

Town and Country Planning Act 1990

**Town and Country Planning Appeals (Determination by Inspectors) (Inquiry procedure)
(England) Rules 2000**



Proposed development	Construction of an Energy Recovery Facility
PINS reference	APP/D1265/W/23/3327692
LPA reference	WP/20/00692/DCC
Site Address	Portland Port, Castletown, Portland, DT5 1PP
Local planning authority	Dorset Council
Appellant	Powerfuel Portland LTD

THE PORTLAND ASSOCIATION
RULE 6 PROOF OF EVIDENCE: DORSET WASTE PLAN
DEBBIE TULETT
14 NOVEMBER 2023

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1. INTRODUCTION AND SCOPE OF EVIDENCE

- 1.1. My name is Debbie Tulett. I have lived in Dorset for over 40 years, and on Portland for 5 years, three of my children live here too. I live in the Underhill ward and am familiar with the location of the proposal and the surrounding area.
- 1.2. I am on The Portland Association Committee and have been involved in contesting this planning application since November 2019. I am giving evidence as a witness on behalf of The Portland Association as its Research Officer (a voluntary role), having spent the last 4 years working full-time on researching the impacts of the Appellant's proposal.
- 1.3. I have reviewed the planning application, the regulation 25 requests additional documents, and the EA Environmental Permitting Application, as well as Dorset Council's Committee Report, Update sheet and Decision Notice. I have also reviewed the appeal documentation.
- 1.4. This evidence considers the impacts of the proposed Energy Recovery Facility ("ERF") on matters pertaining to certain policies of the Dorset Waste Plan 2019.
- 1.5. The evidence I have prepared and provided for this appeal in this Proof of Evidence is true and I confirm that the opinions expressed are my true opinion.
- 1.6. My evidence is considered against the background of the Bournemouth, Christchurch, Pool and Dorset Waste Plan 2019 ("WASTE PLAN"), together with other relevant referenced documents.

2 DORSET WASTE PLAN CONSIDERATIONS INCLUDING ALTERNATIVE SITES AND FUELSTOCK ADDITIONS

Dorset Waste Plan

- 2.1 The Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019) [CD 7.1] referred to in this document as the “Waste Plan” is the key document in determining the planning application and provides the policy framework for determining planning applications for waste management facilities up to 2033.
- 2.2 The focus of my evidence in respect of the Waste Plan is with regard to Policy 1 and Policy 4, as well as referring to Policies 2, 3 and 6.
- 2.3 An alternative allocated ERF site at Canford Magna was proposed in a planning application on 17th July 2023 (boppa.poole.gov.uk/online-applications¹) and this allocated site is referred to as being an alternative site throughout this section.
- 2.4 The Waste Plan Objective 4 (page 24) aims to “*safeguard and enhance local amenity, landscape and natural resources, environmental, cultural and economic assets, tourism and the health and wellbeing of the people.*” It is hard to understand how building a waste incinerator that is not part of an integrated network, that is stuck out on a limb, with no proximity to the existing network of waste disposal and recovery installations of Dorset, that clearly does not comply with the Waste Plan Objective 4 aims, can justifiably be granted planning permission.
- 2.5 Dorset’s residual waste arisings, including black bin waste, are under consideration in this evidence, the majority of which is sent to Canford waste management centre.

¹ boppa.poole.gov.uk/online-applications APP-letter-12-07-23

Where does your waste go?



To find out more, visit dorsetcouncil.gov.uk/where-waste-goes

- 2.6 It can be seen from the info-graphic ‘Where does your waste go?’ that Dorset is currently exporting a small amount of waste to Europe. However this is not due to a need to export due to lack of capacity in England, but is led by market demand. There is enough capacity in England for all Dorset’s residual waste needs, however there is not enough residual waste in some mainland European countries to feed their incinerators.
- 2.7 According to a media report on the Politico website, titled ‘Denmark’s ‘devilish’ waste dilemma,’² “Denmark is Europe’s top waste burner. Incineration accounts for about a fifth of district heating and about 5 percent of its electricity. But what just a few years ago seemed like a clever way to deal with garbage has now become a problem. One issue is that the incinerators burn much more waste than increasingly tidy Danes throw away. Denmark has 23 incinerators capable of burning 3.8 million tons of waste a year. But the country needs to source more and more trash from abroad. It imported nearly 1 million tons in 2018, mainly from the U.K. and Germany.

² Denmark’s ‘devilish’ waste dilemma – POLITICO

- 2.8 During the Appellant’s planning application, two of the allocated sites in the Dorset Waste plan have come forward. The application for an ERF at Parley³ to treat residual waste was agreed in December 2022, on a current waste management site (within a Green Belt area), with waste treatment facilities for composting, recycling and recovery, with a biomass CHP plant.
- 2.9 The planning application for an ERF at Canford Magna to treat residual waste and refuse derived fuel (RDF), was submitted in July 2023 on an existing waste management site (within a Green Belt area) with multiple existing large scale waste management activities operating, including MBT facilities.

Conflict with Policy 1 of the Waste Plan

- 2.10 Para 3.17 of the Waste Plan, which underpins Policy 1, states that “*A circular economy is important as it reduces waste, drives greater resource productivity, helps reduce the environmental impacts of production and consumption and contributes to a more competitive economy.*”
- 2.11 Policy 1 of the Waste Plan, states “*When considering development proposals, the Waste Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to promote the circular economy and find solutions which mean that proposals can be approved where appropriate to secure development that improves the economic, social and environmental conditions in the area.*” Para 3.17 also advises that “*The co-location of complementary waste treatment facilities with other waste and non-waste developments, which could utilise waste as a resource, aligns the Plan with the notion of a ‘circular economy’.*”
- 2.12 Policy 1 of the Waste Plan requires that waste management proposals must conform with, and demonstrate how they support the delivery of, the following key underlying principles of the Waste Plan:
- 2.13 ***The Waste Hierarchy - facilities that contribute to moving waste up the waste hierarchy and demonstrate that waste is being managed at the highest appropriate level***” however

³ BCP Decision Notice - Eco Composting Ltd Parley ERF

this proposal is classed within this hierarchy as 'other recovery' placing waste incineration below waste management treatment such as recycling and composting that offer greater environmental benefits. The waste hierarchy requires that consideration must be given to how waste can first be prevented, then reused, then recycled or composted (as well as organic waste treatment), with 'other recovery' or disposal as a last resort, and the appeal proposal comes under the 'other recovery' category, at the lower end of the waste hierarchy.

- 2.14 **Self Sufficiency** - *facilities that enable the Bournemouth, Christchurch, Poole and Dorset area to move towards net self-sufficiency.* Net self-sufficiency is explained at Para 2.34 of the Waste Plan which states that “*In addition to waste management facilities within the Plan area, there are facilities outside of Dorset, Bournemouth, Christchurch and Poole that currently manage our waste. Many of Dorset, Bournemouth, Christchurch and Poole's facilities also manage waste arising from adjoining authorities and further afield.*” And continues at para 2.35 “*Some cross boundary movements of waste are inevitable and reflect the normal working of the economy. Some types of waste also require specialised management methods and for such facilities to be viable they often operate at a regional or national level. This accounts for some of the imports and exports that occur.*”
- 2.15 **Proximity** - *facilities that adhere to the proximity principle through being appropriately located relative to the source of the waste.* It is hard to understand how the Appellant's proposal, that is not part of an integrated network, that is stuck out on a limb, with no proximity to the existing network of waste disposal and recovery installations of Dorset, can comply with the proximity principle.
- 2.16 The Appellant's SoC [CD 11.1] para 1.49 states that ‘*There are no operational ERFs in Dorset to manage its residual waste and most is exported out of the county to landfill, or EfW plants, in other authority areas or in Europe. Dorset needs to reduce its reliance on the export of residual waste, become more self-sufficient and treat more of its residual waste in Dorset closer to where it arises, in line with the proximity principle*’
- 2.17 Whilst it is true that there are currently no operational ERFs in Dorset, an allocated site in the Waste Plan area has come forward, with the ERF application at Parley being granted planning permission in December 2022 with a maximum capacity of 60ktpa. This site is 7 miles from the Canford MBT waste management centre, which deals with all of

Dorset's residual waste. Conversely the Portland Port site would be 39 miles away from the source of Dorset's RDF. The Appeal proposal would therefore generate substantial additional waste miles when compared with management at any one of the allocated sites, and is not in line with the proximity principle.

- 2.18 The Waste Plan defines the proximity principle at para 3.16 as "*The principle of proximity means that waste should be recovered or disposed of, as close as possible to where it is produced and has been another important driver for the Waste Plan.*" and thus the approved site at Parley, is the more appropriate site for the future management of Dorset's residual waste, being in closer proximity to the waste arisings of Dorset.
- 2.19 A second allocated site at Canford has also come forward, and is currently going through the planning application process. It is clear that installing an ERF on a co-locational waste management site, alongside Dorset's only MBT facility, that the Canford ERF, would comply with Policy 1 on self-sufficiency and proximity and Policy 6 in respect of the proximity principle and co-locational facilities.
- 2.20 The Appellant's proposal would not comply with the proximity principle as set out in the Dorset Waste Plan, and would also breach fundamental statutory waste policies, such as the Waste Management Plan for England 2021 [CD 9.7] which states under the heading "Proximity Principle" that "*The network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.*" (emphasis added)
- 2.21 Similarly the principles of proximity are set out in The Waste (England & Wales) Regulations 2011⁴ Schedule 1 - Part 1 - Paragraph 4(3) "*The network must enable waste to be disposed of and mixed municipal waste collected from private households to be recovered in one of the nearest appropriate installations, by means of the most appropriate technologies, in order to ensure a high level of protection for the environment and human health.*"
- 2.22 In addition to the approved ERF site at Parley, a second allocated site has come forward at the Canford Magna Waste Management Centre where Dorset's residual waste is processed into RDF, the Canford ERF proposal has advantages over the Portland ERF

⁴ The Waste (England & Wales) Regulations 2011

proposal, as the benefits in transport terms includes fewer HGVs on the roads and thus less emissions, particularly as a high proportion of the waste to be treated arises within the Bournemouth, Christchurch, Poole (BCP) conurbation and wider southeast Dorset, in which the Canford Magna Waste Management Centre and the proposed Canford ERF site is located.

2.23 If the allocated site at Canford gains its planning permissions, then the proposed additional daily 80 HGV traffic movements on Portland would be unjustifiable.

2.24 Therefore the proposal is NOT COMPLIANT with POLICY 1 and the PROXIMITY PRINCIPLE

Conflict with Policy 4 of WASTE PLAN

2.25 Policy 4 of 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: (emphasis added)*

2.26 *Criterion 4a 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:*

With two allocated sites having already come forward, the Appellant is required to demonstrate that the proposed site at Portland Port provides advantages over the allocated site at Canford Waste Management Site, with its co-located MBT and RDF processing waste facilities, which is currently progressing through planning. The advantages The Appellant lists over the allocated sites are:

2.27 (1) **Scale** – the proposed Portland ERF would be 202k tonnes and the allocated site at Canford Magna’s planning application is for 260k tonnes. Powerfuel are relying on planning permission to be refused at the Canford Magna Waste Management Centre, in order for the Powerfuel appeal proposal to be considered advantageous.

2.28 (2) **Shore Power** – in respect of the provision of onshore power supplied by an ERF, the Clean Maritime Plan 2019 [CD 9.20] para 38 states that “*this Clean Maritime Plan sees zero emission shipping as a future whereby no GHGs or air quality pollutants are emitted by vessels (of all types) operating in UK waters or in the ship-to-shore activities required*

to facilitate those operations.” however an ERF cannot comply with supplying power without GHGs or air quality pollutants. It should be noted that there are also uncertainties in respect of whether onshore would be utilized by cruise ship operators without any mandatory requirement to do so.⁵ Although it is agreed that there is a criterion for an ERF to provide electrical power, the allocated sites would also produce power, and therefore this is not an advantage over allocated sites.

2.29 (3) **Heat network** – the heat network is not part of the application and in their EA EP application CHP-Ready Assessment [CS 1.27] the Appellant state that *“it is considered that the proposed heat network does not yield an economically viable scheme.”* The Canford Magna proposal would also be a CHP-R ERF therefore the Appellant’s ERF would not have an advantage over the allocated sites.

(4) **Port location** – this is in regard to RDF being shipped in and IBA being shipped out. The Appellant’s SoC states *“An opportunity exists for materials to be imported and exported, such as the import of RDF and the export of incinerator bottom ash (IBA).”* However to have an advantage over allocated sites, it would need the unallocated site to actually treat Dorset’s waste, rather than treat waste shipped in from overseas or other parts of the UK. The use of a Port site to deal with Dorset’s waste, to reduce vehicle movements on the local road network, is not a locational benefit, as in these circumstances the ERF won’t be incinerating Dorset waste. RDF importing is not relevant to the Waste Plan area, as Dorset waste will not come in by sea.

In respect of IBA, Portland Port does not have a waste transfer facility to handle the export of IBA according to a EA-EP Clarification Response⁶ letter between the EA and the Appellant which states: *“the EA has not granted an EP for a waste transfer facility within the Port. Therefore, this is not considered to be an available option at this stage and therefore this is currently not an option.”* It should be noted that Canford is relatively proximate to the Port of Poole, which could be utilized for waste imports, or export of ash, ash products or CO₂, and therefore the proposed site does not have an advantage over allocated sites.

⁵ Greenwashing cruise ships fail to use shore power in UK ports | openDemocracy

⁶ EA-EP Clarification Response

(5) **Carbon capture & storage** – The claim by the Appellant’s Soc that “*port facilities for export of captured carbon by sea, is significantly better placed to deliver CCS in future than any of the allocated sites.*” is not realistic, considering that it doesn’t matter whether CO2 is transported by road or by sea, the gas has to be compressed into a liquid for transportation and the energy expended converting the gas into a liquid is considerable and comes with a carbon cost.

No figures have been provided to establish the parasitic load of CCS, which according to ‘Decarbonisation of residual waste infrastructure report - gov.scot’⁷ could be as much as 20%, reducing the energy available for onshore power and making the future sustainability of an ERF as an onshore power supply unrealistic.

2.30 (6) **Land use suitability** – although the Port location is a brownfield site allocated for employment, to use 2.14 hectares of land to only employ 30 permanent ERF staff should be considered poor use of valuable employment land. The Canford site is an existing waste site with multiple existing large-scale waste management activities operating, and offers co-locational benefits, which Portland does not and indeed cannot provide. Therefore there is no advantage in this respect, and so the proposal DOES NOT MEET CRITERION 4(a)...

2.31 *Criterion 4b 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;*

2.32 The Appellant’s draft SoCG [CD 11.5] states that “*...there is no evidence that this proposal would prejudice the other allocated sites*”

2.33 Planning Permission was recently granted for the allocated site at Parley⁸ (for 50,000 tonnes nominal capacity) and the Canford Magna planning application was submitted to BCP planning on 17th July 2023⁹ for 260,000 tonnes. Therefore, if the Powerfuel appeal were to be successful, the Portland Port ERF would prejudice the need for the site at Canford, despite Canford being an allocated site, which would be located alongside the

⁷ Decarbonisation of residual waste infrastructure report - gov.scot

⁸ BCP Decision Notice - Eco Composting Ltd Parley ERF

⁹ boppa.poole.gov.uk/online-applications APP-letter-12-07-23

main MBT sorting centre for the whole of Dorset, where the Dorset RDF is processed and has greater co-locational advantages.

2.34 It should also be noted that having stated in the Appellant’s draft SoCG that there is no evidence that their proposal would prejudice the other allocated sites, Powerfuel have gone out of their way to deliberately prejudice the allocated site at Canford Magna by submitting a 94 page PPL Objection to the Canford EfW Planning Application¹⁰, concluding that “We advise that unless your authority moves to refuse the Canford application swiftly, it should not otherwise determine the application until the Portland appeal decision has been issued.”

2.35 Therefore PfP DOES NOT MEET CRITERION 4(b)

2.36 Criterion 4c the proposal supports 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;

2.37 As can be seen from the DWP part 3 appendix,¹¹ Key Diagram (figure 1) there is nothing

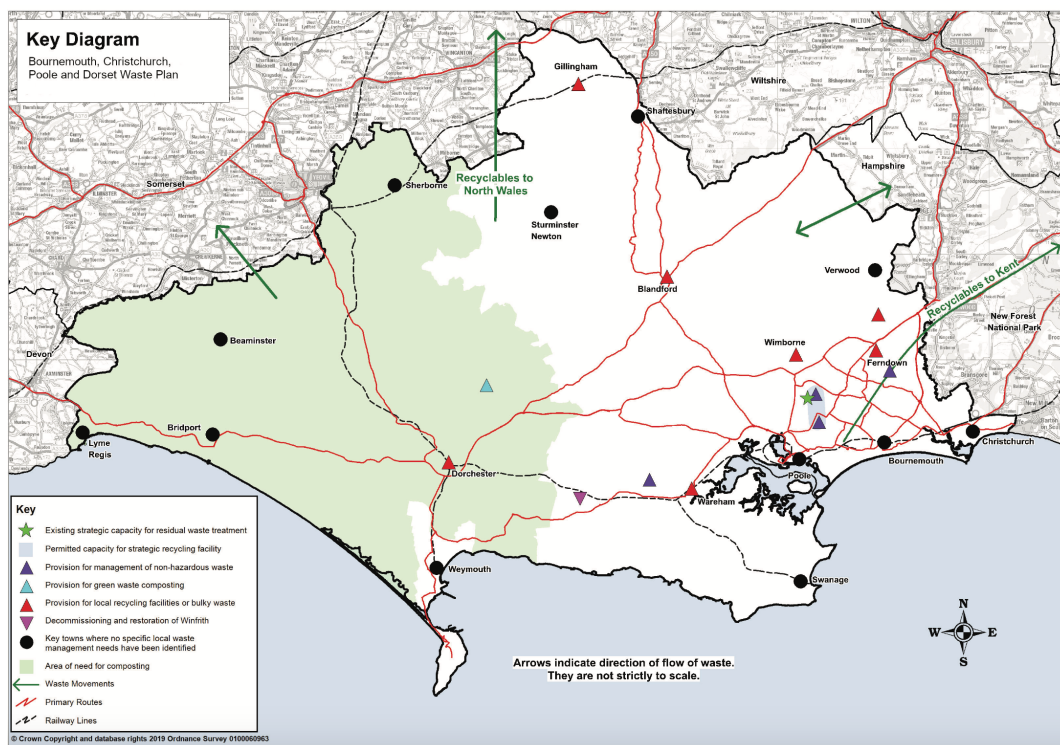


Figure 1 DWP 2019 The Key Diagram (Appendix 1) illustrates the spatial strategy.

¹⁰ PPL Objection to the Canford EfW Planning Application

¹¹ DWP part 3 appendix

shown at Portland, with a marker at Weymouth illustrating a “Key town where no specific local waste management needs have been identified.”

- 2.38 As can be seen on page 27 of the Waste Plan, under the heading “Residual waste management” it states that “*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.*”
- 2.39 However Portland is not in south east Dorset so does not meet that criterion. In context of the BCP and Dorset areas, Portland offers no benefits such as a reduction in waste miles, being just under 39 miles away from the Canford Waste Management Centre. Most of Dorset’s waste from across the county is sent to Canford Waste Management Centre, which operates the waste treatment facilities required to treat Dorset’s waste.
- 2.40 The January 2019 Inspector’s Report on the Examination of the Bournemouth, Dorset and Poole Waste Plan¹² Para 24 stated that “*Because the population is concentrated in the south-east of the plan area, within Bournemouth, Poole and Christchurch, strategic provision is required close to those urban areas. The plan has identified strategic requirements for residual waste management and recycling and allocates sites to meet those requirements, which are well related to the sources of waste. This approach is consistent with achieving self-sufficiency and proximity.*”
- 2.41 As concluded in the MVV IP statement¹³ *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*” and therefore DOES NOT MEET CRITERION 4C

¹² Inspector’s Report on the Examination of the Bournemouth, Dorset and Poole Waste Plan

¹³ MVV IP statement

RDF Local Availability & Introduction of Residual Waste

- 2.42 The Appellant's SoC dated 11th August 2023, Para 1.6 states that the proposal is *"for a conventional, single line, moving grate combustion plant for the recovery of energy from refuse derived fuel (RDF), this being residual waste derived from local authority and commercial and industrial (C&I) sources which has been subject to pre-processing to a specification."*
- 2.43 The Appellant's Supplementary SoC [CD 11.2] dated 5th October 2023, states that *"there are several factors which point towards there being decreasing RDF production over time."* It therefore appears that the Appellant has realized that there would not be enough RDF available to fuel the proposed ERF and is now proposing that Powerfuel widens their potential fuel stock to include Residual Waste, which although sorted, is not processed in the same way as RDF, with no dehydration of the waste, nor any other pre-processing to a specification.
- 2.44 Additionally the Appellant's acknowledgement that there is likely to be decreasing RDF production is substantiated in Dorset Council's "Outline Statement on Waste Need v3" [CD 11.9] which demonstrates at para 1.6 that *"Table 1 shows that the arisings of residual waste that may be suited to EfW from the subregion is currently in the region of between 178kt (2021) and 184kt (2022). This is substantially below the projection of 320ktpa of residual waste given in the adopted Waste Local Plan for 2023."*
- 2.45 Potential factors which point towards there being decreasing waste fuel stock for the proposed ERF include the following policy measures which have been adopted at national level:
- Under the Environment Act the government has set a legislative target to halve the amount per person of residual waste (excluding mineral waste) that is sent to landfill and incineration for England by 2042 compared with 2019 levels. This will have an impact on what is available for incineration in the future, leading to a decreasing amount of fuel stock available.

- Environment Act 2021¹⁴ moves towards "extended producer responsibility" ("EPR"), with producers bearing the full financial cost of managing products at the end of their life, incentivising durability, reparability and recyclability of materials.
- The policy paper 'Waste prevention programme for England: Maximising Resources, Minimising Waste'¹⁵ which is a "*cross-departmental plan to maximise resources and minimise waste in England.*"
- The Waste Management Plan for England January 2021[CD 9.7], is the Strategy which announced three major reforms to the waste system in England, which are included in this Plan. These are the introduction of a deposit return scheme for drinks containers, extended producer responsibility for packaging, and consistency in household and business recycling collections.
- The Waste Management Plan for England states that "*waste management plans must include the measures to be taken so that, by 2035: the preparing for re-use and the recycling of municipal waste is increased to a minimum of 65% by weight. the amount of municipal waste landfilled is reduced to 10% or less of the total amount of municipal waste generated (by weight).*"
- In December 2018 government published 'Our Waste, Our Resources: a strategy for England.' This set out government's aim to establish a circular economy where products are used again or for longer through reuse, repair and recycling. It contained strategic ambitions including doubling resource productivity and eliminating avoidable waste of all kinds by 2050
- The Net Zero Strategy¹⁶ sets out the government's commitment to the near elimination of biodegradable municipal waste to landfill from 2028 and reduced emissions from landfill and incineration, saving an estimated 35 million tonnes of CO2 equivalent by 2050.

2.46 Currently there is a co-relation between counties recycling figures where the county has greater incineration capacity. For example the Hampshire has 3 waste incinerators and no MBT treatment facilities and on average the County of Hampshire are at the lower end of the recycling league tables at less than 40%. In comparison Dorset, with no

¹⁴ Environment Act 2021

¹⁵ The waste prevention programme for England/ Maximising Resources, Minimising Waste - GOV.UK

¹⁶ net-zero-strategy-beis

incineration capacity, but does have MBT treatment facilities, is at the higher end of the recycling league tables at just over 60%. Dorset has invested in recycling and treatment facilities and separates kerbside waste, including plastics, card and paper, glass, metal, food compost and garden waste. Hampshire don't currently collect food waste separately and their plastic recycling cannot cope with yogurt, margarine or ice cream tubs, carrier bags/bin liners, polystyrene, cellophane, food trays etc.

- 2.47 The Appellant's SoC refers only to incinerating RDF, several times, for example it mentions using only RDF at para 1.7; and again at para 1.15, where the Appellant also introduces, another new fuel-stock, "*combustible fractions of the construction and demolition (C&D) waste stream where these fractions are permitted, consistent with the RDF fuel specification*" and which is not included in the Planning Application, or the new SSoC.
- 2.48 As reported in Dorset Council's Outline Statement on Waste Need¹⁷ in 2022 Dorset sent 39,700 across the county border to landfill in England, 67,400 tonnes of RDF plus mixed municipal waste to EfW in England and 54,800 tonnes of RDF only as waste exported outside England, a total of 161,900 tonnes of RDF and residual waste
- 2.49 As can be seen above, Dorset clearly does not produce enough RDF waste to sustain Parley (50K tonnes), Portland Port (202K tonnes) and Canford Magna (260K tonnes).
- 2.50 This has doubtless occurred as a result of the increasing EfW capacity across the country competing for residual waste to feed them, coupled with increasing reuse and recycling, resulting in less RDF availability. Which has no doubt led to the Appellant's decision to introduce a new fuelstock into the planning application, in the form of residual waste, in their Supplementary SoC.
- 2.51 The increasing EfW capacity across the country is evidenced in the Tolvik Energy from Waste Statistics report 2022¹⁸, which reported that "*As at December 2022 there were 57 fully operational EfWs in the UK (i.e. those which prepared an APR for 2022) with a further three EfWs which accepted waste during the year as part of commissioning. 14 EfWs were under construction at the end of the year.*"

¹⁷ DC Outline Statement on Waste Need

¹⁸ Tolvik Energy from Waste Statistics report 2022

- 2.52 The Appellant's SoC para 1.50 states that *"Overall, there is a compelling national and regional need case for the provision of new energy recovery facilities to divert more residual waste away from landfill and enable more of the RDF material produced in the UK to be managed in the UK..."*
- 2.53 The Appellant's SoC para 2.36 also states *"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"*
- 2.54 However although the Appellant's SoC states there is a compelling need for this proposal to manage RDF, within less than two months of the submission of the SoC, a Supplementary SoC was released stating: *"there are several factors which point towards there being decreasing RDF production over time."* which contradicts the claimed compelling need to enable more of the RDF material produced in the UK to be managed in the UK.
- 2.55 Additionally the Government is endeavoring to reduce the amount of waste that goes to landfill and incineration, one such step being outlined in the Environmental Improvement Plan 2023 [CD 9.24] (p144) which states *"We will halve 'residual' waste (excluding major mineral waste) produced per person by 2042. For the purposes of the target, we define 'residual' waste as waste that is sent to landfill, put through incineration or used in energy recovery in the UK, or that is sent overseas to be used in energy recovery."* The impact of this commitment by the Government is that residual waste is likely to decrease year on year.
- 2.56 The composition of the fuelstock has ramifications which could have an impact on the amount of waste required to be incinerated depending on calorific value (CV), for example to achieve the correct heat intensity of 850 degrees, to reduce emissions and in order that the incinerator can meet it's environmental permit targets.
- 2.57 In the Appellant's ES Non-technical summary NTS [CD 1.36a] the Appellant states at para NTS.115 *"Even allowing for a reduction in the available weight as a result of processing untreated elements of the residual waste into RDF..."* demonstrating that the pre-processing into RDF includes dehydration. Residual waste without dehydration is firstly heavier, due to the moisture content and secondly has a lower calorific value than RDF.

- 2.58 In respect of calorific value the Defra Energy from Waste – A Guide to the Debate [CD 9.8] para 96 states that *“The removal of moisture, recyclates and organic matter (where applicable) will tend to increase CV of the refuse derived fuel. Generally mixed municipal waste has a CV of about 10 MJ/kg whereas RDF will have a value in the range 11 to 15 MJ/kg. Advanced conversion technologies generally require a more homogenous feedstock and so usually will require some form of pre-treatment prior to use.”*
- 2.59 If more waste is required to maintain the correct heat, there would be more HGV traffic on the already constrained roads, impacting upon the environment and The Fleet & Chesil Beach SAC, as well as the roads and residents living in Castletown.
- 2.60 If residual waste is added as a fuel-stock for the proposed ERF, this could lead to heavier waste loads, of lower CV fuel-stock resulting in an increase in the number of HGV movements per day (currently proposed as 80 movements a day) and would potentially need an increase in the maximum burning capacity of 202k tonnes per annum. Both the weight of the waste lorries at 24 tonnes and the number of movements per day restricted to 80, plus the maximum capacity of 202k tonnes should therefore be written into planning conditions. In respect of HGV lorries, increasing the size of the HGVs to enable the Appellant to maintain the same number of lorries, would not be acceptable.
- 2.61 It should be noted that the Appellant has sought to make this additional fuel-stock ‘residual waste’ amendment to its Environmental Permit application, but according to the Appellant’s SSoC the Environment Agency has stated that *“it is too late in their determination process to add the waste codes at this juncture.*

3.0 PLANNING ASSESSMENT

The development plan

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Reason for refusal 1

- 3.2 Dorset Council's first reason for refusal was that: *"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."*
- 3.3 This refusal by Dorset Council is inline with Objective 2 of the Waste Plan *"To optimise self sufficiency, through the provision of an appropriate number and range of well designed, appropriately sized facilities for the management of waste, recognising that some waste requires specialist management facilities of a strategic nature.*
- Waste management facilities should be located in appropriate locations, as close as practicable to the origin of waste in order to reduce the total mileage waste is transported. Consideration will be given to existing waste production and operational capacity, the implications of growth and new developments likely to generate waste."* (emphasis added) However the proposed ERF would not meet the requirements as set out in the Waste Plan.
- 3.4 TPA agrees with Dorset Council that the proposed ERF would not comply with Policies 1 and 4 of the Waste Plan, but also contends that the ERF would also not be compliant with Policy 2 in respect of 'Integrated waste management facilities', as the proposed ERF would be located at an inappropriate distance from relevant treatment facilities within Dorset. Conversely the proposed ERFs at Parley and Canford would meet the

requirements of Policy 2, a policy which is underpinned in the NPPW [CD 9.2] under section 4 that states that Local Plans should look “*for opportunities to co-locate waste management facilities together and with complementary activities.*”

- 3.5 Additionally as the Portland Port site was not considered in the Waste Plan, the proposed ERF would also not comply with Policy 3, as the proposal would not be located at an allocated site. Prior to the Waste Plan being adopted and during its planning stage the Appellant’s Portland Port site was put forward as a potential site to be included in the Waste Plan. However this site was not included as an allocated site for waste management development when the Waste Plan was adopted in 2019.
- 3.6 As already stated, the proposed ERF does not comply with Policy 4 of the DWP, which requires all the criteria to be met, however as evidenced above, this proposal would not meet criteria a-d. For example, the proposal does not comply with criterion b as the proposed ERF could sterilize or prejudice the delivery of allocated sites that would be advantageous and as such it would breach Policy 4b of the Waste Plan.
- 3.7 In respect of Policy 6 - Recovery facilities the policy states “*Proposals for the recovery of non-hazardous waste, including materials recovery, mechanical biological treatment, thermal treatment, anaerobic digestion and biomass facilities, will be permitted where it is demonstrated that they meet all of the following criteria:*” (emphasis added) however the proposed ERF cannot meet the first criterion: as (a) states that “*the operation of the facility will support the delivery of the Spatial Strategy, contributing to meeting the needs identified in this Plan*” and is evidenced in the DWP part 3 appendix¹⁹ that the operation of the proposed ERF would not support the delivery of the Spatial Strategy, nor contribute to meeting the needs identified in the Waste Plan
- 3.8 At para 6.11 of the Waste Plan it states that “*Proposals on unallocated sites will be considered on their merits. They should be in accordance with national policy and the Waste Plan policies and should address the spatial strategy and guiding principles of the*

¹⁹ DWP part 3 appendix

Plan, including the waste hierarchy and managing waste in line with the proximity principle. The Waste Planning Authority will need to be satisfied that there are no suitable Allocated Sites capable of meeting the waste management need that would be served by the proposal. Alternatively, applicants would need to demonstrate that the non-allocated site provides advantages over Allocated Sites. This might include co-location with complementary facilities or the provision of a site that can be demonstrated to be in a better strategic and sustainable location and/or that has less impacts than an Allocated Site. The provision of sustainable localised heat and energy sources could also be a positive consideration in appropriate locations." (emphasis added) The proposed ERF does not demonstrate that the proposed location would meet the criteria for an unallocated site and as such this appeal should be refused.

- 3.9 In summary, the proposed ERF would be contrary to Policies 1 and 4 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 and would also fail to comply with policies 2 and 6 of this Waste Plan in accordance with section 4 of the NPPW.

Reason for refusal 2

- 3.10 The following are the planning implications of the conclusions that our other witnesses have reached, our Landscape witness has concluded:

It has been found that the Proposed Portland ERF would cause additional harms to the landscape that not been taken into account in existing assessments. This would affect the existing Landscape and Seascape character and perceptual qualities of the landscape, including tranquillity, which would harm the WHS and its setting and adversely affect the enjoyment of the landscape by its broad and numerous users on land and sea.

It is our opinion that as a result of the landscape and environmental harms associated with the proposed ERF, the perception of Portland and the associated Terrestrial and Seascape Landscape character will be negatively impacted, which will consequently

devalue this as a place for living, recreation, visiting and tourism with consequential impacts on the wider region looking towards the ERF site.

3.11 We have also shown in our tranquility evidence that the proposed ERF would result in:

- A significant loss of tranquillity along the southern parts of path S3/72 and a small but potentially important loss (from excellent down to good tranquillity) at the northern end of footpath S3/81.
- Users of the proposed permissive path not experiencing the excellent tranquillity which would otherwise be present for much of its length.

This impact on tranquility contributes to the landscape harm, negatively impacts the creational value of these footpaths, and undermines the benefits of the Appellant's mitigation strategy.

3.12 In summary, the proposed ERF would be contrary to NPPF policies paras 130, 176, 185, 189, 197 and 200. This proposal does not comply with the objectives of the WHS Management Plan (Jurassic Coast Partnership Plan 2020-2025) policies R4 and IM3 a material consideration for planning applications in accordance with Local Planning Policy ENV1 and ENV12. The proposed ERF is also contrary to Policy 14 of the Waste Plan, and Policy Port/EN7 of the Neighbourhood Plan.

Reason for refusal 3

3.13 In respect of the planning implications of the conclusions that our heritage witness has concluded:

- The proposal fails to satisfy S.66 and S.72 of the Act, through failing to preserve the setting of listed buildings and not preserving the character and appearance of conservation areas.
- In accordance with the NPPF the proposal is found to cause a high level of less than substantial harm to a highly graded designated heritage asset, The Verne Citadel, both a scheduled monument and listed grade II*, a high level of less than substantial harm to the very important Portland Harbour grouping of listed buildings, as well as

moderate to low levels of less than substantial harm to a range of designated and non-designated heritage assets including highly graded designated heritage assets, notably causing a moderate level of harm to the Jurassic World Heritage Site. A high level of less than substantial harm should be fed into the planning balance exercise.

- It is for others to decide whether, in accordance with the NPPF, the harm caused to the significance of heritage assets has clear and convincing justification.
- It is concluded that the mitigation offered by the Appellant provides a footpath that enhances public amenity but offers no direct benefits to the historic environment and could harm the historic environment.
- It is for others to decide whether, in accordance with the NPPF, there are public benefits that outweigh the harm to the historic environment that has been identified.
- The ERF plant is found to cause a moderate level of less than substantial harm to the Jurassic Coast WHS and not to comply with policies of the WHS PP.
- The ERF plant is found to harm the Dorset AONB and not to comply with the AONB MP.
- The ERF is found to harm non-designated heritage assets of local interest as well as the overall historic character of Portland and not to comply with the Portland Neighbourhood Local Plan.

Overall the proposal can be seen in a number of ways to fail to comply with NPPF para. 189 which requires heritage assets to be conserved in a manner appropriate to their significance.

It is considered that the following 2 identified impacts are the most significant and should be given the greatest weight in considering the planning balance for the proposed turbine:

A **high level of less than substantial harm** to the significance of the highly grade grouping of The Verne Citadel and the associated defences on East Weare along with the Portland Harbour grouping of listed buildings as The Verne and associated defences that were constructed to defend Portland Harbour, the largest manmade harbour in the world in the mid C19, where there are individually important structures and buildings but cumulatively they are a remarkable, well preserved and globally unique and important grouping.

A moderate level of less than substantial harm to the Outstanding Universal Value of the World Heritage Site because, even though the site is outside the WHS, Portland is an extremely important part of the WHS by virtue of the all- pervading influence of the isle's geology and geomorphology on the evolution and character of the isle and because of the impact of the proposal upon the experiential setting of the WHS.

In summary this statement has found that the proposal will harm the unique character of Portland as it will harm the historic environment which tells of the evolution of the isle and creates the special place that is Portland and contrary to NPPF para. 189 this will impact upon the ability of today's and future generations to enjoy the heritage assets and the wider historic environment, including the Dorset AONB and Jurassic Coast WHS.

- 3.14 In summary, the proposed ERF would be contrary to Chapter 16 of the NPPF in respect of paras 184, 189, 193, 194, 196, 199, and 200. The proposal fails to satisfy S.66 and S.72 of the Planning (Listed Buildings and Conservation Areas) Act. An ERF in this location would not be in accordance with policies ENV4 and ENV12 of the Local Plan and is not compliant with Policies 14 and 19 of the Waste Plan, Policy Port/EN4 of the Neighbourhood Plan and Policy IM3 of the Jurassic Coast Partnership Plan

Other reasons for refusal

- 3.15 With regard to the climate change proofs of evidence that has been submitted alongside this one, it is concluded that:

This location is not suitable for this proposed ERF. The community does not consider the proposal would protect or enhance our natural, built and historic environment. Better use could be made of this vital land. There is no need to add tonnes of CO₂e every year for the entire proposed life of the facility of 25+ years. SPWI consider that this proposal will compromise the ability of future generations to meet their own needs and will therefore not be in accordance with NPPF paragraph 7. This application is in our view not sustainable and would undermine the Council's stated efforts to address climate change and to become carbon neutral.

3.16 This proposal will not be in accordance with NPPF paragraph 7, which states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

3.17 In respect of the planning implications of the conclusions reached on traffic, amenity and socio-economics, this proposal goes against the Dorset Waste Plan policies 12 and 13 and it is my opinion that :

Para 4.1.4 of the Local Plan defines Portland succinctly, stating that the “area has an outstanding natural and historic environment which makes an important contribution to the economy by making the area an attractive place to live, work and visit. The high quality of the coast and countryside, with its designated landscapes and heritage assets, is particularly valuable for tourism and attracting inward investment.”

In my opinion, this development proposal falls at the first hurdle as it would undermine this description of Portland as “A great place to live, work and visit”. I consider that the ERF would have a detrimental impact on local amenity and would result in negative socio-economic impacts.

3.18 In summary, the proposed ERF is therefore contrary to Policies 12 in respect of traffic, and 13 in respect of amenity of the Dorset Waste Plan 2019. It is also contrary to Policies ENV16 and COM7 of the Local Plan. In respect of the socio-economics impacts of the ERF this proposal does not accord with the Portland Economic Vision and Plan, nor para 13.12 of the Neighbour Plan, together with Policy Port/ST1. Nor does it comply with the Jurassic Coast Partnership Plan in respect of the impacts on the WHS and local economy.

Overall assessment

3.19 The proposed ERF would be contrary to the development plan. There are no material considerations which justify granting planning permission. In fact, the relevant material considerations justify refusing planning permission. This is because the proposed ERF is

contrary to national policy, such as the National Planning Policy for Waste, the NPPF and UK Maritime Plan, and does not have the benefits which the Appellant says it does. As we have shown in our evidence, the proposed ERF would have a negative impact on tourism and leisure, and would not have the “economic benefits” that the Appellant assumes.

4.0 CONCLUSION

- 4.1 The Appellant’s SoC and SSoC waste need case is flimsy, contradictory and unconvincing.
- 4.2 The proposed application is contrary to the Waste Plan. It is an unallocated site that is proposing a development that causes substantial harm to the spatial strategy of the adopted plan. Due to its large capacity it prejudices the delivery of allocated sites for managing residual waste by virtue of its scale, size.
- 4.3 The Appellant has provided no justification for developing a proposal that will breach one of the fundamental statutory waste policies, the proximity principle, as prescribed in the Dorset Waste Plan 2019 and the Waste Management Plan for England 2021.
- 4.4 The application does not meet the required tests of Policy 4 that would permit an unallocated site being granted planning permission. The proposal is contrary to the development plan and there are no material considerations presented that would justify approval.

5.0 APPENDICES

APPENDIX A

BCP Decision Notice - Eco Composting Ltd Parley ERF

boppa.poole.gov.uk/online-applications APP-letter-12-07-23

Denmark's 'devilish' waste dilemma – POLITICO

EA-EP Clarification Response

Decarbonisation of residual waste infrastructure report - gov.scot

DWP part 3 appendix

Greenwashing cruise ships fail to use shore power in UK ports | openDemocracy

The Waste (England & Wales) Regulations 2011

APPENDIX B - Core Documents Referenced:

Appellant's draft SoCG [CD 11.5]

Appellant's SoC [CD 11.1]

Appellant's SSoC [CD 11.2]

Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019) [CD 7.1]

Clean Maritime Plan 2019 [CD 9.20]

Defra Energy from Waste – A Guide to the Debate [CD 9.8]

Dorset AONB Management Plan 2019 – 2024 [CD 12.25]

Dorset Council's "Outline Statement on Waste Need v3" [CD 11.9]

EA EP application CHP-Ready Assessment [CS 1.27]

Environmental Improvement Plan 2023 [CD 9.24]

ES Non-technical summary NTS [CD 1.36a]

NPPF [CD 9.1]

NPPW [CD 9.2]

Portland Neighbourhood Local Plan [CD 7.4]

Tolvik Energy from Waste Statistics report 2022

Waste Management Plan for England 2021 [CD 9.7]

West Dorset, Weymouth and Portland Local Plan 2011-2031 [CD 7.2]

WHS Management Plan [CD 12.9].

Inspector's Report on the Examination of the Bournemouth, Dorset & Poole Waste Plan

MVV IP statement

net-zero-strategy-beis

Our Waste, Our Resources: a strategy for England (the Strategy)

Planning (Listed Buildings and Conservation Areas) Act 1990

PPL Objection to the Canford EfW Planning Application

The Environment Act 2021

Waste Prevention Programme for England/ Maximising Resources, Minimising Waste