

Town and Country Planning Act 1990

Town and Country Planning Appeals

(Determination by Inspectors) (Inquiry procedure) (England) Rules 2000



Proposed development	Construction of a 260,000 tonnes per annum Energy from Waste facility
PINS reference	6002440
LPA reference	APP/23/00822/F
Site Address	Canford Resource Park, Wimborne, BH21 3BW
Local planning authority	BCP Council
Appellant	MVV
Date	5 May 2026
Author	Paul Brelsford

MAGWATCH
RULE 6 PARTY PROOF OF EVIDENCE
CAPACITY AND NEED
SUMMARY

Introduction

1. Magwatch's proof of evidence considers whether there is a genuine, clearly defined need for the proposed development ("**PD**"), testing the Appellant's case against the policy framework and the actual evidence of waste arisings, treatment capacity and feedstock availability. It examines:
 - i) compliance with the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019, in particular Policies 1, 3 and 6b;
 - ii) compliance with the DEFRA Residual Waste Infrastructure Capacity Note (December 2024);
 - iii) compliance with revised NPS EN-1 (paragraph 3.3.40) and EN-3 (paragraphs 2.7.7–2.7.8, 2.7.50 and 2.7.63);
 - iv) the statutory residual waste reduction trajectory to 2042;
 - v) the actual residual waste arisings in the Waste Plan Area;
 - vi) the existing operational, consented and committed treatment capacity within and adjacent to the Waste Plan Area;
 - vii) the proposed Condition 44 catchment and the proximity principle; and
 - viii) whether the claimed need benefit can attract any positive weight in the planning balance.
2. Magwatch's case is that the claimed need is not made out. The PD would not meet an unmet residual waste need, would not divert significant non-recyclable waste from landfill, would not replace any existing capacity, and would instead create harmful overcapacity at local, regional and national levels. The claimed need benefit should therefore be afforded adverse weight in the planning balance.

The Waste Plan Allocation

3. Waste Plan Policy 1 requires waste developments to support the waste hierarchy, move the Waste Plan Area towards net self-sufficiency and observe the proximity principle. Policy 3 identifies allocated sites including Canford, but the Inset 8 allocation assessed only approximately 25,000 tpa of additional capacity at this location.
4. The Appellant's 260,000 tpa proposal is therefore nearly ten times the capacity assessed for the Canford allocation. This is not a minor intensification of an allocated site; it is a fundamentally different scale of development from that contemplated by the Waste Plan, and conflicts with Policy 3.

Residual Waste Arisings

5. The Waste Plan's original Table 7 shortfall of 232,000 tpa was a worst-case forecast that subsequent evidence shows has not materialised. The most recent official sources – DEFRA 2024/25 Local Authority Collected Waste data, the 2021 Annual Monitoring Report (AMR), and BCP and Dorset Council FOI returns for 2023/24, all evidence substantially lower combustible residual waste arisings than the Appellant's need case. The 2024/25 Waste Data Interrogator records 378,998 tonnes of LACW in the Waste Plan Area, of which 155,415 tonnes was fated to incineration and 23,963 tonnes to landfill. The 2021 AMR records only 113,859 tonnes of LACW fated to incineration. Each figure is materially below the proposed 260,000 tpa capacity.

The Waste Hierarchy

6. BCP Council's Waste Strategy 2026–2036 identifies that approximately 51% of household black bin residual waste is recyclable at the kerbside; Dorset Council's Waste Strategy 2024 identifies 32.1% as similarly recyclable, and 7.1% as non-combustible inerts. A substantial fraction of the residual waste stream therefore remains capable of moving up the hierarchy through sorting, separation, recycling and composting. The Appellant has not shown how recyclable material – now or in the future – would be excluded from the proposed plant, contrary to NPS EN-3 paragraphs 2.7.7–2.7.8 and the prohibition on locking in recyclable feedstock.

DEFRA Capacity Note and NPS EN-1 / EN-3

7. National policy now imposes a stricter test. The DEFRA Residual Waste Infrastructure Capacity Note requires any new residual waste infrastructure (i) to meet a genuine and clearly defined need, (ii) to facilitate diversion of non-recyclable waste away from landfill, (iii) not to create overcapacity or disincentivise recycling. Revised NPS EN-1 paragraph 3.3.40 expressly warns developers that feedstock availability “*will reduce over time in accordance with the statutory residual waste reduction target*”. EN-3 paragraph 2.7.50 prohibits the combustion of recyclable material and the locking in of recyclable feedstock; EN-3 paragraph 2.7.63 expressly does not support proposals that would result in overcapacity at local or national level. The PD fails each of these tests.

Self-Sufficiency and Consented Capacity

8. Self-sufficiency under Policy 1 is to be assessed by reference to the Waste Plan Area, not by design of a wider commercial catchment. Within the Waste Plan Area, Portland ERF is consented at 202,000 tpa and Parley ERF is under construction at 60,000 tpa. Together they provide 262,000 tpa of consented or committed capacity – already exceeding the Waste Plan's 232,000 tpa Table 7 shortfall. Even on the Appellant's own analysis, the residual notional gap is at most c.65,000 tpa, and that figure must be viewed against declining residual volumes under the statutory reduction trajectory.¹⁵⁵

Overcapacity

9. Adding the PD to Portland and Parley would create substantial overcapacity. Based on the Appellant-favourable 327,000 tpa requirement, Portland, Parley and Canford together would create approximately 195,000 tpa of overcapacity. On the FOI and AMR-based assessments of actual arisings, the overcapacity is materially greater. That outcome is directly contrary to the DEFRA Capacity Note and to NPS EN-3 paragraph 2.7.63.

Condition 44 – the Catchment Contradiction

10. The Appellant's proposed Condition 44 confirms rather than resolves the problem. The condition would permit feedstock from Dorset, the whole of Hampshire (including Southampton and Portsmouth), and parts of Wiltshire and Somerset, with the remaining 40% unrestricted. Technically, the condition would not require any feedstock to originate from within the Waste Plan Area at all.
11. This Appellant's case is based on a commercial rationale that does not consider the local need case as a primary consideration on which the facility is proposed to be operated, this was clear in correspondence between the Appellant's and the LPA. A proposal said to be justified by local need cannot at the same time depend on a catchment condition under which more than half of throughput would be imported from far outside the local plan area.

Proximity Principle

12. The same point defeats the claimed proximity benefit. The Waste Plan requires waste to be managed as close as practicable to where it arises. A facility dependent on drawing waste from Hampshire, Wiltshire, Somerset and beyond would not be sited principally to manage Waste Plan Area arisings. Those authorities have their own waste planning frameworks, and there is no evidence that any of them has planned for, contracted for, or endorsed the export of residual waste to Canford. The proposed catchment therefore conflicts with the proximity principle and undermines, rather than delivers, any reduction in waste miles.

Regional and National Capacity

13. The Appellant's references to existing Hampshire EfW facilities do not establish that those facilities are inefficient or at risk of closure. The evidence in chief records Veolia's position that the Hampshire ERFs are capable of operating well beyond 40 years, are permitted, BREF compliant and R1 compliant. Northacre/Westbury ERF is under construction at 243,000 tpa and is designed to serve the surrounding region, Hampshire is served by 550,000 tpa of existing EfW capacity, and Somerset is served by existing capacity at Bridgwater and Avonmouth, for which guaranteed minimum tonnage contracts exist with local authorities. There is no regional capacity gap for the PD to fill.
14. At national level, UKWIN's Interested Party evidence shows that, using DEFRA Capacity Note figures, England reaches EfW overcapacity from circa 2032 on operational and under construction capacity alone. Sensitivity analysis accounting for non-municipal waste and

associated capacity still shows overcapacity from circa 2034 as residual waste reduces in line with the statutory 2042 target. The Appellant's reliance on historic arisings as a proxy for future need does not satisfy the Capacity Note or the EN-1 / EN-3 tests.

Appellant's Feedstock Claims

15. The Appellant's reliance on supposed Canford feedstock is vague and uncommitted. The case relies on MBT residues committed elsewhere, unused MBT capacity, unbuilt MRF capacity, and the 25,000 tpa Inset 8 allocation as if these together justify a 260,000 tpa incinerator. They do not. Mechanical treatment capacity is not thermal treatment capacity; unused or unbuilt capacity is not actual feedstock; and the Canford MBT operator has indicated a preference to supply residues to the consented Portland ERF, not the Appellant's proposal. The claimed local feedstock base is uncertain, overstated and not secured. None of the six letters of support regarding waste supply by the Appellant states that the Canford site is required to meet a need.

Waste Miles

16. The claimed waste miles benefit is not made out and is, on the evidence, a disbenefit. Sixteen operational, consented or under-construction ERFs sit within an approximate two hour drive of Canford, as tabulated in the Evidence in Chief, with combined capacity of circa 3.82 million tpa. Waste sourced from Hampshire, Wiltshire or Somerset (and beyond) under Condition 44 would be transported past nearer existing capacity to reach the Canford site. The 2022 condition variation APP/22/01333/F already conceded site access constraints by extending HGV dispatch hours from 07:00 to 05:00 on Magna Rd; the additional movements generated by a 260,000 tpa facility (operating up to thirteen hours per day Monday to Saturday) would compound exactly the congestion that variation sought to mitigate.

The Portland Precedent

17. The need can be met by a consented non-Green Belt alternative. Portland ERF (consented at 202,000 tpa) is a deliverable non-Green Belt option which the Portland Planning Inquiry, the Secretary of State, and the High Court and Court of Appeal ([2025] EWHC 777 and [2025] EWCA Civ 1405) have each, in succession, treated as available capacity for residual waste in the WP area. Waste Plan Policy 21 permits Green Belt waste development only if no suitable non-Green Belt site can meet the need. Portland is such a site. The Canford proposal therefore fails the Policy 21 test as well as the broader need test.

Conclusion and Planning Balance

18. The PD conflicts with all three limbs of Waste Plan Policy 1 (waste hierarchy, self-sufficiency, proximity principle), with Waste Plan Policy 3 (allocated site scale), and with Waste Plan Policy 6b (displacement of existing capacity). It is not supported by the DEFRA Capacity Note or by revised NPS EN-1 and EN-3: the Appellant has failed to demonstrate a genuine and clearly

defined need, has proposed a catchment that defeats the proximity principle, and the PD would create overcapacity at local, regional and national levels.

19. The claimed need benefit therefore attracts no positive weight, and on the evidence ought to attract significant adverse weight, in the planning balance. The Inspector is respectfully invited to dismiss the appeal.