MAGWATCH

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL

Appeal by MVV Environment Limited against the refusal of a planning application by Bournemouth, Christchurch and Poole Council for:

"Demolition and Removal of existing structures and the erection of a Carbon Capture Retrofit Ready Energy from Waste Combined Heat and Power Facility with associated Combined Heat and Power Connection, Distribution Network Connection and Temporary Construction Compounds and associated buildings and ancillary car parking"

at Canford Resource Park, Arena Way, Magna Road, Wimborne, BH21 3BW

Planning Inspectorate Reference: APP/V1260/W/23/3334527

County Council Reference: APP/23/00822/F

PROOF OF EVIDENCE
CAPACITY AND NEED

On behalf of Magwatch (Rule 6 Party)

Prepared by Paul Brelsford MA

5 May 2026

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1. INTRODUCTION

1.1 I am Paul Brelsford. I hold a Master's degree in Intelligence and Security Studies and the Defence Intelligence Senior Analyst's Course (DISAC), the United Kingdom's senior national-level intelligence analysis qualification. I completed a full military career of 23 years before retiring from the Intelligence Corps. I have since held roles as a data scientist, supporting a range of clients including Government departments, and senior management positions in financial services compliance functions.

1.2 I am a member of Magwatch, a community group based in the Bournemouth, Christchurch and Poole Council (**"**BCP**"**) ward of Bearwood and Merley. The group has over 1,400 supporters and a mailing list of 180 members. Since 2023, Magwatch has actively engaged with, and submitted detailed objections to, the application by the Appellant ("MVV") for planning permission for the construction of a 260,000 tonnes per annum Energy from Waste Combined Heat and Power facility at Canford Magna, Dorset ("the Proposed Development" ("PD"). In June 2025, the Council refused permission on five grounds.

1.3 I am familiar with the appeal site and with national and local planning policy. Magwatch is aware, from a local perspective, of the materially adverse impacts that the Proposed Development would have upon the residents of Bearwood and Merley and the wider area, and upon the local built and natural environment.

1.4 This Proof of Evidence addresses residual municipal waste capacity and need in relation to the Waste Plan Area. It is our case that no demonstrable genuine or clearly defined residual waste need for the proposed facility exists; that its approval would create harmful overcapacity contrary to national and local policy; and that the appeal should accordingly be dismissed.

2. BACKGROUND AND SCOPE OF EVIDENCE

2.1 Magwatch applied for and was granted Rule 6 Party status on 19 December 2025. We were satisfied that our local knowledge and familiarity with planning law qualified us to make effective representations in opposition to the appeal. The data sources used within this Proof are all substantiated and referenced, providing a high level of source integrity; in most cases the data originates from up-to-date official sources.

2.2 We are mindful that the Council is defending its reasons for refusal, which we support. We are a community group with finite resources and have accordingly focused our representations on those aspects of the Proposed Development that will most directly affect the communities we represent. My proof of evidence addresses the following matters:

a) Non-compliance with the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019;
b) The December 2024 Residual Waste Infrastructure Capacity Note;
c) DESNZ NPS EN-1 and EN-3
d) The assessment of waste need versus waste infrastructure capacity, and the absence of demonstrable need; and
e) The planning balance.

2.3 I set out Magwatch's evidence in relation to each of the issues before addressing the overall planning balance.

3. RELEVANT PLANNING POLICY FRAMEWORK

Statutory Framework

3.1 Sections 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 together require that planning applications must be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

3.2 The National Planning Policy Framework 2024 ("NPPF"), Planning Practice Guidance ("PPG"), National Planning Policy for Waste ("NPPW"), are material considerations of direct relevance to this appeal.

Development Plan

3.3 The adopted plan relevant to this appeal is the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 ("the Waste Plan" or "WP"). The following policies are of relevance:

(a) WP Policy 1 – Sustainable Waste Management;
(b) WP Policy 3 – Sites Allocated for Waste Management Development;
(c) WP Policy 6 – Recovery Facilities;
(d) WP Chapter 7 – Forecasts and the need for new facilities; and
(e) WP Chapter 14 – Implementation and Monitoring.

Local Waste Management Strategies

3.4 The following documents are BCP and Dorset's Waste Management strategies which guide waste policy for the Waste Plan Area:

(a) BCP Waste Management Strategy 2026–2036
(b) Dorset Waste Management Strategy 2024.

National Policy

3.5 The following national policy documents and guidance are relied upon:

(a) National Planning Policy Framework 2024 ("NPPF");
(b) Residual Waste Infrastructure Capacity Note, published by DEFRA on 30 December 2024 ("RWICN" or "Capacity Note");
(c) National Policy Statements EN-1 and EN-3 (revised December 2025);
(d) The Environmental Improvement Plan 2025;
(e) National Planning Policy for Waste 2014 ("NPPW");
(f) National Planning Practice Guidance ("NPPG");
(g) The Environmental Act 2021
(h) The Environmental Targets (Residual Waste) (England) Regulations 2023;

3.6 Reliance is also placed on the UKWIN Interested Party Statement and Appendices (February 2026), and the UKWIN Planning Objection (May 2025), (CD9 1.47), insofar as they address capacity and need at national, regional levels, and on policy interpretation and materiality where referenced.

3.7 All emphases added within this document are my own.

4. NATIONAL WASTE REDUCTION MEASURES

4.1 Waste management in the United Kingdom is governed by legislation and policies that prioritise the circular economy, reduce landfill reliance, eliminate avoidable waste, and increase recycling and resource efficiency. The Environmental Protection Act 1990, the Landfill Tax, and the Waste (England and Wales) Regulations 2011 establish legal duties concerning waste management, reduction, and recycling targets.

4.2 The Environment Act 2021 (CD9 1.71) specifies requirements for improved recycling collections, including statutory food waste collections from every household and business, collection of a core set of materials for recycling (including plastic film by 2027), and separated paper and cardboard. It also introduced the legal framework for Extended Producer Responsibility (pEPR) for packaging and the Deposit Return Scheme (DRS) from October 2027.

4.3 The inclusion of Energy from Waste facilities in the Emissions Trading Scheme from 2028 will have substantial financial implications and is expected to reduce the volume of material directed to incineration.

Statutory Targets

4.4 The Environmental Targets (Residual Waste) (England) Regulations 2023 (CD9 1.28) establish a statutory target for England to halve residual waste sent to incineration or landfill by 2042 compared to a 2019 base year. Specifically, the total mass of residual waste for 2042 must not exceed 287 kilograms per head of population (in England).

4.5 Key Government waste reduction milestones include:

(a) 2026 – Rollout of mandatory food waste collections;

(b) 2028 – Near elimination of biodegradable municipal waste from landfill;

(c) 2035 – Mandatory recycling target of 65%; and

(d) 2042 – Statutory target of 287 kg per capita residual waste.

BCP & Dorset Waste Strategies

4.6 BCP Council's Waste Strategy (2026–2036), (CD6 1.6) identifies that approximately 51% of household black bin residual waste could be recycled at the kerbside. Dorset Council's Waste Strategy (2024), (CD6 1.7) identifies 32.1%. These are waste resources with the potential to be diverted from both incineration and landfill (BCP & Dorset Waste Strategies, page 7 on each).

4.7 Dorset Council's 2024 Waste Strategy notes that despite household growth, the authority has successfully kept total waste arisings from increasing. This demonstrates that waste growth is not inevitable, contrary to the WP shortfall projections, and that effective waste management strategies can accommodate population growth without increasing overall waste tonnages.

4.8 Dorset also ranks 7th highest performing authority in England with a recycling rate of 59.9%, with BCP recycling rate at 43.9%, ranked 120 of 321 authorities (DEFRA WDI).

4.9 The South West is not identified as an area with a high landfill percentage for municipal waste arisings where alternative treatment options to landfill, and LACW disposes of less than 10% of waste arisings to landfill.

5. NON-COMPLIANCE WITH THE BCP & DORSET WASTE PLAN

5.1 This section sets out Magwatch's evidence and analysis of the Proposed Development's ("PD") non-compliance with the Local Waste Plan ("WP"). It addresses:

(a) Non-compliance with Policy 1 (the waste hierarchy, net self-sufficiency, and the proximity principle);

(b) Non-compliance with Policy 3 (allocated sites); and

(c) Examination of internal contradictions in the Appellant's need case as they relate to the WP.

WP Policy 1: Sustainable Waste Management

5.2 WP Policy 1 encompasses sustainable waste management principles and requires that proposals for waste management facilities must conform with, and demonstrate how they support the delivery of the key underlying principles of the WP. Policy 1 provides for three tests, all of which must be met by the Proposed Development:

The Waste Hierarchy – *facilities that contribute to moving waste up the waste hierarchy and demonstrate that waste is being managed at the highest appropriate level;*

Self-Sufficiency – *facilities that enable the Bournemouth, Christchurch, Poole and Dorset area to move towards net self-sufficiency; and*

Proximity – *facilities that adhere to the proximity principle through being appropriately located relative to the source of the waste.*

5.3 We examine each test in turn showing the Proposed Development conflicts with all three.

The Waste Hierarchy Test

5.4 The question under this limb of WP Policy 1 is whether the PD would contribute to moving waste up the waste hierarchy and demonstrate that waste is being managed at the highest appropriate level.

5.5 Data from DEFRA, (Local authority collected waste generation annual results 2024/25 (England and regions) and local authority data annual results 2024/25) records the following results (see Figure 2 & 3 in section 10):

(a) Of 378,997 total WP area Local Authority Collected Waste ("LACW") for 2024/2025, 155,415 tonnes of LACW from the WP area was disposed to incineration, and 23,963 tonnes was disposed to landfill, representing 6.32% fated to landfill. This is already significantly below the Government's statutory target of sending less than 10% of residual waste to landfill.

(b) With landfill already reduced to 6.32%, and some of this volume will not be suitable for incineration, this limits any potential to divert waste further up the hierarchy.

5.6 In providing further sensitivity analysis, the 2021 the WP Annual Monitoring Report ("AMR"), page 6, (CD6 1.1 (c)) for the WPA identified only 113,859 tonnes of LACW fated to incineration. In 2023/2024, BCP & Dorset FoI responses demonstrated 139,994 tonnes of LACW (per FoI data, refer to paragraph 10.14 below) was sent to incineration representing only 48.9% of the PD's required throughput of 260,000 tonnes per annum, this reduces further to 43.8% when set against the AMR data of 113,859 tpa (both FoI and AMR data includes commercial LACW fractions). The waste fated to incineration is currently managed through existing capacity (domestic and abroad, of which only 61,000 tpa is exported abroad). The volume of WPA LACW that could feasibly be diverted from landfill is minimal and does not constitute a material opportunity to move waste further up the hierarchy, support the scale of the Appellant's proposal, or be compliant by the Capacity Note.

5.7 The third-party Canford MBT operator evidenced a preference to supply its residues to the consented Portland ERF facility rather than to the Appellant's proposed scheme, which it is at liberty to do, as evidenced in the Portland Inquiry (Letter of Intent, Appendix 1, pages 2 to 4). The MBT operator did not provide a letter of support for the Appellant's scheme and was the only waste management company operating on the Canford site which did not do so.

The current status quo is that RDF produced at the Canford MBT is made up almost exclusively from the LACW for the WPA and is then treated by domestic incineration capacity and exported abroad (Appendix 1, page 5). As demonstrated later in the regional capacity section of this Proof, there is adequate operational, under-construction, and consented pipeline capacity to manage the ever-decreasing residual waste feedstock, which is suitable for burning, particularly when including the legislated waste reduction measures.

Would the proposed development destroy recyclable material under its need case?

5.8 The BCP Waste Strategy 2026–2036 ("BCP WS"), ratified at full council on 10th February 2026, records that BCP already diverts 89.72% of its 165,200 tonnes of household waste from landfill, and that 51% of black bin residual waste is recyclable at the kerbside (BCP WS, pages 5 & 7 refer, (CD6 1.6)). This evidences a very substantial quantum of material with the potential to be recycled or composted in accordance with the Government's policy to move to a circular economy, as opposed to being locked in through incineration or landfill disposal.

5.9 Similarly, the Dorset Waste Strategy 2024 (page 7), (CD6 1.7) identifies that 32.1% of black bin residual waste could have been recycled at the kerbside, and that "*7.1% of the residual waste was "non-combustible inerts*".

5.10 Both Waste Strategies analysed household black bin waste composition and both evidence a very high proportion of material capable of being recycled or composted through sorting and separation, but which would otherwise be permanently lost if fated to incineration or landfill.

How will the Appellant demonstrate compliance with Government Policy and the WP to ensure recyclable material is not destroyed or disincentivised by incineration?

5.11 The Appellant's Planning Statement (paragraph 1.1.3), (Content CD1 1.1) described the facility's purpose as treating waste:

> *"...**that cannot be recycled**, reused or composted and that would otherwise be exported to alternative EfW facilities further afield, either in the UK or Europe, or landfilled."*

5.12 The subsequent Appellant's Statement of Case (paragraph 9.5.3), (Content CD7 1.1) describes the same treatment of waste in materially different terms:

> *"The proposals are for the treatment of residual non-hazardous waste. This is comprised largely of that part of household waste **that is not recycled** or processed by composting or digestion..."*

5.13 The word substitution is not stylistic and requires clarification from the Appellant as it carries a different meaning on reading. The Planning Statement proposed to treat waste that ***cannot*** be recycled, i.e. for which no recycling route exists.

The Appellant's Statement of Case proposes to treat waste that ***is not*** recycled, which can be interpreted as waste that is recyclable but has not been sorted or separated for recycling purposes, but which maybe recyclable using Best Available Technology today or in the future.

These are fundamentally different statements. The shift between them represents a material expansion of the proposed feedstock treatment from genuinely non-recyclable residual waste to incinerating residual waste that may be recyclable. This is contrary to, and unsupported in Government policy (paragraph 5.14 below) and WP Policy 1 (waste hierarchy, page 20), (CD6 1.1).

5.14 NPS EN-3 paragraph 2.7.50 does not allow discretion to burn any recyclable material:

> *"In accordance with the waste hierarchy, **recyclable material must not be combusted**. Applicants must ensure that their proposals do not result in the 'lock in' of material that may be recyclable, preventing the movement of material up the waste hierarchy."*

5.15 The term "*Must*" is explicit in EN - 3, 2.7.50 (CD9 1.21). The Appellant has provided no evidence of any mechanism by which the PD would ensure that waste which is recyclable would not be incinerated or how intended throughput would be treated in this respect. It is not clear how the Appellant intends to ensure that recyclable material would not be incinerated.

5.16 Three further provisions are made to ensure recycling is not competed with in the waste hierarchy or disincentivised:

(i) EN-3 paragraph 2.7.88, (CD9 1.21) requires that developments are:

"not of a scale that relies on material that disincentivises good waste management practices (e.g. separation of waste) or material that is recyclable, now or in the future, using BAT."

(ii) The Capacity Note (CD9 1.1) requires that proposals:

"do not compete with or disincentivise recycling."

5.17 In the absence of any mechanism to the contrary it may be concluded that the PD would accept recyclable waste, locking-in recyclable waste and disincentivising recycling.

(i) EN-1 paragraph 3.3.40 (CD9 1.20) warns would-be developers that:

"The availability of feedstock will reduce over time in accordance with the statutory residual waste reduction target".

5.18 A facility burning material that could and should be recycled would contribute to residual waste volumes rather than reducing them, directly impeding the statutory target and driving waste down the hierarchy.

5.19 The internal inconsistency in the Appellant's documentation is unsupported under both NPS EN-1 / EN-3 and the Capacity Note. NPS EN-3 is explicit that recyclable materials must not be combusted. EN-3 paragraph 2.7.50 (CD9 1.21) states:

> *"Applicants should set out how they intend to ensure that recyclable materials, including those that may be recyclable in the future, will be separated and sent for appropriate treatment. In accordance with the waste hierarchy, recyclable material must not be combusted. Applicants must ensure that their proposals do not result in the 'lock in' of material that may be recyclable, preventing the movement of material up the waste hierarchy."*

5.20 The Applicant has not set out how they would ensure recyclable materials now or in the future would be separated and treated appropriately and would not be burned.

5.21 The WPA already diverts more than 90% of its waste away from landfill, thereby meeting the 2035 Government target of sending less than 10% of residual waste to landfill ahead of the target date. Furthermore, the residues of the Canford MBT are already managed by existing treatment capacity. There is sufficient regional capacity (existing and pipeline) to manage any future requirement without the addition of the PD, which would create further overcapacity, as discussed in section 10 below.

5.22 **Conclusion on the Waste Hierarchy Test:** The Appellant has not demonstrated how they would ensure that the proposed scheme would not incinerate a substantial fraction of waste that would otherwise be recyclable, contrary to moving waste up the hierarchy as far as possible. These conflict with WP Policy 1 and Government policy requirements that recyclable material must not be combusted. The Appellant appears to be targeting waste without evidence of regard as to whether it is recyclable or not, or whether this would result in the PD burning a significant fraction of recyclable waste. In this respect it would be non-compliance with WP Policy and unsupported by Government policy. As such it should be considered accordingly in the planning balance.

The Self-Sufficiency Test

5.23 Policy 1 provides that net self-sufficiency is to be assessed across the Waste Plan Area as a whole. The WP is specific in that it relates to local net self-sufficiency within BCP and Dorset, WP paragraph 3.15 states: *"This means that Bournemouth, Christchurch, Poole and Dorset should as far as practicable aim to ensure that there is sufficient capacity available within the Plan area to deal with its waste arisings... this principle must be*

applied when decisions are taken on the location of appropriate waste facilities and so has been an important consideration for the Waste Plan."

5.24 Government policy under NPS EN-3 and the Capacity Note make it clear that consented infrastructure should be taken into account by the decision-maker when determining the need for proposed waste treatment capacity. This is not inconsistent with the NPPW paragraph 7 (CD6 1.4) which states that:

> *"When determining waste planning applications, waste planning authorities should: only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need"*

5.25 It does not explicitly exclude consideration of consented and under-construction capacity. Given the context for the PD of needing to justify very special circumstances and to demonstrate the absence of alternative sites which are not in the Green Belt, the issue of alternative consented capacity is clearly a material consideration for this appeal whose importance is enhanced by EN-3 and the Capacity Note.

5.26 NPS EN-3 paragraph 2.7.7 demonstrates consented capacity (in active-development) is material:

> *"...Applicants in England must demonstrate that they are meeting a residual waste treatment need that cannot be met by existing EfW facilities and EfW facilities in active development."*

5.27 In active development is not clearly defined but can be interpreted to mean EfW schemes that have moved beyond a speculative stage and are consented, under-construction, financially committed or capable of being counted towards future capacity.

5.28 The Portland ERF is consented, and the Parley ERF is under-construction, having discharged all of its planning conditions (Appendices, page 6).

5.29 Portland ERF (202,000 tpa) and Parley ERF (60,000 tpa) are both consented capacities located within the WPA, totalling 262,000 tpa. Both are in-active developments qualifying for consideration in the capacity assessment. The approach to inclusion of pipeline capacity is established in Government policy, and previous public inquiries, such as the Wheelabrator (CD9 1.43) and Riverside decisions:

(a) In 2021, the Secretary of State (BEIS) refused Wheelabrator Kemsley North (390,000 tpa) explicitly because the consented (but not yet implemented) capacity of the K3 upgrade, combined with existing regional capacity, meant there was no need for the additional facility. The decision accepted the Examining Authority's recommendation that the capacity gap was already filled by the consented K3 upgrade, even though it was described as for regional capacity. The salient points from the appeal are summarised in the Appendix 1, page 7.

(b) The Riverside Energy Park precedent: This DCO was granted in 2020. In that examination, the need assessment listed all consented capacity in London and the South East. The Examining Authority accepted that consented capacity counts towards the total. The salient points from the appeal are summarised at Appendix 1, page 7.

5.30 When Portland and Parley capacity (262,000 tpa total) is accounted for against the WP Table 7 shortfall of 232,000 tpa and 95,000 tpa from the Canford MBT (if included), then there would be a shortfall of 327,000 tpa, leaving a capacity gap of only 65,000 tpa, which can be expected to decline further over time in-line with legislated waste reduction measures and with reducing availability of feedstock as articulated in EN – 1 (see paragraph 5.17 above).

5.31 The addition of the PD's 260,000 tpa would create overcapacity of approximately 195,000 tpa within the WPA (as per Table 4, section 10 below). It would also create further regional overcapacity of 347,743 tpa by 2030 as outlined with UKWIN analysis (CD9 1.47 (a)), and page 41 below; and out of all the WPA schemes would create the largest volume of overcapacity.

5.32 This contradicts EN-3 paragraph 2.7.63, (CD9 1.21), which does not support proposals that result in overcapacity at a local or national level:

> *"Applicants must ensure proposals do not result in an over-capacity of EfW waste treatment provision at a **local or national level**."*

What are the implications of the Appellant's proposed Condition 44 Adjustment and how should this be interpreted?

5.33 The Appellant outlines their proposed catchment area in their SoC, paragraph 9.9.7, (CD7 1.1):

> *"MVV has offered to BCP Council a possible waste catchment planning condition. The proposed catchment included the whole of Hampshire (including Southampton and Portsmouth) and southern parts of Wiltshire and Somerset, but none of Devon. MVV*

expressed, prior to the planning committee on 12 June 2025, that it would be prepared to accept a condition stating 60% of the input to the Canford EfW CHP Facility be from this area. The area is based on an approximate 2 hour drive time by HGV..."

The Statement of Common Ground ("SoCG"), (CD8 1.1) between the MVV and BCP, Matters in Dispute, paragraph 7.3:

"There is disagreement between the parties over the wording of a condition relating to the waste catchment. The Appellant offered a condition stating that up to 60% of the waste feedstock should originate within a two hour drive distance of the Appeal Site, which includes as well as BCP and Dorset the whole of Hampshire including Southampton and Portsmouth, as well as parts of Wiltshire and Somerset, but no land in Devon. Condition 44 within the draft."

5.34 The condition sought by the Appellant would permit up to 60% of the PD input to originate within a catchment area including BCP/Dorset, the whole of Hampshire (including Southampton and Portsmouth), and parts of Wiltshire and Somerset, but no land in Devon. The remaining 40% would be permitted to originate from anywhere, without restriction. Theoretically, the condition would mean that no waste has to originate from within the WPA. The remaining 40% is not limited and could be sourced from anywhere across the UK or beyond.

5.35 Condition 44 as drafted by the LPA requires that at least 50% of feedstock must originate from within the WPA. The Appellant does not wish to agree to this condition as we can see in examining the correspondence between the Appellant and the LPA.

5.36 Correspondence between the Appellant and the LPA, dated shortly before the Planning Hearing on 12 June 2025 included the following exchanges (Appendix 1, pages 8 to 11):

Email correspondence between the Appellant and the LPA

The BCP case officer, Ms Senjuti Manna, sent an email to Savills (the Appellant's agent) on 21 May 2025:

*"… **is there anything in your submission that helps me in saying the waste throughput will be from the BCP area? I know that's what the WP has stipulated but now with consented Portland scheme, things have moved on a bit. I am arguing the proposal will treat waste from the conurbation** and thinking of adding a condition for 50% waste to be treated here shall be from within 2 hours driving distance. This will give members*

confidence that the proposal will be beneficial for this area. At the same time will allow flexibility for waste to be imported from further afield."

The case officer, sent a further email to Savills on 02 June 2025:

"...the director confirmed 50% waste catchment condition needs to be added. The Counsel has confirmed this condition will be legally sound."

Savills response to the Case Officer on the same day (02 June 2025):

"...We note the Envar catchment condition is 40% from the whole of the East of England. A similar condition for Canford would include the SW of England (Gloucestershire, Bristol, Somerset, Devon, Cornwall, Wiltshire and Dorset) and ideally proximate parts of the SE (Hampshire, West Sussex, Surrey …)."

On the 03 June 2025, a further response from the Appellant proposed a wider catchment area but did not answer the case officer's question about whether any throughput would originate from the BCP area.

There is no discussion in this correspondence on meeting a genuine or clearly defined need, (or unmet need), other than the case officer commenting that with the consented Portland scheme things had moved on.

5.37 The Appellant's proposed amendment to Condition 44 demonstrates that the WPA shortfall is insufficient to meet the scale of the PD. The scale of the proposal is approximately two times larger than the volume of combustible residual waste generated in the WPA (as per section 10 below). In this respect it goes against Objective 2 of the Local Plan to optimise self-sufficiency (page 24, CD6 1.1):

*"To optimise self sufficiency, through the provision of an appropriate number and range of well designed, **appropriately sized facilities** for the management of waste..."*

5.38 The proposed condition amendment would conflict with the waste hierarchy, spatial strategy and proximity principle by its need to draw waste from a large catchment area (and with no requirement for waste to originate in the WPA). A development which needs to source more throughput material from outside the WPA than is generated in the WPA would inherently conflict with the proximity principle and create unnecessary waste miles. It would also conflict with NPS EN-3 paragraph 2.7.63, (CD9 1.21), as it would constitute local, regional and national level overcapacity:

"Applicants must ensure proposals do not result in an over-capacity of EfW waste treatment provision at a local or national level."

5.39 The proposed condition adjustment creates a fundamental juxtaposition. On one hand, the Appellant contends the need for this facility at its proposed scale and location is compelling enough that it overrides the fundamental protections afforded to the Green Belt, whilst simultaneously, through the proposed Condition 44 adjustment, indicating there is not enough feedstock to maintain throughput now or in the future to enable the facility to operate at the scale upon which the Appellant's need case is constructed.

5.40 The Appellant's need case demonstrates uncertainty about the scale of need, and does not conform with the Capacity Note to establish provide a genuine and clearly defined need.

Conclusion on the Net Self-Sufficiency Test:

5.42 Net self-sufficiency under Policy 1 relates strictly to the (local) WPA. The PD capacity, when added to consented and under construction capacity at Portland and Parley respectively, would create overcapacity within the WPA and in the region, contradicting the self-sufficiency requirement. The Appellant's proposed Condition 44 amendment positions itself in a way that none of the throughput needs to originate from the WPA, meaning all throughput could be imported from outside the WPA. Balanced self-sufficiency cannot be achieved in these circumstances in accordance with Policy 1.

The Proximity Principle

5.43 WP Policy 1 establishes the proximity principle as a locational test for waste development within the plan area. The WP definition at paragraph 3.16, (CD6 1.1) provides that waste should be recovered or disposed of, as close as possible to where it is produced and that had been important driver for the Waste Plan.

Paragraph 9.5.6 of the Appellant's SoC (CD7 1.1) says of the Canford MBT that:

"The current fate of this RDF is mainly out of plan area EfW, including much of it being sent outside the UK (indeed to as far away as Sweden)." and

5.44 Paragraph 9.7.5 of their SoC states:

"RWICN assumes a continuing level of landfilling (10% being 5.2Mtpa in 2035) and of residual waste export from the UK (500ktpa), both of which appear unambitiously high. Such reliance on landfill runs contrary to the waste hierarchy, whilst the export of residual

waste from the UK runs counter to the self-sufficiency principle and, at least in most cases, the proximity principle."

The Capacity Note states:

"This means that we will only support the development of further residual waste treatment infrastructure where they meet a clearly defined need to facilitate the diversion of non-recyclable waste away from landfill, or enable the replacement of older, less-efficient facilities"

5.45 If waste is being exported abroad, e.g. to incinerators with district heating schemes, then the PD would not be diverting that material from landfill, but from potentially a more efficient incinerator. Conversely, if the PD is pursuing waste which is currently being landfilled then it may be necessary to go quite far afield to find a significant quantity of such waste, especially non-recyclable combustible waste (as discussed in paragraphs 5.11 – 5.20 above). This means that the extent to which the appellant would potentially divert waste from RDF export they would not be in compliance with the 'clearly defined need' test or diverting waste from landfill as set out in the Capacity Note.

5.46 The Appellant has not demonstrated that the PD would receive any residues from the Canford MBT, which expressed intent to provide residues to the Portland scheme, whilst in the knowledge of the PD (Appendix 1, pages 2 to 4). As such, the PD would provide no benefit in the displacement or reduction in waste miles and would need to go further afield to source throughput, potentially bypassing nearer available ERF capacity.

5.47 At the Court of Appeal in AC-2024-LON-003475 (Stop Portland Waste Incinerator v Secretary of State for Housing, Communities and Local Government, and Powerfuel Portland Limited, paragraph 82), (CD9 1.5), the judges ruled that supporting the spatial strategy is not limited to mandating or directing development to a specific location:

"It is about providing sustainable waste management facilities to address the need for 232,000 tpa of capacity on sites which provide benefits in the context of the overall Waste Plan and other elements of the spatial strategy."

And, at paragraph 69:

"At the Inquiry, PPL argued that the spatial strategy did not restrict waste facilities to South East Dorset (IR/8.25 and IR/8.29). That was correct…" and

"*…the spatial strategy allows for additional capacity on unallocated sites "elsewhere" to meet the capacity gap, when it will result in "a good spatial distribution of facilities providing benefits such as a reduction in waste miles*." (paragraph 100).

5.48 MVV's proposed Condition 44 adjustment implies a significant portion or all of the facility's feedstock would need to be imported from outside the WPA. The proposed catchment at Figure 1 designates incorrectly, as "local" a geographic area that encompasses:

(i) All of Hampshire, including Southampton, Portsmouth, Winchester, Test Valley, Basingstoke & Deane, Eastleigh, Fareham, Gosport, Hart, Havant, New Forest, Rushmoor, and East Hampshire, none of which fall within the BCP & Dorset Waste Plan area;
(ii) Parts of Wiltshire, which is governed by the Wiltshire Minerals and Waste Local Plan;
(iii) Parts of Somerset, governed by Somerset's own waste planning framework; and
(iv) 40% from anywhere else, with no restrictions.

Figure 1: Graphic of the Appellant's Proposed (60%) Catchment Area:

5.49 Hampshire County Council, as the waste planning authority for Hampshire, has its own adopted local plan which applies the proximity principle to Hampshire's waste arisings. There is no material before the Inquiry to suggest that Hampshire's waste planning authority has assessed, endorsed, or provided for the diversion of Hampshire's residual waste stream to a facility in Dorset. The same applies for Wiltshire and Somerset WPAs'.

5.50 This proposed condition amendment would achieve precisely the opposite of what the proximity principle requires. Rather than the facility being located to serve the waste (i.e. proximate to the sources of waste).

Conclusion on the Proximity Principle:

5.51 The PD would not be compliant with WP Policy 1 and the proximity principle, as throughput would not be from the main sources of waste proximate to the proposed site, the throughputs remain vague and undefined. The Appellant's proposed Condition 44 adjustment would violate the proximity principle and remove claimed benefits with regards to waste miles, such that a reduction in waste miles could not be a claimed benefit (either for the purposes of very special circumstances, or in the planning balance generally).

WP Policy 1 Conclusion

5.52 The proposed development conflicts with WP Policy 1 of the Waste Plan (waste hierarchy, proximity principle and net self-sufficiency) and should be afforded significant adverse weight.

WP Policy 3: Sites Allocated for Waste Management Development

Policy 3, allocates the Canford site as one of four sites for waste management development. The key allocation document is WP Inset 8, which identifies the site for limited potential intensification '*Potential Additional Capacity*' and the "*Site has been assessed for circa 25,000tpa*" (WP Policy 3, Inset 8, (CD6 1.1)). The Proposed Development at the scale of 260,000 tpa is 940%, or nearly 10 times greater than the assessed figure, a difference of 235,000 tpa. The PD conflicts with Policy 3 as the facility's capacity would be over-scaled, the site was never intended or envisaged by the WP to be of the magnitude of 260,000 tpa at the Canford location.

5.53 There is established legal principle governing the interpretation of development plans. In the *Stop Portland Waste Incinerator v Secretary of State for Housing, Communities and Local Government and Powerfuel Portland Limited* [AC-2024-LON-003475] the Court of Appeal (CD9 1.5), confirmed at paragraph 75:

> *"The Waste Plan is part of Dorset's Development Plan. In construing the policy, I have applied the guidance in Tesco Stores, per Lord Reed at [18]–[19], that 'policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context'."*

5.54 Applying that principle to WP Inset 8, means the 25,000 tpa figure is not meant as a volume that should be significantly changed either upwards or downwards. It is the Plan's own assessment of the additional capacity this site was allocated to deliver, and any assessment should be proximate to the 25,000 tpa capacity assessment as was intended.

5.55 The Waste Plan Inspector's Report (CD6 1.1 (a)) confirmed at paragraph 31 that the Green Belt allocations at Inset 8 is an existing site, and that the Canford site extension was included solely to accommodate "*a small area occupied by a lagoon which was constructed as part of the drainage system for an adjacent landfill site*." That is the physical extent of what the allocation was designed to authorise beyond what already exists. At no point in the WP development was the site considered for a facility of the PD's scale or capacity.

5.56 The Portland Inspector commented at paragraph 12.95, (CD9 1.3), (Portland ERF Appeal Decision (APP.D1265.W.23.3327692)) of that appeal on the benefits of the Portland scheme over that of the Canford proposal:

> *" …the [Portland scheme] proposal has the potential, and importantly the space, to provide for carbon capture and for its transport to storage facilities, by sea…",*
>
> and at paragraphs 12.108 - 109*;*
>
> *"…the Canford Magna site might well be offset by its inability to accommodate carbon capture technology…"*
>
> *"…I find that the [Portland] proposal at issue here would have very clear advantages over the allocated sites (and the proposals for them) and as such, it complies with Policy 4. On the basis that it complies with Policy 4, I also find that it accords with Policy 1."*

5.57 In reading WP Insert 8 as it was intended (applying the *Tesco Stores, per Lord Reed* principle of objective interpretation in context), it should be concluded that the Waste Plan was not designed for and never envisaged for a facility of the scale of 260,000 tpa at this allocation. The allocation was, as the Court of Appeal regarding the Portland ERF, confirmed to be read for what it says, i.e. potential additional capacity of 25,000 tpa. Therefore, a facility 940% (nearly 10 times larger) greater than the assessed capacity figure of 25,000 tpa is a fundamentally different scale of development that the Waste Plan did not intend.

The Waste Plan Allocation has been met by Pipeline Capacity

5.58 The Policy 3 allocation is based at the system (overall WP area) level, not site by site. WP paragraph 7.76 (CD6 1.1) records that four sites were allocated with a combined potential capacity of up to 385,000 tpa against an identified shortfall of only 232,000 tpa.

> "*Total potential capacity within the four Allocated Sites amounts to some 385,000 tpa, exceeding the identified needs of the Plan area*."

The excess of 150,000 tpa was not made in error; it was deliberate policy. The WP over-allocated pool was made in anticipation that one or more sites might not come forward and calibrated the allocation to the worst case rather than the central case. The Plan's capacity allocation was not intended as a requirement to deliver all four allocated sites.

5.59 The pipeline pool of under-construction and consented capacity has now substantially delivered against the WP. Portland ERF (202,000 tpa), consented and Parley ERF (60,000 tpa), under-construction, together, account for 262,000 tpa; more than the entire Table 7 shortfall of 232,000 tpa. Portland alone at 202,000 tpa comes within 30,000 tpa of satisfying the entire identified need, notwithstanding any uplift resulting from Canford MBT residues, or considering further declining residual waste as a result of legislated national reduction measures (for which the plan did not fully account).

5.60 The Appellant's case is that the 232,000 tpa shortfall understates genuine need and advances this should be 347,000 tpa to account for a further 'unsupported' volume of 115,000 tpa from Canford MBT residues. However, DEFRA 2024/2025 LACW results evidence that only 155,415 tonnes was fated to incineration in 2024/2025 (see Figure 2 & 3, section 10 below). Waste reduction measures are likely to reduce MBT volumes further by 2033 as they take effect.

5.61 The most recent WP AMR (2021, published 2024) records WPA LACW fated to incineration as 113,859 tpa, approximately 49% of the WP Table 7, Part 1, page 16 (CD6 1.1), worst case scenario baseline. The 2021 AMR results should be considered as the most up to date WP figure as this is the formal monitoring mechanism on which the WP relies, as per Chapter 14 of the WP, '*Monitoring and Implementation*', Part 2, pages 139-140, (CD6 1.1). The AMR results therefore supersede the WP Table 7, worst case projection of 232,000 tpa by 2033.

5.62 The monitoring data (and other data sources are discussed in section 10 below) provide the genuine need of the WPA. The AMR and all other official waste data results, confirm that the worst-case scenario in Table 7 of the WP has not materialised. The pipeline pool of EfW capacity

has significantly met the Plans need objective and the WP's spatial strategy is substantially capable of delivery without the PD, for which no genuine or clearly defined unmet need for the PD has been demonstrated.

The Appellant's Flawed Canford Capacity Claims

5.63 The Appellant SoC paragraph 11.20.2, (CD7 1.1) states that approximately 150,000 tpa of feedstock is available from existing operations at the Canford site and should be considered part of the 260,000 tpa PD capacity, plus 115,000 tpa from the Canford MBT. This is derived from three claimed sources:

(a) Unused MBT capacity (approximately 40,000 tpa).

(b) Unbuilt and unused MRF capacity (approximately 85,000 tpa).

(c) the Inset 8 additional capacity allocation of 25,000 tpa.

Each is addressed in turn.

(i) **MBT residues.** The Appellant states that 115,000 tpa of residues can be expected from Canford MBT. This is not the case as discussed in paragraph 5.48 above. The 115,000 tpa figure is incorrect as a portion of this is landfilled according to DEFRA 2024 WDI (Appendix 1, page 5).

a) The additional unused capacity c40,000 tpa does not exist and is not allocated to the PD. It is not capacity that the PD can account for or subsume.

(ii) **MRF residues of c35,000 tpa.** This figure relates to MRF residues a proportion of which may be suitable for incineration, the figure has already been reduced by 5,000 tpa to c30,000 tpa as per a letter of support to the Appellant from the MRF operator (CD10 1.7). This waste is currently managed through other existing capacity.

(iii) **MRF unused and unbuilt capacity of c85,000 tpa.** The MRF is consented to 175,000 tpa. It is built and manages approximately 90,000 tpa of which c30,000 tpa is rejected, as outlined above. The remaining 85,000 tpa is unused and unbuilt capacity that does not exist. Incorporating phantom outputs from a notional future facility does not make it capacity that the PD can account for or subsume. If the MRF extension or unused/unbuilt capacity were to be built/used specifically to supply feedstock to the

Proposed Development, that functional dependency would have required assessment in the Environmental Statement and would have been part of the planning application. It was not in either case and therefore does not fall under the parameters of this Appeal. The WP Examination Inspector did not conclude that 150,000 tpa of mechanical treatment capacity at the Canford site constituted a justification for a 260,000 tpa EfW facility. Consented mechanical treatment capacity does not generate an implied entitlement to incineration at a scale of the Applicant's desire. There would also be the potential to drive waste down the hierarchy.

(iii) **WP Inset 8 'potential additional capacity' (25,000 tpa).** As already set out, this figure represents the Plan's own assessment of the potential additional capacity the allocation was designed to accommodate. To build a facility 940% larger on the basis that the Plan's Inset 8 language that '*exact capacity will be assessed in connection with individual proposals*' is to render the allocation meaningless as a planning control. It also conflates MRF and MBT mechanical sorting capacity (125,000 tpa) with EfW treatment capacity. Mechanical treatment and thermal treatment are entirely different treatment processes.

5.64 CONCLUSION: WP POLICY 3

(i) WP Inset 8 assessed the potential additional capacity at Canford at 25,000 tpa. The Proposed Development at 260,000 tpa is 940% greater (235,000 tpa larger) than the Plan assessed for the allocated site.

(ii) The Court of Appeal in the Portland case confirmed that development plan policies must be interpreted objectively in accordance with their language and context (Tesco Stores, per Lord Reed). Applied to WP Inset 8, the Plan never contemplated a facility remotely approaching the scale of 260,000 tpa at this allocation.

(iii) The WP's designed and deliberate over-allocation of four sites has delivered its objective as intended. Portland and Parley together account for 262,000 tpa of consented capacity, exceeding the entire Table 7 shortfall of 232,000 tpa. The allocation pool has been met.

(iv) The need case for the PD relies on undemonstrated MBT residues redirection, non-existent output from unused/unbuilt MRF extension, and a fundamental misreading of the Policy 3 WP Inset 8 potential additional capacity figure. Taken together with the

Appellant's proposed Condition 44 amendment, which seeks that more than 50% of feedstock, and potentially all of it to be imported from outside the WPA the scale of the proposed scheme conflicts with Policy 3, where the allocation site assessed for only 25,000 tpa potential additional capacity.

6. NATIONAL POLICY CONTEXT: DEFRA RWICN AND DESNZ NPS EN-1/EN-3

6.1 The DEFRA Residual Waste Infrastructure Capacity Note (December 2024), (CD9 1.1), and the revised DESNZ NPS EN-1/EN-3 (December 2025), (CD9 1.20 & CD9 1.21) are Government policies that place strict conditions on would-be EfW developers. These policies supersede the context in which the Portland, Parley and Northacre EfW schemes were previously consented; and the decisions relating to need and capacity for those schemes were not subject to the additional requirements of these Government policies. The onus now rests on would-be EfW developers to establish criteria, including a genuine and clearly defined need.

The DEFRA Residual Waste Infrastructure Capacity Note (December 2024)

6.2 The Capacity Note represents Government policy and creates specific tests for proposed EfW developments and marks a significant change in policy direction.

Confirming its role in planning, the conclusion of the Capacity Note explains that:

> *"This note is intended to support decision makers in planning for residual waste treatment needs and to support our national resources and deliver a circular economy... The results presented should be used to ensure that we do not deliver overcapacity, especially where this risks compromising waste prevention or recycling now or in the future*."

6.3 In line with this purpose, the Capacity Note (CD9 1.1) proposed developments must demonstrate a "*clearly defined need to facilitate the diversion of non-recyclable waste away from landfill", and* Appendix C of the Capacity Note requires *"… all new developments must demonstrate the genuine need for additional or replacement energy recovery treatment capacity."*

6.4 The accompanying DEFRA press release to the Capacity Note advances that would-be developers at all stages in the development process should "*consider forecast changes to future capacity, demand***"**, and the Government's circular economy opportunities (Appendix 1, pages 12 to 14).

6.5 The Capacity Note creates the following tests for proposed EfW developments:

i. Meet a genuine and clearly defined need;

ii. Demonstrate that waste would go to landfill if the facility were not built (not merely that it could);
iii. Or enable the replacement of older, less efficient facilities (which we read to mean a clearly defined need to enable the replacement of specific facilities within the control of the applicant where the closure is directly tied to the new facility as per paragraphs 193-207 of UKWIN's Interested Party Submission, (CD9 1.47);
iv. Must not result in overcapacity or displace capacity elsewhere; and
v. Must not compete with or disincentivise recycling.

National Policy Statements EN-1 and EN-3 (Revised December 2025)

6.6 The revised NPS EN-1 and EN-3 (CD9 1.20 & CD9 1.21), strengthen the requirement to demonstrate a clearly defined need and to avoid EfW overcapacity, this is closely aligned with the Capacity Note and indeed should be interpreted as the Government's view on how the RWICN policies ought to be translated into planning requirements. The relevant provisions are set out below.

6.7 NPS EN-1 (CD9 1.20) establishes the following within the policies. That proposed EfW developments meet a clearly defined need to divert non-recyclable waste from landfill (EN-1 paragraph 3.3.38); that they account for reducing feedstock over time in line with statutory waste reduction targets (EN-1 paragraph 3.3.40); that all proposals align with circular economy objectives *(*EN-1 paragraph 5.15.6).

6.8 NPS EN-3 (CD9 1.21) establishes that consent for proposed developments should be minimised as far as possible and must not compete reuse or recycling (EN-3 paragraph 2.7.5); proposals must meet clearly defined need to divert non-recyclable waste from landfill otherwise consent should not be granted (EN-3 paragraph 2.7.7 / EN-3 paragraph 2.7.88); developers of EfW should also set out how they will ensure that recyclable materials, including those that may be recyclable in the future, will be separated and sent for appropriate treatment and that recyclable material must not be combusted (EN-3 paragraph 2.7.7); and proposals must also not result in overcapacity at the local or national level (EN-3 paragraph 2.7.63).

6.9 The Post-Adoption Statement for the Energy NPS Update in 2025 further clarifies that EfW proposals must meet statutory waste reduction targets and that EfW infrastructure is not subject to the Critical National Priority (CNP) designation and is not critical to Clean Power 2030 (CD9 1.10).

The EN-3 Paragraph 2.7.88 Feasibility Test: Lifecycle Viability Against Statutory Residual Waste Targets

6.10 NPS EN-3 paragraph 2.7.88 (CD9 1.21) does not support developments that cannot demonstrate availability of feedstock for the lifespan of the plant (feasibility). The PD must demonstrate that the facility would be feasible for the duration of its operational lifecycle in light of ambitions and targets to drive declining residual waste volumes.

6.11 Given that the Appellant's Statement of Case stated the plant would take 36 months of construction, it can be expected that the plant would not be operational until around 2030 and if it operates for the intended 40 years lifespan this would mean the plant would operate until around 2070.

6.12 When considering Government policy and materiality, whilst EN-3 relates to NSIP developments it can be material to non-NSIP developments. EN – 3 2.3.7 states:

> *"The Secretary of State should have regard to the aims, goals and targets (including targets set under the Environment Act 2021) of the government's Environmental Improvement Plan…, and other existing and future measures and targets in England..."*

6.13 When considering the effects of national waste reduction measures on reducing feedstock availability and the proposed Condition 44 amendment, the statutory residual waste targets will be expected to reduce residual waste arisings, and the commercial pressure to import from even-wider catchments will be likely to intensify over the lifecycle of the PD.

6.14 In addition, I have read and concur with UKWIN's Interested Party Statement (February 2026), paragraphs 137 to 141, (CD9 1.47 (a)) on the materiality of NPS EN – 1 and EN- 3.

7. REPLACEMENT CAPACITY - AGE AND EFFICIENCY

7.1 This section presents evidence that the Proposed Development does not qualify as replacement capacity within the meaning of the Capacity Note and NPS EN-3.

7.2 I have read and concur with the analysis in the UKWIN Interested Party Statement (February 2026) at paragraphs 241–258 and its Appendix 4 (CD9 1.47 (a)) regarding the Appellant's flawed Section 9.7 DEFRA Note capacity analysis.

UKWIN evidence

The key failures in the Appellant's approach are: (a) using historic waste arisings (2022 landfill figures) rather than future need projections; (b) including non-municipal waste in the demand calculation without also accounting for additional non-municipal waste treatment capacity; and (c) failing to assess compatibility with the 65% recycling target and the 2042 residual waste reduction target.

7.3 UKWIN's analysis demonstrates that the Appellant's approach is methodologically flawed and amounts to a selective approach that ignores the policy requirement to consider future demand in the context of waste reduction targets. The Appellant's SoC paragraph 9.7.3 states a 'need' for 2.27 Mtpa in the South West when the DEFRA Note does not identify this figure as a 'need' figure at all, it is the 2024 historic arisings figure used as a baseline, and so while if capacity exceeds this historic level then new EfW capacity is clearly not needed but if it is below this level then consideration needs to be given about the extent to which waste reduction would result in this figure being reduced further going forwards.

NEIGHBOURING AREAS – CAPACITY (MAGWATCH evidence)

7.4 Paragraph 9.8.1 of the Appellant's SoC (CD7 1.1) refers to existing capacity, specifically the three Hampshire EfW facilities at Marchwood, Chineham and Portsmouth as being 25 years old and at the end of their design life. The Hampshire Integra ERFs, are operated by Veolia UK Ltd. In correspondence with Magwatch, Veolia's Chief Operating Officer for UK Treatment confirmed the following (Appendix 1, page 15):

> *"The three ERFs are capable of being run for well over 40 years, as Veolia have ERFs operating that are over 50 years old, provided they have suitable maintenance. All Veolia assets operate under strict Environmental Permits so are compliant with BREF latest standards and are considered Best Available Technology by the Regulator. The Hampshire ERFs are also R1 compliant in terms of efficiency."*

7.5 Hampshire County Council is currently reviewing contract options for the post-2030 period (when the PPP contract and Hampshire WP expire). Its "*Waste Disposal Contract 2030 Options Appraisal*", published 11 March 2024 (Appendix 2, pages 8 & 10) lists contract extension with Veolia as a main option, and is currently being reviewed, demonstrating confidence in the continued operation of all three ERFs, which hold R1 status. Page 10, second paragraph of the

Options Appraisal explains the "*great benefits*" of the existing contract, and the resilience and guaranteed infrastructure capacity and availability it affords, and the economies of scale in this option.

7.6 The Appellant's own documentation, Chapter 14, paragraph 4.2.52 (CD1 1.27 (a)) of the Environmental Statement adopts a working assumption that EfW facilities have an operational lifespan of 50 years and that it is common for EfW plants to operate for longer.

The three Hampshire ERFs do not qualify as capacity that would require replacement by other infrastructure, They will be able to continue to provide 550,000 tpa of ERF capacity. Hampshire County Council as lead for the Integra Project considers the ERFs important infrastructure with significant benefits under the existing contract with Veolia, and which support the consideration for contract extension with Veolia.

The Appellant's claim in their SoC, at paragraph 9.9.2 (CD7 1.1) that it is questionable the Hampshire ERFs would remain operational until the end of 2030 or beyond is unsupported.

NORTHACRE - WESTBURY ERF

7.7 The Appellant's SoC, paragraph 9.9.3 suggests that the EfW facility in Westbury, (243,000 tpa) is not under-construction and has not discharged its pre-commencement conditions is incorrect. The LPA for the Westbury ERF is satisfied pre-commencement conditions have been met, The Westbury ERF is under-construction. This is evidenced in a public statement by Wiltshire County Council Cabinet member, Councillor Adrian Foster (Appendix 1, page 17).

7.8 The Wiltshire Waste Plan 2009 to 2026 is now past its intended lifecycle. The Wiltshire Waste Plan 2009 to 2026 is awaiting update, pending further direction from Government on implementing the new plan making requirements. Any reliance on shortfall projections is therefore premature and would be outdated and not taking into consideration more recent events such as the Capacity Note, NPS En – 1 / EN - 3, and new/under-construction capacity.

The Appellant's SoC paragraph, 9.9.3 states the picture is complicated by the MBT in Westbury and even if the Westbury EfW facility is commissioned Wiltshire would not have an excess of capacity.

7.9 The Westbury ERF was designed to service the region and is well placed to manage Wiltshire's waste needs. The scheme has been further boosted on 09 December 2025 by Wiltshire County

Council cabinet, voting that that 50,000 tpa will continue under contract to the Lakeside EfW until 2033, under the required guaranteed minimum tonnage (GMT). All Council waste over and above that volume will be sent to the Westbury MBT (Hills Waste, a stakeholder in the Northacre ERF), and MBT processing would continue in 2027 and 2028.

From 2029, the MBT contract would be changed. Instead of using the existing MBT processing equipment, the site would be altered so it becomes a waste reception/transfer area for the nearby Northacre ERF facility. On 5 February 2026 at Wiltshire County Council Cabinet, also approved a proposal to award a contract extension to Hills Waste Solutions Ltd for the disposal of non-recyclable residual waste for the full duration of the contract term, until 30 July 2034 (Appendix 1, pages 18 & 19).

These decisions support Hills Waste by securing a waste stream, which could be used to provide throughput via its Westbury MBT to the Northacre ERF.

Parley ERF is under construction

7.10 Parley ERF (60,000 tpa) is also under-construction having discharged all pre-commencement planning conditions and is under-construction (Appendix 1, page 6).

Portland ERF consented capacity

7.11 Portland has actively and consistently pressed ahead with their consented scheme, through recovered appeal, Judicial Review and Court of Appeal; and are currently revising their EA permit, thus demonstrating their continued commitment with the scheme. They should therefore be counted as being able to fulfil future capacity.

Somerset Capacity

7.12 Somerset is served by Bridgewater 122,640 with other nearby South West capacity including the Avonmouth ERF, 427,050 tpa (which borders with Somerset).

Conclusion on WPA and Neighbouring Capacity

7.13 The PD would not constitute replacement capacity for older, less efficient capacity for any of the Hampshire ERFs, which appears to be inferred in their SoC. In relation to the Westbury ERF, this represents 243,000 tpa of regional capacity that is under-construction and according to their website is designed for regional needs (Appendix 1, pages 21 & 22). Parley ERF, 60,000 tpa represents infrastructure for capacity that is under-construction, and Portland represents

202,000 tpa of consented capacity, which is in active development. This represents a total of 505,000 tpa capacity within the PDs proposed catchment area.

7.14 Hills Waste, Westbury MBT will benefit from contracted GMT of residual waste from Wiltshire Council, denying that volume to other competitors. The GMT contract with the Lakeside ERF will also deny 50,000 tpa to any other EfW market competition, meaning there will be even lees availability of feedstock in the region. Given Westbury's capacity it is not clear where the PD would source input from the 'Southern (or other) parts' of Wiltshire.

8. NATIONAL NEED ASSESSMENT

8.1 With regards to National need assessment, we concur and rely on the analysis in the UKWIN Interested Party Statement (February 2026), at paragraphs 295 to 299, (CD9 1.47). All of section 8 herein is from UKWIN (including Appendix references).

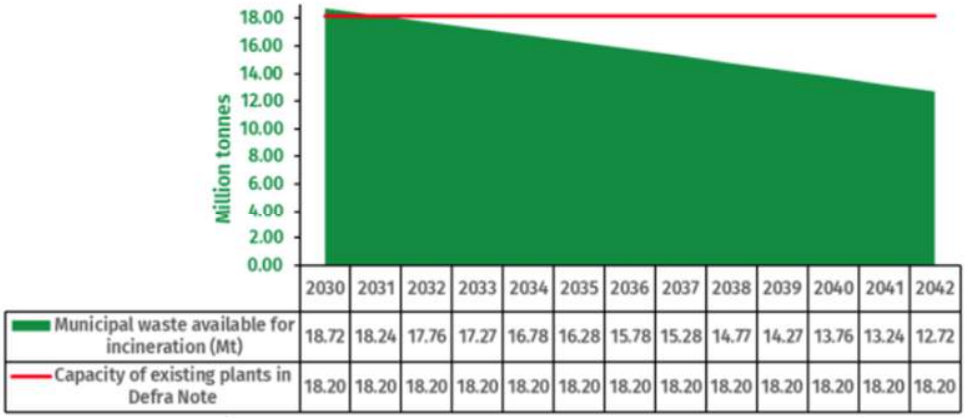
UKWIN's analysis:

295. Based on the Defra Note Table 3 figure of 18.2 Mt of energy recovery capacity that in October 2024 was either operational or under construction (i.e. 14.3 Mt operational + 3.9 Mt under construction = 18.2 Mt), there would be national EfW overcapacity from around 2032 as we move towards meeting the 2042 residual waste reduction target.

296. This means that there is no national need for any new EfW capacity, even without consideration of MVV's Medworth incinerator which is now under construction, and excluding capacity from any of the c. 9.5 Mtpa of consented projects listed in Table 3 of the Defra Note, including the c. 5.3 Mtpa of consented capacity currently in active development such as Northacre, Hill Barton, and many more (see [UKWIN] Appendix 3).

297. As such, the appellant's Statement of Case is incorrect to imply that if consideration extends beyond regional analysis to encompass the wider waste context that this would somehow support their need case.

Municipal incineration capacity based on Defra Note Table 3



	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
Municipal waste available for incineration (Mt)	18.72	18.24	17.76	17.27	16.78	16.28	15.78	15.28	14.77	14.27	13.76	13.24	12.72
Capacity of existing plants in Defra Note	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20

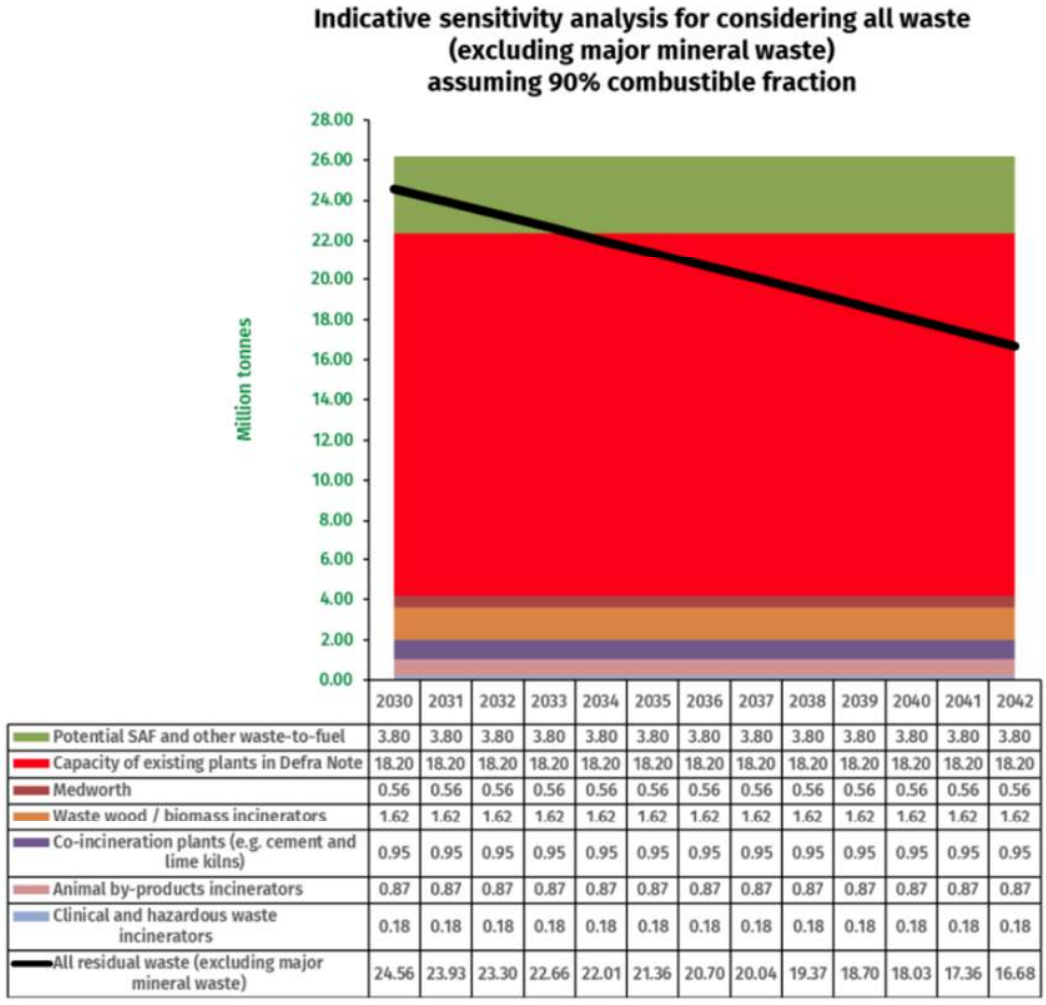
Year	Capacity operational or under construction as of October 2024 based on Defra Capacity Note Table 3 (without Medworth, Canford, etc)
2030	516,566
2031	39,880
2032	-442,137
2033	-929,212
2034	-1,421,000
2035	-1,917,092
2036	-2,416,830
2037	-2,919,633
2038	-3,425,295
2039	-3,933,694
2040	-4,444,777
2041	-4,958,628
2042	-5,475,404

Note: *Negative numbers (shaded in light red) indicate EfW overcapacity.*

Parameter	Value	Comment
Population	Rising from 62,451,003 in 2030 to 64,559,088 in 2042	ONS 2020-based interim national population projections: year ending June 2022 estimated international migration variant
Operational capacity	18,200,000 tonnes	Table 3 of the Defra Note (i.e. 14.3 Mt operational and 3.9 Mt under construction in October 2024, assuming this capacity will be operational by 2030)
Waste available for incineration	Falling from 24,561,979 tpa in 2030 to 16,675,612 tpa in 2042	90% of municipal waste per capita multiplied by population.

298. To indicatively assess the potential implications of taking this non-municipal waste stream into account we have modelled the impact of additionally accounting for all non-municipal waste (other than major mineral waste) alongside factoring in key types of existing capacity that currently treats such non-municipal waste (see [UKWIN] Appendix 4).

299. This indicative sensitivity analysis shows that when accounting for nonmunicipal waste and associated non-municipal waste treatment capacity, if no EfW plants entered construction, there would be EfW overcapacity from around 2034 as waste falls to meet the 2042 residual waste reduction target, and there would be no room for any Sustainable Aviation Fuels (SAF), Recycled Carbon Fuels, or for the expanded use of waste to decarbonise cement kilns



	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
Potential SAF and other waste-to-fuel	3.80	3.80	3.80	3.80	3.80	3.80	3.80	3.80	3.80	3.80	3.80	3.80	3.80
Capacity of existing plants in Defra Note	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20
Medworth	0.56	0.56	0.56	0.56	0.56	0.56	0.56	0.56	0.56	0.56	0.56	0.56	0.56
Waste wood / biomass incinerators	1.62	1.62	1.62	1.62	1.62	1.62	1.62	1.62	1.62	1.62	1.62	1.62	1.62
Co-incineration plants (e.g. cement and lime kilns)	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Animal by-products incinerators	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
Clinical and hazardous waste incinerators	0.18	0.18	0.18	0.18	0.18	0.18	0.18	0.18	0.18	0.18	0.18	0.18	0.18
All residual waste (excluding major mineral waste)	24.56	23.93	23.30	22.66	22.01	21.36	20.70	20.04	19.37	18.70	18.03	17.36	16.68

Population assumptions are as per central national analysis.
The basis for other assumptions are set out in Appendix 4.

MVV SoC Paras 9.7.3 & 9.7.4 – Appellant's Flawed Analysis

8.2 In regard to further national need analysis based on the Appellant's SoC, Section 9.7 *Defra Residual Waste Infrastructure Capacity Note* capacity, we concur and rely on the analysis and assessment made in the UKWIN IP Statement, paragraphs 241 to 257, (CD9 1.47), which is outlined below:

241. Section 9.7 of the appellant's Statement of Case comments on Defra's Residual Waste Infrastructure Capacity Note.

242. The appellant's analysis is flawed from start to finish.

243. Some of the most egregious failings are highlighted below, and these serve to undermine the appellant's overall analysis and conclusions.

MVV SoC Paras 9.7.3 & 9.7.4 – Figures are historic waste, not future need

244. MVV SoC paragraph 9.7.3 states:

> *A need for 2.27Mtpa identified [for the South West Region in Defra's Residual Waste Infrastructure Capacity Note] is identified.*

245. Nowhere in the Defra Note does it state that there is a 'need' for 2.27 Mtpa of incineration capacity in the South West, or even 2.27 Mtpa of residual waste treatment capacity.

246. A 2.27Mt figure for the South West appears in Table 4 of the Defra Note under the heading 'Residual municipal solid waste arising (Mt)' which is used as the basis for the 'MSW RW Arising' values in Figure 1 of the Capacity Note.

247. While it is not explicitly stated in the Defra Note, the 'MSW RW Arisings' values in Figure 1 and the associated 'Residual municipal solid waste arising (Mt)' values in Table 4 relate to the situation as it was in October 2024; this can be derived from analysing the values contained in Table 4.

248. The values for 'Residual municipal solid waste arising (Mt)' are stated for each region, with the sum for all regions amounting to a grand total of 25.4 Mt.

249. In discussions with civil servants, Defra has confirmed to UKWIN that the 25.4 Mt figure is the figure adopted by Defra for 2024 for their internal modelling.

250. This makes sense, as it is slightly higher than the 23.6 Mt figure for 2020 (noted in Defra Note, Table 1) to account for population growth while it precedes the impacts of the measures to reduce waste which are assumed to not begin to have an effect until 2026/27 (which ultimately leads to the Table 1 figure of 19.4 Mt for 2035) that would have resulted in a lower figure.

251. This means that the appellant's use of 2.27 Mtpa as a starting point for their analysis indicates that they have failed to take account of the measures from Simpler Recycling, etc., which will reduce arisings, whilst also failing to follow the EN-1/EN-3 and Defra Capacity Note requirement that a proposal must be compatible with the achievement of recycling and residual waste reduction targets.

252. This same mistake pervades paragraph 9.7.4 of the appellant's Statement of Case which cites a figure of 5.4 Mtpa of waste landfilled in 2022, which relates to historic landfill rates rather than future landfill rates (see above).

253. UKWIN's criticism of the appellant's decision to over-simplistically include the 5.4 Mtpa figure in their analysis is that:

a) The 5.4 Mt figure is based on historic waste arisings, not predicted waste arisings. As such, if the figure is used then it will need to be reduced in line with the achievement of the 2030 and 2042 residual waste reduction targets.

b) The 5.4 Mt figure includes both combustible waste and waste that is clearly unsuitable for incineration. If MVV wishes to include this waste then they would also need to assess how much of the municipal and non-municipal waste streams are in fact combustible, and how much is composed of material such as ash and soil that would not be suitable for conventional incineration such as that proposed for Canford.

c) If the appellant is including additional sources of waste, they also need to consider additional residual waste treatment capacity which already exists to treat such non-municipal waste and other waste more generally. While the Defra analysis simplified their calculation by omitting the small fraction of non-municipal waste which might be combustible from their calculation, they also omitted other treatment capacity such as cement kilns.

It would not be appropriate, as the appellant appears to do, to 'cherry pick' by only considering the additional waste without also considering the additional residual waste treatment capacity which would come into play as part of a more detailed 'capacity vs. demand' analysis.

254. The Defra Note as well as EN-1 and EN-3 all highlight the importance of the 65% recycling target and the target to halve residual waste sent to either landfill or incineration by 2042. This means that it is necessary when considering consenting new capacity to take account of whether or not there would be enough waste to burn if these targets were to be met.

255. Defra's central analysis is likely to overestimate rather than underestimate demand for new incineration capacity compared to a more detailed analysis which accounts for the various limitations that go in both directions.

256. As such, if overcapacity is found when consideration is given to just the municipal fraction of the waste, then it follows that there is likely to be at least as much – if not more – overcapacity when considered as part of a more detailed analysis.

257. These issues are explored further below, where UKWIN's analysis shows that the new residual waste treatment capacity proposed for Canford is not in fact needed, either when one limits consideration to only municipal waste or if one carries out an assessment considering wider waste treatment capacity alongside broader demand."

9. Regional Need Assessment (South West)

9.1 With regards to regional (South West) need assessment, we concur with the analysis in the UKWIN Interested Party Statement (February 2026), at paragraphs 292 to 294. All section 9

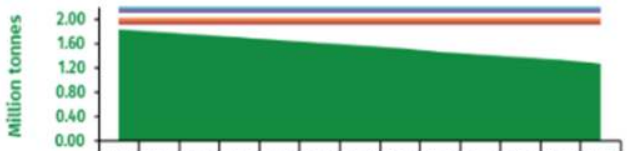
herein is an extract from UKWIN's IP statement except the sub-section '*Magwatch Analysis of Regional Need*'.

UKWIN's analysis:

South West regional analysis (without Northacre and Hill Barton)

292. The following analysis shows that there is already sufficient capacity already built in the region to meet the demand as we move towards the 2042 target, and that Canford would result in EfW overcapacity by 2030 even if no other new capacity were built.

Municipal incineration capacity and available waste in the South West (with Northacre and Hill Barton)



	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
Municipal waste available for incineration (Mt)	1.84	1.79	1.75	1.71	1.66	1.62	1.57	1.53	1.48	1.43	1.38	1.33	1.28
Capacity if Canford built (Mt)	2.18	2.18	2.18	2.18	2.18	2.18	2.18	2.18	2.18	2.18	2.18	2.18	2.18
Capacity if Portland built (Mt)	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13
Capacity if Parley built (Mt)	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Capacity if only Northacre and Hill Barton built (Mt)	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95

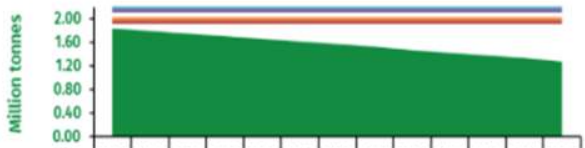
Year	Capacity gap if no new incinerators are built beyond Hill Barton and Northacre (tonnes)	Capacity gap if Parley is built (tonnes)	Capacity gap if Portland is built (tonnes)	Capacity gap if Canford is built (tonnes)
2030	-113,743	-167,743	-295,543	**-347,743**
2031	-155,473	-209,473	-337,273	**-389,473**
2032	-198,232	-252,232	-380,032	**-432,232**
2033	-241,927	-295,927	-423,727	**-475,927**
2034	-286,410	-340,410	-468,210	**-520,410**
2035	-331,616	-385,616	-513,416	**-565,616**
2036	-377,537	-431,537	-559,337	**-611,537**
2037	-424,134	-478,134	-605,934	**-658,134**
2038	-471,370	-525,370	-653,170	**-705,370**
2039	-519,206	-573,206	-701,006	**-753,206**
2040	-567,617	-621,617	-749,417	**-801,617**
2041	-616,539	-670,539	-798,339	**-850,539**
2042	-666,060	-720,060	-847,860	**-900,060**

South West regional analysis (with Northacre and Hill Barton)

293. As both Hill Barton and the Northacre (Westbury) EfW incinerator now seem more likely than not to go ahead (see Appendices 1 and 2), it would be reasonable to include this capacity as part of the central capacity analysis.

294. If the Northacre and Hill Barton EfW plants progress as expected, the Canford proposal would result in an even greater level of EfW overcapacity.

Municipal incineration capacity and available waste in the South West (with Northacre and Hill Barton)



	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
Municipal waste available for incineration (Mt)	1.84	1.79	1.75	1.71	1.66	1.62	1.57	1.53	1.48	1.43	1.38	1.33	1.28
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Capacity if Portland built (Mt)	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13	2.13
Capacity if Parley built (Mt)	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Capacity if only Northacre and Hill Barton built (Mt)	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95

Year	Capacity gap if no new incinerators are built beyond Hill Barton and Northacre (tonnes)	Capacity gap if Parley is built (tonnes)	Capacity gap if Portland is built (tonnes)	Capacity gap if Canford is built (tonnes)
2030	-113,743	-167,743	-295,543	**-347,743**
2031	-155,473	-209,473	-337,273	**-389,473**
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2040	-567,617	-621,617	-749,417	**-801,617**
2041	-616,539	-670,539	-798,339	**-850,539**
2042	-666,060	-720,060	-847,860	**-900,060**

NEW OR CHANGED PARAMETERS COMPARED TO THOSE SET OUT IN THE BCP AND DORSET WASTE PLAN AREA ANALYSIS

Parameter	Value	Comment
Hill Barton (Exeter) capacity	78,300 tonnes	90% of permitted capacity
Northacre (Wiltshire) capacity	218,700 tonnes	90% of permitted capacity
Population	Rising from 6,125,341 in 2030 to 6,511,657 in 2042	England 2022-based ONS population forecasts (migration category variant)
Operational capacity	1,652,508 tonnes	1.54 Mt operational as per Defra Capacity Note, plus 0.11 Mt for Bridgwater (based on 90% of permitted capacity)
Waste available for incineration	Falling from 1,835,765 tpa in 2030 to 1,283,448 tpa in 2042	90% of municipal waste per capita multiplied by population.

Magwatch Analysis of Regional Need

9.2 This section presents Magwatch's analysis of regional (South West) need. Table 1 below sets out, for each comparator local authority in the known part of Appellant's proposed catchment area, the total LACW, and tonnage fated to incineration and landfill. The data is drawn from the DEFRA's provisional LACW Management Annual Results 2024/25 (published 27 March 2025)[1].

9.3 Together the data demonstrates that:

(i) LACW Residual waste arisings in the Waste Plan area cannot fill MVV's proposed 260,000 tpa facility without relying upon a significant quantity of waste to be imported from outside the Waste Plan Area; and

(ii) Consented and committed pipeline capacity already exceeds plausible regional need.

[1] https://www.gov.uk/government/statistics/local-authority-collected-waste-management-annual-results

Table 1: LACW and Thermal Treatment Tonnages by Local Authority

Local Authority / Unitary Authority	Population	Total LACW (tonnes)	Landfill (tonnes)	Waste to Incineration (tonnes)	Source & Notes
DORSET WASTE PLAN AREA					
Dorset Counci	380,000	190,031	4,536	73,684	DEFRA 2024/25. Highest recycling rate in South West
BCP Council (Bournemouth, Christchurch & Poole)	400,000	188,967	19,427	81,731	DEFRA 2024/25
Dorset Waste Plan Area COMBINED TOTAL	780,000	378,998	23,963	**155,415**	Sum of Dorset Council + BCP Council.
Hampshire (inc Portsmouth & Southampton)					
Hampshire County Council	1,400,000	607,504	22,780	338,520	DEFRA 2024/25 Three Veolia operated ERFs (Marchwood, Portsmouth, Chineham. total 550,000tpa capacit

Local Authority / Unitary Authority	Population	Total LACW (tonnes)	Landfill (tonnes)	Waste to Incineration (tonnes)	Source & Notes
Portsmouth City Council	215,000	71,094	2,364	46,693	DEFRA 2024/25
Southampton City Council[5]	255,000	101,622	5,398	68,908	DEFRA 202/25.
WILTSHIRE					
Wiltshire Council[6]	500,000	231,146	28,419	83,961	DEFRA 2024/25.
Swindon Borough Council	230,000	93,771	4,469	59,182	DEFRA 2024/25.
Wiltshire + Swindon COMBINED TOTAL	730,000	324,917	32,888	**147,267**	Sum of Wiltshire Council + Swindon BC. Westbury ERF 243,000 tpa
SOMERSET					

Local Authority / Unitary Authority	Population	Total LACW (tonnes)	Landfill (tonnes)	Waste to Incineration (tonnes)	Source & Notes
Somerset Council (inc Bath & NE Somerset Council & North Somerset Council)	580,000	444,946	9,611	175,595	DEFRA 2024/25. Among England's highest recycling rates. Residual waste committed to Avonmouth RRC (Viridor, 100k tpa contract).
BRISTOL					
Bristol City Council	470,000	187,031	5,431	90,958	DEFRA 2024/25

The South West has the highest recycling rate of all regions in England.

9.4 The following conclusions can be made:

(i) The Dorset Waste Plan area generates approximately 155,415 tpa of residual waste for incineration treatment. Set against WPA capacity, Portland and Parley capacity (262,000 tpa) the addition of the PD's 260,000 would add significant overcapacity, and of the three schemes the PD would add the largest volume of overcapacity.

(ii) Hampshire's three operational ERFs have a combined EfW capacity of 550,000 tpa.

(iii) The Northacre EfW (243,000 tpa) in Wiltshire is under construction and expected to be operational by 2028. At 243,000 tpa it already exceeds the combined Wiltshire + Swindon residual arisings and its operators/developers stated it was designed to serve the South West region.

(iv) Somerset's residual arisings are served by the Avonmouth RRC PPP contract (c215,000 tpa GMT), (Appendix 1, pages 23 & 24). No additional EfW capacity is required in Somerset.

The RWICN confirms:

(i) Only the East Midlands and East of England were identified as regions with explicit (genuine) need of additional alternative residual waste treatment capacity as per the Capacity Note.

MVV SoC 9.9.2, Regional Capacity claims

9.5 In paragraph 9.9.2 of the Appellant's SoC it states that Hampshire County Council has a 370,000 tpa shortfall of residual waste capacity but provides no breakdown on the composition, current management under existing capacity, or contractual arrangements for this waste stream.

9.6 Project Integra is a partnership working to provide an integrated approach to the collection, treatment and disposal of municipal waste in Hampshire. As part of the Integra contract, all residual waste arisings in Hampshire are managed under contract by Veolia UK Ltd.

9.7 Given, all Hampshire residual waste is managed under contract by existing capacity and the same waste management operator, under the current operators (discussed in paragraph 7.4 & 7.5 above). There is no unmet need that is not already under contract or is not being managed by existing capacity.

9.8 The following existing incineration capacity sits in closer proximity to main sources of waste across Wiltshire than the proposed Canford site, an example is illustrated below. The same observation would apply across the Appellant's proposed catchment area/scheme:

a) Swindon is **93 miles** from the Canford site, but only 51 miles from the ERF at Greatmoor, 63 miles from the ERF at Lakeside, Slough, and 45 miles from the Northacre ERF.

9.9 In such circumstance, Wiltshire evidences no unmet need that would justify or support the PD.

9.10 MVV SoC 9.9.4 states the Bridgewater EfW facility in Somerset, commissioned in 2023 and a capacity of 123,000tpa, processed 69,000t in 2023 and 31,000t in 2024. According to its Annual Performance Report, in Q4 2025 the Bridgwater plant combusted 23,403 tonnes of waste, implying a current operating capacity of 93,613 tonnes per annum at that level of availability (Appendix 1, page 25), and the current operators are committed to bringing the EfW up to full capacity (CD9 1.81).

Conclusion on Regional Need:

9.11 There is no unmet regional need. Northacre and Parley are under construction; Portland is actively progressing and there is no unmet South West regional need. Hampshire is served with 550,000 tpa of existing EfW capacity, and via Project Integra contracts with Veolia; and Somerset has no apparent unmet need that is not already managed or under committed contract to Avonmouth RRC. On this basis that there is no demonstrable regional need and the PD would result in overcapacity, contrary to the WP and Government policies.

10. LOCAL (WASTE PLAN AREA) NEED ASSESSMENT

No Demonstrable unmet need exists

10.1 The analysis in this section shows that no genuine need exists within the WP area.

10.2 The residual waste shortfall outlined in WP Chapter 7, Table 7 for 2033 (when the WP expires) is 232,000 tpa, plus upward adjustment of 95,000 tpa to reflect the Canford MBT residue. This provides a total shortfall of 327,000 tpa. The Table 7 figure has been superseded by the latest analysis of waste arising for the WP in the 2021 AMR, page 6 (CD6 1.1 (c)). The publication of the Capacity Note and the revised NPS EN-1 and EN-3, which require that genuine need, feasible for the lifecycle of the PD is established; and DEFRA 2024/2025 LACW data, which also evidences much lower volumes of combustible waste than the Table 7.

10.3 The data underpinning my analysis is based on official sources and each demonstrates that WP Table 7 projections (which were based on a worst case scenario) did not materialise.

Data sources:

(a) DEFRA 2024/2025 Local Authority Collected Waste Statistics[2];
(b) The 2021 Annual Monitoring Report (AMR) for the WP, the latest and most authoritative expression of the Plan area's waste arising need;
(c) BCP and Dorset Council FoI data, presenting actual FY 2023/2024 waste arisings from the WP Area and the basis against which those authorities' budget for waste management.

The 2024/2025 DEFRA Data

[2] https://www.gov.uk/government/statistics/local-authority-collected-waste-management-annual-results

10.4 The DEFRA 2024/2025 data at Figure 2 & 3 below evidences a total of 155,415 tonnes was fated to incineration from total of 378,998 tonnes of LACW from the WPA. This is in stark contrast to the Table 7 projected shortfall of 232,000 tpa.

Figure 2 - DEFRA 2024/2025 - Local Authority Collected Waste

Table 1: Local Authority Collected and Household Waste Statistics 2014-15 to 2024-25, England

For correct totals, you should only sum values for unitary and disposal authorities. Summing values for unitary, collection and disposal autho

						Local authority collected
Financial Year	Region	ONS Code	JPP order	Local Authority	Authority ty	Total local authority collected waste (tonnes
2024-25	South West	E06000058	716	Bournemouth, Christchurch and Poole Council	Unitary	188,967
2024-25	South West	E06000059	717	Dorset Council	Unitary	190,031
					Total	378,998

Figure 3 – DEFRA 2024/2025 Landfill and Incineration

Table 2: Management of Local Authority Collected Waste, England, 2014-15 to 2024-25

Year	Region	Geographical Code	ONS Code	Jpp Order	Authority	Authority Type	Landfilled	Incineration with EfW
2024-25	South West	3740	E06000058	716	Bournemouth, Christchurch and Poole	Unitary	19,427	81,731
2024-25	South West	3745	E06000059	717	Dorset Council	Unitary	4,536	73,684
						Total	23,963	155,415

10.5 In addition to the DEFRA data the mandatory rollout of food waste collections has now been implemented across the entirety of BCP, with rollout to an additional 102,673 households bringing it into line with the rest of Dorset and government legislation. As reported in the Bournemouth Echo on 16 May 2024 and 7 January 2026, this is estimated to increase BCP recycling rates by 6%, equating to a reduction of c11,338 tpa of residual waste (Appendix 1, pages 26 to 31).

The 2021 Annual Monitoring Report (AMR) - The Latest WPA Need Figure

10.6 The Waste Plan Chapter 14, Part 2 (*Implementation and Monitoring*), Part 2, page 139 (CD6 1.1) establishes the statutory mechanism through which the need assessment contained in the Plan is to be reviewed and updated over time:

> *"The information that has informed the Plan's preparation will inevitably change over time and there is a need to monitor what is happening and respond to change in the most appropriate way."*

10.7 The execution of the AMR is a mandatory commitment by the Waste Planning Authorities to use formal monitoring data to correct the Plan's projections when the actual position diverges from

the forecast. The monitoring indicator specifically designed for this purpose under WP Policy 6 Recovery facilities, Part 2 page 142, (CD6 1.1), provides for: "*Arisings of residual waste not in line with forecasts resulting in a greater/reduced capacity gap*."

10.8 Changes to projected waste arising forecasts may identify greater or lower volumes, but it will not necessarily result in the WP requiring to be updated. Chapter 14 of the WP, paragraph 14.7 and 14.9:

> *"*14.7 *…The information that has informed the Plans preparation will inevitable change over time and there is a need to monitor what is happening and respond to change in the most appropriate way."*
>
> *"*14.9 *…The extent to which it needs revision will be considered, although it may not be necessary to change the plan or policy approach."*

10.9 The 2021 AMR did not result in requiring a policy change or revision to the plan, which as discussed under Policy 3 in section 5 above, has by design incorporated over capacity across the allocated sites in the knowledge that only capacity to meet a genuine need would be allowed, especially given the need to show VSC for development in the Green Belt.

10.10 However, what the 2021 AMR does, is to formally identify the WP need against incineration tonnage in the WPA.

10.11 The 2021 AMR, prepared by Dorset Council in compliance with Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and records the total tonnage of LACW waste fated to Energy from Waste within the Waste Plan Area.

10.12 The AMR figure identified 113,859 tonnes of LACW, representing approximately 49% of the projection in the WP Table 7 shortfall of 232,000 tpa, and only 43% of throughput required for the PD. This is not a marginal variance; it is a significant divergence of more than 100,000 tonnes from the Plan's foundational need projection. In context, the Table 7 projection is shown to be overestimated by 51%.

10.13 The 2021 AMR is the latest monitoring data and the most authoritative expression of the Plan area's actual residual waste needs. The AMR also does not take into account the Capacity Note and, in that respect may be viewed as a ceiling to capacity demand.

Figure 4 – Waste Data Table from the 2021 AMR

Waste Data - Summary

Authority	Recycled	Composted	Reused	Landfill	Energy from Waste (EfW)	Incineration (without EfW)	Other	Total
Dorset Council	55,212	51,523	318	5,613	59,037	0	6,325	178,028
BCP Council	53,544	36,097	342	26,710	54,822	0	23,999	195,514

Source: 2021 Minerals and Waste Annual Monitoring Report, Dorset Council and BCP Council (published 9 May 2024), p.6.

FoI Data: Actual Waste Arisings 2023/2024

10.14 The FoI data obtained presented below was from BCP Council and Dorset Council for financial year 2023/2024, it provides recent the most recent waste arisings data for the WPA. Table 3 shows the total WPA residual waste arisings suitable for incineration to be 127,072t in 2023/2024. This is significantly below the 2019 WP Table 7 projection of 232,000 tpa, which was based on 2015 data (Appendix 1, pages 32 to 34):

Table 2: WPA Residual Waste Arisings 2023/2024 (FoI Data) summary

Authority	Landfill (tonnes)	Incineration (tonnes)	Combined Total (tonnes)
BCP Council	18,722	81,109	86,921
Dorset Council	9,885 (using 6.13% of total LACW per DC10620)	58,885	68,770
Grand Total	28,607	**139,994**	155,530

The Portland Inquiry's Findings on Need Quantum are superseded

10.15 The capacity and need quantum should be viewed afresh since the publication of the Capacity Note. There are two independent and cumulative reasons for doing so.

10.16 **The AMR is material as the WP monitoring mechanism**

a) The 2021 Annual Monitoring Report ("AMR"), produced by the Waste Planning Authorities is the latest expression of WP need. It is presented here as the WP latest formal expression on need. In the Portland Inquiry the primary need data was not from the WP, but from independently commissioned review. The Capacity Note states that a genuine and clearly defined need must be established. The Table 7 projection is outdated and proven to not have materialised, it therefore does not satisfy the Capacity Note requirement.

The policy framework has fundamentally changed.

b) As already discussed, the Capacity Note was published in December 2024. The revised NPS EN-1 and EN-3 were published in December 2025. Neither instrument was in force at the time of the Portland Inquiry. Both impose stricter requirements on EfW developers that are materially more stringent than those that applied at Portland and Parley. The test this creates is that need must be genuine, the WP Table 7 projection does not reflect a genuine need.

Summary:

10.17 There has been significant change to how need and capacity is to be determined in-light of the publication of the Capacity Note and revised NPS EN-1/EN-3 (December 2025). As such, the following are material considerations:

a) The 2021 AMR is the WP's statutory monitoring instrument. It records 113,859 tpa of LACW fated to incineration.

b) The Capacity Note (December 2024) and revised NPS EN-1/EN-3 (December 2025) were not in force at the time of the Portland Inquiry. They impose materially more stringent requirements on EfW developers to evidence a genuine need.

c) On the best available primary, official data, there is no demonstrable unmet need once Portland & Parley capacity (202,000 tpa consented) is included in the capacity calculation.

Local Capacity Scenarios and Further Sensitivity Analysis

10.18 Table 3 below represents local need analysis modelling as the WPA's maximum residual waste arisings based against Government recycling targets to 2042.

10.19 The model combines Commercial & Industrial ("C&I") and LACW and conservatively applies growth factors: C&I waste growth 0.42% per annum; LACW growth 0.35% per annum; household population growth 1.56% per annum from 2024, then 0.5% per annum from 2039 (Government

house building targets – BCP: 2,958pa & Dorset: 3,246pa). The recycling percentage targets applied mirror the statutory milestones and are applied at the annotated percentage rate articulated in the table.

Table 3 – Local Need Projections

Ser	a	b	c	d	e	f	g	h	i
	Year	Tonnes Commercial & Ind plus 0.48% growth pa	Tonnes LACW plus 0.35% growth pa	Tonnes Municipal Waste (commercial & LACW	Household Growth 1.56%pa from 2024 then 0.5%pa from 2039	Recycling % Targets	Tonnes Recycled	Maximum Residual Waste	Minus 10% Landfill Allowance
1	2022	108,518	397,859	506,377	506,377	52.0%	263,316	243,061	218,755
2	2023	108,974	399,252	508,225	508,918	53.0%	269,727	239,192	215,272
3	2024	109,562	349,806	459,368	466,534	54.0%	251,928	214,606	193,145
4	2025	110,088	351,030	461,118	468,312	55.0%	257,571	210,740	189,666
5	2026	110,616	352,259	462,875	470,096	**56.0%**	263,254	206,842	186,158
6	2027	111,147	353,492	464,639	471,887	57.0%	268,976	202,912	182,620
7	2028	111,681	354,729	466,410	473,686	58.0%	274,738	198,948	179,053
8	2029	112,217	355,971	468,187	475,491	59.0%	280,540	194,951	175,456
9	2030	112,755	357,217	469,972	477,304	**60.0%**	286,382	190,921	171,829
10	2031	113,297	358,467	471,763	479,123	61.0%	292,265	186,858	168,172
11	2032	113,841	359,721	473,562	480,950	62.0%	298,189	182,761	164,485
12	2033	114,387	360,980	475,367	482,783	63.0%	304,153	178,630	160,767
13	2034	114,936	362,244	477,180	484,624	64.0%	310,159	174,465	157,018
14	2035	115,488	363,512	478,999	486,472	**65.0%**	316,207	170,265	153,239
15	2036	116,042	364,784	480,826	488,327	66.4%	324,249	164,078	147,670
16	2037	116,599	366,061	482,660	490,189	67.9%	332,839	157,351	141,616
17	2038	117,159	367,342	484,501	492,059	69.3%	340,997	151,062	135,956
18	2039	117,721	368,628	486,349	488,781	70.7%	345,568	143,213	128,891
19	2040	118,286	369,918	488,204	490,645	72.1%	353,755	136,890	123,201
20	2041	118,854	371,213	490,067	492,517	73.6%	362,492	130,024	117,022
21	2042	119,424	372,512	491,936	494,396	**75.0%**	370,797	123,599	111,239

Methodology for start point of cell B1 at Appendix 1, pages 35 to 37

10.20 The yellow highlighted rows in Table 4 represent some of the key Government waste reduction milestones, which are legally binding:

a) 2026 (mandatory food waste collections);
b) 2028 (near elimination of biogenic material from landfill);

c) 2035 (mandatory 65% recycling target);
d) 2042 (statutory target to meet 287 kg per capita residual waste).

10.21 The model demonstrates that even with aggressive Government house building targets, residual waste arisings continue to fall, and the WPA need will never produce enough combustible waste to meet the throughput to meet the scale of the PD. Combustible waste decreases year on year, requiring ever greater tonnage of feedstock to be sourced from further afield.

10.22 Regardless of which model or data source in this section is applied, the Proposed Development creates significant overcapacity within the WPA as per Table 4 below:

WPA Residual Waste Capacity and Need — Overcapacity Analysis

10.23 The following table supports paragraph 10.12 above. It presents the capacity and need analysis across three demand scenarios and two capacity scenarios, demonstrating that the PD would create overcapacity under each combination of assumptions.

Table 4 - WPA Residual Waste Capacity and Need — Overcapacity Analysis

Scenarios **Scenario 1: Portland ERF + Proposed Development (462,000 tpa combined)** **Scenario 2: Portland ERF + Parley ERF + Proposed Development (522,000 tpa combined)**				
Analysis Basis	**WPA Need / Demand Figure Applied (tpa)**	**Position Without Canford (Portland ± Parley vs Need)**	**Scenario 1: Portland ERF + Canford (462,000 tpa capacity)**	**Scenario 2: Portland + Parley + Canford (522,000 tpa capacity)**
WP Table 7 *Waste Plan (2019) worst-case shortfall + Portland Inquiry uplift*	**327,000 tpa** *(232,000 tpa + 95,000 tpa Portland Inquiry uplift)*	**Residual gap: 65,000 tpa** *(327,000 – Portland 202,000 – Parley 60,000 = 65,000 tpa gap*	**OVERCAPACITY: 135,000 tpa** *(462,000 capacity – 327,000 need)*	**OVERCAPACITY: 195,000 tpa** *(522,000 capacity – 327,000 need)*

Scenarios Scenario 1: Portland ERF + Proposed Development (462,000 tpa combined) Scenario 2: Portland ERF + Parley ERF + Proposed Development (522,000 tpa combined)				
FoI-Based Analysis *Modelled arisings from actual 2023/24 FoI data (Table 2 forecast from 2026)*[1]	***139,994 tpa*** *2023/2024 fated to incineration*	**Already overcapacity: 122,006 tpa** *(Portland 202,000 + Parley 60,000 = 262,000 vs 186,158 modelled need)*	**OVERCAPACITY: 322,006 tpa** *(462,000 capacity – 139,994 modelled need)*	**OVERCAPACITY: 382,006 tpa** *(522,000 capacity -139,994 modelled need)*
2021 AMR-Based Analysis *2021 Annual Monitoring Report — statutory WPA monitoring data (published May 2024)*	**113,859 tpa** *(actual LACW fated to EfW*	**Already overcapacity: 148,141 tpa** *(Portland 202,000 + Parley 60,000 = 262,000 vs 113,859 actual need)* **Portland ERF alone creates overcapacity on this analysis**	**OVERCAPACITY: 348,141 tpa** *(462,000 capacity – 113,859 actual need*	**OVERCAPACITY: 408,141 tpa** *(522,000 capacity – 113,859 actual need*

Summary on Need:

10.24 In every scenario the addition of the Proposed Development to consented capacity in the Waste Plan Area creates overcapacity.

10.25 On the 2021 AMR data, Portland ERF alone is sufficient to create overcapacity in the WPA before Parley or the Proposed Development is considered.

10.26 The Proposed Development would result in overcapacity of between 195,000 and 408,141 tpa depending on the analysis applied. This is inconsistent with the Capacity Note and EN-3 paragraph 2.7.63, which do not support proposals that result in overcapacity.

Conclusion on Need:

10.27 No demonstrable unmet need exists that would justify the scale of the PD.

11. WASTE MILES ASSESSMENT

11.1 The Appellant's SoC paragraph 11.20.3 (CD7 1.1) claims that the PD would generate only limited additional vehicle movements. This claim is unreliable for three reasons:

(i) The claimed 'net saving' in outbound movements depends on the undemonstrated contractual redirections from the Canford MBT operator.

(ii) The net calculation does not provide the geographic redistribution, the Condition 44 proposed catchment adjustment raises the prospect of longer-haul importation from Hampshire, Wiltshire, Somerset and beyond, with waste miles of an entirely different order at a much higher tonnage capacity (260,000 tpa vs MBT RDF residues).

(iii) A condition variation was sought by waste operators at the proposed site to extend HGV dispatch hours to mitigate congestion. BCP applications APP/22/01333/F and APP/22/01332/F (material planning history), (extract from case officer report at Appendix 1, page 38) was submitted in 2022, dated after the Appellant submitted its pre-planning application for scoping opinion with the LPA. The conditions variation for current waste management operations at the site sought to extend HGV dispatch hours starting from 07:00 am to starting at 05:00 am, precisely to avoid congestion on Magna Road and meet client delivery expectations. The Appellant's scoping opinion for the PD application did not feature in those submissions despite being a directly material consideration to the variation that was sought and subsequently approved. The proposed site is served by a single access and egress road; the additional HGV movements generated by a 260,000 tpa facility would compound precisely the congestion pressures and HGV dispatch concerns that those earlier variations were designed to mitigate. This links back to WP Policy 3. Inset 8, which identified the site allocation for only c.25,000 tpa additional capacity. It is the scale of the proposed development would considerably exacerbate congestion on the road network.

The Appellant's SoC paragraphs 9.6.7 and 11.19.2 (CD7 1.1) state that the PD would deliver a benefit in reduced waste miles, avoiding carbon emissions, air pollution, congestion, and road wear associated with current waste transportation patterns.

This would be contingent upon reducing waste miles against the current status quo and the waste miles that would be generated as a result of the proposed catchment area and contracts. Given the proposed catchment area/Condition 44 amendment proposal there is considerable potential to create unnecessary and more waste miles.

11.2 Table 6 below demonstrates that there are 16 operational, consented, or under-construction ERFs within an approximate two-hour driving distance of the Proposed Development site, with a combined capacity of approximately 3.82 million tonnes per annum. Waste originating closer to these existing and consented facilities would need to be transported past them to reach Canford creating significant waste miles unnecessarily.

Table 6: EfW Facilities within Approximately Two Hours' Drive of Canford Resource Park

Facility	Location	Status (Dec 2025)	Capacity (tpa)	Approx. Miles from Canford
Parley ERF	Parley	Consented	60,000	7
Marchwood ERF	Southampton	Operational	220,000	30
Portland ERF	Portland	Consented	202,000	48
Portsmouth ERF	Portsmouth	Operational	220,000	50
Northacre, Westbury ERF	Westbury	In Construction	243,000	58
Chineham ERF	Basingstoke	Operational	110,000	60
Severnside ERC	Avonmouth	Operational	467,82	69
Avonmouth ERF	Bristol	Operational	427,050	72
Bridgwater ERF	Somerset	Operational	122,000	78
Marsh Barton Exeter	Somerset	Operational	65,700	83
Rabbit Waste ERF	Lancing	Operational	75,000	85
Newhaven ERF	East Sussex	Operational	242,000	95
Hill Barton, Exeter	Devon	Consented	87,000	87
Slough Multifuel	Slough	Operational	480,000	96
Horsham Energy Recovery	Horsham	Consented	230,000	97
Lakeside EfW	Colnbrook	Operational	468,2800	98
Beddington ERF	Sutton	Operational	382,286	102
TOTAL (excluding Canford)			**3,813,700**	

11.3 The PD would create a significant disbenefit in terms of carbon emissions, road wear, and congestion, contrary to the proximity principle and contrary to the claimed benefit. It would also potentially displace waste managed by existing capacity, conflicting with WP Policy 6b.

11.4 The additional HGV trips, which would require to run for up to 13 hours per day of waste for delivery/dispatch movements Monday to Saturday, and 9am to 8pm on Sundays, further underlines the scale of waste importation and the increase of resulting waste miles. These are much longer hours than the similar sized MVV facility in Devonport.

11.5 The PD received six letters related to waste supply. A review of the DEFRA 2024/2025 WDI for the origin and management of the waste outlined in the letters is not clear or definable. Appendix 1, page 39 shows a table, which represents the vagueness of waste availability, lack of actual commitment, and caveats within the letters. None of the letter's state that they require the use of the proposed Canford site to meet a need. The additional waste miles required and whether the proposed waste would be transported away from nearer, alternative EfW capacity is not clear.

11.6 **Conclusion on Waste Miles:** It would create a disbenefit by creating more long-haul transport movements and waste miles to acquire throughput that could be managed at closer existing and pipeline capacity. In the process, this would create additional wear and congestion on road networks and diminish the local amenity with extended hours and days of HGV operations than is currently the case.

12. THE PLANNING BALANCE

12.1 The PD is not compliant with WP Policy 1 on all three limbs. The Proposed Development conflicts with the waste hierarchy test, the net self-sufficiency test, and the proximity principal test and should be afforded significant adverse weight.

12.2 Non-compliance with EN-3 paragraphs 2.7.50 and 2.7.63. Government policy expressly does not support either combustion of recyclable material or proposals that would result in overcapacity. The proposed scheme has not demonstrated how they would avoid burning recyclable material contrary to Government policy and no demonstrable unmet need has been made out. Accordingly, significant adverse weight should be afforded.

12.3 Only 28,607 tonnes of LACW is fated to landfill from the WP area, of which only a fraction might be suitable for incineration. With the remainder of WPA residual waste managed by existing capacity. There is no material opportunity for the PD to divert waste from landfill without displacing existing capacity and creating overcapacity, or displacing residual waste that is already managed, contrary to WP Policy 6b. Accordingly, significant adverse weight should be afforded.

12.4 The PD conflicts with WP Policy 3, it is over scaled for the allocated site, which never planned for additional capacity 10 times the scale of the identified 25,000 tpa of potential increased capacity outlined in Policy 3, WP inset 8. The PD is over-scaled and would create overcapacity. Accordingly, adverse weight should be afforded.

12.5 There is no demonstrable unmet need that would support the scale of PD, the scheme. There is no genuine or clearly defined need or demonstrated throughput that would be feasible for the duration of the PD lifecycle, contrary to the Capacity Note and EN-3 paragraph 2.7.88. Accordingly adverse weight should be afforded.

12.6 The Portland and Parley schemes represent 262,000 tpa in the WPA, these schemes meet the needs of the WP, and the under-construction Westbury ERF creates further capacity, any regional need is met. Veolia has provided evidence that the three Hampshire ERFs, representing 505,000 tpa of capacity can operate for decades to come and Hampshire County Councils future WP options show strong reasons to continue contracting with Veolia to manage all of Hampshires residual waste beyond 2030. If the PD were built it would create overcapacity. Accordingly significant adverse weight should be afforded.

12.7 The claimed benefits of reduced waste miles and impact to the road network is not made out. The Appellant's scheme is contingent on sourcing feedstock from a very large, disparate catchment, where the sources of waste are not clearly defined but would include long haul HGV trips. The Appellant's scheme would create two-way trips to source and transport up to 260,000 tpa, compared to the displacement of Canford MBT residues (61,000 tpa) being exported abroad.

12.8 In light of the above, the Inspector is respectfully invited to dismiss the appeal.

Paul Brelsford MA

(On behalf of Magwatch)

5 May 2026