

By email.

Date: 21 December 2023

Ref: APP/23/00822/F

Officer: Trevor Badley

📞 01305 224675

✉ trevor.badley@dorsetcouncil.gov.uk

Dear Gareth,

APP/23/00822/F: Demolition and Removal of existing structures and the erection of a Carbon Capture Retrofit Ready Energy from Waste Combined Heat and Power Facility with associated Combined Heat and Power Connection, Distribution Network Connection and Temporary Construction Compounds and associated buildings and ancillary car parking.

Thank you for consulting Dorset Council on the above application. This response comprises Officer-level comments, and considers the acceptability in principle of the proposed development in relation to the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 ('the Waste Plan'), adopted December 2019. The Waste Plan forms part of the development plan for the application site. The Waste Plan was prepared by Dorset Council on behalf of BCP Council, and Dorset Council therefore provides advice on the local waste planning policy context. The response considers the application against the Waste Plan's strategic policies and provides some commentary in relation to its development management policies.

The site

The Canford Resource Park (CRP) is located off the A341 Magna Road at Canford Magna, approximately 6km north of Poole town centre. The proposed EfW CHP Facility Site comprises 2.3 ha of partially developed and brownfield land, located in the south-west part of the CRP site.

CRP is the principal location in BCP Council, and the wider sub-region, for the processing of residual waste, construction and demolition waste and recycling waste streams. These are received from both local authority and commercial sources. The wider CRP includes:

- a Mechanical Biological Treatment (MBT) facility taking 125,000 tonnes per annum (tpa) of residual waste.
- a landfill gas engine generator compound
- a Materials Recovery Facility (MRF) with capacity to take 150,000tpa of mixed waste.
- an inert waste recycling facility, and
- a partially constructed but non-operational low carbon energy facility consented to take up to 100,000tpa of residual waste – proposed to be demolished and replaced by the EfW CHP Facility

The combined consented waste capacity of the existing operations at CRP is over 750,000 tpa. CRP has a varied waste related planning history and a number of historic applications are recorded against the land.

The proposal

The proposal is for the construction of an EfW CHP Facility, to process up to 260,000tpa of residual waste, offering a final step of on-site treatment to a considerable volume of material that is currently exported from CRP for final treatment or disposal. The EfW CHP Facility is expected to generate 28.5MWe of electricity for export, with 5MWth of heat energy available, subject to commercial contracts, to supply heat to potential future heat networks.

It is noted that the EfW CHP Facility would share the existing CRP access via Arena Way to a traffic light-controlled junction on the A341 Magna Road. Magna Road connects via the A349 to the west with the A31 at the Merley Interchange. The A31 is part of the National Roads system operated by National Highways. It forms the strategic highway through BCP Council and Dorset, linking to the next nearest major urban areas, and motorways, to the west (Dorchester and Weymouth, then Exeter/M5) and east (Southampton/M27 and M3). The closest Public Rights of Way to the EfW CHP Facility Site are approximately 250m away to its north and east, with mature trees, landform, or existing buildings obstructing views towards the EfW CHP Facility Site.

Observations of Dorset Council as neighbouring Waste Planning Authority.

The allocated site(s)

The Waste Plan assessed the need for capacity to manage non-hazardous waste arisings, based on forecast growth in arisings and permitted capacity at facilities in Bournemouth, Christchurch, Poole and Dorset. The Waste Plan identifies (Table 7, p. 55) that during the Plan period there will be an expected shortfall in capacity for managing non-hazardous residual waste - that is, the residue remaining after non-hazardous waste from kerbside collections, household recycling centres and the commercial and industrial waste stream has had all materials for recycling and composting/bio-treatment removed. Taking the capacity of the existing MBT plant at CRP as offering 125,000tpa of treatment capacity, the Plan projected that by 2033 there would be a residual waste capacity shortfall of approximately 234,000 tpa. We set out below the findings of the updated residual waste capacity shortfall which was recently presented to the Portland ERF Inquiry to put this figure in context.

If the Plan area is to provide for its own needs appropriate facilities are needed to manage this waste. The Waste Plan makes provision for residual waste treatment facilities to manage waste arising from the Plan area, allocating four sites through Policy 3 – Sites allocated for waste management development (Insets 7 to 10). All are existing waste management facilities where potential exists for intensification or redevelopment. These four sites were allocated following a full review of potential alternative sites, and taking into consideration all relevant constraints. A key consideration was the underlying Spatial Strategy for the Waste Plan, which includes the following text: *‘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’.*

Inset 7 – Eco Sustainable Solutions, Chapel Lane, Parley

The Waste Plan allocated Eco Sustainable Solutions, Chapel Lane, Parley as having scope to redevelop and intensify waste management uses on this site and increase capacity to manage larger quantities of waste. As part of the preparation of the Waste Plan, the site was assessed for its potential to manage c.160,000tpa of residual waste (on top of the existing permitted uses).

It is noted that an application received by BCP Council in March 2021 proposing a facility at Chapel Lane to manage up to 60,000tpa of non-hazardous residual waste was granted planning permission on 8th December 2022. This can be expected to make a contribution towards meeting the assessed capacity gap.

Updating of Capacity Forecasts

As noted, the Waste Plan¹ forecast a shortfall in capacity for the management of non-hazardous residual waste throughout the Waste Plan period. At 2023 this was projected to be 178,000 tpa, rising to approximately 234,000 tpa by the end of the Waste Plan period, 2033. However, these projections are based on data generated in 2015, which is some 8 years ago. To aid us in understanding the implications of the dated nature of the Waste Plan evidence base for the current Appeal for an EfW plant at Portland, further work² has been undertaken to gain a better understanding of need, now and into the future. This has involved applying updated values to waste arisings and factors such as recycling rates, taking account of national policy measures introduced since the Waste Plan was formulated. This found that (see, e.g. Table 5 on p.13 or Table 6 on p.14 of Alan Potter's rebuttal to the Powerfuel appeal) taking the Plan area in isolation, while a shortfall in capacity to manage Plan area non-hazardous residual waste management is still projected, that shortfall will be less than that identified in Table 7 of the Waste Plan.

The proposed EfW CHP Facility at CRP would provide for up to 260,000tpa of residual waste management capacity for c40 years from the date of its commencing operation were it to be consented and built out i.e. to c2065. Although a need for additional capacity to manage forecast arisings of residual waste remains, if the Plan's Spatial Strategy is to be delivered, and given the updated need forecasts referred to together with the recent 60,000 tpa permission at Parley, we are concerned that a facility of the size proposed at CRP could compromise the operation of the waste hierarchy that various policy measures adopted by Government since formulation of the Waste Plan are intended to achieve through to 2050.

We therefore recommend BCP Council reviews the revised forecasts carefully and, in the light of these, considers whether the scale of this application ought to be revised down. In light of the updated evidence Dorset Council considers that a facility with a capacity of 260,000 tpa would be unjustified if it is intended to meet the needs of the Plan area alone. If it is intended that substantial tonnages would be imported from outside the Plan area to make up any shortfall, that will clearly raise its own issues that can be taken into account in BCP Council's determination.

¹ Table 7, p. 55 – Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019

² Appeal by Powerfuel Portland Limited against the refusal by Dorset Council of Planning Application Ref.

WP/20/00692/DCC - Rebuttal Of Appellant's Planning (Need) Proof Of Evidence – Alan Potter, BPP Consulting

The current proposal – Inset 8 of the Waste Plan 2019 - Land at Canford Magna, Poole

Inset 8 of the Waste Plan states that the existing CRP site has been assessed for the provision of approximately 25,000 tpa of additional capacity for residual waste management. The proposed EfW CHP Facility provides for the management of up to 260,000 tpa of non-hazardous waste on an allocated site. It would be capable of meeting a need for capacity to manage residual waste arising in the Plan area, on a site allocated in the Waste Plan in accordance with the Spatial Strategy but Dorset Council's updated assessment of need shows that the capacity gap is materially lower than that forecast by the Waste Plan 2019 and the capacity of the current proposal.

The Waste Plan requires that the proposal clearly demonstrates that there would not be adverse effects on the integrity of European sites, in order to fully comply with the allocation in the development plan. The development of the ERF should also meet the requirements of Policy 6 – 'Recovery facilities', the criteria of which are referred to in the relevant sections below. Criterion a of Policy 6 requires demonstration that the proposal supports the spatial strategy. As the proposal provides capacity for the management of non-hazardous waste on an allocated site, this criterion is considered to be met.

Inset 8 of the Waste Plan 2019 notes that the allocated uses of the site include 'opportunities for intensification and redevelopment of the site including the management of non-hazardous waste'. In terms of potential additional capacity, 'the exact capacity will be assessed in connection with individual proposals'.

There are 5 development considerations set out in the Waste Plan for Inset 8. In order for the proposal to fully accord with Policy 3, BCP Council should be satisfied that each of these development considerations has been addressed and that the submitted Environmental Statement correctly identifies and mitigates against adverse environmental impacts. The remainder of this response considers key topic areas relevant to the application, with reference to relevant policies from the Waste Plan and the development considerations for the allocated site.

Dorset Council's response regarding the potential impacts of the proposal

Sustainable waste management and integrated facilities

Policy 1 - Sustainable waste management requires facilities to demonstrate:

- how they will support the delivery of the waste hierarchy,
- how they contribute to the waste planning authority (WPA) being self-sufficient in waste management and
- that proposals adhere to the proximity principle.

The proposed development will enable the recovery of residual waste, both as energy (principally) and of materials by use of ash as a secondary aggregate, and the recycling of metals. The proposed development will move some waste up the waste hierarchy, in that it can be expected to reduce landfilling of some residual waste.

The application provides capacity for managing non-hazardous waste arising from within Bournemouth, Christchurch, Poole and Dorset on a site allocated in the Waste Plan and compliant with the Spatial Strategy of that Plan. In terms of the principle of proximity, mixed municipal waste should be recovered as close as possible to where it is produced. In general terms, CRP is well located for a strategic facility to serve the Plan area (Bournemouth, Christchurch, Poole and Dorset), being situated within the South East Dorset conurbation.

Policy 2 – Integrated waste management gives support to facilities which incorporate different types of waste management activities at the same location, unless there would be an unacceptable cumulative impact on the local area. Criterion c of Policy 3 also requires the proposal to demonstrate there would not be an unacceptable cumulative impact. It is considered that this matter should in particular take into account any cumulative impact with regards to the access route, any residential properties and the landscape.

Recovery of energy and production of residues

Policy 6 – Recovery facilities, criterion d, requires that where energy is produced, combined heat and power is provided ‘or if this is demonstrated to be impracticable they recover energy through electricity production and are designed to have the capability to deliver heat in the future’. The application states that the EfW CHP Facility ‘*will generate 28.5MWe of electricity for export - 11kV electricity will be available from the EfW CHP Facility directly to the Magna Business Park and 132kV power will also be supplied to the local power network. Additionally, 5MWth of heat energy will be available, subject to commercial contracts, to supply the nearby Magna Business Park*’.

The proposal partially complies with criterion d in that electricity will be exported to the grid. However, although the necessary infrastructure and connections for the export of heat will be provided, there is currently no proposal to export heat (Planning Statement - Appendix 4). This is not because it is impracticable to do so, as the provision of connections demonstrates, but apparently because no contracts for such heat provision are yet secured. The implication is that if/when appropriate contracts and agreements (and further infrastructure) are all in place, it will then be possible to commence export of heat. BCP Council will have to consider whether the provision of the necessary infrastructure as part of the current proposal is enough to consider that criterion d of Policy 6 has been met. It is recommended that further commitment to the full usage of heat is fully considered and secured as far as possible.

The application states that the ERF will produce two separate ash streams: incinerator bottom ash (IBA) and air pollution control residue (APCr). Policy 6 of the Waste Plan requires that these residues be managed both in accordance with the waste hierarchy and the proximity principle.

The Applicant’s stated objective to supply the IBA to a suitable facility for use as aggregate is in line with the waste hierarchy, however it appears that no detail is provided on where such a facility might be located and therefore whether this would actually be achieved.

Regarding the APCr residue, the Planning Statement notes that as a hazardous waste, it will be sent to an appropriately licensed facility. Recycling of APCr arising from conventional mass burn incinerators as proposed is widespread practice, and should be expected if the proposed facility is to be aligned with the waste hierarchy as required by Policy 6.

Ecology

Policy 3 requires proposals to comply with the relevant policies of the Waste Plan, and to address the relevant development considerations associated with this Inset. Whilst Policy 3 allocates the site for the intensification and redevelopment of the site, including management of non-hazardous waste, it states (criterion d) that possible effects that might arise from the development should not adversely affect the integrity of European and Ramsar sites either alone or in combination with other plans or projects. This is supported by Policy 18 - Biodiversity and geological interest.

With specific reference to Inset 8, Policy 3 requires that applications should include studies that demonstrate that emissions from development will not impact on the features of the nearby European sites. Inset 8 development consideration 1 further states that the applicant must provide sufficient information to enable the waste planning authority to carry out screening and, if necessary, appropriate assessment in accordance with the Conservation Regulations 2017. In addition, the information provided should demonstrate that any emissions will not impact on the features (species and habitats including lichens and bryophytes) of the nearby European Sites. These points are specifically addressed in Chapter 8 of the Environmental Statement, particularly in Appendix 8.3.

Development consideration 3 refers to likely requirement of ecological mitigation, including an appropriate buffer from the SSSI.

Aerodrome safeguarding

Although Inset 8 development considerations do not specifically refer to aerodrome safeguarding, this point is picked up through the requirements of Policy 20 – Airfield Safeguarding Areas. Whilst Dorset Council cannot comment on whether or not this has been satisfactorily addressed, it is noted that there is a holding objection from Bournemouth Airport, which is being considered through ongoing discussions between the Airport and the Applicant.

Landscape and design

Inset 8 of the Waste Plan requires a high standard of design and landscaping for proposals on this site (development consideration 5). The proposal also needs to accord with Policy 14 – Landscape and design quality. This policy states that proposals should be compatible with their setting and conserve and/or enhance the character and quality of the landscape. Criterion c of Policy 14 requires proposals to avoid adverse impacts on the landscape, or if this is not practicable, to provide acceptable mitigation.

Green Belt

Policy 21 – South East Dorset Green Belt is focussed on the consideration of whether a proposal constitutes inappropriate development, along with demonstration of very special circumstances in line with the NPPF. The proposed development site is located in the Green Belt and the allocation of the site in the Waste Plan followed a comprehensive review of potential sites, the constraints they were subject to and potential alternatives. The location of this site, and others, in the Green Belt was carefully considered at the Waste Plan Examination, and found by the Inspector to be acceptable³. Paragraph 34 of the Inspector's Report stated:

³ [Waste Plan 2019 - Inspector's Report](#)

Two of the allocated sites are in the South East Dorset Green Belt, these being at Parley and Canford Magna. Alternative sites were considered as part of the site selection exercise. This included consideration of sites outside the Green Belt which were discounted because of deliverability and location in relation to the urban area. The two allocated sites are existing waste management facilities occupying previously-developed land in Green Belt. The allocated areas would allow for development to take place in accordance with national policy on Green Belt.

The Waste Plan at Inset 8 notes that the CRP site was assessed for circa 25,000 tpa of additional capacity for residual waste management, and also that ‘exact capacity will be assessed in connection with individual proposals’. This implies that a proposal providing greater capacity would be considered but the allocation does not establish the principle of development in the Green Belt. To be acceptable, very special circumstances are required to be demonstrated.

The benefits of a waste management proposal at this location (i.e. co-location with other waste management facilities and location in south-east Dorset/BCP Council, managing waste in an appropriate manner) can be expected to weigh against the potential impacts on Green Belt purposes and openness and other harms. However, as set out above, the evidence presented by Dorset Council for the Powerfuel appeal on Portland indicates that there is no need for a facility of this scale to meet the waste capacity needs of the Plan area. This point is an important consideration in the very special circumstance balance, and Dorset Council is not satisfied that a facility of this scale can be justified by need for future capacity. This is a matter to which you will need to give careful consideration.

However, Dorset Council remains of the view that the Port of Portland is not a suitable location for an ERF and it is therefore of the opinion that that part of paragraph b of policy 21 relating to “alternative suitable non-Green Belt sites” is not engaged.

Conclusion

The proposed development site is an allocated site, Inset 8 of the Waste Plan. As an allocated site, it complies with the Spatial Strategy of the Waste Plan, providing treatment capacity for non-hazardous residual waste arising in the Plan area, with the need for such facilities primarily being focussed on new capacity in the south-east Dorset conurbation. The location of the proposed EfW CHP Facility will provide the benefit of a reduction in the distance travelled by collected waste, and therefore the freight costs and impacts of transporting the waste including carbon emissions. The proposed development site within the CRP, within the BCP Council area, complies with locational and co-locational elements of the spatial strategy. Policy 2 of the Waste Plan supports sites which offer the benefits of co-location with other waste management facilities.

The proposed development site sits within the South East Dorset Green Belt, which is protected from ‘inappropriate development’ that is harmful to the designation. However, the National Planning Policy for Waste⁴, paragraph 6, states that ‘*local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan*’. The issue of the Green Belt and how it could be affected by the development

⁴ [National Planning Policy for Waste, paragraph 6.](#)

of some of the allocated sites in the Waste Plan was carefully considered at the Examination into the Waste Plan 2019, and referenced in the Inspector's report⁵.

The Inspector was satisfied that Inset 8 was appropriately located. Dorset Council believe that the benefits of the location (i.e. co-location with other waste management facilities and location in south-east Dorset/BCP Council, reduction in distance travelled by the waste and diversion from landfill) are all benefits which potentially support a case that very special circumstances justifying development in the Green Belt exist.

However, as noted Dorset Council are concerned that, in light of updated forecasts of need, a plant of the size proposed with an operating lifetime of 40 years from the date of its being fully operational i.e. up to c2065, would compromise the movement of waste up the waste hierarchy. BCP Council are recommended to review the updated forecast information, and to discuss options for reducing the size of the plant with the applicant.

Please do not hesitate to contact me if you wish to discuss any aspect of this response.

Yours sincerely



Lead Project Officer
Minerals and Waste Team
Dorset Council

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⁵ Ibid. – Inspector's Report 2019