



Portland Energy Recovery Facility

Appeal Against the Refusal of Planning Permission by Dorset Council

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Planning Policy & Need / Benefits

PPF3: SUMMARY Proof of Evidence of Nick Roberts

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1.0 INTRODUCTION, THE APPEAL PROPOSAL AND PLANNING CONTEXT

1.1 Qualifications, Experience and Scope of Evidence

1.1.1 I am Nick Roberts and in my main proof I set out my qualification, relevant experience and scope of evidence.

1.2 The Appeal Proposal and Policy Context

1.2.1 Section 2.0 of my main proof describes some updates to the Appeal Proposal, being:

- The footpath extension which is heritage mitigation and completes a recreational link.
- The cladding on the main building.
- The addition of residual waste (not in the form of RDF) as part of the throughput, as well as RDF formed from residual waste.
- An increase in the overall efficiency of the Appeal Proposal

1.2.2 I then consider the consenting context within the Port and conclude that weight must be given to the fact that the port is a rapidly developing and dynamic environment and that, absent the Appeal Proposal, the likelihood is that large scale, industrial port related development will come forward across the Appeal Site, and elsewhere in the port, without any formal planning applications being required.

1.2.3 Finally, I identify the Government's ongoing supportive position on energy from waste development (i.e. ERFs), through reference to a number of policy / strategy documents.



2.0 THE NEED FOR THE APPEAL PROPOSAL AND ITS BENEFITS

2.1 Waste Management Need

2.1.1 In my main proof I describe that:

- i. A DEFRA ministerial position that, in relation to ERFs, that it is for the market to determine need and to deliver the infrastructure required to meet that need.
- ii. That at the point of determining the application for the Appeal Proposal, the Council fully accepted the need for the scheme, but has now changed and considers the Dorset Waste Plan (DWP) to be out of date in this regard.
- iii. Dorset / BCP has no true operational residual waste treatment capacity or operational landfills, yet in 2022 it generated 261,000 – 294,000 tonnes of residual waste from LACW and C&I sources. As a consequence, all of this waste was managed ‘out of county’ in other UK ERFs in England and Europe and in landfill.
- iv. The DWP shows there is a significant and long-term requirement for new residual waste management capacity of the scale of the Appeal Proposal.

2.1.2 I then look in detail at future waste management targets, including the halving of residual waste by 2042.

2.1.3 Whilst the long-term 2042 residual waste reduction target is ‘stretching’, I provide modelling setting Dorset within its sub-regional study area and evaluating long-term, future waste arisings in the context of this target and existing operational residual waste treatment capacity.

2.1.4 The modelling shows that there is a capacity gap for residual waste throughout the period 2025 to 2045 and that gap never falls below 263,000 tpa and thus the Appeal Proposal is compatible with meeting future waste management targets.

2.2 Other Benefits of the Appeal Proposal

2.2.1 In my main proof I identify the other benefits of the Appeal Proposal as follows:

- i. Delivering new renewable and low carbon energy generation infrastructure.
- ii. Providing a source of baseload, dispatchable power generation, using an indigenous fuel source; and contributing towards national energy security.



- iii. Providing 'Shore Power', the implementation of which would lead to an improvement in local air quality and deliver a material carbon benefit.
- iv. Mitigating / resolving distribution network / transmission network (Grid) issues at Portland Port and elsewhere on Portland.
- v. Offering real potential for delivering a district heating Network (DHN).
- vi. Removing a barrier for Port investment and supporting the future cruise business.
- vii. Delivering substantial economic benefits to the local economy in a context where the evidence for the local study area clearly indicates that it suffers considerable deprivation.
- viii. A net reduction in CO₂ emissions of over its design life.
- ix. Delivering a Heritage Mitigation Strategy.



3.0 DORSET COUNCIL'S REASONS FOR REFUSAL

3.1 1st Reason

3.1.1 In my main proof I demonstrate that:

- i. From a deliverability perspective, and in relation to absence or reduction of harm, locating an ERF on the Appeal Site, has very significant advantages over any of the allocated sites.
- ii. The Appeal Proposal would deliver significant co-locational benefits when compared to the allocated sites, which relate to the aforementioned site specific scheme benefits, plus exporting IBA / importing RDF by ship and delivering a feasible carbon capture scheme in the future.
- iii. It would give Dorset / BCP a true 'in county' residual waste treatment facility for the very first time. In doing so, it would be entirely consistent with the proximity principle. Further, whilst the focus of the spatial strategy will need to shift, the overarching objectives of that strategy would be immeasurably better delivered than is the case at present.
- iv. That the Appeal Proposal would comply with DWP Policies 1 and 4.

3.1.2 Based on the foregoing, I conclude that the 1st reason for refusal cannot be sustained.

3.2 2nd Reason

3.2.1 In my main proof, by reference to Jon Mason's evidence, I find that:

- i. the Appeal Proposal, located on allocated employment land within a busy and dynamic work port, would not, in overall terms, have an unacceptable or significant adverse effect on the quality of the local and surrounding landscape, by virtue of its scale, massing and height. This includes in relation to the alleged 'iconic' shape of Portland.
- ii. No significant landscape or visual effects will occur within any of the areas of the World Heritage Site (WHS) that experience intervisibility with the Appeal Proposal.



- iii. There would be no material harm to the AONB due to a combination of distance and the existing nature of views towards Portland Port.
- iv. The Outstanding Universal Value of the WHS and the ability of the general public to appreciate it would be unaffected.
- v. The Appeal Proposal represents a well-considered overall design solution.

3.2.2 On this basis, the Appeal Proposal would not breach the policies cited and the 2nd reason for refusal cannot be sustained.

3.3 3rd Reason

3.3.1 In my main proof, by reference to William Filmer-Sankey's evidence, I find that that the nature of the heritage assets, the port context and the dynamics of that context, are such that the level of harm to the relevant heritage assets is minimal, to the point of being negligible, and thus falls at the lowest end of the scale in terms of less than substantial harm. Further, that this level of harm is easily outweighed by the heritage mitigation benefits.

3.3.2 Based on the foregoing, I conclude that paragraph 202 of the Framework would not be engaged, there would be no breach of the policies cited in the 3rd reason for refusal; and that the reason cannot be sustained.

3.3.3 However, should the Inspector find residual harm, paragraph 202 would apply. In such circumstances I show that any harm caused to the significance of designated heritage assets would be demonstrably outweighed by the public benefits of the proposal.



4.0 THE CASE FOR THE RULE 6 PARTY AND INTERESTED PERSONS

4.1.1 In my main proof I consider additional matters raised by Stop Portland Waste Incinerator and the Portland Association (the Rule 6 party) and interested persons.

4.1.2 In combination, I consider the effects of the Appeal Proposal in relation to:

- i. Traffic, amenity and quality of life (including socio-economics).
- ii. Sustainability / climate change.
- iii. Noise and acoustics (feeding into landscape).
- iv. Shore Power Alternatives;
- v. Those parts of the UKWIN objection relevant to my expertise.
- vi. The MVV objection.

4.1.3 I conclude that in relation to the first three topic areas, that the Appeal Proposal would not give rise to any significant adverse effects or unacceptable harm; and in relation to climate change / sustainability, it would result in demonstrable benefits. I explain why UKWIN's claims and assertions are not correct and, with regard to MVV, I set out that I stand by the totality of the objection to their Canford ERF proposal.



5.0 PLANNING APPRAISAL

- 5.1.1 With regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act, I conclude that, with regard to the development plan, the Appeal Proposal is appropriately located in terms of land use and that the principle of the scheme, at the scale proposed, fully accords with the policies and provisions of the DWP. Further, that the Appeal Proposal would breach or be in conflict with any of the development management and environmental protection policies. Hence, it complies with the policies of the development plan.
- 5.1.2 I then identify an extensive range of material planning considerations which weigh in favour of the Appeal Proposal, including: the benefits of the scheme; national waste management and energy policy and strategy; and the planning context of the port and its rapidly developing and dynamic environment, which continues to result in new buildings and structures appearing unrestrained by the port's numerous designated heritage assets, industrial port related development has been able to grow around them without significant restraint.
- 5.1.3 I then conclude that, conversely, I have not identified any material planning considerations that weigh against the Appeal Proposal or that indicate that the appeal should be determined other than in accordance with the development plan. Thus, it follows that the appeal should be allowed and planning permission granted.

