Strategic and Technical Planning Committee 24th March 2023

Application number:	**WP/20/00692/DCC**
Webpage:	**https://planning.dorsetcouncil.gov.uk/WP/20/00692/DCC**
Site address:	Portland Port, Castletown, Portland, DT5 1PP
Proposal:	**Construction of an energy recovery facility with ancillary buildings and works including administrative facilities, gatehouse and weighbridge, parking and circulation areas, cable routes to ship berths and existing off-site electrical sub-station, with site access through Portland Port from Castletown.**
Applicant name:	Powerfuel Portland Ltd
Case Officer:	Felicity Hart
Ward Members:	Rob Hughes, Paul Kimber, Susan Cocking

1. **Summary of Recommendation: REFUSE** planning permission for the following reasons.

2. **Reasons**:

2.1 The proposed development, being located on a site that is not allocated in the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019, fails to demonstrate that it would provide sufficient advantages as a waste management facility over the allocated sites in the Plan. This is by reason of its distance from the main sources of Dorset's residual waste generation and the site's limited opportunity to offer co-location with other waste management or transfer facilities which, when considered alongside other adverse impacts of the proposal in relation to heritage and landscape, mean that it would be an unsustainable form of waste management. As a consequence, the proposed development would be contrary to Policies 1 and 4 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 and paragraph 158 of the NPPF.

2.2 The proposed development, as a result of its scale, massing and height, in the proposed location, would have a significant adverse effect on the quality of the

landscape and views of the iconic landform shape of the Isle of Portland within the setting of the Dorset and East Devon Coast World Heritage Site, particularly when viewed from the South West Coast Path and across Portland Harbour. As such, the proposal is contrary to Policy 14 of the Waste Plan, Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan, Policies Port/EN7 and Port/BE2 of the Portland Neighbourhood Plan, and paragraph 174 of the NPPF.

2.3 The proposed development would cause 'less than substantial' harm to a range of heritage assets. Public benefits of the scheme have been assessed, taking account of the mitigation proposed, but are not considered sufficient to outweigh the cumulative harm that would occur to the individual heritage assets and group of heritage assets, with associative value in the vicinity. As a result, the proposal is contrary to Policy 19 of the Waste Plan, Policy ENV4 of the West Dorset, Weymouth & Portland Local Plan, Policy Port/EN4 of the Portland Neighbourhood Plan and Paragraph 197 and Paragraph 202 of the NPPF.

3. Key Planning Issues

Issue	Conclusion
Principle of development	The site is located within the commercial port of Portland, which is identified as a key employment site under the provisions of Policy ECON2 of the West Dorset, Weymouth and Portland Local Plan 2015. It is considered that a waste management facility involving energy recovery that is able to provide shore power to the port would be acceptable in principle in this location, subject to meeting the other provisions of the development plan.
Waste	Whilst the proposal would be capable of meeting a need for the management of residual waste as identified in the Waste Plan 2019, it is on an unallocated site and it is considered that allocated sites are better placed to meet this need in accordance with the policies and strategy of the Waste Plan.

Heritage	The development would result in 'less than substantial' harm to a range of heritage assets in and around the Port including Grade II Listed Buildings, a Grade I Listed Building, Scheduled Monuments and a Conservation Area. Historic England has advised that some of these are of the very highest significance and that considerable harm would occur. Mitigation has been proposed, involving scrub clearance and repairs to the Scheduled Monument 'Battery E' which would result in its being removed from the 'at risk' register. This would not however offset the harm identified to all of the heritage assets and is not considered sufficient mitigation to offset the cumulative harm that would occur, even whilst balancing public benefits of the proposal against the harm.
Landscape and Geology	The proposed development would be very visible due to its scale and height and would have a significant adverse effect on the local landscape, being directly adjacent to the slopes and iconic cliffs of the northeast corner of the Isle of Portland. The height and scale of the proposed building and stack would mean that they would be visible from a number of viewpoints, in particular, from the South West Coast Path and from across Portland Harbour. It would also be visible from and in the setting of the Dorset and East Devon Coast World Heritage Site, with distant views from the AONB.
Biodiversity	An Appropriate Assessment has been undertaken by Dorset Council as competent authority under the Habitats Regulations and Natural England has commented that they are now satisfied that there would be no Likely Significant Effects from traffic emissions associated with the development. A further Appropriate Assessment is being undertaken by the Environment Agency in relation to air pollution effects of the ERF incineration process, and Natural England maintains a holding objection until that is produced. Dorset

	Council NET have approved a Biodiversity Plan which has been put forward as a S106 obligation. This would include a payment of £82,000 to offset on-site habitat losses.
Traffic & Transport	Dorset Council Highways considers that the proposal would not result in an unacceptable impact on highway safety and that the local road network has sufficient capacity to cater for up to 80 extra HGV movements in connection with the proposed use.
Energy	The proposal would create 15MW of electricity that would be fed into the national grid and connections for shore power would be made available for visiting cruise ships and other vessels.
Economy	The economic benefits of the proposal would mainly accrue from offering cruise ships and other vessels the opportunity to use shore power. More cruise ships could be encouraged to visit Portland Port which would have the potential to further increase spending in the local area. In addition, once operational, at least 30 new jobs would be made available for the lifetime of the operation of the plant.
Sustainability	The proposed development would be classed as 'low carbon' and greenhouse gases produced at Portland Port would be expected to fall into the medium term, as more ships take up and use shore power, lowering greenhouse gas emissions, although this would be offset to some degree by greenhouse gases that would be emitted from the stack. The proposal hopes to be able to import RDF to be used as feedstock in the ERF, by ship. It also hopes to be able to export IBA by ship, although neither of these aspirations can be guaranteed. If ship transport was to occur instead of road-based haulage by HGV, this would make the proposal more sustainable.

4. Site Description

4.1 The application site is located on the Isle of Portland at Portland Port. The proposed Energy Recovery Facility (ERF) building would be sited on the north-eastern coast of Portland, on land at the Port, with cable routes extending out to connect the ERF to Queens Pier and the Coaling Pier and extending beyond Portland Port to Lerret Road to link to a sub-station.

4.2 The main part of the site, where the ERF would be located, is bounded to the north and north-west by existing operational port development. Balaclava Bay is located to the east of the site of the proposed building. Overland fuel pipes from Portland Bunkers, which are fuel bunkers in the nearby cliffs used for marine bunker fuel supply, run along the ground between the site of the proposed building and Balaclava Bay. Incline Road is to the south-west of the site, which is an internal private road within Portland Port, and a former railway embankment. To the south of the application site are cliffs which comprise grassland, scrub, woodland habitats and contain heritage features. These cliffs rise steeply to approximately 125 m AOD, with the ground level where the building is proposed to be located being at an elevation of 7m AOD.

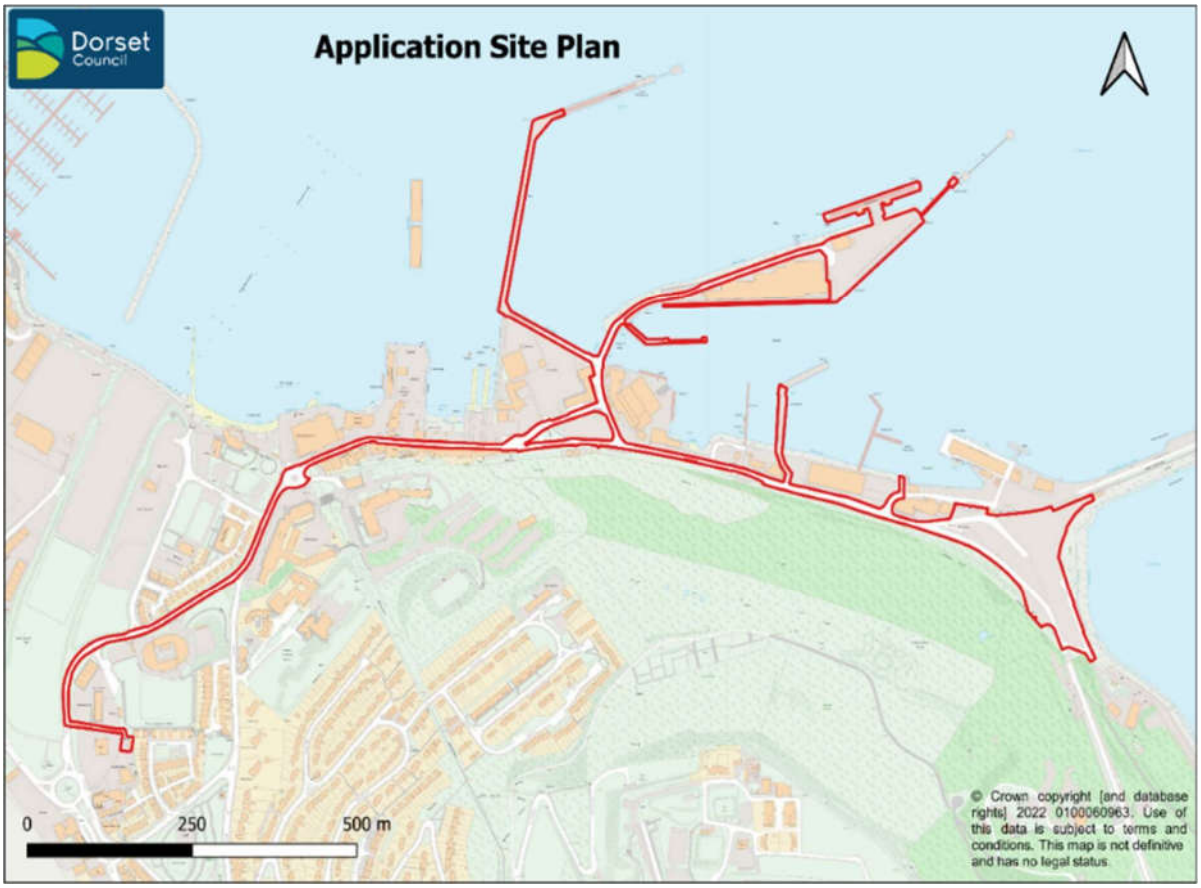
4.3 HM Prison The Verne is sited on land at the top of the cliff, with the Jail House Café and two residential properties situated between the main prison buildings and the cliff edge.

4.4 The main part of the site where the proposed ERF building would be sited, is broadly triangular in shape. The rest of the site shown within the red line boundary includes land needed for proposed cabling routes to the electricity substation off Lerret Road. These would be laid within the existing road network and also to the berths at Queens Pier and the Coaling Pier.

4.5 The entire application site covers an area of 6.29 hectares (ha). The main triangular part of the site where the ERF would be located, extends to 2.14ha, with the cable routes to the substation and berthing piers extending over the remaining 4.15ha.

4.6 The main part of the application site comprises vacant land, made up of hardstanding that is currently being used for temporary stone storage (the stone is being used for construction of the Deep-Water Berth at Portland Port). The previously existing buildings on the site were demolished several years ago.

4.7 The ERF would be accessed via Castletown Road, through Castletown, using the main Port entrance gate. Once in the Port, vehicles accessing the facility would travel along Main Road, past port buildings and the Dockyard Engineer's Office until they reach the triangular piece of land at the junction of Incline Road and the Inner and Outer Breakwater by Balaclava Bay where the ERF building would be built.



5. Description of Development

5.1 The application proposes the construction of an Energy Recovery Facility (ERF), which would burn approximately 183,000 tonnes of refuse derived fuel (RDF) per annum, with 10% contingency compacity to allow a maximum capacity of 202,000 tonnes should this be required to maintain efficiency of the plant in operation. The application is supported by an Environmental Statement (ES) which provides the report for the Environmental Impact Assessment (EIA) of the proposed development. This was completed based on the maximum throughput of 202,000 tonnes per annum. The only material to be accepted at the ERF would be Refuse Derived Fuel (RDF) which comprises municipal waste that has first been treated through a Mechanical Biological Treatment (MBT) process, and commercial and industrial (C & I) waste which meets specific criteria. It is proposed that only RDF is to be received at the facility, with no untreated waste and no radioactive, clinical or hazardous waste being accepted.

5.2 The main ERF building would be 201 m long. It would be 51 m wide and 47m high at its northern end, narrowing to 24m wide and 19m high at its southern end. and 47 m high in the north, reducing to 19 m high in the south. The building would comprise a waste reception and RDF storage area, fuel delivery

area, boiler, flue gas treatment plant, residue handling systems, a steam turbine, heat take-off for district heating, a primary substation, and ancillary equipment. A flue stack is proposed which would be 80m in height, which would be sited separately as a standalone feature in front of the building.

5.3 The waste reception area at the rear of the building would comprise separate areas for baled and loose RDF. Baled RDF would be transported to the waste pit through a de-baler and conveyors, and loose RDF would be delivered by HGV either to the waste pit directly or into a short-term storage area at the rear of the building. The RDF would be moved from the waste pit into the main boiler bunker by a waste feed crane and grab which would also feed the boiler feed hopper with waste from the bunker. Combustion air would be drawn from the waste reception area so that odours would be drawn into the boiler line. The boiler would consist of a grate, furnace (primary combustion chamber), auxiliary burners and a secondary combustion zone. The boiler would have a flue gas treatment plant, a single stack with emissions control and monitoring systems, residue handling systems and a feed water treatment system.

5.4 The RDF storage area roof at the rear would be fitted with 3,389 m^2 of photovoltaic panels for extra electricity generation. The 80m high stack would be situated approximately 10 m to the north of the building, would have a diameter of 2m and would be painted battleship grey.

5.5 Super-heated high-pressure steam would be delivered to a steam turbine which would generate approximately 18.1 MWe of electricity. The ERF would export approximately 15.2 MWe of electricity to the local grid, with the remainder used within the plant. Air cooled condensers will be used to cool unused steam to water to return to the feed water system. The facility would be installed with a sprinkler system and sprinkler tank, and a standby generator would provide electricity during grid outages with fuel oil stored in an external fuel tank.

5.6 It is proposed that the ERF would export power to the national grid under conditions imposed by an export agreement. In addition, cables would also be installed to the berths at the Queens Pier and the Coaling Pier to enable the supply of power to moored ships. The proposed development would provide 33 kV connections from the main ERF substation to new connection points at substations at the berths, where the power would be stepped down to 11 kV. The ERF would also be designed and built with the potential to export both power and heat, i.e., it would be Combined Heat and Power (CHP) ready. Heat could be made available through a district heating network, although this is not part of this application. If this were to happen, it is assumed that the output would be 2.29MW of heat, based on a heat network supplying the Osprey Leisure Centre, HM Prison The Verne, HM Prison Young Offenders Institute, Portland and the Ocean Views development. If heat were to be exported in this way, then the electrical output to the grid would be reduced to 14.85MWe.

5.7 The application proposes that the exterior of the building would be partially covered in an innovative printed plastic wrap, designed in a manner to assist

in blending into the landscape, although the final appearance of the building would be agreed through a planning condition.

5.8 In addition, the application also proposes a separate two storey office building to be constructed to the northeast of the main building close to the inner breakwater. This building would be 54m long, between 11m and 23m wide and between 6 metres and 17 metres in height. It would include a reception area, a general office space, management offices, meeting rooms, a plant room, stores and welfare facilities including changing rooms. The ground floor of the office building would be clad in the same light grey profiled metal sheeting as the boiler house, with the first floor clad in the printed PVC mesh.

5.9 A transformer compound would be built to the northwest of the main ERF building which would contain a transformer, switch rooms and battery/control room. This building would be 17m x 15m x 4m high.

5.10 The site would be accessed through the main vehicle entrance to Portland Port from Castletown. Access would be controlled by the Port's existing gatehouse and vehicles would use the Port's existing road system to reach the ERF via Castletown, along Dock Road and Main Road. On arrival at the ERF building, HGVs would enter the RDF store via a roller shutter door on the building's eastern elevation. Once in the building, loose RDF deliveries would reverse back to the RDF pit. Baled RDF deliveries would reverse back to a position beneath the overhead crane to the south of the circulation route. Once unloaded, all RDF delivery vehicles would exit the building onto Incline Road through a further set of roller shutter doors on the building's western elevation. They would then exit the site via Incline Road and north out through Castletown.

5.11 Other ancillary infrastructure to support the operations of the site would include the following: weighbridges, car parking and an enclosed cycle store, electrical cables and substations, surface water drainage, wastewater collection tanks, potable and mains water supply, security including site fencing, gates and CCTV, lighting to walkways, roads, and a service yard and car parking areas. New areas of landscaping are also proposed within the site to create a range of habitats.

Proposed Site Layout

Proposed visualisation of the ERF

5.12 There would also be two residues resulting from the incineration of the waste: Incinerator Bottom Ash (IBA) and Air Pollution Control residue (APCr). Both would be constantly produced during the operation of the facility and would need to be taken away from the site, either by road or ship. The applicant is proposing to export the incinerator bottom ash (IBA) to a specialist processing facility where it could be processed in an aggregate product suitable for construction and road projects. The APCr would be exported by road to another specialist facility where it could be processed into what the applicant describes as a 'carbon negative aggregate', that could be used as raw material in making building blocks.

5.13 The applicant intends to operate a detailed maintenance programme at the facility, which would involve a single shut down period per year. The length of this period may vary depending on the maintenance required, however it is anticipated that there would be a four to eight week shut down each year.

Shore Power, Electricity and CHP

5.14 The proposal involves creating a shore-based power system, which would supply electricity to berthed ships, in particular visiting cruise ships. A cable, providing a high voltage electricity supply, would be routed along the Coaling Pier and the Queen's Pier ready for connection for berthing ships to utilise. A cable connection would be routed from the ERF to a converter station to convert the 50 Hz grid electricity to 60 Hz which is required by most shipping. The converter station would be located between Main Road and Old Depot Road. There would be two cable connections from the converter station. Substations would be installed on the Queen's Pier and the Coaling Pier with the former providing up to 10 MW capacity and the latter providing up to 12MW capacity.

5.15 The 12MW capacity connection would be able to provide capacity for the largest cruise ships that can dock, or it could supply several smaller ships simultaneously. The 10MW substation is designed to provide power to smaller ships and could supply several at the same time.

5.16 The ERF would also have a 5MW grid connection, so power could be delivered to ships during periods of shutdown (such as annual maintenance) and this would also allow additional grid capacity to be supplied, in the event that more power is required than the ERF is generating at the time. However, the applicant anticipates that for most of the time, the ERF would be able to provide shore power, and export power to the Grid simultaneously.

5.17 The roof of the proposed ERF building, above the RDF storage area at the rear, would be fitted with approximately 3,400 m^2 of photovoltaic panels, which the applicant expects will contribute about 750 MWh per annum to the national grid. The applicant also proposes to fit 10% of the parking spaces with electric charging points, and to fit the remaining spaces with ducting to facilitate the installation of cabling and charging units as required. It is also proposed that the ERF would be fitted with LED lighting to reduce its overall electricity use.

5.18 The facility has been designed with the capability to export heat and would be classified as a "CHP-ready facility" by the Environment Agency. The applicant has undertaken discussions with local potential heat users, with the aim of providing a District Heat Network. This could include HMP The Verne. The infrastructure required to supply the heat would need to be subject to a separate planning application.

5.19 The applicant has designed the ERF so that Carbon Capture and Storage (CCS) technology could be added at a later date, should this become an economically viable option. Other commitments are proposed, to be secured through a s.106 Agreement, which would be designed, as far as possible, with the aim that the process operations would be carbon net-zero over the lifetime of the plant.

Other proposals

5.20 As mitigation to address the impact of the development on the historic environment, the applicant proposes clearance of vegetation and repair work to improve East Weare Battery E to a state where it could be removed from the Historic England 'At Risk' Register.

5.21 The applicant also proposes to establish a Community Liaison Panel, which would meet on a regular basis to discuss the operation of the facility. The Panel would discuss and resolve issues raised by members of the local community or other stakeholders. The proposed development would also incorporate space within the facility to host education-based activities to encourage managed groups such as educational trips from local schools and youth groups.

6. Relevant Planning History

6.1	Portland Port was constructed between 1837 and 1890 for use as a naval port to provide a Harbour of Refuge and coaling station for the steam navy. In 1923 Portland and the harbour were designated as HM Naval Base Portland, and from 1958 was used for Flag Officer Sea training.
6.2	From 1958 the site was used for weapons research which was undertaken on the southeast of the site and the other buildings were used as mechanical repair facilities for military vehicles. The naval base and major weapons research establishments were closed in 1995/1996, and the site started to transition into use as a commercial port.
6.3	Following privatisation, after the departure of the Royal Navy, the buildings on the site were progressively demolished to create cargo storage space when they were not used for tenants. The north and south buildings were demolished in 2005 and 2009. The vacated buildings used by UMC, Portland Shellfish and Permanent, were demolished in 2014 and 2017 including Buildings 214 and 228.
6.4	Planning permission **96/00432/COU** for change of use to a commercial port and commercial and leisure estate (including uses within Classes B1, B2, B8 and leisure and marina uses). Granted November 1996.
6.5	Planning application **09/00440/FULES** for the construction of energy plant adjoining Balaclava Bay. Refused September 2009.
6.6	Listed Building Consent application **09/00451/LBC** for the construction of an energy plant adjoining Balaclava Bay. Refused September 2009.
6.7	Planning permission **09/00646/FULES** for the construction of energy plant adjoining Balaclava Bay. Approved January 2010.
6.8	Listed Building Consent application **09/00648/LBC** for the construction of energy plant adjoining Balaclava Bay (Listed Building Application). Approved January 2010.
6.9	Planning permission **12/00622/CMPC** request for confirmation of compliance with planning conditions 3, 5 and 11 of planning approval reference 09/00646/FULES. Approved October 2012.
6.10	Planning permission **12/00849/CMPC** request for confirmation of compliance with planning conditions 6 and 10 of planning approval reference 09/00646/FULES. Approved December 2012.
6.11	Planning permission **WP/13/00262/VOC** for the variation of condition 2 of planning approval ref 09/00646/FULES to allow for the use of rubber crumb

	(recycled rubber from tyres) in addition to vegetable oil in its power oil production and power generation plant. Approved July 2013.
6.12	Planning permission **WP/19/00565/CLE** for the demolition of building 214 within the site of planning permissions 09/00646/FULES – Certificate of lawful use or development. Issued October 20

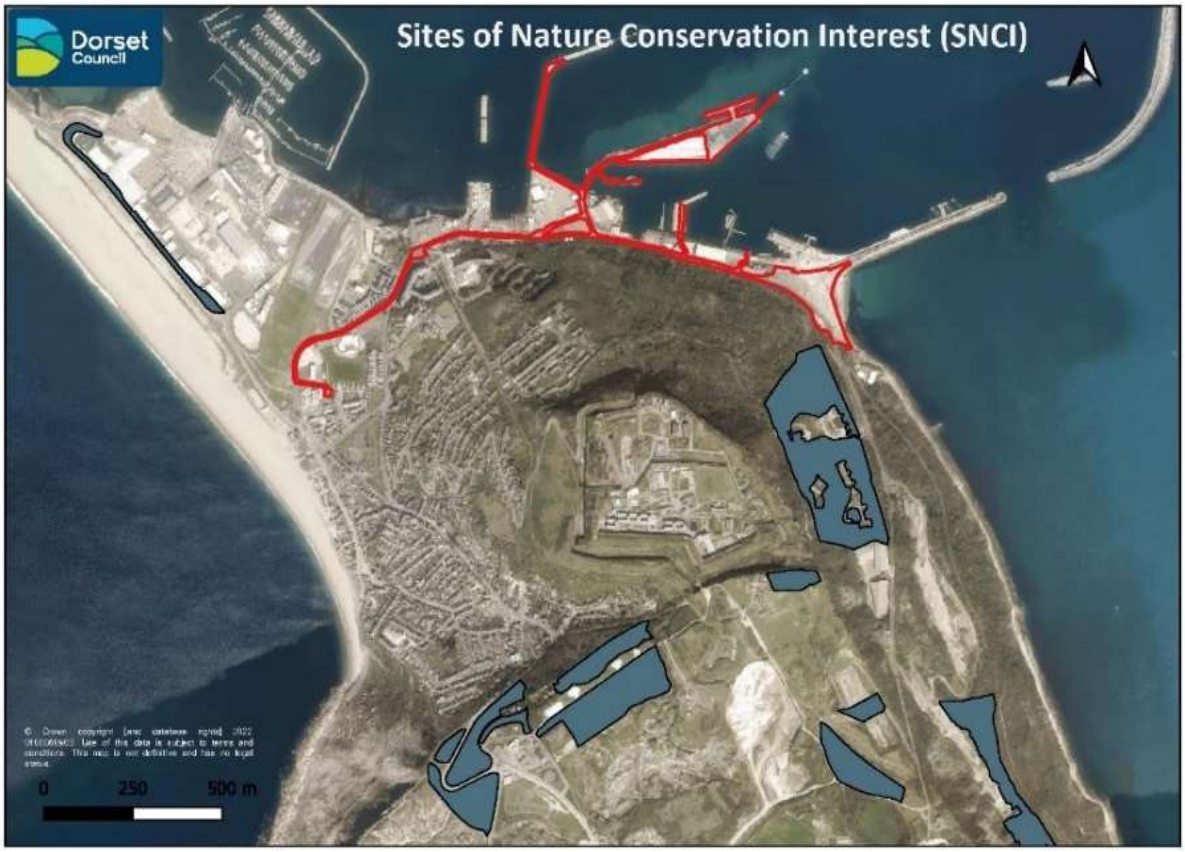
7. Constraints

7.1 The key statutory planning and environmental constraints affecting the site are set out below.

Ecology and Nature Conservation Designations

7.2 The cliffs which bound the site to the west and southwest form part of the Isle of Portland to Studland Cliffs Special Area of Conservations (SAC) and Isle of Portland Site of Special Scientific Interest (SSSI). Other SSSIs include the Nicodemus Heights SSSI located 590 m to the south, Chesil and The Fleet SAC and SSSI and Chesil Beach and Stennis Ledges Marine Conservation Zone (MCZ) 1.3 km to the west, and Studland to Portland SAC located 1.5 km to the southwest.

7.3 Several Sites of Nature Conservation Interest (SNCIs) are located to the south and southwest of the application site.

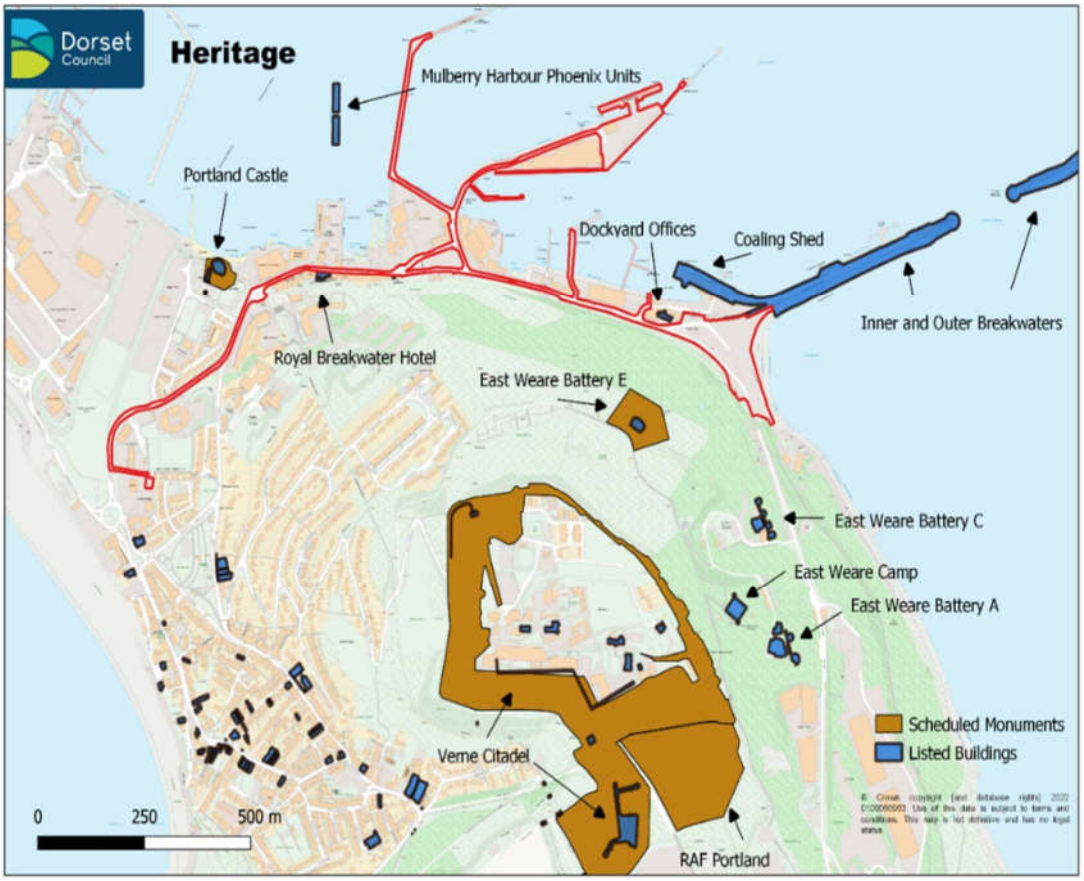


Heritage Designations

7.4 There are a number of scheduled monuments and Listed Buildings in the vicinity of the site:

- A battery 135 m away
- The Verne Citadel 340 m away,
- The RAF Portland Rotor early warning radar station 570 m away,
- A heavy anti-aircraft battery 930 m away, and
- Portland Castle (also Grade I Listed Building) approximately 990 m to the northwest
- The Grade II Listed Inner and Outer Breakwater adjacent to the north-eastern boundary
- The Grade II Listed Dockyard Engineer's Offices to the northwest, and

- East Weare batteries to the southwest and other batteries to the south.



7.5 There are also a number of Listed Buildings located close to HM The Verne. Approximately 600m to the west of the site is the Underhill Conservation Area with the Grade II Listed Royal Breakwater Hotel and the Grade I Listed Portland Castle and Scheduled Monument.

Landscape and Geological Designations

7.6 The Dorset Area of Outstanding Natural Beauty is located 7.3km to the north of the site. Chesil Beach is located to the northwest of the Isle of Portland and is part of the designated West Dorset Heritage Coast. The cliffs to the west and south of the site are designated as being land that is of local landscape importance in the West Dorset, Weymouth & Portland Local Plan.

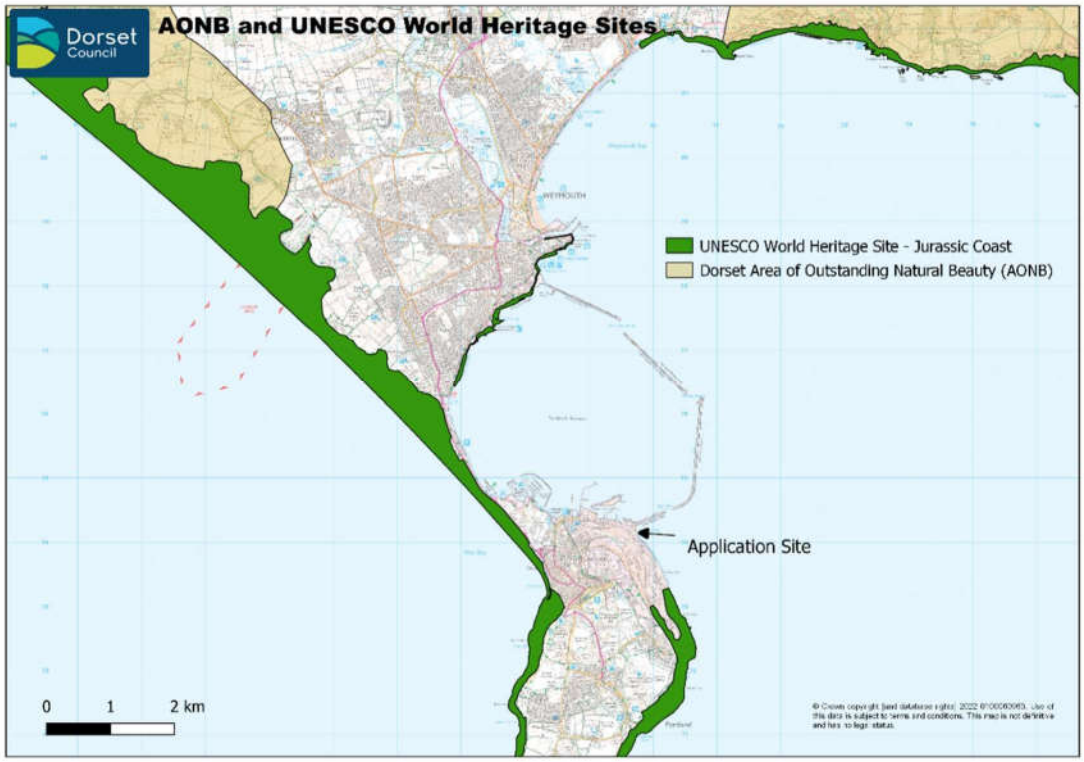
7.7 The Dorset and East Devon Coast World Heritage Site (WHS) wraps around the majority of the Isle of Portland but excludes the area of the coast in the vicinity of the site. The application site is situated within a regionally important geological and geomorphological site (RIGGS), which covers the whole of the Isle of Portland.

Planning Designations

7.8 The site and a portion of the surrounding Port land is designated in the West Dorset, Weymouth and Portland Local Plan (2015) as a key protected employment site, suitable for B1 (light industrial), B2, (general industrial), B8 (storage and distribution) and other similar uses.

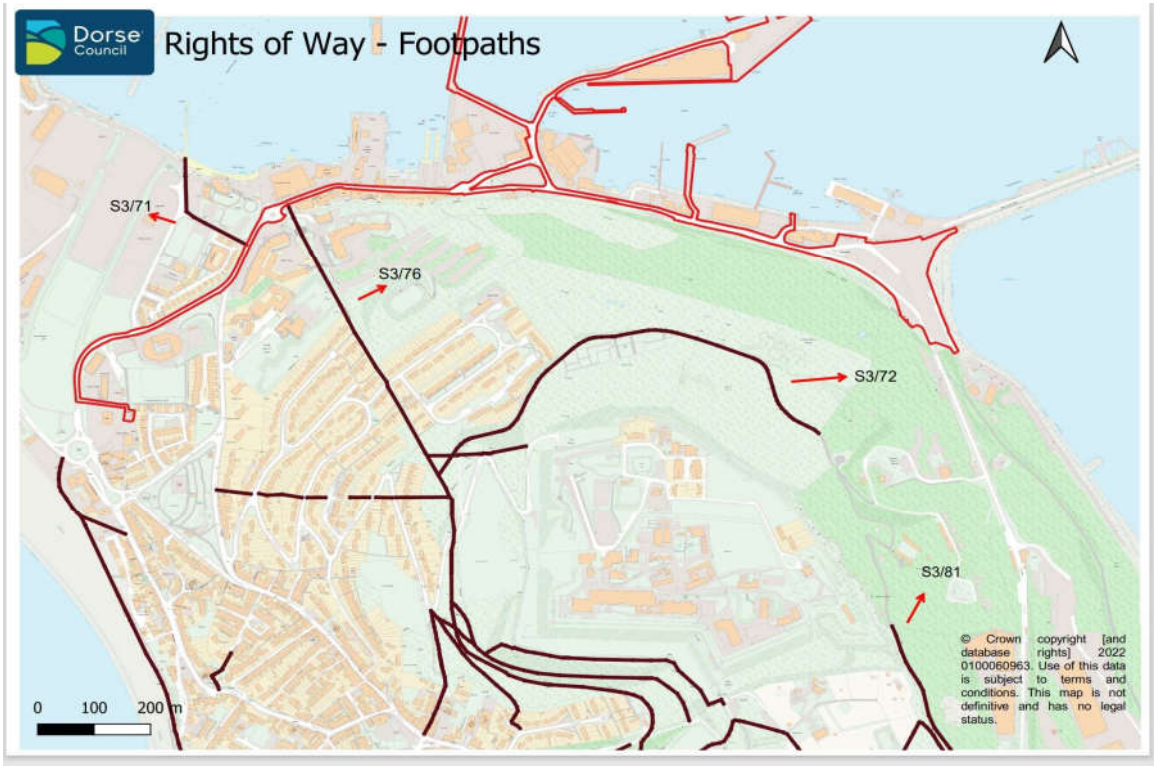
7.9 The site is located within a Mineral Safeguarded Area and Mineral Consultation Area under the Minerals Strategy 2014.

7.10 The proposed development falls within the Port 1 Key Employment Site in the Portland Neighbourhood Plan (2017-2031).



Rights of Way routes

7.11 There are a number of definitive public footpaths on the Isle of Portland, and the nearest are S3/72 and S3/81. These two footpaths are both dead ends. At the end of each is a section of palisade fencing stopping the walker from going any further. The section of land between the two dead ends of those footpaths is land in the ownership of Portland Port.



8. Consultations

8.1 Natural England

Natural England has submitted six letters: 8th December 2020, 1st December 2021, 24th August 2022, 28th February 2023, 8th March 2023 and 14th March 2023.

NE confirmed that 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 Site of Special Scientific Interest (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)

Natural England objected to the application and have maintained a holding objection as the Environment Agency has yet to conclude its element of the Appropriate Assessment into the air pollution effects of the ERF process.

In their letter of August 2022, Natural England set out concerns that the evidence submitted might lead to a conclusion of a Likely Significant Effect (LSE) at the Isle of Portland to Studland Cliffs SAC and Chesil and the Fleet SAC because the 1% threshold for Critical Levels and Loads could be exceeded for NO_x, Ammonia and Nitrogen deposition. In February 2023 the Appropriate Assessment (with regard to traffic emissions) was concluded and Natural England agreed with the conclusion that there would not be a Likely Significant Effect on the European sites. Their letter of 14th March confirms that this is therefore no longer a reason for an objection. A further Appropriate Assessment is however being undertaken by the Environment Agency (with regard to emissions from the stack), which is not yet completed. Until both elements of Appropriate Assessment are complete, it cannot be concluded that the project would not have adverse effects, and so the holding objection is maintained until this is concluded.

Natural England's letter of 14th March also confirms their agreement that the application itself does not result in direct land take to the SSSI and SAC sites nearby, so no objection is sustained on those grounds.

Natural England made comments suggesting mitigation measures, and conditions to protect the marine environment from any dust and pollution during construction through a Construction Environmental Management Plan (CEMP). Natural England also objected to works in connection with a proposed new section of permissive path and security fencing which would have been within the Isle of Portland to Studland SSSI and which could have resulted in net loss of habitat, but this part of the proposal has since been withdrawn by the applicant and so no longer needs to be considered. With regard to the District Heating proposal, Natural England said that consideration would need to be given to how the pipes would be installed

without causing an adverse effect on the integrity of the SAC or causing harm to the interest features of the SSSI. They are aware that this would need to be covered in a separate planning application.

In terms of the heritage mitigation strategy, it is noted that the proposals include the removal of existing scrub around the East Weare Battery E to allow for the repair and ongoing maintenance of what is a Scheduled Monument. The monument is wholly located within the Isle of Portland SSSI. These scrub works will need to be consented to by Natural England, and in due course 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. Works will also require ongoing management to prevent scrub re-encroachment.

In terms of the Biodiversity Plan, NE notes the submission of a certificate of approval from the Dorset Council NET team. The assessment made in the Biodiversity Plan, is that the value of £83,000 is needed as compensation for habitats that would be lost on site. This money would be used for habitat restoration elsewhere on Portland, alongside other measures such as bird boxes. Providing the Biodiversity Plan is secured through condition/S106, and implemented in full, NE agree with the opinion of the NET team of Dorset Council that in relation to non-designated wildlife interests, that 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 and Species Regulations 2017.

Natural England had initially stated that Biodiversity Net Gain would need to be secured separately to the compensation set out in the agreed Biodiversity Plan, in order to achieve Biodiversity Net Gain (BNG) for the scheme. Examples of such projects could 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, and support for the control of cotoneaster in the wider SSSI areas, particularly where rare lower plants are threatened. These enhancements would need to be committed to by the applicant with a fund agreed annually to cover the duration of the development. Natural England considered these additional measures necessary if the proposals are to deliver a long-term enhancement for the designated and non-designated wildlife sites on the Isle of Portland. Natural England in their latest letter advise that the level of biodiversity enhancement (net gain) proposed by the applicant does not appear to be proportionate to the scale of development proposed. Officers consider that as these measures are not necessary to mitigate specific biodiversity impacts of the proposal, they would not meet the tests for Section 106 obligations as set out in legislation (i.e. that the obligation is necessary to make the development acceptable in planning terms). The statutory requirement for biodiversity net gain in conjunction with development has not yet come into force, though is due to do so later this year.

Natural England's comments on the AONB:

Natural England note that the site also 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. Exercising or performing any functions in relation to or so as to affect land in an area of an 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. The application should be assessed 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 proposal forms a significant industrial facility featuring a substantial building stack and intermittent visible plume on the Dorset coast and Natural England support the assessments made by the AONB team on its impacts. These comments should be given great weight when determining this application. We also ask you to give great 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 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 NPPF which says great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The requirement is for new development not only to protect the special qualities of the AONBs, but also to serve to enhance those qualities. It is clear in addition, that you should also apply landscape policies set out in the development plan. The scheme should also be considered in the context of the Dorset AONB Management Plan, which is a material consideration and states that proposals that are harmful to the character and/or 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.

8.2 Environment Agency (three letters received 2nd November 2020, 27th September 2021, & 3rd March 2022).

The Environment Agency has no objection subject to conditions and informatives. Issues that will be covered by the permitting process are as follows: emissions to air from regulated activities; pollution to surface and

groundwater; noise pollution from permitted activities; dust control from permitted activities; pest control from permitted activities; fire risk from permitted activities and odour control from permitted activities. If granted planning permission, the proposed development will require a bespoke environmental permit from the Environment Agency under the Environmental Planning (England and Wales) Regulations.

In terms of flood risk, the EA has no objection subject to the development being undertaken in accordance with the submitted Flood Risk Assessment (FRA). The drawings demonstrate that the proposed site is within Flood Zone 1 and, due to the proposed finished site and floor levels would not be at risk from flooding during design tidal flood events. In terms of contamination the geo-environmental and geotechnical desk study submitted with the application (entitled 'ground conditions and water quality') has been reviewed. The previous use of the proposed development site presents a risk of contamination that could be mobilised during construction to pollute controlled waters in the form of coastal waters which are particularly sensitive in this location.

The hydrogeology of the site is of very low resource value and of low sensitivity. However, it needs to be demonstrated that contamination if present does not pose a risk to the wider water environment, particularly during construction and as a result of changing the conditions at the site through development. Piling is also another potential risk. Conditions are recommended.

Further EA comment September 2021

The EA continues to have no objection to the proposed development subject to conditions and informative previously requested. There does not appear to be a contaminated land assessment to review, and we are therefore unable to agree that the information provided is adequate. Outstanding issues relating to surface water management will require advice from the lead local flood authority.

Further EA comment March 2022

The EA maintains their position and have no objection to the proposed development subject to conditions and informative previously requested. Additional information supporting the application has been submitted following a Regulation 25 request from Dorset Council. However, no information relating to land contamination issues was requested and consequently none has been provided. The second ES Addendum dated January 2022, now states that the proposed development proposes no risk to water quality. As stated in our previous responses we will require an appropriate ground condition assessment before we are able to make a judgement on this conclusion.

Issues covered in the Permitting process were part of a limited coverage investigation by RPS in 2009. We agree with the conclusions of the Arup 2020 report that based on the past use of the land and identified contamination there is potential for development or future operation of the site to cause pollution of adjacent coastal waters. These requirements will need to be addressed through the information required as part of our contamination conditions as requested previously.

8.3 Historic England (6 letters received, 5th November 2020, 26th August 2021, 11th February 2022, 1st February 2023, 22nd February 2022, and 9th March 2023)

Historic England has concerns regarding the potential impact of this proposal on the setting and significance of several nationally important scheduled monuments that form a key component of the historic port. These are the Verne Citadel, Portland Castle, East Weare Camp, and the Battery (E) 200yds (180m) East of the Naval cemetery, as well as Underhill Conservation Area, the Grade II Listed Dockyard Offices, and a number of listed buildings including the Inner and Outer Breakwater and several undesignated heritage assets.

The scheme also has the potential to impact on the Dorset and East Devon Coast World Heritage Site. As this is a natural World Heritage Site, it is beyond the remit of Historic England to advise on this aspect of the application, and we recommend that you should give full weight to the views of the Jurassic Coast Trust as the lead organisation in the management of the World Heritage Site.

Historic England's concerns relate to the scale and massing of the proposed waste recycling centre, including the dominance of an 80-metre-high stack that would visually compete with the Verne Citadel and dominate the heritage assets within the area.

In terms of significance of heritage assets, Portland and its harbour has been an important strategic military site since at least the 16th century when Henry VIII built Portland Castle along with Sandsfoot Castle on the opposite shore to protect the sheltered bay against the threat of French invasion.

The Inner and Outer Breakwaters were constructed between 1849 and 1882. They were designed by the chief engineer James Meadow Rendel, and they have architectural and historic interest with royal connections. The Verne Citadel was constructed as part of the Portland coastal defences between 1857 and 1888 and it was used again in World War I and II as a heavy anti-

aircraft battery. The southern part of the Citadel is now occupied by the prison. Between the proposed development and the Verne Citadel is the scheduled monument known as Battery east of the naval cemetery. This is currently on the Heritage At Risk register. To the east of the proposed development is the scheduled monument, the East Weare rifle range. East Weare Camp was established in about 1880 and from 1889 the rifle range was built. The structure commanded Portland Harbour to its SE and can be seen from the higher slopes of the Verne. The site has both architectural and historic interest and has a good degree of surviving historic fabric despite being overgrown. There are also many non-designated assets such as the Breakwater Railway built in 1878 and the Eastern and Church Hope Railway of 1867. The building of Verne High Angle Battery in 1892 and Upton Fort in 1902 demonstrates Portland's continuing role as an important strategic location. During World War Two further military installations were built. These form part of the wider East Weare Camp, including six pill boxes, a fuel store and anti-boat landing obstacles in Balaclava Bay. The historic and architectural interest of these heritage assets forms part of their significance as does the relationship and group value of these assets. Together they contribute to the understanding of Portland as an important strategic military site.

Site access to the proposed ERF building would be past Portland Castle through Castletown Conservation Area and then through Portland Port. The proposal to develop within the setting of these nationally important sites could adversely impact the ability to appreciate them and would make a negative contribution to their setting. Setting is the surroundings in which an asset is experienced, and the setting may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views to and from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise dust and vibration. Clear views to and from the Verne Citadel and Portland Castle are critical to the heritage significance of these military sites. They were designed to provide views out across Weymouth Bay and were also designed to be seen as impressive and dominating features in the landscape. The batteries and rifle ranges were also designed to have clear views out and these views are fundamental to their significance.

As a group, these assets have associative value and therefore there is a particular sensitivity where the imposition of large new development in this area would diminish their defensive context bringing a degree of harm. Account should be taken of the combined or collective impact of harm to the setting of the assets here, where the overall total impact on the group in combination is greater than is suggested by individual assessment of the separate assets.

The Environmental Statement says that because of the overgrown nature of East Weare Camp, the intervisibility between them and other strategic assets such as the Breakwater, is no longer possible. Historic England disagrees with this view and is currently working with volunteers to remove scrub and vegetation from the monument. HE considers that the proposed development has the potential to significantly alter the relationship through a dominating new addition. Historic England disagrees with the Environmental Statement that the proposed development will appear as a localised addition, within the foreground of the distinctive and dominant Verne Citadel, which holds a commanding presence in views both near and far. HE considers that the proposed development will actually feature as a prominent addition to the foreground of several heritage assets and will have a detrimental effect on their significance as strategic military structures through visual dominance.

The proposed development will also be visible in long distant views and covers a wide area with a visually prominent 80-metre-high stack. HE believes both the height of the stack and the massing of the buildings will compete with the dramatic backdrop of the Verne Citadel sitting on the rocky outcrop which is an evocative and prominent feature of Portland.

Historic England acknowledges that this is a working port and a protected employment site in the Local Plan, however due to the historic importance and sensitivity of the site and its wider context any future proposals should take account of relevant policies in the development plan, notably those that relate to the historic environment and landscape. HE does not see how the proposed development will protect and enhance the outstanding built environment and the local distinctiveness within the area.

Historic England's position is that it has concerns regarding the potential impact on both visual and associative relationship of the proposed development on the significance of several nationally important heritage assets including Verne Citadel, Portland Castle, East Weare Camp, Battery 200 yards east of the Naval cemetery, Underhill Conservation Area, Dockyard Offices and the Dorset and East Devon Coast World Heritage site, as well as on a number of listed buildings and non-designated assets. Whilst it is acknowledged that the area has been a working naval base and in most recent years of working port, it is felt that the proposed development is too dominant a presence and will intrude on views to and from the heritage assets. Historic England considers the impact on the individual assets within the area and the cumulative impact both close to the development and from distant views would be harmful from the introduction of a dominating and visually intrusive chimney and large industrial scale buildings. Historic England also recommends that the Council gives full weight to the advice of the AONB officers and the Jurassic Coast Trust for their views on the potential impact on the Dorset and

East Devon Coast World Heritage Site. It is for Dorset Council to decide if any heritage benefits could be achieved which would offset any harm.

In determining this application HE advises that the planning authority should bear in mind the statutory duties of Section 66(1) of the Planning Listed Buildings and Conservation Areas Act 1990 (to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess), and Section 72(1) of the Planning Listed Buildings and Conservation Areas Act 1990 (to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas).

Further advice 25th August 2021

East Weare Batteries: This nationally important site is currently on Historic England's Heritage at Risk register. The battery is also Grade II Listed. East Weare batteries were built in about 1870 and are broadly contemporary with the near neighbour, the Verne Citadel. Consisting of three gun platforms with a rear magazine, the battery is constructed of Portland stone ashlar beneath substantial bomb proof earthworks. The battery was used during World War II when it formed part of the Dorset coast defences and the Isle of Portland defences. The application now proposes a programme of works that will secure the long-term future of the batteries and would lead to its removal from the Historic England's At Risk Register and allow public access. Any development within the scheduled area would require scheduled monument consent from the Secretary of State for the Department of Digital Culture Media and Sport before any works could commence.

HE also made reference to a footpath extension which would comprise a new section of permissive path created to allow public access, together with interpretation to the group of heritage assets in and around the East Weare battery. However, the applicant has since confirmed that these particular proposals are no longer included.

The proposal also proposes to provide heating across the island. The pipes would follow the road network and would be at a depth of approximately 500 mil below ground surface and the ES addendum concludes that there would be no impact on archaeology. We recommend that the archaeologist is consulted on any works here to mitigate against any potential areas of significance that may be identified on the historic environment record. Any development within the scheduled area would require scheduled monument consent from the government.

Historic England does still have concerns regarding the application on heritage grounds. The concerns relate to the scale and massing of the building including the dominance of an 80-metre-high stack that would visually compete with the Verne Citadel and dominate the heritage assets within the area. A programme of works is now proposed however, which will conserve and secure the long-term future of the batteries, provide public access and interpretation and will help offset harm that may result from this proposal.

Historic England's letter of 1st February 2023 reiterates their concerns regarding the potential impact of the proposal on the setting and significance of several nationally important scheduled monuments that form a key component of the historic port as well as a number of listed buildings including the inner and outer breakwater and several undesignated heritage assets. They also confirm that the historic and architectural interest of these heritage assets forms part of their significance, as does the relationship and group value of the assets. Together they contribute to the understanding of Portland as an important strategic military site.

Historic England also confirms that the proposal has the potential to impact on the Outstanding Universal Value of the Dorset and East Devon Coast World Heritage Site, and that they concur with the Jurassic Coast Trust's view that the proposed development would negatively impact the setting of the World Heritage Site.

Historic England refers to discussions regarding the potential to establish heritage benefits but reiterate that they still maintain concerns regarding the application on heritage grounds relating to the scale and massing of the buildings, including the dominance of an 80m high stack which would visually compete with the Verne Citadel and dominate the associative heritage assets within the area. They confirm that as a group, these assets have associative value and therefore there is a particular sensitivity in which the imposition of a large new development would diminish their defensive context and bring a degree of harm. The batteries and rifle ranges were designed to have clear views out across Weymouth Bay and these views are fundamental to their significance.

HE commented on the previously proposed 3-metre-high security style fencing and gated access, for the public along a new section of permissive path, to be secured through a Section 106 Agreement, commenting that they had concerns about the introduction of this security style fencing which would be harmful. [It was later confirmed by the applicant that this could be reduced to 2 metres but has since been withdrawn.]

Whilst Historic England would like to see a programme of repairs to secure the long-term future of the batteries, we remain unconvinced that this could not be

achieved by other means. We consider that the proposal will cause considerable harm to the significance of several heritage assets from such a large and dominant development within their settings. It is acknowledged that the provision of a path with repairs to the At-Risk registered battery is a heritage benefit, but this benefit is unlikely to offset the harm to this large group of nationally significant heritage assets. Their group value adds to their historic interest and makes an important contribution to their significance. Some of the monuments and buildings affected are heritage assets of the very highest significance and NPPF paragraph 200 advises that the more important the asset, the greater the weight that should be given to its conservation. The NPPF defines "conservation" as the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate enhances its significance.

Further letter 22nd February 2023

A further letter was submitted by Historic England in response to the applicant's *Updated Access Path Strategy Paper* dated February 2023. Historic England stated that they have concerns about proposed 2m high security style fencing and that it is for Dorset council to decide if the heritage mitigation strategy proposed is sufficient to outweigh the harm from the proposed ERF within the setting of a number of highly designated heritage assets. (Note: the fence and path have now been withdrawn from the application).

Further letter 9th March 2023.

A further letter was submitted by Historic England saying that they would welcome a programme of repairs to secure the long-term future of the batteries but do have concerns regarding impact from a palisade style fence so close to the scheduled and listed sites. With regard to the newly submitted Mann Williams report, Historic England agrees that the scheduled site has been declining over the past ten years but disagree that the proposed fence would protect and enable conservation to progress. Historic England is of the opinion that works to the scheduled monument could have been undertaken at any point in the last ten years. (Note: the fence and path have now been withdrawn from the application).

Historic England states that they maintain concerns regarding the application on heritage grounds relating to the scale and massing of the waste recycling centre including the dominance of an 80m high stack that would visually

compete with the Verne Citadel and dominate the associative heritage assets within the area.

8.4 UK Health Security Agency (formerly Public Health England. Four letters received 21st December 2020, 25th August 2021, 4th November 2021,23rd February 2022).

The site is located on the north-eastern coast of the Isle of Portland, within Portland Port, approximately 66m to the east of the villages of Fortuneswell and Castletown. The closest residential property is located approximately 600m from the proposed stack.

The applicant has modelled likely emissions from the site and considered the impact on local air quality against national air quality emission limit values. There are residential areas within 1km of the site, together with potentially vulnerable populations such as HMP The Verne and HMP Portland. The submitted assessments do not specify specific human sensitive receptors but identify the maximum predicted process contribution for residential areas. No significant impacts have been identified and PHE is satisfied that the applicant is using model assessment and criteria that are in line with UK guidance and good practice.

The transport assessment indicates that during the construction phase the increase in traffic flows will be just over 2%. During the operational phase the additional vehicle movements would be below the threshold for a detailed assessment based on 100% deliveries by road. It is therefore expected that any increased vehicle movements will not have a significant impact on local air quality.

Dust emissions during the construction phase and emissions of dust on odours during the operation have also been assessed. The emission of dust has the potential to cause nuisance and present a health risk from the inhalation of particulate matter. Whilst nuisance can be a source of complaints and distress, the assessment of dust as a potential statutory nuisance would be a matter for the local authority therefore PHE will restrict its comments to respirable dust (PM10 and smaller). PHE is satisfied that the human health impact from dust and odour has been assessed in the application. Impacts from fugitive emissions of dust and odour are considered below. It is noted that the operation of the ERF would be subject to an environmental permit, the conditions of which would ensure that fugitive emissions beyond the site boundary are kept to a minimum.

There is a potential for soil contamination due to the history of the use of the site. But due to the nature of the development it means that there is a low risk

of future users of the site coming into contact with contaminated soil. PHP is satisfied that historic contamination does not pose a risk to public health.

In terms of noise Public Health England does not provide any comments at the present time. The public health position statement on the impacts on health of emissions to air from municipal waste incinerators concluded that modern well managed incinerators make only a small contribution to local concentrations of air pollutants. Public Health England is satisfied that the applicant has approached the EIA in a manner consistent with the UK requirements to predict likely emissions. The proposed facility would be regulated through the pollution prevention and control regime which would operate to best available techniques (BAT).

PHE will be consulted as part of the environmental permitting process and will further consider emissions and control measures and make additional comments at that time.

Further comment August 2021

PHE exist to protect the nation's health and well-being and reduce health inequalities. These aims are reflected in the way we review and respond to consultations. We responded to the EA on the 13th of August 2021 to make some specific recommendations in relation to the environmental permit application.

We request that Dorset Council takes account of the following additional recommendation. The application does not evaluate potential impacts on air quality from the backup generators. Further information on the quantity testing regime and usage of the backup generators should therefore be provided to demonstrate that emissions will not be a significant risk to public health.

Further comment November 2021

UKHSA has undertaken a risk assessment which concludes that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. Any potential effect for people living close by is likely to be very small. We request that Dorset council takes account of the following when considering approving the application:

i. Further information on the quantity, testing regime and usage of the backup generators should be provided to demonstrate that emissions will not be a significant risk to public health.

ii. To ensure that the air quality modelling used is suitable and appropriate inputs are used for all receptors and that the modelling accurately reflects the local topography to provide reliable estimates of reasonable worst-case scenarios.

iii. That the recommended HHRAP model for comparison of most pollutants including metals and dioxins is used and an assessment against the tolerable daily intake or dioxins, furans and other considered metals for the oral pathway at the worst case receptors is conducted.

Reducing public exposures to non-threshold pollutants below air quality standards has potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities and exposure and maximise co-benefits such as physical exercise and encourage their consideration during the design environmental and health impact assessment implementation and post implementation monitoring stages.

Further comment February 2022

UKHSA has reviewed the additional documents and considers that they provide adequate information to satisfy concerns posed previously. In relation to the backup diesel generator the further information provided means that it is considered that an exceedance in air quality thresholds would be highly unlikely and there would be no appreciable health risks. Based on the information supplied, the UKHSA has no significant concerns regarding the risk to health of the local population from the proposed development.

8.5 Dorset Council AONB Landscape Planning Officer (two letters received 30th October 2020 and 24th September 2021).

The AONB Landscape Planning Officer has raised concerns regarding the presence of the proposed development within the setting of the AONB, which has the potential to erode the landscape and scenic qualities of the designated area. Whilst it is not considered that the proposed buildings would result in significant effects on the AONB there are concerns that visible emissions would lead to a notable industrial element being added to the AONB setting in a prominent position.

The Countryside and Rights of Way Act 2000 places a statutory duty on all local authorities to have regard to the statutory purpose of conserving and enhancing natural beauty when discharging any function affecting land in AONBs. The NPPF makes reference to AONBs by saying great weight should be given to conserving and enhancing the 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 scale and

extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

It is acknowledged that as this development is located outside the AONB, most of the aspects of the NPPF that refer to development within the AONB do not apply, including the potential requirement for a major development test. Nonetheless great weight should be attributed to conserving the landscape and scenic qualities of the designated area.

In order to evaluate the effects of the development on the Dorset AONB, attention should be paid to the special qualities that make it a unique and outstanding place and underpin its designation as a nationally important landscape. Features of the AONB that we need to conserve and enhance for the future, and that should be considered in decisions affecting the AONB are as follows:

- The area provides contrast and diversity and a microcosm of England's finest landscapes, comprising a collection of fine landscapes, striking sequences of beautiful countryside unique in Britain, uninterrupted panoramic views to appreciate the complex pattern and textures of surrounding landscapes, numerous individual landmarks, tranquillity and remoteness, dark night skies and undeveloped rural character.

- Wildlife of national and international significance.

- A living textbook and historical record of rural England comprising an exceptional undeveloped coastline and a rich historic and built heritage.

- A rich legacy of cultural associations.

It is considered that the special qualities (SQs) that would be particularly susceptible to harm from the proposed development are:

1. the uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes and

2. an exceptional undeveloped coastline.

The development site is located within the setting of the Dorset AONB which is referred to in the Management Plan. Objective C1 of the plan is that: “The AONB and its setting is conserved and enhanced by good planning and development.” To support this objective Policy C1h says that: “The landward and seaward setting of the AONB will be planned and managed in a manner that conserves and enhances the character and appearance of the AONB.

Views into and out of the AONB and nonvisual effects, such as noise and wider environmental impacts, will be appropriately assessed."

This development site, at its closest, is within about 7.5km of the AONB boundary. Publicly available views of the proposed development from within the AONB would therefore generally affect receptors from long distances, particularly panoramic sea views from the coastal margin and elevated inland hills, such as the South Dorset Ridgeway. It should be noted that a development does not need to be within the AONB to have a 'direct' effect upon the designated area. When considering effects on landscape character these may include locations that are not publicly accessible.

The location of the proposed development at Portland Port would be at the foot of the steep cliffs that form the northern face of the Isle of Portland. The immediate context of the site encompasses a harbour area, active coastal waters, large scale quasi-industrial buildings and other built developments such as housing. From within the AONB, the distance from which existing built development is seen means that it is common for only larger developments to be perceptible. Buildings within the harbour area and the overall mass of housing that is grouped together across the sloping landform of Fortuneswell are clearly discernible. Visibility of built development in the area varies greatly dependent upon atmospheric and lighting conditions. Clear visibility and 'highlight' conditions when the sun is relatively low in the sky, tends to result in built development being much more perceptible. Similarly, reflective finishes, such as those found on the roofs of some of the large buildings, can notably increase visual effects under certain conditions.

The AONB's landscape and seascape character assessments make numerous references to views that include the Isle of Portland. Sweeping panoramas along the AONB's coastline, particularly from elevated locations, draw the eye towards the land mass of Portland, making this an instantly recognisable focal point. The introduction of the proposed power plant would add a new large-scale feature within the port area. Due to the scale of the building, it is likely that there this would often be a discernible feature within sensitive views out from the AONB. However, considering the distances involved, it is not considered that the addition of the power plant buildings alone would adversely affect the outlook from the AONB to the degree that would justify its refusal.

However, the presence of visible emissions even if these are not consistently present could have the potential to notably increase the effect of the development on the designated area. There will clearly be visible emissions on some occasions and on some occasions this plume may be substantial, at times with a length greater than 200m. Putting aside the technical aspects of the modelling, it appears that the worst-case scenario for the effects of the

development include a significant plume that has the potential to substantially increase the landscape and visual effects of the development.

Further comment September 2021

The NPPF was updated in 2021, and the new version contains the following relevant new wording... “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.”

These comments relate solely to landscape and visual effects of the proposal on the AONB itself. The development site is, at closest, approximately 7.5km from the AONB boundary. Overall, it is foreseeable that the substantially greatest magnitude of effect will be experienced within the landscape and seascape environment of Weymouth and Portland, outside the AONB boundary. Views of the proposed development from within the AONB are over relatively long distances but encompass sensitive panoramic sea views from the coastal margin and elevated inland hills, such as the South Dorset Ridgeway. The AONB’s landscape and seascape character assessments make a number of references to sweeping panoramas along the coastline towards the Isle of Portland, with the landmass forming an instantly recognisable focal point. I have previously referred to the introduction of the proposed power plant adding a new large-scale feature within the port area, and that due to the scale of the building this would be a discernible feature with insensitive views out from the AONB. However, given the distances involved this adverse impact on the outlook from the AONB would not be to a significant degree.

In terms of further information received regarding the potential for plumes from the facility, these could be relatively occasional and could be of a scale that would substantively add to the impacts of the proposed building, due to the potential length of the plume and the potentially eye-catching characteristics of such a feature, for example, on occasions when the plume may be highlighted against the backdrop of cliff faces that are in shadow, resulting in a degree of colour contrast. The number of hours for which the feature may be visible is addressed in the modelling, but this is a technical area where the AONB team do not hold expertise and it has been suggested that the planning authority considers commissioning expertise to adequately appraise these predictions.

The applicant has stated that the plume would be likely to only produce a very minor alteration to the view for a very limited number of hours. The alteration

that would occur is represented within updated photomontages that use a range of locations including two within the AONB (White Horse Hill and a location close to Ringstead). The montages are rendered to show a plume with the length of approximately 188 metres, this being the maximum length of plume that would have been visible within a recent five-year period, according to the modelling. In producing the images, a decision has been taken to account for prevailing south-westerly wind direction, which has some bearing on the appearance of the plume within the images, particularly from the direction of Ringstead, where the plume shown is foreshortened within the artistic impression provided.

The applicant considers that the plume would have a negligible impact on the setting of the AONB and on the qualities that underpin the area's national designation. It appears that the negligible effect from the worst-case scenario appears to be an underestimation, as the presence of a substantial plume would at times, highlight the presence of new, overly industrial element within the seascape setting of the AONB. Consequently, some adverse effects on the landscape and scenic qualities of the designated area can be foreseen, particularly on the "uninterrupted panoramic views" and "exceptional undeveloped coastline" special qualities.

8.6 Public Health Dorset (two letters received 13th November 2020 and 21st September 2021).

Public Health Dorset considers the potential impact of the proposed development on the health and well-being of the local population. Concerns are raised by the public in relation to impact on human health due to emissions produced by the ERF operation and the associated road transport of waste. The Health Impact Assessment submitted with the application has concluded that the health effects associated with emissions of NO2, SO2, PM10 and PM 2.5 from the ERF are shown to be very small and could reasonably be described as negligible.

The World Health Organisation concluded in 2013 that there is no evidence of a safe level of exposure to PM (particulate matter) or a threshold below which no adverse health effects occur. The proposed development and associated increased traffic and transport will lead to increased exposure of the local population to this pollutant, and others even if they are very small. The application refers to the potential for the proposed development to provide 'shore to ship' power for vessels in Portland Harbour.

The applicant highlights that this would lead to a reduction in emission levels from vessels in Portland Harbour, but due to lack of detail, it is not possible to understand the degree of potential benefit. Providing a means of reducing

emissions from vessels in Portland harbour would in principle be beneficial and we would welcome further baseline information on emissions levels and health impacts of vessels in Portland harbour.

As the HIA notes, it is necessary to consider the impact of the proposed development on both physical and mental health. The site is located within a community characterised by higher levels of deprivation than much of Dorset and a population that experiences worse outcomes than Dorset's wider population across a number of health indicators. This includes levels of depression higher than the England average with 22.9% of adult primary care patients in Weymouth and Portland living with depression. The site of the proposed development is also, as detailed through the application, unique in its topography and built environment. For example, the site's near sea level location would result in the proposed stack terminating below the height of nearby residential areas. With these observations in mind the recommendations of the HIA are generally welcome but we also recommend that the applicant extends their intention to communicate the findings of the air quality assessment (as a means of allaying public concern) to encompass communication to the community of how assessment of the potential impact of the development on air quality during construction and operation has taken account of the specific characteristics of the site, prior to determination of the application.

The HIA includes an assessment of the potential impacts of the proposed development on vulnerable groups and health inequalities. The proposed development is sited in close proximity to neighbourhoods which are among the 10% most deprived in England. Research demonstrates ongoing inequalities in exposure to air pollution, with deprived areas worst affected by high concentrations of particulate matter and nitrogen dioxide.

Given that the proposed development has the potential for cumulative adverse impacts on the physical and mental health and wellbeing of the local population, potentially exacerbating existing health inequalities, we would welcome more detailed consideration of the likely impacts and mitigations. It is not clear whether the applicant has specifically considered the potential impact of emissions on the resident population of HMP Verne, and to a lesser extent, HMP/YOI Portland. Prisoners face particular challenges to leading healthy lives and, in comparison to the wider population, are more likely to be exposed to any emissions associated with the construction and operation of the proposed development. We would suggest that the applicant clarifies how they have taken into account of 'static' prisoner populations in the Environmental Statement prior to determination of the application.

The ES concludes that no potentially significant cumulative air quality, noise, landscape and visual or traffic and transport effects have been identified in the assessments so there is no potential for significant cumulative community and health effects from the proposed development. It is Public Heath Dorset's view

that this statement cannot be supported without further detail on the questions and points of clarification raised above.

Further comment September 2021

Additional modelling of the potential impact of the proposed provision on shore power on air quality has been carried out. This concludes that if implemented, the proposal would have a beneficial impact on human health. It is important to note that this conclusion appears to be based on modelled reductions in exposure to PM10 and NO2, compensating for a smaller reduction in exposure to SO2 which in some locations will contribute to a very slight worsening in health outcomes.

We request that…

1. The EA assess the validity of the modelling and the conclusion drawn by the applicant at paragraph 2.3 of the HRA addendum,

2. And that details are provided of how the provision of shore power to vessels in Portland Harbour and its potentially positive impact on air quality and human health is to be secured. If this potentially positive impact is to be considered as a benefit weighing in favour of the proposal when determining the outcome of the planning application, then assurance should be given to Dorset Council and the local community that vessels will be required to make use of shore power when in Portland Harbour.

The fact that the applicant is willing to engage with key stakeholders is welcomed, and it is assumed that this will include HMP The Verne, Island Community Action and Weymouth & Portland PCN. The responsibility will lie with the applicant to make contact and engage with these and other stakeholders.

Engagement was referred to in Section 6 of the HIA stating "*ongoing engagement with local communities and wider stakeholders will be undertaken to minimise potential effects on health and well-being arising from anxiety over the proposed construction and operation activities prior to the determination of the application."* It is not clear if this has been done yet and we recommend that if the applicant wishes to alleviate this anxiety, then efforts to engage with the community should be made before the application is determined.

As the applicant considers that health benefits will accrue for the duration of the employment and would be most benefit to those currently experiencing socio economic deprivation, economic inactivity or unemployment within the area, then Public Health Dorset consider that the applicant should provide appropriate evidence to Public Health Dorset of how training and employment opportunities will be targeted towards local people and that this is secured through an appropriate agreement.

Additional air quality modelling has been carried out and Public Health Dorset welcomes the view of the EA on the results of this additional modelling and the conclusions drawn from it. We request that if the EA is not already doing so, that it considers whether the modelling methodology used is:

a.) suitable for the application site's topography and surrounding built environment and

b.) whether or not it takes into account the particular circumstances and vulnerabilities of the population at HMP Verne.

8.7 Dorset Council Environmental Health (two comments received 3rd December 2020 and 12th July 2020, plus two more on contaminated land from WPA on behalf of Dorset Council 26th October 2021 & 1st March 2022).

The Council's Environmental Health response includes consideration of the following factors:

Contaminated land, Waste (specifically ash), noise nuisance, light nuisance, Construction Management Plan, Air Quality in the context of the local Air Quality Management Areas (AQMAs) and particulate matter.

Contaminated Land - Dorset Council's contaminated land consultants have formally reviewed the submitted environmental statement and various associated documents. They advise that the following conditions should be applied if the application is approved:

1. a phase one desk study report documenting the entire history and character of the areas within the development curtilage relating to past contaminating activities to include a preliminary risk assessment to be submitted.

2. during an agreed phased development of the site the developer shall submit a series of invasive site investigation reports documenting the presence of contamination, detailed strategies relating to the development phases for remedial works, measures to be taken to avoid risk from contaminants or gases during construction, and a detailed phasing scheme for the development. The remedial works shall be fully implemented before the development is completed. In addition, on completion of remediation works the developer shall provide written confirmation to include verification and validation testing where appropriate, indicating that all works have been completed in accordance with the agreed details. There would also be a requirement for the reporting of unexpected contamination.

In addition, an informative is recommended that states that waste special precautions shall be taken with materials containing asbestos and that any asbestos removal must be carried out by registered contractors. Skips shall be covered when leaving the site and in order to avoid dust or mud deposits

off site and all vehicles shall be checked and if necessary, deposits removed before leaving the site.

Waste – production of wastes - Incinerator Bottom Ash (IBA) is the recoverable waste created by the process. This can be recycled and subsequently the operator may be holding this product on site until a reasonable quantity is removed by an authorised carrier. It is good practice for a condition to be applied to ensure that this product is adequately contained prior to removal, as IBA, as with the products associated with the air condition emissions control residues, will need to be transported by a specialist contractor for suitable disposal. Other waste arising from the construction plan phase would be adequately controlled through the construction and environment management plan. Waste will also be covered by the permit conditions.

Noise - A Noise Impact Assessment dated August 2021 was submitted in response to the Environment Agency's requirements to be in line with the assessment for industrial and commercial sound. This would also fit with our comments asking for consideration of the baseline survey to be reviewed once the pandemic restrictions were lifted. The methodology for the baseline sound survey is agreed and accepted. The report details that mitigation measures have been incorporated within the calculations so the Council would ask that these design features are conditioned as part of any planning decision, for example profiled steel sheet cladding and louvres to the lower 6 metre of metres of the walls.

The conclusion states that the modelled predicted rating sound emissions do not exceed measured background levels at receptors, therefore the noise assessment that has been submitted is accepted. A condition would be required so the operation of the plant is monitored and demonstrated to be in line with the predicted levels of the noise impact assessment. After the plant has been in operation for approximately 3 months a further report is required to demonstrate that it is operating within the agreed scheme.

Light - The submitted lighting statement acknowledges that through good design and mitigation where required, light spill beyond the boundary of the site will be minimised. A condition is therefore recommended which requires details of the lighting scheme to be submitted to and agreed in writing by the local planning authority. This would need to specify the provisions made for the level of illumination on and off the site and controls to prevent the light impacting on the amenity of neighbouring residents.

Construction Environmental Management Plan (CEMP) – An outline CEMP has been submitted. A condition is recommended that a detailed CEMP is required, and this must show how statutory nuisances are to be avoided during demolition and construction of the facility including times of work noise levels dust suppression and piling.

Air Quality - early consideration relating to the stack height, potential emissions and control measures for gas and particulate emissions from the facility will

not be addressed by Environmental Health as this legislative responsibility lies with the Environment Agency and will be addressed as part of their own planning considerations under the environmental permitting application process. Dorset Council's Environmental Protection team will make suitable representation on the permit application as required. Similarly Environmental Protection cannot comment upon ecological matters. The air quality review of 25th of May 2022 written by TetraTech is considered to have been found to be robust, competent and sufficient to determine that there is not expected to be a significant adverse impact as a result of the application. Environmental Protection support this report and have no objections.

AQMAs - the worst case estimate for numbers of HGV daily trips to and from the facility when operating is 80 vehicle movements per day. Air quality implications on the AQMAs within Dorset Council area have been considered by the applicant. Dorchester AQMA would not be a route for waste carrying vehicles to use. The Chideock AQMA has an estimate that of the worst-case figures given, 8 of those would be through the village of Chideock. It is considered by Environmental Protection that these worst-case estimated additional movements would not make any change to the exceedances of the Air Quality within this AQMA and the applicant's decision to scope out the potential impacts upon these AQMAs is accepted.

In terms of the impact of NO_2 upon Boot Hill, Castletown, Ocean View and HMP The Verne, Boot Hill was reconsidered as a street canyon. More recent data from 2019 and 2020 has enabled further verification on the modelling methodology used.

8.8 Dorset Council Landscape Officer (three responses received 30th October 2020, 9th December 2021 & 21st November 2022**)**

Comments have been received from three landscape consultees over the course of the consideration of the application: the landscape officer who originally commented; a further comment from TetraTech on behalf of the council, on the effects of the plume; and more recent comments from the current senior landscape architect. The summary of comments here is based primarily on the most recent responses from the senior landscape architect.

Concerns are raised due to the scale of the buildings and their location at the very edge of the Portland Peninsula Landform. The Isle of Portland is a distinctive feature of the Dorset landscape, highly visible from large areas of the Dorset coast and mainland. The landscape and visual impacts of these proposals are at their most significant in views of the NW where they will create a new skyline rising up vertically from the base of the gently sloped Portland landform. Views of this nature would also be visible from a continuous section

of the Southwest coast path long distance walking route. It would also be visible from Sandsfoot Castle, grade II* Listed, at the designated Heritage Coast area, the Dorset and East Devon Coast World Heritage Site and the Portland Harbour waters.

Even though these viewpoints are from some distance away from across the harbour, the very large scale of the proposed building and stack is such that they will create significant adverse impacts. If a smoke/vapour plume is also seen coming from the stack, even on a very infrequent basis, this would also add a further significant adverse landscape and visual impact. The location of the main buildings and chimney are such that they occupy a very exposed position on the edge of the harbour. Incline Road runs between the new buildings and the start of the rising landform of this side of the island and the road and the service yard area has the effect of further separating the proposed buildings from the rising landform of Portland. This separation of the building slightly away from the bottom of the sloping landform means that in some views they will be seen against a backdrop of completely open sky. From these viewpoints the profile of the new built structures would create their own entirely new skyline sitting alongside the Isle of Portland skyline. In that respect this particular site differs from much of the developed Portland Port and most of the other developed areas along Portland's northern edge. Other sites are more capable of accommodating large development where there is the backdrop of the Portland land mass rising up behind the development within the context of other build developments and substantial buildings.

Portland Port is a busy working harbour, but the existing buildings and ships are of a substantially smaller scale than the proposed development, and they appear as relatively low-lying waterfront development, whereas the height and scale of the proposal starts to compete with the larger dramatic and dominating landform of the Isle of Portland. Large ships that sometimes dock there can also create a prominent, man-made feature, but these are transient impacts, as the ships come and go.

In terms of landscape character, the site is situated within the Limestone Peninsula Landscape Character Type of the Dorset Landscape Character Assessment of 2009. It is also within the Portland Peninsula Landscape Character area (Weymouth and Portland Borough Council Landscape Character Assessment 2013), and in LCA2, The Grove and the Verne (January 2020 Referendum Version of the Neighbourhood Plan for Portland 2017-2031). At the National level, the site lies in National Character Area 137, Isle of Portland. Due to the scale of the proposed development, the structures would be visible and would have the potential to impact on surrounding landscape character areas. Several of the landscape character areas

specifically highlight the distinctive landform of the Isle of Portland as a key characteristic of the landscape.

The senior landscape architect considers that the LVIA submitted with the planning application has understated the significance of some of the landscape and visual effects that would occur if the development were to go ahead. In addition, he does not agree with many of the judgments that have been reached in applying the methodology and the way in which viewpoints have been selected and grouped. As a result, he considers that the resulting judgments understate the level of significance of visual effect.

It is important to note that the LVIA submitted with the application concludes that there will be significant visual effects resulting from the proposal on several of the visual receptors within the Portland Harbour area and from the Isle of Portland itself. The LVIA forms part of the EIA and the resulting effects have been assessed and are classed as significant effects in EIA terms.

The LVIA also concludes that there will be significant seascape effects arising from the development of moderate to moderate to slight significance following completion of the proposal.

The senior landscape architect considers that the LVIA fails to identify and give due consideration to the district level landscape character area, in particular because the relevant key characteristics which should have been considered, and were not, were as follows: A dramatic and distinctive wedge-shaped limestone peninsula with prominent cliffs and an open skyline with sweeping views along the coast.

The senior landscape architect considers that the proposed buildings are very large scale and have the potential to compete with and become new additions alongside the existing distinctive shape and silhouette of the Isle of Portland, which would erode the most important key characteristics, including the distinctive shape of the landform.

In addition, the occasional, visible presence of an emissions plume would add further to the landscape impacts both on the immediate and surrounding landscape receptors and would have the potential to impact on the key characteristics and perceptions of character of the different receptors. A plume would, even at its lesser scale, be a conspicuous new element, that would in turn draw further attention towards the new chimney and industrial building. In those views where the development would be seen against the skyline, and in particular the closer views, the visual effect of the plume would be greatest.

The LVIA concludes that significant visual effects will occur within the area of Portland Port and the breakwaters, including the Sailing Academy, Portland

Marina and Portland Harbour, together with public rights of way S3/68, S3/70, S3/72 and S3/81 and Sandsfoot Castle and Nothe Fort. All these areas would be subject to significant visual impacts and the senior landscape architect considers that the areas identified should have been extended to include the continuous viewpoints from the north and western edges of Portland Harbour, including the views from both sides of Sandsfoot Castle. These significant visual impacts would be experienced by recreational walkers and cyclists using the SWCP, parts of the Rodwell trail, and from within the Dorset and East Devon Coast UNESCO World Heritage Site, and West Dorset Heritage Coast.

The section of the SWCP between Sandsfoot Castle and Small Mouth Bay forms part of the Rodwell Trail recreational walking and cycling route. Interpretation boards depict the views across the harbour towards the Isle of Portland from the route. The clearly distinguishable, existing landmarks along the northern edges of Portland are identified and described on the boards. From numerous viewpoints along the northern edge of Portland Harbour, the viewer is clearly able to see the entire Portland landform. This gives an awareness of the island's distinctive overall shape and profile which is referred to in the various character assessments.

The World Heritage Site continues for around 2 kilometres along the northern shoreline of Portland harbour and visual receptors along these stretches of coastline which include popular beaches will be subject to some of the most conspicuous views of the proposed development. These views will also be where the development is seen against the open sky as an angle from which the development is viewed meaning that it will appear at the base of the Portland landform. The senior landscape architect does not agree with the LVIA findings in this respect which conclude that visual impacts on views from the WHS will be of negligible adverse magnitude and that the overall degree of visual effect will be slight and not significant.

In terms of building design and finish, the large group of new buildings will be seen in views from the sea and distant land-based views from the north and east NE. From these views the entire 201 metre building length will be apparent. The architect has designed the eastern elevations to take their inspiration from the shapes and geology of the Portland land mass that will be their backdrop. The roof lines of the buildings, their relative positions, overlap and detailing have been carefully designed to help the building sit as sympathetically as possible within its sensitive location. These are an imaginative solution which help address some of the issues faced by the citing of such a large industrial building in this very exposed location. However, the council's senior landscape architect has concerns over the printed PVC mesh finish.

The concept of printed Portland vegetation images on a PVC mesh causes several concerns. As well as the concerns over how robust this finish will be it is also very prone to appearing out of tune with the colours and textures of the surrounding native vegetated cliff faces throughout the changing seasons and light conditions. The images that have been depicted appear to be out of scale with individual bushes and other cliffside scrub type vegetation appearing at a much larger scale than the real vegetation would be. In certain views the abrupt and straight outer edges forming the tops and sides of the printed vegetation images will appear alien and at odds to the printed image of varied textured and natural vegetation. A fully vegetated cliff face such as this would naturally form over a varied and uneven outer edge as its profile.

In some elevation drawings it can be seen that the vegetated image has also been added to the western building elevations. This means that it would be seen in views out to sea from the Isle and from the West of the building. In these instances, the printed vegetation finished does not make sense. The additional level of fixings on the outer material give an increased requirement for maintenance which if not undertaken regularly could soon lead to a rapid deterioration in the quality of the buildings finish.

The Addendum D&A statement (Aug 2021) submitted with the planning application does offer possible alternative finishes which could be more successful.

In conclusion, the greatest land based adverse landscape and visual impacts arising from the proposal would be public views from the north and the northwest. The main issues are the scale of the proposed building and its relative position with regard to the Portland landform, where it begins to appear separated from the landform and forms its own new skyline.

8.9 Dorset Council Conservation Officer (Four responses 17th November 2020, 15th October 2021, 22nd February 2023 & 13th March 2023).

The proposed development comprises 2 principal buildings, a stack and a number of ancillary structures with a total floor space of approximately 8,564 square metres. The larger building is the boiler house and the attached turbine hall which form two volumes and together extend across the site on a northwest- southeast axis to a maximum of 201 metres long and 51 metres wide narrowing to 24 metres wide and 47 metres in height reducing to 19 metres. The larger building will have 3,389 square metres of PV panels to the roof of the RDF storage area at the Southeast end of the building. The second smaller building, separated by the width of a new HGV route through the site to connect Canteen Road to Balaclava Road, would be used as an office

building. The height of the latter extends from a minimum of 6 metres to a maximum of 17 metres whilst the footprint extends to 54 metres in length and between 11 metres and 23 metres in width. The stack is located approximately 10 metres to the Northwest of the boiler house and the stack would be 80 metres in height with an outside diameter of approximately 2 metres.

The application site is not situated in a Conservation Area; however, it is close to Underhill Conservation Area being located to the north at Castletown. The application site itself does not contain any designated heritage assets either, however there are some designated heritage assets that are in very close proximity. The proposal does have the potential to affect the setting of a number of designated and non-designated heritage assets.

It is clear from the general history of the naval base at Portland Port since the mid-19th century that the site has been developed as part of the wider context of naval operations, functions and ancillary needs. Development has taken place throughout the 20th century as well and the general principle of development on the site in heritage terms is therefore accepted.

In terms of scale and massing, the application explains how scale and layout of the building is dictated to some degree by the requirements of the ERF process. Final form of the design of the building has apparently taken its inspiration from the angular geometry of Portland, particularly when viewed from the north and NE. This approach has also been taken to the office building to try to visually amalgamate the two structures. The conservation officer accepts that the design process has resulted in an imaginative building which expresses itself in minimised volumes intended to reflect the immediate context as far as it is possible. The stack is clearly an element that affords fewer opportunities for discretion and the landform offers few vertical punctuations that could serve as a counterpoint. It is acknowledged that the stack has been placed so as to be read against the cliff backdrop in long views from the north and NE and standing at 80 metres high will not break the skyline in these views. However even after the design process the stack remains a prominent visual element in views from the West and NW where it would be seen against the skyline.

The conservation officer does have some concerns over the building scale which at its maximum height is about twice the height or slightly more than any of the nearest taller buildings. In addition, removal of previous buildings in the vicinity has enhanced the setting of heritage assets potentially adversely affected by their presence, including the scheduled monuments of the East Weare battery and the Verne Citadel, both of which depend partly for their significance on unbroken views out of Portland, and in the case of Verne Citadel on visual dominance in long views. Therefore, the impact of the new building at a considerably greater scale cannot be reasonably construed as

comparable with any preceding buildings on the site. In addition, the additional height of the building will impact considerably on panoramic views over the harbour and breakwater from the public vantage points on the cliff above footpath S3/72, which permits the sheer scale, engineering and purpose of the Verne Citadel to be appreciated and understood in a wide sea and landscape context.

In addition, there are some concerns over the impact of the stack. Whilst it is accepted that this would not break the skyline in views from the north and NE this is not the case in views across the harbour from the Northwest and West. From these angles, the site does not benefit from a landform backdrop and therefore the building and the stack however narrow their profile stand prominent against the sky and forms at least some measure of visual distraction from the Verne Citadel and the Breakwaters.

In relation to the proposed design of the buildings, the conservation officer considers that this design is the result of a carefully thought-out process of evaluation and does not object in principle to the overarching design responses to the site. These comments do not override the conservation officer's concerns about the scale, and it must be acknowledged that however successful attempts are at concealment they are more successful in digital images than they are to the naked eye and the building will remain visible in long views towards the Verne Citadel and therefore will present some measure of visual distraction from the heritage asset.

Another additional concern relates to the potential effects resulting from light spill from the development and the resulting impact on views towards the Verne citadel at night or on dark days. It is noted that the application does not include any verified views or drawings to demonstrate the appearance of the development at night in a way that renders it comparable with existing lighting around the island.

In terms of harm, it is necessary to assess the resulting scheme, however minimal in its intentions, against the potential impacts on heritage assets. The submitted cultural heritage section in the application identifies a broad array of designated and non-designated heritage assets that could potentially be affected by the development. This identifies adverse impacts on a number of designated heritage assets combined with a degree of effect. Moderate degrees of adverse impact correspond to substantial or less than substantial harm as defined in the NPPF. The application has put forward site specific mitigation to address potential impact on adjacent listed structures through accidental damage for example such as the potential for boxing around the commemorative date stone on the inner breakwater and it is also suggested that works including vehicle movements are risk assessed for their potential

impact on the dockyard offices and that suitable temporary hoarding or protection is provided around them when required.

The submitted cultural heritage assessment found less than substantial harm to the significance of the following designated heritage assets owing to adverse impacts on the contribution made by their setting:

1. Battery (200 yards east of the Naval Cemetery) scheduled monument and Grade II Listed, known as East Weare batteries.

2. Verne Citadel - scheduled monument including additional designated heritage assets.

3. Portland Castle scheduled monument and Grade I Listed including associated designated heritage assets.

4. Dockyard Engineer's Offices. Grade II Listed

5. Inner and Outer Breakwater including coaling shed, jetties and forts Grade II Listed

The assessment also considers the number of schemes on Portland for possible cumulative impacts on the above heritage assets. A number of adverse effects are identified which give rise to additional less than substantial harm. In general, taking into account the raised level of harm arising from the cumulative effects, the conservation officer also agrees with the level of harm assessed to the above designated heritage assets and does not see grounds to elevate any aspects to substantial harm.

In addition to the above the assessment other adverse impacts were found, classed as slight, and therefore not significant, to the Battery northeast of East Weare Camp Grade II listed, Battery approximately 80 metres SE of East Weare camp Grade II listed and Underhill Conservation Area.

In conclusion, the assessment of impacts finds that there would be 'less than substantial harm' to designated heritage assets including three scheduled monuments. The NPPF requires that great weight be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In terms of designations, scheduled monuments enjoy the highest level of national designation, therefore any harm, whatever scale, requires clear and convincing justification.

The Breakwater Branch Railway is a non-designated heritage asset that would be affected by the proposed development. The application does not show the retention of the tracks along Canteen Road through the site, and the removal of these tracks would result in the partial loss of this heritage asset and

therefore ‘substantial harm’ to its significance, divorcing the tracks along the inner Breakwater from the remainder of the port. This harm could be avoided by the retention of the tracks in the resurfaced road, and this would therefore be required. In addition, the viaduct on the former Eastern and Church Hope railway sits just outside the application site. It would not be directly affected by the scheme and taking into account the elements of setting that contribute to its significance, we do not consider that the scheme will result in harm to its significance.

The scheme would result in harm to a number of heritage assets of considerable national importance attracting the greatest level of weight in favour of their conservation.

Further response 22nd February 2023

This response was in relation to the applicant’s submitted *Updated Access Path Strategy Paper February 2023* and the comments were solely about the impact of the proposed mitigation upon the heritage assets. The 2 m high palisade fence and the permissive path that were a feature of the proposed mitigation at that time have now been removed from the application. The conservation officer concluded that the erection of a 2 m high palisade fence along the public footpath and the proposed permissive path would compromise the immediate setting of the batteries and change the way they would be experienced and have been experienced historically. Overall the conservation officer concluded that the proposed mitigation would harm the significance of the batteries, their immediate settings, and their wider settings. It should be recognised that the batteries have substantial Group importance and historic importance in British naval history, by virtue of architectural design and position on the Verne citadel. These elements are key elements to the significance of these assets and the wider grouping of structures. Therefore, it's concluded that the proposed mitigation would cause ‘less than substantial harm’ to the heritage assets, with limited public benefit to outweigh this harm. The level of harm would be considerable.

Further response 13th March 2023

This response was received following the removal of the fence and the path from the mitigation. The conservation officer considers that the proposed mitigation works to battery E will be a benefit, but there is a high probability that these works will simply be a short-term fix and the structure could fall back into disrepair without any ongoing maintenance planned. Paragraph 196 of the

NPPF states "*Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."* Given that the monument has been allowed to fall into disrepair, due to lack of any maintenance, the works should be since considered as urgent rather than 'mitigation'.

As the battery is situated outside of the development boundary the proposed works will not mitigate any harm to the setting of the surrounding heritage assets affected by the proposed development. The batteries have substantial Group importance and historic importance in British naval history and these are key elements of the significance of these assets and the wider grouping of structures. Therefore, it is concluded that the proposed mitigation will not outweigh the harm to the heritage assets identified in the setting of the proposed development. This harm will be 'less than substantial', however the level of harm to the setting of the heritage assets will be considerable. (Note: 'less than substantial harm' does not mean the harm is acceptable, merely that the level to reach 'substantial harm', by virtue of the loss of a heritage asset has not been reached. As per paragraph 199 of the NPPF, Great Weight needs to be given to the conservation of heritage assets and this is not apparent in this proposed development.)

8.10 Dorset Council Rights of Way

The proposed works are in the vicinity of a number of Rights of Way as recorded on the county definitive map. The proposal for the main buildings to be built within the Port area itself would have some adverse visual impact on the Southwest Coast path which is a national trail. The proposal to link up two cul-de-sac public footpaths, numbers S3/72 and S3/8, may lead to a re-routing of the Southwest coast path along the line of this route and provide a route which is closer to the coastline. (This proposal has since been withdrawn).

8.11 Dorset Council Natural Environment Team (NET)

Ecology mitigation for impacts on biodiversity (rather than air quality, nutrification and acidification issues which NET is aware of and which are all subject to further Habitats Regulations Assessment work by the authority), is detailed within the NET approved biodiversity plan (BP). The BP therefore deals with on-site biodiversity impacts through mitigation and compensation. The compensation for habitats lost on site, in the form of a financial contribution, would be used for habitat restoration elsewhere on Portland. The NET Compensation Projects Officer will determine how these funds would be allocated once they have been received by the authority, if the application is

approved. If the application is to be approved there should also be a condition requiring the full implementation and compliance of the BP and a Section 106 for the agreed compensation payment as set out in the BP.

NET notes and supports the comments of Natural England regarding biodiversity net gain. In addition to the BP compensation, an element of net gain will need to be agreed with Natural England and confirmed within an amended version of 'The Statement of Common Ground- Ecological Enhancements' document prior to determination.

In addition to securing implementation of the BP and compensation payment by planning obligation, NYT recommends further conditions for a construction environmental management plan in line with BS 42020: 13.

8.12 Dorset Council Archaeology

No archaeology comments, but there are potential setting issues for various heritage assets.

8.13 Dorset Council Flood Risk Management

This is a brownfield site that falls largely within flood zone 1 (low risk of fluvial/tidal flooding), as indicated on the Environment Agency's indicative flood maps. Flood risk is therefore considered to be low, however due to the proximity of coastal waters, the site is very close or directly adjacent to areas of flood zone 2 along both the north and east boundaries. The site is also near to an additional small area of surface water ponding just outside the north boundary of the site.

Major development proposals need to be supported by a site-specific drainage strategy in accordance with the recommendations of the NPPF. The free discharge of surface water to the sea is considered to be allowable at this location as it will have no discernible impact on the downstream tidal flood risk. We also considered that surcharging of the system needed to be avoided during normal conditions as exceedance flows directly to tidal waters could conceivably convey contaminants off site. We therefore advise a survey of the pipes that are used as existing surface water outfalls takes place.

The applicant has submitted further information, as requested and there is therefore no objection to the application subject to recommended conditions to be included on any permission granted, as follows:

1. detailed surface water management scheme to be submitted,

2. details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system have been submitted to the council,

3. further evidence to be submitted to show that a full CCTV survey of the existing surface water outfalls has been carried out along with any remedial work to ensure that the surface water outfall pipes have the required capacity and are in an acceptable condition to manage the necessary surface water discharges from the site into the sea.

8.14 Dorset Council Highways

Refuse derived fuel (RDF) is to be imported by road but could potentially be imported by sea as well. The scenario of 100% being transported by road has been considered for the purposes of this report for robustness. It is expected that this would likely need to be imported from the east of the county to provide the necessary quantities and to make the scheme economically viable. As part of the road network to be used would be the strategic road network, Highways England (National Highways) have been directly consulted and it should be noted that they have no objection.

The application indicates that the lorry movements could be spread over a 12-hour day with HGVs typically carrying 25 tonne loads over 12 hours. The applicant predicts some 25 of these HGVs per day carrying the RDF. There would also be some lesser movements of HGVs carrying ash and ancillary operational supplies. 10 staff are expected to be employed at the facility once operational, in three shifts over 24 hours.

It is likely that the proposed development would result in approximately two to three HGVs per hour entering the port access. These numbers are likely to be higher during the construction phase. Powerfuel are proposing on site storage of 2 1/2 days fuel reserve, and this would act as a short-term buffer to allow deliveries to avoid peak times in terms of traffic at critical points along the Portland corridors such as at school run times. It is proposed that ash would be taken off site, which could be by ship.

The highway authority considers that the submitted transport documents are satisfactory and the residual cumulative impacts of the development cannot be thought to be severe in highway terms. Consequently, Dorset Highways has no objection subject to conditions.

8.15 Dorset Wildlife Trust

The Wildlife Trust objects to this application on the grounds of climate change impacts, impacts on waste reduction targets and potential tourism impacts to the local area. In addition, DWT believed the application has significantly overlooked the need to consider marine planning policy and impacts on marine designated sites. We support any comments made by Natural England regarding the conclusions drawn and the mitigation required to avoid impacts on the surrounding European sites.

DWT consider that the construction of the building in this location is not compatible with local national and global targets on climate change. Creating a demand and market for residual waste is in direct conflict with the urgent need to eliminate residual waste as far as possible and as quickly as possible the lifetime of the ERF is projected to be at least 25 years meaning that it is expected to be operational until approximately 2050. This means a minimum quantity of residual waste will need to be supplied continuously to the facility with throughout this period.

The Dorset Waste Plan provides projections to 2033 only, and the Dorset climate and emergency strategy commits Dorset Council to becoming carbon neutral by 2040. In order to meet its own climate targets Dorset Council needs to prioritise waste prevention, reuse and recycling. A continued increase in residual waste produced is not compatible with achieving local and government targets for net zero by 2050.

Renewable energy sources must be prioritised over combustion as the future of energy production in order to achieve carbon neutrality within the target. And this approach must go hand in hand with radical changes in energy use, material consumption and waste production in order to achieve this.

Chesil Beach and the Fleet are important areas not only for wildlife but for giving people the opportunity to engage with the natural environment and to learn to value these special habitats and protected sites. Chesil Beach Centre is a hub for visitors to Portland who are interested in discovering more about this protected area of coastline. It is particularly attractive to families and provides a hugely important opportunity to engage children and young people of all ages with the value of Dorset's environment and wildlife. The proposed building will be a visible example of development on the coastline at Portland as viewed from the Chesil Beach Centre and Dorset Wildlife Trust considers that the proposal will conflict with the promotion of the area as an attractive location to experience wildlife and the natural world.

DWT are also concerned that the acknowledged increase in traffic volumes will have impacts on road safety and impact negatively on the visitor

experience both for visitors to Chesil Beach and for those visiting the wider Isle of Portland, many of whom are attracted by the nature and wildlife of the area. This has the potential to significantly impact the engagement of visitors and local people with the environment and the natural world at a time when it is more important than ever that people are able to care for and value biodiversity both locally and globally.

In terms of marine impacts and planning policy DWT notes that despite the coastal location the marine environment appears to have been overlooked. None of the submitted documents refer to the South Marine Plan 2018, which is a statutory consideration for planning decisions affecting the sea, coast, estuaries and tidal waters. In the planning application all marine protected areas are receptors of high (international or national) importance, with marine conservation zones having national importance. Therefore, it is expected that some consideration is given to how the proposals meet the policies within this policy framework.

Although the shadow appropriate assessment dated August 2021 now includes consideration of the marine Studland to Portland SAC, other statutory designated marine sites have not been considered. A similar two stage assessment process should be undertaken to ensure that your authority can be certain that the proposals will not adversely affect these sites. Section 126 of the marine and coastal access act 2009 places specific duties on public authorities with regard to the authorisation of an act that is capable of affecting, other than insignificantly, the protected features of a Marine Conservation Zone and or any ecological or geomorphological process on which the conservation of any protected feature of a MCZ is wholly or in part dependent.

The Marine Management Organisation has created a two stage MCZ assessment process to guide the implementation of section 126. The first stage screening serves to identify whether any elements of the scheme had the potential alone or in combination to affect the area. If it is deemed that a proposed activity might significantly affect an MCZ feature or a supporting process wholly, in part, acting either alone or in combination with other plans or projects than the MCZ assessment, then it should progress to a stage one assessment.

Although mitigation measures are proposed to minimise the risk of pollutants entering the sea or the introduction of invasive non-native species through increased shipping, DWT recommend that your authority must be certain that these are sufficient to ensure that the marine habitats are safeguarded. Mitigation measures are only effective if enforced and any incident which may compromise the effectiveness of the measures proposed risks having serious long term and irreversible impacts on those marine ecosystems which are already under severe pressure.

8.16 Dorset Council Emergency Management and Resilience Officer

Portland Port provides an operational berth for Royal Navy Nuclear Powered Warships (NPW) and hence this application also falls under the impact of the REPPIR regulations 2019. The proposed development is located within the DEPZ (detailed emergency planning zone) in what the Portland Port off site reactor emergency plan is concerned, and very close to the ACMZ (Automatic Counter Measures Zone).

Having assessed the application, Dorset Council's Emergency Planning Team see no major reason for not accommodating this application into the Portland Port off-site reactor emergency plan arrangements, as applying to all other businesses located and operating within this location. We are prepared to work with the business to ensure that they are fully integrated into all our emergency plans including some issues and considerations as below.

As per the current Portland Port off site reactor emergency plan, all businesses will have to be evacuated at declaration of any off-site nuclear emergency in a highly unlikely emergency stemming from the nuclear reactor of an MOD submarine. One consideration may be to look at the site possibly not being used during an NPW visit which are infrequent but normally last between one week and 10 days. If this is not a viable economic option, it can be worked round, and the proposed facility can be included in our countermeasures plan.

Another consideration refers to significantly increased traffic within the port and via the main gate. As fuel / waste is being transported to the incinerator by road, this increased traffic and potential vehicle queues at the main gate could delay or hinder the response of emergency services to mitigate this. However, there is an option to use a secondary entrance from the top of the Port, but its appropriateness would need to be fully investigated. Similarly, the operation of any vessels in connection with the proposed facility would have to be controlled or possibly even stopped altogether during an NPW visit to Portland Port. This applies to all other vessel movements within the port and the applicant must be aware of this. The business should demonstrate that its operation does not pose any specific increased risk to visiting NPWs on the deep-water berth or the wider port environment, including explosive risks or more conventional or ones including an increased fire risk due to the specifics of the operation.

While Dorset Council's Emergency Planning Team is confident that the offsite planning arrangements for the operational berth at Portland Port are robust enough to secure the protection of all the port’s employees, we would like the applicants to be aware of and to consider some of the points highlighted above which would need to be included in our emergency plans.

8.17 National Trust

The National Trust owns Portland House, a Grade II Listed Building that overlooks Portland Harbour and is one of the very few remaining examples of the art deco Hollywood Spanish style. The trust also owns coastal lands at Ringstead Bay, West Bexington and Cogden beach which all form part of the Dorset AONB and Jurassic Coast World Heritage Site. These locations are popular with walkers and beachgoers and are traversed by the Southwest coast path.

In terms of landscape and heritage, national planning policies state that great weight should be given to conserving the significance of designated heritage assets and their settings, including listed buildings and the Jurassic Coast World Heritage site. Planning decisions should contribute to and enhance the natural and local environments, including by protecting and enhancing valued landscapes, and conserving and enhancing the landscape and scenic beauty of AONBs and their settings. In these respects, the National Trust has concerns regarding the significant scale of the proposed facility and the impact it would have on views. In profile it may be particularly prominent from Chesil Beach and parts of Weymouth including Portland House and the impacts of any visible plume from the flue would potentially be seen along a wide stretch of coast.

In terms of tourism and the local economy the proposed development would create some new jobs however we do have concerns about the long-term implications for the tourism and visitor economy along this stretch of coast. Large scale industrial type development such this which looks to be a far more sizable structure than the previously permitted energy plant, could alter the public perception of this part of the of the Dorset coast particularly given the prominent location.

In terms of wider environmental issues, the possible effect of the proposal on the natural environment and the urgent need to tackle climate change should be considered. Does this proposal represent best practice and is it the most sustainable solution for dealing with Dorset's waste and meeting the energy needs of the port? Have all possible alternatives been considered? And does the proposal accord with all relevant legislation policy and guidance including that relating to atmospheric pollution?

In conclusion the National Trust would ask the Council to give appropriate weight and attention to the issues and concerns that we have raised before it comes to a decision to ensure the best possible outcome for Portland and Dorset.

8.18 Jurassic Coast Trust (Four letters received 28th October 2020, 15th December 2020, 21st September 2021 and 4th January 2023)

The Dorset and East Devon Coast World Heritage Site (WHS), otherwise known as the Jurassic Coast, was inscribed in 2001 for its internationally significant geology, palaeontology and geomorphology. It is protected by a variety of UK planning and conservation laws and by specific guidance within NPPF and NPPG.

The NPPF defines World Heritage Sites as designated heritage assets and relevant detail in respect of their protection can be found in the NPPF. Paragraph 184 of the NPPF is key in that it identifies World Heritage Sites as being of the highest significance and therefore the designated heritage assets are of the greatest importance. Paragraph 199 says that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. Paragraph 199 also states that any harm to or loss of the significance of a designated heritage asset from its alteration or destruction or from development within its setting should require clear and convincing justification.

The proposed development is outside the boundaries of the Dorset and East Devon Coast World Heritage Site, meaning that any impacts from it would occur on the site's setting. Both the NPPF and the NPPG emphasise the need to protect a WHS and its setting.

The Jurassic Coast Partnership Plan 2020-2025 defines the setting of the D & ED WHS in terms of its Experiential setting and its Functional setting. The experiential setting should be regarded as the surrounding landscape and seascape and concerns the quality of the cultural and sensory experience surrounding the exposed coasts and beaches. Although the coast was not inscribed on the World Heritage list for its natural beauty, UNESCO recognised its value with respect to this criterion as being nationally important and is justified further by the UK government's decades long designation of the East Devon and Dorset Areas of Outstanding Natural Beauty which cover more than 80% of the World Heritage Site area. An assessment of landscape and seascape character provides a starting point for the evaluation of the impact of the change on the setting. The special qualities of the AONB, such as tranquillity and the undeveloped character of coast and seascapes are important for helping to determine how people experience and enjoy the setting of the WHS.

In terms of functional setting, the setting is important because development and activity may take place within it which may sooner or later, impact on the WHS. There may be a need for future coastal defences. The cliffs need to be allowed to erode into a natural setting and of this site most notably, the coastal landforms and process are defined and explained by past and present geomorphologic and hydrological systems that extend landward and seaward.

Developments that impact on these systems may well have resulting impact within the site itself.

The proposed development will not have an impact on the functional setting, but I do have concerns about potential impacts on the way people experience the WHS. Two policies in the Jurassic Coast partnership plan are relevant, R4 and IM3. Policy R4 requires that those elements of landscape character, seascape, sea-bed scape, natural beauty, biodiversity and cultural heritage that constitute the WHS's functional or experiential setting are protected from inappropriate development. Policy IM3 refers to mineral extraction and energy developments outside the inscribed area of the WHS, but which could have an impact on it, and says that decision makers should consider potential harm to the setting of the site and take measures to ensure that harm is avoided.

It is noted that the planning application has made efforts to mitigate the likely impacts of a building of the proposed scale in terms of its actual layout massing and external elevations. The context of the of the building as it will sit in the landscape, and how it will largely be viewed from the WHS, is within an already industrialised port area, backed by the much larger silhouette of Portland itself. It is therefore not considered that the building itself represents significant damage to the setting of the WHS.

However, the overall impact of an operational ERF is not restricted to the presence of the building within the landscape and there is no escaping that it is a very large industrial building beyond the scale of what is already at the port. Lighting that would be necessary for a facility of this size, particularly on the stack, means that there will inevitably be a change in the balance of how the views out of the WHS are perceived to be of an industrial or natural coastline. Of more significant concern is the potential impact of the plume.

In summary there are concerns as to whether or not an industrial development of this scale is appropriate within the setting of the WHS. There are questions about how an operational ERF in this location might change how people perceive its surroundings as a natural or industrialised landscape.

The Jurassic Coast Trust informed the Council in January 2023 that UNESCO had published an updated Guidance and Toolkit for Impact Assessments in a World Heritage context and note that "*World Heritage should always be considered as a highly sensitive environment*". JCT therefore recommends that the EIA and LVIA for this application is reviewed with this in mind and more broadly that UNESCO's new guidance is taken into account when reviewing the application overall.

8.19 Marine Management Organisation (MMO)

The MMO state that it is the applicant's responsibility to take the necessary steps to ascertain whether their works fall below the Mean High Water Spring

Mark and would therefore require a licence from the Marine Management Organisation.

8.20 Wessex Water

In terms of foul drainage, domestic type flows can be accommodated in the public combined foul sewer. A private pump connection will require a break chamber and gravity connection to the 700MM combined sewer. The private pumping station and rising main will be subject to septicity control. In terms of foul drainage for trade effluent discharge an application would need to be made to Wessex Water to obtain permission to discharge trade effluent. As part of the consent application process Wessex Water trade effluent team would assess the risk associated with the proposed discharge. If the proposed discharges are suitable for discharge to public sewer and capacity is available, we do not need to refer to a third-party agency and would issue a trade effluent consent. In terms of surface water drainage, the applicant proposes to discharge to sea, and we leave the Dorset Lead Local Flood Authority (LLFA) to agree surface water arrangements and associated flood risk measures. As the site is a private facility with restricted access it is unlikely that any Sustainable Drainage Systems (SuDS) features in the private curtilage of this facility would be eligible for adoption by Wessex Water and the LLFA would need to be satisfied with the applicant's proposed management and maintenance arrangements for the surface water drainage.

In terms of water supply, provision can be made for domestic use and discussions have taken place with the applicant regarding the parameters for providing a commercial supply to the facility. There are existing water mains crossing the site; however, the proposed layout conflicts with the public water mains and the developer must therefore agree the diversion of the water mains and associated apparatus with Wessex Water.

8.21 National Highways (formerly Highways England)

No objection - Having reviewed the further information provided, we are satisfied that the transport assessment presents a suitably robust worst-case scenario with regard to the traffic impact on the strategic road network, noting that the applicant states that they are in active discussion to secure a contract to export incinerator ash by sea. Our recommendation of no objections provided previously remains appropriate.

8.22 Dorset & Wiltshire Fire and Rescue Service

Dorset & Wiltshire Fire and Rescue Service (DWFRS) state the assessment of this development proposal in respect of Building Control matters would be made during formal consultation, however DWFRS have made an early recommendation for the installation of an appropriate sprinkler system within the facility. DWFRS provide a ten-point list explaining the benefits of installing an appropriate sprinkler system which include points such as a 90% reduction of fire damage in comparison with buildings without a sprinkler system.

8.23 Health and Safety Executive

HSE recognises that the development includes a structure that would generally be considered to be a vulnerable building that is close to the licensed anchorages present inside the breakwater. If this development were to proceed as proposed HSE would expect to review the maximum quantity of explosives permitted to be present at those anchorages. In the absence of a demonstration that the structures proposed are not vulnerable, HSE would expect to reduce the quantity of explosive permitted to be present at those anchorages.

8.24 Office for Nuclear Regulation

The Office for Nuclear Regulation (ONR) stated the scale and location of the proposed development is such that ONR do not advise against this application, unless the emergency planners who are responsible for the preparation of the Portland Nuclear Site off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPIR) 2019 state that, in their opinion, the proposed development cannot be accommodated within their off-site emergency planning arrangements.

The Office for Nuclear Regulation also advise the following:

- The applicant should take due cognizance of the nearby operational berth at Portland Port;
- The applicant should liaise with the operator of the operational berth, as appropriate; and
- The applicant and/or planners should engage with the Dorset Council's emergency planning function to ensure suitable arrangements can be made

to accommodate the development in the off-site emergency plan associated with the operational berth.

8.25 Ministry of Defence

No objection.

8.26 Ministry of Justice – Estates Directorate

The Ministry of Justice (MoJ) expressed concern about potential effects on its staff and inmates at The Verne as a result of the potential impacts to air quality from the proposed development. MoJ questioned the robustness of the air quality assessment submitted as part of the application and was concerned that the air quality assessment does not consider all the likely air quality effects of the development in combination and against a reliable baseline of existing air quality. Ministry of Justice has written again (February 2023) to confirm that the MoJ's position is one of neutrality (neither objects nor supports).

8.27 Ramblers Association

The Ramblers Association recognises that incineration is a recovery operation which may be further up the waste hierarchy than landfilling and that producing electricity and heat from burning wastes avoids the need to burn fossil fuels. However more energy is saved through recycling operations and there is the unavoidable fact that incineration also emits gases. Waste recovery facilities should be strategically planned and sensitively sited. Proper assessment should be carried out prior to development to ensure that it does not damage precious landscapes wildlife or historic places with every effort made to minimise the impact on walkers.

The Ramblers object to the proposed development due to its serious impact on the Portland landscape and its protected features on the walking environment which includes the England coast path. There are also concerns about the impact of increased heavy vehicle traffic on local residents and pedestrians.

The England coast path between Rufus Castle and Lulworth Cove was the first stretch of this nationally important path to be approved by the government and opened in time for the Olympics in 2012. The route runs across the Causeway from the mainland to the east of the A354 Portland Beach Road, it then runs beside Ham Beach Road, alongside the National Sailing Academy, to reach

Portland Castle and its viewpoint. It passes along Liberty Road and crosses Castle Road to start to climb towards Verne Common up the Merchant's Incline. All land between the coast path and the coast is approved coastal margin, shown as pink wash on Ordnance Survey maps. Coastal access rights apply within this margin, but some parts of the shaded area are not subject to these rights because they are at excepted land or subject to local restrictions or exclusions.

The Ramblers highlight that the applicant makes no reference to the England Coast Path, which is important for both the health and recreation of Portland residents and is part of the attraction of the island to visitors and will become of increasing importance in the future, both nationally and internationally once the England Coast path is completed.

Ramblers are also particularly concerned about the impact of the development on footpath S3/72 which runs to the north of the Verne and is immediately to the South of the application site. This path runs very close to the Royal Naval Cemetery and the sensitivities attached to a military cemetery cannot be overlooked or underestimated. The cemetery itself is located within the Portland coastline and is part of the green infrastructure network. It is also designated as a site of national importance for Nature Conservation and land of local landscape importance. The impacts on the green infrastructure have implications not only for local residents but also on tourism. Note that Portland's Neighbourhood Plan states that tourism is a key industry with potential to expand.

Also, in terms of tourism, the National Sailing Academy and Portland Marina are places that the public go to, with access on foot and bicycle, and views from these locations do not appear to have been adequately considered. There would be a substantial increase in articulated lorry movements at Castletown and it is at this point at which the England Coast Path users must cross the road. It is unacceptable for users of a nationally important path to have to contend with such traffic.

The majority of the coast of the Isle of Portland is also part of the UNESCO designated Jurassic Coast World Heritage Site. The island provides an iconic view from the mainland, stretches of the World Heritage Site, and from the Dorset AONB. The land immediately to the South of the development site is designated as a site of national importance for nature conservation. These designations alone mean that the development of the kind proposed would be contrary to numerous planning policies including local plan policies ENV 1, ENV 3 and COM7.

The vision for Portland set out in the Local Plan is that by 2031, Portland will have maintained and enhanced the unique character of the island in terms of its built and natural assets, whilst thriving economically and socially for the benefit of residents and visitors. It will be the home of specialist maritime industries, and have a broad tourist offer, including activity based in sustainable tourism, for example, water sports, climbing, walking and bird

watching. All things that capitalise on its unique location. In the Waste Plan Policy 14 Landscape and Design Quality, is also relevant and states that proposals for waste management facilities will be permitted where they are compatible with their setting and would conserve and/or enhance the character and quality of the landscape. Proposals for waste management facilities should achieve this through a sympathetic design and location and an appropriate use of scale, mass, layout, detailing, materials and building orientation. If this is not practical, then acceptable mitigation of adverse impacts on the landscape should be found.

The Ramblers therefore object to the proposed development because of its severely detrimental impact on land which is located in close proximity to the internationally designated landscape. The proposed development would be visible from the World Heritage Site, the Jurassic Coast, would be visible from the Dorset AONB and the England Coast Path and will cause harm to the green infrastructure of Portland. These impacts have been understated by the applicants. The traffic generated is likely to impact adversely on both residents and visitors alike and the proposal is contrary to numerous planning policies.

Further comments

The Ramblers Association also consider that the provision of a permissive footpath to facilitate a circular route around Portland is disingenuously described as mitigation for the proposed development. They state there had previously been a campaign which is unrelated to this proposal which identified a suitable route. In effect this would be the restoration of a path which must have been in existence in the past (the assumption is that the original closure of the stretch was related to MOD occupation of the site) and is the obvious link between definitive footpaths S3/72 and S3/81, about which they had been in discussions with Portland Town Council.

8.28 Dorset LEP

Dorset LEP understand that this project will help to deliver government and LEP objectives by reducing carbon emissions from landfill, transport and shipping, improving air quality (by reducing shipping emissions), generating electricity and heat and helping the position of Portland Port to become a hub for green technologies such as clean hydrogen.

The Port of Portland is identified in the Local Industrial Strategy as a key asset of the Dorset economy and one which the LEP is keen to see continue to develop and thrive. It considers this a timely opportunity to help the Port and Dorset's visitor economy, by providing support for the Port and associated cruise industry. Portland is constrained by a limited power supply and there is

a need for the Port to become more energy resilient, utilising local renewable and low carbon energy sources.

To reduce carbon emissions, cruise ships will require shore power in all of the ports that they visit. Furthermore, the Royal Navy presence and associated ships of the Royal Fleet Auxiliary are also important to the local economy, are already shore power enabled, and would make use of this facility in future.

Given the Dorset LEP's stated objectives to support business growth, it is of great concern that a potential inability to host cruise ships due to an absence of shore power could lead to a reduction of at least £2-3M per year of on-shore tourism spend, resulting from the loss of cruise liner visits. This could also have an adverse effect on existing jobs with an estimated 36-52 jobs supported by the cruise industry at risk in sectors that have been hard hit by the Covid-19 pandemic, such as retail, transport, accommodation and food, tours, entertainment and culture.

The £100M investment in this project will be one of the largest recent private sector investments into Dorset. As well of the benefits to the Port and the cruise industry, it also represents a strong backing for Dorset's local supply chains, transport links, retail and hospitality businesses that rely on the customer base generated by activity at the port of Portland.

The LEP also notes the applicant's commitment to an apprenticeship scheme working in collaboration with a successful programme run by another renewable energy business at the Port (Manor Renewables) and Weymouth College. This is an opportunity to expand training for Dorset's residents to benefit from the job creation in the green economy. This investment could help to support one of the areas with the lowest social mobility by providing jobs and training within the new and emerging eco tech sector.

Dorset LEP notes and would like to highlight that many Dorset sites are suffering with poor grid infrastructure and capacity and this facility could have a positive influence on the county's energy security. For these reasons the LEP considers there are strong synergies with this planning application and national strategy for industry, energy and the environment and it will help to deliver Dorset's Local Industrial Strategy and green recovery plan, and the Portland Economic Plan.

8.29 Dorset Waste

Dorset Waste welcomes the provision of additional waste capacity. They also stated that Dorset's municipal residual waste is currently under contract and that any possible future treatment at this facility would be subject to the normal competitive tender process.

9. Other representations

9.1 The main objector groups that have formed since the application was submitted are Stop Portland Waste Incinerator Group (SPWI) and The Portland Association. There have been 3,416 individual representations objecting to the proposal, 36 representations supporting the proposal and 39 commented neutrally. Two petitions against the proposal were also submitted with 6792 signatures in total. In addition, there are other representations from Councillors, MPs, Government Departments and other councils.

Objector Groups – A summary of the main issues raised by the objector groups is set out below, split by topic. These comments cover the range of issues also raised by individuals.

9.2 Ecology comments

- Toxic emissions being released from the stack and the impact on biodiversity particularly the designated areas including the SAC, SPA, SSSIs, Ramsar Site and Marine Conservation Zones around Portland.

- Concern over the quality of the assessments in the ES and Shadow Appropriate Assessment to determine the impact of emissions on ecology. There are concerns over the quality of the assessments of impacts of increased levels of air pollution on the integrity of the Isle of Portland to Studland Cliffs SAC, Chesil and the Fleet SAC, Portland Harbour and nearby Marine Conservation Zones.

- Concern over the adequacy of the air quality modelling and the subsequent impact on flora and fauna and designated sites which are sensitive to air pollution.

- The proposed development would adversely impact on the flora and fauna on Portland which is located in the middle of the World Heritage Site on the Jurassic Coast. These areas would be directly impacted from the fallout of the incinerator plume. The keys areas to be affected by the emissions include the SPA, a Ramsar site, OSPARs, SACs, SSSIs, Marine Conservation Zones, an EMS, SNCIs and Conservation Reserves.

- Not all the incinerator pollutants can be captured, and significant volumes of pollutants are likely to be emitted.

- The impact of increased CO_2 emissions as a result of the development (for every tonne of waste incinerated one tonne of CO_2 will be released from the stack) and the impact on ecology. It is estimated that 180,000 tonnes of CO_2 would be emitted per annum by the incinerator. This quantity of

CO_2 each year will have a significant effect on the pH of rainfall locally within the range of the chimney. This has the potential to undermine the necessary alkaline conditions essential to the health of the SAC and SSSI, the entirety of which are within chimney range.

- The potential impact of ocean acidification as a result of sulphur dioxide and carbon dioxide release to air resulting in localised changes in pH have been underestimated.

- Mercury has been listed as a particular concern as this element cannot be destroyed by incineration and there is a risk it will be released via the flue down into the surrounding environment. As mercury leaves the flue it will cool and condense into mercury liquid on the sea surface and quickly to the seabed where it will enter the food chain via amoeba. One vulnerable area listed is the water containing oyster beds. As material will be coming from further afield It would make it more difficult to control the mercury levels of the feedstock for the facility.

- Nitrogen oxides from air pollution are a significant cause of eutrophication (the enrichment of plant nutrients in water). The emission from the proposed development will result in an increase of NO_x in the air resulting in increased eutrophication.

- The proposed development will be expected to comply with permitted levels of emissions; however, these permitted levels are not set by health safety limits, but by the limits to which the filters are currently technically able to capture the emissions. The impact of the emissions would not likely be immediate. The emission will result in the gradual degradation of habitats as a result of the damage from the emissions. Habitats such as calcareous grasslands and the seagrass communities of the protected SACs and the Ramsar site, will disappear.

- The updated in combination assessment now demonstrates that the critical load of nitrogen will be exceeded over a considerable area of the Chesil and the Fleet SAC. As a consequence, the predicted impacts on internationally designated wildlife sites cannot be relied upon. In particular, the conclusion that there will be no adverse effect on the integrity of both the Isle of Portland to Studland Cliffs SAC and the Chesil and The Fleet SAC cannot be substantiated. The final conclusion of the shadow appropriate assessment, that there will be no adverse effect on the integrity of sites, is relying on the 70% predicted environmental contribution (PEC) and is inappropriate.

- The in-combination impacts have not included additional ships associated with the incinerator, the back-up generators or vehicles associated with

the new grain store, vehicles associated with the proposed Eden Project and vehicles associated with using the port on the surrounding designated sites. The combination of stack emissions circulating together in the air has also not been assessed.

- The Environmental Statement has ignored the value of open mosaic habitat within the proposed development site. This is a Priority habitat referred to in Section 41 of the NERC Act (2006) as a habitat of principal importance for the purpose of conserving biodiversity. The destruction of this habitat should not be permitted without full and comprehensive compensation.

- The proposed use of a mechanical grab to load Incinerator Bottom Ash (IBA), which contains harmful pollutants, onto open cargo vessels is inappropriate and presents a very real risk of contamination of the marine environment and creates the potential for toxins entering the food chain.

- For safety reasons there will be a flashing light at the top of the stack. The impact of the flashing light on Portland which is home to a large number of bird, butterfly and moth species, has not adequately been assessed.

- In the event of a fire there is a risk that contaminated firewater could end up entering the local environment.

- The security fencing used on the new permissive footpath could impact on local wildlife through interrupting existing trails, flightpaths or hunting/foraging areas.

9.3 Human Health concerns

- The stack is not high enough to ensure the health and safety of occupants of the Verne and other nearby residents by the safe and proper dispersal and dilution of pollutants.

- Health impacts associated with the increased vehicle movements. Vehicles associated with the facility will be using one route (A354 Portland Beach Road), therefore the increased emission associated with the vehicles will be concentrated along this route.

- There are already air pollution exceedances, particularly NO_x, in the area. The proposed development would only add to this.

- Concerns over impact of facility on local residents' and workers' health particularly those with asthma.

- Due to higher concentrations of airborne particulate matter (PM) there will be a potential adverse impact and impairment in cognitive development of children as well as an increase in heart disease due to ultra-fine particles emitted as a result of the proposed development.

- The operation of Portland ERF could increase the health risks from cadmium, chromium or nickel for children significantly.

- The applicant's conclusion regarding the impact on human health as a result of emissions of dioxins and metals from the facility from the ingestion of home grown produce lists fruit, vegetables, chicken and eggs. It does not include consumption of local fish and shellfish all of which have a higher risk of ingesting mercury, which bioaccumulates, from mercury accumulating in the sediment.

- Air Quality Consultants have found there to be outstanding concerns about whether the overall impact of the stack, traffic and generator emissions on pollutant concentrations has adequately been considered by the applicant. There are also concerns over the adequacy of the modelling used to determine the impacts.

- The data used to model the terrain and incorporate it into the air quality modelling is of a low resolution, and therefore does not take into account the extreme terrain.

- The modelling of the back-up generators has been undertaken based on two plants that have little similarity to the back-up generator proposed at the facility.

- Proximity to waste Incinerator plants results in a potential increase in foetal abnormalities, warranting further monitoring of exposures and health outcomes near existing facilities, currently a concern of Public Health England.

- The proximity to densely populated areas (e.g.Castletown, Underhill, Fortuneswell, Tophill, HMP the Verne, Grove, Easton, Weston), means that local air quality will be adversely impacted.

- The scale and mass of the proposed facility means that there will be an adverse impact on physical and mental health of residents, creating fear and intimidation due to the oppressive nature of the facility, the resultant noise, loss of light and loss of social and landscape amenity.

- Concerns over the construction noise and the noise generated once operational. Due to the COVID-19 pandemic no noise survey was

undertaken. The proposed development would operate 24hrs a day and therefore noise generated from the plant as well as associated vehicles overnight could generate noise which would impact nearby residents.

- In operation, as the source of the Refuse Derived Fuel (RDF) is unknown, pollution content and levels are therefore unknown, creating an unacceptable risk to the local marine environment. Hence a precautionary approach should be applied as required by Local Plan ENV9.

- The proximity of the development and resultant emissions will detract from the visitor experience of the marine environment, potentially deterring visitors (day-trippers, cruise ships, sailing, kitesurfing, paddle boarding, swimming, kayaking, fishing and so on) from leisure pursuits on and around the island.

- Portland and Weymouth is amongst the 10% most deprived places in the UK. Research has shown that areas in the top 20% for deprivation host nearly one-third of the waste incinerators in the UK. Deprivation has a significant impact on the health and wellbeing. East Weares (approximately 420 households) is one of the 10% most deprived neighbourhoods in the country, with regard to income, employment, education, health, crime and housing, as measured by The Index of Multiple Deprivation (2015). The health of these residents would be further adversely affected by the toxic and noxious air-borne emissions from this plant

9.4 Landscape concerns

- The mass and height of the development causes some disruption to the distinctive profile of Portland and therefore may negatively affect the visible association between underlying geology and landscape character from certain viewpoints within the World Heritage Site (WHS) and from certain viewpoints that present the WHS on Portland within the overall context of the Island. The incinerator would ultimately change the distinctive wedge shape of Portland.

- The proposed development would negatively impact the views from:

    - Portland Castle and the immediate surrounding area

    - Sandsfoot Castle

- Views along the footpaths and cycle paths on the harbour edge at Osprey Quay and Public Rights of Way including S3/72, S3/86 & S3/18
- Views from the Royal Naval Cemetery
- Portland Marina
- Views from the sea to the east and southeast beyond the breakwater.
- Dorset Area of Outstanding Natural Beauty

- The presence of the development would increase the perception of the area being industrialised and would detrimentally affect the perceived beauty and relative tranquillity of the surrounding areas both on Portland and along the coast.

- The stack would dominate this area of the coastline.

- There is a lack of research on the durability of the PVC mesh which is to be used to camouflage the building within the surrounding landscape. The location of the site within a coastal environment could impact the durability of the mesh therefore negatively impacting the views of the landscape. In addition, the chosen colour would not camouflage the building throughout the year with the changing colour of the vegetation on Portland.

- The landscape is a key attraction for tourism on Portland. The development would negatively impact the landscape and therefore negatively impact the tourism industry.

- Lack of photo montages to enable the planning authority and the public to adequately assess the impact specifically montages showing daytime images at key locations close to the proposed site, including images showing the red light on the flue during the day. There is also a lack of photo montages at night-time showing how the darkened tower with penetrating red lights overlooking over the island, will highlight the plume.

- Concern of the modelling of air flows and atmospheric conditions and the implications for the spread of pollutants and the visibility of the plume, in worst case scenario. The visibility of the plume would negatively impact the setting of Dorset AONB.

9.5 Traffic/Transport concerns

- The local road network is not suitable for or able to cope with the increased generation of vehicle movements, particularly of articulated lorries of about 25-tonne capacity. Stop Portland Waste Incinerator group conducted a count of articulated lorries which indicated that the development would result in an increase of 133% of movements by these vehicle types at Foords Corner. This area regularly becomes congested. There would also be an increase of 200% at Castletown.

- Due to the location of the site, there is just one route to access the site (A354 Portland Beach Road). All vehicles associated with the development will be accessing the site via the same route.

- The impacts of the development contravene policies 3 and 4 of the Waste Plan.

- The local road network is unable to handle the increase of articulated lorries. The part of the B3156 near Wyke Road is very narrow with a bend which is congested during peak times.

- Parts of the B3150 are narrow which already results in lorries having to travel along the pavement when trying to pass each other.

- Traffic during the summer period increases due to tourism, this would be exacerbated with the vehicles associated with the development.

- The transport survey submitted as part of the application was conducted during off peak winter months and therefore not representative.

- Vehicles carrying large loads on the roundabout by Wyke Church regularly get stuck trying to manoeuvre round the tight corner.

- The proposal under planning application WP/18/00812/SCOE has not been included within the potential in-combination impacts. This development is a planned tourist theme attractions which is expected to attract a large number of visitors each year. This application could be prevented from going ahead if the in-combination traffic from the incinerator together with the predicted new visitor traffic would impact on the integrity of the designated sites.

- Cruise liner excursion coaches have not been included within the assessment as the baseline date pre-dates the use of the port as a cruise terminal from 2017. In 2017 only 24 cruise ships visited the port, however it is expected that by 2024 there will be 60.

9.6 Heritage concerns

- The proposed development would have a detrimental impact on heritage assets such as Portland Castle, Sandsfoot Castle, the Portland Conservation Area, Grade II listed Mulberry Harbours Caissons, the Grade II listed inner & outer breakwater and the Grade I listed Portland Castle, due to the size of the plant, emissions from the plume and associated vehicle movements.

- The industrial appearance of the 80 m high stack is out of keeping with the historic buildings in the Port and the Verne Citadel.

- Contravenes the Jurassic Coast Partnership Plan 2020-2025 strategic aim 1 and regulation policies 2 and 4; IM policy 3; strategic aims 2 and 4; Waste Plan policy 14; Local Plan strategic objectives 'will have special regard to conservation of the area's natural beauty'; Local Plan policies ENV1, ENV2 'over-riding policy consideration'; and the NPPF paragraph 172 and 173.

- The proposed development would impact on views from key areas such as Portland Castle and the adjacent public footpath, the foot/cycle path at Osprey Quay, Royal Naval Cemetery, PRoW S3/72, PRoW S3/86 PRoW S3/18, and Portland Marina.

- The development would negatively impact on the character of the Jurassic Coast and could threaten its World Heritage status.

- Portland was an important location as one of the main embarkation points of the D-Day Landings.

- There is no evidence to suggest the proposed footpath, information boards and overgrowth clearance will mitigate the potential harm to the heritage assets.

- As the proposed footpath is not a public right of way, the public won't have a legal right to use the footpath.

- The clearance of vegetation and the opening of a footpath will make the incinerator more obvious in the landscape when viewed from the East Weare area.

- No consideration given to the potential harm to the significance of the Breakwater Branch Railway.

9.7 Climate Change concerns

- The development is incompatible with local and national policy with many citing the proximity principle, increased recycling rate targets and targets outlined in the Environment Bill.

- The development contravenes Dorset Council's Declaration of a Climate and Ecological Emergency as it would increase air pollution locally and add to greenhouse gases: approximately 577 tonnes of CO_2 every day (assuming 350 days of operation a year), increased levels of nitrogen oxides, hydrogen chloride, hydrogen fluoride; ultra-fine particulate matter (UFP) and PM 2.5 which UK government is aiming to reduce.

- The development is estimated to produce approximately 577 tonnes of CO_2 a day. The applicant has indicated that carbon credits could be purchased to offset the carbon production from the development. The impact of the proposed development cannot be outweighed through the purchasing of carbon credits.

- In Chapter 5 of the ES, it indicates that the earliest possible end-date for its functioning would be 2048: eight years past the date by which Dorset Council aims to be carbon-neutral itself and only two years before it is hoped that the whole of Dorset will have been helped by Dorset Council to achieve the same goal (as stated in the Dorset Council Climate and Ecological Emergency Strategy Draft for Consultation of 15 July 2020). There is not enough evidence to suggest the development would be carbon neutral.

- This plant operates in the guise of Waste Recovery because it produces heat from waste products which is either used directly or turned into electricity. It emits just as much CO_2 as a fossil fuelled plant and adds to climate change rather than mitigating these effects.

- The Committee on Climate Change has recommended that: "*Recycling rates (recycling, anaerobic digestion (AD) and composting) need to rise to 70% across UK by 2030 (and by 2025 in Scotland and Wales). Total waste arisings should be reduced by up to 33% by 2037 from baseline projections".* Incineration encourages the continued production of "difficult to dispose-of" wastes, principally plastics. It therefore mitigates AGAINST the encouragement of a circular waste economy. Rather than encouraging potentially polluting incineration, local waste management policy should be to encourage waste minimisation and a circular economy.

- In a report produced by DEFRA in August 2020 it was stated that more than 90% of the materials burned could be avoided, reused or recycled.

9.8 Onshore Power comments

- Not all cruise ships mooring at the port have the facilities for connecting to shore power.

- No clear evidence has been provided that demonstrates any significant beneficial effect to residents and port users, as a result of the provision of onshore power supply provided by the proposed waste incinerator.

- The applicant and Portland Port have misunderstood the need for the provision of onshore power (OSP) for cruise ships and RFA vessels in respect of complying with maritime regulations. The need for the provision of OSP in Port is to reduce the emissions from shipping by replacing, where appropriate, onboard auxiliary engines with clean zero emission OSP from the national grid, or standalone clean energy sources such as wind, solar, tidal or hydro, which would thus create no additional heavy metals emission contribution to the MDI, that are caused by either emissions from shipping at berth, or emissions from a waste incinerator.

9.9 Local Economy comments

- The workforce for the construction of the facility will likely be brought in from other areas rather than using people in the local area.

- The development would deter visitors to the island and therefore have a detrimental effect on the local economy which relies heavily on the tourism industry.

- The development would discourage new sustainable businesses to the area.

- Arts and culture attract public funding and grant income to Portland. The arts and culture industry creates jobs and subsequently contributes to the local economy through investment in accommodation, retail and local goods and services. The development has the potential to threaten the varied, environmentally sensitive and sustainable tourism opportunities on Portland.

- The development could result in degradation of the landscape overtime, therefore destroying the main attractions to the area resulting in fewer visitors to the area.

- The presence of the facility would result in a decrease in the value of properties.

- The development could deter future investment into the area.

9.10 Need comments

- There are short and medium-term waste contracts in place in the local area.

- Not enough RDF is locally available for the operational requirements of the facility; therefore, the operator will be required to source RDF from further afield.

- The UK already has enough incinerator capacity.

- The presence of the incinerator will discourage efforts to reduce waste production in the County.

9.11 Land Stability and Contamination comments

- The development is located at the base of a cliff and therefore there could be a risk of landslides in the area that could cause damage to the development and subsequently the surrounding environment.

- Portland is subject to erosion-based landslips, and they are difficult to predict.

- There have been recent landslides in the area and there is a potential risk of future landslides. There were previous significant landslides approximately 300m from the proposed site. Wessex Water who undertook the 2014 engineering works in the stated the area is subject to the risk of further landslides along the length of the sewer, part of which runs behind the proposed site.

- No intrusive investigations were carried out to establish the baseline condition of the site and its surrounds, rather a desktop study was undertaken based on reports produced over 10 years ago to support the application for an energy plant. Further information is required to adequately assess the risk.

9.12 Other Material Issues

- The proposed development is contrary to the development plan as it fails to address the key policy tests.

- The Updated Shadow HRA is poorly drafted, and the conclusions of the appropriate assessment are difficult to understand. This report is also full of inconsistencies and omissions.

- No screening assessment has been undertaken with respect to hydrogen fluoride emissions.

- The Applicant has overlooked a number of other projects within the area which are likely to contribute to in-combination effects:

    - WP/18/00812/SCOE – Proposed development of a visitor attraction at Bower Quarry & Jordans Mine

    - WP/20/00649/FUL - Osprey Quay Petrol Station

    - WP/20/00705/FUL - Drive-through coffee shop

    - P/FUL/2021/04113 - Erection of 34 no. dwellings

    - WP/19/00298/FUL Erection of a building to house containerised biomass boiler system.

Other Representations – Objecting

9.13 UKWIN (United Kingdom Without Incineration Network) (February 2021 and August 2012)

UKWIN is a network of anti-incineration campaigners, founded in 2007. They object to the proposal on the grounds that it would have adverse climate change impacts. The issues that are UKWIN's focus are as follows: the mischaracterisation of the position of the Committee on Climate Change, the failure to account for differences in the amount of biogenic CO2 that would be released through incineration compared to landfill, the flawed use of 'sending waste untreated to landfill' as the waste treatment counterfactual, and the inadequate use of CCGT as the energy generation is counterfactual. They also provide comments on the applicant's 'achieving carbon neutrality' document. UKWIN explains how the development as proposed is unlikely to achieve carbon neutrality and would be more likely to result in significant adverse climate change impacts. UKWIN also sent in a UKWIN Good Practice Guide to ERFs.

UKWIN say that incineration plants, on average perform around 14% worse than their plated capacity with net export being around 28% lower than the plated generation capacity. This would mean an average (gross) generated of 15.39Mwe would have a net export of only around 13Mwe, significantly lower than the figure put forward by the applicant. UKWIN also consider that energy from mixed waste incineration should not be described as 'low carbon energy' and maintain their objection to the proposal on climate grounds.

9.14 Weymouth Civic Society

Weymouth Civic Society, founded in 1944, is a group of local residents from the Weymouth and Portland area with an interest in the built environment, and who seek to "promote high standards of planning and architecture in the area." They argue that the proposal contravenes Policy 3 of the Waste Plan (2019) and highlight that there are four more suitable sites already allocated in that Plan. They argue that the existing highway network, already congested, can not support the increased HGV movements from the proposed development. They express concern over the suitability of the proposed route, with steep inclines, and the impact of exhaust fumes on nearby residents. They argue that the development would be an eyesore, threaten tourism income on Portland, and generate few jobs.

9.15 Coalition Against the Burner

Coalition Against the Burner is a coalition of local businesses and groups and objects to the proposal due to its potential impact on the economy of the area, in particular on sectors such as tourism, food production, sailing and local adventure sports which rely on clean air and water. Many coalition members are dependent on the visitors drawn to Weymouth and Portland's fresh breezes, stunning views and sparkling sea waters. Portland is a place of outstanding natural beauty placed in the middle of the Jurassic Coast. If this development was to go ahead it would reframe Portland as a centre for waste management and incineration which would be fundamentally detrimental to the economy and future of the region as well as permanently destroying the iconic view of the Isle of Portland. The chimney stack would be twice the height of Portland Bill and the main incinerator would be a huge building and would impact the landscape, changing it irrevocably. Sightseeing tours and boat trips coming out of the out of Weymouth will never be the same: many charter skippers have signed up to the coalition already and have an unique viewpoint of that side of the island coming out of Weymouth as they do frequently on angling trips and sightseeing tours. They are convinced that the development would impact negatively on their businesses.

A new type of tourist has been noticed coming to Portland in recent years, the more affluent urban 'staycationer', and visitor numbers have increased hugely. People are attracted to the island to take part in specific activities such as birdwatching, walking, or adventure sports. People enjoy the landscape and spend money on food and drink. Seafood such as oysters and crustaceans could be impacted by the proposal as well as spider crabs and sea bass. Many visitors delight in fishing for mackerel.

Much investment has recently been put into Castletown to create a tourist centre, including the new Crabbers Wharf development and its own tourism office, the D-Day Museum, a local shore dive attraction and the Portland-Weymouth ferry. These initiatives would be affected if they ended up being located adjacent to a waste incinerator, operating day and night with increased HGV traffic, light pollution, noise and vibrations during the 20-to-30-year lifetime of the plant. Visitors to Castletown and further investment would surely plummet. There are also concerns about increased nitrogen and impacts on the Fleet Lagoon.

The Coalition Against the Burner considers that the reputation of Weymouth, Portland and the surrounding area is at stake, with its reputation for pure clean air, water, unique ecological habitats and wonderful views. If the proposal goes ahead, then there could be a further depression of local tourism and the hospitality industry.

9.16 CPRE (two letters 27th October 2020 and 6th March 2022)

CPRE objects very strongly to this application to build a waste incinerator within the setting of the World Heritage Jurassic Coastline. The 95 mile long Jurassic Coast became a World Heritage site in 2001 and has been identified as a coastline of Outstanding Universal Value (OUV). The incinerator is large, ugly and would be very obvious with its tall 87metre high chimney stack. It is also right on the edge of a Site of Special Scientific Iinterest and it is not far from the Area of Outstanding Natural Beauty from which it would easily be seen.

The Dorset Waste Plan specifically states its opinion on the position of such incinerators and says that suitable locations would be near to the refuse derived fuel production facility with good transport links. This is not the case here with a projected 40 large truck journeys daily both ways, totalling 80, through Weymouth, Wyke and Castletown. The roads are small with several schools on the route and this gives rise to great concern about pollution as well as danger to pedestrians. Ships may bring some RDF from further afield but again although preferable to trucks, would further pollute the atmosphere. It appears a large amount of RDF would actually come from outside Dorset and even from outside the UK. There are serious concerns on areas downwind of the incinerator including Weymouth, Overcombe and Ringstead beaches which risk receiving clouds of effluvia and of course Portland itself in a northerly or easterly wind. The vital tourist industry in the area will be in jeopardy. The incinerator is not suitable or needed in this position.

The second letter raises two more points. Firstly that there will be significant noise from this incinerator which would be damaging to local wildlife and is disturbance to the local population. Secondly this incinerator should not be considered as an effective energy producing facility as it would produce a significant amount of CO2 and other pollutants. This proposal is in the wrong place completely and previous points still stand.

9.17 East Dorset Friends of the Earth

Waste incineration is not consistent with UK government policies which are moving towards zero carbon status and with the Dorset Council's declaration of a climate and ecological emergency. In relation to climate change it is recommended that recycling rates need to rise to 70% across the UK by 2030 and total waste arising should be reduced by up to 33% by 2037 from baseline projections.

Incineration encourages the continued production of difficult to dispose of wastes, principally plastics. It therefore mitigates against the encouragement of a circular waste economy. Incineration also creates toxic gases including greenhouse gases which would be damaging to public health and local ecology. Incineration encourages significant traffic movements of waste to the site and residues away from it involving long trips across Dorset by diesel lorries, also increasing traffic congestion in the Weymouth - Portland corridor.

Any increased congestion will slow traffic having an economic impact on tourism and a further increase air pollution.

9.18 West Dorset Friends of the Earth

An energy from waste incinerator would be a major carbon emitter and will make Dorset's Climate and Ecological emergency plan difficult to achieve in cutting carbon. In the early years there may be some slack in the decarbonizing system but after 10 or 15 years there will be no room for an EfW or any large emitter. The incinerator would mainly burn plastic and the UK has a problem with plastic waste. The majority of plastics end up in partially buried mounds or in the ocean. In order to deliver cost effectiveness for the owners of the ERF, the contract to burn will be around 25 years at that point and no carbon emission will be allowed and we must have nearly eradicated plastic pollution. There will be nothing to burn by then and it would possibly be illegal to do so anyway.

9.19 West Dorset Cycling + Dorset Cyclists Network

The members of the Dorset Cyclists Network often use the Rodwell trail, Portland Beach Road, Verne common road and the many off-road trails adjacent to and overlooking the proposed development on Portland. Many members visit this area of outstanding natural beauty for their holidays and an off-road cycling route network is currently being developed in Dorset. The primary concern is the visual impact from all the regularly used routes and concerns with the increase in traffic particularly on Portland Beach Rd where the cycle route adjacent to the road is already unpleasant, dangerous in bad weather and members find the traffic intimidating. I also object on the grounds of the pollution that will be caused which would discourage leisure cyclists, cycling visitors and sports cyclists alike. This will result in tourist revenue reducing and there will be little or no incentive for organisations like ours and Sustrans to expand the current routes to the detriment of us all locals and visitors alike. At a time when the government is encouraging cycling for transport leisure and exercise it is inappropriate to approve an application which will discourage this.

9.20 Portland Community Partnership

Portland Community Partnership supports the Portland Neighbourhood Plan which was adopted in June 2021 and the policies now carry material weight. Policies considered of most relevance are Port/EN0 (Protection of European Sites. Policy Port/BE6 The Northern Arc (includes the Port Estate) which requires that development proposals should be carefully designed and planned to ensure that no adverse effects occur as a result of water pollution, dust emissions during construction or from the operational stage of any

development. The principle of the Northern Arc advocates a partnership approach with Portland Town Council to provide business development opportunities. This area is subject to Local Plan Policy PORT1 and embraces some of the Maritime Character Area (LCA1) and the Heritage Character Area (LCA2).

Port/EN2 Renewable Energy Development is also relevant and says that renewable or low carbon energy sources will be supported providing there are no unacceptable effects on the immediate locality, in terms of visual impact, amenity, highway safety, landscape and ecology. The fact that the current electricity supply to the Island could act as a barrier to growth is insufficient reason to allow the development. NPPF policies that are relevant are also referred to.

9.21 Friends of the Rodwell Trail and Sandsfoot Castle Gardens (FoRT)

FoRT are a community group of volunteers who are involved in a variety of events and initiatives in relation to Rodwell Trail and Sandsfoot Castle Gardens; this trail is a widely used green corridor in Weymouth. FoRT express their concern that the development would be "highly visible from the gardens and the southern part of the trail." In addition to the landscape impact, FoRT are concerned that particulates from the facility may be deposited along the trail and gardens, causing harm to both local wildlife and vegetation, and the health of visitors.

9.22 Weymouth and Portland Access Group

Object. The applicant fails to grasp the scale of the impact of the proposed development on an area which is of sensitivity in the quality of its natural environment, air and water quality and its excellence as an area of tourism and sports activity, and an area where people live and work. Growing concerns for the rate of climate change and biodiversity loss should over-ride any potential benefits from the development. There is a particular microclimate at Castletown affected as it is by the topography of the island.

The proposed development would cause light and noise pollution and there is a strong possibility that it would adversely impact upon people's mental health. The development is not necessary and would reduce the incentive to reduce waste at source. It is not needed.

9.23 Weymouth and Portland Primary Care Network

The Weymouth and Portland PCN represents all six GP surgeries within Weymouth and Portland. We are aware that the area is one of increased social deprivation and research demonstrates ongoing inequalities in exposure to air pollution within deprived areas, with the worst affected by high concentrations

of particulate matter and nitrogen dioxide. We are concerned that the development will have a negative impact on the physical and mental health of our local population, exacerbating already known health inequalities.

The emissions from the proposed ERF are a concern both related to the traffic and transport and from the stack. The World Health Organisation in 2013 concluded that there is no evidence of a safe level of exposure to PM or a threshold below which no adverse health effects would occur. The route that the proposed lorries would take would pass close to three primary schools, three nursery units and one secondary school and we are concerned about the effects of air quality from this increased traffic particularly in Wyke. Long term effects can also include stroke, lung cancer, respiratory conditions and cardiovascular disease. Due to the percentage of the population with asthma being above the national average and the prevalence of smoking being significantly higher than national trends, the worsening air quality during construction could pose potential negative health risks on nearby residential receptors.

In terms of the location of the site, the proposed stack would terminate below the height of nearby residential areas and there is concern about the potential exposure of residents during periods when the wind direction is such that the emissions could be carried in their direction. There is also potential impact of emissions on the resident population of HMP The Verne. As GPs we continue to have significant concerns about the site.

9.24 Doctors from The Dorchester Road Surgery, Weymouth

Joint representation by the doctors at The Dorchester Road Surgery in Weymouth. The doctors unanimously object to the planning application due to traffic, as the route passes by residential properties and very close to three schools. The traffic situation is particularly bad in the summer months with traffic jams occurring regularly.

The concern is that as congestion increases so will traffic pollution. Portland does not have the transport infrastructure to accommodate the extra traffic without having a negative impact. In terms of health the stack will be emitting particulates, and this could have an adverse impact on the health of a population that already suffers from poor health. There would be a huge detrimental effect on the environment from flora to fauna and surrounding seas and land. Weymouth and Portland rely heavily on tourism for income and the development would in no way enhance the tourist experience. As a group of four doctors we are primarily concerned with protecting and improving the physical and mental health and well-being of patients, and we believe that the proposed development would be to the detriment of Weymouth and Portland overall.

9.25 Society for Poole

National policy is to reduce waste through recycling and composting. It seems unwise to erect a facility requiring feedstock to be acquired from overseas or involving more heavy lorries across Dorset and which will inhibit the future of existing plants elsewhere. We object as Poole has a great number of hotel beds for visitors to Dorset to experience our natural assets. The UK is becoming increasingly aware of the dangers associated with micro particles in the atmosphere and the food chain is at risk. The proposal would increase exposure to such disruptions dangers and adverse effects and should be refused.

9.26 Portland 4 the Planet

Portland 4 the Planet, which claims 533 members, is a local environmental group. They object to the proposal on several grounds: the climate crisis and carbon emissions; the mental wellbeing of residents; the 'crowding out' effect on rates of recycling; sustainability; damage to local ecology; health; and a lack of need. The primary objection is that the development will not be zero carbon, and "would spew out at least 202,000 tonnes of CO2 each year."

9.27 Portland Marina – Boatfolk

Boatfolk is a company which owns and operate two marinas nearby: one in Weymouth Inner Harbour, and one in Portland Harbour. Boatfolk are "very concerned about the visual impact the proposed building will have upon our Portland Marina, and the approaches to Portland itself," and believe that the current design of the building "would be detrimental to our mission, of attracting leisure visitors…" Nonetheless, Boatfolk note they "are not against the principle of the plant," provided that a relief road is built to divert the resulting heavy traffic from the narrow roads of Wyke Regis.

9.28 Peter Tatchell Foundation

The Peter Tatchell Foundation is charity which campaigns on human rights issues. They are concerned about the impact of the proposed development on the welfare of prisoners at HMP the Verne, and particularly on their health. They highlight the vulnerability of the prisoners and the above average rate of respiratory and heart conditions. Mr Tatchell believes the development contravenes prisoners' human rights to a safe and healthy environment.

9.29 Mass Extinction Monitoring Observatory (MEMO)

MEMO is part of Eden Portland, a local group supported by the Eden Trust. MEMO object to the scheme on several grounds: air quality; health;

biodiversity; economic impact; greenhouse gas emissions; waste sustainability; the 'crowding out' of recycling. MEMO argue that the development is contrary to Dorset Council's self-declared Climate and Ecological Emergency and the international Parish Climate Change Agreement. MEMO call for alternative energy schemes on Portland: "It would be wonderful instead to see those behind this proposal putting their knowledge and expertise in renewables to realising the immense potential for wind, wave and tidal energy on and around Portland, thereby solving Portland Port's need for shore power, as well contributing to net zero carbon by 2050."

9.30 St. Bede's Ford Swannery

St Bede's Ford Swannery is a community interest company based in Bedford, which seeks to promote, protect, and enhance the wild mute swan population in Bedfordshire. They argue that the proposed development poses a "grave threat to the UK's mute swan population and therefore our own birds here in Bedford." St Bede's also object on grounds of air quality and the risk of "heavy metal accumulation in silts and micro-organisms within the food chain." They believe the proposed development contravenes policies 4, 6, 13, and 16 of the Waste Plan (2019) and paragraph 170 of the NPPF.

9.31 UNESCO- Culture Sector World Heritage Centre

UNESCO has drawn attention to the fact that Article 4 and Article 5 (a) of the World Heritage Convention refers to the duty of each State Party to this Convention to ensure "the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage situated on its territory" and encourage the States Parties "to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes". The State Party has provided detailed information about the proposal to UNESCO.

9.32 Weyfish

Weyfish is a local business which provides seafood to local restaurants and cafes and has strong ties to the local fishing industry. They have concerns that the proposed development may cause "potential harm to the local marine ecology," and reduce "the perceived quality of Dorset seafood and shellfish, resulting in actual economic harm" to the local fishing economy. Weyfish also object on the grounds of: landscape harm, harm to the setting of the Jurassic Coast, harm to the setting of the AONB, and the 'in-combination' effects of pollution from the stack and traffic.

9.33 Weymouth and Portland Licensed Skippers Association

The W&PLSA represents 28 operators and businesses in the local area who engage in passenger transportation in local waters, for activities such as angling, diving, and sightseeing. They are concerned that the proposed development would harm the viability of their businesses, which heavily rely on the scenic coastline to attract visitors and clients.

9.34 Portland B-side

B-side is a not-for-profit arts and culture community interest company based on Portland, which hosts an annual arts festival on the island. They object to the proposed development on several grounds: environmental impact, landscape impact, health impact, traffic impact, and economic impact. They argue that no amount of offsetting or mitigation will compensate for the loss to the environmental and quality of life of Portland if this proposal goes ahead.

9.35 Agincare

Agincare is a home care company operating in the Weymouth and Portland area. They object to the development on several grounds: HGV traffic and emissions; no guarantee that waste will be sourced locally and therefore waste is likely to be imported from further afield; a possible reduction in investment in Portland and reduction in tourism; risk to the health of residents, particularly in Fortuneswell; and adverse impacts on the Jurassic Coast World Heritage Site.

9.36 Swallows Rest B&B

Swallows Rest B&B object “because of the traffic problems, the emissions, the impact of the dreadful views on tourism which will have a huge negative impact on our business.”

9.37 Martin Sigston – Dive Beyond Diving School

As a local dive charter and dive school we have concerns for the environmental impact of this site on the local area. Increased traffic will exacerbate an already extensive traffic problem across the causeway. The increase in air pollution from the additional transport, by road and sea as well as the stack itself will have an adverse effect on the air quality in the area, thus affecting the local flora and fauna. Increased traffic will affect the access route our customers use to get to Dive Beyond on Castletown.

9.38 Weymouth Hoteliers Guesthouse Leaseholders Association

The WHGLA represents 43 local accommodation providers. They note that many of their guests go to Weymouth with the intention of visiting Portland to engage in activities such as cycling, hiking, running, fishing and the wide range of water sports. They feel that the construction of this site would deter holidaymakers from visiting Portland and consequently residing in Weymouth, and that this would have a detrimental effect on the economies of both towns, by impacting on the already short window where we do most of our business - the Summer break. The WHGLA expresses concern for the local fishing industry, and local restaurants serving local fish: “consumers would be sceptical, knowing that their “catch of the day” may well have come out of local waters adjacent to an incinerator.” The WHGLA also express a concern that “should the proposal be accepted; this would result in more industrial investment in the area – a scenario which would further impact on hospitality and tourism industries here.”

9.39 Portland Marina

Portland Marina owns and operates a marina in Weymouth Inner Harbour and one in Portland Harbour, the latter being very close to Portland Port. Customers come from the local region, and many arrive by sea as a destination for visiting yachtsmen and women. PM is very concerned about the visual impact that the proposed building would have upon the Marina. When the Marina was originally designed, the planning process required designs that would lift the environment from ‘ordinary’ to ‘something special’. The current design of the ERF would be detrimental to PM’s mission of attracting leisure visitors to the area. The additional traffic is also a concern, maybe the developer could contribute to the cost of a relief road. PM is not against the principle of the plant as long as it will not pollute the clean air and clean seas, and can see that it would create jobs, and understand the limitations of electrical power to the Port.

9.40 Wyke Regis Primary Foundation

WRPF objects in the strongest terms on the grounds of traffic, which will increase along the Portland Road corridor. The school has previously asked for crossing patrols in the past but has been declined as there are pedestrian crossings a bit further away. The Waste incinerator will increase the volume of HGVs along the corridor by up to 80 journeys per day. Schools are actively encouraging pupils to travel to school by methods which protect the environment and promote good health such as walking and cycling. The increase in HGVs will make it less safe and more difficult to cross the road. The level of vehicle fumes on this road is already high and the HGVs will increase this. Pupils and the local population already have high rates of asthma and other respiratory diseases and this proposal will make the situation worse, especially combined with the polluting emissions from the incinerator itself.

9.41 Portland Sculpture & Quarry Trust

This organisation has delivered art, heritage and environmental activities over the last 38 years at Tout quarry, an arrival point to the wider Portland Quarries Nature Park. The project has created a recognised brand for Portland which is based on the quality of the environment and heritage of the landscape, and it attracts people from all over the UK and internationally and contributes significantly to the local economy each year. The Trust considers that the proposal could have long term adverse effects on people's health and could lead to environmental pollution through increased road transports and waste potentially being brought in by sea. It will add further congestion to the road infrastructure which is already inadequate.

Other representations in Support

9.42 Carnival Corporation PLC

A letter was received in December 2022 to explain the intent of Carnival Corporation, that if shore power becomes available at Portland Port, that Carnival cruise ships visiting the Port which are capable of receiving shore power would connect to and use the ERF Shore Power Facility, consistent with the company's sustainability policies, and subject to viable commercial terms and agreements being reached. Carnival Corporation is the world's largest cruise operator and is the parent company of nine global cruise line brands including AIDA, Carnival, Cunard, Costa, Holland America, Princess, P&O Cruises and Seabourn.

Carnival Corporation has a Sustainability Policy which sets out sustainability goals for 2030, and aspirations for 2050. The 2030 goal is aligned with the International Maritime Organisation's commitment to reduce carbon emissions intensity by 40% by 2030 and the company aspires to achieve net carbon-neutral ship operations by 2050 and to reduce air quality emissions. To meet these goals the company is working on actively improving the existing fleet's energy efficiency and to specifically expand shore power capabilities.

Carnival Corporation has a specific goal to increase fleet shore power connection capability to 60% of the fleet by 2030, currently with 43% of the fleet having this capability. Cruise ships with shore power capability can plug into specific port connection facilities, allowing the ship to receive electricity from the electrical grid, instead of using the ship's engines and fuel to generate power. There are currently 21 ports worldwide that have the infrastructure capable to provide power connections for ships. Portland Port would like to be able to offer the 60Hz shore power, which is sufficient for even the largest of cruise ships. It is well recognised in the industry that despite the benefits, commercial viability is the main impediment to the delivery of shore power in the UK and that energy grid constraint and the costs of connecting to the electricity network is a critical

factor. It is understood that the Portland ERF will be able to offer shore power as a component of the wider ERF project business case.

Carnival Corporation considers that if shore power is provided at Portland Port, then it is expected that the cruise ships which visit the Port which are capable of receiving shore power would connect to and use the ERF Shore Power Facility, subject to the power being made available on commercially viable terms. The availability of the ERF Shore Power Facility at Portland Port should ensure that Portland remains an attractive destination for inclusion for Carnival Group cruise calls, which in turn will protect the local tourist economy with contributions to the local economy with excursions, casual spend and port dues.

Further letter of clarification received February 2023

Carnival Corporation clarified that there is currently no private wire supply of power at Southampton from the Marchwood EfW to the ABP shore power infrastructure, but there have been discussions between Southampton City Council, ABP and AECOM to look into providing a private heat and power supply, directly under the river to the Port, as part of a project supported financially by Government. There is a private wire supply from another local generator that is part of the Southampton District Energy Scheme, and additional electricity is used for shore power provided by on-site solar generation and the local electricity network. Power generated by the Marchwood EfW is largely exported to e local electricity network, which then provides power to the shore power facility.

9.43 Portland Harbour Authority (two letters 6th May 2020, 20th October 2020)

Portland Port supports the application. This is on the grounds that they need additional sources of electrical power in order to continue to grow (both for ships and tenants). The Port have been in discussions with their cruise line customers who they expect to be planning itineraries around ports which can provide shore-based power.

The Port view the project as absolutely vital to the future of Portland Port because it will provide essential electrical power headroom for the continued development of businesses on the island of Portland.

9.44 Day Group

The Day Group recycles IBA and confirms that they have been in discussion with Powerfuel and are in support of the planning application. The company has a national network of facilities with two of the locations being Greenwich, London and Avonmouth Docks, Bristol. They consider both to be suitable and both have capacity to take the IBA from Portland. Their premises have state of the art IBA aggregate processing facilities. Those facilities have been selected

as they already receive bulk shipments which is safely unloaded at dedicated quays and is covered by their environmental permits. The use of ship transportation to Greenwich would be their preferred mode of transport from a sustainability and carbon perspective, although road transportation to Bristol would be possible.

9.45 Manor Energy Group (Manor Renewable Energy MRE/Manor MarineMM

Manor Energy Group is a group of businesses operating out of Portland Port employing 70 people at their Portland facility. The core business is supply of temporary power with bespoke generator solutions to the renewable energy sector. MRE supports the Powerfuel planning application and support growth at the Port stating that if the tenants that are achieved that the Port would like, then more electrical power would be needed in the Port, whether that be for tenants or ships. MRE considers there is a clear shortage of electrical capacity, and it would require a multimillion-pound investment to secure the additional supply across the causeway. The Group considers that the proposed development is vital to the future of Portland Port, providing much needed support to the continued development of businesses on the island of Portland.

9.46 Dragon Cement

Dragon Cement expanded cement importation in 2015 and targeted the South Coast to support existing customer base and target new markets. Dragon considers Portland Port to be the jewel in the crown. Portland is both a pleasure and a challenge as business opportunities are vast although infrastructure is somewhat restrictive. Whilst nobody wants to disturb the charm of the Jurassic Coast, there is a need to support the right proposals to enable full use of potential and preservation of the idyllic natural charm. Self-sufficiency for energy requirements within a tightly regulated business sector presenting opportunity for further commercial development and carefully controlled by the local Environment Agency seems to tick all the boxes. I would like to add the support of Dragon and all its associated stakeholders to approving this planning application and allowing it to achieve its full potential.

10. Parish, Town and other Councils, Councillors', MPs and Government Department representations

10.1 Portland Town Council

Portland Town Council (PTC) object to the application. Their main concerns are summarised below:

Climate Change and Ecological Emergency:

The development does not align with the objectives in PTC's declaration of a climate and ecological emergency made on 26th June 2019. The applicant has proposed to use carbon offsetting and various carbon credit schemes to become carbon neutral, however the 2020 report 'Reducing UK emissions: Progress Report to Parliament' by the Committee on Climate Change states "*Achieving significant emission reductions in the waste sector requires a step-change towards a circular economy, moving away from landfill and incineration (and the associated methane and fossil CO_2 emissions) …'*

A District Heating Network (DHN) is not included as part of the application and the applicant would only commit to the implementation of a DHN if it is commercially viable. According to documents submitted with the environmental permit application, the applicant has stated that this is not likely to be the case. Even with subsidies and grants it is uncertain if DHN would be viable, and the negative impacts of DHN have not been adequately addressed.

Public Health:

- Lack of robust testing on the impacts of human health and note the proximity of homes, nurseries, a care home, a hospital and a youth club to the development site.

- Height of the stack is insufficient to effectively prevent risk to human health particularly to nearby residents, HMP The Verne Prison and those working in the vicinity of the port.

Topography and Meteorology of Portland:

- The unique topographical and meteorological conditions of the site and the surrounding area have not been accurately modelled and therefore the impacts of the development have not been adequately assessed.

Traffic Impacts:

- Concerns raised regarding the capability of the local road network to cope with the increased HGV vehicle movements associated with the development particularly with frequent congestion on Portland Beach Road, through Wyke and Weymouth. Traffic congestion has recently been exacerbated by the increase in visitor numbers to Portland.

- Increased noise and vibration as a result of the associated HGV movements and the impact on residents, particularly in Castletown.

- Lack of contingency plans in place should Portland Beach Road be closed.

- ES Chapter 11 concludes that there would be a negligible increase in local traffic, however for individuals living in properties along the route the impact cannot be considered negligible.

Tourism and Economy Impacts:

- Portland sits in the middle of the AONB and World Heritage Site and this proposal would affect the experience of visitors to Portland. The negative impact on tourism would be detrimental to the local economy and could result in job losses.

Shoreside Power Alternatives:

- More information is required to ensure that power provided by a waste incinerator, located in a port, can provide an onshore power supply that fulfils the Government requirement as outlined in the UK Clean Maritime Plan.

- There is a lack of clarity on how the assessment of the air quality impacts from cruise ships switching off their engines, compared against the air quality impacts from a waste incinerator, was modelled.

- More information is required showing a comparison between noise levels from a waste incinerator operating for 24/7 and a cruise ship operating for a maximum of 11 daytime hours for 36 days a year and the impact on HMP The Verne, residents of East Weare and residents along the shoreline of Portland Harbour and beyond.

- Lack of research into alternative onshore power provisions.

Additional reasons:

- PTC object to the visual appearance of the incinerator. The design contravenes the Portland Neighbourhood Plan Policy EN7.

- Concerns of the stability of the land due to regular landslips which could compromise the safety of the building.

- The proposed development could become obsolete within a matter of years. A decommissioning strategy of the site should be required as part of the determination.

Portland Town Council (PTC) instructed Freeths LLP to review the environmental permit application for the development. The grounds for the objection to the environmental permit which have been informed by the assessment undertaken by Freeths LLP, are as follows:

- A number of important permit application documents, including the shadow Habitats Regulations Assessment (dated September 2020), the Supporting Information document (dated 20 December 2020) and the Environmental Risk Assessment (dated 21 December 2020) are based on out-of-date information. The Environment Agency cannot lawfully grant an environmental permit application on the basis of such out-of-date, unreliable evidence.

- Given that the shadow Habitats Regulations Assessment is out of date, the Environment Agency cannot be satisfied, with the degree of certainty that the law requires, that the proposed permitted facility will have no adverse effect on the integrity of any European site. The Environment Agency cannot lawfully grant an environmental permit on the basis of the assessment currently submitted.

- The noise impact assessment is incomplete and flawed in a number of respects. Even the applicant (or its acoustic consultant) acknowledges that the noise impact assessment does not provide sufficient information for the permit application. The Environment Agency cannot lawfully grant an environmental permit on the basis of the assessment submitted.

- A number of issues have been identified in relation to operating techniques and BAT assessments. The permit documents do not provide sufficient information and/or analysis for the application. As such, the Environment Agency cannot lawfully conclude that the proposal meets BAT requirements.

- The assessment of air quality impacts is inadequate. Impacts should be re-assessed, or the application refused.

- The inadequate assessment of air quality impacts undermines other assessments including the shadow Habitats Regulations Assessment and the overall Environmental Risk Assessment. These assessments are unreliable, and the application should be refused.

- The impacts on human health have been underestimated. The risk to human health is unacceptable and the application should be refused.

- The fire prevention plan is inadequate, creating unnecessary and unreasonable risks. The application should be refused.

10.2 Weymouth Town Council

Weymouth Town Council expressed their agreement with the points made by Portland Town Council, and object to the application for the following reasons:

- Dorset Waste Plan 2019:
    - The Plan has recently been finalised and the facility is not needed.
    - Waste management facilities should be co-located with ash processing facility to reduce traffic.
    - Waste facilities should be located close to where waste is created.
    - The Dorset Waste Plan 2019 states *"Waste management is well regulated. Consideration of impacts on health should therefore be in the context of whether the location is appropriate for the proposal."*

- No provision for carbon capture and storage.

- No guarantee on the origin of the feedstock.

- Location of the site is close to houses, hospital, and a prison. The top of the stack is at the same height as nearby homes.

- Location in relation to the UNESCO World Heritage Site (Policy ENV1 West Dorset and Weymouth & Portland Local Plan), AONB and other Heritage Sites.

- Traffic generation as a result of the development.

- Pollution impact on health, from facility and associated traffic.
- Pollution impact on environment, habitats, aquaculture.
- The scale and setting of the site and visibility of the facility.
- Impact on the tourist industry.

Should Planning Permission be granted despite these objections then there should be two planning obligations. The first is to limit the source of waste to the UK and the second, to maximise the amount of ERF arriving by sea.

10.3 Chickerell Town Council

Objects to the application over concern of pollution and the safety of the use of the existing local road network.

10.4 Osmington Parish Council

Osmington Parish Council object to the application for the following reasons:

- Adverse Visual impact:
    - The proposed plant would have a significant adverse effect on the setting of the Dorset AONB and of views from the AONB across to Portland from both the building and the plume.
    - No evidence has been given in the application documents for the proposed PVC mesh being used on such a large scale or of its being durable in an exposed coastal location. The photograph on the mesh would be a one moment in time view of the landscape backdrop which would not change with the seasons, with varying degrees of light or with varying weather conditions. The PVC mesh might fail to act as any kind of camouflage and might indeed accentuate the scale and mass of this huge building.
    - Light pollution from the aircraft warning light on top of the chimney stack at 87.2 metres above sea level as well as from the car park and the building itself is also a concern.
    - The emissions plume may be visible much more of the time than the application suggests as is easily verified from evidence from other similar installations.

- Adverse impact from pollutants, especially from ammonia and nitrogen deposition, on both the Isle of Portland to Studland Cliffs SAC and the Chesil and the Fleet SAC as well as to the SSSIs in the area.

- Climate harm from emissions of pollutants inappropriate in the context of a Climate and Ecological Emergency.

- Adverse impacts on traffic and road safety from additional large HGV movements on already heavily congested routes.

10.5 Owermoigne Parish Council

No comment

10.6 Swanage Town Council

Recommend refusal, major concerns are raised regarding the proposed location of the ERF as follows; Potential adverse impact on air and water quality; potential adverse impact on Dorset's Marine Conservation Zones; potential adverse impacts on local SSSIs, SACs, SPAs, Ramsar sites and the Dorset AONB; Potential adverse impact on the status of the Jurassic Coast as a UNESCO World Heritage Site. Attention is drawn to the fact that this is England's only natural World Heritage Site, inscribed by UNESCO in 2001 for its outstanding universal value of its rocks, fossils and landforms. It is only 19 nautical miles from Peveril Point, Swanage to Portland Bill, Portland, and 80% of prevailing winds are south-westerly, which means that emissions will most likely travel across to Swanage/Purbeck area with impacts on ecology and habitats in the area. The remaining bottom ash will have to be transported away from the site via land or sea. Concerns are raised that carbon capture technology does not appear advanced enough to deal with the emissions that will be created.

Other concerns have been raised regarding traffic generation by land or sea, and the impact on sea and /or the environment, with impact on the local infrastructure. Further concerns are raised regarding the arrival/docking of additional vessels in Portland Port, bringing of RDF by sea, and the potential for waste/debris to enter the sea, and the future management of that waste and impact on wildlife/marine life.

The proposal is considered to be in contravention of environmental policies and action plans in Dorset Council’s Climate and Ecological Emergency Strategy (CEES).

10.7 Arne Parish Council

Object for the following reasons:

1. Detrimental effect would occur on the landscape of the Island, the settings of the UNESCO World Heritage Site and the Dorset AONB, and the settings of heritage assets such as Portland Castle, Sandsfoot Castle. This would seriously damage the area's visitor economy and is contrary to policies in the Jurassic Coast Partnership Plan, the Dorset Waste Plan, Local Plan policies and the NPPF.

2. 'In combination' pollution from stack and traffic emissions would have an adverse impact on international, national and locally designated areas that protect wildlife, marine environments and diverse sites of ecological importance.

3. The local road network is not suitable for the generation of traffic movements proposed, on a route that is already a bottleneck, with 3 schools nearby and through Castletown, which is a narrow residential street with shops.

4. The proposed development would generate huge quantities of carbon dioxide (approx. one tonne for every tonne of waste incinerated) that cannot realistically be offset, and is a threat to local and national recycling goals. It will require importation of waste from other areas and is contrary to Dorset Council's Declaration of a Climate and Ecological Emergency Strategy and Action Plan.

5. There is the potential for air and water borne pollution, which would affect amenity, health and the well-being of residents.

6. Arne Parish Council believes that this proposal will have wider implications for Dorset if approved.

10.8 Melcombe Regis Ward – Cllr Jon Orrell

Cllr Orrell objects to the application for the following reasons:

- Increased lorry traffic through congested main roads in Weymouth.

- The business plan that depends on local waste for decades. Focus should be on reducing waste thus rendering the plant obsolete. We ought to be insulating homes better and building wind/wave/tidal energy.

- A danger that we may end up importing waste from outside the county.
- Better sites near Bournemouth which generates the majority of Dorset's waste
- Damage to the amenity and air/water quality of the internationally recognised Jurassic coast.
- The local road network is unsuitable for HGVs. The alternative through Lanehouse will become much more congested with new housing estates and the mini roundabout by All Saints is not suitable for more HGVs.
- Boot Hill already exceeds air pollution levels.
- Does not support more dirty shipping in the bay which has seen brown inversion layers on calm days with cruise ships.
- Polluting incinerators are located in areas of high deprivation. Underhill on Portland and the downwind areas of Weymouth Rodwell and Melcombe Regis score badly on the index of multiple deprivation.

10.9 Portland Ward – Cllr Rob Hughes

Cllr Hughes objects to the application. He stated the plant would be operating 24 hours a day seven days a week within one kilometre of residential areas which are also located along the site success route. The residents will be seriously adversely affected by the impact of emissions from the stack, increased traffic movements, noise and smell as well as a risk to health from vehicle emissions. At least a 200% increase in HGV traffic movements through a conservation residential area is projected.

Adverse effect of the development on the Underhill Conservation area and heritage assets of the island, and SSSIs. All of these would be affected by this installation if allowed to proceed.

Energy from waste development would be creating CO_2 emissions and is not seen as a green form of energy plant according to the EU Commission. Dorset Council, Portland Town Council and Weymouth Council have all declared a climate and ecological emergency. This proposal would go against this, if approved. Environmentally this site would be releasing 577 tons of CO_2 a day into the atmosphere along with mercury and other pollutants which would have effect on the residents, local marine life, shellfish and local fishing and aquaculture businesses. Light pollution is also a concern.

Cllr Hughes also outlined his concern over the methodology of the assessment by the case officer of the application documents due to the complexity of the

issues and asked that the methodology be made publicly transparent and explained. He is in full support of all Stop Portland Waste Incinerator commissioned reports dated September 2021 and responses submitted by Portland Town Council.

10.10 Portland Ward – Cllr Paul Kimber

Cllr Kimber objects to the application and expressed concern over noise and disturbance as a result of the development. The development would result in increased traffic on already congested roads through Weymouth and Portland. Further lorries and construction traffic would result in queuing on the Beach Road. In the mornings and evenings exhaust levels at Boot Hill are already at dangerous levels.

The Jurassic Coastline around Portland is unique and must be protected. This includes green areas on the Verne Common. With a major increase in traffic movements and HGV traffic through conservation and residential areas this would result in a negative impact on our communities. Concerns also relate to the fumes and exhaust fumes.

Cllr Kimber expressed concern over the height of the stack and the potential danger of fumes and small particulate matter going over the prison and also onto the Verne Common and around the Grove. Unless the stack is raised a lot higher, possibly 200 m, he believes the facility would jeopardise the health of the people living in these areas and of the prison staff and inmates. He is also concerned that the emissions and pollutants from this proposal will adversely impact on these heritage buildings within the vicinity.

10.11 Rodwell & Wyke Ward – Cllr Brian Heatley

Cllr Heatley objects to the application. Although he recognises the benefits of the development which includes approximately 350 jobs during construction, approximately 35 long-term jobs, and the opportunity to generate electric power from waste which would otherwise go to landfill, he thinks these points are outweighed by other considerations such as damage to the World Heritage Site, the transport and associated road safety, nuisance and health aspects of the ward, public health concerns, and long-term sustainability of the site.

Weymouth and Portland depend hugely upon the tourist industry and the most important asset is the location within the centre of the Jurassic Coast. A large industrial plant, with a plume producing chimney would significantly detract from the beauty of the Jurassic Coast landscape around it.

Cllr Heatley stated there would also be transport implications as a result of the development. If all the feedstock and by-products are transported by road the applicant anticipates some 80 HGV movements a day along Portland Road and then through Weymouth. The proposed mitigation by a one-way system for HGVs is not yet in operation. He expects most of the HGVs to be along the A354 (Portland Road, Buxton Road, Rodwell Road and Boot Hill) through residential parts of the Rodwell and Wyke Ward. This route passes four schools and goes through the Wyke Regis shopping centre and represents a more than 50% increase in the movements of HGVs. This would cause an unacceptable level of harm to safety, health and quality of life for all along the route or going to the shopping centre or schools. There are already a considerable number of accidents along this route and the additional HGV traffic is likely to make the situation worse. The route also goes along Boot Hill which has poor air quality, mostly caused by HGVs and additional vehicles would make this situation worse.

Cllr Heatley expresses concern over the feedstock which would not be homogenous and could contain dangerous materials which could result in an unanticipated chemical reaction with other materials present in the feedstock. This would therefore make it impossible to be sure that the emissions from the plant will always be harmless. Winds from the south are not uncommon, so the plume from the chimney will be blown from time to time over Rodwell and Wyke.

The assessment of the potential effects of material from the chimney falling into the Fleet (an Internationally designated wetland site) and the seas surrounding Portland, including Weymouth Bay, is extremely complacent. Much of the local marine ecology is only poorly understood but dumping huge quantities of novel materials into it is bound to have significant effects that have simply not been adequately explored.

10.12 Rodwell & Wyke Ward - Cllr Clare Sutton

Cllr Sutton objects to the application and shared a number of the same concerns raised by Cllr Heatley, including issues relating to the increase in HGV traffic and the impact this would have on the local area particularly in an area with existing poor air quality.

Cllr Sutton also objects due to the impact of pollutants from the chimney which could blow over Rodwell and Wyke and does not agree with the applicant's assumption about the concentration of pollutants and their limited health effects and that the feedstock for the plant would never contain anything noxious and that the plant would never go wrong. Like Cllr Heatley, Cllr Sutton also expressed concerns for the potential effects of materials from the chimney falling into the Fleet, an internationally designated wetland site, and the seas surrounding Portland, including Weymouth Bay.

The development would cause psychological and potentially health impacts on Rodwell and Wyke residents who spend much of their leisure time outside within the local area.

The visibility of the plant and, more importantly, its plume of emissions, would significantly damage the quality and value to the local economy of one of our prize assets, the World Heritage Jurassic Coast. Tourism is an important sector for the local economy and the development could negatively impact the local economy.

Expressed view of using other methods of waste management than EfW plants which require a constant supply of waste. Instead, should be promoting behavioural change to reduce waste and increase reus and recycling.

10.13 Bournemouth Christchurch and Poole Council

No Comment.

10.14 New Forest District Council

No Objection.

10.15 South Somerset District Council

No Objection.

10.16 Hampshire County Council

No Objection.

10.17 Richard Drax MP

I have looked at the application carefully, and while I appreciate there is a need for more facilities to treat our waste, I do not believe Portland is the appropriate location. It was not that long ago that I and my parliamentary colleagues successfully opposed a giant wind farm off our Jurassic Coast. So having opposed the wind farm, I cannot possibly support an energy recovery facility (ERF) from the island of Portland itself. I am not surprised that HMP the Verne, Portland Town Council, Weymouth Town Council, and Dorset Area Ramblers have come to the same conclusion along with thousands of Islanders who have signed a petition that I shall formally hand into parliament.

The Environment Agency has no objection, but highlight some risks, like water pollution, and would like a number of conditions. The ERF will treat refuse derived fuel (RDF), which is not bagged household waste. The RDF will be delivered in wrapped bales or loose, in HGVs or by sea. There is no doubt that the preferred option will be by road, placing even more pressure on an already congested system. The RDF could be brought from anywhere within a 3-hour radius. At sea there are no restrictions, and the RDF could be sourced from anywhere abroad. Around 300 jobs are likely to be created during the construction phase and between 30 to 35 posts once completed. Any job is to be welcomed on Portland, but the long-term estimate does little to mitigate the effect that such a facility would have on our historic port and of course islanders themselves.

It is important not to underestimate the effect of this plant would have on our Jurassic Coast, which is a UNESCO World Heritage Site (WHS). it is therefore not surprising that the landscape adjacent to this WHS is an Area of Outstanding Natural Beauty (AONB). Within the AONB there are Sites of Special Scientific Interest, Ramsar sites, Special Areas of Conservation and Special Protection Areas. It is also worth noting that the Port and East Weare undercliff includes a number of listed buildings and scheduled monuments.

I would also like to point out that Portland suffers from deprivation and poverty and residents often feel “dumped upon”. While I can see that the ERF will provide energy to the National Grid, and help the port provide power to visiting cruise ships, I cannot see a solid long-term benefit for Islanders. They like me I am sure wish to preserve the beauty of their island setting, and respect the unique character of the former Royal Navy base, while of course welcoming an expanding Port and the jobs that go with it. What I and many do not want to see, is another imposition on the island in what, any fact, is a blot on the landscape. It is just the wrong location!

10.18 <u>Department for Digital, Culture, Media & Sport – Nigel Huddleston MP</u>

As Minister for Heritage (2020-2022), I take our responsibilities under the World Heritage Convention to protect the Outstanding Universal Value of the UK's World Heritage Sites very seriously. I appreciate concerns regarding the proposed ERF which has the potential to impact the Dorset and East Devon Coast World Heritage Site (the management of which is led by the Jurassic Coast Trust), as well as several nationally important Scheduled Monuments. My department agrees with the Jurassic Coast Trust’s view that the proposals would negatively impact the World Heritage Site as a result of this proposed development within its setting. Historic England, the Department’s statutory advisor on the Historic Environment and World Heritage Sites, has provided advice to the local authority on the proposal, expressing concerns that the

development would make a negative contribution to the setting and the ability to appreciate the significance of several designated heritage assets.

Further comment November 2022 - Although there has been no change to the status of the application, the Jurassic Coast Trust's view that the proposals would negatively impact the World Heritage Site as a result of this proposed development within its setting is still shared by Historic England and DCMS.

10.19 Weymouth Town Council, Weymouth West Ward - Cllr Michael Frost

This will lead to an increase in heavy goods vehicles using Buxton Road and Portland Road, which will encourage motorists to increase their use of the already busy Doncaster Road, Rylands Lane and Southlands estate as a short cut. The emissions generated will have a detrimental effect on wildlife and the health of residents. I understand this incinerator will not just deal with local waste but will import waste from other areas and overseas.

10.20 Portland Town Council, Underhill Ward - Cllr Carralyn Parkes

I have serious concerns as to the validity of air quality monitoring submitted in this proposal, as tests were not conducted where they would be meaningful to the project, but were conducted at Portland Bill, the geography of which is completely different to that of the location of the application, being a flat open expanse, as opposed to that of the proposed incinerator which will abut a hill. Looking at the position of the facility in the illustrations, the chimney is likely to disgorge its emissions directly over the densely populated Verne Common Estate, HMP Verne, and surrounding areas. I also wish to raise the issue of the frequent sea mists in the Portland Port area, which could further have the effect of condensing emissions, contaminating the SSI, and harbour water. With these points in mind, I therefore object to this application on the grounds of threat of contaminants to public health, the SSI, and local water.

10.21 Weymouth Town Council, Westham North Ward - Cllr Oz Kanji

The development is only going to pollute our clean air and poison the people without them realising because its invisible in the air. Please reject it before people and wildlife are poisoned.

10.22 South Dorset Constituency Labour Party

The South Dorset Constituency Labour Party has objected to the application on the following grounds: potential adverse impact on air and water quality; potential adverse impact on Dorset's Marine Conservation Zones; potential adverse impacts on local SSSIs, SACs, SPAs, Ramsar sites, and the Dorset AONB; and potential adverse impact on the status of the Jurassic Coast as a UNESCO World Heritage Site. Their objection goes into detail on various issues, including climate change; tourism and the local economy; ecology and wildlife; transport and traffic; air quality; recycling and landfill; the origin of waste; and existing incineration capacity.

11. Development Plan Policies

11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Development plan policies are therefore the starting point for decisions on applications. The term 'material consideration' is wide ranging, but includes national, emerging and supplementary planning policy documents. The National Planning Policy Framework (NPPF) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal.

11.2 Bournemouth, Christchurch, Poole and Dorset Waste Plan (adopted 2019)

(To view, click 2019 Waste Plan - Dorset Council)

- Policy 1 – Sustainable waste management
- Policy 2 – Integrated waste management facilities
- Policy 4 – Applications for waste management facilities not allocated in the Waste Plan
- Policy 6 – Recovery Facilities
- Policy 12 – Transport and access
- Policy 13 – Amenity and quality of life

- Policy 14 – Landscape and design quality
- Policy 15 – Sustainable construction and operation of facilities
- Policy 16 – Natural resources
- Policy 17 – Flood risk
- Policy 18 – Biodiversity and geological interest
- Policy 19 – Historic environment

11.3 Adopted West Dorset, Weymouth and Portland Local Plan 2011-2031 (adopted 2015) (To view, click West Dorset, Weymouth & Portland adopted local plan - Dorset Council)

- INT1 – Presumption in favour of sustainable development
- ENV1 – Landscape, seascape and sites of geological interest
- ENV2 – Wildlife and habitats
- ENV3 – Green infrastructure network
- ENV4 – Heritage Assets
- ENV5 – Flood risk
- ENV9 – Pollution and contaminated land
- ENV10 – The landscape and townscape setting
- ENV12 – The design and positioning of buildings
- ENV13 – Achieving high levels of environmental performance
- ENV16 – Amenity
- ECON2 – Protection of key employment sites
- COM7 – Creating a safe and efficient transport network
- COM9 – Parking standards new development
- COM11 – Renewable energy development

11.4 Minerals Strategy (2014) (To view, click Minerals strategy - Dorset Council)

- SS1 – Presumption in favour of sustainable development
- SG1 – Minerals Safeguarding Area
- SG2 – Mineral Consultation Area

11.5 Portland Neighbourhood Plan (2020) (To view, click Portland Neighbourhood Plan - Dorset Council)

- Port/EN0 – Protection of European Sites
- Port/EN1 – Prevention of Flooding and Erosion
- Port/EN2 – Renewable Energy Development
- Port/EN4 – Local Heritage Assets
- Port/EN6 – Defined Development Boundaries
- Port/EN7 – Design and Character
- Port/BE1 – Protecting existing employment sites and premises
- Port/BE2 – Upgrading of existing employment sites and premises
- Port/BE3 – New employment premises
- Port/BE6 – The Northern Arc
- Port/ST3 – Tourist Trails

11.6 Other Material Considerations

- National Planning Policy Framework 2021 (To view, click National Planning Policy Framework - GOV.UK (www.gov.uk))
  - Chapter 2 – Achieving sustainable development
  - Chapter 4 – Decision making
  - Chapter 6 – Building a strong, competitive economy
  - Chapter 8 – Promoting health and safe communities

- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of minerals

- National Planning Policy for Waste 2014 (To view, click National planning policy for waste - GOV.UK (www.gov.uk)). This document sets out the government's ambition to work towards a more sustainable and efficient approach to management of waste. The national policy highlights the importance of driving waste up the waste hierarchy, recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal. Local plans should consider locating facilities with complementary activities and seeking where practicable and beneficial to use modes other than road transport. Where a low carbon energy recovery facility is considered, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced.

- National Planning Practice Guidance (NPPG) Reference ID: 28-050-20141016 and Reference ID: 5-001-20140306 (To view, click Waste - GOV.UK (www.gov.uk) and Renewable and low carbon energy - GOV.UK (www.gov.uk)).

- Environmental Improvement Plan 2023 (First revision of the 25 Year Environment Plan) (To view, click Environmental Improvement Plan 2023 - GOV.UK (www.gov.uk)). This is the revised plan and includes ten environmental goals, including to enhance beauty, heritage and engagement with the natural environment. The Plan also seeks to minimise waste, reuse materials as much as possible and manage materials at the end of their life to minimise the impact on the environment.

- Energy from Waste: a Guide to the Debate (2013) (Department for Environment, Food & Rural Affairs/Department of Energy & Climate Change 2014) (To view, click Energy from waste: a guide to the debate - GOV.UK (www.gov.uk)). This document is concerned with recovering energy from residual waste that is the waste that is left when all the recycling possible has been done. It confirms that residual waste will, in part, include things made from oil, like plastics, and in part things that were recently

growing and are biodegradable e.g., food, paper, wood etc. It confirms that energy from residual waste is therefore a partially renewable energy source, sometimes referred to as a low carbon energy source.

- Dorset Council's Waste Detailed Technical Paper 15 July 2021 (To view, click Waste technical paper - Dorset Council). The paper identifies objectives for waste in Dorset, including the objective of becoming a zero waste council by 2050. The paper reviews the national and Dorset context, current situation, challenges, issues, opportunities and suggested action.

12. Human rights

12.1 Article 6 - Right to a fair trial.

12.2. Article 8 - Right to respect for private and family life and home.

12.3. The first protocol of Article 1 Protection of property.

12.4. This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13. Public Sector Equalities Duty

13.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:

13.2 Removing or minimising disadvantages suffered by people due to their protected characteristics.

13.3 Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.

13.4 Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionally low.

13.5 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

13.6 In this case, the application relates to a proposal for an ERF development. The ERF building would be sited at Portland Port, within the Port's privately owned land, where there is no public access for security purposes. Part of the heritage mitigation strategy could involve interpretation boards and managed access to historic assets. Such measures should have regard to accessibility for all visitors, including those with protected characteristics.

14. Planning Assessment

14.1 This application proposes the construction and operation of an Energy Recovery Facility (ERF) to be used for up to 30 years on land at Portland Port. The facility would take up to a maximum of 202,000, tonnes of Refuse Derived Fuel (RDF) per annum, which would be burned, and would generate up to 18.1MW (Mega Watts) of electricity, of which 15.2MWe (Mega Watts electricity) would be exported to the local grid. The remainder of the electricity would be used by the plant itself.

The key issues in the determination of this application include:

- Waste;
- Landscape;
- Heritage;
- Biodiversity;
- Amenity & Quality of Life;
- Traffic & Transport;
- Air Quality & Emissions;
- Flood Risk;
- Local Economy, and
- Sustainability;

Waste

14.2 The Bournemouth, Christchurch, Poole and Dorset Waste Plan, adopted 31st December 2019, promotes the sustainable management of waste through a vision, a set of objectives and a spatial strategy for the development of waste management facilities up to 2033. Applications for waste management development are considered against the development plan, of which the adopted Waste Plan forms a part. The Waste Plan covers the geographical extent of both the Dorset Council (DC) area and Bournemouth, Christchurch and Poole (BCP) Council area.

14.3 The Waste Plan's role is to identify sufficient opportunities to meet the identified needs of the area for waste management. The key principles that steer the Waste Plan include sustainable development; the waste hierarchy and self-sufficiency; the proximity principle; the circular economy; co-location

of waste management uses and cumulative impacts. The Waste Plan aims to take a positive approach which reflects the presumption in favour of sustainable development contained within the NPPF. It promotes the circular economy and aims to find solutions which mean that proposals can be approved where appropriate, to secure development that improves the economic, social and environmental conditions in the area. Policy 1 of the Waste Plan requires proposals for development of waste management facilities to conform with and demonstrate how they support the delivery of the key underlying principles of the Waste Hierarchy, Self Sufficiency and Proximity.

14.4 The primary purpose of the proposed facility, as put forward in the planning application, is waste disposal, as an alternative to landfill, and in doing so, electricity would be generated which could be sent to the national grid, used locally and for shore power. In addition, there is also the potential for heat to be generated, which could then be harnessed for use locally. The DEFRA/DECC Energy from Waste Guide (revised February 2014) considers that energy from residual waste is a partially renewable energy source, sometimes referred to as a low carbon energy source.

14.5 The ERF would deal with residual non-hazardous waste. This is the waste that is left, having first gone through a Mechanical Biological Treatment (MBT) process to remove recyclables such as metals, glass and organics. The 2019 Waste Plan identifies projected arisings in Dorset of 359,000 tonnes per annum by the end of the plan period (2033), with existing capacity of about 125,000 tonnes. This leaves a shortfall of, or need for, 234,000 tonnes per annum. In order to meet this need, the plan allocates four sites which have the potential to provide an estimated capacity of 385,000 tonnes per annum in the event that all the sites were to come forward. The 'surplus' capacity of 181,000 tonnes provides a degree of flexibility in the event of changing circumstances and allows for the possibility that all sites may not come forward.

14.6 The applicant has undertaken a waste assessment, which focusses on the potential increase that could be provided in Dorset's non-hazardous residual waste management capacity if the development were to go ahead. The figures used and the destinations of waste were from 2018/2019. The recycling rates for Dorset have risen to 60% from 52% since then, and the projection is for this rate to continue rising. In parallel, the quantity of residual waste created is projected to fall.

14.7 In 2021, Canford Magna Mechanical Biological Treatment (MBT) plant secured a 6-year contract with Dorset Council Waste to manage all Dorset's kerbside collected waste, with an option to extend the contract for a further 3 years until the end of August 2030. This equates to Dorset Council supplying around 67,000 tonnes per annum to the Canford Magna MBT plant, the majority being household collected 'black bag' waste, with approximately 9,000 tonnes per annum of the amount collected being classed as Commercial & Industrial (C & I) waste. Currently there is no landfill capacity available in Dorset, and once

sent to Canford Magna MBT plant, Dorset Council has 'disposed' of the County's waste. It is then for Canford Magna MBT plant, operated by New Earth Solutions (Canford) Ltd., to arrange the next stage in the process, and the final disposal of the Refuse Derived Fuel (RDF). Canford Magna MBT plant entered into a contract with the Bridgwater Resource Recovery Facility (BRRF) plant in 2022 for the following 10 years, to take all of the RDF derived from Dorset's waste from the Canford Magna site.

14.8 The proposed ERF at Portland would be a merchant facility, which means that it would not be pre-contracted to manage any specific waste authority's arisings. It would, instead offer a waste management facility that would be available for use by any waste producers as required. This means that it would not be built to specifically manage residual waste from just Dorset or the Southwest. If local or regional waste authorities did not choose to use the ERF plant at Portland, then waste would need to be imported from other areas/sources in order to supply the facility with sufficient feedstock.

Waste Hierarchy and Proximity Principle

14.9 Energy from Waste (EfW), or Energy Recovery Facilities (ERFs), have conventionally been compared with landfill within the waste hierarchy as a method of disposal of waste. In making this comparison, it is clear that there are benefits of using ERFs over landfilling. There is a substantial reduction in CO2 production, and this reflects the higher status of ERFs as a recovery technology in the waste hierarchy, which is higher than landfilling. Dorset no longer has any landfill disposal areas in current use, but, in principle, the recovery of energy from waste that would otherwise end up as landfill is a step up in the waste hierarchy from disposal. To this end, the proposal would provide Dorset with an alternative option for dealing with residual waste during the projected life of the plant once it is converted into RDF. It would also provide an alternative option for waste that will be handled by the Canford Magna MBT plant from 2027 onwards. It is worth noting that, as we move further towards the 2050 zero waste ambition, over the next couple of decades, by phasing out residual waste through actions on waste prevention, recycling and sustainable consumption and production, it is hoped that the only waste produced will be either reused or recycled. It follows that over time the availability of feedstock for ERFs would progressively reduce, which could translate into a need to import RDF from further afield. Nevertheless, it is the case that the Waste Plan's strategy is predicated upon a need to manage around 234,000 tonnes of residual waste by 2033, and therefore the proposal would be capable of meeting some of this need up to this date and beyond until such times as zero waste can be delivered.

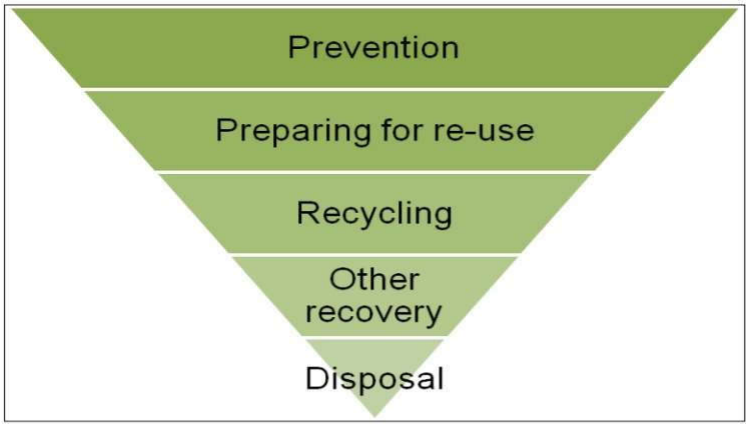
14.10 Siting the proposed facility at Portland Port would offer the ability to import RDF by sea, which is not an option for inland sites. It also allows for Incinerator

Bottom Ash (IBA) to be exported by sea, which is the applicant's intention. The application states that the proposed facility has been designed to take both loose RDF and baled RDF, although it is unknown what proportion of RDF would arrive by ship or by HGV. The proposed Powerfuel plant has been designed to rely upon residual waste that has been processed into RDF, through a process such as MBT. As the location of the proposed facility is at Portland Port, there is the potential for RDF to be delivered by ship, although this is not guaranteed to come from Dorset. During the period up to at least 2027 and potentially 2030, Dorset Council's waste would continue to travel by road to the Canford Magna MBT plant, and then onward as RDF to the Bridgwater Resource Recovery Facility (BRRF). The RDF generated from Dorset's waste could potentially be available to Powerfuel after 2027, depending upon whether proposals for any other facilities come forward. The applicant has offered to enter into a s.106 obligation requiring that they use reasonable endeavours to source RDF from Dorset Council or BCP areas, where such waste is available, and can be secured on acceptable commercial terms. Officers accept that only reasonable endeavours can be required of the applicant on this issue. As a result, only limited weight can be given to the proposed obligation. The applicant has also proposed an obligation requiring it to compete in any waste procurement exercise in DC's and BCP's area. Officers consider that this is not a planning matter but is instead a commercial matter for the applicant. As such it cannot be considered or taken into account.

14.11 The applicant considers that the Powerfuel plant would form part of an overall waste solution involving the disposal of RDF at a wider sub-regional or regional level and its subsequent use in generating energy would meet a clearly identified need for residual waste management capacity. It is possible that the proposed facility could have a more Dorset based role in the future once current contracts have expired from 2027 onwards.

14.12 The proximity principle means that waste should be recovered or disposed of, as close as possible to where it is produced, and the Waste Plan states, "*the waste infrastructure network must enable waste to be managed in one of the nearest appropriate facilities, through the most appropriate methods and technologies, in order to ensure a high level of protection of the environment and public health."* The Waste Plan further states that the principle must be applied when decisions are taken, when considering the location of proposed waste facilities, and this is therefore an important consideration.

14.13 The objectives of the Waste Plan are to manage waste at the highest feasible level within the waste hierarchy (see diagram below); to optimise self-sufficiency; to provide a flexible approach to the delivery of waste management facilities; to safeguard and enhance local amenity, landscape and natural resources, environmental, cultural and economic assets, tourism and the health and well-being of the people; to assist in reducing greenhouse gas emissions and provide resilience to climate change; and to safeguard existing waste management facilities from incompatible non-waste development.



The waste hierarchy

14.14 Policy 1 of the Waste Plan seeks to ensure that waste management proposals are sustainable development, which support the circular economy and improve the economic, social and environmental conditions in the area. The policy requires that proposals must conform with and demonstrate how they support the delivery of the key underlying principles of the waste hierarchy, self-sufficiency and proximity. Policy 2 supports integrated waste management facilities which incorporate different types of waste at the same location, or are co-located with complementary activities, unless there would be an unacceptable cumulative impact. The supporting text confirms that ERFs can provide particular opportunities to provide low carbon energy and heat to customers and suppliers. Planning applications for energy recovery should demonstrate that opportunities for co-location with potential heat customers and heat suppliers have been sought. This application has demonstrated that there may be the possibility of supplying HMP The Verne with heat, and that electricity could be supplied to the cruise ships that would use Portland Port. In respect of both of these matters, the proposal would comply with that aim of the Waste Plan, if secured through the proposed s106 obligations (set out in more detail below), although there would be no co-location with any other waste management uses.

14.15 However, the application site is not one of the allocated sites in the Waste Plan, and therefore needs to be considered on its merits. These sites should be in accordance with national policy and the waste plan policies and should address the spatial strategy and guiding principles of the Waste Plan, including the waste hierarchy and managing waste in accordance with the proximity principle. Policy 4 of the adopted Waste Plan states that proposals for waste management facilities on unallocated sites will only be permitted where it is demonstrated that they meet specific criteria which are set out in the policy. In accordance with Policy 4, the Waste Planning Authority need to be satisfied that there are no suitable allocated sites capable of meeting the waste management need that would be served by the proposal. Alternatively, applicants need to demonstrate that the non-allocated site provides

advantages over the allocated sites. In this planning application the applicant has undertaken a comparison exercise between the proposed site and the allocated sites in the Waste Plan. This concludes that the proposed site would have advantages over the allocated sites in that the application site is located at Portland Port. The identified advantages of its location are that;

a) some RDF could be brought to the facility by ship, thereby minimising road waste miles;

b) IBA (Incinerator Bottom Ash) can be taken away by ship to be processed elsewhere;

c) that some of the energy generated by the facility can be used directly by cruise ships docking at Portland Port (shore power). This is a significant attraction for shipping, including cruise ship operators as it has potential cost benefits and reduces emissions as a consequence of not having to run engines whilst docked; and

d) that the applicant has explored with the Ministry of Justice the potential for the use of the heat from the facility being used by HMP Verne prison. The plant itself would be CHP-ready, thus enabling the prison to explore this option, which would assist it in moving towards net zero targets.

The applicant therefore argues that the current planning application site at Portland Port has advantages over and above the allocated sites for the reasons outlined in a-d above, rather than there being no suitable or available allocated sites. Furthermore, in the case of a-c, these advantages are unique to it being a port location.

14.16 Looking specifically at Policy 4 of the Waste Plan (sites not allocated in the Waste Plan) it states that proposals for waste management facilities on unallocated sites will only be permitted where it is demonstrated that they meet the following criteria:

- *the non-allocated site provides advantages over the allocated site*. It is the case that the site's port location offers a distinct difference to the other allocated sites in the Waste Plan and, to this end, the opportunities to import RDF and export IBA via ship would not present themselves at the other sites. Perhaps of greater significance (given that it is not possible to guarantee import/export by ship or that RDF coming via this route is going to be locally derived) is that shore power can be delivered directly to shipping, including the economically important cruise liner market. This facilitates the port in attracting cruise ships where shore power can assist in reducing emissions from the ships while berthed. This can be a factor in influencing cruise ship destination choices by the industry, with the result that Weymouth and Portland's economy would benefit directly from visitors, with local tour companies and the local supply chain in particular benefitting. Portland Port supports the application on the grounds that additional

sources of electrical power would support growth (both for ships and tenants). The Port has been in discussions with its cruise line customers who it expects to be planning itineraries around ports which can provide shore-based power.

In this regard, it is reasonable to conclude that the site offers some locational advantages when compared to the allocated sites. The facility has also been designed with the capability to export heat and so would be classified as a 'CHP-ready facility' by the Environment Agency. The opportunity to export heat/power is not unique to this site alone, but nevertheless, the applicant has demonstrated that opportunities for co-location with potential heat customers have been sought, in compliance with the Waste Plan.

Nevertheless, it is important to recognise that the Waste Plan's spatial strategy seeks to move waste up the waste hierarchy through making provision for sustainable waste management facilities that optimise waste reduction and reuse, in appropriate locations, and its allocated sites are intended to facilitate this. The Powerfuel proposal does not have scope for co-location with other waste management facilities, unlike some other sites allocated in the waste plan. It therefore would require waste to be processed into RDF from another location before being transported to Portland. In this respect Dorset's allocated sites compare more favourably where the scope for integration of waste treatment and heat recovery exists. It is also the case that the allocated sites are in locations that are better placed to handle the largest source of Dorset's residual waste (Bournemouth-Christchurch-Poole conurbation), which potentially facilitate greater market access and comparatively shorter haulage distances for road-based feedstock. These are important considerations in relation to the overall strategy of the Waste Plan in terms of the sustainable management of residual waste. Furthermore, the application site has not demonstrated that it would offer any advantages over the allocated sites in terms of moving waste up the waste hierarchy and is less favourable in terms of adhering to the proximity principle. Therefore, its locational advantages are more apparent in relation to energy generation than to waste management.

On balance, it is therefore considered that the proposal does not comply with this criterion of Policy 4 and, when considered alongside its impact on heritage and landscape (set out elsewhere in this report), it would not support the delivery of the spatial strategy.

The proposal would not sterilise or prejudice the delivery of an allocated site that would otherwise be capable of meeting waste needs. There are other allocated sites in the Waste Plan, which could come forward and there is no evidence that this proposal would prejudice the other allocated sites. If the

other sites do come forward, it could introduce some risk to the viability of the Portland site due to friction of distance (if importing from beyond Dorset) unless the Powerfuel location at a port, with its advantages, is used, but with limited control over where the waste comes from. However, this would be a commercial decision and, given the proximity of the allocated sites to the Bournemouth-Christchurch-Poole conurbation, it is considered that the Portland site should not prejudice their ability to come forward.

- *The proposal supports the delivery of the spatial strategy, in particular contributing to meeting the needs identified in the plan, moving waste up the waste hierarchy and adhering to the proximity principle.* Dorset does not currently send its waste to landfill but does have safeguarded landfill sites which theoretically could be used if needed, although landfill tax provides a financial disincentive to this happening as long as alternative options are available, which they are currently, and are accounted for in the Waste Plan. In general terms, it is usually accepted that an ERF would move waste up the waste hierarchy in comparison with being sent to landfill. It is therefore acknowledged that in strategic (larger than local) terms the proposal would support moving waste up the waste hierarchy from disposal to recovery, but it is recognised that there cannot be certainty that it will comply entirely with the proximity principle if importation of waste occurs from further afield. It is also the case that the Waste Plan's strategy expects its allocated sites to move waste up the waste hierarchy and adhere to the proximity principle, so it cannot be concluded that the Powerfuel site would result in any comparative advantage.

Policy 4 continues….

- *the proposal complies with the relevant policies of this Plan.*
  Relevant Policies in the Waste Plan are as follows. Each is discussed in the appropriate part of this report, with a conclusion as to whether the proposal complies with that policy.

  Policy 1 (sustainable waste management),

  Policy 4 (Applications on unallocated sites),

  Policy 6 (Recovery facilities),

  Policy 12 (Transport and access),

  Policy 13 (Amenity and quality of life),

  Policy 14 (Landscape and design quality),

Policy 17 (Flood Risk),

Policy 18 (Biodiversity and geological interest),

Policy 19 (Historic Environment)

Policy 4 continues….

And proposals should be located,

- *within allocated or permitted employment land which allows for class B1, B2 and/or be B8 uses, or,*

- *within or adjacent to other waste management facilities where the proposed use is compatible with existing and planned development in the locality, or, on previously developed land suitable for employment or industrial purposes.*

The site is located on allocated employment land that is also previously developed land, although it is not adjacent to any other waste facilities. This particular policy criterion is therefore met.

14.17 It is concluded, in terms of compliance with Policy 4, that although there are some aspects of the proposal which meet the requirements laid down in the policy, there are others that do not, and overall, when also taking into account all of the other relevant policies in the plan, as discussed below, it is considered that the proposal does not accord with this policy.

14.18 **Policy 6** deals with proposals for the recovery of non-hazardous waste, and says that facilities will only be permitted where it is demonstrated that they meet all the following criteria:

a) the operation of the facility will support the Spatial Strategy, contributing to meeting the needs identified in the Plan. The proposal is not on an allocated site, and (as has been discussed in paragraph 14.16 in connection with Policy 4), it is considered that it would not offer advantages over the allocated sites in relation to the spatial strategy's aims of moving waste up the waste hierarchy and addressing the proximity principle through making provision for sustainable waste management facilities that optimise waste reduction and reuse in appropriate locations.

b) that the facility will not displace the management of waste that is already managed by a process that is further up the waste hierarchy than that proposed, unless there are benefits sufficient to outweigh its displacement. The proposal is a merchant facility that will be competing for residual waste feedstock. National waste planning policy identifies that energy recovery is

above disposal in the waste hierarchy, and Dorset has an identified need for residual waste treatment once recycling forecasts are taken into account. The adopted Waste Plan also accepts that planning for higher capacity levels over and above need helps to provide flexibility in case some sites do not come forward, while competition helps to drive down costs for waste authorities. It is therefore considered that, in principle, the proposal would not displace the management of waste that is already managed by a process further up the waste hierarchy.

c) proposals will provide for all operations including the reception, handling, processing and storage of waste to take place within an enclosed building unless there is no proven benefit from such enclosure and demonstrate that the proposed operations will be compatible with existing or proposed neighbouring uses. The application for the proposed facility indicates that the RDF brought to the site would be stored inside an area of the building dedicated for that purpose. Significant levels of incinerator bottom ash (IBA) would be generated by the use, potentially up to 20% by weight of the RDF that is brought to the site, and the applicant's intention is that this would be exported by ship from a jetty within the operational port area (and this would be a compatible activity within the established use of the Port) or, where this could not be achieved, would be loaded directly onto trucks which would transport the IBA away from the site. Overall, it is therefore considered that the proposal would be compliant with this policy requirement.

The planning application site is within the working Portland port, and the use would be compatible with the immediately neighbouring uses which are Port or employment related. This is already the established access route to the working port, and the site is allocated for employment uses. There are no highway objections to the proposal, and it should be noted that paragraph 111 of the National Planning Policy Framework makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The absence of a highway objection cannot, however, be interpreted as meaning there will be no amenity impacts. The entrance route to the facility would be directly through Castletown (Underhill Conservation Area) along a road which has residential properties and other uses such as shops, pubs and hotels, together with tourist facilities such as water sports hire and a museum. The proposal is less compatible with these uses, and their amenity could be affected by the additional traffic bringing RDF to the site. However, in the context of the existing and permitted operations of the port, and taking account of the currently predicted number of traffic movements as a result of the proposal, it is considered that such impacts could be mitigated to an acceptable degree through a condition to control delivery hours.

d) *where energy is produced, they provide combined heat and power, or if this is impracticable, they recover energy through electricity production and are designed to have the capability to deliver heat in the future.* It is considered that the proposal complies with this part of the policy in that the proposal is designed so that it could potentially supply combined heat and power, although there is has been no definite contract put forward with any potential users of the heat generated. Details have been put forward to demonstrate that recovered energy in the form of electricity would be used to power the plant itself and ships docking at the port, with the remainder going to the National Grid. The applicant has proposed s106 obligations to deliver the infrastructure, plant and machinery within the application site to supply the combined heat and power and electricity including shore power. It has also proposed to use reasonable endeavours to enter agreements with supplies and users of heat and power and electricity. officers consider that these obligations would secure compliance with this criterion.

e) *where gas is produced*…Not relevant to this proposal.

f) *possible effects (including those related to proximity, species and displacement of recreation) that might arise from the development would not adversely affect the integrity of European and Ramsar sites either alone or in combination with other plans or projects.* An Appropriate Assessment has been undertaken by the Council, focussing on transport emissions which would be created as a result of the development. This has concluded that there would not be any Likely Significant Effects on the integrity of the European sites. The Environment Agency (EA) is also carrying out an Appropriate Assessment in relation to those matters within its area of competence, focussing on matters emissions from the stack, and that would also need to conclude that there would not be any Likely Significant Effects, if planning permission is to be granted. Natural England has confirmed that it agrees with the scope and findings of the Appropriate Assessment.

.

Policy 6 continues to say that any residues arising from the facility must be managed in accordance with the waste hierarchy and the proximity principle. The proposed facility process would result in residues of Incinerator Bottom Ash (IBA) and Air Pollution Control residues (APCr) being created. The application states that the IBA that would be produced at the facility would be sent for processing, so that it could then be used as a secondary aggregate product for construction and roads. The applicant has suggested a s106 obligation that requires it uses reasonable endeavours to ensure these end uses for the IBA and the APCr and the processed products are local. It is hoped that the IBA would be exported from the site by ship in an unprocessed form, and then made into secondary aggregates by a third-party contractor at another location, near London. The treatment of IBA in this way would accord with the waste hierarchy. However, consideration of the proximity principle is more challenging, as the use of the IBA relies upon a market for the product. This would affect any EfW facility. At present, the applicant has not identified

a local market for the use of the IBA, so in the worst-case scenario, it might involve being transported some distance by road. However, the intended transportation by ship to London would be preferable to this and, given the locational advantage of being a port, this is an available option that would not present itself to inland sites. The applicant has suggested that the transport of IBA by ship could be ensured through a s.106 obligation, and that reasonable endeavours would be used for this, in order to limit the traffic impacts of the ERF. There are commercial reasons why the applicant can only undertake reasonable endeavours to comply with these obligations, rather than imposing an absolute obligation. As a result, and because there is no certainty that these aims will be achieved, they can only be given limited weight in the planning balance.

14.19 The aim of the proximity principle works together with the aims of co-location of sites for waste management facilities, so that the residues would not need to travel at all in the best example, and the ash residues would be processed on an adjacent site. APCr cannot however be easily treated and is accordingly not likely to be put to a beneficial use, at the application facility and would therefore need to be exported to specialist facilities for processing, most likely into glass construction blocks.

14.20 The final part of the policy requires that processing facilities for IBA must be located at or close to the source of the waste arising. This clearly would not be the case so these residues could not be considered to be being managed in accordance with the proximity principle. Processing would not be undertaken at, or close to the site, and there would be no co-location of waste management facilities at the site. Therefore, the proposal does not comply with this aspect of the policy, although some weight in the planning balance can be attributed to the port location and the prospect of having an end use which is capable of being supplied by ship. Notwithstanding this, in the absence of an absolute guarantee that this will occur, there is a chance that all of the residue would have to be transported by road with no certainty that it would be put to local use, and so only limited weight can be given to the applicant's intention to export by ship.

14.21 In terms of the proposal being a waste development on a non-allocated site, the supporting text at paragraphs 6.11 and 6.13 are helpful in interpreting these policies. Paragraph 6.11 of the Waste Plan states that such proposals will be considered on their merits, and that they should be in accordance with national policy and the Waste Plan, including the waste hierarchy and managing waste in line with the proximity principle. Paragraph 6.13 of the Waste Plan says that proposals for waste management uses on non-allocated sites must be supported by a satisfactory level of evidence and will need to comply with all of the relevant policies in the Waste Plan. Further details of all the relevant material considerations follow in this report, but in terms of the proximity principle, it has not been demonstrated through evidence that the proposal fully complies with the relevant policies of the Waste Plan.

14.22 In terms of Policy 6 (c) it is required that proposals need to demonstrate that the operations would be compatible with existing or proposed neighbouring uses. As referred to under Policy 4 above, the proposal is within a working port, on land allocated for employment uses, with which it would be compatible. The access through Castletown however would pass residential and tourism uses, and the increase in daily HGV movements may have amenity implications for them. It should be noted that there has been no highway objection to the application and that as the current access route to the port this route already has regular HGV traffic.

14.23 There have been a significant number of representations objecting to the proposed scheme on a wide range of issues, some of which relate to the principle of incineration and potential harmful emissions. It should be noted, however, that the application has been the subject of an Environmental Impact Assessment and neither the Environment Agency, nor Environmental Health have raised any objections in relation to emissions. Furthermore, the Waste Planning Authority should not duplicate the role of the Environment Agency in relation to its responsibilities under the Environmental Protection Act and in connection with issuing a permit for the operation.

Other relevant policies of the Waste Plan

14.24 **Traffic generation**. Proposals need to demonstrate through **Policy 12 of the Waste Local Plan**, that a safe access to the proposed site is provided, and that the development makes safe provision for any highway and transport network improvements necessary to mitigate or compensate for any significant adverse impacts on the safety, capacity and use of the strategic, primary and/or local road network, railway, cycleway or public right of way. As already stated, it is considered that the introduction of the HGV lorry movements associated with the ERF plant could be up to 80 a day. The majority of movements would occur between 7am and 7pm, which would equate to an average of 7 per hour, or just over 1 every 10minutes (although they may not be evenly spread throughout the day). Dorset Council Highways has no objection in terms of highway capacity.

There is the potential for sustainable transportation of RDF to the site, and in particular, the removal of IBA away from the site by ship, but this cannot be guaranteed as this will depend on contractual commitments and market circumstances that are beyond the scope of this planning application. Traffic modelling has therefore assumed the worst-case scenario that all movements will be by road. Movement by ship, whilst clearly both an option and desirable, cannot therefore be given significant weight in the planning balance.

14.25 Policy **13** of the Waste Plan seeks to ensure that any potential adverse impacts on **amenity** arising from the operation of the facility and any associated transport can be satisfactorily avoided or mitigated to an acceptable level.

Issues considered are noise and vibration, airborne emissions including dust, odour, litter and windblown materials, vermin, birds and pests, lighting, loss of privacy, visual impact, site related traffic impacts, and stability. There is significant anxiety in the local population about the potential for airborne emissions causing harm to human health from the proposed facility. It is important, therefore, to ensure that safeguarding of this issue is seen to be robust and that an application such as this will be subject to rigorous standards. The Environment Agency does not object and has confirmed that if planning permission is granted, the Environmental Permit (which has been submitted and is under consideration), would only be permitted if the emissions can be controlled to such a level that they would not be harmful to human health. As this aspect would be covered by other legislation, it cannot be stated that it would be unacceptable. It is considered that all other matters listed in Policy 13 such as dust, odour, litter, vermin and lighting could be controlled to a satisfactory degree through planning conditions.

14.26 Policy **14** of the Waste Plan seeks to allow waste management facilities where they are compatible with their setting and would conserve and/or enhance the character and quality of the landscape. They should achieve this through a sympathetic design and location and have an appropriate use of scale, form, mass and layout, detailing materials and building orientation. They should avoid, or, if this is not practicable, provide acceptable mitigation of adverse impacts on the landscape. Great weight will be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty, and the Outstanding Universal Value of the World Heritage site and their settings. Development affecting the World Heritage Site will be considered against Policy 19 and national policy on heritage assets. Permission will only be granted for waste developments where it is demonstrated to the satisfaction of the waste planning authority that the proposal will not result in unacceptable adverse impacts upon the special qualities that underpin the relevant designation. Proposals for major development in such areas, which includes their settings, will only be permitted in exceptional circumstances and where it can be demonstrated that they are in the public interest. In satisfying these requirements proposals must demonstrate that all of the following criteria are met to the extent that the benefits for granting planning permission outweigh any residual adverse impacts.

i) they would meet an identified need and there are no suitable alternatives for meeting the need.

Whilst the proposal as a merchant facility is not designed meet any specific identified need for treatment of residual waste, this is not say that it could not, and would not prevent it from doing so, and it is therefore at best arguable that it complies with this criteria. Notwithstanding that this may be the case, the Waste Plan sets out a strategy for meeting this need over the life of the plan, including through the use of allocated sites. As this site is not allocated in the plan, it cannot be concluded that there are no suitable alternatives for meeting the need and it is considered that Dorset's waste requirements can

be satisfactorily met without the proposal. It is also the case that the allocated sites have been tested through a local plan examination, taking account of landscape sensitivity.

ii) they have taken account of the AONB management plan objectives and policies when addressing this policy.

The proposal is not within the AONB but is approximately 7.5km away and would be within its setting, and visible in long distance views from the AONB. The AONB team have commented on the proposal and stated that the proposal would not meet the AONB management plan objectives and policies.

iii) there would be sustainability benefits of siting a development that meets a local need within an Area of Outstanding Natural Beauty. Proposals should also demonstrate that they will not have an unacceptable adverse impact upon the character of the undeveloped coast within the West Dorset Heritage Coast and the Purbeck Heritage Coast. The proposed development does not sit within, but would be visible from, the AONB and would also be visible from the West Dorset Heritage Coast.

Policy 14 also refers to the Dorset and East Devon Coast World Heritage Site. The Jurassic Coast Trust has stated their concerns about the proposal and stated that an industrial development of the proposed large scale, in the proposed location is not appropriate within the setting of the World Heritage Site. It is considered that an operational ERF in the proposed location would likely change how people perceive its surroundings as a natural or industrialised landscape. It is accepted that the proposed location would, as a result of being sited at Portland Port bring the potential for sustainability benefits for the operation of the facility, if operational movements of RDF and IBA were able to be transported by sea. However, The Jurassic Coast Trust considers that the scale and mass of the proposed building, in the proposed location, would have an adverse effect on the setting of the WHS (and other heritage assets) and would therefore have an adverse impact on the character of the undeveloped coast.

14.27 In terms of Policy **14** (Landscape and Design quality), the Dorset Council Landscape Officer has assessed the proposal with regard to all of the issues raised in this policy. The Landscape Officer objects to the proposal and considers that the scale of the buildings and their location at the very edge of the Portland Peninsula Landform would mean that the buildings would be highly visible from large areas of the Dorset Coast and mainland. He states that the Isle of Portland is a distinctive feature of the Dorset landscape, and the landscape and visual impacts of these proposals would be at their most significant, where they would create a new skyline rising up vertically from the base of the gently sloped and then steeper Portland landform. Views of this nature will be apparent from a continuous section of the Southwest Coast path long distance walking route. They are also visible from Sandsfoot Castle

Grade II* listed building, the designated Heritage Coast area, the Dorset and East Devon Coast World Heritage Site and the Portland harbour waters.

14.28 The applicant has proposed mitigation in terms of the materials to be used on the external elevations of the proposed ERF building. However, the Landscape Officer is of the view that that the work undertaken in this respect, whilst reducing the impacts as far as possible, considering the constraints on the development on this site, would have limited effect. He concludes that the very large scale of the buildings needed for the proposed facility, combined with the highly prominent and exposed location means that there would still be significant adverse landscape and visual impacts. I agree with him and as such consider that the proposal is contrary to Waste Plan Policy 14 – Landscape and design quality.

14.29 Policy **17** seeks to allow proposals for new waste management facilities where they would not be at significant risk of flooding. The policy requires compliance with the following criteria:

- The facility would not be at significant risk of flooding.
- Mitigation measures are provided if a risk of flooding is identified so that there would not be increased risk of flooding.
- They are compatible with catchment flood management plans and/or shoreline management plans.
- Appropriate measures need to be incorporated or provided to manage surface water run off including the use of SUDS, and
- They would not have an unacceptable impact on the integrity of sea tidal or fluvial flood defences.

There are no objections to the proposed scheme in relation to increased risk of flooding, subject to conditions recommended by the EA and the Lead Local Flood Authority (LLFA) being attached if planning permission is granted.

14.30 Policy **18** states that proposals for waste management facilities must not adversely affect the integrity of European or Ramsar or other internationally designated sites either alone or in combination with other plans and projects unless the test set out in the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations) are met. Proposals will only be permitted where adverse impacts on biodiversity and geodiversity will be avoided or, where an adverse impact cannot be avoided the impact will be adequately mitigated, or where adverse impacts cannot be avoided or adequately mitigated then compensation will result in the maintenance or enhancement of biodiversity or geodiversity. Practicable proposals should enhance biodiversity and geological interest. Development

which adversely affects SSSIs will not normally be permitted except where the benefits clearly outweigh the impacts on the features of the site.

14.31 Policy **19** seeks to ensure that waste management facilities will be only permitted where it is demonstrated that heritage assets and their settings will be conserved and or enhanced in a manner appropriate to their significance. Great weight will be given to the conservation (protection and enhancement) of designated heritage assets and their settings including listed buildings, conservation areas historic parks and gardens, scheduled monuments and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments. Proposals resulting in harm to the significance of a designated heritage asset will only be permitted if this is justified, having regard to the public benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to mitigate the extent of the harm to the significance of the asset. Where a proposal directly or indirectly affects non-designated heritage assets regard should be had to the scale of any harm or loss and the significance of the heritage asset. There are a number of designated heritage assets in close proximity to the application site, together with non-designated heritage assets. The policy reflects the statutory duty that in deciding the application, special regard must be given to the desirability of preserving listed buildings and their settings.

Heritage

Key Issues

14.32 The key issues in relation to heritage relate to the effects of the development on a significant number of adjacent and nearby heritage assets. As well as effects on individual heritage assets, and there are cumulative effects, given the linked and historic nature of these assets as part of the historic military port at Portland harbour that extends over much of the north and north-east side of the Isle of Portland. The relevant considerations include: identification of the nearby heritage assets; what the significance is of each heritage asset; including their setting and group value; what the harm is to the significance of those assets; and whether the assessment of that harm is adequate, together with whether proposed mitigation in the application is adequate, and what public benefits there would be.

14.33 The primary considerations are whether the proposal is accordance with the development plan and the statutory duties for development affecting listed buildings and conservation areas to have special regard to the desirability of

preserving the listed building or conservation area, its important features and its setting. The relevant development plan policies reflect the approach set out in some detail in the NPPF, which at its heart is concerned with the concept of "harm" to the significance of heritage assets and how this is to be assessed and applied. The Courts have held that the statutory duties are likely to be complied with if the NPPF policy is applied properly.

14.34 The key considerations are whether affected heritage assets and their settings will be conserved and/or enhanced in a manner appropriate to their significance. This is to be considered through the assessment of the harm to the significance of the affected heritage assets, and where such harm does occur, the requirement is that proposals will only be permitted if this is justified, having regard to the public benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to mitigate the extent of the harm to the significance of the asset. Specific policy requirements are as follows.

Development Plan Policy

14.35 Relevant development plan policy is set out in the Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019) (the Waste Plan) and the West Dorset, Weymouth & Portland Local Plan (2015) (the Local Plan).

14.36 Detailed policy on the historic environment is set out in Policy 19 relating to the historic environment. This provides the key development plan policy against which the application has to be considered. It states that proposals for waste management facilities will be permitted where it is demonstrated that heritage assets and their settings will be conserved and/or enhanced in a manner appropriate to their significance.

14.37 In relation to designated heritage assets it identifies that great weight will be given to the conservation (including the protection and enhancement) of Bournemouth, Christchurch, Poole & Dorset's designated heritage assets.

14.38 It makes clear that proposals resulting in harm to the significance of a designated heritage asset will only be permitted if this is justified, having regard to the public benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to mitigate the extent of the harm to the significance of the asset.

14.39 In relation to non-designated heritage assets it states that where a proposal directly or indirectly affects non-designated heritage assets, the Waste Planning Authority will have regard to the scale of any harm or loss and the significance of the heritage asset, and that where harm can be fully justified,

archaeological excavation and/or historic building recording as appropriate will be required, followed by analysis and publication of the results.

14.40 The Local Plan through Policy INT1, which concerns the Presumption in Favour of Sustainable Development, is essentially similar to Policy 1 of the Waste Plan in referring to the presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area. This is supported by Policy ENV4 relating to heritage assets. This states that the impact of development on a designated or non-designated heritage asset and its setting must be thoroughly assessed against the significance of the asset. It too sets out a requirement for development to conserve and where appropriate enhance the significance of heritage assets. It makes clear that applications affecting the significance of a heritage asset, or its setting will be required to provide sufficient information to demonstrate how the proposals would positively contribute to the asset's conservation, through appropriate conservation and enhancement measures. Again, it restates the principle that any harm to the significance of a designated or non-designated heritage asset must be justified, with applications being weighed against the public benefits of the proposal. It must be demonstrated that all reasonable efforts have been made to mitigate the extent of the harm to the significance of the asset, and if the works proposed are the optimum required to secure the sustainable use of the asset.

14.41 The Neighbourhood Plan for Portland 2017-2031 ("The Portland Plan"), includes Policy Port/EN4 Local Heritage Assets, which states that development proposals in proximity to a heritage asset should provide a clear assessment of the significance and impact of the proposal on the asset and its setting, and justify the design approach taken, and that development proposals that maintain or enhance the character and setting of any designated or non-designated heritage asset, and which enable the asset to be used in a manner commensurate with its heritage significance will be supported.

NPPF Policy

14.42 How development plan policy is to be applied, and in particular how "harm to the significance of heritage assets" is to be considered is set out in Chapter 16 of the NPPF, which is concerned with conserving and enhancing the historic environment.

14.43 Firstly, paragraph 189 of the NPPF makes clear that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites, which are internationally recognised to be of Outstanding Universal Value. These assets, the NPPF states, are to be considered to be an irreplaceable resource, and therefore

they should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

14.44 With this overall objective in mind, paragraph 194 states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

14.45 Paragraph 195 makes clear that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and consider the impact of a proposal on a heritage asset, so that the conflict between the heritage asset's conservation and any aspect of the proposal is minimised or avoided.

14.46 Paragraph 197 states that in determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.

14.47 The NPPF in paragraph 199 is clear in stating that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater that weight should be). This is irrespective of the level of any potential harm to an asset's significance.

14.48 It also makes clear, in paragraph 200 that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

14.49 What should be particularly noted is that the NPPF provides a defined framework within which the levels of harm to the significance of a heritage asset are defined; these are identified as being "total loss", "substantial harm" and "less than substantial harm". It important to understand what these terms mean, or what they do not.

14.50 The terms "substantial harm" and "less than substantial harm" are intended to cover a broad range of harm. It is a matter of planning judgement as to the point at which a particular degree of harm moves from "less than substantial"

to “substantial”, and there can be a range of harm that falls within the meaning of ‘less than substantial’. It also has been the case that the bar for “substantial harm” is recognised as being high, and that consequently what constitutes “less than substantial harm” should not be taken to mean harm that is not significant or that there is only very little harm, (although this may be the case) and that it can mean a level of harm up to, but just short of what constitutes “substantial harm”. Paragraph 18 of the Planning Practice Guidance on the Historic Environment states:

“Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings’ significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 194)”.

14.51 Paragraph 202 of the NPPF, sets out how proposals causing less than substantial harm to designated heritage assets should be considered. It states that where a development proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

14.52 It should also be noted that in relation to non-designated heritage assets (for example buildings that are considered to have heritage value, but which are

not subject to statutory listing, paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, it states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

14.53 Paragraph 206 makes clear that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. It states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should, be treated favourably. Finally, paragraph 208 advises that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

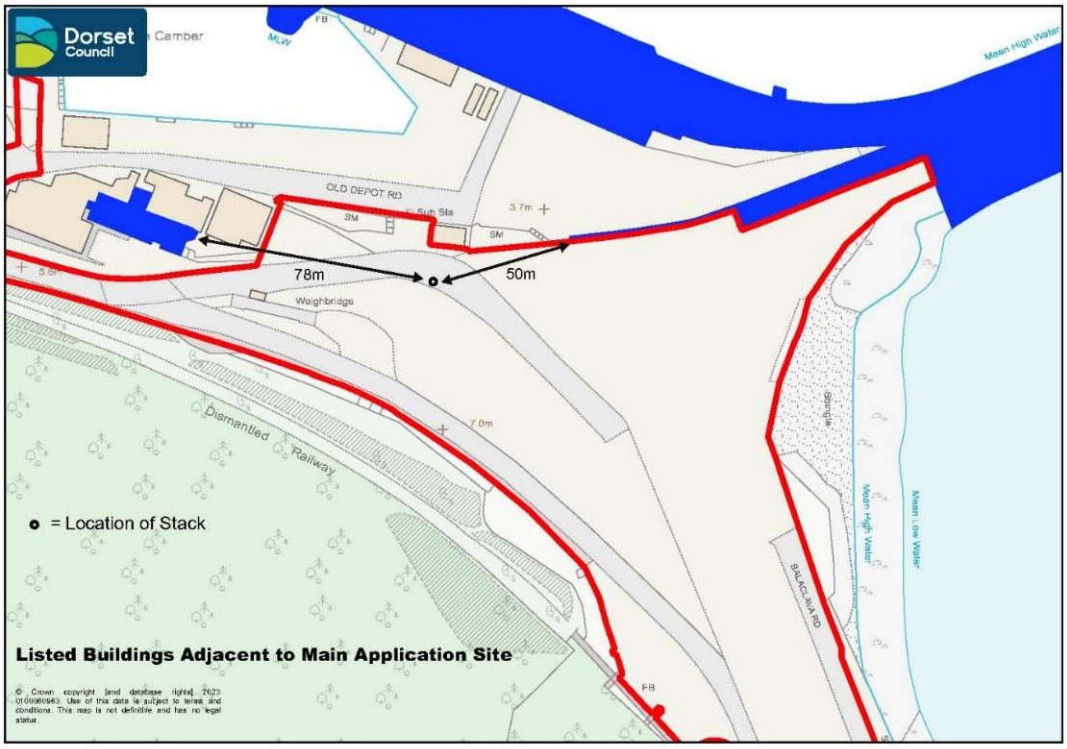
The Significance of the Affected Heritage Assets including the Contribution they make to their Setting

14.54 Within the policy framework set out above, the starting point for considering the impacts on heritage, in accordance with paragraph 194 of the NPPF is consideration of the significance of the affected heritage assets including the contribution they make to their setting. The paragraph sets out that it is for the applicant to do this as part their submission. The Environmental Statement, Chapter 7, submitted with the application, sets out the description of the affected heritage assets. Key points from the description are as follows.

14.55 The overall historic background relates to the development of Portland harbour as an important strategic military site, since at least the 16th century, when Henry VIII built Portland Castle along with Sandsfoot Castle on the opposite shore. In 1845 the Royal Navy established a base at Portland and constructed a new harbour. The inner and outer breakwaters were constructed between 1849 and 1882 and are Grade II Listed. The listing also includes the Coaling Sheds and the commemorative stone, laid by Prince Albert in 1849. The breakwaters were designed by the Chief Engineer James Meadow Rendel and have architectural and historic interest with Royal connections. The Dockyard Engineer's Office, Grade II Listed, dates from the 1840's and was built to be used by James Rendel to oversee the construction of the breakwaters. The Verne Citadel is at the top of the cliff, west of the application site, and was constructed as part of Portland coastal defences, together with a group of Batteries which are designated as Scheduled Monuments and Listed Buildings. The Verne Citadel was disarmed in 1906 but was used again in both World War I and World War II as a heavy anti-aircraft battery. The

southern part of the Citadel is now occupied by HMP Verne. Between the proposed development at Portland Port and the Verne Citadel is the Scheduled Monument known as the Battery, east of the Naval cemetery. This is currently on the Heritage at Risk Register and is in a poor state of repair, covered in undergrowth.

14.56 The East Weare rifle ranges and camp were established in the1880s. The structures commanded Portland Harbour to its southeast and can be seen from the higher slopes of The Verne. The structures have both architectural and historic interest but are overgrown and in poor condition, although there is a good degree of surviving historic fabric. There are also many non-designated assets such as the Breakwater railway built in 1878 and the Easton and Church Hope railway of 1867. The building of Verne High Angle Battery in 1892 and Upton Fort in 1902 demonstrates Portland's continuing role as an important strategic location and during World War II further military installations were built. These form part of the wider East Weare Camp and include six pill boxes, a fuel store and anti-boat landing obstacles in Balaclava Bay. The Listed Buildings that are closest to the main part of the application site, where the proposed ERF building would be located, are the Dockyard Engineer's Office and the Inner and Outer Breakwater (shown on map below in blue). The nearest part of the listed Inner and Outer Breakwater has a section which lies within and underneath the red line area of the planning application boundary, which comprises a series of chambers at a lower level than the application site land level.



14.57 In summary the designated heritage assets which are identified as being potentially affected by the proposal are as follows:

- Battery, 200yds East of the Naval Cemetery (Scheduled Monument) and three other Grade II 'East Weare Batteries';
- Verne Citadel (Scheduled Monument) including associated designated heritage assets within;
- Portland Castle (Scheduled Monument) and Grade I Listed Building;
- The Citadel, North Entrance Grade II* Listed Building;
- Dockyard Offices, Grade II Listed Building;
- Commemorative stone, part of Inner and Outer Breakwater including Coaling Shed, Jetties and Forts, Grade II Listed;
- East Weare Camp, Grade II Listed Building;
- 1 Castletown, Grade II Listed Building;
- Underhill Conservation Area;
- Mulberry Harbour Phoenix Caissons, Grade II Listed;
- Sandsfoot Castle remains, Grade II* listed building; and
- Dorset and East Devon Coast World Heritage Site (The Jurassic Coast).

14.58 The following table provide hyperlinks to the listing description for the potential affected Listed Buildings and Scheduled Monuments.

Table: Designated Heritage Assets (Listed Building and Scheduled Monuments

Name & Address of Asset	Asset Grade	National Heritage List Entry No.	Link to Listing Description
The Verne Citadel	Scheduled Monument	1002411	https://HistoricEngland.org.uk/listing/the-list/list-entry/1002411
Battery 180m east of Naval cemetery, (Incline Road, HM Naval Base)	Scheduled Monument Grade II Listed	1002412 1281863	https://HistoricEngland.org.uk/listing/the-list/list-entry/1002412 https://HistoricEngland.org.uk/listing/the-list/list-entry/1281863
Battery approximately 160m NE of East Weare	Grade II Listed	1447946	https://HistoricEngland.org.uk/listing/the-list/list-entry/1447946

Camp, (off Incline Road)			
East Weare Camp, (Incline Road)	Grade II Listed	1205814	https://HistoricEngland.org.uk/listing/the-list/list-entry/1205814
Battery approximately 80m SE of East Weare Camp, (Off Incline Road)	Grade II Listed	1444030	https://HistoricEngland.org.uk/listing/the-list/list-entry/1444030
East Weare rifle range	Scheduled Monument	1428958	https://HistoricEngland.org.uk/listing/the-list/list-entry/1428958
The inner and outer breakwater including the coaling shed, storehouse jetty, coaling jetty, inner breakwater fort and outer breakwater fort, (Portland Harbour, DT5 1PA)	Grade II Listed	1205991	https://historicengland.org.uk/listing/the-list/list-entry/1205991
Dockyard Offices, (Building 228, Portland Port Business Centre, Castletown, DT5 1PA)	Grade II Listed	1203099	https://HistoricEngland.org.uk/listing/the-list/list-entry/1203099

Portland Castle, (Castle Road)	Scheduled Monument Grade I Listed	1015326 1205262	https://HistoricEngland.org.uk/listing/the-list/list-entry/1015326 https://HistoricEngland.org.uk/listing/the-list/list-entry/1205262
Captains House, (Castle Road)	Grade II Listed	1280817	https://historicengland.org.uk/listing/the-list/list-entry/1280817

The Assessed Level of Harm to the Affected Heritage Assets

14.59 The next stage of the assessment, as set out paragraph 195 of the NPPF is to consider the impact of a proposal on any heritage assets, so that the conflict between the heritage asset's conservation and any aspect of the proposal is minimised or avoided. This is the stage of the process at which the level of harm to designated heritage assets has to be assessed in accordance with paragraphs 199 to 202 of the NPPF, and identified, i.e., whether this is "total loss", "substantial harm", or "less than substantial harm". As set out above, the requirements are that great weight should be given to a heritage asset's conservation, and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), requires clear and convincing justification. Regard must also be had the statutory obligations under s.66 and s.72 of the Planning (Listed Building and Conservation Areas)1990. This framework is also supported by body of relevant case law.

14.60 The Environmental Statement, Chapter 7, goes on to include an assessment of the impacts on the affected heritage assets.

14.61 The assessment considers the effects during construction and the effects post construction. It refers to the mitigation proposed and considers the residual and cumulative effects. It concludes that the construction phase of the proposed development would not alter the qualities or character of the setting of heritage assets in the study area and no significant effects are predicted. The main post construction effects (i.e. the impacts of the development once constructed and operational) are identified as follows:

- Moderate Effects on the Inner and Outer Breakwater and Dockyard Engineer's Office because of changes to the setting;

- Slight to Moderate Effects on the East Weare batteries because of changes to the setting;

- Slight to Moderate Effects on the Verne Citadel and the internal buildings because of changes to the setting; and

- Slight to Moderate Effects on Portland Castle and the 19th century house because of changes to the setting.

14.62 In addition, the alterations to the significance of the Underhill Conservation Area because of the changes to the qualities and character of the setting are assessed as being a small magnitude of change to an asset of medium importance, which will result in a long-term slight adverse effect that is not significant.

14.63 The assessment does not place the assessed effects into the categories of harm identified in the NPPF, i.e. “substantial harm” or “less than substantial” but merely includes a generic reference to an assessed degree of effect of being slight to moderate not stating which category corresponding to “substantial” or “less than substantial harm” as defined in the NPPF, they would fall into. Whilst there is therefore some ambiguity in the assessment, the fact that it does identify that there would be some harm means that this must be considered to be at least “less than substantial harm”.

14.64 It should be noted that the ES Chapter 7 does not provide any assessment of the effects of the development prior to mitigation, although it does this on the basis that design of the ERF incorporates “built-in” or “primary” mitigation. The assessment itself does not identify what the primary mitigation comprises but refers to these measures being identified in the ES Chapter 2 (Site Description of Development Proposals) and Chapter 9 (Landscape, Seascape and Visual Effects) and the Design and Access Statement submitted with the application. Neither Chapters 2 or 9 or the Design and Access Statement, however, include any express consideration of how, and to what extent the ERF has been designed to expressly mitigate, or would mitigate, the effects on the affected heritage assets, either individually or as a group. Because the conclusions are seemingly that the level of harm to the significance of the affected heritage assets, would be at the lower end of “less than substantial harm”, it concludes that no further mitigation, to address any residual effects, other than the “built in” or “primary” mitigation, would be required.

14.65 The Environmental Statement Chapter 7 also concludes that there is no potential for the proposed development to result in cumulative effects to heritage assets in combination with a number of other schemes, because of their location and distance from the site, their scale, or the nature of the developments.

14.66 Whilst the ES Chapter 7 undoubtedly suffers from some deficiencies, as set out above, it does not necessarily make the assessment it sets out invalid. However, it does raise questions as to the basis for the conclusions that it draws, and accordingly whether it provides an accurate assessment of the effects on affected heritage assets.

14.67 The initial consultation response from the Council's own Senior Conservation Officer, whilst not objecting to the application advised that the development would result in "less than substantial harm" to the affected designated heritage assets, including three Scheduled Monuments, and advised that there was a need for a programme of mitigation, and that without this mitigation it could not be considered that the proposals would meet the requirements of national and local plan policies. It is considered that this indicates a greater level of harm than the ES Chapter 7 assessment identified, and disagreement with the conclusions of the assessment in identifying that additional mitigation would be required to make the development acceptable. The response from the Senior Conservation Officer was clear in stating that without additional mitigation the application proposal would not be acceptable.

14.68 Historic England initially advised that it too had concerns regarding the application on heritage grounds, and in particular about the scale and massing of the ERF building and the dominance of the 80-metre-high stack, which it considered would visually compete with the Verne Citadel and dominate the heritage assets within the area. This is in stark contrast with the conclusions of ES chapter 7 which stated that "The appearance of the development in some views from areas on the north east side of the citadel and to the south will not affect the overall perception of dominance of the citadel across a wide setting, or the legibility of the functional relationship to Nothe Fort at the other side of the harbour" and that "The alteration to the significance of the large number of designated assets at the Verne Citadel, because of the changes to the qualities and character of the setting, will be a negligible to small magnitude of change to assets of high importance, which will result in a long-term slight to moderate adverse effect".

14.69 It is considered therefore that the Council's Senior Conservation Officer and particularly Historic England's advice would suggest that the conclusions of the assessment understate, and potentially significantly understate the effects on or level of harms caused to the significance of the affected heritage assets.

14.70 Historic England further advised that high priority should be given to protecting and enhancing the area's heritage assets, including its listed buildings and conservation areas, and other features with local historic or cultural associations, particularly where they contribute to the area's local distinctiveness, i.e., the area as a whole and the contribution of the numerous heritage assets located around the Portland Port. They notably commented that they did not see how the proposed development would protect and

enhance the outstanding built environment and the local distinctiveness of the area.

14.71 Of particular note, is that Historic England identify that they consider that as a group, the heritage assets around the application site at the Portland Port have associative value and therefore there is a particular sensitivity where the imposition of a large new development in the vicinity of which, would diminish their defensive context and bring a degree of harm. The main point is that the substantive impact arises from the construction of ERF as a very large structure with an 80m high stack and the effects this would have not only on the individual heritage assets, but across the group of assets and their setting as a whole.

14.72 What is clear in the advice from both the Senior Conservation Officer and Historic England, is that there would be "less than substantial harm" to a number of heritage assets, and Historic England consider that this would cause "considerable" harm to the significance of several of these heritage assets, from what will be a large and dominant development within their setting. This being the case, this is a level of harm which officers consider to be at the upper end of the "less than significant harm" scale.

Heritage Mitigation Strategy - Do the benefits of the proposal in securing the future conservation of a heritage asset outweigh the disbenefits?

14.73 Having established the level of harm to the significance of the affected heritage assets, the next issue to consider in accordance with NPPF paragraph 195 is how the conflict between the affected heritage assets' conservation and the proposed development would be minimised or avoided, i.e., whether it can be mitigated and whether the mitigation proposed is sufficient to acceptably achieve this. This also ties in with the requirement in NPPF paragraph 197 to take into account of the desirability of sustaining and enhancing the significance of heritage assets including putting them to viable uses consistent with their conservation.

14.74 As set out above, it should be noted that the application, and specifically ES Chapter 7, did not initially identify a need for any additional heritage mitigation works. Consequently, no additional mitigation was proposed. However, based on the initial advice, particularly from the Council's Senior Conservation Officer, that the assessed level of harm to the significance of the affected heritage assets would be "less than substantial", it was considered that the requirement for additional mitigation did need to be addressed.

14.75 As a result, a Regulation 25 request for further information under the EIA Regulations, was served on the applicant. This required the submission of further detail and assessment in respect of specific mitigation measures

proposed to mitigate potential harm caused to the historic environment from the proposal, which was required to have regard to the impacts on the setting of designated heritage assets and it included reference to the now proposed footpath link, that is no longer included as part of the proposal.

14.76 As result the Framework Heritage Mitigation Strategy (ES Appendix 6.1), was submitted by the applicant.

14.77 The Framework Heritage Mitigation Strategy initially proposed a number of additional mitigation measures including the undertaking of vegetation clearance and repairs to the East Weare Battery E, the provision of a permissive footpath linking existing public footpaths to allow an “around the island circuit” of the coastal path through currently inaccessible parts of the secure port estate, and enable controlled public access closer to the heritage assets, and the provision of interpretation boards at designated viewing points. Securing the implementation of the Framework Heritage Mitigation Strategy would have been achieved through a s106 obligation. The Framework Heritage Mitigation Strategy did not however include any mitigation in relation to any of the other affected heritage assets, seemingly, on the basis that the effects had been addressed through the “built-in” or “primary” mitigation. An addendum to the Environmental Statement updated ES Chapter 7 to take into account of the proposals included in the Framework Heritage Mitigation Strategy. The Framework Heritage Mitigation Strategy was further updated in February 2023, by the submission of an Updated Access Path Strategy Paper which amended the mitigation proposals included in the Framework Heritage Mitigation Strategy. However, uncertainties have remained over the ability to deliver the permissive footpath on account of the potential impact of security fencing along the permissive route upon the Special Area of Conservation to which Natural England raised concerns. Historic England also raised concerns regarding the impact of the security fencing on listed and scheduled assets nearby. On the basis that the permissive path, whilst having the potential to offer a public benefit (by linking existing rights of way and enabling some ability to view and interpret heritage assets) did not in itself offer significant mitigation for the less than substantial harm caused by the proposal to heritage assets. The applicant has since confirmed their withdrawal of the fence and the permissive path from the Framework Heritage Mitigation Strategy.

14.78 Following the submission of the Framework Heritage Mitigation Strategy and the Addendum to the ES, a further round of consultation was undertaken, and further comment received from the Senior Conservation Officer and Historic England. Whilst both welcomed the proposals included in the Strategy, significant concerns remained. Historic England in an updated comment, submitted in February 2023, whilst welcoming the programme of repairs to secure the long-term future of the East Weare Battery E, advised that the ERF development would still cause considerable harm to the significance of several heritage assets. In other words, that the Framework Heritage Mitigation Strategy, whilst potentially providing some benefits in relation to the East

Weare Battery E, did not address the substantive effects of the development of the ERF, and in particular the introduction of a substantial structure with an 80m high stack, on the adjacent affected heritage assets. Whilst they did consider that the repairs to the At-Risk registered battery would be a heritage benefit, they advised that this benefit was, and still is, unlikely to offset the harm to what is a large group of nationally significant heritage assets.

14.79 Consequently, whilst the application has through the submission of the Framework Heritage Mitigation Strategy and updated Access Path Strategy Paper, acknowledged the need for additional mitigation, it only did this to a very limited extent and only addressed and provided mitigation in relation to the East Weare Battery E. Its notable that the strategy, as initially submitted, did not, and still does not, take as its starting point the more fundamental issue of what the effects of the development as a whole will be or attempt to set out how the impacts of the main structure will actually be mitigated. The document as such, whilst promoting a particular proposal in relation to the East Weare Battery E, failed and still fails, to present a comprehensive mitigation strategy in relation to all the identified effects, and as such cannot be considered to be provide adequate mitigation which addresses the "less than substantial" harm. In practice it is difficult to see how mitigation for effects that would be caused by such a very large structure can achieved, other than by a reduction in the size and scale of the main ERF building and the stack.

14.80 In coming to this view, it should be noted that Historic England has advised in its comments, that some of the monuments and buildings affected are heritage assets of the very highest significance, and the NPPF paragraph 200 advises that the more important the asset, the greater the weight that should be given to its conservation. The NPPF defines conservation as the process of maintaining and managing change to heritage asset in a way that sustains, and where appropriate enhances its significance. Given the inadequacy of the assessment of the effects on heritage assets and the proposed Framework Heritage Mitigation Strategy, the advice from Officers is that it cannot be considered that the affected heritage assets would be conserved in a way that sustains or enhances their significance.

Overall Conclusions on the Effects on Heritage Assets

14.81 In terms of the key requirements set out in the NPPF, first in relation to that set out in paragraph 194, that the applicant must describe the significance of any heritage assets affected, including any contribution made by their setting, there no reason to consider that this has not been satisfactorily addressed in the ES Chapter 7.

14.82 However, in relation to the requirement under paragraph 195, in terms of the consideration of the impact of a proposal on affected heritage assets, Officers consider that the conclusions of the assessment are understated, and

potentially significantly understated, in relation to the effects on the significance of the affected heritage assets. As a result, the initial assessment in the application was that no further mitigation was required and did not identify or adequately identify the conflict between the heritage assets' conservation and the harm caused by the proposal and how this would, or could be minimised or avoided. Although additional mitigation was subsequently proposed through the submission of the Framework Heritage Mitigation Strategy, the advice is that this fails to address the substantive adverse impact on the adjacent heritage assets arising from the introduction of a substantial structure with an 80m high stack. In fact, it simply does not address this issue.

14.83 In terms of the considerations set out in paragraph 197 relating to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets would make, and the desirability of new development making a positive contribution to local character and distinctiveness, it cannot be considered that the development of the ERF itself makes any positive contribution to local character and distinctiveness, given that no positive effects have been identified. The only aspect of the proposal that potentially gives rise to a positive contribution to local character and distinctive are the proposals in the Heritage Mitigation Strategy for the vegetation clearance and repairs to the East Weare Battery E.

14.84 Paragraph 199 of the NPPF makes it clear that great weight should be given to the conservation of heritage assets and this point has been highlighted by Historic England.

14.85 In terms of the requirement set out in paragraph 200 that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification, the case presented in the ES Chapter 7 in terms of providing that justification, did not identify that there was any significant level of harm, or whether "substantial" or "less than substantial" harm would be caused, requiring justification. In that respect the application does not provide the required justification.

14.86 In relation to the assessment of "less than substantial harm" to designated heritage assets as set out in paragraph 202, the officer advice as set out above is that the conclusions of the assessment set out in ES Chapter 7 understates, and potentially significantly understates, the effects on the significance of the affected heritage assets. Although an Addendum to the ES was subsequently submitted, this did not result in a substantive reappraisal of those effects.

14.87 Finally, in relation to paragraph 206 relating to opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance, whilst as noted above, the proposals for the vegetation clearance and repairs to the East Weare Battery E, set out in the Framework

Heritage Mitigation Strategy, potentially do offer some benefits, no other proposals have been put forward with the aim of enhancing or better revealing the significance of the other heritage assets close to the proposed ERF building, including the Inner and Outer Breakwater, the Dock Engineer's Office and the East Weare Camp and other batteries in the vicinity.

14.88 Overall therefore, the proposals cannot be considered to be acceptable in terms of their impact on cultural heritage, either in relation to the relevant paragraphs of the NPPF as set out above the Waste Plan Policy 19, Local Plan Policy ENV4 or Policy Port/EN4 of the Neighbourhood Plan for Portland 2017-2031. This being the case, the issue is whether, in accordance with NPPF paragraph 202, the "less than substantial harm" to the significance of the affected designated heritage assets, would be outweighed by the public benefits of the proposal.

<u>Overall Assessment of Harm Weighed Against the Public Benefits of the Proposal.</u>

14.89 As set out in paragraph 202 of the NPPF where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset(s), the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The identified harm must be given significant weight when considering whether the harm is outweighed by the public benefits of the proposal.

14.90 It also relevant to consider paragraph 208 of the NPPF which advises that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset and outweigh the disbenefits of departing from those policies.

14.91 As set out elsewhere in this report the public benefits that could arise from this proposal could be considered to be the following:

- Generation of 15MWe electricity that would be sent to the national grid, contributing positively to energy resilience in a context of constrained national supply to Portland (with minimal prospect of upgrades to the National Grid connections during the life of the project).
- Generation of electricity, to be made available to cruise ships and other ships mooring at Portland Port whose operators have a rational incentive to seek cleaner and cheaper electricity when in port;
- Associated economic benefits arising from the port's enhanced ability to attract cruise ships, with a significant proportion of passengers visiting local attractions in Weymouth and Portland;

- Potential for heat to be generated and used locally (the scheme would be CHP ready), with discussions having already taken place between the applicant and HMP The Verne;
- Additional capacity for waste disposal (recovery) in Dorset;
- Creation of 300 jobs during the construction phase; and
- Creation of up to 30 permanent jobs once the facility is operational.

14.92 In weighing overall harm to heritage assets comprising the array of Listed Buildings, Scheduled Monuments and the Conservation Area in the vicinity of the site, all of which would have their integrity impacted, against the public benefits which would arise if the development were to go ahead, it is the judgment of planning officers that the public benefits would not outweigh the harm that would arise because:

a) the 'less than substantial harm' which would relate to harm to a range of inter-connected heritage assets would be at the upper end of the scale

b) the landscape impacts are not able to be sufficiently mitigated

c) as a consequence of a and b, when combined with the availability of allocated sites in the plan which are capable of addressing Dorset's waste needs, it is considered that the proposal does not comply with the policies of the Waste Plan.

d) notwithstanding the locational advantages of the port, it also has disadvantages in that other allocated sites have scope for co-location with better opportunities to facilitate a range of treatment options (including blag bag waste treatment) and are better located to deal with road-based haulage.

14.93 Historic England has stated that they have concerns about the application on heritage grounds, which relate to the scale and massing of the waste development, including the dominance of an 80-metre-high stack which would visually compete with the Verne Citadel and dominate the heritage assets within the area. In addition, the Jurassic Coast Trust's view is that the proposals would negatively impact the Dorset and East Devon Coast World Heritage Site as a result of the proposed development within its setting and Historic England concur with this view. It is therefore considered that the proposal is contrary to both local and national policy in relation to heritage matters.

14.94 The Applicant has put forward some Heritage Mitigation to be proposed as an obligation in the s106 agreement, however, this would comprise solely of the clearance of scrub around East Weare Battery E, and its repair, the aim being to take the asset (a scheduled monument) off the Historic England At-Risk Register, which is welcomed. However, there are no further proposals for extended maintenance of the monument during the lifetime of the ERF, without which, and without public access, further deterioration would be likely, looking ahead. Further, the NPPF advises in paragraph 196, that, where there is

evidence of deliberate neglect of a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. No other heritage mitigation is proposed in the planning application, even though it is acknowledged that there would be harm to the significance of other heritage assets. It is therefore considered that very little positive weight can be applied to the mitigation proposed.

14.95 Overall, it is considered that the proposed development would have a cumulative adverse effect, and cause harm to designated heritage assets. The Waste Local Plan says that proposals for waste management facilities will be permitted where it is demonstrated that heritage assets and their settings will be conserved and or enhanced in a manner appropriate to their significance. In respect of heritage, this proposal neither conserves nor enhances the heritage assets or their settings and therefore does not comply with local or national policy and would be contrary to the Development Plan.

Landscape

14.96 Chapter 15 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment. A number of points are made, including;

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value;

b) recognising the intrinsic character and beauty of the countryside;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water, or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

14.97 Paragraph 176 refers to great weight being given to conserving and enhancing landscape and scenic beauty in the AONBs. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within these 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. Policy 14 of the Waste Plan (Landscape and design quality) requires that proposals for waste management facilities should be

compatible with their setting and should conserve and/or enhance the character and quality of the landscape. The West Dorset, Weymouth & Portland Local Plan has a strategic approach which requires that development should protect and enhance the natural environment – its landscape and seascapes. Policy ENV1 aims to protect the area's exceptional landscapes and seascapes, taking into account the objectives of the Dorset AONB Management Plan and the World Heritage Site Management Plan. The policy goes on to say that development should be located and designed, so that it doesn't detract from, and where reasonable, and should enhance the local landscape character. Development that would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty or Heritage Coast, including their characteristic landscape quality and diversity and panoramic views will not be permitted.

14.98 Paragraph 176 of the NPPF also states that development within the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The proposed application site is not located within the AONB but is approximately 7.5 kilometres from the AONB boundary and would be visible from it. The greatest magnitude of effect on the landscape and seascape will be experienced by areas of Weymouth and Portland outside the AONB boundary. Views of the proposed development from within the AONB would be relatively long distance but they would encompass sensitive panoramic sea views from the coastal margin and elevated inland hills such as the South Dorset Ridgeway. The AONB landscape and seascape character assessments make a number of references to sweeping panoramas along the AONB's coastline towards the Isle of Portland, with the land mass forming an instantly recognisable focal point. The proposed development would add a new large-scale feature within the port area and due to the scale of the building it would be a discernible feature within sensitive views out from the AONB, although due to the distances the adverse effect would not be to a significant degree. On those occasions when a plume of emissions from the proposed stack would be visible, then that would worsen the scenario. It is accepted that the plume could only be visible relatively occasionally (due to atmospheric and weather conditions) but the potential length of the plume and the potentially eye-catching characteristics of such a feature would still be visible from the AONB. The worst-case scenario means that at times a substantial plume would highlight the presence of an overly industrial element within the seascape setting of the AONB. Consequently, adverse effects on the landscape and scenic qualities of the designated area would be likely those that will affect uninterrupted panoramic views of the exceptional coastline.

14.99 In landscape terms, the main concerns over these proposals are due to the scale of the buildings and their location, located at the very edge of the

Portland peninsula landform. The Isle of Portland is a distinctive feature of the Dorset landscape, highly visible from large areas of the Dorset coast and mainland. The landscape and visual impacts of these proposals would be at their most significant in views from the NW, where they will create a new skyline rising up vertically from the base of the gently sloped Portland landform. Views of this nature would be apparent from a continuous section of the Southwest coast path long distance walking route. Part of the rationale behind creating national trails such as the England coast path (in this area also following the Southwest coast path route) is about connecting people with the environment to improve their health and well-being as well as protecting and improving our global environment. The proposed ERF building would also be visible from Sandsfoot Castle Grade II* Listed Building on the other side of Portland Harbour. The coast in this location is also designated as the Dorset and East Devon World Heritage Site (the Jurassic Coast). Even though these viewpoints are some distance away across the harbour, the very large scale of the proposed building and the height of the stack is such that they will still create significant adverse impacts.

14.100 It is clear that the proposed ERF building has been designed, together with its layout and orientation, to try and minimise the impacts from it, as much as possible. However, the very large scale of the type of building required for the use, together with its very high stack, in combination with its highly prominent and exposed location means that there would still be significant adverse visual impacts. The significance of these impacts, combined with the number and sensitive nature of many of the viewpoints that would be affected, means that the proposal is not acceptable in landscape terms, and as such is contrary to Waste Plan Policy 14 and West Dorset and Weymouth and Portland Local Plan Policy ENV1.

14.101 Dorset Council's Senior Landscape Architect disagrees with some of the judgments that are made in the submitted LVIA and believes that some of the resulting landscape and visual impacts have been understated. Despite these areas of disagreement, the submitted LVIA concludes that there will be residual adverse visual impacts resulting from the proposed development. According to the findings within the LVIA, significant visual effects will only be felt within the area of Portland Port and the breakwaters, including the Sailing Academy, Portland Marina and Portland Harbour, Public Rights of Way S3/68. S3/70, S3/72, and S3/81 close to the site, Sandsfoot Castle and The Nothe Fort. The LVIA states that the highest degree of effect predicted is moderate. There is disagreement over the significance of the effects upon visual receptors using the Southwest Coast Path and within the Dorset and East Devon UNESCO World Heritage Site. The LVIA states that the visual effects on these receptors will be slight and not significant whilst the Dorset Council

Senior Landscape Architect believes that these will be of a moderate and significant level.

14.102 The Senior Landscape Architect considers that the ERF buildings and stack would create a large-scale industrial development that will be visible from the South West Coast Path. The World Heritage Site designation includes substantial, publicly accessible areas along the northern shoreline of Portland Harbour for which no representative viewpoint is provided in the LVIA in the planning application. From these closer views across the harbour to Portland, the scale and bulk of the new development would appear as a conspicuous and visually intrusive new element in those views.

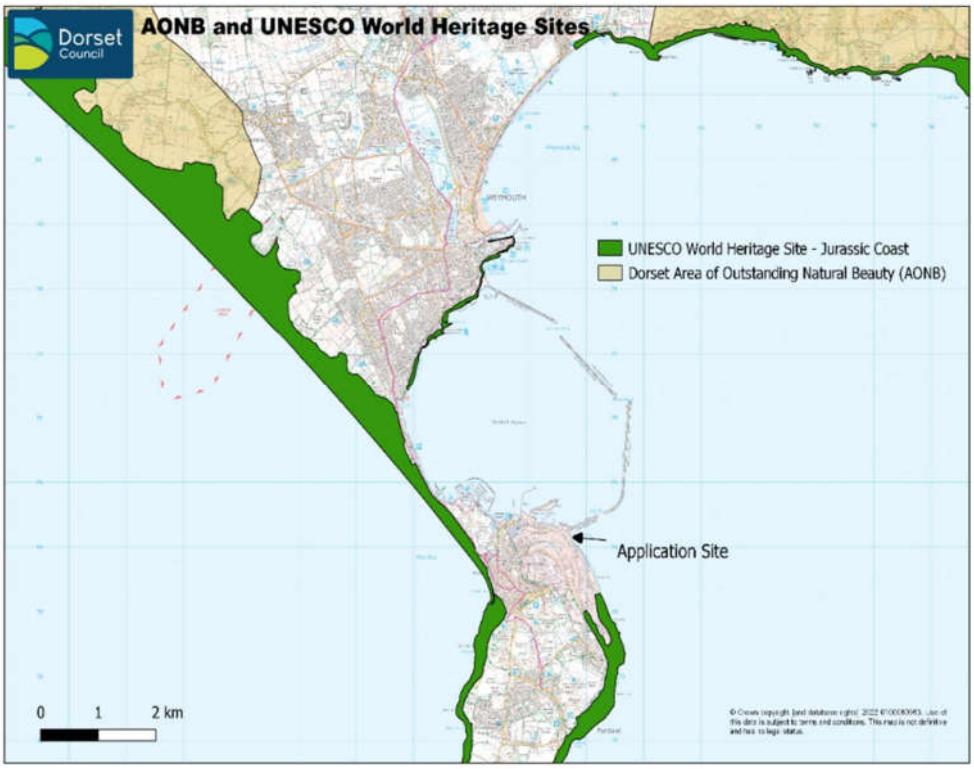
UNESCO Dorset and East Devon Jurassic Coast World Heritage Site

14.103 The Dorset and East Devon Coast World Heritage site, otherwise known as the Jurassic Coast, was inscribed in 2001 for its internationally significant geology, palaeontology and geomorphology. It is protected by a variety of UK planning and conservation laws and by specific guidance within NPPF and NPPG. The NPPF identifies World Heritage sites as being of the highest significance and therefore the designated heritage assets of the greatest importance. The planning application site is not within the designated area of the WHS but is located in close proximity of it. This means that any impacts from the proposed development will be on the Site's setting.

14.104 The Jurassic Coast Trust consider that the proposed development will negatively impact the setting of the World Heritage site. Policy IM3 in the Jurassic Coast Partnership Plan 2020- 2025, requires that proposals that are outside the World Heritage Site, but which could have an impact on it, should consider potential harm to the setting of the site and take measures to ensure that harm is avoided. The Trust considers that the best mitigation for this proposal would be to build the facility on an alternative site. The issue with the World Heritage Site is that the experiential setting of the Jurassic Coast is not a feature in and of itself but relates to people's experiences that enable an understanding of our appreciation for the geological elements that underpin its attributes and Outstanding Universal Value (OUV). The key sensitivities that arise through this proposal relate to views into and out of the World Heritage Site, specifically regarding how these localised World Heritage Site attributes find an experiential presence within the setting of the World Heritage Site. These elements also relate to local landscape character which is covered by local plan policy.

14.105 The Jurassic Coast Partnership Plan 2020-2025 defines the setting of the Jurassic Coast in both experiential setting and functional setting terms. With

regard to its experiential setting, this should be regarded as the surrounding landscape and seascape and concerns the quality of the cultural and sensory experience surrounding exposed coasts and beaches. Although the coast was not inscribed on the World Heritage list for its natural beauty, UNESCO recognised its value with respect to this criterion as nationally important, justified further by the UK Government's decades long designation of the East Devon and Dorset Areas of Outstanding Natural Beauty which cover more than 80% of the WHS area. An assessment of landscape and seascape character provides a starting point for evaluation of the impact of change in the setting. The special qualities of the AONBs, such as tranquillity and the undeveloped character of coast and seascapes are important for helping to determine how people experience and enjoy the setting of the WHS. In terms of its functional setting, in the context of a moving boundary that keeps pace with erosion, the setting is important because development and activity within it may sooner or later impact on the World Heritage site itself. The development of housing for example may lead to a need for future coastal defences. In order to maintain OUV, the cliffs need to be allowed to erode into a natural setting. Secondly, the coastal landforms and processes of the WHS are defined and explained by past and present geomorphological and hydrological systems that extend landward and seaward. Any developments that impact on these systems may well have a resulting impact within the Site itself.



14.106 It is considered that the proposed development would not have an impact on the functional setting of the WHS, but there are concerns about its potential impact on the way that people experience the WHS. Policy R4 in the Jurassic Coast Partnership Plan, says that those elements of landscape character, seascape, seabedscape, natural beauty, biodiversity and cultural heritage that constitute the WHS's functional or experiential setting should be protected from inappropriate development. Policy IM3, which refers to proposed renewable energy developments outside the inscribed area of the WHS, but which could have an impact on it, says that decision makers should consider potential harm to the OUV and/or the setting of the WHS, and make sure that harm is avoided.

14.107 Paragraph 200 of the NPPF, requires that any harm to assets of the highest significance, including World Heritage Sites should be wholly exceptional. Paragraph 206 requires that local planning authorities should look for opportunities for new development within the setting of heritage assets and that proposals should preserve those elements of the setting that make a positive contribution to the asset, or better reveal its significance, and that these should be treated favourably. In this case, the size and bulk of the proposed ERF building, and its stack, cannot be minimised in the proposed location at Portland Port and they would have an adverse impact on the setting of the WHS, with no opportunity to make a positive contribution. The proposal is therefore contrary to the development plan and national policy.

Biodiversity

14.108 Policy ENV2 (Wildlife and Habitats) of the West Dorset, Weymouth & Portland Local Plan states that internationally designated wildlife sites (those protected under the Habitats Regulations – Special Areas of Conservation, Special Protection Areas and Ramsar Sites – collectively referred to as 'habitats sites') will be safeguarded from development that could adversely affect them, unless there are reasons of overriding public interest why the development should proceed and there are no alternative acceptable solutions.

14.109 The policy also says that proposals that conserve or enhance biodiversity should be supported. Opportunities to incorporate and enhance biodiversity in and around developments will be encouraged. Development of major sites should take opportunities to help connect and improve the wider ecological networks. Development that is likely to have an adverse effect on internationally protected species will not be permitted unless there are reasons of overriding public interest why the development should proceed.

14.110 Paragraph 180 of the NPPF requires that when determining planning applications, local planning authorities should apply the following relevant principles; a) if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for, then planning permission should be refused; b) development on land within or outside a site of special scientific interest which is likely to have an adverse effect on it should not normally be permitted. The only exception is where the benefits of the development clearly outweigh both its likely impact on the features of the site that make it of special scientific interest and any broader impacts on the national network of sites of special scientific interest; d) opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhanced public access to nature where this is appropriate.

14.111 Paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Natural England previously stated that air quality thresholds for Likely Significant Effects would be exceeded at Isle of Portland to Studland Cliff Special Area of Conservation (SAC), Chesil and the Fleet SAC, and Chesil Beach and the Fleet Ramsar site, however, since the production of the appropriate assessment, Natural England has confirmed that they are satisfied that there would be no Likely Significant Effects that would adversely affect the integrity of the habitats sites.

14.112 The application has been assessed under the (Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations') process. The proposal requires the consent, permission, or other authorisation of more than one competent authority, and, in accordance with regulation 67(2) of the Habitats Regulations, 'nothing in regulation 63(1) requires Dorset Council to assess any implications or a plan or project which would more appropriately be assessed under that provision by another competent authority'. In the light of this, Dorset Council and the Environment Agency are coordinating their roles according to regulation 63(1).

14.113 Given the coordinated approach, of both the Environment Agency and Dorset Council, the final conclusion of the Appropriate Assessment is therefore dependent on the outcome of the EA permit application and accompanying Appropriate Assessment. If the Committee is minded to grant planning permission, any resolution to do so should be subject to receipt of the Appropriate Assessment of the EA and confirmation that the proposed development will not affect the integrity of a European Site, also taking into account the need for additional mitigation or compensation which may need to be controlled through the planning application.

14.114 Natural England has been consulted on Dorset Council's Appropriate Assessment and considers that there would not be Likely Significant Effects on the surrounding and nearby European or internationally designated sites. as a result of the development due to impacts from traffic emissions. Their latest letter (14th March 2023) confirms that this is no longer a reason for objection, though they maintain a holding objection while the Environment Agency's Appropriate Assessment process is still under way. By way of clarification, officers consider that the permitting regime is such that Powerfuel would need to address any issues arising from the EA's Appropriate Assessment, should any arise, prior to an Environmental Permit being issued. This will ensure that there is no risk that the project could be progressed if it is unable to rule out any likely significant effects. Therefore, in the event that the EA's Appropriate Assessment conclude that there are no likely significant effects, we would also anticipate that Natural England would withdraw their holding objection on this point, assuming they are satisfied with the conclusions of the EA's Appropriate Assessment.

14.115 Natural England's letter of 8th March 2023 maintained an objection to the proposal on grounds of concerns about the impact of fencing along the proposed permissive path and due to the absence of additional contributions to offsite biodiversity net gain. However, the issue regarding the fencing is, as set out above, no longer relevant as this has now been removed from the planning application. In terms of Natural England's suggestions for offsite biodiversity net gain, Officers consider that the applicant has agreed to a package of mitigation measures (see below) to address onsite impacts and currently there is no national or local policy requirement for offsite biodiversity net gain, if not required to mitigate the impact of the proposal.

14.116 A Biodiversity Plan, in connection with this proposal, has been approved by the Natural Environment Team at Dorset Council and deals with the on-site biodiversity impacts that would occur as a result of the proposal through mitigation and compensation. The compensation for habitats lost on site, in the form of a financial contribution of £82,231.28 payable at full commercial operation of the facility would be used for habitat restoration elsewhere on Portland. The NET Compensation Projects Officer would determine how these funds would be allocated once these have been received by the authority if the application is approved. The financial contribution and the implementation of and compliance with the Biodiversity Plan would need to be required through conditions and a Section 106 agreement. Further conditions could be attached, if permission is granted, in relation to the submission of a construction environmental management plan.

14.117 NET supports the comments of Natural England regarding Biodiversity Net Gain (BNG), suggesting that this should be secured separately and in addition to the Biodiversity Plan. However, Officers consider that as BNG is not yet a statutory requirement, this cannot be required and would not therefore be compliant with the tests relating to section 106 obligations.

Amenity

14.118 A significant number of representations have been submitted to the Council in relation to this proposal, and a substantial quantity of them refer to significant concern and worry regarding the emissions from the facility and the impact that they would have on local residents' health. The waste management industry is strictly regulated by legislation to protect human health and the environment, and an application has been submitted by the applicant to the Environment Agency for an Environmental Permit to run the proposed facility. The EA's permitting regime seeks to ensure that waste facilities operate in a safe manner as a legal requirement. Therefore, it can be expected that the ERF facility would operate safely, with emissions being managed to an acceptable level. The nearest residential properties to the proposed ERF plant are located on the hill on the East Weare estate at Amelia Close and Beel Close, just to the west of the Royal Naval Cemetery. Their rear gardens face south or east and would therefore be closest to the plant at approximately 550 metres away. There are also two residential properties, with east facing rear gardens just inside the Verne Citadel (nos. 3 & 4 The Verne). As the proposed stack would be sited in the development as a standalone feature to the north of the building, measuring 80m high from ground level, this would take the top of the stack closer to these houses which are sited at a higher level on Portland than the ground level where the ERF building, and structures would be located.

14.119 Quality of life can also be affected in other ways as a result of the operation of waste management facilities, and in this case, noise, odour, vibration and litter have all been assessed by Dorset Council's Environmental Health Officer as being acceptable.

14.120 Site related traffic movements are also referred to in Waste Policy 13 (Amenity and quality of life) as an issue that could cause potential adverse impacts on amenity. The Applicant's submitted Transport and Traffic statement looks at different parts of the route that the HGVs would take to and from the proposed ERF facility. In that assessment, it concludes that there would be high or medium sensitivity to the lorries travelling along the route at the following locations: Castletown, Portland Beach Road, Portland Road and Buxton Road. It is possible that queuing HGVs arriving at the Port could spill over into the end of Castletown outside residential properties and tourism uses, as all Port related traffic uses the same entrance, and must show ID and be authorised forward on to Port land. This could have an impact on amenity.

14.121 As referred to earlier in this report, the entrance route to the facility would be directly through Castletown (Underhill Conservation Area) along a road which has residential properties and other uses such as shops, pubs and

hotels, together with tourist facilities such as water sports hire and a museum. The amenity of these uses could be affected by the additional traffic, it is considered that such impacts could be mitigated to an acceptable degree through a condition to control delivery hours.

Traffic and Transport

14.122 Once operational, the proposed ERF would generate up to 80 HGV lorry movements per day, to and from the site, which equates to 40 in and 40 out. Although at the operational stage the applicant hopes to utilise ships delivering RDF to Portland Port, there are no specific details regarding this as the proposed energy plant would be a merchant facility, so the total number of HGV movements has been assessed as if all RDF was to be brought in by road. There would also be movements in relation to the export of IBA. It is proposed that this would be taken away by ship from Portland Port to a specialist processing facility which could make it into an aggregate product suitable for construction and road projects. The facility that the applicants have communicated with is a company that has a wharf on the River Thames at Greenwich. However, definite transport by ship has not been confirmed and therefore the HGV movements that would be required, if it was necessary to take all the IBA away by road have also been included in the figure of 80 HGVs per day. The air pollution control residue (APCr) that would be produced by the facility would also be taken away from the site by road and these movements have also been included in the 80 HGVs a day figure.

14.123 The construction phase is considered likely to last around 24 months, during which time up to 300 people would be employed at the site. All movements of both workers and materials would be by road. There would need to be export of some demolition materials and the import of construction materials. The applicant considers that there would be some scope for construction workers to be brought to site in minibuses or vans, to avoid individual vehicles and minimise the numbers.

14.124 During the operation of the facility, HGV movements that would occur, can be broken down into import of RDF to be used as feedstock, the return of the empty HGVs after delivering the RDF, and empty lorries arriving to collect ash (IBA) and to take it either by the road network for onward processing, or to take it the short distance within the port, to the dockside ready for loading onto a ship, ready for export.

14.125 HGVs would typically carry a 25-tonne load and the applicant predicts that there may be 25 of these lorries bring RDF to the site each day. The majority of these HGV movements would take place between 07.00 and 19.00 hours, but the applicant has requested that up to three HGV movements may need to take place during the evening/night. The applicant has agreed that the

additional three movements could be limited to between 19.00 and 22.00 by condition, in order to minimise any impact upon residential amenity.

14.126 The HGVs travelling to the site from the main road network (A35 east or west), would follow the advisory lorry route towards Weymouth, following Granby Way, Chickerell Road, Lanehouse Rocks Road and Portland Road. HGVs travelling north, away from the site would turn right at Foord's Corner roundabout and follow Buxton Road, Rodwell Road (Boot Hill) into Weymouth and exit via Westway Road, Weymouth Way to Weymouth Relief Road and onwards to the A35. These HGV recommended routes have been in place since December 2021 to direct southbound HGVs away from Boot Hill due to air pollution and congestion in that area.

14.127 When operational, the applicant considers that there would likely be 10 staff on duty split into 3 shifts over 24hours. The split shifts proposed means that the number of vehicles that would be transporting employees to the facility would be low. Dorset Council Highways has no objection to the application, subject to conditions, and considers that the submitted transport documents are robust and that the residual cumulative impacts of the development cannot be thought to be severe in highway terms. National Highways were also consulted and do not have any objection to the application either.

14.128 Traffic issues associated with this proposal have formed a large part of concerns by members of the public who have made representations on the application. Their concerns are that the roads are already congested, and even more so in the summer months when visitors arrive in the area. They are concerned that the route passes very close to residential properties, in part, as well as an Infant School and Church and a busy local shopping area at Wyke. Boot Hill has residential properties close to a busy stretch of road, and the area is known to have air quality issues. The entrance to the Port also runs past residential properties at Castletown, where there could be potential queuing of HGVs. All of these issues and concerns are separate from the issue of whether the road network has the capacity to safely take the proposed increase in lorries, and both local and national Highways experts have agreed that there is sufficient capacity. The other issues highlighted by objectors would therefore fall to be assessed under Policy 13 on amenity and quality of life. The proposal is therefore considered to comply with Waste Plan Policy 12 Transport and Access. In addition, the applicant has offered an obligation under s.106 to ensure as far as it can, that HGVs serving the ERF will follow a one way route to be agreed with the Waste Planning Authority.

Air Quality and health issues

14.129 Objectors to this proposal have expressed strong concerns that emissions from the proposed plant would be harmful to health and there may well be significant issues arising. There are particular concerns in relation to the potential for problems exacerbated by the local topography. Although the

proposed stack would be 80m high, given its location immediately adjacent to the steeply rising landform of Portland, there are concerns that emissions from the top of the chimney would be on a level with residential properties both in Beel Close and at HM Prison The Verne. Dorset Council Environmental Health has confirmed that any consideration of issues relating the stack height, potential emissions and control measures for gas and particulate emissions are dealt with by the Environment Agency which has legislative responsibility for these matters, and they will be addressed separately under the Environmental Permitting application process.

14.130 The Environment Agency has confirmed that it has no objection to the proposed development subject to conditions and informatives. The areas the EA will be assessing under its Permitting regime include emissions to air from regulated activities, pollution to surface and groundwater, noise pollution from permitted activities, dust control from permitted activities, pest control from permitted activities, fire risk from permitted activities and odour control from permitted activities.

14.131 The Health Impact Assessment submitted with the planning application states that: 'The Human Health Risk Assessment (HHRA) has concluded that the health effects associated with emissions of NO2, SO2, PM10 and PM2.5 from the ERF are shown to be very small and could reasonably be described as negligible.' Dorset Public Health state that it should be noted that this does not mean that there will be no impact on human health associated with emissions from the operation of the proposed development. They also reminded us that in 2013, the World Health Organisation said... "that there is no evidence of a safe level of exposure to PM (particulate matter) or a threshold below which no adverse health effects occur'.

14.132 Dorset Public Health consider that the proposed development, and associated increased traffic and transport, could well lead to increased exposure of the local population to this pollutant, and others, even if they are, as the applicant asserts, 'very small'. The application indicates that the provision of shore power to vessels in Portland Harbour could potentially have a positive impact on air quality and human health which would be a benefit weighing in favour of the proposal (although this must be balanced against the introduction of new emissions from the ERF itself). There is increasing demand for shore power and so it is likely to be taken up by visiting ships. As set out above, a s106 obligation is proposed to require the installation of the shore power infrastructure and to require the installation of the shore power infrastructure and to require the applicant to use reasonable endeavours to encourage its use by visiting vessels.

14.133 The Environment Agency is still working on the Environmental Permit application submitted by the applicant in parallel to this planning application. Paragraph 188 of the NPPF says: "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (and these are

subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities." Therefore, issues in relation to human health due to emissions from the proposed development will be controlled through the Permitting regime of the Environment Agency.

14.134 Paragraph 119 of the NPPF seeks ensure that planning decisions promote an effective use of land…, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Public Health Dorset refers to the high level of deprivation on the Isle of Portland, compared to the rest of Dorset, together with higher levels of diagnosed depression in adults compared with the rest of the County.

Flood Risk

14.135 The main part of the application site comprises previously developed land, with previous buildings on the site having been demolished in recent years. The site is mostly covered by Flood Zone 1 on the Environment Agency's indicative flood maps. Flood risk at the site is considered low, however, due to the proximity of coastal waters, the site is adjacent to areas of Flood Zone 2 along both the north and east boundaries as well as being near to an additional small area of surface water ponding just outside the northern boundary of the site during the 1-in-100-year rainfall event and above.

14.136 Waste Plan Policy 17 requires new waste management developments within Flood Zone 1 which are greater than 1ha in size to be accompanied by a Flood Risk Assessment (FRA). A FRA was submitted with this planning application and the Lead Local Flood Authority (LLFA) advised that a free discharge of surface water to the sea would be permitted in this location as there would be no discernible impact on the downstream tidal flood risk. The comment was also made that surcharging of the system needs to be avoided during normal conditions, as exceedance flow directly to tidal waters could conceivably convey contaminants off-site. The LLFA originally placed a holding objection due to the applicant proposing to use the existing surface water outfalls which required a survey of the pipes' capacity and condition to ascertain if the proposed surface water discharge route was viable and whether additional attenuation on site would be needed.

14.137 Dorset Council requested further information to address these issues, and the applicant has submitted a Flood Risk Assessment addendum which included the commissioning off CCTV drainage surveys and the review of the historic drainage records. Following review of the additional information the LLFA considers that the two eastern outfalls which discharge into Balaclava Bay have adequate capacity to manage surface water flows from the proposed roof

areas. However, the northern outfall has insufficient capacity and would require surface water discharges from the yard and traffic to areas to be restricted further and attenuated on site. The LLFA considers that the updated drainage layout demonstrates that there is adequate space on site for the previously proposed swales and additional surface water attenuation within underground geo-cellular tanks. This would be sufficient to prevent flooding on site for up to the one-in-100-year plus 40% climate change rainfall event, and the LLFA has no objection to the application subject to the imposition of conditions.

Contaminated Land/ Land stability

14.138 Waste Plan Policy 16 requires that waste management facilities will be permitted providing that the quality and quantity of water resources would not be adversely affected and that ground conditions are suitable. A desktop study submitted with the planning application indicated that prior land contamination issues stem from made ground, prior gasworks and a coal depot in the vicinity and previous industrial infrastructure, and the likely risk of unexploded ordnance.

14.139 Dorset Council Environmental Protection considers that there could be significant contamination exposure scenarios, which would need to be managed during site preparation and construction, and further investigation will need to take place. Dorset Council have had the submitted Environmental Statement and documents formally reviewed by a contaminated land consultant. They advise that conditions would need to be attached if permission is granted with the following requirements.

1. A phase 1 desk study report to be undertaken documenting the entire history and character of the areas within the application site relating to past contaminating activities together with a preliminary risk assessment.

2. Submission of a series of invasive site investigation reports documenting any contamination and detailed strategies for remedial works, together with an informative about asbestos removal, if found.

Noise

14.140 In April 2021 the Environment Agency requested a further assessment of noise impact that could arise from the proposed development. A detailed noise assessment undertaken in relation to BS4142 was submitted by the applicant in August 2021.The analysis took into account representative plant and associated noise emissions, and as the proposal is for the ERF to run 24 hours a day, the same predicted levels of sound from the ERF were applied to both the day and night assessment. It was found that the predicted rating sound emissions from the proposed ERF do not exceed the measured background level at the various assessed receptors. This indicates that any effect of sound

from the ERF would not be significant. In addition, the noise assessment noted that the baseline noise level was established at a time when COVID-19 restrictions were being lifted, but that some economic activity at that time may still have been lower than prior to the pandemic. If this was the case, any effect that this would have on the assessment would lead to a cautious assessment i.e., an over prediction of impacts and effects.

14.141 Dorset Council's Environmental Health Officer agrees and accepts the baseline sound survey that was undertaken. The EHO considers that the report detailed that mitigation measures had been incorporated into the calculations, and that these design features should be conditioned if planning permission is to be granted. An example of this would be requiring profiled steel sheet cladding and louvres to the lower 6 metres of the walls. The Council would also require a further condition that would require the submission of the scheme for the monitoring of noise emissions from the plant in accordance with BS4142. This scheme should include the identification of sensitive receptor monitoring locations and monitoring periods, and how the operational noise criteria would be met at any sensitive receptor locations. The rating sound level from the normal operation of the plant would be approved and shall be measured in accordance with the approved scheme and shall not exceed representative background sound levels either during day or night by more than 5dB(A) at approved monitoring locations. The details of this scheme would need to be submitted prior to the plant becoming operational. Once the plant had been operational for at least three months, a further report would be required to demonstrate that it is operating within the agreed scheme. it is therefore considered that it has not been demonstrated that there would be any particular potential adverse impacts on amenity arising from noise and vibration, and therefore the proposal is considered to be in accordance with Policy 13 - Amenity and Quality of Life of the Waste Local Plan.

Sustainability

14.142 Sustainable development is at the heart of the planning system and is a guiding principle of the Waste Plan. The NPPF also refers to achieving sustainable development as the purpose of the planning system. The planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are classed as economic, social and environmental objectives. Sustainable location of waste management facilities is a significant factor when assessing the suitability of sites. The national planning policy for waste requires the waste planning authority to consider the capacity of the existing and potential transport infrastructure to support the sustainable movement of waste and look at alternative modes of transport where possible. In this particular case, the applicant states that they would like to transport RDF to the facility by ship, with the potential removal of IBA taken away from the facility also by ship.

However, the proposal also acknowledges that they cannot be guaranteed, and therefore, the proposal has been assessed using road transport only.

14.143 The Waste Plan also aims to ensure that new facilities are located as close as possible to where the waste is produced in order to reduce vehicle movements and the impacts from the transportation of waste. An assessment of the impacts on the road network along the route that the HGVs would travel to and from the proposed facility has been made earlier in this report. In terms of sustainability, there is also the issue of the proximity principle which has been assessed in the waste section of this report paragraph 14.9. The detailed design of the proposal also plays an important role in assessing sustainable construction and operation and can include measures to address climate change mitigation and resilience.

14.144 Policy 15 of the Waste Local Plan - Sustainable Construction and Operation of Facilities requires that new waste management facilities should demonstrate that the site design, layout and operation will make provision for climate change mitigation and resilience through sustainable construction, considering water efficiency in the design and operation of the facility, utilising landscape design to offset carbon emissions, minimising energy demand and heat loss by considering energy efficiency, and making provision for the use of renewable or low carbon energy.

14.145 In terms of site design/ layout and construction of the proposed ERF, the following aspects of the application are considered to comply with Policy 15.

- The proposal includes a shore-based-power system, which is intended to supply electricity to berthed ships, independent of the grid from the proposed ERF through a simple cable connection. It is proposed to provide high voltage electricity infrastructure from the ERF to the Coaling Pier and the Queens Pier. This would consist of a cable connection from the ERF to a converter station to convert the 50Hz grid electricity to 60Hz which would be required by most shipping. This would be located between Main Road and Old Depot Road.

- There would be two cable connections from the Converter Station - one to the Coaling Pier where a substation would be installed to provide up to 12MW capacity and the other to the Queens Pier where a substation would be installed to provide up to 10MW capacity.

- The 12MW substation would be sufficient to provide capacity for the largest cruise ship that can dock or supply several smaller ships simultaneously. The 10MW substation is designed for smaller ships and could supply several at one time.

- The ERF would also have a 5MW grid connection, so power could be delivered to ships during periods of shutdown of the plant (such as annual maintenance) and this would also allow additional grid capacity to be supplied, in the unlikely event that more power is required than the ERF is generating at the time. However, the applicant anticipates that for the majority of the time, the ERF would be able to provide shore power, and export power to the Grid simultaneously.

- The roof of the ERF building, above the RDF storage area at the rear, is proposed to be fitted with approximately 3,400m^2 of photovoltaic panels, which the applicant expects will make a contribution of about 750 MWh per annum to the national grid.

- The application also proposes to fit 10% of the parking spaces with electric charging points, and to fit the remaining spaces with ducting to facilitate the installation of cabling and charging units as required. The ERF is also proposed to be fitted with LED lighting in order to reduce its overall electricity use.

- The facility has been designed with the capability to export heat (and so would be classified as a “CHP-ready facility” by the Environment Agency. The applicant has undertaken discussions with potential heat users on Portland. The applicant has also completed an initial technical and planning review assessment to confirm there are no risks to the delivery of a Direct Heat Network on the assumption that a contract can be agreed with the cornerstone offtakers (the Ministry of Justice). The applicant has proposed a S106 obligation which would ensure that the ERF is able to export heat to local users, subject to acceptable commercial agreement with the Ministry of Justice and the landowner will be required to deliver the district heating network. The applicant understands that the delivery of a district heat network would be subject to future planning permission, needed in its own right. Separate planning permission would be required for the actual pipework and structures needed outside this application site, however this application could ensure the necessary infrastructure is made available up to the site boundary. Taking this into account, it is considered that the applicant has taken all reasonable steps within the application site to make the scheme CHP-ready, and there are no known impediments in principle for this to be taken up by prospective customers. Furthermore it is likely that the Ministry of Justice will be looking for opportunities to reduce the carbon footprint and heating costs of its estate and to this end the Powerfuel proposal would offer a realistic prospect of achieving these objectives. Reasonable weight in the planning balance, therefore, should be afforded to the fact that it will be CHP-ready.

Carbon intensity and greenhouse gases

14.146 The Applicant's carbon assessment has assessed the relative carbon benefits compared with alternative sites for an ERF in Dorset, elsewhere in the UK and Europe. The assessment also concludes that the carbon benefits of the proposal can be increased by exporting heat to a district heating scheme and providing power to ships moored at the port.

14.147 The assessment concluded that there would be a net reduction in greenhouse gas emissions from the ERF compared with landfill. It also concluded that there would be potential for the benefit to be increased if power is exported to ships moored in Portland Port, and if the ERF were to export heat as well as power then the carbon benefits over landfill would increase even further. The assessment also considered that sending electricity to the grid would offset the carbon burden of producing electricity using other methods, the usual comparator being gas fired power stations, though this will become less relevant as the proportion of electricity generated by renewables increases.

14.148 The application also proposes that the plant would export power to ships moored at Portland Port which currently run their own engines. This would include cruise ships and vessels from the Royal Fleet Auxiliary. As ship-board power has relatively high carbon intensity, displacing this with electricity from the ERF would have an increased carbon benefit to displacing grid power. Proposed heat export from the facility would also offset emissions from any natural gas boilers that would be used instead.

14.149 There would also be carbon emissions from HGVs transporting RDF to the facility and the removal of ash (IBA) and residues (APCr) away from the facility. If these transport movements were by ship, then emissions from transport would be reduced.

14.150 The assessment concluded that there would be a net carbon benefit of the ERF compared to sending the same quantity of waste to landfill, which would further increase if power is exported to ships in port. If CHP mode is included, then the figures improve further. Other scenarios were also looked at to compare carbon emissions of the ERF compared to sending the RDF to other Energy Recovery Facilities in the UK, or overseas, and managing the RDF in other ERFs on allocated sites in Dorset. These are arguably more relevant in this case, as none of Dorset's waste currently goes to landfill, and the benefit in comparison with landfill only applies where the potential feed stock would otherwise go to landfill.

14.151 The applicant's report considered that the direct carbon emissions from combusting waste would be the same at all ERFs regardless of location. The differences would therefore be due to transportation and any differences in the carbon displaced by generating power or heat. The conclusion was that the difference in transport impacts from Canford Magna would be marginal; transporting 60,000 tonnes of RDF a longer distance would increase carbon impacts, but the application does not say exactly where the RDF would come from. Currently RDF is sent to Bridgwater EfW plant, which is a further distance from Canford Magna than Portland is. Therefore, sending RDF to Portland could result in a slight benefit, compared to the current arrangement, but only if the distance that it travels is minimised. Equally, a longer distance for the travel of RDF could result in greater emissions. If ships were used, then there would be a further improvement, but this application cannot guarantee that scenario, therefore the worst-case scenario is that the RDF and other movements would all take place by road. If a new ERF is constructed at Canford Magna[2] (Inset 8 Waste Plan) the report concludes that the RDF would not have to travel any distance and therefore transporting RDF by road to Portland would result in higher carbon emissions. The Applicant points out that the site at Portland has locational advantages though, in that the potential for exporting power to ships mooring at the Port would displace some of the carbon, and if ships were used, this would further reduce carbon emissions.

14.152 It is accepted that there would be carbon benefits from electricity production from the ERF, and these benefits would be extended to the use of that electricity as shore power for ships. However, over time, as it is the government's policy to decarbonise grid electricity, the benefit of displacing electricity will reduce. District heating may be a benefit of the proposed development, if that takes place. By about 2038, potentially about 12 years into operation, it is considered that, at that stage, annual benefit will become negative, whilst cumulative benefit will start to fall rapidly, but this is dependent on several factors including waste composition, which are hard to predict.

14.153 In conclusion, the carbon assessment makes a number of comparisons, some of which are more likely than others. One of the reasons why the Waste Plan promotes co-location of waste management facilities (see Policy 2 – Integrated waste management facilities) is so that sites that promote different types of waste management can function in an interconnected way. For example, an MBT plant produces RDF which is sent by conveyor to an adjacent ERF, which in turn can send IBA by conveyor to an inert waste processing plant. In that scenario, only a very small quantity of APCr would need to be taken away by road.

14.154 As this application is on an unallocated site in the Waste Plan, and there are no other waste management uses either in existence or proposed in the vicinity, there is no opportunity for the above to happen, which means that in the long term, all RDF and ash products would need to continue to be

transported, probably by road, which would add to carbon emissions for the lifetime of the facility.

14.155 The applicant has put forward a possible approach to Net Zero, suggesting an a S106 obligation which would require the developer to make a financial contribution of £100,000 per annum to a Decarbonisation Fund, which would make investments with the key aim to further reduce carbon emissions, by providing fair access to solar, energy efficiency and EVs for local people, as well as other long-term environmental benefits with criteria setting a preference for local initiatives. In the context of national policy and the fact that energy recovery is partially renewable, it is not considered that such a contribution could be considered necessary under the regulations governing the use of Section 106 obligations (Regulation 122 tests). Nevertheless, Officers would agree that such a package could deliver a range of local benefits and assist Dorset in moving towards Net Zero. Therefore, whilst it cannot be given any weight in the planning balance the applicant has committed to offering a unilateral undertaking to secure this fund should the committee be minded to approve the application.

Local Economy

14.156 The site is within a key employment site as identified under policy ECON2 of the West Dorset Weymouth and Portland Local Plan. The policy encourages proposals for B1, B2, B8 employment and 'other similar uses' subject to them not having a significant adverse impact on surrounding land uses. It also allows employment purposes other than B1, B2 and B8, if it can be proven that the use demonstrates an economic enhancement over and above the B1, B2 or B8 uses.

14.157 The application states that during the construction of the ERF there would be a need to employ up to 300 people and around 30 full time employees once the facility is operational. Construction could take around 30 months in total and the increase in employment opportunities on Portland would be welcomed as a boost to the local economy. This aspect of the proposal is in line with local plan policy, as well as NPPF paragraph 81, which says that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development.

14.158 This planning application also proposes that the electricity would be supplied in the form of shore power to ships visiting Portland Port. Portland Port have confirmed that having the electricity supply to be offered to ships is necessary if the current cruise ship use of Portland is to continue and increase, and this has also been confirmed by one of the cruise ship operators, and supported by the local enterprise partnership (LEP). Portland Port currently has around 60 of cruise ships visiting per year (usually between April and October), and

for each of these, a number of passengers, sometimes hundreds, are taken into Weymouth town centre for the day, where they are likely to spend money and thereby support the local economy. The Port considers the proposed supply of electricity from the ERF to be essential to its future plans for offering moorings to ships. Grid capacity is recognised as a constraint to development across Dorset, including at a number of employment sites such as Portland Port.

14.159 Concerns, however, have been expressed by local companies that the presence of the ERF could have a negative impact upon business and tourism in the area. There has not been any evidence submitted to support this view and, on balance, it is considered that the economic benefits arising from the proposal would outweigh any negative economic impacts. It is acknowledged that there would be heritage and landscape impacts, and these have been reflected in the recommendation.

14.160 The applicant has proposed a s106 obligation which would aim to support access for local residents to suitable training, apprenticeships, and future employment opportunities. It is stated that the developer would use 'reasonable endeavours' to provide these opportunities to the local population. It is considered that this would be a beneficial aspect of the proposal if it were to go ahead, but as it relies upon reasonable endeavours, there remains a lack of certainty, and therefore little weight can be attached to this in the planning balance. The developer has also offered to provide an education room which is proposed to be secured via a s106 obligation.

The Planning Balance

14.161 The benefits of the proposal are identified as the following:

- Electricity generation of 15MW sent to the national grid.
- Shore power connection and supply made available for cruise ships and other ships.
- Local economy benefits from more cruise ships visiting, resulting in increased spend in the local area plus job creation.
- Heritage mitigation that could result in the East Weare Battery 'E' Scheduled Monument being taken off the 'At Risk' register.
- More choice in the waste disposal sector with increased capacity being made available.

- CHP ready ERF and heat can be made available to local premises.

14.162 The harms identified that would result from the development are as follows:

- The proposal fails to demonstrate that it offers locational advantages in relation to sustainable waste management when compared with allocated sites in the adopted Waste Plan.

- Considerable harm identified to the significance of an important group of heritage assets, and their settings, both designated and non-designated which must be weighed against identified public benefits.

- Significant adverse impact would occur to the landscape and views in the local area within the setting of the Jurassic Coast World Heritage Site and AONB.

14.163 In terms of the planning balance, looking at each of the factors which can be considered favourably in this planning application, the first is electricity production. This ERF proposal would be designed to send 15MWe to the National Grid. There is no doubt that the contribution to the baseload on the network that could be dispatched would be beneficial. This electricity would also be continual, apart from periods of shutdown, unlike electricity from solar and wind power which can be affected by the intermittency of the weather.

14.164 Portland Port would like to be able to provide shore power to the ships mooring there but is unable currently to do so, due to limited size of cabling currently provided from the Chickerell substation. It is clear that the provision of electric shore power to the ships would be a benefit of the proposal which should attract weight in the planning balance.

14.165 In addition, the ERF would be CHP ready, and the applicant has commenced negotiations with the Ministry of Justice, regarding the potential for piping heat to HMP The Verne. If this were to happen, the proposal would be in compliance with policy 6 of the Waste Plan which aims to ensure that combined heat and power is provided from the facility which is designed to have the capability to deliver heat in the future.

14.166 The application has been submitted as a waste planning application; its primary purpose being the disposal of waste by incineration, rather than by landfill. The waste management sector changes often with new facilities frequently becoming available. Currently, none of Dorset's Local Authority Collected Waste (domestic and some C &I) goes to landfill. It is currently taken to an MBT plant at Canford Magna, where a small quantity of glass and metal is removed alongside any organic fraction in the waste. At the end of the process the waste that is left over, is baled, classified as RDF at this point, and is sent to an energy

recovery facility at Bridgwater, Somerset. It is difficult to produce figures for C & I waste collected in the private sector in Dorset, and it is also difficult to determine where it is sent. New Earth Solutions at Canford Magna who run the MBT plant, have a contract in place for the next 10 years with the energy recovery facility at Bridgwater (Bridgwater Resource Recovery Facility) to send the RDF there for disposal. A planning application is due to be submitted to BCP Council for a new Energy from Waste facility to be built at Canford Magna, next to the MBT plant. It would be connected by conveyor to collect the RDF that needs to be incinerated, thereby removing the need for any HGV miles. It is proposing to take up to 260,000 tonnes per annum.

14.167 The proposal shortly to be considered at BCP would be located within an allocated site in the Waste Plan, and it would comply with waste policy in that it would be co-located with other adjacent waste management uses. Further there would be scope in that scheme to convey the IBA to a company on land adjacent to the site, where the ash could be processed in a secondary aggregate business.

14.168 This planning application, in contrast, would be for a solitary waste management use at Portland Port, located some distance away from the main sources of waste in Dorset, the Bournemouth and Poole conurbation. This application's RDF has scope to be brought in by ship, but the prospects of meeting Dorset's waste needs via this route are uncertain, and so the scheme's impacts have been assessed on the assumption that the feedstock will be brought in by road.

14.169 The facility would be located at a port, and RDF could be shipped in, while IBA could be shipped out, to avoid using the road network. Whilst this is an aspiration, the applicant has explored a potential market for the IBA which would involve it being shipped to London, for use by a well-established company with experience of dealing with such products. It is also reasonable to expect that the applicant would have a financial imperative to use reasonable endeavours to secure such an arrangement in order to minimise haulage costs and/or avoid the costs of landfill tax if a use for IBA could not be secured.

14.170 The proposal would provide economic benefits if the proposed ERF was constructed, and the NPPF states under an 'economic objective', that it would like proposals to help build a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and improve productivity.

14.171 In terms of the other objectives of the NPPF, a 'social objective' seeks to support strong vibrant and healthy communities, by fostering well designed beautiful and safe places that reflect current and future needs and support communities' health and social and cultural well-being. This proposal does not do that, and this proposal is contrary to a number of other policies referred to earlier in the report.

14.172 The other objective of sustainable development is an 'environmental objective'. This aims to protect and enhance our natural built and historic

environment. The location of the application site in this case is in a very sensitive position, near to an important group of heritage assets which have associative value. Historic England has concerns about adverse impact on their significance and on their settings and on the setting of the World Heritage Site, the Jurassic Coast. For these reasons the proposal is not classed as sustainable development.

14.173 In terms of national policy, energy recovery sits above disposal in the waste hierarchy. Nevertheless, the alternatives are other energy recovery facilities, which would have similar implications in relation to greenhouse gas emissions. Therefore, this issue is considered to be neutral in the planning balance.

14.174 The NPPF indicates that the focus of planning decisions should be on whether the proposed development is an acceptable use of the land forming the application site. Emissions will be controlled through the environmental permitting regime overseen by the Environment Agency. In this case, the chosen location is particularly sensitive due to a range of heritage assets including scheduled monuments and listed buildings. The application has not demonstrated that there would be any suitable heritage mitigation which would offset the harm identified to the heritage assets. Officers consider the harm is 'less than substantial', and that it would be at the higher end of 'less than substantial', which must attract significant weight. The harm identified would be to the settings of the listed buildings and to the overall cumulative significance of the heritage assets. It is therefore considered that impact on heritage assets as a result of this proposal must be considered to be significantly negative in the planning balance and given great weight.

14.175 Likewise, the site is also located sensitively in relation to landscape designations and views, within the settings of the AONB and the World Heritage Site known as the Jurassic Coast. It is considered that the proposed development would result in significant landscape and visual impacts due to the scale of the buildings proposed and their location at the very edge of the exposed and highly distinctive Portland peninsula landform. The Isle of Portland is a dramatic landform that creates a natural focal point in numerous far-reaching views along the coast and the mainland and from the waters within and around Portland Harbour. The 47-metre-high ERF building, and 80-metre-high stack would be visible and conspicuous from numerous viewpoints. The proposal would have the effect of giving a more industrial character to Portland Port, which as a working port does have a number of industrial style buildings, however these are at a much smaller scale. The applicant's submitted LVIA concludes that there will be significant adverse visual impacts arising from this development. The location of the main buildings of this proposal are such that they occupy a very exposed position on a flat piece of ground at the edge of the harbour and from some viewpoints the profile of the new structures that would be built, would create their own entirely new skyline sitting alongside the Isle of Portland skyline. There may be times when a visible plume from the stack would be seen, although it is accepted this could be on an infrequent basis, but when it is seen, it would be very visible and

would further impact on the landscape, impacting both on the immediate and surrounding landscape receptors.

14.176 The applicant has attempted to mitigate the impacts of the building by re-designing the external finish, but the very large scale of the buildings, combined with the highly prominent and exposed location, means that there will still be significant adverse landscape and visual impacts which cannot be mitigated. Therefore, in the planning balance, substantial weight needs to be attributed to this issue.

Conclusion

14.177 The proposal offers undoubted benefits in terms of energy generation, which in turn would support local energy resilience and the local economy by enabling a more competitive offer (via the provision of shore power) to the cruise liner market. It would assist in securing economic benefits both to the Port itself and for Dorset. Furthermore, the applicant has gone to considerable lengths to ensure the proposal would be CHP-ready. Nevertheless, it is considered that the proposal's main advantages primarily are associated with power generation, and the justification for it on waste grounds is less convincing. It would not be located on an allocated site and Officers are of the view that the allocated sites would be better placed to deliver the spatial strategy of the adopted Waste Plan by providing opportunities for the co-location of waste management facilities in locations that are better placed to serve South East Dorset - the main generator of residual waste in Dorset. In turn, they are deemed to be more suitable in terms of the proximity principle, while the Powerfuel proposal offers no advantages in terms of moving waste up the hierarchy. It does not therefore, offer locational advantages in relation to the sustainable management of waste over and above sites that are allocated in the plan.

14.178 The proposal would also have significant adverse impacts upon landscape within the setting of the Dorset and East Devon World Heritage site and the AONB. It would additionally lead to less than substantial harm (deemed to be at the higher end of less than substantial harm) to a group of nationally significant heritage assets which the proposal has not demonstrated it can adequately mitigate. When considering the planning balance of the proposal overall, it is considered that the public benefits, whilst significant, are not sufficient to outweigh the impacts of the proposal when factoring in the availability of allocated waste sites in the adopted local plan. It is therefore recommended that the application be refused for the reasons set out in Section 2 of this report.