

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	9 March 2026

MAGWATCH

RULE 6 PARTY STATEMENT OF CASE

MARCH 2026



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1. Introduction and Summary of Case

1. This is Magwatch's Statement of Case of for the forthcoming inquiry into the appeal by MVV against Bournemouth, Christchurch and Poole Council's refusal of planning permission for an Energy from Waste ("Efw") facility at Canford Resource Park ("the proposed development"). Magwatch is a local residents' campaign group located in the Bearwood and Merley Ward of Bournemouth, Christchurch and Poole Council (BCP or the Council). It was founded in early 2021 with the tagline 'protecting local green spaces'. It has over 1,500 supporters.
2. Magwatch considers that the scope of the appeal should include (in addition to issues raised in the Appellant's statement of case) all of the following matters: Need and Capacity, Carbon Capture Readiness, CHP Readiness, and Mental Health impacts on affected communities.¹
3. Magwatch will provide written evidence to the inquiry to demonstrate why the reasons for refusal are valid reasons to refuse this development in line with local and national policy. Specifically, Magwatch will provide two proofs of evidence: the first on need and capacity and the second on Green Belt and the planning balance. The first proof (on need and capacity) will be provided by Paul Brelsford. The second proof (on Green Belt and planning balance) will be jointly signed by Frank Ahern, Paul Brelsford and Peter Chesterfield. Mr Brelsford will only address the narrow issue of mental health (one of the 'other harms' relied upon by Magwatch). Mr Chesterfield will only address the narrow issue of carbon capture and CHP readiness, and Mr Ahern will give evidence on all remaining sections of the Green Belt proof. Mssrs Ahern, Brelsford and Chesterfield are members of Magwatch. Magwatch does not presently intend to call any expert evidence, as a result of funding constraints.
4. Magwatch would also like to cross-examine some of the expert witnesses put forward by the Appellant, intends to provide comments on the draft s106 agreement, and to participate in any roundtable session regarding the s106 agreement at the Inquiry. It reserves its right to introduce additional evidence if required to respond to any supplementary material submitted by others during the inquiry process.
5. Magwatch will avoid duplication of the Council's arguments but seeks to provide further evidence and references to policy to support and expand upon its reasons for refusal.

¹ For the avoidance of doubt, Magwatch confirms that it no longer takes issue with aviation safeguarding, on condition that Condition 9 is reinstated (which Magwatch understands is the case in light of the latest Statement of Common Ground). Should Condition 9 not be reinstated, Magwatch reserves the right to amend its case on aviation safeguarding.



6. We intend to reference several planning appeals – APP/D1265/W/23/332769, APP/Z1585/W/24/3357445, APPW0530W253364735 and PINS Ref EN010083 – and two legal cases: AC-2024-LON-003475 and CA-2025-000986, as explained further below.
7. In summary, Magwatch's case is that the proposed development should be refused and the appeal dismissed for the following principal reasons:
8. **Need:** There is no genuine residual waste need for an Energy from Waste facility of the proposed scale at this location. The proposed development conflicts with national, regional and local policy on EfW. Up-to-date evidence on waste arisings, existing and consented capacity, and facilities in active development demonstrates that the Appellant's need case is not made out. The proposed throughput of approximately 260,000 tpa far exceeds the additional capacity identified for this allocation in the Waste Plan, and the Appellant's reliance on an expanded catchment undermines any claimed proximity benefits.
9. **Green Belt:** The proposed development constitutes inappropriate development in the Green Belt that would cause substantial harm to openness, both spatially and visually. The site lies within a parcel that scores highly against Green Belt purposes. The exceptions relied upon by the Appellant do not apply, the site does not qualify as “grey belt,” and no very special circumstances exist that are capable of clearly outweighing the harm to the Green Belt and the other harms that would result from the proposal. Magwatch’s case on Green Belt will touch on issues of landscape, visual and other harms, as well as the overall planning balance, which will all be addressed within Magwatch’s Green Belt proof:
 - a. Visual and Landscape: By reason of its exceptional height, scale, bulk and mass – including a 50 metre high by 160 metre by 60 metre building and a 110-metre stack – the proposed development would cause significant and lasting harm to the landscape character of the area and to visual amenity from publicly accessible locations, including designated landscapes, heritage settings and valued recreational areas. Proposed mitigation would not materially reduce these effects.
 - b. Other Harms: The proposed development would cause additional harms including harm to the setting of designated heritage assets, adverse effects on community perception and wellbeing, and impacts on mental health. Furthermore, the Appellant's claimed benefits relating to carbon capture readiness and heat export are not deliverable at this site and should attract no material weight.



- c. Planning Balance: Overall, taken together, these harms substantially outweigh any benefits the proposed development might deliver. Magwatch will respectfully invite the Inspector to dismiss the appeal.

2. Magwatch's case for opposing the proposed development

(a) Need

10. Magwatch will seek to demonstrate, via its evidence, that there is no genuine residual waste need for the proposed development. Magwatch submits that there is no relevant need at national, regional and local level:²
 - a. At **national level**, Magwatch will provide evidence showing that the proposed development conflicts with national policy designed to ensure that EfW developments do not contribute to overcapacity of EfW infrastructure. Magwatch will rely, inter alia, on Defra's Residual Waste Infrastructure Capacity Note ("**RWICN**") (30 December 2024) and National Policy Statements EN-1 (cf. §3.3.38) and EN-3 (cf. §§2.7.7, 2.7.63, 2.7.88). Magwatch will challenge the Appellant's assertions that the proposal would in any way represent replacement capacity for the outlined Hampshire, Wiltshire and Somerset ERFs, and it will demonstrate that there is no national need for new EfW capacity. We will also be citing evidence from UKWIN's Interested Party representation. The proposed development's conflict with national policy attracts significant adverse weight as a harm within the planning balance.
 - b. At **regional level** (i.e., across the South West), Magwatch will provide evidence demonstrating that the Appellant's approach (at §9.7.4 of its Statement of Case) to arrive at a regional need figure of 2.87Mtpa by apportioning the 5.4Mtpa national need figure and adding 0.6Mtpa to the need in each region is flawed. Magwatch's evidence will show that, contrary to the Appellant's case, based on a flawed interpretation of the Defra Note Table 4 figures, there is sufficient capacity already in the South West region

² Magwatch intends to rely on the Wheelabrator Kemsley North (WKN) Decision from 2021 (PINS Ref EN010083, including at paras DL 4.19–4.20, ER 4.10.128, ER 4.10.138, ER 4.10.139, ER 4.10.143, ER 6.2.20-21, 6.2.25-6.2.26, ER 6.2.31-6.2.32 and ER 8.2.11) and on the Riverside Energy Park, Development Consent Order granted in 2020, in relation to the relevance of consented capacity (including at paras 5.2.23, 5.2.29 and 5.2.33).



to meet longer-term demand as we move towards meeting the 2042 target,³ and that there would be regional EfW overcapacity from around 2034, even if no new capacity were to enter construction, with the potential level of overcapacity of more than 369,060tonnes by 2042, rising to over 900,000 tonnes if Canford were built. We will be citing evidence from UKWIN's Interested Party representation

- c. At **local** level, Magwatch will provide evidence demonstrating that approval of the proposed development will add to harmful overcapacity:
 - i. Magwatch's evidence will show that the WP Area does not generate more than c186,158 tonnes of residual waste and by 2042 the identified shortfall diminishes further to 111,239 tonnes.⁴
 - ii. Magwatch will also present the most recent Annual Monitoring Report ("**AMR**") for the WP, dated 2021 and published in 2024, as the most up-to-date WP information. Relying on this data, Magwatch will demonstrate that the original WP shortfall of 327,000tpa is overestimated by at least ca. 181,000tpa.⁵
 - iii. Magwatch will provide forecasting based on (i) its FOI data analysis and (ii) the 2021 AMR Report, and taking into account consented/permitted facilities. The FOI-based analysis will

³ The Environmental Targets (Residual Waste) (England) Regulations 2023 put into law a statutory target for England to halve residual waste sent to incineration or landfill by 2042 compared to a 2019 base year. Specifically: '*The residual waste long-term target is that by the end of 31st December 2042 the total mass of residual waste for the calendar year 2042 does not exceed 287 kilograms per head of population in England.*'

⁴ Magwatch's analysis is based on the following methodology: for the financial year 2023/2024 the total of LACW residual waste from the WP Area was identified as 349,806 tonnes via FOI requests. The FOI data, supplemented with a C&I waste stream of c 110,616 tonnes demonstrated that combined BCP & Dorset LACW produced a total 139,994 tonnes of residual waste sent to incineration. This is a fraction of WP identified shortfall of 232,000tpa by 2033. The analysis includes both LACW and Commercial & Industrial waste from the WP Area and applies relative growth factors pa (Growth factors are based on Government targets to build 93,000 homes over the next 15 years across BCP & Dorset). The analysis adds both LACW & C&I waste totals having applied the annual growth factors and then adds to this the housing growth percentage. The recycling targets are then apportioned by a percentage, rising annually by a relatively even amount leading up to the legislated recycling targets of 2035 and 2042.

⁵ The Waste Data summary from the AMR provides specific information as to the volume of LACW collected residual waste fated to incineration, that being 113,859 tonnes. Including the total with landfill fated waste results in a total of 146,182 tonnes, noting that not all landfill waste is combustible. The original WP shortfall of 232,000tpa plus 95,000t, totalling 327,000tpa is thus overestimated by at least c181,000tpa.



demonstrate overcapacity of between 245,842 tonnes and 305,842 tonnes by 2042. The AMR-based analysis will demonstrate overcapacity of between 318,141 and 378,141 tonnes by 2042.⁶ In either case, based on the identified need within the WP, and when consented/permitted facilities are taken into account, both analyses demonstrate that the proposal would add further to identified overcapacity in the WP area.

11. It is overwhelmingly clear that no demonstrable genuine need exists, and there is no case for the replacement of any existing capacity.
12. As such, not only is 'need' for the capacity not a Very Special Circumstance that could justify building this proposed capacity in the Green Belt, but the prospect of the appeal proposal contributing to EfW overcapacity attracts significant adverse weight as a harm within the planning balance.
13. In light of the above, Magwatch will contend that the following policies have been breached:
 - a. WP Policy 1: The proposed development's ability to divert residual waste from landfill is minimal, in light of the fact that the WP Area (combined authorities) already diverts more than 90% of its waste from landfill. The requirements of managing waste to the highest appropriate level in the waste hierarchy would not be met, and this conflicts with the requirement under Policy 1. The weight afforded to meeting Policy 1 (waste hierarchy) in these circumstances should therefore be minimal or adverse.
 - b. WP Policy 1: Magwatch maintains that consented capacity for Portland and Parley ERFs should be considered as capacity in contributing to net self-

⁶ **Forecasting based on FOI data Analysis (from 2026):**

FOI analysis shows a WP area shortfall of 186,158 tonnes for 2026, diminishing to 111,238 tonnes by 2042.

Potential capacity in the WP Area:

- Scenario 1: Capacity for Portland + Canford = 432,000t
- Scenario 2: Capacity for Portland + Parley + Canford = 492,000t

Scenario 1: $432,000 - 186,158 = 245,842$ tonnes of overcapacity

Scenario 2: $492,000 - 186,158 = 305,842$ tonnes of overcapacity

Forecasting Shortfall based on the AMR 2021 report:

The AMR shows a shortfall need of 146,182 tonnes with landfill combined or 113,859 tonnes without.

Potential capacity in the WP Area:

- Scenario 1: Capacity for Portland + Canford = 432,000t
- Scenario 2: Capacity for Portland + Parley + Canford = 492,000t

Based on 113,859 tonnes:

Scenario 1: results in 318,141 tonnes of overcapacity

Scenario 2: results in 378,141 tonnes of overcapacity



sufficiency under Policy 1. As the proposed development seeks to create conditions allowing far greater than 60% input to come from outside of the WP Area, net self-sufficiency cannot be met in these circumstances when one takes into account consented capacity. The proposed development therefore conflicts with Policy 1 in this respect; the weight afforded to meeting Policy 1 (self-sufficiency) should therefore be minimal or adverse.

- c. WP Policy 1 is also breached because the Appellant's scheme (as per proposed condition 44) is in conflict with the proximity principle as input would not be from the main sources of waste within the WP Area. The Inspector should regard the condition adjustment sought by the Appellant as a significant material concession by the Appellant that the need case does not support a facility of 260,000tpa and is in conflict with policy 1. The weight afforded to meeting Policy 1 (proximity) should therefore be minimal or adverse. Relatedly, Magwatch will contend that the Appellant's proposed condition 44 would remove any claimed benefit with regards to waste miles, such that a reduction in waste miles should not, as claimed by the Appellant, be considered a benefit (either for the purposes of very special circumstances, or in the planning balance generally).
- d. WP Policy 3. Inset 8 identified only c.25,000 tpa additional capacity and never envisaged a 260,000 tpa EfW. Consequently, whilst it is accepted that the location of the proposed development is an allocated site in the WP, it is not and was never considered to be allocated for a facility of the type or scale of the proposed development. Furthermore, Magwatch will argue that the proposed development would lead to adverse effects upon the integrity of European Sites (as to which see below Green Belt section), and that it would therefore not be an acceptable development as per the "allocated uses" of Inset 8. The weight afforded to meeting Policy 3 / to allocation in these circumstances should therefore be minimal or adverse.

14. Overall, it is Magwatch's case that the proposed development conflicts with WP Policy 1 of the Waste Plan (waste hierarchy, proximity principle and net self-sufficiency), and that allocation within Inset 8 of WP Policy 3 should be given very limited weight as a result of the proposed development being overscaled and oversize for the allocated site, and due to its impacts on neighbouring European sites. Further, the proposed development conflicts with national policy (RWICN and NPS EN-1 & EN-3), as a defined need and future demand have



not been demonstrated, and there is no credible evidence that the proposal represents replacement capacity for older, less efficient facilities, such that the proposal would result in adding further to already identified overcapacity. It will be shown that the quantum of residual 'need' identified in the WP has been overtaken by events: actual waste reductions, the Portland and Parley permissions, national policy reforms, and the DEFRA capacity assessment. Very limited weight should thus be attached to the 232,000 tpa shortfall identified in 2019.

(b) Green Belt

15. In summary, Magwatch's evidence will establish that:
- a. 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;
 - b. The proposed development, given its height and volume, will cause substantial harm to openness, which is markedly different from the current operations at this location;
 - c. The site is not located on grey belt land given the strong contribution to Green Belt purposes (a) and (b) for this location, as confirmed in the LPA Green Belt Review. Footnote 7 of paragraph 11(d) NPPF (presumption in favour of sustainable development) is engaged: 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;
 - d. 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 openness and therefore fails the relevant tests in NPPF paragraph 154(g).
 - e. No special circumstances exist and the proposed development directly conflicts with Waste Plan Policy 21.
 - f. There is significant landscape harm and significant harm to visual receptors. There also harm to heritage setting assets, including three bowl barrows (scheduled monuments) and the Grade I listed Canford School..



- g. 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.
 - h. The claimed benefits relating to carbon capture and storage and CHP are unproven and in the case of carbon capture undeliverable, and therefore should be afforded no, or very limited, weight as benefits.
 - i. Overall, the proposed development carries limited benefits and substantial harms. The planning balance weighs against allowing the appeal.
16. First, Magwatch’s evidence will show that the development site parcel of land has scored highly for a number of the relevant GB purposes in the Poole Green Belt Review of July 2017 (“**PGBR**”), namely High for Openness, High for Permanence, High for NPPF Purpose a) and Medium for Purpose b). In NPPF terms 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). The parcel scores similarly high in the later joint Strategic Green Belt Assessment (“**SGBA**”) of 2020.⁷ The Green Belt parcel in which the Proposed Development is located will be shown to almost achieve the highest possible score within the whole of the region: it rates as fourth highest of all parcels and is one of only five parcels where there is no potential to change the Green Belt boundary without harming the overall role and purpose of the South East Dorset Green Belt. It is therefore wrong for the Appellant to argue that this parcel does not contribute strongly to either of purposes a) or b). It objectively does.
17. Furthermore, of the five parcels adjoining the site, it will be shown that 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.

⁷ Magwatch disagrees with any suggestion that the 2017 and 2020 reviews should be given less weight because there have been changes on the ground to some of the assessed parcels since the report was published in 2020 which has had an impact on the intrinsic spatial and visual character and openness of this section of Green Belt. Contrary to those assertions, the Green Belt Assessment (2020) took full account of the changes on the ground when making the judgements on contribution to the Green Belt and Harm to the Green Belt, and these remain pertinent until the results of a new assessment are published.



18. Second, Magwatch’s evidence will demonstrate that the proposed development, by virtue of its height, scale, mass and bulk, would cause harm to the openness of the Green Belt, would harm local amenity and would have an adverse impact in the surrounding landscape.⁸ In these respects amongst others, the proposal is inappropriate development in the Green Belt, causing substantial harm to openness. Substantial weight should be given to harm to the Green Belt, including its openness. Reliance will be placed on the Appellant’s LVIA photomontages to demonstrate that there is significant harm to openness which, unlike the existing and consented operations on this site, would not be screened by surrounding topography/vegetation. Additionally, detailed reference will be made to Stephen Harper’s Canford Community Interested Party (submission 38); and photographs from different vantages of the setting of Grade I listed Canford School will demonstrate the current absence of any suggestion of ‘an urban setting’.
- 19 Reliance will be placed in this respect on the Inspector’s assessment of the Canford Magna Site in the Powerfuel Portland Ltd Appeal (APP/D1265/W/23/3327692), namely that:
- a. The site at Canford Magna (Inset 8) “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. As the Framework sets out, substantial weight would have to be attached to that harm.” (§ 12.105)
 - b. Consequently, “the ‘other considerations’ required to justify this level of harm to the Green Belt, and any other harm, would have to be very weighty indeed.” (§ 12.106)
 - c. “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 [Portland EfW] shows that it can be, and, in that situation, it is difficult to see how the necessary very special circumstances could be shown.” (§ 12.107)⁹

⁸ Magwatch intends to refer to the Madingley Appeal Decision APPW0530W253364735, particularly at §§, 9, 19, 20, 22, 24, 25, 26. Magwatch intends to rely on the Inspector’s comments on the way in which the increased massing of the proposed development would affect the openness of the Green Belt and the effect of the proposal on the character and appearance of the area. Magwatch considers that those findings and comments should apply similarly on the facts.

⁹ Magwatch will also rely on two cases that followed the Powerfuel Portland Appeal dismissal. Magwatch intends to rely on the Court’s decision in *Stop Portland and Waste Incinerator v Secretary of State for Housing, Communities and Local Government* [2025] EWHC 777, in relation to the Court’s findings on the



20. Third, and as per the above, Magwatch’s evidence will show that the proposed development is not on grey belt land. It will further demonstrate that the spatial and visual impacts of the proposed development, by reason of its height, scale, mass and bulk, will clearly undermine the purposes (taken together) of the remaining Green Belt of the Plan. Consequently, even if the development site were deemed to be entirely Grey Belt (which would contradict directly both of the local authority Green Belt assessments for this location), Magwatch’s case is that it would not satisfy NPPF 155(a). Magwatch will place reliance on the decision in Trinity Cottages, Cambridge Road, Madingley (APP/W0530/W/25/3364735, decision dated 31 October 2025), *inter alia* in support of the proposition that paragraph 155 of the NPPF sets a cumulative gateway: a proposal is only “not inappropriate” where all the criteria are satisfied. Those propositions are relied upon to submit that, even if the Canford site were argued to be grey belt, the appeal scheme remains inappropriate because it would fundamentally undermine Green Belt purposes at plan-area scale and because it fails the unmet-need limb.
21. Fourth, Magwatch will show that it is not correct to state that the site constitutes PDL. Whilst part of the development site which currently houses the Low Carbon Energy Facility is PDL, the southwestern section of the site is a former attenuation lagoon which was between, December 2020 and July 2021, infilled and covered over with hardstanding. Even if the whole of the site were assessed to be PDL, Magwatch will argue that:
- a. the proposed development would result in substantial harm to the openness of the Green Belt and therefore cannot comply with NPPF paragraph 154(g).
 - b. in light of its case on need, the proposed EfW would remain inappropriate development because there is not a “demonstrable unmet need” as per NPPF paragraph 155(b).
 - c. the proposed development is not in a sustainable location (including as a result of the Appellant’s proposed Condition 44, and the resulting increase in waste miles) such that paragraph 155(c) NPPF is not met.

interaction between the Waste Plan’s spatial strategy and Green Belt considerations, to resist the Appellant’s dismissal of Portland as “not a true alternative” (SoC 11.19.4). Reliance will be placed on the Court of Appeal’s decision in the same case, *Stop Portland Waste Incinerator v Secretary of State for Housing, Communities and Local Government & Ors* [2025] EWCA Civ 1405, to the extent necessary and for the same reasons.



- d. Footnote 7 of paragraph 11(d) is engaged because 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, as detailed further below.

22. Fifth, Magwatch will show that no very special circumstances exist. Inter alia, Magwatch will demonstrate that there is no unmet need, and/or no unmet need which cannot be met by alternative suitable non-Green Belt alternatives as per WP Policy 21. Magwatch will challenge the Appellant's suggestion that a separate, distinct 'need' focused only on SE Dorset should be considered to be required to be met and that, as the Portland facility cannot meet this distinct 'need' (as it is outside SE Dorset), a facility within SE Dorset is required. Magwatch will provide evidence, by reference to the WP and planning policy, that will demonstrate that this claim is fundamentally flawed. The wording of WP Policy 21 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 within the waste plan area. The WP does not suggest that a specific facility is required to service the waste need for a specific region (i.e. SE Dorset) of the plan area, as is argued by the Appellant. Rather it provides a plan and a proposed approach to management of waste for the whole waste plan area. WP Policy 21 is therefore a restrictive clause that decision makers are legally required to apply objectively. Magwatch's case is that the proposed development is in breach of WP Policy 21.

23. Sixth, Magwatch's case is that there are significant landscape and visual harms, and harm to heritage assets, that should be afforded weight as part of the other harms resulting from the proposal, per NPPF paragraph 153. As to landscape and visual harms:

- a. Magwatch will concur with the Council's case and does not repeat that case here.
- b. Magwatch will rely on the Appellant's landscape and visual materials, the technical input provided by BCP's landscape architects, the Stour Valley Park Strategy Document and the Dorset Heathlands 2020-2025 SPD and its own evidence to show that the visibility of the Proposed Development in the Canford Park SANG and from the Stour Valley Way and from Canford Heath will diminish the intended visual and spatial qualities of all three amenities.
- c. Further, of the 14 photoviewpoints listed in MVV's LVIA, 12 are judged to have receptor points of 'High Sensitivity' or 'Very High Sensitivity'. Five of these are



within 2km of the Canford Incinerator. Magwatch will illustrate the effects of these by referencing several of the LVIA's photomontages, which provide convincing graphic evidence of the adverse visual impact of the Incinerator on the receptor points. Quoting BCP's landscape consultants, Magwatch will demonstrate that effective mitigation of the visual harm of the Proposed Development is not possible due to the proposal's scale, mass and bulk.

- d. Finally, Magwatch will allege that the photoviewpoints shown in Figures 10, 13 and 14 illustrate clearly that the proposed development is contrary to WP Policy 14, in that the scale, form and mass of the building are inappropriate. Given its scale and massing, it is unlikely that any design would be sympathetic to its location adjacent to an SSSI, it would neither conserve nor enhance the character and quality of the surrounding landscape, the sheer bulk of the building rendering it incompatible within its surrounding. Mitigation with respect to visual receptor points with high sensitivity and very high sensitivity will be shown not to be possible. The spatial and visual impacts of the proposed development will be shown to undermine the purposes (taken together) of the remaining Green Belt of the Plan.

24. As to heritage harms, Magwatch will concur with the Council's case, and does not repeat the case here. Magwatch aims to complement the Council's case with evidence of the importance of Canford Heath, with its designated bowl barrows, as a landscape with an important historic link to the Late Bronze Age. Magwatch's evidence will show that the Appellant's admission in their Heritage and Archaeology Statement, that harm – albeit 'less than substantial harm' – will be done to three barrows, is another factor in the planning balance contributing to the argument for dismissal of the appeal.

25. Seventh, Magwatch's evidence will demonstrate the following two other harms:

- a. First, harm to habitats and biodiversity. Harms consist of:

- i. identified harm to the ecology of Canford Heath, including as a result of emissions of pollutants during the operation and combustion process, habitat fragmentation and air pollution. Magwatch will rely on the Appellant's Shadow HRA report, its Ecology and Nature Environmental Statement (ENES) and the Council's Appropriate Assessment (AA), to show that harm to Canford Heath that is not outweighed by other considerations.



- ii. identified harms to Dorset Heathlands habitats, including the impact of lighting on the foraging and commuting nightjar (constituting habitat fragmentation) and the impact 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.
 - iii. Magwatch maintains that raising the chimney stack to 110m will reduce the concentration of pollutant deposition on surrounding habitats, not eliminate it. Consequently, harms to habitats and biodiversity cannot be properly mitigated.
- b. Second, harm to mental health. Magwatch's independent mental health proof will demonstrate that:
- i. The local population displays materially elevated suicide (+46%) and self-harm (+42%) rates above the national average, and higher long-term mental health illness (+23.5%), above the national average, indicating Medium-High sensitivity. Magwatch's modelling will show that, under a moderate impact scenario, the proposed development could cause between 8 and 13 additional suicides and between 111 and 166 additional self-harm admissions; these are significant harms warranting substantial adverse weight.
 - ii. The Appellant's analysis of mental health impacts is not robust, because it is not conducted at Lower-layer Super Output Area level, and thus obscures high-need, high-risk areas. Further, as UKHSA confirmed that mental-health risks were not considered in the MWI study, the Appellant cannot rely on it to dismiss mental-health harms. Finally, the Appellant's weighting of Bearwood & Merley as "low sensitivity" in their Environmental Statement will be shown not to be aligned with the Health Impact Assessment guidance from the Institute of Environmental Management & Assessment. Magwatch will therefore argue that it is not a reliable conclusion. On a proper assessment, sensitivity will be shown to be medium to high.
 - iii. It will be shown that the proposed development's 24/7 operations with extended delivery hours, mandated aviation lighting, and other



related concerns, create chronic environmental stressors which are likely to cause or exacerbate mental-health impacts in a population which the Appellant's own assessment identified as already at risk.

- iv. The proposed development will thus be shown to be in breach of key planning and guidance, including NPPF Paragraph 96(c), which requires support for healthy communities and WP Policy 13, which mandates that health impacts be mitigated.
- v. Significant adverse weight should attach to these mental-health harms and policy breaches, particularly in light of the possible engagement of Article 8 of the Human Rights Act 1998.¹⁰

26. Eighth, Magwatch will demonstrate – drawing on their own evidence and citing, where appropriate, UKWIN's analysis in their Interested Party submission – two of the benefits claimed by the Appellant (carbon capture readiness and CHP readiness) should be afforded no, or very limited weight, for the following reasons:

- a. On carbon capture readiness, Magwatch will demonstrate that, comparative to the consented Tees Valley carbon capture facility and to the requirements outlined in the Portland Appeal case, the allocated does not provide sufficient space to incorporate a future CCS facility. Magwatch believes that the burden of proof that a carbon capture facility is possible within the appeal site lies with the Appellant. Further, the prescribed parcel of 1100 metres² is already being used for 'laydown maintenance' so this facility would permanently displace a function without offering an alternative area, other than suggesting that there is room 'elsewhere'¹¹ 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, is adjacent to an SSSI (Canford Heath) and it already extends into the Green Belt, it is extremely difficult to

¹⁰ As held by the European Court of Human Rights in *Bensaid v The United Kingdom* (Application no. 44599/98) 6 February 2001, at §47, "Mental health must also be regarded as a crucial part of private life associated with the aspect of moral integrity. Article 8 protects a right to identity and personal development, and the right to establish and develop relationships with other human beings and the outside world [...]. The preservation of mental stability is in that context an indispensable precondition to effective enjoyment of the right to respect for private life."

Per section 6 of the Human Rights Act 1998, it is unlawful for public authorities to act in a way which is incompatible with a Convention right. Consequently, mental health impacts must be given due consideration to ensure compliance with the HRA.

¹¹ Page 2, paragraph 6 of letter from Savills to LPA (1 February 2024)



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. The Appellant has not provided any credible evidence demonstrating that delivery of carbon capture is possible on this constrained application site, nor demonstrating that transport of captured carbon would be feasible / how carbon would be exported. The provision of a carbon capture ready facility thus remains speculative.

- b. Second, on CHP readiness, Magwatch maintains that it is abundantly clear that, 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. The Facility will not be capable of yielding a viable CHP scheme in the absence 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. Furthermore, it is not deemed feasible to supply heat to consumers beyond 1.5km and up to 15km from the EfW CHP Facility. In arguing that the claimed benefits of CHP are not feasible, Magwatch will cite the analysis of UNWIN's Interested Party submission.
- c. Magwatch disputes the appellant's claimed renewable and low carbon energy benefits (Appellant's SoG para 6.2.1) for reasons relating to the conclusion to the Clean Power 2030 Appendix's that EfW is not low carbon, a position subsequently adopted in the National Policy Statements for Energy. We will cite the Appellant's Environmental Statement 7 admission 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) A result of Moderate Adverse impacts, according to ES 7.2.33, would be that "the Proposed Development's GHG impacts would not be fully compatible with the UK's net zero trajectory". For these reasons, Magwatch contends that the Green House Gas impacts of the proposal should be given neutral or adverse weight in the planning balance. If the Appellant abandons or wishes to further distance themselves from the position adopted in ES Chapter 7 then Magwatch reserves the right to challenge that position,



for example by developing on the evidence submitted by the Appellant in ES Chapter 7 and the submissions from UKWIN on this topic.

27. Reliance will be placed in this respect on the Inspector's decision in the appeal relating to Land South of Archers Fields Close, Burnt Mills Industrial Estate, Basildon, Essex SS13 1DN (Appeal Ref: APP/Z1585/W/24/3357445), inter alia at §§62, 99, 130, 183, to contend that 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, and that the proposed development is incompatible with the EN-1 and EN-3 expectations that proposals must show genuine CHP and carbon capture credentials. Significant adverse weight should thus be similarly given here to the poor carbon capture viability at the site.
28. Ninth, and as a result of the above, Magwatch maintains that the harms of the proposed development substantially outweigh its benefits, and that the appeal should therefore be refused. The proposed development has limited benefits only, and would cause the following substantial harms:
 - a. substantial harm to the Green Belt, including harm to the openness of the Green Belt;
 - b. significant harms identified to landscape and visual amenity, including adverse impacts in the surrounding landscape and the creation of a development unsympathetic to local character and local history;
 - c. harm to the setting of listed heritage assets, including the three bowl barrows (scheduled monuments) and the Grade 1 Canford School;
 - d. harm to important habitats and biodiversity;
 - e. harm to mental health;
 - f. by virtue of the lack of feasibility of a carbon capture on the development site and unproven feasibility of heat export, the Proposed Development would fail to meet the challenge of climate change. This claimed benefit thus amounts to a further disbenefit in that adverse climate impacts that would arise, including through the release of fossil CO₂.

3. Conclusion



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



4. INDEX OF DOCUMENTS

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

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

Planning Guidance

- M1.1 Bournemouth, Christchurch and Poole Waste Plan (2019)
- M1.2 Inspector's Report on BCP & Dorset Waste Plan
- M1.3 A Waste Strategy for Bournemouth Christchurch and Poole 2026-36
- M1.4 National Planning Policy for Waste (2014)
- M1.5 Dorset Council Waste Strategy 2024
- M1.6 Poole Local Plan for 13 November 2018
- M1.7 Draft BCP Local Plan 2023
- M1.8 National Planning Policy Framework 2024
- M1.9 Planning Policy Guidance: Gov.UK Guidance - Green Belt (2017)
- M1.10 Canford Heath Nature Reserve Management Plan, BoP 2010
- M1.11 Dorset Heathlands Planning Framework 2020-2025 SPD
- M1.12 Stour Valley Park Strategy
- M1.13 Poole Green Belt Review (July 2017)
- M1.14 Poole Green Belt Review Parcel 16
- M1.15 SGBA Stage 1 Contribution Assessment
- M1.16 SGBA Stage 1 Appendix A Merley Canford-Magna Oakley
- M1.17 SGBA Stage 1 Appendix A - Outer Area North
- M1.18 SGBA Stage 2 Harm Assessment
- M1.19 SGBA Stage 2 Appendix-B Merley Canford Magna Oakley
- M1.20 Environment Act 2021 - Chapter 30

Documents relating to Planning Committee Meeting of 12 June 2025

- M2.1 Officer Report (APP.23.00822) 4.6.25
- M2.2 Officer Report (APP.23.00822) Addendum 11.6.25
- M2.3 Transcript of BCP Western Planning Committee 12.6.25
- M2.4 Decision Notice for APP.23.00822.F 19.6.25
- M2.5 Stage 1 Response - Ahern - 10.02.26



Application Documents

- M3.1 ES Ecology and Nature Conservation
- M3.2 ES Ecology and Nature Conservation Addendum
- M3.3 ES Technical Appendix 10.1 - Heritage and Archaeology Statement
- M3.4 ES 14.1 Population and Health
- M3.5 Savills letter to BCP - Nov 2024
- M3.6 Shadow HRA Report (Feb 2024)
- M3.7 Technical Appendix A12.1 Landscape and Visual Effects
- M3.8 Technical Appendix A12.2 Landscape and Visual Effects
- M3.9 ES Chapter 12 - Landscape and Visual Addendum Chapter
- M3.10 Chapman Lily Planning Ltd WHW Appendix FDraft
- M3.11 Prescoping 20.12.21(2790100)
- M3.12 LPA response to Savills Pre-application letter 16.9.22
- M3.13 Letter from Savills to LPS (1 February 2024)

Consultee and other Submissions

- M4.1 Appropriate Assessment
- M4.2 BCP Heritage Consultation Report April 2025
- M4.3 BCP Heritage Consultation Report Addendum June 2025
- M4.4 BCP Urban Design Team Comments (April 2025)
- M4.5 BCP's Economic Development Officer in a letter to the LPA (December 2024)
- M4.6 GB Assessment Stage-1 Final-Report (2020)
- M4.7 GB Assessment Stage-2 Final-Report (2020)
- M4.8 HE Bowl barrow on Canford Heath
- M4.9 Historic England Comments March 2024
- M4.10 Historic England Comments September 2023
- M4.11 Laird Bailey Landscape Consultants (Dec 2023)
- M4.12 Laird Bailey Landscape Consultants (March 2024)
- M4.13 Bournemouth Airport Safeguarding Response 12 June 2025
- M4.14 25.05.Magwatch Summary Objection APP-23-00822-F
- M4.15 UKWIN Canford objection 20 May 2025

Legal and Appeal Documents

- M5.1 Powerfuel Portland Ltd Appeal: APP/D1265/W/23/3327692
- M5.2 High Court Case No: AC-2024-LON-003475
- M5.3 Court of Appeal Case No: CA-2025-000986
- M5.4 Basildon (Archers Field) Appeal Decision
- M5.5 EN010083-001007-Wheelabrator Kemsley K3



M5.6 EN010083-001012-Kemsley Report FINAL

M5.7 Madingley Appeal Decision APPW0530W253364735 (October 2025)

Government Documents

M6.1 LGA - Councillors guide to waste and recycling reforms

M6.2 CAST Advice Note 1-Safeguarding - an overview-Apr-24

M6.3 Gov: Clean Power 2030 Action Plan – technical annex (April 2025)

M6.4 DEFRA Residual Waste Infrastructure Capacity Note

M6.5 Defra Answer to Vikki Slade MP

M6.6 DESNZ (EN-1) 2025

M6.7 DESNZ (EN-3) 2025

Documents relating to Waste Incineration

M7.1 Epidemiological evidence review in the UK and EU, following implementation of the Waste Incineration Directive (June 2025)

M7.2 Pollution from Waste Incineration - – A Synopsis of Expert Health Presentations on Health and Air Quality Impacts (December 2021)

M7.3 House of Commons Library - Incineration of Waste in England (2025)

M7.4 Carbon capture from energy-from-waste(EfW): A low-hanging fruit for CCS deployment in the UK? Oxford Institute for Energy Studies May 2024

M7.5 Air Pollution-Induced Neurotoxicity - Kalenik, Zaczec & Rodacka (2025)

M7.6 Veolia Correspondence with Paul Brelsford of Magwatch

M7.7 Compliance Check monitoring CAR form - off-site odour MVV Plymouth 4 July 2025

M7.8 Mineral and Waste Annual Monitoring Report 2020

M7.9 Minerals and Waste annual monitoring report 2021

M7.10 Hampshire Minerals and Waste Plan 28.11.23

M7.11 Carbon Capture, Usage and Storage

M7.12 CCUS Cluster Sequencing Track-2 Market update December 2023 - GOV.UK

M7.13 ccus-cluster-sequencing-phase-1-guidance-for-submissions

M7.14 ExxonMobil abandons Fawley Refinery CO2 pipeline Daily Echo

M7.15 ExxonMobil Firm backs out of CO2 pipeline project - BBC News

M7.16 Dorset Council EIR 10620 2024-2025

M7.17 Dorset Council EIR10620 2024-2025

M7.18 Dorset Council FOI 8894 2023-2024

M7.19 Dorset Council-8894 2023-2024

M7.20 BCP FOI 13507 2023-2024 1

M7.21 BCP FOI 13507 2023-2024 2



- M7.22 Incineration - dirtiest form of power (BBC)
- M7.23 Cancelling Westbury incinerator contract 'would cost £19m' – BBC News
- M7.24 SUEZ PLANNING STATEMENT Dec 2022
- M7.25 UK carbon capture, usage and storage (CCUS) - GOV.UK
- M7.26 Wisbech MVV Community Liaison Group 16.425
- M7.27 Exeter Energy From Waste Facility permit variation EPR/HP3538CR/V008 (November 2025)
- M7.28 [EPR VP3338RD V007] Application Variation V007 - Permit Notice - 30092025
- M7.29 161-PermitVariation-2025
- M7.29 Condensed-Marchwood-LIDP-report-Public
- M7.30 Flies rats and hush money - living next to a monster incinerator - BBC News
- M7.31 Qair Area of road constructed
- M7.32 Qair WC Letter 060226
- M7.33 CD1323 Defra Waste Arisings Study 2010
- M7.34 CD12.36 Defra Future Waste Arisings- Eunomia Report 2022
- M7.35 Tolvik ESA Report UK Residual Waste 2030 Market Review [18]

Mental Health

- M8.1 UKHSA Correspondence with Paul Brelsford (Magwatch)
- M8.2 Mental Health Needs Assessment - Mongru 2024
- M8.3 Dorset Mind Statement- Mental Health Concerns Linked to Proposed Canford Incinerator
- M8.4 Dorset MIND-Mental Health Concerns Linked to Proposed Canford Incinerator
- M8.5 IEMA 2022 Health in EIA Guidance
- M8.6 IEMA Guide to Effective Scoping of Human Health in EIA
- M8.7 UKHSA Municipal Waste Incinerators Our ref 200434930
- M8.9 English Indices of Deprivation 2025

Documents cited but not included in Magwatch Documents folder

- M9.1 Interested Party 17 - UKWIN
- M9.2 Interested Party 17 - UKWIN - Appendices
- M9.3 Interested Party 66 - RV Ruddick
- M9.4 Interested Party 16 - Paul Brelsford
- M9.5 Interested Party 45 - Canford Community IP Submission - Part 1 (Natalie Clarke)
- M9.6 Interested Party 38 - Canford Community IP Submission - Part 2 (Stephen Harper)
- M9.7 Human Rights Act 1998
- M9.8 Equality Act 2010

