

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

Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall with additional car parking spaces (TM/10/3056) and approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (TM/09/3231/R5) at Blaise Farm Composting Facility, Kings Hill, West Malling, Kent, ME19 4PN

A report by Head of Planning Applications Group to Planning Applications Committee on 11 October 2011.

Applications by:-

- (i) New Earth Solutions (Kent) Limited and William Riddle for the installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (TM/10/3056); and
- (ii) New Earth Solutions Group Ltd for approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (TM/09/3231/R5);

at the Blaise Farm Composting Facility, Kings Hill, West Malling, Kent, ME19 4PN.

Recommendation: (i) Permission be granted subject to conditions.
(ii) Approval be given subject to condition.

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

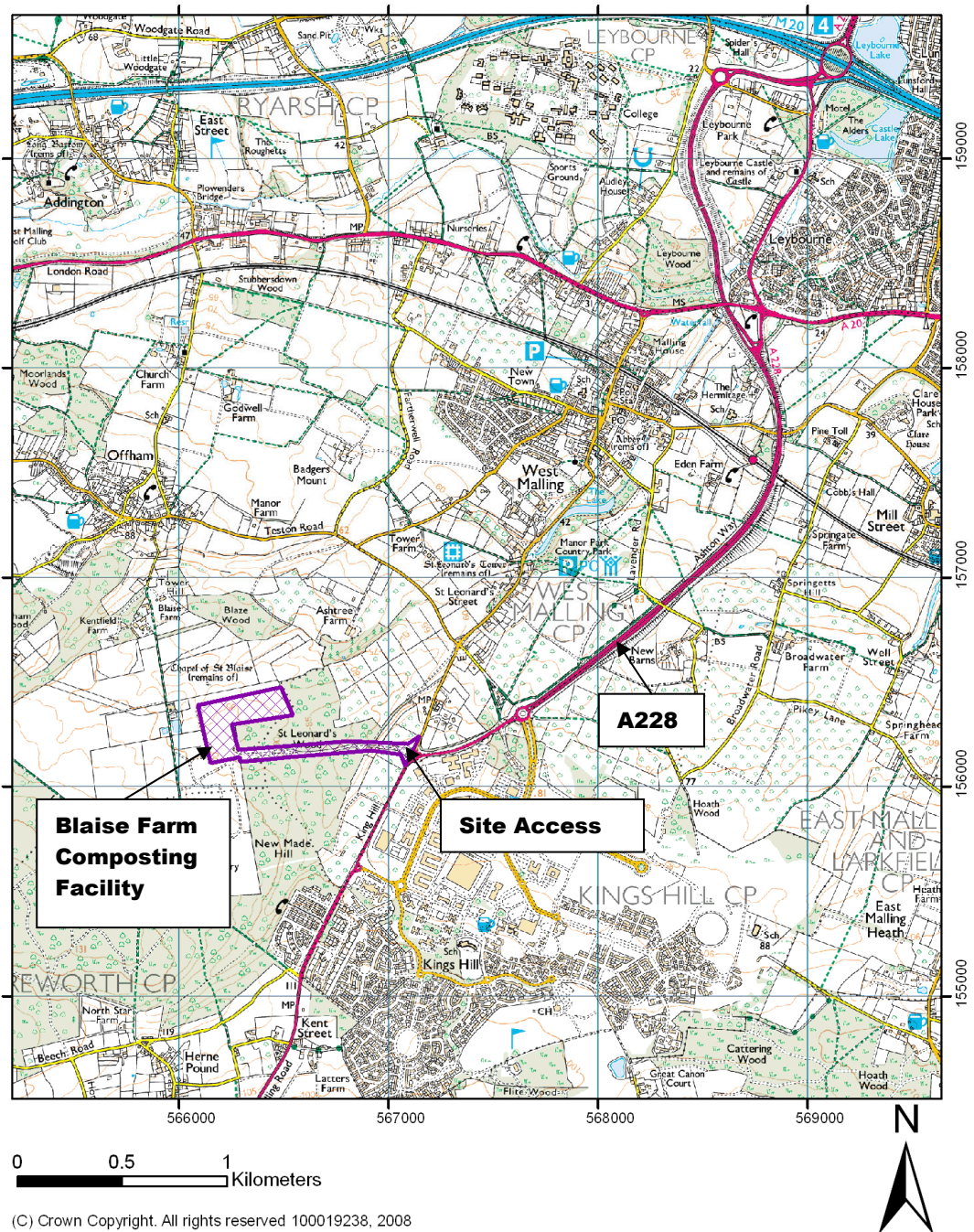
Unrestricted

Site description and background

1. The Blaise Farm Composting Facility is located within the excavated quarry void in the north eastern corner of Blaise Farm Quarry near Kings Hill, West Malling in the Parish of Offham. The composting facility is located about 15 to 20m lower than adjacent ground and is bounded to the east / part south by St Leonard's Wood, to the north by farmland and planting associated with the quarry and to the west / part south by those parts of the quarry that have yet to be started / fully excavated. The nearest residential property (Blaise Farm House) is about 500m to the north west. Access to the composting facility is via a purpose built access road from the existing quarry access road and the A228 West Malling roundabout near Kings Hill.

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2. The site lies in the Metropolitan Green Belt and St Leonards Wood is designated as both Ancient Woodland and a Local Wildlife Site (LWS). The remains of the Chapel of St Blaise (Scheduled Ancient Monument) lie about 100m to the north of the application site. The quarry has the benefit of a mineral permission (TM/88/1002) granted in 1994 which provides for the winning and working of ragstone until 2063. A public right of way (Footpath MR286) lies about 130m to the west of the application site. This is due to be diverted around the western boundary of the mineral site as part of the ongoing mineral operation to link with Footpath MR260 (Lords Walk) further south west.
3. The Blaise Farm Composting Facility, which treats source segregated green / garden, food, vegetable and cardboard waste to produce compost in an enclosed process, was first permitted in September 2006 (TM/06/762) and started operating in September 2008. A number of further permissions have been granted by the County Council or on appeal which have resulted in the most recent permission (TM/09/3231 dated 19 May 2010) providing for a larger capacity¹ and a wider waste catchment area² than was initially permitted and for waste deliveries on some bank and public holidays. Planning permission TM/09/3231 requires the facility to cease operating in September 2028 and the site to be restored within a further 2 years. The location of the Blaise Farm Composting Facility is illustrated on the drawing on page C1.2.
4. The facility was designed to be built in two phases. Phase 1 (completed in 2008) includes a Site Office and Weighbridge, Waste Reception Building 1, the northern Compost and Maturation Halls, Phase 1 Biofilter, Balancing Pond, Process Water Storage Tanks and associated plant. Part of the Phase 2 has been commenced with the construction of Waste Reception Building 2. It is understood that a Screening Hall (located to the east of the built Phase 1 Compost and Maturation Halls) and Plant Workshop (to the west of Waste Reception Building 2) will be constructed as required by future operations and that the majority of Phase 2 development (which will comprise the southern Composting and Maturation Halls and associated plant) will be delivered in the short to medium term to the south of the existing built development (an area that has yet to be completely quarried).
5. In November 2010, the applicant sought planning permission for the installation of electricity generating equipment with associated alterations to the design of approximately one third of the consented (but not built) southern composting hall (TM/10/3056). A report on that application was published for the 15 February 2011 Planning Applications Committee. However, consideration of the application was deferred at the applicant's request prior to the 15 February 2011 meeting as a result of concerns about odour nuisance associated with the existing composting facility and to enable the applicant / operator to satisfactorily address the concerns of the local

¹ 100,000tpa as opposed to 50,000tpa.

² Kent, Medway, Surrey, East Sussex, West Sussex, Brighton & Hove for the life of the facility; LB Bromley and LB Bexley for a temporary period until 31 December 2015; and Essex for a temporary period until 31 March 2014 and additionally limited to no more than 10,000tpa.

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community. A copy of the published report on application TM/10/3056 is attached at Appendix 1 of this report. Paragraph 6 (page C1.7) of that report summarises the complaints.

6. Planning Applications Group had been encouraging the operator to regularise a number of discrepancies between the “as built” and permitted composting facility for some time. Concerns that these discrepancies could be contributing to odour emissions provided further weight to the desirability of this being addressed and the opportunity for additional measures (including those referred to in paragraph 6 of the 15 February 2011 report) to be considered and included as part of this process. The current proposals were submitted on 1 April 2011 and supplemented on 25 July 2011.
7. Notwithstanding the improvements referred to in paragraph 6 of the 15 February 2011 report, odour complaints continued during 2011. Officers of Planning Applications Group discussed these and related issues with the operator and representatives of Tonbridge and Malling Borough Council (Planning and Environmental Health) and the Environment Agency. Discussions also took place with the local parish councils and local residents at the Blaise Farm IVC Liaison Committee Meetings on 6 April and 6 July 2011. The operator also held discussions direct with a number of local residents. These and earlier discussions have also contributed to the proposals now under consideration as well as various management, maintenance and operational practices introduced at the site (e.g. reduction in waste volumes imported / being held in the waste reception building prior to composting, automated doors, bulk transfer of waste between buildings to reduce door opening frequency, new biofilter irrigation, an improved cleaning regime, various replacement parts and implementation of an improved odour abatement monitoring and management system). Although these improvements have led to a reduction in complaints, some are still being received by the Environment Agency and the operator. It should be noted that the Environment Agency is primarily responsible for these and related issues through the Environmental Permit.
8. These issues have previously been reported to the County Council’s Regulation Committee on 17 May 2011 (Item 8, Schedule 2, page 41) and 7 September 2011 (Item 10, Schedule 2, page 76). The Regulation Committee resolved that officers continue to liaise with relevant parties to seek to ensure that any odour problems are satisfactorily resolved and noted that related matters would be resolved through the planning process.

The Proposals

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

9. Full details of the proposals for application TM/10/3056 are set out in paragraphs 7 to 23 (pages C1.8 to C1.13) of the report attached at Appendix 1. Details of the site and

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background to those proposals are set out in paragraphs 1 to 6 (pages C1.1, C1.7 and C1.8) and drawings illustrating the proposals on pages C1.2 to C1.6 of that report. The application has not been amended in any way since the publication of the 15 February 2011 report. However, the applicant has recently confirmed that with the exception of any material that has first been treated in the composting process, all material transfer between the waste reception halls and energy building would be undertaken via fully enclosed infrastructure linked to the odour control system. It has further indicated that this transfer is now likely to be by enclosed conveyor.

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

10. As stated in paragraph 6 above, the proposals for application TM/09/3231/R5 seek to both regularise a number of discrepancies between the “as built” and permitted composting facility and introduce a number of additional measures designed to address odour problems experienced at the site. Specifically, the application seeks formal approval of the detailed design of the following aspects of the approved composting facility:-
 - Surface water balancing pond;
 - Phase 1 (north eastern) biofilter;
 - Phase 2 (north western) biofilter;
 - Air extraction and biofilter for waste reception buildings 1 and 2;
 - Process water storage tanks;
 - Site office and meeting room;
 - Phase 1 maturation halls;
 - Phase 2 maturation hall; and
 - Covered links between the waste reception building 1 and the phase 1 composting hall.
11. Surface Water Balancing Pond: The 2006 permission required a tiered balancing pond in the north east of the site to provide de-silting of surface water prior to natural percolation to groundwater. To meet Environment Agency Environmental Permit requirements, an underground oil interceptor and silt trap was instead installed adjacent to the biofilter in the north eastern corner of the site. The applicant states that the interceptor and silt trap are capable of managing all surface water run-off from both phases 1 and 2 although the size of the balancing pond will need to be reviewed to ensure that it has sufficient infiltration capacity for surface water from both phases of the development. This can be addressed as necessary through the Environmental Permit.
12. Dedicated Biofilters for Phases 1 and 2: The 2006 permission provided for a single biofilter in the north western corner of the site, to the rear of the site office, to manage all aeration and ventilation air from the entire facility (both phases). Instead, the applicant installed a biofilter dedicated to manage air from phase 1 in the north eastern corner of the site. The application seeks approval of this north eastern

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biofilter and the continued implementation of the north western biofilter to serve phase 2 (but at a slightly lower 76m AOD slab level to reflect that now available alongside the offices). The applicant states that this would have no effect on the efficacy of the biofilter and that the provision of two separate biofilters will increase the dispersal of filtered air. It also states that the north eastern biofilter is further from residential properties (560m from Ashtree Farm to the north east) than the previously consented north western biofilter (490m to the south east of Blaise Farm House).

13. Dedicated Waste Reception Air Ventilation and Biofilter: As set out above, the 2006 permission provided for a single biofilter. This has since been changed and approval is sought for such. The applicant states that it is desirable to increase ventilation to waste reception buildings 1 and 2. As a result, it proposes to install a new dedicated air ventilation and biofilter plant to serve these buildings only. The applicant states that this would enable the three existing extraction fans to just be used to ventilate the phase 1 compost halls only and that, in this way, overall site ventilation capacity would be improved. The new air ventilation and biofilter system would involve the installation of 800mm ductwork from two modular biofilters and ventilation fans on the southern elevation of the two waste reception buildings where it would connect with the existing air ventilation system for the buildings. Although this would require the shortening of the covered link between the waste reception buildings and the unimplemented southern compost halls, this would continue to fully cover the roller shutter door on the southern elevation of the waste reception building and provide for the covered movement of material from the waste reception buildings to the southern compost halls when constructed as part of phase 2. The proposed system would be connected to the existing electricity supply on site. The proposed dedicated waste reception air ventilation and biofilter was installed in May 2011 in advance of any formal approval having been obtained in order to seek to reduce odour emissions.
14. Process Water Storage Tanks: The applicant states that the detailed design of the balancing pond in the north eastern corner of the site has enabled the process water storage tanks to be installed on a square bunded concrete pad (as opposed to in a less regular layout as permitted in 2006). The leachate tank (which stores process water from the composting operation) now has a cover with a carbon filter to reduce potential odour release. The clean water tank is also covered.
15. Site Office and Meeting Room: The 2006 permission provided for a single site office to serve both the administration, staff welfare, meeting space and laboratory requirements of the composting facility. The application seeks approval for an amended office design and a separate meeting space to the rear of the office. The applicant states that this provides a more efficient use of office and accommodation space.
16. Phase 1 Maturation Halls: The 2006 permission provided for the phase 1 maturation halls to be finished with gale breaker doors along the entire northern elevations. The application seeks approval for the design that has been implemented (i.e. profiled steel cladding to match the compost halls with wind breaker doors on the northern,

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eastern and western elevations). It states that this design provides better site management and odour and noise control.

17. Phase 2 Maturation Hall: The applicant proposes that the design of the unimplemented phase 2 maturation hall be amended in the same way as for phase 1 (above).
18. Covered links between the waste reception building 1 and the phase 1 composting halls: The 2006 permission provided for enclosed links between the waste reception building and the phase 1 composting halls. The 2006 supporting statement also referred to a sealed conveyor for transporting screened and blended waste from the waste reception building to the phase 1 composting halls and the waste reception building having rapid rise doors with strip curtains and internal compartments for the initial storage of waste (the latter being intended to provide an “air-lock” type system for vehicles delivering waste”). Although rapid rise doors were installed, the “as-built” facility did not have the covered links, sealed conveyor, strip curtains or internal compartments referred to above at the time the current application was submitted. The current application proposes that the sealed conveyor, strip curtains and internal compartments no longer be required and that screened and blended waste be transported from the waste reception building to the phase 1 composting halls by wheeled loading shovel (as has been the case since the facility started operating). The current application initially proposed that the covered links be provided at some future point but provided no details of these. As a result of the discussions referred to in paragraphs 6 and 7 above, details of the covered links were submitted on 25 July 2011 and now form part of the application. The details are very similar in appearance to those originally permitted, but would be self-supporting and attached to the phase 1 composting halls and the waste reception building with flashing and sealant to ensure an airtight seal against existing cladding. The covered links were installed in September 2011. Although not formally submitted as part of the application, the applicant has also indicated that it proposes to transport screened and blended waste from the waste reception building to the phase 1 composting halls through the covered links wherever possible and to use a covered trailer (rather than a loading shovel) to transport waste to the eastern phase 1 composting hall where this was not possible (i.e. if the western phase 1 composting hall is full). The applicant has also recently confirmed that all material transfer between the waste reception halls and the phase 2 composting buildings would be undertaken via fully enclosed infrastructure linked to the odour control system.
19. The applicant states that the proposals would not result in an increased risk of odour or noise outbreak from the facility. It also states that the installation of the dedicated waste reception air ventilation and biofilter system would provide additional ventilation capacity and improve overall air extraction capability of the site. No changes are proposed to any of the existing planning conditions.

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Planning Policy Context

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

20. The relevant planning policies for application TM/10/3056 are set out in paragraph 24 (page C1.13 to C1.14) of the report attached at Appendix 1. A number of material planning considerations are also set out in paragraph 25 (page C1.17) of that report.
21. There have been no changes to the relevant development plan policies since the publication of the previous report although the status of the South East Plan (i.e. as part of the development plan) and the fact that the intention to abolish Regional Strategies by the Localism Bill can be regarded as a material planning consideration have been further confirmed. The draft National Planning Policy Framework (July 2011) is a new material planning consideration. However, this does not contain specific waste policies since national waste planning policy is to be published alongside the National Waste Management Plan for England. Pending this, PPS10 is to remain in place. The other matters addressed in the draft Framework are of limited additional significance to the proposal as they primarily carry forward existing national planning policy that has already been considered in the earlier report. However, it is worth mentioning that in considering the potential effects of pollution on health, amenity and the environment, paragraphs 171 and 172 of the draft Framework make it clear that planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Paragraph 172 also states that planning authorities should assume that these regimes will operate effectively. This is consistent with similar policy in PPS10. I would also advise that Waste Local Plan Policies W10 (composting) and W17 (incineration) referred to in paragraph 24 of the previous report are not relevant to the proposed renewable energy development in this case.

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

22. **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 for England 2007. The draft National Planning Policy Framework is also relevant and the comments on this included in paragraph 21 above apply equally to this application.
23. **South East Plan (May 2009)** – These include CC1 (Sustainable development), NRM1 (Sustainable water resources and groundwater quality), NRM2 (Water quality), NRM9 (Air quality), NRM10 (Noise), W17 (Location of waste management facilities), C4 (Landscape and countryside management) and BE6 (Management of the historic environment).

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24. **Kent Waste Local Plan (1998)** – These include Policies W10 (criteria for composting proposals), W18 (noise, dust and odour), W19 (ground and surface water), W20 (land drainage and flood control) and W21 (nature conservation).
25. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (September 2007)** – Policies CP1 (Sustainable development) and CP3 (Metropolitan Green Belt).
26. **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment Development Plan Document (September 2007)** – Policies NE1 (Local Wildlife Sites), NE3 (Impact of development on biodiversity), NE4 (Trees, hedgerows and woodland), SQ1 (Landscape and townscape protection and enhancement) and SQ4 (Air quality).

Consultations

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

27. The consultee responses for application TM/10/3056 are set out in paragraphs 26 to 37 (pages C1.17 to C1.18) of the report attached at [Appendix 1](#) and as supplemented below.

Tonbridge and Malling Borough Council: Has recently considered the application again and has advised that OBJECTION BE RAISED unless:

1. The County Council is completely satisfied that the controls in respect of odour within the detailed development are, together with the operation of the site to be regulated by the Environmental Permit, sufficient to preclude harm to the residential amenity of properties in the wider locality;
2. The County Council attaches conditions to any grant of planning permission to control the following, or is satisfied that the following will be controlled by the Environmental Permit:
 - HGV movements;
 - The prevention of the erection of a new building as well as all of the previously permitted building for the composting use already on site;
 - The movement of materials within the site;
 - The management of surface water;
 - The prevention of adverse impact from noise and the need for process noise levels to not exceed background levels.

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Details of the application submitted in March 2011 were sent to all consultees on 4 April 2011. The supplementary details submitted on 25 July 2011 were also sent out to all consultees on 1 August 2011. The following comments have been received.

28. **Tonbridge and Malling Borough Council** – OBJECTION BE RAISED unless:
1. The County Council is completely satisfied that the controls in respect of noise and odour within the detailed development are, together with the operation of the site to be regulated by the Environment Agency, sufficient to preclude harm to the residential amenity of properties in the wider locality.
- The Borough Council had initially raised an objection about flooding and surface water drainage. However, it subsequently withdrew this following the receipt of the Environment Agency's comments. It had also previously urged the County Council to work with the Environment Agency and the operators of the site to find a long term permanent solution to the odour nuisance suffered by properties in the locality. It had also recognised the community benefit that the facility can provide, but stated that it was very concerned about the impact locally.
29. **Offham Parish Council** – No comments received.
30. **West Malling Parish Council** – No objections, but would not wish to see the covered links being part of an expansion of the operating capacity of the facility.
31. **Kings Hill Parish Council** – No objections.
32. **Mereworth Parish Council** – No comments received.
33. **Environment Agency** – No objection. States that contrary to Section 1.3.4 of the supporting statement, it believes that installing a strip curtain and internal compartments for storage may be beneficial in terms of odour abatement. However, it states that this will be regulated as part of the Environmental Permit for the site. It is also happy with the proposed drainage and confirms that the Environmental Permit includes details for the mitigation of spillages into this system. Notwithstanding its earlier comments, it is now comfortable that the method for transferring waste between the buildings (i.e. the use of the new covered links for the majority of waste movements and use of a covered trailer where this is not possible) is satisfactory. It confirms that these arrangements are within the remit of the Environmental Permit. It also states that it favours similar links for phase 2.

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Representations

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

34. See paragraph 40 (page C1.18) of the report attached at [Appendix 1](#). No new representations have been received.

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

35. No representations have been received.

Local Members

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

36. See paragraph 38 (page C1.18) of the report attached at [Appendix 1](#).

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37. County Council Members Mrs S Hohler, Mrs T Dean and Mr R Long were notified on 4 April and 1 August 2011.

Discussion

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

38. See paragraphs 41 to 66 (pages C1.18 to C1.24) of the report attached at [Appendix 1](#).

39. The only changes that have occurred in respect of the proposed development since publication of the previous report are the clarification of the applicant's intentions referred to in paragraph 9 above (i.e. confirmation that with the exception of any material that has first been treated in the composting process, all material transfer between the waste reception halls and energy building would be undertaken via fully enclosed infrastructure linked to the odour control system and the likelihood that this transfer is now likely to be by enclosed conveyor) and the further comments from Tonbridge and Malling Borough Council (paragraph 27 above).

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40. The only real change in the Borough Council's position is that it has now drawn the distinction between the inability to definitively conclude that the proposal would not result in harm to residential amenity by malodour and the need for adequate control to be exerted over considerations such as traffic movement, the construction of either the renewable energy scheme or the western bay of the consented southern composting hall and noise. In so doing, it effectively acknowledges that the Environmental Permit performs the main role in regulating odour emissions associated with operations at the site and that the County Council can only seek to assess whether the proposed development provides a satisfactory planning basis for those operations. This is entirely consistent with the approach set out in PPS10 and the draft National Planning Policy Framework set out in paragraph 21 above.
41. The clarification of the applicant's intentions can only be regarded as positive in the context of the odour related issues referred to elsewhere in this report and requires no changes to the previous discussion section. However, I consider that it would be desirable to include a condition requiring the transfer of waste between the waste reception halls and energy building via fully enclosed infrastructure linked to the odour control system on any permission that may be granted. I also consider that the addition of a condition requiring that noise levels should not exceed those provided for by condition 24 of the composting permission TM/09/3231 (i.e. the noise rating level ($L_{Ar,T}$) shall not exceed the background noise level ($L_{A90,T}$) measured at any noise sensitive property) would be desirable. This should serve to further address the noise concerns expressed by Tonbridge and Malling Borough Council and Offham Parish Council in paragraphs 26 and 27 of the previous report and again in paragraph 27 above. I would also advise that the reference to Waste Local Plan Policy W10 at the end of paragraph 58 of the previous report should be corrected to refer to Policy W18.
- (ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)***
42. 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 22 to 26 are of greatest relevance. As set out in paragraph 21 above, the South East Plan remains part of the development plan although the Government's intention to abolish regional spatial strategies is a material planning consideration and the weight given to it is a matter for the decision maker. The draft National Planning Policy Framework is also a material planning consideration. However, given the nature of the proposals it is of limited relevance in this case for the reasons set out in paragraph 21.
43. The main issue in this case is whether the composting facility would continue to be acceptable in planning terms if the proposed changes were to be approved and implemented. The main impacts that require consideration relate to odour, noise, ground and surface water, landscape and visual, biodiversity and heritage assets.

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Odour:

44. As evidenced by the complaints and concerns about the operation of the composting facility referred to elsewhere in this report, actual or potential odour impacts are of significant concern to the local community. However, in considering this it should be noted that the assessment of complaints about odour is not straightforward. Individuals perceive odour in different ways, responses are subjective, it is not always possible to be certain about the precise source(s) and one or more complaint may be made about the same incident. The matter is further complicated by the fact that complaints have been made to more than one party (regulators and operator) since complaints began in early 2010. For these reasons, specific reference to actual numbers of complaints is not always helpful. Although odour complaints have continued during 2011, it is clear that the improvements that have been implemented in recent months (many of which are proposed as part of the current application) have served to reduce these. It is also evident that many of the improvements relate to site management issues that are more correctly addressed between the operator and Environment Agency under the terms of the Environmental Permit.
45. The Environment Agency has no objection to the proposals and is satisfied that the proposed changes to the previously permitted layout are acceptable. Although it has advised that installing a strip curtain and internal compartments for storage may be beneficial in terms of odour abatement, it has confirmed that this can be regulated as part of the Environmental Permit. Since the inclusion of these elements would not require planning permission, and I am satisfied that they could be required (as necessary) by the Environment Agency, I see no need to require them in planning terms as part of the permitted layout and design. The Environment Agency has also confirmed that transferring waste from the reception halls to the eastern phase 1 composting hall in a covered trailer (rather than in a loading shovel) when it is impossible to do so through the western phase 1 composting hall is a satisfactory arrangement. Although the Environment Agency supports the use of covered links where possible (for phases 1 and 2), I am satisfied that the proposed arrangements can be monitored and appropriately controlled through the Environmental Permit. The covered links (now installed) would accord more closely with the design arrangements permitted in 2006 and should serve to minimise odour emissions since they would (with the exception of any waste that could not be transported through the western hall when that is full) provide fully enclosed infrastructure linked to the odour control system.
46. The other proposed changes that could have some bearing on odour emissions include the dedicated biofilters for phases 1 and 2, the dedicated waste reception air ventilation and biofilter, the leachate tank cover and carbon filter and the use of steel cladding and wind breaker doors rather than gale breaker doors along the entire northern elevations of the phase 1 maturation halls (with similar for phase 2). The Environment Agency has raised no objection to these changes and I am satisfied that they should serve to further minimise the risk of odour emissions.

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47. The Borough Council objects unless the County Council is completely satisfied that the controls in respect of noise and odour within the detailed development are, together with the operation of the site to be regulated by the Environment Agency, sufficient to preclude harm to the residential amenity of properties in the wider locality. As with its further comments on application TM/10/3056, this acknowledges that the Environmental Permit performs the main role in regulating odour emissions associated with operations at the site and that the County Council can only seek to assess whether the proposed development provides a satisfactory planning basis for those operations. As set out in paragraph 40 above, this is entirely consistent with the approach set out in PPS10 and the draft National Planning Policy Framework set out in paragraph 21 above.
48. I am satisfied that the proposals provide the necessary planning basis such that they would enable odour emissions associated with site operations to be effectively controlled by the Environmental Permit and that they are acceptable in terms of those planning policies relating to odour subject to a condition being imposed as part of any approval to ensure that waste transfers take place between the waste reception and composting halls via fully enclosed infrastructure linked to the odour control system wherever possible. This would allow the operator to use a covered trailer (or some other suitable method) to transport waste to the eastern phase 1 composting hall where this is not possible (i.e. if the western phase 1 composting hall is full) but would leave the precise mechanism for doing so to be agreed by the Environment Agency through controls in the Environmental Permit. Members will note that this accords with what is proposed by the applicant in paragraph 18 above and would be consistent with existing and emerging national policy on the relationship between the planning and pollution control regimes.

Noise:

49. The only potential noise increases associated with the proposed amendments to the facility are those relating to the use of a covered trailer to transport screened and blended waste from the waste reception building to the eastern phase 1 composting hall externally when it is not possible to do so through the covered links and western phase 1 composting hall together with those associated with the additional dedicated ventilation system and biofilter for the waste reception buildings.
50. Given the location of the facility in the quarry void, as the nearest noise sensitive properties are about 500m from the site and as noise associated with vehicles, plant and machinery of a similar nature were included in the original noise assessment and found to be acceptable that such movements would continue to take place for other operations at the site (e.g. transporting composted materials from the composting to maturation halls), I am satisfied that the proposed amendments would not lead to a breach of the existing noise condition (i.e. condition 24 of TM/09/3231) which requires that the noise rating level ($L_{Ar,T}$) shall not exceed the background noise level ($L_{A90,T}$) measured at any noise sensitive property. On this basis, the proposals are acceptable in terms of those policies relating to noise.

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Ground and surface water:

51. The only changes to the permitted development that could have any impact on ground and surface water interests are those associated with the redesign of the surface water balancing pond and installation of an underground oil interceptor and silt trap (referred to in paragraph 11 above).
52. The Environment Agency has stated that it is happy with the proposed drainage arrangements and has raised no ground or surface water objections to the proposals. It has further advised that the Environmental Permit includes details for the mitigation of any spillages to the drainage system. I am satisfied that the proposals are acceptable in terms of potential impact on ground and surface water interests and are therefore acceptable in terms of those policies relating to these.

Landscape and visual:

53. The proposed changes to the facility are minor. Given the location of the facility in the quarry void and as public views of it are limited to those of parts of the roofs and tanks when viewed from Footpath MR286 (about 130m to the west of the application site), I am satisfied that any additional impact would be insignificant. On this basis the proposals are acceptable in terms of those policies relating to landscape and visual impact and Green Belt.

Biodiversity:

54. The proposed changes to the facility would have no additional impact on the local wildlife site, ancient woodland or other ecological interests and are therefore acceptable in terms of those policies relating to biodiversity.

Heritage assets:

55. The proposed changes to the facility would have no additional impact on the remains of the Chapel of St Blaise (about 100m to the north of the site) or any other archaeological or historic interest and are therefore acceptable in terms of those policies relating to heritage assets.

Conclusion

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

56. See paragraphs 67 to 69 (page C1.24) of the report attached at [Appendix 1](#).

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57. I am satisfied that these earlier conclusions remain valid and see no reason to come to a different conclusion. The recommendation set out in paragraph 70 of the previous report is therefore reproduced in paragraph 59(i) below with the inclusion of the additional requirement for conditions in respect of noise levels not exceeding those provided for by condition 24 of the composting permission (TM/09/3231) set out in paragraph 50 above and that with the exception of any material that has first been treated in the composting process, all material transfer between the waste reception halls and energy building should be undertaken via fully enclosed infrastructure linked to the odour control system.

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

58. The proposed changes to the composting facility are relatively minor and are considered to be acceptable in all respects subject to a condition to ensure that waste transfers take place between the waste reception and composting halls via fully enclosed infrastructure linked to the odour control system wherever possible. I therefore recommend accordingly.

Recommendation

59. I RECOMMEND that:-

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

(i) PERMISSION BE GRANTED in respect of planning application TM/10/3056 SUBJECT TO conditions covering (amongst other matters) the following:

- 5 year implementation period;
- the development to be carried out in accordance with the permitted details;
- movement of oversize biomass from the Composting Facility to the proposed electricity generating installation, the delivery of ancillary supplies and collections of process outputs shall be confined to between the following hours only: 07:00 to 18:00 Monday to Friday, 07:00 to 13:00 Saturdays, no movements on Sundays, 07:00 to 17:30 on Bank and Public Holidays and no movements on 25 and 26 December and 1 January;
- external colour treatment of exhaust stack to be 'brown-green' (RAL 6008) and new energy building to match existing;
- details of surface water drainage to be agreed prior to commencement;
- operation be time-limited to the life of the site as stipulated in main Composting Facility (i.e. 20 years from first commercial composting operations in 2008);
- site restored as part of the details approved on main Composting Facility

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permission (TM/09/3231);

- pyrolysis plant to operate with only the waste imported to the site pursuant to the existing Composting Facility (as covered by planning permission TM/09/3231);
- combined numbers of site HGV movements restricted to those detailed in main Composting Facility permission (TM/09/3231);
- appropriate measures to guard against mud and debris being tracked to the public highway;
- noise levels not exceeding those provided for by condition 24 of the composting permission (TM/09/3231); and
- with the exception of any material that has first been treated in the composting process, all material transfer between the waste reception halls and energy building should be undertaken via fully enclosed infrastructure linked to the odour control system.

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

(ii) APPROVAL BE GIVEN in respect of planning application TM/09/3231/R5 subject to a condition covering the following:

- the transfer of all waste materials between the waste reception buildings and phase 1 and phase 2 composting halls taking place wherever possible via fully enclosed infrastructure linked to the odour control system.

Case Officers: Jim Wooldridge (Tel. 01622 221060) and Julian Moat (Tel. 01622 696978)

Background Documents: see section heading.
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Appendix 1 to Item C1 to comprise the report published as Item C1 for the Planning Applications Committee meeting on 15 February 2011.