Statement of Case

Appeal by MVV Environment Limited

Proposal: 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.

Site Address: Canford Resource Park, Arena Way, Magna Road, Wimborne, BH21 3BW.

LPA Reference: APP/23/00822/F.

PINS Reference: TBC.

Date: December 2025

PREPARED FOR

savills

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Document History

Issue	Date	Issued by	Comment
1.0	07.11.2025	RA	Initial draft for review
2.0	01.12.2025	RA	Updated draft including landscape and heritage
3.0	03.12.2025	RA	Updated draft including Counsel comments
4.0	05.12.2025	RA	Final version.

1. Introduction

1.1 This Statement of Case (SoC) has been prepared by Savills (UK) Limited on behalf of MVV Environment Limited ("MVV"/"the Appellant"). This statement sets out the Appellant's case in appealing against the refusal by the Local Planning Authority ("LPA"), Bournemouth Christchurch and Poole Council ("BCP"), of MVV's planning application for the Canford Energy from Waste (EfW) Combined Heat and Power (CHP) Facility (reference APP/23/00822/F), this being the Proposed Development comprising the following:

"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".

1.2 The application sets out MVV's intention to operate the Proposed Development for 40 years and then restore the site.

1.3 In addition to the EfW CHP Facility Site, the proposals include CHP (Combined Heat and Power) connections (underground pipes), the DNC (Distribution Network Connection formed of buried cables with an 800m^2 surface compound at the southern tip of the area shown), and two TCCs (Temporary Construction Compounds) of which only TCC1 is now proposed for development).

1.4 Regarding TCC2 the Appellant (then the Applicant) notified the LPA well in advance of the planning committee meetings to which the application was reported (and at the second meeting refused) that it no longer wished to rely on TCC2 for the construction of the proposals and that TCC1 alone would be used. It was agreed that this outcome would be secured by a planning condition; number 47 of those subsequently recommended to the 12 June 2025 planning committee.

1.5 At the appeal stage it seems more straightforward to amend the plans to remove TCC2 and hence also dispense with condition 47. Four of the plans submitted to the LPA are therefore proposed to be substituted with amended plans excluding TCC2 and this is set out in Section 4 of this statement.

1.6 As a consequence of the non-inclusion of TCC2 the description of development would be amended by the deletion of "s" at the end of "Compounds" making the word singular and would be:

"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 Compound and associated buildings and ancillary car parking".

1.7 The application site and the locations of the main components within it is as shown below, firstly the originally submitted plan including TCC2 and secondly the scheme the Appellant requests the Inspector use as the basis of this appeal. The original application contained 10.1 hectares (Ha) of land within the red line boundary which is reduced by 1.3Ha to 8.8Ha by exclusion of TCC2.

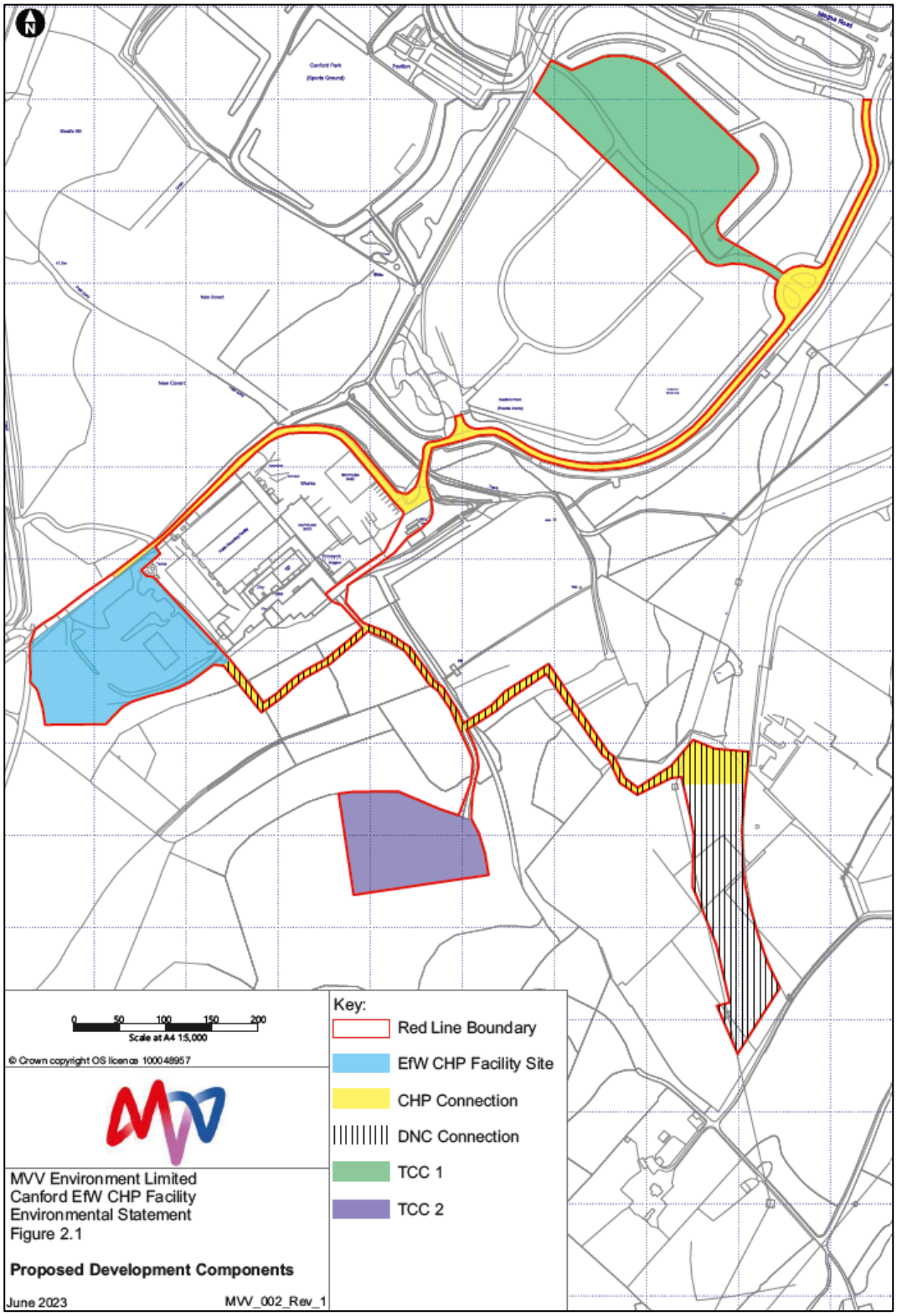

Figure 1: Proposed Development Components (MVV_002_Rev_1) – Application Version (June 2023)

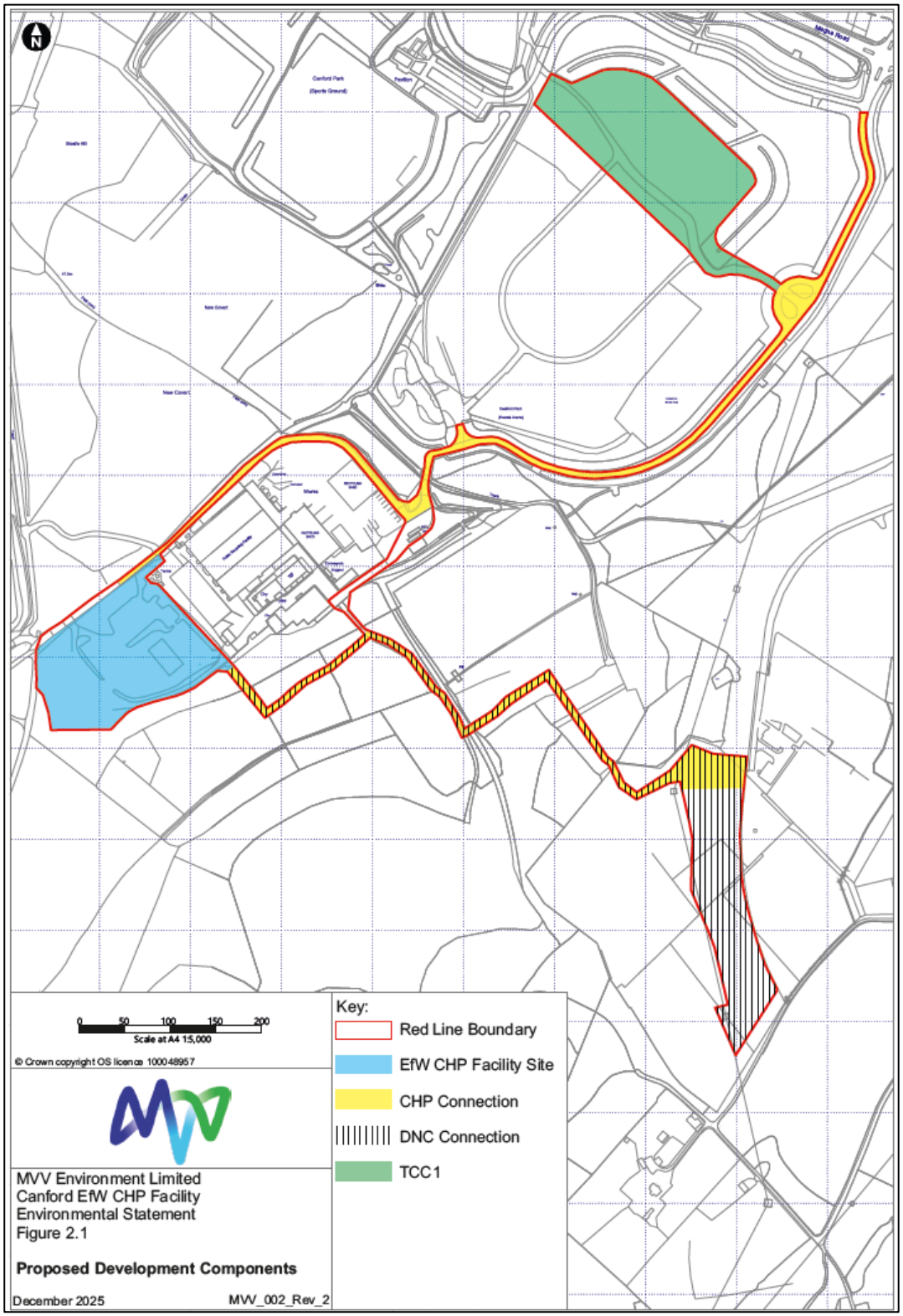

Figure 2: Proposed Development Components (MVV_002_Rev_2) – Appeal Version (December 2025)

1.8 All of the operational above ground elements of the proposals save for the connection to the electricity distribution network which, of necessity is more remote, lie within that area of the application site coloured blue above ("EfW CHP Facility Site") including the main buildings which BCP's refusal notice refers to as the "EfW CHP main building and chimney stack".

1.9 The EfW CHP main building and chimney stack are proposed within the Canford Resource Park (CRP), which is an allocated site in the most relevant part of the statutory development plan (the Waste Plan (WP) 2019, see below). The surrounding CRP (which includes the whole of the blue area above), and adjacent White's Pit Landfill, are long established as home to waste management facilities including, as shown on the WP Key Diagram, the only existing strategic capacity for residual treatment in BCP and Dorset. The CRP is described accurately in Inset 8 of WP Policy 3 as follows:

"Land at Canford Magna, Poole: This is an established facility, with dedicated access and with a relatively small number of sensitive receptors in the vicinity. The site is in the South East Dorset Green Belt but is classified as previously developed land."

1.10 MVV is a wholly owned subsidiary of the German MVV Energie AG group. MVV Energie AG is majority owned and controlled by the City of Mannheim, a major urban authority in the southwestern state of Baden-Württemberg, in the Federal Republic of Germany. MVV Energie AG specialises, and has a proven track record in, inter alia, the delivery and operation of energy from waste facilities, including, through MVV, three operating facilities in the UK and one under construction[1]. MVV is hence an established developer and, importantly, operator of EfW facilities in the UK, having brought its technical and commercial skills here from Germany since 2008.

1.11 Canford is therefore MVV's fifth project in the UK which it intends to own and operate for the full 40 years of its life. Public ownership and control gives MVV a long term view of its future and its role in achieving the transition to a low carbon economy envisaged by its home city, state, federal, and European governments, and the governments and local authorities where it operates, notably the UK. MVV is committed to achieving the "Mannheim Model" (https://www.mvv.de/en/about-us/strategy/mannheim-model) of transition to a low carbon economy and all of its developments are intended to make this a reality. MVV Energie AG also operates heat networks.

1.12 The SoC has been prepared having regard to the latest Planning Inspectorate Guidance on content and format.

[1] Operating plants are Devonport EfW CHP facility (Plymouth), Baldovie EfW CHP facility (Dundee), Ridham Dock Biomass facility (old and waste wood fuelled) (Sittingbourne). In construction is Medworth EfW CHP facility (Cambridgeshire).

1.13 The appeal is made under Section 78 of the Town & Country Planning Act 1990 (as amended) concerning land at Canford Resource Park, Arena Way, Magna Road, Wimborne, BH21 3BW.

1.14 MVV's planning application was validated on 17th July 2023. MVV entered into a planning performance agreement (PPA) with the LPA in an effort to ensure the LPA had sufficient officer resource to manage the application. Dated 9 November 2023, the PPA outlined best endeavours to report the application to planning committee in January 2024.

1.15 The LPA eventually scheduled the application for determination at the 12 September 2024 meeting of its Western Planning Committee, 14 months after validation. The application was recommended for approval by the LPA's Planning Officers, as set out in the Officer Report to Committee 24. However, a developer promoting an application for planning permission for an EfW facility on a site located on the Isle of Portland (see below) submitted a legal opinion asserting procedural flaws in BCP's treatment of the MVV application, including as regards publication of "background" papers, and the Committee adjourned the application for determination on another occasion.

1.16 The case officer handling the MVV application was then changed,[2] and the MVV application was subsequently brought back before the BCP Western Planning Committee at its meeting on Thursday 12th June 2025. The Portland developer again submitted legal representations against grant, but the application was again recommended for approval by the LPA's Planning Officers (including by the new case officer). Officers produced a report to the Committee which recommended approval subject to completion of the s106 Agreement MVV had proposed, and fifty conditions. Obligations proposed under Section 106 of the Town and Country Planning Act 1990 related to (1) transport and (2) biodiversity and ecological management.

1.17 At the Committee meeting, MVV spoke for the application. The Portland promoter also attended, and made representations against the Officer recommendation. The Committee was split, 3 for grant (including the committee Chair and Vice Chair), 6 for refusal, with the majority ultimately rejecting the Planning Officer recommendation and resolving to refuse planning permission for the application.

1.18 The Decision Notice which was issued on 19th June 2025 states that the Proposed Development was refused planning permission for five reasons:

(1) By reason of its height, scale, mass and bulk, the proposed EfW CHP main building and chimney stack would constitute inappropriate development in the Green Belt that would be harmful to the openness of the Green Belt by definition. No very special circumstances exist to outweigh the

[2] Dr. Senjuti Manna became the case officer. The application had previously been handled by Mr. Gareth Ball.

harm contrary to Policies 21 and 3 of the BCPD Waste Plan 2019, Policy PP2 of the Poole Local Plan 2018 and the National Planning Policy Framework (as amended).

(2) By reason of its excessive height, scale, bulk and mass, the proposed EfW CHP main building and chimney stack would have a detrimental impact on the landscape character of the area, contrary to Policies 14 and 3 of the BCPD Waste Plan 2019, Policy PP27 of the Poole Local Plan 2018 and National Planning Policy Framework (as amended).

(3) By reason of its excessive height, scale, bulk and mass; the proposed building and chimney stack would have a negative impact on the settings of various designated heritage assets. The harm will be less than significant on the moderate level of the gradient of harm and will not be outweighed by the public benefits of the scheme. The proposal is contrary to Policies 19 and 3 of the BCPD Waste Plan 2019, Policy PP30 of the Poole Local Plan 2018 and Section 16 of the National Planning Policy Framework (as amended).

(4) In the absence of any measures to secure the Travel Plan monitoring fees and monetary contributions towards Bridleway 118 crossing improvements, the proposal is contrary to Policies 12 and 3 of the BCPD Waste Plan 2019, Policies PP34 and PP35 of the Poole Local Plan 2018 and the National Planning Policy Framework (as amended).

(5) In the absence of appropriate mitigation measures secured by a legal agreement, the proposal would have an adverse effect on the integrity of the European protected sites, on the qualifying features of the habitats sites and have an adverse effect on the integrity of the Site of Special Scientific Interest (SSSI) either alone or in combination with other plans and projects contrary to Policies 18 and 3 of the BCPD Waste Plan 2019, Policy PP33 of the Poole Local Plan 2018 and the National Planning Policy Framework (as amended).

1.19 The Appellant has sought clarification from the LPA regarding reason for refusal ('RfR') 3, which does not identify the designated heritage assets said to experience a 'negative impact'/'harm'. Such clarification is necessary given the Officer advice to Committee regarding any impact on designated heritage assets was conflicting and unclear, and the Committee's discussion did not disclose which designated assets it was that the Members who voted to refuse had in mind. The LPA has provided a written reply (see below). In relation to RfRs 4 and 5, the Appellant understands those to be technical reasons, included out of an excess of caution given the s106 Agreement was not completed and signed at the time of the Committee meeting, but which the LPA regards as entirely resolvable by means of the s106 Agreement.

1.20 A fully drafted Section 106 Agreement covering all of the matters referred to in the Officer's Report has been sent to BCP with this appeal and is expected to be completed before the requested public inquiry.

2. Appeal Procedure

2.1 The Appellant considers that a Public Inquiry would be the most appropriate procedure for this case.

2.2 The Appellant requests this procedure because:

i. This is a significant scheme that received over 435 public comments during the time in which the application was under consideration with the LPA;

ii. It is a large scheme subject to EIA;

iii. The Appellant does not consider that BCP Council's case for refusing planning permission for the Proposed Development is sufficiently clear within the Reasons for Refusal. The lack of precision in the Reasons for Refusal is not clarified by reference to the Officer's Report to Committee, since this recommended approval of the application;

iv. Notwithstanding point iii, the parties are some way apart on issues of landscape and visual impact, heritage and planning policy assessment. The expert evidence to be provided will involve the exercise of professional judgement, which will need to be tested through formal questioning by an advocate to assist the Inspector in reaching clear conclusions;

v. It is necessary for other material considerations, including those relating to the need for the development, to be properly examined, tested and understood through the examination of oral evidence; and

vi. It is not expected that all parties could adequately present their case within 2 days (which exceeds normal practice for a Hearing).

2.3 On the basis that the Planning Inspectorate agrees to the appeal being dealt with under the Public Inquiry procedure, the Appellant will prepare written evidence in the form of proofs of evidence in advance of the Inquiry to address the reasons for refusal. If the Inspectorate consider that a Hearing is necessary, contrary to the Appellant's position, then the Appellant reserve the right to amend and add to this Statement of Case which has been prepared in anticipation of an Inquiry and not a Hearing. The Appellant would respectfully ask for time to carry out that work so that its appeal is not prejudiced.

2.4 At this stage it is anticipated, based on the reasons for refusal, that oral evidence will be presented as follows:

- Landscape;
- Green Belt;
- Heritage;
- General Planning; and
- Evidence from one or more MVV operatives experienced in the practical workings of the proposals and residual waste management.

2.5 The Appellant reserves the right to introduce additional witnesses as necessary to address any other issues that may be raised by the LPA and/or any Third Parties.

2.6 A draft Statement of Common Ground has also been prepared and submitted as part of this appeal. The draft has been shared with the LPA but has not yet been agreed. The Appellant will engage with BCP Council during the appeal process leading up to the Inquiry and seek to submit an agreed and signed Statement of Common Ground in advance of the opening of the Inquiry hearing.

3. The Proposals

3.1 As noted, the Proposed Development as refused sought planning permission for the following:

"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".

3.2 As is set out in Section 1 and reflected in Section 4 of this statement, this Description of Development remains valid with the exception that the Appellant indicated to the LPA before the application was determined that it has no intention of using temporary construction compound two (TCC2). Condition 47 proposed in the BCP Case Officer's Report to committee, which is acceptable to the Appellant, would disallow development/use of TCC2, but the Appellant considers it more robust to simply remove TCC2 from the application plans. Whilst this potentially raises "Wheatcroft" and "Holborn Studios" issues the Appellant does not consider this approach in this case prejudicial to any party, resulting as it does in a reduction of the area affected by the planning application and as the application and accompanying ES covered both TCC1 and TCC2 as alternative options. Moreover the intended non-development of TCC2 has been substantially signposted before the application was determined by BCP's planning committee including in the Officer's Reports to the committee.

3.3 As noted in paragraph 3 of the Officer Report to the 12 June 2025 committee, the primary waste throughput of the Appeal Proposals would be *"Local Authority Collected Household (LACH) residual waste and similar residual Commercial and Industrial (C&I) waste from Bournemouth, Christchurch and Poole and surrounding areas* [mainly Dorset] *that would otherwise be exported to alternative EfW facilities further afield either in the UK or Europe or landfilled."*

3.4 Paragraph 4 *of the* report goes on to explain "*At the operational stage, the proposed facilities would*

- *Process up to 260,000 tonnes per annum (tpa) of non-recyclable (residual), non-hazardous municipal, commercial and industrial waste.*
- *Generate 31 megawatts (MW) of power, exporting around 28.5 Mwe of electricity to the Distribution Network Operator (DNO) grid of for businesses at Churchill Business Park*[3]*. Additionally, potentially providing electricity through private wire along Arena Way to Magna Road.*

[3] Magna Business Park (MBP) was in construction at the time of application 23/00822/F (July 2023). Part of it has since been named Churchill Business Park. Additionally three other large standalone buildings have since been constructed at MBP and there remains one undeveloped site for a 27,000 sq ft building.

- *Have potential to export 5MWth of heat to Churchill Business Park through a Combined Heat and Power (CHP) connection and Distribution Network Connection (DNC) Corridor.* [A further 20MWth could also be supplied subject to demand].
- *Employ up to 32 full time equivalent (FTE) employees*".

3.5 The appeal proposals are for the EfW CHP Facility to be operated for 40 years after which, save for the DNC and HSA, the site would be restored.

3.6 Incinerator Bottom Ash is intended to be processed elsewhere within the CRP including the former landfill site.

3.7 Land is set aside within the EfW CHP Facility Site (the blue land illustrated on the above plan) for the construction of a post combustion carbon capture plant to enable the capture and permanent geological storage of carbon dioxide within the flue gases from the EfW CHP Facility.

4. Plans

4.1 The Proposed Development was considered and subsequently refused on the basis of the following plans and reports:[4] Those substituted in this appeal to allow for the exclusion of TCC2 as referred to in Sections 1 and 3 above, four in total, are highlighted with the new substitute plan listed immediately below each in turn. Amended plans (dated December 2023) accounting for minor design changes submitted in early 2024 are included and an EIA Regulations Reg 25 submission of additional information in February 2024 and other documents submitted after the original application are listed separately.

Table 1: Planning Application Documents/Drawings

Planning Application Documents/Drawings			
Plan Name	**Reference**	**Author**	**Date**
Site Location Plan (showing Proposed Development Red Line Boundary)	MVV_001_Rev_0	MVV Environment Limited	June 2023
Site Location Plan (showing Proposed Development Red Line Boundary)	MVV_001_Rev_1	MVV Environment Limited	December 2025
Proposed Site Plan	SC1643/PL 10-01 A	Savage + Chadwick Architects	Aug 2023
North Western Elevation	SC1643/PL 12-01 A Rev A	Savage + Chadwick Architects	December 2023
South Eastern Elevation	SC1643/PL 12-02 A Rev A	Savage + Chadwick Architects	December 2023
North Eastern Elevation	SC1643/PL 12-03 A Rev A	Savage + Chadwick Architects	December 2023
Proposed Development Components	MVV_002_Rev_1	MVV Environment Limited	Aug 2023
Proposed Development Components	MVV_002_Rev_2	MVV Environment Limited	December 2025
DNC Compound Including HSA	MVV_003_Rev_2	MVV Environment Limited	Aug 2023
DNC Compound Including HSA	MVV_003_Rev_3	MVV Environment Limited	December 2025
DNC General Arrangements	MVV_004_Rev_2	MVV Environment Limited	Aug 2023

[4]Other documents were submitted to the LPA: the intention of this table is to identify the plans and drawings, and the reports, which present, show and explain the Proposed Development.

DNC Compound Sections	MVV_005_Rev_1	MVV Environment Limited	July 2023
Temporary Workshop / Stores Building	MVV_006_REV_0	MVV Environment Limited	July 2023
Two Storey Office / Welfare Cabins	MVV_007_REV_0	MVV Environment Limited	July 2023
Boundary Fence and Gates	MVV_008_Rev_02021	MVV Environment Limited	July 2023
Gatehouse / Weighbridge Elevations	MVV_009_Rev_0	MVV Environment Limited	July 2023
Cycle Parking	MVV_010_Rev_0	MVV Environment Limited	Sept 2023
Vehicle Tracking	SC1643/PL 10-02	Savage + Chadwick Architects	Feb 2023
Temporary Construction Compound: General Arrangements	MVV_010_Rev_1 TCC1 and 2	MVV Environment Limited	July 2023
Temporary Construction Compound: General Arrangements	MVV_010_TCC1_Rev_2	MVV Environment Limited	December 2025
Visualisations of the EfW CHP Facility	SC1643/PL 12-04 Rev A	Savage + Chadwick Architects	December 2023
Proposed Site Sections	SC1643/PL 11-01	Savage + Chadwick Architects	Feb 2023
Indicative Section	SC1643/PL 11-02	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 44.650M AOD	SC1643/PL 10-03	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 51.425M AOD	SC1643/PL 10-04	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 58.200M AOD	SC1643/PL 10-05	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 61.925M AOD	SC1643/PL 10-06	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 67.650M AOD	SC1643/PL 10-07	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 71.375M AOD	SC1643/PL 10-08	Savage + Chadwick Architects	Feb 2023
Roof Plan	SC1643/PL 10-09	Savage + Chadwick Architects	Feb 2023
Roof Terrace Plan and Elevations	SC1643/PL 10-10	Savage + Chadwick Architects	Feb 2023
Document Name	**Reference**	**Author**	**Date**
Planning Statement and Appendices: Appendix 1: List of Plans Appendix 2: Pre-Application Consultation		MVV Environment Limited	July 2023

Appendix 3: Aviation Impact Assessment Appendix 4: Combined Heat and Power Appendix 5: Section 106 Agreement Appendix 6: Design Stage R1 Calculation Appendix 7: List of Draft Conditions Appendix 8: Letters of Support			
Statement of Community Involvement	SCI 1.0	MVV Environment Limited	July 2023
Outline Employment and Skills Plan	OESS 1.0	MVV Environment Limited	July 2023
Design and Access Statement		MVV Environment Limited	July 2023
Design and Access Statement Addendum		MVV Environment Limited	Feb 2024
Incinerator Bottom Ash (IBA) and microplastic		MVV Environment Limited	Feb 2025
Non-Technical Summary of the Environmental Statement		Multiple	July 2023
Environmental Statement Main Text: Chapter 1: Introduction Chapter 2: The Site and Local Context Chapter 3: Description of the Proposed Development Chapter 4: Alternatives and Design Iterations Chapter 5: EIA Approach Chapter 6: Air Quality Chapter 7: Climate Change and Greenhouse Gases Chapter 8: Ecology and Nature Conservation Chapter 9: Geology, Hydrology and Ground Conditions Chapter 10: Historic Environment Chapter 11: Hydrology Chapter 12: Landscape and Visual Chapter 13: Noise and Vibration Chapter 14: Population and Health		Multiple	July 2023

Chapter 15: Traffic and Transport			
Environmental Statement Technical Appendices and Figures		Multiple	July 2023

Planning Application Amendments and further Documents including ES Addenda			
Plan Name	**Reference**	**Author**	**Date**
North Western Elevation	SC1643/PL 12-01 A Rev A	Savage + Chadwick Architects	Dec 2023
South Eastern Elevation	SC1643/PL 12-02 A Rev A	Savage + Chadwick Architects	Dec 2023
North Eastern Elevation	SC1643/PL 12-03 A Rev A	Savage + Chadwick Architects	Dec 2023
Visualisations of the EfW CHP Facility	SC1643/PL 12-04 A Rev A	Savage + Chadwick Architects	Dec 2023
Proposed EfW CHP Facility Site including illustrative carbon capture facility	MVV_CC_001a	MVV Environment Limited	Oct 2024
Document Name	**Reference**	**Author**	**Date**
Applicant's Response to Consultees	ARC_P1_Rev 1.0	MVV Environment Limited	Sept 2023
Design and Access Statement Addendum	DAS Addendum	MVV Environment Limited	Feb 2024
Summary of Local Representations and the Applicant's Response	MVV001 _Rev 2.0	MVV Environment Limited	Feb 2024
Non-Technical Summary of the Environmental Statement Addendum		Multiple	Feb 2024
Environmental Statement Addendum Chapter 0: ES Addendum Chapter 6: Air Quality Addendum Chapter 8: Ecology and Nature Conservation Chapter 12: Landscape and Visual Addendum		Multiple	Feb 2024
Environmental Statement Addendum Technical Appendices and Figures		Multiple	Feb 2024

Summary of additional local representations and the Applicant's response	SoLR2_Rev 1.0	MVV Environment Limited	June 2025

5. Relevant Planning History for the Site, the wider Canford Resource Park and White's Pit Landfill

5.1 The main part of the Site, the area within the CRP that will hold the EfW CHP main building and chimney stack, is presently occupied by, amongst other things, a Low Carbon Energy Facility (which has extant permission to expand). The wider CRP holds a range of waste management infrastructure building and structures. The adjacent White's Pit former landfill site is in uses complementary to the CRP.

5.2 Planning permissions of relevance are identified below:

Table 2: Relevant Planning History

Relevant Planning History		
Reference	**Description/Location (bold text)**	**Decision Issued Date**
APP/23/01002/F	**White's Pit** solar farm extension	19/12/2023
APP/22/00183/F	Inert recycling facility at **White's Pit** concrete batching plant	30/08/2022
PREA/22/00049	Environmental Impact Assessment Scoping Opinion request for an Energy from Waste and Combined Heat and Power Facility at **Canford Resource Park**	14/10/2022
APP/22/01333/F	Variation of Condition 8 of Planning Permission APP/15/00874/Y as described in that Description of Development to allow heavy goods vehicles to leave the site from 05:00 Monday to Saturday. **CRP**	28/12/2022
APP/22/01332/F	Variation of Condition 7 of Planning Permission APP/14/00733/F (following Original approval APP/13/00855/F) as described in that Description of Development to amend restriction on time of vehicle movement. **CRP**	28/12/2022
APP/22/00284/F	Vary condition 2 of APP/21/00400/F – hydrogen plant adjacent BESS on the restored landfill [moved away from site of EfW CHP main building] **White's Pit**	20/05/2022
APP/21/00400/F	**White's Pit** solar farm 30 years including hydrogen and battery storage	08/10/2021
APP/20/01363/F	Inert recycling facility at **White's Pit** drainage ditch	26/10/2022
APP/20/00533/F	Inert recycling facility at **White's Pit** permanent consent	28/09/2020
APP/17/00888/F	Variation of Condition 6 of Planning Permission APP/13/01449/F as described in that Description of Development to link approved	16/07/2018

	operations to other adjacent planning consents, ref 14/00733 and 15/00874. **CRP**	
APP/15/00874/Y	Erect commercial and industrial waste materials recovery facility with new weighbridge, office and welfare facilities. No time limiting consent. **CRP**	28/10/2015
APP/15/00906/F	Variation of Condition 1 of planning permission App.14/00332/F to allow for the retention of the Research & Development use & associated plant & structures for a further 6-months. **CRP**	25/08/2015
APP/14/00332/F	Variation of condition 1 of planning permission App.12/01672/C to allow for the retention of the research & development use & associated plant & structures for a further 9-month period. **CRP**	26/06/2014
APP/14/00733	MRF – amended APP13/0855/F to allow processing of non-inert waste **CRP**	26/08/2014
APP/14/00120/Y	Inert recycling facility at **White's Pit** original consent time limited to 2022	23/07/2014
APP/13/01455/F	Variation of condition to APP/13/00843/F to make composting hall extension permanent **CRP**	16/01/2014
APP/13/01449/F	Variation of condition 3 of 13/00808/F to remove the time limit for the Low Carbon Energy facility – to make the permission (originally 12/01599/F) permanent. **CRP**	19/02/2014
APP/13/01438/F	Removal of condition 1 to APP/13/00806/Y to make composting hall extension permanent **CRP**	14/02/2014
APP/13/01437/F	Removal of condition 1 to APP/13/00805/Y to make composting hall extension permanent **CRP**	14/02/2014
APP/13/00855/F	Removal of Condition No.2 of planning permission 13/00242/F (Materials Recovery Facility) **CRP**	02/12/2013
APP/13/00843/F	Variation of condition to APP/11/01653/F to extend permission to 2035 **CRP**	01/10/2013
APP/13/00808/F	Variation of condition 3 of 12/01559/F to allow for the Low Carbon Energy facility to remain in place until June 2035. **CRP**	04/10/2013
APP/13/00806/Y	Variation of condition 1 to 00/31392/006/Y to extend permission to 2035 **CRP**	01/10/2013
APP/13/00805/Y	Variation of condition 2 to 04/31392/012/Y to extend permission to 20 June 2035 **CRP**	01/10/2013
APP/13/00242/F	Planning Permission was granted to erect extensions to existing Material Recovery Facility with ancillary infrastructure, accessed via existing Service Road. A condition restricted the life of this development until June 2035. **CRP**	20/01/2013
APP/12/01559/F	Development of Low Carbon Energy Facility consisting of a single storey Feedstock Preparation Building, 10 Advanced Thermal Conversion Units, 10 Gas Engines, Electricity Transformers, Storage Tanks, Exhaust Stacks Welfare and Maintenance facilities, accessed via existing site and Arena Way **CRP**	01/07/2013

12/01672/C	Vary planning condition 1 of APP/11/01669/C to allow for the retention of the research and development use, and associated plant and structures for a further 18-month period. **CRP**	14/03/2013
11/01669/C	Permission to vary planning condition 2 of APP/09/00810/C to continue the operation of a trial pyrolysis plant & associated Application No: APP/12/01559/F Page 3 of 14 equipment in compost "maturation" building. **CRP**	07/02/2012
11/01653/F	Permission to install 3 gas production units (pyrolysis units), to feed existing gas turbines, to be installed at inert recycling compound, with enclosures and pipelines. **CRP**	23/02/2012
09/00810/C	Permission to change the use of part of the existing compost maturation building for the purposes of an R&D trial of pyrolysis technology and erection of plant and structures including a gas engine in the open air. **CRP**	11/09/2009
08/31392/018	Erect a detached building to provide additional composting halls and maturation bays linked by an overhead conveyor to the existing waste reception/sorting hall and the ancillary water treatment tanks, air scrubbers and bio filter. Allowed at appeal. **CRP**	01/10/2008
04/31392/012/Y	Erect single storey extension to composting hall **CRP**	21/06/2004
00/31392/006/Y	Permission for the erection of a fully enclosed composting facility. Given a temporary 25-year consent because of its Green Belt location, which expires in January 2027. This temporary permission was based on the siting of equipment to deal with the outputs from the landfill site, expected to be on site until 2027. **CRP**	9/01/2002
5/94/31174/008	The erection of a building to house, and the siting of, 7 electrical generating turbines, driven by gas captured from the landfill site, was granted. **CRP**	1994
5/93/31174/005	The erection of a maintenance workshop at the Gas and Leachate Control Centre was granted. **CRP**	1993
31174/4	Install electrical power generating plant to recover energy from landfill gas **CRP**	29/03/1993
5/89/27392/1	**White's Pit** Extraction of Sand and Gravel with reinstatement by tipping of controlled waste	23/05/1989
7706/1	Extract minerals from 23.8 acres of land. **CRP**	18/04/1957

6. Policy Context

6.1 Development Plan and other local policy

6.1.1 The relevant adopted Development Plan documents for the purposes of this appeal are:

- The Bournemouth Christchurch and Poole and Dorset Waste Plan ('the Waste Plan' or 'WP'), adopted in December 2019; and
- The Poole Local Plan (2013 – 2033), ("PLP") adopted in November 2018.

6.1.2 For the determination of this appeal the Appellant considers the Waste Plan to have primacy, as the most recent element of the Development Plan and also the element specifically concerned with proposals of this nature.

6.1.3 The Appellant considers the following policies from the adopted Development Plan to be the most relevant for the determination of the appeal (given its understanding regarding the fourth and fifth reasons for refusal):

6.1.4 <u>The Waste Plan (WP) (2019)</u>

- Policy 1: Sustainable Waste Management
- Policy 2: Integrated Waste Management Facilities
- Policy 3: Sites Allocated for Waste Management and Development (and the relevant Insets)
- Policy 6: Recovery Facilities
- Policy 14: Landscape and Design Quality
- Policy 19: Historic Environment
- Policy 21: South East Dorset Green Belt

6.1.5 <u>Poole Local Plan (PLP) (2018)</u>

- Policy PP2: Amount and Broad Location of Development
- Policy PP27: Design
- Policy PP30: Heritage Assets

6.1.6 The Site is one of four allocated by the Waste Plan for residual waste management by policy 3.

6.1.7 Policies 3, 14, 19 and 21 and the PLP policies listed are referred to in RfRs 1 to 3 and hence in the later sections of this statement.

6.1.8 Other BCP policies and strategies of relevance are contained within the following and will be referred to in evidence.

- BCP Corporate Strategy which states amongst BCP's aims to:
  - "*de-centralise energy networks by 2028, locating energy production closer to energy demand in our homes and buildings",*
  - *"increase the amount of renewable electricity generated across the BCP area*" and
  - "*ensure the BCP area has sufficient fit-for purpose waste infrastructure to manage all the waste it produces"*
- BCP Local Area Energy Plan
- BCP Waste Management Strategy (draft) which amongst other things aims to:
  - *"prioritise recovering energy from non-recyclable waste above landfill",*
  - *reduce vehicle emissions associated with waste",*
  - *minimise the use of landfill",*
  - *prioritise waste site proximity",* and
  - *provide value for money for BCP*."
- BCP Climate Action Annual Reports

6.2 National Policy

6.2.1 The Statement of Case ('SoC') refers in detail to the relevant parts of the National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW) and sets out other pertinent national policy/guidance. In addition to those parts of the NPPF relevant to the RfRs para 168a and the related definition of renewable and low carbon energy (in the NPPF's glossary) are relevant as circa 50% of the energy output of the proposals will be renewable by virtue of originating from the combustion of the biomass fraction of residual waste.

6.2.2 National Policy Statements (NPSs) are prepared further to the Planning Act 2008 and provide the basis for determination of applications under that Act for Nationally Significant Infrastructure Projects (NSIPs). The appeal proposals are not an NSIP as there is a threshold of 50MWe generation for a project to be so defined and the appeal proposals are to generate 28.5MWe net of site load (i.e. for export from the site). However, NPSs can be material considerations for applications under the Town and Country Planning Act.

6.2.3 The relevant NPSs in this case are EN-1, the Overarching National Policy Statement for Energy, and EN-3, The National Policy Statement for Renewable Energy Infrastructure. Both have been subject to review during 2024/25 and in both cases a final version of a December 2025 document is currently laid before Parliament with the expectation that they will then be designated.

6.2.4 NPS EN-1 sets out overarching considerations in planning for energy infrastructure. These include (paras 3.3.36 to 3.3.41) that the combustion of waste is principally a means of reducing the amount

of residual waste going to landfill and that only waste that cannot be prevented, prepared for-use, or recycled and would otherwise go to landfill should be used for energy recovery. The portion of energy that is generated from biogenic waste is renewable; EfW is a form of renewable energy. There is strong encouragement for heat offtakes from thermal generation and also for flexibility to enable future carbon capture and storage.

6.2.5 EPS EN-3 reiterates that EfW facilities must meet a need to facilitate diversion of non-recyclable waste from landfill or enable the replacement of older, less efficient waste combustion facilities (para 2.7.7). They must not hinder achievement of the Environmental Targets (Residual Waste) (England) Regulations 2023 (para 2.7.8).

6.2.6 EN-3 also states (para 2.7.34) that applicants may focus on public or private sector waste treatment contracts, or a combination of the two.

6.2.7 EN-3 paras 2.7.16 to 2.7.22 set out the relationship between EfW facilities and heat networks and carbon capture readiness. Later sections of EN-3 set out approaches to different potential effects of EfW plants.

6.2.8 National policy on waste management is set out in the 2018 document produced by Defra entitled Our Waste our Resources (subsequently referred to in Monitoring Reports as the "*Resources and Waste Strategy*" (RWS)), as updated by the Waste Management Plan for England 2021. RWS establishes a target of there being no more than 20 million tonnes per annum (Mtpa) of residual waste in England by 2035, and that by the same date 65% of municipal waste will be recycled and less than 10% landfilled. It predicts further EfW plants being required (there having been circa 40 in 2018) and requires all new ones to achieve R1 status of efficiency.

6.2.9 The Waste Management Plan for England 2021 did not change the RWS but sets out measures made necessary by the Waste (Circular Economy) (Amendment) Regulations 2020. Reiterating the RWS targets, the 2021 document emphasises the Government's intention to deliver the right waste management infrastructure in the right places.

6.2.10 The Environmental Improvement Plan 2023 led to The Environmental Targets (Residual Waste) (England) Regulations (ETR) 2023 which set an initial long term statutory target of 287kg per capita of residual waste in 2042.

6.2.11 The Residual waste infrastructure capacity note (RWICN) published by Defra in December 2024 refers to the ETR and to other regulations which align with RWS. Its Executive Summary explains that it is " … *intended to support decision makers in planning for residual waste infrastructure provision*."

6.2.12 RWICN is referred to in more detail in the following section of this document concerning the need for the residual waste management capacity proposed by the Appellant at Canford. It and the ETR will be considered more fully in evidence.

6.2.13 RWS Monitoring Progress (Fourth edition) was published in May 2024 and is the latest in this sequence of updates on indicators set in RWS. Indicator WD1 shows 558.8kg per person of residual waste in 2022. Indicator WD2 shows 9.5 million tonnes of municipal waste landfilled in 2022. Indicator RC2 shows "*The proportion of local authority collected waste sent for recycling or composting, relative to overall arisings, has remained roughly constant since 2011/12, standing at 40.7% in 2022/23*."

6.2.14 The Appellant notes the Secretary of State for EFRA's comment to the House of Commons EFRA Committee on 11 November 2025 that a circular economy growth plan is intended for publication in early 2026 to underpin investment in new UK recycling capacity. The contents of this when it emerges may be relevant to the appeal.

6.2.15 Other material considerations that will be referred to in the Inquiry are detailed later within this SoC. This list is not exhaustive.

6.3 Key development plan policies not referred to in RfRs.

6.3.1 Waste Plan Policy 1 – Sustainable waste management states:

"When considering development proposals, the Waste Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to promote the circular economy and find solutions which mean that proposals can be approved where appropriate to secure development that improves the economic, social and environmental conditions in the area.

Proposals for the development of waste management facilities must conform with, and demonstrate how they support the delivery of, the following key underlying principles of the Waste Plan:

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

6.3.2 The proposals comply with WP Policy 1. They are on an appropriately allocated site, proximate to the main source of residual waste in the waste plan area, co-located with complementary waste uses and other complementary uses, and separated from residential uses. As the Appellant sets out elsewhere in this statement, and as will be explained in further detailed evidence, the proposals support the circular economy and will improve the economic, social, and environmental conditions. They will move waste up the waste hierarchy away from landfill, assist substantially in making the WP area self-sufficient, and adhere to the proximity principle. They will comply with the presumption in favour of sustainable development set out in the NPPF para. 11.

6.3.3 Waste Plan Policy 2 – Integrated waste management facilities states:

"Proposals for waste management facilities which incorporate different types of waste management activities at the same location, or are co-located with complementary activities, will be supported unless there would be an unacceptable cumulative impact on the local area".

6.3.4 The co-locational benefits of the proposals with existing waste management functions on the wider CRP and adjacent White's Pit former Landfill are significant and unique to the Appeal Site. They are summarised in this statement and will be expanded upon in evidence. The Environmental Statement (ES) submitted with the planning application concludes no unacceptable cumulative effects. The appeal proposals are compliant with WP Policy 2.

6.3.5 Waste Plan Policy 6 – Recovery facilities states:

"Proposals for the recovery of non-hazardous waste, including materials recovery, mechanical biological treatment, thermal treatment, anaerobic digestion and biomass facilities, will be permitted where it is demonstrated that they meet all of the following criteria:

a) The operation of the facility will support delivery of the Spatial Strategy, contributing to meeting the needs identified in this Plan;

b) They will not displace the management of waste which is already managed, or likely to be managed, by a process which is further up the waste hierarchy than that being proposed, unless the Waste Planning Authority is satisfied that the proposal would result in benefits sufficient to outweigh the displacement;

c) Proposals will provide for all operations including the reception, handling, processing and storage of waste to take place within an enclosed building unless there would be no proven benefit from such enclosure and demonstrate that the proposed operations will be compatible with existing or proposed neighbouring uses;

d) Where energy is produced, they provide combined heat and power, or if this is demonstrated to be impracticable they recover energy though electricity production and are designed to have the capability to deliver heat in the future;

e) Where gas is produced, it is injected into the grid, used for fuel or is refined for use in industrial processes, unless this would not be practicable; and

f) Possible effects (including those related to proximity, species and displacement of recreation) that might arise from the development would not adversely affect the integrity of European and Ramsar sites either alone or in combination with other plans or projects.

g) Any residues arising from the facility must be managed in accordance with the waste hierarchy and the proximity principle.

h) Processing facilities for incinerator bottom ash must be located at or close to the source of the waste arising".

6.3.6 Criterion e is irrelevant to the appeal proposals. In all other respects the appeal proposals comply fully with WP Policy 6 as is summarised elsewhere in this statement and will be expanded upon in evidence.

7. The Application Process

7.1 The application for the project was first discussed with BCP as Local Planning Authority (LPA) in November 2022 when an officer attended a meeting at the site and recommended a targeted pre-application request focussed on Green Belt matters and waste need. A formal pre-application request was submitted 21 December 2022 with pre-application advice received 16 September 2023. An EIA Scoping request was made to BCP 5 April 2023 and Scoping Opinion received 14 October 2023.

7.2 MVV prepared an Environmental Statement, submitted with the Planning Application, in line with BCP's Scoping Opinion.

7.3 MVV entered into a PPA with the LPA in an effort to ensure the LPA had sufficient officer resource to manage the application. Dated 9 November 2023, the PPA outlined best endeavours to report the application to planning committee in January 2024.

7.4 The planning application was submitted 13 July 2023, validated 18 July 2023, consulted on correctly, subject to a Regulation 25 (EIA Regulations) request for additional information on LVIA in January 2024, followed by further consultation, and reported to BCP western planning committee with a recommendation for approval on 12 September 2024. However, BCP deferred consideration of the application following reception of a legal opinion submitted by King's Counsel for the Portland EfW project, which opinion was submitted on 11 September 2024. The Portland EfW project had been refused permission by Dorset Council on grounds of non-compliance with Waste Plan core principles, in particular distance from waste arisings, harm to heritage and harm to landscape. Then on 16 September 2024 the Secretary of State for Communities, Homes and Local Government decided to grant consent for the Portland EfW project, overturning Dorset Council's refusal.

7.5 In December 2024 the revised NPPF was issued, which introduced the concept of grey belt and altered para.154(g), amongst other changes. Then in late December 2024, Defra issued its RWICN.

7.6 In addition to dealing with these, and other policy/guidance changes of potential relevance (including revised draft versions of NPS EN1 and EN3 concerning energy overall (EN1) and renewable energy (EN3), albeit the Proposals are not an NSIP), BCP also had to deal with the matters raised by King's Counsel acting for the promoters of the Portland EfW project (who made further submissions). BCP now had also to consider the decision of the Secretary of State to overturn Dorset Council's refusal and grant planning permission for the Portland EfW project.

7.7 As noted, a new case officer was appointed (in December 2024).

7.8 The application was listed for determination at committee on 12 June 2025, again with a recommendation for approval subject to conditions and a Section 106 Agreement.

7.9 Over the nearly two years period between submission and determination in addition to the responses of statutory consultees many other comments were made and questions raised by the case officer(s). MVV provided further clarification and explanation but only the January 2024 LVIA submission contained additional EIA information. New comments were received from BCP's heritage officer, urban design officer, and EHO in the weeks leading to the 12 June 2025 planning committee. These were all dealt with as fully and efficiently as possible notwithstanding exactly the same scheme had been recommended for approval nine months earlier on the basis that BCP had undertaken all internal consultations necessary.

7.10 BCP western planning committee voted 6-3 on a motion to refuse the application at the 12 June 2025 meeting. The 3 votes in favour of granting consent (technically votes against refusing it but each followed a speech by the member concerned advocating the committee follow officers' advice) included those of the Chair and Vice Chair of the Committee.

8. The Scope of the Appeal

8.1 Given the planning application was recommended for approval (twice) by planning officers at BCP Council, and given the LPA's duty to state its full reasons for refusal, the appeal is focused tightly on the stated reasons for refusal. In addition however, there is one further matter which the appeal will need to consider, being the potential for imposition of a planning condition to control the catchment area from which waste might be drawn for treatment by the appeal proposals. Whilst noting that the Inspector and Secretary of State at Portland imposed no similar condition, MVV did offer a catchment condition which it considers acceptable, as distinct from the condition 44 suggested by the LPA, which it does not.

RfRs 4 and 5

8.2 The Appellant is of the view that RfRs 4 and 5 are only a technical necessity. This is because the terms of the s106 Agreement referred to in recommendation B of the Officer's Report to committee (page 75 of 98) are acceptable to MVV. MVV had issued BCP with a draft deed to secure these terms in advance of the Committee meeting.

8.3 The draft deed (Appendix 1) has now been further refined and re-issued to BCP Council by MVV to secure these terms and it is reasonable to assume, because of the officer recommendation and that none of the matters to which RfRs 4 and 5 relate were suggested by members of the 12 June 2025 committee as reasons for refusal, that this will be entered into by BCP Council prior to completion of the requested public inquiry. On BCP Council's entering into the s106 Agreement it would be reasonable for RfRs 4 and 5 to be withdrawn. Even if the RfRs were not withdrawn it would then be Common Ground between the Appellant and BCP that there was no substance to them.

8.4 Hence the Appellant is of the view that clear actions to deal with RfRs 4 and 5 are agreed and the Inspector may rely upon this. These actions, to be achieved further to s106 Agreement obligations, relate to a financial contribution for (RfR4) the provision of a pedestrian and equestrian crossing of the site access road for Bridleway 118 and (RfR 5) biodiversity enhancement, acidification mitigation, financial contributions for biodiversity enhancement and soil acid buffering plan, an annual financial contribution to a trickle fund for offsite soil monitoring, a Biodiversity Net Gain (BNG) strategy to achieve 25%BNG a rhododendron survey report, and expansion of the Heathland Support Area (HSA).

8.5 As is set out in the officer's committee report (para 298) the s106 Agreement obligations concerning biodiversity, to which RfR 5 relates, have all been agreed with Natural England.

8.6 MVV has included an obligation in its draft s106 Agreement which would provide a financial contribution towards Travel Plan monitoring. This was not included in the Officer's Report to committee's recommendation to grant part B (page 75 of 98) but was referred to by the officer at para 263 of the committee report.

RfRs 1 to 3

8.7 It follows from the above concerning RfRs 4 and 5 that RfRs 1 to 3 are the only substantive matters on the basis of which planning permission was refused.

8.8 RfRs 1 and 2 commence with the same wording "*By reason of its height, scale, mass and bulk, the proposed EfW CHP main building and chimney stack …"* before going on to state the harm to Green Belt openness (RfR 1) and detrimental effects on landscape character (RfR 2) and why they are unacceptable to the LPA. RfR 3 uses the same wording without including "*EfW CHP main*" and hence refers to "*the proposed building and chimney stack*". Nevertheless as the EfW CHP main building is clearly the largest building proposed, and only it has a "chimney stack", and as RfR 3 uses the word "*building*" in the singular, the Appellant notes that it is only the EfW CHP main building, along with the chimney, that BCP Council considers unacceptable in terms of its impacts. The RfR 1-3 are all concerned exclusively therefore with the development proposed on the EfW CHP Facility Site.

8.9 None of the other elements of the Proposed Development, that is the roadways, subterranean cables and pipelines, temporary construction compound and distribution network connection (DNC) compound are mentioned in reasons for refusal. The Appellant therefore considers the LPA, as explained within the Officer's Report which recommends the grant of planning permission, to consider these other aspects of the development proposals acceptable.

8.10 The scope of the appeal is therefore restricted to the effects of the EfW CHP main building and chimney stack on the matters each of RfR 1 to 3 refers to in turn.

RfR 3

8.11 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) places a duty on LPAs through its Section 35 that "*When the local planning authority give notice of a decision or determination on an application for planning permission … where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal … ."*

8.12 RfR3 says "*By reason of its excessive height, scale, bulk and mass; the proposed building and chimney stack would have a negative impact on the settings of various designated assets*." The

failure of this RfR to specify which assets is such that it does not pass the tests of clarity and precision set by DMPO Section 35.

8.13 The Appellant wrote to BCP on 17 October 2025 seeking clarity on this matter and requesting a reply by 24 October. A reply was received by email on 17 October 2025 which quoted from a 14 April 2025 advice of the Heritage Officer in a consultation response to the planning application that *'In altering the landscape setting in this way the impact on the Grade I listed former manor of Poole is harmful as it affects the setting of the heritage assets within the site and it's assumed the setting is similarly affected of both the Canford Village and Oakley Lane Conservation Areas and the listed and locally listed buildings within those areas and across Canford Heath. In this case the PD would make a negative contribution to the significance of the affected heritage assets…The less than significant harm to the setting of the numerous heritage assets, including the Grade I listed Canford School and parish church, resulting from the PD, should be considered exceptional, in line with NPPF 213, and should be assessed against the benefits attributed to it.'*

8.14 The 17 October 2025 email then continues *'It is my understanding that the various heritage assets mentioned in the reason for refusal 3 are those identified by the Heritage Officer and not the Bowl Barrows. I have copied other officers who attended the committee, including the Council's solicitor, in case their understandings are different from mine.'*.

8.15 No further communication has been received. Accordingly, BCP Council having confirmed its position as set out in the email of 17 October 2025, it is these assets mentioned by the Heritage Officer to which RfR 3 refers and not the Bowl Barrows on Canford Heath, which Bowl Barrows the Officer Report recommending planning permission be granted (para 217) focussed on as the height of concern on heritage matters (and it is also the case that there are no *'listed and locally listed buildings'* on Canford Heath, and the Heritage Officer also makes clear in her 14 April 2025 advice that she is not discussing *'archaeological sites and ancient monuments'*). Accordingly, BCP Council's case is that it relies upon the heritage assets identified in the 14 April 2025 email from heritage officer (as cited in the 17 October email), notwithstanding that the Officer's Report to Committee concluded effects on assets other than the Bowl Barrows, including those mentioned above, to be "negligible" (para 218).

8.16 These matters will be addressed further in heritage evidence.

9. The Need for this EfW, at the Canford Allocation

9.1 Most waste generated in the County of Dorset (which comprises the administrative areas of BCP Council and Dorset Council) is generated in south-east Dorset (SE Dorset), as the WP takes care to identify. This is due to the very substantial urban area of Bournemouth, Christchurch and Poole (whose circa 410,000 population compares with a sizeable city) with another 110,000 people living in SE Dorset outside BCP. The combined population of BCP and Dorset is around 800,000. Hence 65% live in SE Dorset. The areas of BCP, SE Dorset and Dorset are shown spatially below.

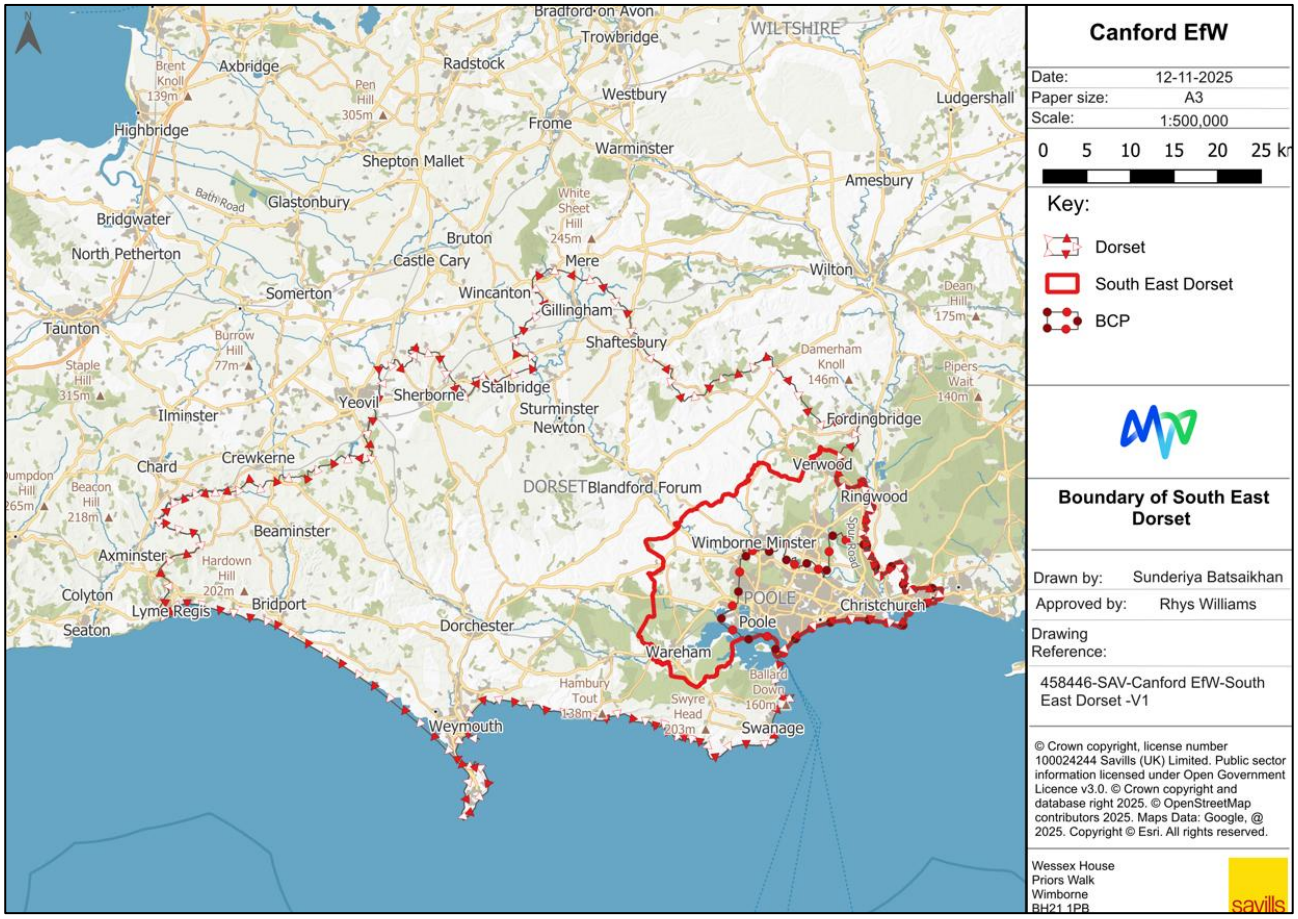

Figure 3: Boundary of South East Dorset

9.2 BCP's and SE Dorset's residual waste is mainly already taken directly (i.e. by Refuse Collection Vehicles) to Canford Resource Park, which is well positioned to BCP to receive it. Residual waste from further afield in Dorset arrives by bulker lorry via transfer stations. CRP also contains recycling

activities (including a Materials Recovery Facility) (MRF) which generates further residual waste as a by-product, from rejected material.

9.3 As the CRP provides residual waste recovery at present, the pattern of existing residual waste management therefore already reflects the proximity principle through (as WP Policy 1 states) "*being appropriately located relative to the source of the waste*". The WP outlines the need for future waste management to adhere to the proximity principle which the CRP location, as the delivery point for most SE Dorset residual waste, will ensure is the case for the Proposed Development.

9.4 The Proposed Development is principally proposed to fulfil a significant unmet need for residual waste management in BCP and Dorset. This is because, notwithstanding being the established delivery point for most residual waste and much recycling material in SE Dorset, the CRP contains relatively little existing recovery of residual waste. Residual waste is at present (and has been for many years) transported out of the WP area for EfW and landfill.

9.5 Waste Plan Need

9.5.1 The Bournemouth Christchurch and Poole and Dorset Waste Plan (WP) is the waste local plan for BCP and is the most relevant part of the development plan for the proposals. It was adopted by BCP in December 2019 and in the same month by Dorset Council. It is a joint plan between BCP and Dorset Councils and the plan area is their combined administrative areas.

9.5.2 The WP is up to date and covers the period up to 2033. It was found to be up to date at the Portland Inquiry on which basis the Secretary of State determined that appeal in September 2024. In the subsequent litigation concerning the lawfulness of that decision, brought by "Stop Portland Waste Incinerator" (a Portland community group) it is apparent from the Courts' judgments that all parties accepted the WP's dominant role. There has been no subsequent change in circumstances to displace the WP as the most relevant part of the development plan for these proposals.

9.5.3 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. It includes "black sack" waste collected from households and also materials rejected by recycling, composting, or digestion processes. It also includes residual non-household waste such as that arising following the processing of waste from offices, hotels, shops, catering establishments, educational establishments, prisons and so on; and other municipal wastes (from public bins, street cleaning, litter etc and residues from household waste recycling sites). It can also include residues from the processing of other waste such as from skips (referred to in RWICN as non-household, non-major mineral waste).

9.5.4 Accounting for these very broad sources of residual waste in the plan area, of which council collected "black sack" i.e. non-recyclable waste is the largest part, the WP (Chapter 7) contains the requirement that 232,000 tonnes of new annual capacity for residual waste be available in 2033. This amount is additional to that residual waste processing capacity which existed in 2019, entirely comprised of the capacity of the Mechanical Biological Treatment (MBT) plant at Canford.

9.5.5 The WP was adopted taking account of the 2018 "Our Waste Our Resources" Resources and Waste Strategy (RWS), which set a target of 65% recycling for England for 2035. Dorset Council has the highest recycling rate of any unitary council in England, at around 59%. BCP's is around 46%. The English average is 40.7% and SW England's 48.6%[5]. The WP reflects the RWS 65% recycling rate in predicting the volumes of residual waste management capacity required[6]. The 232,000tpa of residual waste capacity requirement in the WP is based therefore on a higher level of recycling than has in actuality been achieved to date.

9.5.6 The Canford MBT, it was agreed at the Portland Inquiry, is substantially ineffective at treating residual waste; the vast majority of what is delivered being exported as Refuse Derived Fuel (RDF), a form of residual waste. 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). Mostly, it is understood to be shredded, baled, and wrapped in plastic film prior to collection from the site by curtain side lorry trailers or in shipping containers. There is also some landfill of material from the MBT.

9.5.7 Accounting for what was understood about the efficiency of the MBT in directing waste other than to EfW or landfill at the time of the Portland Inquiry, some 95,000tpa were added to the 232,000tpa WP requirement. This was the Inspector's conclusion, accepted by the Secretary of State. Hence the adjusted requirement of 327,000tpa.

9.5.8 The permitted throughput of the MBT is 150ktpa, which increased from 125ktpa on 17 May 2023 (EPR/FP3393SB/V008 & V009). There is some recovery of metal from waste being shredded prior to baling for onward transfer. However actual exports to EfW and landfill and storage (i.e. combustible) exceeded 115kt in 2024 and of 128.6kt residual waste delivered to the MBT in that year 125.1kt was despatched elsewhere, the difference being most likely moisture and CO_2 loss to atmosphere. The Appellant considers the 95ktpa uplift agreed at the Portland Inquiry should be increased to 115ktpa.

[5]Local Authority Collected Waste Statistics - Local Authority data; https://www.gov.uk/government/statistics/local-authority-collected-waste-management-annual-results; 2022/23 data reported March 2025

[6]The amount of recycling capacity needed is 65% of the sum of recycling and residual waste management capacity (comparing WP Tables 2 and 7 in terms of need (arisings)).

9.5.9 Although planning permission has been granted for residual waste treatment at two locations within the plan area, Parley and Portland, neither is operational, which is the test of what should be accounted for when assessing need according to National Planning Policy for Waste 2014.

9.5.10 At 260,000tpa capacity of residual waste the proposals clearly are needed to meet the local plan requirements as adjusted taking account of the ineffective nature of the Canford MBT.

9.6 Waste Plan Spatial Strategy (in context)

9.6.1 The WP has several core principles, aims and objectives. Its first policy, Policy 1 (sustainable waste management) notably identifies three core principles as key: waste hierarchy, self-sufficiency and proximity.

9.6.2 The WP includes a Spatial Strategy, which embodies its core principles, aims and objectives, and seeks to achieve them and give them "spatial" expression.

9.6.3 The judgments in the Portland legal challenge helpfully explain this, amongst other features, and the Appellant will refer to them as necessary.

9.6.4 The Spatial Strategy, which is set out in highlighted text after introductory paragraphs 5.1-5.4 and accompanied by the WP's key diagram to illustrate key features, combines with the allocations made under Policy 3 (and its related Insets) to ground the WP in clear spatial terms.

9.6.5 The proximity principle is a key foundation of the Spatial Strategy and the strategy is necessarily geographical in its identification both of where the need is (and expected to be) and in providing solutions to that need by way of allocated sites, along with Policy 3 (and the Insets).

9.6.6 The Appellant considers that locational characteristics of the need for residual waste management are set out clearly in the Spatial Strategy text, and visually illustrated by the Key Diagram.

9.6.7 The need is *primarily* in SE Dorset. The word primarily, envisages a facility or facilities in SE Dorset, and the implication is for at least one strategic facility in SE Dorset. The WP clearly provides for this to be on one of the four sites in SE Dorset it has allocated in Policy 3. The following reference to "*additional capacity may also be appropriate elsewhere to ensure the capacity gap is adequately addressed*" is, by implication, to secondary, smaller plants. It is also conditional on forming part of a "*good spatial distribution of facilities*" and "*providing benefits such as a reduction in waste miles*".

9.6.8 Whereas WP Chapter 5 and the Key Diagram are where the Spatial Strategy has its clearest exposition, all other parts of the plan are consistent with that. In terms of meeting the waste management needs of growth for example paragraph 2.9 states "*the focus of development will be*

in and around Poole and Bournemouth", that is in SE Dorset. Paragraph 2.29 defines "*strategic facilities*", later referred to in the Spatial Strategy for residual waste management, stating "*The need for these facilities has been identified following a comprehensive review of existing waste arisings, permitted capacity and anticipated growth during the Plan period. This takes account of future planned housing and wider population and economic growth projections*." This again underlines SE Dorset as being where such strategic facilities are needed.

9.6.9 The Parley proposal is not for a strategic facility. The Portland proposal is for a strategic sized facility but does not provide a solution for the need the WP identifies for strategic facility(s) in SE Dorset. The appeal proposal is for a strategic facility and is in SE Dorset and hence meets the need the WP establishes.

9.6.10 Evidence presented to the inquiry will support this part of the Appellant's case which relates to WP 21.

9.7 Defra Residual Waste Infrastructure Capacity Note (RWICN)

9.7.1 in December 2024 the Government published, through Defra, it's RWICN. The RWICN is the latest iteration of government policy on waste and in turn takes account of the January 2023 Environmental Improvement Plan and subsequent Environmental Targets (Residual Waste) Regulations 2023 that sets out aspirations for maximum per capita rates of residual waste production.

9.7.2 The RWICN does not dis-aggregate data on residual waste capacities and requirements below regional level. BCP and Dorset are in the South West, across which region:

9.7.3 A need for **2.27Mtpa** is identified.

9.7.4 Taking account of data on residual waste collected by councils and other similar waste it also acknowledges the existence of 5.4Mtpa in 2020/22 of other types of residual waste but quantifies this only at national level without including it in regional calculations. In Appendix B "Limitations" it states that this "non-municipal, non-major mineral residual waste" is likely to contain a significant proportion of combustible waste. If spread equally across the nine English regions it would add 0.6Mtpa to the need in each – so making that in the SW **2.87Mtpa**.

9.7.5 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 5.2Mtpa of

landfill indicated would include more than the fraction of residual waste that is non-combustible so allows for disposal by landfill of waste that could be recovered by EfW; contrary to the waste hierarchy. The 500ktpa exports allowance could be avoided if two plants of Canford's proposed size were delivered and actually served the UK market.

9.7.6 In considering exports from the UK, balance of payments considerations are relevant. To export waste UK councils and companies (and hence the UK population) pay gates fee to the foreign EfW facilities and transport fees. This is an economic import to the UK – us paying other countries' operators for something we need but cannot provide ourselves. Electricity generated from this waste would have been supplied (as baseload) in the UK if sufficient EfW capacity existed here; and the UK is a significant net importer of electricity, for which we also pay others. Both of these sets of transactions are negative for the UK economy; for exports of RWICN's projected 500ktpa (approximately one third of current levels) to the tune of around £62 million annually[7] excluding separate transport costs.

9.7.7 Existing EfW capacity is noted as 1.54Mtpa.

9.7.8 In construction is capacity of 0.09Mt, and consented capacity yet to enter construction is 0.55Mtpa. To this must be added the Portland capacity of 202ktpa, making 0.752Mtpa.

9.7.9 Hence total capacity adds to **2.382Mpta**.

9.7.10 In setting out regional capacity RWICN does not take account of large scale transfers such as from the western boroughs of London to EfW facilities in the Bristol area or from S Wales and the West Midlands into the SW, which have the effect of reducing available capacity in the region by circa 300ktpa. In 2023 some waste from outside the UK went into the Avonmouth EfW; possibly from the Channel Islands, Isle of Man, or Gibraltar.

9.7.11 In using the standard government regions RWICN takes no account of how regional economies actually work with, for example, the BCP/SE Dorset area interacting to a far greater extent with the Solent area in the South East region than it does with Bristol and the West of England parts of the South West or with Somerset, Devon, and Cornwall. The role of the SE's and East of England's ports with their links to EfW markets in northern Europe are thus also not reflected.

9.7.12 RWICN acknowledges some additional EfW capacity may be acceptable. It acknowledges a pipeline of new EfW facilities – a "pool of capacity" - and that it is ultimately for the market to determine which comes forward – such that individual projects in the "pool" "may or may not be

[7]500ktpa x £80 tonne gate fee = £40m. 500ktpa may generate 55Mwe. 55Mwe x 8760 hours per year x 0.9 availability = 433,620MWh/a x £50/MWh wholesale price of power = £21.7 million. Gate fees and wholesale power prices estimated as conservatively representative for access to Swedish EfW and purchase of French nuclear baseload via interconnectors.

constructed". In fact the market never allows capacity to come forward and be built and commissioned without those doing so having very strong commercial reasons. At around £300m of capex per EfW facility this is not surprising. The Secretary of State for ESNZ in determining to make a Development Consent Order granting planning permission for the North Lincolnshire Green Energy Park (NLGEP) in March 2025 (para 4.87 and 4.88) referred to this aspect of RCWIN in accepting that market forces would determine whether EfW facilities will come forward. Para 4.89 of the NLGEP SoS decision cautions against planning for "just enough" capacity as creating the risk of less waste being diverted from landfill.

9.8 RWICN – Age and Efficiency of Existing Capacity

9.8.1 RWICN states that new EfW development may be supported if it replaces "older or less efficient plants". "Older plants" is probably intended to refer to plants that have exceeded their originally stated design life, which is typically 25 to 40 years; or in the case of plants delivered under PFI or PPP[8], the contract length they were intended for. In the case of the Hampshire EfW facilities which became operational 2003 to 2007 this was originally a 25 years PPP, albeit since extended.

9.8.2 Age and efficiency can be related to one another by the fact that for example the Hampshire EfW facilities are small by current standards, the larger two being twin line plants with total throughput below that of the single line MVV EfW CHP Facility proposed at Canford. Canford EfW CHP Facility in contrast is "right sized" at a throughput size that represents the optimum efficiency for a single line plant. The smallest and oldest Hampshire EfW facility, Chineham (110ktpa throughput), has an R1 coefficient of 0.6, below the level required of a new plant to be counted as recovery (R1 of 0.65). R1 for the Canford EfW CHP Facility is calculated at 0.83 which assumes no heat offtake. With heat offtakes it might increase to over 0.9 (the level experienced at MVV's Devonport EfW CHP facility that supplies heat to His Majesty's Naval Base Devonport).

9.8.3 In respect of efficiency alone that might first be considered in terms of dealing with residual waste, which is about the processing of physical material. In terms of material efficiency it is in terms of how much further processing is needed of products from residual waste treatment plants. The Canford EfW CHP Facility will produce incinerator bottom ash (IBA), around 68,900tpa which weight includes water absorbed in the quench bath used to cool ash as it drops from the furnace. This material will be processed on land adjacent the appeal proposals. There will also be a smaller tonnage (15,000tpa) of air pollution control residue, the majority of which mass will be comprised of reagent injected into flue gases with only a small fraction comprising "fly ash", that is smaller particle

[8] PFI = Private Finance Initiative; PPP = Public Private Partnership – types of procurement used historically by Local Authorities to bring forward waste management capacity development

size products of combustion. The Canford EfW CHP Facility is also likely to produce circa 250,000tpa of carbon dioxide; the intention being that in excess of 95% of this this will be captured and supplied to geological storage; subject to a later planning application on the land within the planning application indicated for this purpose.

9.8.4 In respect of energy efficiency greater efficiency might be achieved if a very large EfW facility were built (e.g. the 1Mtpa plant Viridor operates at Runcorn or the 750ktpa site enfinium has at Ferrybridge, Wakefield). Poole and its wider conurbation is not however comparable to areas such as Merseyside/Greater Manchester or West Yorkshire with their considerably larger local and regional waste markets.

9.8.5 In designing a plant of 260ktpa, the optimum scale for a single line plant, MVV has optimised it for the local/regional market it will serve. MVV has also used its considerable expertise in designing and operating EfW facilities in the UK and Germany to maximise efficiency. Compared to what has been proposed at Portland, Parley, and Westbury and what exists at Portsmouth, Marchwood, Chineham, Bridgwater, or Exeter (the closest existing EfW facilities to BCP and Dorset), MVV's proposals are more efficient (being highly efficient) at converting feedstock to usable energy. This will be shown in evidence. Moreover as district heating at scale is a realistic consideration in BCP, the chances of that efficiency increasing markedly are considerable.

9.8.6 The evidence for heat network potential in BCP is firstly the heat and power information submitted with the application (the Combined Heat and Power Assessment (CHPA) forming Appendix 4 to the Planning Statement). This refers to circa 5MW_{th} being supplied to occupiers at the Magna Business Park. In the period since submission of the application the park has been largely constructed and tenanted (see footnote 3) ; all heat and hot water requirements are met by electricity as there is no gas there. The DNC corridor is to be built with heat pipes within and the receiving infrastructure at the business park exists facilitating new "capillary" pipework to individual buildings. A second heat connection pipe is envisaged to be installed alongside Arena Way to facilitate connection to infrastructure within or to the north of Magna Road. AFC Bournemouth, whose training facility is located north of Magna Road, has expressed interest in receiving heat from the proposals.

9.8.7 The submitted CHPA also refers to the potential for the wider area around Canford to form a market for heat, concluding that within an economic distance of the site (15km) the existing heat demand is seven times that which the Canford EfW CHP Facility could supply. The CHPA's analysis is superseded to some extent by the Local Area Energy Plan which BCP Council has adopted in 2025. This states (page 32) "*Due to the BCP area's unique urban nature, there is a lot of opportunity for heat networks across the area … .*" Five locations are shown as "focus zones" for heat networks, all within the 15km distance examined by the CHPA; the West Howe Industrial Estate being the

closest “focus zone” to the Canford EfW CHP Facility Site (2.2km) with other smaller clusters relatively close including Nuffield Industrial Estate circa 3km away. It is also noted proposals have been put forward through the BCP Local Plan for further major development in the area north of Magna Road near Knighton; the landowner here has expressed enthusiasm for heat networks into the new housing and employment land areas. The Arena is also being promoted for development, for employment uses (21ha), the landowner noting in its submissions to BCP the potential for heat supply.

9.8.8 The LAEP reflects information circulated by DESNZ in November 2023 which listed ten opportunities for heat networks in England of which two, close to Bournemouth Hospital and at West Howe Industrial Estate, were in BCP. BCP Council was the only council whose area contained two such opportunities. Most recently Ramboll has been appointed by BCP to examine heat opportunities in the council area.

9.8.9 The policy and legislation background nationally is that the government is seeking to fulfil the Climate Change Committee’s recommendation that 20% of UK heat should be from heat networks, compared to a current level of 2-3%; and that the Energy Act 2023 provides for Heat Network Zoning to fundamentally transform the development of heat networks in towns and cities across England. As BCP is an agglomeration of circa 410,000 people and the 10th largest urban authority area in England it is perhaps no surprise it features highly in assessments of its potential for heat networks.

9.9 Neighbouring Areas

9.9.1 In other EfW public inquiries, notably those held regarding the Portland and Westbury appeals, complicated evidence has been presented on the wider need for residual waste management outside the plan area concerned. In neither case was this necessary as the Inspector (and SoS at Portland) acknowledging the opacity of waste need data, fell back on simple analysis of what the plan said; because it is the development plan, is up to date (certainly this remains so in the case of BCP and Dorset), and other documents may be material but are not of the same status.

9.9.2 It is nevertheless relevant to note, given the strong relationship between BCP/SE Dorset and the Solent area, that Hampshire County Council, with Southampton and Portsmouth City Councils, has completed a review of its need for residual waste management. On the perhaps questionable assumption that the three Hampshire EfW facilities will remain in operation during the plan period the Hampshire authorities have nevertheless identified a significant shortfall in residual waste management capacity. This is 370ktpa of non-hazardous recovery capacity and (based on the numbers of years and stated void) 150ktpa of landfill capacity for the same waste type (Hampshire Waste Plan policy 27, updated November 2020). There has long been interaction in waste

management between Dorset (including BCP) and Hampshire with, for example, Hampshire's large Blue Haze landfill near Verwood having received Dorset waste for many years.

9.9.3 There is a planning permission for an EfW facility at Westbury in Wiltshire. It was granted February 2023 on appeal (PINs ref 3302008) and reportedly implemented October 2025 by the construction of a bund, albeit no evidence exists on the LPA website of pre-commencement condition discharge. Its capacity is reported as 243,000tpa. The Inspector found the Wiltshire & Swindon Waste Local Plan (2006), which remains in place, to be up to date and that the proposals complied with policy WCS3 which sets the capacity needs of the plan (to 2026) at 304,000tpa treatment capacity for municipal and C&I waste to which an average of circa 45,000m^3 (so perhaps 35,000t) per annum of landfill capacity for non-hazardous waste could be added. The picture is complicated by the existence of an MBT in Westbury. Like Canford MBT, it is apparent that its performance at reducing the tonnage of residual waste pre EfW or landfill is poor. Hence even if the Westbury EfW facility is commissioned on the basis of this information which was robustly tested at the public inquiry in 2022, Wiltshire would not have an excess of capacity. The actual development of the EfW facility at Westbury appears less than certain, notwithstanding the supposed implementation of its planning permission, as it is understood that the company owning it is trying to sell it along with a project at Horsham in West Sussex.

9.9.4 In Somerset the Bridgwater EfW facility was commissioned in 2023. With a supposed capacity of 123,000tpa, it processed 69,000t in 2023 and 31,000t in 2024. Although a conventional combustion process it is understood to experience problems. BCP Council's waste contractor ceased to use it in early 2025. It is not an R1 facility.

9.9.5 Devon is served by the Exeter EfW facility, a small non R1 plant using non-standard combustion technology (albeit proven at Exeter and Grimsby in the UK and numerous similar plants in France) with a throughput of 66ktpa. Devon is also served by MVV's Devonport EfW CHP facility which principally serves Plymouth but also receives residual waste from elsewhere in Devon.

9.9.6 Devon, Somerset and Wiltshire have less interaction with BCP and SE Dorset than does Hampshire and hence the relevance of them in waste management in BCP and Dorset is less.

9.9.7 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; it is interesting to note that BCP was previously prepared for its waste to go to

Bridgwater; which is beyond MVV's suggested catchment because the journey time from Canford exceeds 2 hours. The Portland EfW planning permission is subject to no catchment condition, nor s106 Agreement catchment planning obligation.

9.10 Other consented capacity in the WP area

9.10.1 The Canford site is allocated for waste management at a scale that would allow development of MVV's proposed 260ktpa EfW CHP Facility and it is the Appellant's case that the appeal proposals comply with the development plan, as was concluded (twice) by planning officers in their committee reports. If it is found that the appeal proposals do not comply with the WP then NPPW (para 7) applies. This states that in determining the existence of a need for a project that does not comply with the adopted development plan only the capacity of operational plants should be considered.

9.10.2 A planning permission exists at Portland for a 202,000tpa EfW facility. Consent was granted 16 September 2024 but the facility is not yet operational.

9.10.3 Planning permission exists also for a circa 60ktpa EfW facility at Parley, on the WP Policy 3 Inset 7 Green Belt site. This permission lapsed on 8 December 2025, as there is no evidence on the BCP website of pre-commencement planning conditions having been fully discharged. It is not operational.

9.10.4 In the event the Portland EfW facility was developed and received 202,000tpa of waste, there would remain, in line with the WP as adjusted for the circumstances of the Canford MBT, circa 150,000tpa residual waste requiring treatment assuming the Parley EfW facility were not also built. Recently constructed plants of this scale typically have buildings of between 40m and 46m in height. It is speculated a chimney would also be around 90m height. The volumetric, spatial and visual effects of a Canford EfW facility of this reduced capacity would be similar to those of the Proposed Development.

9.11 Diversion from landfill

9.11.1 The Appellant will provide evidence to show that a net increase in EfW capacity in the UK at present and in the next few years would lead to less waste being landfilled regardless of whether that is a direct transfer of waste currently landfilled to a specific new EfW facility or the diversion of presently landfilled waste streams to capacity in other EfW facilities, whether in the UK or abroad, which would become free because of a new EfW facility in the UK.

9.12 Conclusions on Waste Need

9.12.1 The above considers waste need in several different ways. Overall it is clear that a demonstrable waste need exceeding 260,000tpa exists based on the development plan. The RWICN regional figures for the SW need to be considered carefully and the need for older and less efficient capacity to be replaced supports the Proposed Development.

9.13 Energy Need

9.13.1 The UK is generally short of generating capacity for electricity and also for heat. Half of the energy produced by the proposals would be renewable for which there is a particular demand both nationally and locally due to the need to meet national net zero carbon emissions by 2050, which is a statutory requirement for the UK government, and also to fulfil the objectives of the BCP Climate and Ecological Emergency Action Plan and Local Area Energy Plan.

9.13.2 Energy is a by-product of the proposals, not the main reason they are proposed. However the energy is needed. Because it is baseload power it cannot be directly compared to an equivalent amount of generation from a solar farm; it is far more useful. But on an annualised basis in terms of the MWh produced by the Proposed Development, that is equivalent to the production of a solar farm occupying around 600 acres of land. The extent of nature and landscape conservation designations in BCP and Dorset makes such sites suitable for solar development rare indeed.

9.13.3 There is a growing recognition in England of the need for more district heating to decarbonise heat and protect householders and businesses from supply and price shocks that are part of relying on gas as the main energy source for heating. DESNZ research has indicated opportunities in BCP. BCP Council has adopted a LAEP that includes district heating. There are multiple existing and in development heat networks relying on waste heat from EfW facilities in the UK and many more across Europe and worldwide. MVV has identified potential customers and a viable opportunity for heat. The more efficient use of energy that heat export would enable would further enhance the circular economy credentials of the appeal proposals.

9.13.4 The need for the energy the project would supply is a consideration but is secondary to the waste management need.

9.13.5 For combustion projects of this size there will shortly be a need to demonstrate carbon capture readiness. Evidence will show the Canford EfW CHP Facility proposals to be retrofit ready.

10. Other Matters – wider benefits

10.1 The Appellant has identified a range of benefits of the Proposed Development. Further information on these will be set out in evidence.

10.2 The principal benefit of the proposals is that it would enable the safe and hygienic treatment of residual waste generated within BCP and Dorset, reducing its mass and volume to create inert ash itself capable of processing to usable materials. This delivers on the "vision for sustainable waste management" set out in highlighted text at paragraph 4.1 of the WP.

10.3 The quantity of material will therefore be reduced significantly from residual waste to incinerator bottom ash (IBA). This will reduce the effects of transporting it. Localised effects of transport include air quality diminution due to vehicle exhausts, noise, congestion, wear and tear on roads and bridges, and accident risk. These effects are additional to the global effect of releasing greenhouse gases; MVV has estimated a reduction of circa 3,300 tonnes CO_2 per annum compared to transferring residual waste out of Dorset, as it currently is.

10.4 The treatment of waste will also destroy its propensity to create odour nuisance and infestation by flies or other vermin. The area around the CRP currently experiences some odour from the handling of residual waste in the MBT plant.

10.5 Development of this facility at CRP will maximise possible co-locational benefits as the proposals will receive residual waste generated as a by-product of existing waste management there (e.g. the recycling facilities which generate residual waste from rejected materials). Also, the CRP is the established delivery point for all of the residual household waste in BCP and much of that in Dorset; if the strategic residual waste management facility the WP envisages were anywhere else either this delivery point would have to change, almost certainly to one less well located, or there would have to be waste transfer via CRP. For example, the Portland EfW planning permission contains a limitation on vehicle numbers that, in effect, means most if not all waste delivered there would have to be by bulk transport vehicle. Hence if BCP waste were transferred there Refuse Collection Vehicles (RCVs) would most likely continue to deliver to CRP with waste transferred to bulkers for onward transport. In addition to transport effects, there would be a continuation at CRP of some of the noise and odour effects experienced currently.

10.6 Co-location benefits derive also from the ability for IBA to be treated at the existing inert waste facility adjacent the Appeal Site. This means that no IBA would need transporting via the road network. Production of IBA Aggregate from IBA reduces volume and mass and generates a flow of scrap metal for recycling. At present some IBA Aggregate (IBAA) is delivered to the inert waste recycling

facility for blending with other material to make specific products. There would be commercial advantages in ceasing this, which would also reduce transport movements.

10.7 There are also considerable further co-locational benefits stemming from the possible provision of depot-like facilities at CRP that would enable fuelling or charging of waste vehicles using hydrogen from the existing electrolysers (which could be fuelled with EfW generated power) or for ELVs with EfW-generated electricity. BCP's fleet includes ELV RCVs.

10.8 It is likely that within the first few years of operation it will become possible and advantageous to retrofit the Canford EfW CHP Facility with flue gas carbon capture, as is referred to in the description of development. MVV has allowed space within the layout for this to happen. The precise details of this and the interaction of a carbon capture plant at Canford with transport and storage of CO_2 more widely is as yet undetermined. However the UK's approach to this is based around carbon clusters. At present efforts are concentrated on clusters of CO_2 emitters in the vicinity of Merseyside, Humberside, Teesside, and North East Scotland, in turn connected to carbon stores in depleted gasfields located in the geology beneath the Irish and North Seas. Proposed connections are largely by re-purposing existing disused gas pipelines.

10.9 A proposal has been put forward previously for a Solent cluster which might be connected by sea to carbon stores beneath the North or Irish Seas or elsewhere, or might be connected by pipeline to a new carbon dioxide store beneath the English Channel. Canford, being within BCP is more proximate to a nascent Solent Cluster of CO_2 emitters than are sites further west in Dorset. Moreover the extraction of oil from the Wytch Farm oilfield, near Poole Harbour, which has been ongoing since the1970s has relied on an existing oil and gas pipeline between SE Dorset and the Solent Cluster, specifically the Fawley and Hamble oil terminals. The general conditions for carbon capture at and transport to storage are therefore relatively favourable, and a benefit of the Proposed Development is that it might be part of a Solent carbon cluster.

10.10 32 full time equivalent (FTE) jobs would be created in the operation of Canford EfW CHP Facility. These would include skilled and professional roles for which MVV would be committed to training. During construction up to 600 workers would be required. Construction, an investment of circa £300 million, and operation would both provide opportunities for businesses in the local economy.

10.11 The Canford EfW CHP Facility would contribute around £1 million per annum in business rates.

10.12 There would be 25% biodiversity net gain and an increase of 7,700m^2 in the size of the existing HSA adjacent Magna Business Park.

11. Reason for Refusal 1 – Green Belt

11.1 Reason for Refusal 1 (RfR 1) states

By reason of its height, scale, mass and bult, the proposed EfW CHP main building and chimney stack would constitute inappropriate development in the Green Belt that would be harmful to the openness of the Green Belt by definition. No very special circumstances exist to outweigh the harm contrary to Policies 21 and 3 of the BCPD Waste Plan 2019, Policy PP2 of the Poole Local Pan 2018 and the National Planning Policy Framework (as amended).

11.2 WP Policy 21 says

"Proposals for waste management facilities will only be permitted in the South East Dorset Green Belt where:

a) they do not constitute inappropriate development
b) the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations to an extent that can demonstrate very special circumstances, including a need for the development that cannot be met by alternative suitable non-Green Belt alternatives
c) *the restoration of the site, where relevant, is appropriate to the inclusion of the land in the Green Belt and enhances the beneficial use of the Green Belt".*

11.3 WP Policy 3 says

"The Waste Plan identifies Allocated Sites, as identified on the Policies Map, for waste management developments to address the shortfall in waste management capacity and identified needs for new and improved waste management facilities, as set out in the Spatial Strategy.

Proposals within the Allocated Sites, listed below, will be permitted where they are in accordance with the allocated uses set out in Insets 1-12, and where it is demonstrated that they meet all of the following criteria:

a) the proposal complies with the relevant policies of this Plan
b) the relevant development considerations have been addressed to the satisfaction of the Waste Planning Authority
c) there would not be an unacceptable cumulative impact, from the development, in combination with existing waste management operations; and
d) possible effects (including those related to proximity, species and displacement of recreation) that might arise from the development would not adversely affect the integrity of European and Ramsar sire either alone or in combination with other plans or projects.

Allocated Sites

The following existing permitted waste sites are allocated for their potential for intensification and re-development, including facilities for the management of non-hazardous waste:

Inset 8 – Land at Canford Magna, Magna Road, Poole. [this includes the land proposed by the Appellant for the EfW CHP main building and chimney stack]

Applications on Inset … 8 … should include Phase 2 surveys for species typical of the European Sites (in particular nightjar, woodlark and Dartford warbler) that must assess the effects development on the populations on site and in the surrounding areas. If it is shown that the development proposals would have a significant effect on species listed in Annex I of the Birds Directive (those for which SPAs may be designated) then avoidance/mitigation to ensure there is no adverse effect on the integrity of the European sites must be designed in to any development in order for it to take place.

Applications on Inset … 8 … should include studies that demonstrate that emissions from development will not impact on the features (species and habitats including lichens and bryophytes) of the nearby European sites. If it is shown that the development proposals would have a significant effect on the critical pollutant load/ level of the European sites then avoidance/mitigation to ensure there is no adverse effect on the integrity of the European sites must be designed in to any development in order for it to take place".

11.4 Inset 8 sets out five Development Considerations of which only number 5 (in full below is relevant to RfR 1. Number 1 substantially repeats and slightly expands on the text requirements above concerning European sites and protected bird species.

5. *"Given the site's location within the South-East Dorset Green Belt, applications will be considered against national policy and Waste Plan Policy 21. High standards of design and landscaping will be expected for development within the Green Belt".*

11.5 Inset 8 states the allocated uses to be "*Opportunities for intensification and redevelopment of the site including the management of non-hazardous waste*." By cross reference with WP para 9.17 which states "*Thermal treatment facilities such as incineration .. can be used to manage residual wastes*", Inset 8 confirms EfW ("incineration") to be an acceptable use at the EfW CHP main building and chimney stack site. Inset 8 then states "*Waste management facilities, including incineration, that would lead to adverse effects upon the integrity of European Sites will not be acceptable*."

11.6 Inset 8 also states that the "*site has been assessed for circa 25,000 tpa of additional capacity for residual waste management – exact capacity will be assessed in connection with individual proposals*".

11.7 Policy 3 is only engaged by RfR 1 in respect of its criterion (a) which requires compliance with other policies of the WP, in this case Policy 21.

11.8 PLP Policy PP2 says the following which is of relevance –

The Council will carefully manage the Green Belt in accordance with national policy.

11.9 All the above listed policies in effect rely upon the NPPF (paragraphs 154 and 155) for establishing whether Green Belt development is inappropriate. Guidance on the related matter of impact to openness is provided in Planning Practice Guidance (013;ID 64-013-20250225).

11.10 NPPF para 154 states:

"Development in the Green Belt is inappropriate unless one of the following exceptions applies:

[there are eight categories in total, listed a to h]

(g) limited infilling or the partial or complete redevelopment of previously developed land … whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt".

11.11 NPPF para 155 states:

"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all of the following apply:

a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
b) There is a demonstrable unmet need for the type of development proposed;
c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below".

11.12 NPPF Annex 2 Glossary defines grey belt as follows:

"For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/ or any other land that, in either case, does not

strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development".

11.13 Footnote 7 states:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats, designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change".

11.14 The Appellant's case is that the EfW CHP main building and chimney stack does not constitute inappropriate development in the Green Belt, nor does nor any other part of the Proposed Development. The Appellant communicated its view to the LPA, following publication of the revised NPPF in December 2024 and the introduction of the concept of 'grey belt', that the Appeal Site comprised grey belt and that the proposals, complying with para 155, would not be inappropriate. However the case officer did not address her mind to the question of whether the EfW CHP Facility Site comprised grey belt, and instead analysed the proposals on that part of the Appeal Site by reference to paragraph 154g NPPF only, concluding they would not be inappropriate development on that basis.

11.15 NPPF paragraphs 154 and 155 establish different ways by which development in a Green Belt may be considered not inappropriate. The case Officer's Report set out a coherent argument of the EfW CHP main building and chimney stack not being inappropriate development, based on paragraph 154 and its sub paragraph 154g, which the Appellant supports and intends to rely (and expand) upon in evidence. The Appellant further contends that the proposals should not be regarded as inappropriate by reason of paragraph 155 NPPF, on the basis that the Appeal Site comprises grey belt and that the proposals meet all relevant policy criteria.

11.16 NPPF paragraph 160 concerns renewable energy projects in the Green Belt which may be considered inappropriate development. It states that very special circumstances which need to be demonstrated for projects to proceed may include wider environmental benefits associated with increased production of renewable energy.

11.17 "Not inappropriate" under NPPF paragraph 154g (the case officer's approach)

11.17.1 Compliance with 154g rests on the EfW CHP main building and chimney stack being entirely on previously developed land (pdl), the designation of which as such does not rely on temporary buildings. The Appellant supplied information to the LPA on pdl and its permanence at the EfW CHP main building and chimney stack site which the case officer relied on in making her recommendation. This analysis, which took into account the definition of pdl in NPPF Annex 2 Glossary, will be set out and further expanded in inquiry evidence.

11.17.2 The Appellant's case will contrast the time limited (40 years) nature of the proposals with the permanence of what currently exists, and what has planning permission, at the EfW CHP main building and chimney stack site and the Appellant will present evidence on the effects of the Proposed Development in extinguishing the existing permanent planning permission.

11.17.3 The case officer concluded that the EfW CHP main building and chimney stack would create less than substantial harm to the openness of the Green Belt. This conclusion was set out in paras 179 to 186 of her report. The Appellant notes that this conclusion and reasoning on the part of the officer, (which conclusion/reasoning it wholly endorses), was not grappled with by BCP Council at the committee meeting of 12 June 2025, when determining to refuse the application for planning permission.

11.17.4 The Appellant agrees with the officer's analysis and will provide further evidence to support the contention of the EfW CHP main building and chimney stack will cause less than substantial harm to Green Belt openness.

11.17.5 The Appellant will also refer to the pre-application advice it sought 21 December 2022 and received from BCP 16 September 2023. The request for advice, having clearly stated the likely and subsequently proposed scale of the EfW CHP main building, led to BCP advising that the development may be considered not inappropriate development; subject to the details (then unavailable) submitted with the planning application. The Appellant's case will aver that BCP's approach in the case officer's June 2025 report was consistent with this earlier advice.

11.17.6 The Appellant will have particular regard to PPG concerning harm to openness (013;ID 64-013-20250225), which focusses on spatial and visual aspects, permanence/remendability of the Proposed Development, and the degree of activity experienced.

11.17.7 It will rely on the Case Officer's Report supplemented by further evidence to show that the spatial harm to openness of the EfW CHP main building and chimney stack will be minimal or non-existent.

11.17.8 The Appellant's evidence will then expand on the volumetric aspects of the harm with reference to their visual effects as established in the LVIA, the LPA's response to it, and with respect to the evidence of the Appellant's landscape witness (noting that RfR 2 is for landscape character, not visual effects). The lack of objection to the proposals from specialist consultees will be noted in this evidence. Notwithstanding the size of the EfW CHP main building and chimney stack the context of the site will be explained as key to supporting the case officer's conclusion in her report.

11.17.9 The Appellant will further consider the degree of activity at the CRP site now and that which may be anticipated with the EfW CHP main building and chimney stack in operation when most activity will be contained within the building. Evidence will show that vehicle movements will not have significantly greater than existing effects in terms of the degree of activity at the CRP including the EfW CHP main building and chimney stack site. Similarly evidence will be presented that the degree of activity sensed, including non-visually (i.e. by virtue of noise and odour) in the vicinity of the EfW CHP main building and chimney stack may reasonably be expected to be less than existing. The permanent nature of all of the planning permissions on which activities at the CRP rely will be outlined to contrast that the current site conditions would endure indefinitely in the absence of the proposals.

11.17.10 The Appellant will also show in evidence that the context of the EfW CHP main building and chimney stack site in terms of the openness of the Green Belt area in which it is located has changed historically in particular with the creation of the landfill site, a landform some 20+m higher and much larger than the natural ground pre-the 1970s, and to a lesser extent the buildings and structures forming the CRP which have developed since the 1990s.

11.17.11 The Appellant will show that in preparing the WP it was clearly the case that energy from waste was considered at the Policy 3 Inset 8 site (CRP).

11.17.12 The Appellant will address in evidence that openness is in effect the counterpart of urban sprawl as was clarified by The Supreme Court in *R(Samuel Smith (Tadcaster) vs N Yorkshire County Council [2020] UKSC 3.* Openness is not necessarily a statement about the visual qualities of the land nor does it imply freedom from all forms of development.

11.17.13 The Poole Local Plan Green Belt Review of July 2017 stated in respect of Parcel 16 which contains the Appeal Site *"The parcel is predominantly open and free of urbanising development. Built form within the parcel is concentrated in the large collection of industrial buildings that form the waste recycling centre. This large industrial complex acts as an urbanising influence but is surrounded by*

undeveloped open land". The Appellant will show that since this was written there has been considerable further significant development at the CRP, the "*large collection of industrial buildings*" to which it refers. The Appellant will demonstrate how with the Proposed Development Parcel 16 will remain "*predominantly open*".

11.17.14 The Appellant contends and will provide evidence to show that after the 40 years life of the Proposed Development the EfW CHP main building and chimney stack site will become open land, albeit it will remain pdl. Thus, in line with PPG which states account should be taken of "*provisions to return land to its original state or to an equivalent (or improved) state of openness"*, it contrasts favourably with the current situation in which the partially completed nature of the low carbon energy facility means permanent planning permission exists; this current planning permission would be extinguished by the completion of the EfW CHP main building and chimney stack..

11.18 Grey Belt

11.18.1 The concept of grey belt was introduced by the NPPF 2024, published December 2024 with minor clarificatory changes in February 2025.

11.18.2 The Appellant's case includes that the EfW CHP main building and chimney stack site is grey belt land and that sub paras a to c of paragraph 155 would be satisfied by the proposals, sub-para d being irrelevant as it applies only to residential development

11.18.3 In support of this contention the Appellant's case includes:

- The EfW CHP main building and chimney stack is "*other development in the Green Belt*" and so paragraph 155 is engaged.
- The EfW CHP main building and chimney stack site meets the definition of grey belt in NPPF Annex 2 Glossary. PPG (005; ID 64-005-20250225) defines what "*strongly contribute*" means in respect of purposes (a), (b) and (d) and the applicant's case is that the EfW CHP main building and chimney stack site does not fall within PPG's definition of a strong contribution with respect to any of these purposes. Evidence will support this.

11.18.4 Purpose a) seeks to check the unrestricted sprawl of large, built-up areas. The Appellant will set out in evidence that the land to be used by the appeal proposals does not contribute strongly to this purpose.

11.18.5 Purpose b) is concerned with preventing neighbouring towns merging into one another. The Appellant will set out in evidence that the land to be used by the Proposed Development does not contribute strongly to this purpose.

11.18.6 Purpose d) is concerned with preserving the setting and special character of historic towns. The Appellant's case is that the Appeal Site does not fall within the setting of any historic towns in the locality and therefore the site makes no contribution to this purpose.

11.18.7 The Appellants case also responds to Green Belt Reviews undertaken for Poole Borough Council in 2017 (in respect of the then emerging LPL 2018) and for BCP and Dorset Councils in 2020, to inform the preparation of the BCP Local Plan and Dorset Local Plan (both remaining in preparation). The Appellant's evidence will review the conclusions of these Reviews, undertaken as they were prior to the introduction of grey belt, in the light of PPG in February 2025. PPG includes in para 004 (ID 64-004-20250225) the principles that assessments of Green Belt to identify grey belt should be "*sufficiently granular to enable the assessment of their variable contribution to Green Belt purposes*" and that "*assessment of small areas may be appropriate in certain places*". The Appellant's evidence will contextualise the conclusions of these previous Reviews which, evidence will show, were undertaken principally to inform major urban extension Green Belt releases such as UE1 and UE2 in the adopted PLP 2018.

11.18.8 The Appellant understand that a new review of the SE Dorset Green Belt is being undertaken to aid BCP and Dorset Councils in preparation of their replacement Local Plans and that this will focus particularly on grey belt. As nothing is currently available the findings of this review may have to be considered in evidence as the appeal progresses.

11.18.9 The Appellant's case is that footnote 7 of the NPPF is not engaged. Although the Appeal Site is adjacent a "habitats site" and SSSI (Canford Heath), Natural England has made clear in response to the planning application that it is satisfied, taking account of mitigation included in the draft Section 106 Agreement (which the case officer relied on), that the effects of the proposals will be acceptable – there is evidently no "*strong reason*" to refuse or restrict development in this case. This will be set out in evidence as will be possible effects on heritage assets which the heritage witness's evidence will show also to provide far less than a "*strong reason*" to refuse or restrict planning permission for the proposals.

11.18.10 The Appellant's case that the proposals will fulfil an unmet need is set out separately in this statement and will be expanded more fully in evidence.

11.18.11 The Appellant's case that the EfW CHP main building and chimney stack site represents a sustainable location for the proposals taking account of NPPF paragraphs 110 and 115 will be set out in evidence. This evidence will illustrate the significant co-location benefits of the CRP as a location for the EfW CHP main building and chimney stack which relate to it receiving feedstock produced by existing waste management activities at CRP and utilising the permitted capacity of the

existing adjacent inert waste facility to process incinerator bottom ash from the EfW, both of which will reduce lorry miles travelled compared to any other possible location. It will also show in respect of centrality to where waste arises and hence the proximity principle, and the adequacy of the existing road network, that the site of the proposals is highly sustainable.

11.18.12 Sustainability also relates to the very real opportunities near the EfW CHP main building and chimney stack site to export heat so as to reduce the combustion of fossil fuel in heating of local buildings; and it will refer to the real prospect of carbon dioxide being captured from EfW flue gases and supplied most probably using existing pipeline infrastructure to locations from which it may realistically be expected in the future that infrastructure will exist to transport it to permanent geological storage. Evidence will be provided of the considerable and, in the case of carbon capture and storage, transformational benefits to sustainability and net zero objectives that will be achieved.

11.18.13 In conclusion the land is grey belt for the purposes of the proposed project, hence the proposals do not constitute inappropriate development and the LPA's RfR 1 is wrong for this reason also.

11.19 Very special circumstances (VSC)

11.19.1 Wholly without prejudice to its primary case that the Proposed Development would not be inappropriate development, the Appellant's case includes that RfR 1 should still be overturned even if the Inspector or Secretary of State did not agree with the positions set out above regarding the proposals being not inappropriate development. If the proposals are found to be inappropriate development then the Appellant's case is that very special circumstances exist and, taking account of the wording of NPPF paragraph 153, their existence clearly outweighs any harm to the Green Belt by reason of openness, notwithstanding that harm must be considered of substantial weight in the planning balance, and any other harms which in this case are the limited harm to heritage and landscape referenced in the next sections of this statement.

11.19.2 The Appellant's case is that the following characteristics of the appeal proposals are such that, were the proposals inappropriate development in the terms of NPPF para 153, then very special circumstances exist resulting from the combination of these characteristics. This was set out in the Planning Statement and again by the case officer reporting to the September 2024 committee. VSC in this case is an aggregate of the following non exhaustive list of characteristics of the appeal proposals:

- Providing residual waste management for which the WP sets out a need which exceeds the tonnage capacity of the Proposed Development, and which is needed in SE Dorset

- Landfill being the worst environmental outcome for residual waste due to its greenhouse gas and leachate production and potential for ground contamination, the appeal proposals will deliver the WP objective of moving waste management up the waste hierarchy from landfill by
  - eliminating virtually entirely BCP and Dorset's current reliance on landfill for waste generated there.
  - Enabling existing and planned capacity in other EfW facilities both in the UK and abroad to be used to process waste from elsewhere that is currently landfilled.
- Fulfilling the WP objective that waste management infrastructure should be proximate to where waste arises. The EfW CHP Facility Site is centrally positioned within and highly accessible from all parts of SE Dorset, a relatively small and discrete part of the WP area which contains 65% of the WP area's population.
- Facilitating self-sufficiency for waste management in BCP and Dorset, a further WP objective.
- The EfW CHP Facility Site is allocated for the intended purpose in an adopted development plan (the WP)
- The EfW CHP Facility Site is pdl.
- The location of the Appeal Site is such that there are very considerable opportunities for the export of heat, which would further enhance the efficiency of the EfW CHP Facility, reduce the burning of fossil fuels in heating of buildings. Evidence will be supplied concerning existing and future opportunities for heat supply taking account of BCP's Local Area Energy Plan and DESNZ announcements reflecting role out of heat networks further to the Energy Act 2023.
- Enabling the existing demonstrably beneficial existing pattern of waste vehicles delivering to the CRP to continue with additional deliveries of waste being substantially offset by reductions in the numbers of vehicles removing residual waste from CRP.
- Maximising the co-locational benefit of the ability for the circa 70,000tpaof IBA the Proposed Development would produce to be treated adjacent the EfW CHP Facility Site at the existing inert waste treatment plant and hence avoiding lorry movements and miles travelled.
- Ending the current practice of importing IBAA to the inert waste site for combination with locally occurring resources to produce recycled aggregates.
- Maximising also the co-locational benefit of receiving for treatment residual waste from the MRF which currently leaves the CRP for EfW or landfill elsewhere.
- Avoiding carbon emissions, other air pollution, congestion, road wear and tear, and accident risks caused by the current pattern of residual waste from BCP and Dorset travelling widely in the UK and mainland Europe to final treatment or disposal.
- Reducing noise and odour from waste management experienced in the vicinity of CRP.

- Increasing the production of renewable energy, as both electricity and heat, which as NPPF para 160 states, may be considered to be included in very special circumstances supporting inappropriate development in the Green Belt.
- Provision, despite the lack of a policy requirement for it, of 25% BNG.
- The lack of suitable alternative sites given the Spatial Strategy suggests the use of "appropriate locations" and identifies need as being primarily for strategic residual waste management facilities in SE Dorset.
- Local investment and other economic benefits including employment for 32 FTE people during the 40 years operational life of the site, of several hundred during the 36 months of construction, the contracting opportunities for local businesses, the economic and other benefits of low carbon energy for local businesses, including possible private wire and direct heat supply and the circa £1million annual business rates payable by the Proposed Development.
- Co-locational benefits stemming from the possible provision of depot-like facilities at CRP that would enable fuelling or charging of waste vehicles using hydrogen from the existing electrolysers (which could be fuelled with EfW generated power) or for ELVs with EfW-generated electricity.
- Significantly increasing the area of land in the vicinity of the DNC managed as HSA hence securing long term conservation and recreation benefits.
- Delivering on Focus Areas of the BCP Corporate Strategy and BCP Waste Strategy in respect of energy networks, renewable electricity generation, and waste infrastructure.

11.19.3 The absence of alternatives is a facet of VSC. However it is also, separately, a requirement of WP Policy 21 (limb b).

11.19.4 The Appellant's case follows in part the approach and conclusions of the Sustainability Appraisal prepared for the WP which supported the four residual waste allocations in the WP, two of which are within the Green Belt. Given where the need arises, in SE Dorset, Portland is not a true alternative, even were the permitted EfW facility there to be built and operational.

11.19.5 The suitability of the other WP residual waste management site allocations is set out in the Planning Statement.

11.20 Policy 3, Inset 8 requirements and assessed capacity

11.20.1 As the Officer's Report recommending approval (12 June 2025) states, Natural England has no objection to the appeal proposals (para 298) which have been subject to appropriate assessment under the Habitats Regulations such that no adverse effect is predicted on the integrity of the European protected sites subject to the identified mitigation measures provided for in the agreed

draft s106 Agreement (para 297). Natural England is likewise accepting of the proposals in terms of potential effects on Bird Directive species.

11.20.2 Through Inset 8 "Land at Canford Magna, Poole"(CRP) is allocated for the specified use, not for any particular capacity; the capacity approach suggested in Inset 8 is flexible to account for individual proposals. As referred to in the Need section of this statement some 115,000tpa of residual waste can be expected being that currently delivered to the MBT and then removed from it which is suitable for EfW. To this can be added at least 35,000tpa of residues from the CRP MRF activities that also currently leave the site. The remaining 110,000tpa of throughput comprises 85,000tpa of the unused capacity of the 175,000 tpa MRF consented but unbuilt at the site; the circa 25,000tpa indicative additional capacity referred to by Inset 8 brings the total to 260,000tpa. It is therefore the case that the 260ktpa throughput of the Proposed Development comprises almost entirely existing flows from the CRP and unused consented capacity there.

11.20.3 A key factor is that if in total 150,000tpa of current waste removals (the sum of the current MBT exports and the MRF exports) from the CRP cease then the net effect of bringing an additional 110,000tpa residual waste to the EfW CHP Facility, in terms of vehicle movements, is limited, particularly as IBA would be processed adjacent the Appeal Site using existing consented capacity.

12. Reason for Refusal 2 – Landscape character

12.1 RFR 2 states:

By reason of its excessive height, scale, bulk and mass, the proposed EfW CHP main building and chimney stack would have a detrimental impact on the landscape character of the area, contrary to Policies 14 and 3 of the BCPD Waste Plan 2019, Policy PP27 of the Poole Local Plan 2018 and National Planning Policy Framework (as amended).

12.2 WP Policy 14 states:

"Proposals for waste management facilities will be permitted where they are compatible with their setting and would conserve and/or enhance the character and quality of the landscape.

Proposals for waste management facilities should achieve this through:

a) sympathetic design and location;

b) appropriate use of scale, form, mass, layout, detailing, materials and building orientation; and

c) avoidance, or if this is not practicable, acceptable mitigation of adverse impacts on the landscape".

12.3 The policy continues to consider conserving the landscape and scenic beauty of National Landscapes, National Parks, World Heritage Sites and their settings and states:

"Permission will only be granted for waste developments where it is demonstrated to the satisfaction of the Waste Planning Authority that they will not result in unacceptable adverse impacts upon the special qualities that underpin the relevant designation".

12.4 The remainder of the policy concerns development in these areas or affecting the West Dorset or Purbeck Heritage Coasts, which the Proposed Development does not affect.

12.5 PLP Policy PP27 is a design policy. As reported in the Officer's Report to committee of 12 June 2025, design evolution occurred during consideration of the planning application with participation and agreement of the Appellant and BCP. Subsequently it was suggested that a different colour scheme might be used and MVV agreed to this being allowed for via planning condition 27.

12.6 NPPF para 137 sets out how developers and LPAs should work together on individual proposals. The Appellant's approach before the application was submitted and during its determination was in accordance with this approach as will be demonstrated in evidence.

12.7 The design of the EfW CHP main building and chimney stack is described in the Design and Access Statement. This explains the height, scale, bulk and mass that is required to enable the facility to effectively operate. The building itself has been carefully designed to minimise its overall height by adopting a curved profile with regard to the roofscape. The Guidelines for Landscape and Visual Impact Assessment Edition 3 (GLVIA3) provides peer guidance as to how to assess both landscape and visual effects that flow from development proposals.

12.8 Regarding landscape features, this relates to specific elements such as tree cover, hedgerows, topography, water courses, and land cover. What is of particular note here is that the proposed EfW CHP main building and chimney stack would be located on pdl adjacent to where there is currently an existing waste recycling facility, and as a consequence, there would be minimal loss of existing landscape elements. More specifically, this would amount to the loss of a few trees on the western side of the EfW CHP Facility Site. Immediately beyond the EfW CHP Facility Site, the proposal would be framed by extensive areas of mature woodland such that the limited loss of vegetation would not have a material bearing upon the sense of wooded landscape and tree cover that defines the EfW CHP main building and chimney stack's immediate landscape context.

12.9 The existing character of the EfW CHP main building and chimney stack site is defined by an existing energy facility which includes a large building together with areas of hardstanding with storage areas and sits at the back of the existing CRP which comprises a wide range of buildings and recycling facilities. The introduction of the Proposed Development would not change the overall key defining characteristics of the CRP. It is accepted that the Proposed Development would introduce a larger building on the EfW CHP Facility Site itself, but the land use would remain materially unchanged. Offsite and beyond the EfW CHP Facility Site , there would be a negligible effect upon landscape character. The woodland areas to the north, known as New Covert and Canford Park, would remain. The landfill area to the west, which rises to approximately 85m AOD and has now been, in the main, capped and vegetated and restored to grassland, accommodates a solar farm (30 years consent) with an extension to this solar farm approved for future implementation. The large area of open access land to the south which forms Canford Heath would remain and prevail with the Appeal Proposals in place.

12.10 The EfW CHP main building and chimney stack site and the surrounding area fall within the National Character Area (NCA) 135, known as the Dorset Heaths, which forms a large area, and extends from the eastern edge of Dorchester, across Dorset, to the New Forest National Park at its eastern

extent. The southern edge of this area includes a long section of coast either side of the town of Bournemouth.

12.11 The local landscape has been assessed as part of a Local Landscape Character Assessment set out in the Dorset Landscape Character Assessment, published in 2009. The EfW CHP main building and chimney stack site and surrounding area lie within the Heath/Farmland Mosaic Landscape Character Type (LCT) which is found largely on the fringes of the wider Poole basin and comprises an extensive area of heathland on acidic and impoverished soils. The LCT has a number of key defining characteristics which would all remain and prevail with the EfW CHP main building and chimney stack in place.

12.12 In November 2017, the Poole Landscape Character Assessment was published which focuses on the fringe areas of the town and the EfW CHP main building and chimney stack site is identified as lying within the North Poole Heath/Farm Fringe Landscape Character Area which covers the same land extent as the Heath/Farmland Mosaic. With the EfW CHP main building and chimney stack in place, the key defining characteristics identified in this document would remain and prevail.

12.13 Located approximately 5km to the north-west of the Appeal Proposals lies the Cranborne Chase AONB, now referred to as a National Landscape. The Appeal Proposals would not have a material effect upon the setting of this National Landscape.

12.14 Whilst the EfW CHP main building and chimney stack would form a high structure in the local landscape, its site is surrounded by mature woodland which extends to approximately 18-20m in height. This vegetation serves to reduce significantly the impacts which the EfW CHP main building and chimney stack otherwise might have.

12.15 In this regard, there is a network of public bridleways and footpaths in the locality. There is a public bridleway which passes through woodland to the north of the CRP which is extensive, comprising 3 areas and known locally as New Covert, along with Stoat's Hill and Withy Bed. Several bridleways pass through this woodland area but due to the extensive tree cover, there would be no opportunity to observe the Proposed Development from this area of woodland. This bridleway passes alongside the eastern part of the CRP where there would be limited opportunity to view the proposed EfW CHP main building and chimney stack due to vegetation, topography and built form associated with the industrial estate. The bridleway extends southward cutting across Canford Heath towards Knighton Heath Golf Club, before finally entering the urban area of Poole/Bournemouth near Alderney Waterworks. From much of this area there would be only limited/fleeting opportunity to observe the EfW CHP main building and chimney stack.

12.16 There is a network of footpaths and trails extending across the open public access land associated with Canford Heath itself. With regard to the public rights of way and routes located in the immediate vicinity of the EfW CHP main building and chimney stack site, there would be limited opportunities to observe the EfW CHP main building and chimney stack due to the significant presence of extensive woodland and tree cover in the locality, such that the magnitude of change would generally be limited. Where routes are immediately alongside the site, such as the western boundary, there would be a notable visual effect from only a few short sections of route given the immediate viewing context adjacent to the EfW CHP Facility Site. Further afield, the mature tree cover has a substantial screening effect, such that it effectively screens the lower elements of the EfW CHP main building and chimney stack with only the upper elements visible, and where this is the case, the proposal would be seen at some distance. As a result, the scheme would be seen as a relatively small element in the overall viewing experience.

12.17 One of the visual characteristics of Canford Heath is its sense of openness and the opportunity to gain 360-degree horizontal arc of views from numerous locations, and in that context, the EfW CHP main building and chimney stack would form a relatively small element from such sequential simultaneous viewing locations. The Proposed Development would also be seen in the context of other development and built infrastructure extending across and punctuating the landscape locally. For many locations, including the residential districts associated with Poole and Merley to the north, they would be visually unaffected. The visual effects associated with the EfW CHP main building and chimney stack would be relatively limited and localised due to topography, built form and tree cover, accepting that the chimney stack would form a small narrow element in wider panoramic views across the local landscape. In broad terms, the visual effects would generally be limited and localised.

13. Reason for Refusal 3 – Heritage

13.1 RfR 3 is

By reason of its excessive height, scale, bulk and mass; the proposed building and chimney stack would have a negative impact on the settings of various designated heritage assets. The harm will be less than significant on the moderate level of the gradient of harm and will not be outweighed by the public benefits of the scheme. The proposal is contrary to Policies 19 and 3 of the BCPD Waste Plan 2019, Policy PP30 of the Poole Local Plan 2018 and Section 16 of the National Planning Policy Framework (as amended).

13.2 Policy 19 of the WP states: *Historic environment*

"Proposals for waste management facilities will be permitted where it is demonstrated that heritage assets and their settings will be conserved and/or enhanced in a manner appropriate to their significance;

Designated heritage assets

Great weight will be given to the conservation (protection and enhancement) of Bournemouth, Christchurch, Poole and Dorset's designated heritage assets and their settings including listed buildings, conservation areas, historic parks and gardens, scheduled monuments and non-designated heritage assets or archaeological interest that are demonstrably of equivalent significance to scheduled monuments.

Proposals resulting in harm to the significance of a designated heritage asset will only be permitted if this is justified, having regard to the public benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to mitigate the extent of the harm to the significance of the asset.

Non-designated heritage assets

Where a proposal directly or indirectly affects non-designated heritage assets, the Waste Planning Authority will have regard to the scale of any harm or loss and the significance of the heritage asset.

Where harm can be full justified, archaeological excavation and/or historic building recording as appropriate will be required, followed by analysis and publication of the results".

13.3 Policy 3 of the WP is set out above. It is only its criterion (a) which requires compliance with other policies of the WP, in this case Policy 19, which is engaged by RfR 3.

13.4 Policy PP30 of the PLP has broadly the same effect as WP Policy 19.

13.5 The NPPF Section 16 contains paragraph 207, which states

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage and the heritage assets accessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

13.6 The heritage reason for refusal does not specify which assets BCP Council consider are harmed. The reason as drafted does not, therefore, meet the terms of Development Management Procedure Order, article 25 of which explains that a decision notice must state clearly the reasons for refusal.

13.7 The Appellant, therefore, sought clarification from BCP Council.

13.8 BCP Council directed the Appellant to page 5 of the Conservation Officer's consultation response of 14 April 2025. BCP Council's email cited the following extract from that document, page 5, to confirm the assets of concern to and which comprise the BCP Council's case on Reason for Refusal 2.

13.9 The relevant citation is:

"In altering the landscape setting in this way the impact on the Grade I listed former manor of Poole [Canford School] is harmful as it affects the setting of the heritage assets within the site and it's assumed the setting is similarly affected of both the Canford Village and Oakley Lane Conservation and the listed and locally listed buildings within those areas and across Canford Heath. In this case the PD would make a negative contribution to the significance of the affected heritage assets…

The less than significant harm to the setting of the numerous heritage assets, including the Grade I listed Canford School and parish church, resulting from the PD, should be considered exceptional, in line with NPPF 213, and should be assessed against the benefits attributed to it".

13.10 Accordingly, BCP Council's case asserts adverse heritage impacts on:

- The Grade I listed Canford School
- The Grade I listed church of Canford
- The Canford Village Conservation Area and

- The Oakley Lane Conservation Area

13.11 The Appellant's evidence on the historic environment will conclude that the Proposed Development does not cause harm to any designated or non-designated heritage asset.

13.12 The Appellant considers that the Heritage and Archaeology Statement comprising Chapter 10.1 of the ES meets the information requirements for the application, as set out in NPPF 207.

13.13 The Appellant notes that no party has criticised the HIA's methodology, and in particular the approach it has taken to screening out assets in the distant setting of the Proposed Development.

13.14 Neither has any party requested further visualisation information. The HIA relies on the LVIA's views, specifically 03, 06 and 10.

13.15 The Appellant's heritage evidence will follow the staged approach to setting assessment referred to in best practice from Historic England, HEAN 3 The Setting of Heritage Assets.

13.16 That approach requires:

- The identification of potentially affected assets
- The identification of their significance (archaeological, historic, architectural or artistic)
- The contribution setting makes to significance and
- The effect of the proposals on that contribution, positive, negative or neutral.

13.17 In preparing its evidence the Appellant will present a contextual analysis of the assets it understands to be at issue, illustrating that analysis with historic maps and plans, extracts from secondary sources, information drawn from the designation particulars, and photographs (historic and contemporary) amongst other sources.

13.18 The Appellant's evidence will conclude that the proposals have no material impact on the setting or significance of the above-ground designated assets (listed buildings and conservation areas) and above-ground non-designated assets.

13.19 The lack of compliance with Policies 19 and 3 of the WP and with Policy PP30 of the PLP and NPPF Section 16 is not accepted. The absence of harm is such that only para 207 of the NPPF is relevant and it is considered to have been complied with.

14. Planning Balance and Conclusions

14.1 Matters weighing in favour of the appeal proposals

14.1.1 The Appeal Proposals are advanced by an experienced developer and operator of energy from waste plants and heat networks, MVV, which has the technical know-how and financial resources to fulfil its intended construction and operation of the proposal. MVV is also in the vanguard of European companies developing the transformational post combustion capture of flue gases for in perpetuity geological storage. Coupled to the biogenic carbon intense exhausts of EfW facilities, this proven technology, which is being heavily supported by the UK and other governments, has the very real potential to not just reduce emissions of CO_2 to atmosphere but also to reduce actual levels of CO_2 in the atmosphere.

14.1.2 RfRs 4 and 5 are technical in nature and would no longer apply on completion of the s106 Agreement officers reported could be relied upon to the planning committee determining the application. The draft agreement, negotiated carefully between the Appellant, LPA, Natural England and the Highway Authority, is appended to this statement.

14.1.3 RfRs 1 to 3 are concerned only with the EfW CHP main building and chimney stack and define the scope of this appeal. Whilst areas beyond the EfW CHP main building and chimney stack are within the total site area for which planning permission is sought the only above ground development at them after construction is completed will be the DNC, which development is not the subject of RfRs 1 to 3.

14.1.4 The Appellant's case overall is that substantial weight should apply to the benefits of the proposals, which are proposed at a site allocated for their purpose by the WP, in providing much needed residual waste management fulfilling the objectives of the WP, particularly ending the export from the plan area of residual waste with the resulting harms created by vehicle movements locally to the routes taken and globally due to emissions. Proximity of treatment, self-sufficiency and movement up the waste hierarchy would all be achieved by the appeal proposals. Proximity to where the waste arises favours the Appeal Site above any alternative located outside SE Dorset and also above one of the three other sites allocated for residual waste management, all of which are within SE Dorset. Of the other two, one is too small and the other too close to Bournemouth Airport to accommodate the proposals.

14.1.5 There are uniquely strong co-locational benefits of the Appeal Proposals. These relate to the ability to receive residual outputs of the existing CRP activities, the fact that CRP is the established delivery point for all of the residual local authority collected waste in most of SE Dorset, and that IBA can be

processed adjacent to the Appeal Site without having to be transported elsewhere. All avoid the effects of additional transport that would come with locating the proposals elsewhere. To which can be added potential depot-like benefits at CRP such as fuelling or charging RCVs.

14.1.6 The allocation of the CRP for residual waste management is in an up to date development plan; it is not for a particular throughput but the existing activities there are noted (Inset 8) as being capable of intensification to manage larger quantities of waste, towards achieving the WP's identified capacity needs, and manage waste further up the waste hierarchy. Accounting for already consented tonnage inputs of existing activities at CRP the proposals would lead to an at most modestly larger tonnage at the site, within the level of additional capacity assessed when the WP was prepared.

14.1.7 Beyond the temporary economic benefits of up to 600 jobs during the construction period, the Proposed Development will bring benefits to the local area lasting for the 40 years of proposed operations including direct employment (32 FTE), training and education, contracting opportunities, payment of business rates, and reduced expenditure on waste management by local authorities and businesses. Scrap metal would be extracted from IBA and the processed ash used as aggregate, avoiding the need for quarrying of new material, both delivering circularity in material flows.

14.1.8 The proposals will generate 14.25MW of renewable electricity, being half of the EfW CHP Facility's electrical output. In terms of annualised MWh this quantum of renewable energy is approximately equivalent to a solar farm occupying 300 acres of land in BCP, although the baseload nature of the proposal's generation is an additional benefit over intermittent renewable generation.

14.1.9 There is considerable potential and policy support for heat offtakes from the appeal proposals. The Appellant has support of local businesses who wish to take heat and a considerable amount of heat is needed locally to achieve the ambitions of BCP's LAEP; to which the appeal proposals could contribute. Although the Appeal Proposals' R1 coefficient of efficiency is already predicted to exceed that of any other existing or proposed EfW facility within Dorset, Wiltshire, Hampshire, Somerset and Devon (save for MVV's Devonport EfW CHP facility), the potential to increase R1 at Canford to or exceeding the high level of that of Devonport is considerable, due to the heat offtake potential.

14.1.10 Carbon capture can be achieved at the site and its location is one with clear potential for the subsequent transport and permanent geological storage of carbon dioxide.

14.1.11 Although not required by statute MVV has designed the proposals to achieve 25% biodiversity net gain.

14.2 Neutral matters

14.2.1 Effects on the setting of heritage assets were considered in the Appellant's ES to create less than substantial harm at the lower end of the scale of harm. The public benefits of the proposals are considered by the Appellant to outweigh this harm; however in reviewing the comments of the LPA's heritage officers and Historic England the Appellant's intended heritage witness has found no harm to any assets.

14.3 Matters weighing against the development proposals

14.3.1 The effects of the Appeal Proposals on the nearby European habitats site, other designated ecological assets, the local and wider highway network, the water environment, the amenity of local residents and visitors in terms of noise, dust, lighting, odour, ground conditions, local air quality, greenhouse gas emissions, and the operations of Bournemouth Airport have been examined in the planning application documentation and ES and, taking account of the views of the relevant technical consultees (Natural England, the Environment Agency, Bournemouth Airport, different departments of BCP Council) found to be acceptable subject to conditions and planning obligations agreed between the Appellant and the LPA. None of these matters are controversial nor are they reasons the LPA has refused planning permission.

14.3.2 Some harm to landscape character and views is identified by the ES, at most moderate harm. The EfW CHP building is agreed to be of high quality design and it is only the upper parts of this and the chimney which will be visible in most public views of the proposals. Close range views are limited by the existing dense woodland around the CRP, the existing buildings at the CRP, and the landfill site. The public rights of way network around the CRP is limited and views from the closest PRoW constrained by trees and landform. Residential receptors are at some distance with intervening tree belts and landform screening views. On the basis of the acknowledged moderate harms and taking account of the context the Appellant's landscape witness considers effects on openness of the Green Belt to be not substantial.

14.4 Balancing exercise

14.4.1 There is no merit in any of the 3 substantive RfR relied upon by the LPA. As noted above, the Proposed Development on the EfW CHP Facility Site would not be inappropriate, nor would it have significant adverse landscape or visual effects, nor would it cause any harm to the heritage significance of designated (or undesignated) heritage assets.

14.4.2 The Appellant's case is that the weight of the benefits of the Proposed Development is considerably greater than that of the limited harms so the planning balance is strongly in favour of the proposals.

14.4.3 The WP, whether read policy by policy or as a whole allows for planning permission to be granted even where some disbenefits occur and so the grant of planning permission would the Appellant submits accord with the WP and the PLP.

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