

**BOURNEMOUTH, CHRISTCHURCH AND POOLE
COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

Appeal by MVV Environment Limited against the refusal of planning permission by
Bournemouth, Christchurch and Poole Council of

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

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

Planning Inspectorate Reference: 6002440

Council Reference: APP/23/00822/F

STATEMENT OF CASE

1.0 Introduction and Background Information

- 1.1 This appeal statement relates to an appeal against Bournemouth, Christchurch and Poole Council's ("the Council") decision to refuse planning permission, under reference APP/23/00822/F, for the following description of development:

"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 Council's planning committee resolved to refuse the application on 12th June 2025 and the Decision Notice was issued on 19 June 2025. The planning permission was refused by committee for the following 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 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).

- 1.3 In relation to RfR4 and RfR5, the parties anticipate that matters can be satisfactorily resolved through the production of a s106 agreement and the intention is to agree draft heads of terms to subsequently secure appropriate planning obligations.
- 1.4 This Statement of Case provides for a description of the site and its surroundings, the proposed development, relevant planning history, national and local planning policy context and relevant guidance, the Council's case with regard to the reasons for refusal and outlines their statutory duties.
- 1.5 An initial draft of the Statement of Common Ground ("SoCG") was received from the appellants in December 2025 and further details in relation to these matters are expected to be provided within the SoCG prepared by the Council and the appellant.
- 1.6 The Council screened and scoped the application in compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("EIA"), reference PREA/22/00049. It confirmed the application was EIA development.
- 1.7 This Statement of Case is prepared on behalf of the Council and in accordance with the Inquiries Procedure Rules (SI 2000/1625) and has regard to the Inspectorate's 'Procedural guide: Planning appeals – England' (updated 9th December 2025) ("the Procedural Guide"), in particular section 11 Inquiries. It provides a succinct statement of the case that the Council will present at the Public Inquiry.

2.0 Site and Surroundings

2.1 Site Location

The appeal site (“the Site”) is a parcel of land located off Magna Road A341, accessed from Arena Way and is located within the Green Belt adjacent to the former White's Pit landfill sites. The Site sits within the Canford Resource Park, which provides an existing complex of waste management facilities including a Mechanical Biological Treatment Plant with capacity to deal with 125,000tpa of residual waste, a landfill gas compound and a Materials Recovery Facility with capacity to take 150,000tpa of mixed waste. The existing buildings within the Resource Park range in size between the equivalent of 1 – 4 storeys and are of an industrial style. The Site currently contains a partially built low carbon energy facility which was originally approved under application reference APP/12/01559/F, but this facility has not come into operation to date.

2.2 The appeal scheme includes for 8.8ha of land within the red line boundary, albeit the majority relates to roadways, temporary construction compounds and ancillary habitat creation. The predominant aspects of the appeal scheme consist of 2.57ha of land within Canford Resource Park and an additional 0.27ha to the southeastern extent of the red line area.

2.3 A former landfill site (“White’s Pit”) adjoins the Site to the northwest and includes a solar farm, hydrogen producing electrolyzers, an inert waste recycling facility and a concrete batching plant.

2.4 The site partially adjoins the Canford Heath to the southwest, which is a public open space featuring multiple categories of European/ internationally designated nature conservation sites, including:

- Dorset Heathlands Special Protection Area (SPA)
- Dorset Heaths Special Area of Conservation (SAC)
- Canford Heath Site of Special Scientific Interest (SSSI)
- Frogmoor Wood Site of Nature Conservation Interest (SNCI)

2.5 The nearest residential areas are the Canford Paddock housing development, which is approximately 500m to the east of the main appeal site and is located to the northwest of Bournemouth; on Arrowsmith Road, approximately 500m away to the west and on Magna Road, approximately 670m north of the main appeal site.

2.6 The Site is located within a parcel of Green Belt land located between Oakley (an extension of Poole) and Bournemouth.

2.7 Constraints

As set out above, the site adjoins the Canford Heaths SSSI and is adjacent to the Dorset Heathlands SPA and SAC. The nearest heritage asset to the site is the Scheduled Monument *Bowl barrow on Canford Heath 650m south of southern corner of New Covert* (entry number 1018487) which is approximately 500m south of the Site. The nearest listed buildings are the Grade II listed *South Lodge of Canford School* and *Gates and Gate Piers at South Lodge of Canford School* (entry numbers 1224063 and 1275381, respectively), approximately 1.15km to the north of the Site.

2.8 The woodland surrounding the southeastern, southern and southwestern boundaries of the Site is subject to Tree Preservation Order 9/2001, with the Order made on 9th April 2001.

3.0 Appeal Proposals

3.1 The Appellant's SoC sets out¹ that planning consent is sought for the following elements of development:

- **Energy from Waste (EfW) Combined Heat and Power (CHP) Facility**, which would include a main building of a maximum 50m and circa 8,000sqm footprint and a chimney stack 110m high.
- Associated ancillary and temporary developments which would include:
 - A **Distribution Network Connection (DNC)**, which would be constructed adjacent to pylon tower BM34 to the east of the site, which would contain electrical equipment including Point of Connection masts.
 - **Temporary Construction Compounds 1 & 2 (TCC1 & TCC2)** with associated Office and Welfare Buildings, Gatehouse for access control, Car Parking, and Storage Area. Only TCC1 would be utilised for the proposed development, which is proposed to be secured by condition.
 - **Internal access roads**
 - **Boundary fencing**
 - **Weighbridge and gatehouse structure.**
 - **Extension to the Heathland Support Area (HSA) of 7,700sqm.**

3.2 The Appellant's SoC sets out² that the following process is proposed for energy recovery:

- The primary waste throughput of the proposed development would be to treat Local Authority Collected Household (LACH) residual waste and similar residual Commercial and Industrial (C&I) waste from Bournemouth, Christchurch, Poole and surrounding areas.
- The proposed facilities would process up to 260,000 tonnes per annum (tpa) of non-recyclable (residual), non-hazardous municipal, commercial and industrial waste.
- The generation of 31 megawatts (MW) of energy, exporting around 28.5MW of electricity to the Distribution Network Operator (DNO) grid or for businesses at Churchill Magna Business Park.
- Potentially providing electricity through private wire along Arena Way to Magna Road.
- Potentially exporting up to 5MWth of heat to Churchill Magna Business Park through a Combined Heat and Power (CHP) connection and Distribution Network Connection (DNC) Corridor.
- Exportation of incinerator bottom ash to be processed in adjacent facilities outside of the appeal site.

¹ Appellant SoC Chapter 3

² Appellant SoC paragraphs 3.4 to 3.6

- The Appellant states³ that land has been set aside within the CHP facility area for a post construction carbon capture plant.

3.3 The EfW CHP facility would be operational for 40 years after which the land would be restored, save for the DNC and HSA which would be permanent.

3.4 Further details in relation to the proposed development and its processes are expected to be detailed within the SoCG.

³ Appellant SoC paragraph 3.7

4.0 Relevant Planning History

4.1 A summary of the relevant planning history for the appeal site and the surrounding area is provided below:

Reference	Description	Decision
00/31392/006/Y	Development of a domestic and commercial waste processing facility utilising enclosed composting vessels at Whites Pit Site Control Centre.	Granted a 25-year temporary permission by planning committee; 09/01/2002
04/31392/012/Y	Erect a single storey extension to composting hall.	Granted under delegated decision; 21/06/2004
06/31392/017/F	Retention of 2 storey office block and portacabin. Erect 2 single storey green waste storage and preparation warehouses. Install water treatment tanks and bio filter bed.	Granted temporary permission for up to 09/01/2027 by planning committee; 04/01/2007
08/31392/018/F	Erect extension to existing composting facility at New Earth Composting Facility, Site Control Office, Magna Road, BH21 3AW	Allowed at appeal Aug 2009
APP/11/01653/F	Install 3 gas production units (pyrolysis units), to feed existing gas turbines, to be installed at inert recycling compound, with enclosures and pipelines.	Granted under delegated decision; 23/02/2012
APP/11/01652/C	Variation of planning condition 5 of application APP 5/94/31174/8 to allow synthetic gas to be used to supplement landfill gas to enable 5.0 MW of renewable electricity to be consistently generated.	Granted under delegated decision; 08/03/2012
APP/13/00242/F	Erect extensions to existing Material Recovery Facility with ancillary infrastructure, accessed via existing Service Road.	Granted under delegated decision; 20/06/2013
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. (This application includes an Environmental Impact Assessment).	Granted temporary permission for up to 09/01/2027 under delegated decision; 01/07/2013

APP/13/00805/Y	Variation of condition 2 of Approved app. 04/31392/012/Y to allow for the operation of the enclosed facility until 20/06/2035 at the Site Control Centre, Magna Road.	Granted under delegated decision; 01/10/2013
APP/13/00806/Y	Variation of condition 1 of Planning App. 00/31392/006/Y to allow for the operation of the enclosed facility until 20/06/2035 at the Site Control Centre, Magna Road.	Granted under delegated decision; 01/10/2013
APP/13/00807/F	Variation of condition 2 of Approved app. 06/31392/017/F to allow for the operation of the enclosed composting facility until 20/06/2035 at the Site Control Centre, Magna Road.	Granted under delegated decision; 01/10/2013
APP/13/00808/F	Variation of condition 3 of Approved application APP/12/01559/F to allow for the operation of the Low Carbon Energy facility until 20/06/2035 at the Site Control Centre, Magna Road.	Granted under delegated decision; 04/10/2013
APP/13/00855/F	Removal of Condition No.2 of planning permission APP/13/00242/F	Granted under delegated decision; 02/12/2013
APP/13/01361/F	Variation of condition 7 of approved application 13/00807/F to allow extended vehicle arrival/departure times	Granted under delegated decision; 04/02/2014
APP/13/01437/Y	Removal of condition 1 of approved APP/13/00805/Y to remove the operational time limit.	Granted under delegated decision; 14/02/2014
APP/13/01438/Y	Removal of condition 1 of approved APP/13/00806/Y to remove the operational time limit.	Granted under delegated decision; 14/02/2014
APP/13/01439/F	Removal of condition 1 of approved APP/13/00807/F to remove the operational time limit.	Granted under delegated decision; 17/02/2014
APP/13/01449/F	Removal of condition 3 of approved APP/13/00808/F to remove the operational time limit.	Granted under delegated decision; 19/02/2014
APP/14/00733/F	Variation of condition 2, 6 and 7 of planning permission APP/13/00855/F to amend the approved plans and drawings, remove ref to 'inert' waste and to amend restriction on time of vehicle movements.	Granted under delegated decision; 26/08/2014
APP/15/00874/Y	Erect commercial and industrial waste materials recovery facility with new weighbridge, office and welfare facilities	Granted under delegated decision; 28/10/2015

APP/18/00130/F	Non material amendment following the approval of APP/14/01648/F to change the colour of the roller doors from orange to dark green	Grated under delegated decision; 16/02/2018
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 operations to other adjacent planning consents, ref 14/00733 and 15/00874	Grated under delegated decision; 16/07/2018
APP/21/00400/F	A 30 years installation of renewable energy and fuel generation stations comprising five containers for a hydrogen processing plant powered by ground-mounted photovoltaic solar arrays including pipes, cables, fence, gates, four battery containers, five transformers and one switchgear container and with 2ha of biodiversity gain and landscape enhancements as amended 06/05/2021, 18/05/2021, 08/06/2021 and 23/06/2021	Granted under delegated decision; 08/10/2021
APP/22/00284/F	Variation of Condition 2 of Planning Permission APP/21/00400/F as described in that Description of Development to revise the list of approved plans and technical reports to allow for the co-location of the hydrogen plant with the approved battery store on the restored landfill; the consequential amendments to conditions 4, 6, 7, 8, 11 and 12.	Granted under delegated decision; 20/05/2022
PREA/22/00049	Environmental Impact Assessment Scoping Opinion request for an Energy from Waste and Combined Heat and Power Facility at Canford Resource Park	Written response provided on 14/10/2022

5.0 Development Plan Policies and Guidance

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

5.2 The requirements in determining applications “*in accordance with*” the plan does not mean that an application must comply with each and every policy, but it is approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the courts, that Development Plans are a broad statement of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another. The statutory adopted Development Plan for the appeal site comprises of the following:

- Poole Local Plan (2018) (“PLP”)
- Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019) (“WP”)

5.3 The Policies of the Development Plan relevant for the determination of this appeal are considered to be the following.

PLP

- Policy PP2: Amount and Broad Location of Development
- Policy PP27: Design
- Policy PP29: Tall buildings
- Policy PP30: Heritage Assets
- Policy PP31: Poole’s coast and countryside
- Policy PP32: Poole’s nationally, European and internationally important sites
- Policy PP33: Biodiversity and geodiversity
- Policy PP34: Transport strategy
- Policy PP35: A safe, connected and accessible transport network

WP

- 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 12: Transport and access
- Policy 13: Amenity and quality of life
- Policy 14: Landscape and Design Quality
- Policy 18: Biodiversity and geological interest
- Policy 19: Historic Environment
- Policy 21: South East Dorset Green Belt
- Policy 23: Restoration, aftercare and afteruse
- Inset 8: Land at Canford Magna, Poole

5.4 The following documents are also material considerations relevant for the determination of this appeal:

- BCP Parking Standards SPD (2021)
- Dorset Heathlands Planning Framework 2020-2025 SPD (2020)
- Dorset Heathlands Interim Air Quality Strategy 2020-2025 (2021)
- Heritage Assets SPD (2013)
- Nitrogen Reduction in Poole Harbour SPD (2015)
- Poole Harbour Recreation SPD (2020)
- Poole Green Belt Review (2017)
- BCP Council Level 1 Strategic Flood Risk Assessment (2024)
- Standards For Waste Container Storage and Access (2023)
- Bournemouth Dorset and Poole Mineral Strategy (2014)
- BCP Local Area Energy Plan (2023)
- Strategic Green Belt Assessment (2020)
- BCP Climate and Ecological Emergency Action Plan (2019)

5.5 Emerging Policy

The Council submitted its Draft BCP Local Plan to the Secretary of State in 2024 which sought to replace the existing Local Plans from the predecessor authorities, including the PLP. The Council withdrew the draft plan from examination in June 2025 following advice from the appointed Inspectors that they were unlikely to consider that the Council had complied with various requirements regarding its Duty to Cooperate.

5.6 Relevant Material Considerations

National Planning Policy Framework (“NPPF” or “the Framework”) (December 2024, as updated February 2025)

The paragraphs of the NPPF considered relevant to the proposal include:

- Chapter 2 Achieving sustainable development
- Chapter 4 Decision-making
- Chapter 6 Building a strong, competitive economy
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making efficient use of land
- Chapter 12 Achieving well-designed places
- Chapter 13 Protecting Green Belt land
- Chapter 14 Meeting the challenge of climate change flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

5.6 Additional national planning policy and guidance considered relevant to the appeal proposals include:

- National Planning Policy for Waste (“NPPW”) (2014)
- National Planning Practice Guidance (“PPG”)
- Overarching National Policy Statement for Energy (EN-1) (2026)
- National Policy Statement for renewable energy infrastructure (EN-3) (2026)
- DEFRA Residual Waste Infrastructure Capacity Note (2024)

5.7 Other national policy and guidance documents that are concluded to be material considerations in the determination of the appeal are the following documents:

- Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Conservation of Habitats and Species Regulations 2017, as amended.
- Waste (England and Wales) Regulations 2011
- Environment Act 2021

- 5.8 Other material documents to be referred to by the Council include:
- Guidelines for Visual Impact Assessment (Third Edition) (“GLVIA3”)
 - Landscape Institute Technical Guidance Note 02/21 - Assessing landscape value outside of national designations (“TGN”)
 - Landscape Institute Technical Guidance Note 06/19 - Visual Representation of Development Proposals
 - Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs), Landscape Institute Technical Guidance Note 1/20 (Jan 2020)
 - Institute of Environmental Management and Assessment, Institute of Historic Building Conservation and Chartered Institute for Archaeologists, 2021, Principles of Cultural Heritage Impact Assessment in the UK
 - English Heritage, 2008, Conservation Principles; Policy and Guidance for the Sustainable Management of the Historic Environment
 - Historic England, 2015, Historic Environment Good Practice Advice in Planning 2: Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
 - Historic England, 2017, Historic Environment Good Practice Advice in Planning 3, 2nd Edition The Setting of Heritage Assets (GPA 3)
 - Historic England, 2019, Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12 (HEAN 12)

6.0 The Case for The Council

6.1 Reason for Refusal 1 states the following:

“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 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).”

6.2 The Council will explain that the Site is identified on the PLP Policies Map as being within the Green Belt where Policy PP2 applies and part 6 states that the Council will manage Green Belt in accordance with national policy. Policy 21 of the WP states that *“Proposals for waste management facilities will only be permitted in the South East Dorset Green Belt where:*

- a) they do not constitute inappropriate development; or*
- 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 sites; and*
- 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.”*

6.3 The Council will refer to the Framework, where at Paragraph 142 it states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence”*.

6.4 Paragraph 154 of the Framework states that local planning authorities should regard the construction of new buildings as inappropriate development, and the Council will demonstrate that the proposal as a whole is not otherwise supported by any of the limited exceptions listed within the paragraph nor within any Development Plan Policies. In particular, the Council will explain that the proposal is not supported by 154(g) as the proposal would cause substantial harm to the openness of the Green Belt. For these reasons, the Council will explain that the appeal proposal is inappropriate development in the Green Belt, and by virtue of paragraph 153, is harmful to the Green Belt.

- 6.5 The Appellant concludes that the Site should be defined as grey belt land and that the proposal meets the tests of paragraph 155 of the Framework. The Council will explain that it does not, and will set out the following:
- i. the site would not utilise grey belt land because it strongly contributes to purposes a) and b) set out at paragraph 143 in respect of sprawl from Bournemouth and the merger of Bournemouth and Oakley.
 - ii. it is not the Council's case that the proposal would fundamentally undermine the purposes of the remaining Green Belt.
 - iii. the Council accept the Site is in a sustainable location
 - iv. the "Golden Rules" are not applicable to the proposal
 - v. even if the Inspector concludes that the land does not strongly contribute to purposes a) and b), the land is excluded from the definition of grey belt because heritage harm provides a strong reason for refusal, as per footnote 7.
- 6.6 Since the proposal is inappropriate development, the Council will refer to the Framework, where at paragraph 153 it states that "*local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness*", that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*" and that very special circumstances "*will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*".
- 6.7 The Council will point to harm to the Green Belt by way of definition and harm to openness as well as other harm.
- 6.8 The Council will refer to the PPG⁴ that factors to take into account when assessing impact on openness include, but are not limited to, both visual and spatial impacts, the duration of the development, its remediability and the degree of activity likely to be generated. It will be evidenced that the impact will be harmful and is not addressed by mitigation and the Council will refer to *Timmins*⁵, *Turner*⁶ and *Samuel Smith*⁷.

⁴ Paragraph: 013 Reference ID: 64-013-20250225

⁵ *Timmins v. Gedling BC* [2014] EWHC 654 (Admin)

⁶ *Turner v. SSCLG* [2016] EWCA (CIV 466)

⁷ Judgment, R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3

6.9 Having regard to the Court of Appeal in Redhill Aerodrome⁸ the Council recognise that the words ‘any other harm’ in the NPPF test do not mean only harm to the Green Belt. They mean any other harm that is relevant for planning purposes. The Council will weigh the ‘other harm’ in the balance before considering whether or not there are very special circumstances to justify the development. Therefore, the approach to the balancing exercise needs to consider these other harms, which the Council considers are set out within RfR’s 2 and 3, as presented below.

6.10 **Reason for Refusal 2** states the following:

“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).”

6.11 The Council allege a detrimental impact on the landscape character of the area and will rely on the evidence of an independent landscape expert.

6.12 The impact will arise from the height, scale, bulk and mass of the proposed main building and chimney stack.

6.13 The main landscape receptors are (1 to 5 are all within the appeal site):

1. Landscape Character & Fabric of EfW CHP Facility Site
2. Landscape Character & Fabric of DNC Connection Area
3. Landscape Character & Fabric of CHP Connection Area
4. Landscape Character & Fabric of TCC1 Site
5. Landscape Character & Fabric of TCC2 Site
6. Heath / Farmland Mosaic & North Poole Heath / Farm Fringe LCA
7. Lowland Heathland & Canford Heath LCA
8. River Terrace & Merley-Canford River Terrace LCA
9. Valley Pasture & Lower Stour Valley LCA

6.14 The Council’s case is that each of these landscape receptors would be harmed in terms of landscape character.

⁸ The Court of Appeal in Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government [2014] EWCA Civ 1386

- 6.15 The methodology in the Appellant's LVIA is acceptable overall.
- 6.16 The Council agree that assessment should be carried out at year 1 and year 15.
- 6.17 The Council agree with the LVIA that plumes are relevant to the assessment of harm.
- 6.18 The Council agree that the representative viewpoints produced in the LVIA provide an adequate range of viewpoints to assist in the assessment.
- 6.19 **Reason for Refusal 3** states the following:
- "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)."*
- 6.20 The Council will rely on the expert opinion of an independent heritage expert.
- 6.21 The Council will rely on harm to the following heritage assets:
- i. Canford Magna Conservation Area
 - ii. Canford School (Grade I listed)
 - iii. South Lodge of Canford School (Grade II listed)
 - iv. Gates and Gate Piers at South Lodge of Canford School (Grade II listed)
 - v. Bowl barrow cemetery and four other bowl barrows on Canford Heath (Scheduled Monument), Bowl barrow on Canford Heath 650m south of southern corner of New Covert (Scheduled Monument) and Bowl barrow on Canford Heath 730m south east of Alhambra (Scheduled Monument).
- 6.22 Although officers, in response to an email from the Appellant, set out their understanding (the email was expressed explicitly to be only an opinion of the officer of an advisory nature) that RfR3 did not relate to Bowl Barrows, the independent heritage expert instructed by the Council, in exercising her professional judgment, agrees with the position set out by

the Appellant in their Heritage Statement of July 2023 that there would be less than substantial harm at the lower end of the spectrum to Bowl Barrows.

- 6.23 The Council's case will be that each of the assets listed above will be adversely affected in terms of their significance, the harm being less than substantial in the language of the Framework.
- 6.24 The harm to the significance of the designated heritage assets is not outweighed by public benefits.
- 6.25 The Council's case is that the harm to heritage assets constitutes a strong reason for refusal.
- 6.26 The Council will not allege harm to non-designated heritage assets.
- 6.27 By reference to Table 10.4 of the Environmental Statement Chapter on Heritage, the Council note that the Appellant has treated negligible adverse effects as if they would be neutral. However, a negative effect is still a harm within the less than substantial spectrum, albeit at the lower end of the range.
- 6.28 Need
The Council will refer to the WP of 2019 and the Inspector in the Portland Appeal (APP/D1265/W/23/3327692) as endorsed in the Secretary of State decision letter dated 16th September 2024, identifying an adjusted shortfall of 329,000tpa by 2033.
- 6.29 The Council will argue that the planning consent for Portland of 202,000tpa reduces that shortfall. An application may be submitted to determine whether planning consent for the site at Parlay, at 60,000tpa, has been implemented, will be determined in advance of the Inquiry.
- 6.30 The Council accept that the need by 2033 will not be met in the absence of allocated sites Inset 9 and Inset 10 of the WP not coming forward. However, the proposed provision of 260,000tpa amounts to an overprovision. The Council will refer to the DEFRA Capacity Note in terms of avoiding overprovision.

6.31 Benefits

Having regard to paragraph 153 of the Framework, the Council has considered the benefits advanced by the Appellant in an assessment of very special circumstances⁹ and agrees that the following are benefits of the scheme in planning terms:

- Provide processes that move waste up the waste hierarchy.
- Locating waste management infrastructure close to where waste arises in BCP and Dorset and contributing to self-sufficiency of waste management.
- Deliver efficiencies and sustainability benefits from co-locating waste facilities together.
- Help to support the transition to a low carbon future.
- Use of previously developed land.
- Economic benefits of the proposed development.
- Provide for the extension of a Heathland Support Area.
- Provide for at least 25% Biodiversity Net Gain (“BNG”).

6.32 In its evidence the Council will attribute weight to these benefits.

6.33 Planning Balance

The Council will demonstrate that the identified harm provided by the appeal scheme to the Green Belt should, by definition, be given substantial weight.

6.34 It will be demonstrated in evidence that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, and the very special circumstances necessary to justify the development would not exist because the benefits would not clearly outweigh the harm. The appeal scheme will be concluded to provide conflict with Policies 3, 14, 19 and 21 of the WP, Policies PP2, PP27 and PP30 of the PLP, and the Framework.

6.35 On this basis, the Inspector will be invited to dismiss the appeal.

⁹ Appellant Statement of Case paragraph 11.19.2