

Note: I have attached the Refusal Notice to the end of this document.

MVV are likely to appeal the planning decision and will make great play of the fact that the case officer recommended approval, drawing attention to every concession she made in her report to the planning committee. One hopes that BCP will defend their reasons for refusal as diligently and as powerfully as possible.

MVV will make their appeal to the Planning Inspectorate – they have six months from the the publishing of the Decision Notice to do so – and, in due course, a Planning Inspector will be appointed to hear the appeal.

The Inspector will make their decision on the basis of all evidence before them, which will include application documents, objections, the case officer's report, the planning committee's reasons for refusal and, importantly, all the new evidence presented to the Inquiry.

Public Representation

We, the public, can make three kinds of representation:

1. We can speak at a 'community session' which will be held on an afternoon or evening of the Inquiry. Contributions carry only a limited weight.
2. A person or a group can present as an 'Interested Party'. This would require a written statement, provided to all sides, at a fairly early stage in the process. The statement would be likely to be similar to a planning objection, with arguments for refusal rooted in material planning considerations.
3. There is something known as a 'Rule 6 party', who will have equal footing with MVV and BCP, and the same deadlines, and will be entitled to sight of BCP MVV papers in advance. There will be an obligation to put forward at least one expert witness, who most likely would be led through their statement by their advocate, then cross-examined by a MMV lawyer. Such representation, the most effective, would be costly and would require a significant fund-raising effort, if that is a path we wish to follow.

Statement of Common Ground

At a fairly early stage MVV and BCP will issue a Statement of Common Ground. This is a list of all the issues that the two parties are not going to argue about. It is a crucial stage of the process because, if BCP concede too much, the appeal is already half lost. It is essential that as much influence at possible is brought to bear on BCP before they finalise their SoCG.

Step 1: Something we can all do now.

The first thing people can do is write to their ward councillors (and any other councillors they know). I would suggest that you:

1. ask for a commitment to actively and robustly defend the planning committee's decision;
2. try to ensure that BCP does not enter into any waste contracts with MVV;
3. try to ensure that they (and in an ideal world Magwatch) have an input into the Statement of Common Ground and, at the least, that a draft of the SoCG is shared with councillors (and ideally residents) before being made official.



Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Rob Asquith
Savills
Wessex House
Priors Walk
Wimborne
BH21 1PB

Refusal of Full Planning Permission

Application reference no: **APP/23/00822/F**

The Local Planning Authority in pursuance of powers under the above-mentioned Act hereby **REFUSE** to permit:

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

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

in accordance with the refused plans, for the following reasons:

1. By reason of its height, scale, mass and bulk, the proposed EfW CHP main building and chimney stack would constitute inappropriate development in the Green Belt that would be harmful to the openness of the Green Belt by definition. No very special circumstances exist to outweigh the harm contrary to Policies 21 and 3 of the BCPD Waste Plan 2019, Policy PP2 of the Poole Local Plan 2018 and the National Planning Policy Framework (as amended).
2. By reason of its excessive height, scale, bulk and mass, the proposed EfW CHP main building and chimney stack would have a detrimental impact on the landscape character of the area, contrary to Policies 14 and 3 of the BCPD Waste Plan 2019, Policy PP27 of the Poole Local Plan 2018 and National Planning Policy Framework (as amended).

3. By reason of its excessive height, scale, bulk and mass; the proposed building and chimney stack would have a negative impact on the settings of various designated heritage assets. The harm will be less than significant on the moderate level of the gradient of harm and will not be outweighed by the public benefits of the scheme. The proposal is contrary to Policies 19 and 3 of the BCPD Waste Plan 2019, Policy PP30 of the Poole Local Plan 2018 and Section 16 of the National Planning Policy Framework (as amended).
4. In the absence of any measures to secure the Travel Plan monitoring fees and monetary contributions towards Bridleway 118 crossing improvements, the proposal is contrary to Policies 12 and 3 of the BCPD Waste Plan 2019, Policies PP34 and PP35 of the Poole Local Plan 2018 and the National Planning Policy Framework (as amended).
5. In the absence of appropriate mitigation measures secured by a legal agreement, the proposal would have an adverse effect on the integrity of the European protected sites, on the qualifying features of the habitats sites and have an adverse effect on the integrity of the Site of Special Scientific Interest (SSSI) either alone or in combination with other plans and projects contrary to Policies 18 and 3 of the BCPD Waste Plan 2019, Policy PP33 of the Poole Local Plan 2018 and the National Planning Policy Framework (as amended).

The following Informative Notes are drawn to the Applicant's attention:

1. In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive, creative and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance:
 - The applicant was provided with pre-application advice
 - The applicant was offered the opportunity to submit amended plans to overcome problems identified by the case officer
2. For clarity, the plans and documents relevant to the above decision are listed below;

Proposed Site Plan SC1643/PL 10-01 A
 Vehicle Tracking SC1643/PL 10-02
 Floor Plan at FFL 44.650M AOD SC1643/PL 10-03
 Floor Plan at FFL 51.425M AOD SC1643/PL 10-04
 Floor Plan at FFL 58.200M AOD SC1643/PL 10-05
 Floor Plan at FFL 61.925M AOD SC1643/PL 10-06
 Floor Plan at FFL 67.650M AOD SC1643/PL 10-07
 Floor Plan at FFL 71.375M AOD SC1643/PL 10-08
 Roof Plan SC1643/PL 10-09
 Roof Terrace Plan and Elevations SC1643/PL 10-10
 Proposed Site Sections SC1643/PL 11-01
 Indicative Section SC1643/PL 11-02
 Northwest Elevation SC1643/PL 12-01 A

Southeast Elevation SC1643/PL 12-02 A
Northeast and South West Elevations SC1643/PL 12-03 A
Computed Generated Visualisations SC1643/PL 12-04 A
Site Location Plan MVV_001_Rev_0
Proposed Development Components MVV_002_Rev_1
DNC Compound MVV_003_Rev_2
DNC General Arrangements MVV_004_Rev_2
DNC Compound Sections MVV_005_Rev_1
Temporary Workshop/Stores Building MVV_006_REV_0
Two Storey Office/Welfare Cabins MVV_007_REV_0
Boundary Fence and Gates MVV_008_Rev_02021
Gatehouse/Weighbridge MVV_009_Rev_0
Temporary Construction Compound: General Arrangements
MVV_010_Rev_1 TCC1 and 2

Signed

Wendy Lane

Director for Planning & Transport

Decision Date: 19 June 2025

NOTES TO THE APPLICANT

Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 38 to 40 of the National Planning Policy Framework.

In accordance with the above, BCP Council has worked with the applicant in a positive and creative way by offering to engage in pre-application discussions and, where possible, by enabling problems to be resolved. In responding to pre-application enquires and determining formal applications, BCP Council always seeks to look for solutions rather than problems so that applications for sustainable development can be approved, thereby resulting in improvements to the economic, social and environmental conditions of the area.

Policy considerations and reasons

In reaching this decision the policies in the Development Plan for the area were taken into account. These include;

- PP1 Presumption in favour of sustainable development
- PP2 Amount and broad location of development
- PP18 Magna Business Park
- PP24 Green infrastructure
- PP27 Design
- PP29 Tall buildings
- PP30 Heritage assets
- PP31 Poole's coast and countryside
- PP32 Poole's nationally, European and internationally important sites
- PP33 Biodiversity and geodiversity
- PP34 Transport strategy
- PP35 A safe, connected and accessible transport network
- PP36 Safeguarding strategic transport schemes
- PP37 Building sustainable homes and businesses
- PP38 Managing flood risk
- PP39 Delivering Poole's infrastructure

The Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019)

- Policy 1 Sustainable waste management
- Policy 2 Integrated waste management facilities
- Policy 3 Sites allocated for waste management development
- Policy 6 Recovery facilities
- Policy 12 Transport and access
- Policy 13 Amenity and quality of life
- Policy 14 Landscape and design quality
- Policy 15 Sustainable construction and operation of facilities
- Policy 16 Natural resources
- Policy 17 Flood risk
- Policy 18 Biodiversity and geological interest
- Policy 19 Historic environment
- Policy 20 Airfield safeguarding areas

- Policy 21 South East Dorset Green Belt
- Policy 22 Waste from new developments
- Policy 23 Restoration, aftercare and afteruse
- Inset 8 Land at Canford Magna, Poole

Supplementary Planning Documents / Guidance and Other Local Documents

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

National Planning Policy Framework ("NPPF" / "Framework") (2024)

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

National Planning Policy for Waste (NPPW) (2014)

National Planning Practice Guidance (NPPG)

- Inspector Report on the Examination of the Bournemouth, Dorset and Poole Waste Plan dated 31 January 2019
- Residual waste infrastructure capacity note, DEFRA December 2024
- Incineration of waste in England Research Briefing April 2025 (House of Commons Library)
- National Policy Statement EN-1 – Overarching National Policy Statement for energy
- National Policy Statement EN-3 – Renewable energy infrastructure
- National Policy Statement EN-5 – Electricity transmission and distribution network

Appeals to the Secretary of State

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. The appeal will be dealt with, on behalf of the Secretary of State, by The Planning Inspectorate.
- If you want to appeal your Local Planning Authority's decision then you must do so within six months of the date of this Notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.
- Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy on tel: 0303 444 5000.
- The Planning Inspectorate can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.
- The Planning Inspectorate need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under a development order.
- In practice the Planning Inspectorate does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further information is available at: <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

Purchase Notice

If either the local planning authority or the Planning Inspectorate refuse permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.