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	May 2026
Principal author	Frank Ahern

MAGWATCH

RULE 6 PARTY PROOF OF EVIDENCE

GREEN BELT ISSUES

AND PLANNING BALANCE

CONTENTS

1. INTRODUCTION

1.1 Magwatch is a local residents' campaign group located in the Bearwood and Merley Ward of Bournemouth, Christchurch and Poole Council ("**BCP**" or "**the Council" "LPA"**).

1.2 With the exception of Section 6.4, written by Paul Brelsford, and Sections 7.3 - 7.5, written by Peter Chesterfield, this Proof of Evidence has been written by Frank Ahern, founder and Chair of Magwatch.

1.3 Frank Ahern holds an MA in English from Trinity College Dublin. He was a teacher for 40 years and, after retiring from his final post as an Academic Deputy Head, was a school archivist. He has lived in Canford Magna for 39 years.

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

1.5 Peter Chesterfield has been resident of Bearwood for 42 years. He holds as BSc Dual Honours in Geology & Geography from London University and an MSc in Mining Geology & Mineral Exploration from Leicester University. The early part of his career was spent in the mineral exploration industry after which he entered the field of finance as an investment analyst in The City, progressing to become an investment manager, ultimately co-founding and co-running a shared investment management business for 12 years before retiring in 2012.

2. BACKGROUND AND SCOPE OF EVIDENCE

2.1 This proof focuses on Green Belt issues and planning balance (including visual and landscape issues as well as other harms including mental health). A separate proof deals with need and capacity.

2.2 We hope to avoid duplication of the Council's arguments but seek to provide further evidence and references to policy in order to support and expand upon its reasons for refusal.

2.4 As outlined in its Statement of Case [CD7 1.3], Magwatch will establish that:

i) The site of the proposed development is located in the Green Belt, and that the Green Belt parcel within which the site is located has scored highly for a number of the relevant Green Belt purposes;

ii) The proposed development, given its height and volume, will cause substantial harm to openness, and therefore will constitute inappropriate development within the Green Belt;

iii) The site is not located on grey belt land given the strong contribution to Green Belt purposes (a) and (b) for this location. Footnote 7 of paragraph 11(d) NPPF (presumption in favour of sustainable development) is engaged due to the existence of: harm to neighbouring SSSIs and heritage sites. In any event, even if the Appellant were right that the site is on grey belt land, paragraph 155(a) NPPF is not met;

iv) The site is not (at least not fully) previously developed land ("PDL"). Even if it were PDL, the proposed development remains inappropriate because it would result in a substantial impact on openness and therefore fails the relevant tests in NPPF paragraph 154(g).

v) No special circumstances exist and the proposed development directly conflicts with Waste Plan Policy 21.

vi) There is significant landscape harm and significant harm to visual receptors. There is also harm to heritage setting assets, including three bowl barrows (scheduled monuments) and the Grade I listed Canford School setting.

vii) In addition to the harm to Green Belt and the harms identified in paragraph (f), Magwatch will also rely on the following other harms: evidenced harms to habitats and biodiversity and mental health harms, which should be considered and afforded significant weight as part of the "other harms" weighing against approval.

viii) The claimed benefits relating to carbon capture and storage and CHP are unproven and in the case of carbon capture undeliverable due to space constraints, and therefore should be afforded no, or very limited, weight as benefits.

ix) Overall, the proposed development carries limited benefits and substantial harms. The planning balance weighs against allowing the appeal.

2.5 This proof directly reference several planning appeals:

i) APP/D1265/W/23/3327692 [CD9 1.3] ("Portland" or "IR"), relevant because of the comparative analysis it offers of the Portland Port and Canford EfW proposals and for its comments on inappropriate development in Green Belt and on the

insufficient space allocated for the carbon capture facility. Reference will be made to paras SoS and IR 17, 8.22, 8.23, 8.64, 8.65, 12.102, 12.105, 12.107 -12.109

ii) APP/Z1585/W/24/3357445 [CD9 1.22] ("Archers Fields"), relevant a) because of the similar positions of the two proposed EfWs in relation to Carbon Capture Readiness with reference to whether or not the appellant has shown sufficient available footprint and successfully trialled technology and because of a shortage of necessary detail, explanation and analysis; b) because of a similar lack of focus in both proposals on mental health impacts and risks. Reference will be made to paras paras 62, 99, 103, 105, 106, 107, 110, 130,143 – 145, 173, 165, 177and 183.

iii) APP/W0530/W/25/3364735 [CD9 1.45] ("Madingley"), relevant because of the Inspector's 31 October 2025 comments on the effects of increased massing of the proposed development of two 3-bed dwellings on openness of the Green Belt and on the character and appearance of the surrounding countryside. Reference will be made to paras paras 8, 9, 19, 20, 22, 24, 25, 26

2.6 We also reference two legal cases that ensued as a result of the Portland Appeal Decision:

The High Court hearing between The Stop Portland Waste Incinerator and 1) The Secretary of State for Housing, Communities and Local Government and 2) Powerfuel Portand Ltd (2025) [AC-2024-LON-003475] [CD9 1.4] (referencing paras 82 and 90)

The Court of Appeal hearing between The Stop Portland Waste Incinerator and 1) The Secretary of State for Housing, Communities and Local Government and 2) Powerfuel Portand Ltd (2025) CA-2025-000986 [CD9 1.5] (referencing paras 59 and 69).

Their relevance lies in the judgements made on the nature of the Portland EfW as an alternative and on the proper application of the phrases 'need for development ' and 'Spatial Strategy'.

2.7 Appendices accompany this proof under separate cover.

3. RELEVANT PLANNING POLICY

Designations of the Appeal Site and Surrounding Landscape

3.1 The site itself is allocated under the Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019) [CD6 1.06] ("**WP**"), but development is restricted due to its location within the South East Dorset Green Belt.

3.2 The appeal site is located immediately adjacent to Canford Heath, which lies to the south and south east. This is a Site of Special Scientific Interest (SSSI), a Special Area of Conservation (SAC), a Special Protection Area (SPA) and part of it has a Ramsar designation. The local area also contains a number of bowl barrows, Scheduled Monuments, the closest of which lies within 650m of the proposed Canford Incinerator.

3.3 To the north of the proposed Canford Incinerator lies the village of Canford Magna, a Conservation Area with a number of Grade I listed assets and locally listed buildings.

Local Policies

3.4 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 together require that planning applications must be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework 2024 [CD6 1.3] ("**NPPF**"} and Planning Practice Guidance [CD6 1.11] ["**PPG"**] are material considerations.

3.5 The adopted plans relevant to this appeal are:

- Borough of Poole Local Plan (November 2018) [CD6 1.2] ("**PLP**")
- Poole Green Belt Review (July 2017) [CD6 1.8)] ("**PGBR**"}
- Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019) [CD6 1.1] ("**WP**")

BCP & Dorset Waste Plan's (WP)

3.6 Reference will be made to paras to the following WP Policies:

- WP Policy 3: Sites Allocated For Waste Management Development. Inset 8: The Canford site
- WP Policy 4: Applications for waste management facilities not allocated
- WP Policy 14 deals with Landscape and Design Policy
- WP Policy 21, which deals with the South East Dorset Green Belt.

The Borough of Poole Local Plan (2018) [PLP]

3.7 Reference will be made to paras to the following BPLP policies:

- 'The Strategy for Poole', Objectives 4 and 5
- Policy PP 2, dealing with Green Belt.
- Policy PP24: Green infrastructure.
- Policy PP30 : heritage issues
- Policy PP32: protection of Poole's nationally, European and internationally important sites

Poole Green Belt Review (July 2017)

3.8 This study was undertaken to inform the Poole Local Plan preparation. This is the most recent and therefore current assessment.

3.9 A more recent Green Belt assessment has been carried out as part of the process of developing a new Local Plan for BCP – BCP and Dorset Councils' joint Strategic Green Belt Assessment ("**SGBA**") of 2020 – but that this has not yet been tested at Examination.

National Planning Documents

3.10 National Planning Policy Framework [NPPF]

- NPPF 11: presumption in favour of sustainable development
- NPPF 110: Promoting sustainable transport
- NPPF135: development sympathetic to surrounding built environment and landscape setting
- NPPF 142: essential qualities of Green Belt
- NPPF 151: positive use of Green Belt land
- NPPF 153: inappropriate development in the Green Belt
- NPPF 154: exceptions to inappropriate development in the Green Belt
- NPPF155: further exceptions to inappropriate development in the Green Belt
- NPPF 160: renewable energy projects within Green Belt
- NPPF 187: protection and enhancement of valued landscapes
- NPPF 193: habitats and biodiversity

National Planning Policy for Waste (2014) [NPPW]

3.11 NPPW 6: waste management facilities within Green Belt

Planning Policy Guidance: Gov.UK Guidance - Green Belt [PPG]

3.12 Reference will be made to paras the following sections in PPG:

'How can Green Belt assessments be used in the development management process?' (ID: 64-009-20250225) (referencing Footnote 7 applies to NPPF 11d)i) and Footnote 7),

'Considering the potential impact of development on the openness of the Green Belt' (ID: 64-013-20250225)

4. GREEN BELT ISSUES

4.0 The proposed development constitutes inappropriate development in the Green Belt that would cause substantial harm to openness, both spatially and visually. This section will examine the two most recent local Green Belt assessments, both of which show that the appeal site lies within a parcel that scores highly against a number of Green Belt purposes. None of the exemptions of NPPF paragraph 154 apply, the site does not qualify as 'grey belt' and even if it were to do so other requirements in paragraph 155 would not be satisfied 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.

4.1 GREEN BELT DESIGNATION

4.1.1 The Poole Local Plan (November 2018) is the relevant development plan. This was informed by the Poole Green Belt Review (July 2017) [CD6 1.8] [**PGBR]** which divided the Authority's Green Belt into individual parcels of land and scored each against set criteria (High, Medium, Low or None), and scoring 3, 2, 1 or 0 respectively according to NPPF Green Belt purposes.

4.1.2 As explained in PGBR (paras 22 and 23), it was that a numerical scoring system (0 to 3) would

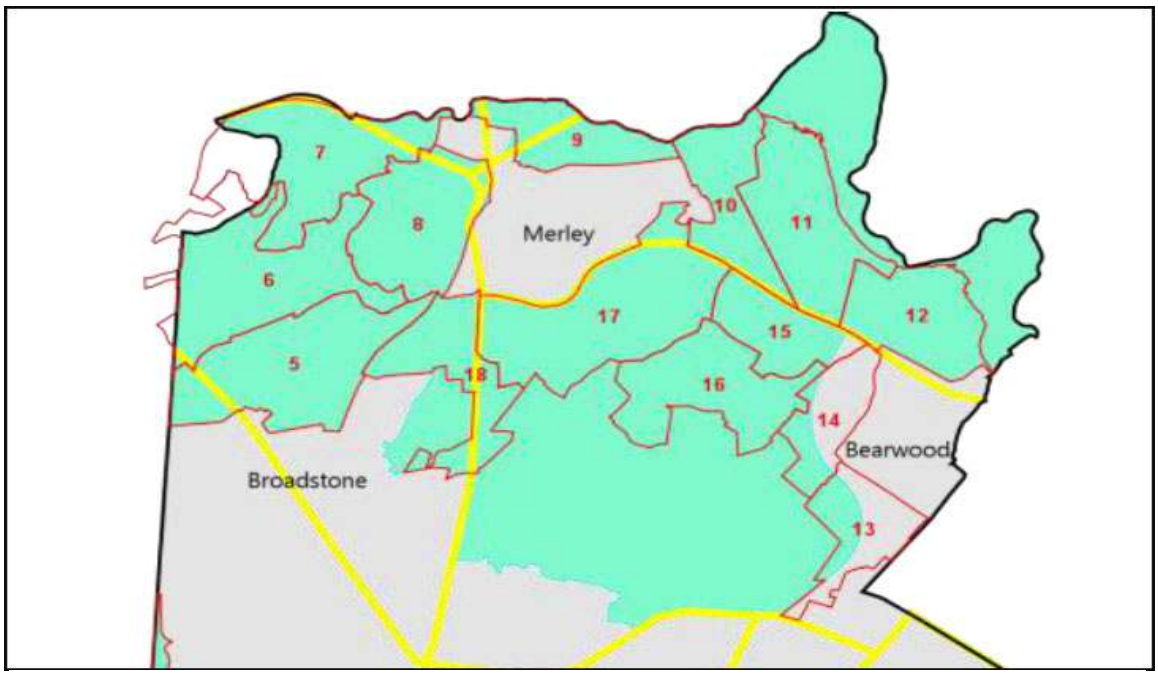

Figure 1 Map of Parcels – Poole Green Belt Review (2017)

be introduced to help identify a parcel's overall contribution to Green Belt purposes; thus the maximum that some parcels could score is 12 (3 x 4 tests), but for parcels that do not form part of the setting of an historic town the maximum possible score is 9 (3 x 3 tests)..

4.1.3 Paragraph 200 of the Officer Report [CD5 1.2(c)] (**"OR")** for the Planning Committee meeting of 12 June 2025, appear to wrongly understate the Green Belt areas separating Merley and Bearwood by suggesting that:

the PPG is clear that the purpose b) relates to the merging of towns, not neighbourhoods or villages.

The implication of this suggestion is that purpose b) does not apply to the Green Belt land separating Merley and Bearwood. However, this runs contrary to the clarification of the issue of 'settlements' as opposed to 'towns' offered in para 31 of PGBR. As noted therein:

Merley has been categorised as a town for the assessment of parcels against Purpose 2.

4.1.4 The proposed development is located almost centrally within Parcel 16 ('Tract of land to south of A341 Magna Road between Merley and Bearwood'). [See Appendices page 3 for extract from PGBR.] The Parcel scores High for both Openness and Permanence. Against

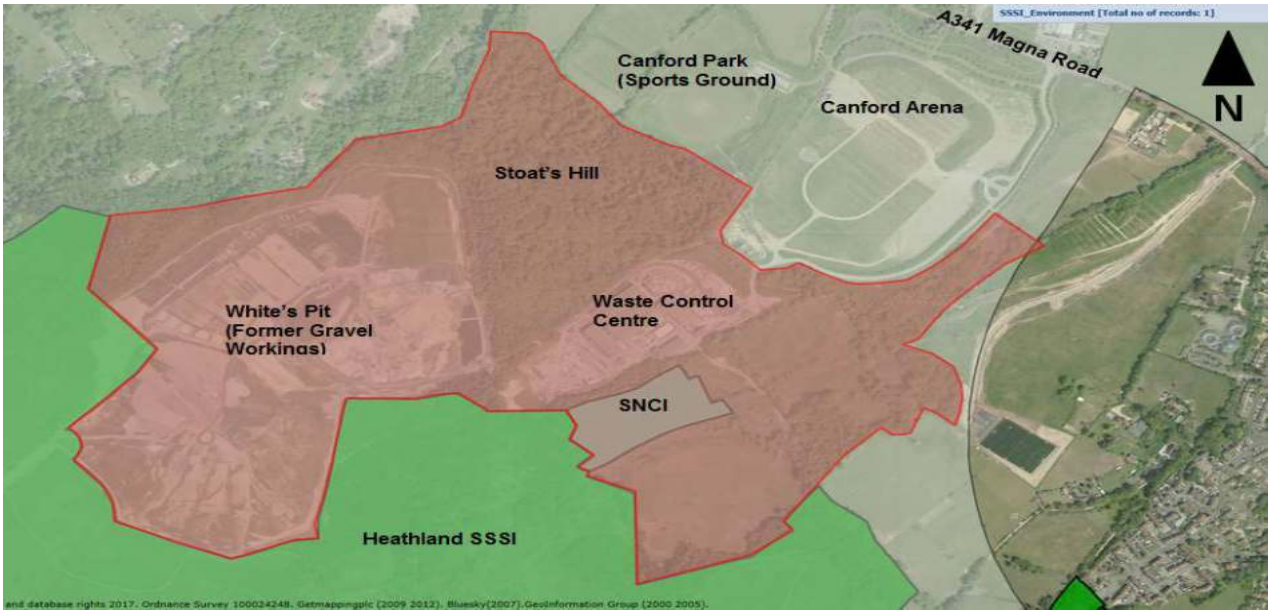

Fig.2 Parcel 16 - Tract of land to south of A341 Magna Road between Merley and Bearwood

NPPF para 143 Green Belt purposed, according to the PGBR this parcel scores 3/3 for its contribution to Purpose (a) (check unrestricted sprawl), 2/3 for Purpose (b) (prevent neighbouring towns from merging), and 3/3 for purpose (c) (safeguard the countryside from encroachment).

4.1.5 Para 116 of PGBR summarises the Essential Characteristics of – Openness and Permanence – of this parcel of land:

As this land is clearly open and free of urbanising development, there is no question that it has the essential characteristics of Green Belt in terms of Openness. With regard to Permanence, these fields remain largely as they appear on the 1870 – 1900 Ordnance Survey Map 1:2500 and therefore would score highly for this characteristic too.

4.1.6 The following assessments are made against the three relevant NPPF purposes of Green Belt land. (PGBR, page 100) (Purpose 4 (NPPF d) does not apply here).

Purpose 1 (NPPF a) (High contribution)

The parcel is immediately adjacent to an extant permission for large employment units, which will, in effect, extend the large built-up area up to the eastern boundary of this sub-parcel.

Purpose 2 (NPPF b) ((Medium contribution)

Development of this parcel would result in a significant narrowing of the physical gap between Bearwood and Merley but there would be open landscape to the north and east of the parcel that would preserve separation.

Purpose 3 (NPPF c) ((High contribution)

The parcel is predominantly open and rural in character. Development in these open areas would constitute an encroachment into the countryside. The parcel abuts the western edge of the safeguarded land which is subject to an extant planning permission for urbanising development.

The Status of the Adjacent Land:

Protected Heathland is situated to the south. All adjacent land parcels fall within the South East Dorset Green Belt.

PARCEL ID	Essential Characteristic:	Esssential Characteristic:	NPPF Purpose 1 Rating	NPPF Purpose 2 Rating	NPPF Purpose 3 Rating
	Openness	Permanence	To: check the unrestricted sprawl of large built-up areas	prevent neighbouring towns merging into one another	assist safeguarding the countryside from encroachment
14d	High	Medium	High (3)	Low (1)	Medium (2)
14e	High	High	High (3)	No Contribution	Medium (2)
14f	High	Medium	Medium (2)	No Contribution	High (3)
15	High	High	High (3)	High (3)	High (3)
16	High	High	High (3)	Medium (2)	High (3)
17	Medium	High	Medium (2)	High (3)	Medium (2)

Table 1. Essential Characteristics and NPPF Purpose Rating of Parcels of land surrounding Appeal Site

4.1.7 Parcels 16 and 15 (where the Appellant's Temporary Construction Compound would be sited) score 8 and 9 respectively (out of a potential maximum of 9 for a site that does not form part of the setting of an historic town) in the PGBR scoring, the 9-12 range denoting that 'Parcel Performs Well' (PGBR key, page 8). To the south of the Appeal site lies Canford Heath, with its SSSI, SPA, SAC and Ramsar designations.

4.1.8 So, according to the PGBR, the Appeal site and surrounding land fulfil important Green Belt Purposes and make a high contribution to NPPF 143 Purpose (a). This parcel rates as the fourth highest of all Green Belt parcels and is one of only five parcels where there was no potential to change the Green Belt boundary without harming the overall role and purpose of the South East Dorset Green Belt.

4.1.9 A more recent Green Belt assessment has been carried out as part of the process of developing a new Local Plan for BCP – BCP and Dorset Councils' joint Strategic Green Belt Assessment ("**SGBA**") [CD6 1.9 and CD6 1.10] of 2020 – but that this has not yet been tested at Examination. Nevertheless, it is notable this once again stresses the importance of the Green Belt within and in the vicinity of the proposed development site, identifying that the Green Belt parcel within which the application site sits achieves a score of 4 out of 5 in terms of contribution to NPPF Para 143Purpose (a) and Purpose (b).

4.1.10 The proposed Canford Incinerator site and construction compound site are within Green Belt

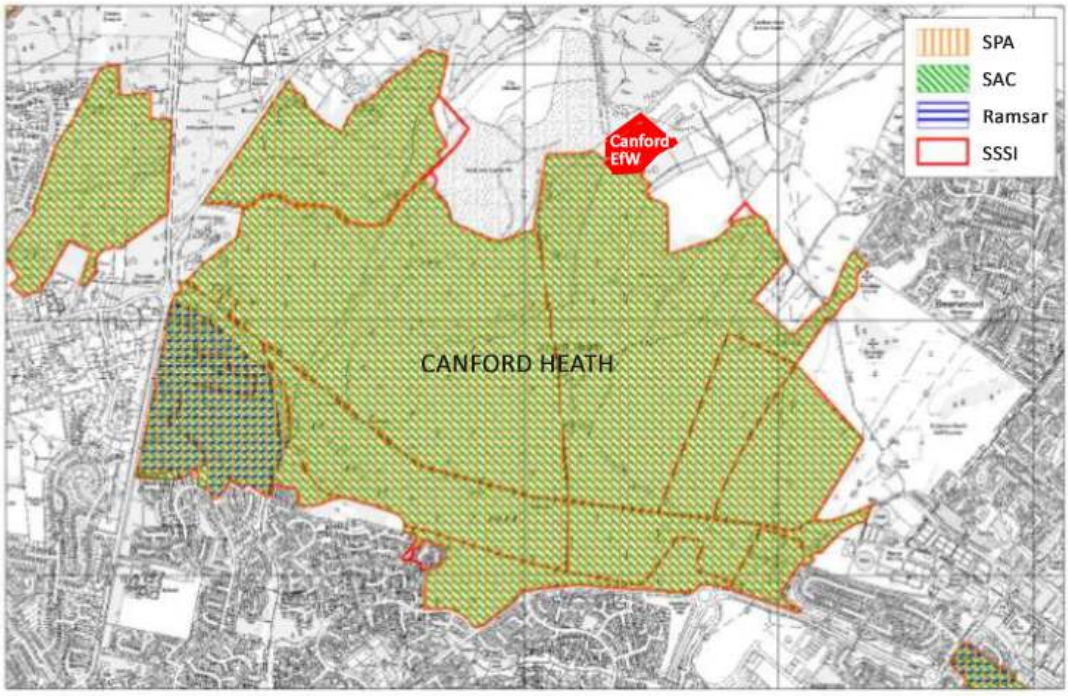

Figure 3 from Canford Heath Nature Reserve Management Plan (Borough of Poole 2010) with location of Canford EfW added

parcel OA31. This is land is

> *close to the large built-up area of the South East Dorset conurbation, and is not more strongly associated with another inset settlement* and
>
> *The parcel lies in a moderate gap between Merley/Canford Magna/Oakley and Poole, but there are some significant separating features, including the Dorset Heaths SAC and Canford Heath SSSI and wooded areas.* (SGBA Stage 1 Study – Final Report, p154)

4.1.11 As can be seen in Figure 4 below, the adjoining parcels of land primarily affected by the proposed Canford Incinerator are OA31, PO17 and PO19. Other Green Belt parcels which would be affected by the bulk, scale and mass of the building are ME11, OA32 and PO16.

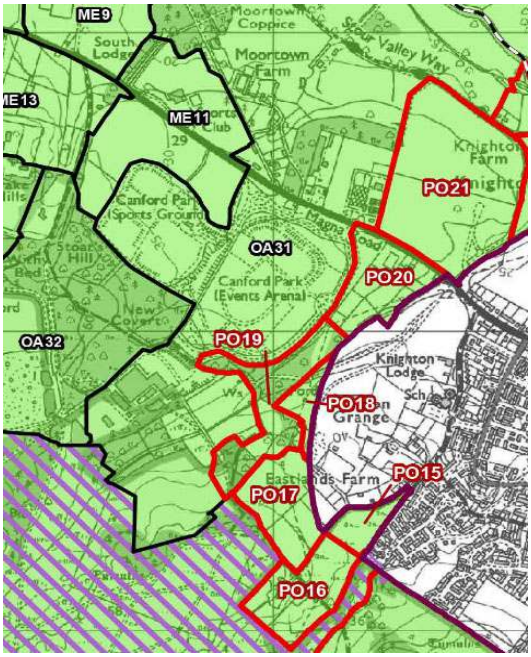

Figure 4 SGBA (2020) Parcels of GB

Parcel ID	Purpose 1 Rating	Purpose 2 Rating	Purpose 3 Rating
	To: check the unrestricted sprawl of large built-up areas	prevent neighbouring towns merging into one another	assist safeguarding the countryside from encroachment
ME11	Weak/No Contrib.	Relatively Strong	Strong
OA31	Relatively Strong	Relatively Strong	Strong
OA32	Weak/No Contrib.	Relatively Strong	Strong
PO16	Strong	Relatively Srong	Strong
PO17	Relatively Strong	Moderate	Relatively Strong
PO18	Moderate	Relatively Weak	Moderate
PO19	Strong	Relatively Strong	Strong
PO20	Strong	Relatively Strong	Strong

Table 2. NPPF Purpose Rating of Parcels of land surrounding Appeal Site according to SGBA

4.1.12 The development site parcel of land has scored highly for a number of the relevant GB purposes in the PGBR of 2017 (High for Openness, High for Permanence, High for NPPF Purpose a) and Medium for Purpose b) and scores similarly high in the later SGBA of 2020. It is therefore difficult to argue, as the appellant appears to in SoC 11.18.3-5, that this parcel does not contribute strongly to either of purposes a) or b).

4.2 APPELLANT'S STANCE ON GREEN BELT

4.2.1 In the Appellant's SoC para 11 ('Reason for Refusal 1 – Green Belt') the Appellant offers a three-pronged argument as to why the proposed development should be consented: either because

i) the proposed development is 'not inappropriate' in Green Belt by virtue of NPPF paragraph 154(g) (SoC 11.17) or

ii) the application site is considered grey belt, would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan and can demonstrate an unmet need such that it accords with NPPF paragraph 155 (SoC 11.18), or

iii) 'very special circumstances' apply (SoC 11.19) and therefore should be consented as per NPPF Paragraph 153.

4.2.2 Magwatch will consider each of these arguments in turn.

4.3 APPELLANT'S STANCE ON GREEN BELT: 1. NOT INAPPROPRIATE DEVELOPMENT DUE TO PARAGRAPH 154(G) EXEMPTION

Previously Developed Land [PDL]

4.3.1 The Appellant's assertion in SoC paragraph 11.17.1 that NPPF 154 (g) is satisfied is based on the assumption that *all* of the site for the main building and chimney stack are PDL. This assumption is false. Whilst that part of the development site which currently houses the Low Carbon Energy Facility *is* PDL, the south western section of the site is a former attenuation lagoon which was between, December 2020 and July 2021, infilled and covered over with hardstanding. (See Figure 5)

This infilling and covering appears to have been done without planning permission – therefore unlawfully – and, as such, means that it cannot be regarding as PDL according to the NPPF definition which states that PDL

> *also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been <u>lawfully</u> developed.*

Figure 5 The images above illustrate that the south western part of the Incinerator site is land that was once a drainage lagoon known as B4.

4.3.2 Contrary to paragraph 11.17.1 of the Appellant's SoC and according to the NPPF Glossary Definition of PDL:

> *Previously developed land **excludes**: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures. (our emphasis)*

There is a long history associated with the site. Lagoon B4 was created as drainage lagoon for the adjacent site of White's Landfill. It was always intended that this lagoon, amongst others,

should be 'reinstated to agriculture', as be seen in The Case Officer report for Poole BC planning application 00.31392.006.Y. See Appendix 2 (Appendices page 5), along with a fuller planning history of applications associated with lagoon B4.

4.3.3 It is likely that this pocket of unauthorised infilled land is immune from enforcement due to the passage of time since the in-filling and covering with hard-standing. And it is true that the main constituent buildings of the EfW would lie within the WP allocation. However, this does not alter the fact that the area covered by the former attenuation lagoon retains its designation as Green Belt land unchanged.

4.3.4 That issue apart, it is the case that, while some of the site appears to be PDL, a significant amount of land within the appellant's red line boundary – which in any case extends beyond the allocation in the Waste Plan – is not PDL, nor, indeed, is it within the curtilage of the existing Canford Resource Park. For example the DNC compound would lie in Green Belt land. The proposed development site cannot therefore fall within the definition of PDL found in the NPPF Glossary.

Harm to Openness of the Green Belt

4.3.5 Even if the site were considered to be PDL, by virtue of its height, scale, mass and bulk, the proposed development would cause substantial harm to the openness of the Green Belt and therefore would not qualify for exemption under NPPF para 154 (g).

4.3.6 The Appellant's claim in Para 11.17.5 of their Statement of Case (**"SoC")** (CD7 1.1) that BCP advised that the proposal might not be inappropriate development in the Green Belt is inexact, not least because:

i) In the pre-application advice sought on 21 December 2021 [CD0 1.1], the letter to the LPA from Robert Asquith (Savills) indicates that

*There will be a single chimney, 3.2m in diameter up to **90m in height***. (Prescoping 20.12.21(2790100), p 13) [our emphasis]. This is a significantly lower height than the current appeal proposal height of 110m.

ii) In the belated reply of 16 September 2022 from LPA officer Gareth Ball to Savills [CD0 1.2], noted that the LPA could not accurately comment on the impact on the openness of the Green Belt and warned that t**he proposal would result in an increase of built massing across the site**. The proposal "would definitely **not** fall under any other exemption from being considered inappropriate development within Paragraphs 149[1] and 150."

Fuller extracts from the correspondence can be found in Appendices, page 9.

[1] Paragraph 154 (g) in the current (2024) NPPF

4.3.7 Far from obtaining the LPA's assurance claimed in SoC 11.17.5, the Appellant was warned that that the proposal might be regarded as inappropriate development in the Green Belt. Secondly, the issue of size and bulk – "The proposal would result in an increase of built massing across the site" – was raised, and this was before a further 20 metres were added to the height of the chimney to take it to its current proposed height of 110m.

4.3.8 It is height, scale, mass and bulk that accounts for the LPA's Reason for Refusal (RfR) 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.*

4.3.9 The "excessive height, scale, bulk and mass" also accounts for RfR 2 and RfR 3 which will be dealt with later in this proof. The dimensions of the proposed development will be examined and the extent to which its 'volumetric' aspects constitute inappropriate development within the Green Belt and result in harm to the openness of the Green Belt.

The Development Site

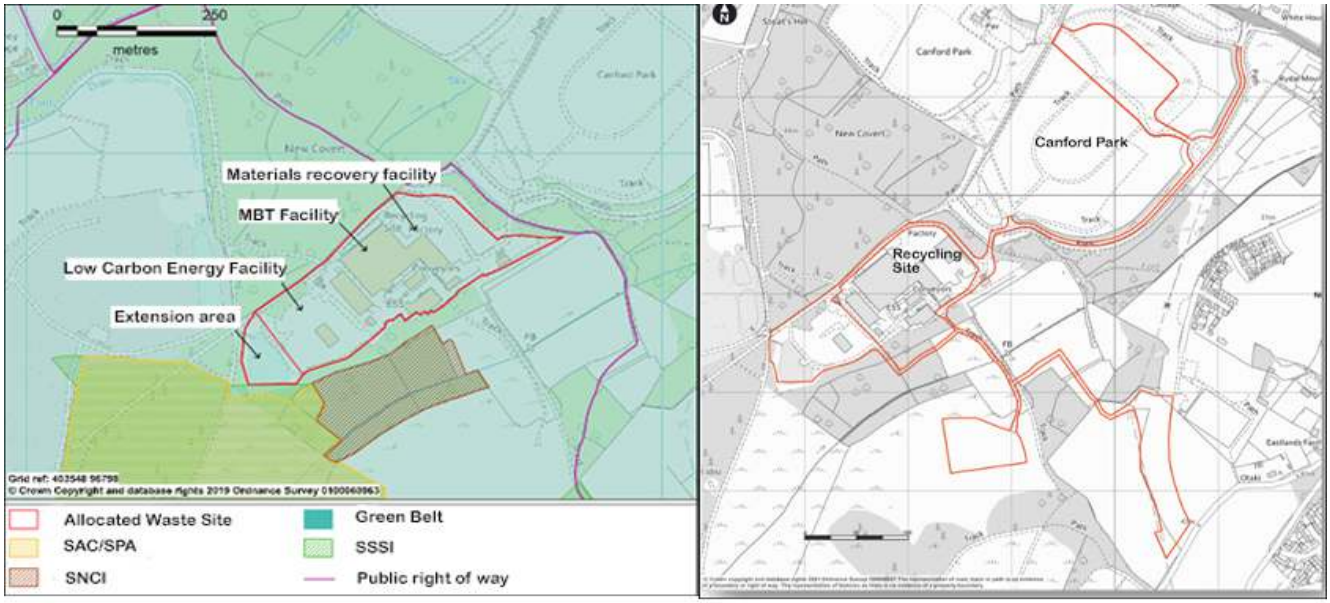

Figure 6 Map from Inset 8 WP and Site Map from MVV Design and Access Statement (Fig 2.1)

4.3.10 Whilst the infilled lagoon lies within the Waste Plan's allocated boundary, MVVs full site plan extends beyond the allocation's red lines, as the two plans (Figure 6, above) show. This is a point noted by Planning Inspector Paul Griffith, in his Inspector's Report (**"IR"**) for the Portland Appeal (APP/D1265/W/23/332769) [CD9 1.3], the evidence-gathering for which included a visit to the Canford site.

4.3.11 The Inspector's observations were:

- *The Canford site stands squarely in the Green Belt, with a 'red line' extending well beyond the extent of the allocation. It would clearly constitute inappropriate development with a far greater impact on openness than the facilities the proposal would replace. (IR 8.22)*

- *The Canford site is in a very sensitive location environmentally.* (IR 12.102)
- *[It is] located adjacent to a SPA, SSSI, and SNCI.* (IR 8.23)
- *The size of the Canford ERF is over ten times the size referred to in the Waste Plan allocation, extending beyond the allocation boundary further into the Green Belt*. (IR 8.26)

The scale of the Proposed Incinerator

4.3.12 The height, scale, mass and bulk of the proposed development would result in substantial harm to the openness of the Green Belt. The dimensions of the proposed building are extraordinarily large within the relevant local context: 162m long, 62m wide and 50m in maximum height; it would include a chimney stack of 110m in height.

4.3.15 The huge height and volume of the proposed development, in comparison to the facility it would replace (the so-called **'Low Carbon Energy Facility'** or **'LCEF'**), will have a significant impact in terms of landscape harm, visual impact harm, and heritage harm to the surrounding area.

4.3.16 The relative size of the existing building and the proposed redevelopment building are an important consideration when assessing the impact of the height, scale, mass and bulk of the Incinerator.

Dimensions	LCE Facility	Incinerator
Length		162m
Width		62m
Height (Max)	15m	50m
Chimney Stack	35m	110m
Footprint	5136m²	8000m²
Volume	67,000m³	c294,000m³

Table 3 Sources: MVV Design and Access Statement, para 4.9; Officer Report (June 2026) para 178

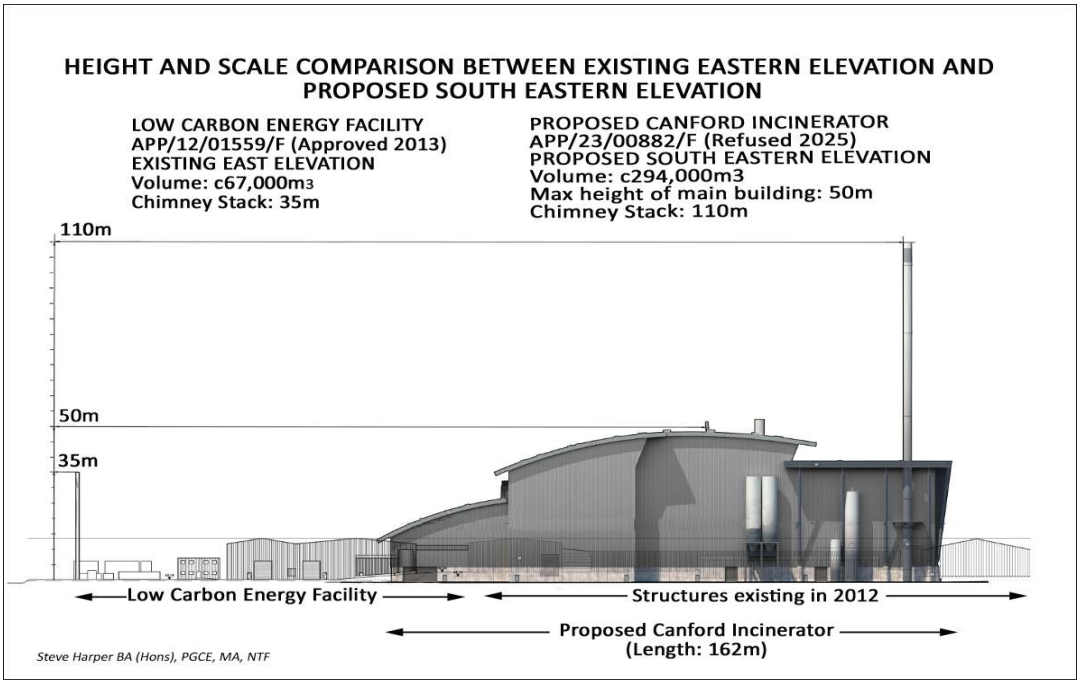

Fig. 7 Comparative Dimensions of MVV's proposed EfW and the consented LCEF

4.3.13 The 400% increase in volume of the Incinerator over its predecessor building would have a material impact on the spatial and visual qualities of the Green Belt, qualities that are deemed important by the Government's Planning Policy Guidance [CD6 1.11] on 'openness of the Green Belt:

> *Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.* (013 Reference ID: 64-013-20250225)

4.3.14 Paragraph 180 of the Officer Report [CD5 1.2(c)] states that the proposed development would result in 38% increase in building footprint over the existing building it would replace, but argues that

> *the site is well contained by existing road and mature vegetation on three sides and the existing waste management facilities on the fourth. Consequently, the proposal, whilst having materially larger footprint than the existing buildings will not cause substantial harm to the spatial qualities of the openness of the Green Belt.*

Even a less-than-substantial increase in footprint is still harmful and is still sufficient on its own to make the development inappropriate development in the Green Belt.

More pertinently the following paragraph (OR 181) admits that the

> *proposed building will result in a 400% volume increase (4 times larger) than the approved development within this section of the Allocated Site. This will have adverse effects on the openness of Green Belt.*

As such, the report concludes that in addition to the harm to the 'spatial qualities' of the openness of the Green Belt (i.e. the impact of the encroachment into the footprint of the green belt), the increased volumetric space that would be used would have an adverse effect on the overall openness of the Green Belt.

4.3.15 As discussed below, the topography and vegetation do not screen or mitigate the visual impact of the huge building that, due to its 50m height, extends significantly above the treeline in a way that the current infrastructure does not.

4.3.16 The Madingley Appeal [**"MA"**] (APP/W0530/W/25/3364735) [CD9 1.45], decided in October 2025, has relevance to the current appeal and to the issues discussed in the paragraphs above. Although the nature and purpose of the two proposed developments differ, the issue of scale and its effect on the openness of the surrounding Green Belt is pertinent. In the Madingley Appeal

> *The area surrounding the appeal site is particularly open in aspect, with expansive views to the north and east. It is situated in a distinctly rural setting, removed from*

other forms of urban development. The proposed development would significantly increase the scale and massing of the existing terrace of dwellings. (MA para 8).

The scheme would effectively draw built form closer to the site boundaries … than it is presently, resulting in greater prominence from public vantage points. The result would be the appearance of further encroachment of urban development into the countryside particularly due to additional massing... (MA para 9)

Likewise, the proposed Canford development, with its 400% increase in volume, unable – by virtue of its size – to be screened from the surrounding countryside, would similarly encroach upon the surrounding countryside and its distinctly industrial appearance would be particularly inappropriate in the heathland setting to the south.

The Inspector in Madingley points out that

this is contrary to paragraph 143(c) of the Framework, which identifies one of the purposes of the Green Belt as assisting in safeguarding the countryside from encroachment.

For this reason, the proposal would fundamentally undermine the collective purposes of the remaining Green Belt across the plan area and is therefore contrary to paragraph 155(a) of the Framework. Even had I found the proposed development to be compliant with paragraph 155(a), all criteria under paragraph 155 must be considered. (MA para 10)

The Quality of Green Belt Openness

4.3.17 The importance of the quality of Openness is made clear in the NPPF:

The Government attaches great importance to Green Belts… The essential characteristics of Green Belts are their openness and their permanence. (NPPF 142)

The parcel of land in which the proposed development would be sited is graded as High for the essential Green Belt characteristic of Openness. Of the adjoining five parcels, four are graded as High and one as Medium. The expanse of Canford Heath, to the south, was not classified by the Poole Green Belt Review as a parcel of land, but heathland, by its very nature, possesses the quality of openness.

4.3.18 Magwatch relies on BCP's Urban Design Team statements which note that:

Considering the scale, footprint, and height of the proposed main building, along with the 110meter-tall chimney stack, it is clear that the development will result in a substantial structure that is likely to impact the open character of the area, potentially causing a negative visual effect on the surroundings, including heritage assets.

and

'The proposed development is expected to change significantly the open character of the area, potentially causing adverse impacts on the surrounding environment and heritage assets. This is mainly due to the larger scale and massing of the main building

and the chimney's height (and plume), which will be highly visible from some views. (BCP Urban Design Team (April 2025) [CD4 1.31])

4.3.19 The appellant's case relies heavily on considerations of visibility, screening, and distance. However, the appellant's own submitted zone of theoretical visibility (ZTV) demonstrates that the proposed infrastructure will be visible up to 10 kilometres from the site.

Established Green Belt policy makes clear that openness is not confined to visual effects alone, but also includes spatial and perceptual openness. This point is stressed in the Madingley Appeal decision:

> *Paragraph 154(g) of the Framework allows for the partial or complete redevelopment of previously developed land, provided it does not result in substantial harm to the openness of the Green Belt. Although the Framework does not define 'openness', the Planning Practice Guidance (PPG) advises that assessments of openness should consider spatial and volumetric aspects…* (MA para 19)

The Madingley Inspector confirms (MA para 20) that:

> *the scale of the proposed development… would have both spatial and visual impacts greater than those of the existing built form on the site. The scheme would result in a significant increase in both the spatial footprint and the volume of development*

and concludes that:

> *the appeal scheme would result in a significant adverse impact on openness and therefore falls outside the parameters of paragraph 154(g) of the Framework.*

4.3.20 The Appellant's submitted LVIA photomontages [CD1 1.259 (a), (b) & (c)] show that a similar conclusion should be drawn. They indicate that the bulk and height of the proposed development, reaching well above any tree or landform screening, would result in a huge built form that can be seen from multiple viewpoints across open landscapes. However, despite the fact that they confirm the impact of the scale on the proposed development on the surrounding landscape, they are limited, both in the selectiveness of the photoviewpoint (PVP) locations and in the way that some of the photomontages have been constructed, as iss evident from Stephen Harper's Interested Party submission, Stop Parley & Canford Incinerators (**"SPCI-2"**) [CD9 1.48 (a)].

In chapter 5 (pp 81-136) Stephen Harper provides a series of photomontages which demonstrate conclusively:

i) The limited nature of the Appellant's LVIA photomontages and the distorting effect[2] of some of the foreground vertical objects in some of the images;

ii) The transforming nature upon the openness of the landscape as a direct result

[2] This topic is explored more fully in 5.15–5.17 in Section 5.

of volume, footprint and height of the proposed development in comparison with the existing CRP buildings on the site;

iii) The further encroachment into the Green Belt of the proposed development and

R.5 - *Baseline photo, taken with a 50mm Lens. Photo taken .4th January 2026, 16:01.*

the failure of surrounding topography and vegetation to screen it.

R.6 - *Photomontage of R.5*

Stephen Harper's viewpoint R. The first (baseline0 image emphasises the openness of the expansive heath. The second (photomontage) image conveys the sense of encroachment, and the distraction from openness.

4.3.21 The contrast in visibility between the existing buildings at the development site and proposed building – starkly apparent from viewpoint R – is repeated in numerous

comparisons made at different viewpoints, fully evidenced in the Appendices 16, 17 and 18 of his Interested Party submission. Some of these revealing images are included In Appendix 5 of this proof (Appendices page 21), with fuller comments by Stephen Harper.

4.3.22 Contrary to the Appellant's SoC at 11.17.10, the landfill elevation is returning to a natural state and its surfaces and contours are gradually blending in with the surrounding heathland. The current buildings on the site *are* fully screened by existing mature vegetation and therefore do not impact on openness; in contrast there is *no* possibility whatsoever of fully screening the proposed development from all viewpoints due to its height.

4.3.23 The Appellant's claim in paragraph 11.17.3 of their SoC that the question of harm to the openness of the Green Belt was not 'grappled with' by members of the planning committee on 12th June is not substantiated, as can be seen from looking at the Transcript of the Planning Committee Meeting ("**TPCM**") [CD5 1.4]. The issue of harm to openness and negative impact upon the Green Belt was dealt with by four of the opposing speakers addressing the planning committee before discussion was opened to the committee members. A number of councillors discussed the question of the mass and scale of the proposed development and its impact on the surrounding Green Belt. In brief:

i) Cllr Salmon notes: 'the sheer size and the size… far beyond anything that's currently in that space … not just a chimney, but a huge building… So the impact on the area as a whole, which is Green Belt, will be significant, a visual impact. (TPCM para 294)

ii) Cllr Dower: the scale and site and the density of this building and the chimney does have significant impact…. we've seen how big it's going to be. ..t is going to have a significant impact (TPCM 304)

iii) Cllr Martin: It's a shame that the building has to be so high because… [it] will impose on the countryside (TPCM 310)

iv) Cllr Chapman Law: This building is going to be huge. Absolutely huge. It's going to really dominate the skyline, especially from up on top of the heath coming out from the golf club there by the waterworks. TPCM 315)

4.3.24 In paragraph 329 of TPCM, Cllr Salmon proposes refusal of the application and returns to the question of openness:

> *I think the loss of openness to the Green Belt is very key. We've discussed, you know, the business of whether or not the specific site counts as Green Belt, Grey belt, previously developed land, but it is in the Green Belt and therefore there is an impact on the Green Belt and it is a huge building. Inevitably, a 50 metre high building has an impact on the openness of the area in which it is situated.*

4.3.25 The concerns considered by the members of the Planning Committee considering the Canford EfW application reflect some of the same concerns independently arrived at by the Portland Planning Inspector who noted in his report that:

> *The [Canford] site is in the Green Belt and the scheme would involve a large built form that would have a very substantial impact on the openness of the Green Belt, including a stack 110 metres high in one of the most sensitive parts of the Green Belt in the County. The proposal would involve increasing the built form. This would be inappropriate development in the Green Belt, unquestionably, and given the scale of the harm that would be caused to the Green Belt, the very special circumstances that would be necessary to justify it would have to be very special indeed… Indeed, the level of Green Belt harm that would be caused would be unprecedented for a proposal of this type.* (IR 8.65 [CD9 1.3])

4.3.26 Given the strength of the Portland Inspector's words, a long debate on the demerits of the proposal from a Green Belt perspective would have been unnecessary to reach the conclusion that was clearly reached. Nevertheless, there were multiple well-articulated and detailed comments from multiple Planning Committee members grappling with relevant Green Belt issues which showed that the Committee independently considered the matters to reach a conclusion that was consistent with the both the evidence they had seen and with the conclusions adopted by the Portland Inspector regarding the Canford scheme.

4.3.27 Even if, contrary to our view, the whole of the site were considered to be PDL the proposal would fail to satisfy the requirements for an exemption under Para 154(g) on the basis that the project, by virtue of its height, scale, mass and bulk would result in substantial harm to the openness of a very high quality parcel of the Green Belt.

4.4 THE APPELLANT'S STANCE ON GREEN BELT: 2. GREY BELT AND NPPF 155

Planning advice

4.4.1 Government guidance on how local authorities should assess their Green Belt to 'identify grey belt land', states that:

> *In order to identify grey belt land, authorities should produce a Green Belt assessment, either as part of the review of Green Belt boundaries during the preparation or updating of a local plan, or at another relevant point.* (PPG ID: 64-002-20250225 [CD6 1.11])

4.4.2 BCP, created by a merger of Bournemouth, Christchurch and Poole councils in April 2019, is currently in the process of drawing up its first Local Development Scheme. In the meantime, the relevant and current Local Plan therefore remains the Poole Local Plan of 2018 and the most recent (but unexamined) Green Belt Assessment is the SGBA of 2020. Consequently it is the case that no Green Belt land has officially been re-assessed under the recently introduced designation of 'grey belt' (first mentioned in NPPF in December2024).

4.4.3 According to PPG:

> *Where grey belt sites are not identified in existing plans or Green Belt assessment, it is expected that authorities should consider evidence on:*
>
> *whether the site strongly contributes to the Green Belt purposes a, b or d;* and
>
> *whether the application of policies to areas and assets of particular importance identified in footnote 7 of the NPPF (other than Green Belt) provide a strong reason to restrict development. (PPID: 64-009-20250225)*

NPPF 155 a)

4.4.4 To be 'grey belt' the development must meet the definition of 'grey belt' in the NPPF Glossary, which makes it clear that

> *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 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" (emphasis added).*

These points are reinforced in the PPG guidance (see above), As above at 4.1.6, the parcel of land in which the proposed development would be sited performs strongly on Green Belt Review of 2017. Its value is High for both GB characteristics of Openness and Permanence and it contribution to NPPF Purpose a) is High and for Purpose b) is Medium. As a result it does not meet the criteria to be considered Grey Belt land.

4.4.5 In the event the decision maker disagrees with this position and considered the site is Grey Belt, the spatial and visual impacts of the proposed development, by reason of its height, scale, mass and bulk, would clearly undermine the purposes (taken together) of the remaining Green Belt of the Plan and therefore the requirements of NPPF Para 155(a) will not be met.

4.4.6 If a 162m by 50m building, with a height of 50m and a chimney of 110m can be approved in a Green Belt parcel that achieves almost the highest possible score under the GB Review (and rates as the fourth highest of all parcels of land in the Poole Green Belt, even without benefitting from any score for preserving the setting and special character of historic towns) then this would consequently mean that almost any development would be considered appropriate across any of the 15 parcels of the Green Belt area, with the potential exception of the 3 parcels that rated more highly. This would effectively mean that 12 of the 15 Green Belt parcels' designations would essentially be worthless as a planning control going forward, because any development could reference this decision as a precedent.

4.4.7 In this respect, even if the development site were deemed to be entirely Grey Belt, it would not satisfy NPPF 155 (a) for the reasons given in the previous two paragraphs.

NPPF 155 b)

4.4.8 Further, even if the decision maker concludes the proposed development is compliant with NPPF Para 155(a), the proposed EfW would remain inappropriate development unless there were a 'demonstrable unmet need' for the proposed EfW capacity (NPPF 155 b)). 'sin Magwatch Proof of Evidence *Capacity and Need* explains that there is *not* a demonstrable need.

4.4.9 Further, even if all the proposal site were regarded as grey belt, this would not prove the Appellant's appeal case. In reply to the question 'In what circumstances should proposals on grey belt land be approved?', PPG states that, even where a site is judged to be grey belt, there is still a need to

> *determine whether the development would not be inappropriate development in the Green Belt, as set out in paragraph 155 of the NPPF…. Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved.* (PPG 010 Reference ID: 64-010-20250225) [CD6 1.11]

NPPF 155 c)

4.4.10 According to NPPF 155c) a development might 'not be regarded as inappropriate' in the Green Belt if it were in

> *a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework.*

The Appellant cannot satisfy the sustainability requirements of NPPF 110. Magwatch's PoE *Capacity and Need* demonstrates that the increase in 'waste miles' – a consequence of the Appellant's proposal, through Condition 44, to increase significantly the waste catchment area beyond the Waste Plan area (and the Appellant's failure to adequately consider how far waste may have to travel to serve the incineration capacity currently relying on BCP and Dorset for feedstock) – the Appellant cannot make good its claim to be

> *providing benefits such as a reduction in waste miles.* (SoC 9.6.7)

4.4.11 In fact, on the question of sustainable development, NPPF Footnote 7 is brought into play. Footnote 7 applies to NPPF 11, which deals with presumption in favour of sustainable development. For decision-taking, this means

> *granting permission unless… the application of policies in this Framework that protect areas or assets of particular importance[7] provides a strong reason for refusing the development proposed* (NPPF11 d) i)

Footnote 7 reads:

> *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…*

4.4.12 The application of footnote 7 brings in to play the type of development being proposed in what the appellant argues is grey belt land: the scale of the proposed development would do harm to the neighbouring SSSI, Canford Heath, and to the heritage assets of Canford village and Canford School.

4.4.13 Canford Heath, which lies to the immediate south of the proposed development site, is one of the largest examples of continuous heathland left in Dorset and is home to many scarce and rare plants and animals. It is a Site of Special Scientific Interest (SSSI), a Special Area of Conservation (SAC), a Special Protection Area (SPA), and part of it has a Ramsar designation. It contains a wide variety of heathland flora, rare birds such as the Dartford Warbler and the Nightjar and, uniquely, all six of the UK's native reptile species. It is also a landscape with provides an important link to the ancient past, an aspect that would be significantly harmed by the Canford Incinerator.

4.4.14 ISection 6.2 of this proof (Habitats and Biodiversity) provides evidence from the Appellant's *Shadow HRA Report* **["SHRA"**] (6 February 2024) [CD1 1.21(d)] which

i) lists the proposed development's emissions and confirms their potential harm;

ii) concludes that that a Likely Significant Effect upon the conservation objectives of the Dorset Heaths SAC, SPA and Ramsar 'cannot be completely discounted'

4.4.15 Further, section 6.2, of the *Ecology and Nature Environmental Statement* [**"ENES"**] (February 2024) [CD1 1.21(a)] recognises that the height of the 110 metre chimney is required to mitigate impacts on a European designated ecology site. However, the chimney can be no taller that 110m because of aircraft using nearby Bournemouth Airport. The proposed height is therefore a compromise between what is required for aviation safety and what would lessen impact upon the heathland. The proposal for a mitigating S106[3] is an implicit admission of harm.

4.4.16 Paragraph 5.6 of the SoCG between the Appellant and Bournemouth Airport [CD8 1.3] states that

> *ACP-2018-40 aims to replace the existing Runway 08 approach procedures with Perfomance Based Navigation approach procedures.*

Alteration of landing approach gradients would be likely to lead to changes in noise levels and increases in carbon emissions. It would be necessary, then, for the impacts of such changes to be assessed by the Appellant in a revised Environmental Statement or an addendum to the Environmental Statement, using "possible worst case" methodology.

4.4.17 Section 6.2 from the *Appropriate Assessment* (August 2024) [CD5 1.1] outlines the likely impact of the proposed development on habitats and pathways of important species such as Nightjar. Significantly, it states that raising the height of the chimney will *reduce* the concentration of pollutant deposition on surrounding habitats, *not eliminate* it. This again confirms that the proposal carries with it harms to surrounding protected sites and ecological receptors.

4.4.18 As set out in Section 5 and 6.3 there is harm to heritage assets and to the public amenity that is offered by Canford Heath.

4.4.19 Section 5 examines the public amenity that the is offered by Canford Heath.

Conclusion

4.4.20 The proposed development satisfies *none* of the three requirements, a), b) or c), of the paragraph and therefore the project fails to meet the requirements of NPPF Para 155.

[3] The details of the proposed S106 agreement are outline in Paragraph 297 of the Officer Report [CD5 1.2 (c)]

4.5 THE APPELLANT'S STANCE ON GREEN BELT: 3. 'VERY SPECIAL CIRCUMSTANCES'

4.5.1 The Appellant's claim in SoC 11.19.1 that 'any other harms[4]' are 'the limited harm to heritage and landscape' are examined in Sections 5 and 6.

4.5.2 The Appellant's claims in SoC 11.19.2 that Very Special Circumstances, as defined in NPPF 153, rely on an aggregate of a "non exhaustive list of characteristics of the appeal proposals". A list that follows contains 20 bullet points.

i) 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. (Bullet point 3)

The Appellant has extends their catchment area well beyond the Waste Plan area of BCP and Dorset into Hampshire, Wiltshire and Somerset.

ii) The EfW CHP Facility Site is PDL. (Bullet point 6)

As shown in paragraphs 4.3.1 to 4.3.3, *not* all of the EfW CHP Facility Site is PDL, but even if this were the case the project remains inappropriate development due to the substantial harm to the openness of the Green Belt.

iii) 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. (Bullet point 7)

Section 7.2 examines this more fully and shows that the Appellant has provided no commitment to this or evidence that it can be delivered.

iv) 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. (Bullet point 14)

[4] We draw attention to UKWIN's Interested Party evidence [CD9 1.47] on how 'any other harm' has been interpreted by both Courts and Planning Inspectors to extend broadly into various types of harms, with all material harms counting as part of the 'any other harms' (paragraphs 9 to 29)

As discussed further below, EfW is not a source of sustainable, low-carbon energy because it still relies on burning non-renewable material such as plastic that has a high embodied carbon content. To the extent there is a benefit in terms of energy generation, that benefit is not continent on siting the incinerator in this green belt location. For instance, the Government's *Clean Power 2030 Action Plan: A new era of clean electricity – technical annex* states:

> *A significant fraction of the residual waste incinerated is fossil-based, particularly plastics. These fossil-based materials produce significant CO2 emissions when burned. We are not treating EfW as low carbon because of these significant CO2 emissions.* (page 7)

v) 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. (Bullet point 16)

This is addressed in Section 4.6.

vi) … the economic and other benefits of low carbon energy for local businesses, including possible private wire and direct heat supply (Bullet point 17)

This cannot stand because EfW is not properly classified as low carbon energy.

"Absence of alternatives is a facet of VSC"

4.5.3 The Appellant's in states in SoC paragraph 11.19.3 that

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

However, for NPPF 153 and for WP Policy 21 to apply, there would necessarily be no alternative sites for the disposal of residual waste.

4.5.4 There are two consented facilities within the area. The Appellant claims in SoC paragraph 9.5.9 that:

> *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.*

The 2014 guidance has been superseded by Defra's Capacity Note of 2024 which states that

> *Consented capacity, therefore, should be viewed as a pool of potential projects that may or may not be constructed in line with local residual waste management needs.* (Defra Residual Waste Infrastructure Capacity Note (December 2024) page 16)

This means that if there is a genuine need for additional residual waste treatment capacity, it can be met through consented capacity which has already received planning consent and is part of the pool.

The Capacity Note also states:

> *The results presented in Figure 1 should, however, be taken into account by developers and decision makers when determining the need for proposed waste treatment capacity, with Figure 1 including Consented Capacity.*

As such, consented capacity is clearly material to decision makers.

4.5.5 The Appellant's claim in SoC paragraph 11.19.4 that

> *Portland is not a true alternative, even were the permitted EfW facility there to be built and operational*

Is Examined int Section 4.6.

4.5.6 WP Policy 21 is objectively clear that permission for a Green Belt site will **only** be granted if the need cannot be met from an alternative suitable non-Green Belt site. The 'need' is the Waste Plan area need that covers the whole of the Waste Plan area, not just a subset being SE Dorset as claimed by the Appellant. As this 'need' can be met by a non-Green Belt site (Portland Port), consented by the Secretary of State on September 2024 it is clear that the Canford project cannot meet the requirements of WP Policy 21.

4.6 THE PORTLAND ERF APPROVAL AND THE CANFORD EFW REFUSAL

4.6.1 The BCP and Dorset Waste plan [CD6 1.1] reflects national planning policy in most of its policies, including, notably, these strands:

4.6.2 Relevant National Policies

i) NPPF 153's requirement that 'substantial weight' should be given to any harm to the Green Belt and that 'inappropriate development' should not be approved 'except in very specific circumstances'.

'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.

ii) *National Planning Policy for Waste* (2014) [CD6 1.4] recognises the possible need to locate waste facilities in the Green Belt if a suitable site does not exist outside the Green Belt**.** Any such proposal, however, would need to demonstrate 'very special circumstances that outweigh the harm to the Green Belt' and any other harm and would be judged on the locational needs of the development.

Relevant Local Policies

4.6.3 WP Policy 4 states that

Proposals for waste management facilities on unallocated sites will only be permitted where it is demonstrated that they meet all of the following criteria:

a. … the non-allocated site provides advantages over the allocated site;

c. the proposal supports the delivery of the Spatial Strategy, in particular contributing to meeting the needs identified in this Plan, moving waste up the waste hierarchy and adhering to the proximity principle; and

d. the proposal complies with the relevant policies of this Plan.

4.6.4 The allocation for the Canford Incinerator is contained in WP Policy 3, Inset 8. Development Consideration 5 within this Inset states that, given the site's location within the South-East Dorset Green Belt, applications will be considered against national policy and Waste Plan Policy 21.

4.6.5 According to Policy 21

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.

NON-COMPLIANCE OF CANFORD INCINERATOR

4.6.6 The wording of this policy is clear: permission may be granted on a Green Belt site where there is *a need for the development that cannot be met by alternative suitable non-Green Belt sites*. This is a restrictive clause that decision makers are legally required to apply objectively.

The Portland ERF

4.6.7 There is an alternative non-Green Belt site, the Portland ERF Site, which was granted planning permission in September 2024 by the Secretary of State for Housing, Communities & Local Government [SoS]. This single fact alone justifies the Council's refusal of the application for the Canford Incinerator and dismissal of this appeal.

4.6.8 Powerfuel Portland Ltd's planning application for the Portland ERF was initially refused but successfully appealed by the developer and consented, following a call-in by the Secretary of State.

4.6.9 The Secretary of State's approval of Powerfuel Portland's application in September 2024 followed the recommendations of the report [**"IR"**] [CD9 1.3] prepared for her by Planning Inspector Paul Griffiths. His evidence-gathering for the appeal included a visit to the Canford site for the purposes of a qualitative comparison between Canford and Portland, which he included in his Inspector's Report to the Secretary of State. His conclusions were:

- *That [the Canford ERF] would obviously be inappropriate form of development in the Green Belt, and an enormous imposition that would massively reduce openness. The level of Green Belt harm would be very high indeed*. (IR 12.105)
- *One of the first questions the decision-maker must ask about a proposal like that at Canford Magna in the Green Belt, is whether the provision could be made outside the Green Belt. The scheme at issue here shows that it can be, and, in that situation, it is difficult to see how the necessary very special circumstances could be shown.* (IR 12.107)

4.6.10 The Secretary of State agreed with the conclusions of Mr Griffiths' qualitative comparison of the Canford and Portland sites. Para 17 of her Decision says:

> *She further agrees although the proposal at Canford Magna might well perform better in terms of the spatial strategy in the WP, that would have to be balanced against the Green Belt harm and any other harm (IR12.108). Overall, the Secretary of State agrees with the Inspector that the proposal would have clear advantages over the sites allocated within the WP (and the proposals for them) and as such, it complies with Policy 4 of the WP, and further agrees that it accords with Policy 1 (IR12.109).*

4.6.11 Both the Planning Inquiry following Powerfuel Portland's appeal and subsequent court cases helpfully address wording of the Waste Plan, which is relevant to this appeal.

Relevant Case Law: Stop Portland Waste Incinerator

4.6.12 Following the grant of the Powerfuel Portland appeal:

- Stop Portland Waste Incinerator [**SPWI**], a local objector group, applied to the High Court in December 2024 (Case No: AC-2024-LON-003475) [CD9 1.4]for permission to apply for a statutory review. In April 2025 Mrs Justice Lang DBE refused permission to apply for statutory review on two grounds and dismissed it on a further ground: *Stop Portland Waste Incinerator v Secretary of State for Housing, Communities and Local Government* [2025] EWHC 777.
- In June 2025 SPWI were granted leave to apply to the Court of Appeal.
- The case was heard on 2nd October and a unanimous judgment (Case No: CA-2025-000986) was issued on 6 November 2025, dismissing the appeal, and ruling that the Secretary of State had provided adequate explanation for the decision: *Stop Portland Waste Incinerator v Secretary of State for Housing, Communities and Local Government* [2025] EWCA Civ 1405. This judgement appears to have brought challenges to the Portland approval to a conclusion.

4.6.13 The main points of contention concern the wording of WP 21b and WP 4c. The former concerns the application of the phrase *need for the development,* the latter the WP's intended definition and application of *'Spatial Strategy'*.

4.6.14 In pursuit of enabling 'net self sufficiency in waste recovery and disposal' (WP 3.14) the Waste Plan requires that Bournemouth, Christchurch, Poole and Dorset

> *should as far as practicable aim to ensure that there is sufficient capacity available within the Plan area to deal with its waste arisings. (*WP 3.15)

Given these stated guiding principles, it seems to be entirely appropriate to infer that WP Policy 21(b)'s reference to the "*need for the development that cannot be met by alternative suitable non-Green Belt sites*" is a reference to the need for residual waste management facilities **across the plan area as a whole**, rather than for any sub-areas of the plan area (for example SE Dorset as claimed by the Appellant). To read Policy 21(b) as concerned with sub-areas would run counter to the WP's strategic approach to residual waste management, and in particular the Spatial Strategy, which is concerned with ensuring that proposals for residual waste management are assessed with reference to the need for the management of such waste across the whole of the BCP and Dorset areas.

4.6.15 In her April 2025 judgment in *Stop Portland Waste Incinerator*, Mrs Justice Lang, DBE said: that

the Claimant has interpreted the spatial strategy in the Waste Plan too narrowly, by focussing on the location of sites, without sufficient regard to its other elements. Contrary to the Claimant's case, supporting the spatial strategy is not limited to mandating or directing development to a specific location. It is about providing sustainable waste management facilities to address the need for 232,000 tpa of capacity on sites which provide benefits in the context of the overall Waste Plan and other elements of the spatial strategy. (§AC82).

4.6.16 The Court of Appeal endorsed that finding at §§59 and 69 of its judgment. At §§72-73, in light of its findings regarding the interrelationship between elements of the WP's Spatial Strategy (at §69), it rejected the Appellant's challenge to the Inspector's findings that the development of the Canford Magna site would be preferable to the development of the Portland site.

72. Given the approach taken by PPL and the WPA in the statement of common ground and in their evidence to the circumstances of this case and the application of the Spatial Strategy, including the proximity principle, it was necessary for a comparison between the PPL proposal and the development potential of the allocated sites to be made. […] The Inspector accepted PPL's case, summarised at IR8.29 that its proposal would lead to a reduction in waste miles relative to the existing situation. That plainly was an application of the proximity principle. In effect, the Inspector accepted PPL's case that <u>the proximity principle in para. 3.16 and Policy 4(c) of the Waste Plan should not be applied exclusively by reference to allocated sites in south east Dorset</u>, if development has not come forward on those sites and, indeed, there are strong planning objections to them being developed for waste management facilities on the scale needed for the plan area.

73. The two allocated sites relied upon by the WPA are in the Green Belt. There has been no challenge to the approach which the Inspector took to the application of Green Belt policy. ERF development would be treated as "inappropriate development" in the Green Belt and no planning permission would be obtainable unless the developer demonstrated "very special circumstances" sufficient to "clearly outweigh" harm to the Green Belt and any other harm (2023 NPPF para.153). The Inspector found that ERF development at Canford Magna would cause a very high level of harm to the Green Belt and other harm (IR 12.105). He added that it was difficult to see how very special circumstances could be shown if an ERF could be provided acceptably outside the Green Belt and the PPL scheme demonstrated that it could (IR 12.107). At IR 12.108 the Inspector accepted that the Canford Magna site might well perform better as regards the Spatial Strategy of the Waste Plan. Plainly the Inspector had in mind the policy preference for a site in south east Dorset. In saying that in this respect the Canford Magna site was better than the Portland site, the Inspector was

undoubtedly applying the proximity principle. But he then made the unimpeachable point that that factor in favour of Canford Magna had to be balanced against the substantial weight to be given to the Green Belt and other harm it would cause. None of this reasoning is open to legal challenge. It further demonstrates that in the circumstances of this case, the proximity principle could not be applied, and PPL's appeal determined, without a comparison being made between the appeal site and the two allocated sites. (emphasis by underlining added)

CONCLUSION

4.6.17 There is no 'need' under WP Policy 21 for a SE Dorset facility, and there is no alternative non-Green Belt site in SE Dorset. There is thus no requirement to meet a need in SE Dorset and this position is consistent with that taken by the Portland Inspector, the Secretary of State, the High Court and the Court of Appeal.

4.6.18 The Portland site clearly demonstrates that an alternative, suitable non-Green Belt site can meet the need identified under the Waste Plan. As a result the Canford Project cannot demonstrate that the harm to the Green Belt is clearly outweighed by very special circumstances and therefore cannot be permitted as stated in WP Policy 21.

5. LANDSCAPE; PUBLIC AND VISUAL AMENITY

5.1 RELEVANT PLANNING POLICIES

Various policies on landscape and amenity are laid out in the Waste Plan [CD6 1.1].

- Objective 4 in Chapter 4 (Vision and Objectives) is:

  To safeguard and enhance local amenity, landscape and natural resources, environmental, cultural and economic assets, tourism and the health and wellbeing of the people.

- WP 13 deals with amenity and quality of life and requires that proposals for waste management facilities should consider any potential adverse impacts on amenity arising from 'visual impact' (WP 13h)

- WP 14 (Landscape and design quality):

  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 of the landscape.

- The Poole Local Plan [CD6 1.2] requires that development, including extensions and external alterations to existing buildings, will be permitted provided that it

  a) reflects or enhances local patterns of development and neighbouring buildings in terms of:

  (ii) height and scale,

  (iii) bulk and massing, including that of the roof, and

  vi) visual impact.

  (c) is compatible with surrounding uses and would not result in a harmful impact upon amenity for local residents. (PP27)

- The NPPF also stresses the importance of setting:

  Planning policies and decisions should ensure that developments… are sympathetic to local character and history, including the surrounding built environment and landscape setting. (NPPF 135)

Once Green Belts have been defined, local planning authorities should plan positively to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. (NPPF 151), and

planning policies and decisions [to] contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes. (NPPF 187)

- According to PPG [CD6 1.11]

Green infrastructure can embrace a range of spaces and assets that provide environmental and wider benefits. (Paragraph: 004 Reference ID: 8-004-20190721)

and

Green infrastructure is a natural capital asset that provides multiple benefits, at a range of scales. For communities, these benefits can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes (Paragraph: 005 Reference ID: 8-005-20190721)

5.2 In a parenthetical comment in paragraph 11.17.8 of the SoC the Appellant notes that

RfR 2 is for landscape character, not visual effects.

This suggests that landscape character and visual effects are completely discrete qualities. Given that most people's experience of landscape is primarily through visual means, it would seem to be self evident that a significant visual change within a landscape would change one's experience of it. The two qualities are closely linked.

5.3 Indeed the Appellant does seem to confirm that. Section 4 (Landscape Character) of ES 12.1 LVIA [CD1 1.25 (b)]references Natural England's National Character Assessments (NCAs), locating the proposal site and its surroundings within NCA 135: 'Dorset Heaths'. Targets are set out in NCA 135 'Dorset Heaths – Landscape Change' and, amongst the Super Landscape Objectives {SLO]considered relevant to the NCA are:

Enhance the visual and experiential quality of our landscapes and waterscapes (SLO8)

Improve the overall condition of Sites of Special Scientific Interest for their contribution to landscape character and quality. (SLO9).

The monitoring of change includes indication G1 – Changes in landscape and waterscape character – which states:

This composite indicator describes changes in physical, visual, cultural and experiential attributes of landscape character in England.

See Appendix 4 for (Appendices page 16) for further details.

5.4 The landscape which surrounds the proposed Incinerator is as follows. To the immediate south and south west lies the 334 ha of Canford Heath, with its important ecology and its

historic bowl barrows. To the west there is more heathland, Corfe Hills. To the immediate north lies the conservation area of Canford village and Canford School, with a number of grade I listed heritage assets. North east of the proposed development site is the Canford Park SANG whilst, running across the north, following the path of the River Stour, is the Stour Valley Park.

5.5 The public amenity and visual amenity of Canford Heath is considerable. According to the Council's management plan for the heath,

> *Canford Heath is also one of the few places left where a real sense can be felt of the evocative, wild and beautiful cultural landscape that for several millennia was so typical of lowland England. The Heath is thus of immense value for people to enjoy responsibly, both for its nature and to take time out, to sense the past and recharge the batteries.*
>
> *Canford Heath Nature Reserve Management Plan,* (Borough of Poole 2010) [CD9 1.9]

The natural pleasures of the heath include the distinctive heathland flora, the rare birds such as the Dartford Warbler and the Nightjar and, uniquely, all six of the UK's native reptile species.

5.6 Equally important is the link it provides to the ancient past, an aspect that would be significantly harmed by the Canford Incinerator. There are the remains of a number of barrows and clusters of bowl barrows, funerary monuments dating from the Late Neolithic period to the Late Bronze Age, in the vicinity of the Canford Incinerator. They constitute, according to Historic England, 'a major historic element in the modern landscape'.

5.7 The designated bowl barrow[5] which lies 650m south of the Canford Incinerator is within the landscape view captured in Photomontage 10[6] [PVP 10 over page], marked as 'tumulus' in the PVP map [Figure 8 below, page 41]. Appendices page 27 show Stephen Harper's photomontage taken from the bowl barrow.

5.8 MVV's *Heritage and Archaeology Statement* speaks directly to the importance of these barrows. While suggesting that they are no longer distinct in the landscape

> *the undeveloped nature and open character of their setting does positively contribute to their significance.* (Para 6.3.52)

5.9 The intrusive presence of the proposed development would bring an alien and distinctly urban feel to the heath, dissipating the sense of its undeveloped nature and the open character of it.

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[5] HE ref: List Entry Number: 1018487 (National Grid Reference: SZ 03448 96150)

[6] The misleading nature of this photomontage, with the fence posts in the foreground, will be discussed below in paragraphs 5.18-20.

5.10 This is a view shared by Jez Martin, BCP's Biodiversity Officer in his submission of 4 December 2023 about the application:

> *Have the opinion that new building will be intrusive to users of Canford Heath Nature Reserve and that it will have a negative impact on their enjoyment of this nature reserve. The supplied viewpoint assessment is from South Walk, but from other routes used by public to the east of this location, which head towards the site, which are heavily used by the public, this will be intrusive. This building creates a substantial change to the horizon and changes the view from mainly natural to area dominated by a man-made structure*

Negative impact upon enjoyment of Canford Heath, therefore. becomes another factor to be weighed in the final planning balance.

Proposed View from Bridleway 23, looking across a bowl barrow to the proposed EfW

5.11 The Canford Park SANG was created to provide an alternative public amenity to Canford Heath. Similarly to many parts of Canford Heath, the SANG would also be affected by views of the proposed Incinerator.

The 'Guidelines for the quality of SANG' section in *The Dorset Heathlands Planning Framework 2020-2025 SPD* (April 2020) [CD9 1.41] state that

> *the open or semi wooded and undulating nature of most of the Dorset Heathland sites gives them an air of relative wildness* and suggests that
>
> *SANGs must aim to reproduce this quality. (*p27).

The huge incinerator, with its 110m chimney stack and industrial plume of emissions, would be an alien and visually harmful feature in this setting.

5.12 Likewise, the Incinerator would be seen from parts of the Stour Valley Park. According to its Strategy Document,

> *The Stour Valley Park is a vision for a regional park where everyone can enjoy the benefits of the natural world. Creating this park is about making amazing places for people and wildlife; a landscape for the common good.*

The Canford Incinerator would be an intrusion into the 'natural world' of the Stour Valley Park.

Visual Receptors in Surrounding Landscape

5.13 MVV's *Landscape and Visual Impact Assessment (A12.1)* [CD1 1.25 (a)] lists 14 photo-viewpoints, 12 of which are judged to have receptor points of 'High Sensitivity' or 'Very High Sensitivity'. Five of these are within 2 km of the proposed development. These are listed below. Their locations are shown on the map below (Figure 8).

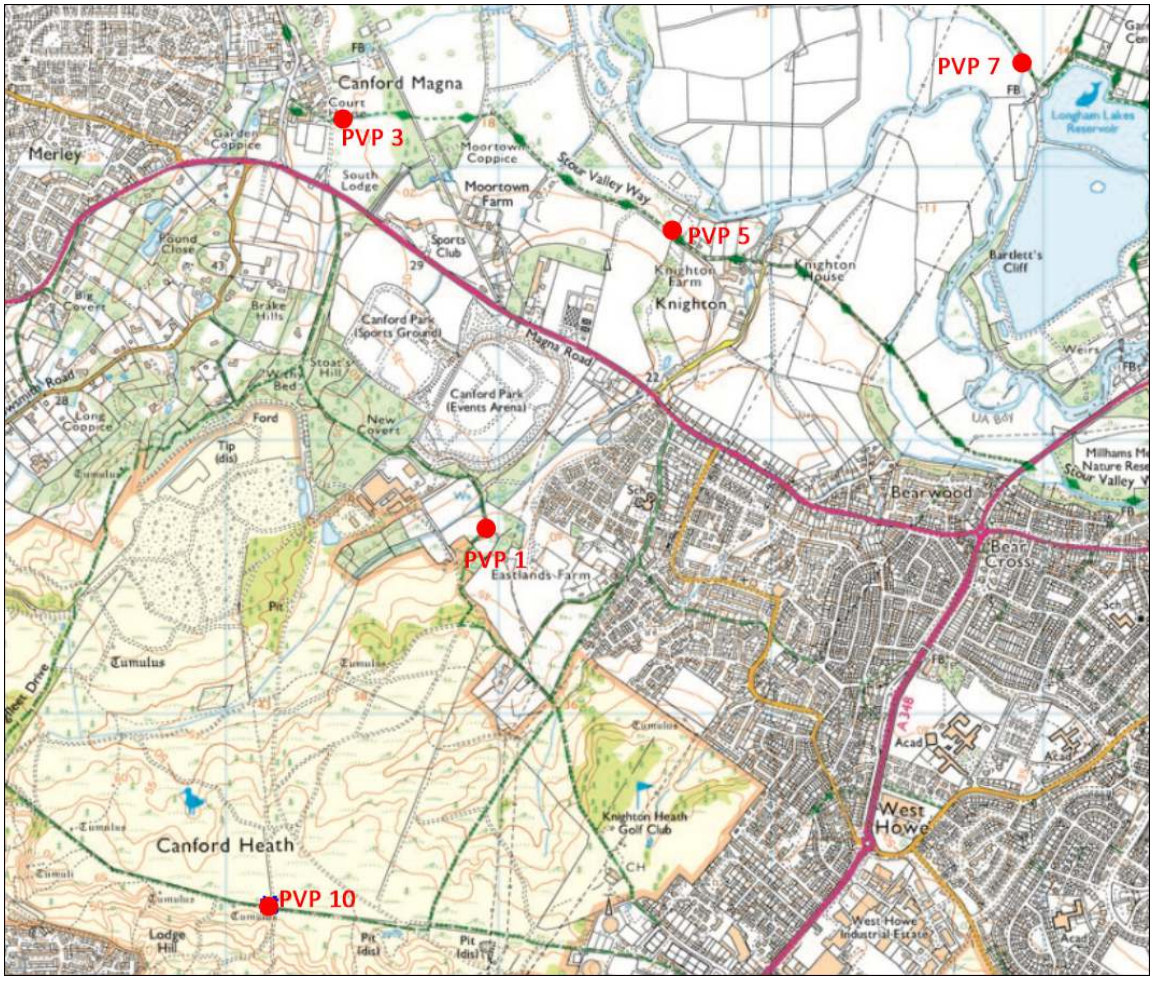

Figure 8 Location of High Sensitivity Photoviewpoints within 2 km of proposed development

5.14 We have already seen PVP 10 (page 46), which shows the intrusive impact to the proposed development across unspoilt heathland. Figures 13 and 14 show the other four key photoviewpoints. In PVP 3 below, a view from Footpath 29 (part of the Stour Valley Way) in the heritage setting of the grounds of Grade I listed Canford School, the clear and inappropriate visual impact of the proposed development's chimney stack can be seen.

This is the only photomontage from a viewpoint within the extensive grounds and setting of Canford school. For a sense of the open nature of the extensive school grounds and its screened nature

5.15 Magwatch relies on Interested Party Submission Stop Parley & Canford Incinerators Part 2 [**"SPCI-2"**] [CD9 1.48(a)] by Stephen Harper**.** Chapter 4, pp 36 ff, offers a detailed appraisal of the applicant's viewpoints, analysing in considerable depth the composition of images and the way the eye perceives them. To address what he perceives to be the lack of a reliable visual baseline representations in the LVIA, he has produced photomontages from an additional 18 viewpoints. These can be found in Appendices 16, 17 and 18 [CD9 1.48(b) (c) and (d)] of his Interested Party submission. The locations have been chosen carefully and the reasoning and methodology explained in detail. The photomontages illustrate very clearly the detrimental impact on the landscape character of the area.

5.16 Appendix 5, (Appendices pages 21-27) contains extracts from Stephen Harper critique of the photographic methodology of the Appellant's LVIA photomontages. These include:

i) Examination of how the vertical features of PVP 5 – the fence posts – complicate the viewer's perception of its intended subject, lessening the representative nature of the view.

ii) Examination of a similar distorting effect of vertical feature is examined in PVP 10 where the impact of the chimney is diminished by the fence posts in the foreground.

iii) An alternative view and photomontage from nearby the Bridleway location of PVP

5.17 The importance of Stephen Harper's photomontages from alternative viewpoints derives from a conviction that, as he says,

> *visual impacts have been materially understated* (SPCI-2 paragraph 4.72)

That phrase is consistent with the comments of Laird Bailey, the landscape consultants engaged by BCP.

5.18 Laird Bailey's assessment of the Appellant's LVIA and ES 12 in November 2023 concluded

> *that the LVIA and ES Chapter at present downplay anticipated visual effects in relation to receptors travelling along footpath routes 3, 5 and 29, and the Stour Valley Way within the wider context, under the proviso of the receptor's 'general acceptance' of development over time. I consider that perceived change would be greater than assessed and would in fact have an additional significant adverse and long term visual effect upon these four additional receptors, which would extend as far as 3.5km from the proposal boundary.*

5.19 The reference to 3.5km is to PVP 12:

What is striking about this photomontage is that, despite the distance from this viewpoint of 3.5 kilometres, the proposed development appears large, prominent and alien in its heathland setting.

5.20 In March 2024, responding to a revised LVIA (ES Chapter 12: Landscape and Visual Addendum Chapter) Laird Bailey stated in CD4 1.28:

> *The above amendments provide a more complete and consistent assessment of anticipated effects however it is considered that the LVIA and ES Chapter continue to downplay anticipated visual effects in relation to receptors travelling along footpath routes 3, 5 and 29, and the Stour Valley Way within the wider context, under the proviso of the receptor's 'general acceptance' of development over time. It is noted that changes to the A12.1, A12.2 and within the addendum provide no further commentary relating to the change in magnitude between years 1 and 15.*

Impossibility of Adequate Mitigation

5.21 The appellants have considered colour schemes to mitigate the intrusive nature of the building. Mostly these are aimed at enabling the facility to blend into the landscape and sky though, of course, the opposite will be apply at nighttime when bright lighting will be necessary in the interests of aircraft safety. The sheer size of the building, in particular its height, makes effective mitigation impossible.

5.22 Section 12 of the Appellant's Statement of Case states that the surrounding topography, the 'extensive woodland' and the 'mature tree cover has 'a substantial screening effect'.

5.23 Landscape consultants Laird Bailey disagree, having made the following observations to the LPA on 23 March 2024 [CD4 1.28]:

> *As identified within our previous response, it is appreciated that little can be done to mitigate impacts of such a large building and chimney upon the surrounding landscape beyond careful building massing and consideration of colours and materiality, and that localised visual significant effects will be unavoidable given the nature and scale of development.*

5.24 Various BCP officers agree at the limited nature of mitigation possible:

> *It is acknowledged that the impacts of such a large building and chimney on the surrounding landscape can only be mitigated to a limited extent through thoughtful building design, including massing, colour choices, and material selection. Given the scale and nature of the development, notable localised visual effects are inevitable and difficult to mitigate.* (BCP Urban Design Team (April 2025)) [CD4 1.31]

> *'Whilst it is considered that the existing vegetation around the curtilage of the site will help the screen the proposal to some degree, the visibility of the chimney in the*

wider landscape cannot be mitigated through planting.' [BCP Tree and Landscape Team (May 2024]

The above appears to rely to some degree of screening of new building by trees growing on Canford Heath SSSI, as marked in red on below. Due to their location, there is no guarantee that they will stay there in the future due to required management for favourable nature conservation status of SSSI and/or could be lost during a fire. There is more chance that these trees will not be present in the future than remaining because of these issues. So, any screening afforded by these trees in landscape assessment must be disregarded as no surety that will remain and more scope that they will not be there in the future. Due to area to south of site being designated as heathland SSSI there is no scope for any tree planting as screening. Even if possible due to height of building, let alone chimney, would be many decades, before they had any impact on the visual intrusion. [BCP Environment Officer, Jez Martin (4th December 2023)]

5.25 It is clear that no effective mitigation is possible, failing, therefore, to comply with WP Policy 14 c), which requires

acceptable mitigation of adverse impacts of the landscape.

Conclusion

5.26 The proposed development – by virtue of its inappropriate scale, form – would be non-compliant both with local and national policies relating to landscape and setting:

i) Waste Plan Policy 14 requires that waste management facilities

are compatible with their setting and would conserve and/or enhance the character and quality of the landscape,

achieving this through

sympathetic design and location [and] appropriate use of scale, form, mass…

ii) Policy 27 of The Poole Local Plan requires that a proposed development

reflects or enhances local patterns of development and neighbouring buildings in terms of… height and scale, [and] bulk and massing, including that of the roof, and visual impact,

and are

compatible with surrounding uses and would not result in a harmful impact upon amenity for local residents.

iii) The NPPF paragraph 135 stresses the importance of setting, requiring that planning decisions should ensure that developments

are sympathetic to local character and history, including the surrounding built environment and landscape setting.

5.27 As indicated in paras 4.1.5 and 4.1.6 of this proof, the relevant parcel of land in which the development site is set is, according to the Poole Green Belt Review,

clearly open and free of urbanising development

and that for NPPF Green Belt Purpose (c)

the parcel is predominantly open and rural in character.

5.28 The photomontages shown in the preceding pages of this section illustrate clearly the detrimental impact that the excessive scale, form and mass of the proposed development, with its urbanising influence in a rural location, would have a on the landscape character of the area.

6. OTHER HARMS

6.1 INTRODUCTION

6.1.1 Section 4.3 assessed the impact of the proposed development on the openness of the Green Belt and concluded that it would constitute inappropriate development within the Green Belt. Section 4.5 demonstrated that 'Very Special Circumstances' did not apply to the proposed development. Both these judgements are rooted in NPPF paragraph 153, which states:

> *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.*

6.1.2 This section examines the 'other harms' which would result from the proposal and Section 7 will examine the 'other considerations' – the claimed benefits of the proposal.

6.2 HABITATS AND BIODIVERSITY

Relevant Planning Policy

6.2.1 Waste Plan Inset 8, Development Consideration 1 requires:

> *studies that demonstrate that any emissions from development will not impact on the features (species and habitats including lichens and bryophytes) of the nearby European Sites.*

Given that [the nearby European sites', will inarguably suffer 'an adverse effect' (as shown below), permission should not normally be granted, according to NPPF 193. The only exception is

> where the benefits of the development in the location proposed clearly outweigh its likely impact on the features of the site that make it of special scientific interest. (NPPF 193 b).

An important judgement therefore needs to be made of the balance between the claimed benefits of the proposed development and likely adverse impacts upon Canford Heath, and the integrity of its designations: SSSI, SAC, SPA and Ramsar.

There is no disputing that there would be negative effects were the proposed incinerator to be built.

Adverse Impacts on Canford Heath

6.2.2 MVV's *Shadow HRA Report* **["SHRA"**] (6 February 2024) confirms the potential harm of the Canford Incinerator's emissions:

> *'During operation of the proposed development, the combustion process will result in emissions to air. These emissions will include pollutants such as nitrogen oxides (NOx), sulphur dioxide (SO_2), hydrogen chloride (HCl) and hydrogen fluoride (HF). Additionally, the injection of urea during the process, used to reduce NOx emissions, will result in emissions of ammonia (NH_3).' [SHRA 4.21]* [CD1 1.21 (d)]

6.2.3 The Screening Assessment undertaken in Section 4 of the SHRA concluded that a Likely Significant Effect upon the conservation objectives of the Dorset Heaths SAC, SPA and Ramsar

> *cannot be completely discounted as a result of the proposed development with respect to the following impact pathways:*
>
> *• Habitat fragmentation; and*
>
> *• Air pollution: impact of atmospheric nitrogen deposition.'* [SHRA 5.1]

6.2.4 The Ecology and Nature Environmental Statement [ENES] (Feb. 2024) [CD1 1.21(a)] makes the following comment on the raising of the originally planned 90m chimney stack to 110m:

> *The height of the chimney stack from which emissions are released has been designed to be as high as possible whilst balancing landscape impacts and aerodrome safeguarding constraints due to the nearby Bournemouth Airport. The increased height of the chimney (110m) allows greater dispersion of the emission gasses, thereby reducing the concentration of pollutant deposition on habitats. (ENES 8.4.3)*

6.2.5 The Council's *Appropriate Assessment* ["**AA"**] (24th August, 2024) [CD5 1.1] notes that

> *the application will have a likely significant effect in the absence of avoidance and mitigation measures on the Dorset Heathlands habitats sites.*

Amongst the potentially harmful effects:

> *lighting of TCC1, [TCC2], the construction site and the operational site once complete is likely to impact foraging and commuting nightjar and constitute habitat fragmentation* and
>
> *Changes to these habitats establishes an impact pathway on breeding populations of nightjar, woodlark and Dartford warbler and wintering populations of hen harrier and merlin, all of which are qualifying features of the Dorset Heathlands SPA. These species are identified by APIS as sensitive to nitrogen on account of the habitats on which they rely. (AA)*

6.2.6 Mitigation proposals suggested by the AA include:

> *'[Eutrophication] mitigation measures will reduce nitrogen deposition and reduce impacts on habitats and species' (AA Conclusion)*
>
> *The risk of acidification to vulnerable habitats will be controlled through a programme of works to increase their resilience… a programme of monitoring coupled with clear identification of remedial measures for action in the event of need… and will be secured through the S106 Agreement and will include a Biodiversity Enhancement Contribution. (AA Pt 2)*

6.2.7 Consequently:

i) Raising the height of the chimney will *reduce* the concentration of pollutant deposition on surrounding habitats, *not eliminate* it.

ii) As the SHRA states, the stack has 'been raised as high as feasible whilst balancing landscape impacts and aerodrome safeguarding constraints'. 110m is neither a height accurately computed to make the emissions completely safe, nor an entirely random height: it is the maximum permitted by air safety regulations.

iii) The requirement of a compensatory S106 agreement is an implicit admission of harm.

Conclusion

6.2.8 Notwithstanding a planning condition and an S106 agreement, the Canford Incinerator would undoubtedly do harm to the ecology of Canford. Given that there is an alternative non-Green Belt alternative for residual waste and that, in any case, future needs of the Waste Plan area do not require a 260,000tpa facility, it is clear that the claimed benefits of the proposed development *do not* clearly outweigh its likely impact on the features of the site that make it of special scientific interest. An exception cannot therefore be granted in this case.

6.3 HARM TO HERITAGE ASSETS

Relevant Planning Guidance

6.3.1 Borough of Poole Local Plan [CD6 1.2] states:

> *The Council will expect development to preserve or enhance Poole's heritage assets. In all cases, proposals will be supported where they:*
>
> *Preserve or enhance the historic, architectural and archaeological significance of heritage assets, and their settings, in a manner that is proportionate with their significance by:*
>
> *a) assessing the impact of a development on designated and non-designated heritage assets and justify any harm or loss affecting the asset early in the application process. (Policy PP30)*

6.3.2 NPPF paragraph 208 advises LPAs to identify and assess the particular significance of any heritage assets and heritage settings that may be affected by a development, "taking account of the available evidence and any necessary expertise". Further,

> *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* (NPPF 212)
>
> *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (*NPPF 215)

Canford School and Canford Village

6.3.3 The main building of Canford School (the former Canford Manor) and Canford Church, both Grade I listed buildings, lie 2.2km from the proposed Incinerator. The grounds of Canford School, a heritage setting across which runs public Footpath 29, are 1.2km away at their closest point. Canford village, with a number of Grade II listed buildings lies 1.8km away.

6.3.4 MVV's Environmental Statement Technical Appendix 10.1 – Heritage and Archaeology Statement [**"HAS"**] [CD1 1.23 (b)] concedes that:

> *there is likely to be an impact to the setting, with the proposed development visible to observers as they move around the grounds, and look southwards from the house out of doorways and windows. (HAS 6.3.3)*

6.3.5 However, in a subsequent chapter, this admission is downplayed:

> *Those heritage assets closer to the proposed development have the potential to experience a greater impact on significance due to the proposed development having*

a greater prominence of presence in their setting. These include grade I listed Canford School, Nineveh Court and John of Gaunt's Kitchen. However, the visualisations and the assessment of significance and setting show that even here the visual change to setting will be minor, and the impact on significance therefore negligible. (HAS 7.1.11)

Consultee responses to the Heritage and Archaeology Statement

6.3.6 MVV's view is not shared by landscape consultants Laird Bailey, nor by Historic England, nor the Council's own Senior Conservation Officer.

6.3.7 Laird Bailey (1 November 2023):

Photoviewpoint EDP 3/Footpath 29/Stour Valley Way (very high sensitivity) – As seen within the associated photomontage, the addition of the EfW CHP chimney would be a noticeable new vertical addition to experienced views, extending above the surrounding tree canopy and forming a new landmark feature – it would not be 'inconspicuous' and

While there will be significant visual implications for surrounding visual receptors, these are limited to 7 of the 14 viewpoints identified and in some instances over short distances... The implication of significant effects on visual receptors should be considered within the planning balance in terms of acceptability for determination.

6.3.8 Historic England's submission of 12 September 2023 [CD4 1.11] made the following points:

Given the scale and massing of the proposal the proposed development is likely to be visible across a large area and could, as a result, affect the significance of heritage assets some distance from this site itself.

We wish to highlight in particular how the grounds of Canford School (originally Canford Manor) make a significant contribution to the setting of the Grade I listed building. The former lawns, now sports pitches, are edged by mature parkland trees which act as a screen. The proposed chimney would form an incongruous industrial feature in this context.

As the proposed development would result in harm and given the great weight that needs to be given to the conservation of heritage assets of the very highest significance, Historic England has concerns regarding the application on heritage grounds.

It is for your authority to consider if the public benefits associated with the proposal outweigh the harm and to establish if any heritage benefits could be achieved to offset any harm.

6.3.9 Responding to additional EIA information and revisions to the application, HE reiterated this view in a second submission (25 March 2024) [CD4 1.12]:

Our previous advice concerned the scale and massing of the proposal. As there are no amendments to the height, bulk and mass of the proposal we repeat the advice previously provided.

6.3.10 HE also recommended, for a second time, that

the local authority's conservation and archaeology advisers are closely involved. They are best placed to advise on local historic environment issues and priorities (including access to data held in the Historic Environment Record).

6.3.11 This advice was echoed by The Urban Design team in a submission of April 2025) [CD4 1.31]:

There are designated heritage assets in the wider vicinity of the site - including numerous Locally Listed buildings, Conservation Areas, Scheduled Monuments, and Registered Parks and Gardens – the comments of the Council's Conservation Officer will be relevant.

Council's Heritage Consultation Report

6.3.12 Margot Teasdale, BCP's Senior Conservation Officer's report (April 2025) [CD4 1.22] notes that only one photoviewpoint was taken from a heritage site-receptor on a Canford School sports pitch though Canford School is a large site (over 200 acres) with many buildings that would possibly have views of the waste plant buildings and the chimney. She notes also that Photoviewpoint 10 from across Canford Heath from Bridleway 23

clearly shows the marked difference of the existing heathland with the PD which results in a incongruous industrial appearance above the skyline, whereas the current

view is of the reclaimed fields of Whites landfill site. Photoviewpoint 3 shows the view of the chimney of the PD emerging well above the treeline across from the sports pitches at Canford School. The view creates the impression of an alien industrial[7] *structure quite out of place with the natural landscape character along the tree line. No other viewpoints of the chimney and plant have been captured from within the Canford School estate or nearby conservation areas.*

6.3.13 Ms Teasdale concludes that, altering the landscape setting in this way, the impact on the Grade I listed former manor

> *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.*

6.3.14 In a second submission of 2 June 2025 [CD4 1.23], Ms Teasdale summarises her judgement:

> *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 in line with NPPF 215, and should be assessed against the benefits attributed to it.*

6.3.15 Paragraph 8.15 of the Appellant's SoC [CD7 1.1] states

> *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* [including Canford School]*, to be "negligible" (para 218).*

6.3.16 However, that finding in the OR is contradicted by the LPA's own specialist heritage officer's judgement and the judgement of other specialist consultees. It should not therefore be given greater weight than the material relied upon by the Council (i.e., the position of its heritage officer) or than the conclusions of other specialist consultees.

Conclusion

6.3.18 It is clear from the evidence of expert consultees that the proposed development would do some harm to nearby heritage assets such as Canford School and Canford Magna Village. Even in a case where a proposal will lead to 'less than substantial harm… this harm should be weighed against the public benefits of the proposal including' (NPPF 215).

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[7] Appendix 6 (Appendices page 28) of this proof contains a selection of photographs taking from various parts of Canford School site, including from positions where AFC Bournemouth's training facilities are visible. They show how screened the extensive grounds are of from any sense of a surrounding urban experience.

6.4 MENTAL HEALTH

Introduction

6.4.1 This section of Magwatch's Proof on Green Belt Issues and Planning Balance concerns the mental health impacts of the proposed development on the communities of Bearwood and Merley, which form most of the nearest sensitive residential receptors to the application site.

6.4.2 The evidence is anchored in publicly available statistical data, official planning policy and environmental impact assessment guidance.

Summary

6.4.3 This section demonstrates the following key findings:

i) The environmental impacts on public health and well-being and the perception of harm by the local community is a material consideration, and the fears and anxieties of the local community are real.

ii) The local population as part of BCP displays materially elevated suicide (+46%), serious self-harm (+42%) and long-term mental health illness (+23.5%) rates above the national average, indicating a population of High sensitivity under Institute of Environmental Management and Assessment ("IEMA") 2022 guidelines.

iii) Under a moderate (indicative) Comparative Risk Assessment (CRA) scenario, the proposed development could contribute to 8–9 additional suicides and approximately 111 additional serious self-harm admissions over its 40-year operational lifespan in Bearwood and Merley alone. Under a high-impact scenario 13 additional suicides and approximately 166 additional self-harm admissions.

iv) UKHSA confirmed in direct correspondence with Magwatch that mental health risks were not considered in the UKHSA Municipal Waste Incinerators (MWIs) study. The Appellant cannot therefore rely on the UKHSA opinion linked to that Study to dismiss mental health harms.

v) The Appellant's classification of Bearwood and Merley as 'low sensitivity' in their Environmental Statement ("ES"), Chapter 14 (and appendices, CD1 1.27 (a)), Population and Human Health are neither justified nor compliant with IEMA's 2022 Health in EIA guidance (CD9 1.88) and should be treated as unreliable. It was not conducted at Lower-layer Super Output Area (LSOA) level, thereby obscuring high-need, high-risk areas, contrary to IEMA guidance which states "*pockets of deprivation*" fall under the classification of a 'High' sensitivity scoring.

vi) The proposed development's 24/7 operations, extended delivery hours, overbearing scale of a building equivalent to 17 storeys and a chimney stack equivalent in height to a 37 storey building plus plume, mandatory aviation lighting and associated environmental stressors would create conditions likely to cause or exacerbate mental health impacts in a population already established as vulnerable to the proposed development.

vii) The Appellant has not undertaken consultation with the NHS, Public Health Director or public health stakeholders on mental health matters, deeming this as not required, contrary to IEMA guidance.

National Planning Policy Framework (NPPF)

6.4.4 NPPF paragraph 96(c) requires planning policies and decisions to "*enable and support healthy lives, through both promoting good health and preventing ill-health*". The mental health impacts identified in this Proof constitute a direct failure in demonstrating this requirement is met.

6.4.5 NPPF paragraph 198(c) requires that planning decisions 'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'. The mandatory aviation lighting of the proposed 110m chimney stack is a significant environmental stressor that cannot be mitigated and would be stark.

6.4.6 NPPF paragraph 8(b) sets out the social objective of sustainable development as requiring places that "*support communities' health, social and cultural well-being*". The proposed development is contrary to this objective.

Dorset Waste Plan 2019

6.4.7 Waste Plan Chapter 4, Objective 4 (CD6 1.1) requires that proposals "*safeguard and enhance local amenity, landscape and natural resources, environmental, cultural and economic assets, tourism and the health and wellbeing of the people"*.

6.4.8 Waste Plan Policy 13 (Amenity and Quality of Life) provides that proposals for waste management facilities will be permitted only where it is demonstrated that any potential adverse impacts on amenity can be satisfactorily avoided or mitigated to an acceptable level, having regard to sensitive receptors. This expressly includes noise and vibration, airborne emissions, odour, lighting and site-related traffic impacts. No adequate mitigation has been evidenced for the mental health consequences of these stressors cumulatively.

IEMA Health in EIA Guidance (2022)

6.4.9 Institute of Environmental Management Association ("IEMA") guidance (Determining Significance for Human Health in Environmental Impact Assessment, November 2022), section 5.6 states, page 9, outlines that it may be appropriate to consider sub-population

groups of more sensitive individuals that could experience disproportionate or differential effects:

> "*While the average local health circumstance across a defined population may be considered good, there may be groups of individuals within that defined population who are particularly sensitive and could experience disproportionate or differential effects. On this basis it may be appropriate to consider relevant sub-populations, i.e., groups of more sensitive individuals*."

6.4.10 IEMA guidance section 5.7 states:

> "*Following a public health perspective in relation to the distribution of an effect, health in EIA should consider both populations and differential or disproportionate effects to relevant sub-populations*."

6.4.11 The Appellant's ward-wide averaging of sensitivity scoring (see section 6.4.23 below) for the Index of Multiple Deprivation ("IMD") obscures small-area, sub-population inequalities. A robust assessment requires Lower layer Super Output Areas (LSOA) level consideration.

Human Rights Act 1998 ("HRA") - Article 8 ("ECHR")

6.4.12 Article 8 of the European Convention on Human Rights protects the right to respect for private and family life, home and correspondence. The proposed scheme would be contrary to Article 8 by creating environmental stressors including noise, odour, traffic, and the over-bearing visual effect of the building and chimney stack, causing persistent anxiety associated with proximity to such a large-scale industrial waste processing affecting residents over a prolonged operational lifespan of 40 years. Where such impacts are sufficiently serious and persistent, they may constitute an interference with Article 8 rights that is not proportionate to the aims pursued, particularly where the need for the facility has not been robustly established and less harmful alternatives remain available. Under section 6 of the HRA, it is unlawful for a public authority to act in a way which is incompatible with a Convention right. The Inspector is thus invited to consider any Article 8 impacts which might arise as a result of the appeal being allowed, and the Inspector is invited to weigh this dimension in assessing the overall balance of the appeal.

PPG and National Policy Context

6.4.13 The Planning Practice Guidance on 'Achieving Healthy and Inclusive Communities' confirms that health and wellbeing are material planning considerations.

National Policies on Suicide Planning

PHE/UKHSA publications including 'Local Suicide Prevention Planning' (2020) and Suicide prevention strategy for England: 2023 to 2028 ' form part of the national policy context and highlight the multiplying impacts of suicide and self-harm on affected communities.

Table 4 – IMD and Mental Health Baseline

Indicator	BCP (inc Bearwood & Merley)	England Average	Deviation
Suicide Rate per 100,000	15.2	10.4	+46.1% (Significant)
Self-Harm Hospital Admissions (per 100,000)	198	139	+42.6% (Significant)
Long-Term Mental Health Illness	23.5% above national rate (specific to Bearwood & Merley)	N/A	23.5% above the national average (Significant)
IMD (Worst LSOA, Bearwood)	Decile 2 (very deprived)	N/A	BottomD 15% nationally

6.4.14 The communities of Bearwood and Merley are sensitive residential receptors close to the proposed development site. The 2022 ONS data records a population of 14,025 for this ward.

6.4.15 Referenced official data establishes the following baseline indicators for the BCP area and Bearwood Merley:

6.4.16 The suicide rate data is drawn from ZSA (Zero Suicide Alliance) Benchmarking (2021–2023) Appendices, pages 32 & 33, ranking BCP 15th worst of 151 Local Authorities. The ZSA draw data from Government and NHS sources. The serious self-harm admissions data is drawn from ZSA Hospital Episode Statistics (2023/24), ranking BCP 19th of 151 Local Authorities. The long-term mental health conditions for Bearwood & Merley at Figure 1 is drawn from ONS 2021 Census data.

6.4.17 These rates are not static. Both suicide and serious self-harm rates have been increasing year on year. This is an important context for assessing the 40-year operational lifespan of the proposed facility.

6.4.18 The Appellant's Environmental Statement Appendix 14.1, pages 6 & 6 (CD1 1.27 (a)) identified that:

> *"Mental health indicators show Bearwood and Merley to be below the regional and national averages, with more hospital stays for self-harm and a higher suicide rate… On this basis, individuals could be more vulnerable to changes to the environment, and so this should be taken into consideration with the proposed development."*
>
> *"From 2016-2017 to 2020-2021, hospital stays for self-harm were significantly higher, and therefore significantly worse, than the England average for Bearwood and Merley..."*

Despite the Appellant's own assessment, no consideration has been made by the Appellant in accordance with their ES, which stated no mitigation measures were required.

6.4.19 The Economic Cost of Suicide in the UK (2024), a research paper commissioned by the Samaritans on pages 4 & 5, (Appendices, pages 34 & 35) articulates that for every suicide it is estimated that the average economic cost in England is £1,458,136, with a significant economic impact to employment productivity losses and associated health care and other costs. It also estimated that each suicide impacts 135 people, and that losing someone to suicide can also increase a person's risk of taking their own life.

6.4.20 Public Health England published 'Local Suicide Prevention Planning' (2020), The report gives Local Authority guidance and on page 10 highlights that individuals in the lowest socio-economic groups and most deprived areas are up to 10 times more at risk of suicide than those in the most affluent areas (Appendices, page 36). This can be applied directly to areas of the Bearwood LSOA population and shows the importance of appropriately assessing vulnerable sub-populations.

6.4.21 The PHE (UKHSA) have published a number of Government policy reports highlighting the significance of reducing suicide rates, (i.e. 'Suicide prevention in England: 5-year cross-sector strategy'), (CD9 1.93), and are committed to tackling suicide nationally. This highlights the local and national policy significance and why 'Significant' should be applied to ES receptor sensitivity scoring for the local population.

6.4.22 In addition to the elevated suicide and serious self-harm data. Bearwood and Merley suffer from long-term physical and mental conditions, 23.5% higher than the national average, as depicted in Figure 1 below:

Figure 9 - Long-term Health in Bearwood & Merley

Long term health problem or disability

Persons

	Bearwood & Merley Ward (as of 2022)		Bournemouth, Christchurch and Poole Local Authority		England Country	
	count	%	count	%	count	%
All usual residents	14,025	100.0	400,196	100.0	56,490,048	100.0
Disabled under the Equality Act: Day-to-day activities limited a lot	920	6.6	30,616	7.7	4,140,357	7.3
Disabled under the Equality Act: Day-to-day activities limited a little	1,495	10.7	43,222	10.8	5,634,153	10.0
Not disabled under the Equality Act: Has long term physical or mental health condition but day-to-day activities are not limited	1,184	8.4	29,898	7.5	3,856,029	6.8
Not disabled under the Equality Act: No long term physical or mental health conditions	10,426	74.3	296,460	74.1	42,859,309	75.9

Source: ONS - 2021 Census (TS038)[9]

Flaws in MVV's Methodology of Sensitivity Classification

Ward-Level Averaging Conceals Sub-Population Areas of Deprivation

6.4.23 MVV's Environmental Statement Appendix 14.1 presents Bearwood and Merley as a relatively prosperous area with low deprivation and good health outcomes, applying a single IMD score of 11.7. However, the 2025 IMD LSOA level data evidences a wide disparity

between the Bearwood and Merley communities. As an example, one Bearwood LSOA ranks within the worst 4.15% in England for the Education, Skills and Training Rank.

The Appellant's scoring and summary in the ES has averaged out the IMD data across Bearwood and Merley, masking pockets of deprivation in Bearwood. The Appellant's ES is therefore not reliable in this respect.

6.4.24 The Ward's LSOAs range from IMD rank 3,175 (decile 1, very deprived) to rank 32,657 (decile 10, least deprived) out of 32,844 LSOAs nationally. This means the most deprived area of the Ward (in Bearwood) falls within the 10th percentile most deprived in England.

6.4.25 A correct comparison of IMD indicators between Bearwood and Merley is at Appendices, pages 37 & 38 and provides a side-by-side comparison between the two communities for 2025 Index of Multiple Deprivation data. This shows significant pockets of deprivation across Bearwood LSOAs in contrast to Merley (which does not suffer the same levels of deprivation). This demonstrates the flaws in the Appellant's ES approach, which conflicts with IEMA guidance in ensuring pockets of deprivation receive the correct sensitivity score (page 16, 'Table 7.1 Health sensitivity methodology criteria', IEMA Guide to Determining Significance for Human Health In Environmental Impact Assessment'. See Figure 12 below.

6.4.26 Bearwood's Income, Employment, Education and Health Deprivation domain rankings fall in deciles 1–2, amongst the worst rankings nationally (Employment, Education and Health all in decile 1; Income in decile 2); and whilst beyond the scope of this analysis Kinson and West Howe communities, which border Bearwood, and in some areas are closer to the proposed development site than parts of Bearwood and Merley are amongst the very most deprived areas in the country. Appendices, page 39 provides an illustrative map of their proximity to the proposed site and IMD ratings.

6.4.27 The Appellant reviewed these mental health concerns which were raised to the LPA by Magwatch in April 2025 and subsequently forwarded by the LPA to Savills (the Appellant's agent) in May 2025. It was reviewed by the ES author, Ms Tara Barrat, Savills, and Dr Andrew Buroni, Savills.

6.4.28 in response to the LPA are below (Appendices, pages 30 &41):

> *"1. Following a review of the Magwatch report on the mental health effects from industrial sites, it is understood that the underpinning health evidence applied is incorrect, and the calculation offered is unsupported.*
>
> *2. All credible health pathways associated with the construction and operation of the proposed development have been assessed, and found to have no measurable risk to public health.*
>
> *3. This coincides with the UKHSA's position, that modern, well run and regulated*

municipal waste incinerators are not a significant risk to public health. The UKHSA will continue to review its advice in light of any new substantial research on the health effects of incinerators published in peer-reviewed journals. To date, UKHSA is not aware of any evidence that requires a change in the position statement."

6.4.29 In examination of the Appellant's response to the LPA, none of the key points or concerns were addressed by the Appellant's agent:

i. On point 1, it is unclear what Savill's think is incorrect or why. Paragraphs 6.4.23 to 6.4.26, and 6.4.32 to 6.4.34 of this Proof provide the basis as to why Magwatch maintains the Appellant's calculations are not consistent with IEMA guidance and why the Appellant's sensitivity scoring is not reliable.

ii. On point 2, no points from the Magwatch report were addressed. Health pathways and ES assessments cannot be satisfied if the underpinning data and sensitivity scoring masks pockets of deprivation, and is thus based on incorrect scoring. The Appellant did not address the question of averaging the data between Bearwood and Merley, masking pockets of deprivation. In-turn, the appellant has therefore made their assessments based on unsupported data, and has not evidenced any material to address the conclusions in their own ES Appendix 14.1, (CD1 1.27 (a)), page 6 that "*individuals could be more vulnerable to changes in the environment, and so this should be taken into consideration with the proposed development*."

iii. On point 3, the Appellant evades the consultation evidence provided in the Magwatch report. The evidence was from the UKHSA confirming that the UKHSA MWI Study did not include any research with regards to mental health. Hence, their overall response had no meaning to the LPAs query and did not address any points raised in the Magwatch report.

6.4.30 In summary to Savill's response, the Appellant failed to acknowledge the UKHSAs response within the Magwatch report that mental health harms did not form any part of the UKHSA MWI Study, nor was there any rationale provided as to why the Appellant averaged the Bearwood and Merley data without consideration of sensitive and vulnerable sub-populations.

6.4.31 This Appellant's ES approach is consequently unsupported by IEMA guidance, which specifically expresses that pockets of deprivation should be considered and merit a 'High' sensitivity classification in accordance with the IEMA sensitivity methodology criteria at Figure 12 below.

Misclassification of ES Sensitivity

6.4.32 MVV's classification of Bearwood and Merley as '*low sensitivity*' in the ES Appendix 14.1 (CD1 1.27 (b)) to the proposed development conflicts with IEMA's 2022 guidance sensitivity matrix (Figure 10 below showing Table 4.1 from the IEMA 2022 Guidance, page 16). IEMA guidance defines sensitivity with reference to health status, vulnerability, existing inequalities and exposure pathways. Communities with multiple vulnerability indicators, including elevated mental health illness, deprivation, and elevated self-harm and suicide rates, and vulnerability to environmental changes such as those that would be associated with the proposed development should therefore be classified with a 'High' sensitivity receptor score.

6.4.33 IEMA guidance paragraph 4.7, page 16:

> *"EIA methods typically use a matrix of sensitivity and magnitude. For health this identifies if there is a relevant population (the sensitive receptor) and if there is a relevant project change to a health determinant (magnitude of impact). This alone does not fully explain whether the change is important, desirable or acceptable for public health."*

Figure 10 IEMA - EIA Significance Matrix

Table 4.1: Generic indicative EIA significance matrix

		Sensitivity			
		High	**Medium**	**Low**	**Very Low**
Magnitude	**High**	Major	Major/moderate	Moderate/minor	Minor/negligible
	Medium	Major/moderate	Moderate	Minor	Minor/negligible
	Low	Moderate/minor	Minor	Minor	Negligible
	Negligible	Minor/negligible	Minor/negligible	Negligible	Negligible

6.4.34 Figure 11 below is Table 7.1 from the "*IEMA Guide to - Determining Significance For Human Health In Environmental Impact Assessment*". In the descriptions of how to assess criteria for 'Category/Level' of a population or sub-population's sensitivity. In the High category it outlines that high levels of deprivation:

> "*...including pockets of deprivation*" and "*...people with a very low capacity to adapt*", and "*... a community whose outlook is predominantly one of anxiety or concern*" should be categorised at the 'High' level of sensitivity.

In ES Chapter 14 on Population and Health, the Appellant stated IEMA health sensitivity methodology criteria "*has been used to inform the assessment of significance*", (paragraph 14.2.36 / Table 14-1).

Further examination of the Appellant's ES Chapter 14, paragraph 14.2.34 states:

> *"Receptor sensitivity*
>
> *Within a defined population, individuals will range in level of sensitivity due to a series of factors such as age, socio-economic deprivation and the prevalence of any pre-*

existing health conditions which could become exacerbated. These individuals can be considered particularly vulnerable to changes in environmental and socio-economic factors (both adversely and beneficially) whereby they could experience disproportionate effects when compared to the general population."

And in paragraph 14.2.38:

"As such, when looking at the population in general, the existing burden of poor health is low. However, this does not exclude the probability that there will be individuals within a defined population who are particularly sensitive and could experience disproportionate effects."

And in paragraph 14.2.54 the Appellant acknowledges a number of health concerns:

"*Representations outlined some general health concerns, with some specific concerns relating to changes in local air quality, odour and noise, and the proximity of the proposed EfW CHP Facility to residential and education Receptors*."

This applies directly to the IMD statistics for Bearwood and evidence at Appendices, pages 42 & 43, which demonstrate a sample of the anxieties and concerns of the local population. The were a high number of objections to the planning application for the PD also containing examples of the concerns of the community. However, the Appellant's averaging of Bearwood and Merley IMD data, conceals the Bearwood pockets of deprivation within the Appellant's ES assessment, contrary to the IEMA scoring methodology.

Figure 11 – IEMA – Health Sensitivity Methodology Criteria:

Table 7.1 Health sensitivity methodology criteria

Category/Level	**Indicative criteria (judgement based on most relevant criteria, it is likely in any given analysis that some criteria will span categories)** The narrative explains that the population or sub-population's sensitivity is driven by (select as appropriate):
High	*high* levels of deprivation (including pockets of deprivation); *reliance* on resources shared (between the population and the project); existing *wide* inequalities between the most and least healthy; a community whose outlook is predominantly *anxiety or concern*; people who are *prevented* from undertaking daily activities; *dependants*; people with *very poor* health status; and/or people with a *very low* capacity to adapt
Medium	*moderate* levels of deprivation; *few* alternatives to shared resources; existing *widening* inequalities between the most and least healthy; a community whose outlook is predominantly *uncertainty* with some concern; people who are *highly limited* from undertaking daily activities; people providing or requiring *a lot of care*; people with *poor* health status; and/or people with a *limited* capacity to adapt
Low	*low* levels of deprivation; *many* alternatives to shared resources; existing *narrowing* inequalities between the most and least healthy; a community whose outlook is predominantly *ambivalence* with some concern; people who are *slightly limited* from undertaking daily activities; people providing or requiring *some care*; people with *fair* health status; and/or people with a *high* capacity to adapt
Very Low	*very low* levels of deprivation; *no* shared resources; existing *narrow* inequalities between the most and least healthy; a community whose outlook is predominantly *support* with some concern; people who are *not limited* from undertaking daily activities; people who are *independent* (not a carer or dependant); people with *good* health status; and/or people with a *very high* capacity to adapt.

IEMA paragraph 8.8 *"Deprivation is a term with different indicators in different jurisdictions... Regardless of the appropriate measure for the context, deprivation reflects an increased sensitivity. Deprivation differences between areas are indicative of social gradients, which are central to the consideration of health inequalities. The potential for localised high deprivation within wider areas showing average or low deprivation should always be considered..."*

6.4.35 IEMA's guidance requires the assessor to identify the "*most relevant geographic population*" and to focus on "*smaller areas where feasible*" (Determining Significance For Human Health In Environmental Impact Assessment, paragraph 6.1, page 10). The same guidance also makes clear that localised High deprivation within wider areas that appear average or relatively less deprived must still be identified, and it expressly articulates high deprivation including "*pockets of deprivation*", as a criterion of 'High' sensitivity.

6.4.36 Table 6 below compares assessed IEMA expectations against MVV's classification and the evidence:

Table 5 – IEMA vs MVV Sensitivity Classification

Criterion	IEMA Expectation	MVV's Classification	Evidence
Suicide & Self-Harm Rates	High sensitivity	Low sensitivity	Suicide +46%, Self-harm +43% above national average
Deprivation (IMD)	Medium–High sensitivity	Low sensitivity	Bearwood LSOA decile 2 (bottom 15% nationally)
Mental/Physical Illness Prevalence	High sensitivity	Not assessed	23.5% above national long-term illness rate
NHS / Public Health Engagement	Required	None	No engagement with NHS or Public Health officials
Community Context	Should influence weighting	Ignored	ES conclusion, Pockets of deprivation, community engagement, objections concerns, public posts all evidencing harms

6.4.37 MVV's 'low sensitivity' classification is neither justified nor supported by IEMA's 2022 Health in EIA guidance and on this basis is unreliable (CD9 1.92).

The Appellant's ES has taken no consideration of the mental harms, elevated suicide and serious self-harm findings in the ES conclusion that the local communities are vulnerable and would potentially be more sensitive to the proposed development.

6.4.38 The Appellant has not engaged with public health officials or engaged appropriately with the general public on their ES findings in relation to the community's mental health vulnerabilities, perception of harm, or realised fears and anxieties resulting from the proposed development. That is despite the fact that the Appellant's Chapter 14 ES (14.2.6) acknowledges that such engagement is helpful to further assist scoping of health in EIA, including identification of determinants of health and relevant population groups; specific wider groups for further engagement; and any other useful information or data.

Absence of NHS and Public Health Engagement

6.4.39 ES Chapter 14, section 14.2.5 articulates '*early engagement with public health and planning stakeholders and the general public during scoping*' as a means of satisfying IEMA guidance. The Appellant concluded no such engagement with public health officials, statutory consultees, or the general public on matters concerning mental health based on the conclusions of the ES was required, as per paragraph 14.2.57, (CD1 1.27 (a)).

6.4.40 Conversely, ES paragraph 14.3.7 confirms the significant mental health burden on the population Bearwood and Merley:

> *"...mental health in the Bearwood and Merley ward is worse than nationally. Specifically, the population of Bearwood and Merley ward has a higher rate of hospital stays for self-harm and suicide rate compared to the national average."*

6.4.41 The Appellant's ES makes no consideration of mental health concerns rather than addressing them as part of the HIA. Without apparent basis, part of the ES conclusion implies that the population's resilience to change is good, contrary to the conclusions in the ES Appendix 14.1 (CD1 1.27 (b)) stating the opposite and contrary to ES paragraph 14.3.10 which concluded:

> *"On the above basis, local health circumstance is considered good, with consequent resilience to change also considered to be good."*

The Appellant's ES makes a collection of conclusions based on a low sensitivity score, which Magwatch disputes.

6.4.42 In the ES section 'Health effects from changes in local air quality' (paragraph 14.5.4, CD1 1.27 (a)), the Appellant's assessment is made against a 'low sensitivity' scoring, which Magwatch maintains for the reasons already outlined is an incorrect sensitivity scoring. This renders the following conclusion at ES paragraph 14.5.4 unreliable:

> *"On this basis, the magnitude of impact on population and health would be negligible, which**, in an area of low sensitivity** would result in a minor adverse effect, which is not considered to be significant."*

6.4.43 Similarly, ES section on Health effects from changes in noise exposure, paragraphs, 14.5.6 and 14.5.11 demonstrate there will be increased noise levels, due to vehicles running 13

hours a day on week days and 8 hours on Saturdays for 3 years during the proposed construction phase, and 7 days a week when operational. For the impacted population, this would have a significant impact. The Appellant's approach concludes on the same flawed low sensitivity scoring.

6.4.44 The health effects from changes in transport nature and flow rate are based on the disputed ES low sensitivity classification. Traffic concerns have been raised as a key concern by residents throughout the application process with a high number of objections citing HGV traffic as a concern, and which was echoed in community engagements with the Appellant. The ES (paragraphs *14.5.18 and 14.5.19)* rates both low sensitivity and negligible significance of effect, contrary to public concerns.

6.4.45 Despite hundreds of objections citing multiple environmental concerns, evidence of community perception of harm, real harms and the Appellant's ES conclusions on the mental health vulnerabilities of the local population all of the Appellant's ES scoring was either low, very low, negligible and insignificant. Magwatch maintains that there is sufficient evidence of community perception of harm and real harms which runs contrary to the Appellant's assessments. The lack of acknowledgment of anything of concern or requirement to mitigate any health impacts resulting from the proposed development; or engagement with public health officials and statutory consultees by the Appellant is an underestimation of potential health impacts.

6.4.46 Dorset Mind, the regional arm of the national mental health charity Mind, confirmed that the fears of the Bearwood and Merley community are real and have made its mental health team aware of the concerns when working in these communities (see Appendices, pages 54 & 56).

Dorset Mind's CEO, Linda O'Sullivan stated: "*Dorset Mind recognises the particular stress and anxiety that the people of Bearwood are currently facing with the looming Canford Incinerator. Their fears are real fears, and we will support them in any way we can*."

The Appellant's Reliance on UKHSA MWI Study is Flawed

6.4.47 The waste incineration industry, and the Appellant in this matter consistently relies on the UKHSA opinion, Health impacts of emissions from incinerators:

> *"…that modern, well run and regulated Municipal Waste Incinerators are not a significant risk to public health, as these incinerators only make a small contribution to local concentrations of air pollutants."*

However, the UKHSA MWI Study (CD9 1.31) on which that opinion is based relates only to physical health harms as set out below.

6.4.48 Magwatch consulted directly with UKHSA and confirmed that the MWI Study did not consider mental health impacts and risks (Appendices, pages 57 to 59):

> *"...at the present time, the 2019 statement remains current, although it is acknowledged this research by Imperial did not consider risks to mental health. This is an area which may be subject to further research in the future."* [emphasis added]

This is consistent with the Inspector's conclusions in the EfW appeal, Archers Field, APP/Z1585/W/24/3357445, 1 September 2025, (CD9 1.22), paragraph 103:

> *"…the MWI research 'was directed primarily at physical health conditions rather than effects on mental health and well-being".*

6.4.49 In fact, none of the research in the UKHSA MWI Study led by Imperial College London was directed towards mental health harms, therefore the Appellant cannot rely on UKHSA MWI Study to dismiss mental health harms or rely upon related UKHSA opinion for any form of mitigation for mental health harms.

Indicative Projected Mental Health Impacts

6.4.50 This section projects the potential increase in suicide and serious self-harm incidents that may be associated with the proposed development as a result of environmental stressors on an already vulnerable population.

6.4.51 The methodology utilises an indicative Comparative Risk Assessment (CRA) approach with baseline rates and relative risk (RR) values for mental health impacts from environmental stressors, including but not limited to those outlined in paragraph 6.5.56 below.

6.4.52 The formula applied is: Projected Cases = Baseline Rate × Relative Risk × Population. Baseline cases (i.e without the proposed development's impact) are subtracted from projected cases to estimate additional cases that may be attributable to environmental stressors from the proposed development. Calculations are based on a 40-year operational lifespan of the proposed development.

Baseline Parameters

i) Population of Bearwood and Merley: 14,025 (2021 ONS)

ii) Baseline suicide rate: 15.2 per 100,000 (ZSA data, 2021/2023)

iii) Baseline self-harm admissions: 198 per 100,000 (ZSA data, 2023/24)

Iv) Relative Risk values: Low exposure RR = 1.05 (5% increase); Moderate RR = 1.10 (10% increase); High RR = 1.15 (15% increase)

6.4.53 BCP population c400,196 (2021 ONS) of which the population of Bearwood & Merley represent 3.5% (pop 14,025). 15.2 (suicides) per 100,000 x 4 (BCP pop) provides a baseline

BCP suicide rate of 60.8pa. 3.5% x 60.8 = 2.1 annual suicide baseline for the Bearwood & Merley population. 2.1 x 40 (years) = 84 baseline cases over 40 years.

Suicide Indicative Risk Projections - Additional Cases Over 40 Years

Table 6:

Scenario	Baseline Cases	Projected Cases	Additional Cases
Low (RR 1.05)	84	88.2	+4.2
Moderate (RR 1.10)	84	93.4	+8.4
High (RR 1.15)	84	97.6	+12.6

6.4.54 BCP population c400,196 of which the population of Bearwood & Merley represent 3.5% (pop 14,025). Then 198 (self-harm incidents) per 100,000 x 4 (BCP pop) provides a baseline BCP serious self-harm rate of 792pa. Then 3.5% x 60.8 = 27.7 annual serious self-harm rate baseline for Bearwood & Merley. Then 27.7 x 40 (years) = 1,108 baseline cases over 40 years. Note, serious self-harm relates to those involving hospital admission.

Self-Harm Indicative Hospital Admission Projections — Additional Cases Over 40 Years

Table 8:

Scenario	Baseline Cases	Projected Cases	Additional Cases
Low (RR 1.05)	1,108	1,163.4	+55.4
Moderate (RR 1.10)	1,108	1,218.8	+110.8
High (RR 1.15)	1,108	1,274.2	+166.2

6.4.55 Under a moderate scenario, the facility could contribute to 8–9 additional suicides and approximately 111 additional serious self-harm hospital admissions over 40 years in Bearwood and Merley alone. Under a high-impact scenario 13 additional preventable suicides and approximately 166 additional self-harm admissions.

Mental Health Impact from Environmental Stressors

6.4.56 Industrial developments have been linked to elevated stress, anxiety and community distress due to concerns over air pollution, visual amenity, climate impacts, mental health risks, aviation safety, noise, odour, traffic, economic impacts (such as lowering property prices) and other environmental stressors. The UKHSA also acknowledge a research gap around the mental health effects resulting from incinerators.

6.4.57 The BBC report, '*Flies, rats and offers of hush money - the price of living next to a 'monster' incinerator*' (16 October 2024), (Appendices, pages 60 to 65), exposed how waste incinerators are ten times more likely to be built in deprived areas, and the harmful effects on the communities where they are built. In that report food bank manager in Runcorn, Eddie Thompson MBE, stated:

> *"Residents who live near the Runcorn incinerator have been psychologically impacted."*

6.4.58 In light of the Bearwood IMD indicators there are parallels between Runcorn and Bearwood as communities with deprived areas.

6.4.59 Appendices pages 42 to 53, provides further evidence from the local community of the current impact of the proposed development on their mental health, including the event and impact on the local community from a serious fire at the proposed site in 2018.

6.4.60 MVV's ES Chapter 13 (Noise and Vibration), (CD1 1.26 (a)), outlines the facility would operate 24 hours a day, 365 days per year, with waste deliveries between 07:00 and 20:00 for 362 days a year. This presents an impact to the community and receptors that is not 'negligible' as the Appellant contends. The community is currently protected from HGV waste operations with more limited daily hours and no vehicle operations on Sundays, this will be lost if the proposed scheme is built.

6.4.61 Section 14.5.45 of the ES Chapter 14 (CD1 1.27 (a)), acknowledges potential increases in noise exposure during both the daytime and night-time periods, recognising there will be an increase in noise and vibration; it is therefore a material environmental stressor, regardless of impact assessments.

> "*Due to the continuous nature of the on-site energy production, there is potential for increases in noise exposure during the daytime period (from the facility itself and waste deliveries) and during the night-time period (from the facility itself but not waste deliveries as these would only occur during the daytime). As a result, the population and health assessment investigates potential health outcomes arising from both annoyance and sleep disturbance*."

6.4.62 Visual amenity and lighting constitute further environmental stressors that cannot be mitigated due to the height and scale of the proposed scheme. The proposed 110m chimney stack plus plume would represent the tallest structure in Dorset, its sheer scale would be stark in contrast in the green-belt. It is not located in an industrial area, it would be overbearing and dominant across all of the local communities and beyond, the 110m stack equivalent in height to a 37-storey building, and the main building equivalent to 17 storeys, even more prominent at nighttime being illuminated for aviation safeguarding purposes.

6.4.63 NPPF paragraph 198(c) requires decisions to limit the impact of light pollution from artificial light on local amenity. There would be a significant impact on the local communities, particularly on the nearby, recently built Canford Paddock estate, the residents of whom were not aware of plans for the proposed development when they purchased their properties.

6.4.64 Magwatch draws attention to the multiple local residents who have publicly highlighted the impact of the development proposal on their current mental health, including anxieties, not

sleeping, fear for their children's future, fear of emissions and aviation safety. A key example is outlined in the Canford Community Interested Party Statement, Part 2 by Natalie and Neil Clarke, pages 64-69 (CD9 1.48 (a)), which articulate a range of mental health and well-being harms affecting their family.

6.4.65 Several other individuals have publicly cited being impacted by anxiety or worry and sleepless nights. Others have expressed concern for their children attending schools in close proximity to the proposed site. Mental health and well-being harms have already materialised in the local population. The Appellant's ES and community engagements have not addressed or mitigated any community fears, or perception of harm (appendices 42 pages 53)

Mental Health – Pollution, Toxins, Health Impact

6.4.66 Apart from the impact on visual amenity, the importance of emissions emanating from an incineration process are also relevant to assessing mental health harms.

6.4.67 In the planning balance, according to NPPF 193b, if the marginal benefits of the EfW do not clearly outweigh the harm that would befall the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest, then development 'should not normally be permitted '*should not normally be permitted*'.

6.4.68 Indeed, MVV acknowledge emissions including (but not limited to) particulate matter PM10 and PM2.5, nitrogen dioxide, sulphur dioxide, ammonia, dioxins, furans, polyaromatic hydrocarbons and heavy metals such as lead and mercury. These pollutants can have profound consequences for public health, particularly for vulnerable groups such as children, the elderly, and those with pre-existing respiratory conditions. Research has shown that exposure to fine particulate matter (PM2.5) is linked to respiratory and cardiovascular diseases, while nitrous oxides contribute to respiratory irritation and exacerbate asthma symptoms (Air Pollution-Induced Neurotoxicity: The Relationship Between Air Pollution, Epigenetic Changes, and Neurological Disorders (2025), and Pollution from Waste Incineration A Synopsis of Expert Presentations on Health and Air Quality Impacts (2021)), (Appendices, pages 66 & 67).

6.4.69 Modern filtration systems have limitations and only prove to be effective for inhibiting the escape of material greater than PM2.5. The majority of particles are ultrafine or nanoparticles (PM0.1). The concerns to human health resulting from ultrafine particulate matter, which is not filtered or monitored, and other health impacts arising from waste incinerators is well documented. The DEFRA UK Air Information resource, 'Particle Concentrations and Numbers Network' identifies exposure to airborne particulate matter is associated with a range of adverse effects on human health including effects on the

respiratory and cardiovascular systems, leading to hospital admissions and mortality (Appendices page 66).

6.4.70 According to that note, it is the number of particulates, as opposed to their combined mass, which is the key determinant for human ill health. The smallest particulates act like a gas and can readily penetrate the bloodstream via a process called pinocytosis leading to neurotoxicity, in turn leading to the development of neuro degenerative diseases. (page 5, Pollution from Waste Incineration: A Synopsis of Expert Presentations on Health and Air Quality Impacts: All-Party Parliamentary Group on Air Pollution 2021)), Appendices, page 670.

6.4.71 Because the formation of these particles has come about through the process of incineration of a heterogenous waste stream, toxic substances, such as dioxins, form (page 4, Pollution from Waste Incineration: A Synopsis of Expert Presentations on Health and Air Quality Impacts: All-Party Parliamentary Group on Air Pollution 2021). (Appendices, page 67).

6.4.72 ES paragraph 14.5.43 (CD1 1.27 (b)), in the section on 'Dioxins, furans (PCDD/F) and dioxin-like polychlorinated biphenyls (PCBs)' weighted "*negligible significance*" is based on the disputed low sensitivity classification. Magwatch maintains that the Appellant's underpinning weighting renders the ES assessment unreliable in this respect, applying a low sensitivity score relating to PM, NO2 and dioxins, furans and dioxin-like PCBs.

Conclusion – Planning Balance

6.4.73 There is tangible evidence demonstrating there is already significant harm affecting the physical and mental health of a number of individuals from the local community, who are vulnerable to change from developments of this type.

The Appellant has not, or not adequately assessed, recognised or mitigated the mental health vulnerabilities present in the Bearwood and Merley communities.

6.4.74 This Proof presents indicative risk-based projections indicating that approval of this facility could lead to a measurable increase in suicide, serious self-harm incidents and other mental health conditions over the 40-year operational lifespan of the proposed development, for which there is no mitigation. The Appellant already identified the local population as vulnerable for mental health, the risk and harms to mental health (real and perceived) conflicts with:

i) NPPF paragraph 96(c) - which requires support for healthy communities;

iii) NPPF paragraph 8(b) – which requires places that support communities' health, social and cultural well-being.

iv) Dorset Waste Plan Policy 13 - which mandates that health impacts be mitigated;

v) IEMA 2022 Health in EIA Guidance - which defines proper methodology for health sensitivity classification and stakeholder engagement.

6.4.75 In the Archers Field EfW appeal [CD9 1.22], the Inspector afforded moderate weight to the community's perception of harm, a higher level than in prior EfW cases where local circumstances were sufficiently differentiated. In the case of the Canford proposal the circumstances outlined in the established vulnerabilities of the community are compelling, and community perception of harm has already led to real fears and anxieties manifesting. The statement from the CEO of Dorset Mind confirms that the fears of the community resulting from the proposed development are real (Archers Field Appeal - APP/Z1585/W/24/3357445, paragraph 110), (CD9 1.22).

6.4.76 Substantial adverse weight should be afforded to the mental health harms and policy breaches established in this Proof. The inspector is therefore respectfully invited to dismiss the appeal.

7. BENEFITS OF THE PROPOSED DEVELOPMENT

7.1 CLAIMED BENEFIT: CARBON CAPTURE READINESS

Introduction

7.1.1 From February 2026 any development comparable to the Proposed Development must include a 'decarbonisation readiness' plan as part of its environmental permit application. This must show that the plant could be decarbonised in the future (via carbon capture), and the permit will not be granted if the Environment Agency is not satisfied that this is feasible.

7.1.2 The Proposed Development received an environmental permit on 10 June 2025 and therefore is not strictly subject to the conditions requiring evidence that carbon capture is feasible. However, the Appellant has presented Carbon Capture as a benefit to be weighed in the planning balance.

7.1.3 The Appellant has presented Carbon Capture as a benefit to be weighed in the planning balance.

7.1.4 NPPF paragraph 153 states:

> *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.*

7.1.5 Moreover, the requirements in EN-1 [CD9 1.20] and EN-3 [CD9 1.21], which derive from the Defra Capacity Note (December 2024), present a much higher bar than merely demonstrating 'CHP readiness'. The DEFRA Note [CD9 1.1] states that:

> *Further developments must be able to demonstrate that making use of the heat they produce is viable and that they can be built carbon capture ready, in accordance with the government's 'decarbonisation readiness' requirements once they come into force.*

UKWIN Analysis

7.1.6 Magwatch endorses UKWIN's Interested Party submission (38, 12 February 2025) [CD9 1.47] in which in

i) the poor carbon capture and CHP readiness is analysed in close detail (pp 55-101).

ii) conclusions are offered on CCS/CHP and consideration of impacts on capture delivery (pp 117 – 130).

iii) government requirements on carbon capture readiness are outlined (175-177 and para 183).

7.1.7 The appeal by Archers Fields Energy Recovery Ltd (Clearaway) for Land South of Archers Fields Close, Burnt Mills Industrial Estate, Basildon [APP/Z1585/W/24/3357445] [CD9 1.22], which was dismissed in September 2025, offers helpful parallels with the Canford EfW proposal. The Inspector made the following comments:

i) *…The footprint for the carbon capture equipment and integration with existing systems was considered through evaluation of the proposed site to ensure it has sufficient space and infrastructure. The facility engineers had successfully trialled carbon capture storage technology on a similar plant in the Netherlands. Carbon capture was said to be technically viable. (para 143)*

ii) *The appellant's information on this element of 'decarbonisation readiness' is short on detail and lacks consistency, which is surprising in view of the reported trial of the technology and the matters raised in the written representations by UKWIN. The appellant's case primarily consists of general statements unsupported by documentary evidence… Notwithstanding initial assurances it emerged expansion of the site would be required but the land in question was not clearly identified. The carbon capture technology under consideration is not explained, nor is there consideration of any potential barriers to use of a retrofit bolt-on module. The economic feasibility has not been explored. With reference to the Defra note, the proposal has not demonstrated that the ERF would be carbon capture ready and ready to respond to the government's 'decarbonisation readiness' requirements when they come into force. (para 144)*

iii) *In summary, the proposals for carbon capture readiness have not been supported by consistent evidence. I accept not all details would be available at this stage of the development process and economic changes may occur in future. Nevertheless, the land use planning implications have not been addressed satisfactorily, nor has appropriate provision been made or demonstrated to overcome potential constraints and to facilitate delivery when required. Such matters significantly reduce the weight argued for by the appellant. (para 145)*

iv) *…the Defra note is clear that for the energy recovery developments we do need, projects should only be supported that offer the best efficiency and are*

future proofed towards supporting the net zero objectives. The proposal is inadequate in demonstrating that making use of the heat generated would be viable and the development can be built carbon capture ready. The position on heat export and carbon capture weighs strongly against the scheme in view of the requirements for new waste incinerators set out in the Defra note. (para 173)

Appellant's Claim of Very Special Circumstances -NPPF153, EN-1 & EN3

7.1.8 The Appellant has made various claims (pp7-8 July 2023 Planning Statement) that their scheme should benefit from Very Special Circumstances and from policies intended to support 'low carbon' energy, but these claims are not supported by the revised EN-1 and EN-3(2025).

> *A significant fraction of the residual waste incinerated is fossil-based, particularly plastics. These fossil-based materials produce significant CO_2 emissions when burned. We are not treating EfW as low carbon because of these significant CO_2 emissions.*

Therefore, the Canford proposal would not meet the criteria for 'low carbon' energy for the purpose of the NPPF.

7.1.9 The Clean Power 2030 Action Plan [CD9 1.10] also affirms that EfW should not be considered as low carbon for the purpose of the Critical National Priority (CNP) for low carbon energy within the context of nationally significant infrastructure.

7.1.10 The various policies cited by the Appellant do not justify 'Very Special Circumstances' with respect to the provision of renewable energy.

Assessment of Carbon Capture Readiness (CCR)

7.1.11 EN-1 4.9.28 [CD9 1.20] states:

- *In order to assure the Secretary of State that a proposed development is CCR, applicants must demonstrate that their proposal complies with guidance issued by the Secretary of State in November 2009 or any successor to it. The guidance requires:*
- *that sufficient space is available on or near the site to accommodate carbon capture equipment in the future;*
- *the technical feasibility of retrofitting their chosen carbon capture technology;*
- *that a suitable area of deep geological storage offshore exists for the storage of captured CO_2 from the proposed combustion station;*
- *the technical feasibility of transporting the captured CO_2 to the proposed storage area; and*

- *the economic feasibility within the combustion station's lifetime of the full CCS chain, covering retrofitting, transport and storage.*

Suitability of Site for Installation of CCS Facility

7.1.12 The Appellant's Statement of Case (SoC 3.7) claims:

> *Land is set aside within the EfW CHP Facility Site 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.*

7.1.13 The Appellant's Design and Access Statement [CD1 1.10] states in para 4.3.8:

> *'The layout includes an area identified as maintenance and laydown space which could also be used for future environmental requirements, that is carbon capture-ID23 on the above plan'.* (Fig4-8*)*
>
> The Appellant has not applied for a plant with a carbon capture facility. The concept of a retrofitted facility has merely been postulated. Reference is made to future potential but the site area fails to offer the physical space generally required for accommodating such a plant which would include CO_2 capture units, compression and liquefaction facilities, storage and transportation infrastructure.

7.1.14 The area referred to as ID23 is approximately 1100 metres^2 in area. As part of his review of Powerfuel Portland Ltd. (APP/D1265/W/23/3327692) [CD9 1.3], the planning Inspector conducted a qualitative and quantitative comparison between the Portland and Canford sites. His findings included the following observations:

> *'The land in question appears to be around 900 square metres in area which is a fraction of what would be required for a CCS facility serving an EfW of the scale proposed'.* And that:
>
> *'The Canford scheme cannot, therefore, deliver a deployable CCS plant in the only location identified for it.'* (IR 8.64*).*

7.1.15 In support of this, in May 2024, Muslemani et al from The Oxford Institute for Energy Studies (Carbon Capture from Energy-from-Waste -OIES Paper CM09) appraised the inventory of fifty-seven operating UK EfW facilities with emissions greater than 100,000tCO_2/pa. Each facility meeting the minimum capacity was screened for physical on-site space availability for CCS equipment. Minimum and maximum correlations for space required for the CCS equipment as a function of capacity were derived using existing CCS facilities and detailed front-end engineering design studies for upcoming CCS facilities (at that time in May 2024, 18 EfW facilities were under construction). From that study, it can be shown that a plant with an operating capacity of 260,000tCO^2/pa as proposed at Canford, would require a minimum

of 5000metres^2 upwards to 11000metres^2 to accommodate the full infrastructure required for a commercial scale plant.

7.1.16 The consented Suez site at the Haverton Hill Industrial Estate in Billingham (Tees Valley Carbon Capture Facility) is designed to capture 240,000tCO^2/pa. This is a slightly smaller facility than that proposed at Canford but 10,000metres^2 of land has been allocated at Haverton, compared with 1100 metres^2 at the Canford site. (See Fig 13 for diagrams)

7.1.17 Therefore, given that ID23 comprises 1100 metres^2, the allocated site is grossly inadequate for a CCS facility. In any event, the prescribed parcel of 1100 metres^2 is already being used for 'laydown maintenance' so this facility would permanently displace a function without offering an alternative area within the prescribed site for this activity. Moreover, given that the Appellant's site already extends beyond the site allocated in the BCPD Waste Plan [CD6 1.1], is adjacent to an SSSI (Canford Heath) and it already extends into the Green Belt, it is not possible to see how a retrofitted CCS can be accommodated within the current application site or indeed how the site could be extended without breaching current planning guidance.

7.1.18 According to the minutes of the Wisbech MVV Community Liaison Group meeting of 16 April 2025 [CD9 1.46], when MVV's Managing Director, Paul Carey, was asked for his opinion on carbon capture, he replied:

> *Yes, but an effective, industrial carbon capture plant requires very large equipment. The technology is evolving and the biggest challenge is what to do with the carbon at the end of the process. Currently, to avoid it being released into the atmosphere, a leading option is to build a pipeline and pump the carbon into empty gas fields. A further Development Consent Order would be required for that pipeline.*

The Appellant itself acknowledges that the scale of the required carbon capture plant would by far outstrip the extremely limited and constrained space reserved in ID 23.

7.1.19 In the Appellant's Environmental Statement Chapter 3: Description of the Proposed Development, Laydown/maintenance area**,** 3.4.49 [CD1 1.16 (a)], the Appellant describes the nature of the constrained space that apparently also doubles for CCR:

> *A laydown/maintenance area would be located to the south-west of the weighbridge/gatehouse. This area of land would comprise permeable hardstanding and measure approximately 37m in length and 25m in width. It would be used for the temporary storage of plant and materials required to facilitate maintenance of the EfW CHP Facility.'*

If the land is permeable hardstanding, then water will ingress and drain naturally. This would change if a building were to be erected on this parcel of land. No evidence of changes to drainage or water management for this specific space have been submitted, in consideration

of the proposed dual purpose for ID 23, which would likely require renewed impact assessments and consultation with Wessex Water. The potential risks and impact have not been adequately assessed or consulted upon.

In view of the above, this is a further disbenefit that should carry adverse weight in the planning balance.

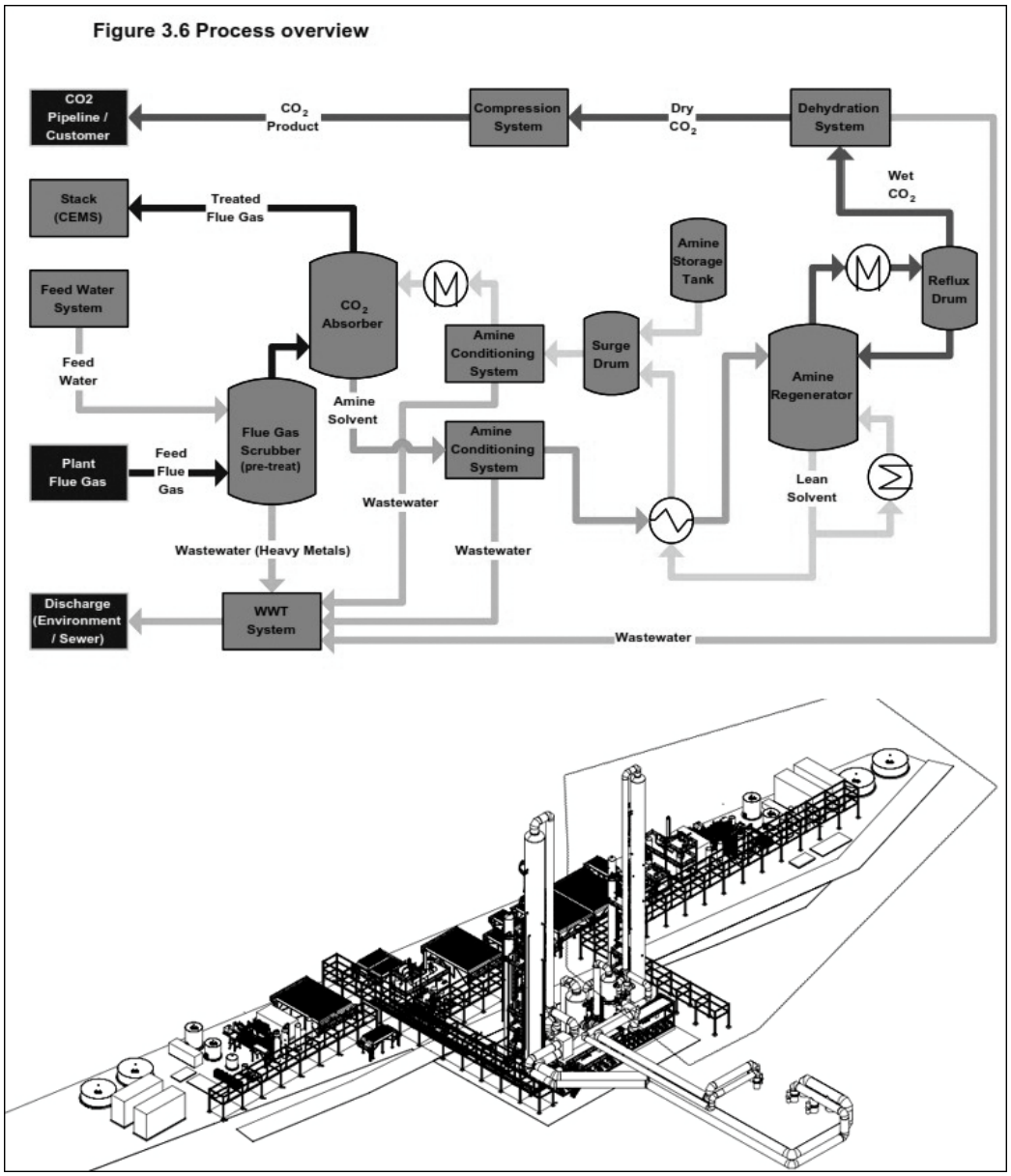

Fig 12 Process overview and isometric elevation from Suez Planning Statement for Tees Valley Carbon Capture Facility (December 2022)

Technical & Economic Feasibility

7.1.20 EN-1 4.9.29 [CD9 1.20] states:

> *The Government envisages that the technical feasibility study for retrofitting CCS equipment will take the form of a written report and accompanying plant designs which:*

- *Make clear which capture technology is currently considered most appropriate for retrofit in the future to the power station*
- *Provide sufficient detail to enable the EA or NRW to advise the Secretary of State on whether the applicant has sufficiently demonstrated there are no currently known technical barriers to subsequent retrofit of the declared capture technology*

Further, 4.9.30 states:

The assessment of technological feasibility could be against either:

- *An appropriate reference document; or*
- *By the provision of sufficient technical detail by the applicant in their submitted plans and discussions with the advisory body*

7.1.21 On the issue of economic viability, 4.9.31 states:

> *Applicants should conduct a single economic assessment which encompasses retrofitting of capture equipment, CO2 transport and the storage of CO2. Applicants should provide evidence of reasonable scenarios, taking into account the cost of the capture technology and transport option chosen for the technical CCR assessments and the estimated costs of CO2 storage, which make operational CCS economically feasible for the proposed development.*

The Appellant has not provided details about the specific capture methodology to be deployed at Canford.

7.1.22 A supporting letter from Kanadevia Inova (October 2024), included in a submission made by Savills (Savills letter to BCP-Nov 2024) [CD10 1.3], does not discuss any imputed technology or provide any costs for such a project. The components are described as 'illustrative' only (See Fig 13 overpage).

The Appellant's SoC para 10.8 claims that:

> *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.*

In their supporting letter, Kanadevia Inova stated that one of the 'conditions' for installing a carbon capture plant was the constraint that there would need to be:

> *export of CO_2 in compressed gas form, not as liquid CO_2.*

However, in the same letter, Kanadevia refer to other conditionalities which they admit will consequently:

> *reduce the additional scope when retrofitting a carbon capture plant to the core carbon capture process.*

What is assessable, therefore, is limited to only the aspirations of the Appellant, but if the uncosted proposal for production of compressed CO_2 is to be believed, then the transportation method implied is a pipeline.

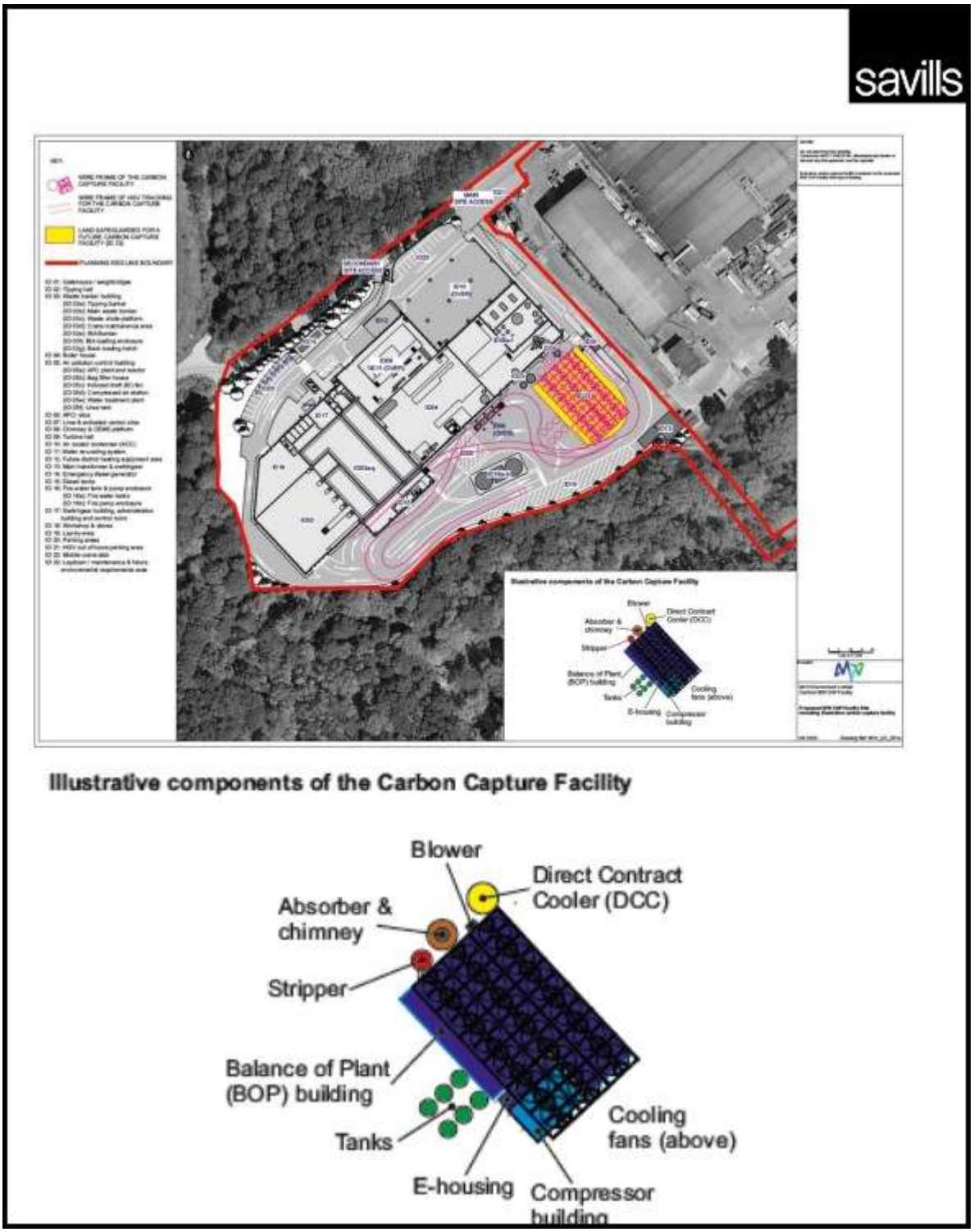

Figure 13 Kanadevia's outline plan for a Carbon Capture facility at the Canford site

7.1.23 In the letter from Savills to BCP, reference is made to a ***'key innovation'*** that KVI and the Appellant have developed for space constrained sites, with the proposal to install the cooling needed above the other ancillary equipment in a 2 or 3 storey building.

As it stands, there is no supporting evidence from the Appellant about the integrity and deliverability of this innovation. Untried and untested, and with no evidence of this type of

technology, once again this is an aspiration which cannot be appropriately assessed through the planning application/appeal process for the Canford incinerator.

7.1.24 Given the only option on the part of the Appellant is pipeline transmission of compressed CO_2, the question then arises about a potential carbon storage site. The Appellant's Statement of Case (paragraphs 10.8 and 10.9) relates that the UK's approach is based around carbon clusters, making specific reference to a 'Solent Cluster' as a potential way to export captured carbon using an existing oil and gas pipeline. The only existing oil and gas pipeline is about five miles from the Canford site, running from the Wytch Farm oilfield on the southern shore of Poole Harbour to the Fawley refinery near Southampton. Oil and natural gas (methane) are currently exported by this pipeline which is operating beyond its projected lifespan and is therefore extremely expensive to maintain. No evidence is provided to demonstrate whether a connection between the Proposed Development and this pipeline is feasible, nor that the use of it is at all possible. Indeed, the current operator at Wytch Farm, Parenco, has no intention of using this very old pipeline for the purposes of CCUS.

7.1.25 Moreover, there is no Government or other financial support for the Solent Cluster project, and there is thus no guarantee of deliverability. Indeed, ExxonMobil, the primary promoter (and funder) of the Solent Cluster project, and upon which the Solent Cluster would fundamentally have depended upon has withdrawn from the project.

ExxonMobil formally abandoned the project on 7 October 2024, concluding that the necessary government policies and market conditions to support the significant investment required were not currently in place, and accordingly will not proceed with the project. The company made the following statement:

> *As a result of the continued lack of Government policy certainty and timelines, ExxonMobil will not proceed with the appraisal of CO2 storage opportunities in the English Channel, and associated transportation, at this time.*
>
> *Our major investment decisions are informed by several factors including the policy, fiscal and market environment. Over the past three years, we have made sustained efforts with UK government to secure this certainty and enable the large-scale investment required and will maintain collaboration to address the necessary factors.*

7.1.26 The government announced that the first two clusters to receive government support (Track 1) would be HyNet, covering Merseyside and north Wales, and East Coast, covering Teesside and Humberside. The government has also revealed the next two Track-2 clusters in line for CCUS support; these are Acorn, in Scotland, and Viking in the Humber. The Solent features in none of these four selected clusters. With Track-2 clusters now announced as Viking and Acorn, it is evident that the Solent Cluster is significantly behind in a field of CCUS Cluster projects of 'also-rans'.

7.1.27 This collapses the Appellant's argument in demonstrating compliance with the requirements set out under EN- 4.9.28.

7.1.28 The above evidence abolishes the claimed benefit in MVV's SoC (10.8, 10.9) that the proposed scheme would have any potential to benefit from being part of the Solent Cluster:

> *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.*

7.1.29 Therefore, any prospect of connection from the Canford site is entirely speculative and without prospect.

7.1.30 Conclusion

i) The Appellant's submission on carbon capture readiness as a claimed benefit offers no credible evidence that delivery of carbon capture is possible on this very constrained application site, lacking the appropriate space, as well as infrastructural and commercial feasibility.

ii) The Appellant's only option of pipeline transport relates to a speculative comment of potentially being part of the Solent Cluster project, to facilitate undersea storage in the English Channel. The Solent Cluster has been abandoned by the main promoter and passed over by the Government. Any realistic commercial and geographically strategic options no longer exist; furthermore, no evidence to the contrary has been provided.

iii) In essence, the supporting arguments are without any proven or substantiated basis and therefore not consistent with CCR (4.9.25) nor the terms of applicant assessment (4.9.28-4.9.34) as set out in EN-1.

iv) The Proposed Development fails to fulfil the requirements of the Defra Capacity Note.

v) The Appellant's failure to demonstrate genuine carbon capture readiness should be accorded significant adverse weight in the planning balance.

7.2 CLAIMED BENEFIT: HEAT EXPORT FROM CHP FACILITY

7.2.1 The Appellant's Statement of Case (paragraph11.19.2) claims:

> *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.*

With respect to heat networks, EN1 (CD9 1.20) and EN-3 (CD9 1.21) state:

> *EN-1 3.3.38 As the primary function of EfW plants, or similar processes, is to treat waste, applicants must demonstrate that proposed facilities meet the strict criteria set out by government, that their projects….Demonstrate that making use of the best they produce is viable and they can connect to a heat network within three years of the plant's operation.*
>
> *EN-3 2.7.17 Applications related to biomass and EfW facilities must detail how the plant will maximise the amount of heat available and provide heat to a heat network within three years of entering operation.*

These policy constraints confirm that the viability of any associated heat network should be evaluated in detail prior to any grant of planning consent and that planning permission should be withheld if it cannot be shown that CHP is viable and that heat can be exported within three years of commencement of operation.

7.2.2 For EfW CHP facilities to make use of their heat over long distances, electricity grid connections are necessary. The Appellant applied for a connection to the Mannington GSP in June 2022. However, according to Scottish & Southern Electricity Networks (**"SSEN"**), Embedded Capacity Register (**"ECR"**)[8], the most up-to-date information states that 'Target Energisation Date' for MVV's Canford EfW is 06/12/2036. Given that the proposed development would be unable to connect to the grid for a period of ten years, claims of its CHP capabilities being a benefit must be discounted.

7.2.3 The required infrastructure for heat offtake from EfW facilities demands substantial capital investment which is only repaid over decades. Given the capital cost (in this case approx. £20m), the lack of fiscal incentives, the regulation of the energy distribution network and often the lack of resilience, the choice of potential customers for heat offtake is of

[8] The ECR has been developed to provide better information to electricity network stakeholders on connected resources and network requirements. SSEN's ECR can be accessed from the Data Portal of their website.

paramount importance when considering the level of both commitment and credit worthiness of those customers.

Economics & Target Market

7.2.4 The Appellant's CHP Assessment (Planning Statement, Appendix 4) [CD1 1.5], page 22 states:

> *The results of the CBA (cost benefit analysis) indicate that the estimated £19.66 million capital investment will not realise a return on investment and will be loss making.*

The Appellant lays claim to a generating capacity of 31MW from the Proposed Development with the potential to export 28.5MW to the grid (Environmental Statement para 3.1.1 July 2023).

7.2.5 The Appellant's SoC 3.4 refers to one potential benefit of the scheme as:

> *[having] 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).*

7.2.6 However, as part of the permitting process, granted in 2025, the Environment Agency (EA) asked several questions of the Appellant. Their appointed consultants, Logika, replied with a Technical Note in January 2025[9], which itemise both the questions and answers. They were asked to:

> *Confirm how much heat could be supplied to heat loads within 1.5km.*

In response, the Appellant's submission to the Environment Agency stated on page 2 of their Technical Note that:

> *As identified above, the estimated maximum heat demand within 1.5km is 4.4MWth, so export of 25MWth within 1.5km is not viable as there is no demand for this level of heat export.*

The Environment Agency also asked:

> *If 25MWth cannot be supplied within 1.5km justify whether it would be economically viable or feasible to supply heat to other users beyond 1.5km and within 15km of the installation.*

In response, the Appellant replied in their Technical Note, on page 3:

> *Table 1 demonstrates that the estimated total heat demand within 15km is 302MWth.*
>
> *…it is evident that …. the majority of this demand is accounted for by a large number*

[9] The relevant part of this Technical Note is included in Appendices, pages 69 following

of small loads dispersed across a wide area, with more than 86% of the total demand accounted for by individual domestic properties. It is not technically nor commercially viable to establish such a large geographic network for multiple consumers for the level of available heat produced by the EfW CHP Facility…

Furthermore, the Appellant's own CHP Assessment states on page 5:

The results of the CBA (cost benefit analysis) indicate that the nominal project internal rate of return and net present value (before financing and tax) over 32 years are 14.8% and -£2.23 million, respectively. Therefore, the proposed heat network does not yield an economically viable scheme in its current configuration of design concept of up to 5MWth district heating.

Appraisal and Conclusions

7.2.7 Therefore:

i) From an economic perspective, indeed confirmed by the Appellant's own CBA, the Facility will not be capable of yielding a viable CHP scheme in the current configuration, exporting up to 5MWth of district heating.

ii) The project lacks the presence of a large industrial user with either high process or heat demand, and/or an institutional user under single ownership or control such as a university or hospital.

iii) As it stands, the only potential market for the heat output is the Churchill Business Park through a CHP connection and Distribution Network Corridor (DNC) but this is very formative in conceptual terms only.

7.2.8 As enshrined in the Defra Capacity Note (December 2024):

Further developments must be able to demonstrate that making use of the heat they produce is viable…

However:

i) The Proposed Development does not possess the potential to provide a fully viable CHP, as it falls significantly short of fully utilising the implied 28.5MW output in the absence of a grid and customer demand beyond 5MWth within the economically viable catchment area of 1.5km.

ii) Furthermore, it is not deemed feasible to supply heat to consumers beyond 1.5km and up to 15km from the EfW CHP Facility.

iii) As such, the Proposed Development fails to meet the requirements of the Defra Note.

Very limited weight only should be given to the claimed, but unevidenced benefit of the combined heat and power viabilities.

7.3 CLAIMED BENEFIT: GREENHOUSE GAS (GHG) REDUCTION

7.3.1 Paragraph 6.2.1 of the appellant's Statement of Case indicates they intend to argue that their positive GHG impacts represent sufficient reason for allowing the appeal:

> *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."*

7.3.2 The Appellant claims renewable and low carbon energy benefits (Appellant's SoC para 6.2.1) for reasons relating to Clean Power Action Plan 2030 Appendix's conclusion that EfW is not low carbon, a position subsequently adopted in the National Policy Statements for Energy.

The Appellant's Environmental Statement 7 [CD1 1.20 (a)] admits that:

> *the long-term impact of GHG emissions from operating the Proposed Development without CCUS…is judged to cause a moderate adverse effect that is significant. (ES 7.5.25).*

7.3.3 The GHG impacts would only be partially mitigated and may partially meet the applicable existing and emerging policy requirements, but it would not fully contribute to decarbonisation in line with local and national policy goals for projects of this type. A project with 'moderate adverse effects' falls short of fully contributing to the UK's trajectory towards net zero (ES Climate Change and Greenhouse Gases para 7.2.33).

7.3.4 For these reasons, Magwatch contends that the Green House Gas impacts of the proposal should be accorded neutral or adverse weight in the planning balance.

8. CONCLUSION

8.1.1 The proposed development site lies within the Green Belt with high ratings for Green Belt purposes and is adjacent to SSSI, SAC, SPA and Ramsar designated heathland. The excessive scale of the proposed development would constitute inappropriate development within the Green Belt. In this respect, Magwatch recalls the paragraphs of the Madingley decision:

> *29. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case, I have also identified harm to the openness of the Green Belt and to the character and appearance of the area. Substantial weight must be given to this harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.*
>
> *30. Cumulatively, I attach no more than limited weight to the benefits of the proposed development which make up the other considerations. Consequently, the very special circumstances necessary to justify the proposed development do not exist*
>
> *31. For the reasons given above, the appeal is dismissed.*

8.1.2 Similarly, here, substantial weight should be given to the harm to the Green Belt and, cumulatively, no more than limited weight should be given the claimed benefits of the proposed development.

8.2 OTHER CONSIDERATIONS: CLAIMED BENEFITS

8.2.1 Because the **Need** for residual waste management is demonstrably less than the excessive capacity of the proposed development (as shown in our separate *Capacity and Need* Proof of Evidence) and because the actual need can be met elsewhere by consented EfWs in the Waste Plan Area, Need should be given **substantial negative weight** in the planning balance.

8.2.2 In Section 7.1 on **Carbon Capture Retrofit-readiness,** we noted the absence of proven operator technology and experience, sufficient space in the site layout, detailed engineering design, financial modelling, commercial feasibility, and viable infrastructure for CO2 transport and storage. Thus, the provision of a carbon capture ready facility remains speculative and should be accorded **little to no weight**.

8.2.3 The 'Opportunities' and 'potentials' for **Heat Networks** across the area, and for a possible export 5MWth of heat to nearby Churchill Business Park are not proven. There appear to be no guarantees that potential end-users of the energy are either financially viable or committed to purchasing the exported heat from the Appellant Whatever heat is produced, the high carbon content of much of the burnt material make it 'dirty' energy. As with the Appellant's carbon capture ready claims, r heat export potential is speculative and should be accorded **little to no weight**.

8.2.4 The Appellant's claim that adherence to the **Proximity Principle** is a benefit is significantly weakened by the their considerably enlarged catchment area, well beyond the Waste Plan Area. As demonstrated in our *Capacity and Need* PoE, the expanded catchment areas conflicts with WP Policy 1. This lessens the weight that should be attached to the Appellant's claims concerning Proximity Principle, which should be given **only limited weight**.

8.2.5 The **Employment Benefits** of the proposed development are likely to be limited. Whilst some of the 32 full time employees that MVV will require are likely to be local people, the majority of the 600 construction jobs are unlikely to be locally sourced. Further, this is a benefit that would exist wherever the EfW were built, so is not specific to the Canford location and so should be accounted **no weight**.

8.2.6 Cumulatively, no more than limited weight should be attached to the benefits which constitute the 'other considerations'.

8.3 HARMS

8.3.1 Earlier parts of this proof of evidence have noted the identified harms and impacts to include:

i) harm to the openness of the Green Belt

ii) adverse impacts in the surrounding landscape

iii) harm to visual amenity

iv) harm to important habitats

v) harm to biodiversity

vi) the creation of a development unsympathetic to local character and local history

vii harm to mental health

viii) by virtue of the lack of feasibility of a carbon capture on the development site and unproven feasibility of heat export, failure to meet the challenge of climate change.

8.3.2 Cumulatively, then, substantial weight should be attached to harm to Green Belt and to the 'other harms'.

8.4 PLANNING BALANCE

8.4.1 None of the exemptions outlined in NPPF paras 154 and 155 can be applied in the case of the proposed development, which therefore would constitute inappropriate development within the Green Belt. According to NPPF para 153, "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Harm to the Green Belt by reason of inappropriateness and other harms are not outweighed by other considerations and, therefore, according once more to NPPF para 153, 'Very Special Circumstances' do not exist.

DOCUMENT LIST

CD0: Pre-Application Documents

CD0 1.1 Prescoping 20.12.21(2790100)
CD0 1.2 LPA response to Savills Pre-application letter 16.9.22

CD1: Planning Application Original Submission Documents

CD1 1.1 Planning Statement (July 2023)
CD1 1.5 Planning Statement Appendix 4 Combined Heat and Power Assessment
CD1 1.10 Design and Access Statement (February 2024)
CD1 1.21 (d) Environmental Statement Chapter 8: Ecology and Nature Conservation Appendix 8.3 Shadow HRA
CD1 1.21 (d) Environmental Statement Chapter 8: Ecology and Nature Conservation Appendix 8.3
CD1 1.21(a) ES 8 Ecology and Nature Conservation
CD1 1.21(b ES 8 Ecology and Nature Conservation Addendum
CD1 1.21(d) HRA Report (Feb 2024)
CD1 1.23(b) Technical Appendix 10.1 - Heritage and Archaeology Statement
CD1 1.24(a) BCP's Inland Flood Risk Officer consultation report on 23 May 2024
CD1 1.25(b) Technical Appendix A12.1 Landscape and Visual Effects
CD1 1.25(c) Technical Appendix A12.2 Landscape and Visual Effects

CD3: Planning Application Addendum Submission Documents

CD3 1.5 (a) Environmental Statement Chapter 12: Landscape and Visual Addendum

CD4: Statutory Consultee Responses and Appellants Response to Consultation

CD4 1.2 Bournemouth Airport Safeguarding Response 12 June 2025
CD4 1.11 Historic England Comments September 2023
CD4 1.12 Historic England Comments March 2024
CD4 1.22 BCP Heritage Consultation Report April 2025
CD4 1.23 BCP Heritage Consultation Report Addendum June 2025
CD4 1.28 Laird Bailey Landscape Consultants (March 2024)
CD4 1.31 BCP Urban Design Team Comments (April 2025)

CD5: Planning Application Determination Documents

CD5 1.1 Appropriate Assessment (August 2024)
CD5 1.2(c) Officer Report (APP.23.00822) 5.6.25
CD5 1.2(d) Officer Report (APP.23.00822) Addendum 11.6.25
CD5 1.3 Decision Notice for APP.23.00822.F 19.6.25
CD5 1.4 urban Transcript of BCP Western Planning Committee 12.625

CD6: The Development Plan, Evidence Base and Supporting Documentation

CD6 1.1 Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019)
CD6 1.2 Poole Local Plan for 13 November 2018
CD6 1.3 National Planning Policy Framework 2024
CD6 1.4 National Planning Policy for Waste (2014)
CD6 1.8 Poole Green Belt Review (July 2017)
CD6 1.9 SGBA Stage 1 Appendix A Merley Canford-Magna Oakley
CD6 1.9(b) SGBA Stage 1 Appendix A - Outer Area North

CD6.1.9 SGBA Stage 1 Contribution Assessment
CD6 1.10 SGBA Stage 2 Harm Assessment
CD6 1.11 Planning Policy Guidance: Gov.UK Guidance - Green Belt (2017)

CD6 1.10(a) SGBA Stage 2 Appendix-B Merley Canford Magna Oakley

CD7: Statements of Case

CD7 1.1 MVV Statement of Case v.4 FINAL
CD7 1.3 Magwatch Amended Statement of Case (March 2026)

CD8: Statements of Common Ground

CD8 1.1 BCP Council and MVV Statement of Common Ground (February 2026)
CD8 1.2 Magwatch (R6) and MVV Statement of Common Ground [DRAFT]
CD8 1.3 SoCG - MVV_and_BIAL

CD9: Relevant Documents

CD9 1.1 DEFRA Residual Waste Infrastructure Capacity NoteM6.5 Defra Answer
CD9 1.3 Powerfuel Portland Ltd Appeal: APP/D1265/W/23/3327692
CD9 1.4 High Court Case No: AC-2024-LON-003475
CD9 1.5 Court of Appeal Case No: CA-2025-000986
CD9 1.9 Canford Heath Nature Reserve Management Plan, BoP 2010
CD9 1.10 Gov: Clean Power 2030 Action Plan – technical annex (April 2025)
CD9 1.20 DESNZ (EN-1) 2025
CD9 1.21 DESNZ (EN-3) 2025
CD9 1.22 Basildon (Archers Field) Appeal Decision: APP/Z1585/W/24/3357445
CD9 1.41 Dorset Heathlands Planning Framework 2020-2025 SPD
CD9 1.45 Madingley Appeal Decision APPW0530W253364735 (October 2025)
CD9 1.46 Wisbech MVV Community Liaison Group 16.425
CD9 1.47 Interested Party 17 - UKWIN
CD9 1.47(a) Interested Party 17 - UKWIN - Appendices
CD9 1.48(a) Interested Party 38 - Canford Community IP Submission - Part 2 (Stephen Harper)
CD9 1.48(b) S Harper Heritage Impacts - Appendix 16
CD9 1.48(c) S Harper Heritage Impacts - Appendix 17
CD9 1.48(d) S Harper Heritage Impacts - Appendix 18
CD9 1.80 Interested Party 66 - RV Ruddick
CD9 1.88 IEMA 2022 Health in EIA Guidance
CD9 1.89 IEMA Guide to Effective Scoping of Human Health in EIA
CD9 1.92 - IEMA Guide to Determining Significance for Human Health
CD9 1.93 - Suicide prevention in England - 5-year cross-sector strategy - GOV.UK

CD10: Relevant Correspondence

CD10 1.3 Letter from Savills to LPS (1 February 2024)
CD10 1.3 Savills letter to BCP - Nov 2024

CD12: Proofs of Evidence [TBC.]

Magwatch Proof of Evidence: Green Belt Issues and Planning Balance
Magwatch Proof of Evidence: Capacity and Need

Other Relevant Documents

Stour Valley Park Strategy
Application 00.31392.006.Y (Poole Borough Council) CO Report
MVV Statement of Common Ground v.7 LPA signed (1)
HE Bowl barrow on Canford Heath
Laird Bailey Landscape Consultants (Dec 2023)
Carbon capture from energy-from-waste(EfW): A low-hanging fruit for CCS deployment in the UK? Oxford Institute for Energy Studies May 2024
CCUS Cluster Sequencing Track-2 Market update December 2023 - GOV.UK
CCUS-Cluster-sequencing-phase-1-guidance-for-submissions
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UKHSA Correspondence with Paul Brelsford (Magwatch)
Mental Health Needs Assessment - Mongru 2024
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Dorset Mind Statement- Mental Health Concerns Linked to Proposed Canford Incinerator
Dorset MIND-Mental Health Concerns Linked to Proposed Canford Incinerator
UKHSA Municipal Waste Incinerators Our ref 200434930
English Indices of Deprivation 2025
Suicide Prevention Evidence Review Report 2024
Written questions and answers - Written questions, answers and statements - UK Parliament
Air Pollution-Induced Neurotoxicity - Kalenik, Zaczec & Rodacka (2025)
Pollution from Incineration - Health and Air Quality Impacts
Natural England's National Character Assessments
Technical Note by Logika in response to Environment Agency questions (January 20250