Canford Energy from Waste
Combined Heat and Power Facility

Document Reference: PPL_001
November 2023

Applicant’s response to Powerfuel Portland Ltd’s Representation of 29 September 2023

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Contents

1. Introduction

1.1 Introduction

1.1.1 In July 2023, MVV Environment Limited (the Applicant) submitted a full planning application for a Carbon Capture Retrofit Ready (CCRR) Energy from Waste Combined Heat and Power (EfW CHP) Facility at Canford Resource Park (CRP), off Magna Road, in the northern part of Poole. Together with associated CHP Connection, Distribution Network Connection (DNC) and Temporary Construction Compounds (TCCs), these works are the Proposed Development (and the application seeking planning permission is the Planning Application).

1.1.2 The primary purpose of the Proposed Development 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, that cannot be recycled, reused or composted and would otherwise be landfilled or exported to alternative EfW facilities further afield, either in the UK or Europe. The CRP site, an allocated site in the Waste Plan that already handles this waste, and has done for many years, but presently cannot recover it (hence the export further afield), is ideally spatially placed to receive and recover waste from the plan area's major urban areas, in order with the principles of proximity and self-sufficiency.

1.1.3 The Proposed Development would recover useful energy in the form of electricity and hot water from up to 260,000 tonnes of non-recyclable (residual), non-hazardous municipal, commercial and industrial waste each year. The Proposed Development has a generating capacity of approximately 31 megawatts (MW), exporting around 28.5 MW of electricity to the grid. Subject to commercial contracts, the Proposed Development will have the capability to export heat (hot water) and electricity to occupiers of the Magna Business Park and lays the foundations for a future district heat network to connect to customers off Magna Road. It is also carbon capture retrofit ready, so with the potential for still greater carbon benefits.

1.2 Purpose of this document

1.2.1 Bournemouth Christchurch and Poole (BCP) Council, as the Local Planning Authority (LPA), consulted on the Planning Application. The consultation took place between 2 August and 6 October 2023.

1.2.2 Amongst the consultation responses is a lengthy document from Powerfuel Portland Ltd (PPL). It is immediately apparent this is a spoiling objection, because PPL is aware that if the Planning Application is granted then PPL's already weak case for its own proposals, at Portland, will be further weakened.

1.2.3 PPL is the applicant for a proposed EfW facility located at Portland, which EfW facility PPL calls an "energy recovery facility" and so is hereafter referred to as 'Portland ERF'. This is within the same Bournemouth, Christchurch Poole (BCP) and Dorset Waste Plan (2019) (Waste Plan) area as the Proposed Development.

However, unlike CRP, the Portland ERF site is not allocated in the Waste Plan, nor, unlike the Proposed Development, is its location conformant with the Waste Plan's spatial strategy. Following submission of a planning application in September 2020, and the submission of further information, Dorset Council (DC) refused PPL's application in March 2023 for non-compliance with the Waste Plan and on grounds of unacceptable landscape and heritage effects. In addition to non-compliance with the Waste Plan, PPL's proposals were also found non-compliant with various policies of the West Dorset Weymouth and Portland Local Plan and the Portland Neighbourhood Plan. **Appendix A** provides a copy of the decision notice, including DC's detailed reasons for refusal.

1.2.4 PPL has appealed against the refusal of planning permission and a Public Inquiry is being held to consider the Portland ERF proposal between 5 and 21 December 2023. From a review of the Statements of Case it is apparent DC intends to rigorously defend its reasons for refusal. Two other parties have been granted formal "Rule 6 Status" which means they can also participate in the Inquiry, presenting evidence and cross-examining witnesses. Both oppose the project.

1.2.5 PPL is also at times hereafter referred to as the 'Appellant'.

1.2.6 PPL's Statement of Case for its appeal included argument that the Applicant's Proposed Development at CRP should not be granted planning permission. It is transparently obvious why PPL made that argument: as the Portland ERF proposal is on an unallocated site, policy means it would only be granted permission if no available allocated site exists, or the non-allocated site provides advantages over the allocated sites. PPL clearly regarded it as necessary for its chances of success with its unallocated site to attempt to undermine the Applicant's Proposed Development on an allocated site (and the Applicant provided a statement (ref: 953582) to the Portland ERF planning inquiry Inspector refuting these points, see **Appendix B**).

1.2.7 Similarly, PPL has also now objected to the Applicant's Planning Application for the Proposed Development, and again it is transparently obvious PPL has done so in an effort to assist its appeal case.

1.2.8 In the Applicant's experience, it is unusual for developers of EfW projects to criticise each other's projects in this way. More normally the approach is to let the planning system play out unfettered from commercial and operational considerations, which can at times can be competing. The Applicant is absolutely confident in this regard and intends to construct the Proposed Development using parent company funding. It is for developers to make the planning case for their projects based on their merits.

1.2.9 The fact PPL has thrown so much money and effort at what is a rather desperate attempt to undermine the case for the Applicant's Proposed Development underlines the reality that PPL is trying to secure consent for a non-allocated site by throwing mud at an allocated site and seeking to ride roughshod over the development plan.

1.2.10 It is apparent PPL's professional team have worked hard at its letter of objection, and the points are made in an argumentative and often hyperbolic way that is intended to sway the LPA in making its decision-making. Given this, and as PPL's objection is lengthy and makes numerous incorrect and misleading points, the

Applicant feels it has no option but to produce this detailed response in order to set out the correct position.

1.3 Structure of this document

- Section 2 – General overview of the Applicant's response to PPL's representation and an update on the recently published national planning policy statements for energy infrastructure (Nov 2023).
- Section 3 – A table presenting PPL's objection representations on the left-hand side and the Applicant's response on the right-hand side.

2. General Overview

2.1 Summary

2.1.1 The Applicant's Planning Application for the Proposed Development aligns with the policy and spatial strategy of the adopted Waste Plan. PPL's clearly does not. But that is only partly why it has been refused planning permission, see **Appendix A**.

2.1.2 PPL's objection begins by seeking deferral of determination of the Applicant's Planning Application (23/00822/F) pending the outcome of PPL's appeal into the refusal of its application (WP/20/00692/DCC). There is no basis in law or policy for a deferral, and despite the work that PPL's team have put into PPL's objection even they do not seriously suggest there is. To do so would defeat the whole purpose of the plan led system.

2.1.3 In this case the Waste Plan, adopted in late 2019, is the result of the work of DC and BCP Councils (and their predecessors) over a sustained period starting in 2012. It is worth bearing in mind the relatively recent date of the Waste Plan's adoption, the thorough independent Examination which found it sound, the substantial professional work of planners and others on behalf of Dorset and BCP Councils in producing the plan, and that both Council's elected members voted to adopt it.

2.1.4 PPL's attempt to have this Planning Application deferred is an attempt to prioritise a site excluded from the Waste Plan, over a site allocated within it. It is a bizarre attempt (and the LPA can contrast the facts here with the test set for prematurity by the NPPF, paras.48-50).

2.1.5 PPL's objection then proceeds to set out what its team have clearly worked exhaustively to unearth by way of any conceivable legal or policy obstacle to the grant of planning permission for the Proposed Development. The Applicant responds to these comments in the detailed table that follows at **Section 3**, demonstrating that PPL's case against the Proposed Development falls well short and setting out the correct position. Once again, PPL's attempt is to overturn the plan led system, and convince the planning authorities to prefer PPL's non-compliant proposal at a non-allocated site, removed from the Waste Plan area's major urban areas (so contrary to the proximity principle), to the Proposed Development at allocated, spatially sound, CRP.

2.1.6 However, in addition to the detail of that response in the **Section 3** table, it is relevant to consider PPL's motivation, the inherent weakness in PPL's own case for Portland ERF and the likely unfortunate result if what PPL seeks comes to pass, in the process comparing PPL's lack of development and operational experience with the Applicant's position.

2.1.7 PPL's planning application was validated on 7 September 2020 and was refused permission on 24 March 2023. Having taken two and a half years to provide the information DC needed to determine the application, and having clearly invested heavily in it, PPL is now transparently desperate to counter whatever it sees as a threat to its prospects of success on appeal. The Proposed Development, on an

allocated site and well placed spatially, is one such threat. However, PPL's case for Portland ERF would still be weak even if the CRP was not an allocated site and even if this Planning Application for the Proposed Development did not exist. That is because PPL's Portland ERF is fundamentally an ill-conceived project, in the wrong place. It is in the wrong place not only because it is removed from where most of the residual waste arises in the Waste Plan area, but also because of its location in relation to, and so its impact on, the Dorset and East Devon Coast World Heritage Site and numerous heritage assets.

2.1.8 Its demerits, not least its location, also mean that, realistically, Portland ERF has very little prospect of being built even if PPL did secure planning permission. Thus, the whole sorry effect of PPL's planning application would then have been to frustrate the sensible planning for waste management in Dorset and BCP provided for in the adopted Waste Plan.

2.1.9 MVV considered but rejected an offer to participate in PPL's Portland ERF project. This was before it entered its development agreement with W. H. White Ltd, the landowner at Canford. MVV rejected the offer because of the disbenefits of the Portland ERF proposal, which disbenefits were obvious to MVV, with its decades of experience in this field.

2.1.10 Because PPL has chosen, unwisely, to invest in its Portland ERF project, and to double down on that by throwing significant resources at its appeal, the Applicant considers that the Portland ERF proposal is material to waste planning in Dorset and BCP and cannot be ignored. But on any sensible view it should be considered then swiftly rejected, and certainly it should be considered then swiftly put to one side so far as concerns consideration of the merits of the Planning Application for the Proposed Development.

2.1.11 By contrast with PPL, and as set out in the Planning Application Planning Statement, MVV is a very experienced, and also well-financed, operator of EfW CHP facilities and similar infrastructure in the UK and Germany. MVV has already successfully developed three plants in the UK in the last 15-years (at Devonport, Ridham Dock, Kent and Dundee, see **Section 1.2** of the **Planning Statement** for further information). It is very selective in deciding which projects to develop: in addition to the Proposed Development at CRP it has only one other EfW CHP project, Medworth EfW CHP Facility, currently at an advanced stage in planning. This is a larger EfW CHP facility near Peterborough. It is being promoted through the Planning Act 2008 process as it exceeds the relevant threshold (50MW power output) to be a Nationally Significant Infrastructure Project (NSIP). Examination of the draft Development Consent Order for that plant has recently concluded and a final decision is expected in early-2024.

2.1.12 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. This covers all aspects of EfW facility design, construction and operation including heat offtakes and carbon capture. It has designed the Proposed Development carefully, using the combined decades of expertise of its in-house resources and its supplier network.

2.1.13 As an example of the benefits this experience brings to project development, the Applicant is confident that the Proposed Development will produce 28.5MWe of power (net) from burning 260,000 tonnes of waste annually. By contrast, for Portland ERF the equivalent figures from PPL are 15.2MWe (net) from a throughput of 202,000 tonnes annually. Put in more straightforward terms, to sustain 1MWe of capacity, the Applicant's proposal requires 9,122 tonnes per annum (tpa) whereas PPL requires 13,289 tonnes. Portland ERF, if it was ever built, would process 77.7% as much waste as the Applicant would at the Proposed Development, but Portland ERF would produce only 53.3% of the power. The Applicant's proposals are therefore more efficient. This difference, the Applicant believes, reflects its greater experience as a developer and operator.

2.1.14 The striking low level of efficiency to be achieved by PPL's Portland ERF means that project is very close to being considered a waste disposal project, rather than recovery. There is a stark contrast between the scant information PPL supplied to support its claim that Portland ERF would be an "R1" (i.e., recovery) project, and the detail the Applicant has provided with its Planning Application, which confirms a high level of efficiency, significantly in excess of the R1 threshold and secure by reference to any reasonable margin of error (contrast Portland ERF)[1].

2.1.15 The EfW sector in the UK as a whole is transitioning from a rollout phase of delivering nation-wide coverage, with the Dorset and BCP Waste Plan area being one of the last areas requiring recovery capacity. The next phase is of implementing operational and technical improvements to increase plant efficiency and reduce climate impact. Much of this effort by MVV and other operators in the sector focuses on carbon capture and storage. Given the high biogenic energy content of residual waste as a fuel – which is likely to grow as bio-waste is excluded from landfill and as fossil plastic is replaced with bio-materials – geological storage of carbon captured from EfW facility emissions presents the very real prospect that plants so fitted may become carbon negative (the amount of fossil origin carbon released to the atmosphere would be exceeded by the amount of bio-origin carbon that ends up back in geological strata – see **ES Chapter 7:Climate Change and Greenhouse Gases**, **paragraphs 7.6.5** and **7.7.4**). Energy Systems Catapult says regarding its report "Energy from Waste Regulations UK: Policy Recommendations" that *"The key conclusion from this analysis [of fitting CCUS to energy from waste plants] is that the cost of EfW-CCUS technology as a means of emissions abatement is competitive with other industrial abatement options. Due to the biogenic content in waste, adding CCUS to EfW actually reduces net carbon in the system, which may be more effective than other disposal options eg moving tonnes of waste to landfill."*

2.1.16 MVV expects that in the next decade or so, carbon capture will become commercially essential to EfW plants. It is a leader in carbon capture with a trial plant operating in Germany and is now embarking on a project at its facility in Ridham, Kent to retrofit the first of its operating plants in the UK.

2.1.17 Emerging regulations in the UK will, if adopted as consulted on, require EfW plants to demonstrate they are carbon capture retrofit ready (CCRR) before they are

[1] PPL has issued an updated R1 calculation in evidence to the Inquiry that will consider its appeal. Assuming it can export more power than it previously stated, but in the absence of firm evidence this is possible, it increases its R1 result from 0.68 to 0.76 (compared to 0.83 that MVV has calculated for Canford, based on what the DNO has accepted it will export). It would still require more waste to be burned per MW of capacity (11,823 tpa) than Canford.

awarded their Environmental Permits (so permitted to actually operate) by the Environment Agency. The Applicant believes a far higher degree of commercial and technical clarity about carbon capture, and how it will be implemented, will emerge in the near future. In the UK this is being stimulated by the significant efforts the Government is making to develop "carbon clusters" in North Wales/North-West England and the Tees and Humber regions of the East Coast, as well as in Scotland. Outside the UK, trial plants such as MVV's in Mannheim are assisting advance knowledge. In practice this means that for locations such as Canford EfW CHP Facility, and similarly Portland ERF, it would currently be premature to include carbon capture as an actual part of a planning application. However, the Applicant has given provision for carbon capture of the Canford EfW careful thought and has allowed for it, clearly indicating where such equipment would go within the Proposed Development's boundary and ensuring the Canford EfW CHP facility is designed to be CCRR. The Applicant believes it is in a far better place to judge how this will come to pass than is a speculative developer such as PPL. Thus, the Proposed Development is future proofed. Contrast the position of PPL and the Portland ERF project.

2.2 National Policy Statements for energy infrastructure (22 November 2023)

2.2.1 **Section 5.8** of the **Planning Statement** highlights the National Policy Statements (NPSs) EN-1 (Overarching National Policy Statement for Energy) and EN-3 (National Policy Statement for Renewable Energy) are material considerations for the Proposed Development. **Section 5.8.5** to **5.8.6** summarised the status of the (then) current documents, highlighting they were under review.

2.2.2 Published and laid before parliament on 22 November 2023[2], the Government has issued the revised (2023) NPS's for energy. The Applicant is reviewing the revised NPSs, therefore may submit further information. However, one matter to bring to the attention of the LPA relates to EN-1 (2023) and the national need to accelerate the development of low carbon energy projects. This introduces a new approach for land within a Green Belt and how to balance harm of inappropriate development with Very Special Circumstances (VSC).

2.2.3 In summary, the definition for 'critical national priority' (CNP) projects is extended (previously it was just offshore wind) to include 'low carbon' projects including EfW[3]. The starting point for the decision maker in assessing a CNP project at a site within the Green Belt is, **it meets the tests of Very Special Circumstances**. Furthermore, EN-1 (2023) provides policy guidance on the balancing exercise for SSSIs and HRAs too; Relevant extracts from EN-1 (2023) are provided below (Applicant's underlining).

"4.1.7….For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an

[2] https://www.gov.uk/government/collections/national-policy-statements-for-energy-infrastructure
[3] https://www.gov.uk/government/publications/energy-from-waste-a-guide-to-the-debate See page 2 - *Mixed residual waste – a partially renewable energy source*.

unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero.,,,

4.2.4 Government has therefore concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. [4]

4.2.5 This does not extend the definition of what counts as nationally significant infrastructure: the scope remains as set out in the Planning Act 2008. Low carbon infrastructure for the purposes of this policy means:

- *for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready…*

4.2.7 The CNP policy does not create an additional or cumulative need case or weighting to that which is already outlined for each type of energy infrastructure. The policy applies following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy. As such, it is relevant during Secretary of State decision making and specifically in reference to any residual impacts that have been identified. It should therefore also be given consideration by the Examining Authority when it is making its recommendation to the Secretary of State.

4.2.15 Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts. The exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.

4.2.16 As a result, the Secretary of State will take as the starting point for decision making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances.

4.2.17 This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests:

- *where development within a Green Belt requires very special circumstances to justify development;*

[4] Energy from residual waste is therefore a partially renewable energy source, sometimes referred to as a low carbon energy source. Energy from Waste; A Guide to the Debate February 2014; DEFRA

- *where development within or outside a Site of Special Scientific Interest (SSSI) requires the benefits (including need) of the development in the location proposed to clearly outweigh both the likely impact on features of the site that make it a SSSI, and any broader impacts on the national network of SSSIs.*
- *where development in nationally designated landscapes requires exceptional circumstances to be demonstrated; and*
- *where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional".*

2.2.4 In conclusion, whilst located within the Green Belt, if the LPA consider it necessary, VSC's exist to justify development, in accordance with EN-1 (2023).

3. PPL's representation and the Applicant's response

Table 3.1: PPL's representation and the Applicant's response

Para ref	PPL's representation	Applicant's response
	We write on behalf of Powerfuel Portland Limited (PPL) to object to the above planning application	-
	As the Council may be aware, PPL has pursued a planning application for its own Energy Recovery Facility (ERF), on land at the Port of Portland, Dorset. This application (ref: WP/20/00692/DCC) was refused by Dorset Council and is now the subject of an appeal, which will follow the inquiry procedure and opens on 5th December 2023.	Supporting the officer recommendation, members of the Planning Committee of Dorset Council (DC) refused planning permission for the Portland ERF, See **Appendix A**. It is noted DC is defending its decision at Inquiry.
	The Portland ERF proposal is on an allocated employment site, on brownfield land and which falls outside of the Green Belt. It is a waste recovery facility which can meet the need for which the Canford EfW scheme has been proposed. In fact it is more appropriately scaled to meet local need and can do so without causing any harm to the Green Belt and significantly less other harm. Further, it would deliver greater overall benefits associated with its unique location. As such, it is a material planning consideration in your authority's determination of the Canford EfW scheme.	The Appeal Site was not selected as suitable for future waste management in the adopted Waste Plan. Four strategic sites including, Canford Magna site (Waste Plan Inset 8), the location for the Canford EfW CHP Facility Site, are allocated, see **paragraph 8.2.54** of the **Planning Statement**. The Applicant understands that PPL (the Appellant) has no track record of building and operating EfW facilities nor CHP networks. MVV was approached, but declined, to be a development partner for PPL's proposals and it seems likely other established industry players were likewise asked. This was before MVV entered discussions about the Canford site. Based on MVV's understanding of the market, due to its remote location it is unlikely the Portland ERF would secure finance and operate, therefore, the status quo would remain and BCP and Dorset's residual waste treatment capacity needs will remain. The Proposed Development is the only deliverable solution matching the scale of waste management requirements set out in the Waste Plan.

Para ref	PPL's representation	Applicant's response
	Accordingly, we request that full regard be given to the contents of this letter of objection, which we believe demonstrates that the Canford EfW facility application should be refused on its own terms.	PPL is far from being an objective or impartial observer. Losing its appeal, in which it has clearly invested heavily, is an existential risk. Only one part of one of the reasons for refusal rests on the "what if" of no residual waste management infrastructure being delivered on any of the four allocated sites. The other reasons for refusal are also compelling. PPL's comments should be considered in this light.
	Further, determination of the application should be deferred until the outcome of the Portland ERF appeal is known (the Inspectorate's target decision date is 26th January 2024), as in the event the appeal is allowed, which we strongly believe will be the case, the Canford scheme must fail to demonstrate very special circumstances and breach Waste Local Policy 21, as an alternative, suitable non-Green Belt site will have been proven to exist.	There is no legal or policy basis for deferral of the Planning Application, as PPL's team is well aware (and as the LPA can see, PPL does not even attempt to point to a legal or policy basis for its deferral argument, which can be considered in the context of the test for a prematurity argument set by NPPF paras.48-50). It is transparently clear that PPL is seeking deferral of a decision on the Planning Application because it is aware that a grant of permission for the Proposed Development would make its already weak case for Portland ERF weaker still. As regards PPL's further argument in this paragraph, as PPL's own Statement of Case for the Portland ERF appeal states, at para 1.45: *"… at the allocated Canford Magna site. A planning application has been recently submitted. Irrespective of this activity (and regardless of whether need is required to be demonstrated in this case), NPPW paragraph 7 makes it clear that in determining planning applications (in this case an appeal), regard should only be had to 'existing operational facilities'. There are none in Dorset."* This paragraph in the NPPW concerns situations *"where proposals are not consistent with an up-to-date Local Plan"*. Hence the comment relates to the Appellant's project at Portland ERF but not to the Applicant's Proposed Development at Canford, which is in line with an up-to-date Local Plan (the Waste Plan). Even if Portland ERF was granted permission, built and operational (highly unlikely) this policy would not stand against a permission for the Proposed Development.

Para ref	PPL's representation	Applicant's response
		By contrast, on the Portland ERF appeal the Inspector will have to consider, amongst other policies, the need to have regard to the strategy in the Waste Plan, which strategy the Portland ERF proposal conflicts with, not least in relation to the proximity principle (unlike the Proposed Development).
	Our objection covers a number of areas and all subsequent points have been numbered for ease of future reference.	-
The Dorset Waste Plan Allocation and the Correct Application of Green Belt Policy		
1	The Dorset Waste Plan (DWP) Policy 3 allocates a number of sites for waste management including for intensification and re-development. These include for facilities for the management of non-hazardous waste. One such allocation is Land at Canford Magna, Magna Road, Poole (i.e. land which includes part of the Canford EfW facility). The site is identified as Inset 8 and any development must meet (all) four criteria in Policy 3 which comprise: a. Compliance with other relevant DWP policies. b. Satisfactorily addressing the relevant 'Development Considerations' as set out in the site specific Inset 8. c. Causing no unacceptable cumulative impacts. d. Not adversely affecting the integrity of European designated habitats.	**Section 8.0** of the **Planning Statement** and relevant chapters of the **Environmental Statement** set out the compliance of the Proposed Development with these four development criteria with further comments provided in this response.
2	The 'Development Considerations' in Inset 8 relevant to the Canford site include: a. Given the site's location within the South-East Dorset Green Belt, applications will be considered against national policy and DWP Policy 21. An EfW plant is by definition inappropriate development (DWP paragraph 12.105). b. The provision of sufficient information to enable Habitats Regulations Assessment (HRA) screening and if necessary appropriate assessment, to inform an assessment of	Inappropriate development: paragraph 12.105 of the Waste Plan states *"…The construction of buildings in the Green Belt is inappropriate development, apart from a number of specified exceptions".* Paragraph 12.106 then repeats (largely) paragraph 149(g) of the NPPF, outlining what these exceptions might be *"Limited infilling or partial or complete redevelopment of previously developed [land] sites (brownfield land), whether redundant or in continuing uses (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt [than the existing*

Para ref	PPL's representation	Applicant's response
	effects, include studies that demonstrate that any emissions from development will not impact on the features (species and habitats including lichens and bryophytes) of the nearby European Sites. c. The retention of existing vegetation to reduce visual impacts.	*development] and the purposes of including the land within it, may be permitted where the openness and the purposes of the Green Belt is not greatly impacted."* In the above, the NPPF version includes the square bracketed words but not the words underlined. For the Proposed Development it was established in pre-application advice from the LPA (see **Section 3.0** of the **Planning Statement**) that the CHP EfW Facility Site is previously developed land. The buildings that exist on it are permanent in their design and construction and they are not subject to time limiting planning conditions. The question of whether the Canford EfW CHP Facility would have a greater impact on the openness of the Green Belt and the purposes of including the land within it is a matter for the planning judgment of the LPA, rather than being a question of law, and this includes that the matters relevant to openness in any particular case are a matter of planning judgement, not law. This is a point made clear by case law of longstanding. PPL should know that (the LPA of course does), but if a reference is needed the point is clearly stated by the Supreme Court in the *Samuel Smith* case (*R (Samuel Smith Old Brewery (Tadcaster) and anr) v North Yorkshire County Council* [2020] UKSC 3; [2020] PTSR 221 – see e.g., paragraph 40 for Lord Carnwath's explanation of what the cases show regarding the approach to the question of openness). For the reasons set out in **Section 8.2** of the **Planning Statement** there is a reasonable view available that the Proposed Development, sizeable though it is, does not have a greater impact on Green Belt openness or Green Belt purposes than the existing, and hence is not inappropriate development. In respect of the purposes of the Green Belt, **Section 8.2** of the **Planning Statement** has considered the work done in 2019 in preparing for the BCP Local Plan and the PPL has looked at older work done preparing what became the Poole Local Plan 2018. In both cases (a) the Canford EfW CHP Site is a small part of a much larger area that was assessed and is previously developed or brownfield land within a much larger area of undeveloped land and (b) the purpose of the work was to establish whether land parcels were suitable, either

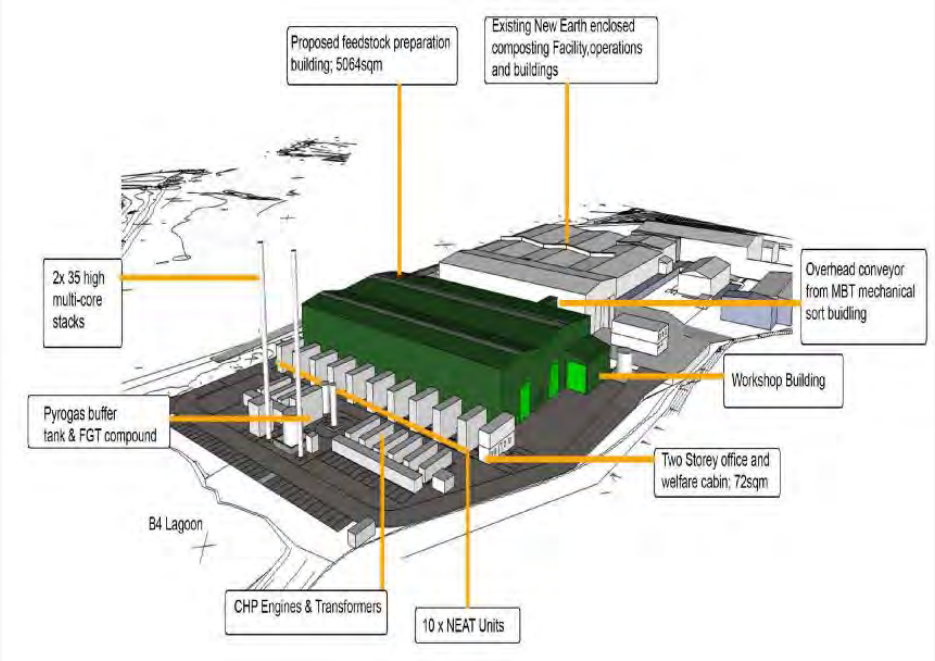
Para ref	PPL's representation	Applicant's response
		wholly or substantially, for release from the Green Belt for large scale housing development. In any event, in relation to all of the above, as the LPA knows, the Applicant does not need to rely on the argument that the Proposed Development would not be inappropriate development in order to satisfy Green Belt policy, due to the Very Special Circumstances (VSCs) that exist so as to outweigh any Green Belt harm.
3	Inset 8 recognises the existing waste facilities in the overall allocation, including the partly constructed Low Carbon Energy Facility. In this context it then identifies that the 'Potential Additional Capacity' of the site has been assessed for circa 25,000 tpa of additional capacity (exact capacity considered on an individual proposal basis). Finally, it identifies the allocation site as comprising previously developed land (PDL).	PPL fundamentally misunderstands and so misrepresents matters (being charitable, the Applicant will assume this is not deliberate on PPL's part). As stated at **paragraph 6.2.32** of the **Planning Statement**, the existing consented/permitted capacity of the Canford Resource Park (CRP) is 750,000tpa. This includes 150,000tpa capacity of an unbuilt Materials Recycling Facility that the Waste Plan states (para 7.75) may be considered available at the CRP to treat residual waste. Added to the tonnages of residual waste/RDF currently potentially available from the MBT and existing MRF at CRP, this exceeds the planned 260,000tpa capacity of the planned Canford EfW CHP Facility and hence the 25,000tpa additional capacity in the Waste Plan is not even needed. Thus this point, on which PPL places such emphasis, is a red herring.
4	As a general point of principle, waste site allocations such as the above in Green Belt, require considerable caution. Whilst they are an allocation, that allocation itself (and in this case Policy 21 as well) necessitates that applications still have to prove that very special circumstances (VSCs) exist in order for permission to be granted. Further, that a key consideration in establishing VSCs is the absence of being able to meet the need for the development on an alternative suitable non-Green Belt site. In this case Policy 21 specifically requires absence of non-Green Belt alternatives to be proven. Such Green Belt waste site allocations are by no means	Notwithstanding the above point about the LPA exercising its planning judgment in determining whether the Proposed Development constitutes inappropriate development, **Section 8.2** of the **Planning Statement** also addresses the position in the event that BCP's planning judgement is that the Proposed Development does constitute inappropriate development. In that case, harm would by definition be done to the Green Belt which would be permissible in Green Belt terms only if Very Special Circumstances (VSCs) existed sufficient to outweigh the Green Belt harm, and any other harm. Harm to the Green Belt is, necessarily, to be given substantial weight, but there will inevitably be different degrees of Green Belt harm. In relative terms, taking the worst possible outcome in terms of the LPA's judgment regarding Green Belt harm, any such

Para ref	PPL's representation	Applicant's response
	unique within England and have resulted in a number of high profile planning cases / failures.[5]	harm, along with any other harm, would be outweighed by by the VSCs, set out in the **Planning Statement**. There is an absence of suitable non-Green Belt sites for residual waste management in the Waste Plan area. PPL's failure to gain planning permission for the Portland ERF relates amongst other things to its landscape and heritage harms, located as it is in proximity to and its interrelationship with many designated areas and assets, along with its distance from the source of the area's residual waste arisings. Similar considerations, aligned with the Waste Plan's Spatial Strategy, led to allocation of the Green Belt sites. Different versions of the Portland ERF situation – in which national and international designations acted against the suitability of sites for waste management development – played out in the site selection work advanced through the local plan process which led to allocation of the Canford EfW CHP Facility Site. Dorset is an area affected strongly by National Landscapes (Areas of Outstanding Natural Beauty (AONB) until 22 November 2023), a World Heritage Site (WHS), and other important designations and in which the population is largely concentrated in the south-east corner (and so BCP) which is where the transport system also has its main focus. Recent examples of planning permission being granted within Green Belts include EfW facilities at Parley (BCP, 2022), Ratcliffe on Soar (Nottinghamshire, 2022) and Beddington (LB Croydon, 2014 – this concerns Metropolitan Open Land which is subject to materially identical policy as Green Belt). Planning permission for an EfW at Hartlebury in Worcestershire, within the Green Belt, was granted in July 2012.
5	Thus, national Green Belt policy is judged to be the key planning consideration for the Canford scheme. The applicant for the	The **Planning Statement** for the Proposed Development provides an acceptable basis for the LPA to exercise its planning judgement in granting

[5] For example in the Surrey Waste Plan where Green Belt allocations at Capel and at Trumps Farm failed to deliver successful EfW permissions, despite planning applications; and in the Hertfordshire Waste Site Allocations Local Plan where the Secretary of State called-in and refused the New Barnfield EfW proposal on an allocated site in the Green Belt.

Para ref	PPL's representation	Applicant's response
	Canford scheme has significantly misunderstood the correct interpretation and application of national Green Belt policy.	planning permission, and is supplemented by the comments made in this document. PPL's claim that the Applicant has misunderstood Green Belt policy is contrived and arrived at by an exercise in selective cherry picking combined with misreading, rather than reading the Planning Statement and the Planning Application as a whole. The Applicant has always squarely acknowledged the importance of Green Belt policy to the Planning Application, and the first paragraph of the consideration of Green Belt policy compliance within the **Planning Statement** makes that entirely clear (see **Planning Statement paragraph 8.1.1**).
6	The first question is whether a specific development is appropriate or inappropriate development. All new buildings within the Green Belt are by definition inappropriate development unless comprising a building(s) listed in NPPF paragraph 149 a) to g). An EfW facility does not fall within the list. The only caveat is whether the EfW facility complies with part g) of paragraph 149 which considers a building appropriate where it is: *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development;…*"	See response to Para ref 2.
7	The applicant, in its Planning Statement (PS) paragraph 8.2.2, identifies the site as currently occupied by an 800m^2 building (circa 37m by 22m) which is 13.4m height with a 35m high chimney. This development is associated with the aforementioned partly constructed Low Carbon Energy Facility. The applicant describes how this would be demolished as part of the scheme and then postulates that their new EfW facility with a buildings footprint of 11,816m^2, with the main building being 162m by 62m and having a roof height of up to 50m,[6] together with a 110m high stack; might somehow be appropriate development by virtue of NPPF paragraph	**Paragraphs 8.2.2 to 8.2.4** of the **Planning Statement** explain the current development of the Canford EfW CHP facility site with substantial structures, explain the implemented but not fully built out permission on the site, and also the numerous other developments surrounding the site, beginning with the existing CRP. **Figure 8.1** of the **Planning Statement** (reproduced below) is an image of the implemented planning permission on the Canford EfW CHP Facility Site. Parts but not all of this have been built. The planning permission for this development is not affected by a time limiting planning permission (LPA ref: APP/13/01449/F)

[6] See ES paragraphs 3.4.4 & 3.4.6

Para ref	PPL's representation	Applicant's response
	149 g). Such a claim is hopeless and a misinterpretation of national and DWP policy. As explained below, the proposal is very significantly larger and has a much greater impact on openness than the existing development and does not fall within paragraph 149(g) of the NPPF.	and also enables the building to be used for B2 activities; it is an extant permanent consent.  On the other hand, on completion of 40-years of operation, the Canford EfW CHP Facility would be removed (secured by planning condition, see **Appendix 7 (List of Draft Conditions)** of the **Planning Statement**).
8	PPL estimate that the Canford EfW facility has a building volume in excess of **42 times** the Low Carbon Energy Facility building which would be demolished {~452,000m^3 compared to 10,720m^3).	The Applicant accepts that the new building would be larger, and its **Planning Statement** does not shy away from this (see **paragraph 8.2.4** of the **Planning Statement** *'The proposed EfW CHP Facility would be larger…(etc)'*), but PPL's estimate is a significant exaggeration. Quoting volume rather than external dimensions of course comes to a large number. The courts have cautioned against a purely "volumetric" approach, as Lord Justice Sales said in *Turner v*

Para ref	PPL's representation	Applicant's response
		Secretary of State for Communities and Local Government [2016] EWCA Civ 466; [2017] 2 P & CR 1 at paragraph 14: *"The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach suggested by [counsel]. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs… and factors relevant to the visual impact on the aspect of openness which the Green Belt presents".* This was quoted without question by the Supreme Court in the *Samuel Smith* case (at paragraph 25).
9	There is no merit in the applicant's argument (PS paragraph 8.2.2) that account should be taken of the unimplemented portion of the Low Carbon Energy Facility development, as quite plainly, for the purposes of NPPF paragraph 149 g), it is not 'existing development'. Further: a. It relates to a planning permission dating back to 2013 for a failed development (technology failure), of which there is no prospect whatsoever of it ever being built out. b. Even if it had been fully built out, the built volume of the proposed Canford EfW would be over 6.5 times greater than that of the entire Low Carbon Energy Facility development. c. All such considerations completely ignore the proposed 2,700m2 grid connection compound (77m by 47m), and its associated built development, which is not on previously developed land; and thus to which NPPF paragraph 149 g) has no relevance. We return to this component of the scheme {which does not fall within the DWP allocation) subsequently.	The planning permission for the low carbon energy facility classifies it as B2 and the permission has been implemented for the purposes of planning. The development of the nearby Magna Business Park shows that there is a demand locally for employment related development. It is realistic to consider that the Canford EfW CHP Site might, alternatively, be developed as B2. As it has a permanent planning permission, that development might endure long after the time that the Canford EfW CHP Facility would have been removed and the site restored see **paragraph 8.2.68** of the **Planning Statement**. PPL is missing (seemingly deliberately) the subtleties of the position.

Para ref	PPL's representation	Applicant's response
10	Turning to 'openness', with which the applicant struggles to grapple, as set out in paragraph 137 of the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The courts have determined that: "Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt." foot[7]	The Proposed Development would not be "urban sprawl". Urban sprawl is not defined in the NPPF, nor in the quote from the judgment of Lord Carnwath in the *Samuel Smith* case. Self-evidently, the Proposed Development would not have the character of the normal conceptualisation of urban sprawl: low density residential development extending from existing built up areas. Moreover, the Proposed Development is in an area within the Green Belt that the LPA has recognised for many years is already subject to urban influence: when the specific area including the site was last subject to truly detailed consideration in a Green Belt review, was in the Poole Local Plan Green Belt Review of July 2017, where it was part of Parcel 16 ('Tract of land to south of A341 Magna Road between Merley and Bearwood') and of particular relevance to the site the review said this of Parcel 16, at page 100: *"The parcel is predominantly open and free of urbanising development. Built form within the parcel is concentrated in the large collection of industrial buildings that form the waste recycling centre. This large industrial complex acts as an urbanising influence but is surrounded by undeveloped open land".* This assessment predates further relevant development. • A 43m by 36m MRF building in the Commercial Recycling Ltd (CRL) area of the CRP was constructed in late 2017/ early 2018. • The main CRL MRF building was reconstructed in 2018/2019 following a 2017 fire and this included a raised picking line. • A 7MW solar farm and hydrogen compound was constructed on the former White's Pit landfill site in 2022 (on a time limited consent) • A concrete batching plant was built and in operation from Summer 2021 on the former landfill site.

[7] Lord Carnwath paragraph 22 in *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3

Para ref	PPL's representation	Applicant's response
		As the LPA knows, and as the **Planning Statement** explains, the December 2020 Strategic Green Belt Assessment (Stages 1 and 2) commissioned by DC and BCP Council did not assess the openness of the area containing CRP ("outer area" OA31), as it is unavailable for housing development due to risk to the Dorset Heaths from people and their domestic pets (see **Planning Statement paragraphs 8.2.64-8.2.65**) and so, in common with the "outer areas" *'The assessment of these outer areas was high level and strategic. Unlike the parcels defined around the settlement edges it did not include a detailed analysis of distinction or an assessment of variations in openness…'* (paragraph 2.5 of the Stage 2 Strategic Green Belt Assessment, December 2020). Lord Carnwath, in reaching his judgment in *Samuel Smith* (that in granting planning permission for a quarry in a Green Belt, an LPA had properly accounted for effects on openness) commented that *"A large quarry may not be visually attractive while it lasts, but … the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land"*. There are parallels between the facts there and the Proposed Development; which, as part of the existing "*large industrial complex*" (as described in the 2017 green belt review) may actually reduce pressure for urban sprawl in this part of the south-east Dorset Green Belt. The fact that the LPA has twice in the last decade commissioned reviews of the Green Belt and has released large areas for residential development in the Poole Local Plan 2018 shows that there is certainly pressure to do so.
11	It is well established (and set out in the Planning Practice Guidance (PPG) and determined by the courts) that: "openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume ..." [8]PPG further indicates duration of development and degrees of activity can feed into considerations around openness, however, these are still matters that relate either to spatial openness or visual openness. The spatial dimension relates to keeping land open and	As is said in the **Planning Statement paragraphs 8.28** and **8.29**, the temporary nature of the Proposed Development and the limited amount of observable activity inform consideration of visual openness.

[8] Planning Practice Guidance: Paragraph: 001 Reference ID: 64-001-20190722

Para ref	PPL's representation	Applicant's response
	free from development. As PPG states, volume [of development] is relevant. The visual aspects encompass a perceptual dimension i.e. it is relevant to consider how a development may affect the perceived openness of the Green Belt.	
12	Taken very briefly, the Canford EfW facility adds a building in the Green Belt circa **42 times** the volume of the building to be demolished. As a matter of fact, impact on the spatial openness of this part of the Green Belt would be harmed to a far greater degree than is the case with the existing development.[9]	Addressed above and in the **Planning Statement** (see in particular **paragraphs 8.2.1** to **8.2.11**). The existence of harm is a matter of planning judgment for the decision maker, in this case BCP Council as LPA.
13	In terms of the visual dimension, by reference to the application photomontages (extracts reproduced below), a very large and visible building plus its 110m high stack (with aviation warning light) would be introduced into the Green Belt. There would undoubtedly be a very real and evident reduction in the perceived openness of this part of the Green Belt i.e. there would be a far greater perception of built development.  Viewpoint 2 - View south-west from footway along southern edge of the A341 - Magna Road	Judgment on the impact on the perception of openness is for the LPA to make. In so doing the LPA should consider the visual material presented in **ES Chapter 12: Landscape and Visual** rather than rely on that re-produced by PPL, which appears to reflect the use of a cut and paste tool and does not show the whole image. The question is not whether the Proposed Development will be visible but about impact on the openness of the Green Belt, which here is a large area of which the proposals will affect only a small amount, a sub-area that is notable for being already extensively developed. As has been observed, openness is the opposite of urban sprawl, and as there will be no urban sprawl as a result of the Proposed Development, given the existing development, a reasonable conclusion would be of no harm to openness. The LPA's pre-application advice suggested the Applicant consider the Proposals by reference to NPPF paragraph 149(g), and the Applicant has done so (see the LPA's pre-application advice to the Applicant, **Appendix EDP 5** in **ES Appendix 12.1** and see also the summary of pre-application advice in **Section 3** of the **Planning Statement**). In the advice the LPA stated it could not

[9] It is completely opaque to what sort of spatial dimension the applicant is referring to in PS paragraph 8.2.6.

Para ref	PPL’s representation	Applicant’s response
	 Viewpoint 10 – View north east from Bridleway 23 within Open Access Land at Canford Heath  Viewpoint 12 – View east view from Footpath 5 at Corfe Hills	comment on impact on openness without the plans and LVIA that are now available.
14	It is indisputable therefore, notwithstanding the applicant's claims to the contrary, that the Canford EfW facility would be **inappropriate** development for the purposes of Green Belt policy. It lacks any credibility that they have claimed otherwise. Thus, in such circumstances, NPPF paragraphs 147 and 148 apply. The former recognises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 is reproduced below in order to highlight the applicant's misunderstanding of the policy requirement. *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".*	The Applicant took pre-application advice from the LPA and has based its approach in the Planning Statement on this (see **Section 3** of the **Planning Statement**. Accepting that the decision about whether the proposals would be inappropriate development will be a judgment only the LPA can make, the Applicant has also set out a balancing exercise comparing the VSCs with the substantial weight of the harm by way of inappropriate development and any other harm. Whatever PPL may say about the Applicant’s approach it is for the BCP as LPA to make the planning judgment. There is a relativity to weight of substantial harm by reason of inappropriateness (not all harm by reason of inappropriateness is the same and to be given the same weight, though all must be given substantial weight) and also a relativity to the harm by reason of any inappropriateness, and any other harm, balanced against the substantial VSCs.

Para ref	PPL's representation	Applicant's response
		That there may be a worthwhile consideration of whether there is harm to openness – and the LPA's pre-application advice entertains this – suggests that relative to the weight of VSCs that weight, whilst substantial, may be outweighed (so substantial weight may be, relatively speaking, slight). A similar approach has been taken by Inspectors allowing appeals for solar farms and battery stores. At East Hanningfield, Chelmsford (PINS ref 3300222; AD para 18; Inspector Plenty) the inevitably substantial weight of harm to openness was due to a "moderate effect" on openness. Over 100 hectares of previously undeveloped Green Belt land was hence granted planning permission, albeit subject to a condition (as the Applicant has volunteered here) requiring restoration of the site after 40 years. At Crays Hall Farm, Basildon (PINS ref 3318171; AD para 11; Inspector Jackson) the effect on openness was judged to be mitigated by limited field sizes and odd shapes, undulating ground, frequent hedges with mature trees and proposed biodiversity enhancements. At Monk Fryston, Selby (PINS ref 3290256; AD para 30; Inspector Cooper) harm to openness from development of a battery store was judged mitigated by considerable levels of landscaping and the time limited nature of the development (40 years).
15	The applicant's misunderstanding is encapsulated in two paragraphs of their PS. *a.* 8.2.14: *"Based on the above, if there is harm to openness, its weight is relatively slight".* *b.* 8.2.61: *"VSC conclusion - Overall, there are a number of strong Very Special Circumstances supporting the Proposed Development. The strength of these outweighs the weight that might be attached to the harm to the Green Belt that might be created by the Proposed Development".*	See response to Para ref 2 and 14. This is another example of PPL misreading the Planning Statement, apparently deliberately. The point being made is that *relatively* speaking, the substantial weight to be given to harm to openness by reason of inappropriate development may be slight. That is clearly right as a matter of logic, and the reality of PPL's argument is that *all* harm to Green Belt by reason of inappropriate development must be given equal weight, an approach that fails to reflect the wide range of individual circumstances in which harm by reason of inappropriate development arises.

Para ref	PPL's representation	Applicant's response
16	With regard to the former, NPPF paragraph 148 dictates that the starting point for any harm to the Green Belt is that it be given **substantial** weight. The applicant is simply wrong in asserting it can be given any lesser weight. Moreover, given the points made above with regard to the significant increase in scale of the proposal over the existing development, the harm by reason of inappropriateness alone (apart from other issues) should carry substantial weight against the grant of permission.	See response to Para ref 2 and 14 and 15.
17	With regard to their paragraph 8.2.61, the applicant has made numerous errors. Very special circumstances (VSCs) are not individual planning considerations which weigh in favour of inappropriate development. VSC are what exist if the harm to the Green Belt (by virtue of inappropriateness), and any other harm it causes, are clearly outweighed by other considerations. Hence, their conclusion of VSCs outweighing Green Belt harm, is non-sensical and addresses the wrong test.	The VSCs here are obvious, and it is no surprise PPL is so keen to downgrade them as PPL no doubt realises that. They are discussed in the **Planning Statement**, in particular at **paragraphs 8.2.15 to 8.2.61**. PPL is also apparently seeking to confuse the LPA, by suggesting that a decision maker cannot take a number of considerations together as VSCs (when PPL must know that is not the case). Even if the most pessimistic (for the Planning Application) conclusions are reached regarding Green Belt harm and any other harm, the VSCs would clearly outweigh that harm.
18	What national Green Belt policy actually requires is that the totality of the harm to the Green Belt is properly established and given substantial weight (as a minimum). Then any other harm arising from the proposal is added to the weighing exercise against the scheme. Only then is the totality of this harm weighed against considerations which fall in favour of the scheme. VSCs will only be established if the considerations in favour of the scheme **clearly** outweigh the totality of the harm (NPPF para. 148). This is not an "on balance" assessment.	See response to Para ref 17. Even taking the most pessimistic (for the Planning Application) line of reasoning regarding harm to the Green Belt, and other harms, the VSCs here would clearly outweigh that harm. The Applicant does not propose to repeat the VSCs here, as the LPA has them in the Planning Statement and can read that. But it is instructive to consider one aspect of the VSCs, concerning paragraph 151 of the NPPF, and reflect on the comparison between the Proposed Development and the Portland ERF. NPPF paragraph 151 sets out that for renewable energy projects VSC may include the wider environmental benefits associated with increased production of energy from renewable sources.

Para ref	PPL's representation	Applicant's response
		Section 9.2 of the **Planning Statement** confirms the Canford EfW CHP Facility will produce around 14.25MW of renewable energy. By contrast, the equivalent amount for the Portland ERF proposal is 7.6MW. The difference is 6.65MW. The ability to generate this additional 6.65MW of renewable energy adds to the substantial weight of VSC. To otherwise do so by ground mounted solar (because of the difference in capacity factor between solar (10%) and EfW (90%) would require a site of up to 260 acres. This is likely to be difficult to find in Dorset.[10]
19	The term 'any other harm', in paragraph 148 of the NPPF, was explained in *Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government* [2015] J.P.L. 416. In this case the Court of Appeal held that the words "any other harm" in the Framework were unqualified and that all other considerations (which by definition would be non-Green Belt factors) must be included in the weighing exercise (irrespective of whether they are determinative in their own right or not).	This is not disputed but, as discussed above, even taken the most pessimistic approach (for the Planning Application) to consideration of harm, the VSCs would clearly outweigh that harm.
20	The Canford EfW application, as submitted, contains no assessment of the proposal against the proper requirements of national Green Belt policy, as is required by DWP Policy 3.	The Applicant has prepared the **Planning Statement** to assist the LPA in making its judgment on the Planning Application, and included within it detailed consideration of Green Belt policy compliance (at **Section 8**) that covers both the question of whether the Proposed Development falls within NPPF paragraph 149(g), and the question of the site's performance in terms of Green Belt openness and Green Belt purposes, and the question of VSCs, and also a weighing of VSCs against any harm. Whilst PPL asserts the Planning Application has failed to assess the Proposed Development against 'the proper requirements of national Green Belt policy', as usual PPL cannot substantiate this claim, which in reality appears to be a

[10] In evidence for the forthcoming Inquiry PPL claims its power export may increase to 17.2MW, albeit without proof it actually can be (ie firm offtaker agreements). If that were to happen the difference in quantum of renewable energy would reduce to 5.7MW less than the amount generated at Canford and the scale of the corresponding solar farm alternative would be circa 220 acres.

Para ref	PPL's representation	Applicant's response
		complaint that PPL would have preferred the Applicant not to deal with NPPF paragraph 149(g) first (a curious position). As will be explained below, what is most striking is PPL's selective cherry-picking from the Green Belt assessment work done by the LPA/its predecessor: in particular PPL's attempt to sweep under the carpet the longstanding recognition of this area as *already* subject to urban influence by reason of the CRP, and PPL's cherry-picking generally. But whatever PPL may think about the Applicant's **Planning Statement**, the planning judgement is to be made by BCP Council as LPA, and PPL cannot suggest the LPA lacks the relevant information to do so.
Harm to the Green Belt		
21	The first element of assessing Green Belt harm is understanding whether the area of Green Belt in question has particular sensitivities or pressures, noting that whilst any harm to any part of the Green Belt through inappropriate development must be given substantial weight (as a minimum), the weighting can increase in sensitive locations.	In terms of the essential Green Belt characteristic of permanence, the Canford EfW CHP Facility will replace an existing developed land use at the CRP which is permanent with development that will be removed after 40 years, and the land restored to being undeveloped, see **paragraph 8.2.68** to **8.2.69** of the **Planning Statement**.
22	The Green Belt defined in the Poole Local Plan (November 2018) was informed by and assessed in the Poole Green Belt Review (July 2017). In a manner very similar to documents of this type prepared across the country, it divides the authority's Green Belt into individual parcels and scores each against set criteria. The Review adopts three scoring criteria as follows, which effectively establish the importance of each parcel in Green Belt terms: a. The 'openness' of the parcel - ranked high, medium, low and none. b. The 'permanence' of the parcel - again ranked high, medium, low and none.	The most recent review is the BCP and DC Strategic Green Belt Assessment published in December 2020, which PPL does not mention here. Equally, PPL omits the text from the July 2017 Poole Green Belt Review of most relevance to the Proposed Development, which the Applicant has already quoted above – but for ease of reference repeats here, from the text concerned with Parcel 16, at page 100: *The parcel is predominantly open and free of urbanising development. Built form within the parcel is concentrated in the large collection of industrial buildings that form the waste recycling centre. This large industrial complex acts as an urbanising influence but is surrounded by undeveloped open land.*

Para ref	PPL's representation	Applicant's response
	c. Its contribution to the first four Green Belt purposes (as per NPPF paragraph 138) - again ranked high, medium, low and none, with each scored 3, 2, 1 or 0, respectively.	The Applicant repeats its response to Para ref 10 above. It is worth bearing in mind the purpose of the July 2017 Poole Green Belt Review, and the most recent December 2020 BCP and DC Strategic Green Belt Assessment, was to inform decisions about possible large scale removal of parcels of land from the Green Belt to facilitate significant housing development. Hence, to take the most recent Strategic Green Belt Assessment, the conclusions on the performance of the parcel of land containing the Canford EfW CHP Facility (OA31) reflect the purpose of informing decisions on potentially large scale removal of Green Belt. Considering that the Canford EfW CHP Facility Site is 2.3Ha of previously developed land in a parcel (OA31 in the December 2020 Review) of 104.74Ha of otherwise almost entirely undeveloped land, following the development OA31 will continue to contribute relatively strongly to the Green Belt purposes (a) and (b) and strongly to Green Belt purpose (c). There will be no effect on Green Belt purposes (d) and (e). This is set out in the Planning Statement (see **Section 8.2** of the **Planning Statement**, which considers the Proposed Development against the most recent review, the December 2020 Strategic Green Belt Assessment).
23	The authority's Green Belt was divided into 18 parcels, of these only 4 were of any relevance to the fourth Green Belt purpose (preserving the setting and special character of historic towns). Thus, the maximum score any of the remaining 14 Green Belt parcels could score would be: high for openness; high for permanence; and 9 out of 9 for contribution to purposes.	PPL continues to ignore the text in the July 2017 review of particular relevance to the Canford EfW CHP Facility site and the Proposed Development, as well as ignoring the most recent December 2020 assessment. In addition, it is clearly wrong as a matter of principle to simply decide to ignore the fourth Green Belt purpose, thereby artificially inflating the "percentage" score against the remaining Green Belt purposes for those parcels for which the fourth Green Belt purpose is not an issue (and it must be wondered whether PPL is also doing so because impact on heritage is such an obvious difficulty for its own proposed Portland ERF).

Para ref	PPL's representation	Applicant's response
24	The Canford EfW application site is located almost centrally within Parcel 16 - titled 'Tract of land to south of A341 Magna Road between Merley and Bearwood'. The Parcel scores: • Openness - **High** • Permanence – **High** • Contribution to purposes: o Purpose a) To check unrestricted sprawl of large built up areas: 3 o Purpose b) To prevent neighbouring towns merging: 2 o Purpose c) To safeguard the countryside from encroachment: 3 o Total: **8 out of 9**	See response to Para ref 22 and 23. Yet again, but even more strikingly here given the level of detail PPL has presented from the July 2017 review, PPL continues to omit the text of particular relevance to the Proposed Development.
25	Thus, it can be seen the Green Belt Parcel within which the Canford EfW proposal is located, almost achieves the highest possible score. In overall terms, it scores 4th highest of all 18 of the Parcels, and is one of only 5 Parcels where there is no potential to change the Green Belt boundary without harming the overall role and purpose of the South East Dorset Green Belt (see pages 110-111 of the Review).	See responses at Para ref 22, 23 and 24.
26	In the DWP process, the Canford site was not considered in terms of a non-Green Belt alternative at the Port of Portland, which was not advanced as a site in the plan process. However, it is of considerable relevance (set against a lengthy history of the Canford allocation which has yet to deliver significant residual waste management facilities[11]) that a non-Green Belt alternative has now emerged and will be considered at appeal before the end of the year.	It is no surprise that PPL's Portland site was not put forward, given its demerits. The comments of statutory consultees to PPL's application indicate that the Portland ERF site is not one that, even had it been put forward, would have secured allocation in the Waste Plan for the use PPL is seeking. Historic England in its statement to Dorset Council on the appeal lists ten designated heritage assets four of which were intended to have clear views across Weymouth Bay and which would be subject to harm. Historic England is unconvinced the proposed programme of works to batteries would offset the

[11] As opposed to smaller scale intermediate treatment facilities or transfer stations etc.

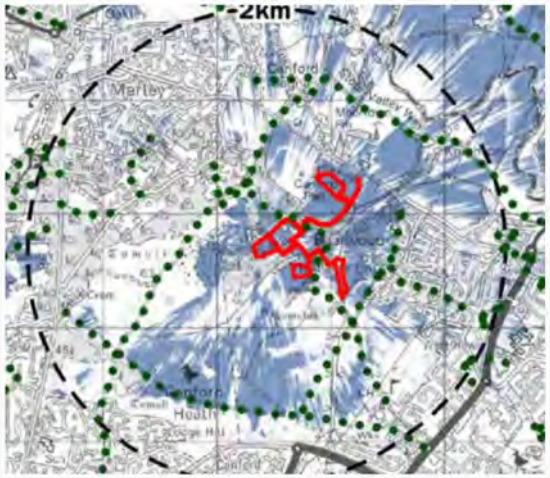
Para ref	PPL's representation	Applicant's response
		harm of the PPL proposals. Historic England also believes the PPL proposals would negatively impact the Outstanding Universal Value of the World Heritage Site. Dorset Council's Senior Landscape Architect comments on the significant adverse visual effects of the PPL proposals and would erode the most important key characteristics, including the distinctive shape of the landform. It is noted also there will be adverse effects on the setting of the AONB[12]; settings of AONBs received greater protection in the 2021 update of the NPPF (paragraph 176). To recommend the Waste Plan for approval the Inspector needed to consider its strategy, including allocation of two Green Belt sites, one of which is the Proposed Development site. The Waste Plan allocated in accordance with its strategy, not least the need for sites to service the area where most residual waste arises, in accordance with the principles of proximity and self-sufficiency, and to achieve co-location benefits (which the CRP obviously offers). The Inspector found the Waste Plan sound. This was done relatively recently, in 2019. The Canford EfW CHP Facility Site and its immediate context, including the remainder of CRP and the former White's Pit landfill site, has been the focus of residual waste management in the BCP and Dorset area since the 1970s, when the landfill site opened. More recently, CRP has hosted a Mechanical and Biological Treatment (MBT) plant which receives the majority of local authority collected residual waste from BCP and Dorset. Were the MBT facility to retain the service contracts with both authorities, post-2027 when the services will have been re-tendered, the non-recyclable residue waste of this is one of the main anticipated sources of feedstock to the proposed Canford EfW CHP Facility, which would also receive rejects from the MRF located at the CRP. In both cases the co-location of the Proposed Development with these facilities would avoid the current need for this material to be transported off-site.

[12] Now National Landscape

Para ref	PPL's representation	Applicant's response
		As stated at **paragraph 6.2.32** of the **Planning Statement**, across all of the current activities at the CRP current consents/permits allow for 750,000tpa of material. It is envisaged that all of the 260,000tpa capacity of the Proposed Development would come from this; either as outputs from existing operations or substituting for consented but unbuilt capacity. The Waste Plan's Spatial Strategy of concentrating waste management in south-east Dorset and BCP reflects that the origin for much of the waste requiring processing is proximate to CRP. It is unsurprising PPL's Portland ERF proposal, a poorly located area at some distance and surrounded save for a narrow causeway by sea, performs less well as a possible destination for residual waste to be treated.
27	In conclusion, and based upon the Review's assessment of Parcel 16, the Canford proposal is located in an important and sensitive area of Green Belt which sits between Bearwood and Merley, the former forming part of the large built-up area which sits at the eastern boundary of the Parcel. The Parcel is predominantly open, bar the collection of industrial buildings associated with the existing waste facility which introduce built form and act as an urbanising influence. The Parcel has particular importance for the first purpose, preventing urban sprawl of a large built-up area. It has medium importance in maintaining the physical gap between Bearwood and Merley and high importance in terms of safeguarding the countryside from encroachment by virtue of appearing predominantly open and rural in character.[13]	Even here, where PPL does offer a vague reference to the relevant text, PPL cannot bring itself to acknowledge that it is the July 2017 review itself that made the point that the CRP was already an urbanising influence, nor does PPL give any consideration to development since, and nor, crucially, does PPL acknowledge the significance of the urbanising reality of the existing development for the Proposed Development in Green Belt terms: the comparison is not, as PPL would have it, between the Proposed Development on the Canford EfW CHP Facility Site and some other, undeveloped, part of the wider Green Belt, but between the Proposed Development on the Canford EfW CHP Facility Site and the Canford EfW CHP Facility Site without the Proposed Development. Given the existing development here, the Canford EfW CHP Facility would not represent urban sprawl. The response to Para ref 10 refers.

[13] It is notable that the subsequent BCP Council & Dorset Council Strategic Green Belt Study Stage 1 (LUC December 2020), which whilst not yet tested at a Plan examination, confirms the sensitivity of the Green Belt where the Canford site is located. It places it in a Parcel referenced OA31 (which has a different area to Pacel 16 of the Poole study). The Parcels, including OA31, are again scored against the Green Belt purposes, but on a 5 point scale. OA31 is scored in the second highest category (of 5) on Green Belt purposes 1 and 2; and the absolute highest category in relation to purpose 3.

Para ref	PPL's representation	Applicant's response
28	A very important characteristic of the area is that whilst it contains the current waste facilities, they are limited in height (buildings below 13.5m) and very well screened by existing woodland and topography, to the extent that many people would not know of their presence. Moving around the area there is a strong perception of a lack of development and sense of openness. This is a key characteristic which contributes towards giving this particular Parcel its importance compared to other parts of Poole's Green Belt.	Rather than acknowledge that the existing development at the CRP (and surrounding) is very important to Green Belt consideration of this Planning Application, which it plainly is, PPL seeks to argue that what is very important is not their existence, but what they are not. This is another tortured argument from PPL. It is of course the case that parts of the Canford EfW CHP Facility will be more visible than the current buildings and structures at CRP and near the site (**ES Chapter 12: Landscape and Visual**). They will however be contained on a site of 2.3Ha in a sub-parcel context that is already urbanised, within a wider Green Belt parcel of over 104Ha, the vast majority of which may be expected to remain undeveloped (and this is necessarily before consideration of the Green Belt beyond the parcel).
29	The spatial harm to the Green Belt through the introduction of the Canford EfW with buildings with a significantly increased built form and with a footprint of 11,816m^2, although only partially/ marginally mitigated by the site being PDL and the demolition of the existing 800m^2 existing building. However, the 2,700m^2 grid connection compound would not be on PDL and would include a range of built elements causing further spatial harm to the Green Belt. Overall, there would be significant spatial harm.	Here, apparently inadvertently, PPL does acknowledge the importance of the existing development on the site for the Green Belt analysis, though seeks to downplay it. As regards the DNO Connection Compound (DNC compound) this will be located adjacent an existing pylon (Tower BM34), see **DNC General Arrangements** (drawing reference **MVV_004_Rev_2**). Because of the Proposed Development, the amount of land contained within the existing Heathland Support Area (HSA) will increase significantly (by 7,700m^2), see **Section 4.5** of the **Planning Statement**. The DNC Compound is located close to (as close as 10m from) the newly built Magna Business Park, a substantial development of large industrial buildings that has created a very urbanised character to its surroundings. The existing 26m high pylon at the DNC compound site is experienced now in conjunction with the new industrial buildings.
30	However, the perceived, visual harm to openness would be far greater. The Canford EfW, with the main building at up to 50m in height, a vast volumetric mass and 110m high stack, would give rise to a significant incremental change in the perception of the openness of the Green Belt Parcel. It would extend prominently	Theoretical visibility of the building, which is what **Figure 12.9 (Building Zone of Theoretical Visibility), Appendix 12.1** shows, cannot be assumed to imply change to openness. Other forms of development which have a more profound effect on openness – such as sprawling low rise residential development – would not have the same extent of ZVI.

Para ref	PPL's representation	Applicant's response
	above the woodland and raised ground which encapsulate the current waste facilities. The submitted ZTV of the EfW building itself - ES Figure 12.9 shows that the building would visible across the majority of the entire stretch of Green Belt between Bearwood and Merley (see extract below).  	To use a local example, the Horton Tower[14] is a 43m high structure built on a prominent hilltop 70m AOD. It is in the Green Belt. It is, by design, highly visible from very wide ranging views. There has never been any suggestion of it having a deleterious effect on openness. A sprawling housing estate built on the same site however undoubtedly would, even though it is unlikely to be visible from more than a mile or so.
31	The above ZTV and the submitted Photomontages (3 of which have been reproduced as extracts previously) show that: a. The EfW would be clearly visible from all points of the compass and particularly so from the north, north-east, south-west and the west. b. From viewpoints (VPs) 2, 5 and 6 it would be viewed breaking the horizon and against the sky. c. From VPs 10 and 12 it would actually sit on the horizon and be entirely sky lined.	See response to Para ref 30.

[14] https://www.dorsetview.co.uk/5-fun-facts-about-horton-tower/

Para ref	PPL's representation	Applicant's response
	d. In none of the Photomontages is there any clear view of the existing waste management buildings at Canford, providing confirmation that these existing facilities, due to their limited height, mass and scale, are screened as a result of existing woodland and topography and as such their perceived impacts on the Green Belt is limited.	
32	By contrast, due to its size, the Canford EfW would result in very significant harm to the visual / perceived openness of the Green Belt.	It is not clear what PPL is contrasting to what, but if PPL is contrasting the Proposed Development with the existing development at the CRP, which PPL continues to downplay in Green Belt terms, that has been addressed above. The planning judgment is for the LPA and the Applicant has set out its views in the **Planning Statement** and **ES**.
33	The facility, together with its grid connection compound, would give a perception of urban sprawl from the large built-up area lying close by to the east, harming the first Green Belt purpose. Whilst, a gap would still be retained between Bearwood and Merley, the overall scale of development would give a degree of perception of erosion of that gap. With regard to the third purpose, there would be a real perception of encroachment into the countryside.	PPL continues, as before, to skate over the reality of the existing development here, by contrast with the surrounding Green Belt, and downplay the significance of the existing development in Green Belt terms. The existing development, and the comparison of the Proposed Development with it, as opposed to some undeveloped other part of the Green Belt elsewhere, is relevant to the question of whether the Proposed Development would cause urban sprawl, which it would not. It is very clear why PPL is arguing as it is – because it realises that to promote its Portland ERF in policy terms it must somehow show that it is preferable to the allocated sites, as well as surmounting the Portland ERF's unacceptable landscape and heritage impacts, which has led PPL to these rather desperate and hyperbolic arguments. Ultimately the planning judgement is for BCP as LPA. In the **Planning Statement**, the Applicant sets out the reasons the Proposed Development should be granted planning permission.
34	In conclusion, the Canford EfW would significantly adversely affect both the spatial and visual openness of the Green Belt, very significantly in the case of the later; and cause harm in relation to the first three Green Belt purposes. Given the importance of this	Any harm to the Green Belt must, of course, be given substantial weight. The LPA will reach its planning judgment as to harm.

Para ref	PPL's representation	Applicant's response
	area of Green Belt (as confirmed by the Green Belt Review), the overall harm caused to the Green Belt should, in our judgement, be afforded very substantial weight.	But it is noteworthy that in its reasoning here, PPL is implicitly accepting a relativity to Green Belt harm, in the form of different levels of substantial weight (revealing the emptiness of PPL's attempts to present the Applicant's relative approach as incorrect). The Applicant believes that if there is Green Belt harm here, that harm, which is to be given substantial weight, is relatively slight in terms of Green Belt harm, and that it, and any other harm, is clearly outweighed by the VSCs. The LPA will also make its own judgment as to that.
Any Other Harm		
35	**Landscape and Visual Effects:** We have not undertaken a complete review of the landscape and visual effects of the Canford EFW and will reserve our position to do so. The applicant's own assessment finds permanent significant visual impacts from 4 of the 14 VPs (see ES paragraph 12.12.4). Thus, some significant adverse visual effects weigh against the scheme.	In drawing attention to the landscape and visual effects of the Canford EfW CHP Facility (for which see **ES Chapter 12: Landscape and Visual Impact Assessment** for further information), PPL does not mention the (highly relevant) fact that its own proposals have far more significant effects. At Portland ERF the ES found significant adverse visual effects. PPL's proposals would cause adverse effects to eight viewpoints, which were defined as quite large areas (e.g., Portland Port and breakwaters including the Sailing Academy is one viewpoint). There was disagreement with the DC Senior Landscape Architect who felt there were also significant effects on receptors using the South West Coast Path and within the Dorset and East Devon UNESCO WHS. "*Significant adverse effect on the quality of the landscape and views of the iconic landform shape of the Isle of Portland, within the setting of the Dorset and East Devon Coast World Heritage Site, particularly when viewed from the South West Coast Path"* is part of Reason 2 for refusal of PPL's application (see **Appendix A**). It is found to be contrary to five adopted development plan policies and paragraph 174 of the NPPF. PPL's appeal is based in part on showing DC's landscape architect is wrong. There is no dispute however that PPL's proposals are highly visible, including

Para ref	PPL's representation	Applicant's response
		from highly valued recreational landscapes as well as the WHS (and note that as well as the WHS, the Appellant's proposals are also visible from AONB[15]). PPL's criticism of the Proposed Development in terms of landscape/visual impact is a remarkable example of an attempt to throw stones from inside a glasshouse. As regards the landscape and visual impact of the Proposed Development, this has been carefully assessed and is presented at **ES Chapter 12: Landscape and Visual Impact Assessment**.
36	However, even an initial review of the submitted landscape and visual impact assessment {LVIA) highlight some significant concerns about the approach and judgment/ statements which are made. By way of example: a. The visual effects for VP 12 (see Photomontage extract reproduced previously) are described in the assessment tables (ES Appendix 12.2) as being of a **low** magnitude of effect resulting in no significant impact. The assessment states: *"It is anticipated that the top of the building and the chimney will be identifiable in the view, against the existing horizon".* It would be fair to say that this statement hugely understates the effects of seeing a 50m high EfW perched on the horizon. b. VP 6 (see the Photomontage extract reproduced below) has a **very high** receptor sensitivity. However, the magnitude of effect is assessed as **very low** which is the only way the assessor could again avoid concluding a significant effect. In determining the magnitude of change, the assessment states that: "A *Photomontage of this location is included within Technical Appendix 12.1, Appendix EDP 4. It is anticipated that the building may be*	PPL here references three screengrabs of Verifiable Views contained at pages 4 and 5 of its objection, focusing on the last one, Photoviewpoint 12, and another at page 10 of its objection, Photoviewpoint 6. The original Verifiable Views are contained within the application pack at **Appendix EDP 5, Technical Appendix 12.1 (Landscape and Visual Impact Assessment)**, and have been produced in line with the required methodology as set out by the Landscape Institute.[16] One of the key principles behind this methodology is the representation of the images to ensure they best represent what would be seen on the ground, this includes an image showing a 39.6° field of view (FoV) at A3 scale, or 90° FoV shown at A1. As part of the consultation process, the location, quantum and methodology of all photography (including Verifiable Views) was agreed with BCP Council's landscape consultant, see **paragraph 12.2.31** to **12.2.35** of the **ES Chapter 12: Landscape and Visual Impact Assessment**. It is critical, therefore, that the Verifiable Views are not taken out of context and are seen within the correct template as shown at **Appendix EDP 5, Technical Appendix 12.1.** The images included within PPL's representation have been clipped to show the Proposed Development at an enlarged scale, which does not truly reflect the

[15] Now National Landscape

[16] Guidelines for Landscape and Visual Impact Assessment 3rd edition (LI:2013)

Para ref	PPL's representation	Applicant's response
	identifiable in the distance, however the roofline does not break the horizon over the Heath behind, the chimney may be identifiable against the skyline". The assessment is plainly wrong as the EfW is more than 'identifiable' and the roof line plainly sits way above the skyline.  Viewpoint 6 - View south-west from Footpath 3/Ferndown, Stour and Forest Trail Long Distance Route c. A sense of the local landscape character and the effects of the proposal on it, can be gained from the Photomontages reproduced in this letter. The LVIA describes the relevant character area within which the proposal sits ('Heathland / Farmland Mosaic') as only being of **Medium** sensitivity and the development only have a **Medium** magnitude of effect, once again avoiding a significant impact. Given the scale of the scheme and its stark appearance in a landscape which has areas of high landscape quality, PPL disputes this judgement.	proposals, nor does it consider the full required context the Proposed Development sits within. As regards the individual Verifiable Views that PPL cites: a. Photoviewpoint EDP 12: This is located approximately 3.4km to the west of the EfW CHP Facility Site along a public right of way (PRoW) at Corfe Hills. The Verifiable View shows the upper elements of the proposed building alongside the chimney, which break the horizon in the available view to the south-east. Following the methodology set out within **Technical Appendix 12.1** of the **ES**, the magnitude of change (and not magnitude of effect, as is erroneously stated by PPL) is determined through a range of considerations including scale of change, geographical scope and duration and reversibility/proportion. Given the distance of the view from the EfW CHP Facility Site and the small component the Proposed Development forms in the view (when viewed as a whole), the magnitude of change is considered to be low. This is defined as "*Minor loss or alteration to one or more key landscape receptors/characteristics; additional elements may not be uncharacteristic within existing landscape*." b. Photoviewpoint EDP 6: The Verifiable View reproduced within the objection letter (page 10) has been clipped to focus only on the Proposed Development, omitting the surrounding context, which is key to the overall judgement on the magnitude of change. Although it is agreed that the roofline does in fact break the skyline, the distance between the receptor and the EfW CHP Facility Site (2.6km), alongside the orientation of the built form, result in the magnitude of change being judged at very low. Users of this route are afforded wide and far reaching views from this receptor, with the image showing that the landscape to the west is already influenced by vertical structures, including telegraph poles at residential built form at Longham and the tall network of pylons which run close to this route.

Para ref	PPL's representation	Applicant's response
		c. The "photomontages reproduced in this letter" do not accurately reflect the Proposed Development within its context, nor are they in line with the methodology set out by the Landscape Institute: they do not, in fact, "reproduce" the Verified Views in the ES in any proper sense. As regards PPL's argument at (c) concerning effects on local landscape character, in terms of the judgments made within the **ES Chapter 12: Landscape and Visual Impact Assessment** on the 'Heathland/ Farmland Mosaic', the area's sensitivity has been judged through a combination of landscape value and landscape susceptibility, as set out within the Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition and the Landscape Institute's Technical Guidance Note (TGN) 02-21 "Assessing Landscape Value outside of National Designations". The value is judged to be medium, it being a transitional area between chalk landscapes and river valleys. Although it contains areas of undesignated woodland, there are a number of detractors such as the CRP and areas of unkempt equestrian use along Magna Road. In terms of susceptibility, the area was found to be influenced by the busy road network and surrounding industrial uses and is therefore low/medium. This results in a medium sensitivity. The desk top study and site visits did not identify any areas of "high landscape quality". The "medium" magnitude of change described for the area is defined in the methodology as *"Partial loss/ alteration to one or more receptors/ characteristics; addition of elements that are evident but do not necessarily conflict with the key characteristics of the existing landscape."* Key characteristics for this area include *"heavily influenced and fragmented by urban and urban fringe land uses such as industrial, commercial and leisure uses as well as transport corridors, quarrying, power lines and horsiculture."* It is clear that this character area is already influenced by its location adjacent to urban areas and therefore a "medium" magnitude of change is considered appropriate here. There is also limited invisibility with the wider character area to the north-west due to the vegetated nature of the land parcel.

Para ref	PPL's representation	Applicant's response
37	PPL's initial review of the submitted LVIA shows it lacks credibility in a number of areas. It is strongly recommended that the Council procures an independent detailed peer critical review of the work by Landscape Architecture professionals.	The LPA engaged external landscape consultants to provide pre-application comments on the draft proposals. The same expertise has been re-engaged to assist interpretation of the submitted proposals.
38	Even by the applicant's own LVIA, significant adverse, permanent effects would occur. PPL believe the actual level of adverse impact which would occur has been materially understated. It is critical that the correct level of adverse impact is determined and applied in the context of harm and specifically in the context of Green Belt and the consideration of 'any other harm' and the balancing exercise which must be undertaken.	The submitted LVIA (**ES Chapter 12: Landscape and Visual Impact Assessment**) has been produced in line with the relevant methodology and best practice guidance following consultation with the LPA's Landscape Consultant. It is a robust and justified assessment of the Proposed Development. By contrast, PPL actually acknowledges that it has "*not undertaken a complete review of the landscape and visual effects*". It has made specific comments in relation to landscape and visual matters without a clear review of the baseline scenario, the landscape and visual sensitivities of the identified receptors, the magnitude of change of the Proposed Development nor the correct and accepted method for doing so. These opinions should be treated with caution.
39	**Heritage:** ES Chapter 10 (10.10 Summary) finds that the Canford EfW facility would result in a change to the setting of 3 Scheduled Monuments, all of which are Barrows lying to the south / south-west of the site. The effects are described in the ES chapter as minor adverse resulting in less than substantial harm (in NPPF terms). No other harm to any other heritage assets is referenced.	Just as PPL's Green Belt and landscape/visual impact arguments addressed already betray its desperation to do down this Planning Application for the Proposed Development on an allocated site in an effort to assist its own appeal for the Portland ERF on an unallocated site, so do PPL's heritage arguments. Again, PPL is seeking to throw stones from inside a glasshouse. PPL's proposals sit in a context of a fortified naval port with significant features dating to the Tudor period and later Napoleonic Wars, added to in subsequent periods of conflict or international tension. Amongst other heritage assets. The nature of many of these heritage assets is such that any large structure is likely to affect them. There is a very significant difference of opinion between PPL and DC about the effects of the Portland ERF proposals. Reason for Refusal 3 (**see Appendix A**) states *"less than substantial harm"* would be caused to a *"range of heritage assets. Public benefits of the scheme have been assessed, taking account of the mitigation proposed, but are not considered sufficient to outweigh the cumulative harm that would occur to the individual heritage assets and group of heritage assets, with associative value in the vicinity".*

Para ref	PPL's representation	Applicant's response
		In contrast, the Applicant's Proposed Development does not sit within an historic landscape. "Less than substantial harm" is acknowledged to barrows on Canford Heath and this is considered to be at the lower end of the scale of less than substantial harm, see **ES Chapter 12: Landscape and Visual**. Historic England notes that there is at most "less than substantial harm" to any heritage asset from the Proposed Development and, in line with NPPF paragraph 202 it invites the LPA to consider the public benefits of the proposals and whether these outweigh the harm[17]. That they do is the clear advice from the Applicant's heritage advisers.
40	The ES Chapter itself lacks much detail and defers to ES Appendix 10.1 for the fuller assessment. This identifies (paragraphs 6.3.52 and 6.3.53) that the Photomontage for VP 10 (reproduced above) represents a view from the most distant of the 3 Scheduled Barrows. It identifies that: *"The open expanse of the landscape would have contributed to the setting of the barrows and continues to do so"* and that: *"the undeveloped nature and open character of their setting does positively contribute to their significance".* It then finds: *"The Proposed Development would be highly visible and legible in the setting of the Scheduled barrows to the south and south. Whilst the sense of openness would remain until the Proposed Development is seen from particular locations and angles, it will be legible as much more than an individual tall element in the widest setting of the monuments".* Paragraph 6.3.54 then simply dismisses the effect as being minor and at the lower end of less than substantial harm, without any justification for such a finding.	**ES Chapter 10: Historic Environment** and the associated **Appendix 10.1 (Heritage Statement)** identifies the Scheduled Bronze Age barrows within the vicinity of the Proposed Development site, noting specifically the barrow cemetery and four barrows under Schedule Monument reference NHLE number 1018486, c.1,4km south-west of the Proposed Development site and four individually scheduled barrows within 1km of the Proposed Development (NHLE numbers 1018487, 1018488, 118489, and 1018032) as sensitive to the Proposed Development (**paragraph 4.3.79, Appendix 10.1**). The significance and setting of these Scheduled Monuments were assessed as one, due to the similarities of the monuments **paragraphs 4.3.79** and **4.3.80, Appendix 10.1**. Further assessment of the setting of the Scheduled barrows is set out at **paragraph 6.3.52**, **Appendix 10.1**.
41	Notably, VP 10 is one of the 4 VPs from where significant visual effects were predicted. It is difficult to reconcile how the visual	The setting of the Scheduled barrows is one of open heathland and this open expanse of the landscape would have contributed to the setting of the barrows

[17] chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://boppa.poole.gov.uk/online-applications/files/54ADCE92B646205F3421A76C3BCDB736/pdf/APP_23_00822_F-HISTORIC_ENGLAND-2800013.pdf

Para ref	PPL's representation	Applicant's response
	effects and acknowledged change to the setting result in an effect on a Scheduled Monument at this location at the lower end of less than substantial harm	and it will continue to do so with the Proposed Development in place **(Appendix 10.1 (Heritage Statement))**. The majority of the significance of the Scheduled barrows derives from the barrows themselves, with their setting, largely comprising open heathland with expansive views, especially southwards over lower ground, providing an element to that understanding and significance.
42	No assessment is provided in relation to the 2 Barrows (both also Scheduled Monuments) which are actually located much less than half the distance from the EfW facility than the Barrow at VP 10. On the assumption that any harm attributed to these closer Scheduled Monuments would be at least equal, and very possibly greater than, the assessment provided for the more distanced Scheduled Monument, PPL believe this needs further attention and consideration.	It is not clear as to which Scheduled monuments PPL's comment relates. These may relate to the two individually Scheduled barrows c.500m south and c.850m south-west of the Proposed Development; that is Scheduled Monument numbers NHLE 1018487 and 1018488. These monuments were discussed in terms of their significance and setting (as above, in **Appendix 10.1**), and are assessed in **Table 10-4, paragraphs 10.9.2, 10.10.2** and **Table 10-5** of the **ES Chapter 10: Historic Environment**. The significance of these Scheduled barrows echoes that of the wider barrows to the south (which form part of the Scheduled Monument NHLE 1018486) in deriving much of their significance from their archaeological interest; the setting of the barrows does also contribute to their significance, being located and appreciated in a largely open heathland with background activity and modern additions forming a negative part of that setting. In the case of Scheduled barrow NHLE 1018488, the intervening former landfill site, now comprising a solar PV array, provides a greater existing negative element in the setting of the barrow. So, whilst slightly closer to the Proposed Development, the setting of this particular Scheduled barrow contains additional detrimental elements which have eroded the earlier setting of the barrow and interpose between the barrow from the Proposed Development. Views to, from, and including heritage assets do not necessarily equate to a contribution to the setting and heritage significance of the relevant heritage asset, and therefore changes to views do not necessarily lead to an impact (positive, neutral or negative) on the significance of a heritage asset.
43	Once again, on the applicant's own assessment, material harm would occur in relation to 3 Scheduled Monuments. It appears highly likely, based on the foregoing, that such harm has been underplayed. It is recommended the Council undertakes its own review of the harm to the setting of all 3 Scheduled Barrows.	It is acknowledged in both **ES Chapter 10: Historic Environment** and the accompanying **Appendix 10.1** that the Proposed Development would lead to a slight change to the setting of the Scheduled barrows to the south of the EfW CHP Facility Site, and that this change would result in a degree of harm to the setting and significance of the Scheduled barrows. Much of the significance of the barrows is derived from their inherent archaeological interest, that is, their

Para ref	PPL's representation	Applicant's response
	Irrespective, harm would occur that needs to be carried through to the overall Green Belt policy balancing exercise.	fabric, form and potential to provide a greater understanding of each asset, and the Proposed Development would not impact this interest at all. Equally, the Proposed Development would not impact their historic interest, as features which indicate the occupation and land use practices of the Bronze Age period. As such, any impact upon the significance of the barrows cannot be of a level of 'substantial harm' in NPPF terms (paragraph 201) or at any higher end of any scale of 'less than substantial harm' (paragraph 202). The Proposed Development is located in one area of the wider setting of the barrows (this wider setting being the open heathland aspect on higher ground which overlooks the lower ground to the south), and whilst it therefore would have an impact, the change to the setting can only be understood as limited when that setting is understood as a whole. As such, the Proposed Development would result in harm to the setting, having an impact at the lower end of any spectrum of 'less than substantial harm' when understanding the contribution the setting makes to the significance of the Scheduled barrows. As noted in **Appendix 10.1**, the sense of openness (of the setting of the Scheduled barrows) would remain until the Proposed Development is seen from particular locations and angles (**paragraph 6.3.53, Appendix 10.1**). The methodology for assessing the significance and setting of heritage assets, and thus in assessing any impact resulting from any proposed development, followed in producing the **ES Chapter 10: Historic Environment** (and accompanying **Appendix 10.1**) is set out in those documents. This methodology is specific to the understanding and assessment of heritage assets. How any element of the landscape may or may not contribute to the setting and significance of a heritage asset is more nuanced than simply assessing the landscape within which a heritage asset is located or experienced. As such, any conclusions regarding the level of impact of a proposed development on heritage assets may differ to that in relation to landscape visual impacts. In assessing any landscape and visual impacts from a proposed development, the LVIA methodology should be followed, whereas different methodology applies to assessment of heritage impacts from a proposed development; it follows that conclusions regarding impact, and level of impact, therefore may differ between assessment of landscape and visual impacts and assessment of heritage impacts.

Para ref	PPL's representation	Applicant's response
44	**Ecology:** The submitted Shadow Habitat Regulations Assessment (SHRA) identifies potential harm arising from exceedances of relevant acid deposition thresholds which are predicted for woodland / bog / grassland / heathland habitats within the Dorset Heaths SAC / SPA/ Ramsar site. This harm would occur with a proposed stack height of 110m and is dependent on the Environmental Agency agreeing to an ELV of 5mg/Nm- 3 for ammonia; both of which are specific mitigation measures in relation to these habitats. The SHRA states that (paragraph 5.44): *"when a habitat's critical load is already exceeded, scope for further small increments is necessarily limited. In addition, NE's information on monitored features on units of the SAC shows that Annex I habitats depressions on peat substrates of the Rhynchosporion, European dry heaths and Northern Atlantic wet heaths to be in an unfavourable condition on most of the SSSI parcels covered by the relevant 1% Critical Load contours. This may limit their capacity to withstand additional small increases potentially caused by the Proposed Development".*	PPL has misinterpreted (and misunderstood) the air quality modelling of the Proposed Development, in particular the nature of the threshold modelled as exceeded, and has quoted selectively (once again) - see **ES Chapter 6: Air Quality** the accompanying **Appendix 6.1 (Operational Air Quality Assessment)** and the **SHRA, Appendix 8.3**. The Critical Load of a habitat is defined within The Institute of Air Quality Management's guide to the assessment of air quality impacts on designated nature conservation sites as "*a quantitative estimate of exposure to one or more pollutants below which significant harmful effects on specified sensitive elements of the environment do not occur according to present knowledge*"[18]. Following mitigation, the thresholds that have been exceeded are the 1% screening threshold – i.e., 1% of the habitat's Critical Load. The guidance explains that "*the 1% threshold has become widely used throughout the air quality assessment profession to define a reasonable quantum of long term pollution which is not likely to be discernible from fluctuations in background/measurements…. Crucially, the 1% screening criterion is not a threshold of harm and exceeding this threshold does not, of itself, imply damage to a habitat*". The screening thresholds that are exceeded, as reported in the **SHRA (Appendix 8.3)**, are in relation to acid deposition for four habitat types known to be present within the designated sites, namely woodland (at a maximum of 2.1% of the Critical Load), bogs (at 1.9%), heath (at 1.2%) and acid grassland (at 1.8%). The 1% screening threshold should be used in the context of an in-combination assessment, and with consideration of existing (background) deposition on the habitats. As noted by PPL, the **SHRA (Appendix 8.3)** acknowledges that scope for further small increases in deposition is necessarily limited when a habitat's Critical Load is already being exceeded. But what PPL does not note is that the

[18] Holman et al (2020). A guide to the assessment of air quality impacts on designated nature conservation sites – version 1.1, Institute of Air Quality Management, London

Para ref	PPL's representation	Applicant's response
		SHRA (Appendix 8.3) also explains that available data for background acid deposition at the designated site shows a steady decline since 2010 – a continuing trend, which is also seen in general at a national level.
45	A further mitigation package (in addition to a stack height of 110m and an ELV of 5mg/Nm-3 for ammonia) is proposed to address the effects of the harm on the Dorset Heaths SAC / SPA / Ramsar site in the form of a financial contribution towards monitoring and management of the designated site by Natural England (NE) to be delivered via: • A Biodiversity Enhancement Contribution and Trickle Fund; and • A Monitoring and Supportive Management Plan.	See above and below. Extensive pre-application discussions occurred with Natural England (NE) using its Discretionary Advice Service. Virtual meetings occurred via MS Teams on 21 September 2022, 8 February 2023 and 30 March 2023. Notes of these meetings (including amendments made by NE via Track Changes to the initial draft notes) are at **Appendix EDP 1** to the **SHRA (Appendix 8.3)** which itself forms **ES Appendix 8.3 (part 1)**.
46	The Biodiversity Enhancement Contribution is proposed to be paid by the applicant prior to commencement of their development, in addition to an annual Trickle Fund to be paid during the lifetime of the proposal. These funds would be used by the planning authority for the appropriate management of habitats within the SAC aiming to reduce and/or prevent potential effects from acid deposition and would be secured through a section 106 agreement. This agreement would also include preparation of a Monitoring and Supportive Management Plan, which would set out a schedule of future soil sampling and bryophyte and lichen monitoring surveys and action to be taken should this monitoring indicate deterioration of the habitats.	See response to Para ref 44 to 45 above, and 47 to 51 below.
47	The provision of the Biodiversity Enhancement Contribution is an acknowledgement that the Canford proposal would cause harm to the designated site.	Given the potential limitation of the capacity of the habitat to withstand additional small increases due to the existing background deposition, in addition to its current 'unfavourable' condition, there is a small inherent level of uncertainty whether any harm to the habitat would occur or not. The Biodiversity Enhancement Contribution and Trickle Fund (**Appendix 5 (Draft Section 106 Agreement)** of the **Planning Statement**) are therefore proposed to provide

Para ref	PPL's representation	Applicant's response
		assurance that harm can be avoided, via targeted management, which will increase the resilience of the habitat to acid deposition.
48	To address the in-combination effects of their proposal, the applicant is reliant on the Eco Sustainable Solutions (ESS) ERF scheme providing its own mitigation (in the form of a monitoring and supportive management plan alongside financial contributions), agreed with NE and controlled by a section 106 agreement. The SHRA states that it is assumed and understood that this mitigation would be provided.	It is not within the remit of a **SHRA (Appendix 8.3)** to *advise* on mitigation for other plans or projects, nor is it the responsibility of one project to *provide* mitigation for another project's potential impacts. What the Applicant has done is ensure it understands the ESS ERF proposed mitigation, and assess accordingly, including when developing mitigation for the Proposed Development. The understanding that the mitigation proposed for the ESS ERF scheme will be effective in avoiding its adverse effects was and is informed by Natural England's consultation response for the ESS ERF, within which they state they have no objection subject to the proposed mitigation being secured, and the LPA's HRA, which concludes that with the necessary mitigation measures secured, there will be no adverse effect on the integrity of the designated sites.
49	There is no indication that the applicant has any understanding of the mitigation measures proposed by the ESS ERF scheme and whether these would be sufficient to fully mitigate the impacts of the in-combination effects. The SHRA is also silent on whether any mitigation is required to address the impacts of the contribution from the Whittle Power Facility.	The mitigation proposed by the ESS ERF is fully understood and formed the basis for the development of the mitigation proposals for the Proposed Development, which was also informed by extensive consultation and agreement with Natural England (see the response to Para ref 45, 47 and 48 above). The **SHRA (Appendix 8.3)** does not mention mitigation for the impacts from the Whittle Power Facility because that project's assessment did not identify any potential impacts, and therefore no mitigation was proposed. As such, the full, unmitigated extent of their potential impacts identified by the Applicant's air quality modelling **(Appendix 6.1 (Operational Air Quality Assessment)** have been considered within the **SHRA's (Appendix 8.3)** in-combination assessment, as required by the assessment process.
50	The conclusion of no adverse effects on integrity (harm) from the project alone and in- combination is based on the implementation of unquantified levels of mitigation required not only by the applicant but also a third-party (ESS). The legal requirements of the Habitats Regulations are well-established (see e.g. *R (Champion) v North*	The precautionary approach has been applied throughout the **SHRA (Appendix 8.3)** to ensure that the modelling and the impacts presented represent the absolute worst-case scenario. This includes the following measures which are stated in the **SHRA** and further detailed within the **Operational Air Quality Assessment (Appendix 6.1)** methodology:

Para ref	PPL's representation	Applicant's response
	Norfolk DC [2015] 1 WLR 3710 and *R (Wyatt) v Fareham BC* [2022] JPL 1509). As the CJEU formulated the test (accepted by Lord Carnwath in *Champion* at [14]) in *Sweetman v An Bord Pleanala* (Case C-258/11) [2014] PTSR 1092 at [40]: *"Authorisation for a plan or project, as referred to in article 6(3) of the Habitats Directive, may therefore be given only on condition that the competent authorities once all aspects of the plan or project have been identified which can, by themselves or in combination with other plans or projects, affect the conservation objectives of the site concerned, and in the light of the best scientific knowledge in the field are certain that the plan or project will not have lasting adverse effects on the integrity of that site. That is so where no reasonable scientific doubt remains as to the absence of such effects."*	• Information from the Air Pollution Information System (APIS) website to inform Critical Load calculations used the worst-case habitat description and associated Critical Load, for which the lower end of the Critical Load range was used; • The modelling uses the assumption that the EfW CHP Facility operates continuously at full load (which will not be the case in reality); • Predictions are based on the worst-case meteorological year of the five years' data available; and • The maximum predicted concentration anywhere in the model domain is presented. What PPL is inviting BCP to do is to conclude that mitigation BCP has *required* and *secured* when granting permission for the ESS ERF scheme, will not in fact be delivered or effective. That is a nonsense.
51	Adopting the precautionary approach, which is applicable in such circumstances, the applicant has not demonstrated that the acknowledged harm would be fully mitigated and therefore doubt remains and the application fails the legal test and must be refused.	PPL yet again makes an assertion based on incorrect and misconstrued observations. The information presented within the **SHRA's (Appendix 8.3)** forms a sound basis for the LPA to carry out their own Appropriate Assessment. The **SHRA's** ultimate conclusion – that with the proposed mitigation there will be no adverse effect on the identified designated sites – is a robust conclusion supported by the detailed information set out within the assessment.
52	**Airfield:** At present the Canford application is subject an objection from Bournemouth Airport. At the EIA Scoping stage, the Council wrote the following response to the applicant: *"The Applicant's specialist safeguarding consultant contacted their counterpart at Bournemouth Airport and commented that if the proposed development would not penetrate any safeguarded surfaces, then there would be no requirement for an Instrument Flight Procedure (IFP) check to be undertaken. IFP design relates to route planning for aircraft and is a complicated, technical and highly regulated process. The Airport's representative carried out a brief initial assessment in this regard which indicated that there*	The LPA did not write the quoted text, nor was this included in their **EIA Scoping Opinion (Appendix 5.2**, of the **ES Chapter 3: Description of the Proposed Development)**. The text refers to a letter from Bournemouth Airport's planning consultants to the LPA's consultation on the EIA Scoping, who since the Applicant engaged directly with Bournemouth Airport during the pre-application stage, have had no further involvement to date. The **Aviation Impact Assessment, Appendix 3** of the **Planning Statement**, confirms the Proposed Development complies with Policy 20 of the Waste Plan (2019). Work is under way, agreed in detail with Bournemouth Airport, such that clarity can be provided that the Proposed Development will avoid impact on aviation activities and that any theoretical risk to aviation will be within regulatory

Para ref	PPL's representation	Applicant's response
	would be no effect on some relevant surface, approach and departure area considerations. However, it also identified a significant penetration of the Airport's "Type A" surface. The "Type A" surface describes parameters which enable an aircraft operator to comply with the relevant International Civil Aviation Organisation (/CAO) limitations. The responsibilities of the /CAO include establishing the requirements that exist internationally for aviation safety. These limitations are intended to ensure that for each flight, accurate take-off performance calculations are made and, in the event of an engine failure, an aircraft can either abandon the take-off run and stop safely or become airborne and clear obstacles by the required margins. Such assessments are not generic. Rather, they are unique to the aircraft type being used by the individual airline at the specific setting, so any one airline may have different assessments against the same obstacle environment. The Applicant's consultant was therefore advised that an in-depth IFP assessment would be required to support an application. This would be needed in addition to provision of other relevant details, including for example in relation to risk of bird strike. *If the Applicant's IFP assessment identifies any performance impacts in relation to current arrangements, then this is very highly unlikely to be acceptable to the Airport and the airlines operating from it as it may (for example) demand reduced payloads or changes in the type of aircraft operating. Any changes to IFPs to accommodate the scheme would also be unacceptable. Even if an alternative could be identified it would have to be agreeable to the airlines and acceptable in terms of the altered impacts on local people from modified flight paths, and even then, go through a full redesign and approval process which would be expected to take a period of years. In essence, any impact from the proposed development in this regard is unlikely to be acceptable. The Airport represents infrastructure of considerable economic importance to*	acceptable levels. In reality this means extremely low levels of risk as aviation safety is a highly regulated matter. The Applicant is confident this work will be concluded soon and will enable the airport to remove its holding objection to the planning application. To confirm, these discussions are taking place and it is the Applicant's view that a resolution can be secured. We draw the LPA's attention to the following statement in Bournemouth Airport's representation[19]: *"Whilst BIAL formally objects to the Planning Application. It is in discussions with MVVUK and hopes to find a satisfactory solution for both parties. Once this is agreed, we will remove our objection"* It is worth noting the proximity of similar facilities to airports elsewhere of which the best example is the Lakeside EfW facility that is around 1,200m from the western end of the northern runway at Heathrow. Canford EfW CHP Facility is proposed around 7,000 metres from the western end of Bournemouth Airport's runway, see **Figure 2-1**, **Appendix 3 (Aviation Impact Assessment)** of the **Planning Statement**.

[19] https://boppa.poole.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=_POOLE_DCAPR_268765

Para ref	PPL's representation	Applicant's response
	the BCP area and wider sub-region. It was impacted heavily by the pandemic and any threat to its recovery from that will be strongly opposed. In this context any planning application for a facility of the nature anticipated at Canford will be subject to very careful scrutiny".	
53	The ES for the current application does not cover aviation safeguarding in any way. Instead, the submitted Planning Statement contains a brief Aviation Impact Assessment as Appendix 3. This sets out, as advised at the Scoping stage, that the top of the EfW stack would sit just less than 5m below the Outer Horizontal Surface and the Approach Surface. However, no IFP assessment was undertaken, despite the explicit request to do so in the Scoping Opinion. In this regard the submitted ES does not comply with Regulation 18(4)(a) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.	See response to Para ref 52. The **EIA Scoping Opinion (Appendix 5.2**, of the **ES Chapter 3: Description of the Proposed Development)**, issued by BCP on 14 October 2022, does not refer to aviation.
54	Whilst it will ultimately be a matter for Bournemouth Airport to determine whether it maintains its objection or is ultimately content that it could co-exist with the EfW facility, a degree of harm is considered likely and the Council should weigh this in the balance.[20]	See response to Para ref 52.
55	**Compliance with the Allocation:** The DWP Inset 8 covers the Canford Magna site allocation and describes how there are opportunities to intensify waste management uses to manage larger	PPL now returns to its argument based on a mistaken understanding of the *existing* permitted capacity at CRP and what that means for the Proposed Development in the context of the (non-definitive) assessment of the allocation

[20] As considered by the Inspector in another Green Belt case where the Warren Farm Motorway Service Area (MSA) resulted in non-determinative harm to Denham Airport, a general aviation aerodrome. At para 63 of the decision (APP/X0415/W/21/3272171) the Inspector stated: *"Therefore, the existence of the airport would be unlikely to be prejudiced or its overall economic value in serving business, leisure, and training needs reduced, as referred to in paragraph 106 of the Framework. Moreover, the MSA would not place unreasonable restrictions on the airport. Furthermore, I do not see the increase in risk being of a magnitude which would be sufficient, in itself, to justify dismissing the appeal. But it is an issue that should be attributed s ome harm in the overall planning balance".*

Para ref	PPL's representation	Applicant's response
	quantities of waste and provide the ability to manage waste further up the waste hierarchy, within the existing site (6.08ha) and on land to the west, referred to as the 'Extension' comprising 0.66ha of land. Under the heading 'Potential additional capacity', it states that the: *"Site has been assessed for circa 25,000tpa of additional capacity for residual waste management".*	for c.25,000tpa additional capacity for residual waste management in the Waste Plan. As is explained below the combination of current consented capacity with processing residues from the existing CRP-based MBT and MRF means that in fact no additional capacity will be required.
56	As stated in our point 2 previously, the allocation is subject to 'Development Considerations' including compliance with DWP Policy 21, HRA assessment and retention of existing vegetation to reduce visual impacts.	These matters are mainly dealt with elsewhere in this response. **Paragraph 1.2** of the **Landscape, Ecology and Arboricultural Management Framework** (**LEAMF**) submitted with the planning application and forming **Appendix 8.5** of the **ES Chapter 8: Ecology and Nature Conservation**, explains that *"retention of existing vegetation including existing trees and woodland strip to provide a buffer between the site and the SNCI and to reduce visual impacts",* as set out in Waste Plan Inset 8 Development Considerations.
57	The proposed Canford EfW, at 260,000 tpa, would be over **10 times** the capacity assessed in making the allocation. The EfW building would be over 35.5m taller than the existing buildings on the site and the new stack 75m taller and significantly wider than the existing stack on site. At such a scale, the existing vegetation, retained or otherwise, would play no role whatsoever in reducing the visual impacts of the upper half of the development.	PPL is mistaken. As regards PPL's mistake regarding the capacity point, we draw attention to **para 8.2.58** to **8.2.59** of the **Planning Statement** which states: *"Within Inset 8, relating to land at Canford Magna, Poole (CRP) for "Potential additional capacity" the plan states "Site has been assessed for 25,000 tpa of additional capacity for residual waste management. Exact capacity will be assessed in connection with individual proposals". In contrast, for Insets 9 and 10 (Mannings Heath and Binnegar) the corresponding wording is "Site has been assessed for its potential to manage up to 100,000 tpa of residual waste. Exact capacity will be assessed in connection with individual proposals".* *It is important to note that the criterion "Potential additional capacity" relates to potential to contribute to the plan target of 232,000tpa capacity and is not about waste additional to that which already at Insets 9 and 10 – because there is no residual waste management currently at these sites. In contrast, CRP is licensed for up to 750,000tpa of waste. As is explained earlier, the proposed 260,000tpa of residual waste and RDF that the EfW CHP Facility would process is in fact all materially within the existing 750,000tpa licensed capacity of CRP and hence*

Para ref	PPL's representation	Applicant's response
		there would not actually be a requirement for the additional 25,000tpa referred to in Inset 7." As regards the existing vegetation, it will self-evidently have a role in reducing visual impacts, and PPL is misreading the policy, perhaps deliberately, to argue that it is only satisfied if existing vegetation reduce the visual impacts of all aspects of a proposal.
58	In addition, the proposal includes the creation of a single track permanent road through open countryside and outside of the allocation, terminating in the point of grid connection circa 700m to the south east of the main EfW building. The grid connection requires a permanent 2,700m^2 compound, again in open countryside and outside of the allocation, surrounded by a 2.4m high metal palisade fence and containing a variety of electrical equipment, two 29m high masts and a new building with a circa 33m^2 footprint.	PPL's point here is obscure. In any event, there is very little flexibility over the location of this element of the Proposed Development: the DNC Connection Compound and the linking road. The costs and disruption of cabling beneath public highway to reach Redhill substation through Bear Cross and Kinson would be significant and would lead to higher resistance losses of power as a function of greater cable length. Redhill substation is, in any event, within the Green Belt, see **paragraph 8.4.3** of the **Planning Statement**. The DNC Connection Compound, as with the EfW CHP Facility itself, will be removed after 40 years and is temporary, see **Section 3.10 ES Chapter 3: Description of the Proposed Development** and **Appendix 3 (List of Draft Conditions** of the **Planning Statement**. It also benefits from paragraph 151 of the NPPF being an element of a renewable energy project. In delivering this element of the project the Applicant would also provide a significant net increase of 7,700m^2 in the area of the Heathland Support Area (HSA), including extended footpaths, see **Figure 4.8 (DNC Compound and HSA)** of the **Planning Statement**.
59	The Canford application contains no structured alternative site assessment such that the lack of suitable non-Green Belt sites can be discounted and thus is judged to be in conflict with DWP Policy 21. In respect of the Portland ERF, it simply relies upon the decision of Dorset Council's planning committee to refuse the application and	The Canford EfW CHP Facility Site is allocated in the Waste Plan for the purposes included in the planning application, see **Section 6.2** of the **Planning Statement**; the Portland ERF site is not.

Para ref	PPL's representation	Applicant's response
	dismisses it on that premise. However, that application is now subject to a planning appeal and as such remains a live application and entirely capable (indeed considered likely) of being granted planning permission.	In examining the Waste Plan, and finding it sound, the Inspector considered compliance with national policy (the fourth test of soundness). National planning policy for waste requires (paragraph 4) that "*Waste planning authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations. In preparing their plans, waste planning authorities should identify the broad type or types of waste management facility that would be appropriately located on the allocated site …. Plan for the … recovery of mixed municipal waste in line with the proximity principle …".* This is what Dorset and BCP Councils have done, which the Local Plan Inspector ratified by recommending adoption of the Waste Plan. Waste Plan adoption in 2019 followed an extremely detailed and exhaustive process undertaken by the Waste Planning Authorities between 2012 and 2019. The work is summarised in "Background Paper 2: Waste Plan Site Selection, November 2017", which remains available in the archives section of the DC website. A staged process of identifying and assessing sites was undertaken including • A call for sites • A review of sites allocated in the previous 2006 Waste Local Plan • A review of existing waste facilities • A sieve search for new sites This work took place over a number of years and involved numerous opportunities for landowners to request sites be considered. PPL's Portland ERF site did not feature in any of the work above. As it stands the site has been refused planning permission (see **Appendix A**) for a wide range of reasons. Notwithstanding that PPL has exercised its right to appeal, at this stage the Portland ERF site must be considered unsuitable, that being the recommendation of DC's case officer and the unanimous decision of DC's Planning Committee. In the circumstances, what the Applicant has done by way of consideration of alternative sites in the **Planning Statement** is an entirely appropriate, proportionate approach.

Para ref	PPL's representation	Applicant's response
		Furthermore, in addition to the reasons for rejecting PPL's Portland ERF, which are given in the Applicant's **Planning Statement (para 8.2.54** to **8.2.55)**, and which in turn reflect the approach BCP as LPA took in granting planning permission for an EfW on the allocated Parley site (Inset 7 – also in the Green Belt), PPL's own submission reveals another clear advantage of the Canford EfW CHP Facility over Portland ERF. This is that the power output at Portland ERF is lower and less efficient. It is stated as 15.2MW compared to 28.5MW proposed for the Canford EfW CHP Facility (**Section 9.2** of the **Planning Statement)**. This is partly because Canford EfW CHP Facility is a larger plant and partly because it is more efficient. On the accepted basis that 50% of the power output of either plant would be renewable, this means Canford EfW CHP Facility would produce 6.65MW more renewable power than Portland ERF. This is a major benefit of Canford EfW CHP Facility versus the Portland ERF alternative.[21] In Dorset and BCP, the only currently feasible alternative source of renewable energy is solar. As solar power only generates at full power for an average of 10% of the time, and EfW for 90% of the time, a much larger power output solar array would be needed to provide the difference. Probably one solar farm of over 50MW capacity which would therefore occupy up to 260 acres of land; no small undertaking in an area with the AONB and WHS constraints of Dorset.[22] This is a major advantage of the Proposed Development. It should also be considered that in treating 58,000 tonnes more residual waste annually than Portland ERF, the Canford EfW CHP Facility would be leaving less waste still requiring treatment. Based on the 232,000 tonnes annual need established in the Waste Plan, to which the 113,000 tonnes annual export from the Canford MBT may be added (See **paragraph 6.2.26** to **6.2.37** of the **Planning Statement**), and assuming 50,000 tonnes annual capacity is provided at Parley, even with Canford EfW CHP Facility being developed there would

[21] See footnote 1 above
[22] See footnote 1 above

Para ref	PPL's representation	Applicant's response
		remain a need for 35,000tpa to go somewhere else. If PPL's Portland ERF were, unexpectedly, permitted and developed instead of Canford EfW CHP Facility, that would be 93,000tpa.
60	The Canford proposal is clearly at odds with the scale of development considered to be potentially acceptable in making the allocation and, for the reasons stated previously, does not comply with the allocations 'Development Considerations'; and therefore fails to meet the required criteria in DWP Policy 3. Thus, any such comforts the scheme could glean from an allocation in the Green Belt, which we suggest are precious few, fall away.	PPL continues to misunderstand. CRP is consented/permitted for 750,000tpa of waste (see **paragraph 6.2.32** of the **Planning Statement**). This was well known to the LPAs when the Waste Plan was prepared, examined and adopted. All of the residual waste that would be treated at the Canford EfW CHP Facility is within the consented/permitted tonnage. The scale of the Canford EfW CHP Facility is consistent with the Waste Plan allocation.
Considerations Weighing in Favour of the Canford Proposal		
61	The claimed benefits of the Canford EfW facility proposal are listed under the (incorrect) heading 'Very Special Circumstances' on page 101 in the submitted Planning Statement (PS). Each is considered below, adopting the applicant's headings	-
62	***Fighting Climate Change:*** PS paragraph 8.2.18 states: *'As ES Chapter 7: Climate Change and Greenhouse Gases concludes, the Proposed Development will have a net effect of reducing GHG emissions associated with waste management".* This is then afforded great (positive) weight.	For the Proposed Development and for PPL's Portland ERF, the counterfactual worst-case scenario for the assessment of climate change (i.e., what would happen without the Proposed Development or Portland ERF) should be that BCP and Dorset's residual waste would, as at present, be transported to energy from waste (EfW) 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, yet that is what PPL has done, and has done so using now outdated 2017 IEMA guidance. PPL's Portland ERF application fails to understand the waste needs of the BCP and Dorset area, hence misapplies a counterfactual to inflate their case. If the Applicant were to take the same approach as PPL has, the Applicant is confident

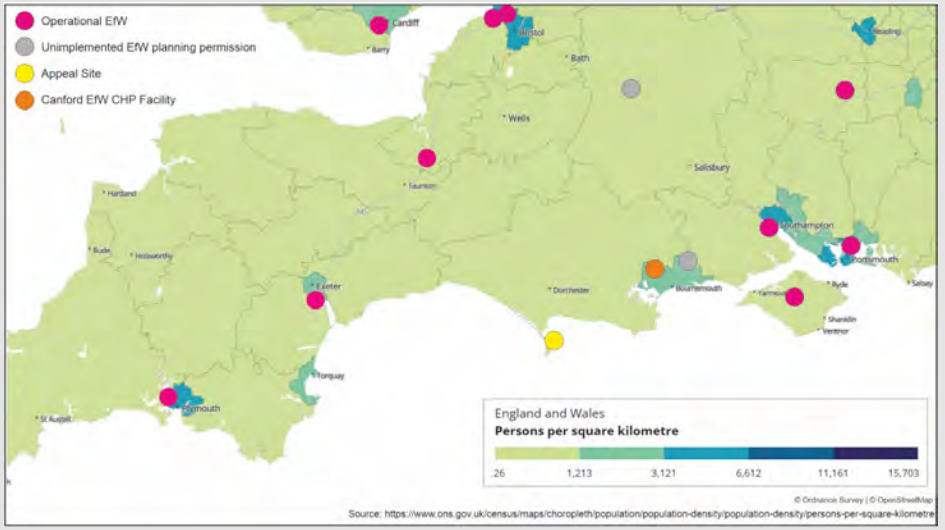
Para ref	PPL's representation	Applicant's response
		that it too could claim a positive climate change benefit, based on the now outdated 2017 IEMA guidance used by PPL, rather than the 2022 IEMA guidance. **Appendix 7.1 (GHG Emission Calculations)** of the **ES Chapter 7: Climate and Greenhouse Gasses** estimates the carbon emissions potentially saved by the Proposed Development due to treatment using all of the EfW capacity there rather than transportation of that waste to a remote EfW (assumed for the calculation to be at Bridgwater, Somerset). This saving is estimated at around 3,300 tonnes of carbon per annum. Portland ERF is approximately half the distance to Bridgwater, so the saving of carbon from transporting the waste there compared to Bridgewater would be around half as much as if the waste were treated at Canford (or in fact slightly less than half as the Portland plant would have a slightly smaller capacity than Canford so circa 58,000 tonnes would still need transporting the greater distance to (say) Bridgewater). The ability to co-treat waste at CRP via the MBT and MRF facility and Canford EfW CHP Facility, thereby reducing vehicle movements on the local road network and CO_2 emissions is a locational benefit of the allocated site (Canford Magna site (Waste Plan Inset 8)) that the Appellant's Portland ERF site simply cannot match. Consistent with its approach throughout, PPL seeks to ignore or downplay the benefits of the Proposed Development.
63	In fact the actual conclusions of ES Chapter 7 say nothing of the sort. Minor adverse effects are predicted during construction, but for the more important operational phase paragraph 7.7.72 and 7.7.3 reads:	PPL has not applied 2022 IEMA[23] 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 the Applicant's. The 2022 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 EfW CHP Facility nor the

[23] IEMA (2022): Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance. *2nd Edition*. [Online] Available at: https://www.iema.net/resources/blog/2022/02/28/launch-of-the-updated-eia-guidance-on-assessing-ghg-emissions

Para ref	PPL's representation	Applicant's response
	"With implementation of the further mitigation measures, excepting CCUS, the Proposed Development's residual effects have the potential to be reduced to ***minor adverse*** *and not significant in the short term. In the longer term, considering the necessary decarbonisation trajectory for the UK to 2050, the residual effect of the Proposed Development is likely to remain* ***moderate adverse and significant.*** *When compared to the Proposed Development and evaluated on the same basis, the business-as-usual future baseline would also be considered to be causing moderate adverse or greater effects. In this comparison, there would therefore be little or no material net change in environmental effects in the with-development scenario compared to the do-nothing future baseline scenario. While a non-significant or beneficial residual effect of the Proposed Development cannot be concluded under the methodology and effect definitions set out in paragraph 7.2.33, the likely significant adverse effects also occurring in the baseline scenario should be borne in mind".*	Portland ERF 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. In fact, the Canford EfW CHP Facility, because it has demonstrably greater efficiency, would have a more positive effect in reducing GHG emissions than those predicted at Portland ERF. The Canford EfW CHP Facility would also lead to fewer lorry miles than at Portland ERF because it is more proximate to areas of waste arising. The benefits would be greater still if incinerator bottom ash (IBA), as is likely, were processed at the existing aggregate recycling facility at CRP (see response to Para ref 68, below).
64	It appears that the author of this part of the PS has not read ES Chapter 7 and the conclusion that significant adverse climate change effects would occur. Thus, when taken on the basis of its own assessment, the Canford proposal offers no benefits in terms of fighting climate change.[24]	It appears PPL has not understood how to apply IEMA Guidelines. See response to Para ref 63. Notwithstanding the approach and conclusions, because the Proposed Development is more efficient, the Canford EfW CHP Facility will emit less carbon per tonne of waste treated than would be the case for Portland ERF. At Canford EfW CHP Facility there would also be the savings of carbon from avoided waste miles, see response at Para ref 62.

[24] The methodology adopted by the applicant is not one that PPL would advocate or has used in relation to our own proposal. PPL considers that the applicant may have understated the potential carbon benefits of the Canford proposal but notes that the Portland proposal, incorporating shore power, would have greater benefits.

Para ref	PPL's representation	Applicant's response
65	We do note that the applicant has a second stab at dealing with climate change in PS sub-section 9.4, but even this only gets as far stating the scheme benefits will increase greatly when carbon dioxide is captured from the exhaust gases and despatched to permanent geological storage. However, this is not a part of the proposal and we comment further on carbon capture below	See response to Para ref 64. Further, it is notable that, unlike the Applicant's approach to carbon capture in the Planning Application for the Proposed Development, PPL has not future proofed its proposal (likely reflecting its lack of experience in this area). As ever, PPL seeks to ignore or downplay the benefits of the Proposed Development, including that it is CCRR.
66	***Pattern of Waste Management:*** This relates to the locational benefits of providing a residual waste management facility at Canford and that it would be more convenient for it to go there because currently some mixed residual waste goes there and historically more waste went there. It is acknowledged that the existing Canford MBT plant received circa 118,000 tpa of waste and exported circa 82,000 tpa of RDF to Europe in 2020; and that co-locating the EfW plant at Canford could have some benefits in relation to this waste. However, based on the submitted Canford application documents, it does not appear clear whether the EfW would take waste from the adjacent MBT plant, or whether it would ultimately seek to take the residual waste directly, bypassing the MBT plant entirely. If the latter, clearly any co-locational benefit falls away. Furthermore, and irrespective of the preceding point, the balance of waste for the EfW plant, potentially up to 178,000 tpa, is not going to Canford at present. Thus, this is a limited benefit which attracts some modest positive weight.	The Applicant believes that were the MBT facility to continue to receive BCP and DC's waste when the Canford EfW CHP Facility becomes operational, the feedstock for its proposal will include the material that currently leaves the adjacent MBT for EfW elsewhere. To this can be added a significant tonnage (around 30,000tpa) of rejects from the separate MRF on CRP, see **paragraph 6.2.26** to **6.2.37** of the **Planning Statement).** These amount to around 143,000tpa. The balance will be material from the BCP and Dorset area that is despatched by other local operators to out of area EfW or to landfill. The Applicant has letters of support. Biffa, for example, believes it could despatch up to 70,000tpa mainly from its Mannings Heath operation in Poole, see **Appendix 8 (Letters of Support)** of the **Planning Statement**. Once again, PPL seeks to ignore or downplay the benefits of the Proposed Development.
67	***Proximity principle, self-sufficiency and spatial strategy:*** This relates to the provision of local residual waste management infrastructure and the avoidance of extensive transportation of residual waste from the BCP and Dorset Council areas. Whilst in this section the applicant confuses the meaning of the proximity principle and self-sufficiency (which relates to the UK as a whole),[10] we do believe the provision of new local residual waste management infrastructure (as the applicant expands upon in sub-	The Applicant considers the proximity benefits, and the self-sufficiency benefits, should both be afforded substantial weight as benefits of the Proposed Development (as should its compliance with the Waste Plan's spatial strategy, unlike the Portland ERF proposal). Self-sufficiency in the Waste Plan clearly refers to the Waste Plan area, rather than merely the national picture (see Waste Plan Policy 1). The spatial strategy strongly favours a location in BCP and south east Dorset.

Para ref	PPL's representation	Applicant's response
	section 9.1 of the PS) is the main benefit of the proposal and should be afforded significant positive weight.	The map below shows EfW facilities (operational and consented) in south west England and south east Wales and illustrates how, in general, they are located close to areas of high population density or inland serving areas that surround them or with proximity to motorway links. The location of the Portland ERF ('Appeal Site') is also shown. **Figure 3.1: Population density and location of operation EfWs, the Appeal Site and Canford EfW CHP Facility** 
68	***Co-located development:*** This is partially a second bite of the same cherry as set out under the Pattern of Waste Management heading above. It is afforded no further weight by virtue of duplication. The slightly new element is a statement about potential opportunities for IBA processing at White's pit, which we do not believe gets a mention anywhere else in the entire application, and an unfathomable statement that: *"There is also potential for co-*	In relation to IBA, MVV as an operator of EfW facilities in the UK and Germany has an excellent understanding of the IBA market, and far better than PPL, which is a speculative developer. The position on IBA processing has moved on from that at the time the planning application was submitted.

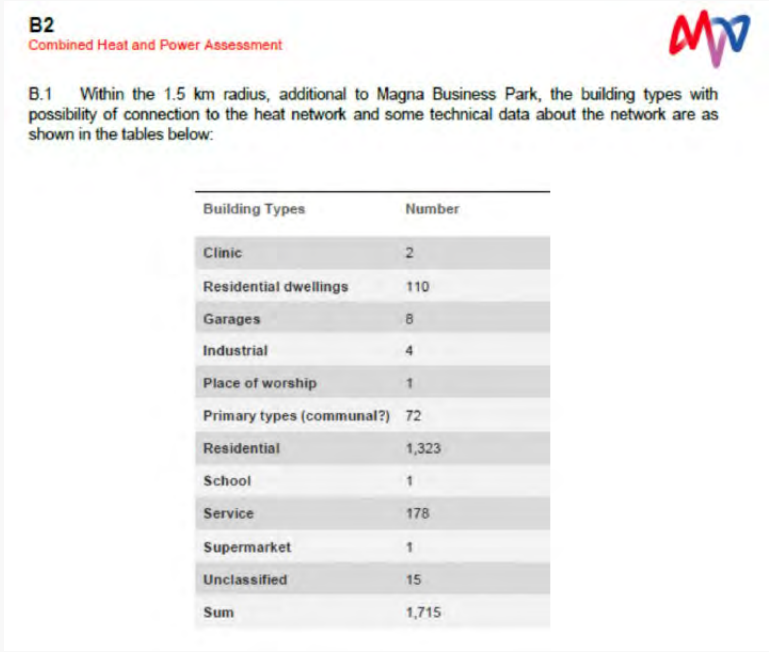
Para ref	PPL's representation	Applicant's response
	ordination of energy production and use with both the existing landfill gas engines and the newly constructed solar farm at White's Pit". We cannot see any benefit in this which should be afforded weight in a Green Belt balancing exercise. We further note that high-performing IBA processing facilities, as a general rule, are typically located independently and serve multiple EfW plants due to the scale efficiencies required to afford the more sophisticated technology that is required to maximise recovery of recyclate from the IBA and optimise re-processing. There is no suggestion that such a 'strategic' IBA processing facility could be located at Canford or White's pit.	MVV currently works with a company called Rock Solid to manage IBA from MVV's operational EfW facilities at Devonport and Dundee. A letter of support from Rock Solid is appended **(Appendix C)**. This explains that Rock Solid currently operates facilities (at Exeter, Devon and Ladybank, Fife) each of which is effectively dedicated to processing IBA from one of MVV's plants. The Devonport EfW CHP facility (265,000tpa) is almost exactly the same size as the Proposed Development (260,000tpa) and Dundee EfW is only slightly smaller (220,000tpa). It can be seen that in addition to supporting the Applicant's Proposed Development, Rock Solid is also expressing firm interest in extending its relationship to the CRP site. In this respect Rock Solid confirms that there are two locations within the wider CRP at which IBA could be processed within the existing permitted operations there. Also appended **(Appendix C)** is a confirmatory letter from Commercial Recycling (Southern Ltd) that owns the land stating it is prepared to agree commercial arrangements for the management of IBA at CRP with Rock Solid. In contrast to the situation pertaining to Devonport, which is 50 miles from Exeter, and at Ladybank, which is the same distance (using the Tay Bridge) from Dundee, the two potential Canford IBA processing sites are adjacent the proposed Canford EfW CHP Facility. This very much delivers on the vision contained within Waste Plan Policy 2: *"Integrated waste management facilities – Proposals for waste management facilities which incorporate different types of waste management activities at the same location, or are co-located activities, will be supported unless there would be an unacceptable cumulative impact on the local area."* In relation to PPL's stated confusion regarding the potential for co-ordination of energy production and use with both the existing landfill gas engines (LFG) and the newly constructed solar farm at White's Pit, and its relevance, these existing facilities currently provide power for the on-site activities at CRP. The LFG power is however in decline, due to the amount of gas reducing since the landfill site closed in 2010 and the solar farm is of course an intermittent generator. Alongside the solar farm is a consented but as yet unbuilt hydrogen electrolyser,

Para ref	PPL's representation	Applicant's response
		intended to convert power generated at the site to hydrogen either as a form of energy storage (i.e., to be converted back to power at times of high demand) or to supply hydrogen as a road fuel for waste lorries and other vehicles. The addition of a third generator, the EfW CHP Facility, with its scale (28.5MW) and baseload characteristics is likely to provide considerable additional flexibility to the way in which these other assets are used.
69	***Heat network and private wire potential:*** Heat off-takes from EfW facilities and private wire connections are very complex to provide for multiple reasons including: cost; lack of fiscal incentives; seasonality; resilience and back-up; and the regulation of the energy distribution network and consumer choice. In addition, the required infrastructure involves significant upfront capital investment that is only repaid over many years and therefore any proposal needs to consider the commitment and credit worthiness of the heat off-taker. As such, under prevailing conditions, CHP off-takes and / or district heating networks and private wire are almost universally limited to: • Single large credit-worthy industrial users with a high process power or heat (steam) demand - e.g. Ineos in relation to the Runcorn EfW facility. • Institutional uses generally under a single ownership / control, such as hospitals, university campuses and prisons. • Feeding into Council owned pipe networks which then serve predominantly Council owned clusters of properties including municipal buildings and council houses. • To a lesser extent, some new build projects where the developer installs the network. • Large single power demand and high credit quality users such as data centres.	Once more, PPL's inexperience is highlighted, once again PPL is self-evidently throwing rocks from inside a glasshouse, whilst seeking without justification to deny or downplay the benefits of the Proposed Development. It is notable that throughout PPL's planning application documentation for Portland ERF, multiple references are made to the Ministry of Justice as a possible heat offtaker, yet without a letter of support. In fact the most recent communication from the MoJ[25] is a neutral statement that MoJ neither supports nor objects to the ERF proposal. Contrast with MVV and the documented support for offtake from the Proposed Development is stark. Unlike PPL, which has no track record of designing, building and operating EfWs or CHP networks, see **Section 1.2** of the **Planning Statement**, MVV is fully aware of the complexities of delivering CHP, having experience in both the UK and Germany. MVV also 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[26]. Since 2015, this modern and efficient facility has recovered 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.

[25] https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=386721 – see MoJ representation date 06.02.2023.
[26] https://www.mvv.de/en/about-us/group-of-companies/mvv-umwelt/subsidiaries/mvv-environment-ltd/devonport-efw-chp-facility-plymouth

Para ref	PPL's representation	Applicant's response
		Based on this experience, the Applicant has a high degree of confidence the Proposed Development will deliver a CHP network to supply decentralised heat and electricity. The Proposed Development is 'CHP ready', and as such: • **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, ES Chapter 3: Description of the Proposed Development)** required to supply heat. • **Suitable CHP network**: The Proposed Development includes a CHP Connection Corridor, see **Figure 2.1** of the **ES Chapter 3: Description of the Proposed Development**, 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, the Applicant is confident that once off-takers are confirmed, a suitable CHP network can be delivered and funded. Moreover, and again in contrast to Portland ERF, the Applicant has solid evidence of heat offtakers. Entirely supportive of the Applicant's aim to supply local heat and electricity, accompanying the Planning Application are letters of support (**Appendix 8** of the **Planning Statement**) from: o Magna Business Park – industrial/business units o CRP – waste treatment operations o AFC Bournemouth – new football training facility and academy Whilst PPL would prefer it if there was no commercial support for CHP at the CRP, in fact there is plenty and PPL's attempt is simply an effort to confuse the LPA by denying it.

Para ref	PPL's representation	Applicant's response
		The Applicant proposes to secure the CHP commitments by planning condition, see **Appendix 7 (List of Draft Conditions)** of the **Planning Statement**.
70	Where CHP off-take, district heating and private wire typically does not work, and rarely if ever has been delivered, is: • Retrofit into residential housing and in particular single dwellings. • Retrofit as space heating in small and medium scale production, storage and distribution units. • Retrofit into other small scale buildings (say less than 1,000m2) e.g. retail uses, offices etc. • Into buildings in multiple ownership and with regular turnover of ownership. • Private wire into buildings/uses without a high power demand.	See response to Para ref 69.
71	The Canford EfW application is supported by a CHP Assessment (PS Appendix 4). This identifies that a CHP connection 'corridor' would be provided. This simply appears to be a route on a piece of paper. Reference to the applicant's proposed planning conditions (PS Appendix 7) shows at condition 17, there is no intention to install and CHP pipework or cabling etc. unless future viable opportunities are assessed as feasible. Even then, the applicant's commitment is only to run pipework/ cabling to the site boundary	MVV is providing for two points of connection for future off-site heat offtakers. These are to the Magna Business Park and to a point on Magna Road. It is worth noting that the Magna Business Park planning permission itself includes a connection route to the EfW CHP Facility Site for a heat pipe. When this consent was granted it was envisaged Magna Business Park would take heat from the Low Carbon Energy Facility. The different characteristics of the Proposed Development now proposed require a different configuration of this pipeline corridor. The connection to Magna Road will enable heat supplied from the EfW CHP Facility to be exported to heat networks that may be developed relating to new and existing development in the wider area. AFCB has expressed interest in taking heat (a letter of support is included as **Appendix 8** to **the Planning Statement**) and supply to its nearby first team training centre and academy would be facilitated by the Magna Road connection point.

Para ref	PPL's representation	Applicant's response
		PPL has of course no certain heat offtakers from its plant and despite multiple references to the Ministry of Justice taking heat for the nearby prison estate at Portland PPL has no letter of support.
72	The CHP Assessment identifies, at its Appendix B, the CHP off-take opportunities are: 	See response to Para ref 69.
73	Why residential is split in two is unclear. These are all existing dwellings/ houses (almost all privately owned) under construction, or houses on which the report states construction will start imminently. Given the applicant provides an estimated operational date for the EfW facility of 2027 (ES paragraph 3.9.1), which is subject to planning and judged to be extraordinarily optimistic in any	The direction of government policy towards ceasing using gas as the main means of heating is such that alternative technologies and commercial models are being reviewed. Retrofit may occur. Moreover the area around the Canford site is one in which there is continued ongoing pressure for new residential development. The 2017 and 2020 green belt studies were both intended to inform the location of future large scale housing development by removing land

B2
Combined Heat and Power Assessment

B.1 Within the 1.5 km radius, additional to Magna Business Park, the building types with possibility of connection to the heat network and some technical data about the network are as shown in the tables below:

Building Types	Number
Clinic	2
Residential dwellings	110
Garages	8
Industrial	4
Place of worship	1
Primary types (communal?)	72
Residential	1,323
School	1
Service	178
Supermarket	1
Unclassified	15
Sum	1,715

Para ref	PPL's representation	Applicant's response
	event; these properties would be built before the plant. Hence, any CHP provision would need to be retrofit and is judged to be extremely improbable.	from green belt. Sites considered when the 2018 Poole Local Plan, such as further development north of Bearwood and development near Merley House seem very likely to come forward within the next decade.
74	The other buildings are generally small scale, based on the description and review of aerial photography and again retrofitting CHP into this type and scale of development is extremely improbable.	See response to Para ref 73. AFCB has indicated it is interested in a heat supply to its new first team training facility and academy at Canford Magna (see **Appendix 8** of the **Planning Statement**).
75	This leaves Magna Park which is a new development. This site is allocated for 16,000m^2 of 'B1, B2 and B8' uses and is understood to also be consented for the same. The first 3 units are on the market and comprise something approaching 10,000m^2 divided across 3 mid-sized distribution 'sheds'. Again these are highly likely to be built and occupied long before the EfW facility could ever be operational. Further, the Canford application provides no information regarding the credit quality of the off-taker and therefore unless the owners of Magna Park commit to guarantee the heat infrastructure payback, it is highly unlikely that this investment would ever be made. Thus, in reality, Magna Park represents a very small and very unlikely outlet for direct power and or heat provision from the EfW proposal.	See response to Para ref 69.
76	In conclusion, CHP off-take does not form part of the planning application and the local 'opportunities' appear to be retrofit to residential property and some mid-sized distribution sheds. All of the evidence nationally, points towards a very low likelihood that the applicant would ever secure an off-take in relation to such uses. To put this in its true perspective, there is no known, existing CHP scheme serving such a development mix anywhere in the UK. Accordingly, it is judged CHP potential should be given very limited weight at best.	See response to Para ref 69.
77	Surprisingly, neither this sub-section, nor any other part of the 'very special circumstances' case make any mention of the direct energy generation benefits of the proposal, although the generation of	The Canford EfW CHP Facility will generate 14.25MW of renewable energy, see **Section 9.2** of the **Planning Statement.** The Portland ERF proposals will

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	renewable energy from the biogenic fraction of the waste fuel (circa 50% of the throughput) is referenced as an advantage of the scheme in sub-section 9.2 of the PS.	generate only 7.55MW. In both cases this is based on the assumption 50% of the energy produced will be renewable. However, the Portland ERF is slightly smaller and therefore offers less waste management potential to Dorset and BCP (assuming the feedstock does not come by sea, in which case it would offer no waste management benefit to Dorset or BCP). The Portland ERF is also less efficient, which explains the larger part of its lower predicted power production, see Para 59 above. [27]
78	Thus, whilst overlooked by the applicant, in reality, the development of new domestic energy generating infrastructure, which would use an indigenous fuel source, contributing to energy security; and generate energy which is partly renewable and fully dispatchable (i.e. non-intermittent), is the second main benefit of the proposal and should be afforded significant positive weight.	Substantial positive weight should attach to the Proposed Development because of its contribution to domestic power production from an indigenous and partly renewable source. An advantage of the Canford EfW CHP Facility over the Portland ERF is that Canford would generate more renewable energy being both larger (and thus providing more of a solution to BCP and Dorset's waste management needs) and being more efficient (see **Section 9.2** of the **Planning Statement**). There must be some doubt whether the Portland ERF will truly represent a recovery operation, because, within a very small margin of error of its calculated efficiency, it may operate merely as a disposal, rather than a recovery, facility; see also response to Para ref 91, below.[28]
79	**Carbon capture and storage potential:** Carbon capture does not form part of the planning application and the ES (paragraph 3.4.51) indicates the proposal: "... 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 EfW CHP Facility and transport this to a storage facility)". It then explains: *"The area proposed for the laydown/maintenance and future environmental requirements area (/023 Figure 3.1) as part of the Proposed Development could accommodate a future CCS facility*".	To support emerging policy on Decarbonisation Readiness[29] and to ensure the Applicant 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, so the Proposed Development is CCRR. Allowance is made to accommodate plant and equipment to capture carbon dioxide (CO_2) from the flue gas emissions of the facility and transport this to a storage facility. 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

[27] See also footnote 1

[28] See also footnote 1

[29] https://www.gov.uk/government/consultations/decarbonisation-readiness-updates-to-the-2009-carbon-capture-readiness-requirements

Para ref	PPL's representation	Applicant's response
	a. All EfW facilities require space for laydown / maintenance facilities which are critical to accommodating the materials required for shutdown maintenance. The Canford EfW is on a very tight site constrained on all sides by a combination of protected vegetation and an existing building. In the event a CCS facility was developed on this area, discussed below, there would be no space left for laydown / maintenance facilities. b. We measure the CCS space as being circa 900m^2 which it is less than half the space required for any currently deployable CCS technology It simply would not fit. Should the applicant question this, which we very much doubt, they should be asked to produce an indicative scheme to demonstrate their claim is feasible. c. The CCS facility would require planning permission and would represent further inappropriate development in the Green Belt. It would also be of a significant scale, with an absorber column typically around 45-50m in height and a stripper, up to 30m in height, and result in a further perception of intensification of development within the Green Belt. Setting aside the fact CCS could not be delivered in the available space, the construction of a CCS facility in this sensitive location would further add to the significant harm to the openness of the Green Belt that already arises from the EfW itself, both in spatial and visual terms. d. The site is generally poorly located for CO2 capture. It is not within or close to any of the identified carbon capture clusters. It would seem extraordinarily unlikely that it would be viable to lay a new pipe over several kms to the sea straight through the Poole/ Bournemouth conurbation. Transporting CO2 by road for an unknown distance, for the	the laydown/maintenance and future environmental requirements area (**ID23 Figure 3.1** of the **ES Chapter 3: Description of the Proposed Development**) as part of the Proposed Development can accommodate a future CCS facility. The Applicant has given careful consideration to ensuring the Proposed Development is CCRR, drawing on MVV's considerable experience, and proposes to secure the CCS commitments by planning condition, see **Appendix 7 (List of Draft Conditions)** of the **Planning Statement**. As regards the sub-paragraphs to PPL's unfounded criticism: a. PPL is incorrect, space around the EfW CHP Facility Site can be used for maintenance and laydown along (see **Figure 3.1** of the **ES Chapter 3: Description of the Proposed Development)** with the added benefit of land at CRP, a benefit of the co-location with other waste management uses. The letter appended from Commercial Recycling (Southern) Ltd **(Appendix C)**, which is the owner of a large part of CRP, confirms this. b. MVV's engineering and technical team are well aware of the technical and space requirements for CCS technology and confirm the CCS space is sufficient to accommodate a future carbon capture and storage facility. c. Should the CCS facility be required it will be subject to a planning application at this time. d. The proposed planning conditions deal with matters of viability, see **Appendix 7 (List of Draft Conditions)** of the **Planning Statement**. MVV is a leader in carbon capture. It has commenced operations of a trial carbon capture plant at Mannheim and this will inform its decision making on retrofitting carbon capture at its UK facilities, including Canford EfW CHP Facility if, as is hoped, the LPA grant planning permission for the Proposed Development. Regarding CO_2 transport it is clear the Government envisages pipelines to be the core technique and CRP is well located for this; proximate both to the Dorset oilfields that might be a geological storage area and the Southampton/New

Para ref	PPL's representation	Applicant's response
	balance of the life of the plant, is a singularly unattractive proposition.	Forest Waterside petro-chemical complex (including Fawley refinery with its deepwater oil port). These two sites are already connected by an existing pipeline running north of the BCP conurbation and to which CO_2 emitters in BCP might easily connect. The model that Government is developing through its cluster sequencing approach is of emitters being connected via pipeline networks, including re-purposing of existing pipeline routes, to geological storage. Where sea transport forms part of that the volumes of CO_2 are likely to be substantially greater than those that might be created daily by a Portland ERF-sized EfW facility. On this basis, the Portland ERF would be required to store CO_2 prior to collection by sea transport. An area of land to accommodate such storage requirements is not indicated within the red line boundary of PPL's proposal. Emerging government policy suggests new EfWs which cannot demonstrate retrofitting of carbon capture will not obtain Environmental Permits (so, in practice, would not be allowed to become operational). PPL's Portland ERF does not allow space for carbon capture, carbon storage, or laydown for maintenance. No evidence is provided that land is available at Portland to deliver such necessary infrastructure. Portland Bunkers Ltd has submitted a substantial technical document to the Planning Inspectorate in respect of the appeal against refusal of PPL's planning application, dated 5 October 2023[30]. This examines the interface between Portland Bunkers Ltd's existing marine fuel supply and storage infrastructure at Portland Port, that comprises of tanks, pipes and a refuelling berth, and Portland ERF. Portland Bunkers Ltd appears frustrated that PPL has not engaged with it on this matter and draws attention to the complexities raised by the regulation of its activities under the Control of Major Accident Hazards (COMAH) regulations. In summary, Portland Bunkers is clearly concerned about the interrelationship between the Portland ERF and its existing operations. Therefore, to increase the land take at Portland Port for a CC facility, including liquified CO_2 store and ship loading berth, it is likely to exacerbate the health and safety concerns of Portland Bunkers Ltd.

[30] https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=386721&AspxAutoDetectCookieSupport=1

Para ref	PPL's representation	Applicant's response
		No such complication exists at CRP.
81	Based on the foregoing, we believe this matter does not weigh in favour of the Canford proposal, but rather counts against it.	Quite the opposite, see response to Para ref 79.
82	***Biodiversity Net Gain:*** The applicant claims that increasing biodiversity net gain (BNG) over the statutory threshold of 10% and which are closely related to a proposal can be afforded significant positive weight. They then cite an appeal decision. We are unclear as to the precise context of that appeal decision and do not agree with such a proposition unless there are specific circumstances that seek to maximise BNG in a particular location (which may have been the case in the cited decision). In short, we cannot see how the additional BNG can be secured or its 30 year management guaranteed. If it is not necessary for the grant of planning permission it would fail the test to be included in either a planning condition or obligation	The Applicant's development partner W. H. White Ltd owns a substantial amount of the land in the vicinity of the Proposed Development. Enhanced management of this land to facilitate higher levels of BNG is possible and the Applicant has a target of achieving 25%. The fact of the available land, combined with the target that allows the Applicant to set, and that it has set, is an unusual, perhaps unique, feature of the Proposed Development. The necessary conservation covenant (secured by legal agreement, see **Appendix 5** of the **Planning Statement**), would have the effect of guaranteeing the land concerned remains undeveloped for the minimum 30-year period, hence also actually strengthening protection of the Green Belt. The Applicant makes no particular point about this in terms of the legal and policy tests for planning obligations and conditions, merely states the fact, leaving the LPA to give it weight or not as it sees fit.
83	We are supported on this point by the Inspector in a conjoined appeal for two MSA schemes in Solihull (APP/Q4625/W/21/3273047). This was a specific Green Belt case and in consideration of the planning balance, the Inspector stated (at paragraph 77 of his decision): *"It was argued that additional positive weight should be attached to the scheme providing the greatest net gain. That is not an approach I support, even if gains significantly above the minimum necessary are provided, which was the case in particular for Appeal B and accepted by its witnesses. Whilst a greater net gain is undoubtedly a good thing, it is not necessary to make the development acceptable in planning terms and so it cannot attract additional weight in the planning balance, or indeed be secured by condition or obligation".*	Whereas the provision of higher levels of BNG may not be considered part of VSC or generally given weight in the planning balance, despite, to quote the appeal decision opposite being "*undoubtedly a good thing*", it is a fact and the Applicant merely states that fact.
84	We suggest that there is no specific requirement for the Canford EfW facility to provide 'additional' BNG; thus it cannot be secured	See response to Para ref 82 and 83.

Para ref	PPL's representation	Applicant's response
	and should not be afforded additional weight in the planning balance.	
85	***Increased investment locally:*** Under this heading the applicant says that heat and private wire power connections, which do not form a definitive part of the scheme, would deliver discounted energy, of which there is no proof or certainty, which would then likely result in increased investment in the local area, which is an entirely speculative statement. We cannot see how any material positive weight is attributable to such an uncertain claim	Once more PPL is mistaken. the CHP Connections to Magna Business Park and along Arena Way are included within the Proposed Development, (see **Section 3.5** of the **ES Chapter 3: Description of the Proposed Development**) and the commitment is secured by condition, **Appendix 7 (List of Draft Conditions)** of the **Planning Statement**.
86	Surprisingly, this sub-section makes no mention of the economic benefits through the capex and opex of constructing and operating the proposal and its associated employment benefits, although these are subsequently referenced as advantages of the scheme in sub-section 9.3 of the PS. The applicant does not afford them any degree of weight, but we take the view they should be afforded moderate beneficial weight.	The capex and opex benefits of constructing the Proposed Development should be afforded moderate positive weight. The Applicant has estimated that it will pay approximately £1 million per year in business rates to BCP Council, see **paragraph 5.6.15** of the **Planning Statement**.
87	***No suitable alternative sites:*** As referenced previously, the applicant provides no detailed, structured alternative site assessment. However, the subject is covered briefly within the VSC section of the PS covering four sites.	The Applicant's **Planning Statement** echoes the assessment the LPA used in granting planning permission in 2022 for an EfW facility located on the other allocated site in the Green Belt (Parley).
88	We agree with the applicant's conclusions in relation to the Parley, Mannings Heath and Binnegar Quarry sites.	Noted.
89	In terms of the fourth site, our site and proposal at Portland, the applicant undertakes no material analysis and simply references Dorset Council's decision to refuse the application on 24th March 2023. That decision is now appealed and will be heard by inquiry in December 2023 with the target date for the Inspector's decision being 26th January 2024	PPL's planning application for Portland ERF was refused planning permission in March 2023, see reasons for refusal in **Appendix A**. The Applicant's **Planning Statement** correctly references this fact and summarises the reasons for refusal at **paragraph 8.2.54** to **8.2.55** and has further discussed the disbenefits of PPL's Portland ERF proposal above.
90	The Portland ERF scheme was the subject of a very comprehensive and detailed planning application which was in determination for 3.5	As regards the environmental permit position for the Proposed Development advanced pre-application consultation has occurred with the Environment

Para ref	PPL's representation	Applicant's response
	years. Unlike the position at Canford, the Portland planning application was twin-tracked with an Environmental Permit application (as considered best practice), which we expect will be granted shortly, and before the appeal is heard. It has also been given a clean bill of health in relation to appropriate assessments carried out by both Dorset Council and the Environment Agency.	Agency and an application is now in preparation. It is noted that whilst the PPL EP application appears to have been submitted at around the same time as its planning application (September 2020), it has also been subject to requests for additional information and remains undetermined as of November 2023. To quote PPL's Appellant's Statement of Case at XXI: *"Irrespective of the status of the Environmental Permit, this is a case where paragraph 188 of the Framework applies i.e., that: "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively".* As for the Portland ERF proposal, at 3.5 years old, the Applicant questions the soundness of the Environmental Statement and supporting documents for PPL's Portland ERF application. Some key deficiencies highlighted in the Applicant's representation to the Portland Appeal (ref: 953582, see **Appendix B**) within the ES are: • **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)** – The counterfactual of landfill for the climate change assessment does not present the worst-case scenario, required for the EIA. • **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.

Para ref	PPL's representation	Applicant's response
		Residual waste or RDF. PPL has recently submitted a Supplementary Statement of Case (October 2023) to the Inspector hearing the appeal against refusal of its proposals for Portland ERF. This states that the Portland ERF is now proposed to receive "residual" waste as well as refuse derived fuel (RDF). There are possible implications of this for the EIA, in particular traffic effects. Most EfW facilities receive residual waste as well as RDF and a proportion of this typically arrives directly from Refuse Collection Vehicle (RCV), the same lorries that collect the rubbish from the kerbside. These are smaller than bulk transfer lorries that are used to deliver refuse derived fuel or unprocessed residual waste transferred from further afield. Therefore, if this is included as part of the Portland ERF proposals, it will lead to an increase in the number of vehicles accessing the site and the possible pattern of their movements. This is not a hypothetical point – if household waste collected in Weymouth and Portland ceases as at present to go to Canford MBT and were delivered instead to PPL's plant, it is highly likely that the RCVs would go directly to Portland. These additional movements were not assessed in the Portland ERF ES or the EIA as a whole. It does not appear the Highways Authority or other relevant consultees have assessed the different traffic patterns that might result from the delivery of residual waste by RCV. The omissions highlighted above are significant and in respect of 'Alternatives' go to the heart of reason for refusal 1 (for PPL's Portland ERF). The ES supporting PPL's planning application is not considered fit for purpose.
91	The Portland ERF proposal is on an allocated employment site within an operational industrial port, on brownfield land and falls outside of the Green Belt. It is a waste recovery facility which can meet the need for which the Canford EfW scheme has been proposed and can do so without causing any harm to the Green Belt and significantly less other harm. Further, it would give rise to a series of benefits greater than those which an EfW at Canford would, or could, deliver. As such, it is a material planning consideration in your authority's determination of the Canford EfW scheme	The response to Para ref 80 above notes the comments made by Portland Bunkers Ltd on the Portland ERF, which cast doubt on the suitability of the brownfield land at the port for the Portland ERF and the ancillary uses such as carbon capture. This is yet another reason the site is unsuitable, and a further explanation (if another explanation is needed) as to why it is not an allocated site in the Waste Plan. As is set out in the introductory comments, PPL's proposals are only just R1, even on its own figures. PPL has not shown its working to demonstrate being R1 but, even if correct, 0.68 is not far above 0.65, the threshold for R1, and is

Para ref	PPL's representation	Applicant's response
		nowhere near the 0.83 R1[31] score the Applicant has calculated, see **Appendix 6 (Design Stage R1)** of the **Planning Statement**. This is a very serious point, as if Portland ERF turns out not to be R1, then the correct planning policies to determine it on are those that relate to disposal operations which, as Policy 7 of the Waste Plan says is a "last resort". Attempting to address this serious point, PPL have, during their Appeal, altered the Portland ERF (technology design) and included uncommitted offtake opportunities in a revised R1 calculation. This approach results in a face value increase, however, does not accurately represent a reliable design stage calculation; perhaps the reason why the updated R1 energy efficiency calculation does not appear in the suite of PPL's Environmental Permit application documents[32]?
92	In the event that the Portland appeal is allowed, which we believe will be the case, the identified need will be shown to be capable of being met on a site outside of the Green Belt. Thus, the Canford EfW proposal could not demonstrate that very special circumstances exist and therefore could not comply with DWP Policy 21. Accordingly, it must then be refused. Hence, your authority should not determine the Canford application until the Portland appeal decision is known, expected on 26th January 2024	The Applicant refers to the introductory comments and **Appendix D**.
93	It is not the purpose of this letter/ objection to exhaustively describe the merits of the Portland ERF scheme or all of the advantages of developing an ERF at the Portland site over the Canford allocation. However, in summary, the benefits of the proposal are that it would: a. Provide Dorset and BCP Council's with some commercial scale residual waste treatment capacity (noting that it presently has none, nor any active disposal sites), which	PPL's objection is transparently a spoiling objection, because it recognises that a grant of permission for the Proposed Development would render its already weak case for the Portland ERF weaker still. As regards the sub-paragraphs, and comparing/contrasting with the Proposed Development:

[31] With CHP offtake the Canford EfW CHP Facility R1 efficiency value increase to circa 0.9, see **Appendix 6** of the **Planning Statement**.
[32] https://consult.environment-agency.gov.uk/psc/dt5-1pp-powerfuel-portland-limited/

Para ref	PPL's representation	Applicant's response
	would move the management of residual waste up the hierarchy, reduce the requirement for the Council's to export their waste out of their administrative areas and allow them to take greater responsibility for their own waste. b. Provide on-shore low carbon energy supply for the Port and specifically berthed ships (via provision of Shore Power infrastructure and energy) which will result in a general improvement in air quality for the local area, help ensure the continued cruise ship business that provides significant local socio-economic benefits and facilitate the continued commercial business and employment at the Port. c. Provide a source of dispatchable, low carbon / partial renewable energy generation, using new generation infrastructure and utilising an indigenous fuel source. d. Result in a net reduction in CO2 emissions over its design life. e. Provide an identified, deliverable and credible opportunity to provide district heating to two local prison facilities that have the credit quality to allow the required investment to be delivered with potential for future expansion to other heat users. f. Represent a circa £180 million capital investment, and create skilled jobs (construction and operational phases), plus a further positive GVA added throughout the plant's life. g. Provide a Heritage Mitigation Strategy which would include removing a Scheduled Monument from the 'At Risk' Register.	a. The Waste Plan has established the scale of need for residual waste management and has allocated sites to meet it. So far proposals have come forward on two of those sites that in combination provide nearly all of the residual waste management the plan area needs (Parley, already granted, and this site, for the Proposed Development). Thus, in waste need terms the Portland ERF, on an unallocated site, would only make sense if the waste feedstock came from elsewhere by sea, and that seems unlikely. Hence PPL's desperate attempt to do down this Planning Application. b. An EfW facility produces a consistent amount of power continuously. This baseload power is increasingly important as higher amounts of intermittent solar and wind power are supplied to the grid. Provision of shore power for ships docked at Portland will always be an inconsistent market, unless one or more ships are *always* berthed and requiring power. Portland Port may be better advised to consider alternatives such as battery storage or hydrogen to provide the power requirements of visiting ships and help them avoid running diesel generators or main engines to keep their domestic services running whilst in harbour. c. An EfW CHP facility at CRP will be demonstrably more effective and more efficient in achieving all of these benefits than the proposed Portland ERF. d. An EfW CHP facility at CRP will be demonstrably more effective and efficient in achieving this benefit than the proposed Portland ERF. e. This appears to be a claim lacking support, certainly lacking any enthusiastic support, from the Ministry of Justice, which would be the customer. By contrast, for the Proposed Development there are three heat offtakers who have submitted supporting statements in favour of the Planning Application (**Appendix 8** of the **Planning Statement**) and a nearby business park being developed plus the potential for new housing being promoted by developers within proximity to CRP.

Para ref	PPL's representation	Applicant's response
	h. Provide an important footpath link which would complete the 'round the island' footpath. i. Has sufficient adjacent space to install a carbon capture facility and a coastal location with potential synergies for proximate undersea CO2 geological storage. j. Opportunities to move waste and residual materials to and from the site by sea, rather than by road, a further unique benefit derived from the site's port location.	f. The Proposed Development represents around £290m of investment (see **paragraph 9.3.2** of the **Planning Statement**) and the Applicant commits to an employment and skills strategy, secured by planning condition, see **Appendix 7 (List of Draft Conditions)** of the **Planning Statement**. g. It is remarkable PPL claims this as a benefit of its Portland ERF proposal. A heritage mitigation strategy is needed due to the great harm PPL's proposal would cause to heritage. Unlike Portland ERF, for the Proposed Development there is no need for heritage mitigation. h. A permissive path is included, but it is debatable whether this should be given any weight applying the legal and policy tests for planning obligations and conditions. In the circumstances it is also entirely possible that this late alteration to the original Portland ERF planning application could be withdrawn by the landowner, by dint of the Appeal Inspector's application of a "blue pencil" to the s.106 planning obligation document that PPL will no doubt place before the inquiry. i. No space is allocated within the Portland ERF site for CCS, and again PPL's lack of experience in this field is apparent. j. If waste were to be delivered by sea it would be highly unlikely to be from the Waste Plan area. CO_2 removal by sea would require liquefied CO_2 storage at large volume, that is larger than the capacity of the ship which would be used to transport it. Likewise, IBA moved by sea would require bulking to the capacity of the ships carrying it. At CRP, land exists for IBA treatment adjacent the proposed Canford EfW CHP Facility Site which is already permitted for that activity, see **Appendix C**.
94	Dorset Council's reasons for refusal are judged to be narrow and based around conflicting technical consultee responses. PPL believes our planning prospects at appeal are very strong and that this is reflected in our Statement of Case, a copy of which is attached as Annex A to this letter	DC decided to refuse permission after two and a half years' consideration of PPL's planning application, by which time it is clear DC was fully confident it had all the necessary information required to determine the planning application, and satisfied there were multiple reasons for refusal. As well as the points of non-

Para ref	PPL's representation	Applicant's response
		compliance with the Waste Plan's strategy, significant landscape and heritage concerns have been raised.
The Green Belt Balancing Exercise and Conclusions		
95	The Canford proposal is demonstrably inappropriate development in the Green Belt and would significantly affect both the spatial and visual openness of the Green Belt, very significantly in the case of the later; and cause harm in relation to the first three Green Belt purposes. The overall harm caused to the Green Belt should be afforded very substantial weight	Following pre-application advice from the LPA, the Applicant has examined the issue of harm to openness and inappropriate development, focusing on the points raised by the LPA pre-application. The LPA will need to form a judgment about the existence of harm. If such harm does exist then it must be afforded substantial weight, but there is then a relativity question of how substantial it is compared to the weight of the VSCs, and indeed how relatively weighty it is in terms of Green Belt harm *per se*.
96	In terms of 'any other harm' there would be significant landscape and visual effects and harm to the setting of 3 Scheduled Monuments, all barrows, which whilst constituting less than substantial harm, would represent a real change to their settings; and is not accepted as being at the lower end of the scale. The landscape and heritage harm should be afforded considerable weight.	The heritage harm which is assessed to be less than substantial and at the lower end of that scale, and any landscape and visual impact harm, is offset by the significant public benefits of treating waste close to where it arises, rather than transporting it long distances, co-location, and the resultant carbon benefits. These benefits are all greater for the Proposed Development than they would be for Portland ERF if it was permitted and built. Or in some cases Portland ERF cannot offer these benefits at all. The landscape/visual and heritage harm at Portland ERF is demonstrably greater than that of the Proposed Development at Canford.
97	The applicant has not demonstrated that acknowledged harm to European protected habitats would be fully mitigated and thus, on a precautionary basis, this harm weighs against the proposal. A degree of harm to the operation of Bournemouth Airport also weighs against the scheme.	The **SHRA (Appendix 8.3)** correctly addresses the scope for effects on the SAC and provides the LPA with the information it needs as competent authority in determination of the planning application. The Applicant is in discussion with Bournemouth Airport that says in its objection that it will withdraw its objection once that process is satisfactorily complete, see response to Para ref 52, above. .
98	The applicant concludes that the greenhouse gas (CO2) effects of the proposal would be moderately adverse and significant. Ordinarily this would result in considerable harm weighing against it.	The moderate adverse harm predicted is the inevitable conclusion of the correct interpretation of the up to date IEMA guidelines and therefore applies to Portland ERF just as it applies to the Proposed Development. PPL's failure to apply the

Para ref	PPL's representation	Applicant's response
	However, we doubt the efficacy of the applicant's work in this regard. The applicant then specifically relies on CCS to mitigate this harm which, as a matter of fact, does not form part of the proposal. Further, despite the applicant's claims, the scheme / site is not capable of accommodating a carbon capture plant as the only possible location for such an element is way too small. This is a significant shortcoming of the proposal, highlighting its lack of future resilience and should be afforded considerable adverse weight.	appropriate guidance is yet another indication of PPL's lack of experience in this field. This conclusion reached by the application of the correct guidance to the Proposed Development does not mean there will not be a positive carbon outcome from the Proposed Development compared to the do nothing scenario: there clearly will be. But IEMA 2022 requires projects to be measured against their consistency with the UK as a whole avoiding 1.5˚C of warming. The introduction of carbon capture is a possible future upside that would create a negative emissions scenario and which the Applicant considers likely, but taking a cautious approach the Application does not suggest the LPA should assume it will happen. However, it is true to say that with no EfW facility there can be no carbon capture, at least none that would capture over 95% of the carbon in the waste and ensure it never enters the atmosphere.
99	Finally, a prospective alternative non-Green Belt site exists on which an appeal decision should be delivered by 26th January 2024. This is located on an allocated, brownfield employment site, can meet the need for which the Canford EfW scheme has been proposed, and can do so without causing any harm to the Green Belt, and significantly less other harm. In addition, it would have greater overall benefits than the Canford proposal. As things stand, this should be afforded considerable weight. If the appeal is allowed that would become very substantial weight and a determinative factor against the Canford proposal in its own right.	There is no legal or policy basis for deferring a decision on the Planning Application pending a decision on PPL's appeal, whatever the likely outcome of that appeal (though the appeal decision for Portland ERF is likely to be a refusal). To wait for a decision on the Portland ERF appeal would defeat the purpose of the plan led system and the seven years of work it took to create the Waste Plan that allocates the Canford EfW CHP Facility Site.
100	In terms of considerations weighing in favour of the proposal, we attribute significant positive weight to both the provision of 'local' residual waste management infrastructure which would deliver better environmental outcomes for BCP's / Dorset's waste; and the provision of new domestic energy generating infrastructure and its associated benefits.	These benefits of the Proposed Development are not in dispute (not even by PPL). By contrast, the Portland ERF would not be local in terms of the waste it would treat.
101	In addition, there is moderate weight afforded to overall economic benefits and modest positive weight afforded to how the proposal	A matter for the LPA's judgment, however, the co-locational benefits of the Proposed Development at the allocated CRP site and its close proximity to the

Para ref	PPL's representation	Applicant's response
	fits with the overall 'pattern of waste management' by virtue of co-location.	main waste arisings within the Waste Plan area far exceed those purported by PPL's Portland ERF site and attract significant positive weight in the planning balance.
102	We attribute very limited weight, at best, to the opportunities to deliver a heat network and / or private wire, and no positive weight to the overprovision of BNG, or wholly speculative 'increased investment locally', by virtue of elements which are not even part of the proposal. Further, the proposal takes no benefit through being on an allocated site as it clearly falls well outside of the scope of development planned for by that allocation.	Again ultimately a matter for the LPA to determine, however, the Applicant disagrees with the biased interpretation of a speculative developer (PPL) with no track record of building and operating ERFs. The Proposed Development represents a real opportunity to deliver residual waste treatment for BCP and Dorset in the right location, develop a CHP network, be carbon capture ready, increase biodiversity and develop local employment and skills opportunities; all commitments to be transparently secured by either legal agreement or planning conditions, see **Appendix 5** and **7** of the **Planning Statement** respectively.
103	In summary, the considerations weighing for the proposal, two of which attract significant weight, are the standard, typical benefits of delivering an EfW facility. However, this is self-evidently a case where there is very significant harm to the Green Belt coupled with multiple other harms which in combination weigh very heavily against the scheme. We cannot see how, when reviewed objectively, the positive considerations **clearly** outweigh the harm to the Green Belt and the totality of the other harm. Accordingly, the application should be refused.	PPL's hyperbolic approach reveals the paucity of its argument and its desperation. Contrary to PPL's assertion, when reviewed soberly and objectively (which PPL has failed to do), the Proposed Development benefits from VSCs that **clearly** outweigh any harm to the Green Belt and the totality of the other harm. Accordingly, and contrary to PPL, the Planning Application for the Proposed Development should be approved with the conditions set out in **Appendix 7** of the **Planning Statement**.
104	Looked at simply, the proposal would effectively deliver the same waste management, energy and economic benefits as the 'typical' or 'average' UK EfW, but would result in far greater harm than would be associated with such a plant. Further, unlike many contemporary EfW proposals, it lacks credible future CHP opportunities and the site cannot physically accommodate a carbon capture plant based on any currently deployable technology	As is set out above in Para ref 95 to 103, none of this is correct.
105	Finally, we reiterate that our Portland ERF scheme is an important material consideration in your authority's determination of the Canford application. If our appeal is allowed, the Canford proposal cannot demonstrate very special circumstances or comply with DWP Policy 21. We advise that unless your authority moves to	PPL's Portland ERF has been refused planning permission. DC and two Rule 6 parties are contesting the appeal. None of the circumstances leading to the refusal of planning permission have materially been altered. However, since the Portland ERF *"involves proposals which would have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World*

Para ref	PPL's representation	Applicant's response
	refuse the Canford application swiftly, it should not otherwise determine the application until the Portland appeal decision has been issued.	*Heritage Site",* the Secretary of State has recovered PPL's appeal, see **Appendix D**. PPL is also wrong to argue that a grant of planning permission for its Portland ERF proposal would deprive the Proposed Development of its VSCs case. See the **Planning Statement** and above for the VSCs.
	We trust that the foregoing is self-explanatory and will be given full regard in your determination of the Canford EfW facility application. Please do not hesitate to contact us should you have any queries regarding the contents of this letter.	PPL's objection is the product of an entirely self-interested, and rather desperate, attempt to do down the Proposed Development, because PPL recognises (but would never publicly acknowledge) that if BCP grants planning permission for the Proposed Development, then PPL's already weak case for the Portland ERF becomes weaker still. Almost every paragraph of PPL's objection could legitimately merit the response "they would say that wouldn't they", given that the Canford EfW CHP Facility, on an allocated site, and the other allocated sites have always represented an existential threat to the Portland ERF project. Applying the overarching statutory test set by s.70 of the TCPA 1990 and s.38(6) of the PCPA 2004, the Proposed Development should be granted planning permission without delay, in compliance with the statutory development plan, and other material considerations, and in the interests of good planning. The outcome for PPL's Portland ERF appeal should be very different, but regardless it represents no impediment to, or reason to delay, granting planning permission for the Proposed Development.

Appendix A Powerfuel Portland decision notice (refusal)

Dorset Council

Planning Services
County Hall, Colliton Park
Dorchester, Dorset, DT1 1XJ
01305 838336- **Development Management**
01305 224289- **Minerals & Waste**
www.dorsetcouncil.gov.uk

Paul Rogers
Terence O'Rourke
Everdene House
Deansleigh Road
Bournemouth

Date: 24 March 2023
Ref: WP/20/00692/DCC
Case Officer: Felicity Hart
Team: Minerals & Waste
01305 224263
felicity.hart@dorsetcouncil.gov.uk

Planning Decision Notice

Full Planning Application

Town and Country Planning Act 1990
Town and Country Planning
(Development Management Procedure) (England) Order 2015

Application Number:	WP/20/00692/DCC
Location:	Portland Port Castletown Portland DT5 1PP
Description:	Construction of an Energy Recovery Facility (ERF) with ancillary buildings and works including administrative facilities, gatehouse and weighbridge, parking and circulation areas, cable routes to ship berths and existing off-site electrical sub-station, with site access through Portland Port from Castletown.

Dorset Council **refuses** planning permission for this development as detailed in the application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

This planning permission is refused for the following reasons:

1. The proposed development, being located on a site that is not allocated in the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019, fails to demonstrate that it would provide sufficient advantages as a waste management facility over the allocated sites in the Plan. This is by reason of its distance from the main sources of Dorset's residual waste generation and the site's limited opportunity to offer co-location with other waste management or transfer facilities which, when considered alongside other adverse impacts of the proposal in relation to heritage and landscape, mean that it would be an unsustainable form of waste management. As a consequence, the

proposed development would be contrary to Policies 1 and 4 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 and paragraph 158 of the NPPF.

2. The proposed development, as a result of its scale, massing and height, in the proposed location, would have a significant adverse effect on the quality of the landscape and views of the iconic landform shape of the Isle of Portland within the setting of the Dorset and East Devon Coast World Heritage Site, particularly when viewed from the South West Coast Path and across Portland Harbour. As such, the proposal is contrary to Policy 14 of the Waste Plan, Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan, Policies Port/EN7 and Port/BE2 of the Portland Neighbourhood Plan, and paragraph 174 of the NPPF.

3. The proposed development would cause 'less than substantial' harm to a range of heritage assets. Public benefits of the scheme have been assessed, taking account of the mitigation proposed, but are not considered sufficient to outweigh the cumulative harm that would occur to the individual heritage assets and group of heritage assets, with associative value in the vicinity. As a result, the proposal is contrary to Policy 19 of the Waste Plan, Policy ENV4 of the West Dorset, Weymouth & Portland Local Plan, Policy Port/EN4 of the Portland Neighbourhood Plan and Paragraph 197 and Paragraph 202 of the NPPF.

Decision Date: 24 March 2023

Mike Garrity
Head of Planning
Economic Growth and Infrastructure

Planning Decision Notes

Power to refuse planning permission

This decision is issued by Dorset Council as the local planning authority set out by the Town and Country Planning Act 1990 (as amended) and the Town and Country (Development Management Procedure) (England) Order 2015 .

Site Notice

If you have not already done so I would be grateful if you could take down and dispose of this application's site notice if it is still being displayed outside the property.

Appeals

If you disagree with our planning decision or the attached conditions, then you can appeal to the Secretary of State (Planning Inspectorate) under section 78 (1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within Six Months of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against our enforcement notice, then you must do so within 28 days of the date of service of the enforcement notice.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. https://www.gov.uk/appeal-planning-decision.

An appeal must be made by the applicant. Forms are available on-line at Appeals - Appeals - Planning Portal

The Planning Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems that we could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

The Planning Inspectorate does not normally refuse to consider appeals solely because we based our decision on a direction given by them.

For further information about making can be found at www.planningportal.co.uk.

Southern Gas Networks – Overbuild Advisory

There are several risks created by building over gas mains and services. If you plan to dig, or carry out building work to a property, site or public highway you should check your proposal against the information held at https://www.linesearchbeforeudig.co.uk/ for any underground services.

Purchase Notices

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

If this happens, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

Appendix B Applicant’s Interested Party representation to the Powerfuel Portland Appeal

For official use only (date received): 09/10/2023 17:22:32

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

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

DETAILS OF THE CASE

Appeal Reference	APP/D1265/W/23/3327692
Appeal By	POWERFUEL PORTLAND LIMITED
Site Address	Portland Port Castletown Portland Dorset DT5 1PP Grid Ref Easting: 368998 Grid Ref Northing: 74438

SENDER DETAILS

Name	MR ROBERT ASQUITH
Address	Savills (UK) Ltd Wessex House, Priors Walk WIMBORNE Dorset BH21 1PB
Company/Group/Organisation Name	MVV Environment Ltd

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

Page 1 of 3

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

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section:	REPRESENTATION
Document Description:	Your comments on the appeal.
File name:	231009 Portland EfW appeal - MVV IP statement.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Page 3 of 3

Portland ERF Appeal – IP Statement

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.

Contents

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 (CCRR) 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

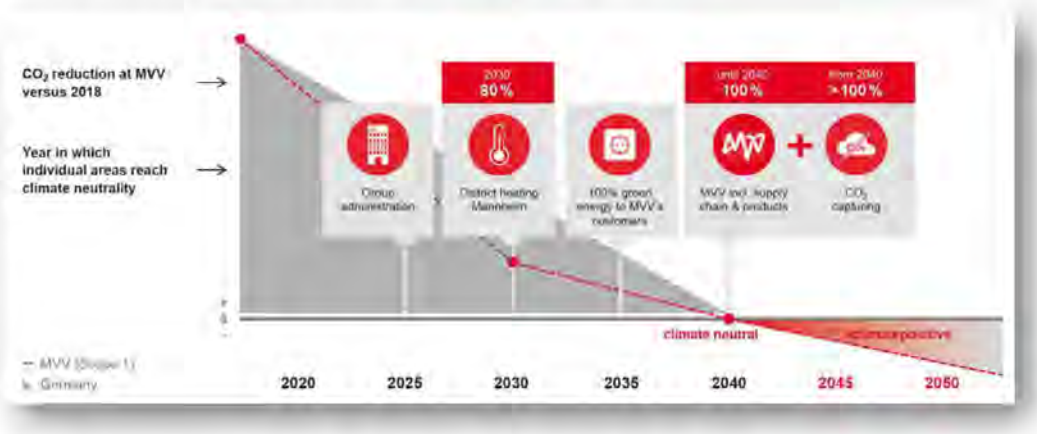
capacity the MVV proposals require 9,122 tonnes per annum whereas Powerfuel's requires 13,289. Powerfuel would process 77.7% as much waste as MVV but produce only 53.3% of the power. MVV's proposals are therefore more efficient and this difference, MVV believes, reflects its greater experience as a developer 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 (CO_2) emissions by over 80% by 2030 compared to 2018;
- reduce its indirect CO_2 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).

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).

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.

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.

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.

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.

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.

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.

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.

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.

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.

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).

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 substatially 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.

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.

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.

Powefuel 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

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.

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APPENDIX A: PORTLAND APPEAL APP/D1265/W/23/3327692 – MVV comments of Appellant Statement of Case

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	This reason for refusal centres primarily on the matter of sustainable waste management and can be broken down into the following considerations: • *Sufficient advantages over other Waste Plan allocated sites* • *Proximity to the main sources of Dorset's residual waste generation* • *Opportunities to offer co-location with other waste management facilities*	Two policies are quoted in the Reason for Refusal: Waste Plan policies 1 and 4 The parts where Appeal proposals conflict with the policies are: • Policy 1 "… *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:* … *Self Sufficiency – facilities that enable the Bournemouth, Christchurch, Poole and Dorset area move towards net self-sufficiency* *Proximity – facilities that adhere to the proximity principle through being appropriately located relative to the source of the waste."* 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. 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.

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

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.

- Policy 4 – Applications for waste management facilities not allocated in the Waste Plan

"Proposals for waste management facilities on unallocated sites will only be permitted where it is demonstrated that they meet all of the following criteria:

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;*
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;*
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*
d. *The proposal complies with the relevant policies of this Plan.*

"

In considering points a to d above the following is relevant.

Part a

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/ Heidelbeg where MVV runs a large heat network and a large EfW plant

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

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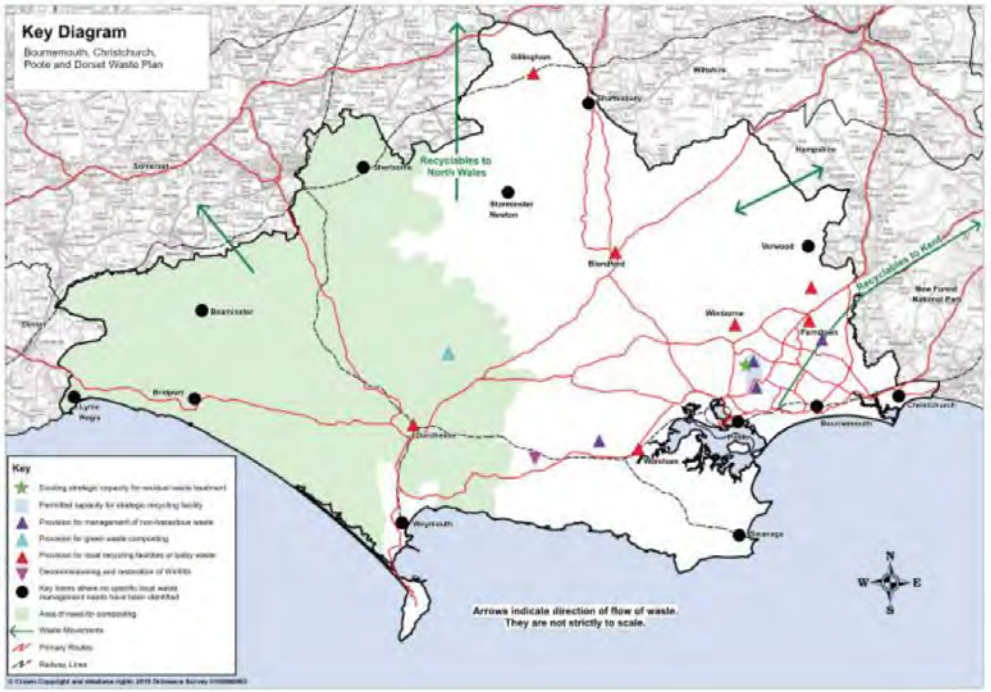
APPENDIX A: PORTLAND APPEAL APP/D1265/W/23/3327692 – MVV comments of Appellant Statement of Case

Appendix 1 - Key Diagram



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APPENDIX A: PORTLAND APPEAL APP/D1265/W/23/3327692 – MVV comments of Appellant Statement of Case

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

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
		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. 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. Part d 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 "*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.*" It goes on to say "*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 ..,*" 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 "*conspicuous and visually intrusive*". The Case Officer concluded "*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.*" The Case Officer concluded "*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*". Taking the above into account the proposal cannot be complaint with Waste Plan policy 14. Reason for refusal 3 cites non-compliance with Waste Plan policy 19 as well as policies of the Local Plan and Neighbourhood Plan. Policy 19 concerns the Historic Environment. It starts by stating

Para Ref:	Appellant's Statement of Case	MVV's response
		"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. …". 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. 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 complaint with part d of Waste Plan policy 19. 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.
2.15	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:	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. 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. 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 CO_2. 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

Para Ref:	Appellant's Statement of Case	MVV's response
		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 CO_2 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 CO_2 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 CO_2 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 CO_2 storage capacity available to fill the size of ship that may be used, with of course surplus capacity needed. 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")
I.	**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	The Appeal Site was refused planning consent, therefore, the asserted benefits cannot be guaranteed over the allocated sites. **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). 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.

Para Ref:	Appellant's Statement of Case	MVV's response
	capacity has been consented and there is no known evidence of any clear intention to deliver it in any event. 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. It is therefore unclear how the capacity assumptions made in the Waste Plan will be delivered.	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: "*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. …*". 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. Paragraph 151 of the NPPF of course includes "*… very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*". Powerfuel in its Planning Supporting Statement (para S10) asserts that the Appeal Proposals provide partly renewable electricity and that this would "*make a significant contribution*" to "*the production of renewable energy and the decarbonisation targets of the local authority*". 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. 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. 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.

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		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. **Proximity to places of residence:** 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. • **Residential properties –** see Dorset Committee Report para 14.118 *"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)."* • **HM Prison The Verne** – see Section 2.4 of the ES Chapter 2: Site description and development proposals *"HM Prison The Verne is approximately 430m to the south west of the site"*. • **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. 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. **Protected heathland habitat:** 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.

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		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. 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.

II.	**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.
	
	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
		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.
		
		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:
		• **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:
		  ○ Magna Business Park – industrial/business units
		  ○ Canford Resource Park – waste treatment operations
		  ○ AFC Bournemouth – new football training facility and academy

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	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.	MVV propose to secure the CHP commitments by planning condition, see Appendix 7 of the Planning Statement. 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. 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.
IV.	**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.	Whilst the Appellant's *ES Chapter 2: Site description and development proposals*, 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. 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. 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.

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APPENDIX A: PORTLAND APPEAL APP/D1265/W/23/3327692 – MVV comments of Appellant Statement of Case

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		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.
V.	**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. 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	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 (CO_2) 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. Concerning the Appeal Site, *ES Chapter 2: Site description and development proposals* 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.
2.16	The Appellant will demonstrate in evidence that the Appeal Site's	

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	locational benefits comply with Waste Plan Policy 4 (criterion a) and that advantages exist over other Waste Plan allocated sites.	**Site assessment:** The Appellant's *Comparative assessment against waste local plan sites, September 2020* 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: • 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.

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

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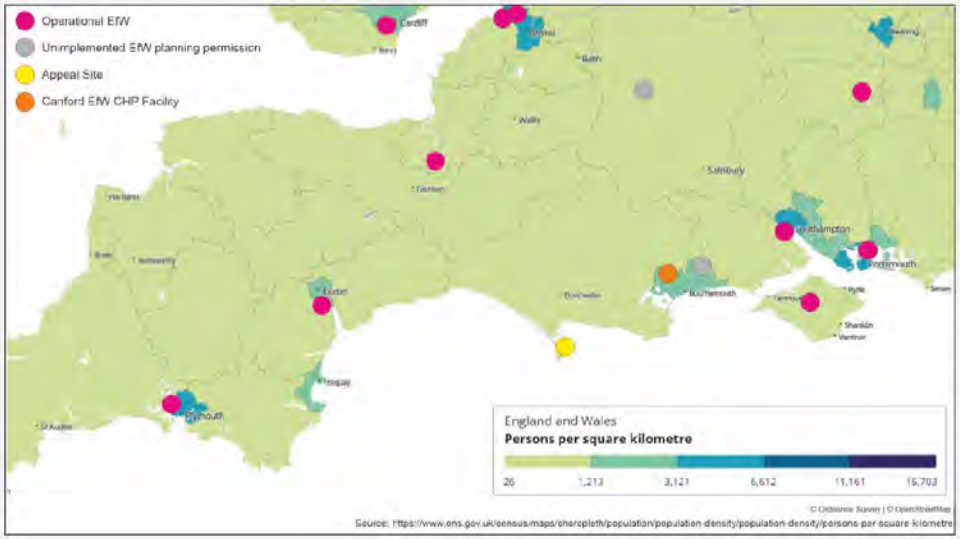
Figure A-3: Existing and proposed EfWs location in relation to population centres – SW England/ SE Wales



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 "*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*	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:

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	cumulative impact on the local area." (emphasis added)	• 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 CO_2 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 CO_2 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	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.	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. 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). 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. 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. 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. 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.

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2.28	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.	Unlike the Appeal Site, the Canford EfW CHP Facility can deliver co-locational benefits, see 2.27, above. 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.
2.29	Importantly here, Waste Plan Policy 2 supports waste management facilities that "*are co-located with complementary activities...*" 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	See response to 2.28, above.

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	that *"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."*	
2.30	The Waste Plan (3.23) recognises the importance of co-location with complementary heat and energy users stating that *"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."*	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.
2.31	The Appeal Scheme significantly benefits from its unique location within an operational port, where there are opportunities to forge links with existing complementary	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

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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).	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. A building of the size proposed for the EfW could for example alternatively contain a battery store 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. 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.
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	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 "*The Waste Plan's role is to identify sufficient opportunities to meet the identified needs of Bournemouth, Christchurch, Poole and Dorset for waste management*". 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.

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	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.	
The extent to which the Appeal Proposal would be an unsustainable form of waste management		
2.36	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.	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).
2.37	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	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.

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Para Ref:	Appellant's Statement of Case	MVV's response
	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.
	• 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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Para Ref:	Appellant's Statement of Case	MVV's response
	• 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.
	• 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).
	• 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.	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	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. 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.

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Para Ref:	Appellant's Statement of Case	MVV's response
	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).	
XII.	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.	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. 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 asa 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. The Waste Plan was found to be sound before it was adopted by BCP and Dorset Councils. 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.
XIV.	Under Waste Plan Policy 21 proposals for waste management facilities (if inappropriate development) cannot be permitted	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

Para Ref:	Appellant's Statement of Case	MVV's response
	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.	to the Canford EfW CHP Facility, and should it be necessary, demonstrate that very special circumstances exist. 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. Paragraph 151 of the NPPF states that "... *very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*". That 2023 with its devasting 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.
XVII.	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.	Disagree, for the reasons outlined in this document. In Summary: • **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. 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.

Para Ref:	Appellant's Statement of Case	MVV's response
XXIII.	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.	Disagree, for the reasons outlined in this document.
XXIV.	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.	The allocated sites form part of the adopted BCP and Dorset Waste Plan (2019), therefore, carry significant weight in the planning balance. 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 *"unjustifiably biased in favour of"* the adopted development plan. Planning applications must of course *"be determined in accordance with the development plan unless there are material considerations that indicate otherwise"* (Planning and Compulsory Purchase Act 2004; S38(6)).

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Para Ref:	Appellant's Statement of Case	MVV's response
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	**Carbon balance and greenhouse gas emissions** **Matter raised:** Use of landfill as the comparator for carbon assessment. **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.	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.	**Carbon balance and greenhouse gas emissions** **Matter raised:** Alternative carbon assessment scenarios – Dorset Waste Plan allocated sites	Disagree, see response at Reason for Refusal No.1 (Waste Policy) IV and V.

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Para Ref:	Appellant's Statement of Case	MVV's response
	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.	
32.	**Carbon balance and greenhouse gas emissions** **Matter raised:** Carbon neutrality and position on carbon capture and storage. **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.	See response at Reason for Refusal No.1 (Waste Policy) V.

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Para Ref:	Appellant's Statement of Case	MVV's response
33.	**Carbon balance and greenhouse gas emissions** **Matter raised:** Inappropriate use of counterfactual baseline. **Appellant's response:** 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.	Disagree see response to Matters raised by interested parties 25.

Appendix C Letters of Support from Rock Solid Ltd and Commercial Recycling (Southern) Ltd

Rock Solid Processing Limited
Unit 3, The Square
Grampound Road, Truro
Cornwall. TR24DS.

9th October 2023

To whom it may concern,

Support of Application for Canford Energy from Waste Combined Heat and Power Facility

Following our letter of support, dated 17th May 2023, Rock Solid Processing Limited (Rock Solid) is pleased to reaffirm its support for the application by MVV Environment Limited (MVV) for the Canford Energy from Waste Combined Heat and Power Facility at Canford Resource Park (CRP), Poole, Dorset.

Since its establishment in 2006, Rock Solid has specialised in the processing of Incinerator Bottom Ash (IBA), generated by Energy from Waste (EfW) facilities across both the UK and Europe, resulting in the high- quality recovery of both metals and aggregate streams from within the IBA itself.

Rock Solid is not only at the forefront of the recovery of both ferrous and non-ferrous metals from IBA, but also in the production and associated distribution of IBA Aggregates (IBAA) into local and national construction markets. Rock Solid continuously offers their valued customers a sustainable, reliable and cost-effective solution, in both a trusted and transparent way. With many years of experience, extending much further back than the establishment of Rock Solid itself, we possess extensive knowledge of applicable markets, and have built a global network in the respective sectors along the chain. Solid cooperation with the right parties is the cornerstone of our business and way of working.

Through our existing working relationship, we believe that the team at MVV have the necessary experience and capability required to deliver this exciting project, and to continue their support for the circular economy. Rock Solid currently provides a recovery process for MVV at its other sites in Plymouth and Dundee, and we are pleased to offer our full support to this project. Indeed, subject to the normal commercial contracts and assessment of the residue, Rock Solid would pride itself in being able to offer MVV with a sustainable solution to the treatment of the IBA produced at the CRP site.

Below are examples of Rock Solid's operations relevant to the Canford proposal:

- Rock Solid has operated an IBA processing facility at Hill Barton, Exeter, EX5 1SD since 2020. This is located on a compact 6,750m² operational site, which provides initial storage to allow maturation processing, then screening, sorting and grading – IBAA, Ferrous metals and Non-Ferrous metals – prior to entering their respective recycling markets. The Hill Barton site was acquired to process IBA solely from MVV's Plymouth EfW facility, which produces around 65,000 tonnes of IBA per annum; a similar volume to that projected to be produced at the proposed Canford facility. In calendar year 2021, Rock Solid received 63,623 tonnes of IBA, of which 98.3% was derived from MVV's Plymouth EfW facility. The other 1,091 tonnes of IBA received were as trials from MVV's Dundee facility and Urbaser's Gloucestershire facility.
- Similarly in Scotland we have a site at Ladybank Fife, it has been operational since 2021, this also is located on a compact area of approx. 7,000m², and works commercially in the same way as Hill Barton, the site was acquired to process the IBA from MVV's Dundee EfW facilities, which produces around 42,000 tonnes of IBA per annum.

Following two site visits to CRP made by Rock Solid in August 2023, and having explored the existing planning and permitting approvals at CRP with MVV, the landowner, W.H.White Limited (WHW) and the current operator of part of CRP, Commercial Recycling Southern Limited (CRSL), we are confident that a commercially viable IBA facility, capable of processing IBA produced solely from the Canford EfW Facility, can be co-located on land currently available and permitted at CRP, although some re-profiling within the site will be required to achieve this. This being achieved by CRP processing, screening and exporting materials currently on site.

In the first instance, Rock Solid's view is that a suitably sized and viable IBA facility can be delivered at the existing inert waste recycling operation at CRP, located on part of the closed landfill known as White's Pit, which is permitted to receive and process IBA (the current Permit includes EWC Code 19 01 12 'wastes from incineration or pyrolysis of waste, bottom ash and slag other than those mentioned in 19 01 11').

Alternatively, or in conjunction, where part of the IBA process is required to be undertaken within a building at CRP, we understand CRSL could make all or part of an existing 1,800m² building at their Recycling Centre at CRP, which is also currently permitted to receive and process IBA (EWC Code 19 01 12), available. The Recycling Centre at CRP, we understand, has extant planning permission for construction of a further 2,600m² of waste processing buildings, which we also understand could be constructed and made available to us, if necessary.

Finally, we understand from CRSL that both permits – for the inert waste recycling operation and the Recycling Centre – have sufficient headroom to receive all the IBA that would be produced from the Canford EfW facility, without requiring any existing waste received to be turned away.

In providing this letter of support, Rock Solid expresses its strong interest in participating in the Canford Energy from Waste Combined Heat and Power Facility project, with MVV as our partner in the circular economy. Through Rock Solid`s controlled and effective high performance recovery process, Rock Solid are able to extract and recycle high volumes of valuable commodities such as the metals and aggregates, which would otherwise go to landfill, thereby ensuring renewable resources are available for generations to come.

Furthermore, by completing the waste cycle, Rock Solid are firmly supporting the wider Circular Economy and helping the UK to achieve its Zero to Waste sustainability goals, hence our company motto of 'From Waste to Value'.

Please be advised that this letter does not constitute an offer to or a commitment to provide or procure the provision of any technology or service to MVV and should not be relied upon as such.

Yours sincerely.

Mr Mark Wederell
Business Director (UK)
Rock Solid Processing Limited

Admin and Credit Control
T: 01202 [illegible]
E: enquiries@[illegible]
W: www.commercialrecycling.co.uk
Canford Recycling Centre, Arena Way, Wimborne, Dorset, BH21 3BW

By Email Mike Turner

13th October 2023

Dear Mr Turner,

RE: Proposed Combined Heat and Power Energy from Waste Facility, Canford Resource Park. Planning Application APP/23/00822/F

Following our letter of support dated, 28th April 2023, I wish to provide the following information, which continues our support of your planning application:

1) As you're aware, following your introduction, we have been in discussion with Rock Solid Processing Limited (Rock Solid) regarding the establishment of an Incinerator Bottom Ash (IBA) recovery / recycling process at either our inert waste recycling operation, located on part of the closed White's Pit landfill, or at our Recycling Centre, both located at Canford Resource Park (CRP).
We can confirm that subject to a commercial agreement, we would be willing to provide land at either of our sites at CRP, both of which currently have headroom and are Permitted to process the circa 70,000tpa of IBA that your facility would produce.
Commercial Recycling (Southern) Ltd (CRSL) has significant experience in handling inert waste streams, having operated at CRP since 2000. Presently, CRSL handles around 250,000tpa of inert waste at CRP, with circa 100,000tpa of headroom available at the inert waste recycling operation, which is Permitted to receive European Waste Catalogue (EWC) code 19 01 12 'wastes from incineration or pyrolysis of waste, bottom ash and slag other than those mentioned in 19 01 11'.
Additionally, were it required, CRSL could offer Rock Solid built infrastructure at its Recycling Centre at CRP. CRSL could make available now a 60m x 30m steel portal framed building, benefitting from planning permission for waste processing. Alternatively, CRSL could build out extant planning permission (APP/14/00733/F), for development of a further 2,600m^2 of buildings, comprising extensions at either end of the existing 60m x 30m building.
Were such building not suitable, CRSL could offer Rock Solid an area of undeveloped land within the allocated CRP, directly north of the 60m x 30m waste building, which measures 50m x 60m and benefits from being within the current Permitted operation, with an extant planning permission (APP/15/00874/Y) for operation of a 36m x 19.5m waste processing building.
We are advised from rock Solid that an area of circa 7,000^2 would be necessary to process the envisaged tonnage of IBA per annum. We can confirm, that CRSL is able to and would welcome providing this area of land to Rock Solid, subject to satisfactory commercial agreement.
Copies of the relevant planning permission decision notices and Permits are enclosed.

Commercial Recycling (Southern) Ltd, Registered Office: Energy Control Centre, Arena Way, Wimborne, Dorset, England BH21 3BW
Registered Company Number: [illegible] | VAT Number: [illegible]

2) Subsequent to a point you recently raised, CRSL can confirm that subject to the land being available at the time needed, were you to require additional laydown area following construction of a future Carbon Capture plant, subject to commercial agreement, CRSL could make an area of underutilised land at CRP, 50m x 60m available to you. This land has remained undeveloped and underutilised for 23 years, with limited prospect of development, subject to the IBA point raised above. Whilst a laydown area use would likely require planning permission, we are confident that this could be achieved, particularly given the synergistic nature of such a proposal with your EfW CHP facility, and we would be happy to work with you, to secure such a planning permission, either prior to, or following, grant of your proposal.

3) As you will be aware, BCP Council is undertaking Early Market Engagement for the management of the waste it manages from September 2027. CRSL has an extant planning permission (APP/13/00242/F) to operate a comingled waste Material Recovery Facility within the headline Permitted treatment capacity of CRSL's Recycling Centre at CRP of 175,000tpa, providing in excess of 80,000tpa of headroom.

BCP Council has stated that it managed 36,000tpa of comingled waste in 2022/23. Additionally, CRSL understands that Dorset Council manages around 27,000tpa of comingled DMR, excluding glass; a total of 63,000tpa.

Following a failed attempt approximately a decade ago to manage both Council's DMR, CRSL will seek to win the tender for a single or joint contract with the council(s) to manage their DMR waste at CRSL's Recycling Centre at CRP. Were this the case, we would welcome the development of your proposal, which would allow CRSL to, subject to commercial agreement, deposit unavoidable reject waste at your Canford facility, minimising haulage requirements for onward management, with associated cost savings. Current market insight is that around 10% of DMR waste is rejected at existing MRFs, requiring management via energy recovery or landfill.

4) Finally, we wish to reiterate the synergistic, co-location benefits to our business of an EfW facility being operational at CRP, particularly with our existing Construction and Demolition and Commercial and Industrial processing plant producing non-recyclable waste that we currently send off-site for either energy recovery or to landfill. Additionally, we understand your facility has been designed to accept bulky waste, such as non-recyclable mattresses, and waste items such as sofas that may contain persistent organic pollutants (POPs) for which we currently have to export such waste from Dorset for energy recovery or landfill.

Subject to commercial agreement, we would welcome the opportunity of delivering residual waste we manage to your CRP facility, rather than hauling it off-site for energy recovery / disposal.

We look forward to a positive synergy between our businesses at CRP.

Yours sincerely,

James Howarth
Managing Director

[illegible] Registered Office: [illegible] England BH21 [illegible]
Registered Company Number [illegible] VAT Number [illegible]

Appendix D Portland ERF Secretary of State recovery letter 30 October 2023

The Planning Inspectorate

Inquiries and Major Casework Team
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5239
Customer Services:
0303 444 5000

Email: mark.boulton@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Planning Officer
Dorset Council
County Hall
Colliton Park
Dorchester
DT1 1XJ

Your Ref: WP/20/00692/DCC
Our Ref: APP/D1265/W/23/3327692

30 October 2023

Dear Planning Officer,

Town and Country Planning Act 1990
Appeal by Powerfuel Portland Limited
Site Address: Portland Port, Castletown, Portland, Dorset, DT5 1PP

Although under the Town and Country Planning (Determination of Appeals by Appointed Persons)(Prescribed Classes) Regulations 1997, the appeal was to have been decided by an Inspector, the Secretary of State considers that he should determine it himself.

Accordingly, in exercise of his powers under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, the Secretary of State hereby directs that he shall determine this appeal instead of an Inspector. This means that instead of writing a decision, the Inspector will prepare a report and recommendation, which will be forwarded to the Secretary of State.

The reason for this direction is that the appeal involves proposals which would have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site.

This direction is being served on the Inspector (if appointed), the appellant (or their representative) and the local planning authority.

The guidelines for 'recovering' appeals are to be found in House of Commons Hansard Ministerial Statement of 30 June 2008 (as amended). We will send you a copy of the appropriate extracts if you ask for them or you can get them from GOV.UK

https://www.gov.uk/government/collections/planning-applications-called-in-decisions-and-recovered-appeals#recovered-planning-appeals

Yours sincerely,

Mark Boulton
Mark Boulton

https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

This decision was made by officials on behalf of the Secretary of State, and signed on his behalf.

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search