

**Offham Downs**                      **566109 156073**    **25 October 2010**                      **TM/10/03056/WAS**

Proposal:                      Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (KCC Ref: TM/0360/2010)

Location:                      Blaise Farm Quarry Kings Hill West Malling Kent ME19 4PN

Applicant:                      Mr Robert Asquith

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**1. Description:**

- 1.1 KCC has sought the Borough Council's views in respect of a planning application for the installation of renewable electricity generating equipment at the Blaise Farm composting facility, which is located within the excavated floor area of part of Blaise Farm Quarry. KCC will determine the application.
- 1.2 The development comprises plant and a 78.5m long and 21.5m wide building located upon the western side of the site of a building which has planning permission but has not been constructed (referred to as the consented South Composting Halls). The proposed building would have a gable ended ridged roof with relatively shallow pitch, with eaves height of 8m and a ridge height of 10m. This building would contain a sizeable area (approximately 52.5m x 21.5m) for the reception, storage/drying of biomass and a smaller area (approximately 26m x 21.5m) which would contain the pyrolysis units (see below) and control room.
- 1.3 It is proposed to locate the plant to the west and south of the proposed building within a series of compounds (surrounded by 3m high palisade fences):
- A 26m high and 0.7m diameter exhaust stack (to be painted dark green);
  - A 11m high and 2.4m diameter shrouded bypass flare, and;
  - Amongst other things, a series of generator sets; heat recovery units; gas purifiers; coolers; oil, gas and water storage tanks; filter presses; and char, nitrogen and caustic storage containers. These vary in scale and size, with the largest comprising cylinders of 7.5m height and 6m diameter.
- 1.4 It is also proposed to provide an additional 9 no. car parking spaces immediately to the north of the proposed building/plant (to the rear of the existing 9 no. spaces on site) and an electricity sub-station in close proximity to this parking area.
- 1.5 The supporting information submitted as part of the application details that the renewable electricity generating equipment would operate as following: approximately 20 – 25% of the current green/garden, food, vegetable and cardboard waste stream comprises "oversize biomass", which is thick, woody, and fibrous material from green and garden waste collections and compressed or

dense cardboard. This oversize biomass is presently required to progress several times through the composting process and still does not break down fully.

- 1.6 The renewable electricity generating equipment which is proposed involves the heating of this biomass in the absence of any external oxidising agent (i.e. other than that contained in the biomass itself) within non-pressurised kilns, in a process referred to as *pyrolysis* (heating in a low oxygen environment to produce combustible gas). The products of this process are “fuel gas” (hydrogen, carbon monoxide and methane) and “char” a residual charcoal. The fuel gas will be fed to an engine, which will, in turn, be used on-site to power the wider composting operation, for example through heating the oversized biomass in the non-pressurised kilns.
- 1.7 The application details that “char” can be utilised in a variety of ways, including being blended with compost as a soil enhancer, as a fuel in conventional power generation, in bio mass co-firing and within industrial processes.
- 1.8 The supporting information sets out that the equipment which is proposed to be constructed/installed will generate 2.25 MW net electricity, although the majority of this (approximately 2 MW) will be used on-site to power the composting operation.
- 1.9 The proposal represents an alteration to the way in which certain elements of the waste streams will be dealt with on-site. The application expressly states that it does *not* represent any alteration to the overall amount of waste being dealt with, the area from which this waste can be sourced, the number, timing and routes of HGV movements nor the environmental controls (including those relating to noise, light and odour) which apply to the site.
- 1.10 The applicants propose to operate for 24 hours a day, but movements of material from the composting halls to the electricity generating installation and the delivery and removal of materials for the operation of the electricity generating installation would be confined to the following times:
  - Monday – Friday: 0700 – 1800;
  - Saturdays: 0700 – 1300;
  - Sundays: none;
  - Bank and Public Holidays: 0700 – 1730;
  - 25 and 26 December and 01 January: none.

## **2. Reason for reporting to Committee:**

- 2.1 The application represents a Departure and is locally controversial.

**3. The Site:**

- 3.1 Blaise Farm Quarry as a whole comprises an irregularly shaped site of approximately 116 hectares in an area located between the Great Leybourne, Offham and Mereworth Woods between Kings Hill to the south-east and Offham to the north. It has permission to be quarried for a period of 62 years in a series of phases.
- 3.2 The existing Blaise Farm composting facility is located on the quarry floor of a broadly L-shaped previously worked area within the wider quarry. The facility currently comprises a series of composting buildings (waste reception, composting and maturation halls) referred to as the North Composting Buildings, together with a site office, weighbridge, biofilter, storage tanks and balancing pond, located within the northern extent of the previously worked area (which runs from west to east).
- 3.3 Planning permission also exists for the erection of a series of buildings referred to as the South Composting Halls and the South Maturation and Screening Buildings within the southern part of the previously worked void.
- 3.4 The application site itself as delineated on the submitted site location plan comprises the western edge of the site of South Composting Halls (within which the proposed building, stack, flare and plant will be located), together with a smaller area in the north-western corner of the excavated quarry void where the car parking spaces and electricity sub-station would be located.
- 3.5 Access is taken to the wider site from the 4-arm roundabout along the A228. Within the void itself, at present the access follows the edge of the eastern quarry wall, although the consented route is to follow the southern and western edges of the void.
- 3.6 The quarry void is located within a wider area of mature woodland and agricultural land-use, within a generally undulating landscape.
- 3.7 The site, and indeed wider quarry area, is located within the MGB. Immediately to the north of the site is the Scheduled Ancient Monument of St Blaise Chapel, together with an area of high archaeological potential.
- 3.8 The nearest residential properties are a collection of houses at Tower Hill to the north of the site, with the village of Offham located beyond these (to the north). Kings Hill is located to the south and south east of the application site, with some dwellings located along King Hill/St. Leonards Street West Malling.

#### 4. Planning History:

- 4.1 The planning history, as set out in detail below, can be summarised as: planning permission was granted for a fully enclosed composting facility under reference TM/06/00762/WAS on 19 September 2006, with subsequent applications and consents relating to the days of operation, the areas from where waste can be sourced and the overall capacity of the facility.

TM/03/01155/WAS Grant With Conditions 20 January 2005

Use of land and erection of buildings for the composting of green waste and green/garden, food, vegetable, cardboard (GFVC) waste (KCC ref: TM/03/TEMP/0027)

TM/06/00762/WAS Grant With Conditions 19 September 2006

Development of a fully enclosed composting facility within the confines of the previously excavated area (KCC ref. TM/06/TEMP/0009)

TM/06/03274/WAS

Application for discharge of conditions 7(a), 7(b), 7(d), 7(e), 7(f), 7(g) and 7(h) of planning permission ref. TM/06/00762/WAS (development of a fully enclosed composting facility within the confines of the previously excavated area) dated 19 September 2006 in respect of access road design and construction, hardstandings and other surfaces, external construction materials, finishes and colours of all plant and buildings, the nature and location of facilities for the storage of contaminated materials, perimeter fencing, site drainage (foul and surface water) and signs to advise drivers of the vehicle routing arrangements (KCC ref. TM/06/762/R7)

TM/06/03713/MIN Approved 22 March 2007

Scheme of Progressive Working and Restoration pursuant to conditions 4 and 7 of planning permission ref. TM/88/1002 (KCC ref. PAG/TM/88/1002/R4+R7)

TM/07/00001/WAS Approved 7 March 2007

Details of proposed external lighting scheme pursuant to condition 7(c) of planning permission ref. TM/06/00762/WAS (development of a fully enclosed composting facility within the confines of the previously excavated area (KCC ref. TM/06/762/R7(C))

TM/07/04435/MIN Approved 31 March 2008

Application under Section 73 of the 1990 Act for the removal of planning condition 14 of planning permission TM/06/00762/WAS: Development of a fully enclosed composting facility within the confines of the previously excavated area (KCC ref. TM/06/TEMP/0009)

TM/08/02893/WAS Refuse 7 October 2008

Temporary variation of condition 12 of planning permission TM06/00762/WAS to allow up to 15000 tonnes of waste to be imported from Essex for composting over the 18 month period from October 2008 to March 2010 at Blaise Farm Quarry Composting Facility, Kings Hill, West Malling, ME19 4PN KCC ref: TM/08/Temp/0058

TM/08/03350/WAS Refuse 23 January 2009

Appeal Dismissed 25 August 2009

Application for removal of condition 12 of planning permission TM/06/00762 (i.e. removal of all current restrictions on waste sources) KCC reference TM/08/TEMP/0075

TM/08/03351/WAS Application Withdrawn 19 January 2009

Application for variation of condition 12 of planning permission TM/06/00762 to allow waste to be sourced from the permitted 8 Kent Districts and the Medway Unitary Authority area without the constraints imposed by circumstances (i), (ii) and (iii) of the current condition (KCC reference TM/08/TEMP/0076)

TM/08/03353/WAS Refuse 23 January 2009

Appeal Allowed 25 August 2009

Application for variation of condition 12 of planning permission TM/06/00762 to allow waste to be sourced from all 12 Kent Districts (i.e. Canterbury, Thanet, Dover and Shepway added) and the Medway Unitary Authority area without the constraints imposed by circumstances (i), (ii) and (iii) of the current condition (KCC reference TM/08/TEMP/0077)

TM/09/02661/WAS Approved 11 January 2010

Application for variation of condition 16 of planning permission TM/08/03353/WAS to allow waste to be delivered on bank holidays to the New Earth Composting Facility, Blaise Farm Quarry, West Malling (KCC reference TM/09/TEMP/0039)

TM/09/02719/WAS Application Not Proceeded With 27 October 2009

Application for variation of condition 16 of planning permission TM/08/03353/WAS to allow waste to be delivered on bank holidays to the New Earth Composting Facility, Blaise Farm Quarry, West Malling (KCC reference TM/09/TEMP/0039)

TM/09/03231/WAS Approved 19 May 2010

Section 73 Application for variation of condition 1 of planning permission TM/08/03353/WAS to allow waste to be sourced from Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove, all London Boroughs, Thurrock, Essex and Southend (KCC reference TM/09/TEMP/0044)

TM/09/03232/WAS Approved

20 May 2010

Section 73 Application for variation of condition 1 of planning permission TM/08/03353/WAS to allow waste to be sourced from Kent, Medway and Surrey (KCC reference TM/09/TEMP/0045)

TM/09/03233/WAS Approved

20 May 2010

Section 73 Application for variation of condition 1 of planning permission TM/08/03353/WAS to allow waste to be sourced from Kent, Medway, Surrey, East Sussex, West Sussex and Brighton and Hove (KCC reference TM/09/TEMP/0046)

TM/09/03234/WAS Refuse

13 April 2010

Section 73 Application for variation of condition 1 of planning permission TM/08/03353/WAS to allow waste to be sourced from Kent, Medway, Surrey, East Sussex, West Sussex, LB Bromley, LB Bexley, Thurrock and Essex (KCC reference TM/09/TEMP/0047)

TM/09/03235/WAS Refuse

15 April 2010

Section 73 Application for variation of condition 1 of planning permission TM/08/03353/WAS to allow waste to be sourced from Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove, LB Bromley, LB Bexley and Thurrock (KCC reference TM/09/TEMP/0048)

TM/09/03236/WAS Refuse

15 April 2010

Section 73 Application for variation of condition 1 of planning permission TM/08/03353/WAS to allow waste to be sourced from Kent, Medway, Surrey, East Sussex, LB Bromley, LB Bexley and Thurrock (KCC reference TM/09/TEMP/0049)

## 5. Consultees:

### 5.1 DHH:

Environmental Protection: The applicant's report carried out by their consultants – Acoustic Consultants Ltd - ref 4797/BL/sm, dated Sept 10 demonstrates that the noise from the facility will not adversely affect the closest sensitive noise receptors. I concur with consultant's findings.

Further discussions are on-going in respect of odour and air quality and Members will be advised of the results of these discussions in a Supplementary Report.

5.2 Provided by KCC:

The following responses at the time of writing were provided following KCC's own consultation:

- EA: We have no objection to the principle of the application, but would like to take this opportunity to remind the applicant that any new development at the site, and/or change in operational procedures as a result, must be in accordance with the Environmental Permit;
- West Malling PC: Members were supportive of the aspirations of this proposal which they considered extremely commendable. They did however express some concerns about the problem of odours emanating from the site: there are currently significant concerns about odours discernible in some parts of West Malling. They also expressed some concerns that if water were tankered-out this would generate additional lorry movements.
- Mereworth PC: No objections.

**6. Determining Issues:**

- 6.1 National Planning Guidance: PPS1; PPS1 Climate Change Supplement; PPG2; PPS4; PPS5; PPS7; PPS9; PPS10; PPG13; PPS22; PPS22 Companion Guide; PPS25.
- 6.2 Regional Planning Policy: SEP Policies: SP5: Green Belts; CC1: Sustainable Development; CC2: Climate Change; CC3: Resource Use; CC4: Sustainable Design and Construction; NRM10: Noise; NRM11: Development Design for Energy Efficiency and Renewable Energy; NRM14: Sub-regional Targets for Land-based Renewable Energy; NRM15: Location of Renewable Energy Development; NRM16: Renewable Energy Development Criteria; W6: Recycling and Composting; W11: Biomass; C4: Landscape and Countryside Management.
- 6.3 Saved Policies of the Kent Waste Local Plan: W10: Composting and Digestion; W19: Groundwater; W21: Nature Conservation; W22: Road Traffic and Access; W25: Plant and Buildings; W27: Public Rights of Way; W31: Landscaping; W32: Aftercare. There are also several policies which relate to incinerators. The applicants contend that the processes involved in the proposal comprise pyrolysis rather than incineration (i.e. are technically different processes), and therefore those policies which refer to incineration are not relevant (Policies W11: Waste to Energy; W17: Incinerators (air quality); and W18: Incinerators (noise, dust, odours, other emissions and gas). Notwithstanding this, these three policies are relevant in that they require assessment of proposals against particular environmental and spatial planning criteria.
- 6.4 TMBCS: CP3: Metropolitan Green Belt; CP14: Development in the Countryside; CP24: Achieving a High Quality Environment.

- 6.5 MDE DPD: NE1: Local Sites of Wildlife, Geological and Geomorphological Interest; NE3: Impact of Development on Biodiversity; SQ1: Landscape and Townscape Protection and Enhancement; SQ6: Noise.

### **Principle of Development**

- 6.6 The national guidance regarding renewable energy as set out in PPS22 details that renewable energy developments should be capable of being accommodated in locations where the technology is viable, and environmental, economic, and social impacts can be addressed satisfactorily, subject to assessment against certain criteria and considerations.
- 6.7 The adopted Development Plan ((SEP Policy NRM16 (it must be remembered that the Government has indicated its intention to rescind this Policy in the next year) and, notwithstanding whether the proposal is technically an incinerator or not, Kent Waste Local Plan Policy W11)) delineates these considerations/criteria, which can be summarised as :
- The contribution the development will make to achieving renewable targets and carbon dioxide savings;
  - Whether the location is appropriate having regard to whether the site comprises previously developed land, its proximity to the fuel source and its proximity to established or committed uses which are appropriate for such a use;
  - The implications of planning designations;
  - The impact of the proposal on landscape and environmental factors;
  - The adequacy of local transport networks;
  - The availability of a suitable connection to the electricity distribution network.
- 6.8 In respect of the first point, the applicant has detailed that the proposal will generate 2.25 MW net electricity, of which approximately 2 MW will be used on-site to power the composting operation. The applicants have estimated that this will reduce the consumption of up to 600,000 litres of diesel per annum through the reduction in use of diesel generators etc.
- 6.9 In terms of the second bullet point above, the proposal will be located mainly on land which has consent to be built upon already (i.e. in the construction of the South Composting Halls), and will be located in very close proximity to the fuel source. The applicants have also detailed that discussions with EDF Energy have confirmed that an underground electricity cable will be developed from the proposed sub-station to the A228 junction with King Hill, whereby it will connect into the existing services routes. This addresses the final bullet point above.



6.10 An assessment of the proposal against the remaining considerations is set out below.

**Green Belt**

6.11 The site lies in the MGB. The development proposed does not fall within one of the categories of new buildings which are considered to comprise appropriate development in the MGB. Therefore, the development will, *by definition*, be harmful to the openness of the MGB.

6.12 However, the fact that the site has an implemented consent for the construction of the remainder of the development (i.e. the South Composting Halls etc) is a consideration in the assessment of this current proposal.

6.13 In terms of the impact on the visual openness of the MGB of the proposed development compared to those elements of the consented scheme (i.e. the most westerly bay of the consented South Composting Halls) which would be replaced by the proposal, it is considered that the current proposal will have a marginally greater impact. Although the proposed building itself is both shorter and narrower than the consented scheme (by 12m and 4m respectively), it is of considerably greater height (3.8m) and bulk. Furthermore, the associated plant to be provided in the compounds to the south and west of the building are also sizeable in their own right: indeed some are of greater height than the consented South Composting Halls.

6.14 It is therefore necessary to consider whether very special circumstances exist which clearly outweigh the harm caused to the openness of the GB by reason of inappropriateness or actual harm. The need for such an assessment for proposals for renewable energy provision at GB sites is acknowledged at Paragraph 13 of PPS22.

6.15 The applicant has put forward a case of very special circumstances which include, *inter alia*: contributing towards meeting relevant renewable energy targets, the potential to improve air-quality through a reduced need to use on-site diesel generators, and also the creation of 2 full time jobs.

6.16 Given the limited amount of harm caused to the openness of the MGB above that which would be caused as a result of the construction of the consented scheme, together with the clear benefits of co-location with the existing facilities, it is considered that there are very special circumstances which are sufficient to clearly outweigh any harm caused.

### **Visual Impact**

- 6.17 The plant as proposed would be similar in bulk and general appearance to other buildings which have been constructed on site (e.g. the Waste Reception Processing building located within the northern section of the existing composting facility), with the exception of the provision of the 26m high stack.
- 6.18 The landscape assessment is thorough. The only significant views to the 26m stack will be from Lords Walk. However, considering the stack is a slim feature I do not consider it will have any effect on the landscape.
- 6.19 The proposed buildings and plant would be located on the quarry floor, although the upper section of the stack (between 6.5 – 11m) will protrude above the quarry walls. However, due to the undulating nature of the terrain, the existence of mature and relatively dense vegetation and the positioning of bunds associated with the quarrying of the wider site, views of the stack will be limited to a nearby PROW (MR268). It is considered that, due to the relatively narrow diameter of the stack combined with its relatively dark finish and the fact that the development would be viewed against the backdrop of the worked section of the quarry, this will not cause unacceptable harm to the character or setting of the landscape or the area. It is not considered that the proposal will cause unacceptable harm to the interests of users of local PROWs.
- 6.20 The application is supported by a comprehensive Landscape and Visual Assessment which concludes that the stack will be difficult if not impossible to discern when viewed from Trosley Park, or the elevated sections of the North Downs AONB. I agree with this assessment.

### **Impact on Residential Amenity through Noise or Odour**

- 6.21 The application is supported by a noise report which has assessed the implications of noise production associated with the proposed 24 hour operation of the renewable electricity plant, together with the operation of the composting facility. This report concluded that the noise from the facility will not adversely affect the closest noise receptors, and DHH has supported these conclusions.
- 6.22 The application details that the only potential for odours will be during the initial sorting and drying of the oversize biomass, which will take place within the proposed building, and thereby be subject to the same odour emission controls which apply to the wider site. Emissions from the stack will be filtered.
- 6.23 I am aware that there have been complaints lodged by local residents in respect of the production of odour, associated with the current operation of the composting facility. As detailed above, further discussions are being undertaken between Development Control and DHH in regard to this matter and Members will be advised as to the results of these discussions in a Supplementary Report.

6.24 Subject to the outcome of further discussions with DHH, I therefore do not raise any objections on odour grounds, although my recommendation includes comments to KCC in this respect in order to prevent any exacerbation of existing odour problems.

**Impact on Air Quality and Biodiversity.**

6.25 The application is supported by an Air Quality Assessment, which assessed the proposal in terms of 2 scenarios: if the installation were to operate together with 2 diesel generators and if the facility were to provide all on-site electricity and accordingly none of the diesel generators were to operate.

6.26 The conclusions of this report are that there would be a neutral to minor impact on air quality if the installation were to operate together with the diesel generators, and a neutral or improvement in air quality if the plant were to operate but the generators be decommissioned. The report also assessed the predicted concentrations of nitrous oxides, sulphur dioxide and ammonia and depositions of nitrogen and acid at relevant sites of biodiversity importance. These were found to be less than 1% of the relevant critical load, and accordingly, the ecological impacts are considered to be insignificant.

6.27 As detailed above in respect of odour, DHH has confirmed that emissions to air are also dealt with by the EA under the Permit that is issued under the Environmental Permitting Regulations. Further discussions between Development Control and DHH are taking place with regard to the amenity implications of AQ and will be reported further.

**Highways**

6.28 The supporting information submitted as part of the application details that the generation of new HGV movements serving the electricity installation only (for example the delivery of process materials/removal of char) will be offset by the reduction in the removal of compost from the site (as the oversize material will instead be used for the generation of electricity) and the reduction of tankers delivering diesel fuel.

6.29 The applicants therefore claim that vehicle movements associated with the electricity generating installation will not result in any increase in the existing HGV movements permitted by previous grants of planning permission. No alterations to the consented access arrangements for the site are proposed nor required as a result of the installation of the renewable energy generating equipment.

6.30 The issue of highway safety is a matter for the County to assess.

### **Geological Conservation**

6.31 The worked section of the quarry within which the existing, consented and proposed composting facility is and would be located is identified as a Regionally Important Geological Site due to the “excellent exposure of the rag and hassock facies of the Hythe Beds and [the fact it] also provides easy access to Karst”, and is accordingly subject to Policy NE1 of the MDE DPD. However, given that the proposed buildings, stack and plant are located on the quarry floor largely within the footprint of consented development, in a position away from the exposed quarry walls, it is not considered that the proposal will adversely affect geology from a planning point of view.

### **Scheduled Ancient Monument**

6.32 It is not considered that the proposal will adversely affect the setting of the Scheduled Ancient Monument located within a wooded dell to the north of the site.

### **Flooding and Surface Water Drainage**

6.33 The application site is not located in an area at risk of flooding. The applicants have provided considerable detail as to the manner in which surface water drainage will be dealt with, which is based on the overall system agreed as part of the consent for the Southern Composting Halls, including the use of oil and petrol interceptors. The EA has no objection to the proposal, and I raise no objection on these grounds subject to the imposition of a suitable Condition(s) to ensure that the details of surface water drainage are adequate.

### **Summary**

6.34 In conclusion, it is considered that the proposal represents a satisfactory location for such a renewable energy development given its proximity to the fuel source, relative remoteness from residential properties, and limited visual impact. It is also considered that at present, and pending the outcome of further discussions with DHH, the proposal satisfactorily addresses all environmental, economic and social considerations and criteria as set out in the adopted Development Plan policy, and is therefore concluded that the proposal accords with national guidance as set out in PPS22. In terms of the location of the site within the Green Belt, I am satisfied that there are sufficient very special circumstances to clearly outweigh the harm which the proposal would cause to the openness of the GB, including the logic of co-location of the facility with the existing composting facilities at Blaise Farm.

**7. Recommendation:**

7.1 That KCC be advised that TMBC has **No Objection** to the proposal, but would wish the following comments to be taken into account:

- Consideration should be given to ensure that adequate odour emission controls are put in place to prevent any exacerbation of intermittent current odour emissions from the existing composting facility;
- Consideration should be given to ensure that the restrictions on HGV movements for the existing composting facility/consented scheme are exerted over the proposal;
- That control be exerted to ensure that this scheme, or the western bay of the consented South Composting Hall be constructed, but not both.
- Conditions be attached to control the timing of on-site movement of material, deliveries and removals;
- Conditions be attached to require the submission of, and adherence to, details of suitable surface water drainage.

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