



Portland  
energy recovery  
facility

Updated access path strategy  
paper (with clarifications)  
February 2023



## **Contents**

- 1. Introduction**
- 2. The Proposed Route**
- 3. Proposed Access Path Works**
- 4. Benefits of the Access Path**
- 5. Summary**
- 6. Appendix A - Proposed New Access Route**
- 7. Appendix B – Proposed New Access Route Details**

## 1. Introduction

- 1.1. The purpose of this report is to provide responses to questions raised in the letter dated 30 April 2021 issued by Adrian Lynham on behalf of Dorset Council (the **Request**).
- 1.2. The points addressed in this paper are in relation to the Historic Environment section of the Request (point 7), included below for convenience:
  - 1.2.1. **Request point 7:** Further detail and assessment in respect of specific mitigation measures proposed to mitigate potential harm caused to the historic environment from the proposal, which should have regard to impacts on setting of designated heritage assets. Proposals for mitigation should include the consideration of a footpath link on Port land immediately beneath the prison.
- 1.3. The heritage mitigation proposals are summarised in the ES Addendum and detailed within the Framework Heritage Mitigation Strategy (appendix 6.1). These provide the information requested by Dorset Council in respect to the proposed mitigation measures to mitigate potential harm to the historic environment arising from the proposed ERF.
- 1.4. This paper seeks to provide further context in respect to Dorset Council's request for the proposed heritage mitigation to consider a footpath link on port land immediately beneath the prison.
- 1.5. This reflects one of the overall objectives of the Framework Heritage Mitigation Strategy which is to provide:

*“Enhanced public access through the extension of the footpath at East Weare (known as Cemetery Road) to allow an “around the island” circuit of the coastal path by creating a new section of permissive footpath through currently inaccessible parts of the secure port estate to connect to the existing public accessible land/rights of way.”*
- 1.6. The extension of the footpath would support the objective to increase public access to the East Weare to facilitate public appreciation and interpretation of the heritage assets in this area. It will achieve this in part by providing a connecting route from the existing footpaths to the South of the Port and not just from Cemetery Road to the north (as currently). These southern routes further link up with the National Trail network, South West Coast Path and the “Lyme Regis to Rufus Castle” stretch of the England Coast Path.<sup>1</sup>

---

<sup>1</sup> See [Lyme Regis to Rufus Castle.ai \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- 1.7. Whilst the footpath extension is first and foremost a fundamental component of the heritage mitigation strategy, its provision will also result in some secondary ecological and leisure and recreation benefits. The ecological impacts associated with the heritage mitigation works are outlined in chapter 9 of the ES Addendum and associated appendix 9.2. This paper specifically provides further information in respect to the nature of the link envisaged and the leisure and recreation benefits that could be derived from its provision.



## 2. The Proposed Route

- 2.1. There is currently a publicly accessible footpath leading from Verne Common Road, past the Royal Navy Cemetery and along the base of the northern and eastern cliff boundary of HMP The Verne. This path is designated as S3/72 by Dorset Council at East Weare (also known as Cemetery Road).
- 2.2. Path S3/72 terminates when it reaches the secure boundary of Portland Port at:  
  
Latitude: 50.563512  
Longitude: -2.4313460
- 2.3. From the 'Cemetery Gate' as per the plan in Appendix A this path is within the demise of Portland Port.
- 2.4. To the southeast of HMP The Verne there is another pair of publicly accessible foot paths: S3/81 leading to Nicodemus Knob where it terminates into S3/70 (see Appendix A) which heads both west to Glacis and the South West Coast Path and south where it terminates when it reaches Incline Road. S3/81 also terminates at its northern end when it reaches the secure boundary of Portland Port at:  
  
Latitude: 50°33'39"N  
Longitude: 002°25'47"W
- 2.5. The entirety of the south leg and most of the eastern leg of this path (S3/70) is also within the demise of Portland Port.
- 2.6. The proposal is for Powerfuel Portland Limited and Portland Port to re-align the current secure boundary fencing at the terminations of these two paths, S3/72 and S3/81, to the eastern edge of the internal access road.
- 2.7. Once done the internal access road can then be used by pedestrians to connect these two footpaths creating an "around the island" circuit of the coastal path through currently inaccessible parts of the secure port estate to connect to the existing public accessible land/rights of way.
- 2.8. This path is intended to be secured through a S.106 obligation in respect to the heritage mitigation strategy, alongside the clearance of scrub around E Battery to allow for the repair and ongoing maintenance of this scheduled monument. The removal of some scrub from this area accords with Natural England's objective to restore this habitat to a favourable condition.

### 3. Proposed Access Path Works

- 3.1. Powerfuel Portland, in partnership with the landowner Portland Port, are proposing to provide the funding and expertise necessary to adjust the secure boundary perimeter fencing of the port to allow for access from the Royal Navy Cemetery path (S3/72\*<sup>2</sup>) to the path adjacent to Nicodemus Knob (S3/81\*)
- 3.2. The proposed path will all be fenced and will be wide enough to allow the public access and also to allow access for maintenance vehicles future management of the heritage assets and protected habitat areas.
- 3.3. Part of the fencing proposed along the footpath route will be stock fencing (Appendix B). This will run along the southern boundary of the footpath extension (landward side), bisecting Unit 33 of the Isle of Portland SSSI (see Appendix A for extents of Unit 33). The fence line will run along the entire length of the footpath extension and beyond along the existing public footpath to the existing naval cemetery wall. If the current southern boundary of the cemetery is not found to be stock-proof, it is proposed that the fencing will be extended along the southern boundary of the cemetery until it reaches the access gates.
- 3.4. Fencing will also be installed on the northern (port side) of the route. This will be a different specification from the stock-proof fence but would still serve to contain grazing animals should they be introduced north of the footpath at a future date.
- 3.5. Controlled access to the E Battery East Weare monument from the footpath route will also be managed in cooperation with Portland Port, who own the relevant land and have security and health & safety obligations in this area, by way of the installation of a security gate within this run of fencing.
- 3.6. The port is an operational and secure area. A new section of security fencing will be installed along the eastern edge of the road to ensure that the current secure boundary of the port remains in force. Because this new route will be making use of one of the port's internal access roads there is an operational requirement for this access to be periodically closed in order to facilitate its use as an access road by the port and for maintenance.
- 3.7. So that this periodic closure can be undertaken with minimal disruption the existing secure gate at the northern end of the internal access road where it meets S3/72 will remain but will default to being locked in its open position. A new security gate will be installed at the southern edge of this portion of internal access road where it meets S3/81, also locked to its open position by default.

---

<sup>2</sup> \* <https://explorer.geowessex.com/>

Both of these gates will be under the control of Portland Port to be closed at their discretion when the internal access road is required for port operations.

- 3.8. A plan showing the indicative route of this proposal is located in Appendix A.

**Post submission clarification**

- 3.9. Post submission, the Planning Officer has raised a concern with Powerfuel that planning permission may not be granted by Dorset Council for the section of 3m security fence previously proposed and that therefore full weight could not be attributed to the footpath as part of the mitigation as there is a risk that it cannot be delivered.
- 3.10. To address this and provide the Planning Officer with comfort that the agreed footpath mitigation is deliverable and can be attributed full weight in the Officer Report, the applicant is able to clarify that Portland Port has agreed that the fence heights (and all gate heights) will have a maximum height of 2m. Plans provided in Appendix A and B of this Paper have been updated as necessary.
- 3.11. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) grants planning permission for classes of development described as permitted development in Schedule 2 of the GPDO.
- 3.12. Part 2 (Minor Operations) of Schedule 2 allows “the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure”. The provision confirms that a fence or gate that is 2m above ground level or less is permitted development and therefore does not require any further planning permission. The fence line would sit outside of the curtilage of any listed structures such that permitted development rights would still apply.
- 3.13. To clarify, this will mean that all fencing can be erected without any planning permission being required and therefore there is no identified risk that this benefit cannot be delivered. The result being that this benefit should be attributed weight in the Officer’s Report as was the intention when this was agreed in August 2021.

## 4. Benefits of the Access Path

- 4.1. The primary purpose and benefit of the proposed permissive path is that it will serve to provide managed public access to E Battery East Weare that is not currently safely accessible. It will also provide an accessible viewing location hosting interpretation boards with informative educational material providing historical context to the scheduled monument and the wider group of heritage assets nearby. This should facilitate greater appreciation and interpretation of the various local heritage assets in this area.
- 4.2. There will, however, be other benefits related to the proposed heritage mitigation arising from the works necessary to open up access to the E Battery East Weare scheduled monument and Grade II listed building to enable scrub clearance within and around the heritage asset. Again, whilst these works are primarily intended to enable the monument to be taken off the Historic England Heritage at Risk Register, the clearance of some scrub around the monument and along the length of the footpath link will provide some ecological benefits. These are considered in the ES Addendum, but in summary, will result in some opportunities for other habitats to recover.
- 4.3. The proposed stock proof fencing, to be installed along the extent of the new and enhanced footpath link, will provide some of the fencing that would be required to enable new grazing units to be established on land within the port estate, within Unit 33 of the SSSI. The provision of a fully functional grazing unit and grazing stock lies entirely outside the remit of the proposed ERF planning application. Whilst it would be for other parties to deliver the totality of this grazing unit, it is recognised by Natural England and Dorset Council that the provision of the new footpath link and associated stockproof fencing would be a benefit in establishing a future grazing unit, in association with Portland Port as the landowner.
- 4.4. In addition to secondary ecological benefits arising from the clearance of scrub, the provision of the footpath will have a further secondary benefit in supporting local leisure and recreation. Visitors and local residents currently enjoy access to most of the coastal area of Portland, with the exception of the land that falls within the port estate. This area has for many years been subject to access restrictions associated first with its former military naval base use and more recently in respect to the commercial port operations. This has prevented a circular around Portland route from being achieved.
- 4.5. The provision of a permissive path, through the heritage mitigation strategy objective to enable public appreciation and interpretation of the local heritage assets, would result in a secondary benefit of securing an around Portland circular route, providing a leisure and recreation benefit.



## 5. Summary

- 5.1. Dorset Council has requested that consideration be given to the inclusion of a footpath beneath the prison on port land as part of the heritage mitigation. This paper has identified the route of a new footpath, linking together two existing footpaths that currently terminate at the boundary of the port estate, which is inaccessible to the public.
- 5.2. The proposed footpath link forms an integral part of the Framework Heritage Mitigation Strategy. Its primary purpose is to facilitate public access into the East Weare area to increase public appreciation and interpretation of the many local heritage assets situated within this area.
- 5.3. The applicant has worked closely with Portland Port as landowner, and other parties including Dorset Council, Historic England, and Natural England to ensure that the heritage mitigation strategy is deliverable and is not only capable of delivering its primary purpose, that of mitigating harm caused to the setting of heritage assets at East Weare by the proposed ERF, but also other secondary benefits for ecology and leisure and recreation.
- 5.4. These secondary benefits include:
  - The removal of invasive scrub and encouragement of other important habitats, in accordance with Natural England's objective, to bring the SSSI to a more favourable condition
  - The introduction of stock proof fencing along the footpath route facilitating the future introduction (by others) of a grazing unit for the future management of the protected habitats
  - Provision of permissive public access into the East Weare area, where this is currently not possible, removing a significant gap in the around Portland coastal path, which together with the public heritage benefits, also provides leisure and recreational benefits.

## 6. Appendix A - Proposed New Access Route



