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# **BDP WASTE LOCAL PLAN EXAMINATION FURTHER STATEMENT**

on behalf of

**WH WHITE LIMITED (1151897)**

in relation to

**MATTER 5**

**DEVELOPMENT MANAGEMENT**

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## 1. Introduction

- 1.1 I am a chartered town planner with 20 years' experience and knowledge accumulated in consultancy, the corporate sector and the public sector. I have previously worked in the planning policy team at Borough of Poole and led the planning policy team at neighbouring Purbeck District Council. I am therefore well versed in the key issues, challenges and opportunities presented in the emerging Waste Local Plan. I founded Chapman Lily Planning in 2015 and the company is engaged in a wide variety of planning projects and proposals, a number of which involve the ever-evolving interpretation of the Habitats Regulations. I am familiar with the main points of reference and the attributes and sensitivities of the Dorset Heaths.
- 1.2 I am also a chartered waste manager with around 12 years' experience of working within the waste and resources sector. I led the Planning, Property and Permitting Team at a national waste management company (New Earth Solutions Group) which provided an invaluable insight into the operational requirements of the business and the wider regulatory framework. I have secured planning permissions for an array of different waste treatment and disposal facilities including Material Recovery Facilities (MRF), Mechanical Biological Treatment (MBT) facilities, Anaerobic Digestion (AD) plants, Advanced Thermal Treatment (ATT) plants, open windrow composting facilities and inert landfill.
- 1.3 On behalf of my client, WH White Ltd ["WHW"], I have actively engaged in the emerging Waste Local Plan. WHW own the site control centre and neighbouring Whites Pit (in former residual landfill site) at Canford in Poole.
- 1.4 The Site Control Centre occupies a discreet parcel of land, measuring c.6.7ha. It is located on the edge of the Poole-Bournemouth-Christchurch conurbation and enjoys excellent access to the strategic transport network. The site hosts:
- A fully licenced Mechanical Biological Treatment ["MBT"] facility operated by New Earth Solutions, capable of treating up to 125,000tpa of residual waste.
  - A fully licenced Materials Recovery Facility ["Dirty MRF"] operated by CRL, capable of treating up to 175,000tpa of residual waste and recyclates, as well as a small proportion of hazardous wastes.
  - A fully licenced Low Carbon Energy facility employing Advanced Thermal Treatment ["ATT"] technology operated by Syn-gas Products, converting refused derived fuel into low carbon energy.
  - A bank of landfill gas engines operated by CRE which have continuously exported renewable energy to the local distribution grid for over 20 years.

- 1.5 The Site Control Centre presents the mainstay of Bournemouth Dorset and Poole's municipal residual waste treatment capacity, as well as handling significant quantities of C&I.
- 1.6 WHW operated Whites Pit landfill prior to its transfer to Biffa and has more recently overseen its closure and restoration. Whites Pit hosts an aggregates recovery plant capable of treating up to 250,000tpa of construction, demolition and excavation ["CD&E"] waste.
- 1.7 WHW has continued to invest in site infrastructure. WHW has also helped to pioneer new waste treatment technologies and considers the Site Control Centre to be capable of intensification and expansion.

## 2. Question 64

*General – The Habitats Regulations Assessment recommends inclusion of a criterion in policies 3 to 6 concerning possible effects on European and Ramsar sites. Why is the criterion not included in policies 7 to 11?*

- 2.1 As set out in WHW's representation to the Pre-submission draft plan, it would not be appropriate to cascade this assessment to the application stage through a criteria-based approach if it cannot be determined that the plans and projects are unlikely to have significant impacts upon the integrity of designated European Sites.
- 2.2 In line with the recent ruling by the European Court of Justice (Case C 323/17) 'People over wind' potential impacts requiring mitigation should not simply be screened out. WHW is concerned that the WPA has not secured sufficient information to conclude that a technology neutral approach (which potentially includes EfW) could be supported on sites 7 to 11 without a more rigorous in-combination assessment. The apparent absence of data on potential stack heights and exhaust emissions to air is therefore troubling.
- 2.3 I would respectfully suggest that this threatens the soundness of the emerging plan – in that it would not be effective and deliverable over the plan period as required at paragraph 182 of the NPPF. It is considered that this could be remedied through the deletion of sites 7 and site 11; taking account of the latent residual waste treatment capacity available at the Site Control Centre (site 8) which can be liberated without further recourse to the planning system.

## 3. Question 84

*Policy 18 – Biodiversity and geological interest – Do the Councils envisage that Regulation 64 of the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) would be likely to be engaged in respect of the allocated sites?*

- 3.1 This is clearly a matter for the WPA. However, I respectfully suggest that there are no considerations of overriding public interest.

#### **4. Question 93**

*Inset 7 Eco Sustainable Solutions, Parley. Is there sufficient certainty that effects on the European and Ramsar sites could be adequately mitigated?*

- 4.1 No. For the reasons outlined in WHW's response to the Pre-submission Draft, I opine the WPA possesses insufficient information to conclude that effects on the European and Ramsar sites could be adequately mitigated. The deficit in information is outlined in paragraph 2.1 above. No further update to the HRA accompanying the plan nor supplementary information appears to have been tabled prior to the submission of the Plan. On behalf of WHW, I would respectfully request the right to participate in this session and to review and comment on any supplementary information tabled at the EiP.

#### **5. Question 94**

*Inset 7 Eco Sustainable Solutions, Parley – Were alternative sites considered in terms of potential biodiversity effects?*

- 5.1 It is evident that the opportunity to harness residual waste treatment capacity within the established MRF (as consented to be extended) at the Site Control Centre has not been fully explored. Whilst WHW welcome the WPA's attempts to introduce additional flexibility through modifications; this should not distract from the fact that a significant quantum of the identified need for residual waste treatment capacity can be met without further recourse to the planning system. Thus, it is my opinion that the case for allocating site 7 is severely diminished.

#### **6. Question 99**

*Inset 10 Binnegar Environmental Park, East Stoke – Should the Development Considerations state that the applicant must provide sufficient information to enable the Waste Planning Authority to carry out an Appropriate Assessment and set out the information that would be required?*

- 6.1 I would observe that the provision 63(2) of the Habitats Regulations 2017 makes it clear that 'A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required'. As such, this is a procedural matter and should not be included within the criteria, in the event that the Inspector find the Plan sound with the retention of site 10.

## **7. Question 100**

*Inset 10 Binnegar Environmental Park, East Stoke – Were alternative sites considered in terms of potential biodiversity effects?*

- 7.1 It is evident that the opportunity to harness residual waste treatment capacity within the established MRF (as consented to be extended) at the Site Control Centre has not been fully explored. Whilst WHW welcome the WPA's attempts to introduce additional flexibility through modifications; this should not distract from the fact that a significant quantum of the identified need for residual waste treatment capacity can be met without further recourse to the planning system. Thus, it is my opinion that the case for allocating site 10 is severely diminished.

## **8. Question 101**

*Inset 10 Binnegar Environmental Park, East Stoke – Is there sufficient certainty that effects on European and Ramsar sites could be adequately mitigated?*

- 8.1 No. For the reasons outlined in WHW's response to the Pre-submission Draft, I opine the WPA possesses insufficient information to conclude that effects on the European and Ramsar sites could be adequately mitigated. The deficit in information is outlined in paragraph 2.1 above. No further update to the HRA accompanying the plan nor supplementary information appears to have been tabled prior to the submission of the Plan. On behalf of WHW, I would respectfully request the right to participate in this session and to review and comment on any supplementary information tabled at the EiP.

## **9. Question 106**

*Policy 20 Airfield safeguarding areas and inset 7 Eco Sustainable Solutions, Parley – Has any detailed investigation been undertaken with respect to the likely stack height required on Inset 7 site and has any view been expressed by the Civil Aviation Authority?*

- 9.1 This is clearly a matter for the WPA. However, on behalf of WHW, I would respectfully request the right to participate in this session and to review and comment upon any supplementary information presented to the EIP relating to stack heights.
- 9.2 I note that the suggested main modification ref: MMAS7.4 would not encompass the wider requirements set out under para 12.101 (as proposed to be modified under main modification MM12.6) which it is assumed have emerged through discussions with the CAA. The reason for this discrepancy is unclear. If minded to retain the allocation of site 7: Eco Sustainable Solutions, I would suggest that regard would also need to be had to lighting, sightlines, radio-communications and potential interference, obstacle limitation surfaces.

## **10. Question 107**

*Policy 21 South East Dorset Green Belt – National policy in paragraph 88 of the Framework requires that potential harm to the Green Belt by reason of inappropriate development and any other harm are weighed against other considerations to determine whether or not ‘very special circumstances’ exist. With this in mind would Policy 21 be consistent with national policy?*

- 10.1 I would respectfully suggest that the paragraph 88 of the NPPF cannot be read in isolation, but in combination with paragraphs 89 and 90, as well as paragraph 6 of National Waste Planning Policy (annexed to the Waste Management Strategy for England).

## **11. Question 108**

*Policy 21 South East Dorset Green Belt – In what circumstances is it envisaged that a waste management development may not be inappropriate development in the Green Belt?*

- 11.1 In the circumstances outlined in paragraphs 89 and 90 of the NPPF; including proportionate extensions to established buildings in waste management use, infill or complete redevelopment of brownfield sites and / or the reuse of rural buildings.
- 11.2 Taking paragraph 6 of National Waste Planning Policy (annexed to the Waste Management Strategy for England); I would also suggest that it may prove undesirable to situate all capacity beyond the Green Belt as this would result in significant travel distances compromising the efficiency of local collection rounds and reducing the propensity to deliver benefits through the circular economy.

## **12. Question 112**

*Policy 21 South East Dorset Green Belt – Would the increase in built form and the stack which would be necessary to minimise the impact of emissions on the European site be likely to cause further harm to the openness of the Green Belt?*

- 12.1 It is respectfully suggested that this can only be answered in relation to a specific site having regard to the contribution of that the site makes to the five purposes of the Green Belt, the potential impact of the openness of the Green Belt and the permanence of the Green Belt. Whilst by no means the only factor in assessing impact upon openness, visual and landscape impacts will be a key consideration.
- 12.2 I would opine that the scale of any facility and the technology employed is also likely to be a determinative factor – i.e. a 160,000tpa EfW facility is likely to have a greater impact upon openness than a 60,000tpa MBT facility by virtue of the height of the buildings and structures. In the case of an EfW height is generally dictated by the reception pit and / or boiler configuration with structures relating to cooling and the stack also being notable. The typical stack height for an EfW with a throughput of 160,000tpa will invariably result in a large visual envelope.

### **13. Question 113**

*Inset 8 Canford Magna – The Inset 8 allocation is outside the Major Developed Site in the Green Belt which is identified on page 88 and in Policy SSA26 of the Poole Site Specific Allocations and Development Management Policies (2012). That policy was based on PPG2. The Framework does not allow for development on major developed sites to form exceptions to inappropriate development. With these factors in mind should the Development Considerations make clear that applications will be considered against national policy and Policy 21?*

- 13.1 WHW duly acknowledge the change in national planning policy introduced through the NPPF. WHW note the WPA's suggested modification ref: MMAS8.1 and re-affirm that the site control centre is a previously developed site (brownfield site). Paragraph 89 of the NPPF states that 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

... ..

*Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*

- 13.2 For the avoidance of doubt all of the established uses at the Site Control Centre (as set out in the introduction to this statement) benefit from permanent planning permission. Furthermore, the site enjoys a high degree of enclosure by virtue of levels, bunds and mature boundary trees, such that any new development would not detract from the openness of the Green Belt. Whilst openness is not solely confined to landscape and visual impact, it is nonetheless worth noting that the WPA's Sustainability Appraisal describes the impact under objective 7: To maintain, conserve and enhance the landscape as *'Positive – no major landscape concerns development of this land would avoid the development of other more sensitive sites'*. I would concur with this assessment.



Figure 1: Established uses (inclusive of extant consents) at the Site Control Centre – illustrative only, not to scale.

- 13.3 In addition to paragraph 88 on the NPPF, Paragraph 6 of National Waste Planning Policy (as annexed to the Waste Management Strategy for England), infers that notwithstanding the strong protection afforded to Green Belt Policy, regard should be had to *'the particular locational needs of some types of waste management facilities'*. The geographic merits of site 8 in terms of proximity to the main source of waste arisings (i.e. homes and businesses in the Bournemouth Poole Christchurch conurbation), whilst being sufficiently divorced from sensitive receptors to avoid amenity issues, are considered to weigh heavily in the sites favour. Furthermore, the proposed allocation relates to the intensification and expansion (for complementary uses) of the existing facility to liberate latent capacity and to push waste up the hierarchy (potentially resulting in products that meet end of waste protocols). This relies upon the established infrastructure that is already in place at the Site Control Centre and cannot simply be replicated elsewhere.
- 13.4 WHW believe that the WPA has been cognisant of the above in allocating the site for intensification and expansion. The allocation is entirely consistent with national Green Belt Policy, by virtue of the fact that any development would not constitute inappropriate



development. Therefore, there is no need to introduce additional Development Considerations to cross reference the NPPF or Policy 21.

## **14. Question 114**

*Inset 8 Canford Magna – Have alternative sites which are outside the Green Belt been considered and if so, which ones?*

- 14.1 This is clearly a matter for the WPA. However, on behalf of WHW, I would stress that the proposed allocation relates to the intensification and expansion (for complementary uses) of the existing facility to liberate latent capacity and to push waste up the hierarchy (potentially resulting in products that meet end of waste protocols). This relies upon the established infrastructure that is already in place at the Site Control Centre and cannot simply be replicated elsewhere. It is considered that this is duly recognised in paragraph 6 of National Planning Policy for Waste (see paragraph 13.3 of this statement). Again, I would emphasise the allocation of the Site Control Centre would be consistent with paragraph 89 of the NPPF and that it presents a wealth of sustainability merits. This is in stark contrast to some of the other allocations put forward within the SE Dorset Green Belt.