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BY EMAIL ONLY

Dear Adrian

Planning consultation: Further info: Construction of energy recovery facility with ancillary buildings/works incl. gatehouse & weigh-bridge, cable routes to ship berths and existing off-site electrical sub-station

Location: Portland Port, Castletown, Portland DT5 1PP

Thank you for your consultation on the above dated 17 August 2021 which was received by Natural England on 17 August 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

OBJECTION FURTHER INFORMATION REQUIRED

The application site is in close proximity to the following internationally and nationally designated sites:

- Isle of Portland to Studland Cliffs Special Area of Conservation (SAC)
- Isle of Portland Site of Special Scientific Interest (SSSI)
- Nicodemus Heights SSSI
- Chesil and The Fleet SAC
- Chesil Beach and The Fleet Ramsar
- Chesil Beach and The Fleet Special Protection Area (SPA)
- Chesil and The Fleet SSSI
- Portland Harbour Shore SSSI
- Studland to Portland SAC
- Chesil Beach and Stennis Ledges Marine Conservation Zones (MCZ)
- South of Portland MCZ
- Purbeck Coast MCZ

Biodiversity – national and international Sites

Natural England advises the authority that the Footprint Ecology survey Chesil and the Fleet vegetation survey 2018 commissioned by Natural England independently of the proposal should be regarded as the most accurate and reliable baseline for vegetation identification, distribution and area.

Air Quality

The following advice relates to the Updated Shadow Appropriate Assessment for Portland Energy Recovery Facility (ERF) June 2021 and its conclusions.

Para 5.3 Natural England understand that the proposal will involve the use of diesel generators for emergency use. As a matter of course these will need to be tested on a regular basis to ensure they are functional in the case of a power outage. These units typically generate significant levels of additional local air pollution and the emissions need to be properly modelled and assessed. This information is currently lacking in the Air Quality report but the applicant has provided further information which the authority will need to consider with Natural England.

It is noted that the applicant has considered a number of different stack heights during their assessment work before selecting 80m (para 5.41).

Para 5.44 The applicant may wish to make it clear that ammonia is produced by diesel vehicles as a by-product of the use of a fuel additive intended to improve efficiency particularly in HDVs eg AdBlue (urea).

Appropriate Assessment

Natural England advise that the authority should be mindful of the difference between the terms Critical Level (CL_e) and Critical Load (CL_o), paras 5.36 to 5.38 and the use of the 1% threshold when considering Likely Significant Effects. Where a process contribution exceeds 1% a further consideration/assessment by the authority is required but it does not follow that a 1% contribution would *necessarily* lead to a conclusion of an adverse effect on integrity.

Critical Levels (CL_e)

Isle of Portland to Studland Cliffs SAC

It is important to note that there is a significant difference in height between the stack and vehicles on the Port Road which affects where air pollution intercepts the ground vegetation.

NO_x emissions

Para 6.19 Natural England concur with the conclusion that there will be no adverse impacts on the integrity of the SAC due to NO_x emissions (PEC 35.2% annual mean and 28.9% daily mean NO_x critical levels) from the combined process and its transport related emissions.

SO₂ emissions

Para 6.21 Natural England concur with the conclusion that there will be no adverse impacts on the integrity of the SAC due to SO₂ emissions process contribution (PC) 0.09% annual mean, the annual mean background level is 8.1% of the critical level from the combined process and its related transport emissions.

Ammonia emissions

Para 6.22- 6.27 The assessment considers effects of ammonia on the more sensitive lichen and bryophyte receptors and also for higher plants. A different critical level applies for each. This approach is appropriate given the features at different locations subject to the impacts.

The critical level of 1µg/m³ for ammonia is appropriate where lichen and bryophytes are present in the SAC as typical features and 3 µg/m³ where higher plants are the feature affected. For the area of SAC closest to Castle Road/Castleton (Port Road) the SAC supports scrub habitats and hence a 3 µg/m³ level would be acceptable, the applicant has modelled at the more sensitive level.

The current background level of 0.71 µg/m³ occurs where the stack contribution is highest in the SAC (para 6.22, ES Addendum 3.1). The assessment shows that the process contribution from the stack will be over 2% of the critical level at 0.025 µg/m³, the PC is therefore 73.5% of the critical level and in-combination with that generated by traffic the ammonia level from the application reaches 80% (0.795µg/m³ of the CL_e) at the closest part of Port Road to the SAC.

The information presented indicates that there is a contribution from the application of over 6% of the ammonia critical level (CL 1 µg/m³ for lower plants) within 50m of the roadside. When the ERF and its traffic movement emissions are considered in-combination with other projects the ammonia

contribution does not reach the critical level of $1 \mu\text{g}/\text{m}^3$ for the SAC at its boundary (Fig 29, ES Addendum 3.1). The increase in NH_3 close to the Port Road falls to 80% of the critical level at 40m into the site using the $1 \mu\text{g}/\text{m}^3$ critical level (para 7.45).

In relation to the stack emissions from this alone will affect the grasslands around the Verne and in that location the process contribution will be, as above, $0.025 \mu\text{g}/\text{m}^3$ however with the background contribution giving a predicted environmental concentration (PEC) of 73.5% of the critical level this will not have an adverse effect on the SAC habitats. Ammonia from road traffic at the port will not contribute significantly to that from the stack around the Verne.

Natural England advise that in relation to ammonia there will not be an adverse effect alone or in combination on integrity in relation to the Isle of Portland to Studland Cliffs SAC.

Isle of Portland to Studland Cliffs SAC

Natural England agree with the conclusion reached that there will be no adverse effect on integrity from either the ERF or road traffic due to NO_x , SO_2 , NH_3 .

Chesil & The Fleet SAC

NO_x emissions

The annual mean NO_x contribution from the ERF alone is 0.5% of the critical level of the SAC. Whilst the daily mean PC is 5.4% of the critical level ($75 \mu\text{g}/\text{m}^3$). It is noted that for both daily and annual means the NO_x levels, whilst exceeding the 1% threshold, remain below the relevant critical level of $30 \mu\text{g}/\text{m}^3$ with a PEC at $10.52 \mu\text{g}/\text{m}^3$.

Natural England agree with the conclusion that there will be no adverse effect on integrity from either the ERF alone or in combination with the application related traffic (para 6.35-6.37 detail the combined levels attributed to the ERF and its road traffic).

Para 7.13 – 7.14 (dHRA). When the NO_x from the proposal, its road traffic and the additional road traffic from the other projects is considered in-combination the critical level for NO_x is exceeded within 3m of the A354 (Portland Beach Road), falling to 70% at 11m. There are no lichen or bryophytes of concern in these areas.

SO₂ emissions

Para 6.39 SO_2 emissions will arise only from the ERF and the contribution to the SAC is 0.5% of the critical level.

For SO_2 where the PC is 1.3% of the CL the overall PEC falls below the critical level and no adverse effects are agreed.

Natural England agree with the conclusion reached that there will be no adverse effect on integrity from the ERF alone or in combination due to SO_2 .

Ammonia emissions

Para 6.41 At the area where the maximum effects of ammonia on the SAC occur the background ammonia concentration is $0.71 \mu\text{g}/\text{m}^3$ and the ERF PC is $0.01 \mu\text{g}/\text{m}^3$. Consideration of the appropriate ammonia critical level threshold is provided for both higher plants and a more precautionary level for lichens and bryophytes, the PEC for the $1 \mu\text{g}/\text{m}^3$ and $3 \mu\text{g}/\text{m}^3$ thresholds are 72% and 24% so below the critical level.

Natural England agree with the conclusion that there will be no adverse effect on integrity from the ERF and road traffic arising from the proposal alone due to ammonia (para 6.35-6.37 detail the combined levels attributed to the ERF and road traffic).

Para 7.22 The effect of ammonia from the proposal and its traffic in combination exceeds 1% of the Critical Level within 1m of the road edge. When the other projects are considered the critical level is exceeded at 3m of the road edge dropping to 70% at 9m from the road edge. As noted above this

area does not support lichens and bryophytes of concern.

Para 7.24 - 7.25 (dHRA). It is accepted that a critical level of $3 \mu\text{g}/\text{m}^3$ and for NO_x an annual average of $30 \mu\text{g}/\text{m}^3$ is appropriate for the vegetated shingle habitats that occur alongside the A354.

When the in-combination test is applied with this critical level for ammonia the cumulative air pollution level will exceed 8% of the critical level within 50m of the road. Whilst this exceedance requires further consideration it must also be seen in the context of the habitat sensitivity, background level and predicted increases.

The appropriate assessment correctly considers the effects on other relevant habitats which are either not present in close proximity or not sensitive to adverse effects from air pollution and hence adverse effects are screened out.

Natural England concur with the dHRA that both alone and in-combination effects of increased NO_x and ammonia will not have an adverse effect on the integrity of the SAC.

Chesil Beach and the Fleet SPA/Ramsar

Natural England agree with the conclusion reached that there will be no adverse effect on integrity from either the ERF or its road traffic due to NO_x, SO₂, NH₃.

Nitrogen deposition Critical Loads (CLO)

Isle of Portland to Studland Cliffs SAC

Para 6.58 – 6.59 Natural England agree with the conclusion reached that there will be no adverse effect on integrity from the ERF in the area around the Verne due to nitrogen deposition alone. The background levels of deposition ($8.48 \text{ kg}/\text{N}/\text{ha}/\text{yr}$) are below the lower critical loads ($15\text{-}25 \text{ kg}/\text{N}/\text{ha}/\text{yr}$) for the *Festuco-Brometalia* and where the PC is highest at 1.1% ($0.169 \text{ kg}/\text{N}/\text{ha}/\text{yr}$) the PEC is about 57% of the critical load.

The A354 passes through Fortuneswell to the south but the additional projects identified in the dHRA do not generate a comparable level of traffic nutrient deposition around the top of the Verne to that modelled at the Port Road. In the Port Road area N deposition is at its highest for the SAC habitats but this level does not occur around the top of the Verne which is only subject to ERF emissions because most other projects considered in combination are focussed around the Port. Natural England is therefore satisfied that there will be no adverse effect on integrity from either the ERF either alone or in combination with road traffic on the Isle of Portland SAC due to nitrogen deposition.

Chesil and the Fleet SAC

The assessment considers all the relevant habitat features. Nitrogen deposition predicted from the ERF, which is some distance from the site, is $0.073 \text{ kg}/\text{N}/\text{ha}/\text{yr}$. The background deposition ranges from 8.5 to $16.4 \text{ kg}/\text{N}/\text{ha}/\text{yr}$. Of the habitat features perennial vegetation of stoney banks has a lower critical load of $8 \text{ kg}/\text{N}/\text{ha}/\text{yr}$. This is a useful precautionary figure to note (Para 6.73-6.75). Other qualifying habitats present, such as annual vegetation of drift lines which is not sensitive or Atlantic salt meadows which are located outside the area influenced, can be screened out.

The N deposition from road traffic is at its highest level within 4m from the road edge and at 100m from the road edge deposition falls to c1% of the critical load.

The sites supplementary advice on conservation objectives sets a site relevant critical load of $8\text{-}15 \text{ kg}/\text{N}/\text{ha}/\text{yr}$ compared to a maximum deposition of $16.1 \text{ kg}/\text{N}/\text{ha}/\text{yr}$. In the location affected by the proposal however background deposition is currently above the lower value of the critical load range at $8.48 \text{ kg}/\text{N}/\text{ha}/\text{yr}$ (APIS).

The SAC habitats present along the road corridor are shown in the Footprint Report from 2018. Unlike other active shingle banks the areas close to the A354 are not subject to natural processes and there is evidence that they are more stabilised and with robust plant communities present

including indicators of enrichment. Other man made features and management practices influence the vegetation present e.g. paths, drainage features.

It is worth noting here that the active shingle bank at Dungeness has a higher critical load level of 10 kg/ha/yr which is the same as that for acid grasslands. This site supports comparable vegetation communities including important and extensive lichen rich shingle which are comparable to some of the MC5 communities found at the Abbotsbury end of Chesil. There are small areas of lichen rich habitat in the MC5 habitat close to the visitor centre, however this habitat is more than 100m from the edge of the road to the west. The habitat in this area which is closest to the visitor centre car park is also subject to recreational erosion pressures.

The PC from the ERF to the SAC is given as 0.073 kg/ha/yr and when combined with the traffic required amounts to 0.16 kg/ha/yr or 2% of the CLo at c4m from the roadside. The contribution reaches 1% at 100m from the roadside which is 0.08 kg/ha/yr. On the west side of the road an area of the SAC most subject to N deposition is a tarmac cycle path. On the eastern side the shingle substrate directly adjacent to the road is modified in form by ditching etc and beyond this the habitats are subject to a high degree of trampling pressure and the vegetation is stabilised.

The main concern in this part of the SAC however is the in-combination effects of N deposition with that from the other projects listed in the dHRA (Table 4). These have been modelled, in particular the effects of traffic based nutrient deposition (other possible N deposition sources eg generators are not considered). From the information in the AQ Report June 2021 it is seen that adjacent to the road the modelled level of nitrogen deposition is 25 kg/ha/yr dropping to 10 kg/ha/yr at 50m away from the road edge. This means that deposition from the other projects is contributing **16.44 kg/ha** adjacent to the roadside and **1.52 kg/ha** at 50m, above a background level of 8.4 kg/ha/yr where the critical load for the SAC is 8kg/ha.

Therefore it is clear that contributions from other projects identified in the dHRA in-combination are substantially greater than for those generated from the application site and its traffic alone.

Site specific considerations

The dHRA considers in some detail the various shingle habitat types present in the Chesil and the Fleet SAC. In particular in relation to the species composition, changes in diversity and likely critical loads.

For example the MC5 Sea Mouse-ear shingle grassland community has sub-communities which have a low or high cover of lichens and thus level of sensitivity to air pollution. The habitat areas closest to the A354 do not have the abundance or cover of lichens found at the western Abbotsbury end of Chesil and hence a critical load range of 10-20 kg/ha could be considered appropriate for the assessment. As noted in the dHRA, at Dungeness (see above) a higher value of 10kg/ha was considered appropriate. The use of a lower critical load of 10 kg/ha/yr is supported because of the evidence provided by the characteristics of plant species present which reflect substrate conditions which are around mildly acidic to mildly calcareous i.e. more robust plant species. The substrate structure with larger cobbles at the western end may disadvantage some species such as Yellow Horned-poppy.

As set out in the dHRA the species in the shingle grassland communities which include Kidney Vetch, Restharrow, Birds-foot-trefoil, Common Cats-ear and Lesser Hawkbit and occur on the lee side of the Chesil Bank show more affinity to substrates with a pH value mildly acidic or calcareous rather than strongly acid conditions. The species associated with substrates with this pH range are better able to tolerate higher nutrient levels (para 6.79). This supports the view that these typical species present are indicative of communities which are less likely to be affected by the levels of N deposition occurring currently or as a result of the application.

The applicant presents information on local conditions in App D 2 of the ES including at Figure 3 the prevailing wind direction. This shows a domination in wind direction from the south west with wind speeds mostly exceeding 8.2m/sec. The vegetation likely to be sensitive, particularly on Chesil and

around the Fleet is typically short in relation to vegetation heights used by APIS (moorland / woodland) which may also contribute to reducing pollutant deposition.

Whilst there is currently no specific site based evidence it appears likely that these features may play a role in ameliorating both the deposition of air pollutants e.g. N deposition, as well as the residency period over which vegetation is subjected to concentrations of toxic pollutants such as NOx and ammonia.

Conclusion

The dHRA provides a comprehensive overview of air pollution arising from the ERF process, additional traffic movements generated and pollution from other projects where additional traffic movements will be generated.

Natural England advise the authority that for several Critical Levels and loads the 1% screening threshold is exceeded at Chesil and the Fleet SAC and Isle of Portland to Studland Cliffs SAC, a likely significant effect is concluded. Careful consideration of the vegetation communities present and the likely effects of the additional air pollutants confirms that the lower thresholds for both critical loads and levels are not exceeded by the ERF and its additional transport alone.

However whilst the air pollutant contributions from the application are low, when considered with the contributions from the additional projects identified by the applicant there are significant exceedances particularly for N deposition at Chesil Beach and the Fleet SAC. There are similar exceedances for both NOx and ammonia, however the area affected is a much narrower strip close to the A354 because of the nature of the pollutants.

Natural England advises that the authority will need to consider the other projects identified in the dHRA. Firstly whether the range of projects is sufficiently comprehensive, secondly what is their status and thirdly how does the regulation allowing for review of projects under the Habitats Regulations 2017 apply in the light of this new information and the planning considerations around Portland Port.

Natural England has indicated several possible militating factors which will need to be considered and the authority will need to take a view on the need for additional information to inform its own assessment. **However, based on the information available Natural England is not able to advise the authority that there is no adverse effect on the integrity of Chesil Beach and the Fleet SAC in-combination with other plans or projects.**

The Chesil and The Fleet SSSI shares the same interest features as the internationally designated sites and would be similarly affected by the proposals. Natural England is satisfied that the localities' other SSSIs would not be harmed by any impacts on air quality.

In order to progress the application Natural England recommends the following matters are considered:

1. A review of the projects identified by the applicant which contribute in-combination to air pollution, particularly along the A354 corridor. This should consider if there are other projects which should be considered and the assumptions made when modelling pollutant levels.
2. A bespoke site specific assessment of the effect of local conditions on the levels of air pollutants from traffic actually affecting the designated sites (taking into account air movements, vegetation height and composition, soil nutrients etc.).
3. This in turn may provide site specific evidence to inform whether the generic Critical Loads are appropriate.

Mitigation measures

The submitted information indicates that there is a significant in-combination effect from air pollution due to road traffic, the applicant and authority should therefore consider measures which could reduce these levels. These might include:

- Reducing the speed limit on the A354 (Portland Beach Road) along with measures to calm traffic acceleration / deceleration and engine idling due to queuing.
- Binding constraints on the HDVs servicing the ERF to ensure the use of electric or other non-combustion engine vehicles.
- As discussed above the vegetation of stoney banks occurring along the A354 is modified by human interventions in a number of ways which prevent the natural processes from occurring e.g. disused railway, drainage features and the A-road all result in the shingle being more stable than it might otherwise be leading to more stable soils likely to retain additional nutrients. The applicant and Natural England have already discussed likely measures which could be funded by the applicant and implemented over the duration of the ERF to restore open conditions, reduce vegetation biomass and create open conditions. The works should include measures to restore habitat for rare species, such as the Least owlet micro moth. This package of measures will help improve habitat resilience to any changes in nutrient status and help avoid adverse effects over time.

Monitoring measures

Natural England recommend that the scheme is supported by a monitoring program that includes air pollutant levels as well as SAC vegetation communities, specific invertebrates e.g. Least owlet micro moth and lichen /bryophyte species in agreed locations. This will enable the authority to confirm the efficacy of the measures and any adjustments required over time.

Potential Impacts on Marine Conservation Zones (MCZ)

Whilst we acknowledge inclusion of an ES Potential Marine Impacts appendix, we note the lack of any formal MCZ Assessment for the MCZs within a 10km radius of the proposal.

Paragraph 2.3.2 of the potential marine impacts appendix states that there would be no risk to the features of the local MCZs but doesn't state why in relation to the features. This claim needs to be evidenced for the various features – black bream, pink seafan, native oyster etc, particularly for those with a Recover GMA (General Management Approach).

Therefore, there needs to be an MCZ Assessment provided for each MCZ mentioned, and this follows a similar process as the HRA for a SAC/SPA. We understand that Dorset Wildlife Trust also raised this as a procedural omission.

The MCZ Assessment will need to be completed and submitted to Natural England for approval.

Other matters related to internationally designated sites

Dust generation during construction

Isle of Portland to Studland Cliffs SAC, a potential likely significant effect (LSE) due to dust generation is identified by the applicant. Natural England is satisfied that adverse effects can be avoided, by adopting industry standard dust management and suppression methods secured through a planning condition to provide a Construction Environmental Management Plan (CEMP). The CEMP should be provided to the authority in advance of commencement. Natural England can advise that if this is secured as a requirement it will be acceptable to conclude no adverse effect on integrity in an Appropriate Assessment.

Pollution of marine environment during construction or operation of the ERF

Chesil Beach and the Fleet SPA and Ramsar, Chesil and the Fleet SAC and Studland to Portland SAC, a potential LSE is identified and agreed, this can be avoided with industry standard pollutant e.g. diesel management, methods secured through a planning condition requiring a CEMP to be provided to the authority in advance of commencement. Natural England can advise that a condition requiring a CEMP will be acceptable to conclude no adverse effect on integrity in an Appropriate Assessment.

Noise and visual disturbance during construction or operation of the ERF

Based on the information provided Natural England is satisfied that there will not be a likely significant effect on the internationally and nationally designated sites from noise or visual disturbance.

Permissive footpath and access provision

A new section of permissive path with associated vegetation clearance will be created to allow public access, with interpretation provided. It is understood that this path will be secured by planning obligation.

NTS.36 of the ES addendum (August 2021) states that three proposed stages of work are identified for the new permissive footpath – planning, carrying out the work (including vegetation clearance, installation and repair of fences and gates, laying the path and security) and monitoring, inspection and future maintenance. The ES addendum Appendix 6.1 (framework heritage mitigation strategy) on page 4 mentions the 'creation of a connecting path between footpaths S3/72 and S3/81, across East Weare using the existing route through the secure port estate. Widening and new surface suitable for off-road vehicles and then goes on to talk about path treatment. The proposed access path paper also includes a map on page 11 of the proposals for the new permissive path.

Natural England **objects** to the proposed 'reinstatement of existing road' labelled within the Isle of Portland SSSI unit 34 on this map and the multiple references in the other documents mentioned about laying the path, new surface suitable for off-road vehicles and path treatments. These all infer a level of modification to the existing ground, which lies within the Isle of Portland to Studland Cliffs SAC as well as the Isle of Portland SSSI which suggests that the proposal may lead to the net loss of habitat within the SAC.

Before this aspect of the heritage mitigation strategy can be agreed we will need to understand more about what is involved in this aspect of it. It is our understanding that what is left is a footpath and dirt track, there is no road and there is no need for one for the ecological enhancements. Any reinstatement of a road would involve loss of SAC habitat and would require its own Appropriate Assessment. We would need full details of what is proposed and we need to be clear that we are likely to maintain our objection to any proposal for a new road within the SAC.

District Heating Network

The district heating paper and ES addendum 2.1, both dated August 2021, include details of the indicative southern route. It should be noted that the road route passes, in parts, through the Isle of Portland to Studland Cliffs SAC, as well as the Isle of Portland SSSI.

We do note however that for the majority of the route is a road surface, which the pipes will be installed into, as stated in the ES addendum (August 2021) NTS paragraph 66 and that pipes will be routed into the prisons using existing ducts.

We welcome paragraph 9.41 of the ES addendum (August 2021) which confirms that pipework will only be installed in the carriageway and an ecological survey for lower plants will be undertaken along the road verges of the stretches running through and alongside the SSSI/SAC to ensure that any particularly sensitive areas are suitably protected. In addition the measures proposed to be part of the CEMP for the district heating application outlined in para 9.42 are welcomed.

Whilst we appreciate that the District Heating Network is an aspiration rather than forming part of this application, consideration will need to be given to how the pipes will be installed without causing an adverse effect on integrity to the SAC or harm to the interest features of the SSSI. This will need to be covered in any forthcoming planning application.

Heritage mitigation strategy

Whilst this provision is not part of the planning application per se, we wish to state that whilst we support this heritage mitigation, which will lead to additional ecological benefits, it needs to be understood that works supporting its delivery will need to be consented by NE via the normal channels. We note that it is anticipated that the Heritage Strategy is likely to be conditioned to be

agreed before commencement and we would be pleased to be involved in those discussions with English Heritage in due course.

East Weares batteries – scrub removal

We note that the proposals include for the removal of existing scrub around East Weares Battery to allow for the repair and on-going maintenance of what is a scheduled monument. The monument is located wholly within Unit 33 of the Isle of Portland SSSI.

Please note that these scrub works will need to be consented to by Natural England in due course. Whilst a walkover survey has been completed the applicant will need to consider the presence in this area of a number of rare lichens, the precise location of which should be determined before scrub and other works are planned. In addition, works will require consideration of ongoing management to prevent scrub re-encroachment.

Nationally Protected Landscapes – Dorset Area of Outstanding Natural Beauty (AONB).

The application site lies in close proximity to the Dorset AONB, a designation of national importance with the highest status of protection in relation to landscape and scenic beauty. The site is also in the setting of the Dorset and East Devon Coast UNESCO World Heritage Site. In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty (AONB), all public bodies, local planning authorities and Natural England, have a duty to have regard to the statutory purpose of AONBs, which is the purpose of conserving and enhancing the natural beauty of the area (Section 85 Countryside and Rights of Way Act, 2000). Local planning authorities are required to take such action as appears to them to be expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty and amenity of an AONB to the extent that it lies within their area (Section 84(4) Countryside and Rights of Way Act, 2000). You should assess the application carefully as to whether the proposed development would have a significant impact on the protected landscape of the AONB, or harm the statutory purpose to conserve and enhance its natural beauty. The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty. The consideration of impacts on the setting of the AONB should include impacts on views from within the AONB as well as views into the AONB from the wider countryside.

The proposal forms a significant industrial facility (featuring a substantial building, stack and intermittent visible plume) on the Dorset coast and we support the assessments made by the Area of Outstanding Natural Beauty team on its impacts. These comments should be given great weight when determining this application. We also ask that you give full weight to the advice of the Jurassic Coast Trust as the lead organisation in the management and protection of the natural World Heritage Site and how the proposal may affect the Outstanding Universal Value of the Site.

We would ask you to consider, when determining the application, whether those impacts can be justified through policy given the nature of this development in a very sensitive location. In weighing up the benefits of the scheme against the impact on the AONB your authority should also have particular regard to the provisions of the National Planning Policy Framework (NPPF 2021).

Paragraph 176 of the NPPF 2021 states '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas*'. The requirement, set out in the NPPF, for new development to not only protect the special qualities of the AONBs, but also serve to enhance those qualities is clear. Alongside national policy you should also apply landscape policies set out in your development plan. In particular the scheme should be considered in the context Dorset AONB Management Plan policy C2.f, which states that,

“Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered.”

Opportunities for landscape compensatory and enhancement measures might be realised through the provision of an agreed AONB landscape enhancement fund which may be used to deliver landscape and biodiversity benefits within the zone of theoretical visibility of the scheme within the AONB. Any landscape fund should be agreed and administered by the Dorset AONB Team.

Biodiversity Plan

Natural England note the submission of a Certificate of Approval (dated 19/10/2020) from the DC NET. We also support the assessment made in the Biodiversity Plan that the value of c£83000 is needed as compensation for habitats lost on site, which will be used for habitat restoration elsewhere on Portland, alongside other measures such as bird boxes being secured through the Plan. The DC NET team will determine how these funds will be allocated in due course.

In this case, providing the submitted Biodiversity Plan, and its implementation in full, is secured through a condition as part of the grant of planning permission, Natural England agree with the opinion of the Natural Environment Team of Dorset Council (DC NET) that in relation **to non-designated wildlife interests** the planning authority will have met their duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017.

Statement of Common Ground regards ecological enhancements – more information required

Natural England have been discussing a number of projects with the applicants but these would need to be secured separately to the compensation set out in the agreed Biodiversity Plan in order to achieve biodiversity net gain for the scheme. Examples of such projects under discussion currently include

- Contributions towards schemes to reintroduce grazing at sites on the Isle of Portland including if possible “Portland” breed sheep
- Contributions towards schemes for control of scrub within the wider Isle of Portland SSSI. For example, scrub control on unit 33 of the Isle of Portland SSSI, which includes SAC habitat, would be desirable, so the enhancements should put forward a management plan for that part of the Port estate to include scrub control and grazing management.
- Support for the control of cotoneaster in the wider SSSI areas, particularly where rare lower plants are threatened.

These enhancements will need to be committed to by the applicant, with a fund agreed annually to cover the duration of the development and Natural England would welcome the opportunity to discuss how this might be achieved. Natural England considers these additional measures as necessary if the proposals are to deliver a long term enhancement for the designated and non-designated wildlife sites on the Isle of Portland. Any agreed measures should be fully secured by any permission.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.

Should the proposal change, please consult us again.

Nick Squirrel
Conservation and Planning Lead Advisor
Dorset Team

