

Statement of Common Ground

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: 6002440.

Date: April 2026

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1. INTRODUCTION

1.1 This Statement of Common Ground ('SoCG') has been prepared jointly by MVV Environment Limited ("MVV"/ "the Appellant") and Magwatch (Rule 6 Party). This statement clearly sets out the matters and facts which are agreed and not agreed between the Appellant and Magwatch.

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 After a pre-application process, the planning application was validated on 17 July 2023, and the Appellant entered into a Planning Performance Agreement (PPA) with BCP Council on 09 November 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 the 12 September 2024 planning committee. 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.

1.7 The LPA's decision notice dated 19 June 2025 lists the following five reasons for refusal (RfR)

(1) By reason of its height, scale, mass and bulk, the proposed EfW CHP main building and chimney stack would constitute inappropriate development in the Green Belt that would be harmful to the openness of the Green Belt by definition. 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).

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

- (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 Magwatch 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 – 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) (“the Site”) is approximately 8.8 hectares (Ha) in size and its principal element 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 principal element of the Appeal Site 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 Plant (MBT) a landfill gas compound and a Materials Recovery Facility (MRF). Additionally, a “low carbon energy facility”² which was approved under application ref. APP/12/01559/F (and later varied via S.73) also forms part of the existing development 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. If fully built out, APP/12/01559/F as varied allows for 5,136m² of building footprint and a second chimney of 35m height. None of the main existing activities at CRP are affected by time limiting planning conditions, their planning permissions are permanent.
- 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. 2.3Ha of this is land within the Allocated Site, containing the components listed at paragraph 1.8 above and all other above ground ancillary structures and plant required for operation (from now on referred to as “the EfW CHP Facility/EfW CHP Facility Site”), with the exception of the distribution network connection compound, which comprises the remaining 0.27Ha (“the DNC Compound”). The DNC Compound may remain in place following decommissioning of the EfW CHP Facility.

Local Context

- 2.6 The nearest residential area to the EfW CHP Facility Site is the Canford Paddock housing development circa 600m 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 630m on Arrowsmith Road, and some either side of Magna Road, opposite TCC1 circa 700m.

- 2.7 To the south of the EfW CHP Facility Site is the Canford Heath Nature Reserve. 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 to the north/north-west are residential areas of Canford Magna and Merley, which are approximately 1.3km from the EfW CHP Facility Site.
- 2.8 Within the Site, approximately 100m south of the 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 1.6km 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 Site. Adjacent to the south of the 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), 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. Frogmoor Wood Site of Nature Conservation Interest (SNCI) is a non statutory designation to the south of the EfW CHP Facility Site.
- 2.10 There are six public rights of way proximate to the Site. Bridleway 118, 200m north of the proposed EfW CHP Facility Site, runs in an east-west orientation. Footpath 125 is approximately 500m west of the proposed 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, 23, 24 and 26, the closest being 740m from the Site.
- 2.11 There are no statutory heritage assets within the Appeal Site. The nearest statutory heritage asset is the Scheduled Monument of Bowl Barrow on Canford Heath, 500m south of the EfW CHP Facility Site.
- 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 Park³ occupies land 650m east of the EfW CHP Facility Site

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.

(10m from the DNC Compound site). 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.

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

2.13 The EfW CHP Facility Site is presently occupied by, amongst other things, the 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/23/01002/F	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

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 Application No: APP/12/01559/F Page 3 of 14 equipment in compost "maturation" building. CRP	07/02/2012

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 The Appellant's 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

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.

- 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 2024. 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.

The Planning Application

- 3.10 The Proposed Development was considered and subsequently refused on the basis of the following plans and reports⁴: Three plans (elevation 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
DNC Compound Including HAS	MVV_003_Rev_2	MVV Environment Limited	Aug 2023
DNC General Arrangements	MVV_004_Rev_2	MVV Environment Limited	Aug 2023

⁴ Other 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.

DNC Compound Sections	MVV_005_Rev_1	MVV Environment Limited	July 2023
Temporary Workshop / Stores Building	MVV_006_REV_0	MVV Environment Limited	July 2023
Two Storey Office / Welfare Cabins	MVV_007_REV_0	MVV Environment Limited	July 2023
Boundary Fence and Gates	MVV_008_Rev_02021	MVV Environment Limited	July 2023
Gatehouse / Weighbridge Elevations	MVV_009_Rev_0	MVV Environment Limited	July 2023
Cycle Parking	MVV_010_Rev_0	MVV Environment Limited	Sept 2023
Vehicle Tracking	SC1643/PL 10-02	Savage + Chadwick Architects	Feb 2023
Temporary Construction Compound: General Arrangements	MVV_010_Rev_1 TCC1 and 2	MVV Environment Limited	July 2023
Visualisations of the EfW CHP Facility	SC1643/PL 12-04	Savage + Chadwick Architects	Feb 2023
Proposed Site Sections	SC1643/PL 11-01	Savage + Chadwick Architects	Feb 2023
Indicative Section	SC1643/PL 11-02	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 44.650M AOD	SC1643/PL 10-03	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 51.425M AOD	SC1643/PL 10-04	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 58.200M AOD	SC1643/PL 10-05	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 61.925M AOD	SC1643/PL 10-06	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 67.650M AOD	SC1643/PL 10-07	Savage + Chadwick Architects	Feb 2023
Floor Plan at FFL 71.375M AOD	SC1643/PL 10-08	Savage + Chadwick Architects	Feb 2023
Roof Plan	SC1643/PL 10-09	Savage + Chadwick Architects	Feb 2023
Roof Terrace Plan and Elevations	SC1643/PL 10-10	Savage + Chadwick Architects	Feb 2023
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 Community Involvement	SCI 1.0	MVV Environment Limited	July 2023
Outline Employment and Skills Plan	OESS 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
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 Appellant's description of development on the application form is:

"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). The Appellant has submitted as part of its Appeal updated plans and an updated schedule of plans which removes reference to 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 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 up to around 31 megawatts (MW) of energy, exporting up to around 28.5MW of electricity to the Distribution Network Operator (DNO) grid or for businesses at Churchill Business Park and Magna Business Park.
- Employ up to 32 full time equivalent (FTE) employees.

4.5 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.

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 The following policies from the adopted Development Plan are considered particularly 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 12: Transport and access
- Policy 13: Amenity and quality of life
- Policy 14: Landscape and Design Quality
- Policy 18: Biodiversity and geological interest
- Policy 19: Historic Environment
- Policy 21: South East Dorset Green Belt
- Policy 23: Restoration, aftercare and afteruse
- Inset 8: Land at Canford Magna, Poole

Poole Local Plan (2018)

- Policy PP2: Amount and Broad Location of Development
- Policy PP24: Green Infrastructure
- Policy PP27: Design
- Policy PP29: Tall Buildings
- Policy PP30: Heritage Assets
- Policy PP31: Poole's coast and countryside

- Policy PP32: Poole’s nationally, European and internationally important sites
- Policy PP33: Biodiversity and geodiversity
- Policy PP34: Transport strategy
- Policy PP35: A safe, connected and accessible transport network

Relevant Material Considerations

5.4 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)
- Defra Residual Waste Capacity Infrastructure Note (2024)
- National Policy Statement EN-1 – Overriding policy on Energy (2026)
- National Policy Statement EN-3 – Renewable Energy (2026)

Supplementary Planning Guidance

- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (BCP and Dorset Councils April 2020)
- BCP Parking Standards SPD (2021)
- 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)
- Standards For Waste Container Storage and Access (2023)
- Bournemouth Dorset and Poole Mineral Strategy (2014)

Other Legislation / Guidance

- BCP Local Area Energy Plan
- BCP Climate and Ecological Emergency Action Plan
- Poole Green Belt Review (2017)
- Strategic Green Belt Assessment (2020)
- BCP Council Level 1 Strategic Flood Risk Assessment (2024)
- Dorset Landscape Character Assessment (2009)
- Poole Landscape Character Assessment (November 2017)

- Clean Power 2030 Action Plan – technical annex (April 2025)
- Canford Heath Nature Reserve Management Plan, BoP 2010
- A Waste Strategy for Bournemouth Christchurch and Poole 2026-36
- Dorset Council Waste Strategy 2024

6. MATTERS IN AGREEMENT

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

- a) 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 Proposed Development is EIA development, exceeding the threshold under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Schedule 1 category 10 development (waste disposal installations for the incineration...of non-hazardous waste with a capacity exceeding 100 tonnes per day).
- 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.

6.3 The Principle of the Development including Waste Policy and Need

- i. The spatial strategy of the adopted Waste Plan has identified that the need for strategic residual waste facilities will primarily be addressed through new capacity in South East Dorset.
- ii. The Appeal Proposals intend to provide for residual waste management in the Waste Plan area.
- iii. The Proposed Development intends to 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.
- iv. The Proposed Development would contribute to the management of waste generated within the Waste Plan area.
- 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). The co-location of the EfW CHP Facility adjacent to White's Pit inert waste treatment facility would create the potential to treat IBA from the Appeal Proposals adjacent to the Appeal Site.

- vi. The EfW CHP main building and chimney stack along with immediately ancillary plant and land uses and the land the Appellant identifies as to be used for future carbon capture 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 re-development of the site 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”.
- vii. The Proposed Development would be a recovery facility using thermal treatment.
- viii. The Proposed Development is for a temporary period of 40 years. After this point the facility would cease operation and would be decommissioned (including removal of all relevant structures) and the Site would be remediated retaining on-site landscaping otherwise to a site of hardstanding cleared of structures.

6.4 **Green Belt**

- i. The Appeal Site is located within the South East Dorset Green Belt.
- ii. 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.
- iii. Components of the development that constitute temporary activities associated with construction or would be underground with the surface made good would not harm the permanence or harm the openness of the green belt.

6.5 **Impact on Landscape Character and on Visual Amenity**

- i. The main part of the Appeal Site (the EfW CHP Facility Site, as shown on MVV 002 Rev 1 Components Plan, and some roadways) is within a working commercial waste management complex. The surrounding woodland and topography provides a degree of physical and visual containment, the extent of which is not agreed by the parties.
- ii. Any adverse impacts arise as a result of the chimney stack and the main building. 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;

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.

- iii. Magwatch considers that the relevant landscape receptors are (1 is within the WP allocation site; 1 to 5 are within the application site):
 - 1. Landscape Character & Fabric of EfW CHP Facility Site
 - 2. Landscape Character & Fabric of DNC Connection Area
 - 3. Landscape Character & Fabric of CHP Connection Area
 - 4. Landscape Character & Fabric of TCC1 Site
 - 5. Landscape Character & Fabric of TCC2 Site
 - 6. Heath / Farmland Mosaic & North Poole Heath / Farm Fringe LCA
 - 7. Lowland Heathland & Canford Heath LCA
 - 8. River Terrace & Merley-Canford River Terrace LCA
 - 9. Valley Pasture & Lower Stour Valley LCA
- iv. Viewpoint imagery can assist in understanding the impact on landscape character.
- v. It is appropriate to consider the effects at Year 1 and Year 15 and to consider the impact of plumes.

6.6 General Visual Amenity

- 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. The Proposed Development would expand the HSA adjacent to Magna Business Park by a net 7,700m².

Residential Visual Amenity

- iii. The Proposed Development would be located at significant distance from residential properties. The nearest residential development would be around 600m from the EfW CHP main building and circa 200m from TCC1.

6.7 Heritage Impact

- i. The decision notice (RfR3) does not specify which designated heritage assets the referenced harm relates to.
- ii. Magwatch's position is that there is harm to the following heritage assets and their settings:
 - Canford Magna Conservation Area
 - Canford School (Grade I listed)
 - South Lodge of Canford School (Grade II listed)
 - Gates and Gate Piers at South Lodge of Canford School (Grade II listed)
 - Bowl barrow cemetery and four other bowl barrows on Canford Heath (Scheduled Monument), Bowl barrow on Canford Heath 650m south of southern corner of New Covert (Scheduled Monument) and Bowl barrow on Canford Heath 730m south east of Alhambra (Scheduled Monument).
- iii. The Appellant's (MVV's) position is that the Proposed Development will not erode the ability to experience and appreciate the significance of these assets and on that basis their significance will be preserved.
- iv. The parties agree that the approach to the assessment of heritage impact in the NPPF and supporting NPPG represents the correct approach and that a staged approach to the assessment in good practice is advised by Historic England in GPA3. The parties' heritage evidence will rely on the approach to assessment set out in the NPPF, PPG and GPA3.
- v. The statutory duty under s66 of Planning (Listed Buildings and Conservation Areas) Act 1990 applies; the s72 statutory duty does not apply as the site is not located in a conservation area.
- vi. For the avoidance of doubt, Magwatch confirms it identifies no harm to the setting or significance of the following assets.
 - John of Gaunt's Kitchen (Grade I listed)
 - Nineveh Court (Grade I listed)
 - The Parish Church of Canford Magna (Grade I listed)
 - Kingston Lacey House (Grade I listed and an Grade II RPG)
 - Merley House (Grade I listed)
 - Church of All Saints, Hampreston (Grade II* listed)
 - Hampreston Conservation Area
 - Oakley Lane Conservation Area

- Merton Grange (Non-designated Heritage Asset)
- Spinney Cottage (Non-designated Heritage Asset)

6.8 **Transport and Accessibility**

Access

- i. The EFW CHP Facility Site would 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 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 Highways Authority support the Proposed Development subject to the proposed condition.

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.
- ii. The surface water drainage strategy is acceptable subject to the agreed conditions.

6.10 **Air Quality**

- i. The Appeal Site is not located within or adjacent to any Air Quality Management Areas (AQMA).
- ii. The Environmental Permit provides operational emission limit values.

6.11 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.
- iii. The DNC Compound is proposed to include a small section of the existing HSA. The loss would be compensated by an extension of the existing HSA resulting in a net increase of 7,700 sqm which would be dedicated public open space kept open and managed for biodiversity in perpetuity. This is a benefit to the local population.
- iv. 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.

6.12 Aviation Safeguarding

- i. Magwatch considers that, subject to Bournemouth Airport's views, planning conditions might provide suitable control over this matter.

6.13 Economic Development and Employment

- i. The Proposed Development would generate short and long term employment opportunities through construction and operational phases.

6.14 Environmental Permit

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

6.15 Development Plan Policies, NPPW and NPPF

- i. Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 and Poole Local Plan 2018 are up to date. No emerging replacement development plans have reached a 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 1, 6, 3,

12, 13 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 would rely on a condition similar to that proposed in condition 37 of the Officer's committee report (combined heat and power output review and management).

6.16 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 may be resolved.

6.17 Statutory Consultees

- i. Save for Bournemouth Airport whose holding objection is withdrawn subject to conditions being imposed on the planning condition, no statutory consultee has an objection to the Appeal Proposals, subject to planning conditions. 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.

6.18 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) Planning permission APP/20/0533/F is a permanent permission allowing for this.

6.19 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
- Ferndown South
- Lytchett Matravers & Upton
- St Leonards & St Ives
- Stour & Allen Vale
- Verwood
- Wareham

- West Moors & Three Legged Cross
- West Parley
- Wimborne Minster

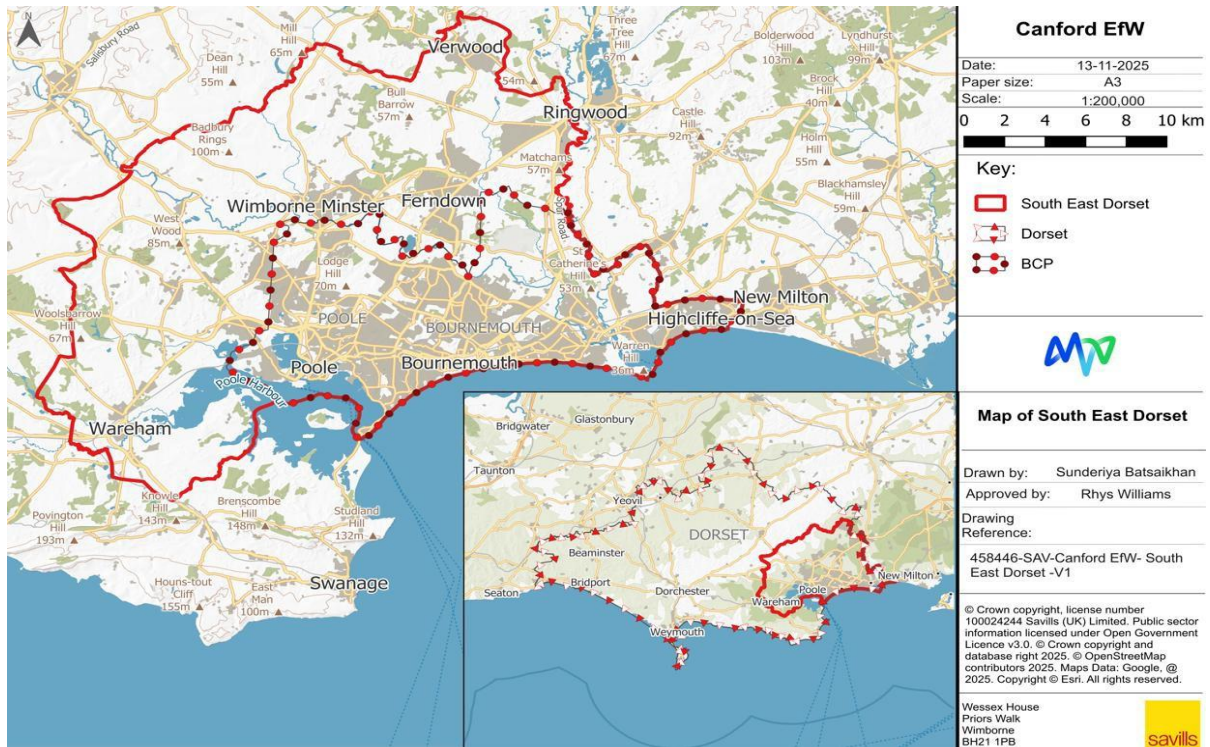


Figure 1: Map of South East Dorset

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

- i. 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.
- ii. Planning permission (reference. WP/20/00692/DCC) was granted by Secretary of State on 16 September 2024 for a 202,000 tpa EfW at Portland. This is a material consideration to the Appeal scheme.
- iii. The WP identifies potential capacity at four sites that are allocated for residual waste management. Paragraph 6.9 of the WP supporting text states that “*such provision will provide additional flexibility including circumstances where Allocated Sites do not come forward for waste development.*” Allocated sites Inset 9 and Inset 10 have not come forward to date.


7. MATTERS IN DISPUTE

7.1 Matters in dispute between Magwatch and the Appellant are summarised as follows:

- a) Whether the Proposed Development would comprise inappropriate development in the Green Belt; and
- b) The effect of the development on the landscape character and appearance of the surrounding area; and
- c) The effect of the development on the significance of heritage assets and their settings; and
- d) The effect of the development on protected habitats and nearby European designated sites, including biodiversity effects; and
- e) Whether the Proposed Development is an acceptable use of land at Canford Resource Park; and
- f) Whether the Proposed Development would assist in avoiding landfilling of residual waste and hence move waste management up the Waste Hierarchy as required by WP Policy 1 Sustainable Waste Management; and
- g) Whether all the land for the principal elements at the Efw CHP Facility Site, as listed at paragraph 1.8, is previously developed land; and
- h) The effect of the development on sustainable waste management facilities in the Waste Plan area in the context of local and national policy objectives, including need, capacity, overprovision, catchment, proximity, and the weight to be given to the Appellant's case on carbon capture readiness and combined heat and power readiness; and
- i) Non-compliance with WP Policies 1, 3 and 6 with regards to sustainable waste management; and
- j) Non-compliance with WP Policy 13 in regard to mental health; and
- k) Magwatch and the Appellant agree that the impact of the Proposed Development on public health (including mental health impacts) is a material planning consideration, but disagree as to the significance and weight to be afforded to these adverse impacts.
- l) Magwatch and the Appellant agree that harm to local air quality is a material planning consideration, but disagree about the significance of, and the degree of weight to be afforded.

8. DECLARATION

- 8.1 The remaining areas of disagreement between the Appellant and Magwatch 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 Appellant:
Date:	Date:
Signed on behalf of Magwatch:	
	
Date: 30 April 2026	