

Statement of Common Ground [DRAFT]

Appeal by MVV Environment Limited

Proposal: 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.

Site Address: Canford Resource Park, Arena Way, Magna Road, Wimborne, BH21 3BW.

LPA Reference: APP/23/00822/F.

PINS Reference: TBC.

Date: December 2025

PREPARED FOR



savills

Contents

1.	INTRODUCTION	2
2.	SITE AND SURROUNDINGS	5
3.	THE APPLICATION PROCESS	10
4.	THE APPEAL PROPOSALS	15
5.	PLANNING POLICY FRAMEWORK	17
6.	MATTERS IN AGREEMENT	19
7.	MATTERS IN DISPUTE	31
8.	DECLARATION	32
	Contact	33

Document History

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1.0	07.11.25	RA	Issued for Counsel review
2.0	05.12.25	AH	Issued for MVV review
3.0	09.12.25	AH	Issued to BCP Council

1. INTRODUCTION

- 1.1 This Statement of Common Ground ('SoCG') has been prepared by Savills (UK) Limited on behalf of MVV Environment Limited ("MVV"/"the Appellant"). This statement clearly sets out the matters and facts which are agreed and not agreed between the Appellant and Bournemouth Christchurch and Poole (BCP) Council ("the LPA").
- 1.2 The SoCG conforms to the latest Planning Inspector Guidance on content and format¹.
- 1.3 The appeal is made under Section 78 of the Town & Country Planning Act 1990 (as amended) concerning land at Canford Resource Park, Arena Way, Magna Road, Wimborne, BH21 3BW.
- 1.4 The appeal follows the decision of BCP Council to refuse an application for full planning permission (reference APP/23/00822/F) for the Proposed Development comprising the following:

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

- 1.5 The Appellant entered into a Planning Performance Agreement (PPA) with BCP Council on 09 November 2023. After an extensive pre-application process, the planning application was validated on 17 July 2023. BCP Council undertook consultation and considered the application.
- 1.6 The application was recommended for approval by BCP officers in September 2024, however, it was deferred from being heard at 12 September 2024 planning committee following representations from the promoter of a proposed energy from waste facility on the Isle of Portland (Powerfuel Portland Ltd). Subsequently, a more senior Officer was assigned as the Case Officer for the application. The application was then recommended for approval by BCP officers and presented for consideration at the meeting of the Western BCP Planning Committee on Thursday 12 June 2025. The Case Officer produced a report to the Committee which recommended approval subject to completion of the Section 106 (S106) legal agreement and fifty conditions (the 'Officer's committee report'). Obligations proposed under Section 106 of the Town and Country Planning Act 1990 related to (1) transport, (2) biodiversity and (3) habitats. By a split decision, Planning Committee members decided not to accept Officers' recommendation and the application was refused.

¹<https://www.gov.uk/government/publications/statement-of-common-ground/statements-of-common-uncommon-ground-for-inquiries>

1.7 The decision notice dated 19 June 2025 sets out five reasons for refusal, which state that the Proposed Development fails to comply with the development plan and national policy. These reasons are quoted below.

- (1) *By reason of its height, scale, mass and bulk, the proposed EfW CHP main building and chimney stack would constitute inappropriate development in the Green Belt that would be harmful to the openness of the Green Belt by definition. No very special circumstances exist to outweigh the harm contrary to Policies 21 and 3 of the BCPD Waste Plan 2019, Policy PP2 of the Poole Local Plan 2018 and the National Planning Policy Framework (as amended).*
- (2) *By reason of its excessive height, scale, bulk and mass, the proposed EfW CHP main building and chimney stack would have a detrimental impact on the landscape character of the area, contrary to Policies 14 and 3 of the BCPD Waste Plan 2019, Policy PP27 of the Poole Local Plan 2018 and National Planning Policy Framework (as amended).*
- (3) *By reason of its excessive height, scale, bulk and mass; the proposed building and chimney stack would have a negative impact on the settings of various designated heritage assets. The harm will be less than significant on the moderate level of the gradient of harm and will not be outweighed by the public benefits of the scheme. The proposal is contrary to Policies 19 and 3 of the BCPD Waste Plan 2019, Policy PP30 of the Poole Local Plan 2018 and Section 16 of the National Planning Policy Framework (as amended).*
- (4) *In the absence of any measures to secure the Travel Plan monitoring fees and monetary contributions towards Bridleway 118 crossing improvements, the proposal is contrary to Policies 12 and 3 of the BCPD Waste Plan 2019, Policies PP34 and PP35 of the Poole Local Plan 2018 and the National Planning Policy Framework (as amended).*
- (5) *In the absence of appropriate mitigation measures secured by a legal agreement, the proposal would have an adverse effect on the integrity of the European protected sites, on the qualifying features of the habitats sites and have an adverse effect on the integrity of the Site of Special Scientific Interest (SSSI) either alone or in combination with other plans and projects contrary to Policies 18 and 3 of the BCPD Waste Plan 2019, Policy PP33 of the Poole Local Plan 2018 and the National Planning Policy Framework (as amended).*

1.8 For clarity, the Appellant and BCP Council agree that the proposed built development referenced in RfRs (1), (2), and (3) comprises the following components, as shown on the Proposed Site Plan (SC1643/PL 10-01 Rev. A): ID02 – tipping hall; ID03 – waste bunker building; ID04 – boiler house; ID05 – air pollution control building; ID08 – chimney and CEMS platform; ID09 – turbine hall; ID11

Statement of Common Ground [DRAFT]

- water re-cooling systems; ID15 diesel tanks; ID17 – switchgear building, administration building and control room; and ID18 – workshop and stores.

2. SITE AND SURROUNDINGS

2.1 The following descriptions of the Appeal Site and surroundings are agreed by the parties.

Site Description

2.2 The Appeal Site (the red line area) is approximately 8.8 hectares (Ha) in size and is located at Canford Resource Park (CRP) off Magna Road (A341). The proposed development will be accessed utilising the existing access road, Arena Way, which is designed for HGV movements and has adequate width and existing traffic calming features. CRP is located approximately 6km north of Poole town centre, within the administrative area of BCP; National Grid Reference SZ 03436 96720. The Appeal Site is located within the South East Dorset Green Belt.

2.3 The majority of the Appeal Site including all of those parts including the EfW CHP main building and chimney stack has been allocated for waste development within the Bournemouth Christchurch and Poole and Dorset Waste Plan (2019) Policy 3, Inset 8 and sits within the CRP wider area.

2.4 There is an existing complex of waste management facilities within the Allocated Site area including a Mechanical Biological Treatment Plan (MBT) a landfill gas compound and a Materials Recovery Facility (MRF). Additionally, a low carbon energy facility which was approved under application ref. APP/12/01559/F (and later varied via S.73) also forms part of the existing development is within the Appeal Site red line area. This facility is partially developed with an existing 800m² building and single 35m chimney and is not operational (as per paragraph 10 of the Officer's Committee Report). Fully built out, which it could be because the planning permission for it has been implemented, APP/12/01559/F as varied allows for 5,136m² of building footprint and a second chimney of 35m height.

2.5 The Appeal Site's area which features above ground structures required for the temporary operational lifetime of the Proposed Development, is 2.57Ha. The EfW CHP Facility Site and ancillary structures occupy 2.3Ha of the land within the Allocated Site. The remaining 0.27Ha is the DNC Compound (as per paragraph 11 of the Officer's Committee Report).

Local Context

2.6 The nearest residential area is the new Canford Paddock housing development (outline application reference APP/17/00008/F) circa 500m to the east of the main proposed building and circa 200m from the Temporary Construction Compound TCC1. The nearest residential units to the west are distanced by circa 550m on Arrowsmith Road, and some on the northern side of Magna Road, opposite TCC1 circa 670m from the CRP site.

Statement of Common Ground [DRAFT]

2.7 To the south of the EfW CHP Facility Site is the Canford Heath Nature Reserve, on the other side of which is the Canford Heath residential area and Nuffield Industrial Estate. To the west is the adjoining closed landfill site, solar farm, hydrogen production unit, and inert waste recycling facility (aggregates etc), which occupy higher ground. Beyond are residential areas of Canford Magna and Merley, which are approximately 1km north-west of the EfW CHP Facility Site.

2.8 Within the Appeal Site, approximately 100m south of the EfW CHP Facility Site and crossing the underground CHP Connection and DNC Connection, is a small tributary stream, Knighton Stream, which runs in a north-easterly direction for around 1km before it reaches the River Stour. In accordance with the EA Flood Map for Planning, the Appeal Site lies entirely within Flood Zone 1 and is therefore considered very low risk in terms of fluvial and coastal flooding (less than 1 in 1,000 annual probability of flooding).

2.9 There are no statutory ecological designations within the Appeal Site. Adjacent to the south of the EfW CHP Facility Site are the ecological designations related to the Canford Heathlands. These designations are the Dorset Heathlands Special Protection Area (SPA), Dorset Heaths Special Area of Conservation (SAC) and Canford Heath Site of Special Scientific Interest (SSSI). In the wider area there are also a number of similar designations, such as part of the Dorset Heathlands Ramsar site 1.6km south-west, the Corfe and Barrow Hills SSSI 2.5km west and the Broadstone Heath Local Nature Reserve (LNR) 1.5km west-south-west.

2.10 There are six public rights of way proximate to the Appeal Site. Bridleway 118, 200m north of the EfW CHP Facility Site, runs in an east-west orientation. Footpath 125 is approximately 500m west of the EfW CHP Facility Site, running in a north to south orientation from the A341 to the A3049. There are also a number of bridleways to the southwest of Bearwood, including Bridleways 129, 24 and 26, the closest being 740m from the EfW CHP Facility Site.

2.11 There are no statutory heritage assets within the Appeal Site. The nearest heritage asset is the Scheduled Monument of Bowl Barrow on Canford Heath, 500m south of the Proposed Development.

2.12 The wider area is dominated to the north and east by open space and sports pitches, to the west by the adjoining closed landfill site, solar farm and inert waste recycling facility, and to the south primarily by the Canford Heath Nature Reserve. In terms of other large scale industrial and commercial sites, the Magna Business Park occupies land 500m east of the EfW CHP Facility Site (10m from the DNC Compound site), Nuffield Industrial Estate is approximately 3km south of the EfW CHP Facility Site and the industrial area at West Howe is 2.1km south-east.

Relevant Planning History for the Appeal Site, the wider Canford Resource Park and White's Pit Landfill

2.13 The EfW CHP Facility Site, the area within the CRP that will hold the EfW CHP main building and chimney stack, is presently occupied by, amongst other things, a Low Carbon Energy Facility (which has extant permission to expand). The wider CRP holds a range of waste management infrastructure building and structures. The adjacent White's Pit former landfill site is in uses complementary to the CRP.

2.14 Applications and reports of relevance are identified in Table 1.

Table 1: Relevant Planning History (1957 to date)

Relevant Planning History		
Reference	Description / Location (bold text)	Decision Issued Date
APP/23/00120/Y	White's Pit solar farm extension	19/12/2023
APP/22/00183/F	Inert recycling facility at White's Pit concrete batching plant	30/08/2022
PREA/22/00049	Environmental Impact Assessment Scoping Opinion request for an Energy from Waste and Combined Heat and Power Facility at Canford Resource Park	14/10/2022
APP/22/01333/F	Variation of Condition 8 of Planning Permission APP/15/00874/Y as described in that Description of Development to allow heavy goods vehicles to leave the site from 05:00 Monday to Saturday. CRP	28/12/2022
APP/22/01332/F	Variation of Condition 7 of Planning Permission APP/14/00733/F (following Original approval APP/13/00855/F) as described in that Description of Development to amend restriction on time of vehicle movement. CRP	28/12/2022
APP/22/00284/F	Vary condition 2 of APP/21/00400/F – hydrogen plant adjacent BESS on the restored landfill [moved away from site of EfW CHP main building] White's Pit	20/05/2022
APP/21/00400/F	White's Pit solar farm 30 years including hydrogen and battery storage	08/10/2021
APP/20/01363/F	Inert recycling facility at White's Pit drainage ditch	26/10/2022
APP/20/00533/F	Inert recycling facility at White's Pit permanent consent	28/09/2020
APP/17/00888/F	Variation of Condition 6 of Planning Permission APP/13/01449/F as described in that Description of Development to link approved operations to other adjacent planning consents, ref 14/00733 and 15/00874. CRP	16/07/2018
APP/15/00874/Y	Erect commercial and industrial waste materials recovery facility with new weighbridge, office and welfare facilities. No time limiting consent. CRP	28/10/2015

Statement of Common Ground [DRAFT]

APP/15/00906/F	Variation of Condition 1 of planning permission App.14/00332/F to allow for the retention of the Research & Development use & associated plant & structures for a further 6-months. CRP	25/08/2015
APP/14/00332/F	Variation of condition 1 of planning permission App.12/01672/C to allow for the retention of the research & development use & associated plant & structures for a further 9-month period. CRP	26/06/2014
APP/14/00733	MRF – amended APP13/0855/F to allow processing of non-inert waste CRP	26/08/2014
APP/14/00120/Y	Inert recycling facility at White's Pit original consent time limited to 2022	23/07/2014
APP/13/01455/F	Variation of condition to APP/13/00843/F to make composting hall extension permanent CRP	16/01/2014
APP/13/01449/F	Variation of condition 3 of 13/00808/F to remove the time limit for the Low Carbon Energy facility – to make the permission (originally 12/01599/F) permanent. CRP	19/02/2014
APP/13/01438/F	Removal of condition 1 to APP/13/00806/Y to make composting hall extension permanent CRP	14/02/2014
APP/13/01437/F	Removal of condition 1 to APP/13/00805/Y to make composting hall extension permanent CRP	14/02/2014
APP/13/00855/F	Removal of Condition No.2 of planning permission 13/00242/F (Materials Recovery Facility) CRP	02/12/2013
APP/13/00843/F	Variation of condition to APP/11/01653/F to extend permission to 2035 CRP	01/10/2013
APP/13/00808/F	Variation of condition 3 of 12/01559/F to allow for the Low Carbon Energy facility to remain in place until June 2035. CRP	04/10/2013
APP/13/00806/Y	Variation of condition 1 to 00/31392/006/Y to extend permission to 2035 CRP	01/10/2013
APP/13/00805/Y	Variation of condition 2 to 04/31392/012/Y to extend permission to 20 June 2035 CRP	01/10/2013
APP/13/00242/F	Planning Permission was granted to erect extensions to existing Material Recovery Facility with ancillary infrastructure, accessed via existing Service Road. A condition restricted the life of this development until June 2035. CRP	20/01/2013
APP/12/01559/F	Development of Low Carbon Energy Facility consisting of a single storey Feedstock Preparation Building, 10 Advanced Thermal Conversion Units, 10 Gas Engines, Electricity Transformers, Storage Tanks, Exhaust Stacks Welfare and Maintenance facilities, accessed via existing site and Arena Way CRP	01/07/2013
12/01672/C	Vary planning condition 1 of APP/11/01669/C to allow for the retention of the research and development use, and associated plant and structures for a further 18-month period. CRP	14/03/2013
11/01669/C	Permission to vary planning condition 2 of APP/09/00810/C to continue the operation of a trial pyrolysis plant & associated	07/02/2012

Statement of Common Ground [DRAFT]

	Application No: APP/12/01559/F Page 3 of 14 equipment in compost "maturation" building. CRP	
11/01653/F	Permission to install 3 gas production units (pyrolysis units), to feed existing gas turbines, to be installed at inert recycling compound, with enclosures and pipelines. CRP	23/02/2012
09/00810/C	Permission to change the use of part of the existing compost maturation building for the purposes of an R&D trial of pyrolysis technology and erection of plant and structures including a gas engine in the open air. CRP	11/09/2009
08/31392/018	Erect a detached building to provide additional composting halls and maturation bays linked by an overhead conveyor to the existing waste reception/sorting hall and the ancillary water treatment tanks, air scrubbers and bio filter. Allowed at appeal. CRP	01/10/2008
04/31392/012/Y	Erect single storey extension to composting hall CRP	21/06/2004
00/31392/006/Y	Permission for the erection of a fully enclosed composting facility. Given a temporary 25-year consent because of its Green Belt location, which expires in January 2027. This temporary permission was based on the siting of equipment to deal with the outputs from the landfill site, expected to be on site until 2027. CRP	9/01/2002
5/94/31174/008	The erection of a building to house, and the siting of, 7 electrical generating turbines, driven by gas captured from the landfill site, was granted. CRP	1994
5/93/31174/005	The erection of a maintenance workshop at the Gas and Leachate Control Centre was granted. CRP	1993
31174/4	Install electrical power generating plant to recover energy from landfill gas CRP	29/03/1993
5/89/27392/1	White's Pit Extraction of Sand and Gravel with reinstatement by tipping of controlled waste	23/05/1989
7706/1	Extract minerals from 23.8 acres of land. CRP	18/04/1957

3. THE APPLICATION PROCESS

3.1 The following description of the application process is agreed by the parties.

Pre-Application

3.2 A preliminary site meeting was held with BCP Planning on 16 November 2021. A pre-application request (ref. REA/21/00143) was submitted to BCP Council on 16 December 2021. A virtual meeting occurred on 15 July 2022 followed by a site meeting with the assigned Case Officer on 26 July 2022. A pre-application response was received on 16 September 2022. Correspondence is included at Appendix 2 of the Planning Statement.

3.3 The proposal is Schedule 1 Section 10 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Accordingly, the Appellant submitted a Request for a Scoping Opinion on 4 April 2022 and received a Scoping Opinion on 14 October 2022 (ref. PREA/22/00049).

3.4 A further virtual pre-application meeting was held on 31 January 2023 to discuss design. Additional pre-application advice was provided by the Case Officer via email on 07 March 2023.

3.5 MVV entered into a Planning Performance Agreement (PPA) with BCP Council in an effort to ensure the LPA had sufficient officer resource to manage the application. Dated 9 November 2023, the PPA outlined best endeavours to report the application to planning committee in January 2024.

Public Consultation

3.6 Prior to the submission of the Planning Application, the Appellant undertook a community consultation exercise, as agreed with BCP Council at the pre-application meeting on 15 July 2022, which involved:

- Project specific website (launched 13 April 2022)
- Press releases (issued 20 April 2022 and 04 January 2023)
- A series of public information events at local community venues (on 12, 13 and 14 January 2023) – these were advertised on a local community group; via posters in local community venues and hand-delivered leaflets to over 5,000 addresses in the immediate vicinity.

3.7 A detailed account of undertaken public consultation is provided within the Statement of Community Involvement (dated July 2023) submitted as Appendix 2 of the Planning Statement.

3.8 BCP advertised the Planning Application in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Town and

Statement of Common Ground [DRAFT]

Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The planning application was submitted and validated on 12 July 2023 and 17 July 2023 respectively. Consultation commenced on 02 August 2023 and the statutory 30 day consultation period was extended following a request for additional information and the deferral of committee in September 2024 until 01 March 2025. Nine application notices were posted in the vicinity of the Appeal Site on 06 September 2023. A press notice was posted in the local newspaper and notification sent to the Secretary of State for Levelling Up, Housing and Communities (as per paragraph 54 of the Officer's Committee Report).

3.9 Consultation responses from statutory consultees and other interested parties indicated that further information was required to determine the Application. The Appellant submitted additional EIA information and revisions to the application under the provisions of Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and Regulation 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 on 27 February 2025. The submission included a response from the Appellant to local representations. Additional site and press notices were posted on 07 and 08 March 2024 respectively, publicising amended plans (as per paragraph 54 of the Officer's Committee Report).

The Planning Application

3.10 The Proposed Development was considered and subsequently refused on the basis of the following plans and reports²: Three plans (elevational drawings) were substituted in February 2024 following discussions with BCP Council over design and a series of ES Addenda and other Addenda and further documents dated February 2024 were submitted following the Council's request for further EIA information

Table 2: Planning Application Documents / Drawings

Planning Application Original Documents / Drawings			
Plan Name	Reference	Author	Date
Site Location Plan	MVV_001_Rev_0	MVV Environment Limited	June 2023
Proposed Site Plan	SC1643/PL 10-01 A	Savage + Chadwick Architects	Aug 2023
North Western Elevation	SC1643/PL 12-01 A	Savage + Chadwick Architects	Feb 2023
South Eastern Elevation	SC1643/PL 12-02 A	Savage + Chadwick Architects	Feb 2023
North Eastern Elevation	SC1643/PL 12-03 A	Savage + Chadwick Architects	Feb 2023
Proposed Development Components	MVV_002_Rev_1	MVV Environment Limited	Aug 2023

²Other documents were submitted to the LPA: the intention of this table is to identify the plans and drawings, and the reports, which present, show and explain the Proposed Development.

Statement of Common Ground [DRAFT]

Document Name	Reference	Author	Date
Planning Statement and Appendices: Appendix 1: List of Plans Appendix 2: Pre-Application Consultation Appendix 3: Aviation Impact Assessment Appendix 4: Combined Heat and Power Appendix 5: Section 106 Agreement Appendix 6: Design Stage R1 Calculation Appendix 7: List of Draft Conditions Appendix 8: Letters of Support		MVV Environment Limited	July 2023

Statement of Common Ground [DRAFT]

Statement of Community Involvement	SCI 1.0	MVV Environment Limited	July 2023
Outline Employment and Skills Plan	OEES 1.0	MVV Environment Limited	July 2023
Design and Access Statement		MVV Environment Limited	July 2023
Non-Technical Summary of the Environmental Statement		Multiple	July 2023
Environmental Statement Main Text: Chapter 1: Introduction Chapter 2: The Site and Local Context Chapter 3: Description of the Proposed Development Chapter 4: Alternatives and Design Iterations Chapter 5: EIA Approach Chapter 6: Air Quality Chapter 7: Climate Change and Greenhouse Gases Chapter 8: Ecology and Nature Conservation Chapter 9: Geology, Hydrology and Ground Conditions Chapter 10: Historic Environment Chapter 11: Hydrology Chapter 12: Landscape and Visual Chapter 13: Noise and Vibration Chapter 14: Population and Health Chapter 15: Traffic and Transport		Multiple	July 2023
Environmental Statement Technical Appendices and Figures		Multiple	July 2023
Incinerator Bottom Ash (IBA) and microplastic		MVV Environment Limited	Feb 2025

Planning Application Amendments and further Documents including ES Addenda			
Plan Name	Reference	Author	Date
North Western Elevation	SC1643/PL 12-01 A Rev A	Savage + Chadwick Architects	Dec 2023
South Eastern Elevation	SC1643/PL 12-02 A Rev A	Savage + Chadwick Architects	Dec 2023
North Eastern Elevation	SC1643/PL 12-03 A Rev A	Savage + Chadwick Architects	Dec 2023
Visualisations of the EfW CHP Facility	SC1643/PL 12-04 A Rev A	Savage + Chadwick Architects	Dec 2023

Statement of Common Ground [DRAFT]

Proposed EfW CHP Facility Site including illustrative carbon capture facility	MVV_CC_001a	MVV Environment Limited	Oct 2024
Document Name	Reference	Author	Date
Applicant's Response to Consultees	ARC_P1_Rev 1.0	MVV Environment Limited	Sept 2023
Design and Access Statement Addendum	DAS Addendum	MVV Environment Limited	Feb 2024
Summary of Local Representations and the Applicant's Response	MVV001 _Rev 2.0	MVV Environment Limited	Feb 2024
Non-Technical Summary of the Environmental Statement Addendum		Multiple	Feb 2024
Environmental Statement Addendum Chapter 0: ES Addendum Chapter 6: Air Quality Addendum Chapter 8: Ecology and Nature Conservation Chapter 12: Landscape and Visual Addendum		Multiple	Feb 2024
Environmental Statement Addendum Technical Appendices and Figures		Multiple	Feb 2024
Summary of additional local representations and the Applicant's response	SoLR2_Rev 1.0	MVV Environment Limited	June 2025

4. THE APPEAL PROPOSALS

4.1 The parties agree to the following description of the proposals:

“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”.

4.2 This Description of Development remains valid with the exception that the Appellant indicated to BCP Council before the application was determined that it has no intention of using Temporary Construction Compound Two (TCC2). Condition 47 proposed in the Officer's Committee Report, which is acceptable to the Appellant, would disallow development/use of TCC2.

4.3 The intended deletion of TCC2 from the application by the substitution of plans and minor amendment of the description of development (deleting “s” from “compounds” to make the plural singular) is acceptable to the parties and is not considered to cause prejudice to any other party should the appeal be determined on that basis.

4.4 The primary waste throughput of the proposed development would be to treat Local Authority Collected Household (LACH) residual waste and similar residual Commercial and Industrial (C&I) waste from BCP and surrounding areas, that cannot be recycled, reused or composted and that would otherwise be exported to alternative EfW facilities further afield, either in the UK or Europe or landfilled (paragraph 3 of the Officer's Committee Report).

4.5 At the operational stage, the proposed facilities would:

- Process up to 260,000 tonnes per annum (tpa) of non-recyclable (residual), non-hazardous municipal, commercial and industrial waste.
- Generate 31 megawatts (MW) of energy, exporting around 28.5MW of electricity to the Distribution Network Operator (DNO) grid or for businesses at Churchill Business Park³. Additionally, potentially providing electricity through private wire along Arena Way to Magna Road.
- Have potential to export 5MWth of heat to Churchill Business Park through a Combined Heat and Power (CHP) connection and Distribution Network Connection (DNC) Corridor.

³ Magna Business Park (MBP) was in construction at the time of application 23/00822/F (July 2023). Part of it has since been named Churchill Business Park. Additionally three other large standalone buildings have since been constructed at MBP and there remains one undeveloped site for a 27,000 sq ft building. There being no gas supply at MBP it is agreed supply of heat is both technically possible and advantageous to MBP occupiers, the estate infrastructure remaining largely controlled by those who own the land subject to 23/0822/F.

- Employ up to 32 full time equivalent (FTE) employees (paragraph 4 of the Officer's Committee Report).

4.6 The appeal seeks a temporary 40 year operational consent for the main facility, after which point the facilities would be decommissioned and removed from the site. The decommissioning process (including the removal of structures from the site) would likely take place following the 40 year period, with time limitations being secured by recommended conditions. The DNC and Heathland Support Area are proposed to be retained permanently (paragraph 5 of the Officer's Committee Report).

4.7 The appeal proposal includes the retention of an area of land within the EfW CHP Facility Site (part of Waste Plan 2019's Allocated Site Inset 8) to enable the construction of a Carbon Capture plant which could be built in the future, subject to further planning permission. Defra capacity note (December 2024) requires "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". The government's decarbonisation readiness' requirements have not come into force yet and as such, the proposal does not require to demonstrate that it can be built carbon capture ready. Notwithstanding, the applicant has provided details to demonstrate that the proposal will be 'carbon capture retrofit ready'. The technology could have the potential to capture carbon dioxide emissions, to be permanently stored rather than released into the atmosphere, and allow the proposal to achieve a further reduction in greenhouse gas emissions. This is an added benefit of the proposal (paragraph 6 of the Officer's Committee Report).

4.8 There is also potential for the Incinerator Bottom Ash (IBA) (the byproduct of the incineration process) to be processed within the wider CRP area. This would allow the byproduct to be utilised for producing sand, grit and aggregates or other reuse purposes (paragraph 7 of the Officer's Committee Report). This activity falls within the uses allowed by implemented planning consent APP/20/00533/F and Environmental Permit EPR/EB3102FV.

5. PLANNING POLICY FRAMEWORK

Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. (see also s.70(2) of the Town and Country Planning Act 1990).

5.2 The relevant adopted Development Plan documents for the purposes of this appeal are:

- The Bournemouth Christchurch and Poole and Dorset Waste Plan ('the Waste Plan' or 'WP'), adopted in December 2019; and
- The Poole Local Plan (PLP) (2013 – 2033), adopted in November 2018.

5.3 For the determination of this appeal the Waste Plan takes primacy, as it is the most recent aspect of the development plan and it relates directly to proposals of this nature.

5.4 The following policies from the adopted Development Plan are considered the most relevant for determination of the appeal:

The Waste Plan (2019)

- Policy 1: Sustainable Waste Management
- Policy 2: Integrated Waste Management Facilities
- Policy 3: Sites Allocated for Waste Management and Development (Inset 8)
- Policy 6: Recovery Facilities
- Policy 14: Landscape and Design Quality
- Policy 19: Historic Environment
- Policy 21: South East Dorset Green Belt

Poole Local Plan (2018)

- Policy PP2: Amount and Broad Location of Development
- Policy PP27: Design
- Policy PP30: Heritage Assets

Relevant Material Considerations

5.5 The following policy/legislation/guidance are particularly relevant to the determination of the appeal.

National Planning Policy

- National Planning Policy Framework (December 2024)
- National Planning Practice Guidance (NPPG) (online with various updates)
- National Planning Policy for Waste (October 2014)
- Defra's Energy from Waste Guide (2014)
- Waste Management Plan for England (2021)
- Defra Residual Waste Capacity Infrastructure Note (2024)
- National Policy Statement EN-1 – Overriding policy on Energy (2025)
- National Policy Statement EN-3 – Renewable Energy(2025)

Supplementary Planning Guidance

- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (BCP and Dorset Councils April 2020)

Other Legislation / Guidance

- BCP Local Area Energy Plan
- BCP Climate and Ecological Emergency Action Plan

6. MATTERS IN AGREEMENT

6.1 The following matters (in no particular order) are agreed between the Appellant and BCP Council

- i. The Proposed Development subject to this appeal is that described in the plans, forms and documents submitted by MVV as the planning application and modified only by the intended deletion of TCC2.

6.2 **Environmental Statement**

- i. The Appeal is EIA development, exceeding the threshold under Part3(a) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) for the generation of electricity.
- ii. The Environmental Statement submitted with the application and the additional information submitted under Regulation 25 in January 2024 complies with the Town and Country Planning (Environmental Impact Assessment Regulations 2017) and is a suitable basis for decision making.

6.3 **The Principle of the Development including Waste Policy and Need**

6.3.1 The parties agree that the Appeal scheme is considered **acceptable in-principle** (as per paragraph 165 of the Officer's Committee Report). Explanation of why parties agree on this is detailed below.

- i. The spatial strategy of the adopted Waste Plan has identified that the need for strategic residential waste facilities will primarily be addressed through new capacity in South East Dorset and the Appeal Site has been allocated for this (as per paragraph 108 of the Officer's Committee Report). The Appeal Proposals would provide for residual waste management in the Waste Plan area.
- ii. The Proposed Development will enable the recovery of residual waste, both as energy (principally) and of materials by use of IBA as a secondary aggregate, and the recycling of metals (as per paragraph 108 of the Officer's Committee Report).
- iii. The Proposed Development will avoid landfilling of residual waste and hence move waste management up the Waste Hierarchy as required by WP Policy 1 Sustainable Waste Management (as per paragraph 108 of the Officer's Committee Report).
- iv. The Proposed Development will contribute to the management of waste generated within the Waste Plan area, thus contributing towards the self-sufficiency principle of WP Policy 1 Sustainable Waste Management (as per paragraph 108 of the Officer's Committee Report).

- v. The Appeal Site is located within an existing complex of waste management facilities adjoining other sources of sustainable energy generation (namely solar farm at former White's Pit) – complying with the co-location requirement of NPPW (paragraph 4) and with WP Policy 2 Integrated waste management facilities (as per paragraphs 108 and 109 of the Officer's Committee Report). The co-location of the EfW CHP Facility adjacent White's Pit inert waste treatment facility creates very real potential to treat IBA from the Appeal Proposals adjacent to the Appeal Site, thus reducing the travel miles and associated emissions.
- vi. The EfW CHP main building and chimney stack would be located on land allocated by WP Policy 3 Sites for potential for intensification and re-development. Inset 8 to WP 3 states the allocated uses as "Intensification and redevelopment of the site [of which the EfW CHP main building and chimney stack would occupy a part] including the management of non-hazardous waste. Waste management facilities, including incineration, that would lead to adverse effects upon the integrity of European Sites will not be acceptable". The EfW CHP main building and chimney stack fall within the description of what the Appeal Site is allocated for (as per paragraphs 99 to 104 of the Officer's Committee Report).
- vii. The Appeal Site is located in close proximity to the source of the majority of the waste i.e., the South East Dorset Conurbation (as per paragraph 108 of the Officer's Committee Report).
- viii. The Proposed Development will be a recovery facility using thermal treatment which will support the key principles of WP Policy 6 (as per paragraph 110 of the Officer's Committee Report).
- ix. The Proposed Development is for a temporary period of 40 years. After this point the facility will cease operation and will be decommissioned (including removal of all relevant structures) and the Appeal Site will be remediated retaining on-site landscaping otherwise to a site of hardstanding cleared of structures. The proposal is therefore compliant with Policy 23 of the Waste Plan (as per paragraph 117 of the Officer's Committee Report).
- x. The Proposed Development will comply with the relevant policies of the adopted Waste Plan subject to the proposed conditions and planning obligations (as per paragraph 130 of the Officer's Committee Report).
- xi. There are no unacceptable cumulative/in combination effects (as per paragraph 120 of the Officer's Committee Report).

6.4 **Green Belt**

- i. The Appeal Site is located within the South East Dorset Green Belt.

- ii. The construction of the main building, chimney stack and other ancillary facilities (including the area for carbon capture plant, weighbridge and gatehouse) will result in the complete redevelopment of previously developed land (as per paragraph 176 of the Officer's Committee Report) albeit as plan SC/1643/PL 10-01 shows there will be some areas of trees and shrubs on the EfW CHP Facility Site site, particularly the western corner.
- iii. Reason for Refusal (1) (RfR1) relates solely to the proposed EfW CHP main building and chimney stack. As confirmed at paragraph 1.8 the EfW CHP main building and chimney stack comprise the following components, as shown on the Proposed Site Plan (SC1643/PL 10-01 Rev A): ID02 – tipping hall; ID03 – waste bunker building; ID04 – boiler house; ID05 – air pollution control building; ID08 – chimney and CEMS platform; ID09 – turbine hall; ID11 – water re-cooling systems; ID15 diesel tanks; ID17 – switchgear building, administration building and control room; and ID18 – workshop and stores.
- iv. The DNC Compound is, for that purpose, grey belt (as per paragraph 206 of the Officer's Committee Report).
- v. All other components of the development constitute temporary activities associated with construction or would be underground with the surface made good and as such would not harm the permanence or harm the openness of the green belt.

6.5 **Heritage Impact**

- i. The parties agree that the methodology for the identification of assets potentially affected by the proposals, as set out in the Heritage Impact Assessment (HIA) Chapter of the Environmental Statement (ES) is suitable.
- ii. The parties further agree that, consequently, the assets taken forward for further assessment in the HIA/ES are the correct ones.
- iii. The parties likewise agree that the history and significance of the assets taken forward to full assessment are correctly defined in the HIA/ES, and furthermore that the staged methodology adopted for assessment meets the terms of best practice guidance as advised by Historic England (HEAN 3: The Setting of Heritage Assets).
- iv. The parties agree that the setting and significance of the following assets, not taken forward to full assessment, will be preserved in line with statutory requirements as appropriate (section 66 (1) of the PLBCAA 1990) and policy (NPPF chapter 12).

- v. The parties agree that the approach taken to the assessment of heritage impact in the NPPF and supporting PPG (Chapter 16 on heritage and PPG on the Conservation of the Historic Environment) are relevant.
- vi. The parties agree that the Landscape and Visual Impact Assessment contains three views (03, 06 and 10) which are relevant for the assessment of heritage impacts.
- vii. The parties agree that Reason for Refusal (3) (RfR3) does not relate to the Bowl Barrows (as per correspondence between BCP Council and Savills dated 17 October 2025).
- viii. The parties agree that the heritage assets relied upon by the Council for the purposes of RfR3 are as follows:
 - The Grade I listed Canford School
 - The Grade I listed church of Canford
 - The Canford Village Conservation Area and
 - The Oakley Lane Conservation Area

6.6 Impact on Landscape Character and on Visual Amenity

- i. The main part of the Appeal Site (the EfW CHP Facility Site and some roadways) is within a working commercial waste management complex. The surrounding woodland and topography assists to enclose the EfW CHP Facility Site to a degree, both physically and visually, limiting the potential for prominent views from adjacent public realm (as per paragraph 229 of the Officer's Committee Report).
- ii. The Proposed Development has been designed to minimise its impact as far as reasonably practicable without limiting function (as per paragraph 232 of the Officer's Committee Report).
- iii. The design of the Proposed Development will be of high quality that would reflect the nature of the operation (as per paragraph 233 of the Officer's Committee Report). The main part of the Appeal Site (the EfW CHP Facility Site and some roadways) will accord with the character of the existing CRP operational commercial waste management complex.
- iv. The DNC Compound is located in proximity to the existing electricity pylon BM34 and will not appear out of character (as per paragraph 239 of the Officer's Committee Report).
- v. Reason for Refusal (2) (RfR2) relates solely to the proposed EfW CHP main building and chimney stack. As confirmed at paragraph 1.8 the EfW CHP main building and chimney stack comprise the following components, as shown on the Proposed Site Plan (SC1643/PL 10-01): ID02 – tipping hall; ID03 – waste bunker building; ID04 – boiler house; ID05 – air pollution control

building; ID08 – chimney and CEMS platform; ID09 – turbine hall; ID11 – water re-cooling systems; ID15 diesel tanks; ID17 – switchgear building, administration building and control room; and ID18 – workshop and stores. As such all other aspects of the development are considered to be acceptable in landscape character terms.

- vi. The 14 off-site viewpoints and 6 Residential Groups assessed in the LVIA were agreed in advance with BCP Council and represent an appropriate range and number of viewpoints. The highest level of effect is major/moderate, none are substantial.

6.7 Amenity Impact

- i. The nearest PROW to the EfW CHP main building and chimney stack is bridleway 118 which runs broadly south east to north west 200m to the north at its closest point, crossing the Appeal Site access road at a marked crossing for which improvements have been agreed, to be delivered through the S106 legal agreement, which has been drafted. Otherwise, the nearest PROWs (bridleways 24, 23 and 125) are mostly several hundred metres from the EfW CHP main building and chimney stack.
- ii. Recreational pressure is damaging to Canford Heath; SPG and planning policies are intended to discourage recreational use of Canford Heath for example by developing heathland infrastructure projects such as Suitable Alternative Natural Green Spaces (SANGs) and Heathland Support Areas (HSAs). The Proposed Development will expand the HSA adjacent to Magna Business Park by a net 7,700m².
- iii. Natural England has in recent years undertaken management work on Canford Heath to re-create areas of bog by damming streams. This has made parts of Canford Heath less accessible including making informal walkers' paths impassable.

Overlooking, Overshadowing & Overbearing

- iv. The Proposed Development will be located at significant distance from residential properties. The nearest residential development would be around 500m from the EfW CHP main building and circa 200m from the TCC1. Whilst the EfW CHP main building will be of considerable mass, bulk and height, due to the separation distance and intervening vegetation, the Proposed Development will not have any negative impact on residential amenity in terms of loss of privacy, loss of light and overbearing/sense of enclosure (as per paragraph 243 of the Officer's Committee Report).

Statement of Common Ground [DRAFT]

- v. The chimney stack will be visible from various private spaces due to its height, however it is agreed that due to the slim nature of the chimney stack, it will not cause harm to residential amenity of the surrounding properties (as per paragraph 244 of the Officer's Committee Report).
- vi. The DNC Compound will be 215m from the nearest residential property and due to the separation distance, will not have any significant negative impact on residential amenity (as per paragraph 245 of the Officer's Committee Report).

Noise, Vibration and Disturbance

- vii. The Proposed Development will not result in any unacceptable levels of noise throughout construction, operation and decommissioning phases subject to the proposed conditions (as per paragraphs 246 and 247 of the Officer's Committee Report).

Odour

- viii. Subject to condition, parties agree that the Proposed Development would be acceptable in terms of odour impact (as per paragraphs 250 of the Officer's Committee Report).

Light Spill

- ix. Subject to condition, parties agree that the Proposed Development would be acceptable in terms of light spill (as per paragraphs 253 of the Officer's Committee Report).

6.8 **Transport and Accessibility**

Access

- i. The EfW CHP Facility Site will be accessed utilising the existing access road, Arena Way. The parties agree that this provides acceptable onsite manoeuvrability and emergency service access (as per paragraphs 255 of the Officer's Committee Report).
- ii. Bridleway 118 crosses Arena Way which forms part of the Appeal Site, at a marked crossing close to where Arena Way enters CRP. It also crosses the DNC Corridor between the ERF CHP Facility Site and the DNC compound. There is no fundamental objection to the Proposed Development on PRoW grounds (as per paragraphs 256 and 257 of the Officer's Committee Report) on the assumption that the Developer's Obligation in Schedule 6 of the draft S106 agreement is complied with.

Impact on Transport Network

- iii. The Proposed Development would not generate an unacceptable impact on highway safety within the adopted highway network subject to conditions, and would provide adequate access and on-site parking.
- iv. The Proposed Development has no adverse impact on the adopted highway network / vehicular network during construction and subsequent operational lifetime of the EfW CHP Facility.
- v. The Highways Authority support the Proposed Development subject to the proposed conditions (as per paragraph 44 of the Officer's Committee Report).

6.9 Flood Risk and Drainage

- i. The Appeal Site is located within Flood Zone 1 and is at low risk from tidal or fluvial flooding. The EA have not objected on any flood risk concerns subject to conditions securing adequate drainage (as per paragraph 268 of the Officer's Committee Report).
- ii. The surface water drainage strategy is acceptable subject to the agreed conditions (as per paragraph 271 of the Officer's Committee Report).

6.10 Air Quality

- i. The Appeal Site is not located within or adjacent to any Air Quality Management Areas (AQMA). The Proposed Development would have an acceptable impact on air quality subject to the proposed conditions and mitigation measures (as per paragraphs 276 and 280 of the Officer's Committee Report).

6.11 Public Health

- i. The impact of the Proposed Development on public health will not be significant and the proposal is compliant with the relevant parts of Policy PP27 of the Poole Local Plan and Policy 13 of the Waste Plan (as per paragraph 290 of the Officer's Committee Report).

6.12 Ecology, Trees and Biodiversity

- i. The Appeal Site is not located within any statutory designations. There are six international statutory designations within a 10km radius of the Appeal Site, and seven national statutory designations within 5km. Dorset Heathlands SPA, Dorset Heaths SAC and Canford Heath SSSI are located adjacent to the southern boundary.
- ii. Natural England do not object to the Proposed Development subject to conditions and planning obligations (as per paragraph 298 of the Officer's Committee Report).

- iii. Subject to appropriate mitigation measures being secured by the S106 legal agreement, which have been agreed with Natural England, which it is confirmed the draft S106 agreement which accompanies this SoCG would secure, the Proposed Development, would not have unacceptably adverse effects on the integrity of the European protected sites, on the qualifying features of the habitats sites or on the integrity of the SSSI either alone or in combination with other plans and projects.
- iv. The shadow Habitats Regulations Assessment (HRA) submitted with the proposals is an acceptable basis for BCP Council as competent authority under the Habitats Regulations to conclude no significant effects to European Sites (as per paragraph 297 of the Officer's Committee Report).
- v. The DNC Compound is proposed to include a small section of the existing HSA. The loss will be compensated by an extension of the existing HSA resulting in a net increase of 7,700 sqm which will be dedicated public open space kept open and managed for biodiversity in perpetuity. This is a benefit to the local population (as per paragraph 299 of the Officer's Committee Report).
- vi. The Proposed Development would have an acceptable impact on trees in accordance with Policies PP27(b) and PP33 of the Poole Local Plan, Policy 14 of the Waste Plan and the NPPF (as per paragraph 305 of the Officer's Committee Report).
- vii. The Proposed Development would conserve and enhance the biodiversity value of the Appeal Site bringing measurable and significant Biodiversity Net Gain (BNG) (estimated to be 25%). The Proposed Development is not subject to the BNG Regulations as the application was registered on 18 July 2023 that is before they came into effect on 12 February 2024 (as per paragraph 307 of the Officer's Committee Report).

6.13 Energy and Climate Change

- i. The Appeal Site includes a dedicated and appropriate space to retrofit the facility with carbon capture technology (as per paragraph 315 of the Officer's Committee Report). Carbon capture would significantly reduce the amount of carbon emissions from the Appeal Proposals.

6.14 Aviation Safeguarding

- i. The Proposed Development would not lead to penetration of the controlled surfaces within the Bournemouth Airport safeguarding zone (as per paragraph 323 of the Officer's Committee Report). A proposal to amend Instrument Flight Procedures has been proposed to Bournemouth Airport which has communicated it to be an acceptable basis for the removal of

the Airport's holding objection. Proposed planning condition 9 (aviation safeguarding – flight paths) provides suitable planning control over this matter.

6.15 Economic Development and Employment

- i. The Proposed Development would generate short and long term employment opportunities through construction and operational phases (as per paragraph 324 of the Officer's Committee Report).

6.16 Environmental Permit

- i. An environmental permit (EPR/SP3127SF) for the EfW CHP Facility was issued by the Environment Agency 10 June 2025.

6.17 Development Plan Policies, NPPW and NPPF

- i. The Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 and Poole Local Plan 2018 are up to date (as per paragraph 69 of the Officer's Committee Report). No emerging replacement development plans have reached as stage at which draft policies might be considered material, nor is this possible over the next 12 to 18 months.
- ii. It is agreed the Appeal Proposals are compliant with all policies of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 save that compliance with policies 3, 12, 14, 18, 19, and 21 is not agreed and with the Poole Local Plan 2018 save that compliance with policies PP2, PP27, PP30, PP33, PP34, and PP35 is not agreed. WP Policy 4 is not applicable to the appeal proposals. Compliance with policy 6 relies on condition 37 (combined heat and power output review and management) which is acceptable.
- iii. It is agreed the Appeal Proposals are compliant with National Planning Policy for Waste 2014 and with all of the National Planning Policy Framework 2024 save for paragraphs 153, 154 (RfR 1 Green Belt) 135, 187 (RfR 2 character), Section 16 (RfR 3 historic environment), paragraphs 118 (RfR 4 travel plan), 193, 194 and 195 (RfR 5 effects of SSSIs and the integrity of a habitats site) which are not agreed.
- iv. The Appeal Proposals are consistent with the Spatial Strategy of the Waste Plan which identifies need for residual waste management including EfW in South East Dorset.

6.18 Section 106 Agreement and RfRs 4 and 5

- i. A S106 legal agreement between the Appellant and BCP Council has been drafted and submitted. Along with confirmation that MVV and all relevant landowners (other than the Council itself) are ready to sign it. Upon its completion RfRs 4 and 5 would be resolved.

6.19 Planning Conditions

- i. Save for condition 44 (waste catchment), the parties are agreed that the 50 planning conditions proposed in the BCP Officer's Committee Report would form an acceptable basis for control of planning permission for the proposals. The parties do agree that a waste catchment condition is acceptable and the Appellant has indicated the wording of a condition it would agree.

6.20 Statutory Consultees

- i. Save for Bournemouth Airport whose objection is conditional and reasonably seems likely to be removed, and subject to various conditions proposed in the Officer's committee report, no statutory consultee has an objection to the Appeal Proposals. Statutory consultees include the Environment Agency, Natural England, Historic England and the Highways Authority (BCP) as well as other functions of BCP, and Dorset Council.

6.21 Incinerator Bottom Ash (IBA)

- i. The permitted inert waste processing facilities adjacent to the Appeal Site allow for the treatment of IBA (Environmental Permits DB3904GC and EB3102FV) (as per paragraphs 7 and 153 of the Officer's Committee Report). Planning permission APP/20/0533/F is a permanent permission allowing for this.

6.22 South East Dorset

- i. South East Dorset, as referred to in the Waste Plan, comprises the administrative area of BCP Council and in addition the wards of Dorset specified later in this paragraph. This aligns closely with the definition of this area in the document "*South East Dorset Strategy*" produced jointly by Bournemouth Borough Council, The Borough of Poole Council, and Dorset County Council in November 2005⁴.
 - Colehill & Wimborne Minster East
 - Corfe Mullen
 - Ferndown North

⁴<https://www.dorsetcouncil.gov.uk/documents/35024/282993/SE+Dorset+Joint+Study+Area+The+Strategy+%28SED02%29+November+2005.pdf>

Statement of Common Ground [DRAFT]

- Ferndown South
- Lytchett Matravers & Upton
- St Leonards & St Ives
- Stour & Allen Vale
- Verwood
- Wareham
- West Moors & Three Legged Cross
- West Parley
- Wimborne Minster

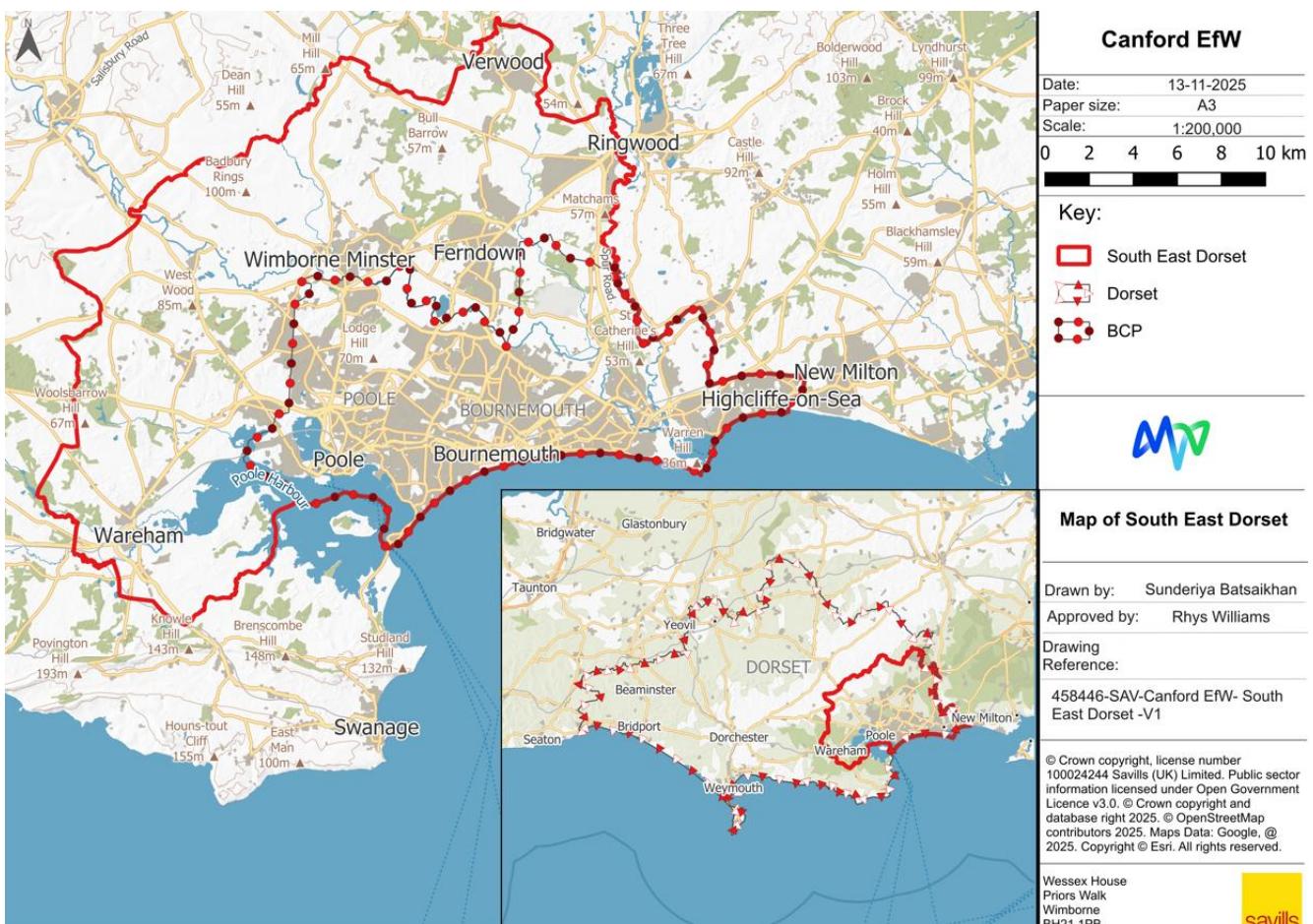


Figure 1: Map of South East Dorset

6.23 Operational Residual Waste Management Facilities in South East Dorset, Extant Consents and Need

- i. There exists a demonstratable waste need exceeding 260,000tpa based on the development plan with adjustment for the export of residual waste from the Canford MBT, which is at least 95,000tpa as was established at the Portland Inquiry.
- ii. Planning permission (reference. 8/21/0207/FUL) was granted on 08 December 2022 for a circa 60,000tpa EfW at Parley, on the WP policy 3 Inset 7 Green Belt site. This permission lapsed on 08 December 2025.
- iii. Planning permission (reference. WP/20/00692/DCC) was granted by Secretary of State on 16 September 2024 for a 202,000tpa EfW at Portland. This is a material consideration to the Appeal scheme. NPPW states that need should not need to be demonstrated for proposals which comply with the relevant development plan and that for non-development plan compliant schemes NPPW only states that operating capacity on other sites should be taken into account in assessing need for new capacity.
- iv. The existing CRP MBT is permitted to receive 150,000tpa of residual waste and in 2024 received 128,000t, re-exporting 125,000t from the site. A minimum of 115,000t of these exports is suitable for EfW⁵.
- v. The existing CRP MRF is permitted to receive 175,000tpa of waste and in 2024 processed 90,000t of recyclables from which 35,000t⁶ of residual waste suitable for EfW was generated.
- vi. The WP indicates the undeveloped consented capacity of the CRP MRF to be available for residual waste management. It states this as 150,000tpa; taking account of existing capacity and the quantity processed in 2024 a minimum of 85,000tpa⁷ of this capacity remains available.
- vii. The WP identifies potential capacity at the four sites is allocated for residual waste management exceeding the capacity it identifies as being required even including an allowance for the ineffectiveness of the Canford MBT. This excess of total planned capacity over required capacity reflects that the WP does not anticipate all the capacity it allows for being delivered even if it has planning permission as paragraph 143 and 144 of the officer's report imply.

⁵Throughput figures are from publicly available data on Waste Data Interrogator <https://www.data.gov.uk/dataset/81f9d676-e77c-4d68-ab0c-b67e0b0b353e/2024-waste-data-interrogator>

⁶Throughput figures are from publicly available data on Waste Data Interrogator (link above)

⁷Derived from publicly available data on Waste Data Interrogator (link above)

7. MATTERS IN DISPUTE

7.1 The matters in dispute are chiefly those relating to the refusal reasons on the decision notice. These are summarised as follows:

- i. The Appellant disputes that the development EfW CHP main building and chimney stack comprises inappropriate development in the Green Belt; and
- ii. In the alternative that the EfW CHP main building and chimney stack would constitute inappropriate development in the Green Belt the Appellant disputes that the benefits of the Appeal Proposals would not constitute Very Special Circumstances outweighing the harm to Green Belt and other harm; and
- iii. The landscape character impact of the proposed EfW CHP main building and chimney stack weighed in the planning balance; and
- iv. The effect of the proposed EfW CHP main building and chimney stack on the historic environment in regards to the setting of various designated heritage assets weighed in the planning balance; and

7.2 RfRs (4) and (5) relate to S106 legal agreement contributions. These are not matters of dispute in this appeal, as the Appellant confirms that payment would be made. A draft S106 has been provided to BCP Council by the Appellant. Along with confirmation that MVV and all relevant landowners (other than the Council itself) are ready to sign it.

7.3 There is disagreement between the parties over the wording of a condition relating to the waste catchment. The Appellant offered a condition stating that up to 60% of the waste feedstock should originate within a two hour drive distance of the Appeal Site, which includes as well as BCP and Dorset the whole of Hampshire including Southampton and Portsmouth, as well as parts of Wiltshire and Somerset, but no land in Devon. Condition 44 recommended by BCP Council suggested 50% of the waste feedstock should be from BCP and Dorset.

8. DECLARATION

8.1 The remaining areas of disagreement between the Appellant and BCP Council are still the subject of the appeal, and will form the basis of the evidence submitted by each party.

Signed on behalf of Appellant:	Signed on behalf of Local Planning Authority:
Date:	Date:

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