

Date: 14 March 2023
Our ref: 364855
Your ref: WP/20/00692/DCC



[Click here to enter text.](#)

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mrs Hart, Mr Rendle

Planning consultation: 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

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.

Holding objection sustained

Natural England has confirmed that the Councils Appropriate Assessment of air pollution impacts is agreed and hence this is no longer a reason for an objection.

It is also agreed that the application its self does not result in direct land take to the SSSI and SAC sites nearby so no objection is sustained.

It is understood that the Environment Agency is still in the process of carrying out its element of the Appropriate Assessment into the air pollution effects of the ERF incineration process. At this time therefore Natural England maintain a **holding objection** subject to the statutory consultation under Regulation 63 (3) of the Conservation of Habitats and Species Regulations 2017.

I enclose a note of a recent meeting (Annexe 1) with the applicants ecological advisor concerning the draft Statement of Common Ground (now withdrawn) about which concerns relating to proposed palisade fencing were raised. This matter is now no longer a reason for objection as the proposal is withdrawn.

Natural England advise the authority that the level of biodiversity enhancement (net gain) proposed by the applicant does not appear to be proportionate to the scale of the development proposed. It is a concern that, if approved, the net gain delivered would not be compatible with the statutory new gain requirements which are likely to come into force later this year. However as the BMEP is signed off by the Council this remains a matter for your consideration.

I trust this advice will be of assistance to the Council.

Yours sincerely

Nick Squirrell
Conservation and Planning Senior Advisor

Dorset Team
Wessex Area Team
Natural England
Mob: [REDACTED]
Email [REDACTED]

Annexe 1

13/3/2023

Note following discussion with J Picksley (JP) Power Fuels ecological advisor

The main subject of discussion was the draft SoCG and recent Natural England advice.

JP confirmed the dSoCG was now withdrawn and that the applicant would not be providing the footpath link and doing any fencing, either palisade or stock fencing within Unit 33 of the SSSI/SAC.

I confirmed that Natural England had no objection in principle to the footpath link and in the absence of further details can only confirm that the proposed view point would be considered if a proposal was submitted in the future.

A discussion about the list of actions set out in the dSOCG clarified that these were intended to be examples of actions which could be funded by the BMEP compensation fund signed off by the NET. However now the dSOCG is withdrawn the applicant will be responsible for making the agreed financial contribution as well as installing the agreed bird and hedgehog boxes set out in the signed BMEP.

It was concluded that funded biodiversity compensation works should not be carried out within the designated sites rather in other locations on the Isle of Portland as close to the application site as is practical. Natural England will work with the Council on suitable projects.

Works proposed within the SSSI/SAC Unit 33 comprising scrub removal within the SAM area are agreed in principle subject to a suitable survey and method statement.

AONB advice set out in earlier correspondence was discussed and the applicant has not made any provision for moderation/enhancements as they assess that the proposal will not impact on the AONB.

Other matters identified to be secured through planning conditions as set out in advice dated 8 March were agreeable in principle.