

SECTION C
MINERALS AND WASTE MANAGEMENT

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 other documents as might be additionally indicated.

Item C1

Temporary development of an Anaerobic Digestion plant with ancillary gas-to-grid plant and associated infrastructure (part retrospective) at Blaise Farm Quarry, Blaise Quarry Road, Kings Hill, West Malling, Kent ME19 4PN - TM/19/2396 (KCC/TM/0211/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 September 2020.

Application by Blaise Biogas Ltd for Temporary development of an Anaerobic Digestion plant with ancillary gas-to-grid plant and associated infrastructure (part retrospective) at Blaise Farm Quarry, Blaise Quarry Road, Kings Hill, West Malling, Kent ME19 4PN - TM/19/2396 (KCC/TM/0211/2019)

Recommendation: Permission be granted subject to conditions.

Local Members: Sarah Hohler, Trudy Dean & Matthew Balfour

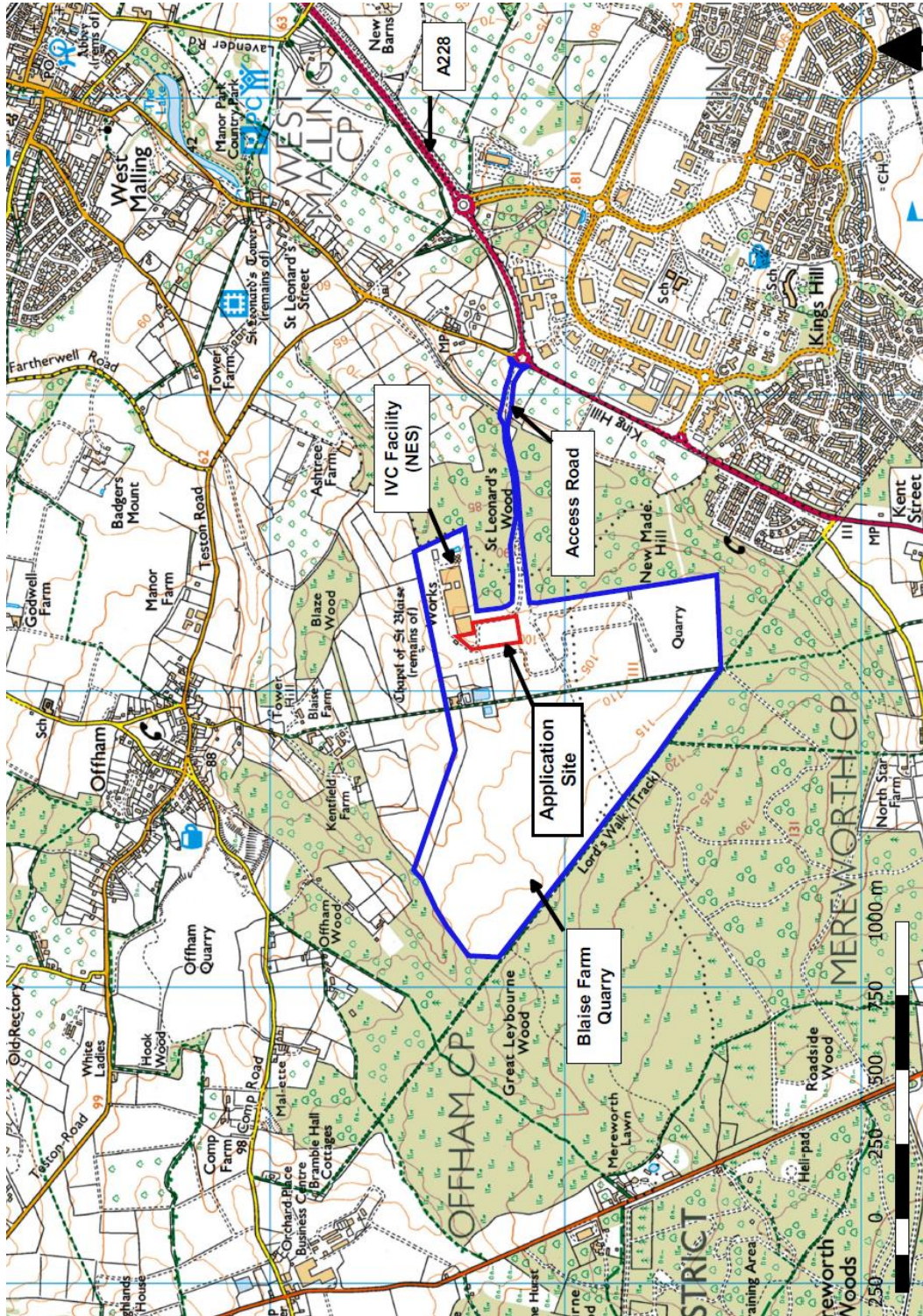
Unrestricted

Site description

1. The application site is located alongside the existing In-Vessel Composting (IVC) facility operated by New Earth Solutions (Kent) Ltd within the excavated quarry void in the north eastern corner of Blaise Farm Quarry near Kings Hill, West Malling.
2. The excavated area is approximately 15 to 20m lower than the adjacent unexcavated ground and is bounded to the east by St Leonard's Wood, to the north by farmland and planting associated with the quarry and to the west / south by those parts of the quarry that have yet to be fully worked. Offham lies about 750m to the north, West Malling about 1.4km to the north west and Kings Hill about 750m to the south west. Mereworth and Herne Pound lie further to the south. The nearest residential property (Blaise Farm House) is about 590m to the north west. A number of other residential properties lie beyond this distance between the site and both Offham and West Malling.
3. Access to the existing IVC Facility and the proposed 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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Site Location Plan



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4. The site lies in the Metropolitan Green Belt and St Leonard's 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. 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 will need to be diverted further west to facilitate mineral working at the quarry and to provide continuity for pedestrians wishing to access Footpath MR260 (Lords Walk) to the south west.
5. The application site currently contains the majority of the proposed Anaerobic Digestion and gas to grid facility, reflecting the part retrospective nature of the application. Although not allocated for any specific purpose in the development plan, Blaise Farm Quarry is safeguarded for mineral working in the Kent Minerals and Waste Local Plan.
6. The locations of Blaise Farm Quarry, site access, the application site and the existing IVC facility are illustrated on the drawing on page C1.2.

Planning History and Background

7. Waste management development at Blaise Farm Quarry was first permitted in 2005 (TM/03/1155). The permission provided for a composting facility on unexcavated land near the centre of the quarry capable of composting of up to 50,000 tonnes per annum (tpa) of green waste and green/garden, food, vegetable, cardboard (GFVC) waste. The permission was not implemented and has lapsed.
8. The existing IVC facility was first permitted in 2006 (TM/06/762). The permission, which provided for the treatment of up to 50,000tpa of source segregated GFVC waste to produce compost in an enclosed process, started operating in September 2008. Only one of the two phases initially proposed has ever been built. A number of further permissions were granted by KCC or allowed on appeal for the IVC facility (including TM/09/3231 in May 2010). That permission provided for an increased capacity¹ and a wider waste catchment area² than was initially permitted and for waste deliveries on some bank and public holidays. The permission also required the IVC facility to cease operating in September 2028 and the site to be restored within a further 2 years.
9. Planning permission was granted for the installation of renewable energy generating equipment and amendments to the IVC facility in November 2011 (TM/10/3056). This was intended to replace about one third of the consented (but not built) southern composting hall. The permission was not implemented and has lapsed.
10. Planning permission was granted for an Anaerobic Digestion (AD) and Advanced Thermal Conversion (ATC) facility in April 2013 (TM/12/2549). This was intended to

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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replace the unbuilt second phase of the IVC facility, amend some of the built elements of the IVC facility, share some components with the IVC facility (e.g. new site offices, surface water drainage and balancing pond) and provide operational linkages between the two facilities. Planning permission TM/12/2549 contained 35 conditions including:

2. Operations to cease no later than 20 years from commencement of AD and ATC operations and for the site to be restored to forestry, ecological and amenity after-use;
15. A waste catchment area defined as Kent, Medway, Thurrock, Havering, South East London Waste Partnership Authorities (London Boroughs of Greenwich, Southwark, Lewisham, Bromley and Bexley), Surrey, West Sussex, East Sussex, Brighton & Hove, Essex and Southend-on-Sea;
19. No more than a combined limit of 100,000 tonnes of waste to be imported to the IVC and AD facilities in any one calendar year;
22. No more than a combined total of 120 HGV movements (60 in / 60 out) for the IVC, AD and ATC facilities per day. On Saturdays when the facilities are open (0700-1300) the combined daily limit is reduced to 66 movements (33 in / 33 out) and
21. Hours of operation (as follows):

Day	Deliveries		Exports	
	Start	Finish	Start	Finish
Monday-Friday	0700	1800	0700	1800
Saturdays April-June and Saturday following Bank/Public Holiday	0700	1730	0700	1300
Saturdays July-March	0700	1300	0700	1300
Sundays	None	None	None	None
Bank/Public Holiday	0700	1730	0700	1730
25 th , 26 th December, 1 st January	None	None	None	None

11. Pre-commencement conditions 4 (surface water drainage scheme) and 5 (site lighting scheme) were discharged in July 2013 (TM/12/2549R4&R5) and a non-material amendment (the relocation of two pumping containers) approved in November 2013 (TM/12/2549/R). Planning permission TM/12/2549 was lawfully implemented on 11 April 2018 and therefore remains extant. However, as commercial AD / ATC operations have not commenced, the date for cessation of the development is not yet known.
12. Planning permission was granted for a gas to grid facility in February 2014 (TM/13/3657). This was intended to be ancillary to the AD / ATC facility and linked to its life. The permission included no pre-commencement conditions and it was lawfully implemented on 7 January 2019 and therefore remains extant.
13. Two further planning permissions have been granted for the IVC facility. One in December 2013 (TM/13/1299) further amended the waste catchment area to reflect that at the permitted AD / ATC facility (but retained the earlier 100,000tpa waste limit for the IVC facility alone, rather than introducing the 100,000tpa limit on waste for the IVC, AD / ATC facilities combined). The other in April 2014 (TM/14/532) aligned the

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operational life of the IVC facility to that of the permitted AD / ATC facility (and did introduce the combined 100,000tpa limit on waste for the IVC, AD / ATC facilities). New Earth Solutions (Kent) Ltd has informed KCC that each of the IVC planning permissions have been implemented.

14. A number of Section 106 Agreements have been secured alongside the above planning permissions. The most recent of these (dated 18 December 2013) relates to all waste management development in that part of Blaise Farm Quarry to which the IVC, AD, ATC and gas to grid planning permissions referred to in paragraphs 8 to 13 above apply as well as any subsequent temporary waste management development in these areas. The Section 106 Agreement provides obligations relating to a liaison committee, vehicle routing and restoration. The liaison committee is required to meet at least every 6 months (or other such intervals as may be agreed) and involve representatives of those owning / operating the waste management facilities, KCC, Offham Parish Council and the local community. The vehicle routing requires the operators to use best endeavours to prevent HGVs associated with their operations travelling through Offham, Mereworth and West Malling villages unless collecting waste from them. The restoration obligation requires the owner of Blaise Farm Quarry (Hanson) not to obstruct the restoration of the waste management facilities and make available sufficient restoration materials from the quarry, as well as create a new footpath across Blaise Farm Quarry (north to south) to replace Footpath MR286.
15. A number of changes have occurred in terms of site ownership and lease arrangements since 2006. Whilst New Earth Solutions (Kent) Ltd (NES) still operates the IVC facility, the AD / ATC and gas to grid elements are now within the control of Blaise Biogas Ltd (BBL). It is also worth noting that Gallagher Aggregates Ltd now operates Blaise Farm Quarry under a lease arrangement with Hanson.
16. It should also be noted that the development that has taken place since planning permissions TM/12/2549 (the AD / ATC facility) and TM/13/3657 (the gas to grid facility) were implemented in 2018 and 2019 has departed from what has been permitted.
17. BBL submitted four planning applications in August / September 2019. Three were submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) and the other (this application) under Section 73A. The "Section 73" applications sought to "vary" planning permissions TM/12/2549 (AD / ATC) [TM/19/2397], TM/13/3657 (gas to grid) [TM/19/2399] and TM/14/532 (IVC) [TM/19/2398]. The proposed variations to the AD / ATC and gas to grid permissions were intended to secure planning permission for what BBL was constructing on site and for the facility it wanted to operate (whilst safeguarding the ATC element). The proposed variation to the IVC facility was intended to remove ambiguity about the 100,000tpa combined waste limit imposed on planning permission TM/14/532 by proving the IVC facility with a separate limit.
18. The "Section 73A" application (TM/19/2396) was submitted both to secure planning permission for what BBL wanted (as distinct from what it had planning permission for) and remove the combined limits on waste and HGV movements and acknowledge the

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fact that what had been and was continuing to be built on site was not the same as that provided for by planning permissions TM/12/2549 and TM/13/3657. Notably, the Section 73A application does not include an ATC element.

19. Following concerns expressed by NES and advice from KCC's Solicitors (Invicta Law), BBL has agreed that KCC should delay consideration of the Section 73 applications pending determination of the Section 73A application with a view to withdrawing them if planning permission is granted. The Section 73A application (TM/19/2396) is now the subject of this report.

The Proposal

20. The application proposes the temporary development of an AD plant with ancillary gas to grid plant and associated infrastructure. The application is part retrospective, reflecting the development that has already taken place. Drawings illustrating the proposed development and the AD / ATC and gas to grid facilities already permitted are included in Appendix 1.
21. The application (as submitted at the end of August 2019) was accompanied by a Planning Design & Access Statement, a Transport Statement, a Sustainability Statement, an Odour Assessment, an Air Quality Assessment, a Bioaerosol Risk Assessment, a Green Belt, Landscape and Visual Impact Appraisal, a Flood Risk Assessment, an Ecology Statement, a Noise Assessment and a Surface Water Drainage Strategy.
22. As a result of concerns being raised by the operator of the IVC facility (NES) (and its parent company DM Topco Ltd) about the proposed surface water drainage arrangements, responses from the Environment Agency and KCC SUDS and my own consideration of the application, additional information was submitted in February, March and April 2020. The information included: an updated Surface Water Drainage Strategy; a complementary report (the Containment Bund Design Report) relating to water management arrangements within the containment bund (i.e. the area containing the main and other tanks containing liquids); a Phase 2 Intrusive Ground Investigation, Interpretive Report; further information relating to groundwater depth and soakaways; new drawings illustrating the proposed drainage arrangements (including a soakaway / crate system); clarification on the proposed site surfacing (particularly in front of the waste reception building); replacement drawings showing the proposed site layout now wanted by the applicant (including the relocation of some of the plant and equipment); and a reduction in the size of the application site (i.e. a revised red line) to better reflect the extent of the land required for the proposed development and BBL's lease area and avoid including land under the ownership / control of NES (including the NES site offices, weighbridge and parking areas and the pond and associated drainage ditches which were previously intended to be shared with the IVC facility). The applicant formally requested that the planning application be amended to reflect the alteration to the red line. Further concerns and queries by NES, the Environment Agency and KCC SUDS led to an Addendum to the Drainage Strategy being submitted in June 2020.

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23. The application proposes a waste reception / processing building (47m x 31m x 12m ridge height) which would be fully enclosed and serve as a delivery point for incoming refuse collection vehicles (RCVs) and other HGVs (including covered bulkers, RoRo skip lorries and tankers) and a collection point for liquid and solid digestate. The building would also accommodate a de-packaging unit, a feeding unit, a dedicated liquid waste reception area and tank and a mixing pit. Vehicles would enter and leave the building via four fast opening / closing electric roller shutter doors. Four main tanks (28m diameter, 13.5m height to tip of the domes) are proposed within a concrete bunded area (2 fermenter tanks, 1 post-fermenter tank and 1 digestate storage tank). The fermenter and post-fermenter tanks would be linked by an associated technical building. Other tanks within the bunded area would include 1 water tank, 3 reception tanks (3m diameter), 3 pasteurisation tanks (3m diameter), 1 ferric chloride tank (3.75m diameter) and 1 pre-storage tank (10m diameter). The bunded area would also accommodate a gas cooling unit and 3 carbon and VOC (volatile organic compound) filters. The gas to grid facility would comprise 6 propane tanks, a gas conditioning / upgrading unit and a gas entry unit. Other development would include a combined heat and power (CHP) unit, a boiler and exhaust stack, a septic tank, a back-up generator and emergency flare, a biofilter, an odour control unit and a weighbridge and site office.
24. The main physical changes to the development provided for by planning permissions TM/12/2549 (AD / ATC) and TM/13/3657 (gas to grid) are:
- A reduction in the number of digestate storage tanks (4 rather than 6) to reflect operational changes;
 - Re-siting of the buffer tank and pasteurisation tanks;
 - Combining the waste reception and digestate offtake into one building and siting it centrally so that the building sits closer to the bunded tanks, reducing pipe runs and benefitting the odour abatement process;
 - The reception building would be 2m off the bunded area and incorporate separate bay for liquid inputs and solid offtakes;
 - An alternative odour abatement system;
 - Removal of ATC component to allow for re-siting of the waste reception and digestate offtake building;
 - The re-location of pre-treatment tanks within the bunded area and integrated with gas storage;
 - Locating the pumping station between the main tanks within the bunded area;
 - Siting the weighbridge in front of the office and the relocation of staff / visitor parking;
 - Amendments to the drainage infrastructure to allow the AD plant to operate independently from the IVC facility;
 - Realignment of the access road through creation of a new slip road to provide contingency for HGV parking or queueing;
 - Reducing the size of the bunded area;
 - The re-siting of the CHP unit;
 - Reducing the number of CHP units due to the use of the gas to grid plant (thereby reducing exhaust emissions); and

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- The gas to grid infrastructure employing a membrane filter rather than water tower.
25. Incoming waste would be delivered in a range of HGVs which would pass through the weighbridge and into the yard and reverse into the waste reception building. Fast opening / closing electric roller shutter doors would ensure that the building remains fully enclosed other than for entry and egress. Overhead extraction would ensure that the reception building is kept at a slight negative pressure, minimising the risk of fugitive odour escapes when the doors are opened for access and egress. Extracted air would pass through an odour abatement plant prior to release to the atmosphere.
26. Food and mixed green / food waste would be tipped onto a sealed floor within the building where it would undergo visual inspection. Gully drains set within the floor would capture any excess moisture. Material would be loaded into a hopper and pass through a de-packaging unit. A dedicated liquid reception point (with tank) and an area for dry solid wastes that may require a degree of mixing / blending would also be housed within the building. From this point, the AD plant would operate as a sealed system with the small buffer tank, two primary digestion tanks (where paddles would agitate the material), secondary digester tank and liquid digestate storage tank connected by a series of pipes, allowing for the controlled flow of digestate and biogas. Ferric Chloride would be stored within IBCs (intermediate bulk containers) within the bund and added (as required) to reduce the build-up of hydrogen sulphide within the process. Flexible membrane roofs on the main tanks would allow for pressure variations, with pressure release valves a standard safety feature. Biogas yields would decrease through the various stages. The substrate within the digestion tanks would then be macerated to a minimum of 12mm and the digestate pasteurised by means of being heated to a minimum temperature of 70 degrees Celsius continuously for 1 hour before entering the digestate storage tank in anticipation of onward dispatch. Solid digestate would be separated out and taken off site in skips for blending or direct agricultural application, whilst liquid digestate will be transferred into tankers (which will vent inside the building) for transfer to on-farm lagoons or direct agricultural application. The biogas would feed into the CHP unit and boiler providing both heat and electricity for the process. Residual biogas would be cooled and screened to remove any particulate matter, before being supplemented with propane to produce a biomethane for injection into the mains. Thereafter it would be drawn down by homes and businesses to provide heat and power on demand.
27. Other than the omission of the ATC plant and changes to the design and layout described above (which would result in the development being lower in height and having a smaller footprint), the proposed development is broadly similar to that already permitted. The tanks and buildings would be clad in grey, the hours of operation would be the same (see paragraph 10 above), all waste operations would continue to take place entirely within buildings or structures designed for these activities with appropriate odour management controls and operations would also be regulated by an Environmental Permit. Although not explicitly referred to in the application, it is understood that the applicant envisages the temporary period sought being aligned with that set out in condition 2 of planning permission TM/12/2549 (i.e. operations to cease no later than 20 years from the commencement of commercial AD operations

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and the site restored thereafter in the way already permitted). I intend to consider the application on that basis.

28. A number of other changes are proposed to reflect the fact that the AD / gas to grid plant would no longer be operated by NES (the IVC operator) and as BBL wishes to secure additional AD capacity. The key changes are:
- The AD and gas to grid plant would be self-contained in terms of drainage, as opposed to sharing surface water and foul drainage arrangements with the IVC facility;
 - The AD plant would deal with up to 75,000tpa of waste, as opposed to sharing a combined 100,000tpa with the IVC facility; and
 - The AD / gas to grid plant would generate up to 78 HGV movements (39 in / 39 out) per day Monday to Friday and 38 HGV movements (19 in / 19 out) on Saturdays, as opposed to sharing up to 120 HGV movements (60 in / 60 out) per day Monday to Friday (reduced to 66 movements (33 in / 33 out) on Saturdays) with the IVC facility.
29. In terms of drainage, the application proposes that water from roads and hardstanding would be drained by gully's, channels and manholes via a full retention interceptor and into a soakaway. The soakaway would be a combination of approved filtration Ministry of Transport (MOT) Type 3 stone and double stacked Polystorm Xtra infiltration crates arranged in a 40m x 6m x 0.4m formation under the asphalt hardstanding in front of the main reception building. The crates would provide 96m³ capacity and the MOT Type 3 stone a further 290m³. The roof of the waste reception / processing building would drain to the soakaway via gutters and downpipes. All liquid within the waste reception / processing building would be collected, stored and pumped into the AD process itself to prevent this being discharged to the soakaway. Any liquid within the containment bund (including rainwater falling into this area) could not be discharged until tested and certified as clean and able to be released. Any discharge from this area would be carefully controlled to prevent pollution. The area on which the gas to grid and related equipment would be located would be surfaced with MOT Type 1 material where water would drain directly to ground. A management and maintenance regime is proposed in order that the system continues to work effectively for the life of the AD facility.
30. In terms of the waste capacity, the applicant (BBL) states that the previous arrangement whereby the IVC and AD facilities would share up to 100,000tpa of waste would no longer be workable given that the two facilities would be operated independently by different owners. It states that each facility requires a separate limit in order that neither is prejudiced and both can operate effectively. It notes that whilst the latest IVC facility planning permission (TM/14/532) has a combined 100,000tpa waste limit, the previous one (TM/13/1299) has a 100,000tpa waste limit for the IVC facility alone (on the basis that phase 2 of the IVC facility could still have been developed at the time that permission was granted). It states that as the Environmental Permit for phase 1 of the IVC facility only provides for up to 75,000tpa, the 75,000tpa waste capacity now proposed for the AD facility would effectively provide a new combined limit of 150,000tpa (as opposed to a theoretical 175,000tpa

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limit). Although not subject to this report, it should be noted that planning applications TM/19/2397 and TM/19/2398 (see paragraph 17 above) effectively proposed this 150,000tpa combined limit by seeking planning permission for the AD / ATC and IVC facilities to both be able to handle up to 75,000tpa each. The applicant also states that regardless of these issues, there is a need for additional AD capacity which justifies the 75,000tpa limit now proposed.

31. In terms of the HGV movements, the applicant (BBL) states that the arrangement whereby the IVC and AD facilities would share up to 120 HGV movements (60 in / 60 out) per day Monday to Friday, reduced to 66 HGV movements (33 in / 33 out) on Saturdays, is no longer workable given that the AD and IVC facilities would be operated independently by different owners and given the proposed 75,000tpa waste capacity. It states that the AD and IVC facilities require a separate HGV limit in order that neither is prejudiced and both can operate effectively. It notes that the IVC facility is restricted to 82 HGV movements (41 in / 41 out) per day Monday to Friday, reduced to 42 HGV movements (21 in / 21 out) on Saturdays, and that if the IVC facility were to operate using all of its permitted HGV movements this would only allow 38 HGV movements (19 in / 19 out) per day Monday to Friday and 24 HGV movements (12 in / 12 out) on Saturdays at the AD facility. It therefore proposes that the AD facility should have a separate limit of 78 HGV movements (39 in / 39 out) per day Monday to Friday and 38 HGV movements (19 in / 19 out) on Saturdays, representing an increase in the combined limits of 40 HGV movements (20 in / 20 out) per day Monday to Friday and 14 HGV movements (7 in / 7 out) on Saturdays. It states that the theoretical combined limit of 160 HGV movements (80 in / 80 out) per day Monday to Friday and 80 HGV movements (40 in / 40 out) on Saturdays should be regarded as a worst case scenario given that neither facility would be likely to operate at full capacity. No peak time restrictions are proposed for the AD / gas to grid facility (as is currently the case), although no more than 9 HGV movements may take place associated with the IVC facility between each of 08:00 and 09:00 hours and 16:30 and 17:30 hours.

Planning Policy Context

32. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (May 2019), the associated National Planning Practice Guidance (NPPG) and the National Planning Policy for Waste (NPPW) (2014). Other relevant policies / strategies include Our Waste, Our Resources: A Strategy for Waste (2018), the Clean Air Strategy (2019) and the Noise Policy Statement for England (2010). These are all material planning considerations.
33. **Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSM5 (Land-Won Mineral Safeguarding), CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW3 (Waste Reduction), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM5 (Heritage Assets), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals

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- and Waste), DM15 (Safeguarding of Transport Infrastructure), DM16 (Information Required In Support of an Application) and DM19 (Restoration, Aftercare and After-use).
34. **Tonbridge and Malling Borough Council LDF Core Strategy (September 2007)** – Policies CP1 (Sustainable development), CP2 (Sustainable transport), CP3 (Green Belt), CP14 (Development in the Countryside) and Policy CP24 (Achieving a High Quality of Life).
35. **Tonbridge and Malling LDF Managing Development and the Environment DPD (April 2010)** – Policies CC3 (Water environment), NE1 (Local sites of wildlife, geological and geomorphological interest), NE2 (Priority habitats), NE3 (Biodiversity), SQ1 (Landscape and Townscape Protection and Enhancement), SQ4 (Air quality), SQ6 (Noise) and SQ8 (Transport infrastructure).
36. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission Draft (November 2018)** – This proposes changes to Policies CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-hazardous Waste), CSW8 (Other Recovery Facilities for Non-hazardous Waste) and DM8 (Safeguarding Minerals Management, Transportation Production & Waste Management Facilities). One of the reasons for the Early Partial Review was to update the assumptions about waste management capacity underlying Policies CSW7 and CSW8 and the consequent impact on the need for a Waste Sites Plan. The Early Partial Review of the Kent MWLP was subject to an independent examination between 8 and 15 October 2019 and the Inspector's Report was published on 23 April 2020. The Report concludes that the Plan is sound provided that a number of main modifications are made. The main modifications were discussed at the examination hearings, subject to sustainability appraisal and public consultation and considered by the Inspector along with any representations made on them. The proposed modifications were subject to consultation and the responses considered. The intention is for the Early Partial Review of the Kent MWLP to be adopted by KCC at the County Council meeting on 10 September 2020. As it would be inappropriate to pre-empt the outcome of that meeting in this report (which has to be published on 8 September 2020), the policies are currently referred to in their draft form. However, for the reasons set out in this report the adoption of the Early Partial Review of the Kent MWLP would not affect my conclusions or recommendation. I will update Members appropriately at Committee.
37. **Tonbridge and Malling Borough Council Local Plan Regulation 19 Pre-Submission Publication (September 2018)** – Draft Policies LP11 (Designated Areas), LP12 (Local Natural Environment Designations), LP14 (Achieving High Quality Sustainable Design), LP18 (Sustainable Drainage), LP20 (Air Quality) and LP21 (Noise Quality).

Consultations

38. **Tonbridge and Malling Borough Council** – No objection.

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39. **Offham Parish Council** – Objects to the application (*and to the three Section 73 applications*) for the following reasons:

Odour

- Odour from the IVC facility has caused significant nuisance to residents;
- Claims of no odour from the AD plant are unachievable;
- Lorries queueing to enter the AD plant (potentially up to an hour) would not be fully sealed and sheeting will not prevent odour escaping especially in hot weather;
- Lack of clarity over responsibility for monitoring enclosure / sheeting of lorries;
- As much odour protection equipment as possible should be installed (including an “air-lock” type system with inner and outer doors for HGVs to enter and leave the waste reception building); and
- Only one (of the three) roller shutter doors should be open at any one time.

Flies and vermin

- A robust management plan to prevent flies and vermin should be imposed including restricting door opening, lorry waiting times, lorry covering, site checks and management measures.

Traffic

- Increased HGV traffic (to add to that existing or proposed in the area);
- The roads in the area are already overburdened;
- Traffic through Offham has increased significantly over the last 5 years;
- Measures other than signage are required to prevent lorries travelling through the village; and
- Any increase in HGV movements should be compared with existing rather than permitted numbers.

Noise

- Working hours must be adhered to in order to protect amenity of residents (e.g. Saturdays limited to 7am to 1pm and none on Bank Holidays); and
- Measures are required to minimise nuisance and mitigate impact on neighbours (including from reversing alarms).

It has also expressed concerns about whether planning permission TM/12/2549 was lawfully implemented prior to 16 April 2018 and about construction activities associated with the proposed AD facility (including works at night and weekends and issues with noise and light pollution). It has also stated that regular liaison meetings should take place with KCC, TMBC, the Environment Agency and Parish Councils to encourage good working relationships and regular dialogue allowing issues to be raised and dealt with promptly. It has also reiterated / resubmitted its objections in 2012 to the AD / ATC application (TM/12/2549) in which it raised similar issues, primarily related to concerns about odour.

40. **West Malling Parish Council** – Objects to the application (*and to the three Section 73 applications*) for the following reasons:

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Tonnage

- The impact on the local environment as a result of the proposed increase in the total tonnage of waste to be processed on the site (in terms of potential odour generation, localised air quality and flies).

Traffic

- The impact of increased HGV movements in what is an already overburdened road network (84 additional movements Monday to Friday and 38 additional movements on Saturdays);
- Pressure on approach roads (e.g. the Ashton Way by-pass for HGVs approaching from the North and King Hill for those from the south);
- Fewer HGV movements should be allowed;
- No HGVs should enter West Malling, Offham and other surrounding settlements unless they are collecting waste from these areas (this should be properly enforced, possibly using GPS tracking to encourage compliance);
- KCC should also consider how HGV movements can be incentivised to take place outside of peak hours to limit the impact on local roads during peak periods.

Catchment area

- Although AD is a more environmentally sustainable means of handling waste than other methods, the geographic (catchment) area that the plant is able to accept waste from should be reduced to limit the environmental damage of increased carbon (CO₂) emissions from transportation (West Sussex and parts of East Anglia are too distant).

41. **Kings Hill Parish Council** – Raises serious concerns about the application (*and on the three Section 73 applications*) for the following reasons:

Traffic

- Increased traffic on the A228 since 2012 and Kings Hill is continuing to expand with plans for a large number of additional dwellings;
- HGV movements associated with the AD plant would be additional to those generated by the IVC plant and would have a substantial impact; and
- Restricted hours of operation should be provided for vehicles entering and existing the AD plant to avoid peak traffic times.

Odours

- HGVs queueing to enter the plant would not be completely sealed (which is the only way to prevent odours) and some would only have a tarpaulin cover such that it is inevitable that odour will be released (particularly when parked or waiting, which could be up to an hour, and in hot weather).
- HGVs should be properly and completely enclosed or sheeted and this requirement should be monitored and enforced to protect residents; and
- Only one door should be allowed to open at any given time when vehicles are moving in and out to prevent odour and flies escaping.

It has also raised concerns about the build and operation of the AD plant and its

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effects on Kings Hill, its residents and surrounding area due to proximity to residential properties and businesses, with up to 300 dwellings in close proximity to the site entrance.

42. **Mereworth Parish Council** – Has no comments to make on the application (*or on the three Section 73 applications*).
43. **Environment Agency** – No objection subject to the following condition:
- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. *[Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.]*

It has advised that the proposed development would require an Environmental Permit which would include conditions to manage risks to controlled waters and that the permit application is currently under consideration. It has also advised that advice be sought from KCC Sustainable Drainage (SUDS) on the long term viability of the proposed drainage.

44. **KCC Highways and Transportation** – No objection, subject to compliance with the proposed HGV limits and this being demonstrated and the obligations set out in the existing S106 Agreement relating to HGVs not being routed through villages such as Offham, Mereworth and West Malling and regular local liaison continuing to apply.

It notes that the proposed development would give rise to an additional 40 HGV movements per day Monday to Friday and 14 additional HGV movements on Saturdays, that the applicant advises that it is unlikely that these will occur in the morning and evening peaks periods as it is more effective for hauliers to operate outside of these times and that the traffic impact assessments have been based on an even distribution of HGV movements throughout the day. It advises that an average increase in vehicle movements of about 4 per hour is not a viable reason for it to recommend refusal of the application. However, it recommends that the applicant be required to maintain records of traffic movements and make these available to KCC to demonstrate compliance with the revised limits and that such records should contain the date of each movement and details of each load (as is required by condition 23 of planning permission TM//12/2549).

45. **KCC Sustainable Drainage (SUDS)** – No objection, subject to a condition requiring the implementation of a maintenance manual for the proposed sustainable drainage scheme which has been submitted to and approved in writing by KCC prior to occupation / first operation of the site. The maintenance manual shall (as a minimum)

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include:

- A description of the drainage system and its key components;
- An as-built general arrangement plan with the location of drainage measures and any critical features clearly marked;
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities; and
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

It states that KCC as Lead Local Flood Authority recognise that a drainage strategy has been put forward that would appear to manage surface water on site for all storm events up to the 100 (+40%) with no above ground flooding. It also states that infiltration testing results contained within the 'Drainage Strategy and Details of Surface Water Drainage Scheme' report by Plandescil provides only a brief summary of the infiltration testing undertaken (rates obtained) and does not show a location of the test in relation to the proposed soakaway. The summary shows that the three tests undertaken in the test pit and all appear to show sufficient infiltration rates. It would have been beneficial to provide full details of the infiltration tests undertaken to fully support the design.

It advises that as with all infiltrating features situated on the Hythe Beds formation, there is a chance of encountering loosely infilled features known as 'gulls'. It is acknowledged that ground investigations undertaken previously (Phase 2 Intrusive Ground Investigation, January 2020) do not appear to have identified any such features however, the specific soakaway design should always be at the advice of the applicants geo-technical engineer.

It welcomes the fact that any water falling within the containment bund area would be stored within the bund until it has been tested and is safe to be released to soakaways but recommends that the Environment Agency be consulted on the pollution control aspects of the proposed development.

It advises that its response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

46. **KCC Ecological Advice Service** – No objection. It is satisfied that the construction and operation of the proposed AD and gas to grid facility would not have any significant impact on the adjoining Local Wildlife Site (LWS) and Ancient Woodland Site due to the location of the proposed development within the quarry at a much lower level than the surrounding unworked land provided any lighting is not situated any higher than the proposed buildings.

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47. **KCC Air Quality** – No objection. It has reviewed the application documents (including the Air Quality Assessment, Odour Assessment and Bioaerosol Risk Assessment). It advises that it is satisfied with the methodology used in both the applicant's Air Quality Assessment (in terms of atmospheric emissions from the proposed combustion processes, gas upgrading unit and grid entry unit) and the Odour Assessment (in terms of potential odour sources on site) and their findings / conclusions (i.e. insignificant / low risk). It also advises that as HGVs would use the A228 and be unlikely to be routed through AQMAs, the proposed increase in HDV (heavy duty vehicle) movements would be below the Institute of Air Quality Management (IAQM) Guidance criteria of 100 HDV AADT (annual average daily traffic) required for a full assessment and that potential air quality impacts associated with operational road vehicle exhaust emissions are predicted to be negligible.
48. **KCC Noise Consultant** – No objection. It has reviewed the application documents (including the Noise Assessment). It advises that the applicant has appropriately used guidance provided by BS4142:2014 to support the assessment and that the report has demonstrated that the predicted levels of noise are not expected to cause any adverse effect on noise sensitive properties. It also advises that the proposed development would continue to meet the requirements of condition 28 of TM/12/2549 (which requires the BS4142 noise rating level not to exceed the background sound level LA90 at any noise sensitive property). It further advises that the applicant has also assessed the noise impact at both the quarry offices and IVC building and that the results show that the noise would be acceptable and well within BS8233 guidelines on internal noise levels for offices.
49. **KCC Waste Management** – Supports the application as it would meet the requirements of the Waste Disposal Authority (WDA).

It states that the WDA has a statutory duty to seek provision for dealing with domestic waste arisings in Kent, that KCC also provides a network of 18 Household Waste Recycling Centres (HWRCs) providing facilities for re-use, recycling and safe disposal, for a range of material streams delivered by Kent residents and that KCC's Kent Waste Disposal Strategy (which was endorsed by Members in July 2017) sets out the current position, identifies the future pressures and outlines how a sustainable waste management service will be maintained.

It advises that the Government's Environment Bill (which was re-introduced to parliament following the general election on 30 January 2020) sets out how the UK plans to protect and improve the natural environment in the UK and that the initial DEFRA response to the consultation on the resources and waste strategy is that local waste collection authorities (WCAs) will have a mandatory requirement to collect separate food waste. It also advises that existing law (which has transitioned from the European Commission) adopted an ambitious Circular Economy Package to help make the transition to a stronger and more circular economy where resources are used in a more sustainable way. The revised Waste Framework Directive (2018/851) was published in the Official Journal of the European Union in June 2018 and states that food waste must be separately collected by 2023 putting the onus on the WDA to facilitate disposal of this separated material stream.

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It states that Kent wishes to become self-sufficient with regard to food waste infrastructure and to have this provided through a local facility to receive and process Kent's food waste for current requirements and its future needs (based on population growth and the drive from Central Government to ensure weekly food waste is collected from every household by 2023). It is therefore seeking an AD Facility built locally to receive Kent's food waste which would:

- provide significant savings from negotiated gate fee compared to current disposal cost;
- reduce carbon emissions and footprint in negating haulage out of County;
- avoid landfill as a disposal method to meet landfill diversion targets;
- support local employment and businesses;
- meet the requirements of central Government's waste strategies and Policies; and
- Meet additional waste disposal tonnage requirements from population growth.

It advises that food waste in Kent is currently either collected, co-mingled with green waste and processed to produce compost at the IVC facility at Blaise Farm Quarry or collected separately and hauled out of the County. These contracts are expensive in relation to gate fees due to the haulage element being included in the price and as IVC is a more expensive treatment of the mixed food and green waste than an AD treatment.

It states that it has been seeking an alternative disposal method for food waste due to the high costs (currently in excess of £3.3M pa) and included the requirement to build an AD Plant in its Organics Contract. However, it advises that Government subsidies (which were available at the time of the procurement) were later withdrawn and the Provider was unable to fund the build costs and a reduction in the gate fee. It also states that the need to find a local site has become more urgent due to the forecasting of more food waste and the ambition of the Government to pursue more frequent and consistent food waste collections.

50. No responses have been received from **South East Water** and **CPRE Kent**.

Representations

51. The application was publicised by site notice and newspaper advertisement and the occupiers of all properties within 250 metres of the site (including access road) were notified in October 2019.

52. Nine (9) representations have been received (all objections). Of these five (5) were from those representing the operator of the IVC facility (NES) (and its parent company DM Topco Ltd) and three (3) were from the same individual / family / business.

53. The objections raised by local residents relate to:

- Odour (lack of twin door sealed air system);

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- Noise (from construction operations and reversing alarms);
 - Flies;
 - Increased waste capacity;
 - Increased traffic;
 - Impact on residential properties (including new and proposed development in the area) and local businesses (e.g. corporate events, wedding venue and removals company);
 - Poor site management for many years; and
 - History of complaints.
54. NES has objected to all four of the applications referred to in paragraphs 17 to 19 above. Its objections to the S73 applications TM/19/2397, TM/19/2398 and TM/19/2399 relate (at least in part) to their validity. It believes that application TM/19/2397 exceeds what is possible under S73 of the Town and Country Planning Act 1990 (as amended) as it proposes a fundamental alteration to planning permission TM/12/2549 and that it must be refused. It argues that application TM/19/2398 can only be refused as it is dependent on application TM/19/2397. It has also questioned the validity of applications TM/19/2397 and TM/19/2399 as it does not believe that planning permissions TM/12/2549 and TM/13/3657 were lawfully implemented. It further objects to application TM/19/2397 on the grounds that the proposed conditions are potentially unlawful in that they purport to regulate development on third party land such that the applicant could not guarantee compliance and KCC could probably not enforce.
55. Its objections to the application subject to this report (i.e. the S73A application TM/19/2396) relate to a perceived lack of meaningful pre-application engagement by the applicant, the part retrospective nature of the development, the potential impact of the proposed development on the IVC facility and the perceived inadequacy of the information submitted in support of the application. It has also expressed concerns about impacts associated with the development that has already taken place, including the discharge of ponded water onto its land and soakaway. Its earlier concern that the application site extended onto NES land was overcome by the amended application boundary in April 2020. Its ongoing concerns are (in more detail) that:
- Granting permission would have potentially unacceptable planning impacts on the surrounding area and severe and detrimental impacts on the business of the IVC facility:
 - It states that the IVC facility has planning permission to operate at up to 100,000tpa and objects to anything that could prejudice this since it has plans to fully utilise this capacity;
 - The application makes insufficient provision for drainage at the site:
 - It is not satisfied that the assumed infiltration / permeability rates are correct or that the proposed soakaway would operate as proposed due to the geology at the site and is concerned that this could result in surface water being discharged onto the IVC facility or causing localised flooding;
 - The investigations have been undertaken by the contractor rather than

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a qualified, competent and independent consulting geotechnical engineer;

- There is a lack of information on the proposed pollution testing; and
- Planning permission should not be granted until it can be proven that the drainage design is underpinned by a robust site investigation (which has been completed by an independent geotechnical engineer of suitable experience and qualification) and the design and maintenance of the drainage must meet KCC and the Environment Agency approval (fully taking into account climate change).

Local Member

56. County Council Members Sarah Hohler (Malling North), Trudy Dean (Malling Central) and Matthew Balfour (Malling Rural East) were notified in October 2019.
57. No comments have been received from the Local Members at the time of writing this report.

Discussion

58. The application is being reported to KCC's Planning Applications Committee for determination as planning objections have been received from Offham, West Malling and Kings Hill Parish Councils (PCs) and those who have submitted representations.
59. 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 development plan policies outlined in paragraphs 33 to 35 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 32 and the draft development plan policies in paragraphs 36 and 37. As noted in paragraph 36 above, the intention is for the Early Partial Review of the Kent Minerals and Waste Local Plan (MWLP) to be adopted by KCC at the County Council meeting on 10 September 2020. Whilst its policies are referred to in draft form in this report, I am satisfied that were the Plan to be adopted it would not affect my conclusions or recommendation on the proposed development.
60. The main issues that require consideration are as follows:
 - The principle of the development;
 - Need;
 - Green Belt;
 - Landscape and visual impact;
 - Noise;
 - Air quality;
 - Water environment;
 - Traffic and transportation; and
 - Ecology.

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These issues are addressed in the following sections, together with other issues that have been raised or require consideration.

The principle of the development

61. Planning permission already exists for an AD plant and a gas to grid plant at the site by virtue of planning permissions TM/12/2549 and TM/13/3657. Although Offham PC and NES have questioned whether one or both of these permissions were lawfully implemented and therefore expressed doubts about their validity, I am satisfied that they were and that the permissions remain extant. The key issue when considering this application is therefore not whether there should be an AD and gas to grid plant at Blaise Farm Quarry, rather it is whether what is now proposed is acceptable in the context of what is already permitted.

Need

62. Paragraphs 7 to 14 of the NPPF sets out national policy on achieving sustainable development, including the three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. The presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 80 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. Paragraphs 182 and 183 require planning decisions to ensure new development can integrate with existing business and community facilities. Where there are significant adverse effects the applicant (or “agent of change”) should be required to provide suitable mitigation before the development has been completed. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
63. Paragraph 1 of the NPPW states that positive planning plays a pivotal role in delivering the country’s waste ambitions through: delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy; ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities; providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of in line with the proximity principle; and helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, amongst other matters. Paragraphs 4 and 5 require waste planning authorities (WPAs) to consider new waste management facilities in

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appropriate locations, including industrial sites, the re-use of previously developed land, employment uses, and redundant agricultural and forestry buildings. Paragraph 7 states that in determining applications WPAs should (amongst other things) only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan and that in such cases they should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

64. Policies CSW1 and CSW2 of the Kent Minerals and Waste Local Plan (Kent MWLP) reflect the national requirements on sustainable waste development, including driving waste management up the waste hierarchy. Policy CSW4 states that the strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. As a minimum it is to achieve the targets for recycling and composting, reuse and landfill diversion identified in the Kent Joint Municipal Waste Management Strategy (as amended). Policy CSW6 had assumed that sites would be identified in a Waste Sites Plan to meet the need identified in Policy CSW7 and indicates that planning permission will be granted for uses identified as appropriate to such sites providing the proposals meet a number of criteria. However, it also provides support for additional capacity within or adjacent to an existing mineral development or waste management use where this is demonstrated to be needed, where waste would be dealt with further up the hierarchy, or where it is replacing capacity lost at existing sites providing these meet the relevant criteria, where there is no adverse impact on the environment and communities and where such uses are compatible with the development plan. Paragraph 6.7.3 of the Kent MWLP states that although the Needs Assessment for waste facilities (Jacobs, January 2012) showed no lack of capacity for preparation of non-hazardous waste for reuse or recycling during the whole of the plan period, it did show a capacity gap emerging in 2024 for treating green and kitchen wastes which Policy CSW7 seeks to address. It further states that the additional capacity required for composting is a minimum whilst the figure for energy from waste (EfW) capacity is a maximum reflecting their relative positions in the Waste Hierarchy (whereby it is preferable to process organic waste to produce compost to burning it to produce heat / power and the use of organic waste to produce a gas that may be used as a fuel via AD is preferable to its direct combustion). Policy CSW7 identifies a need for a minimum of 64,000tpa of additional treatment capacity for green and kitchen waste. Amongst other things, it also states that waste management capacity for non-hazardous waste will be provided through IVC and AD and that sites for the management of green waste and / or kitchen waste in excess of 100 tonnes per week (tpw) should be Animal By Product Regulation (ABPR) compliant.
65. Notwithstanding the above, it should be noted that Policy CSW4 is proposed to be amended in the Early Partial Review of the Kent MWLP. Whilst draft Policy CSW4 still states that the strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London, it now proposes, as a minimum, to achieve 50%, 55% and 60% targets for recycling and composting in 2020/21, 2025/26 and 2030/31 respectively for local authority collected waste and

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commercial and industrial waste where this is to include organic waste (including green and kitchen waste) treatment by anaerobic digestion. Draft Policy CSW7 no longer proposes any specific additional waste capacity and instead states that waste management capacity for non-hazardous waste that assists Kent in continuing to be net self-sufficient while providing for a reducing quantity of London's waste, will be granted planning permission provided that: (1) it moves waste up the hierarchy; (2) recovery of by-products and residues is maximised; (3) energy recovery is maximised (utilising both heat and power); (4) any residues produced can be managed or disposed of in accordance with the objectives of Policy CSW 2 (i.e. the waste hierarchy); and (5) sites for the management of green waste and / or kitchen waste in excess of 100tpw are ABPR compliant (such as IVC or AD). Importantly, draft Policies CSW4 and CSW7 and the supporting text are still clear that there is no intention to restrict the amount of new capacity for recycling or preparation of waste for reuse or recycling or for the provision of additional capacity for green and / or kitchen waste treatment since the sooner it is delivered the greater the impact will be on reducing organic waste going to landfill and conserving existing non-hazardous landfill capacity for any waste that cannot be reused, recycled, composted or recovered. In this way, the Early Partial Review of the Kent MWLP continues to provide positive support for new AD and IVC capacity. Draft Policy CSW6 removes all reference to a Waste Sites Plan and, instead, provides a criteria based policy against which all waste proposals will be assessed.

66. The Kent Waste Needs Assessment: Non-Hazardous Waste Recycling / Composting Capacity Requirement (BPP Consulting, September 2018 Update), which underpins the Early Partial Review of the Kent MWLP, identifies 95,000tpa of consented AD capacity (including 50,000tpa at Blaise Farm Quarry) within a total composting capacity (including open windrow composting, IVC and AD) of 233,000tpa in 2017. The assessment concludes that the combined consented recycling / composting capacity would be sufficient to meet the proposed higher overall recycling / composting targets associated with the management of non-hazardous waste over the Plan period as proposed in the revision to Policy CSW4 and that net self-sufficiency in recycling / composting capacity could be achieved in Kent without provision for additional capacity. The table below (which includes the information from the assessment) shows the consented composting capacity in 2017.

Site Name	Capacity (tpa)	Capacity Type
Shelford Landfill Site (Canterbury)	20,000	Open windrow (green waste only)
Hope Farm (Folkestone)	18,000	Open windrow (green waste only)
Conghurst Farm (Hawkhurst)	5,000	Open windrow (green waste only)
Countrystyle Recycling Ltd (Ridham Dock)	45,000	IVC (green waste, food waste & card)
Blaise Farm Quarry (West Malling)	50,000	IVC (green waste, food waste & card)
Total Composting	138,000	
Blaise Farm Quarry (West Malling)	50,000	AD (food waste & some green waste)

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Richborough (Sandwich)	25,000	AD (food waste & some green waste)
Otterpool Quarry (Folkestone)	20,000	AD (food waste & some green waste)
Total AD	95,000	
Grand Total	233,000	

67. As noted earlier in this report, the IVC and AD / ATC waste planning permissions at Blaise Farm Quarry have imposed a number of different limits on waste capacity. The initial limit imposed for the IVC facility in 2006 (TM/06/762) was 50,000tpa. This limit was increased to 100,000tpa in 2010 (TM/09/3231) and was retained in 2013 (TM/13/1299). In each case, the limit applied only to the IVC facility. In 2013 a combined limit of 100,000tpa was imposed on the AD / ATC facility (TM/12/2549). This limit was intended to apply to both the AD / ATC and IVC facilities and had been proposed by the applicant (NES). The same 100,000tpa combined limit was imposed on the IVC facility in 2014 (TM/14/532) for consistency. The figures used in the waste assessment and set out in above table have assumed that the IVC and AD facilities would each handle 50,000tpa of waste (as proposed / assumed in the relevant planning applications).³ Until recently the combined limit / shared approach appeared to be acceptable to all parties since the facilities were to be owned and operated by the same company (NES). However, a problem has now arisen due to the subsequent separation of the IVC and AD / ATC elements between different operators (NES and BBL). This has largely come to light as a result of the construction of the AD / gas to grid facility and the submission of the four planning applications referred to in paragraph 17 above.
68. Although the approach to waste capacity adopted at Blaise Farm Quarry appeared entirely reasonable at the time, it is now evident that it has created a problem in that NES can arguably rely on planning permission TM/13/1299 (which provides 100,000tpa of IVC capacity) and compost up to 75,000tpa of waste (i.e. the quantity allowed under the Environmental Permit). This would mean that the AD facility could only handle up to 25,000tpa. The position would be worse for BBL if the quantity allowed under the Environmental Permit were increased (potentially to 100,000tpa). The problem is also complicated in planning terms as it would be very difficult (if not impossible) for KCC to enforce the 100,000tpa combined limit due to the different operators. On the face of it, the current application is proposing to increase the permitted AD capacity beyond the assumed 50,000tpa to 75,000tpa, however, based on the above, it is clear that it is not as straightforward as this. Indeed, the result could be that overall permitted composting capacity at Blaise Farm Quarry could increase to as much as 175,000tpa. Regardless of this, the application must be treated on its merits (i.e. the provision of a 75,000tpa capacity AD facility with up to 78 HGV movements per day). The highway implications are addressed elsewhere in this report.
69. In considering the consented composting capacity referred to above, it is clear that the Kent MWLP waste strategy assumes 50,000tpa of AD capacity at Blaise Farm Quarry. It should also be noted that Shelford (20,000tpa) has ceased operating and that

³ The ATC element was always intended to be parasitic on the AD and IVC facilities such that it would deal with waste imported as part of those operations that was unable to be composted or digested.

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Richborough (25,000tpa) and Otterpool (20,000tpa) are still not operational (and show no current sign of being built) despite being subject to extant planning permissions. On this basis, the 25,000tpa of assumed additional proposed AD capacity at Blaise Farm Quarry could arguably assist in off-setting some of the 45,000tpa of AD capacity that may never become operational elsewhere. It is also worth noting that if NES were to rely on planning permission TM/13/1299 (which provides 100,000tpa of IVC capacity), rather than TM/14/532 (which provides for this capacity to be shared with the AD facility), any additional IVC capacity would serve to offset the composting capacity which is now unavailable at Shelford. In my view, the absence of operational AD facilities at Richborough and Otterpool adds weight to permitting additional AD capacity at Blaise Farm Quarry and the freeing up of IVC capacity at Blaise Farm Quarry may be seen positively given the closure of Shelford.

70. Although objections have been received from West Malling PC and those making representations about the proposed increase in waste capacity, it should be noted that controls associated with operations at the existing IVC facility and the permitted and proposed AD facility are primarily a matter for the Environmental Permit. It should also be noted that regardless of its permitted tonnage, the capacity of the existing IVC facility is also constrained by limits on HGV movements.
71. Having regard to all of the above matters, I am satisfied that there is strong case for permitting additional AD capacity and that granting planning permission for what is proposed would be consistent with relevant planning policies subject to the imposition of conditions limiting the nature of the waste types to those proposed and the facility importing no more than 75,000tpa.

Green Belt

72. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. Paragraph 134 states that Green Belts serve 5 purposes. These include checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another and assisting in safeguarding the countryside from encroachment. Paragraph 143 states that “inappropriate development” is, by definition, harmful to the Green Belt and should not be approved except in “very special circumstances”. Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 145 states that with the exception of certain types of development, local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. The exceptions include the extension or alteration of a building (provided that it does not result in disproportionate additions over and above the size of the original building) and the replacement of a building (provided the new building is in the same use and not materially larger than the one it replaces). Paragraph 147 states that elements of many renewable energy projects will

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comprise inappropriate development when located in the Green Belt and that in such cases developers will need to demonstrate very special circumstances if projects are to proceed. It also states that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Paragraph 6 of the NPPW states that Green Belts have special protection in respect to development and that in preparing local plans WPAs should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. The National Planning Practice Guidance (NPPG) advises that in assessing the impact on the openness of the Green Belt, matters to consider include both spatial and visual impacts, the duration of the development and its remediability and the degree of activity likely to be generated (such as traffic).

73. Policy DM4 of the Kent MWLP states that proposals for waste development within the Green Belt will be considered in light of their potential impacts and shall comply with national policy and the NPPF. Policy CP3 of the Tonbridge and Malling Borough (TMBC) Local Development Framework (LDF) Core Strategy and draft Policy LP11 of the TMBC Local Plan Regulation 19 Pre-Submission Publication (September 2018) (the emerging TMBC Local Plan) require that development comply with national policy on Green Belt. The Kent MWLP Early Partial Review proposes no change to Policy DM4.
74. Although the proposed development would effectively replace that already permitted by planning permission TM/12/2549 (which has been partially implemented), it would not be regarded as a “replacement building” for the purposes of paragraph 145 of the NPPF. The proposed development therefore represents inappropriate development in the Green Belt such that it is necessary to consider whether there are very special circumstances that would warrant setting aside the general presumption against development.
75. The proposed development lies within an active quarry where permissions have already been granted for IVC, AD / ATC and gas to grid facilities and where the sensitivity of the Green Belt to change and the acceptability of the consented development on the landscape have already been considered to be acceptable by KCC. All of the extant waste permissions are temporary and require the restoration of the site. This would remain the case. The proposed development would have a smaller building footprint, smaller volume and lower height than the permitted development, resulting in a smaller visual envelope. There would be five fewer digestate tanks (with the four proposed tanks in the same location and on the same footprint as four of those already permitted) and the water tower (part of the gas to grid infrastructure) would be replaced by a smaller membrane filter system. The ATC element is also no longer proposed. The proposed lighting scheme would not be materially different to the extant scheme and therefore cause no additional harm. The proposed AD / gas to grid facility would not be particularly visible and would share existing access roads with the IVC facility and quarry. I am therefore satisfied that the proposed development would have minimal impact and harm on the openness of the Green Belt in terms of visual impact and spatial impact.

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76. It is proposed that the life of the AD / gas to grid facility would be the same as that already permitted (i.e. 20 years from the commencement of commercial AD operations) and that the site would be restored in the same way as currently required. This is capable of being secured by a condition requiring the cessation of operations at the end of this 20 year period, the removal of the facility and all associated infrastructure within a further 12 months and the restoration of the site to forestry, ecological and amenity after-use within a further 12 months (i.e. as required by condition 2 of planning permission TM/12/2549). This limited duration and remediability also serves to reduce the potential impact and harm of the proposed development in terms of openness.
77. Although the proposed increase in HGV movements (up to an additional 40 movements per day) would have a greater impact than the permitted development, I do not regard this as significant in terms of the degree of activity having regard to the advice from KCC Highways and Transportation and as vehicles would be largely hidden from external views until they join the A228 at the roundabout at the eastern end of the quarry access road.
78. KCC has previously been satisfied that the AD / ATC and gas to grid facilities at Blaise Farm Quarry would cause limited harm to the openness of the Green Belt. Given that the proposed development would arguably have less impact than that already permitted, I consider that any harm to the openness of the Green Belt would be even less in this case.
79. In permitting TM/12/2549 in 2013, KCC accepted that very special circumstances existed to overcome the usual presumption against development in the Green Belt. I consider those set out as follows (which are very similar to those accepted previously) to represent the very special circumstances in this case:
- the fall-back position (i.e. permission already exists for an AD facility with a larger volume and footprint, with some components of greater height than now proposed);
 - the temporary nature of the proposed facility;
 - the need for and encouragement of development of additional treatment capacity for green / kitchen waste to reduce organic waste going to landfill (as recognised in the Kent MWLP and in the Early Partial Review of the Kent MWLP);
 - the strategic location and accessibility of the site, allowing it to act as a sub-regional treatment facility;
 - site specific circumstances (the physical location of the site within a quarry void serving to minimise harm by virtue of visual impact on the openness of the Green Belt, the quarry itself is active meaning that the intermediate landscape is one of continuous change, the co-location with the established quarry facility benefits from shared infrastructure such as access road and the excellent access to the strategic highway network);
 - co-location benefiting from shared infrastructure with the existing quarry and existing IVC facility);
 - sustainability benefits (allowing for the treatment of pure food waste from the

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local area to be treated locally, the generation of renewable energy, the production of digestate displacing the need for artificial nitrogen based fertilisers, economic resilience provided to householders and businesses by decentralised energy generation, economic resilience provided to agricultural enterprises with digestate and the creation of additional jobs); and

- amenity benefits (ensuring that separated pure food waste would be treated using the most appropriate technology, minimising potential for adverse amenity impacts such as propensity for odours).
80. Given the limited harm caused to the openness of the Green Belt (which is less than that associated with the extant AD / ATC permission), the clear benefits of AD in terms of dealing with food waste in the most appropriate manner, the desirability of additional AD capacity in Kent (given the uncertainty as to whether other permitted AD facilities will be developed and become operational) and the generation of renewable energy / biogas and production of digestate, I consider that there are sufficient very special circumstances to clearly outweigh the usual presumption against inappropriate development in the Green Belt. I also consider that the proposals need not conflict with Green Belt policy provided appropriate controls are imposed to address those issues highlighted elsewhere in this report.
81. The application was advertised on the basis that the proposed development may not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated due to being in the Green Belt. The proposed development also exceeds the threshold of 1,000 square metres of new building floorspace for which an application must be referred to the Secretary of State for Communities and Local Government under the Town and Country Planning (Consultation) (England) Direction 2009. Accordingly, if Members resolve to grant planning permission it would be necessary to establish whether the Secretary of State first wishes to call-in the proposal for his own determination before any permission is granted.

Landscape and visual impact

82. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Paragraph 175 states that when determining planning applications, local planning authorities should refuse development that would result in the loss of irreplaceable habitats such as Ancient Woodland unless there are wholly exceptional reasons and a suitable compensation strategy exists. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment and that in doing so they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include landscape and visual impacts (e.g. design-led solutions that respect landscape character, the need to protect landscapes or designated areas of

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national importance and any localised height restrictions) and potential light pollution.

83. Policy DM1 of the Kent MWLP supports sustainable development and states that proposals will be required to demonstrate that they have been designed to protect and enhance the character and quality of the site's setting. Policy DM2 states that proposals for waste development likely to have any unacceptable adverse impact on Ancient Woodland will not be permitted unless the need for, and the benefits of, the development in that location clearly outweigh any loss. Policy DM11 states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from illumination and visual intrusion. Policy DM12 states that permission will be granted for waste development where it does not result in an unacceptable adverse cumulative impact on the environment. Policy DM19 requires that provision be made for high standards of restoration, aftercare and after-use for temporary waste management development such that the intended after-use of the site is achieved in a timely manner. It also sets out further detail on what is expected in terms of restoration and aftercare. Draft Policy CSW6 of the Kent MWLP Early Partial Review states that planning permission will be granted for facilities that may involve prominent structures (including chimney stacks) subject to the ability of the landscape to accommodate the structure after mitigation.
84. Policy CP1 of the TMBC LDF Core Strategy states that the need for development will be balanced against the need to protect and enhance the natural environment and that the quality of the natural environment and countryside will be preserved and, where possible, enhanced. Policy CP24 states that all development should be well designed and of high quality, respecting the site and surroundings. Policy SQ1 of the TMBC LDF Managing Development and the Environment (MDE) Development Plan Document (DPD) states that proposals should protect, conserve and where possible enhance local character and distinctiveness. Draft Policies LP1 and LP14 of the emerging TMBC Local Plan include similar requirements.
85. As noted above, the proposed development is within that part of Blaise Farm Quarry that has already been worked to a significantly lower level than the surrounding land and is largely surrounded by woodland which limits views into the site from all locations other than from Footpath MR286 which crosses the permitted quarry area north to south. The proposed facility lies immediately adjacent to the existing IVC Facility, would replace the previously permitted phase 2 of the IVC facility and the larger AD / ATC facility and be seen in the context of the operational quarry. The proposed facility would occupy a smaller footprint, be of smaller volume and its component parts would be of lower overall height than the consented development. The main buildings (including reception building) and digestate tanks would be coloured grey which would further assist in enabling them to blend in with the surroundings. The proposed development would also be temporary and the land would be restored at the end of its permitted life in accordance with the existing requirements.
86. I am satisfied that the proposed development would have no greater impact than what is already permitted and is acceptable when considered against the above planning policies subject to the imposition of conditions requiring that the development be completed and maintained as proposed, the removal of the facility at the end of its

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permitted life and the restoration and aftercare of the land as currently required by the AD / ATC, gas to grid and IVC permissions following its removal.

Noise

87. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of noise pollution. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment and that in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise, avoid noise giving rise to significant adverse impacts on health and the quality of life and protect tranquil areas. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include potential noise pollution and impact on sensitive receptors (linked to proximity). The NPPW states the operation of large waste management facilities can produce noise affecting both the inside and outside of buildings (including noise and vibration from goods vehicle traffic movements to and from a site) and that intermittent and sustained operating noise may be a problem if not properly managed (particularly if night-time working is involved).
88. Policy DM11 of the Kent MWLP states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes. Draft Policy CSW6 of the Kent MWLP Early Partial Review requires waste development that avoids sites on or in proximity to land where alternative development exists / has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site.
89. Policy CP1 of the TMBC LDF Core Strategy states that the need for development will be balanced against the need to protect and enhance the natural environment and that residential amenity will be preserved and, where possible, enhanced. Draft Policy LP21 of the emerging TMBC Local Plan states that development will only be permitted if it can be demonstrated that it is located, designed and controlled to minimise the impact of noise on neighbouring properties and the prevailing acoustic environment.
90. Objections have been received from Offham PC and those making representations about noise impact. Offham PC considers that working hours must be complied with and that measures are required to minimise nuisance and mitigate impact and protect the amenity of local residents (including from reversing alarms). It has requested that no working should take place on Bank Holidays and only between 07:00 and 13:00 on all Saturdays. Local residents have also referred to noise from reversing alarms as well as from construction operations.
91. KCC's Noise Consultant has no objection and has advised that it is satisfied that the proposed development would continue to meet the requirements of condition 28 of

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TM/12/2549 (which requires the BS4142 noise rating level not to exceed the background sound level LA90 at any noise sensitive property) and therefore not cause any adverse effect on noise sensitive properties. It is also satisfied that any noise impact on the IVC facility would be acceptable and well within BS8233 guidelines on internal noise levels for offices.

92. Condition 29 of TM/12/2549 states that noise from temporary operations such as those associated with final restoration of the site shall not exceed $70\text{dB}_{\text{LAeq,1hr}}$ when measured at any noise sensitive property for up to 8 weeks in any 12 month period. This is consistent with the noise limit imposed on the IVC permissions and that applied to the most recent 5-year Working, Restoration and Aftercare Scheme approved pursuant to the mineral permission (TM/88/1002) at Blaise Farm Quarry (which itself includes no specific noise limits).
93. The application proposes the same working hours as provided for by condition 21 of TM/12/2549. This allows deliveries and exports on all Bank Holidays (between 07:00 and 17:30 hours) except 25 and 26 December and 1 January. Having previously been accepted, and since deliveries are also permitted at the IVC facility between these times on Bank Holidays, I see no reason to further restrict the development as has been suggested by Offham PC. Similarly, neither TM/12/2549 nor the IVC permissions preclude the use of tonal reversing alarms on site. Given this and since the facilities would be served by vehicles intended to be used primarily on the public highway I do not propose that additional restrictions be imposed. However, it would be appropriate to include an informative encouraging the applicant to employ measures to minimise the noise impact associated with reversing alarms where possible. Since the AD and gas to grid facility is almost complete, significant further noise associated with construction is unlikely. However, it would be appropriate to impose a condition restricting any remaining construction works to normal operating hours to minimise any further noise impacts. It would also be appropriate to restrict repairs and maintenance and all other operations not directly associated with the anaerobic digestion, gas generation and associated operational processes themselves to the same hours unless written approval has first been obtained from KCC. The only exception to this should be where there is insufficient time to secure the prior approval for urgent repairs or operations. In such circumstances, I consider it appropriate for the operator to notify KCC in writing of the date and time(s) and reason for and nature of those works on the next available working day. These matters are also capable of being addressed by condition.
94. I am satisfied that the proposed development would have no greater impact than what is already permitted and is acceptable when considered against the above planning policies subject to the imposition of conditions requiring that the above noise limits be met, the proposed working hours complied with (with additional limitations on the times for repairs and maintenance as set out above) and further construction works only being undertaken during normal operating hours, together with an informative encouraging measures to minimise the impact of reversing alarms.

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Air quality

95. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of air pollution and that development should wherever possible help to improve local environmental conditions such as air quality. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 181 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking account of the presence of Air Quality Management Areas (AQMAs). Paragraph 183 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include the proximity of sensitive ecological and human receptors and the extent to which adverse emissions (including odour) can be controlled using appropriate and well-maintained and managed equipment and vehicles.
96. Policy DM11 of the Kent MWLP states waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from dust, odour, emissions bioaerosols or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and / or planning obligation. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes. Policy DM12 states that permission will be granted for waste development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community. Policy DM13 states that development should demonstrate that emissions associated with road transport movements are minimised as far as practicable, including by emission controls and reduction measures (e.g. the use of low emission vehicles and vehicle scheduling to avoid movements in peak hours). Draft Policy CSW6 of the Kent MWLP Early Partial Review requires waste development that avoids sites on or in proximity to land where alternative development exists / has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site and does not give rise to significant adverse impacts on AQMAs. In respect of development which may give rise to bioaerosols (such as composting) it states that facilities should be located at least 250m from any potentially sensitive receptors.
97. Policy CP1 of the TMBC LDF Core Strategy states that the need for development will be balanced against the need to protect and enhance the natural environment and that

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residential amenity will be preserved and, where possible, enhanced. Policy CP24 states that all development should be well designed and of high quality, respecting the site and surroundings. It also states that development which by virtue of its design would be detrimental to amenity will not be permitted. Policy SQ4 of the TMBC LDF MDE DPD states that development will only be permitted where the proposed use does not result in a significant deterioration of the air quality of the area (either individually or cumulatively with other proposals or existing uses in the vicinity), would not result in the circumstances that would lead to the creation of a new AQMA and there is no impact on the air quality of designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact. Draft Policy LP20 of the emerging TMBC Local Plan states that development (either individually or cumulatively with other proposals or existing uses in the vicinity) that could directly or indirectly result in material additional air pollutants and a significant worsening of levels of air quality within the area surrounding the development site will not be permitted unless evidenced, specifically identified and detailed measures to offset or mitigate those impacts are introduced as part of the proposal.

98. Objections have been received from Offham PC, Kings Hill PC and those making representations about odour impact. These include reference to odour from the IVC facility previously causing significant nuisance to residents, claims of no odour from the AD plant being unachievable, lorries queuing to enter the AD facility giving rise to odour (as they would not be fully sealed), a lack of clarity over responsibility for monitoring enclosure and sheeting, the need for the installation of as much odour protection equipment as possible, the desirability of an air-lock type system (with inner and outer doors for HGVs to enter and leave the waste reception building) and the suggestion that only one of the three roller shutter doors should be open at any one time. West Malling PC has also raised concerns about the additional air quality impacts (e.g. CO₂) associated with traffic given the size of the waste catchment area and the proposed increase in tonnage.
99. KCC's Air Quality Consultant has no objection and has advised that it is satisfied with the applicant's air quality assessment and considers the risk to neighbouring facilities (residential and industrial) from air quality and odour exposure to be low. It has also advised that potential air quality impacts associated with operational road vehicle exhaust emissions are predicted to be negligible. The Environment Agency has no objection on air quality grounds and has advised that the proposed development would be controlled by an Environmental Permit which would provide detailed operational controls.
100. Informative (b) of TM/12/2549 states that detailed controls in respect of emissions (e.g. odour and bioaerosols) will be matters for the Environmental Permit. This approach remains appropriate as it is supported by paragraph 183 of the NPPF. Condition 11 of TM/12/2549 precludes the open storage of waste, contaminated materials or finished products outside buildings, tanks and structures permitted for these purposes. Condition 13 requires all doors on the AD waste reception building to remain closed at all times except when vehicles are entering and leaving the building or for maintenance purposes. Condition 27 states that all loaded, open backed vehicles entering or leaving the site should be properly enclosed or sheeted.

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101. As noted in paragraph 25 above the proposed waste reception / processing building would be fitted with fast opening / closing electric roller shutter doors to enable the building to remain fully enclosed other than for entry and egress. Overhead extraction would ensure that the building is kept at a slight negative pressure, minimising the risk of fugitive odour escapes when the doors are opened for access and egress, and extracted air would pass through an odour abatement plant prior to release to the atmosphere. Notwithstanding paragraph 183 of the NPPF, conditions similar to those above could usefully be imposed again if planning permission is granted. Although the use of an air-lock type system advocated by some respondents may further assist in reducing the potential for odour escaping from the building, it would also significantly increase the size of the building given the size of some of the vehicles (particularly tankers) used to transport imported waste or exported product. Given that the Environment Agency has raised no objection to the design and layout of the proposed development and is content that it can address operational issues (such as odour) via an Environmental Permit I can see no planning reason to require this. Similarly, detailed arrangements for odour containment (beyond those currently provided for by conditions 11, 13 and 27 of TM/12/2549) should also be dealt with as necessary in the Environmental Permit.
102. Although the proposed development would allow more waste to be handled at the site than currently permitted and up to 40 additional HGV movements (20 in / 20 out) per day Monday to Friday (and 14 (7 in / 7 out) on Saturdays), no change is proposed the extent of the waste catchment area referred to in paragraph 10 above. In the absence of the additional capacity, the waste would need to be treated or disposed of elsewhere (potentially by landfill). AD is acknowledged to have an important role to play in waste management terms by reducing the production of methane and other greenhouse gases (such as those created from landfill under aerobic conditions). It should also be noted that KCC was previously unable to maintain a far more limited waste catchment for the IVC facility focussed more closely on the County on appeal. In general terms, operators will seek to reduce the distance that waste travels to be re-used, recycled, recovered or disposed of. The provision of additional AD capacity should be seen as positive in these contexts regardless of exactly where it is sourced from.
103. I am satisfied that although the proposed development would be likely to handle more waste and give rise to a greater number of HGV movements than provided for by TM/12/2549, it is acceptable when considered against the above planning policies subject to the imposition of conditions similar to the requirements of conditions 11, 13 and 27 of TM/12/2549. I also consider it appropriate to include an informative similar to informative (b) of TM/12/2549.

Water environment

104. Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to,

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being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Paragraph 178 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination (including risks arising from former activities such as mining). Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on the natural environment. Paragraph 183 states that the focus should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria. These include the protection of water quality and resources and flood risk management. It also re-iterates that WPAs should concern themselves with implementing the planning strategy and not with the control of processes which are a matter for the pollution control authorities.

105. Policy DM1 of the Kent MWLP states that waste proposals should be designed to incorporate measures for water recycling where possible and utilise sustainable drainage systems wherever practicable. Policy DM10 states that planning permission will be granted for waste development where it would not result in the deterioration of physical state, water quality or ecological status of any water resource and water body, have an unacceptable impact on groundwater Source Protection Zones (SPZs) or exacerbate flood risk. Draft Policy CSW6 of the Kent MWLP Early Partial Review states that planning permission will be granted for proposals that avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b.

106. Policy CP1 of the TMBC LDF Core Strategy states that the need for development will be balanced against the need to protect and enhance the natural environment and that water quality will be preserved and, where possible, enhanced. Policy CC3 of the TMBC LDF MDE DPD states that development will not be permitted if it has an unacceptable effect on the water environment, including surface water and groundwater quality and quantity, river corridors and associated wetlands. Policy SQ5 states that all development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users. It also states that development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations and that development proposals incorporating SUDS must include an agreement to ensure future management, maintenance and replacement, when necessary, of the SUDS structures. Draft Policy DM17 of the emerging TMBC Local Plan states that the flood risk policy in the NPPF will be applied. Draft Policy DM18 states that SUDS for the management of run-off must be provided for as part of major development.

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107. Objections have been received from NES about surface water drainage. Its concerns (which are set out in more detail in paragraph 55 above) are that the information relied upon to assess the proposed surface water drainage arrangements is flawed and that the proposed drainage is inadequate and would lead to water being discharged onto its land and the IVC facility. It has also expressed concerns about impacts associated with the development that has already taken place (including the discharge of ponded water onto its land and soakaway).
108. No objections have been received from the Environment Agency or KCC SUDS, in both cases subject to conditions. The Environment Agency has requested a condition to address potential contamination during the construction of the facility. Since the facility has already largely been built the continued need for this condition is questionable. However, it would continue to address the scenario in which any unexpected contamination is found prior to the completion of the development. KCC SUDS has requested a condition to secure the implementation of a maintenance manual for the proposed sustainable drainage scheme. This would serve to reduce the potential for the drainage and associated soakaway to fail and lead to surface water being discharged onto adjoining land. It has also acknowledged that further detail in support of the proposed drainage arrangement would have been helpful. However, it is content that what has been submitted is acceptable.
109. It is clear that problems relating to surface water drainage arose during the construction of the AD facility. It is understood that this resulted from a number of issues, including periods of heavy rainfall, the frequent use of a water bowser to clean the access road shared by the minerals and waste operations at Blaise Farm Quarry (to reduce the risk of mud and other materials being tracked towards the site entrance) and the diversion of water from one area to another. Although the likelihood of similar problems cannot be entirely ruled out, the fact that the AD facility is now largely built should minimise this risk as water from a large part of the facility is within the containment bund (and would be released in a controlled manner in accordance with the Environmental Permit) and as drainage from the roof of the reception building and vehicle manoeuvring area direct surface water to the soakaway via interceptors. A smaller part of the facility (containing the gas to grid facility, CHP plant and propane tanks) would drain naturally through a granular (Type 1) surface but would be surrounded by the surfaced vehicle manoeuvring area. A further part of the site (which would be unused) to the north of the AD facility and west of the IVC reception building would remain in its current (unsurfaced) form. In the event that the proposed drainage and soakaway arrangements fail to adequately prevent surface water draining onto adjoining land, alternative proposals would need to be brought forward to supplement these. The unused area of land referred to above would appear capable of accommodating additional surface water drainage should the need arise. A condition could be imposed to ensure that this area of land remains unused and available for this purpose unless planning permission is secured for some alternative use. It would also be appropriate to include a condition stating that surface and process water must not be discharged onto land outside the lateral extent of the application site in order to prevent flooding or interfere with adjoining land or associated uses. The proposed changes to the internal road layout at the quarry and the creation of a bund between the minerals and waste operations (referred to in the report at Item C2 relating to

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application TM/88/1002/RVARA) should also assist in reducing the potential for surface water from the quarry operations interfering with either of the waste management facilities.

110. Notwithstanding the concerns expressed by NES, it is important to note that both the Environment Agency and KCC SUDS are content with the proposed surface water drainage arrangements (subject to conditions), that the Environment Agency has indicated that it can address the matter further as necessary when determining the Environmental Permit application and that the AD facility cannot operate without an Environmental Permit. Given this, I consider that the proposed development is acceptable when considered against the above planning policies subject to the imposition of the conditions requested by Environment Agency and KCC SUDS, a condition to ensure that the land to the north of the AD facility and west of the IVC reception building remains unused unless planning permission is secured for some alternative use and a condition stating that surface and process water must not be discharged onto land outside the lateral extent of the application site.

Traffic and transportation

111. Paragraph 108 of the NPPF states that in assessing applications, it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity or congestion) or any highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria. These include the suitability of the road network and the extent to which access would require reliance on local roads.
112. Policy DM11 of the Kent MWLP states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from traffic. Policy DM13 states that waste development will be required to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. Where development requires road transport, it states that proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; and (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community. Policy DM15 states that development will be granted planning permission where it would not give rise to unacceptable impacts on road transport or where these impacts are mitigated. Policy DM17 indicates that traffic management measures will be secured where appropriate (by planning obligation) where such objectives cannot be achieved by planning conditions. Draft Policy CSW6 of the Kent MWLP Early

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Partial Review states that planning permission will be granted for proposals that are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road.

113. Policy CP2 of the TMBC LDF Core Strategy states that new development that is likely to generate a significant number of trips should (amongst other things) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated. Policy SQ8 of the TMBC LDF MDE DPD states that development should only be permitted if it is demonstrated that the necessary transport infrastructure is in place (or can be provided), that there would be no significant harm to highway safety and that traffic can be adequately served by the highway network.
114. Objections have been received from Offham PC, West Malling PC, Kings Hill PC and those making representations about traffic impact. The objections are that existing roads are already overburdened and that the proposed development, along with other committed or potential development in the area, would exacerbate this and have a significant adverse impact. Other concerns are that there may be an increase in HGVs travelling through local villages such as Offham and West Malling. In this context it has been suggested that HGVs should only enter local villages if they are collecting waste from within them and that measures other than signage at the site advising drivers of routeing arrangements should be required. It has also been suggested that KCC consider how HGV movements could be incentivised to take place outside peak hours (or restricted somehow) to limit the impact on local roads during peak periods.
115. KCC Highways and Transportation has no objection subject to compliance with the proposed HGV limits and the obligations set out in the existing S106 Agreement relating to HGVs not being routed through villages such as Offham, Mereworth and West Malling and regular local liaison continuing to apply. It advises that it is not viable for it to object given that the average increase in HGV movements would be about 4 per hour and that there is no reason to impose peak hour restrictions. It recommends that the applicant be required to maintain records of traffic movements and make these available to KCC to demonstrate compliance with the revised limits and that such records should contain the date of each movement and details of each load (as is required by condition 23 of planning permission TM//12/2549).
116. I am satisfied that although the proposed development may give rise to a greater number of HGV movements than provided for by TM/12/2549, it is acceptable when considered against the above planning policies subject to the imposition of conditions limiting the number of HGV movements to no more than 78 (38 in / 38 out) per day Monday to Friday and 38 (19 in / 19 out) on Saturdays and records of the dates and times of vehicle movements and their loads being maintained by the operator and made available to KCC on request. I am also satisfied that the existing S106 Agreement will continue to appropriately address HGV routeing and community liaison.

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Ecology

117. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status or identified quality) and minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that when determining planning applications, local planning authorities should refuse development which that would result in significant harm to biodiversity if this cannot (as a last resort) be compensated for. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment against various locational criteria. These include protecting ecological networks and protected species.
118. Policies DM1, DM2 and DM3 of the Kent MWLP seek to protect and enhance biodiversity interests or mitigate and if necessary compensate for any predicted loss. Draft Policy CSW6 of the Kent MWLP Early Partial Review states that planning permission will be granted for proposals that do not give rise to significant adverse impacts upon (amongst others) Local Wildlife Sites (LWS) and Ancient Woodland.
119. Policy CP1 of the TMBC LDF Core Strategy states that the need for development will be balanced against the need to protect and enhance the natural environment and that the quality of the natural environment will be preserved and, where possible, enhanced. Draft Policy LP13 of the emerging TMBC Local Plan states that development must protect and where possible enhance (amongst others) LWS.
120. No ecological objections have been raised. KCC Ecological Advice Service has advised that it is satisfied that the proposed development would not have any significant adverse impact on the adjoining LWS and Ancient Woodland as the proposed facility would be within the quarry at a much lower level than the surrounding land on which these are located provided lighting is not situated any higher than the proposed buildings.
121. I am satisfied that the proposed development is acceptable when considered against the above planning policies subject to the imposition of conditions restricting lighting to the height of the proposed buildings and ensuring that it is designed, positioned, maintained and used to avoid light spillage and minimise impact on surrounding land and associated interests.

Other issues

122. Other issues or concerns that have been received relate to cumulative impact, waste catchment, litter, vermin, birds, poor site management, a history of complaints, the part retrospective nature of the application, the proximity to housing, impact on residential and business properties, the need for ongoing liaison.
123. Cumulative impact: Planning permission already exists for an AD / ATC and gas to grid facility at the site. The main differences now proposed relate to the total tonnage and HGV movements. These issues are addressed earlier in this report and I am satisfied

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that the proposed development would not give rise to unacceptable cumulative impact.

124. Waste catchment: No change is proposed to the waste catchment permitted by TM/12/2549 (AD / ATC) which is consistent with that for the IVC facility. Whilst the waste catchment was originally for a much smaller area, it has been increased a number of times (including on appeal). I am satisfied that there is no reason to restrict the waste catchment further than already provided for by TM/12/2549 and that seeking to do so is unlikely to be supported on appeal.
125. Litter, vermin, birds: The control of litter, vermin and birds are operational matters for the Environmental Permit and will be addressed separately by the Environment Agency. Paragraph 183 of the NPPF states that the focus in making planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively. Notwithstanding this, it should be noted that all waste would be handled inside and that the majority of the operation is undertaken in sealed conditions. It should also be noted that modern, well run waste management facilities are also capable of being operated without giving rise to significant problems associated with these issues.
126. Poor site management and history of complaints: It is understood that the concerns about poor site management and history of complaints primarily relate to odour associated with the existing IVC facility. However, a number of complaints were received about noise associated with the construction of the AD facility during unsocial hours and the drainage issues referred to and addressed earlier in this report. The issue of odour associated with the AD facility is also addressed above.
127. Part retrospective nature of the application: Wholly or partially retrospective applications must be determined in the manner set out in paragraph 59 above. In this case, planning permission TM/12/2549 already exists for an AD / ATC and gas to grid facility. This report explains the differences between what is permitted and proposed and why planning permission should be granted.
128. Proximity to housing, impact on residential and business properties: Impacts relating to proximity to housing and businesses are addressed in the relevant sections above.
129. Need for ongoing liaison: The existing S106 Agreement already requires the operator of the AD facility to participate in liaison meetings and this would not change if planning permission is granted. No further S106 Agreement or variation thereto is necessary to ensure this remains the case. It is worth noting that the AD developer has sent at least one representative to each of the recent liaison meetings.

Conclusion

130. Objections have been received from Offham, West Malling and Kings Hill PCs and those who have submitted representations (including the adjoining waste operator (NES)). However, there are no objections from technical consultees subject to

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conditions.

131. Planning permission already exists for an Anaerobic Digestion (AD) plant and a gas to grid plant at the site and I am satisfied that those permissions were lawfully implemented. The key issue when considering this application is therefore not whether there should be an AD and gas to grid plant at Blaise Farm Quarry, rather it is whether what is now proposed is acceptable in the context of what is already permitted.
132. I am satisfied that there is strong case for permitting additional AD capacity and that granting planning permission for what is proposed would be consistent with relevant planning policies subject to the imposition of the conditions referred to in this report.
133. I am satisfied that the following can be considered to represent the very special circumstances necessary to outweigh the usual presumption against inappropriate development in the Green Belt:
- that there would only be limited harm to the openness of the Green Belt (and that this would be less than that associated with the extant AD / ATC and gas to grid permissions);
 - that there are clear benefits of AD in terms of dealing with food waste in the most appropriate manner;
 - that it is desirable to secure additional AD capacity in Kent (given the uncertainty as to whether other permitted AD facilities will be developed and become operational); and
 - that it would generate renewable energy / biogas and produce digestate.

I also consider that the proposals need not conflict with Green Belt policy provided appropriate controls are imposed to address those issues highlighted elsewhere in this report.

134. I consider it necessary to refer the application to the Secretary of State for Communities and Local Government in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 to establish whether he wishes to call-in the proposal for his own determination before any permission is granted as the proposed development exceeds the threshold of 1,000 square metres of new building floorspace.
135. I am also satisfied that the proposed development is acceptable in terms of landscape and visual impact, noise, air quality, the water environment, traffic and transportation and ecology, subject to the imposition of the conditions referred to in this report. I therefore recommend accordingly.

Recommendation

136. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government under the Town and Country Planning (Consultation) (England) Direction 2009 and that SUBJECT TO no intervention by him

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that PLANNING PERMISSION BE GRANTED SUBJECT TO:

(i) conditions covering amongst other matters:

- Operations to cease no later than 20 years from commencement of commercial AD operations, the removal of the facility and all associated infrastructure within a further 12 months and the restoration of the site to forestry, ecological and amenity after-use within a further 12 months;
- No more than 75,000 tonnes of waste to be imported to the AD facility each year (as proposed);
- No more than 78 HGV movements (39 in / 39 out) per day Monday to Friday and 38 HGV movements (19 in / 19 out) on Saturdays (as proposed);
- Hours of operation (as currently permitted / proposed but reworded to reflect the fact that the AD and gas to grid operation is technically carried out on a 24 hours a day, 7 days a week and 365 days a year basis and that it is the deliveries and exports that are specifically restricted);
- Any remaining construction work taking place during normal working hours;
- The waste catchment being as currently permitted;
- Only organic waste (and associated packaging) to be imported to or deposited, stored or processed at the facility;
- Removal of permitted development rights in respect of new, extended or altered buildings, plant and machinery;
- External lighting only used where necessary and designed and positioned to minimise light spill;
- No open storage of waste, contaminated materials or finished products outside buildings, tanks and structures permitted for these purposes;
- The doors on the AD waste reception building to remain closed at all times except when vehicles or persons are entering and leaving the building or for maintenance purposes;
- All loaded, open backed vehicles entering or leaving the site to be properly enclosed or sheeted;
- Site fencing to be maintained and repaired as necessary;
- The external colour treatment of all plant and buildings as proposed;
- No public deliveries and sales;
- Records of waste quantities / sources being maintained and made available to KCC on request;
- Records of the dates and times of vehicle movements and their loads to be maintained and made available to KCC on request;
- Signs advising all HGV drivers associated with site operations not to travel through the settlements of Offham, Mereworth and West Malling unless they are collecting waste from within those settlements;
- Measures to prevent mud or other materials being deposited on the highway;
- Noise limits (for day to day and temporary operations);
- Potential contamination / remediation strategy;
- Prior approval and implementation of a sustainable drainage maintenance manual;
- Surface and process water not being discharged onto land outside the lateral

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extent of the application site;

- No development taking place on the land within the application site to the north of the AD facility and west of the IVC reception building unless planning permission is secured for some alternative use; and
- Restoration and aftercare (and related issues, including soil handling).

(ii) informatives relating to the following:

- Detailed controls in respect of emissions (e.g. odour and bioaerosols) being matters for the Environmental Permit;
- The nature and form of the required restoration scheme (as previously);
- The need for the operator of the Anaerobic Digestion plant to maintain a close working relationship with the landowners and other operators at Blaise Farm Quarry to minimise the possibility of any difficulties arising during the operation of the facility and ensure that effective restoration is provided when the site is restored;
- The requirements of the existing S106 Agreement (e.g. the liaison committee, HGV routing arrangements and site restoration); and
- Encouraging measures to minimise the impact of reversing alarms.

137. I also RECOMMEND that the applicant be asked to formally withdraw planning applications TM/19/2397, TM/19/2398 and TM/19/2399 (i.e. the Section 73 applications referred to in paragraph 17 of this report).

Case Officer: Jim Wooldridge

Tel. no. 03000 413484

Background Documents: see section heading.
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Appendix 1 to Item C1

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See separate Appendix 1 which contains the following drawings illustrating the proposed development and permitted development:

- Drawing number 24328/651 Rev C titled “Overall Site Layout” dated 20 March 2020
- Drawing number 24328/655 Rev 0 titled “As Built Site Layout” dated 6 February 2020
- Drawing number 24328/660 Rev C titled “As Built Site Cross Sections” dated 20 March 2020
- Drawing number 24328/005 Rev B titled “Proposed Drainage Layout” dated 6 February 2020
- Drawing number 24328/020 Rev 0 titled “Surface Water Drainage & Soakaway Design” dated 6 February 2020
- Drawing number 24328/1050 Rev A titled “Proposed External Lighting Levels Plan” dated 16 August 2019
- Drawing number 24328/020 Rev 0 titled “Reception Building Elevations Sheet 1 of 2” dated 14 June 2019
- Drawing number 24328/021 Rev 0 titled “Reception Building Elevations Sheet 2 of 2” dated 14 June 2019
- Drawing number 24328//122 Rev 0 titled “Reception Building Floorplan” dated 14 June 2019
- Drawing number 001 Rev E titled “Site Plan” dated 13 July 2012 [Planning permission TM/12/2549 site layout]
- Drawing number 003 Rev F titled “Elevations” dated 23 July 2012 [Planning permission TM/12/2549 site elevations]
- Drawing number 6058_10_11 titled “Consented Site Layout Indicating Proposed Bio-gas to Grid Compound” dated September 2013 [Planning permission TM/13/3657 layout in context of planning permission TM/12/2549]