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Planning Reference: WP/20/00692/DCC

Town and Country Planning Act 1990

**Appeal by Powerfuel Portland Limited against the refusal by Dorset Council
of a planning application for the construction of an Energy Recovery Facility (ERF) at
Portland Port, Castletown, Portland, Dorset**

Proof of Evidence of Helena Kelly, BSc MCIFA



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1 Introduction

Qualifications and experience

- 1.1. I am a director of Heritage Archaeology. I have a degree in Heritage Conservation and have been a heritage professional for over 29 years, having worked as a local government advisor for over eight years (including as Archaeological Advisor to Herefordshire Council and Assistant County Archaeologist for Cumbria) and a consultant for the last 20 years. I am a full member of the Chartered Institute for Archaeologists (CIfA), having been a member since 1997.
- 1.2. I am fully conversant with national policy and guidance relating to planning for the historic environment. I have considerable experience of assessing the impact of development proposals on the significance of heritage assets. This has included the assessment of both built heritage and buried archaeology, and the assessment of effects on the settings of heritage assets.
- 1.3. By way of examples only, I provided historic environment evidence on behalf of the Waste Planning Authority at the Levitt's Field, Waterbeach Waste Recovery Facility public inquiry (in 2019), on behalf of the appellant at the Hownsgill Energy from Waste public inquiry (2022), and on behalf of appellant at the public inquiry for the Ratty's Lane, Hoddesdon Energy Recovery Facility (in 2018). I have undertaken historic environment assessments for various Energy Recovery Facility development proposals including sites in Kidderminster in Worcestershire, Alton in Hampshire and Basildon in Essex. I was appointed to the role of historic environment topic lead for the Environmental Overview Consultants overseeing the delivery of the environmental statement for HS2 Phase 2b.
- 1.4. I was appointed by Dorset Council ('the Council') in September 2023 and have reviewed the historic environment assessment and other relevant documents submitted with the planning application to Dorset Council under reference 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*" ("the Development"). I reviewed the Council's case and having considered the Appeal proposals in relation to the relevant heritage assets, I satisfied myself that I was prepared to support the Council's case and reason for refusal 3 ('Rfr 3'). I have undertaken site visits to the Appeal site (the Appeal site is described in detail in the Council's Statement of Case) and undertaken my own research and assessment.
- 1.5. This proof of evidence (PoE) has been prepared in accordance with the guidance of my professional institution, the Chartered Institute for Archaeologists. I confirm that the opinions expressed are my true professional opinions.

Scope of evidence

- 1.6. In relation to heritage matters, Rfr 3 states that *“The 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.”*
- 1.7. The Appeal Site is located within the settings of a range of heritage assets. Specifically, I provide evidence in relation to the following:
- i. The Grade II Listed Inner and Outer Breakwater, including the Coaling Shed, Storehouse Jetty, Coaling Jetty, Inner Breakwater Fort and Outer Breakwater Fort (Ref¹ 1205991);
 - ii. The Grade II Listed Dockyard Offices (Ref.1203099);
 - iii. Underhill Conservation Area,
 - iv. Grade II Listed 1 Castletown (Ref.1203074);
 - v. The East Weare Batteries, comprising;
 - a. Grade II Listed Battery approximately 80m SE of East Weare Camp (Ref. 1444030) (A Battery);
 - b. Grade II Listed Battery approximately 160m NE of East Weare Camp (Ref. 1447946) (C Battery);
 - c. the Scheduled Monument Battery 200yds (180m) E of the Naval Cemetery (Ref. 1002412) which is also a Grade II Listed Building (Ref. 1281863, East Weare Batteries at SY 694 741) (E Battery);
 - d. Grade II Listed East Weare Camp (Ref. 1205814); and
 - e. Non-designated Batteries B and D;
 - vi. The Verne Citadel Scheduled Monument (Ref. 1002411) and Grade II* Listed The Citadel North Entrance (Ref. 1206120).
 - vii. The Grade II listed Mulberry Harbour Phoenix Caissons at Portland Harbour (Ref. 1203075); and

¹ The National Heritage List for England List Entry Number

viii. Portland Castle Scheduled Monument (Ref. 1015326), also a Grade I Listed Building (Ref. 1205262).

1.8. In my Appendix, I provide my method for determining the level effect, a summary table of the conclusions I reach in relation to the level of effect, the relevant listed building and scheduled monument descriptions and a location plan for the relevant heritage assets referenced. I also provide some additional background historic maps and photographs of the assets.

1.9. In addressing the assets set out above in relation to Rfr 3, this PoE is structured as follows:

- Section 2 provides a review of the relevant policy context in relation to the historic environment policy as referenced in Rfr3;
- Section 3 provides analysis of the designated heritage assets referenced above, specifically focusing on their heritage significance, and the contribution made by setting to that significance;
- Section 4 provides an assessment of how and to what degree the proposals affect that contribution;
- Section 5 considers the proposed Framework Heritage Mitigation Strategy;
- Section 6 provides my overall conclusions; and
- Section 7 provides a summary of my evidence and conclusions.

1.10. It has been agreed between the Appellant and the Council that the harm relates only to development within the setting of heritage assets. Also that the harm is less than substantial.

1.11. The outstanding universal value of the Dorset and East Devon Coast World Heritage Site (WHS) (the Jurassic Coast) relates to its globally significant geological and geomorphological features. It was inscribed as a WHS under criteria relating to Earth's history and geological features (in its list description it is noted as England's only natural World Heritage Site). Cultural heritage value is not therefore relevant to the assessment of the effects of the Development on the setting of this asset. It is however a designated heritage asset in planning terms and I therefore include a section with reference to that. Effects on the landscape setting of the WHS are however dealt with by Mr Williamson in the landscape evidence.

2 Relevant legislation, policy and guidance

The Planning (Listed Buildings and Conservation Areas) Act, 1990

- 2.1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities, in considering whether to grant planning permission for development that affects a listed building or its setting, to “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”.
- 2.2. Historic England sets out in their online guidance², with reference to the Barnwell Manor Wind Energy v East Northamptonshire District Council case, 2014³, in relation to the duty under S66 of the Act that “*in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ref. 1) Parliament’s intention was that ‘decision makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise’.*”
- 2.3. Section 72(1) of the 1990 Act sets out the “*general duty as respects conservation areas in exercise of planning functions: “In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*”
- 2.4. Section 72 does not specifically refer to the setting of a conservation area, but important views from and of a conservation area can make a positive contribution to its special interest. Under the NPPF conservation areas are designated heritage assets, and the relevant policies outlined below therefore also apply in relation to the setting of a conservation area.

The Local Plan

- 2.5. The following local planning policies are referenced in Rfr 3 and are relevant to the conclusions of my PoE:

The Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019) (CD7.1)

- 2.6. Policy 19 - Historic environment:

“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.”

² Online guidance available at: <https://historicengland.org.uk/advice/hpg/decisionmaking/legalrequirements/>

³ Barnwell Manor Wind Energy Ltd v East Northants DC and others [2014] EWCA Civ 137

Designated heritage assets: Great weight will be given to the conservation (protection and enhancement) of Bournemouth, Christchurch, Poole & Dorset's 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.

Non-designated heritage assets: 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. 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.

West Dorset, Weymouth & Portland Local Plan 2015 (CD7.2)

2.7. Policy ENV4. heritage assets

i) 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. Development should conserve and where appropriate enhance the significance.

ii) 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.

iii) A thorough understanding of the significance of the asset and other appropriate evidence including conservation area character appraisals and management plans should be used to inform development proposals including potential conservation and enhancement measures.

iv) Any harm to the significance of a designated or non-designated heritage asset must be justified. Applications will be weighed against the public benefits of the proposal; if it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or 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.

v) The desirability of putting heritage assets to an appropriate and viable use that is consistent with their conservation will be taken into account. vi) Where harm can be justified, appropriate provision will be required to capture and record features, followed by analysis and where appropriate making findings publically [sic] available.

The Portland Neighbourhood Plan June 2021

2.8. Policy No. Port/EN4 Local Heritage Assets:

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. Any renovations or alterations of buildings or structures identified as heritage assets requiring planning permission should be designed sensitively, and with careful regard to the heritage asset's historical and architectural interest and setting. 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.

National Planning Policy Framework September 2023 ('NPPF')

2.9. Section 16 of the NPPF (CD 9.1) provides policies for conserving and enhancing the historic environment.

2.10. Paragraph 194 sets out that *"In determining 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary..."*

2.11. Paragraph 195 directs 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) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

2.12. 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"*.

2.13. Paragraph 198 sets out that *"In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have*

regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.”

2.14. Paragraph 199 sets out that *“when considering the impact of a 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”* (emphasis added).

2.15. Paragraph 200 of the NPPF notes 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. Substantial harm to or loss of:*

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

2.16. Paragraph 202 of the NPPF 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.”*

2.17. Paragraph 203 relates to non-designated heritage assets, and how to consider the effect of an application on their significance, again directing that *“in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

2.18. Annex 2 of the NPPF provides a Glossary, which provides the following definitions relevant to this evidence:

- “Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.”
- “Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”

- “Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
- “Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting...” Heritage significance has the same meaning as heritage interest or heritage value. In the assessment that follows I use the term ‘heritage value’ in relation to heritage significance/ interest.

Relevant guidance

Planning practice guidance

2.19. Of particular relevance is Paragraph: 018 Reference ID: 18a-018-20190723:

“How can the possibility of harm to a heritage asset be assessed?;

“Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-19 [201 and 202 in the revised NPPF September 2023]) apply. Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated... 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.”

Historic England guidance

2.20. Historic Environment Good Practice Advice in Planning 3, 2nd Edition (GPA3): The Setting of Heritage Assets, Historic England, 2017 (CD9.30) advises a staged approach to assessing effects on the setting of heritage assets. The key principles and method (including the ‘5 step’ approach outlined below) were followed in completing my assessment. They are as follows:

- Step 1: Identifying the heritage assets potentially affected and their settings;

- Step 2: Assessing whether, how and to what degree settings make a contribution to the significance of the heritage assets;
- Step 3: Assessing the effect of the Development on the setting and therefore the significance of the assets;
- Step 4: Maximising enhancement and minimising harm; and
- Step 5: Make and document the decision and monitor outcomes.

2.21. Historic England, at paragraph 9 (page 4) of the above guidance, note that “*Setting is not itself a heritage asset, nor a heritage designation ... Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance*”.

2.22. Conservation Principles: Policy for the Sustainable Management of the Historic Environment, Historic England 2008 (CD9.27) sets out Historic England’s approach to making decisions about the historic environment. The document identifies the following groups of heritage values that can be attached to places to help define relevant significance, here aligned to the heritage interests set out in the NPPF:

- **Evidential value** (*archaeological interest*): a heritage asset can hold, or potentially hold, evidence of past human activity that can be revealed through investigation;
- **Historical value** (*historic interest*): the way in which a heritage asset can illustrate past people, events and aspects of life, this includes the associative and illustrative historic value of an asset, as well as its **communal value** which relates to the meaning of a place and can be commemorative, spiritual, symbolic or social; and
- **Aesthetic value** (*architectural or artistic interest*): This derives from a contemporary appreciation of the asset’s aesthetics and can result from conscious design or the way that a place has evolved over time.

3 The heritage assets

- 3.1. I consider that the Appeal site is within the settings of the heritage assets described below. These assets illustrate the historical development of Portland Harbour and demonstrate its strategically important location, its growth as a commercial port and its history as a harbour for the Royal Navy. The assets span the early post medieval period and fortifications commissioned by Henry VIII through to the modern period and important role played by Portland in the Second World War. The assets are described individually below, but many have particular significance as a group, and the following narrative is included to provide some context to this group value
- 3.2. Portland Castle was built as an artillery fort for King Henry VIII in 1539-41. It was built alongside Sandsfoot Castle to guard the natural anchorage known as Portland Roads. The two forts were situated on either side of the bay and are intervisible. That intervisibility and the locations of the forts is a key element of their special interest.
- 3.3. Underhill Conservation Area includes a large area incorporating Fortuneswell, Maidenwell and Chiswell to the west of the Verne Citadel and Castletown on the north coast of Portland Island; Castletown is the closest part of the Conservation Area to the Appeal site. It is believed to have been a small fishing village, named after Portland Castle, with shipping wharfs and some associated commercial development in the 18th century. This developed further after the construction of the Merchant's Railway in 1826 resulting in Castletown pier becoming the Portland stone industry's main pier for exporting stone. However, Castletown remained a small settlement until the construction of the Inner and Outer Breakwaters. After the construction of the Breakwaters, Castletown developed into a commercial centre based on trade from the new harbour of refuge. Castletown prospered due to its proximity to Portland's naval base which followed the development of the Breakwaters and the area is still experienced as a gateway to Portland Port, an aspect that makes a strong contribution to appreciating its heritage value.
- 3.4. No. 1 Castle Town, within the Underhill Conservation Area, particularly demonstrates the clear links between the settlement at Castletown and the port. It was built in the mid-19th century and is labelled as a customs house on early Ordnance Survey mapping. In its listing the building is considered to be part of the naval base building group, as demonstrated by its documented historic uses and stone shield with carved royal monogram 'VR' which illustrates the support shown by Queen Victoria and Prince Albert to the creation of the harbour of refuge. The link between 1 Castle Town and Portland Port is therefore a key element of its special interest.
- 3.5. The Dockyard Offices were built in 1848 specifically to oversee the construction of the breakwaters. It is described in the list description as the focal point of the breakwater construction and it is also noted that it has group value as part of a complete naval base of

considerable importance. The projecting bay to the east end of the building was designed specifically to provide views of the breakwaters. The intervisibility and group value between the Dockyard Offices and the breakwaters is very clearly a key element of the heritage value of the asset.

- 3.6. The Inner and Outer Breakwaters were built between 1849 and 1882. The natural harbour at Portland was selected as the site for a safe refuge based on its location between Portsmouth and Plymouth and facing the French naval dockyard at Cherbourg. The project was first proposed in 1835, with drawings of the breakwater prepared in 1844. The Portland Breakwater Act was enacted in 1847. The formal construction of the Inner Breakwater was marked by a ceremony in which HRH Prince Albert laid the foundation stone on 25 July 1849. The coaling shed, storehouse jetty and coaling jetty were also constructed in the mid-19th century as part of the breakwaters development.
- 3.7. Concerns of a possible French invasion in 1859 resulted in the Royal Dockyards at Portland being fortified and from 1862 further largescale works were undertaken including advancing work on the breakwaters and the construction of the Inner Breakwater Fort. The Verne Citadel and East Weare Battery were also built as part of this period of fortification. The Outer Breakwater Fort was added in 1869-82.
- 3.8. Verne Citadel was designed as a siege fortress and plans for the fort were first put forward in 1846. Work to excavate a ditch around Verne Hill began in 1852, and convicts from the newly created Portland Prison quarried rock creating a ditch with the excavated stone then used in the Breakwaters. Work on the Citadel itself began later, and East Weare Batteries, East Weare Camp and the Verne Citadel were all built in the 1860s-80s. Verne Citadel was a fortified garrison, the East Weare Batteries were a series of five gun batteries (Batteries A – E) and East Weare Camp was a defensible detention barracks providing secure accommodation for the garrison of the East Weare Batteries. East Weare continued to be used during the First World War. The Verne Citadel became an infantry training centre from 1937. During the Second World War, it was also a gun emplacement (as was the Inner Breakwater Fort) and Portland was an embarkation point for Operation Overlord.
- 3.9. The construction of the Inner and Outer Breakwaters and associated infrastructure including the Dockyard Offices created the first harbour of refuge specifically designed to create a coaling port for the navy's fleet of steam-drive warships. When completed the breakwaters formed the largest man-made harbour in the world. As the navy began using the port, the need to provide associated fortifications was realised with the construction of Verne Citadel and East Weare Batteries. The commercial development of Castletown and construction of buildings including

No. 1 Castletown (the former customs house) was also a direct result of the creation of the harbour at Portland. The assets form a nationally significant group.

3.10. The Appeal site is, as noted above, within the settings of these assets. It is currently a vacant site being used for storage. Historically, several buildings were present within the Appeal site. These included the Royal Naval Hospital, established at the Port by the mid-19th century, although by the late 19th century a larger facility was established off Castle Road. Buildings are shown within the Appeal site throughout the historic map sequence, as are the sidings of the Breakwater Railway and the Admiralty Incline. The density of buildings formerly within the site varied during the 20th century and some were still extant in the early 20th century, with all of the buildings being cleared only within the last two or three years. I have included historic mapping and modern aerial photographs of the Appeal site within my Appendix (sections 4 and 5) that illustrate this.

The Grade II Listed Inner and Outer Breakwater, including the Coaling Shed, Storehouse Jetty, Coaling Jetty, Inner Breakwater Fort and Outer Breakwater fort (Ref 1205991)

The value of the asset

3.11. The Inner and Outer Breakwater, including the Coaling Shed, Storehouse Jetty, Coaling Jetty, Inner Breakwater Fort and Outer Breakwater Fort were constructed between 1849 and 1882. They were designed by Chief Engineer, James Meadow Rendel, who was succeeded by John Coode in 1856, and carried out by civil engineer John Towlerton Leather. The Outer Breakwater Fort was designed by Captain E H Steward.

- The breakwaters have aesthetic value as a significantly innovative and impressive feat of engineering.
- The breakwaters have historic value through association with nationally significant engineers and the support of HRH Prince Albert to their construction. They have further historic value in illustrating the development of the navy fleet to steam-driven warships and the mechanised fuelling of ships, and as an example of nationally significant periods of England's military history.
- The breakwaters have communal value as a significant part of the series of monuments that form the largely complete naval base and the social value derived from this long-standing and evident association and as a landmark structure.
- The commemorative stone at the western end of the inner breakwater, marking the official start of construction of the breakwaters by HRH Prince Abert has historic heritage value. A further plaque was added to the gun floor of the inner breakwater fort, commemorating

the visit by HRH Prince Philip Duke of Edinburgh in 1999 to celebrate the 150th anniversary of the laying of the first stone of the breakwaters by Prince Albert, also has historic value.

3.12. The breakwaters have group value with the Dockyard Offices, 1 Castletown, the Verne Citadel, and the East Weare Batteries as well as with Bingleaves Groyne and the North-Eastern Breakwater (built in the late 19th century in response to concerns of torpedo attack). The level of completeness and survival (albeit with some later 20th century and 21st century alterations) and group value contribute to the breakwaters' heritage value. The breakwaters have high heritage value reflected in their status as a grade II listed building but they also have considerable group value and value related to their nationally significant historic context.

The contribution made by setting

3.13. The setting of the breakwaters includes the group value and intervisibility with the Verne Citadel, the East Weare Batteries, and with the Dockyard Offices, as well as longer views of Portland Harbour which include its association with Bingleaves Groyne, the North-Eastern Breakwater and the seascape in which it is experienced. The Dorset County Council historic landscape characterisation project⁴ identifies the breakwaters as part of the Weymouth Harbour character area and the Portland dockyard character area. The non-designated Breakwater Railway was the Admiralty's branch railway linking the breakwaters to the Weymouth and Portland Railway and Admiralty Incline Railway. The remains of the railway survive in part and this is partially reflected in the polygon demarking the extent of the listed area. The continuation of the railway and incline are also within the setting of the breakwaters and this provides a tangible link between the breakwaters and other assets in the group. These elements of the asset's setting are a key aspect of its special interest and setting makes a significant positive contribution to the breakwaters' aesthetic, historic and communal heritage value. As noted above, the Appeal site is currently vacant but until recently it included a number of buildings (see Appendix, section 4). Buildings were present on the site at the time of the construction of the Inner and Outer Breakwaters, as shown on historic mapping (see Appendix, section 5). I consider the Appeal site to make a positive contribution the heritage value of the Breakwaters despite these changes for the reasons set out above.

The Grade II Listed Dockyard Offices (Ref.1203099)

The value of the asset

3.14. The former dockyard engineer's offices 'the Dockyard Offices' were first built in 1848 by John Coode, specifically to oversee the construction of the breakwaters. The building was extended

⁴ Viewed online at: <https://gi.dorsetcouncil.gov.uk/explorer/>

and altered in 1890 and 1910, it also has some later 20th century additions which are not part of its special interest.

- The Dockyard Office has aesthetic interest as an early example of a building specifically designed for the purpose of overseeing the construction of the Breakwaters. It has architectural detailing and is constructed in Portland stone and was noted at the time of its construction as being a building of high quality.
- The 1910 alterations included the construction of a clock tower, which is currently a visually prominent feature of the building.
- It is a building with considerable historic interest, both associative (the association with John Coode) and illustrative, through its close association with the construction of the Breakwaters and their historic value set out above.

3.15. The Dockyard Offices have high heritage value reflected in its status as a grade II listed building but it also has considerable group value, particularly with the breakwaters, and value associated with its significant part in the development of Portland Harbour.

The contribution made by setting

3.16. The setting of the Dockyard Offices includes its intervisibility and association with the Inner and Outer Breakwater, Coaling Shed, Storehouse Jetty, Coaling Jetty, Inner Breakwater Fort and Outer Breakwater Fort and with Portland Harbour and the port within which it is experienced. Intervisibility between the Dockyard Offices and the various structures of the Breakwaters and the views over Portland Harbour and Balaclava Bay make a considerable contribution to the heritage value of the asset and the relationship between the Dockyard Offices and the Breakwaters is a key element of its special architectural and historic interest. The projecting bay is orientated to views over the Breakwaters. The 20th century alterations noted in the listing include an extension on the western end of the building which detract from the original design of this view but do not obscure it. Setting makes a significant positive contribution to the aesthetic and historic heritage value of this asset. I consider the Appeal site to be within the setting of this asset, and to make a positive contribution to its heritage value despite the modern extensions to the building and removal of buildings from within the Appeal site. This is because the key interest of the orientation of the building towards the breakwaters remains readily apparent despite these changes.

Underhill Conservation Area, and within it the Grade II Listed 1 Castletown (Ref.1203074)

The value of the assets

3.17. Castletown, within the Underhill Conservation Area, was the site of wharfs and a pier associated

with the Portland stone industry before developing as the gateway to Portland's naval base following the construction of the breakwaters. No. 1 Castletown is a former customs house.

- The Conservation Area demonstrates the rapid development of a commercial centre during the mid-19th century and the buildings within it have collective aesthetic value. No. 1 Castletown has aesthetic value associated with its formal composition in a Gothic style and decorative detailing.
- The Conservation Area and No. 1 Castletown have associative and illustrative historic interest. The Conservation Area developed as a result of the naval base development and also the Portland stone industry, renowned for use in buildings including St Paul's Cathedral. No. 1 Castletown has historic interest for its role in the administration of the naval base.

3.18. The Conservation Area and No. 1 Castletown have high heritage value reflected in the designation of the Conservation Area and, for the latter, as a grade II listed building. Both also have group value including with the breakwaters, and their association with Portland Harbour's role in British naval history.

The contribution made by setting

3.19. The Conservation Area Appraisal notes that "The setting of the Underhill conservation area is expansive (Chesil Beach, northern cliffs, The Verne and common land around it, East and West Weares, Portland Harbour, Lyme Bay)." Views along Castletown allow for intervisibility between the port and No. 1 Castletown and the eastern extent of the Conservation Area. These views convey an area with a maritime and naval character and are part of the setting of the assets and make a positive contribution to appreciating their historic value.

The East Weare Batteries

The value of the assets

3.20. The East Weare Batteries are a series of five former gun emplacements built between 1862 and 1869 to protect Portland Harbour, the safe refuge created by the construction of the Inner and Outer Breakwaters. They were built on the north east slope of Portland to overlook the harbour and the gun emplacements are orientated to the port and Balaclava Bay. The batteries were part of the defences associated with the Verne Citadel. East Weare Camp is an associated detention barracks built in 1870-1880, it provided secure accommodation for the gunners and garrison of the East Weare Batteries A-E.

3.21. The gun emplacements are referred to as batteries A, B, C, D and E. Batteries A and B are part of the area known locally as Forbidden City, A Battery is a grade II listed building, B Battery is a non-designated heritage asset. C Battery is also grade II listed. D Battery appears to be the least well preserved and is a non-designated heritage asset. E Battery is both a grade II listed building and a scheduled monument. The monuments comprise:

- Grade II Listed Battery approximately 80m SE of East Weare Camp (Ref. 1444030) 'A Battery'
- Grade II Listed Battery approximately 160m NE of East Weare Camp (Ref. 1447946) 'C Battery'
- The Scheduled Monument Battery 200yds (180m) E of the Naval Cemetery (Ref. 1002412) which is also a Grade II Listed Building (Ref. 1281863, East Weare Batteries at SY 694 741), 'E Battery'
- Non-designated B Battery and D Battery
- Grade II Listed East Weare Camp (Ref. 1205814)

3.22. Batteries C, D and E were decommissioned in the early 20th century, while A and B were updated. A and B batteries were used during the First and Second World Wars.

- The East Weare Batteries and East Weare Camp have historic value as assets that illustrate the 19th century defences at Portland and through their association with British naval history.
- The East Weare Batteries and East Weare Camp also have evidential value, as assets that have the potential to yield information about their construction, use and reuse as military infrastructure from the mid-19th to early and mid-20th centuries.
- The upstanding remains of Batteries A, B, C, and E and East Weare Camp have aesthetic value as mid-19th century structures with historic building fabric including Portland stone and the legibility of their design and layout as military structures.
- The East Weare Batteries and East Weare Camp have communal value as part of a series of monuments that form the largely complete naval base and the social value derived from the military history of the area.

3.23. The East Weare Batteries A, C and E and East Weare Camp have high heritage value reflected in their status as grade II listed buildings and a scheduled monument (E Battery), an asset of the highest value. They also have considerable group value, particularly with the Breakwaters, and value associated with their significant part in British military history and the development of Portland. Batteries B and D were considered for listing in 2018, the decision was taken not to list these structures, and the designation decisions are included in my Appendix. For B Battery

the reason cited was the extent of more recent alterations. D Battery was described as a strong candidate for listing but was not inspected so a listing decision could not be taken. These assets both have historic value and evidential value for the same reasons as described above. They also have a degree of aesthetic value, although B Battery is noted as being altered by later additions and D Battery appeared on my site visit to be less well preserved (although overgrown and difficult to see in detail). However, these assets are an integral part of the East Weare Battery group of assets and are evidently extant albeit in a poorer condition than the designated assets with which they are associated. They contribute to appreciating this nationally significant group. I consider that these are assets of moderate value.

The contribution made by setting

3.24. The arrangement of the group of assets that comprises the Verne Citadel, the East Weare Batteries and East Weare Camp, the Admiralty Incline Railway (Incline Road) and, further south the East Weare Rifle Range (built in the late 19th century to train naval personnel stationed at East Weare Camp) has high group value that is part of the setting of these assets. In views from the Verne Citadel, the positions of the batteries and East Weare camp contribute significantly to appreciating the asset group and its relationship with Portland Harbour. The batteries were orientated towards the harbour and in views from them that orientation is a key aspect of their special interest. Setting makes a significant positive contribution to the historic, aesthetic and communal heritage values of these assets.

The Verne Citadel Scheduled Monument (Ref. 1002411) and Grade II* Listed The Citadel North Entrance (Ref. 1206120)

The value of the assets

3.25. The Verne Citadel was built between 1858 and 1885 under the supervision of the Royal Engineers. The Verne Citadel includes the fortifications of the ditch surrounding the Citadel, the Citadel and various buildings within it.

3.26. The Verne Citadel includes three grade II* listed buildings, the north entrance, south entrance and south west and south east casemates (fortified gun emplacements) and this reflects that it is an asset of the highest value.

- The Verne Citadel has aesthetic value as an imposing and significant mid to late-19th century military Citadel.
- The Verne Citadel has historic value, both associative (through association with Captain Crossman of the Royal Engineers) and illustrative as a rare example of a purpose built late 19th century defensive Citadel.

- The Verne Citadel has communal value as part of a series of monuments that form the largely complete naval base and social value derived from the military history of the area.

3.27. The Verne Citadel is still in use as a prison and it is a rare example of a purpose built mid-19th century fortification associated with a Royal Navy port. The Citadel's prominent position overlooking Portland Harbour and the East Weare Batteries, and its visual dominance evident in the impressive design of the north and south entrances contribute to the high value of the scheduled Citadel and Grade II* listed north entrance.

The contribution made by setting

3.28. The setting of The Verne Citadel includes the surroundings in which it is experienced and the expansive views from it, particularly towards Portland Harbour which it was built to defend. The visually prominent north entrance can be seen from Castletown and Portland Port. Despite modern development, the asset remains a prominent and dominant feature of Portland. The relationship between Portland Harbour, the East Weare Batteries, and The Verne Citadel is readily evident in views of and from the Citadel, and these views are an important aspect of understanding its considerable heritage value. Setting makes a positive contribution to the aesthetic, historic and communal heritage values of The Verne Citadel.

The Grade II listed Mulberry Harbour Phoenix Caissons at Portland Harbour (Ref. 1203075)

The value of the assets

- 3.29. Two Phoenix Caissons, sections of the structure known as a Mulberry Harbour, are moored in-line to the north of Castletown Pier in Portland Harbour. The Caissons were used in 'Operation Overlord' in June 1944 and created a pre-fabricated harbour that was part of the vital support structure for the successful operation that helped to secure an Allied victory in the Second World War. Mulberry Harbour A was established off Omaha Beach and Mulberry B off Gold Beach, creating a harbour to supply the Allied invasion of Normandy following the D-Day landings. Originally eight of the caissons were towed to Portland in 1946, with six subsequently being sent to the Netherlands. The remaining two caissons at Portland are a visually prominent monument to the remarkable achievement of the harbours and the significance of the Normandy invasion. Sculptures of two British Sailors, two dockyard workers and two American GIs were erected on the top of the Caissons in 2017. The D-Day Centre at Portland which commemorates the involvement of Portland in the Second World War and D-Day allows for views to the Caissons.
- 3.30. The Caissons are a grade II listed asset and a reminder of the role played by Portland in the Normandy invasion.

- They have significant aesthetic value as an innovative design created for a specific role in the 1944 invasion of Normandy.
- They have historic value for their fabrication, deployment and installation as a vital element in the invasion of Normandy and ongoing operation.
- They have communal value as an asset that conveys Portland's long history as a naval base reflecting British military history.

The contribution made by setting

3.31. The Caissons have been moored at Portland for over 70 years and their setting within Portland Harbour makes a positive contribution to their heritage value as part of Portland's naval history. They also contribute to appreciating Portland as an embarkation point for the D-Day landings. The scale of the Caissons is important to appreciating their heritage value as an innovative feat of engineering and is evident in views of them from across Portland Harbour.

Portland Castle Scheduled Monument (Ref. 1015326), also a Grade I Listed Building (Ref. 1205262)

The value of the assets

3.32. Portland Castle was constructed as an artillery castle by Henry VIII in c. 1540. The coastal fortification is paired with Sandsfoot Castle to protect the natural anchorage 'Portland Roads'. Portland Castle is noted in its listing as one of the best preserved examples of its type. Portland Castle is a grade I listed building and scheduled monument and therefore designated as an asset of the highest significance.

- It has aesthetic value as an example of early post medieval military architecture with a good degree of survival.
- It has evidential value as the site that has been used since the early 16th century.
- It has historic value, as an asset that is illustrative of a specific period of military history and of works commissioned by Henry VIII.

The contribution made by setting

3.33. The setting of Portland Castle has been modified by modern development, however it retains a degree of intervisibility across Portland Harbour with Sandsfoot Castle and views across Portland to Balaclava Bay. These views make a positive contribution to appreciating the strategic location chosen as the site of the Portland Castle and also subsequent periods of military defensive developments in this strategically important location.

4 Assessment of effects

4.1. The Development is within the settings of the assets described above, and as set out, setting makes a positive contribution to the heritage values of the above assets. It follows therefore that the Development would be capable of affecting the positive contribution made by setting, and therefore also the significance, of these assets. My assessment of the effects is set out below with reference to the check lists provided in Historic England 2017 The Setting of Heritage Assets (GPA3). My method for determining the level of effect is provided in my Appendix (Section 1).

The Grade II Listed Inner and Outer Breakwater, including the Coaling Shed, Storehouse Jetty, Coaling Jetty, Inner Breakwater Fort and Outer Breakwater fort (Ref 1205991)

Attributes of setting that particularly contribute to heritage value

- The relationship between the Breakwaters and the Dockyard Offices and the influence of the construction of the Breakwaters on the development of The Verne Citadel and East Weare Batteries, and Castletown and intervisibility between those monuments contributes to the asset's heritage value.
- The visual prominence of the Breakwaters, their scale and role as a focal point is significant to appreciating their heritage value.
- The association of the Breakwaters and the military history of Portland is evident in views of and from Portland Harbour that include the Breakwaters.

Attributes of development affecting setting

- The Development is immediately adjacent to the listed building, the polygon for the listing abuts the red line boundary for the Appeal site.
 - The Development affects key views of the Breakwaters from the Dockyard Offices and from The Verne Citadel and East Weare Batteries. Views of the breakwaters from these assets would include views of the Development, and vice versa.
 - The scale of the Development detracts from the visual prominence of the Breakwaters and would introduce a detracting element in views of the Breakwaters from the surrounding area and in views from the Breakwaters towards associated assets.
 - The Development would introduce a change to the skyline and includes a tall stack with lighting and intermittent plume.
- 4.2. Figures 9.38 and 9.39 in the ES Volume 8.2 "Replacement ES Figures 9.16 and 9.17 and new ES figure 9.38-9.47" demonstrate the scale of the Development in views from Ferry Bridge and Sandsfoot Castle, these views indicate the visual prominence and height of the Development in

relation to the heritage assets at Portland, including the Verne Citadel and Inner and Outer Breakwaters. A red light (presumably an aviation light) is shown on Figure 9.43, (photomontage of Viewpoint 9, night time). I note that in the Appellant's assessment visibility of the plume would be intermittent and very infrequent, however when visible it would introduce additional movement into views accentuating the visual prominence of the Development.

- 4.3. The port area has a significant maritime and naval history reflected in the building types present. The Development would introduce a substantial building that detracts from the heritage asset and intervisibility between the Inner and Outer Breakwaters and the heritage asset group described above, given the scale and mass of the building proposed.
- 4.4. I note that an energy development was previously consented within the Appeal site⁵. However those proposals included maximum heights of approximately 34.2m for the stacks, compared to the current proposals with a maximum building height of 47m and 80m high stack. The buildings previously occupying the site shown on historic maps and aerial photographs were also of a smaller scale than that currently proposed. The current condition of the Appeal site does not, as previously set out, reflect its historic character but I do not consider that to prevent the Appeal site from making a positive contribution to the asset's heritage value given the location of the Appeal site in relation to the asset and as part of the vistas of and from the asset that contribute to its heritage value.
- 4.5. The Development is in very close proximity to the listed structures of the Breakwaters. It would affect views of and from the Breakwaters including its important intervisibility with the Dockyard Offices and The Verne Citadel and East Weare Batteries. The ability to appreciate this asset group would be affected, as would the important contribution made by the dominance of the Breakwaters in views of them that include the Appeal site.
- 4.6. The magnitude of harm is considered to be moderate; key elements of the special interest of the Breakwaters would be impacted by the Development. The asset is of high value, with consideration given also to its value as part of the nationally significant Portland Harbour asset group and its rarity and association with key historic events. A **medium/high** level of effect is therefore concluded. I consider this to be less than substantial harm at the high end of that category of effects.

⁵ Applications 09/00646/FULE and 09/00648/LBC Construction of energy plant adjoining Balaclava Bay (revised scheme)

The Grade II Listed Dockyard Offices (Ref.1203099)

Attributes of setting that particularly contribute to heritage value

- The relationship between the Dockyard Offices and the Breakwaters is a key element of the building's special interest and contributes to its heritage value.
- The association of the construction of the Breakwaters with the military history of Portland is evident in views of and from Portland Harbour that include the Dockyard Offices and the Breakwaters.
- The working port setting reflects the history of the building and provides context to its historical development.

Attributes of development affecting setting

- The Development is immediately adjacent to the listed building and is sited between it and the Breakwaters to which the projecting east bay is orientated.
- The scale of the Development would introduce a detracting element in views of the Dockyard Offices by introducing a building of significantly greater scale and mass in its immediate surroundings and in views of and from the building.
- The Development would introduce a change to the skyline and includes a tall stack with lighting and intermittent plume.

4.7. As set out above, the visualisations prepared for the Application (particularly for Viewpoints 8 and 9 that show the scale of the proposals relevant to these assets) demonstrate that the Development would introduce a building of significant scale, height and mass into views from the Dockyard Offices that include the breakwaters. The Development would significantly detract from the ability to appreciate and understand this important intervisibility. As previously described, the scale of the Appeal proposals is greater than the previously consented development or the buildings that occupied the site historically.

4.8. The magnitude of harm is considered to be moderate; key elements of the special interest of the Dockyard Office would be impacted by the Development. The asset is of high value, with consideration given also to its value as part of the nationally significant Portland Harbour asset group and its rarity and association with key historic events. A **medium/high** level of effect is therefore concluded. This is considered to be less than substantial harm at the high end of that category of effects.

East Weare Batteries and East Weare Camp

- Grade II Listed Battery approximately 80m SE of East Weare Camp (Ref. 1444030) (A Battery);

- Grade II Listed Battery approximately 160m NE of East Weare Camp (Ref. 1447946) (C Battery);
- Scheduled Monument Battery 200yds (180m) E of the Naval Cemetery (Ref. 1002412) also Grade II Listed Building (Ref. 1281863, East Weare Batteries at SY 694 741) (E Battery);
- Grade II Listed East Weare Camp (Ref. 1205814)
- Non-designated B and D Batteries

4.9. The above assets have been assessed individually, but to avoid repetition my assessment is provided below for this group collectively, which also reflects their considerable group value and the contribution made by that to their heritage values.

Attributes of setting that particularly contribute to heritage value

- The relationship between the East Weare Batteries, East Weare Camp, The Verne Citadel and the breakwaters is a key element of these assets' special interest and contributes to their heritage values.
- Views towards Portland Harbour are particularly significant to understanding the location and purpose of these assets.
- The surroundings in which the assets are currently experienced include Portland Port and have a maritime and naval character that reflects the history of the assets and provides context to the area's historical development.

Attributes of development affecting setting

- The Development is sited in views from The Verne Citadel that include the East Weare Batteries, East Weare Camp and the Breakwaters and would detract from appreciating the asset group.
- The Development would detract in views of and from the assets by introducing a building of considerable scale and mass that changes the skyline and includes a tall stack with lighting and intermittent plume.

4.10. The Development would introduce a building of significant scale, height and mass into views from the Batteries and East Weare Camp, importantly in views toward Portland Harbour to which the batteries are specifically orientated. Also, in views of the assets from the Verne Citadel and in views from Portland Harbour, the port and Castletown looking towards the Batteries and Citadel. The Development would detract from the ability to appreciate and understand this important intervisibility and group value.

- 4.11. Views of and from these assets are restricted by vegetation. However the asset's locations are apparent from Verne Citadel and in views towards them from Portland Port. The assets orientation towards Portland Harbour is readily evident with some views towards the harbour available. The assets can be experienced within the historic context of the naval base and this would be altered by the Development.
- 4.12. The magnitude of harm is considered to be moderate; elements of the special interest of A, B, C, D and E Batteries would be impacted by the Development. The designated assets are of high value, and the non-designated batteries of moderate value. In my assessment, I give consideration to the assets' contribution to the nationally significant Portland Harbour asset group and association with key historic events. I also consider the orientation of the assets towards Portland Harbour as a key element of their interest but note that views of and from the assets are restricted and the location of the Appeal site in relation to these assets, at a distance of approximately 190m from E Battery and over 400m from A Battery. A **medium** level of effect is therefore concluded. This is considered to be less than substantial harm in the mid-range of that category of effects.
- 4.13. In relation to East Weare Camp, I consider that intervisibility with the Breakwaters is part of the assets setting and makes a positive contribution to its value. However this is not as significant as the contribution made by those views to the batteries, which were specifically orientated to protect the harbour. I therefore conclude that in relation to East Weare Camp the magnitude of harm is low, resulting in a **minor** level of effect This is considered to be less than substantial harm at the low end of that category of effects.

The Verne Citadel Scheduled Monument (Ref. 1002411) and Grade II* Listed The Citadel North Entrance (Ref. 1206120)

Attributes of setting that particularly contribute to heritage value

- The relationship between The Verne Citadel, the East Weare Batteries, East Weare Camp, and the breakwaters is a key element of the Citadel's special interest.
- Views towards Portland Harbour are particularly significant to understanding the location and purpose of the asset.

Attributes of development affecting setting

- The Development is sited in views from The Verne Citadel that include the East Weare Batteries and the breakwaters and would detract from appreciating the asset group.

- 4.14. The Development would detract in views of and from the Citadel by introducing a building of considerable scale and mass that includes a tall stack with lighting and intermittent plume. The Appeal site is immediately below the north wall of the Citadel and in views from the Citadel the

building would be below the asset, however the 80m high stack would introduce a modern element into views towards the Breakwaters that would be incongruent particularly on occasions when the plume introduces additional movement and height. In views of the Citadel from the wider area the Development would be a large and prominent feature of views within which the Citadel currently has visual prominence (as demonstrated by photomontage figures 9.38, 9.39 and 9.43 previously referenced). The Development would introduce a building of significant scale, height and mass into views from and of the Citadel, in views towards and including Portland Harbour and the Breakwaters, which it was built to defend. The Development would detract from the ability to appreciate and understand this important intervisibility and also to a degree the visual prominence of the Citadel.

4.15. The magnitude of harm is considered to be moderate. I consider that intervisibility with the Breakwaters is part of the assets' setting, making a positive contribution to its significance and that therefore elements of the special interest of The Verne Citadel would be affected. However, I acknowledge that this is one part of wider views and the Development would not affect views of or from the south of the Citadel. I therefore conclude a **medium** level of effect in relation to The Verne Citadel Scheduled Monument and The Citadel North Entrance Grade II* listed building. This is considered to be less than substantial harm in the mid-range of that category of effects.

Underhill Conservation Area, and within it the Grade II Listed 1 Castletown (Ref.1203074)

Attributes of setting that particularly contribute to heritage value

- The relationship between the Castletown area of the Underhill Conservation Area and No. 1 Castletown is an element of these assets' special interest.
- Views towards Portland Harbour are particularly significant to understanding the development of these assets.
- The surroundings in which the assets are currently experienced includes Portland Port and has a commercial and maritime character that reflects the history of the asset.

Attributes of development affecting setting

- The Development would introduce a substantial building into an area with a commercial, maritime and naval character.

4.16. The Development would introduce a building of significant scale, height and mass into views along Castletown towards Portland Port that include Portland Harbour and the breakwaters, affecting the historic character of the area.

4.17. I consider that intervisibility with the Breakwaters and port is part of these assets' setting and that this makes a positive contribution to their significance. However this is part of wider views and intervisibility with the Development would be limited by the intervening built form. I therefore conclude that in relation to Underhill Conservation Area and No. 1 Castletown the magnitude of harm is low and a **minor** level of effect is therefore concluded. This is considered to be less than substantial harm in the low end of that category of effects.

The Grade II listed Mulberry Harbour Phoenix Caissons at Portland Harbour (Ref. 1203075)

Attributes of setting that particularly contribute to heritage value

- The seascape in which the Caissons are experienced is backdropped by the Breakwaters and Portland Port.
- The surroundings in which the asset is currently experienced has a maritime and naval character that reflects the history of the asset.
- The Caissons are visually prominent features in the seascape of Portland Harbour, and perception of their significant scale and mass contributes to understanding their relevance as an exceptional feat of engineering and innovation at a pivotal point in modern history.

Attributes of development affecting setting

- The Development is sited in views that include the Caissons and is of significant scale and mass that would detract from their visual prominence.

4.18. The Development would introduce a building of significant scale, height and mass into views from and of the Caissons and compete with their visual prominence, as demonstrated by photomontage figure 9.38 previously referenced. I consider that intervisibility with Portland Port is part of the assets setting and makes a positive contribution to its significance, as does its visual prominence in views of it. However the Development would form part of wider views that include the Caissons and a number of views of and from the Caissons would be unaffected. In relation to the Caissons the magnitude of harm is low and a **minor** level of effect is therefore concluded. This is considered to be less than substantial harm at the low end of that category of effects.

Portland Castle Scheduled Monument (Ref. 1015326), also a Grade I Listed Building (Ref. 1205262)

Attributes of setting that particularly contribute to heritage value

- The relationship between Portland Castle and Sandsfoot Castle is a key element of the asset's special interest.

- Wider views over Portland Harbour contribute to understanding the location and design of the asset.

Attributes of development affecting setting

- The Development is sited in a range of wider views from Portland Castle.
- The Development would not detract from the visual prominence of the Castle given the distance of separation and does not interrupt the intervisibility with Sandsfoot Castle.

4.19. The Development would introduce a building of significant scale, height and mass into a small range of wider views from and of Portland Castle, as demonstrated by photomontage figure 9.38 previously referenced. I consider that intervisibility with Portland Harbour is part of the assets setting and makes a positive contribution to its significance. The Development would however not impact the key elements of special interest of this asset. I therefore conclude that in relation to Portland Castle the magnitude of harm is negligible and a **negligible** level of effect is therefore concluded. I consider this to be less than substantial harm at the lowest end of that category of effects.

5 The Framework Heritage Mitigation Strategy

5.1. As set out in the Appellant's Statement of Case and Statement of Common Ground, a Framework Heritage Mitigation Strategy was proposed prior to the determination of the planning application (CD 2.17j). Those measures were withdrawn before the application was determined. A slightly revised scheme has been put forward as part of the Appeal proposals. The revised scheme includes:

- a) methodology for scrub/vegetation clearance at E Battery in accordance with structural engineer's recommendations for avoiding further damage;
- b) specification of works to be carried out at E Battery to address such repairs as are identified by the structural engineer after a further appropriately detailed survey;
- c) confirmation of those responsible for ongoing maintenance and survey programmes at E Battery, as well as the procedure for, and frequency of, curated visits;
- d) details of other approvals or consents that may be required;
- e) text and other content of proposed interpretation boards for A-E Batteries;
- f) design of proposed information boards including sample of proposed material;
- g) proposals for a permissive route (with port-side security fence); and
- h) retention in situ of the extant railway tracks of the Breakwater Branch Railway present within the Appeal site.

5.2. The measures proposed do not reduce the effect of the development on the important intervisibility between assets where that is a specific aspect of the heritage asset's key special interest. Nor do these measures reduce the effect of the scale and mass of the building in relation to heritage assets where that would detract from or compete with the asset's visual prominence.

5.3. The measures to address the ongoing deterioration of E Battery are welcomed and would be a heritage benefit along with the proposed improved public access to, and interpretation of, the East Weare Batteries. However, I consider that there are also some disadvantages to the measures proposed. My concerns with the scope of the proposed heritage mitigation strategy as proposed are:

- The proposals are not informed by any assessment of management priorities for the asset group and typically a heritage mitigation strategy of this type would be informed by a conservation management plan and condition survey, neither of which are proposed;
- The strategy does not address the most impacted heritage assets of the Breakwaters and Dockyard Offices, and leaves questions regarding, for example, how the commemorative stone on the Breakwaters (to which paragraph 198 of the NPPF may be relevant) will be maintained during the construction and operation of the Development;
- The permissive access route still requires security fencing, which reduces its effectiveness in better revealing the heritage value of the asset group as a whole including views of the Breakwaters and Portland Harbour; and
- Scrub removal at E Battery, while to be encouraged, would potentially allow for clearer views towards Portland Harbour but those views would include the Development, and therefore accentuate the impact of the Development on appreciating these views from the asset and understanding their contribution to its heritage value.

5.4. It is my view that the strategy provides some benefits but because of the above concerns, that those benefits are minimal.

5.5. I also note that Historic England in their written representation to the Inquiry identify that some of the measures proposed could be undertaken through other routes such as liaison with local specialist interest groups.

6 The Appellant’s Assessment

6.1. I have reviewed the assessment made by the Appellant in Chapter 7 of the ES (CD1.36h and 1.37k). The difference between that assessment and my own are summarised below:

Asset	My Level of Effect	ES Level of effect
The Grade II Listed Inner and Outer Breakwater	Medium/high effect	Moderate
The Grade II Listed Dockyard Offices	Medium/high effect	Moderate
Grade II Listed A Battery	Medium effect	Slight
Grade II Listed C Battery	Medium effect	Slight
Scheduled/ Grade II Listed E Battery	Medium effect	Slight to moderate
Grade II Listed East Weare Camp	Minor effect	Slight
Non-designated Batteries B and D	Medium effect	Not recorded
Grade II* Listed The Citadel North Entrance	Medium effect	Slight to moderate
The Verne Citadel Scheduled Monument	Medium effect	Slight to moderate
Underhill Conservation Area	Minor effect	Slight
Grade II Listed 1 Castletown	Minor effect	Slight
The Grade II listed Phoenix Caissons	Minor effect	None
Scheduled Monument/ Grade I Listed Portland Castle	Negligible effect	Slight to moderate

6.2. Similar conclusions are reached in relation to the Breakwaters, Dockyard Offices, E Battery, East Weare Camp, Underhill Conservation Area and No. 1 Castletown. There is a difference in assessment in relation to A-D Batteries, the Verne Citadel, the Caissons and Portland Castle.

6.3. At 7.79 the ES sets out that the “*current open aspect [of the Appeal site] is of no value as part of the setting of the breakwater structures and there is historic precedent for other buildings of significant size in close proximity*”. I disagree that the open aspect is of no value; the historic character of the Appeal site has changed, but in my view makes a positive contribution to the heritage value of the Breakwaters as an area that contributes to understanding the location and relationship between the Breakwaters and other assets and also their historical development. I also do not consider the historic structures within the site to be of ‘significant size’ in comparison to the current proposals. Historic photographs included in the Appellant’s Design and Access Statement in Figure 1.12 on page 22 show the buildings that were previously within the site, and these were four storey buildings that were not comparable to the scale or height of the Appeal proposals.

6.4. At 7.80 the ES states that the Development “...*will not obstruct the line of view from the former dockyard office towards the breakwater that, although now prevented by the later additions to this building, is an important aspect of its significance.*” I disagree that the line of view from the Dockyard Office towards the Breakwater is ‘prevented’ by the later additions (I include a

photographs in my appendix (section 6) to illustrate this). I agree that the Development would not obstruct the line of view between the breakwaters and dockyard offices entirely, but it would introduce a substantial building into those views and other associated infrastructure which would interrupt and detract from this important intervisibility.

- 6.5. At 7.83 in relation to East Weare Batteries, the ES states that *“the close functional relationship to the harbour and the breakwaters they were positioned to defend is no longer legible, because of the overgrown condition of the batteries and of the whole section of the cliffs beyond the Naval Cemetery, which prevents views out to sea”*. I acknowledge that views that include the batteries in the context of Verne Citadel and the Breakwaters, and views from the batteries, are limited by their currently overgrown condition, but it does not follow that the setting of the batteries does not therefore contribute to their heritage value. The relevant guidance (GPA3) is clear that it is not necessary to be able to see the asset; on page 5 in the second bullet point under the heading ‘buried assets and setting’ the guidance states that *“While the form of survival of an asset may influence the degree to which its setting contributes to significance and the weight placed on it, it does not necessarily follow that the contribution is nullified if the asset is obscured or not readily visible”*. The guidance also sets out on page 2 that *“Although views of or 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 from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.”* (emphasis added).
- 6.6. It also appears that the assessment relates only to E Battery (despite reference to Batteries plural) and that A and C Batteries and East Weare Camp are considered to have been positioned *“to defend the more distant approaches”* (ES Chapter 7, paragraph 7.86) and therefore for the effect to be less significant. The non-designated B and D batteries are not assessed. The group value referenced throughout the list descriptions for these assets does not appear to have been fully appreciated or given any weight in the assessment.
- 6.7. The accessibility of the batteries and Verne Citadel is commented on in the ES assessment (e.g. 7.86 ‘these features [A and C batteries and East Weare Camp] are within the secure estate of the port and can only be experienced in views from the cliffs above’ and 7.87 “[The Verne Citadel’s] character is enclosed and inaccessible by both the original design intentions and the modern use as a prison”); GPA 3 sets out on page 2 that *“The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.”*

- 6.8. The Verne Citadel is assessed along with the listed buildings within it. This approach seems at odds with the assessment of the batteries, where a lack of intervisibility with the Appeal site is emphasised although sight lines towards Portland Harbour (whatever their current degree of legibility) is a deliberate part of their design and historic development. However, the buildings within the Citadel were designed to be viewed within the confines of the Citadel's defences and I consider that their setting is the Citadel and that their heritage value would be unchanged by the Development. I consider that the assets that are internal to Portland Castle are similarly unaffected by the Development.
- 6.9. In relation to the Caissons, no effect is predicted by the ES. Their visual prominence in the seascape in which they are experienced is not referenced.
- 6.10. I understand that the Appellant's plume assessment indicates that the plume will be infrequently visible but there is no mention in the heritage assessment of this, a factor that is specific to this type of development and would have a bearing on views of it, particularly from the East Weare Batteries and Verne Citadel which sit on rising land above the Appeal site.
- 6.11. Consequently, while I can see that the steps set out in guidance and best practice have been followed it is my view that the assessor did not fully articulate some attributes of the contribution made by setting to the heritage value of these assets, or the attributes of development affecting that contribution. As a result the assessment conclusions have, in my view, been understated in relation to the East Weare Batteries B-D, the Caissons and The Verne Citadel Scheduled Monument and Grade II* listed North Entrance.

7 The WHS

7.1. The Dorset and East Devon Coast WHS is approximately 1km to the south of the Appeal site at its closest point. The brief synthesis of the WHS's outstanding universal value (OUV) provided in its list description is as follows:

“The Dorset and East Devon Coast has an outstanding combination of globally significant geological and geomorphological features. The property comprises eight sections along 155 km of largely undeveloped coast. The property's geology displays approximately 185 million years of the Earth's history, including a number of internationally important fossil localities. The property also contains a range of outstanding examples of coastal geomorphological features, landforms and processes, and is renowned for its contribution to earth science investigations for over 300 years, helping to foster major contributions to many aspects of geology, palaeontology and geomorphology. This coast is considered by geologists and geomorphologists to be one of the most significant teaching and research sites in the world.”

7.2. The Jurassic Coast Partnership Plan 2020-2025 (Management Framework for the Dorset and East Devon Coast World Heritage Site) (CD 12.9) identifies on page 9 that Strategic Aim 2 is to “Conserve and enhance the Site, its attributes, presentation and setting”.

7.3. Planning practice guidance (PPG) for the Historic Environment (paragraph 01 (reference 18a-001-20190723) sets out that the UK is a signatory of UNESCO Convention Concerning the Protection of the World Cultural and National Heritage, 1972. At paragraph 026 (reference 18a-026-20190723) the guidance sets out that England protects its WHSs and their settings through the planning system. They are designated heritage assets (irrespective of whether they are cultural heritage or natural sites) in terms of the NPPF and the policies set out within section 16. NPPF Paragraph 200 (b) identifies that a WHS is an asset of the highest significance.

7.4. PPG paragraph 033 (reference 18a-033-20190723) sets out guidance on how the setting of a WHS is protected. It notes that the UNESCO Operational Guidelines seek protection of “*the immediate setting of each WHS, of important views and other areas or attributes that are functionally important as a support to the Property*”.

7.5. The Dorset and East Devon Coast WHS list description sets out that there is no defined buffer zone as the wider setting of the property is well protected through the existing designations and national and local planning policies. The impact of the Development on the landscape values of the WHS's setting are described by Mr Williamson in his evidence. However, as a designated heritage asset in NPPF terms, any harm to the OUV of the asset should (as described by NPPF paragraph 207) be considered as either substantial (paragraph 201) or less than substantial harm (paragraph 202).

8 Conclusions

- 8.1. I consider that the assessed designated heritage assets are of high value and while some are clearly assets of the highest significance in terms of their designations (and the terminology at paragraph 200 of the NPPF) they are all highly significant as part of a group of nationally important assets that convey the maritime and naval history of Portland, a history that includes the construction of the first safe anchorage for a naval steam-driven fleet, which created when built the largest man-made port in the world, that includes a range of naval defences specifically orientated to protect that harbour, and reflects advances in military technology and use during two World Wars. The range of assets and level of survival of assets of 19th century date in Portland is exceptional. The less well preserved non-designated B and D batteries are of moderate value given their condition, but nonetheless have group value associated with the naval base as described above.
- 8.2. The Appeal site, while changed from its historic character through the demolition of the buildings that previously occupied the site, is strongly associated with the Breakwaters and Portland Harbour and port and as such makes a positive contribution to the heritage values of the assets described, despite these changes. The previous buildings on the Appeal site were not of the same scale as the Development. The previously consented energy scheme within the Appeal site was also not of the same scale and, I note, was consented in 2010 and therefore predates both the first and second editions of GPA3 (2015 and 2017 respectively) and the policies and guidance of the NPPF (2012). The scale and context of the 2009 application were both therefore different in terms of assessing its effects on the historic environment at the time of that decision.
- 8.3. I understand that the Appeal site has been allocated for development and has an extant consent for an energy facility (discussed above). It is not my assessment that this site is unsuitable for any form of built development, it is the scale and appearance of the current proposals that I have assessed and have drawn the following conclusions in relation to.
- 8.4. In my assessment the harm to the heritage assets described above is:
- In relation the Breakwaters and Dockyard Offices I find that the level of effect is medium/high and equivalent to less than substantial harm at the **high end** of that scale of effects.
 - In relation to the East Weare Batteries and Verne Citadel I find that the level of effect is medium and equivalent to less than substantial harm at the **mid-range** of that scale of effects.

- In relation to East Weare Camp, Underhill Conservation Area, No. 1 Castletown and the Mulberry Harbour Phoenix Caisson I find that the level of effect is minor and equivalent to less than substantial harm at the **low end** of that scale of effects.
- In relation to Portland Castle I find that the level of effect is negligible and equivalent to less than substantial harm, at the **lowest end** of that scale of effects.

8.5. Historic England provided a written statement to Dorset Council summarising their advice on the application. They confirm that their concerns relate to the scale and massing of the Development and the 80m high stack which in their view, as in mine, would compete visually with the Verne Citadel and be a dominant feature within the setting of several heritage assets. They highlight that as a group the assets contribute to understanding Portland as an important military site. The Historic England concerns align with my assessment as set out above.

8.6. Historic England also express concerns in relation to the Framework Heritage Mitigation Strategy and state that in their view it is unlikely to offset the harm to this large group of nationally significant heritage assets that would result from the Development. They also question whether the proposals could not be achieved by other means as several specialist interest groups have expressed interest in becoming more involved in the upkeep of the heritage assets. Again, this is consistent with the concerns that I have outlined above.

8.7. The Appellant has put forward, at Appeal, a Framework Heritage Mitigation Strategy. However, the scale of the building in this location in such close proximity to the Inner and Outer Breakwaters, the Dockyard Offices, the East Weare Batteries and the Verne Citadel is such that the proposals would seriously affect key elements of the special interest of the grade II listed Breakwaters and associated structures, grade II listed Dockyard Offices. Also key elements of the special interest of the East Weare Batteries (grade II listed, and a scheduled monument) and grade II* listed and scheduled Verne Citadel would be affected. This would result in less than substantial harm to the assets' heritage significance, being at the high end of that scale of effects for the Breakwaters and Dockyard Offices and mid-range for the East Weare Batteries and Verne Citadel. The proposed heritage mitigation measures do not provide measures that mitigate or compensate for this loss of heritage significance.

8.8. The NPPF at paragraph 197 requires planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets. At paragraph 199 the NPPF sets out that great weight should be given to a designated heritage asset's conservation and the more important the asset, the greater the weight should be, irrespective of whether the harm is substantial or less than substantial. It is in this context that the Development should be determined against the policy provisions of paragraph 202 of the NPPF.

- 8.9. The steps are therefore clearly laid out in the NPPF. In weighing the harm against the benefits of development and given the very high significance of the assets at Portland, considerable importance and weight should be placed on the desirability of preserving the heritage significance of these assets. Setting is an important aspect of that, providing a legible link between the assets that together illustrate this nationally important naval base. The relevant local planning provisions are also set out in Rfr 3, and my assessment concurs that the Development would cause 'less than substantial' harm to a range of heritage assets, as set out in Rfr 3.
- 8.10. Policy 19 of the Bournemouth, Christchurch, Pool and Dorset Waste Plan identifies 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. Also that great weight will be given to the conservation (protection and enhancement) of designated heritage assets. The current proposals would result in less than substantial harm to a number of designated heritage assets that include the scheduled monuments at E Battery and The Verne Citadel and the grade II* listed Verne Citadel North Entrance, these are assets of the highest significance in NPPF terminology. The policy continues to set out 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.*" The policy therefore requires that a balance is made in line with the steps outlined by the NPPF. As described, above, in my view the harm is not mitigated by the measures that have been put forward in the Framework Heritage Mitigation Strategy.
- 8.11. Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan has similar provisions to the above at bullet iv. Again, in my assessment and that of Historic England, and in the Appellant's assessment provided in ES Chapter 7, the proposals would result in harm to designated heritage assets. That harm should be weighed against the public benefits of the proposals.
- 8.12. Policy EN4 of the Portland Neighbourhood Plan similarly sets out the policy requirement that development proposals which maintain or enhance the character and setting of any designated or non-designated heritage asset will be supported. The Development would result in harm to the heritage values of a number of designated heritage assets, including some of the highest significance, and collectively a group of assets that convey the nationally significant historic development of Portland's naval base.

- 8.13. As the proposals affect a number of listed buildings Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also engaged requiring the decision maker to give 'considerable importance and weight' to the desirability of preserving the contribution made by setting to the value of those listed buildings. In relation to the Underhill Conservation Area I find only a minor level of effect and consider that largely the character and appearance of the conservation area is preserved, however that also requires consideration in terms of the duty under Section 72 of the Act.
- 8.14. It is not my remit to address the balance between my assessment of less than substantial harm to these heritage assets and the public benefits of the development, against the various relevant planning policies set out above, and I leave that to the evidence provided by the Council's planning witness.
- 8.15. I do not assess the effects of the Development on the outstanding universal value of the WHS as the contribution made by setting to the WHS's value relates to its functional context and experiential qualities of the surroundings rather than any contribution to heritage value. I note however that any WHS is considered in planning to be a designated heritage asset and I have identified the relevant planning practice guidance and policy provisions in Section 16 of the NPPF that relate to the consideration of effects on WHSs.

9 Summary of evidence and conclusions

9.1. The Appeal Site is located within the settings of a range of heritage assets. Specifically, I consider the effects of the Appeal proposals in relation to the following:

- i. The Grade II Listed Inner and Outer Breakwater, including the Coaling Shed, Storehouse Jetty, Coaling Jetty, Inner Breakwater Fort and Outer Breakwater Fort (Ref 1205991);
- ii. The Grade II Listed Dockyard Offices (Ref.1203099);
- iii. Underhill Conservation Area,
- iv. Grade II Listed 1 Castletown (Ref.1203074);
- v. The East Weare Batteries, comprising; Grade II Listed Battery approximately 80m SE of East Weare Camp (Ref. 1444030) (A Battery); Grade II Listed Battery approximately 160m NE of East Weare Camp (Ref. 1447946) (C Battery); the Scheduled Monument Battery 200yds (180m) E of the Naval Cemetery (Ref. 1002412) which is also a Grade II Listed Building (Ref. 1281863, East Weare Batteries at SY 694 741) (E Battery); Grade II Listed East Weare Camp (Ref. 1205814); and Non-designated Batteries B and D;
- vi. The Verne Citadel Scheduled Monument (Ref. 1002411) and Grade II* Listed The Citadel North Entrance (Ref. 1206120).
- vii. The Grade II listed Mulberry Harbour Phoenix Caissons at Portland Harbour (Ref. 1203075); and
- viii. Portland Castle Scheduled Monument (Ref. 1015326), also a Grade I Listed Building (Ref. 1205262).

9.2. These designated heritage assets are of high value and while some are clearly assets of the highest significance in terms of their designations (and the terminology at paragraph 200 of the NPPF) they are all highly significant as part of a group of nationally important assets that convey the maritime and naval history of Portland, a history that includes the construction of the first safe anchorage for a naval steam-driven fleet, which created when built the largest man-made port in the world, that includes a range of naval defences specifically orientated to protect that harbour, and reflects advances in military technology and use during two World Wars. The range of assets and level of survival of assets of 19th century date in Portland is exceptional. The less well preserved non-designated B and D batteries are of moderate value given their condition, but nonetheless have group value associated with the naval base as described above.

9.3. The Appeal site, while changed from its historic character through the demolition of the buildings that previously occupied the site, is strongly associated with the Breakwaters and Portland Harbour and port and as such makes a positive contribution to the heritage values of the assets described, despite these changes. The previous buildings on the Appeal site were not of the

same scale as the Development. The previously consented energy scheme within the Appeal site was also not of the same scale and was consented in 2010 and therefore predates the current policy and guidance context for considering effects on the settings of heritage assets.

9.4. In my assessment the harm to the heritage assets described above is:

- In relation the Breakwaters and Dockyard Offices I find that the level of effect is medium/high and equivalent to less than substantial harm at the **high end** of that scale of effects.
- In relation to the East Weare Batteries and Verne Citadel I find that the level of effect is medium and equivalent to less than substantial harm at the **mid-range** of that scale of effects.
- In relation to East Weare Camp, Underhill Conservation Area, No. 1 Castletown and the Mulberry Harbour Pheonix Caisson I find that the level of effect is minor and equivalent to less than substantial harm at the **low end** of that scale of effects.
- In relation to Portland Castle I find that the level of effect is negligible and equivalent to less than substantial harm, at the **lowest end** of that scale of effects.

9.5. The Appellant has put forward a Framework Heritage Mitigation Strategy. It is my view that the strategy provides some benefits but because of a number of concerns, that those benefits are minimal. Concerns include the limited scope of the proposals which do not include the assets most significantly affected by the Development, namely the Breakwaters and Dockyard Offices, also the fencing to the permissive route and lack of any proposals for an informed conservation strategy for the asset group as a whole.

9.6. I conclude that the Development would result in less than substantial harm to the heritage values of a number of designated heritage assets, including some of the highest significance, and collectively a group of assets that convey the nationally significant historic development of Portland's naval base. That harm is less than substantial and should therefore be weighed against the public benefits of the proposals as set out in Paragraph 202 of the NPPF, Policy 19 of the Waste Plan, Policy ENV4 of the West Dorset, Weymouth & Portland Local Plan, Policy Port/EN4 of the Portland Neighbourhood Plan. As the proposals affect a number of listed buildings Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also engaged requiring the decision maker to give 'considerable importance and weight' to the desirability of preserving the contribution made by setting to the value of a listed building.