

Offham Downs **566109 156073** **13 August 2012** **TM/12/02549/WAS**

Proposal: Temporary development of an Anaerobic Digestion Plant together with associated infrastructure, reconfiguration of the consented Advanced Thermal Conversion Plant, together with associated infrastructure, the realignment of part of the existing access road, the relocation of existing office and welfare accommodation and the relocation of the existing weighbridge

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

Applicant: New Earth Solutions Group

1. Description:

- 1.1 The application falls to be determined by KCC, and the County Council has sought TMBC's views in respect of the proposal.
- 1.2 In order to explain the current proposals, it is helpful to first summarise the present situation in respect of the Blaise Farm site.
- 1.3 Planning permission was originally granted for a fully enclosed composting facility under reference TM/06/00762/WAS on 19 September 2006. There have been 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.
- 1.4 Permission was also granted under TM/11/00982/WAS for the development of the facility which had been undertaken, and was proposed to be undertaken, which was not strictly in accordance with the approved plans under the original permission. In summary, these related to:
 - the surface water balancing pond;
 - bio-filters;
 - air ventilation;
 - covered links between the waste reception buildings and southern composting halls;
 - doors to the waste reception buildings;
 - method of transfer between the waste reception buildings and the northern composting and maturation halls;
 - process water storage tanks;

- site office and meeting room;
 - doors to the northern and southern maturation halls.
- 1.5 The facility currently comprises a series of composting buildings (waste reception, composting and maturation halls – referred to as the “northern composting and maturation halls”), together with a site office, weighbridge, bio-filter, storage tanks and balancing pond, located within the northern extent of the worked area of the quarry within which the facility is located. The remainder of the development permitted under reference TM/06/00762/WAS (which are referred to as the “southern composting and maturation halls and screening buildings”) have yet to be constructed.
- 1.6 Planning permission was also granted for the installation of renewable electricity generating equipment at the site under reference TM/10/03056/WAS in place of part of the southern composting and maturation halls and screening buildings. This equipment essentially comprises pyrolysis units, which involve the heating of “oversize biomass” in the absence of any external oxidising agent in non-pressurised kilns to produce “fuel gas” (hydrogen, carbon monoxide and methane) which would be fed to an on-site engine to power the wider composting operation. This has not been implemented.
- 1.7 The southern composting and maturation halls and screening building and associated renewable electricity generating equipment are together permitted to treat a further 50,000 tonnes per annum [“tpa”] (i.e. in addition to the 50,000 tpa treated at the existing facility).
- 1.8 The applicants advise that:
- *the facility currently processes approximately 50,000 tpa of source segregated green, food and card waste;*
 - *a description of the composting process of mixed green, card and food waste is detailed at sub-section 5.3.1 of the Planning Supporting Statement provided as part of the current application. This is included as **Annex 1** to this Report;*
 - *this is processed under contracts held with TMBC, Tunbridge Wells Borough Council, Maidstone Borough Council; Shepway and Dover and East Kent (under a sub-contract with Veolia);*
 - *originally much of the waste arrived in co-mingled form (green, food and card waste contained in a single bin);*
 - *currently a much higher proportion of the waste is segregated into pure food waste.*

1.9 The applicants consider that the higher proportion of pure food waste made “co-mingling” with green waste difficult, and caused other problems such as adversely affecting the operation of the emissions abatements system. Accordingly, since Spring 2011, pure food waste has been diverted to an anaerobic digestion facility in Bedfordshire.

Current proposal

1.10 The current application seeks permission to replace the permitted southern composting and maturation halls and screening buildings and renewable electricity generating equipment with an anaerobic digestion plant and reconfigured renewable electricity generating equipment.

1.11 The applicants have provided a summary of the process of anaerobic digestion at sub-section 5.3.3 of the Planning Supporting Statement provided as part of the current application. This is included as **Annex 2** to this Report. In summary, pure food waste will be delivered to the site from kerbside collections in vehicles with a payload of c.8 tonnes or from waste transfer stations in heavy goods vehicles with payloads of 20 - 25 tonnes, where it will be deposited in reception halls, before it is moved through a series of subterranean tanks and chambers which remove packaging, liquidise and heat the waste and enable microbial activity to bring about digestion. This produces biogas. The waste is then moved to tanks for pasteurisation, before being pumped into settling tanks and storage tanks. From here, the nutrient-rich digestate will be transported from the site to be used on agricultural land via tanker.

1.12 The biogas extracted from the head spaces of the tanks would be fed to 3 no. on-site engines (to be housed within insulated containers), which are proposed to be used to generate electricity to power lighting, motors, pumps etc on the site, with the remainder to be exported to the local electricity grid.

1.13 In terms of the odour management, the applicants advise the following:

- *rapid rise doors will be installed at the entrance to the food waste reception/processing building, which will open to allow vehicular access and will shut once the vehicle is inside;*
- *there will be multiple tipping points in the hall to minimise queuing;*
- *a dedicated digestate off-take building (where tankers initially vent their tanks (which can be odourous) before filling up with digestate) will be provided;*
- *the reception and digestate off-take buildings will be continuously ventilated in order to create a slight negative pressure: the extracted air will pass through an aqueous scrubber and bio-filter;*
- *all tanks will be sealed to prevent localised escapes of odour.*

1.14 The operational development proposed is summarised as follows:

Building/plant/ Equipment	Dimensions (metres)	Form	Function
Food waste reception/ processing building	43m length 26.5m width 10.5m to main eaves 12m height to main ridge (6m height to lower eaves) (7.37m height to lower ridge)	Rectangular building with shallow ridge roof. Lower height roof to northern part of building	Delivery of waste, de-packaging, maceration within sealed tanks and pasteurisation vessels
3 no. digester tanks (surrounded by concrete bund)	28m diameter 13.5m height to tip of dome 8m height to junction of walls and dome	Cylindrical tanks with domed roof; Inner moving membrane roof	Liquidised waste heated to 38 degree C; Extraction of biogas
6 no. digestate settling/storage tanks	28m diameter 13.5m height to tip of dome 8m height to junction of walls and dome	Cylindrical tanks with domed roof; Inner moving membrane roof	Digestate settles and then stored
Digestate off-take building	26m length 7m width 7.3 and 6.5m height to eaves	Rectangular building with monopitch roof	Transfer of digestate to tankers
3 no. bio-gas engines and transformers			
3 no. gas engines			
Bio-filter	65m length 9m width 4m height	Low rectangular bio-filter	Bio-filter through which extracted air is passed

Multi-core exhaust stack	26m high		Exhaust to bio-gas engines
Multi-core exhaust stack	13m high		Exhaust to gas engines
Emergency gas flare	16m		
Feedstock building	39.8m length 7.9m width 6m height to eaves 6.3 height to ridge	Long rectangular building with high eaves and shallow roof	Accommodates feedstock (oversize biomass from existing composting and packaging removed from pure food waste) for renewable electricity generating equipment, and workshop
Pyrolysis plant: 3 no. pyrolysis chambers, gasifier, cyclone filters, gas clean up plants and combusters, 3 no. gas engines and transformers, flue gas treatment systems, flare and multi-store stack	Stack is 28m high		
Office and welfare block (to replace existing)	15.5m length 5m width 6m height	Two storey flat roofed building	
Voltage switch gear building	6m length 4m width 3m high		
2 no weighbridges (to replace existing)			To measure weight of vehicles entering and leaving site
19 car parking spaces			
Extension to existing surface water balancing pond			

1.15 The vehicular access to the site would remain largely as permitted: entering the quarry void from the east, running along the southern extent of the proposed facility before turning north to run adjacent to the western wall of the quarry, before turning east to provide access to the existing waste reception and preparation building.

1.16 The proposed development would be located in place of the southern composting and maturation halls and screening buildings and renewable electricity generating equipment. Specifically:

- the digester tanks would be located to the west of the existing waste reception and preparation building;
- in order to accommodate these tanks, the access road in the north-western corner of the quarry void is proposed to be re-aligned towards this corner in place of the permitted bio-filter. 8 no. car parking spaces would be provided to the north of the access, adjacent to the northern wall of the quarry void;
- adjoined to the south-western corner of the existing waste reception and preparation building would be the proposed anaerobic digestion reception building. Vehicles would enter this building through a door in the northern elevation via an access from the main vehicular access, before exiting through a door in the southern elevation to a sizeable area of hardstanding which joins perpendicularly with the access adjacent to the western wall of the void. 11 car parking spaces would be provided to the south of the hardstanding/access;
- immediately to the west of the anaerobic digestion reception building would be located the transformers, 3 no. gas engines and 26m high exhaust stack associated with the anaerobic digestion plant;
- immediately to the east of the anaerobic digestion reception building would be located the 3 no. gas engine units and a 28m high exhaust stack associated with the proposed renewable electricity generating equipment;
- to the south of this would be located the equipment itself, including the pyrolysis plant;
- immediately to the south of the “exit” vehicular access from the anaerobic digestion reception building would be located the site office and welfare block, emergency flares and bio-filter;
- the digestate off-take building would be positioned between the vehicular access and the bio-filter (the vehicular access would be wider at this point to facilitate access to this building for the tankers);
- the settling/storage tanks would be located to the south of the bio-filter;
- the extended surface water balancing pond is located to the eastern end of the void, adjacent to the existing composting halls.

1.17 The existing planning permission for the composting (and renewable electricity generating equipment) permits 82 heavy goods vehicle movements per day for the whole site. The applicants estimate that the integrated facility proposed (i.e. the existing inter-vessel composting, anaerobic digestion and renewable energy generating facility) would generate a maximum of 120 heavy goods vehicle movements per day: the increase would be due to the fact that the demand for digestate varies on a seasonal basis (due to its agricultural application).

1.18 It is proposed that the anaerobic digestion and pyrolysis plant will operate continuously (24 hours a day, 7 days a week). Deliveries and removal of digestate and products from pyrolysis are proposed to occur at the following times:

Day	Deliveries		Exports	
	Start	Finish	Start	Finish
Monday – Friday	07.00	18.00	07.00	18.00
Saturday (April – June inclusive and any Saturday following a Bank or Public Holiday)	07.00	17.30	07.00	13.00
Saturday (July – March inclusive)	07.00	13.00	07.00	13.00
Sunday	None	None	None	None
Bank and Public Holidays	07.00	17.30	07.00	17.30
25 and 26 December and 01 January	None	None	None	None

1.19 The applicants also advise that the operation of the anaerobic digestion plant and renewable electricity generating equipment would require 3 no. and 2 no. full-time equivalent members of staff, respectively.

1.20 Members are advised that the application specifically states that temporary planning permission is sought for the facility. The existing (and implemented) consents are temporary for a period of 20 years, after which time the site will be restored in accordance with the restoration scheme for the minerals permission(s) related to quarrying at Blaise Farm.

2. Reason for reporting to Committee:

- 2.1 Given the ongoing problems which have occurred in respect of nuisance malodour production from the site, the application is considered to be 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 ragstone for a period of 62 years in a series of phases.
- 3.2 As detailed above, 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 northern composting and maturation halls, together with a site office, weighbridge, bio-filter, storage tanks and balancing pond, located within the northern extent of the previously worked area (which runs from west to east).
- 3.3 Access is taken to the wider site from the 4-arm roundabout along the A228.
- 3.4 The quarry void is located within a wider area of mature woodland and agricultural land-use, within a generally undulating landscape.
- 3.5 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.
- 3.6 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).
- 3.7 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:

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/08/02844/CCE screening opinion EIA 4 September 2008
ASC not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Proposed Development: Temporary variation of condition 12 of planning permission TM/06/00762 to allow up to 15,000 tonnes of waste to be imported from Essex for composting over the 18 month period from October 2008 to March 2010 (KCC Temp ref: TM/08/Temp/0058)

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 (ie 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 (ie 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/08/03454/CCE screening opinion EIA 3 November 2008
ASC not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Proposed Development: Application for removal of condition 12 of planning permission TM/06/00762 (ie removal of all current restrictions on waste sources) KCC reference TM/08/TEMP/0075

TM/08/03461/CCE screening opinion EIA 3 November 2008
ASC not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Proposed Development: Application for variation of condition 12 of planning permission TM/06/00762 to allow waste to be sourced from all 12 Kent Districts (ie 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/08/03462/CCE screening opinion EIA 3 November 2008
ASC not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Proposed Development: 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/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 27 October 2009
Proceeded With

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/09/02722/CCE screening opinion EIA 16 October 2009
ASC not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Proposed Development: 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)

TM/09/03239/CCE screening opinion EIA 16 December 2009
ASC not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Section 73 applications to vary condition 1 of planning permission TM/08/03353/WAS to allow waste to be sourced from

- a) Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove, all London Boroughs, Thurrock, Essex and Southend;
- b) Kent, Medway, Surrey;
- c) Kent, Medway, Surrey, East Sussex, West Sussex and Brighton and Hove;
- d) Kent, Medway, Surrey, East Sussex, West Sussex, LB Bromley, LB Bexley, Thurrock and Essex;
- e) Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove, LB Bromley, LB Bexley and Thurrock; and
- f) Kent, Medway, Surrey, East Sussex, LB Bromley, LB Bexley and Thurrock (KCC ref. TM/09/TEMP/0044 - 49)

TM/10/03056/WAS Approved 7 November 2011

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)

TM/10/03203/CCE screening opinion EIA 8 November 2010
ASC not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Proposed Development: 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: PAG/KCC/TM/0360/2010)

TM/11/00982/WAS Approved 13 October 2012

Request for approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231/R5 (KCC ref: PAG/TM/09/3231/R5)

TM/12/02585/WAS Pending Consideration

Erection of canopy structure and siting of container to provide an ancillary workshop facility for a temporary period of up to 3 years (KCC ref: TM/0304/2012)

TM/12/02830/CCE screening opinion EIA 22 August 2012
ASC not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for Proposed Development: Temporary development of an Anaerobic Digestion Plant together with associated infrastructure, reconfiguration of the consented Advanced Thermal Conversion Plant, together with associated infrastructure, the realignment of part of the existing access road, the relocation of existing office and welfare accommodation and the relocation of the existing weighbridge

TM/12/02919/MIN Pending Consideration

Non material amendment to planning application TM/09/03231/R16 - Request for the approval of the Waste Planning Authority to open on 26th December (Boxing Day) 2012 for the receipt of waste deliveries and the shredding of incoming material pursuant to condition 16 of planning permission TM/09/03231

5. Consultees:

- 5.1 As the application falls to be determined by KCC, the majority of the formal consultation was undertaken by the County. Copies of the responses submitted to KCC have been forwarded onto TMBC, and are set out below. Representations have also been sent directly to TMBC.

Responses to KCC

- 5.2 Offham PC: "Offham Parish Council have held a public meeting to consult residents about the planning application detailed above. The Parish Council object to this application for further development of the site at Blaise Farm.
- 5.2.1 It is recognised that the application for AD and ATC plant may not, incrementally, have a materially adverse effect on noise, visual appearance or traffic movements with respect to the site. It is also recognised that, from several perspectives, such plant probably would be preferable to the already permitted phase 2 expansion of the current composting facilities.
- 5.2.2 However, there is a key issue which we must draw to your attention - odour, which, at times, has been truly awful for our village.
- 5.2.3 The planning permission granted for the first phase of the plant allowed processing of 50,000 tonnes of waste per annum. The odour appears to have been caused by a number of factors, including:
1. the disproportion of food waste to non-food waste. The original application did not anticipate the higher proportion of food waste that NES are now required to deal with. The problem is such that food waste is currently being diverted to another site in Bedfordshire. Despite this, there has been a rise in complaints during August, with no cause yet established.
 2. at Liaison Meetings, NES have admitted that the disproportion of non-food to food waste has damaged, and led to the breakdown of, the plant, apparently leading to odours being released.
 3. at Liaison Meetings it was apparent, and admitted by NES, that they had not maintained the facility properly, including failing to fix broken fans and failing to address inefficient filters/filter breakdown, both causing odours to be released.
 4. at Liaison Meetings it was admitted by NES that the operational management of the process had been inadequate. This included leaving doors open (that has had a substantial adverse impact on the ability to maintain a negative pressure to keep odours within the facility).

NES claims to have taken steps to maintain the building and change the operational management, but the problem of odours continues. It is the view of the Parish Council, supported by the residents of the village, that consideration should not be given to the new application and its AD and ATC plant until it is proven that

NES can run the existing plant for a sustained period without causing a nuisance; otherwise how can there be confidence in the future operational integrity of the site. To achieve that, we believe that NES need to:

1. review the fan and filter configuration of the facility to ensure that it has resilience with respect to failure of any component and sufficient spare capacity to cope with the outage of any particular unit.
2. be obliged to have back-up electricity generation facilities, in case of grid electrical failure.
3. be obliged to install a "lock-system" (with rapid-rise roller shutters) to be utilised by all vehicles entering and leaving the enclosed composting area to reduce, if not eliminate, escape of odours while the one of the doors is open, with the inner and outer door controls being interlinked to ensure that both cannot be open at the same time.
4. be obliged to monitor odours for sustained periods at the 12 sites in figure 2 of section 6 of their application and also at three additional sites to be nominated by Offham Parish Council.
5. if such monitoring or validated complaints from villagers indicate that odours are still escaping at an unacceptable level, propose to the planning authorities remedial measures and, if approved, implement.

Once the current operations have been addressed as above, it would then be reasonable to consider the application for AD and ATC plant. Given the observations above, we believe that the application should be refused unless fan and filter resilience, back-up power and a lock-system at all entrances to the facility are also addressed in the latest application.

Further, as it stands, the current application says "low odour", which suggests that NES expect there will be odours. Within the context of odours from the current operations, that must give considerable cause for concern. If NES cannot demonstrably deal successfully with odours from the current plant, then an acceptance of "low odour" by the Planning and Licensing Authorities for this application would, in reality, be a permission to allow sufficient odours to be released to cause an increased nuisance to nearby residents.

Bad odour is classified and defined as a nuisance which is actionable in common law. At this site it is in breach of the Licensing and Planning Permissions given to NES. NES are currently operating Blaise Farm with a capacity of 50,000 tonnes per annum. They have been given permission (on appeal, and argued against by Offham Parish Council) to increase the amount of waste they treat at the existing plant to 100,000 tonnes per annum. The original application, and the extension granted on appeal, were given permission on the basis of assurances made by NES about their management of the plant, the quality of the equipment and the fact there would be no odours. Permission was given for a plant that should not have caused a nuisance. However, that plant was not designed for its current mix of waste and is, evidently, not properly maintained or operationally managed.

With that background, what certainty can there be that the new plant would be suitable for use, that it would be properly managed or that it would be properly maintained?

It is appreciated that issue of odour is somewhat subjective. However, the applicant endeavours to introduce scientific method to the subject by stating that "D₅₀ is the concentration at which an odour becomes just detectable to 50% of a population. This concentration of an odorous substance is given the value 1 odour unit (OU)". Various diagrams and tables are then given to demonstrate the claim that odour would not be an issue as a result of this application. However, that analysis is unreasonable for the following reasons:

1. basing a unit of measurement, and hence the conclusion derived from the analysis, on 50% of the population is clearly biased towards proving the case that it would not be a nuisance; in such a sensitive analysis the 90th percentile, or even the 95th percentile, would be a more appropriate basis of measurement, unless the intention is to ignore the impact on a sizeable minority of the population. Adopting that more reasonable base measurement would demonstrate the far greater likely impact of odours on Offham and other areas. The "contour lines" in figure 8 of section 6 of the application would have numbers against them that would be perhaps 5 or 10 times larger, with additional "contour lines" of impact extending to Offham and beyond. (NES should be required to obtain and provide a revised figure 8 on the above lines from their consultant, RPS).
2. it is not at all evident that the analysis offered takes into account the topography of the surrounding area. Odours are channelled through "valleys", especially in certain weather conditions, which means that odours will be in greater concentration and hence create greater nuisance. Stated monitoring sites do not allow for this and that is why we suggest that we are allowed to nominate three further sites, based on our local knowledge.
3. another statistical point is that the analysis is based on hourly time periods an odour only has to last for a few minutes to cause distress and therefore the analysis should be based on much shorter time periods like 5 minutes.
4. the analysis does not, evidently, allow for different weather conditions, particularly humidity and density; that is, it does not allow for variation in weather conditions that affect concentrating effects for odours closer to the ground.
5. the analysis, presumably, assumes that fans/filters and other aspects of the facilities are working at design parameters. Given historical evidence, that is a very un-safe assumption and the analysis should make considerable contingency allowance for plant and operational failures.

Given the above, having heard from residents in the village and with considerable concerns about the future, the Parish Council hereby OBJECT to this application".

5.3 West Malling PC:

5.3.1 “Members had no objections in principle but suggested that if consented the application ought to be conditioned so that the same restrictions apply as at present regarding the route used by traffic leaving the site.

Members would like conditions imposed in respect of:

- emissions;
- odours;
- noise

in order to minimise the environmental impact of the facility on the community.

Members were particularly concerned about possible odours emanating from the site in view of the concerns about odours from the existing facility.

It was anticipated that compliance with these conditions would be monitored by the EA”.

5.4 EA:

5.4.1 “No objection to the proposed development but offer the following advice to the applicant.

Environmental Permit: The proposed development will be subject to modification of the existing Environmental Permit which we regulate. Under that there will be further requirements to demonstrate the proposed pollution prevention measures, particularly those containing potentially polluting liquids from being discharged to ground. This will include the production of appropriate maintenance procedures, environmental monitoring and action plans.

Site Drainage: The application has shown that site surfacing and drainage systems will continue to discharge to the existing approved separated surface and foul drainage systems and that the only change will be an increase in capacity. Provided all storage tanks are appropriately bunded there is little risk of leaks being able to discharge to ground.

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the LPA for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there are to be multiple tanks, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest.

All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund”.

- 5.5 CPRE: No objections but expect/recommend conditions regarding the requirement for a suitable colour scheme for the proposed buildings and plants to minimise visual impact and to mitigate any increased risk to drivers as a result of the anticipated increase in traffic movements, including appropriate signage and wheel washing facilities. CPRE also wish to comment on the Environmental Permit separately to the EA.
- 5.6 UK Power Networks: No objection.
- 5.7 Private Reps: Copies of representations from 3 no. properties (located in Kings Hill, West Malling and Offham) which were sent to the County Council have been provided to TMBC. These all report that the properties have been affected by malodour from the existing facility, and object to the proposal on the grounds of potential increases in malodour.

Responses to TMBC

- 5.8 DHH: The main Environmental Protection issues raised by this application are noise, air quality and odour.

All of these issues will be addressed by the Environmental Permit that will be required to operate the processes involved. This Permit will be issued by the Environment Agency under the Environmental Permitting Regulations 2010 (as amended).

Notwithstanding the above, I would also comment upon the application as follows:

The applicant has submitted a noise assessment of the proposal taking into account both the effects of the new equipment and the combined effects with the existing equipment (report ref 5139/DO/pw, dated July 2012 from Acoustic Consultants Ltd). This demonstrates that there will be no perceivable noise impact

as a consequence of the proposal. I agree with the report's findings and would recommend that the matters identified in Section 7 (Noise Mitigation Measures) be required as a Condition of any approval.

One of the main areas of concern surrounding this application is the potential for odour releases to affect residents in the locality and this is a concern with the existing In Vessel Composting (IVC) facility. I have reviewed literature around Anaerobic Digestion (AD) plants, have visited the existing facility at Cassington (around which I understand that this proposal has been based) and liaised with Environmental Health colleagues at West Oxfordshire District Council (that includes the Cassington facility). My colleague at West Oxfordshire District Council confirmed that the Cassington plant has caused very few complaints. Those complaints that were received were connected with the commencement of operations and not with the ongoing operations. All of these lead me to believe that odour issues will be more easily controlled in the proposed AD plant itself, as the vast majority of processes are enclosed.

With respect to deliveries to the proposed plant, the applicant has indicated something in the region of 19 deliveries to the AD plant per day (ref Community Engagement Statement, Appendix 3, response to Question 3) and anticipates turning vehicles around within 15-20 minutes. However, as these vehicles will tend to arrive at a similar time, queuing will inevitably result. Whilst the potential for odour release from delivery vehicles has been detailed in Table 2.1 of Appendix A of the Applicant's Consultant's (RPS) report on Odour and Air Quality Assessment (ref JAS6958, dated July 2012), this does not appear to have considered the combined effect of queuing vehicles and I would seek clarification as to how this will be managed. In a similar vein, I would question whether the removal of digestate (being a seasonal operation) will present similar issues.

The above issues aside, I would, in the main, concur with the findings within Appendix A to RPS's report on Odour and Air Quality Assessment.

In a similar vein, I would concur with the findings within Appendix B of the same report. This section of the report looks at Air Quality impacts and assesses them as not significant.

- 5.9 Private Reps: Letters were sent directly to TMBC from 2 no. properties in Offham. Both report that the properties have been affected by malodour from the existing facility and object to the proposal on the grounds of potential increases in malodour.

6. Determining Issues:

Relevant planning policy framework

- 6.1 Paragraph 5 of the NPPF states that "this Framework does not contain specific waste policies, since national waste planning policy will be published as part of the

National Waste Management Plan for England. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant". The footnote to this paragraph states that the "Waste Planning Policy Statement will remain in place until the National Waste Management Plan is published". The Statement referred to is PPS10.

6.2 The following paragraphs of the NPPF are those which are considered to be of most relevance to the application:

- (paragraphs 1 – 14) general principles regarding sustainable development and the presumption in favour of sustainable development;
- (paragraph 17) core planning principles;
- (186, 187, 196, 197 and 203 – 206) decision taking in the determination of planning applications;
- 32 and 35 (assessment of traffic and safe parking and vehicular access);
- 55 – 58, 60 – 61 and 64 (design); 79, 80, 87 – 89 (MGB); 95, 97 – 98 (sustainability); 109 (conserving environment); 111 (re-use of PDL); 113 and 117 – 118 (protection of biodiversity and ecology); 120 – 122 (pollution and land stability); 123 (noise); 129, 131 – 132 (heritage) and 142 and 144 – 145 (minerals).

6.3 The policies in the adopted Development Plan which are considered to be of most relevance to the application are

- 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;
- TMBCS: CP3: Metropolitan Green Belt; CP14: Development in the Countryside; CP24: Achieving a High Quality Environment;
- 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.

6.4 In terms of the renewable energy generating equipment, Members are advised that there are also several policies which relate to incinerators. In respect of the original application for such a facility (TM/10/03056/WAS), the applicants contended that the processes involved in that proposal comprised pyrolysis rather than incineration (i.e. are technically different processes), and therefore those policies which refer to incineration were 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 considered relevant to this current application in that they require assessment of proposals against particular environmental and spatial planning criteria.

- 6.5 The Localism Act 2011 has been enacted, and a first round of consultation has taken place on reports which assessed the implications of the abolition or revocation of the various Regional Spatial Strategies, including the South East Plan. Following the conclusion of this consultation, these reports have been updated. Further consultation is currently being undertaken on the updated reports associated with the South East Plan (until 06 December 2012). Orders will be prepared to formally abolish the various Strategies following the conclusion of this second round of consultation. Accordingly, the amount of weight to be attached to any policies within the SEP is considered to be limited.
- 6.6 Draft documents in the Kent Minerals and Waste Development Framework have also been produced, and these draft documents have been subject to a period of public consultation, including the Minerals and Waste Core Strategy (31 May to 09 August 2011) and the Waste Sites DPD Preferred Options and Mineral Sites DPD Preferred Options (28 May – 23 July 2012).
- 6.7 The application site is included in the Waste Sites DPD Preferred Options documents. KCC has concluded in respect of the site:

“Half of the facility's capacity has so far been developed. It is located in an active mineral working, within the Green Belt and adjoins an LWS. The facility forms part of the current waste management capacity for processing green and kitchen wastes. Its retention, after the current temporary permission expires, for the plan period and beyond is necessary. No additional detriment to the Green Belt would be caused if a further temporary permission is granted that did not conflict with restoration of the quarry and does not exceed current permitted 100,000tpa capacity. As long as any future waste management activities are enclosed to a similar standard to the existing facility there would be no additional impact on the nearby LWS. Site area has been reduced to ensure the LWS and Ancient Woodland are not within the boundary”.

- 6.8 The DPD also states:

“The development of this site will be supported subject to:

1. The development being removed prior to the completion of restoration of the mineral working.
2. The capacity of the existing waste facility and any additional waste development not exceeding 100,000 tonnes per year.
3. All waste handling and composting operations being enclosed”.

Principle of Development

- 6.9 Members are advised that Saved Policy W10 of the Kent Waste Local Plan sets out that proposals for composting and digestion at established locations with ready access to the primary and secondary route network will be permitted, subject to satisfying criteria regarding the impact on the natural environment, the degree to which the proposal is obtrusive in the landscape and the impact on residential amenity (in terms of noise, dust, smell or visual impact). Blaise Farm comprises an established composting facility with ready access to the transport network. An assessment against the other criteria referred to in this saved Policy is provided in subsequent sub-sections to this report.
- 6.10 In determining the principle of development, it is also necessary to have regard to the fact that the site lies in the MGB. Although the development as detailed does not comprise appropriate development in the MGB, I consider that the form and scale of the proposed buildings and plant will have an impact on the openness of the MGB that is comparable to the southern composting and maturation halls and screening buildings and renewable energy generating equipment as already permitted. I have reached this conclusion on the basis that although the built form of the current proposal would be spread over a slightly wider area (chiefly as a result of the positioning of the 3 no. digester tanks in the north west of the void) and the tanks are of greater height than the permitted composting buildings, there is a greater degree of separation between the various elements (particularly the group of digester tanks and reception building and the group of storage tanks) than the rather solid mass of adjoined permitted composting and maturation halls and renewable energy building.
- 6.11 Having regard to the similar impact of the proposal to the permitted scheme on the openness of the MGB, I consider that the proposal is acceptable in MGB terms.

Visual Impact

- 6.12 The application site is located on the quarry floor, the surrounding terrain is of an undulating nature and contains dense and mature vegetation. The proposed built form will differ from that of the permitted facility, mainly through the replacement of the series of large but relatively low buildings with a collection of circular tanks with domed roofs, together with a greater extent of exposed plant and equipment. The other main difference is the provision of 2 no. exhaust stacks of 26m and 28m height, as compared to the single stack of 26m in the permitted scheme, and the provision of several flares of lower height. The upper 6 – 13m of the stacks will be visible above the quarry walls.
- 6.13 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 stacks will be limited to a nearby PROW (MR268). The application is accompanied by a thorough and comprehensive landscape and visual assessment which identifies that the only significant views to the stacks will

be from Lords Walk. Due to the relatively narrow diameter of the stacks combined with their relatively dark finish and the fact that the development would be viewed against the backdrop of the worked section of the quarry, they will not cause unacceptable harm to the character or setting of the landscape or the area.

- 6.14 As the remainder of the proposed development will not be visible above the walls of the quarry, I consider that the other elements of the proposal will also not cause material harm to the character of the area or the quality of the landscape.

Residential Amenity

- 6.15 Due to the siting of the proposed development within the quarry void, combined with the distance of the facility from neighbouring residential properties, the proposal will not harm the living conditions or amenities which the occupiers of neighbouring properties could expect to enjoy by way of overshadowing or a loss of outlook.
- 6.16 However, Members will be aware from previous applications at the site which were reported to APC2 in 2011, and the responses from Offham PC and the occupiers of neighbouring dwellings provided to TMBC and KCC as reported above, that there has been a history of intermittent malodour associated with the operation of the current facility at Blaise Farm.
- 6.17 Members are also advised that the NPPF states at paragraph 122 that in considering the impact of development in terms of pollution etc:
- “...LPAs should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. LPAs should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”.
- 6.18 It is apparent from a review of the information provided as part of the application, that there will be the potential for odour emissions from the proposed bio-filter (through which air extracted from the waste reception buildings, digestate off-take building and various tanks will be passed), together with “fugitive emissions” from other components of the facility.
- 6.19 The application is accompanied by an Odour and Air Quality Assessment, which seeks to assess the potential for malodour as a result of the proposed bio-filter, together with the operation of the existing bio-filter. This concludes the following

(Members are advised that sensitive receptors include dwellings and places of work):

“The qualitative odour and bioaerosol risk assessment attached as Appendix A [to that Assessment] concludes that the local sensitive receptors are not at risk from odour or bioaerosols due to the additional technologies associated with the anaerobic digestion process when all management and best practice measures are taken into consideration”.

- 6.20 I have reviewed DHH's comments on the potential for harm to residential amenity as a result of odour emissions, and have requested (through KCC) clarification in terms of the potential for harm through queuing delivery vehicles. Any further comments will be provided to Members as part of a Supplementary Report.
- 6.21 The proposed anaerobic digestion plant will serve to facilitate the treatment of pure food waste. As detailed in Section 1.0 of this Report, the applicants have suggested that it was the amount and proportion of pure food waste being processed which gave rise to much of the problems which have been associated with malodour from the facility, both due to the difficulty in integrating food waste with green waste and the degrading effects which the treatment of food waste has had on ventilation equipment at the existing plant. It is also apparent that there is inherently a greater degree of “containment” involved in anaerobic digestion compared to in-vessel composting: the food waste is pumped directly into sealed tanks, and is then moved to different parts of the facility through sealed pipework and further tanks. In comparison, the composting process involves the material being arranged in “wind-rows” within the buildings which are periodically turned.
- 6.22 I have had regard to DHH's conclusions that, subject to clarification regarding the points detailed above, there is agreement with the findings of the Odour and Air Quality Assessment submitted as part of the application. However, at the same time, I have also had regard to the fact that the potential for malodour from the site (particularly through “fugitive emissions” rather than as a result of the bio-filters) is partly dependant on how the facility is operated (which is itself controlled by the Environmental Permit), together with the recent history of malodour associated with the existing facility and the obvious concerns of neighbouring properties and Offham PC in this respect. Despite the greater degree of containment of anaerobic digestion as compared to in-vessel composting, because of the malodour which has been associated with the site, I still have concerns that the integrated facility may still cause material harm to the living conditions of neighbouring properties if it is not operated in accordance with best practice.
- 6.23 Nevertheless, the NPPF is clear at paragraph 122 that planning decisions should not focus on the control of processes and LPAs should assume that control regimes will operate effectively. For that reason, I have not recommended to Members that the Borough Council formally objects to the proposal on malodour grounds, but my recommendation rather reflects the need for the determining

Authority to be sure that the controls which are available for the operation of the facility and the various processes involved (i.e. via the Environmental Permit) are sufficient to prevent material harm to the amenity of neighbouring properties.

- 6.24 In addition to assessing the potential for malodour from the facility, the Odour and Air Quality Assessment submitted as part of the application concludes that the expected concentrations of pollutants (such as nitrous oxides and sulphur dioxide) to be deposited at sensitive receptors (including ecological receptors) are not predicted to cause significant impacts. DHH concurs with these views. However, as aspects of the emission of pollutants will be dependent on the activities undertaken at the site and the use/maintenance of equipment (for example through the maintenance of the ceramic filters and flue gas system in the pyrolysis processes), my recommendation also reflects the need for the determining Authority to be satisfied that the Environmental Permit will provide sufficient control in these terms.
- 6.25 The application is accompanied by a Noise Assessment, which concludes that the proposed development is likely to result in overall increases in noise levels of between 1 and 2 dB. DHH considers that the proposal is not likely to have a perceptible impact in noise terms, subject to the noise mitigation measures set out in the noise assessment (closing of rapid rise doors, use of specific vehicle reversing alarms, etc).

Highways

- 6.26 The applicants estimate that there will be a maximum of 38 additional heavy goods vehicle movements associated with proposed development (i.e. total of 120 heavy goods vehicle movements per day from the combined facility), above the maximum of 82 daily movements presently permitted.
- 6.27 KCC is both the Highway Authority and the LPA for the determination of this application: comments have not been provided to TMBC from the highway services section at KCC in respect of this application. My recommendation accordingly requires the County as the determining LPA to be satisfied that the proposal will not be harmful in highway terms.

Impact on flooding and surface and ground water, biodiversity, geological conservation and the Ancient Scheduled Monument.

- 6.28 The EA has not raised objection in respect of flooding or the potential pollution of surface or ground water, subject to the submission of details of pollution control (for example the provision of bunding and use of trapped gullies and interceptors).
- 6.29 The worked section of the quarry within which the existing, consented and proposed facility is and would be located is identified as a Regionally Important Geological Site due to the “excellent exposure of the rag and hassock faces 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, stacks 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.

6.30 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.

6.31 The Odour and Air Quality Assessment also assesses the predicted concentrations of nitrous oxides, sulphur dioxide and other pollutants 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.

Summary

6.32 The proposal would provide an integrated waste management facility which would potentially be able to manage both green waste in the existing in-vessel composting facilities and food waste through the proposed anaerobic digestion facilities, thereby producing products which can be used in agriculture. It would also include renewable energy facilities which would be located in close proximity to the source of fuel (oversized biomass removed from the green waste and packaging removed from the food waste) which would be used to generate electricity both to be used on site, and to be exported to the wider electricity grid.

6.33 The proposal is considered to largely accord with adopted Development Plan and national planning policy, including in terms of its impact on the MGB. However, I remain concerned that, whilst the proposed integrated facility might not materially harm the residential amenities of neighbouring dwellings, there remains the potential that, if it is not operated correctly, there is the potential for material harm to arise to amenity, chiefly through malodour. This has been the experience of those living in close proximity to the existing facility. I therefore recommend that the Borough Council responds to KCC to state No Objection, subject to the County Council being completely satisfied that the methods for the control of the operation of the site and the impact on neighbouring properties is completely satisfactory, in addition to being satisfied in terms of highway safety.

7. Recommendation:

7.1 That KCC be advised that TMBC has **No Objection** to the proposal subject to:

- the County Council being completely satisfied that the methods for the control of the operation of the site to be regulated by the Environmental Permit are sufficient to preclude harm to the residential amenity of properties in the wider locality, particularly in respect of malodour;

- the County Council being completely satisfied that the proposal will not create conditions which are harmful to highway safety;
- the County Council attaching conditions to any grant of planning permission in respect of the following, or the County Council being satisfied that the following will be controlled by the Environmental Permit:
 - the duration of the planning permission (i.e. to be temporary);
 - the use of noise mitigation measures as detailed as part of the application;
 - details regarding the prevention of pollution of surface and ground water;
 - limits on the number of heavy goods vehicle movements.

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