

**Town and Country Planning Act 1990
Town and Country Planning Appeals
(Determination by Inspectors) (Inquiry procedure) (England) Rules 2000**



Proposed development	Construction of a 260,000 tonnes per annum Energy from Waste facility
PINS reference	6002440
LPA reference	APP/23/00822/F
Site Address	Canford Resource Park, Wimborne, BH21 3BW
Local planning authority	BCP Council
Appellant	MVV
Date	12 th February 2026

MAGWATCH

RULE 6 PARTY STATEMENT OF CASE

FEBRUARY 2026



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1. Introduction and Summary of Case

1. This is Magwatch's Statement of Case of for the forthcoming inquiry into the appeal by MVV against Bournemouth, Christchurch and Poole Council's refusal of planning permission for an Energy from Waste facility at Canford Resource Park ("**the proposed development**"). Magwatch is a local residents' campaign group located in the Bearwood and Merley Ward of Bournemouth, Christchurch and Poole Council (BCP or the Council). It was founded in early 2021 with the tagline 'protecting local green spaces'. It has over 1,500 supporters.
2. Magwatch considers that the scope of the appeal should include (in addition to issues raised in the Appellant's statement of case) all of the following matters: Need and Capacity, Carbon Capture Readiness, CHP Readiness, Adverse Climate Impacts, Mental Health and human rights and equalities impacts on affected communities, and Aviation Safeguarding.
3. Magwatch will provide written evidence to the inquiry to demonstrate why the reasons for refusal are valid reasons to refuse this development in line with local and national policy. Magwatch would also like to cross-examine some of the expert witnesses put forward by the Appellant, intends to provide comments on the draft s106 agreement, and to participate in any roundtable session regarding the s106 agreement at the Inquiry. It reserves its right to introduce additional evidence if required to respond to any supplementary material submitted by others during the inquiry process.
4. At the time of drafting this Statement of Case, Magwatch had not had sight of the Council's Statement of Case. Magwatch will avoid duplication of the Council's arguments but seeks to provide further evidence and references to policy to support and expand upon its reasons for refusal. In its evidence, Magwatch will make reference to the Planning Committee meeting of 12 June 2025 and will place emphasis on the Transcript of the Meeting, which it includes amongst its supporting documents.
5. In summary, Magwatch's case is that the proposed development should be refused and the appeal dismissed for the following principal reasons:
6. **Need:** There is no genuine residual waste need for an Energy from Waste facility of the proposed scale at this location. Up-to-date evidence on waste arisings, existing and consented capacity, and facilities in active development demonstrates that the Appellant's need case is not made out. The proposed throughput of approximately 260,000 tpa far exceeds the additional capacity identified for this allocation in the Waste Plan, and the Appellant's reliance on an expanded catchment undermines any claimed proximity benefits.



7. **Green Belt:** The proposed development constitutes inappropriate development in the Green Belt that would cause substantial harm to openness, both spatially and visually. The site lies within a parcel that scores highly against Green Belt purposes. The exceptions relied upon by the Appellant do not apply, the site does not qualify as “grey belt,” and no very special circumstances exist that are capable of clearly outweighing the harm to the Green Belt and the other harms that would result from the proposal.
8. **Visual and landscape harm:** By reason of its exceptional height, scale, bulk and mass – including a 110 metre stack – the proposed development would cause significant and lasting harm to the landscape character of the area and to visual amenity from publicly accessible locations, including designated landscapes, heritage settings and valued recreational areas. Proposed mitigation would not materially reduce these effects.
9. **Other harms:** The proposed development would cause additional harms including harm to the setting of designated heritage assets, adverse effects on community perception and wellbeing, impacts on mental and physical health and adverse climate impacts. Unresolved aviation safeguarding concerns (in particular the absence of an Instrument Flight Procedure assessment) give rise to unacceptable risks to aviation safety. Furthermore, the Appellant's claimed benefits relating to carbon capture readiness and heat export are not deliverable at this site and should attract no material weight.
10. Taken together, these harms substantially outweigh any benefits the proposed development might deliver. Magwatch will respectfully invite the Inspector to dismiss the appeal.

2. Magwatch’s case for opposing the proposed development

(a) Need

11. Magwatch will seek to demonstrate, via its evidence, that there is no genuine residual waste need for the proposed development.
12. Magwatch will present evidence describing and applying the current national and local policy framework governing residual waste treatment capacity. The evidence will set out the role of the National Planning Policy for Waste, the National Planning Policy Framework and other relevant instruments (such as Defra’s Residual Waste Infrastructure Capacity Note and EN-1 and EN-3). It will explain how these national policies interact with local plans (including the BCP & Dorset Waste Plan (2019), BCP Waste Strategy 2026-2036 and Dorset County Council

Magwatch Statement of Case



Waste Strategy). Magwatch's evidence will cover the application of WP Policy 3 and the relevance of the fact that the land identified for the Proposed Development forms part of an allocated site, being Land at Canford Magna, Magna Road, Poole, identified as Inset 8 (including the relevance of any harms which the proposed development is likely to cause to neighbouring European sites). The purpose of this evidence is to establish the policy tests that the Appellant must satisfy and to assist the Inspector in evaluating the asserted need.

13. Magwatch does not look to challenge the soundness of the adopted Waste Plan but will provide evidence which will further address local residual waste arisings within the Waste Plan area, showing how these have evolved since the Waste Plan's evidence base was prepared. In short, it will set out up-to-date data relevant to understanding whether a development of the nature and scale proposed at Canford meets a genuine residual waste need. The evidence will also describe trends in recycling and waste minimisation, the implications of those trends for residual tonnages, and the relationship between forecast waste arisings and the residual management options identified in the Waste Plan. It will also explain the Waste Plan's assessment of potential additional capacity at the Canford allocation and how that assessment bears on the appropriateness of a facility with a proposed throughput of about 260,000 tpa in this location.
14. To assist the understanding of need, Magwatch intends also to cover, via its evidence, existing, consented and contracted residual treatment capacity within the region relevant to the Appellant's asserted catchment, including facilities operational under contract, facilities with R1 status, and facilities that remain in active development within the meaning used in current national policy. Magwatch's evidence will cover issues such as the relevant policy test and factual status of facilities that fall within the category of "active development", as well as matters relating to the age, efficiency and contractual position of facilities that the Appellant suggests are candidates for replacement. The evidence will be directed to the question whether an evidenced shortfall exists, or whether existing, consented and actively developing capacity is capable of meeting residual need.
15. Finally, Magwatch's evidence will also focus on the Appellant's proposed catchment and the operational implications of the suggested rewording of the condition (Condition 44) that previously controlled the sourcing of waste. This evidence will address how a broadened catchment would affect the movement of waste into and across the Plan area, the extent to which cross-boundary importation would be required to sustain the proposed throughput, and how those flows relate to the Appellant's assertions about "waste miles" and proximity. The evidence will cover transport movements associated with the proposed throughput and



catchment, including origin–destination patterns, interaction with the road network and the implications for any claimed “waste miles” benefit. The evidence will be presented to aid the Inspector’s application of the proximity principle and to inform the weight that can be attached to the Appellant’s asserted transport-related advantages.

(b) Green Belt

16. Magwatch’s evidence will establish the site’s Green Belt designation and set out the applicable national and local Green Belt policy tests. The evidence will describe how national policy requires that substantial weight be accorded to harm to the Green Belt, including harm to openness, and will explain the structure of the weighing exercise where inappropriate development is proposed. The purpose of this evidence is to frame clearly the policy context within which the Green Belt issues in this appeal must be decided.
17. Magwatch will present evidence addressing the outcomes of the local Green Belt assessment that informed the applicable local development plans (the Poole Local Plan of November 2018, the Poole Green Belt Review of July 2017 and the BCP and Dorset Councils’ joint Strategic Green Belt Assessment of 2020). The evidence will then address the scoring of the parcel in which the proposed development is located against Green Belt purposes (checking unrestricted sprawl, preventing neighbouring towns from merging and safeguarding the countryside from encroachment), to demonstrate that the site is located in an important and sensitive area of Green Belt.
18. Magwatch will place before the inquiry evidence on openness in both spatial and visual terms. The evidence will address spatial openness by reference to footprint, height and volume of the proposed structures, including the implications of a 110 metre stack (with additional height added by a plume) and a building with a height of 50m which would extend above the existing tree belt which screens the current development within the Green Belt. It will address visual openness by reference to the Appellant’s own landscape and visual materials and other sources. The evidence will be presented to assist the Inspector in understanding the nature and degree of harm to openness that would be introduced by the proposal.
19. Magwatch will provide evidence examining the Appellant’s reliance upon policy exceptions and “grey belt” contentions. The evidence will set out the factual basis against which any claimed exceptions fall to be tested and will identify the issues in dispute about whether the exceptions are engaged on the facts of this site and proposal. The purpose is to enable clear testing at the Inquiry of whether the proposal is inappropriate development in the Green



Belt or whether any exceptions are relevant. Magwatch's evidence will be geared towards demonstrating that the exceptions do not apply and that the proposal amounts to inappropriate development in the Green Belt.

20. Magwatch will place before the Inquiry evidence directed to the weighing exercise that applies to inappropriate development in the Green Belt. The evidence will identify the other considerations relied upon by the Appellant, explain the factual material Magwatch will present to inform the extent and weight of those considerations, and show how harms other than the definitional harm to the Green Belt (including harms to the neighbouring SSSI) are relevant to the assessment of whether the proposed development amounts to inappropriate development in the Green Belt. The evidence is intended to provide the Inspector with a factual basis for evaluating whether the Appellant's case on very special circumstances is sustainable once the extent of Green Belt and other harms, and the realistic weight of any benefits, are understood.
21. Finally, Magwatch will identify and summarise relevant appeal decisions and judgments which illuminate the application of Green Belt policy in comparable contexts. The purpose of this material is to aid consistent and lawful application of policy to the facts of this appeal. Magwatch intends to rely centrally on the Inspector's conclusions in the Powerfuel Portland Ltd Appeal (APP/D1265/W/23/3327692).

(c) Visual and landscape harm

22. Magwatch will present evidence describing the receiving environment's landscape character and the proposed development's height, bulk and mass. Magwatch's evidence will address landscape *and* visual harm, which Magwatch maintains are both in issue. The evidence will set out the relationship between the development, nearby heritage assets, and valued designated and recreational landscapes (including e.g. the conservation area of Canford village and Canford school, the Canford Heath, the bowl barrows on the heath, the Canford Park SANG and Stour Valley Way) and will explain the implications of the proposed height, bulk and mass for the perception of the development in its wider setting. The purpose of this evidence is to provide the Inspector with a clear and concise picture of the baseline and the magnitude of change, and to explain how the visibility and perceived scale of the development may bear upon the sense of place and experience of areas such as the Stour Valley and Canford Park SANG.
23. Magwatch will rely on the Appellant's landscape and visual materials to identify representative viewpoints and receptors, and will provide evidence describing receptor



sensitivity and the nature of the visual change anticipated. The evidence will be directed to assisting the Inspector in testing the robustness of the Appellant's judgments on magnitude and significance of effect from locations that are important to the community and to the experience of the area.

24. Magwatch will place before the inquiry a selection of the Appellant's photomontages that, in Magwatch's view, most clearly show the relationship between the proposed structures and existing woodland and topography. It will also draw upon the technical input of Laird Bailey, Landscape Architects engaged by BCP. The evidence will use those materials to explain the extent to which the development would be perceived above or beyond existing screening, and the implications for landscape character and visual amenity across the relevant area. Magwatch will also provide evidence describing the mitigation measures proposed and their expected efficacy over time in the light of the development's height and bulk. The evidence will demonstrate that such measures are not capable of altering the significance of effects materially in the long term.

(d) Other harms (including aviation safeguarding)

25. Magwatch will present evidence addressing heritage matters, focusing on the significance of relevant assets and the contribution made by their settings. The evidence will draw upon the Appellant's heritage materials, the assessment of landscape consultants Laird Bailey, Historic England, the Council's Urban Design team and the Council's Senior Heritage consultant and consultee responses to identify the principal receptors and the issues the inquiry needs to test to understand the heritage dimension of the proposal. The evidence is intended to assist the Inspector in assessing the nature and extent of heritage impact in accordance with applicable policies.
26. Magwatch will also present evidence on habitats and biodiversity, including likely harms to neighbouring SSSIs, SACs and SPAs, including in particular Canford Heath.
27. Magwatch will adduce important evidence, that may otherwise not be before the Inspector, on community perception of risk and harm, including concerns expressed by local residents throughout the application process. The evidence will describe the factual basis for those concerns, their persistence over time, and relevant material, including from the Appellant's assessments, where these recognise community perception as a factor. The purpose is to assist the Inspector in understanding the role of community perception as a material planning consideration and the way it bears upon the planning balance when combined with the visual and landscape changes identified above.



28. Magwatch will place before the inquiry evidence addressing mental and physical health and wellbeing as relevant planning considerations in this case. The evidence will refer to local public health indicators, to material within the Appellant's own health assessments, and to information from local services that speaks to the vulnerability of particular groups in the community. The evidence will also identify the material Magwatch relies upon to explain how mental health has been approached to date and how it can properly be considered at Inquiry. It will describe issues relating to physical health and air quality, identifying the pollutants and regulatory context described in the Appellant's materials, and setting these alongside the presence of schools and residential areas within the relevant area. Magwatch intends to assist the Inquiry by underlining the relevant equalities and human rights issues which arise in light of these physical and mental health impacts, and the consequent relevance of the Equality Act 2010 and Human Rights Act 1998. The purpose is to assist the Inspector in considering physical and mental health and wellbeing, and associated equality and human rights impacts, in the overall planning balance.
29. Magwatch's evidence will also address aviation safeguarding. The evidence will set out the safeguarding context as it relates to Bournemouth Airport and identify the key issues for the Inquiry to test. Magwatch's evidence will focus in particular on demonstrating that the Proposed Development involves "a significant penetration of the Airport's 'Type A' surface" and on why an Instrument Flight Procedure (IFP) assessment is necessary.
30. Finally, Magwatch will present evidence directed to the deliverability of certain benefits asserted by the Appellant, insofar as those benefits are relevant to the planning balance. The evidence will describe, at a high level, the site-based implications of "carbon capture readiness" for a facility of the proposed throughput, including indicative land-take and infrastructure considerations, and will relate those implications to the land available within the application boundary, making reference both to the Portland appeal and the Archers Fields Appeal Decision (APP/Z1585/W/24/3357445). Magwatch will also address the practicalities of delivering heat export and combined heat and power at this location, including proximity and suitability of potential heat users and the steps required to convert technical potential into deliverable benefit. The purpose of this evidence is to assist the Inspector in understanding the extent to which such asserted benefits can be treated as realistic and what weight, if any, can be attached to them at the point of decision.



3. Conclusion

26. In summary, Magwatch will present evidence directed to need and capacity, Green Belt policy and effects, visual and landscape harm, heritage and community-facing considerations including mental and physical health and wellbeing, and aviation safeguarding. It will also place before the Inquiry focused material on the deliverability of the Appellant's asserted benefits where this informs the weight to be attached to them. Magwatch's evidence will be framed to avoid duplication with the Council's technical case and to focus Inquiry time on the issues where Magwatch can most usefully assist. At the close of the evidence, and for the reasons advanced by the Council and supported by Magwatch's materials, Magwatch will respectfully invite the Inspector to dismiss the appeal.



11. INDEX OF DOCUMENTS

- 11.1 We will make reference to the following policies, decisions and documents at inquiry in particular (although we reserve our right to make reference to further documents and policies if necessary).

Documents associated with APP/23/00822/F and with the Appeal (6002440) can be accessed on the BCP planning portal.

Planning Policies

- P1. Bournemouth, Christchurch and Poole Waste Plan (2019)
- P2. Inspectors Report on BCP & Dorset Waste Plan
- P3. A Waste Strategy for Bournemouth Christchurch and Poole 2026-36
- P4. National Planning Policy for Waste (2014)
- P5. Dorset Council Waste Strategy 2024
- P6. Poole Local Plan for 13 November 2018
- P7. Draft BCP Local Plan 2023
- P8. National Planning Policy Framework 2024
- P9. Planning Policy Guidance: Gov.UK Guidance - Green Belt (2017)
- P10. Canford Heath Nature Reserve Management Plan, BOP 2010
- P11. Dorset Heathlands Planning Framework 2020-2025 SPD
- P12. Stour Valley Park Strategy
- P13. Poole Green Belt Review (July 2017)

Planning Committee Documents

- O1. Officer Report (APP.23.00822) 4.6.25
- O2. Officer Report (APP.23.00822) Addendum 11.6.25
- O3. Transcript of BCP Western Planning Committee 12.6.25
- O4 Decision Notice for APP.23.00822.F 19.6.25

Application Documents

- A1. ES Ecology and Nature Conservation
- A2. ES Ecology and Nature Conservation Addendum
- A3. ES Technical Appendix 10.1 - Heritage and Archaeology Statement
- A4. ES 14.1 Population and Health
- A5. Savills letter to BCP - Nov 2024
- A6. Shadow HRA Report (Feb 2024)
- A7. Technical Appendix A12.1 Landscape and Visual Effects
- A8. Technical Appendix A12.2 Landscape and Visual Effects
- A9. ES Chapter 12 - Landscape and Visual Addendum Chapter
- A10. Chapman Lily Planning Ltd WHW Appendix F Draft



Consultation Documents

- C1. Appropriate Assessment
- C2. BCP Heritage Consultation Report April 2025
- C3. BCP Heritage Consultation Report Addendum June 2025
- C4. BCP Urban Design Team Comments (April 2025)
- C5. BCP's Economic Development Officer in a letter to the LPA (December 2024)
- C6. GB Assessment Stage-1 Final-Report (2020)
- C7. GB Assessment Stage-2 Final-Report (2020)
- C8. HE Bowl barrow on Canford Heath
- C9. Historic England Comments March 2024
- C10. Historic England Comments September 2023
- C11. Laird Bailey Landscape Consultants (Dec 2023)
- C12. Laird Bailey Landscape Consultants (March 2024)

Legal and Appeal Documents

- L1. Powerfuel Portland Ltd Appeal: APP/D1265/W/23/3327692
- L2. High Court Case No: AC-2024-LON-003475
- L3. Court of Appeal Case No: CA-2025-000986
- L4. Basildon (Archers Field) Appeal Decision

Government Documents

- G1. LGA - Councillors guide to waste and recycling reforms
- G2. CAST Advice Note 1-Safeguarding - an overview-Apr-24
- G3. Gov: Clean Power 2030 Action Plan – technical annex (April 2025)
- G4. DEFRA Residual Waste Infrastructure Capacity Note
- G5. Defra Answer to Vikki Slade MP
- G6. DESNZ (EN-1) 2025
- G7. DESNZ (EN-3) 2025

Studies

- S1. Epidemiological evidence review in the UK and EU, following implementation of the Waste Incineration Directive
- S2. Pollution from Incineration - Health and Air Quality Impacts
- S3. House of Commons Library - Incineration of Waste in England
- S4. Carbon capture from energy-from-waste(EfW) Oxford Institute for Energy Studies May 2024
- S.5 Air Pollution-Induced Neurotoxicity - Kalenik, Zaczec & Rodacka (2025)



Miscellaneous Documents

- M1. Compliance Check monitoring CAR form - off-site odour MVV Plymouth 4 July 2025
- M2. UKHSA Correspondence with Paul Brelsford (Magwatch)
- M3. Mental Health Needs Assessment - Mongru 202
- M4. Veolia Correspondence with Paul Brelsford of Magwatch
- M5. Email - Vikki Slade MP to Magwatch (February 2026)

