

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/D1265/W/23/3327692

DETAILS OF THE CASE

Appeal Reference

Appeal By

Site Address

SENDER DETAILS

Name

Address

Company/Group/Organisation Name

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence

- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

COMMENT DOCUMENTS

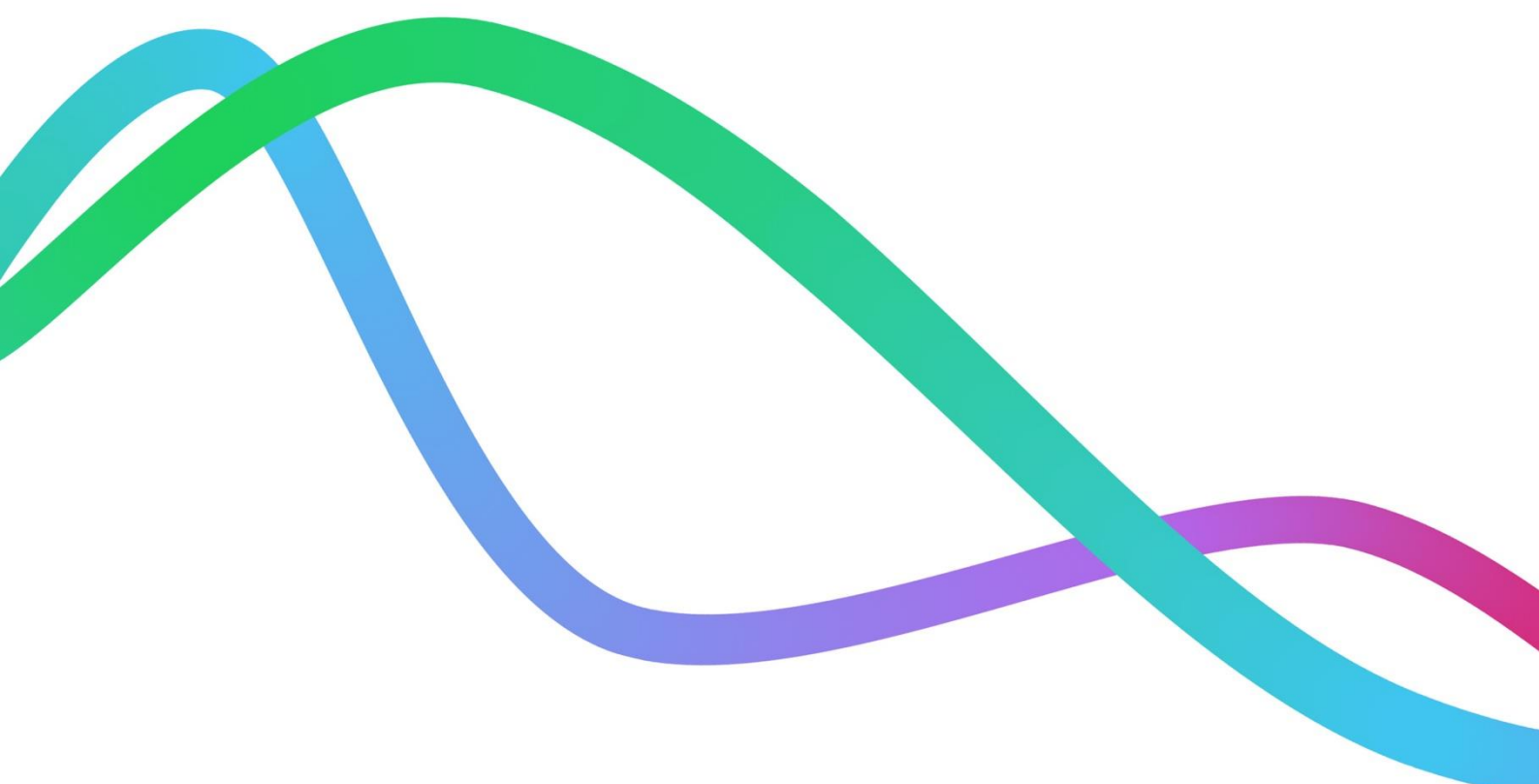
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Portland ERF

Appeal against refusal of planning permission

Appeal reference APP/D1265/W/23/3327692

Interested Party Statement to Inspector

October 2023

Revision 1
Document ref. 0001

**We inspire
with energy.**



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1. Background

1.1 Introduction

- 1.1.1 This document is submitted to the Inspector by MVV Environment Ltd (“MVV”) in respect of appeal reference APP/D1265/W/23/3327692 submitted by Powerfuel Portland Limited (the “Appellant”). In this document the terms “Powerfuel” and “Portland” refer equally to the Appellant as well as the development they are appealing. **MVV respectfully requests the appeal be dismissed** and sets out below its reasons for this. Appendix A responds to specific points made in the Appellant’s Statement of Case.
- 1.1.2 In July 2023, MVV submitted to BCP Council a full planning application (Ref: APP/23/00822/F) for a Carbon Capture Retrofit Ready (CCR) Energy from Waste Combined Heat and Power (EfW CHP) Facility at Canford Resource Park (CRP), off Magna Road, in the northern part of Poole (the “Canford Project” or “Canford”). Its intention to submit this application became public information in April 2022 when its EIA Scoping Request was submitted and the project website went live. Public consultation events were held in January 2023. Together with the associated CHP Connection, Distribution Network Connection (DNC) and Temporary Construction Compounds (TCCs), these works are the Canford Project.
- 1.1.3 Portland is in the area of Dorset Council and Canford in that of BCP Council. Whilst each council is the Local Planning Authority for its administrative area, the two Councils have jointly adopted the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019. The Waste Plan area is the whole combined extent of the administrative areas of the two councils. This document provides the principal Development Plan policy against which the Portland and Canford Projects need to be assessed.
- 1.1.4 The primary purpose of the Canford Project is to treat Local Authority Collected Household (LACH) residual waste and similar residual Commercial and Industrial (C&I) waste from Bournemouth, Christchurch, Poole and surrounding areas including Dorset, that cannot be recycled, reused or composted and that would otherwise be landfilled or exported to alternative EfW facilities further afield, either in the UK or Europe.
- 1.1.5 The Canford Project would recover useful energy in the form of electricity and hot water from up to 260,000 tonnes of LACH residual waste and similar residual C&I waste each year. The Canford Project has a generating capacity of approximately 31 megawatts (MW), and would export around 28.5 MW of electricity to local users and the grid. Subject to commercial contracts, the Canford Project will have the capability to export heat (hot water) and electricity to occupiers of Canford Resource Park (CRP) and the Magna Business Park and lays the foundations for a future CHP network to connect to customers off Magna Road. CRP occupiers have been supplied for some time with power generated at CRP by landfill gas engines. The declining gas yield from the adjacent landfill, which closed in 2010, means these businesses are now increasingly reliant on grid power, offset to some extent by a recently constructed solar array. The Canford Project would secure a significant reliable baseload power source for them.
- 1.1.6 The electrical power exported by the plant will be approximately equivalent to the consumption of around 60,000 typical UK households, close to the number of households in Poole, (currently around 65,000)¹.

¹ [BCP Insight. Based Household Projections 2018.](#)



- 1.1.7 Under the Waste Framework Directive classification, the Canford Project will be an “R1” process. This means it will exceed a co-efficient of efficiency such that it will be a recovery rather than a disposal operation in the waste hierarchy. In contrast, landfilling of waste, or combustion in less efficient EfW facilities, is disposal.

1.2 MVV’s Experience and Credentials

- 1.2.1 MVV is part of the MVV Energie AG group of companies. MVV Energie AG is one of Germany’s leading energy companies, employing approx. 6,500 people with assets of around €5 billion and annual sales of around €4.1 billion. The Canford Project represents an investment of approximately £290m.
- 1.2.2 MVV is an experienced developer and operator of Energy from Waste plants, similar plants and other related infrastructure. It has developed and is the operator of two existing UK EfW plants at Devonport in Plymouth, a 265,000 tonnes per annum plant commissioned in 2015 and Dundee, a 220,000 tonnes per annum plant commissioned in 2021. It has also developed and operates a wood waste burning power station at Ridham Dock in Kent.
- 1.2.3 MVV’s parent company, MVV Energie AG owns and operates similar infrastructure in Germany including a recently upgraded 700,000 tonnes per annum EfW plant at Mannheim which feeds a very large district heating network, also operated by MVV. Bringing this experience to the UK, the Devonport plant supplies heat to HM Naval Base. MVV Energie AG’s other operational assets include anaerobic digesters and wind farms.
- 1.2.4 Majority owned and controlled by the City of Mannheim, MVV Energie AG also has a significant minority shareholder, Igneo. Igneo’s purpose in investing is to support MVV deliver the carbon benefits which will come from, for example, delivering new EfW capacity where it is needed, realising efficient energy recovery including through heat networks, and carbon capture from post combustion flue gases.
- 1.2.5 MVV Energie AG has developed the “Mannheim Model”, which forms the core of its corporate strategy. This is that by 2040 it will be climate neutral and thereafter will be climate positive. It will then sequester more carbon dioxide than it emits. It is the first German company and one of only three companies in the world to have its targets verified as Net Zero compatible by the Science Based Targets Initiative (SBTI) who’s partners include the United Nations Global Compact and WWF (World Wide Fund for Nature).
- 1.2.6 As an acknowledged developer and operator of energy from waste plants, MVV was approached in the early days of the Portland project to participate in its development. The approach was declined. This was before MVV entered into its development agreement at Canford. Other operators and developers of UK EfWs may also have been approached. Since then, MVV has proceeded with proposals for an EfW at Medworth near Peterborough, an application for which has recently been subject of Examination under the Planning Act 2008 (which applies to projects of 50MW or more generation capacity), as well as the Canford Project.
- 1.2.7 Given MVV’s status as a developer and operator of multiple EfW and similar facilities over more than five decades, it has an excellent network of technology suppliers, designers and advisers covering all aspects of EfW design, construction and operation including heat offtakes and carbon capture. It has designed its Canford EfW proposals carefully using the combined decades of expertise of its in house resources and its supplier network.
- 1.2.8 As an example of the benefits its experience brings to project development, MVV is confident that the Canford Project it is proposing will produce 28.5 MWe of power (net) from burning 260,000 tonnes of waste annually, whereas for Powerfuel the equivalent figures are 15.2 MWe (net) from a throughput of 202,000 tonnes annually. To sustain 1 MWe of



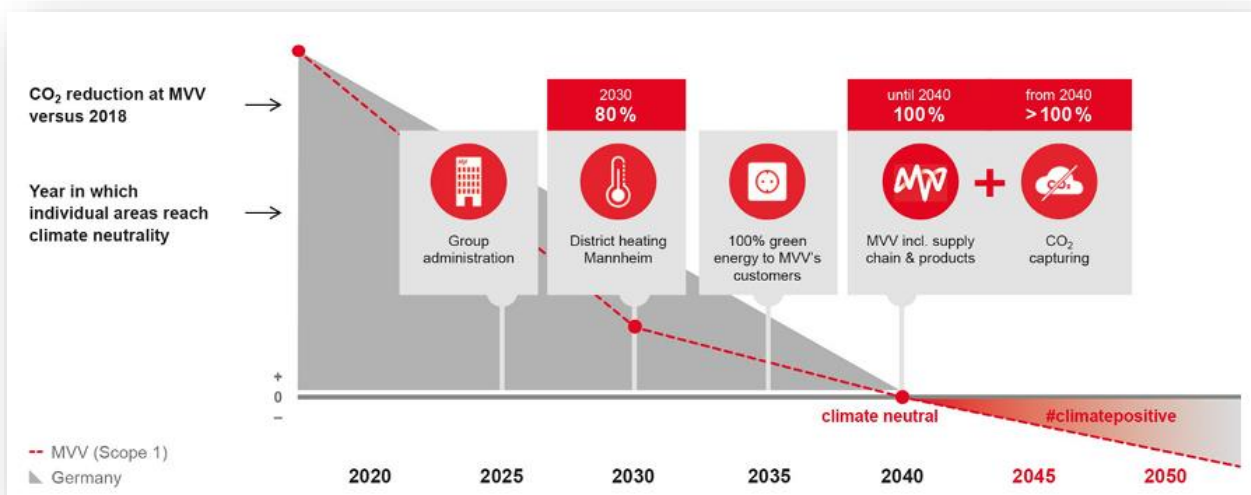
capacity the MVV proposals require 9,122 tonnes per annum whereas Powerfuel's requires 13,289. Powerfuel would process 77.7% as much waste as MVV but produce only 53.3% of the power. MVV's proposals are therefore more efficient and this difference, MVV believes, reflects its greater experience as a developer and operator.

1.2.9 The MVV group as a whole has over 50-years' experience in constructing, operating and maintaining EfW CHP facilities in Germany and the UK..

1.2.10 As illustrated in **Graphic 1-1**, MVV Energie has a growth strategy to be carbon neutral by 2040 and thereafter carbon negative, i.e., climate positive. Specifically, MVV Energie intends to:

- reduce its direct carbon dioxide (CO₂) emissions by over 80% by 2030 compared to 2018;
- reduce its indirect CO₂ emissions by 82% compared to 2018;
- be climate neutral by 2040; and
- be climate positive from 2040.

Graphic 1-1: MVV Energie climate growth strategy targets



1.2.11 MVV's UK business retains the overall group ethos of 'belonging' to the communities it serves whilst benefitting from over 50 years' experience gained by its German sister companies. In the UK, MVV currently consists of six separate companies (see **Table 1-1**).

1.2.12 MVV's largest project in the UK is the Devonport EfW CHP Facility in Plymouth. Since 2015, this modern and efficient facility has been using up to 265,000 tonnes of municipal, commercial and industrial residual waste per year to generate electricity and heat, notably for His Majesty's Naval Base Devonport in Plymouth, and export electricity to the grid.

1.2.13 In Dundee, MVV has taken over the existing Baldovie EfW Facility and has developed a new, modern facility alongside the existing facility. Operating from 2021, it uses up to 220,000 tonnes of municipal, commercial and industrial waste each year as fuel for the generation of usable energy.



- 1.2.14 Biomass is another key focus of MVV's activities in the UK market. The biomass power plant at Ridham Dock, Kent, uses up to 195,000 tonnes of waste and non-recyclable wood per year to generate green electricity and is capable of exporting heat.

Table 1-1 MVV Environment UK Group of Companies

Company	Detail
MVV Environment Limited	The company developing and funding the Canford EfW CHP Facility (the Applicant).
MVV Environment Baldovie Limited	Energy from Waste CHP Facility, diverting up to 220,000 tonnes per annum of residual waste from landfill for Dundee and Angus Councils and for private waste disposal companies.
MVV Environment Devonport Limited	Energy from Waste CHP Facility, diverting 265,000 tonnes per annum of residual waste from landfill for the South West Devon Waste Partnership and for private waste disposal companies.
MVV Environment Ridham Limited	Merchant biomass facility generating energy up to 195,000 tonnes per annum of waste wood.
MVV Environment Services Limited	The UK electricity trading subsidiary of MVV.
Medworth CHP Limited	The company currently applying for a Development Consent Order to build a 625,600 tonnes per annum Energy from Waste CHP Facility in Cambridgeshire and Norfolk. The Examination closed in August 2023.

1.3 Purpose of this document

- 1.3.1 The Appellant's Statement of Case, under the reasons for refusal 1 (waste policy) makes assertions questioning the deliverability of BCP and Dorset's allocated sites for future waste management and primarily the Canford Magna site (Waste Plan Inset 8), the location of MVV's Canford Project Site. MVV dispute the Appellant's position, consequently, this document outlines the key matters of disagreement and MVV's response to the Statement of Case.

1.4 Summary of the most important issues

- 1.4.1 The Powerfuel project is proposed on an unallocated site. There is a recently adopted local plan Policy 3 of which allocates four strategic sites for residual waste management. Policy 4 indicates development should only be contemplated on unallocated sites if the development cannot be accommodated at allocated sites.
- 1.4.2 In contrast the Canford Resource Park where the Canford Project is proposed is a long established waste site, well known to the planning authority, that already receives BCP and Dorset's residual household waste and which has transferred most of it to energy recovery



elsewhere for many years. It is one of the four allocated strategic sites referred to above (Waste plan Policy 3 Insert 8; Canford Magna).

- 1.4.3 The allocated sites comply with the Waste Plan's Spatial Strategy which is to provide strategic waste management in south east Dorset and BCP, because this is where the larger part of the plan area's waste arises. Compliance with the Spatial Strategy is also a requirement for the development of non-allocated sites (Policy 4).
- 1.4.4 Policy 3 in the Waste Plan directs development to allocated sites. One of the allocated sites (Insert 7; Parley) already has planning permission albeit the amount of energy from waste this would deliver is such that a plant the scale of that proposed at Canford is still needed.
- 1.4.5 It is not clear whether any attempt was made to include the Appeal Site as an allocated site within the Waste Plan (adopted in 2019). The appellant states the site had the benefit of a planning permission for a waste use from 2010 ("waste oils") which from 2013 included "waste rubber crumb" so it must be assumed the waste planning authority was aware of the site when it prepared the plan. At around 40,000 tonnes per annum throughput previous proposals were at a smaller scale than what is now proposed. Using diesel engines it was a wholly different type of proposal in a smaller building with 27m high chimneys (as distinct from the 80m chimney now proposed). Nevertheless it is reasonable to believe that in preparing the Waste Plan Dorset County Council (as was) would have been aware of the planning status of the Appeal Site but did not consider it any further - perhaps because the previous proposals included importation of fuel by sea.
- 1.4.6 The already consented site (Parley) and the Canford site are within the Green Belt. Such plants can be consented in Green Belts. The Parley proposals demonstrate this as does the planning application at Ratcliffe on Soar in Nottinghamshire for a 500,000 tonnes per annum EfW that was granted permission in March 2022. The Beddington ERF (350,000 tonnes per annum) was granted planning permission by the London Borough of Sutton in 2014 despite being within Metropolitan Open Land, a Greater London-specific land designation very similar to Green Belt in its effect. The plant has been built and is operational.
- 1.4.7 Paragraph 151 of the NPPF (previously paragraph 91) establishes that the benefits of renewable energy generation can be very special circumstances supporting Green Belt permissions. The strength of this as a very special circumstance increases with every new piece of information that emerges about the severity of the climate crisis – most recently that September 2023 was the warmest September ever, by a margin.
- 1.4.8 As set out in paragraph 1.2.8, the Canford Project proposals are larger than Portland and more efficient. The difference between them in terms of the renewable energy they would generate is that Canford would supply about 52.5GWh more electricity per annum than Portland. To generate this amount of power instead at a solar farm would require a development of between 130 and 260 acres; it would almost certainly be a Nationally Significant Infrastructure Project.
- 1.4.9 The Powerfuel project, with a stated estimated R1 co-efficient of 0.68 only just qualifies as a recovery operation (0.65 is the minimum coefficient required). Canford's R1 value is calculated at 0.83. Both values relate to "power only". MVV in promoting Canford is confident of the details of the R1 calculation which are published in **Planning Statement Appendix 6**. No such detail has been made available by Powerfuel. There is an inevitable margin of error with such calculations and since MVV's figure significantly exceeds 0.65, there is little doubt it will always exceed that minimum level. However, a relatively small error in the Powerfuel calculation could result in the project being classified as a disposal activity, in which case wholly different Waste Plan policy tests would apply to it.
- 1.4.10 The Powerfuel project does not just fail in planning because it is not on an allocated site. It also has been shown to have unacceptable landscape and heritage effects and hence to



be contrary to policies 4, 14 and 19 of the Waste Plan, and also of the West Dorset, Weymouth and Portland Local Plan and the Portland Neighbourhood Plan that protect landscape and heritage. The project is shown to have adverse effects on a World Heritage Site.

- 1.4.11 Powerfuel seeks to use the possible upside of supplying electricity to cruise ships and heat to the local prisons as policy 2 compliant co-location benefits. Supplying cruise ships does not sit well with the baseload power generation characteristics of an EfW because their demand for power is irregular (ie only when they are in harbour). Other sites including Canford can also demonstrate possible power and heat offtakes directly to local customers and these are therefore not unique benefits at Portland.
- 1.4.12 Canford, being an existing waste site with multiple existing large scale waste management activities operating, also offers co-locational benefits Portland does not. These include that more than 50% of the fuel for either facility would likely originate at the existing Canford waste management facilities, and that an existing business on the Canford site has an Environmental Permit which would allow it to treat the incinerator bottom ash (IBA) from the EfW. In contrast Powerfuel say IBA could be exported by ship. It could be - but it might also go out by road, perhaps to Canford.
- 1.4.13 MVV has included land within its application for Carbon Capture. The application it has submitted to BCP Council is for a “Carbon Capture Retrofit Ready Energy from Waste Combined Heat and Power Facility.” Powerfuel has not allowed for such additional carbon capture plant, the space for which is significant. Emerging government policy is pointing to all EfW plants needing to demonstrate “Decarbonisation Readiness” in order to be granted Environmental Permits to operate (as distinct from planning permission to be built).
- 1.4.14 The Appellant states the Canford site to be closer to housing than its own. That is not the case. The Castletown area of Portland is a densely developed housing area that is not substantially further away from the Powerfuel site than the Provence Drive and Arrowsmith Road housing areas are from the Canford Project site. Moreover, the Powerfuel site is within proximity to HM Prison the Verne, which has 600 inmates. Recently a migrant accommodation barge has been moored close to the site and has an intended capacity of 500 persons.
- 1.4.15 Powerfuel asserts that treatment of waste at Portland would reduce reliance on landfill. That would not be the case to any significant degree if the household waste it processed was from BCP and Dorset as currently this material – via the existing Canford site - goes to EfW outside the plan area.
- 1.4.16 Powerfuel has used landfill as the counterfactual in its carbon assessment. MVV believes Powerfuel’s approach exaggerates the carbon benefits. MVV’s carbon assessment of its proposed Canford Project uses out of area EfW as the counterfactual.
- 1.4.17 Powerfuel has not applied 2022 IEMA guidance to its carbon assessment; rather its Environmental Statement is based on 2017 guidance. This is the main reason its Environmental Statement reaches more positive conclusions on carbon than does Canford’s. These IEMA guidelines allow a significant carbon benefit from a proposal to be claimed only if the project delivers net GHG emissions below zero, which neither the Canford nor the Portland proposals would achieve without carbon capture and sequestration. It is a strict approach as even projects which reduce carbon emissions measured against the “do nothing” scenario nevertheless are considered to have adverse effects
- 1.4.18 In fact the Canford proposals, because they have demonstrably greater efficiency, would have a more positive effect in reducing GHG emissions than those predicted at Portland. An EfW CHP facility at Canford would also lead to fewer lorry miles than at Portland because



it is more proximate to areas of waste arising. The benefits would be greater still if IBA, as is likely, were processed at the existing Canford aggregate recycling plant.





2. Appendix A: MVV's comments on the Appellant's Statement of Case

Para Ref:	Appellant's Statement of Case	MVV's response
Reason for Refusal No.1 (Waste Policy)		
2.13	<p>This reason for refusal centres primarily on the matter of sustainable waste management and can be broken down into the following considerations:</p> <ul style="list-style-type: none"> • <i>Sufficient advantages over other Waste Plan allocated sites</i> • <i>Proximity to the main sources of Dorset's residual waste generation</i> • <i>Opportunities to offer co-location with other waste management facilities</i> 	<p>Two policies are quoted in the Reason for Refusal: Waste Plan policies 1 and 4.</p> <p>The parts where Appeal proposals conflict with the policies are:</p> <ul style="list-style-type: none"> • Policy 1 <p>“... <i>Proposals for the development of waste management facilities must conform with, and demonstrate how they support the delivery of, the following key underlying principles of the Waste Plan:</i> ... <i>Self Sufficiency – facilities that enable the Bournemouth, Christchurch, Poole and Dorset area move towards net self-sufficiency</i> <i>Proximity – facilities that adhere to the proximity principle through being appropriately located relative to the source of the waste.</i>”</p> <p>In respect of the proximity principle the requirement for being “appropriately located” requires consideration of the context which in this case is that far more waste arises in BCP and south east Dorset than elsewhere in the plan area. This is a geographical circumstance the “Waste (England and Wales) Regulations 2011” requires in the design of a network of installations for recovery of household waste.</p> <p>Powerfuel refers in several locations to the possibility of bring waste fuel to its site by sea. This is not disputed in physical logistical sense however it is extremely unlikely that such waste fuel would be from the Waste Plan area. This would therefore not enable BCP and Dorset to be net self-sufficient.</p>



Para Ref:	Appellant's Statement of Case	MVV's response
		<p>The principal source of waste within the Waste Plan area is the BCP conurbation and its immediate surroundings. The vast majority of the household origin residual waste in this area goes to the Canford Resource Park already, which is proximate (adjacent) to it. For this waste to then go to Portland would involve a journey of 62 km (124 km round trip) which would be avoided if the waste went instead to the proposed Canford EfW CHP Facility.</p> <ul style="list-style-type: none"> • Policy 4 – Applications for waste management facilities not allocated in the Waste Plan <p><i>“Proposals for waste management facilities on unallocated sites will only be permitted where it is demonstrated that they meet all of the following criteria:</i></p> <ol style="list-style-type: none"> <i>a. There is no available site allocated for serving the waste management need that the proposal is designed to address or the non-allocated site provides advantages over the allocated site;</i> <i>b. The proposal would not sterilise, or prejudice the delivery of, an allocated site that would otherwise be capable of meeting waste needs, by reason of cumulative or other adverse impacts;</i> <i>c. The proposal support the delivery of the Spatial Strategy, in particular contributing to meeting the needs identified in this Plan, moving waste up the waste hierarchy and adhering to the proximity principle; and</i> <i>d. The proposal complies with the relevant policies of this Plan.</i> <p>...”</p> <p>In considering points a to d above the following is relevant.</p> <p>Part a</p> <p>There clearly are available sites which are allocated for serving the waste management need which the Powerfuel proposal addresses. Canford and Parley are patently available. The Powerfuel site's abilities to supply electricity by private wire, or to supply heat to nearby users are not unique and the Canford site is located close to existing businesses, an emerging business park, a football training facility and other potential customers for heat including the possibility of large numbers of new houses that are likely to come forward in future development plans. It is also close to the dense urban areas of the BCP conurbation. Other local authorities – notably Bristol - are developing/ retrofitting heat networks into existing urban areas along the lines of the model common in northern European city regions such as Mannheim/ Heidelberg where MVV runs a large heat network and a large EfW plant</p>



Para Ref:	Appellant's Statement of Case	MVV's response
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supplying it. The ability to import waste by sea, however unlikely that may be, does not assist the ability of Powerfuel to serve the Waste Plan area. IBA may be removed by sea from Portland but equally it might be processed at Canford at the existing aggregate recycling facility adjacent the Canford EfW CHP Facility site, which has capacity and permitting authorisations to replicate the similarly sized facility in Devon that is used for IBA from MVV's Devonport EfW.

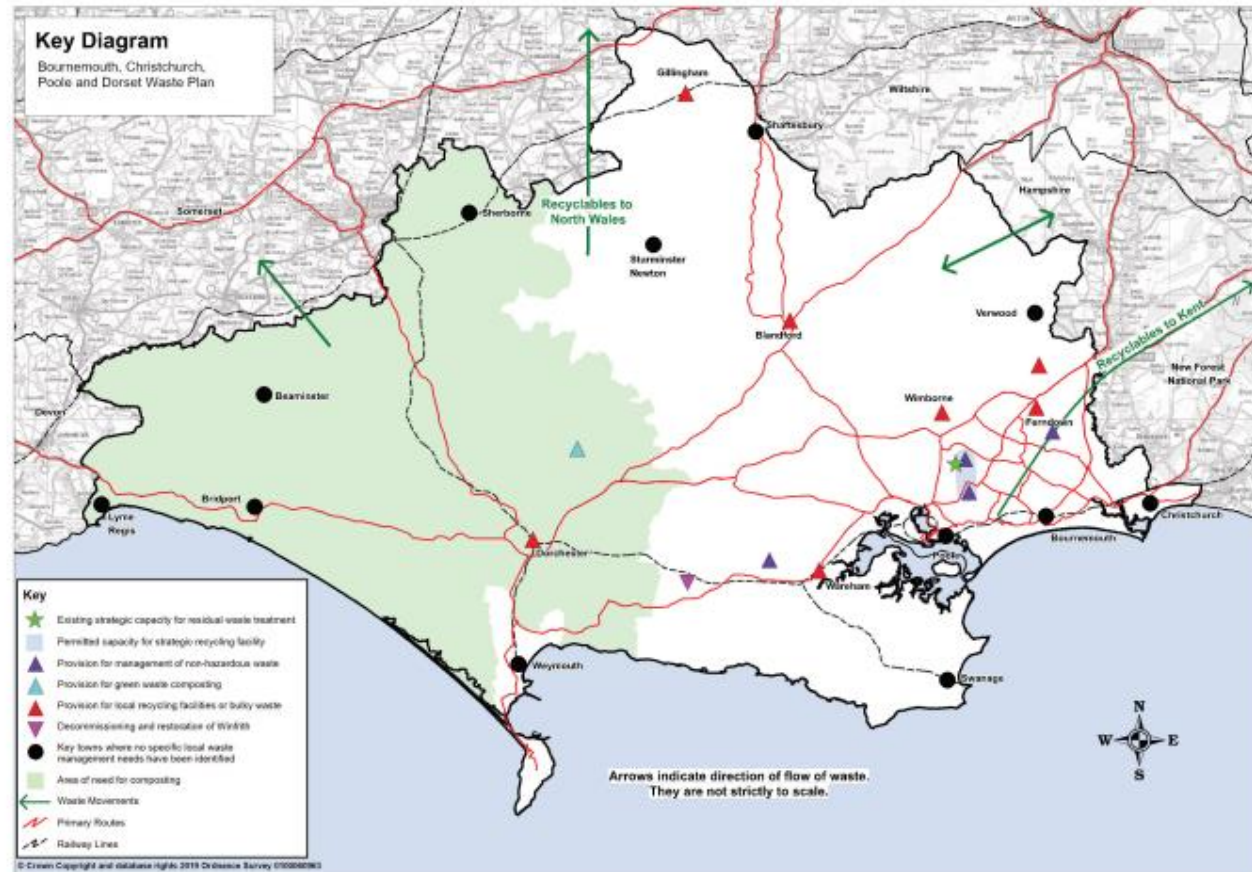
Part c

The Spatial Strategy is set out on pages 26 to 28 of the Waste Plan and illustrated in the Key Diagram.

Figure A-1: Waste Plan Key Diagram



Appendix 1 - Key Diagram





Para Appellant's Statement of Case MVV's response
Ref:



The Canford Resource Park, at which the Canford EfW CHP Facility is proposed is indicated by the green star showing, uniquely, the location of “existing strategic capacity for residual waste treatment” and one of the four purple triangles indicating “provision for management of non-hazardous waste”. Nothing is shown at Portland - the nearest notation, at Weymouth illustrates a “Key town where no specific local waste management needs have been identified”.

Under the heading “Residual waste management” the written Spatial Strategy states on page 27 of the Waste Plan “The need for strategic residual waste treatment facilities will primarily be addressed through new capacity in south east Dorset. However additional capacity may also be appropriate elsewhere to ensure the capacity gap is adequately addressed and when it will result in a good spatial distribution of facilities providing benefits such as a reduction in waste miles.”

Portland is not in south east Dorset and hence fails the test of the first sentence. The Powerfuel project cannot meet the test of the second sentence. One only needs to glance at the key diagram, reproduced above to see that in a BCP and Dorset context Portland offers the exact opposite of a good spatial distribution being an island joined to the mainland by a causeway accessible only via a



Para Ref:	Appellant's Statement of Case	MVV's response
		<p>road that runs through a densely developed residential area. It is 62km from Canford, where nearly all of the residual household waste and much of the C&I waste goes currently, a distance of 62km greater than that to the Canford EfW CHP Facility site, which is allocated for that purpose in the adopted development plan.</p> <p>The Powerfuel proposal does not support the Spatial Strategy nor the geographical circumstance of any practical Waste Plan area-specific interpretation of the proximity principle.</p> <p>Part d</p> <p>The Powerfuel proposal does not comply with other policies of the development plan. Reasons for refusal 2 cites non-compliance with policy 14 of the Waste Plan, policy ENV 1 of the West Dorset, Weymouth and Portland Local Plan and policies Port/EN7 and Port/BE2 of the Portland Neighbourhood plan. Policy 14 of the WLP concerns landscape and design quality states the "<i>Great weight will be given to conserving the landscape and scenic beauty of ... the Outstanding Universal Value of the World Heritage Site, and their [sic] settings.</i>" It goes on to say "<i>Proposals for major development in such areas will only be permitted in exceptional circumstances ...[and] they would meet an identified need and there are no suitable alternatives ...</i>".</p> <p>Dorset Council's Senior Landscape Architect concluded that the effects on the World Heritage Site would be adverse, moderate and significant and that within views from it the Powerfuel facility would be "<i>conspicuous and visually intrusive</i>".</p> <p>The Case Officer concluded "<i>the size and bulk of the ERF building, and its stack, cannot be minimised in the proposed location at Portland Port and they would have an adverse impact on the setting of the WHS, with no opportunity to make a positive contribution.</i>"</p> <p>The Case Officer concluded "<i>The proposal would also have significant adverse impacts upon landscape within the setting of the Dorset and East Devon World Heritage Site and the AONB</i>".</p> <p>Taking the above into account the proposal cannot be compliant with Waste Plan policy 14.</p> <p>Reason for refusal 3 cites non-compliance with Waste Plan policy 19 as well as policies of the Local Plan and Neighbourhood Plan.</p> <p>Policy 19 concerns the Historic Environment. It starts by stating:</p>



Para Ref:	Appellant's Statement of Case	MVV's response
		<p><i>“Proposals for waste management facilities will be permitted where it is demonstrated that heritage assets and their settings will be conserved and/ or enhanced in a manner appropriate to their significance. ... “.</i></p> <p>The site of the Portland Powerfuel proposal is within an area of considerable heritage interest related particularly to the Napoleonic era onwards fortifications, breakwaters and dockside naval associations. By the nature of the landform and seascape the areas influenced by these is quite large. There is also the prison architecture and their settings and longer range associations with heritage assets on the cliff tops of the World Heritage Site.</p> <p>The conclusions the Case Officer reached in her report included that “less than substantial harm” to designated heritage assets was not offset by the public benefits of the scheme. This being the case it is not possible for the proposal to be compliant with part d of Waste Plan policy 19.</p> <p>It is understood the Appellant is seeking modifications to the appeal proposals to address these heritage issues. The Inspector must of course be satisfied that the “Wheatcroft” rules applying to modified schemes are complied with to ensure a decision based on the modified scheme does not prejudice the rights of those who might wish to comment on it.</p>
2.15	<p>The locational advantages of the Appeal Proposal are set out fully in the Planning Supporting Statement and Supplementary Planning Supporting Statement. However, the main advantages are set out as follows:</p>	<p>The locational disadvantages of the Appeal Site are set out above in the context of non-compliance with the Waste Plan's Spatial Strategy as illustrated by the Key Diagram.</p> <p>The claimed benefits of a location at Portland include direct supply of power and heat and whilst this is not disputed it is not unique. The Canford site has identified potential electricity and heat customers locally and being within a large conurbation has significant long term potential as a heat source for a network of the type MVV operates in Germany. The Devonport heat network MVV operates associated with its EfW there is unique to that particular location but it is nevertheless indicative this can be done in the UK, given the right location and set of circumstances.</p> <p>The shipping related opportunities exist at Portland although Canford of course is relatively proximate to the Port of Poole that could figure in waste imports, or export of ash, ash products or CO₂. MVV is of the view that other opportunities of co-location exist at Canford such as for IBA processing associated with the existing aggregate recycling facility adjacent the Canford site. Not only does the capacity exist for IBA processing exist both within the Canford Resource Park and on the former landfill site (where the aggregates recycling plant is) but also IBA reprocessing there is included in the activities allowed under the existing Environmental Permits. Moreover the scale of IBA processing is economic, being equivalent to that for the</p>



Para Ref:	Appellant's Statement of Case	MVV's response
		<p>MVV Devonport plant at a plant near Exeter, which exists almost exclusively to process only the Devonport origin IBA. These offer greater co-location benefits than the vague opportunities associated with Portland Port. Regarding CO₂ transport it is clear the government envisages pipelines to be the core technique and Canford is well located proximate both to the Dorset oilfields that might be a geological storage area and the Southampton/ New Forest Waterside petro-chemical complex (including Fawley refinery) which are connected by an existing pipeline running north of the BCP conurbation and to which CO₂ emitters in BCP might easily connect. The model the government is developing through its cluster sequencing approach is of emitters being connected via pipeline networks to geological storage. Where sea transport forms part of that the volumes of CO₂ are likely to be substantially greater than those that might be created daily by a Portland-sized EfW facility. On Portland this creates the problem of having enough CO₂ storage capacity available to fill the size of ship that may be used, with of course surplus capacity needed.</p> <p>It is also relevant to note that the Appeal proposals do not allow space for carbon capture, storage, or laydown for maintenance. Whereas there may be space for these within the Portland Port estate they need to be proximate (in the case of carbon capture adjacent) and hence if it is necessary to judge that they should be available for the EfW to operate to achieve future benefits, then there should be certainty they can be provided. Emerging government policy suggests new EfWs which cannot demonstrate retrofitting of carbon capture will not obtain Environmental Permits ("operational licences")</p>
I.	<p>Scale: The Portland ERF can deliver sustainable waste management at scale to meet much of Dorset's needs, whereas this cannot be guaranteed at the other allocated sites. The consented (but not implemented) ERF at the Eco-Sustainable Solutions site (Waste Plan Inset 7) is limited to small scale capacity (50,000 tpa thermal) as a direct consequence of locational constraints whereas the Waste Plan had assumed 160,000 tpa of capacity. As a result, less than a third of the Waste Plan anticipated</p>	<p>The Appeal Site was refused planning consent, therefore, the asserted benefits cannot be guaranteed over the allocated sites.</p> <p>Green Belt: Both the Eco-Sustainable Solutions site (Waste Plan Inset 7) and the Canford Magna site (Waste Plan Inset 8) are in the Green Belt. Both sites are existing waste management facilities and due to the important co-locational benefits, and proximity to the main conurbation of waste arising within the BCP and Dorset Waste Plan area, appropriately allocated for future waste treatment. The Appeal site is remote, located some distance from the main conurbation within the BCP and Dorset and is not allocated in the adopted BCP and Dorset Waste Plan (2019).</p> <p>The matter of development in the Green Belt was suitably addressed by the Eco-Sustainable Solutions site (Ref: 8/21/0207/FUL) receiving planning consent in December 2022 and MVV are confident the same will apply to the Canford EfW CHP Facility.</p>



Para Ref:	Appellant's Statement of Case	MVV's response
	<p>capacity has been consented and there is no known evidence of any clear intention to deliver it in any event.</p> <p>Similarly, a proposal for a large ERF with a capacity of 260,000 tpa at the Canford Magna site (Waste Plan Inset 8) is in the Green Belt and would be considered 'inappropriate development', and in proximity to new housing, such that very special circumstances must be demonstrated. The availability of other suitable non-Green Belt locations, such as the Appeal Site, indicate in policy terms (Waste Plan Policy 21) that very special circumstances would not exist. This and other constraints, proximity to protected heathland habitat, indicate that a planning consent should not be forthcoming for a facility of this scale at this location.</p> <p>It is therefore unclear how the capacity assumptions made in the Waste Plan will be delivered.</p>	<p>MVV obtained pre-application advice from BCP Council as LPA prior to preparing its planning application for the Canford EfW CHP Facility. In respect of the Green Belt matters, this advice stated:</p> <p><i>"The site is previously developed land in the same use as the proposal. ... The proposal would result in an increase of built massing across the site; however this does not inherently entail harm. ..."</i>. Essentially the pre-app advice entertains the prospect that (with reference to NPPF para 149(g), the Canford EfW CHP Facility be considered not to inappropriate development within and therefore to cause harm to the Green Belt. It then goes on to provide the advice that if there is found to be harm to the Green Belt, then Very Special Circumstances will need to be demonstrated.</p> <p>Paragraph 151 of the NPPF of course includes <i>"... very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources"</i>. Powerfuel in its Planning Supporting Statement (para S10) asserts that the Appeal Proposals provide partly renewable electricity and that this would <i>"make a significant contribution"</i> to <i>"the production of renewable energy and the decarbonisation targets of the local authority"</i>. MVV agrees with this and believes approximately half of the energy produced by its proposals or by the Powerfuel proposals would be renewable. In net terms that means 14.25MW at Canford and 7.55MW at Portland of renewable electricity, the latter being an amount Powerfuel considers "significant". Significantly more renewable energy would be generated at Canford than Portland – an annual amount approximately equal to the output of a large (50MW+) solar farm.</p> <p>Other very special circumstances at Canford include that a high proportion of the waste to be treated already arises at the site – which has profound benefits in transport terms including fewer HGVs on the roads and less carbon being emitted by them - and that a very high proportion of the waste to be treated arises within the BCP conurbation and wider south east Dorset in which the site is located. Additionally there are clear opportunities for co-location of related activities particularly associated with the possible processing of IBA at the adjacent aggregates recycling plant and that rejects from the existing recycling facility may be treated at the EfW. Moreover the site owner is already committed to the development of a green hydrogen facility at the site to which the EfW may contribute power. A municipal/ utility vehicle dept might also be located at Canford, with significant symbiotic efficiency benefits.</p> <p>Also a Very Special Circumstance is that the Canford EfW CHP Facility will be a temporary use and that the site will be returned to its pre-development condition at the end of the 40 year life of the project. As the current planning permissions on the site are not affected by time-limiting consents it follows that after 40 years of operation the site will be returned to a less developed state than it is in at the present.</p>



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		<p>Based on the LPA's allocation of the Canford site for strategic residual waste management, the pre-app advice received, and the existence of Very Special Circumstances, not least the production of which is the production of a significant quantity of renewable energy as allowed for by NPPF paragraph 151, the location of the Canford EfW CHP Facility proposals within the Green Belt is not the obstacle that Powefuel suggests.</p> <p><u>Proximity to places of residence:</u></p> <p>The Appellant asserts that the proximity of the Canford Magna site (Waste Plan Inset 8), the location for the Canford EfW CHP Facility Site, is a disbenefit when compared to the unallocated Appeal Site. The nearest residential properties to the Canford EfW CHP Facility Site are approximately 500m north-west and east. This distance is similar to the Appeal Site's main building and arguably there are closer places of residence.</p> <ul style="list-style-type: none"> • Residential properties – see Dorset Committee Report para 14.118 <i>“The nearest residential properties to the proposed ERF plant are located on the hill on the East Weare estate at Amelia Close and Beel Close, just to the west of the Royal Naval Cemetery. Their rear gardens face south or east and would therefore be closest to the plant at approximately 550 metres away. There are also two residential properties, with east facing rear gardens just inside the Verne Citadel (nos. 3 & 4 The Verne).”</i> • HM Prison The Verne – see Section 2.4 of the ES Chapter 2: Site description and development proposals <i>“HM Prison The Verne is approximately 430m to the south west of the site”</i>. • Asylum accommodation (Bibby Stockholm) – located within Portland Port, this sensitive receptor is adjacent to the Appeal Site and not considered within the EIA, for example, see para 3.3.1 of the Noise Impact Assessment, 26 August 2020. <p>In summary, residential accommodation near Canford EfW CHP Facility Site is generally further away from the proposed EfW site than at the Appeal Site, therefore not a benefit favouring the Appeal Site.</p> <p><u>Protected heathland habitat:</u></p> <p>The Canford EfW CHP Facility Site benefits from a planning permission and an Environmental Permit for low carbon energy facility (Ref: APP/12/01559/F and PO11 000002 respectively). Emissions from this facility were scrutinised during determination and considered to be acceptable at this location and surrounding sensitive receptors. Building on the extant planning permission and Environmental Permit, including impacts on sensitive receptors, such as, Canford Heath SSSI, MVV engaged Natural England early in the pre-application process, including agreeing to undertake habitat and soil sampling surveys across SAC/SPA/SSSI parcels in the wider area to inform the assessment of impacts upon these designations. The sensitive ecological receptors (designated sites), such as, Canford Heath SSSI, to be assessed within both ES Chapter 6: Air Quality and ES Chapter 8: Ecology and Nature Conservation were agreed with Natural England.</p>



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		<p>The issues arising the methods followed to assess them are very similar to those that arose in respect of the Parley EfW proposals to which BCP granted planning permission in 2022.</p> <p>The conclusions of the assessments confirm that, with mitigation, to be secured by planning conditions, (Appendix 7 of the Planning Statement) or a Section 106 Agreement (Appendix 5 of the Planning Statement) there are no significant effects. Consequently, protected heathland habitats are not a constraint to securing consent for the Canford EfW CHP Facility, in a similar fashion as the Appellant who do not consider the Isle of Portland SSSI and Isle of Portland to Studland Cliffs SPA to be a constraint for the Appeal Site.</p>
II.	<p>Heat network: The Appeal Proposal is in close proximity to two existing HM Prisons, both of which have a significant heat demand that is currently met by the use of fossil fuels. The Appellant has engaged with the Ministry of Justice which has confirmed that it would take heat from a local heat network if provided. A local heat network connection to the prisons is technically, environmentally and economically viable. Potential also exists to in future to extend the heat network to connect other local community heat users.</p> <p>The Appeal Proposal's proximity to two HM Prisons is a unique advantage to its Portland location. Whilst there may be some CHP potential at other Waste Plan allocated sites the opportunities for heat recovery are limited due to a lack of suitable heat users that could support the level of upfront</p>	<p>Heat Network: MVV has a track record of delivering CHP at its facilities. MVV's largest operational project in the UK is the Devonport EfW CHP Facility in Plymouth. Since 2015, this modern and efficient facility has been using up to 265,000 tonnes of municipal, commercial and industrial residual waste per year to generate electricity and heat, notably for HM Naval Base Devonport in Plymouth, and export electricity to the grid.</p> <p>Based on their track record, MVV has a high degree of confidence the Canford EfW CHP Facility will deliver a CHP network to supply decentralised heat and electricity; it is 'CHP ready' consequently:</p> <ul style="list-style-type: none"> • Equipment: The steam turbine will be designed so that low pressure steam can be used to produce hot water to supply a district heating system at Magna Business Park and enable the future supply of heat to new and existing local businesses in the locality. Land within the EfW CHP Facility Site is allocated to accommodate the onsite equipment (ID 12 Figure 3.1) required to supply heat. • Suitable CHP network: The proposed development includes CHP Connection Corridors, in which underground pipework will connect the EfW CHP Facility to Magna Business Park located approximately 0.6km to the east of the EfW CHP Facility Site and along Arena Way to Magna Road. Future expansion of the CHP network will be possible, to meet existing and new user's requirements. • Upfront investment: Based on experience of designing and delivering CHP at its UK and German facilities, MVV are confident that once off-takers are confirmed, a suitable CHP network can be delivered and funded. • Heat offtakers: To support MVV's aim to supply local heat and electricity, accompanying the planning application are letters of support (Appendix 8 of the Planning Statement) from: <ul style="list-style-type: none"> ○ Magna Business Park – industrial/business units ○ Canford Resource Park – waste treatment operations ○ AFC Bournemouth – new football training facility and academy



Para Ref:	Appellant's Statement of Case	MVV's response
	<p>investment required for a heat network to be economically viable. The Portland ERF is 'CHP ready', but unlike allocated sites, there is a high degree of confidence that a suitable, credit worthy, and willing heat off-taker exists and that a viable local heat network can be delivered, supplied by the Portland ERF.</p>	<p>MVV propose to secure the CHP commitments by planning condition, see Appendix 7 of the Planning Statement.</p> <p>Appendix 4 to the Canford EfW CHP Facility planning application Planning Statement if a Combined Heat and Power Assessment prepared by RPS Consultants (now Tetra Tech). Amongst the information this provides is an assessment that the area within 1.5 km of the Canford EfW CHP Facility site contains a potential heat demand equivalent to 5MW, a quantity of heat the plant could easily supply. Although a crude measure this illustrates the potential for a plant of this nature located within an existing conurbation.</p> <p>The Appeal Site does not include land for CHP connections to HM Prisons. Furthermore, it is not apparent on the Proposed Site Plan (262701B TOR-XX-XX-DR-A-P004) where within the boundary the CHP equipment could be accommodated if at all.</p>
IV.	<p>Port location: The Portland ERF is located with Portland Port, an operational commercial port, and as such has access to shipping berths. An opportunity exists for materials to be imported and exported, such as the import of RDF and the export of incinerator bottom ash (IBA). The ability to move materials by sea would reduce vehicle movements on the local road network and is a locational benefit that other allocated sites simply cannot match as these are all situated inland and are fully reliant on road transport.</p>	<p>Whilst the Appellant's <i>ES Chapter 2: Site description and development proposals</i>, mentions the import of RDF by sea, Environmental Statement Chapter 12: Waste, does not include an assessment of RDF imports to the Appeal Site. The Appeal Site's planning application documents do not appear to secure commitments and consequently the asserted benefits to import/export by sea are statements only and carry limited or no weight in the planning balance.</p> <p>If waste were to be imported by sea to the Powerfuel plant it would be highly unlikely that this would be BCP or Dorset waste; the logistics to get waste to the only other practicable port (Poole) and of the loading and unloading of waste are such that it would be easier and have lower financial and environmental costs for it to go directly to Portland or, much better, to Canford. Treating another area or country's waste would not contribute to the needs identified in the Waste Plan.</p> <p>Appendix 7.1 of the Canford EfW CHP Facility Environmental Statement estimates the carbon emissions potentially saved by the Canford project due to treatment of all of the EfW capacity there rather than its transportation to a remote EfW (assumed for the calculation to be at Bridgewater). This saving is estimated at around 3,300 tonnes of carbon per annum. Portland is approximately half the distance to Bridgewater, so around half the carbon would be emitted. The number of vehicles on Dorset's road would be the same (around 26,000 two way movements annually, assuming 20t/ load). It is a fair comparison to use the Canford site as the origin of all of the waste in this comparison as it is central to BCP and south east Dorset, which is where most of the waste originates, and has good road links to the rest of BCP and Dorset. It should also be borne in mind that a much higher proportion of deliveries to Canford would be direct by refuse collection vehicle rather via a transfer station and a bulker lorry than would be the case for Portland, reducing overall vehicle miles and carbon emissions.</p>



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V.	<p>Carbon capture and storage: The UK Government has recently announced that the EfW sector will be included in the UK ETS from 2028. The ability to deliver carbon capture and storage (CCS) has become even more important. CCS is more likely to occur, and more quickly, where EfW plants are located within a carbon hub, or where there is potential for captured carbon to be transported for storage/use via sea tanker vessels.</p> <p>EfW sites located outside of these areas are much less likely to be able to deliver CCS practicably or viably. The Appeal Site's Port location, with access to additional employment land and port facilities for export of captured carbon by sea, is significantly better placed to deliver CCS in future than any of the allocated sites, all of which are located inland and would be reliant upon the movement captured carbon by road</p>	<p>The ability to co-treat waste at CRP via the MBT facility and Canford EfW CHP Facility, and thereby reduce vehicle movements on the local road network is a locational benefit of the allocated site (Canford Magna site (Waste Plan Inset 8)) that the Appeal Site simply cannot match. This advantage is amplified if, as seems highly likely given the EP status of the existing aggregates recycling facility and the demonstrable technical and commercial feasibility of IBA treatment at this scale, IBA is treated adjacent the Canford site.</p> <p>To support emerging policy on Decarbonisation Readiness and to ensure MVV can deliver its corporate climate change objectives and address future policy requirements, the layout of the Canford EfW CHP Facility Site has been designed to allow sufficient space for the plant and equipment for a CCS facility if required in the future (including plant and equipment to capture carbon dioxide (CO₂) from the flue gas emissions of the facility and transport this to a storage facility). Furthermore, the steam turbine will be designed to be ready for installation of controlled low pressure steam extraction; space will be available for condensate return to the main condensate system, diversion of flue gas through the CCS facility and installation of an additional 11/15kV circuit breaker, plus a pre-installed duct from the switchgear building to the future CCS facility. The area proposed for the laydown/maintenance and future environmental requirements area (ID23 Figure 3.1) as part of the Proposed Development can accommodate a future CCS facility. MVV proposes to secure the CCS commitments by planning condition, see Appendix 7 of the Planning Statement.</p> <p>Concerning the Appeal Site, <i>ES Chapter 2: Site description and development proposals</i> and accompanying documents, do not appear to include details or commitments, including safeguarding land within the Red Line Boundary to deliver CCS. Therefore, the Appellant's approach to CCS are statements only, therefore, carry limited or no weight in the planning balance.</p>
2.16	The Appellant will demonstrate in evidence that the Appeal Site's	



Para Ref:	Appellant's Statement of Case	MVV's response
	<p>locational benefits comply with Waste Plan Policy 4 (criterion a) and that advantages exist over other Waste Plan allocated sites.</p>	<p>Site assessment: The Appellant's <i>Comparative assessment against waste local plan sites, September 2020</i> is out of date, inaccurate and incomplete, therefore, not a sound basis to justify the Appeal Site ahead of BCP and Dorset Waste Plan (2019) allocated sites. Reasons include:</p> <ul style="list-style-type: none"> the assessment does not reflect the progress made at the allocated sites, such as, reflecting the submitted planning application for the Canford EfW CHP Facility at the Canford Magna site (Waste Plan Inset 8) or recent planning consent approval at the Eco-Sustainable Solutions site (Waste Plan Inset 7). It overlooks the comparative locations in practical terms in assessing accessibility from the lorry network. The Waste Plan bases its policy on the Dorset Advisory Lorry Route map (Figure A-2) which includes the A341 adjacent the Canford site. This is within a relatively dense part of the network – a lorry leaving Canford could use the Dorset Advisory Lorry Route network whether it turned left or right out of the site and thereafter have a choice of routes. In contrast Portland is towards the end of a long “finger” of the network, lorries leaving the site having no choice of route until they have passed through Weymouth. Powerfuel refer to the primary road network (essentially green A roads on OS maps) that goes straight to Portland and that it is at closest about 2.5km from Canford. However the Waste Plan considers the A341 adjacent Canford to be part of the primary route network. Simplistically, that there is a green road to Portland shown on the OS reflects in part its history as a navy base and the rock quarrying activity on Portland. A further glance at the OS map shows the road to pass through Weymouth and any visit to Portland by road will reveal how tortuous parts of this journey are; for example the kink in the A354 as it passes Weymouth Inner Harbour and goes up the hill to Rodwell. It fails to assess the proximity to the main conurbations of waste arisings. Figure A-3 demonstrates the Appeal Site would be an outlier within the regional EfW network and locally within the BCP and Dorset Waste Plan area. The locational benefit of the allocated Canford EfW CHP Facility Site (Canford Magna site (Waste Plan Inset 8)) is something that the Appeal Site simply cannot match.



Para Appellant's Statement of Case MVV's response
Ref:

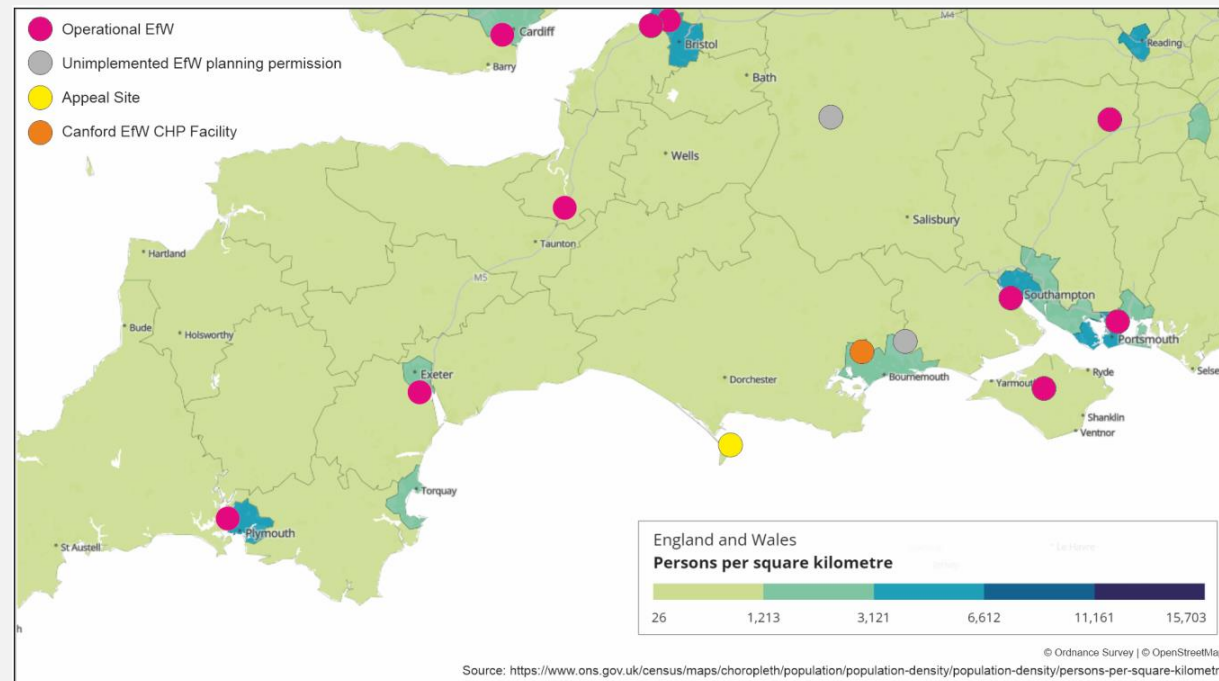
Figure A-2: Extract from BCP and Dorset Waste Plan (2019) Figure 10: Dorset Advisory Lorry Route Map





Para Ref:	Appellant's Statement of Case	MVV's response
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Figure A-3: Existing and proposed EfWs location in relation to population centres – SW England/ SE Wales





Para Ref:	Appellant's Statement of Case	MVV's response
2.17	The reason for refusal indicates that the Appeal Proposal is unsustainable because other Waste Plan allocated sites are closer to the Bournemouth, Poole and Christchurch conurbation, which is considered to be the primary location of residual waste arisings.	As set out with respect to Waste Plan policy 4 (c) above, the Powerfuel proposals are not compliant with the Spatial Strategy and hence with policy 4. The Spatial Strategy clearly envisages strategic facilities being in south east Dorset which is largely comprised of the BCP conurbation.
2.23	Accordingly, the Appellant will show that DC has wrongly misinterpreted the Proximity Principle and has incorrectly applied this to its own policies in this respect. Notwithstanding this serious error, the Appellant will also demonstrate that other allocated sites, considered by DC to be more proximate to waste arisings are less suitable and are subject to constraints that weigh heavily against them (e.g., Green Belt).	See response to Reason for Refusal No.1 (Waste Policy). Although there are definitions of the Proximity Principle elsewhere, in this case policy compliance requires compliance with policy 1 which states that to comply with the proximity principle facilities must be "appropriately located relative to the source of the waste". The source of any road borne waste into the site is likely to be BCP and nearer parts of south east Dorset largely but even most other parts of Dorset are more proximate to Canford than to Portland, particularly taking account of road infrastructure. Different arguments may apply to sea borne waste but this is extremely unlikely to be Dorset and BCP origin waste, which the Waste Plan principally is concerned with.
Opportunities for co-location with other waste management facilities		
2.26	Waste Plan Policy 2 states <i>"Proposals for waste management facilities which incorporate different types of waste management activities at the same location, or are co-located with complementary activities, will be supported unless there would be an unacceptable</i>	The Appeal proposals do not include distribution infrastructure offsite, carbon capture, storage and loading, IBA storage or processing. Whilst all of these things are possible the Appeal proposals would require further planning permissions and other consents be granted to enable them. There is no certainty that the complementary proposals would come forward or would be deliverable. At Canford EfW CHP Facility:



Para Ref:	Appellant's Statement of Case	MVV's response
	<p><i>cumulative impact on the local area.</i>" (emphasis added).</p>	<ul style="list-style-type: none"> • The proposals are on an existing waste management site that is the principal location for residual waste management in BCP and Dorset already and which already produces over half of the material that would be the feedstock for the EfW; which is currently going to EfWs elsewhere. • There is a real opportunity for IBA to be processed at Canford in existing facilities there that are permitted for this purpose. This might actually reduce lorry movement to some extent as some IBA products are currently imported to the site to assist recycling of other aggregates. • The Canford EfW CHP proposals include heat and power export infrastructure direct to (1) the boundary with a business park currently in development and (2) to the main road at the site entrance where wider future energy network infrastructure would be. The proposals will also supply the existing operations at Canford Resource Park, replacing landfill gas engines that have fulfilled this duty but which are reducing in production as the landfill gas production of the adjacent landfill (closed 2010) declines. In addition there is hydrogen production consented at the site and although this is intended to be powered partly by a recently constructed 7MW ground mounted solar installation on the former landfill; solar is not of course a baseload energy source and has a generation rate of only 10% of installed capacity compared to over 90% for EfW. • The Canford proposals include space for retrofitting of carbon capture infrastructure. MVV is working in Germany and the UK with technology suppliers in this fast moving space. It is looking increasingly likely that enhancing or re-purposing existing fossil fuel pipelines to move CO₂ around the country will be a basis of the UK's future carbon capture use and storage infrastructure – this is central to the "carbon cluster" proposals being advanced with Government support in North Wales/ North West England and North East England as well as in Scotland. There are live DCO applications for such CO₂ pipelines at present and many more opportunities being advanced linking emitters to carbon stores, which are depleted gas and oil fields. Although the Solent cluster did not receive support initially it follows that the technical and commercial learning in the clusters now being supported will transfer elsewhere in the UK and abroad. Nevertheless there is an existing advanced petro-chemical infrastructure centred at Fawley on New Forest Waterside and this is linked to Poole by an existing pipeline such that the oil from the Wytch Farm oilfield (the largest onshore field in Europe) is already piped around the north of the BCP conurbation and across the New Forest to Fawley. • Proposals are at an early stage for a municipal/ utility vehicle depot adjacent the Canford Resource Park, serving both the vehicles (RCVs) that already access the site on a daily basis and others. Refuelling/ recharging infrastructure in this depot could be available for vehicles accessing the EfW and the other minerals and waste businesses based there.



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2.27	<p>Whilst some allocated Waste Plan sites may have opportunities for co-location with other waste management uses and facilities, there is no certainty that these would come forward and that co-location would occur given their other significant planning and environmental constraints, not least of which is that most of the Dorset coast is designated as a World Heritage Site making shore power and seaborne transport to an ERF unachievable in most locations within the county.</p>	<p>Disagree for the reasons outline in this document. Below is a short summary of the existing activities at CRP that support the allocation of Canford Magna site (Waste Plan Inset 8) due to its significant co-locational advantages and close proximity to waste arisings within the BCP and Dorset Waste Plan area.</p> <p>The planning application for Canford EfW CHP Facility includes land allocated for residual waste management at, and forming a small extension to, the existing Canford Resource Park (CRP). In addition to the EfW CHP Facility, the Proposed Development also includes the access road, using an existing traffic light controlled junction with Magna Road, land for two potential Temporary Construction Compounds (TCCs), of which only one will be utilised, and a corridor of land to be used for the export of combined heat and power (CHP Connection) and switchgear within a Distribution Network Connection (DNC Corridor).</p> <p>CRP is the existing delivery point of residual waste from BCP Council's and Dorset Council's households, and also receives much of the area's business waste. CRP has already evolved to be a compact and highly effective location for waste management. It is well suited to this role by being relatively central to BCP Council's area, with good road links within it and via the A31 Trunk Road to Dorset Council's area.</p> <p>The wider CRP, including the EfW CHP Facility Site, has significant planning history reflecting the development over the years of the current businesses on CRP. These businesses include a Mechanical Biological Treatment (MBT) plant, a Materials Recovery Facility (MRF), landfill gas engines, inert waste processing, solar farm, hydrogen plant, concrete batching plant and, specifically located on the part of the Proposed Development Boundary proposed for the EfW CHP Facility, a partially constructed but non-operational low carbon energy facility. All the main buildings at CRP have permanent planning permissions and a number have established use rights for B2 employment uses.</p> <p>The aggregate recycling activities, part of the inert waste processing at Canford, are permitted by their Environmental Permits to receive IBA. The scale of operation were IBA to be processed there would be equivalent to the plant at Hill Barton near Exeter that is currently dedicated to the processing of IBA from MVV's Devonport EfW. It processed over 63,000 tonnes of IBA in 2021, 98% of which was from MVV Devonport, which represented 100% of the EfW's IBA production. It is 50 miles from Devonport so the opportunity to hve IBA re-processing for Canford adjacent to the EfW CHP Facility is clearly very attractive.</p> <p>Matters relating to potential CHP opportunities and consequently the co-locational benefits these bring, are outlined in response to Reason for Refusal No.1 (Waste Policy) II, above.</p>



Para Ref:	Appellant's Statement of Case	MVV's response
2.28	<p>Whilst the co-location of new waste management facilities with other waste management uses is encouraged within waste planning policy frameworks, it is not a mandatory requirement. Furthermore, given the Appeal Scheme's unique port location and availability of safeguarded employment land, future opportunities would exist to promote the co-location of other waste related facilities within the Port to recycle/reuse products extracted from the incoming waste stream (in line with the circular economy), reducing the non-biogenic content of the fuel mix and displacing CO2 emissions associated with the production of products and feedstocks, which the extracted products would replace.</p>	<p>Unlike the Appeal Site, the Canford EfW CHP Facility can deliver co-locational benefits, see 2.27, above.</p> <p>The Appellant asserts, land is available within Portland Port for 1) CCS, 2) other complimentary activities and 3) MVV assume the delivery of CHP. There can only be a finite amount of land available at Portland Port and since it appears to be outside of the Appeal Sites boundary, it is unclear where all this land is, if it could accommodate CCS, other complementary activities and CHP.</p>
2.29	<p>Importantly here, Waste Plan Policy 2 supports waste management facilities that "<i>are co-located with complementary activities...</i>" as well as those that incorporate different types of waste management activities at the same location. The Appeal Proposal can achieve co-location with other complementary activities, as recognised and encouraged by the Waste Plan (3.22), which states</p>	<p>See response to 2.28, above.</p>



Para Ref:	Appellant's Statement of Case	MVV's response
	<p>that <i>“Co-location of waste management facilities with complementary activities is also encouraged. This may include opportunities for co-location with potential users of low carbon energy and heat; fuels; recyclates and soils.”</i></p>	
2.30	<p>The Waste Plan (3.23) recognises the importance of co-location with complementary heat and energy users stating that <i>“Energy recovery facilities provide particular opportunities to provide low carbon energy and heat to customers and suppliers. In particular, combined heat and power schemes provide opportunities for providing efficient, low carbon energy to sites such as hospitals, leisure centres, commercial buildings, factories, and industrial estates, although small businesses and residential developments can also benefit. Applications for energy recovery should demonstrate that opportunities for co-location with potential heat customers and heat suppliers have been sought.”</i></p>	<p>The energy offtake opportunities at Portland do not seem more certain that those at Canford where energy offtakes to the existing Canford Resource Park will be achieved and there is significant opportunity to supply Magna Business Park, AFCB Bournemouth Training Academy and other nearby users including a consented hydrogen electrolyser and the existing Canford Resource Park businesses, which have in the past used power generated from a now dwindling supply of landfill gas.</p>
2.31	<p>The Appeal Scheme significantly benefits from its unique location within an operational port, where there are opportunities to forge links with existing complementary</p>	<p>There must be other ways of securing shore power to support the Port of Portland's cruise ship business. Cruise ships require a lot of power when they are alongside but clearly the demand is “blocky” ie when a ship disconnects and goes to sea there is no land based power demand. An EfW in contrast provides baseload power and cannot be throttled up and down to match variable demand. The steam boiler generation</p>



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	activities, such as engineering and shipping expertise, and activities associated with the availability of heat and power (e.g., shore power).	<p>technology does not lend itself to this and in any event the larger part of the plant's revenue is from burning waste and hence the commercial incentive is to keep doing this at the highest practicable sustainable level within the grate's firing diagram, so as to maximise overall revenue. This is also how the plant optimises its utility as a waste management facility.</p> <p>A building of the size proposed for the EfW could for example alternatively contain a battery store.</p> <p>Hydrogen as a fuel for power generation could itself be brought to Portland by ship/ barge with the barge forming the ready use fuel store and maybe even a prefabricated floating energy centre.</p> <p>Fuelled energy generation at Portland of any sort with fuel arriving road will to some extent conflict with a growing cruise ship market because of the traffic and access requirements across the causeway and through Weymouth.</p>
2.32	The Appellant will demonstrate through evidence that the Appeal Scheme complies with Waste Plan Policy 2 and is sustainable given the current co- location with complementary activities, including co-location with users of low carbon energy heat and fuels and the potential for future co-location of waste related uses.	For the reasons highlighted in this document there is significant doubt on the deliverability of the asserted benefits.
2.33	The Appellant disputes DC's claim that co-location opportunities at the Appeal site are 'limited' and will demonstrate that Policy 2 has been misapplied. DC has incorrectly placed too much weight on potential co-location with existing waste management facilities at other allocated sites, when balancing this against the Appeal Site's	<p>Policy 2 is part of the Waste Plan. The plan must be read as a whole. Paragraph 1.3 of the Waste Plan describes it as "...our [BCP and Dorset's] blueprint for how and where we manage the waste we produce ...". Paragraph 3.1 states "<i>The Waste Plan's role is to identify sufficient opportunities to meet the identified needs of Bournemouth, Christchurch, Poole and Dorset for waste management</i>".</p> <p>Notwithstanding the wording of policy 2 the overriding purpose of the plan it forms part of is described above. Therefore it is right for DC to place weight on potential waste management benefits of co-location, which are patently greater at Canford than they are at Portland.</p>



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	<p>advantages. This error is further compounded by the lack of certainty that other allocated sites would secure consents for a large scale ERF and that the envisaged co-locational benefits could be realised.</p>	
<p>The extent to which the Appeal Proposal would be an unsustainable form of waste management</p>		
2.36	<p>Dorset does not have sufficient capacity to manage its existing or future residual waste arisings and new infrastructure is urgently required to meet this need. The Canford MBT plant is an intermediate technology producing RDF that still requires final treatment by thermal treatment with energy recovery, or disposal to landfill. Additionally, there remains a need for capacity to manage RDF regionally and nationally, given that large volumes of RDF are still being exported out of the UK and large volumes of waste are still subject to landfill.</p>	<p>As highlighted in the response at Reason for Refusal No.1 (Waste Policy) IV, the Canford EfW CHP Facility located adjacent to the MBT facility at CRP consequently best placed to meet the residual waste capacity needs identified in the BCP and Dorset Waste Plan (2019).</p>
2.37	<p>The Appellant considers that DC has failed to apply the Proximity Principle correctly. The Appeal Proposal would provide one of the nearest installations for the treatment of Dorset's residual waste and thus significantly reduce the export of this</p>	<p>If the Appellant is targeting BCP and Dorset's residual waste, the Appeal Site is remote and poorly located to the main areas of waste arisings i.e., BCP, see Figure 1.2.</p>



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	waste out of county, in line with Waste Plan Policy 1 and Policy 4 (criterion c).	
2.40	Based on the foregoing, the Appeal Proposal would not breach Policies 1 and 4 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 and paragraph 158 of the NPPF.	Disagree, the Appellant cannot meet the requirements of Policy 1 and 4 for the reasons outlined in this document.
Relevant Facts and Arguments to be Relied On		
VI.	The Appeal Site is not an allocated site within the Waste Plan. Nonetheless, Policy 4 (criterion a) permits unallocated sites to come forward where it can be demonstrated that the non-allocated site provides advantages over allocated sites. The Appeal Site has advantages over other allocated sites because of its port location. The most significant being:	Disagree for the reasons outline in this document.
	<ul style="list-style-type: none"> The ability to supply heat via a future heat network and the presence of the Ministry of Justice as an identified and viable heat off-takers (HM Prisons) in the locality. 	Disagree, see response at Reason for Refusal No.1 (Waste Policy) II.



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	<ul style="list-style-type: none"> The availability of direct access to marine berths at the Port facilitating the sustainable import and export of materials (import of RDF and export of IBA), reducing the need for transportation of materials on the local road network. 	Disagree, see response at Reason for Refusal No.1 (Waste Policy) IV.
	<ul style="list-style-type: none"> The ability to accommodate an ERF of significant scale to meet Dorset's needs, as opposed to allocated sites where planning and environmental constraints are likely to restrict or preclude delivery of an ERF at large scale. 	Disagree, see response at Reason for Refusal No.1 (Waste Policy).
	<ul style="list-style-type: none"> The ability to deliver carbon capture and storage in future and, as a direct consequence of its industrial/port location, the ability to export captured carbon by sea tanker. 	Disagree, see response at Reason for Refusal No.1 (Waste Policy) V.
XI.	<p>The Appeal Proposal would provide urgently required residual waste management capacity within Dorset in line with the Proximity Principle, representing an opportunity to locally manage residual waste arisings from the LACW and C&I waste streams. It would allow Dorset's waste to be</p>	<p>Agree there is a need for further residual waste treatment facilities, however for the reasons outlined in this document, the Appeal Site is not suitable to manage BCP and Dorset's needs.</p> <p>If the Appeal proposals are allowed to proceed but only on the basis waste is delivered by sea, then they would provide no waste management benefit to BCP and Dorset.</p>



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	<p>dealt with more proximate to its source of arisings, than current practice of exporting waste over long distances by road or sea to other facilities. In managing RDF arisings locally, regionally and nationally, the Appeal Facility complies with the Proximity Principle in line with Waste Plan Policy 1 and 4 (criterion c).</p>	
XII.	<p>The allocated Waste Plan sites are subject to significant planning and environmental constraints. This is recognised in the Waste Plan itself, which accepts that not all sites are likely to come forward, hence the inherent flexibility provided for unallocated sites to come forward under Waste Plan Policy 4 (criterion a). Where a consents for an ERF has been granted on an allocated site (Inset 7 – Eco-Sustainable Solutions, Parley) this has been of very modest capacity (50,000 tpa) in the context of the required need (234,000 tpa), as a consequence of planning and environmental constraints. Furthermore, this has not been implemented and may not be.</p>	<p>Disagree, see response at Reason for Refusal No.1 (Waste Policy). MVV have submitted a planning application at an allocated site that is best located to serve the needs of BCP and Dorset's capacity shortfall.</p> <p>The Canford site is allocated as a strategic location for residual waste management. A high proportion – over half - of the waste to be treated by the proposed Canford EfW CHP Facility already arises at the site as a product of the existing activities there and has to be exported elsewhere for EfW treatment. The remainder can be imported without exceeding the total amount of material the current activities at the site are consented to receive within their Environmental Permits and planning permissions.</p> <p>The Waste Plan was found to be sound before it was adopted by BCP and Dorset Councils.</p> <p>The allocation of the Canford site and the three other sites in and near BCP provides the means for the planning authorities to deliver the Spatial Strategy of the plan.</p>
XIV.	<p>Under Waste Plan Policy 21 proposals for waste management facilities (if inappropriate development) cannot be permitted</p>	<p>Disagree. The Appellant is incorrect, the sites referred to can be permitted and delivered. Very special circumstances was demonstrated and planning consent for the Parley site (Eco-Sustainable Solutions site (Waste Plan Inset 7) approved in December 2022 (Ref: 8/21/0207/FUL). MVV are confident the same will apply</p>



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	<p>unless the harm to the Green Belt and any other harm caused is clearly outweighed by other considerations, such that very special circumstances exist. This includes demonstrating that the need cannot be met by alternative suitable non-green belt sites. The Appeal Proposal is a suitable non- Green Belt site and hence allocated Green Belt waste sites (specifically Canford and Parley) cannot demonstrate very special circumstances and therefore cannot be permitted or delivered.</p>	<p>to the Canford EfW CHP Facility, and should it be necessary, demonstrate that very special circumstances exist.</p> <p>Amongst the Very Special Circumstances is the generation of renewable energy. Half of the power produced at Canford EfW CHP Facility will be renewable (the same applies at Portland) but the Canford project due to its larger capacity and higher efficiency will deliver 14.25 MW of renewable power versus 7.6MW at Portland. To deliver the 52.5GWh that the 6.65MW difference in installed capacity would require equates to a 52.5MW solar farm of approximately 130 to 260 acres (at 2.5 to 5 acres per MW – the variability comes from field size, topography, land needed for biodiversity net gain, screening, access tracks, inverters etc). Dorset and BCP have relatively few open areas not affected by AONB or WHS which, as is seen by the refusal of Portland Powerfuels, is a significant visual constraint.</p> <p>Paragraph 151 of the NPPF states that “... <i>very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources</i>”. That 2023 with its devastating wildfires and lethal heatwaves is likely to be the hottest year recorded should leave no doubt that 14.25MW of renewable energy, 6.65MW more than Powerfuels Portland could provide, is a wider environmental benefit.</p>
XVII.	<p>The ES supporting the planning application for the Appeal Proposal is considered to be fit for purpose and is not deemed to be deficient in any significant way.</p>	<p>Disagree, for the reasons outlined in this document. In Summary:</p> <ul style="list-style-type: none"> • Sensitive receptors (all relevant ES technical chapters) – Recent introduction of a significant sensitive receptor adjacent to the Appeal Site - Asylum accommodation (Bibby Stockholm). Absent from the EIA. • Climate change counterfactual (ES Chapter 5) – By not following the 2022 IEMA guidance “Assessing Greenhouse Gas Emissions and Evaluating their Significance (2nd Edition)” the ES has reached an unduly optimistic conclusion. • Decommissioning (all relevant ES technical chapters) – impacts associated with decommissioning the Appeal Site are absent from the EIA. • Alternatives (ES Chapter 2) – The assessment of alternative sites is out of date, inaccurate and incomplete. • RDF imports by sea (ES chapter 12) – absent from the EIA. <p>The omissions highlighted above are significant and in respect of ‘Alternatives’ go to the heart of reason for refusal 1, therefore, the ES supporting the planning application is not fit for purpose.</p>



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XXIII.	<p>The Appeal Proposal accords with the policies of the Development Plan when read as a whole and there are no material planning considerations that indicate determination of the appeal should be other than in accordance with the Development Plan. In fact, the key material planning considerations that exist, reinforce the logic for doing so.</p>	<p>Disagree, for the reasons outlined in this document.</p>
XXIV.	<p>DC's overall planning balance presented in the Committee Report is based on significant omissions, misrepresentations, inaccuracies and errors such that it is deemed to be fundamentally flawed and is unjustifiably biased in favour of other Waste Plan allocated sites. Unsubstantiated negative weight is applied to the degree of landscape and heritage harm, and the appropriate degree of positive weight has not been given to Appeal Proposal's many benefits. It provides no indication on how the identified positive benefits were considered against the identified harm in coming to its recommendation for refusal. Had it done so the conclusion on the overall planning balance would overwhelmingly fall in favour of the Appeal Proposal and permission would be granted.</p>	<p>The allocated sites form part of the adopted BCP and Dorset Waste Plan (2019), therefore, carry significant weight in the planning balance.</p> <p>It does seem a little strange to read that a planning authority in exercising its planning judgment over the determination of a planning application has been "<i>unjustifiably biased in favour of</i>" the adopted development plan. Planning applications must of course "<i>be determined in accordance with the development plan unless there are material considerations that indicate otherwise</i>" (Planning and Compulsory Purchase Act 2004; S38(6)).</p>



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XXV.	The Appellant will therefore demonstrate that the Appeal Proposals are in accordance with the Development Plan and national policy and, to the extent that it might be considered otherwise, material considerations (including the considerable benefits) would nonetheless support the grant of permission.	Disagree, for the reasons outlined in this document.
Matters raised by interested parties		
25	<p>Carbon balance and greenhouse gas emissions</p> <p>Matter raised: Use of landfill as the comparator for carbon assessment.</p> <p>Appellant's response: Residual waste, being that which cannot be practicably recycled, can only be treated by ERF or landfill. Comparing it with landfill is realistic. If insufficient ERF plants are built, then more landfills will be required.</p>	In this instance, the counterfactual worst-case scenario for the assessment of climate change (i.e., what would happen without the Appeal Site) is that BCP and Dorset's residual waste would, as at present, be transported to energy from waste plants located elsewhere, including some outside the UK. The principal carbon benefit is hence in the avoided transportation of waste. Using the counterfactual of landfill does not present an EIA worst-case scenario. Additionally, by not following the 2022 IEMA guidance on this topic, Powerfuel has reached an unduly optimistic conclusion of significant benefit, which should actually be at best moderate adverse.
29.	<p>Carbon balance and greenhouse gas emissions</p> <p>Matter raised: Alternative carbon assessment scenarios – Dorset Waste Plan allocated sites</p>	Disagree, see response at Reason for Refusal No.1 (Waste Policy) IV and V.



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	<p>Appellant's response: Whilst transporting waste to Portland would lead to marginally higher carbon emissions from transport, this is outweighed by the benefit of generating power at the port. There is insufficient power available at the port to export power to ships. It is also outweighed by the ERF's ability to supply a district heat network, with the Ministry of Justice identified as an anchor network customer.</p>	
32.	<p>Carbon balance and greenhouse gas emissions</p> <p>Matter raised: Carbon neutrality and position on carbon capture and storage.</p> <p>Appellant's response: The Appellant is prepared to consider carbon capture and storage technologies as and when these become technically and economically viable. The Appeal Site has the significant advantage of being located within a commercial port. Potential exists to utilise existing port infrastructure for carbon capture, storage and transportation.</p>	See response at Reason for Refusal No.1 (Waste Policy) V.



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33.	<p data-bbox="271 304 712 363">Carbon balance and greenhouse gas emissions</p> <p data-bbox="271 395 450 422">Matter raised:</p> <p data-bbox="271 427 712 486">Inappropriate use of counterfactual baseline.</p> <p data-bbox="271 518 546 545">Appellant's response:</p> <p data-bbox="271 550 712 887">The counterfactual baseline (landfill) is appropriate as the UK does not have enough capacity to treat all residual waste, so significant volumes of waste is landfilled. If a new EfW is built in the UK, this means that less waste overall will be sent to landfill and therefore, at a national level, the correct comparator is landfill. This approach is supported by national guidance.</p>	Disagree see response to Matters raised by interested parties 25.

