

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY  
REGIONAL PLANNING COMMITTEE**

**RPC SUB-GROUP – STATUTORY CONSULTATIONS**

Date: 11 January 2008

Subject: Planning application consultation ref A/07/131

Site Address:	Blaise Farm Quarry, Kings Hill, West Malling, Kent. ME19 4YT
Proposal:	Application to remove planning condition 14 of planning permission TM/06/762 for development of a fully enclosed windrow composting facility.
Local Planning Authority:	Kent County Council
Applicant:	New Earth Solutions Limited
Date consultation issued:	12 December 2007

Report of: **Regional Planner**

**Recommendation:**

The South East England Regional Assembly makes the following observations:

- The county council, in considering whether to remove planning condition 14 of the existing planning permission, should be satisfied that the proposal is in accordance with guidance in PPG2 (Green Belts) to comply with the objectives of Policy E3 of RPG9 and Policy CC10a of the draft South East Plan;

If the county council is minded to remove planning condition 14, it should also address the following through appropriately worded conditions and/or legal agreements to secure:

- Appropriate mitigation measures concerning air quality (including odour emissions) and noise to the satisfaction of the Environment Agency, to accord with the objectives of Policy E7 of RPG9 and Policies NRM7 and NRM 8 of the draft South East Plan.

## **1. Purpose of Report**

- 1.1 To assess the proposed application to remove planning condition 14 issued under planning permission TM/06/762 against the Regional Spatial Strategy (RSS) (RPG9 plus Alterations) and the draft South East Plan, and set out the recommended consultation response for consideration and agreement.

## **2. Site Description**

- 2.1 Blaise Farm comprises an existing quarry void between the small Kent villages of Offham to the north and King's Hill to the south. West Malling lies approximately 1.5km to the north east. The quarry void extends to some 116 hectares in its entirety.
- 2.2 The application site is located within the previously excavated quarry area at Blaise Farm with the rest of the permitted quarrying land being unworked and in agricultural use. The quarry is surrounded by woodland to the east, south and west. Kings Hill Business Park lies approximately 0.7km to the south east of the site.
- 2.3 The site lies within the Metropolitan Green Belt and approximately 3km south of the North Downs Area of Outstanding Natural Beauty (AONB). The Chapel of St Blaise, a Scheduled Ancient Monument, lies 100m north of the site. The site is served via a purpose built surfaced access road onto the A228 West Malling roundabout near Kings Hill.

## **3. Details of the Proposal and Background**

- 3.1 Blaise Farm Quarry was granted planning permission for the quarrying of 57 million tonnes of ragstone over a 62 year period in 1994. In 2006, the applicant (New Earth Solutions Limited) was granted planning permission (planning permission TM/06/762) to develop land at Blaise Farm Quarry for the operation of a fully enclosed windrow composting facility within the confines of the previously excavated quarry area.
- 3.2 The applicant now seeks the removal of planning condition 14 attached to planning permission TM/06/762. Planning Condition 14 states that 'No more than 50,000 tonnes of waste shall be imported to the site for composting in any calendar year.' The applicant does not explicitly state the tonnage of waste that the approved composting facility will handle if planning condition 14 is removed. However, the applicant states that the approved built footprint of the composting facility at Blaise Farm is equivalent to twice the capacity of a similar facility it owns at Poole which processes 50,000 tonnes per annum (tpa).

- 3.3 The applicant gives the following reasons for the request to remove planning condition 14.
- i. A recent planning appeal decision at Kings Lynn, Norfolk, which concluded that it was inappropriate for planning conditions to duplicate the controls that would be imposed by the Environment Agency (through its waste management licence) in terms of the amount and detailed type of waste to be received at a permitted facility.
  - ii. Records from a survey carried out in July 2007 showing the pattern of waste deliveries from the applicant's Kent waste contract which confirmed that the earlier annual average input of 50,000tpa (given at the time of the original application) was underestimated.
  - iii. Modifications to the facility design, changes to operational practices and the size of the approved built footprint (double that of the Poole facility) implies that it can process significantly more than the 50,000tpa limit imposed.
  - iv. Operating the facility at more than 50,000tpa will not have any adverse effect on noise levels and odour emissions and there will be no traffic impact as the level of High Goods Vehicle (HGV) movements permitted under planning condition 17 will be complied with.
- 3.4 The applicant concludes that to restrict the input level to 50,000tpa therefore represents an artificial constraint that will result in the Blaise facility operating at a sub-optimal level of efficiency.

#### **4. Relevant Policy Considerations**

##### *RPG9*

- 4.1 The relevant issues and policies within the adopted Regional Spatial Strategy (RPG9) and Adopted Alterations on Waste and Minerals are considered to be:
- i. W16 – waste transport infrastructure
  - ii. W17 – location of waste management facilities
  - iii. E3 – Green Belts
  - iv. E7 – air quality

##### *The South East Plan*

- 4.2 Having been submitted to the Government on 31 March 2006, the draft South East Plan is a material consideration in the determination of major planning applications. The relevant issues and policies are considered to be:

- i. NRM 7 – air
- ii. NRM8 – noise
- iii. CCI0a – Green Belts

4.3 The above policies on waste in 4.1 have been carried forward into the draft South East Plan with minimum wording changes in Policy WI7. Reference in this report to policies in RPG9 (adopted alterations), also apply to the draft South East Plan unless explicitly stated.

4.4 Other material considerations are identified as the:

- i. Kent and Medway Structure Plan (2006)
- ii. Kent Waste Local Plan (1998)

## 5. Main Issue

5.1 Since the principle of establishing the composting facility has already been accepted, the main issue(s) to address is whether the removal of planning condition 14 (which will cause a significant increase in annual tonnage input) will result in any adverse impacts on air, noise, traffic and the surrounding planning designation including the objectives of the Metropolitan Green Belt over and above that already assessed when the original planning application was considered.

5.2 It is considered that the wider regional policy issues relating to the establishment of the composting facility have already been addressed in granting planning permission and will not necessarily change as a result of this proposal. These wider policy issues include;

- Policy W3 and W4 - regional and sub-regional self sufficiency,
- Policy W5 and W6 - landfill diversion targets and recycling and composting targets,
- Policy W7 - waste management capacity requirements,
- Policy E1 – areas of cultural importance and;
- Policy E2 – biodiversity.

## 6. Policy Assessment

### Policies WI7, E3 and CCI0a – location of waste management facilities and Green Belt

6.1 In locating waste management facilities, Policy WI7 of RPG9 and the draft South East Plan confirms that waste management facilities should not be precluded from the Green Belt where it is the nearest appropriate location, where there are no alternative sites, and provided it will not cause harm to the objectives of the designation. Policies E3 of RPG9 and CCI0a of the draft South East Plan also recognise the need to improve and retain the landscape, nature conservation and environmental value of Green Belts.

- 6.2 The principle of establishing a composting facility on this site has already been established. This implies that the original application demonstrated that the facility was the nearest appropriate location, there were no alternative sites and that its operation will not cause harm to the objectives of the Green Belt designation. It is acknowledged, however, that the county's assessment was carried out on the basis of the information submitted to it, including the proposed input volume of 50,000tpa into the facility.
- 6.3 In considering the removal of planning condition 14, it is therefore important to re-assess the proposal with regard to the proposed increased input of waste to ensure that it still meets the tests in Policy W17. We consider that if the council, with advice from the Environment Agency (EA) is minded to remove planning condition 14, it should satisfy itself that the proposal will be capable of meeting a range of locally based environmental and amenity criteria including location in the Green Belt as stated in Policy W17 and CCI0a of the draft South East Plan and Policy E3 of RPG9. This will ensure that the proposal will not materially conflict with the objectives of the RSS.

Policies E7, NRM7, NRM8 and W16 – air pollution, noise and waste transport infrastructure

- 6.4 Policy NRM8 of the draft South East Plan encourages new developments to adopt measures to address and reduce noise pollution at regional and local level. Policies E7 of RPG9 and NRM 7 of the draft South East Plan seek to encourage local authorities to work with the EA in playing a positive part in pollution control and to encourage measures to improve air quality. Policy W16 of the draft South East Plan and RPG9 also aims to reduce the transport and associated impacts of waste movement.
- 6.5 The applicant states that operating the Blaise facility at more than 50,000tpa will have no implications on noise and odour emissions due to the capacity and design of the bio-filter and modelling results of assumed peak conditions in the composting halls. The applicant also seeks to operate within the permitted level of 82 HGV daily movements (41 in and 41 out) and considers that as a result the increase in tonnage of imports above 50,000tpa will not have an adverse effect on traffic movements.
- 6.6 In terms of maintaining the approved level of HGV movements, it appears there will be no additional impact on traffic movements as this has already been assessed and set within the appropriate limit under planning condition 17. However, given the potential adverse impacts of the proposed increase in processing capacity of the facility on air quality (including odour emissions) and noise, the council and the EA should be satisfied that the proposed air and noise mitigation measures are sufficient and can be secured through appropriate planning conditions / legal agreements. Provided that this is secured, the proposal is in accordance with Policies E7 of RPG9 and NRM7 and NRM8 of the draft South East Plan.

## **7. Conclusions**

- 7.1 The county council should satisfy itself as to the detailed issues outlined in this report, to ensure that the proposal would accord with the general principles established in RPG9 (adopted alterations) and the draft South East Plan.

## **8. Recommendations**

- 8.1 Members are requested to agree the following recommendations to the local authority:
- 8.2 The South East England Regional Assembly makes the following observations:
- The county council, in considering whether to remove planning condition 14 of the existing planning permission, should be satisfied that the proposal is in accordance with guidance in PPG2 (Green Belts) to comply with the objectives of Policy E3 of RPG9 and Policy CC10a of the draft South East Plan;

If the county council is minded to remove planning condition 14, it should also address the following through appropriately worded conditions and/or legal agreements to secure:

- Appropriate mitigation measures concerning air quality (including odour emissions) and noise to the satisfaction of the Environment Agency, to accord with the objectives of Policy E7 of RPG9 and Policies NRM7 and NRM 8 of the draft South East Plan.

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11 January 2008

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