

TOWN & COUNTRY PLANNING ACT 1990  
Planning and Compulsory Purchase Act 2004

## **APPEAL**

by

### **Powerfuel Portland Ltd**

against the refusal by Dorset Council of Planning Application Ref. WP/20/00692/DCC for the 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,

**at Portland Port, Castletown, Portland, Dorset, DT5 1PP**



## **PROOF OF EVIDENCE**

**of Neil Williamson BA (Hons), MA, FLI, PPLI, FCMI**

on behalf of Dorset Council

**November 2023**

REFERENCES:    Planning Inspectorate:    APP/D1265/W/23/332692  
                          Local Planning Authority:    WP/20/00692/DCC

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## 1 INTRODUCTION AND SCOPE OF EVIDENCE

- 1.1 My name is Neil Williamson. I am sole Director of Neil Williamson Associates Limited, an independent consultancy providing environment, design and management services. I am a Chartered Landscape Architect, a Fellow and Past President of the Landscape Institute, and a Fellow of the Chartered Management Institute. I have a Bachelor's degree with Honours in Psychology and Physiology, and a Master's degree in Landscape Design. I am a built environment expert with the Design Council and a member of various Design Review panels, including that of the Design Commission for Wales and Design West. I have over 30 years' experience in landscape planning including landscape and visual impact assessment and have presented expert landscape and visual evidence at public inquiries and examinations. I regularly provide advice to Bath & North East Somerset Council including on the merits of development proposals within the City of Bath World Heritage Site or affecting its setting, and within or affecting the setting of the Cotswolds and Mendips AONBs.
- 1.2 This proof of evidence that I have prepared and provide for this appeal (reference APP/D1265/W/3327692) is my own professional and expert opinion, is given in accordance with the guidance of my professional institution, the Landscape Institute, and is to the best of my knowledge a truthful representation of landscape and visual matters in relation to the Appeal case.
- 1.3 I was first contacted by Dorset Council in relation to this Appeal in August 2023, and having reviewed the Council's case and satisfied myself that I was able to support the landscape reason for refusal, my appointment was confirmed in September 2023. My instructions included review of the appellant's LVIA (CD 1.39j) but not the undertaking of a further LVIA. I have made three visits to Portland, Weymouth and surrounding area during September and October of this year to review LVIA viewpoints and familiarise myself with the landscape context of the Site.
- 1.4 I note that this Appeal has been recovered for decision by the Secretary of State, the reason cited being the potential for adverse impact on the World Heritage Site.
- 1.5 This proof of evidence addresses landscape matters pursuant to Reason for Refusal No.2, namely:

*“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 SITE AND PROPOSED DEVELOPMENT

- 2.1 The Appeal Site is located within Portland Port on the north-east side of Portland. It is described in detail in the Council's Statement of Case (CD 11.3) and in the evidence of its planning witness.
- 2.2 The designated West Dorset Heritage Coast (that includes Chesil Beach) and the Jurassic Coast World Heritage Site both lie in close proximity to the site. The Dorset AONB is located 7.5 km to the north of the ERF site across Portland Harbour and 7.5 km to the north-west at Chesil Beach. The locations of these designations in relation to the Appeal Site are shown in Appendix 3 to the Council's Statement of Case (CD 11.3).
- 2.3 The main part of the proposal relates to the construction and operation of an Energy Recovery Facility (ERF). The ERF building is proposed to be 47m high in the north and 19m high in the south and 201m long, oriented NW/SE. The proposed office building is 6 – 17m high and 54m long. There would be an 80m tall stack, which when operational would on occasion have a visible vapour plume. On the occasions when the vapour plume was visible, the landscape and visual impacts would be correspondingly greater. The development including the ERF building, the stack and the vapour plume are illustrated in photomontages in the ES Addendum issued August 2021 (Figures 9.38-9.41 daytime and Figures 9.42-9.45 night-time). I have assessed the scheme as now proposed in the Appellant's Statement of Case, in which the external cladding and colour of the buildings are yet to be determined but which I have assumed would be chosen to be visually recessive. The proposed development is described in more detail in the evidence of the planning witness.
- 2.4 There is an extant permission for construction of a large silo on the port which would form a new clearly visible element but it is significantly smaller than the Appeal scheme in terms of scale, height and massing, with the main silo being 32.5m high and 13m diameter plus an additional smaller structure on the top taking it to a maximum height of 38m. Its visual prominence would be far less than that of the Appeal scheme.

### 3 LANDSCAPE POLICY AND GUIDANCE

3.1 National and local policy and guidance is covered in detail in the evidence of the planning witness, but I highlight below some specific aspects that are of particular relevance to my evidence.

#### **National policy and guidance**

##### ***NPPF (CD 9.1)***

3.2 Paragraph 130 states that planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)...*

3.3 The appeal site boundary is in close proximity to the Jurassic Coast World Heritage Site, a heritage asset of the highest significance (paragraph 189). Any harm to a designated heritage asset requires 'clear and convincing justification' (paragraph 200).

3.4 Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by, inter alia,

- a) *Protecting and enhancing valued landscapes...*
- b) *...*
- c) *Recognising the intrinsic character and beauty of the countryside...*

3.5 Paragraph 176 states that development within the setting of designated landscapes including AONBs should be sensitively located and designed to minimise adverse impacts on the designated areas.

***National Design Guide (CD 12.23)***

3.6 The National Design Guide (paragraph 40) states that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary, enhancing positive qualities and improving negative ones. These features include *'views inwards and outwards'*.

3.7 Paragraph 43 states:

*'Well-designed new development is integrated into its wider surroundings, physically, socially and visually.'*

3.8 Paragraph 48 states that well-designed places and buildings are influenced positively by:

*'The history and heritage of the site, its surroundings and the wider area, including cultural influences;  
The significance and setting of heritage assets and any other specific features that merit conserving and enhancing...'*

3.9 Paragraph 53 states that well-designed new development is influenced by:

*'...  
The elements of a place or local places that make it distinctive;  
...  
This includes considering:  
The composition of street scenes, individual buildings and their elements;  
The height, scale, massing and relationship between buildings;  
Views, vistas and landmarks;  
Roofscapes...  
...landscape setting and backdrop...'*

3.10 In section I3 (Create character and identity) the Design Guide states (paragraph 58) that:

*'Design decisions at all levels and scales shape the character of a new place or building. Character starts to be determined by the siting of the development in the wider landscape, then by the layout and grain...'*

## **Bournemouth, Christchurch, Poole and Dorset Waste Local Plan 2021 (CD 7.1)**

### ***Policy 14***

3.11 Policy 14 sets out requirements for landscape and design quality, 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.*

It further states that:

*Proposals for waste management facilities should achieve this through:*

- a sympathetic design and location;*
- b appropriate use of scale, form, mass, layout, detailing, materials and building orientation; and*
- c avoidance, or if this is not practicable, acceptable mitigation of adverse impacts on the landscape.*

Policy 14 makes specific reference to the Heritage Coast, stating that:

*Proposals should also demonstrate that it 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.*

## **West Dorset, Weymouth and Portland Local Plan 2015 (CD 7.2)**

### ***Policy ENV1***

3.12 Policy ENV1 Landscape Seascape and Sites of Geological Interest states that:

- i) The plan area's exceptional landscapes and seascapes and geological interest will be protected, taking into account the objectives of the Dorset AONB Management Plan and the World Heritage Site Management Plan. Development which 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 uninterrupted panoramic views, individual landmarks, and sense of tranquillity and remoteness, will not be permitted.*

- ii) *...Development that significantly adversely affects the character or visual quality of the local landscape or seascape will not be permitted.*

### **Portland Neighbourhood Plan 2020 (CD 7.4)**

#### ***Policy Port/En7***

3.13 Policy Port En7 (Design and Character) states that:

*Development proposals will be expected to be of a design which:*

- i complements the prevailing size, height, scale and mass, materials, layout, density and access of the existing surrounding development...*
- iii ...demonstrates that that the development reflects and reinforces, as far as is possible, the existing character of the locality as identified in the Portland Heritage and Character Assessment...*

#### ***Policy Port/BE2***

3.14 Policy Port BE2 (Upgrading of Existing Employment Sites and Premises) states that:

*Proposals which lead to the improvement, modernisation or upgrading of current employment sites and premises will be welcomed and supported, subject to:*

- i there being no significant adverse impacts on the amenity of neighbours, visitor attractions and facilities and the character of the area;*
- ii it will not have an unacceptable adverse impact on the transport network and parking conditions;*
- iii wherever appropriate, it reflects the maritime and industrial character of the area in which it is located; and*
- iv it will not have any other unacceptable environmental impact.*

### **Jurassic Coast Partnership Plan 2020 – 2025 (CD 12.9)**

- 3.15 The Dorset and East Devon Coast World Heritage Site was inscribed in 2001. Although inscribed primarily for its outstanding earth science importance, the preface to the 2001 UNESCO inscription document opens with the words *‘The Dorset and East Devon Coast is a special and beautiful place’*, and goes on to emphasise that the conservation of this coast should ensure that its earth science interests are properly recognised, not only in their own right but also *‘because of their important role within the coast’s landscape, history and culture.’*
- 3.16 Under factors affecting the property, in the section on visitor management (page 121) the inscription document mentions impacts on the landscape, visual impacts on the coast and the quality of visitor experience as factors that are also relevant to management of development potentially affecting the WHS.
- 3.17 The current version of the Management Plan for the WHS is the Jurassic Coast Partnership Plan 2020 – 2025. It draws attention to the need to protect the setting of the designated area, and under the heading ‘experiential setting’ (page 22) the Plan states that:

*‘The 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... ‘*

Whilst acknowledging that the Jurassic Coast was inscribed by UNESCO for its geological value rather than for its natural beauty, the paragraph on setting continues:

*‘...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 undeveloped character of coast and seascapes, are important for helping to determine how people experience and enjoy the setting of the WHS.’*

- 3.18 Strategic Aim 2 of the Plan (Conserve and enhance the Site, its attributes, presentation and setting) draws attention to the importance of ‘broader landscape and nature conservation and enhancements within the setting.’ Strategic Aim 4 (Maintain and

improve access to and experience of the Site) includes amongst the critical success factors:

*'Visitors' enjoyment of the Jurassic Coast is maintained or enhanced.'*

3.19 It is noteworthy that in the Strategic Aim 5 (Enable the Site's World Heritage Site status to be of benefit to people and communities) the Site is actually referred to as a 'protected landscape', which underlines the message in the preface to the Inscription document that landscape qualities are an integral component of the value of the Jurassic Coast WHS.

**Dorset AONB Management Plan 2019 – 2024 (CD 12.25)**

3.20 The AONB Management Plan sets out four management strategies that need to be employed, of which the first, 'Conserve', is the most relevant when dealing with landscapes in good condition where the emphasis is on protecting the key characteristics of the area (page 33). Under 'significance' (page 87) for landscape and landform, the Plan states:

*The physical and perceptual characteristics of a landscape are what makes a place. The AONB is valued for its special qualities, which include its undeveloped rural character, exceptional undeveloped coastline, tranquillity and dark night skies.*

3.21 Under Objectives and policies, the Plan refers to conservation and enhancement of landscape and states (9.3.4 (b) on page 90):

*'There should be a net gain in terms of the landscape and its constituent elements.'*

And that (9.3.4 (h)):

*'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.'*

3.22 Under landscape assessment and monitoring (C2 (a) page 91) the Plan states that:

*'Proposals affecting the AONB will be assessed to a high standard.'*

## **4 LANDSCAPE AND VISUAL ASSESSMENT**

*[Note: In this section, all references to 'LVIA' refer to the landscape, seascape and visual assessment by Terence O'Rourke issued September 2020 as Chapter 9 of the Environmental Statement (CD 1.36j). An ES Addendum to Chapter 9 was issued in August 2021 (CD 2.17m), and further information provided including additional photomontages, but the conclusions of the 2020 LVIA did not change.]*

### **A General considerations**

#### **Significance of landscape and visual effects**

4.1 The Environmental Statement Technical Appendix J part 2 (CD 1.37n) sets out the assessment methodology used in the LVIA. It indicates (paragraphs J 2.51 and J 2.66) that if landscape or visual effects are judged to be 'moderate' or above, they will be treated as significant for EIA purposes. It is clarified in paragraph 9.22 of Chapter 9 of the ES (CD 1.36j) that 'moderate' should be taken to include 'moderate to slight', hence any effect at the 'moderate to slight' level or above is judged to be significant, and this is the approach taken in the LVIA, where it can be seen from Table 9.3 that 'moderate to slight' effects as well as 'moderate' effects are included amongst the list of significant landscape seascape and visual effects. I support this approach. I have reviewed the LVIA and set out below my conclusions as to the nature and level of effects on landscape and visual receptors, applying my own judgement and employing the same methodology presented in the LVIA including the degree of effect matrices as shown in Figure 9.3 for landscape effects and Figure 9.6 for visual effects.

#### **LVIA methodology**

4.2 Subject to the clarification set out in paragraph 4.1 above, I consider the methodology set out in ES Technical Appendix J part 2 (CD 1.37n) to be appropriate.

#### **Zone of Theoretical Visibility**

4.3 The initially submitted Zone of Theoretical Visibility (ZTV) mapping (in CD 1.36j) was insufficiently clear to provide a firm basis for selection of viewpoints and may have hindered both the applicant team and the local planning authority in establishing a

suitably complete set of viewpoints for LVIA purposes. It is understood that scoping and viewpoint selection was agreed with the Council prior to my involvement, but I have concerns over the viewpoint selection used in the LVIA as discussed in paragraphs 4.9 to 4.17 below.

- 4.4 The map resolution in Figures 9.16 and 9.17 (ES Chapter 9, CD 1.36j) is too coarse and it would have been helpful if more detailed ZTV mapping had been provided at an early stage.
- 4.5 Revised versions of Figures 9.16 and 9.17 (Figures 9.16 Rev A and 9.17 Rev A) were provided in the August 2021 ES Addendum (CD 2.17m) together with more detailed scale ZTV maps within a 1.5 km radius of the proposed ERF building (Figures 9.46 and 9.47). This provided a useful improved degree of clarity within the radius shown, but the choice of a 1.5 km radius is unhelpful in that it narrowly misses areas of particular landscape sensitivity towards the southern end of Chesil Bank that are within the WHS and Heritage Coast designations from where the ERF building would be visible, and also narrowly misses areas in the vicinity of Viewpoint 1 at Grove which would have been useful to include (see Figures 1 and 2 in Appendix 1).
- 4.6 The original ZTV maps did not clearly show potential visibility in the Wyke Regis and Southlands areas of Weymouth. This deficiency was not remedied in the ES Addendum issued in August 2021. Neither the original (Sept 2020) Fig 9.16 (in CD 1.36j) nor the revised Figure 9.16 Rev A (Aug 2021) (in CD 2.17m) appear to show any potential visibility in Whitehead Drive, Dowman Place, Osprey Road, Dumbarton Road, Dover Road, Dundee Road, Old Castle Road, Belle Vue Road or Redcliff View all of which have views of the site (see Appendix 2), as the Inspector will be able to confirm when he visits these areas.
- 4.7 It is also puzzling that in respect of Wyke Regis and Southlands, there is no discernible difference in the ZTV mapping of potential visibility between a 47m building and an 80m stack as a comparison of Figures 9.16 Rev A and 9.17 Rev A reveals (see Figure 3 in Appendix 1). It seems inherently unlikely that an additional 33m of height would not result in greater visibility.
- 4.8 Whilst the potential visibility of the stack within nearby parts of the WHS is shown in ES Addendum Figure 9.47 (CD 2.17m), the choice of a 1.5 km radius narrowly excludes the

nearby parts of the WHS where the building would be visible (see Figures 1 and 4 in Appendix 1).

### **Viewpoints**

- 4.9 Given the deficiencies in the ZTV mapping, it is perhaps unsurprising that the process of selection and agreement of viewpoints was, in my view, in some respects unsatisfactory. Both the applicant team and the LPA would have been hindered by the absence of a clear basis for understanding the potential visibility of the development.
- 4.10 It is self-evident that it will very rarely be possible to assess all possible views of a development, and in the case of major developments that will be visible over a wide area, it would be futile to attempt to do so.
- 4.11 Accepted best practice is therefore to assess a selection of representative viewpoints that when taken together provide a reasonable basis for assessment of impacts, and where possible for the selection of viewpoints to be agreed between applicant and LPA.
- 4.12 It is a basic principle in environmental assessment to focus on the 'worst case scenario', which in this instance means that representative viewpoints should be selected to show where the development may be expected to be most visible or to have the greatest magnitude of change in relation to landscape character and views. However, if the available ZTV mapping does not provide a clear understanding of potential visibility it will be more difficult for all parties to determine a suitably robust and comprehensive set of viewpoints to be taken forward for assessment.
- 4.13 It is not disputed that in this instance viewpoints were agreed with the LPA, but in my view the agreement reached was not supported by sufficiently clear and reliable baseline information, and it would have been more helpful to the original planning decision-takers and to the Inspector in this Appeal had additional viewpoints been considered.
- 4.14 Irrespective of whether or not viewpoint selection has previously been agreed with an LPA, a landscape assessor has a professional responsibility to ensure that his or her assessment includes a sufficient number of relevant viewpoints, and that their locations

include all the areas/points that are likely to be of the greatest relevance to the assessment, mindful of the 'worst-case scenario' principle.

4.15 The Appellant indicates in its Statement of Case (CD 11.1, paragraph 2.65) that its evidence will place particular emphasis on the visibility, appearance and context of views from Chesil Beach. The fact that the LVIA does not include a viewpoint from this location might suggest recognition from the Appellant that, notwithstanding the previous agreement with the LPA, the selection of viewpoints may have been insufficient.

4.16 Since there will rarely, if ever, be 100% coverage of all possible viewpoints, there is almost always a need to apply reasonable judgement to 'fill in the gaps' between assessed viewpoints. In this instance, the Inspector's site visit will be particularly useful in enabling him to 'fill in the gaps' through personal observation. In my view, additional viewpoints that could usefully have been included for assessment to provide a more complete representation of worst-case impacts would be (see Photographs A to F in Appendix 5):

- Chesil Beach, top of bank, approximately 200m W of Hamm Roundabout, within the WHS and Heritage Coast. Wireline modelling would have assisted in determining extent of visibility;
- Chesil Beach, top of bank, level with visitor centre, within the WHS and within the Heritage Coast;
- Jailhouse café garden, Portland (clear view looking down on the site from The Verne);
- Royal Naval Cemetery, Portland (possible partial view, wireline would have assisted in determining extent of visibility);
- Buxton Road, at junction with Rylands Lane (example of view from residential area of Weymouth not clearly shown on ZVT mapping);
- Redcliff View, adjacent to the coastguard station (example of clear view from residential area not clearly shown on ZVT mapping, also on route of South West Coast Path).

4.17 However, despite my reservations over selection of viewpoints, the original LVIA viewpoint selection does still provide useful information but should yield to re-appraisal in the interests of securing a proper understanding of the effects of the scheme.



## **B Landscape impacts**

4.18 The LVIA considers 9 landscape receptors, as follows:

- The Site
- South Dorset Escarpment
- Harbour/Wetland/Lagoon
- Open Chalk Downlands
- South Dorset/ Osmington Ridge & Vale
- Lower Wey/ Lorton Valley
- Man-made harbour
- LCA1 Fortuneswell, Chesil Beach & Osprey Quay
- LCA2 The Grove & The Verne

4.19 The LVIA does not consider the two most relevant local landscape character areas, namely the *Chesil Beach*, *The Fleet and The Causeway LCA* and the *Portland Peninsula LCA* as identified in the 2013 Weymouth and Portland Landscape Character Assessment (CD 12.30).

4.20 The stated reason for this, as given in the TOR rebuttal statement of 6.2.2023 (CD 2.37), is that the assessed character areas LCA1 and LCA2 (wrongly said to be defined in the Portland Neighbourhood Plan (CD 7.4) but in fact defined in the 2017 Isle of Purbeck Heritage and Character Assessment (CD 12.31)) provide a 'finer-grained' assessment.

4.21 For two reasons, this is an unsustainable justification for not assessing the two key LCAs in the 2013 landscape character assessment.

4.22 Firstly, it is part of accepted LVIA methodology that all levels of character areas are considered sequentially, usually starting with the highest (national) level and then working down through county level, district level and (where available) more local level assessments, culminating with the site itself. This is precisely what is done in the baseline section of the LVIA (paragraphs 9.27 – 9.42), in which the 2013 Weymouth and Portland landscape character assessment is referred to in paragraphs 9.33 – 9.35.

4.23 Since it has been identified as part of the landscape baseline, the effects of the proposed development on the relevant character areas identified in the 2013 assessment should have been considered.

4.24 Secondly, the 2017 Isle of Portland Heritage and Character Assessment (CD 12.31) is not a landscape character assessment. As its title indicates, it is a **heritage and character** assessment. It is apparent when examining the document that in terms of area descriptions, identification of key characteristics, issues to be addressed and management recommendations, its primary focus is very much on heritage rather than on landscape. It is a valuable document, but it is not a landscape character assessment.

4.25 The 2013 Weymouth and Portland Landscape Character Assessment (CD 12.30) therefore provides the most appropriate basis for assessment of the local landscape. The two most directly relevant character areas to consider are the *Chesil Beach, The Fleet and The Causeway* character area, and the *Portland Peninsula* character area, which includes Portland port.

4.26 The overview for the Chesil Beach, The Fleet and The Causeway LCA reads:

*‘Chesil Beach is one of the iconic landscape features along the south coast, and its long slender shingle ridge forms an effective coastal buffer contributing to the tranquil character of the Fleet margins. A wide open and exposed character is present along the causeway, with very little development beside the road, however towards the northern and southern extents, the urban influence of Wyke Regis and Osprey Quay are notable. The wedge-shaped mass of Portland peninsula is visually prominent, forming the southern skyline for much of the area.’*

4.27 Landscape characteristics noted for this character area include:

- A wild and windswept character with extensive skylines, heavily influenced by the exposed coastal location;
- Open and extensive views are available towards the Osmington Coast and Portland, however views out to sea are restricted by the linear ridge of Chesil bank.

4.28 Detrimental features noted include ‘large scale development’ and ‘urbanising influence’.

4.29 The overview for the Portland Peninsula LCA reads:

*'The Isle of Portland forms a dramatic and distinctive wedge-shaped peninsula at the end of Chesil Beach. It is an exposed, windswept and rocky landscape with a strong maritime influence. Prominent limestone cliffs and undercliffs surround the island. Tree cover is limited due to the harsh exposed location, and is often only found in sheltered hollows. The lack of trees emphasises the broadly open skyline which is dominated by man-made structures, apart from the extensive outward views from the cliffs that take in much of the Dorset coastline.'*

4.30 Landscape characteristics noted for this character area include:

- A dramatic and distinctive wedge-shaped limestone peninsula with prominent cliffs;
- An open skyline with sweeping views along the coast.

4.31 Detrimental features noted include:

- The open skylines are dominated by manmade structures and features.

### ***The Site***

4.32 The LVIA judges the site to be of low to negligible sensitivity, the magnitude of change to be medium beneficial and the overall level of effect of the development to be slight beneficial. I agree with the assessment of sensitivity, and agree that the magnitude of change is medium but consider there would be both adverse and beneficial effects with neither predominating, so my judgement on the overall level of effect is there would be both slight adverse and slight beneficial effects.

### ***South Dorset Escarpment***

4.33 This character area includes part of the Dorset AONB. The LVIA judges its sensitivity to be high to medium, the magnitude of change to be negligible and the overall effect to be negligible. Effects would be very small due to distance, and provided that the assumptions made as to very low frequency of occurrence of the vapour plume are correct, then whilst there would be very minor effects on the setting of the AONB these would not in my view be significant, and I would not depart significantly from the LVIA judgements. However, if the frequency of occurrence or the impact of the vapour plume (by day or by night) were found to be greater than suggested by the Appellant then the level of effect on the setting of the AONB would need to be reviewed.

### ***Harbour/Wetland/Lagoon***

4.34 The LVIA judges the sensitivity to be high to medium, the magnitude of change to be negligible and the overall effect to be negligible. It appears from LVIA Figure 9.15 that there may be some overlap between this landscape receptor and LCA1 as Chesil Beach is mentioned in the descriptions for both. On the assumption that Chesil Beach is not included in this receptor, I agree with the assessment of sensitivity, but judge the magnitude of change to be small adverse, and therefore following the principles of LVIA Figure 9.3 (degree of effect matrix) the level of effect would be moderate to slight adverse and significant.

### ***Open Chalk Downlands***

4.35 The LVIA judges the sensitivity to be high to medium, the magnitude of change to be negligible adverse and the level of effect to be negligible. I agree with this assessment.

### ***South Dorset/ Osmington Ridge & Vale***

4.36 The LVIA judges the sensitivity to be high to medium, the magnitude of change to be negligible adverse and the level of effect to be negligible. I agree with the assessment of sensitivity but judge the magnitude of change to be small to negligible and therefore the level of effect to be slight adverse.

### ***Lower Wey/ Lorton Valley***

4.37 The LVIA judges the sensitivity to be medium to low, the magnitude of change to be negligible adverse and the level of effect to be negligible. I agree with the assessment of sensitivity but judge the magnitude of change to be small to negligible, and the level of effect to be slight to negligible adverse.

### ***Man-made harbour***

4.38 The LVIA judges the sensitivity to be low, the magnitude of change to be medium adverse, and the level of effect to be slight adverse. I agree with this assessment.

### ***LCA1 Fortuneswell, Chesil Beach & Osprey Quay***

4.39 For the reasons explained above (paragraphs 4.18 to 4.31) this is not the most appropriate local landscape receptor to consider for the appeal proposal, and I consider the Chesil Beach, The Fleet and The Causeway LCA as defined in the 2013 Weymouth and Portland Landscape Character Assessment (CD 12.30) to be a more appropriate receptor to assess. However, my observations on LCA1 would be that the published key characteristics for this area reveal an obvious lack of focus on landscape, since despite the fact that the majority of the area is undeveloped coastal land, and much of it lies within the WHS and the Heritage Coast, this is not mentioned in the key characteristics. Perhaps influenced by this, the susceptibility and magnitude of change are underestimated in the LVIA, which found medium/low sensitivity and small adverse magnitude. In my judgement, the sensitivity would be high/medium, the magnitude small/medium, and the level of effect moderate adverse.

### ***LCA2 The Grove & The Verne***

4.40 For the reasons explained above (paragraphs 4.18 to 4.31) this is not the most appropriate local landscape receptor to consider for the appeal proposal, and I consider the Portland Peninsula LCA as defined in the 2013 Weymouth and Portland Landscape Character Assessment (CD 12.30) to be a more appropriate receptor to assess. However, given the very localised effects that would affect the LCA2 area, my judgement of level of effect would not differ from that of the LVIA, which based on medium/low sensitivity and small adverse change considered the effect to be slight and adverse.

### ***Chesil Beach, The Fleet and The Causeway LCA***

4.41 This receptor was not assessed in the LVIA. A large part of this LCA is covered by the World Heritage Site and Heritage Coast designations and Chesil Beach is one of the most iconic landscape features of England's south coast. Its value is high, and its susceptibility to visual intrusion and the type of development proposed is also high, so I judge sensitivity to be high. The magnitude of change would in my judgement be small to medium and adverse, due to the breach of the skyline and intensification of industrial activity. Applying the Figure 9.3 matrix I therefore assess the level of effect to be moderate adverse and significant.

### ***Portland Peninsula LCA***

4.42 This receptor was not assessed in the LVIA. The Isle of Portland forms a dramatic and distinctive wedge-shaped peninsula at the end of Chesil Beach. It is characterised by open skylines with sweeping views along the coast. The influence of man-made structures intruding on these open skylines is highlighted as having a particularly detrimental effect on character. I judge the sensitivity of this receptor to be medium to high, the magnitude of change to be medium adverse with a conspicuous new industrial element breaking the skyline and altering the iconic profile of this rugged limestone island. Applying the Figure 9.3 matrix I therefore assess the level of effect to be moderate adverse and significant.

### **Summary of effects on landscape character**

4.43 A summary table comparing my assessment of landscape effects with that of the LVIA is included as Appendix 4. The LVIA did not identify any significant adverse landscape effects, but I have identified significant adverse effects on three receptors (excluding LCA1 to avoid double-counting), namely:

- Harbour/ wetland/ lagoon – moderate to slight adverse
- Chesil Beach, The Fleet and The Causeway – moderate adverse
- Portland Peninsula – moderate adverse

## **C Visual impacts**

- 4.44 LVIA Table 9.2 identifies 16 visual receptors, and the relevant assessments for each are set out in paragraphs 9.128 to 9.143. Some of the visual receptors are wrongly categorised. Sandsfoot Castle and Nothe Fort are categorised as ‘users of transport routes’ whereas they would more appropriately have been included as a separate category as receptors of special historic and cultural significance or alternatively included under recreational routes and destinations.
- 4.45 The relatively poor coverage of photographic viewpoints is evident from Table 9.2, and in some instances the selection of relevant viewpoints identified appears incomplete. For example, in respect of ‘users of the A353’ it is stated that there is ‘no photograph available’, which is odd given that this has been identified as a visual receptor that requires assessment.
- 4.46 For users of the South West Coast Path, viewpoints 6, 7 and 14 are identified as being relevant, yet viewpoints 1, 8, 9 and 10 which are much closer to the site have not been identified as relevant. Similarly, for Weymouth and Portland residential receptors, only viewpoints 4 and 5 are identified as being relevant, whereas viewpoints 8 and 9 at closer distances are clearly relevant for Weymouth, and no photographs are identified in respect of Portland residents.

### ***Weymouth residential receptors***

- 4.47 I agree with the LVIA assessment that these residential receptors should be considered to be of high sensitivity. I strongly disagree with the LVIA assessment of magnitude of change as being negligible, which it seeks to justify on the basis that ‘the ERF is likely to be viewed obliquely from a very small number of residential areas and the proposal will not be central to the views.’ I do not claim that the development would be seen from the majority of Weymouth residential properties, but the receptors to be assessed should be those areas from where the development would be visible, and there are large numbers of residential properties where clear direct views of the development would be obtained (see Appendix 2).
- 4.48 It is noteworthy that the only photographs referenced in the LVIA assessment are viewpoints 4 and 5, at a distance of approximately 7.5 km from the proposed ERF building. These are relevant to consideration of residential receptors in the Bowleaze/ Overcombe/ Preston areas but are not relevant to residential receptors in the

Southlands and Wyke Regis areas, although both Southlands and Wyke Regis are specifically identified in the receptor description. There are large numbers of residential receptors with views of the site in these parts of Weymouth, including for example in Buxton Road, Rylands Lane, Smallmouth Close, Whitehead Drive, Dowman Place, Osprey Road, Dumbarton Road, Dover Road, Dundee Road, Old Castle Road, Belle Vue Road and Redcliff View, as shown on the map in Appendix 2. The value of the fine coastal views afforded over the harbour towards the Isle of Portland is underlined by the names of two of these roads, namely Belle Vue Road and Redcliff View. Many properties in these areas have balconies on upper floors, intended no doubt to take advantage of both the southerly aspect and the fine views. For these receptors, the most appropriate viewpoints to refer to are viewpoints 8 and 9, which are at a distance of slightly less than 4 km from the proposed ERF building and are broadly similar in distance and orientation to the residential properties most likely to be affected in Southlands and Wyke Regis, which are generally at around 3.5 to 4.5 km from the proposed ERF building.

- 4.49 The magnitude of change in view is assessed in the LVIA as being medium adverse for viewpoint 9 (Sandsfoot Castle, Park and Garden). It would be similar for the residential properties in the roads listed in paragraph 4.48 above. With a high sensitivity and a medium magnitude of change, using the LVIA Figure 9.6 matrix the effect in respect of these properties would be moderate/substantial adverse and significant.
- 4.50 The effects on other residential properties in Weymouth, for example in the Bowleaze, Overcombe and Preston areas, which are at a greater distance and where the angle of view means that the development would not break the skyline (unlike in Southlands and Wyke Regis), would be expected to be at a lower level, and for these areas I do not take issue with the LVIA judgement that the effect would be 'slight adverse'.
- 4.51 The LVIA does not assess any effects on residential properties on the Isle of Portland. Although the total number of properties affected is significantly less than in Weymouth, there would nonetheless be effects on some residential views for example in the Amelia Close, Beel Close and Leet Close area, and also on some individual properties higher up on The Verne.

### ***South West Coast Path***

- 4.52 The LVIA judges the sensitivity to be high, the magnitude of change to be small to negligible, and the level of effect to be slight adverse. I agree with the assessment of



sensitivity, but the magnitude of change has been seriously underestimated, and in my view is moderate, which using the Figure 9.6 matrix, results in an overall level of effect of substantial adverse. The LVIA assessment for this receptor refers only to Viewpoints 6, 7 and 14 which are all at considerable distances from the site and does not refer to Viewpoints 8 and 9 that are much closer, and where the magnitude of change would be greater.

- 4.53 The LVIA narrative does acknowledge that the development would be seen as the SWCP crosses the Causeway but does not acknowledge the significance of the change in view, which given the degree of change evident from Viewpoints 8 and 9 (refer to ES Addendum photomontages Figures 9.38 and 9.39) would be even greater as users of the SWCP cross the Causeway towards Portland. The LVIA also fails to refer to Viewpoint 1 which is also on the SWCP. The South West Coast Path now forms part of the King Charles III England Coast Path.
- 4.54 The route of the South West Coast Path within the study area is shown in Appendix 3. Photographs F, G, H, J and K in Appendix 5 are all on the route of the South West Coast Path, and it is clear that from locations such as these the assessment of magnitude of change to be small/negligible is not correct and is not consistent with the judgements in the LVIA on magnitude of change for other receptors. My assessment is that the magnitude of change would be medium which combined with a high sensitivity receptor would result in a substantial adverse effect.

#### ***South Dorset Ridgeway/ Osmington White Horse***

- 4.55 The LVIA judges the sensitivity to be high, the magnitude of change to be negligible adverse and the level of effect to be slight adverse. I agree with the assessment of sensitivity but consider the magnitude of change to have been slightly underestimated. In my view the magnitude should be small to negligible but applying the Figure 9.6 matrix the overall level of effect remains slight adverse.

#### ***Weymouth beachfront***

- 4.56 The LVIA judges the sensitivity to be high to medium and the magnitude of change to be small adverse. The level of effect is given as slight adverse, but this is not consistent with the Figure 9.6 matrix which indicates that this sensitivity and this magnitude would result in a moderate to slight adverse effect, which would make it a significant effect in EIA terms. The level of effect would be moderate to slight and significant.

***Port, Marina, Harbour***

- 4.57 The LVIA judges the sensitivity to be medium, the magnitude of change to be medium and the overall level of effect to be moderate adverse and significant. I agree with this assessment.

***Public Rights of Way south of Littlemoor***

- 4.58 The LVIA judges the sensitivity to be medium, the magnitude of change to be small, and the level of effect to be slight adverse and not significant. I disagree with the assessment of sensitivity. GLVIA3 guidance (CD 12.5, paragraph 6.33) identifies users of public rights of way, whose attention is likely to be focussed on the landscape and on particular views, as being amongst the visual receptors who are most susceptible to change. No clear reasons are given in the LVIA to justify the assessment of sensitivity as only medium. I consider the sensitivity in this instance to be high/medium. The LVIA judges the magnitude of change to be small, and I agree. The LVIA judges the overall level of effect based on medium sensitivity to be slight adverse and not significant. In my judgement, based on high/medium sensitivity, the level of effect will be moderate/slight adverse and significant.

***Ringstead Bay NT car park/ Public Rights of Way***

- 4.59 The LVIA judges sensitivity to be high, magnitude of change to be negligible adverse, and level of effect to be slight adverse. I agree with the assessment of sensitivity but consider the magnitude of change to have been slightly underestimated. In my view the magnitude should be small to negligible, but applying the Figure 9.6 matrix the overall level of effect remains slight adverse.

***Portland Public Rights of Way***

- 4.60 The LVIA judges sensitivity to be medium, magnitude of change to be medium adverse, and level of effect to be moderate adverse and significant. I agree that there are some detracting influences that reduce the sensitivity of the receptor from high, but in my view reducing it to medium is unwarranted and I consider high to medium more appropriate. I agree with the LVIA assessment of medium adverse of magnitude of change. Applying

the Figure 9.6 matrix, my slightly higher sensitivity assessment does not alter the overall level of effect, so I agree with the LVIA assessment of moderate adverse and significant.

### **A354**

- 4.61 The LVIA judges the sensitivity to be low, which would be correct for vehicle drivers but not for other types of road user such as cyclists and pedestrians, whose sensitivity as receptors will be higher. The LVIA assessment of negligible for both magnitude of change and overall effect is a serious underestimate and is inconsistent with the assessment of other receptors. The assessment sheet references Viewpoint 8 and photomontage Figure 9.32. The magnitude of change seen here is greater than that seen in photomontage Figure 9.33 for Viewpoint 9 (Sandsfoot Castle) where the magnitude of change is assessed to be medium. The magnitude of change seen at Viewpoint 8 must therefore be at least medium, arguably high to medium. Furthermore, as users of the A354 continue to travel towards Portland they will see the development at closer range and the magnitude of change in view will increase further. Therefore, for drivers the effect would be slight to moderate adverse but for the more visually sensitive categories of road users such as pedestrians and cyclists the level of effect would be moderate to substantial. In both instances the effects would be significant.

### **A353**

- 4.62 No photographs have been provided that are relevant to this receptor so it is unclear how the assessment of magnitude of change has been undertaken. The sensitivity has been judged to be low, on the basis that the attention of those cycling, walking and driving is unlikely to be focussed on the landscape. This might be true for drivers but it is difficult to justify the assertion that cyclists and walkers would not be interested in the landscape through which they are moving. I would judge the sensitivity of walkers and cyclists to be medium. I agree that the magnitude of change would be negligible adverse, so in respect of drivers I agree the LVIA assessment of level of effect being negligible adverse, but for walkers and cyclists it would be slight/ negligible adverse, but still not significant.

### **B3155**

- 4.63 The LVIA judges the sensitivity to be medium, the magnitude of change to be negligible adverse and the level of effect to be negligible. I agree with this assessment.

### ***Sandsfoot Castle, Park and Garden***

4.64 The LVIA judges the sensitivity to be high to medium, the magnitude of change to be medium and the level of effect to be moderate adverse and significant. Given that this is a listed building and scheduled monument of national cultural and historic importance, strategically positioned for its commanding views out across the water to the Isle of Portland and the English Channel, I judge its value, susceptibility and sensitivity to be high. I agree with the LVIA assessment of moderate magnitude of change, and my judgement as to overall level of effect is therefore substantial adverse and significant.

### ***Nothe Fort***

4.65 The LVIA judges the sensitivity to be high to medium, the magnitude of change to be small and the level of effect to be moderate to slight adverse and significant. Given that this is a listed building and scheduled monument of national cultural and historic importance, strategically positioned for its commanding views out across the water to the Isle of Portland and the English Channel, as for Sandsfoot Castle I judge its value, susceptibility and sensitivity to be high. I agree with the LVIA assessment of small magnitude of change, and my judgement as to overall level of effect is therefore moderate adverse and significant.

### ***Dorset AONB***

4.66 The LVIA judges the sensitivity to be high, the magnitude of change to be negligible adverse and the level of effect to be slight adverse. I agree with the assessment of high sensitivity. I judge the magnitude of effect to be slight to negligible rather than negligible, but applying the Figure 9.6 matrix the overall effect remains as slight adverse, so I do not disagree with the overall LVIA assessment.

### ***West Dorset Heritage Coastline***

4.67 The LVIA judges the sensitivity to be high, the magnitude of change to be negligible adverse and the level of effect to be slight adverse. I agree with the assessment of high sensitivity. I judge the magnitude of effect to be small to medium, bearing in mind that there will be views from Chesil Beach that are only a relatively short distance from the site, although the LVIA does not include any photographs from this area. With a high

sensitivity and a small to medium magnitude, I judge the overall level of effect to be moderate adverse and significant.

### ***Dorset and East Devon Coast WHS***

4.68 The LVIA judges the sensitivity to be high, the magnitude of change to be negligible adverse and the level of effect to be slight adverse. I agree with the assessment of high sensitivity. I judge the magnitude of effect to be small to medium, bearing in mind that there will be views from Chesil Beach that are only a relatively short distance from the site, although the LVIA does not include any photographs from this area. With a high sensitivity and a small to medium magnitude, I judge the overall level of effect to be moderate adverse and significant.

### **Summary of visual effects**

4.69 A summary table comparing my assessment of visual effects with that of the LVIA is included as Appendix 4. The LVIA identified four receptors where there would be significant adverse effects, at the moderate or moderate/slight level. I have identified an additional seven receptors where there would be significant adverse effects, as shown in the table. In summary, I have identified significant adverse visual effects at the **substantial** level for:

- South West Coast Path;
- Sandsfoot Castle;

at the **moderate/substantial** level for:

- Residential areas of Weymouth and Portland;
- Walkers and cyclists on the A354;

at the **moderate** level for:

- Port/Marina/Harbour;
- PRow S3/68, 70, 72, 81;
- Nothe Fort;
- West Dorset Heritage Coast;
- Jurassic Coast WHS;

and at the **moderate/slight** level for:

- Weymouth beachfront;
- PRow south of Littlemoor.

## **D Effect on landscape policy and guidance**

4.70 Policy considerations are addressed in detail in the evidence of the planning witness, but in terms of effect on landscape-related policy and guidance, my main conclusions are summarised briefly below.

### **National policy and guidance**

- 4.71 The extent and level of adverse landscape and visual effects on surrounding undeveloped land that would result from the proposed development are such that the requirement in NPPF paragraph 174 to recognise the intrinsic character and beauty of the countryside is not met.
- 4.72 Given the range and level of adverse landscape and visual effects identified, the requirement in NPPF paragraph 130 (a) that developments should add to the overall quality of the area is not met. The appellant's LVIA accepts that there would be a range of adverse visual effects at a level that is significant in EIA terms, so the requirement for developments to be visually attractive (paragraph 130 (b)) is not met. Given the extent and level of adverse landscape effects that would result, the requirement for development to be sympathetic to local character and landscape setting (paragraph 130 (c)) is not met.
- 4.73 The Jurassic Coast World Heritage Site is a heritage asset of the highest significance and great weight should be given to its conservation, irrespective of the degree of harm caused by development. There would be significant adverse landscape and visual effects on the WHS, as set out in sections B and C above. I consider the WHS Management Plan (CD 12.9) at paragraphs 4.84 to 4.88 below.
- 4.74 The proposals do not comply with the requirement in the National Design Guide (CD 12.23) to be visually integrated into their wider surroundings (paragraph 43), to be positively influenced by the significance and setting of heritage assets (paragraph 48), and to satisfactorily consider height, scale, and massing (paragraph 53). In section I3 which deals with creating character and identity (paragraph 58), the Guide emphasises the importance of the siting of development in the wider landscape to character and place-making.

**Bournemouth, Christchurch, Poole and Dorset Waste Local Plan 2021 (CD 7.1)**

- 4.75 Policy 14 requires proposals for waste management facilities to be compatible with their setting and to conserve and/or enhance the character and quality of the landscape. Due to their scale, mass and height, the Appeal proposals are incompatible with their setting would have adverse effects on the character and quality of the surrounding landscape.
- 4.76 The policy further requires proposals to be of sympathetic design and location. The location is suitable for industrial development but not at the scale, massing and height proposed. What is proposed exceeds by a considerable margin the prevailing scale mass and height of existing and consented development at the port. Some aspects of the design, such as the orientation of the main building, are not at issue, but other aspects of design cannot be divorced from scale, massing and height. The scale, massing, height and location of the Appeal proposals are not sympathetic to their setting. The mitigation measures proposed are insufficient to overcome the level of adverse landscape impacts that would result.
- 4.77 The policy makes specific reference to the need to avoid unacceptable adverse impacts upon the character of the designated Heritage Coasts. In my view the adverse landscape impacts on the West Dorset Heritage Coast at the moderate level would be unacceptable. The adverse effects on the Purbeck Heritage Coast would be at a lower level and whilst they do need to be recognised, I would not consider them to be unacceptable although they fall to be weighed in the planning balance.
- 4.78 The proposals therefore fail to comply with Policy 14.

**West Dorset, Weymouth and Portland Local Plan 2015 (CD 7.2)**

- 4.79 Policy ENV1 sets out requirements for the protection of landscape, seascape and sites of geological interest, and makes specific reference to the need to take into account the objectives of the Dorset AONB Management Plan and the World Heritage Site Management Plan, and to avoid harm to the character, special qualities or natural beauty of the AONB and Heritage Coast, including individual landmarks. The policy states that development that has significant adverse effects on the local landscape or seascape will not be permitted.

4.80 The proposals are not compatible with the objectives of the WHS Management Plan (CD 12.9) (see paragraphs 4.84 to 4.88 below). Whilst the proposals are not strictly in accordance with the objectives of the AONB Management Plan (CD 12.25), the conflicts identified are not at a level that in my view should have a material influence on planning decisions. The proposals would have significant adverse landscape and visual effects on the local landscape. The effects on the local seascape have not been sufficiently assessed to enable reliable conclusions to be drawn. There would be significant adverse effects on the character and natural beauty of the designated heritage coasts. In respect of the West Dorset Heritage Coast the adverse effects would include both landscape and visual effects at the moderate level.

4.81 The proposals therefore fail to comply with Policy ENV1.

#### **Portland Neighbourhood Plan 2020 (CD 7.4)**

4.82 Policy Port En7 expects development to complement the prevailing size, height, scale and mass of the existing surrounding development. The proposals would be of a significantly greater size, height, scale and mass of the prevailing development at the port, and rather than complementing the existing development would be at odds with it. The policy also requires proposals to demonstrate that they reflect and reinforce the existing character of the locality and makes reference to the Portland Heritage and Character Assessment (CD 12.31).

4.83 Due to the scale, massing and height of the Appeal proposals, the requirements of Policy Port En7 would not be met.

#### **Jurassic Coast WHS Management Plan (CD 12.9)**

4.84 The World Heritage Site was inscribed in 2001 for its earth science value and the wording of its Statement of Outstanding Universal Value (OUV) reflects this. The Appeal proposals would not affect the OUV. However, the WHS Inscription document (CD 12.6) makes clear in its preface that the beauty and character of the WHS are also recognised to be inextricably linked to its value. The opening words of the preface are that '*The Dorset and East Devon Coast is a special and beautiful place*' and that the conservation of this coast should ensure that its earth science interests are properly recognised, not only in



their own right but also *'because of their important role within the coast's landscape, history and culture.'*

4.85 It is noteworthy that the Management Plan (the Jurassic Coast Partnership Plan 2020 – 2025) (CD 12.9) actually refers (under Strategic Aim 5) to the WHS as a 'protected landscape.'

4.86 The Plan draws attention to the need to protect the setting of the designated area, and under the heading 'experiential setting' (page 22) states that:

*'The 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...'*

Whilst acknowledging that the Jurassic Coast was inscribed by UNESCO for its geological value rather than for its natural beauty, the paragraph on setting continues:

*'...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 undeveloped character of coast and seascapes, are important for helping to determine how people experience and enjoy the setting of the WHS.'*

The Appeal site is of course not part of the AONB, but this does not negate the principle that experiential qualities of the landscape such as tranquillity and undeveloped character of coast and seascape are relevant to the setting of the WHS.

4.87 Strategic Aim 2 of the Plan draws attention to the importance of 'broader landscape and nature conservation and enhancements within the setting.' Strategic Aim 4 includes amongst the critical success factors:

*'Visitors' enjoyment of the Jurassic Coast is maintained or enhanced.'*

4.88 It is clear that notwithstanding its geological inscription, the landscape value of the WHS and its setting and the enjoyment and quality of experience of visitors to it are integral to the purposes of its designation and management. The Appeal proposals would have significant adverse landscape and visual effects on the WHS and its setting and would

negatively affect the perception and quality of experience of visitors. They therefore conflict with the objectives of the WHS Management Plan.

#### **Dorset AONB Management Plan (CD 12.25)**

- 4.89 The Dorset AONB Management Plan 2019 – 2024 emphasises that the AONB is valued for its special qualities, including its undeveloped rural character, exceptional undeveloped coastline, tranquillity and dark night skies (page 87). Under ‘objectives and policies’ (page 90) the Plan refers to conservation and enhancement of landscape and states that *‘There should be a net gain in terms of the landscape and its constituent elements’* and 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.’* The Appeal proposals would result in very minor adverse effects on the AONB and its setting, so there would not be a net gain in terms of the landscape, but in my judgement the effects are not at a level that is a cause for concern.

## **5 CONCLUSIONS**

- 5.1 The threshold for significance of landscape and visual impacts has been appropriately set and is not in dispute.
- 5.2 It is common ground that there would be a range of significant adverse visual impacts.
- 5.3 The significant adverse impacts that would be experienced would be more than merely 'localised' or 'very localised'. They would be experienced over a wide area of land and water at distances extending to at least 4.5 km from the development.
- 5.4 The extent and degree of a number of adverse landscape and visual impacts are underestimated in the LVIA. There are multiple adverse landscape and visual impacts that are significant in EIA terms, applying the Appellant's own methodology and criteria.
- 5.5 There would be significant adverse landscape and visual impacts on parts of the designated West Dorset Heritage Coast and the Jurassic Coast World Heritage Site, both of which are in very close proximity to the site.
- 5.6 There would be significant adverse impacts on the visual amenity of large numbers of residential properties, including in south-eastern parts of Weymouth.
- 5.7 The adverse impacts on the visual amenity of users of the South West Coast Path (the England Coast Path) are seriously underestimated in the LVIA and would be substantial and adverse.
- 5.8 The development fails to comply with Policy 14 of the adopted Waste Plan, Policy ENV1 of the adopted Local Plan and Policies Port/EN7 and Port/BE2 of the Portland Neighbourhood Plan.