restoration options I am satisfied that any drainage / water protection issues can be satisfactorily addressed by condition(s).
80. As set out in paragraph 14 the composting process is a continuous one (i.e. 24 hour), however, waste deliveries and certain other operations need only take place at certain times. The fluctuating / seasonal nature of green and other compostable waste production means that demand is higher at certain times of the year or after specific events. This is reflected in the proposed hours of working which would provide for a longer working day on Saturdays during summer months and after Bank or Public Holidays. With the exception of windrow turning, which may be needed during the day

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on Sundays or Bank or Public Holidays and later than other operations on Saturdays to ensure that aerobic conditions and suitable time temperature profiles are maintained, no deliveries or operations employing plant and vehicles for handling and screening compost would take place on Sundays or Bank or Public Holidays. This is also reflected in the proposed working hours. In all other respects, the proposed hours of working accord with those set out as normal hours in Policy W18 of the Kent WLP. The specific operational and related needs of the composting process and desirability of being able to transport suitable waste from Local Authority WTS or HWRCs to prevent them becoming full and having to close are considered sufficient in this case to justify the greater flexibility proposed given the remoteness of the site, its good access and since such operations would not have a significant impact on local amenity.

81. The potential for light pollution is addressed under “Landscape and visual impact” below.
82. On the basis of the above, it is considered that the proposals accord with adopted and emerging national, regional and local waste management policy insofar as they relate to potential pollution or related amenity impacts.

Landscape and visual impact

83. Government guidance on waste seeks to ensure that landscape impacts of development proposals are acceptable. Paragraph 21 and Annex E(c) of PPS10 are clear that landscape, design and visual impact are important locational criteria when considering waste management proposals. Similar requirements are reflected in RPG9 and Policy W17 of the proposed Regional Waste Management Strategy. Policies S2, ENV1, ENV2, ENV4, ENV7 and ENV22 of the Structure Plan and Policies E1, E3, E5, E9 and WM2 of the KMSP require that development is acceptable in terms of landscape impact (with additional priority to conserving and enhancing natural beauty of Special Landscape Areas (SLAs)). Policy W2(v) of the Kent WLP states that permission will not be granted if proposed development would cause a significantly adverse impact in SLAs, Policy W10(d) requires that any proposal should not be unduly obtrusive in the landscape, Policy W25 requires processing plant, hard surfacing, buildings and lighting to be designed to minimise adverse visual and landscape impact and Policy W31 requires that appropriate landscaping schemes are integral to waste management proposals. As highlighted above, retaining attractive landscapes and enhancing landscapes near to where people live and improving damaged and derelict land around towns are Green Belt objectives.
84. The site is well contained by extensive mature woodland which block distant views from virtually all directions (e.g. from the Kent Downs AONB). Although filtered views are possible from a distance any effects would be negligible. Although there are some localised views into the site, these are generally limited by the depth of the quarry or by intervening vegetation. Any impact on footpath MR286 would be minimal and, in any event, further reduced by its diversion around the perimeter of the quarry as extraction proceeds. Views from the relocated footpath would be further reduced (even after the Phase 2 mineral working area has been excavated) by existing ‘advance planting’ associated with the quarry. Any visual impacts more generally

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could be further mitigated by ensuring that the buildings are suitably coloured to blend with the quarry background (e.g. goose grey profiled metal cladding as proposed). Any visual impacts also need to be considered in the context of existing and future mineral workings and associated stockpiles, which are permitted to continue around the site until well after the proposed 20-year life of the composting facility, and the fact that planning permission already exists for a 50,000tpa composting facility in the centre of the permitted quarry. Although the permitted facility was considered to be acceptable in landscape terms, that now proposed performs more favourably in that it avoids the more prominent central location and the need for large screening mounds to disguise development.

85. In the absence of the composting proposals, the mineral permission requires a large part of the current application site to be progressively restored (backfilled) with overburden from the Phase 2 working area as quarrying continues. The area would eventually be restored to agricultural use and (in the longer term) separated from the rest of the restored quarry by woodland. The majority of the quarry would be restored to agricultural use at a lower level and linked to surrounding unexcavated land and the backfilled area by relatively steep wooded slopes.
86. Both restoration options would result in the adoption of lower level restoration, retained cliff faces, lagoons, broad-leaved and wet woodland planting, unimproved grassland and an emphasis on nature conservation (as opposed to agricultural) afteruse. Whilst the retained cliff faces would not be particularly characteristic to the area any disbenefits associated with this need to be balanced against any ecological benefits and the extent to which these features would be visible from elsewhere. Subject to further detailed consideration (which could include additional woodland planting), neither restoration option would lead to the retained cliff faces being particularly visible in the wider landscape because of the surrounding woodland. Ecological issues are addressed in the “Ecology and archaeology” section.
87. Since quarrying has now recommenced, restoration Option B is considered to represent the more realistic option of those submitted. This option would necessitate about 120,000m³ of restoration materials (hassock, overburden and soils) being made available from either existing stockpiles or from elsewhere in the quarry as extraction continues at the end of the proposed 20-year life of the facility. Hanson Aggregates has confirmed that sufficient amounts of materials are and will remain available for both restoration options and that these would be provided for restoration of the application site through a legally binding contract with the applicant. Whilst restoration of much of the application site to original ground levels would be preferable in landscape terms, this would require the movement of significant amounts of restoration materials from elsewhere within Blaise Farm Quarry unless such materials were to be imported from elsewhere. Importation from elsewhere would require a fresh planning permission.
88. The County Council’s landscape consultant has advised that he has no objection to the proposed development on visual impact and landscape character grounds. He has also advised that restoration Options A and B are both acceptable in principle and that it would be acceptable for further details to be dealt with at a later date.

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89. In view of the fact that the proposed development would be wholly within the quarry void, lower than the unexcavated surrounding area, surrounded by ongoing mineral working and woodland and restored at the end of the proposed 20-year life of the facility, any reduction in openness (in the context of PPG2 Green Belts) would be minimal. Additionally, any impact on openness would be less than would be the case in respect of the existing composting planning permission.
90. Subject to the imposition of suitable conditions to ensure that appropriate building materials and colours are used, any necessary lighting is designed to minimise impact on the rural area and all site infrastructure is removed and the land restored in accordance with the principles set out in the restoration options after 20 years or on cessation of composting operations, it is considered that the proposals would not conflict with adopted and emerging national, regional and local waste management policy insofar as they relate to landscape and visual impact.

Ecology and archaeology

91. Paragraph 21 and Annex E(d) and E(e) of PPS10 are clear that nature conservation and the historic environment are important locational criteria when considering waste management proposals. RPG9 and the proposed changes to RPG9 also include objectives designed to protect such interests. Policies S2, ENV2, ENV5 and ENV6 of the Structure Plan and Policies E6, E7, E8 and QL8 of the KMSP require that development is acceptable in terms of potential impact on ecology (including designated sites) and archaeology. Policies W2, W10, W21, W28, W29 and W30 of the Kent WLP require proposals to be acceptable in terms of potential impacts on environmental resources such as designated sites (e.g. SAMs), nature conservation and archaeology, or require appropriate mitigation for protecting such interests. As highlighted above, securing nature conservation interest is a Green Belt objective.
92. The development of the proposed facility would have no significant impact on ecology and no impact on archaeology since the application site has already been excavated as part of the permitted mineral workings and the Chapel of St Blaise (Scheduled Ancient Monument – SAM) lies about 100m to the north of the site. Any increase in HGV movements is not considered likely to have any material impact on the adjoining SNCI. Notwithstanding the delay in restoring this part of the mineral site, since the application site comprises the existing site access and land entirely within the excavated area, short term measures to increase biodiversity opportunities are not considered to be appropriate in this instance. Both restoration options offer the opportunity to secure enhanced biodiversity interest in the longer term, provided condition(s) are imposed to secure this, and are supported by KCC Biodiversity Officer and Kent Wildlife Trust.
93. On the basis of the above, it is considered that the proposals are compatible with adopted and emerging national, regional and local waste management policy insofar as they relate to ecology and archaeology.

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Other matters

94. As stated in paragraph 4, public footpath MR286 is to be diverted to accommodate mineral extraction and arrangements are already in place for this. The diverted route will run to the north of the phase 2 mineral working area and through existing woodland to the west of the phase 3 area to link with the footpath MR260 (Lords Walk) to the north west. Although the route of the existing footpath is not affected by the proposed development, it is still considered appropriate that the landowner (Hanson Aggregates) create a new public footpath across the mineral site on completion of extraction and associated restoration to recreate so far as possible the route of footpath MR286. Such a footpath is illustrated on the approved restoration plans for Blaise Farm Quarry but the issue was not addressed in a manner to provide absolute certainty. The issue was secured by S106 Agreement as part of the previous composting permission and it is considered appropriate that it be so again. The matter is addressed in clause 5 of the Heads of Terms at Appendix 3.
95. The previous Section 106 Agreement also provided for the establishment of a local liaison group involving representatives from the local community to supplement that already in place for Blaise Farm Quarry. The applicant has agreed to clause 4 of the Heads of Terms at Appendix 3 which would provide for the establishment and maintenance of such a group.
96. Kent Structure Plan Policy NR7 and KMSP Policy M12 seek to avoid the sterilisation of minerals. In this case, mineral planning permission TM/88/1002 allows extraction to a depth of +3m above the highest recorded water table. The applicant states that the highest recorded water table at the quarry since 1988 was 63m AOD in 2003. On this basis extraction may be possible to about 66m AOD. Since extraction at the site has generally been to about 70m AOD a further 4m could be excavated. The applicant states that the fact that this has not occurred can be ascribed to the decreasing percentage of ragstone in this layer (i.e. greater amounts of hassock and clay) and the resultant uneconomic nature of the deposit at this depth in this part of the site. This position would appear to be consistent with information provide previously by Hanson. If planning permission is granted for the proposed development for a 20-year temporary period this would neither sterilise the reserve in perpetuity or even for the entire period that mineral working is permitted at Blaise Farm Quarry. On this basis, and regardless of whether or not the mineral resource is still economic, the proposed development does not conflict with the above mineral policies.
97. Kings Hill Parish Council has objected to the proposed waste types on the basis that these are different than those permitted previously and because it considers that some are unsuitable for composting. This appears to result from a misunderstanding of what is being proposed and what has already been permitted. The list of waste types contained in the planning application sets out those broad European waste categories from which suitable biodegradable materials would be sourced. Whilst very small amounts of extraneous non-biodegradable materials may be present as contaminants in imported loads (and would need to be exported), there is no intention for non-biodegradable materials to be imported to the facility as part of its operation. The existing permission provides for the composting of green waste and green/garden, food, vegetable and cardboard (GFVC) waste derived from both local authority

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(household) and commercial collections. These could include any of the waste categories referred to now. On this basis, and since detailed waste types from within the proposed waste categories would be further controlled in the waste management licence, the Parish Council's concerns are unfounded.

Conclusion

98. Whilst the proposals have given rise to objections from some respondents, including Kings Hill and Mereworth Parish Councils and a local resident, I consider that the benefits associated with the proposal (i.e. the provision of a composting facility which would move waste management up the waste hierarchy and reduce the need for household waste to be transported significant distances) outweigh any real or perceived harm to local amenity or other environmental interests. I also consider that although the proposed development represents inappropriate development in the Green Belt (and must therefore be referred to the Secretary of State as a departure from the development plan), the applicant has demonstrated the very special circumstances necessary to overcome the usual presumption against development in this case. In coming to this recommendation, I have had regard to consultee responses, the fact that many issues can be further mitigated by agreement and the imposition of planning conditions and the fact that the facility would also require a waste management licence under which additional pollution control matters would be regulated as required by PPS10. In concluding, I also consider that the proposed development represents an improvement on the existing composting planning permission.
99. On balance, it is considered therefore that the very special circumstances put forward by the applicant are sufficient to outweigh the normal presumption against inappropriate development in the Green Belt. It is therefore considered that subject to the satisfactory conclusion of a legal agreement to secure the Heads of Terms set out in Appendix 3 and subject to conditions to cover the various matters outlined in this report that planning permission should be granted for a temporary period of 20 years from the commencement of commercial composting operations. If Members accept this, the application would need to be referred to the Secretary of State as a departure from the development plan to establish whether he wishes to call-in the proposal for his own determination.
100. For the reasons set out above, I consider that the proposed development accords with adopted and emerging national, regional and local minerals and waste management policy, including the specific development plan policies referred to. Specifically, I consider that the proposals can be viewed favourably against paragraph 3 of PPS10, Policy W17 of the emerging Regional Waste Management Strategy, Policy WM2 of the KMSP and the requirements of paragraph 2 of PPS10 and that the proposed facility is *"of the right type, in the right place and at the right time."*

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Recommendation

101. I RECOMMEND that the application be referred to the Secretary of State as a departure from the development plan and that SUBJECT TO no intervention by the Secretary of State and the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 3 and conditions covering amongst other matters: date for implementation (3 years); duration of the permission to be 20 years from the commencement of commercial composting operations; removal of facility at end of permitted time period or if abandoned for specified period; waste types; waste sources; HGV movement restrictions; surfacing of access roads and hardstanding areas; avoidance of mud on roads (including wheel / chassis cleaning details); noise and dust controls; hours of operation; lighting details (to minimise visual impacts); details of waste storage (e.g. facilities for rejects); details of internal haul road (e.g. surfacing and related matters); details of surface water and foul drainage; details of materials and colours for buildings and plant; soil handling and storage; and restoration scheme for the site (to accord with the principles set out in Option A or B as appropriate).

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| Case Officer: Jim Wooldridge |
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| Tel. no. 01622 221060 |
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| Background Documents: see section heading. |
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APPENDIX 1 TO ITEM C1

APPENDIX 2 TO ITEM C1

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Draft Heads of Terms for S106 Agreement

Excluding clause 1, all to be effective only if planning permission is implemented

1. The applicant / landowner to pay KCC upon execution of the Agreement all of KCC's reasonable and proper legal costs for the preparation and completion of the Agreement.
2. The landowner / operator of the composting facility not to import permitted waste into the composting facility other than from the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks except in the following circumstances:
 - (i) those occasions where there is sufficient capacity to handle the additional wastes at the Blaise Farm composting facility without diverting wastes from sources within Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts; and
 - (ii) where the additional wastes would otherwise be exported from the County or landfilled; and
 - (iii) where the additional sources of permitted waste are from within the administrative areas of Kent or Medway.
3. All vehicles involved in transporting permitted waste to the site shall only use the A228 (North and South) to access the site and shall not pass through those parts of the settlements of Offham, West Malling or Mereworth that lie off the A228 except where the permitted waste is being collected from premises in those settlements.
4. The operator of the composting facility shall establish and maintain a local liaison group involving specified representatives from the local community for the duration of the composting facility. The first meeting of the liaison group to be held within six months of commencement of development unless otherwise agreed in writing by KCC.
5. On completion of mineral extraction and associated restoration of Blaise Farm Quarry the landowner shall create a new public footpath across the Quarry running approximately north to south between points "X" and "Y" as shown on the plan *[to be included]* to recreate so far as is practicable the route of footpath MR286 that will have been diverted around the quarry to facilitate mineral working at the quarry to also include all implementation works and the payment of KCC's reasonable and proper legal and administrative costs.
6. The landowner / applicant shall restore the application site using restoration materials (i.e. overburden, subsoil and topsoil) derived from within Blaise Farm Quarry *[as defined on drawing xxxx]* in accordance with conditions *[x, y and z]* attached to planning permission TM/06/762 at the expiry of the planning permission. The landowner shall not obstruct the restoration of the application site and shall ensure that sufficient restoration materials are retained on site for this purpose.
7. The landowner shall covenant not implement planning permission TM/03/1155 dated 20 January 2005 for the use of land and erection of buildings for the composting of green waste and green/garden, food, vegetable, cardboard (GFVC) waste at Blaise Farm Quarry.