



Portland
energy recovery
facility

Updated access path strategy
paper
August 2023



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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 overall 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 E Battery from 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.¹

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

- 1.7. The footpath extension is first and foremost a fundamental component of the heritage mitigation strategy but its provision will also result in some secondary leisure and recreation benefits.
- 1.8. Note it was previously proposed to introduce additional fencing along the length of the existing S3/72 footpath towards the Royal Naval Cemetery to provide the potential for grazing units but, as a result of consultee responses received in March 2023, this element has been removed.

2. The Proposed Route

- 2.1. From the north 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 and terminates at its southern end when it reaches the secure boundary of Portland Port known as 'Cemetery Lane Gate' as per the plan in Appendix A.
- 2.2. From the south there is another publicly accessible footpath, S3/81, that leads to Nicodemus Knob where it terminates into S3/70, which then runs both west to Glacis and the South West Coast Path and south where it terminates when it reaches Incline Road. S3/81 terminates at its northern end when it reaches the secure boundary of Portland Port known as 'Top Battery Gate' as per the plan in Appendix A.
- 2.3. The proposal is for Powerfuel Portland Limited and Portland Port to re-align the current secure boundary fencing of the port at the terminations of these two paths, S3/72 and S3/81, to the edge of the existing internal access road.
- 2.4. This will allow the internal access road to be used by pedestrians allow access to E Battery from the south and will also 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.
- 2.5. This path is intended to be secured through a S.106 obligation in respect to the heritage mitigation strategy.

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 create a new permissive path within the port's landholding between 'Cemetery Lane Gate' and 'Top Battery Gate', thereby connecting existing routes S3/72 and S3/81.
- 3.2. The port is an operational and secure area. A new section of 2m high security/palisade fencing will be installed on the port side of the new path to ensure that the current secure boundary of the port remains in force.
- 3.3. A small section of 2m high stock fencing will also be installed on the land side of a limited section of the new path in order to prevent public access to an existing building.
- 3.4. Natural England has previously confirmed² that the impact on habitats as a result of the proposed fencing in this area is considered acceptable, subject to a proper survey and detailed methodology at a future date. As a result the proposed fencing should be deliverable under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as it represents a class of development described in Schedule 2 of the GPDO.
- 3.5. As 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.
- 3.6. To allow this periodic closure to be undertaken with minimal disruption the existing secure gate at the northern end of the internal access road where it meets S3/72 ('Cemetery Lane Gate') 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 ('Top Battery Gate'), also locked to its open position by default. 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.
- 3.7. A plan showing the indicative route of this proposal is located in Appendix A.

² Natural England response to Dorset Council dated 8th March 2023

4. Benefits of the Access Path

- 4.1. The proposed footpath link forms an integral part of the Framework Heritage Mitigation Strategy. Its primary purpose is to facilitate increased public access into the East Weare/E Battery area which will increase public appreciation and interpretation of the local heritage assets situated within this area.
- 4.2. It will also provide an around Portland circular route, 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.

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 permissive path, 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 path forms an integral part of the Framework Heritage Mitigation Strategy. Its primary purpose is to facilitate increased public access into the East Weare/E Battery area to increase public appreciation and interpretation of the local heritage assets situated within this area.
- 5.3. A secondary benefit is the provision of an around Portland circular route that was previously not possible.
- 5.4. The applicant has worked closely with Portland Port (the landowner) and has had regard to consultee responses received in March 2023 from Dorset Council, Historic England, and Natural England in developing the reinstated proposal to ensure the increased public access and provision of leisure and recreation benefits, including the removal of a significant gap in the around Portland coastal path, can be delivered.

6. Appendix A - Proposed New Permissive Path



7. Appendix B – Proposed Fencing and Gate Detail

