



Portland Energy Recovery Facility

Appeal Against the Refusal of Planning Permission by Dorset Council

PINS Ref: APP/D1265/W/23/3327692
LPA Ref: WP/20/00692/DCC

Landscape and Visual Effects
PPF4: Proof of Evidence of Jon Mason

Prepared for



Powerfuel Portland Limited

November 2023
3460-01-Proof-02



Document Control

Revision	Date	Prepared By	Reviewed / Approved By
3460-01-Proof-02		JM	N/A

© AXIS P.E.D. Ltd 2023. All rights reserved.

This document and its accompanying documents contain information which is confidential and is intended only for the use of the client. If you are not one of the intended recipients any disclosure, copying, distribution or action taken in reliance on the contents of the information is strictly prohibited.

Unless expressly agreed, any reproduction of material from this document must be requested and authorised in writing from AXIS P.E.D. Ltd. Authorised reproduction of material must include all copyright and proprietary notices in the same form and manner as the original and must not be modified in any way. Acknowledgement of the source of the material must also be included in all references.



Well House Barns, Chester Road, Bretton, Chester, CH4 0DH

Camelia House, 76 Water Lane, Wilmslow, Cheshire, SK9 5BB

T: 0344 8700 007
enquiries@axis.co.uk
www.axis.co.uk

CONTENTS

1.0	INTRODUCTION AND SCOPE OF EVIDENCE.....	1
1.1	Qualification and Relevant Experience.....	1
1.2	Scope of Evidence.....	2
1.3	Proof of Evidence Structure	2
2.0	DORSET COUNCIL’S SECOND REASON FOR REFUSAL	3
2.1	Introduction.....	3
2.2	The Design of the Facility.....	3
2.3	Alleged Significant Effects.....	4
2.4	Effects within the Setting of the WHS.....	4
3.0	MATTERS RAISED IN THE COUNCIL’S STATEMENT OF CASE.....	6
3.1	Introduction.....	6
4.0	MATTERS RAISED IN THE RULE 6 STATEMENT OF CASE.....	9
4.1	Introduction.....	9
5.0	DESIGN CONSIDERATIONS.....	12
5.1	Introduction.....	12
5.2	Primary mitigation	12
5.3	Materiality and Cladding Selection	12
5.4	Receiving Context – Portland Harbour.....	13
6.0	LVIA	14
6.1	Introduction.....	14
6.2	Content of the LVIA and Criticism of its content	15
6.3	Additional LVIA work.....	15
6.4	Summary of the ES LVIA findings.....	19
6.5	Summary of my Supplementary Assessment Findings	20
6.6	Conclusions	28
7.0	THE WORLD HERITAGE SITE AND ITS SETTING.....	31
7.1	World Heritage Designations	31
7.2	The Dorset and East Devon Coast World Heritage Site	31
7.3	Protection of the World Heritage Site	32
7.4	What the WHS is not.....	33
7.5	WHS boundaries and buffer zone	34
7.6	The Setting of the WHS	35
7.7	Assessment of Effects on the WHS	35
7.8	Consultation Responses	36
7.9	Assessment of Effects	41
7.10	Navitus Bay Decision	44
7.11	Conclusion.....	45



8.0	RELEVANT CONTEXT – A LONG ESTABLISHED AND DYNAMIC PORT	47
8.1	Introduction	47
8.2	Glencore	47
8.3	Dragon Portland cement silo	48
8.4	Cruise Ships	49

TABLES

Table 6.1 Summary of Viewpoint Assessment.....	23
---	-----------

FIGURES (*Bound within Appendix JM4*)

APPENDICES

Appendix JM1 – Additional Landscape Character Assessment

Appendix JM2 – Additional Viewpoint Assessment

Appendix JM3 – LVIA methodology

Appendix JM4 - Figures

Appendix JM5 - Photographs of Cruise Ships in Port

Appendix JM6 - Glencore photographs

1.0 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 Qualification and Relevant Experience

- 1.1.1 I am Jon Mason, a Technical Director of Axis, a multi-disciplinary planning, environmental and landscape consultancy.
- 1.1.2 I am a Chartered Member of the Landscape Institute and hold a BSC honours degree in Landscape Design and Plant Science from the University of Sheffield as well as a Diploma in Landscape Architecture also from the University of Sheffield. I lead a team of experienced landscape architects acting on a wide range of primarily infrastructure projects throughout the UK.
- 1.1.3 I have been employed by Axis since 2001 and have over thirty years of professional experience since graduating in 1989. I have extensive experience of assessment of major infrastructure projects across the UK.
- 1.1.4 The Landscape and Visual Impact Assessment (LVIA) which accompanied the original planning application was prepared by TOR, as was all subsequent supplementary information and correspondence with consultees.
- 1.1.5 I have subsequently become involved following the decision by the Council to refuse planning consent and the decision of the Appellant to appeal.
- 1.1.6 I was approached by the Appellant in early June 2023, and requested to provide an independent¹ expert opinion as to the landscape and visual merits of the Portland ERF scheme and its prospects at appeal. As part of that process:
- i. I visited the Appeal Site and the surrounding area on the 7th and 8th June 2023, including an accompanied visit to the Port and to some of the relevant designated heritage assets. I also visited the key viewpoints from within the World Heritage Site, the Heritage Coast and AONB.
 - ii. I undertook a desktop review of the ES, with a particular focus on the DAS and LVIA documentation. I also reviewed the technical consultee

¹ Independent from the team which was responsible for the planning application.

responses, the officer report to Committee and other materials including the Navitus Bay decision.

1.1.7 I concluded that the Council should have granted planning permission and thus there would be a strong prospect of success at appeal. I was subsequently asked to provide evidence in support of the proposal at this appeal. Accordingly, I have remained heavily involved in the project since July 2023.

1.1.8 Since my initial visit I have become more familiar with the Site and the wider study area having made further site visits during the summer and autumn of 2023.

1.1.9 The evidence which I have prepared and provide for this inquiry in this proof of evidence is true and I confirm that the opinions expressed are my true and professional opinions. My professional fees in respect of this project do not depend upon the outcome of this inquiry.

1.2 Scope of Evidence

1.2.1 This Proof of Evidence (PoE) has been prepared to consider landscape and visual matters relevant to the Appeal, and in particular the second reason for refusal. I also provide evidence in respect of the extent to which there are effects upon the Dorset and East Devon Coast World Heritage Site.

1.3 Proof of Evidence Structure

1.3.1 My evidence is divided into a number of sections which cover the following:

Section 2 – Dorset Council’s second Reason for Refusal

Section 3 – Matters Raised in the Council’s Statement of Case

Section 4 – Matters Raised in the Rule 6 Parties Statement of Case.

Section 5 – Design Considerations.

Section 6 – Landscape and Visual Impact.

Section 7 – The World Heritage Site and its setting.

Section 8 – Other development within the Port.

1.3.2 A summary of this evidence is provided in a separate volume (PPF6).



2.0 DORSET COUNCIL'S SECOND REASON FOR REFUSAL

2.1 Introduction

2.1.1 The second reason for refusal states the following:

The proposed development, as a result of its scale, massing and height, in the proposed location, would have a significant adverse effect on the quality of the landscape and views of the iconic landform shape of the Isle of Portland within the setting of the Dorset and East Devon Coast World Heritage Site, particularly when viewed from the South West Coast Path and across Portland Harbour. As such, the proposal is contrary to Policy 14 of the Waste Plan, Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan, Policies Port/EN7 and Port/BE2 of the Portland Neighbourhood Plan, and paragraph 174 of the NPPF.

2.1.2 There are three main facets to the second reason for refusal:

- i. Consideration of the design of the facility, in particular its scale, massing and height.
- ii. Alleged significant effects on the quality of the landscape and of views of the 'iconic' shape of Portland.
- iii. That the alleged significant effects occur within the setting of the Dorset and East Devon Coast World Heritage Site (WHS) – 'the Jurassic Coast', and particularly those parts of the WHS containing the South West Coast Path and views across Portland Harbour.

2.1.3 On this basis, the Council alleges the Appeal Proposal is contrary to Policy 14 of the Waste Plan, Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan, Policies Port/EN7 and Port/BE2 of the Portland Neighbourhood Plan, and paragraph 174 of the NPPF.

2.1.4 Within subsequent sections of my proof I deal with each of these facets in turn. In brief, my summary is as follows:

2.2 The Design of the Facility



2.2.1 The Appeal Proposal design is the result of an extensive and considered process, which is documented at length within the submitted Design and Access Statement (CD 1.21). Correspondence during the determination process recognises that the design is well considered, albeit with reservations about the then proposed printed PVC mesh cladding system.

2.2.2 My main observation, which I expand on in section 5, is that in terms of scale and how the ERF sits within its site, it is an unusual example of an ERF – which are always very large buildings – being of a scale that is subordinate to its landscape setting. Having worked on more than twenty ERF type facilities it is the more usual situation for the ERF to be the largest element in the receiving landscape. In this case the scale of the setting, both in terms of the Port and in particular in terms of the landform alongside which the ERF would be sited, is such that the ERF would not dominate.

2.3 Alleged Significant Effects

2.3.1 The central argument raised in the reason for refusal is that the introduction of the ERF would have a significant effect firstly on the quality of the landscape, and secondly that it would be harmful to views of the Portland landform.

2.3.2 I will explain in section 6 of my proof that firstly the quality of the landscape would not be significantly affected by the introduction of the ERF and that secondly that appreciation of the distinctive wedge-shaped landform of Portland from areas to the north and northwest including Chesil Beach and the SW Coastal Path would not be diminished.

2.4 Effects within the Setting of the WHS

2.4.1 Finally, in section 7 of my proof I will set out why I consider that the World Heritage Site would not be adversely affected by the proposed ERF. The principal reason for this finding is that the only changes to the context of the WHS would be the limited and localised changes to landscape character and visual amenity identified in the landscape and visual assessment work which would not have a significant effect on the WHS setting.

2.4.2 The Navitus Bay proposal, referred to by the Rule 6 parties in their Statement of Case, is not comparable to the Appeal Proposal both in terms of its relative size and significance of effect on the WHS as explained in detail in Section 7.9 of this proof.



2.4.3 Importantly, the features of the receiving environment which constitute the Outstanding Universal Value (OUV) and the ability for people to appreciate those features, would not be impaired. The OUV would not be harmed.



3.0 MATTERS RAISED IN THE COUNCIL'S STATEMENT OF CASE

3.1 Introduction

3.1.1 The Dorset Council Statement of Case (CD 11.3) dated 10th October 2023 sets out the case in response to the planning appeal for Dorset Council. Matters directly relevant to my proof are set out in a number of sections of the document as follows.

3.1.2 Paragraphs 5.7 to 5.13 on pages 12 and 13 set out the Council's consideration in respect of 'Main Issue 2: Landscape and Visual Impacts'.

3.1.3 In 5.8 it is stated that the key issue in relation to RFR 2 is whether the Appeal Proposals effect on the quality of the landscape and views of Portland would be unacceptable taking into account its close proximity to the WHS. It states that whilst not located in either the AONB or WHS it is located in such close proximity to both that the impact on their setting, and on the landform of the Isle of Portland is an important substantive consideration. Subsequent paragraphs discuss the policy tests.

3.1.4 In section 6, the Council sets out its main arguments. The fifth bullet point of paragraph 6.1 reiterates the policy framework with which it argues the Appeal Proposal is in conflict on the basis that it is not compatible with its setting and would not conserve or enhance the quality of the landscape. The Council states that it will argue that the Appeal Proposal would have a significant adverse effect on the quality of the landscape and views of the Isle of Portland within the setting of the WHS.

3.1.5 Under the heading 'Landscape Impacts' in paragraphs 6.4 to 6.8 the Council states that:

- i) The Appellant accepts that there would be permanent and significant adverse effects on landscape character and visual amenity;
- ii) That the Council's evidence will show that the appellant has underestimated the extent and severity of these effects; and
- iii) That the Council's evidence will demonstrate:
 - a) significant adverse effects on the key characteristics of the two most directly affected LCA's in the 2013 Weymouth and Portland assessment, namely Portland Peninsula and Chesil Bank, the Fleet and the Causeway;

- b) that the dramatic, distinctive profile of Portland would be marred by the intrusive scale and mass of the proposed development and that the openness of the skyline would be compromised, resulting in an adverse effect on local character and distinctiveness.
- c) significant adverse visual effects on large numbers of residential properties and on users of the SW Coast Path / local rights of way; and
- d) failure to comply with policies 14 and 19 of the Waste Plan / policy ENV1 of the Local Plan and policies Port/En7 and Port/BE2 of the Neighbourhood Plan

3.1.6 In paragraphs 6.20 to 6.27 arguments are fleshed out somewhat including the following:

- i) It is acknowledged that the Appeal Site lies outside the WHS but it is argued that it is in extremely close proximity and with extensive intervisibility. It is alleged that the effects on the protected coastal designations are underestimated in the LVIA;
- ii) The argument is advanced that the scale of the Appeal Scheme is required to complement the prevailing size, height, scale and mass of the existing surrounding development rather than the existing landform in order to comply with Neighbourhood Plan policy Port/EN7;
- iii) The argument is advanced that whilst the Appellant describes adverse effects as being localised or very localised, significant effects are identified at Nothe Fort and Sandsfoot Castle which are 4.5km and 4km away – the suggestion being that these locations are beyond what can be considered 'localised';
- iv) Comparison is made between the findings in the LVIA at Sandsfoot Castle where effects are stated as moderate adverse and a failure to significant identify effects on nearby residential property.
- v) It is reiterated that the Council intends to demonstrate that there would be significant adverse effects on residential areas of Weymouth and on the SW Coast Path
- vi) It is suggested that the closest parts of the WHS and Heritage Coast are located less than 300m from the appeal site and that the effects on these parts of the designations have not been assessed and would be significant.
- vii) The Appellants intended inclusion of Chesil Beach viewpoints is welcomed.

- 3.1.7 In paragraph 7.4, within the Conclusions section, the Council's landscape and visual case is reiterated – that it will argue that the Appeal Proposal would have a significant adverse effect on the quality of the landscape and views of the Isle of Portland within the setting of the WHS.



4.0 MATTERS RAISED IN THE RULE 6 STATEMENT OF CASE

4.1 Introduction

4.1.1 A Joint Statement of Case (JSOC) [CD 11.4] has been prepared by Stop Portland Waste Incinerator (SPWI) and The Portland Association (TPA) dated 10th October 2023. The document sets out their case in response to the planning appeal. Matters directly relevant to my proof are set out in a number of sections of the document as follows.

4.1.2 Within the Summary of Case (section 2) the parties indicate that they support the Council's reasons for refusal and contend that the Council was right to conclude that there would be significant adverse effects on the quality of the landscape and views of the Isle of Portland within the setting of the Jurassic Coast and AONB. They go on to indicate that they will provide evidence with a particular focus on the perspective of the local community.

Incongruity with surrounding area

4.1.3 The JSOC asserts that the Isle of Portland forms a dramatic and distinctive wedge-shaped peninsula at the end of Chesil Beach which forms a unique coastal landmark, and argues that the Appeal Proposal would be incongruous with its surroundings.

4.1.4 It is indicated that the Appeal Proposal would:

- i) dominate and transform the shape of the Isle of Portland
- ii) change the perception of the entire island
- iii) puncture its skyline
- iv) result in the loss of its distinctive character
- v) result in a transformation to a landform which is the focal point of far-reaching views along the coast

4.1.5 The JSOC notes the amendments to design submitted with the Appeal but indicates that this does not alter the acceptability of the proposals, contending that the scale and massing of the Appeal Proposals buildings and stack, highlighted with lighting would adversely affect its surroundings and would be an unnatural, artificial and incongruous feature of the landscape.



4.1.6 The JSOC then alleges that the submitted LVIA is based on incomplete and misleading evidence, citing the example that effects at night and from the Isle of Portland are not included and that the viewpoints used in the assessment understate its dominance within its setting.

4.1.7 The JSOC goes on to say that the Appeal Proposal would adversely affect the quality of life of residents living nearby due to visual impacts and dominance due to scale.

Character and quality of Dorset AONB, the Jurassic Coast and other settings

4.1.8 The JSOC asserts that the Appeal Proposal would be situated in the setting of the AONB and WHS and indicates that evidence will be provided by way of landscape character assessments and the national character area – to demonstrate that these sites contain significant individual landmarks and that much of the coast is undeveloped.

4.1.9 They will reference the decision to refuse consent for Navitus Bay Wind Farm.

4.1.10 The JSOC indicates that they will provide evidence of how the uninterrupted views are enjoyed by residents and visitors. It is also stated that the coast has a rich cultural history.

4.1.11 The JSOC asserts that the Appeal Proposal would fundamentally transform the character and quality of these settings.

4.1.12 It goes on to say that it would be visible from important viewpoints within these sites (AONB and WHS) which offer unrivalled panoramic coastal and sea views, which would be transformed in particular by the stack.

4.1.13 It is asserted that the stack, due to its design, including its aviation lighting, siting and emissions would result in a harmful, industrial interruption to the views of and from the AONB, the WHS and the surrounding coastal waters.

4.1.14 Evidence will be presented in relation to negative impacts on views from and of other important settings, including:

- i) Portland Castle
- ii) Portland Marina
- iii) Sandsfoot Castle
- iv) Verne Castle

- v) East Weare Battery
- vi) The Royal Naval Cemetery
- vii) Well used footpaths and cycle paths

4.1.15 The JSOC then reiterates the allegation that the submitted LVIA is based on incomplete and misleading evidence base, such that it does not capture the full effects of the Appeal Proposal.

Experiential qualities

4.1.16 In this section the JSOC makes reference to the existing natural asset of soundscape and indicates that evidence will be provided that a sense of remoteness is important to residents and that this will be negatively affected.

4.1.17 Further the intention is to challenge the Appellants contention that the noise impact would not undermine amenity and tranquillity, particularly at night.

JSOC appendix

4.1.18 An appendix to the JSOC entitled 'Evaluation of Minerals and Waste Planning Application WP/20/00692/DCC' contains a variety of points of relevance to LVIA.



5.0 DESIGN CONSIDERATIONS

5.1 Introduction

5.1.1 The Design and Access Statement (DAS) [CD 1.21] submitted alongside the planning submission contains a detailed explanation of the design rationale and process that was followed in arriving at the Appeal scheme. The DAS demonstrates a considered process which was heavily site specific and responsive to the landscape context.

5.2 Primary mitigation

5.2.1 As set out in the ES LVIA, the potential impacts on the landscape, seascape and visual resources were a significant consideration from the outset of the development proposals, which evolved as the EIA progressed.

5.2.2 The anticipated effects on receptors guided and influenced the proposals resulting in a scheme that sought to achieve the least possible harm to the landscape setting.

5.2.3 The large scale of the ERF buildings means that screening is not realistic. Instead, an architectural strategy was adopted, following extensive pre-application consultation with Dorset Council and Dorset AONB Landscape Officers and the Jurassic Coast Trust, to produce a building that would contribute and respond to the Portland landscape.

5.2.4 The orientation of the building is such that it presents the minimal elevational area in key views from the west. The massing and materials have been carefully considered such that the building responds to the port setting and does not conflict with the backdrop of the Portland cliffs. Instead, the colour and materials of the building have been chosen to echo the local context, ensuring that the building is non-reflective and such that when viewed from the sea within the Harbour and from much further away in the AONB it will be sympathetic to and will assimilate to a large degree with the landform backdrop.

5.3 Materiality and Cladding Selection

5.3.1 An aspect of the proposed design which received notable attention and criticism during the determination process was the cladding system. The DAS set out a number of alternative cladding approaches and the one identified as preferred in the



planning submission was a printed PVC mesh system which was to feature photographic images of the vegetation on the hillside that sites behind the Appeal site, noting that it was agreed with the Council that the final decision on finishes would be conditioned.

5.3.2 Concerns raised about the proposed system included scepticism about how the photographic imagery would appear through differing light conditions and in different seasons. There were also concerns about durability. Having become involved in the project post determination, my views were sought in relation to the cladding system and my view was that the use of photographic images of vegetation had the potential to appear contrived. Moreover, I didn't consider that going to these lengths to disguise the building were necessary and thought that one of the other options in the DAS - a simpler coated metal cladding system utilising suitable green and grey tones would be preferable.

5.3.3 A change to the cladding system was submitted at the commencement of the Appeal.

5.4 Receiving Context – Portland Harbour

5.4.1 The context into which the Appeal Proposal would be introduced is a very large deep-water harbour within which there is a thriving and dynamic working port. Photographs within the DAS (e.g., pages 8 and 9) convey the characteristics of the port environment, with large buildings, large open areas of hardstanding, large ships, and other large marine artefacts.

5.4.2 The port is utilitarian and dynamic with an ever-changing assemblage of elements. Cruise ships berth in the port on a regular basis which are considerably larger than the Appeal Proposal, for example the MSC Virtuosa, one of two ships photographed when in port earlier this year (refer to Appendix JM5) is over 330m long, c.50m wide and with a height above the water of over 65m. This compares to the Appeal Proposal buildings which are 201m long, 51m wide and 47m high – with a stack 80m tall.

5.4.3 Having been involved in a large number (over twenty) of ERF type developments during my career, this is the first occasion on which the ERF facility has not been the largest scaled and most dominant element in the landscape. The Appeal Proposal is subordinate to its landscape context – sitting as it does within a large port and alongside a large landform.



6.0 LVIA

6.1 Introduction

- 6.1.1 The ES for the Appeal Proposal included a landscape and visual assessment chapter authored by TOR. The chapter was accompanied by a methodology and by supporting figures and visual materials including baseline photographs from a range of viewpoints and photomontages from selected viewpoints that were agreed with Dorset Council at the outset.
- 6.1.2 Subsequent to the original submission there have been a number of consultation responses received from the Council and others, some of which have resulted in the submission of supplementary materials, notably additional visualisations to illustrate a worse case visible emissions plume and to illustrate the proposals at night with an aviation warning light fitted to the stack.
- 6.1.3 There have been a number of iterations of landscape comments from the Council during the determination period.
- 6.1.4 Shortly following submission of the application, the Dorset Council landscape officer confirmed in October 2021 that he did not have any objection to the proposal but requested further information on the impact of the plume and night-time effects. [CD 4.5]
- 6.1.5 Dorset Council then appointed an external consultancy to provide a second expert opinion to review the additional information submitted in respect of the plume and lighting. The resultant consultation response, in December 2021, concluded in there was no basis for any serious landscape objection. [CD 4.50]
- 6.1.6 Finally, shortly prior to determination, Dorset Council provided the opinion of a third landscape specialist (another landscape officer) in November 2022 - this officer concluded there were reasons to object to the proposals and the Committee Report relied on this position, excluding any significant commentary on the positions of the two other non-objection positions. [CD 4.66]
- 6.1.7 It is not clear why this final 'bite at the cherry' was taken and as to why the Council sought was not satisfied with the professional views provided prior to that point. I do not dwell on this series of events since conjecture regarding the motives of the

Council does not necessarily assist in advancing understanding of the landscape and visual merits or otherwise of the case.

6.1.8 Instead, I focus on providing my professional opinion as to the nature and extent of effects.

6.2 Content of the LVIA and Criticism of its content

6.2.1 Having reviewed the LVIA and having also familiarised myself with the concerns expressed by consultees prior to determination and by the Council and Rule 6 party in their respective Statements of Case my view is as follows.

6.2.2 The LVIA is essentially a sound piece of work, undertaken in accordance with a methodology that aligns with the good practice guidance contained within GLVIA 3rd edition. The methodology for the assessment, including viewpoint selection and landscape character approach was shared and agreed with the Council, and was in part based on the scope of work undertaken for a previous energy recovery project that was granted consent at the same site (the W4B site – details of which are provided in Appendix NR5 to Mr Roberts proof).

6.2.3 What has emerged in the later stages of the determination process in the consultation response from Mr Peacock (the third landscape officer whose opinion was sought by Dorset Council and solely relied on for the purposes of determination) [CD 4.66] and subsequently in the Statement of Case of the Council is a criticism that the LVIA has omitted coverage of parts of the study area and may have under assessed or under reported effects.

6.2.4 The joint Rule 6 parties in their Statement of Case also allege deficits in the LVIA, going so far as describing the LVIA as ‘incomplete and misleading’.

6.2.5 The focus of criticism in respect of both the Council and the joint Rule 6 parties is that there is insufficient assessment of the area to the northwest of the Appeal site in the vicinity of the causeway, the eastern end of Chesil beach and the Rodwell trail footpath which runs along the northern edge of the harbour. There is also criticism of the reporting of effects upon Portland itself, both in terms of landscape character and visual amenity.

6.3 Additional LVIA work



- 6.3.1 Whilst my overall view is that the LVIA is sound and that its scope was agreed in good faith and following due process with the Council, I have elected to supplement the LVIA with my own assessment work which is focussed on the areas latterly identified by the Council.
- 6.3.2 I have undertaken an assessment of effects on landscape character, specifically of the two closest landscape character areas described within the 2013 Weymouth and Portland LCA. My assessment is presented in Appendix JM1.
- 6.3.3 I have also prepared an assessment of eleven additional viewpoints and my own assessment of two of the viewpoints from the ES (VP9 and VP10). This work is presented in my Appendix JM2, with viewpoint locations shown on Figure JM2 and JM4 within Appendix JM4.
- 6.3.4 My assessment work follows my own methodology, prepared (as was TOR's) in alignment with the good practice guidance contained within GLVIA 3rd edition. It is important to note in this respect that GLVIA is a guidance document. It is not prescriptive and inherent to the process that it advocates is that each landscape professional should set out a methodology which is appropriate to the circumstances of the assessment to be undertaken, and then follow it. My methodology is presented in Appendix JM3.

Residential receptors

- 6.3.5 The Council in its Statement of Case has indicated that it believes visual effects on residential property within Weymouth to be greater than reported in the ES. This is a consideration not previously specifically raised by any Council officer. I have therefore undertaken my own review of this, both in terms of looking at the LVIA and on site.
- 6.3.6 My finding in respect of the LVIA was that due to the manner in which TOR has reported the LVIA findings, which was by reference to a number of broad geographical areas as a whole rather than by identifying and quantifying specific receptors, that it could appear that there was an under reporting of effects in this area.
- 6.3.7 I undertook a site visit on Friday 27th October 2023 during which I sought to identify which of the residential properties along the northern edge of Portland Harbour would experience views of the Appeal Proposal.



- 6.3.8 There are a considerable number of properties where there are windows facing the Appeal site with limited intervening screening, typically located where the residential area abuts the Rodwell Trail and/or harbour. In many cases the properties concerned have clearly been designed or adapted to benefit from the views available (incorporating picture windows, balconies, etc.).
- 6.3.9 The main concentration of properties with views was in the area adjacent to the southern extent of the Rodwell Trail. Here there is an 'estate' of relatively recently constructed houses and apartments (parts of Smallmouth Close, Whitehead Drive, Dowman Place) which have an open aspect looking across the water.
- 6.3.10 Further north, rising behind the stretch of the Rodwell Trail that is in cutting, there is an area of older properties which are elevated such that some have views over the trail where there are no other properties blocking the view (Osprey Road). Also on Osprey Road, the four southernmost units within a recently constructed contemporary development on the site of what was a bowling green at Wellworthy Sports and Social Club have been sited to benefit from the harbour views.
- 6.3.11 Heading further north onto Dumbarton Road and Dundee Road, a minority of dwellings here appear to have views. A row of bungalows on Dumbarton Road appears to have views from rear gardens above the adjacent scrub vegetation, but those on Dover Road and Dundee Road seem to sit lower than the intervening vegetated bank.
- 6.3.12 Most of this residential area, which extends west across to the A354 and beyond, falls away topographically from the Rodwell Trail and thus the vast majority of residents cannot see the harbour. Further north, towards a large telecommunications mast, there are more distant properties within Weymouth that are sufficiently elevated to 'see' over the intervening built up area and across to Portland. I visited a number of streets in this area and established that there are some views of the Port from street level where street alignment and gaps between properties allow. This will also apply to windows from within properties. Typically, these views are narrower, partial views across the harbour.
- 6.3.13 Returning to the Rodwell Trail and moving further north again, the next notable area of properties with views are situated along Hillcrest Road, where there is a row of dormer bungalow style properties with views out over the harbour from their rear elevations. Visibility reduces beyond the first ten properties due to the presence of



tall vegetation on the Rodwell Trail embankment and due to a drop in the topography within the housing area.

- 6.3.14 As the Rodwell Trail runs past Castle Cove Sailing Club, it runs parallel to Old Castle Road which sits between it and the harbour. The rear elevations of nine properties situated along this road between Sandsfoot beach and Sandsfoot Castle Gardens face the harbour and there will be relatively clear views (other than where these are restricted by garden vegetation). Further along Old Castle Road, there are some tall apartment blocks facing the Sandsfoot Castle gardens and then there are properties along both sides of the road, some of which (perhaps half) will have clear views.
- 6.3.15 Above Castle Cove, three modern timber clad properties are currently under construction which step down the slope and are likely to have views from rear windows and external areas. Beyond this point (coinciding approximately with the junction with Sudan Road) Old Castle Road heads inland and has no harbour views due to screening by topography and vegetation. There are however approximately twenty large properties on the south side of Belle Vue Road, which have large rear gardens that extend to the foreshore. Whilst this part of the coast is well vegetated, there are likely to be some views from some rear elevations and garden areas. Portland House is a notable property in this area, a 1930's Art Deco style villa in the care of the National Trust. East of Portland House there is a group of single-story properties close to the Wyke Coastguard post which appear to have partial views over the harbour. Beyond this point, which coincides with the end of the outer breakwater, the emphasis of seaward views switches somewhat, with principal views looking east across Newtons Cove. Some elevated properties at 'Lookout' to the east of the bridge over Newtons Road do however have clear views back across to Portland.

Assessment of residential views

- 6.3.16 The nature of the views across the harbour experienced from all of the above properties essentially have very similar characteristics. They are relatively long views (3.5 to 4.5km) across a body of water to an operational port at the foot of the landmass of Portland. The views are similar in nature to the viewpoints I have assessed along the harbour edge (VPs 9, 10, 24 and 25 in Appendix JM2) and my assessment is that these residential receptors would experience the same level of effects as those viewpoints. There would be moderate adverse effects as a

consequence of a small to medium magnitude of change being experienced by high sensitivity receptors. The nature of the view would remain consistent with what can be seen in the existing views and as such effects would not be significant.

6.4 Summary of the ES LVIA findings

6.4.1 The LVIA in the ES reported that there would be no significant effects on landscape character and that significant visual effects would be restricted to four receptors, these being:

- i) Portland Port and breakwaters, including the Sailing Academy, Portland Marina and Portland Harbour
- ii) Public rights of way S3/68, S3/70, S3/72 and S3/81
- iii) Sandsfoot Castle, Park and Garden
- iv) Nothe Fort

6.4.2 Receptors i) and ii) are both groups of receptors which extend to relatively large areas. The approach of grouping visual receptors in this way and providing an aggregated assessment which covers the effects across a wide area is a legitimate way of undertaking a visual assessment but is not the approach that I personally prefer. The lack of specific viewpoint assessments has drawn criticism from the Council that effects may have been underassessed. My supplementary assessment includes viewpoint assessments in these areas. I have also undertaken my own assessment of receptors iii) and iv).

6.4.3 The LVIA in the ES in my view took a very conservative approach in terms of which level of effect was classified as significant, this being anything from “slight to moderate” and above. The approach that I follow is that effects that are above moderate are more likely to be judged as significant. Effects lower than moderate can in some circumstances be considered to be significant.

6.4.4 Ultimately whether an effect is significant is a matter for professional judgement. As set out in GLVIA (p21, para 2.23) and as explained in section 1 and section 2.3 of my Appendix JM3, professional judgement is a very important part of LVIA. In practical terms, the reason for this is that whilst methodologies can set out the principles that are adopted in guiding judgements about the sensitivities of receptors, magnitudes of change and how these interact to create levels of effect, judgements



are needed in respect of context and due to the complex, non-linear relationships which exist between the factors under consideration.

6.4.5 The focus of my supplementary LVIA work has been on the areas which have been highlighted in pre-determination correspondence and subsequently in the Statements of Case.

6.4.6 This is not to discount the findings of the balance of the LVIA which covers a 10km study area and includes areas of Weymouth including the seafront and the AONB (and Heritage Coast) to the northeast.

6.4.7 These are all very distant views, ranging from approximately 7.5km at Weymouth promenade, 8.5km at Osmington Mills, over 10km at White Horse Hill and over 12km at Durdle Door. The Appeal Scheme would in all cases be seen backdropped against the vegetated undercliff of the Portland landmass in the context of a large harbour and port. Only in the clearest visibility would the proposed structures be readily discernible, and at those times they would be seen in context with other structures, fixed or floating, that are of a similar industrial and functional character. The introduction of the appeal scheme would not change the nature of views, being very much subservient to the landmass behind it.

6.4.8 I am satisfied, having reviewed the LVIA and visited all of the viewpoints, that the finding of no significant effects in these areas is correct.

6.4.9 I also note that the various Dorset Council and Dorset AONB landscape officer consultation responses have not identified any significant effects relating to the AONB and other northeast locations.

6.5 Summary of my Supplementary Assessment Findings

Landscape character

6.5.1 My finding, as set out in Appendix JM1, is that there would be minor to moderate adverse effects upon both of the assessed character areas. Effects would not be significant in either case. The assessment finding was arrived at for differing reasons as follows;

6 Chesil beach, the Fleet and the Causeway

- 6.5.2 This character area has a high value as a consequence of its definition as Heritage Coast (which recognises natural beauty) and it forming part of the World Heritage Site and due to the SW Coastal path passing through it. However I assess it as having a low to medium susceptibility to change by virtue of a variety of factors including the scale and make up of elements at its eastern edge (the area closest to the Appeal Site). These elements include the traffic on the causeway, the presence of large carparking areas and boatyards, the diverse commercial development at Osprey Quay and perhaps most notably the diverse assemblage of land uses that occupy its surroundings, including the urban development at Wyke Regis, at the NW edge of Portland and in the Port.
- 6.5.3 There is certainly an underlying simplicity to the landscape composition experienced from this area, including the distinctive wedge of the Portland land mass, the wide expanse of the harbour waters and the relationship between the pebble beach, lagoon and causeway. However, there is an overlay of visual 'noise', consisting of the presence of a very diverse built development and human activity, which inherently reduces the susceptibility of the landscape to the introduction of new elements of built development. I judge susceptibility to change to be low to medium and that the combination of this with high value results in an overall sensitivity of medium.
- 6.5.4 The Appeal Proposal would introduce a new element into the complex assemblage that makes up the view. My assessment is that whilst it would be a large structure, it would be over 1km away from the character area at its closest point and would occupy only a small segment of typically complex, wide-ranging views. It would be very much subordinate to the Portland landform and would not disrupt or compete with it. It would be smaller in scale than the cruise ships which regularly berth nearby (some of the cruise ships being taller than the proposed building and almost as tall as the stack). My judgement is that there would be a small magnitude of change, which when combined with a medium receptor sensitivity would result in a **minor to moderate adverse** effect which would not be significant.

7. Portland Peninsular

- 6.5.5 The Portland Peninsular character area covers the whole of Portland, excluding the far north-western section, which forms part of area 6. The character area thus represents a varied landscape which accommodates four settlements, large areas

of land affected by past or current quarrying and some very distinctive large-scale man made as well as the natural elements of topography and landform that are evident.

- 6.5.6 Whilst the distinctive wedge-shaped profile and the evident natural geological processes provide a simple underlying structure to landscape character, and whilst there is a strong sense of place provided by some elevated vantage points, there is diversity and complexity overlaid onto this in the form of extensive built development and past and present land use. There is a dominance of manmade structures and there are areas characterised by fragmentation rather than unity, with a sense of disuse or neglect in parts. The northeast corner of Portland, the area closest to the Appeal Site, is dominated by the Verne and there are dense, scrub covered slopes dotted with military heritage above the large manmade harbour and operational port.
- 6.5.7 I judge value to be medium and susceptibility to change to be low to medium for the reasons given above. The effects of the Appeal Proposal would be very limited in their geographical extent across the character area by virtue of topographic shielding. The Appeal Proposal would be clearly visible and strongly influential in the area at the base of the northern slope, within the Port. From the elevated areas around the Verne and extending across towards Fortuneswell, there would be views down onto the proposed buildings. These would sometimes be complete, full views where vantage points allow – such as from the outdoor area at the Jailhouse café. More typically views would be restricted, in most cases to views of just the stack, by a combination of topography and scrub vegetation.
- 6.5.8 Where views are clear, such as from the Jailhouse café, views of the Appeal Proposal would be clear and at close range and would be seen in the context of already clear views of a functional, operational port area. The new structures would sit low down in the view, below the natural eyeline, and thus would not interrupt the panoramic views across the harbour to Weymouth and the more distant AONB.
- 6.5.9 From the limited areas where views are restricted to partial views of the top of the stack, the nature of change would be different. In such areas current views do not include the working port, but more typically views of open skies or long-distance views to the mainland coast. The stack would be a new unfamiliar element, with industrial associations albeit occupying a small part of the view.

6.5.10 In both cases I judge that the magnitude of change would be small to medium and that when combined with the low to medium sensitivity the assessed effect would be **minor to moderate adverse** and not significant. These effects would be limited to areas where there is intervisibility with the Appeal Proposal. Elsewhere, across the majority of the Island, there would be **no change** to character.

Visual Effects

6.5.11 In Appendix JM2 I set out my assessment of eleven additional viewpoints together with my assessment of a number of the viewpoints from the original ES. The below table provides a summary of my findings:

Table 6.1 Summary of Viewpoint Assessment

VP ref	Location	Sensitivity	Magnitude of Change	Level of Effect	Significant?
15	East Weare Battery	Medium to High	No change	None	No
16	Jailhouse Café	High	Small to Medium	Moderate	No
17	Royal Naval Cemetery east	High	Medium	Moderate	Yes
18	Royal Naval Cemetery west	High	Medium	Minor to Moderate	No
19	Portland Castle / SW Coast path	High	V Small	Minor	No
20	Hamm Roundabout / Osprey Quay	Medium	V Small	Negligible to Minor	No
21	Hamm beach South	High	Small to Medium	Moderate	No
22	Chesil beach [within WHS]	High	Small to Medium	Moderate	No
23	Hamm beach North	High	Small to Medium	Moderate	No
24	SW end of Rodwell Trail	High	Small to Medium	Moderate	No
25	Rodwell trail above Castle Cove Sailing Club	High	Small to Medium	Moderate	No
9	Sandsfoot Castle Gardens	High	Small to Medium	Moderate	No
10	Nothe Fort	High	Small to Medium	Moderate	No

6.5.12 Significant effects would be experienced at only one of the assessed viewpoints. Viewpoint 17 is located within the Royal Naval Cemetery close to footpath S3/72 located below the Verne Citadel on Portland.



- 6.5.13 I arrive at a finding of significant effects by virtue of the fact that the change experienced in this location (at the viewpoint and in a limited, localised area in its vicinity) will be the introduction of a partial view of a new industrial structure (the stack) – and very occasionally a visible plume - where there is currently no view of the industrial, operational port area. As such the change in view would potentially alter the perception of the area and its relationship to the Port.
- 6.5.14 Views of the stack would be relatively limited in terms of the extent of the structure visible and the proportion of views affected. It would be a static element that would form a minor component and would not dominate or block existing views. The plume assessment indicates that visible plumes would occur for a very small fraction of the year, as set out below.
- 6.5.15 In respect of wider concerns about amenity expressed in the Joint Rule 6 party Statement of Case, I am satisfied that the localised visual harm attributable to the visual impact of the stack as outlined above would not be increased by either harm due to lighting (aviation lighting required will be either low intensity or infra-red - as set out below) or by harm to amenity by virtue of noise.
- 6.5.16 Mr Roberts deals with acoustics in his proof and his Appendix NR15 provides both noise contour maps and a copy of CPRE's tranquillity map. What the noise contours show is that ambient background noise is not especially low and that this cannot be considered a tranquil area. Existing noise sources include local and distant road traffic, movement and activities within the Port including loading of ships and the movement of goods, plus birdsong and human activities.
- 6.5.17 The CPRE tranquillity map for England, whilst slightly difficult to interpret, appears to colour Portland as mainly orange. This indicates that the area of the Isle of Portland falls into the category just above the 'least tranquil' areas of land in England which supports the assumption that tranquil is not necessarily an appropriate descriptor. The CPRE mapping is not a measure of acoustics, but an aggregation of multiple factors of 'manmade' disturbance.
- 6.5.18 Of most importance in terms of allaying concerns about harm to amenity is that the design of the ERF has taken into account the lowest measured background sound levels at the nearest sensitive receptor areas. As a result, the predicted noise levels are below the lowest background levels and well below ambient noise. The design also considers the control of noise character. This means protection of amenity and



sleep disturbance is achieved and maintained and accords with a low impact defined by relevant and appropriate noise standards and guidance. Whilst the outdoor areas of Verne Common and the Royal Naval Cemetery were not the point receptors that informed this work, it can be seen on the noise contour maps that noise levels in these areas would not be harmful to amenity.

Frequency and Residence time of Visible Plumes

- 6.5.19 The matter of plume visibility and the visual impact resulting from plumes was raised during the determination of the planning application. ADMS modelling [see CD 2.17L] was undertaken to predict how often plumes would be visible based on predictions of plume moisture content and temperature and on 5 past years of hourly meteorological data.
- 6.5.20 Plumes occur when water vapour leaving the stack encounters cold air which causes it to condense and become visible.
- 6.5.21 The modelling indicates that over the five years of weather data considered, the plume was expected to be visible for only 205 daylight hours. However, 84 of those hours had high levels of cloud cover and 10 further hours took place during the unusual weather conditions in 2018, so only 111 hours, or 0.51%, would have been genuinely visible. This results in an average number of hours where the plume is forecast to be visible of 22 hours per year.
- 6.5.22 The distribution of those visible plumes through the year is illustrated in Figures 1 to 5 within CD 2.17L. Virtually all of the visible plume hours occurred in January to April, with a few in December but none in the summer months. This latter analysis I include simply because I understand that some of the concerns from 3rd parties have related to potential harm to tourism due to the presence of plumes. The modelling indicates that not only would plumes be a rare occurrence in the round, but they are also extremely unlikely to be seen during the main tourism season.
- 6.5.23 Dorset Council engaged an external consultancy (Tetra Tech) to review the addition information submitted in respect of the plume visibility and consider whether this would result in a change to the original “no objection” from the Dorset Landscape Officer. Tetra Tech confirmed in its response dated 9th December 2021 that following its review it considered the plume would not result in a significant adverse visual

effect and that there were no serious landscape objections to the application. I concur with this view.

Aviation lighting

- 6.5.24 There is a requirement for an aviation warning light to be fitted to the top of the stack. The MOD has indicated in its consultation response [CD4.13] that this needs to be either a low intensity red beacon or an equivalent infra-red beacon.
- 6.5.25 A low intensity aviation warning light has a brightness of 32 candela, which is approximately equivalent in brightness to the rear brake light of a car and would thus be a relatively modest point feature rather than something that would be strongly eye catching. Such a light should not be confused with the medium intensity lights which are used to mark obstacles such as large telecommunications masts. Medium intensity lights are much brighter - typically 2000 candela.
- 6.5.26 Having reviewed the night-time photomontages prepared in order to illustrate the effects of the aviation lighting, my observation is that the two images prepared [CD 2.17M] greatly exaggerate the likely light level that would be witnessed if such a light were fitted. I also note that the Port is in general very well-lit and as such that this is not an especially sensitive area in terms of night-time lighting effects.
- 6.5.27 That said, the indication by the MOD that an equivalent infra-red beacon would be acceptable would clearly be the most preferable option from a visual impact perspective, being entirely invisible to the naked eye.

World Heritage Site Views

- 6.5.28 Viewpoints 20, 21, 22 and 23 are all arranged around an arc extending alongside the causeway that connects Portland to the mainland. Viewpoint 22 is on Chesil beach and is located within the World Heritage Site and within the area defined as Heritage Coast. Viewpoints 20, 21 and 23 are located in proximity to but outside the WHS designations along Hamm beach which is on the opposite side of the A354.
- 6.5.29 Viewpoints 24, 25, 9 and 10 are arranged along the northern edge of the harbour and sit in proximity to but outside of a strip of foreshore that is a SSSI on account of its geological interest and which also forms part of the WHS.

- 6.5.30 Viewpoints 7 and 14 are located within the WHS further away on the coast to the east and viewpoints 11 and 12 are located within the AONB which provides the WHS setting.
- 6.5.31 Effects upon the WHS are addressed separately in the next section of my proof but in terms of visual effects a summary is that none of these viewpoints would be subject to significant effects.
- 6.5.32 The WHS was nominated and is inscribed for its assemblage of geological and geomorphological features, which include Chesil beach and the rock exposures along the edge of the harbour. There is no buffer zone to the WHS which instead relies upon the AONB designation and the defined Heritage Coast area for protection of its setting.
- 6.5.33 Were there to be significant effects upon the AONB, then these could potentially be argued to be effects upon the WHS since they would affect the experience of people visiting the WHS. This was found to be the case in respect of the Navitus Bay offshore wind farm, where whilst it was accepted that the wind farm would have no direct deleterious effects upon the ability to view and experience the geological phenomena, the identified significant adverse effects upon extensive parts of the AONB were considered harmful to the WHS setting.
- 6.5.34 The absence of significant effects on the AONB in this case is such that there would be no harm to the WHS setting. In the case of the viewpoint on Chesil Beach and those immediately adjacent, there would similarly be no significant visual effects from within the defined area of Heritage Coast, the extent of which was identified for its natural beauty and to which a similar principle might therefore be capable of being applied.
- 6.5.35 From the viewpoints along the edge of the harbour, my judgement is again that effects would not be significant on the basis that the nature of the view experienced is not materially changed. This differs from the finding in the original LVIA where a moderate effect at Sandsfoot Castle and a slight to moderate effect at Nothe Fort were categorised as significant.
- 6.5.36 Whichever judgement is preferred, these viewpoints are not located within the WHS and the adjoining section of the WHS is not designated as AONB or defined as Heritage Coast. The receptors who would experience the views from these

viewpoints were assessed as a high sensitivity in any case by virtue of the footpath being a national trail and due to the fact that the castle and fort are visitor attractions.

6.5.37 In respect of all of the views located around the north and west perimeter of the harbour, my finding of moderate effects that are not significant is based on the context into which the Appeal proposal would be introduced and consideration of whether the nature of the change is of sufficient that there would be an appreciable change to the nature of the experience.

6.5.38 My judgement is that the nature of the experience would not change. These would remain long distance views (2 to 4.5km) across an operational harbour to a working port. The Appeal scheme does consist of large structures but viewed at distance and seen within a sufficiently large setting to accommodate them. There would be no diminishment of the Portland landform in the view.

6.6 Conclusions

6.6.1 The design of the Appeal Proposal is the result of an extensive and considered process, including extensive pre-application consultation with Dorset and Dorset AONB landscape officers and the Jurassic Coast Trust. Consultee correspondence during the determination process recognises that the design is well considered, with reservations restricted to the now superseded printed PVC mesh cladding system.

6.6.2 My primary observation from my first involvement in this case has been that in terms of scale and how the ERF sits within its site, this is an unusual example of an ERF which is of a scale that is subordinate to its landscape setting.

6.6.3 By far the more usual situation is for an ERF to be the largest element in its receiving landscape. This is not the case with the Appeal Proposal. Here, it the scale of the setting, both in terms of the Port and Harbour and it terms of the adjacent landform, that is dominant, with the ERF forming a subordinate component. This fact is in my view a very significant factor in terms of how the ERF will be experienced from the wider landscape.

6.6.4 The central argument raised in the reason for refusal is that the introduction of the ERF would have a significant effect firstly on the quality of the landscape, and secondly that it would be harmful to views of the Portland landform and by extension to the setting of the World Heritage Site.



- 6.6.5 My assessment is that by reference to both landscape character and views the quality of the landscape would not be significantly affected by the introduction of the ERF, but rather it would be experienced as simply one more additional operational component within a working Port. The ERF would not be out of scale within the Port and indeed could at many times be dwarfed by Cruise ships berthed nearby.
- 6.6.6 With respect to appreciation of the distinctive wedge-shaped landform of Portland I am very clear that the relative scales of the ERF and the Portland landform are such that in none of the available views does the ERF come close to diminishing the landform.
- 6.6.7 As the supporting visual materials show, the ERF is a much smaller element that would be added to a complex, dynamic assemblage of manmade elements at the foot of the landform. The ERF would not interfere with, screen, reduce the prominence or harm views of the landform, and would not diminish its distinctive form in any way.
- 6.6.8 I provide my position with respect to potential effects on the World Heritage Site in Section 7.
- 6.6.9 Outside of consideration of the WHS, I have identified that there would some very localised harm to visual amenity and character in the vicinity of the east end of the Royal Naval Cemetery where the stack of the ERF would be visible in isolation in the context of some outward views to the Dorset coast where the Port is not currently visible.
- 6.6.10 In terms of residential property, in response to concerns expressed about effects in the Council's Statement of Case, I have examined the degree to which the ERF would appear in views from residential property in Weymouth. Whilst wider visibility exists further into Weymouth where topography allows, my focus was on residential areas to the immediate north of the harbour. Here I identified that there are a considerable number of properties that would experience a change in view as a result of the introduction of the ERF. My assessment in relation to these properties is that there would be a moderate adverse impact that would not be significant. My professional judgment is that these are not significant effects due to the fact that the fundamental nature of the views will not change. There are currently clear, long-distance views across a harbour to a working Port at the foot of Portland, and this will continue to be the case when the ERF is included.

- 6.6.11 Concerns about aviation lighting are unfounded. The MOD requirement for marking the stack consists of a low intensity beacon, and there is an infra-red (invisible to the naked eye) alternative.
- 6.6.12 The visible plume from the ERF has been modelled using historical meteorological data and it has been demonstrated that plumes of any length would be rare events, totalling just over 20 hours annually, and occur exclusively in the winter months.



7.0 THE WORLD HERITAGE SITE AND ITS SETTING

7.1 World Heritage Designations

7.1.1 A World Heritage Site is a natural or man-made area or structure recognised as being of outstanding international importance and therefore as deserving special attention. Sites are nominated by States Parties and considered and inscribed by the World Heritage Committee (the Committee), an organisation of UNESCO. Sites are designated to ensure that their Outstanding Universal Value is preserved for future generations.

7.1.2 Prior to determining a proposal, the World Heritage Committee receives advice from designated advisory bodies who recommend whether a nominated site meets the significance criterion to achieve World Heritage status. In the case of the WHS we are considering here, a natural site, the relevant advisory body is the International Union for Conservation of Nature (IUCN).

7.1.3 When considering designation of a World Heritage Site the Committee considers both the current OUV but also the protection and management of the property to ensure it retains its OUV over time. All properties on the World Heritage List are required to have adequate long-term protections in place to ensure they can safeguard their status.

7.1.4 World Heritage Site boundaries are identified to ensure the effective protection of the property and incorporate all attributes that convey the OUV. The Operational Guidelines for the Implementation of the World Heritage Convention [CD 12.46a] (the Guidelines) are clear (p33, para 101) that the boundary for the WHS should include sufficient areas immediately adjacent to the area of OUV in order to protect the property's heritage values from direct effects of human encroachments and impacts of resource outside of the nominated area.

7.2 The Dorset and East Devon Coast World Heritage Site

7.2.1 The Dorset and East Devon Coast World Heritage Site (the WHS) was inscribed in 2001. It is a 155km length of largely undeveloped coast and countryside with a total area of 2,550ha.

7.2.2 The Statement of Outstanding Universal Value (OUV) for the site refers to an outstanding combination of globally significant geological and geomorphological



features. It is not inscribed on account of its natural beauty, although it does coincide almost entirely with land designated as an Area of Outstanding Natural Beauty (AONB).

- 7.2.3 As illustrated on Figure JM2 the Appeal Site is located in one of the gaps in the length of coast that was purposefully excluded from the WHS designation, given its location within an established commercial port.
- 7.2.4 The Appeal Site is visible from a very small proportion of the WHS.
- 7.2.5 The closest areas are an approximately 3km linear strip of the WHS on the north of Portland Harbour located 3.5 to 4.5km from the Appeal Site, and the very eastern end of Chesil beach which is approximately 3km away.
- 7.2.6 Much more distant views are possible from the coast to the east of Weymouth, from Bowleaze Cove (c.7km to the north) across to Durdle Door (c.12km north east) and beyond.

7.3 Protection of the World Heritage Site

- 7.3.1 As set out in the 2020 Jurassic Coast Partnership Plan 2020-2025 document (the Partnership Plan) [CD 12.9] (p20) '*all site protection and management efforts should be seen through the lens of OUV*'.

- 7.3.2 There are three supporting pillars of OUV:

- 7.3.3 The first pillar is the relevant selection **Criteria** that enabled the property to be included on the WHS list. Any site must meet one of the ten criteria to qualify. In the case of this WHS, it was criteria viii:

“to be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features”;

- 7.3.4 The second pillar is **Integrity**. This is about ensuring a Site has the complete representation of the features and processes which convey the property's significance.



7.3.5 The third pillar is **Protection and Management** which is about sustaining the conditions of integrity over time and protecting properties from all threats or inconsistent uses.

7.3.6 Protection and Management of this WHS is set out in the Partnership Plan and achieved through the application of the policies of the national and local planning system. This includes the NPPF, the local waste plan, the neighbourhood plan and specifically where policies and plans make reference to the WHS itself or to the coinciding designations that protect it, namely the AONB, the Heritage Coast and SSSI's.

7.4 What the WHS is not

7.4.1 The Guidelines [CD 12.46a] set out some definitions (p21 to 23) of Cultural and Natural Heritage that are applicable to the World Heritage Convention. At paragraph 45, Article 1 describes what can be considered as 'cultural heritage' and article 2 describes what can be considered as 'natural heritage'. The WHS in this case is clearly the latter.

7.4.2 Paragraph 46 indicates that properties shall be considered as 'mixed cultural and natural heritage' if they satisfy a part or whole of the definitions in Articles 1 and 2.

7.4.3 Paragraph 47 then describes 'Cultural landscapes' which are properties which represent the 'combined works of nature and man'.

7.4.4 There is much discussion of Cultural Heritage in this case, it being a substantive topic which is addressed in full by my colleague Mr Filmer-Sankey in his proof. At times it seems to me, from reading the background papers to the case, that there has been a degree of conflation of the Cultural Heritage assets relevant to the case and the presence of the WHS.

7.4.5 What is clear from the above references to the Guidelines, is that where there are assemblages of natural and cultural heritage that merit recognition in combination, there is a mechanism and there are criteria set out in the World Heritage Convention that allow them to be included in the inscription of a WHS. This WHS is not inscribed for its cultural heritage value. It is inscribed for its natural heritage alone.



7.5 WHS boundaries and buffer zone

- 7.5.1 As stated in the Partnership Plan (p21), the boundaries of the WHS were drawn and agreed at the time of nomination to ensure the full expression of the OUV and the integrity of the property and these boundaries remain unchanged. They are based on 66 Geological Conservation Review (GCR) sites and exclude the commercial port area at Portland and the man-made frontages of Sidmouth, Seaton, Lyme Regis, West Bay, Weymouth and Swanage.
- 7.5.2 In recognition of the presence of the dynamic processes inherent to the WHS, it is accepted that some boundaries will move over time to keep pace with erosion. Typically, the landward boundary of the WHS is the break in slope at the top of the most landward cliff scarp, or, where there are no cliffs, the back of the beach. In the case of the Fleet lagoon to the north of Chesil beach, the boundary is the top of the low cliffs that lie on its northern shore.
- 7.5.3 The seaward boundary of the WHS is the mean low water mark. This contrasts with the Heritage Coast designation which has no defined seaward boundary.
- 7.5.4 In addition to defining the boundaries, the Guidelines recommend an adequate buffer zone is provided where necessary for the proper protection of the property (p34, para 103). This an area surrounding the property which has restrictions placed on its use and development in order to give an added layer of protection. The buffer zone should include the immediate setting of the property, important views and other areas or attributes that are functionally important as a support to the property and its protection (para 104).
- 7.5.5 There is no defined buffer zone for this WHS. As required by the Guidelines (para 106), the nomination document and management plan for the WHS confirm that a buffer zone was not required on the basis that there is strong protection to the wider setting of the property. This protection is provided by existing designations and by established national and local planning policies. The nomination and management plan (para 2.10) specifically notes "*[the] range of conservation designations ensures statutory protection for a greater area than any possible buffer zone for the Site and protects its setting adequately. The identification of a separate buffer zone for the Site is therefore unnecessary*". This position was accepted by IUCN and Committee. Protective designations are indicated on Figures JM1 and JM2.

7.5.6 The nomination document position confirming that the setting of the WHS is adequately protected was reviewed and reconfirmed in the 2013 Periodic Reporting Cycle 2, Section II document and also in the 2020 Partnership Plan document. The 2020 Partnership Plan states “*There is no defined buffer zone as the wider setting of the property is well protected through existing designations and national and local planning policies*”.

7.6 The Setting of the WHS

7.6.1 Whilst it has been established above that there is no buffer zone to the WHS, the Guidance describes a need to protect a wider area around the WHS. The Partnership Plan defines two types of setting: Functional and Experiential.

7.6.2 The Functional setting relates to the inherent dynamic character of the WHS coastline and the potential for development on adjoining land to impact the WHS by virtue of requiring coastal defences which would alter natural erosion processes.

7.6.3 The Experiential Setting is defined as the surrounding landscape and seascape and concerns the quality of the cultural and sensory experience surrounding the exposed coasts and beaches. It is noted in the Partnership Plan that landscape character assessment provides the starting point for evaluation of impact of change in the setting. The Partnership Plan specifically notes that the special qualities of the AONBs, such as tranquillity and undeveloped character of coasts and seascapes, are important in terms of how people experience and enjoyed the setting of the WHS.

7.7 Assessment of Effects on the WHS

7.7.1 As illustrated on Figure JM1 the Appeal Site is located in one of the gaps in the length of coast that was purposefully excluded from the WHS designation, given its location within an established commercial port.

7.7.2 The Appeal Site is however visible in localised views from a small proportion of the WHS and consideration is needed to assess whether this significantly impacts the setting of the WHS as a whole.

7.7.3 The three areas of the WHS from which the Appeal Site is visible are:

- i) a c.3km linear strip of the WHS on the north of Portland Harbour located 3.5 to 4.5km from the Appeal Site. This area is a series of foreshore geological

exposures. It is designated as a SSSI but is not within the defined Heritage Coast area and is not designated as AONB;

- ii) the very eastern end of Chesil beach which is approximately 3km away. This area is part of the defined Heritage Coast but is not within the AONB;
- iii) the coast to the east of Weymouth, from Bowleaze Cove (c.7km to the north) across to Durdle Door (c.12km north east) and beyond. This area is defined as Heritage coast and is also within the AONB.

7.7.4 Neither the original LVIA nor my supplementary assessment work has identified that any significant landscape character or visual effects would occur in respect of any of the above areas.

7.8 Consultation Responses

7.8.1 Chapter 13 of the appellants ES provided an assessment of effects on the WHS. This was largely a derivative of the LVIA within the same document, a document and topic which I have addressed separately in Section 6 of this proof.

Jurassic Coast Trust

7.8.2 The Jurassic Coast Trust (**JCT**) is the lead local organisation in the management and protection of the WHS and is the relevant consultee in respect of how the proposal may affect the OUV with oversight from IUCN/UNESCO at an international level.

7.8.3 In October 2020 the JCT provided a consultation response [CD 4.11]. In it the JCT confirmed that the Appeal Site lies outside the boundaries of the WHS and therefore would have no direct effects on the WHS OUV.

7.8.4 The JCT confirmed that the only potential effects could be on the WHS' setting and that the Appeal Proposal would have no effect on the Functional Setting of the WHS.

7.8.5 In relation to the Experiential Setting the JCT consultee recognised the efforts to mitigate the impacts of the building and noted that the context of where it sits in the landscape, and how it will be largely viewed from the WHS, is within an already industrialised port area. The consultee confirmed "*I therefore do not consider that the building itself represents significant damage to the setting of the WHS*".



7.8.6 The JCT did however raise concerns regarding the potential impact that a visible plume might have and wished to know more about this and the lighting impact of the Appeal Proposal. The consultation response signed off as follows:

“In summary, the application deals with impacts on the WHS fairly, with the exception of a detailed model for the visual impacts of a visible plume. My concern is whether or not an industrial development of this scale is appropriate within the setting of the WHS. The impacts of the structure itself on setting are not considered significant, but I question whether this reflects the ways in which an operational ERF might change how people perceive its surroundings as a natural or industrialised landscape”

7.8.7 Further information regarding the plume and lighting was provided by the Appellant following a EIA Regulation 25 request from Dorset Council. [CD 2.17M]

7.8.8 The JCT provided a further consultation response in September 2021 [CD 4.12]. Whilst this predates the formal introduction of the latest UNESCO guidance in 2022 (CD 12.7) (*see also paragraphs below under the heading UNESCO correspondence*), it appears that it may have been informed by an earlier consultation draft or similar since it seems to follow the UNESCO toolkit requirement. This requires that assessors should identify each attribute or value and to carry out an assessment as to whether the proposed action (in this case construction of the Appeal Proposal) will significantly affect that attribute or value.

7.8.9 Table 2 of the Jurassic Coast Trust document, which contains the results of this exercise, is thus helpful in understanding the degree to which OUV might be affected by the Appeal Proposal.

7.8.10 What the table identifies is that in the majority of instances where any conclusion is reached (in many cases no comment is included - which I take to mean that the assessment was neutral or not applicable), the identified attributes are assessed by the Trust as either unaffected or not meaningfully affected. Four specific concerns are raised (some are repeated) as follows:

- i) the potential for some disruption to the profile of Portland and therefore to the underlying geology and landscape character
- ii) the prominence of visible stratigraphy within its wider landscape context could be disrupted by the scale of the ERF development.

- iii) the scale of the development distracting from the appreciation of wider coastline and disruption of its natural qualities
 - iv) the scale of the development may increase prominence of urban aspects and disrupt the perception of the connectivity of this part of the WHS to the wider, more natural coastline.
- 7.8.11 In the final comments on the final page of CD 4.12 the consultee notes that the nature of the likely impacts are mainly associated with changes in the wider landscape character and the prominence of WHS attributes within it. It acknowledges that the trust does not have the technical expertise to determine the extent or severity of such impacts.
- 7.8.12 My view in respect of the four concerns raised are as follows:
- The potential for some disruption to the profile of Portland and therefore to the underlying geology and landscape character***
- 7.8.13 I am entirely unconvinced by the argument that a building of the scale proposed in the location proposed would disrupt the profile of Portland. The landform of Portland as viewed from the northwest is certainly distinctive in terms of being a long gently tapering wedge. The stratigraphy of the underlying geology can be appreciated in terms of it being clear that there are layers of rock parallel to the sloping top surface of the landform. ‘Slumping’ of material can be appreciated at the northern limit of the landform, and it is possible to see cliff exposures along the west coast as well as the remains of rock falls lower down. Layered on top of these readily interpreted components there is considerable, visible, manmade ‘disruption’ to Portland in the form of built development rising up the northwest slopes, alteration to the profile associated with the Verne and also the extensive built development around Osprey Quay and moving across into the Port.
- 7.8.14 The Appeal Proposal would be located in the context of the Port, and thus seen in the context of a range of existing fixed forms together with a continually changing assemblage of ships of varying sizes. It would be relatively large in comparison to existing Port structures but considerably smaller than the regular cruise ships that berth nearby. It would be very much a subordinate element relative to the landform of Portland and would neither disrupt its profile, nor the appreciation of its geology or

landscape character. The nature of the change that the Appeal Proposal would bring about is illustrated on the photomontages presented in my Appendix JM4.

The prominence of visible stratigraphy within its wider landscape context could be disrupted by the scale of the ERF development.

- 7.8.15 As per the previous paragraph, my firm view is that there would not be any reduction in the ability to appreciate the visible stratigraphy of Portland from any location as a consequence of introducing the Appeal scheme. Where seen in the same field of view as the Appeal Proposal, the stratigraphy of hard rock cliffs is clearly evident at a relatively high level due to its contrasting pale colour along the edge of the Portland landform. Such exposures are always remote from the Appeal site and I cannot see how there would be any disruption.

The scale of the development distracting from the appreciation of wider coastline and disruption of its natural qualities

- 7.8.16 The Appeal Proposal would always be seen in the context of a large-scale working port and within a very large-scale harbour which has an established industrial character. From all of the vantage points available, and in particular those within and adjacent to the WHS to the northwest of the Site, the relationship between the established Port and other urbanised elements of NW Portland (Fortuneswell, Castletown, Osprey Quay) and their natural surroundings – in terms of landform, vegetation and the sea is well established. The introduction of the proposed ERF would bring about a change to the view, adding a relatively large built structure and stack into the assemblage of Port buildings. It would however be seen in this context, would not disrupt or diminish natural qualities and would be of a scale that would be subordinate to the landform that defines the immediate coastline.

The scale of the development may increase prominence of urban aspects and disrupt the perception of the connectivity of this part of the WHS to the wider, more natural coastline.

- 7.8.17 Again, whilst it is true to say that the introduction of the Appeal Proposal would add a new built form and thus incrementally add to the perceived urban character of the port, the reality is that the port already has a strongly established urban / industrial presence and has done for many decades. The change brought about would not alter perceptions of connectivity of the WHS to the wider coastline.

UNESCO correspondence

- 7.8.18 In April 2023 the IUCN / UNESCO communicated the findings of a technical review of the ERF planning documents [CD XX]. One of the points made in the covering letter was that the assessment in the ES was informed by guidance which has subsequently been replaced, in 2022, by a new document, 'Guidance and Toolkit for Impact Assessments in a World Heritage Context' (the Toolkit) [CD 12.7]. (This is the document referred to above in respect of the second JCT consultation response).
- 7.8.19 The relevant section of the Toolkit is section 5, which is directed at assessing impacts as part of a wider environmental impact assessment, as is the case here. This section of the document recommends that an assessment should be made of the property and its OUV. Of particular note is a requirement to identify each attribute or value and to carry out an assessment as to whether the proposed action (in this case construction of the Appeal Proposal) will significantly affect that attribute or value.

Post Consultation Response – IUCN

- 7.8.20 Following its initial response in October 2020, the JCT confirmed that the Department for Digital, Culture Media and Sport (**DCMS**) was considering this application and a possible need to notify the UNESCO World Heritage Centre under paragraph 172 of the Guidelines.
- 7.8.21 DCMS formally notified UNESCO of the Appeal Proposal on 26 January 2021.
- 7.8.22 IUCN, the UNESCO advisory body on natural heritage, confirmed its position on 7 April 2023 having reviewed the documentation provided by DCMS and related consultee responses, including from the JCT.
- 7.8.23 In its response IUCN advises that there would not be any direct physical impact on the geological attributes that constitute the OUV of the property under criterion (viii), since the Appeal Site is located outside of the WHS.
- 7.8.24 The IUCN did note that the wider setting of the property, in which the Appeal Proposal would be located, is an important part of the visitor experience of the property and its World Heritage values.
- 7.8.25 IUCN then comments that in order to respond to the potential increase in industrialisation of the wider setting of the WHS and the effect it may have on

naturalness it is recommended that potential measures to mitigate increase traffic impacts be considered in the decision-making process on the basis that it considers that the increase in traffic has the potential to impact the visitor experience of the WHS.

7.8.26 In relation to traffic I note that the Appellant has agreed a prescribed route for HGV movements to and from the Appeal Site, which are conservatively assessed at an additional 80 two-way movements a day, i.e., 40 HGVs in total.

7.8.27 The only area where the route could be considered to have any impact at all on the WHS is the c. 2.5km stretch along the A354/Portland Beach Road causeway where the WHS covers the adjacent area of Chesil beach to the east. As this is the only access onto Portland from the mainland this is clearly unavoidable.

7.8.28 Mr Awcock, in his proof of evidence dealing with Traffic has indicated that the percentage impacts of the development reported will all be well within the natural day-to-day traffic flow variation experienced on the local road network. The conclusions on the traffic impact of the scheme set out within the Environmental Statement are that the assessed 80 vehicles per day has a negligible adverse residual traffic impact.

7.8.29 On the basis that the level of traffic movements arising as a consequence of the Appeal Proposal is assessed by the relevant experts to be very low in the context of a very busy road, my assessment is that the consequent effects of that traffic in terms of landscape character and visual impact would also be negligible. Consequently, the likelihood that there would be any perceptible effects upon the experience of visitors to the WHS would also seem to be negligible.

7.9 Assessment of Effects

7.9.1 As confirmed by both the JCT and IUCN the only potential impact on the WHS is on the setting of the area. Specifically, the concerns raised are related to whether the experience of the WHS is significantly impacted by the presence of the Appeal Proposal.

7.9.2 Over 80% of the WHS falls within an AONB designation. My assessment, based on the LVIA in the ES and my own judgement having visited the relevant areas, is that there would not be any significant landscape or visual effects on any part of the

AONB as a result of the Appeal Proposal. It is also not the case of either the Council or the joint Rule 6 parties that there are significant effects on the AONB.

- 7.9.3 This narrows down the analysis to consideration of the effects upon the 3km stretch of WHS along the north of Portland Harbour and the areas within the WHS at the east end of Chesil Beach.

North of Portland Harbour

- 7.9.4 The WHS in this area runs approximately 3km from just north-east of Small Mouth Beach (where it is c. 3.5km from the Appeal Site) to Nothe Fort (where it is c. 4.5km from the Appeal Site). There is a public right of way (the Rodwell Trail – also part of the SW Coast path) above the WHS area. The actual designated WHS area (i.e., the cliffs and foreshore) is accessible to the public at low tide via two beaches and in the vicinity of the sailing club and also to users of small boats / paddle boards etc.

- 7.9.5 My analysis is based principally on assessments of viewpoints 24, 25, 9 and 10 in Appendix JM2 which are located on the Rodwell Trail, at Sandsfoot Castle and at Nothe Fort. Accessible parts of the foreshore within the WHS are located at a very similar distance but at a lower elevation and I consider that the changes in view would essentially be the same as for those assessed. As outlined in Section 6 there would not be significant effects at the assessed viewpoints, and neither would there be from within the WHS on the foreshore. My judgement is that the nature of the experience would not change. These would remain long distance views (3.5 to 4.5km) across an operational harbour to a working industrial port that is dwarfed by the landform of Portland above it.

Chesil beach

- 7.9.6 The whole of Chesil beach falls within the WHS and lies within the defined Heritage Coast. The ZTV mapping indicates that the Appeal scheme would be visible from the top of the raised pebble beach structure for some distance heading west. Viewpoint 22 is located on the beach opposite a point midway along the A354 causeway and in my view likely presents a worst case in terms of visibility from this part of the WHS.
- 7.9.7 Other viewpoints assessed in the vicinity of Chesil beach include viewpoints 21 and 23. These are located on Hamm beach which adjoins the harbour on the east side of the A354 and as such are located in the region of 50 to 100m outside of the WHS.

They can in my view be taken to be a reasonable proxy for the nature and composition of views available from the outer edge of the WHS immediately west of the A354, but only if one ignores the fact that the immediate foreground of the WHS view would also include the A354 and the traffic travelling along it (not included in viewpoints 21 and 23), as well as other elements of foreground clutter in places, including boatyards, carparks, water sports businesses and cafes. On this basis, assessments of viewpoints 21 and 23 can be taken to be a worst-case representation of views from the lower, eastern edge of this part of the WHS.

- 7.9.8 My assessments of Viewpoints 21, 22 and 23 are contained within Appendix JM2 and summarised in Section 6. They all conclude that there would be moderate adverse effects which would not be significant. My analysis in reaching this conclusion is that the Appeal Proposal would be a clearly visible addition to the Port located to the north of the Portland landform. The built form would be seen in context with other massing in the Port both fixed and transient in the form of vessels at a range of sizes and other marine artefacts. It would also be seen alongside a quite intensely developed area of built development on the northwest face of Portland, with Osprey Quay and the marina in the foreground and a complex assemblage of built development of different scales rising up the slopes towards the Verne. The Proposed Development would occupy a small segment of a very broad and complex view and would be subordinate to the landform of Portland.
- 7.9.9 Effects on the WHS on the immediate west side of the A354 would be similar to this but reduced somewhat by virtue of the presence of foreground traffic and modern artefacts alongside the road on Hamm Beach. Effects on the WHS heading further west along Chesil beach would be similar to those at Viewpoint 22 but would diminish with increased distance from the Appeal Site
- 7.9.10 The WHS in this area falls within the West Dorset Heritage Coast area. Heritage Coasts are established to conserve the best stretches of undeveloped coast in England including maintenance of their natural beauty, flora and fauna and heritage features.
- 7.9.11 Heritage Coasts are “defined” rather than designated so there is no statutory protection equivalent to that provided for National Parks or AONBs. Protection is provided through paragraph 178 of the National Planning Policy Framework (NPPF) which requires that planning policies and decisions should be consistent with the

special character of the area and the importance of its conservation. It goes on to state that major development within a Heritage Coast is unlikely to be appropriate. The Appeal Site is not located within the defined Heritage Coast area.

Conclusion

7.9.12 The Appeal Proposal would not result in significant adverse effects on the WHS. This includes the areas that fall within the AONB designation, the areas that fall within the areas defined as Heritage Coast and the areas around the north edge of Portland Harbour that do not coincided within either AONB or Heritage Coast.

7.10 Navitus Bay Decision

7.10.1 I do not consider the Navitus Bay Decision to have direct relevance to this Appeal. However, I provide short commentary on the decision as I am aware it has been referred to by a number of parties, including the Council and joint Rule 6 Parties in their Statements of Case and by Richard Drax, the local MP, in his letter dated 20 November 2020. [CD X]

7.10.2 As the Inspector will be aware in 2015 the Examining Authority recommended that the Secretary of State should not make an Order granting development consent for the Navitus Bay proposal, and the Secretary of State agreed with this recommendation.

7.10.3 However, the Appeal Proposal, and the potential impacts on the setting of the WHS, are vastly different to those of Navitus Bay both in terms of scale and significance.

7.10.4 The Appeal Site has an established industrial character. This established character led to the exclusion of this part of the Dorset coast from the area nominated and subsequently inscribed as a WHS. There is visibility of the Appeal Proposal from parts of the WHS and from parts of the AONB which conveys a large part of the legislative protection for the WHS, but importantly, the scale of change that would be brought about in those views that are available would be modest and would not be out of character given that there are already views of a developed Port area.

7.10.5 In contrast the Navitus Bay proposal was for up to 105 offshore wind turbines which whilst located upwards of 14km from the Dorset coast would be highly visible and appear in a context which entirely lacked any development. Consequently, the LVIA for Navitus Bay concluded that there would be significant adverse effects on

considerable areas of the coast, including large areas of the Dorset AONB (as well as the Isle of Wight AONB and the New Forest National Park). Whilst it was accepted that the introduction of wind turbines a long distance offshore would not directly affect the WHS, the turbines would significantly impact the AONB which provides its setting and on this basis it was found to be unacceptable.

7.10.6 The Examining Authority report [CD 12.8] noted (at para 9.3.23) that “*The Application Project would be conspicuous in a number of views from the boundaries of the WHS looking out to sea. The natural setting would change the horizon from one largely devoid of structures or features to one dominated by turbines.*”

7.10.7 The Appeal Proposal is located within an industrial port, in an area of the coastline that was purposefully excluded from the WHS as it is a commercial port. It is not a new development in an otherwise natural environment and consequently its introduction will not significantly change the nature of views or indeed the experience of the landscape from any of the areas of the WHS from which it would be seen.

7.11 Conclusion

7.11.1 The WHS is inscribed for its natural heritage. Its Outstanding Universal Value refers to an outstanding combination of globally significant geological and geomorphological features. It is not inscribed on account of its natural beauty, although it does coincide almost entirely with land designated as an AONB.

7.11.2 The Appeal Site is visible from a very small proportion of the WHS.

7.11.3 The closest areas are an approximately 3km linear strip of the WHS on the north of Portland Harbour located 3.5 to 4.5km from the Appeal Site, and the very eastern end of Chesil beach which is approximately 3km away.

7.11.4 Much more distant views are possible from the coast to the east of Weymouth, from Bowleaze Cove (c.7km to the north) across to Durdle Door (c.12km north east) and beyond.

7.11.5 There is no buffer zone to the WHS on the considered and explicit basis that one is not required due to the presence of the other mechanisms that offer protection including AONB designation, a defined Heritage Coast and SSSI status.

7.11.6 No significant landscape or visual effects will occur within any of the areas of the WHS that experience intervisibility with the Appeal Proposal.

- 7.11.7 With respect to the AONB this is due to a combination of distance and the fact that any views of the Appeal Site are views of an established operational Port with industrial scale artefacts and a dynamic assemblage of Port infrastructure and shipping including very large Cruise ships. The nature of these views will not change.
- 7.11.8 ADMS modelling indicates that visible plumes from the ERF stack would be extremely rare. In the worst-case scenario, a long visible plume would increase visual impacts and alter character, but the frequency of such an event would be so low that I do not consider it to be harmful.
- 7.11.9 Aviation lighting on the ERF stack will be limited to a low intensity beacon (seen in the context of a brightly lit Port and adjoining urban area) and could be mitigated further through use of infra-red.
- 7.11.10 It is not part of the case of either Dorset Council or the Joint Rule 6 party that there would be significant visual effects experienced within the AONB as a result of the Appeal Proposal.
- 7.11.11 From the two areas of the WHS (North Portland Harbour and Chesil Beach) that are located out with the AONB but closer to the Appeal Site, I conclude that significant effects would not result due to the fact that the fundamental nature of the views available would not change.
- 7.11.12 In overall conclusion therefore I consider that the OUV of the WHS and the ability of the general public to appreciate it would be unaffected by the Appeal Proposal.

8.0 RELEVANT CONTEXT – A LONG ESTABLISHED AND DYNAMIC PORT

8.1 Introduction

8.1.1 The change that would be brought about to Portland Harbour by the Appeal Proposal cannot be viewed as if this is a historic site that has ceased to evolve on the basis that it contains heritage features.

8.1.2 This locality has a very long history due to its naturally sheltered geography and proximity to trade routes. The current harbour has a history dating back over 150 years and the port has constantly changed and evolved through history. It presents a dynamic environment with a mixture of past and present activity and an ever-changing visual context which continues to evolve. No one has sought to preserve it at some fixed point in time.

8.1.3 Today, the port continues to be a major focal point for development activity and an important component of the local and regional economy.

8.1.4 Development, including very large-scale development, can take place at the port by virtue of the Harbour Revision Orders, permitted development rights and extant planning permissions, without any further formal approvals being required via the planning system.

8.1.5 Whilst the submitted Environmental Statement (ES) supporting the Appeal Proposal planning application adopted a 'current' baseline (circa 2020 for the Appeal Site itself, largely unchanged today); the reality is, that this is a case where the planning context already permits huge changes to the baseline, as identified below in relation to two examples (further details of which are contained in Mr Roberts Appendix NR5).

8.1.6 Below I describe examples of contemporary change within the Port. Two examples relate to built development, the third concerns Cruise ships.

8.2 Glencore

8.2.1 A pair of Glencore animal feed storage and handling warehouses were constructed during 2021/22 and together comprise circa 14,500m² of new building floorspace / footprint. They have a ridge height of 20m and a combined building volume of circa 235,000m³. Other than being subject to EIA Screening, where they were negatively Screened, they were built without any formal recourse to the planning system.

8.2.2 The footprints of the two warehouses are illustrated on Figure JM2 and photographs are presented at Appendix JM6

8.2.3 As illustrated on Figure NR1-2 (in Appendix NR### to Mr Roberts' proof), the entirety of the Appeal Site, plus adjoining land wrapping around the coast to the south and the west have the benefit of the GPDO Part 8, Class B permitted development rights and thus the Glencore warehouses, or conceivably even something larger, could have been built in these locations without a further formal planning approval process.

8.3 Dragon Portland cement silo

8.3.1 A cement silo is proposed to be developed during 2024. The current proposal is for a silo 14.5m in diameter and up to 38m high. The silo will be sited west of the Appeal Site (location shown on Figure JM2).

8.3.2 As indicated on a series of photomontage images within Appendix JM4 the silo will be a prominent addition to views from further west. Whilst it is not as tall or wide as the Appeal Proposal, perspective is such that in these views the silo constitutes an addition to the Port skyline that is of competing apparent size and scale.

8.3.3 On consultation, Dorset Council raised no objection. Their senior landscape architect commented [CD X] that the silo will form '*a notable new visual element within the Port environs*' but that '*It will, however, be seen within a working port environment – which contains other vertical elements, large craft and existing buildings.*'

8.3.4 In the planning case officers formal response [CD X] to the Port, the officer indicates concern about limiting the height of the structure if possible but notes that having consulted key consultees, no objection has been raised to the principle of a silo in the location proposed, stating "*a silo in this location, although adding to the infrastructure at the site, would not be an alien feature*" and that it "*would be seen in the context of a variety of built structures/enclosures, including vertical structures, all connected with the demands of the commercial Port activities, which dominate the character of the waterfront in this location*".

8.3.5 I consider that the Silo and the Appeal Proposal both present changes to views that are of a similar nature. Both are additions to what is clearly a diverse and dynamic assemblage of elements within a working port.

8.4 Cruise Ships

8.4.1 Very large Cruise ships regularly visit Portland harbour. The scale and massing of these vessels is relevant to the appeal because despite ERF type buildings being one of the largest building typologies that exists, the scale of the Cruise ships is such that they are considerably larger still.

8.4.2 Whilst the introduction of these very large physical structures has been dismissed by the Council in its latter landscape officer consultation response [CD X]) on the basis that they are transient and temporary effects, I consider that their presence is entirely relevant.

Frequency and Residence time

8.4.3 Information provided by the Port indicates that there are expected to be approximately 65 cruise ship visits per annum going forward. Once berthed, ships tend to stay for up to 11 hours. On this basis there would be cruise ships in port for c.715 hrs a year. This may be reduced in practice on the basis that there will be some occasions when two ships will be present at the same time or with a degree of overlap.

8.4.4 The cruise ships are typically in berth during the day (so that customers can disembark and spend time visiting local attractions) and then travel overnight. The presence of ships is also concentrated during the summer (mainly April to September). On this basis my estimation is that Cruise ships will be present in the harbour for approximately a third of the time during the summer months

Photographs of Cruise Ships

8.4.5 On 29th September 2023 two Cruise ships, the MSC Virtuosa and the MSC Grandiosa were present at the cruise terminal for the day. According to information provided on the MSC Cruises website (www.msccruises.co.uk/cruises/ships) the ships are both 331m long with a beam (width) of 43m. The ships are 65m and 75m tall respectively.

8.4.6 Photographs were taken from a selection of the viewpoints used in the LVIA work in order to provide an indication of the scale, massing and visual impact of the ships when in Port. Figures within my Appendix JM5 present comparative views with and without the Cruise ships from a range of locations around the west side of the

harbour. These views can also be compared with the photomontages of the ERF presented in Appendix JM4.

- 8.4.7 What can be seen is that the orientation of the cruise berths is such that ships are seen 'side-on' from all of the selected viewpoints and consequently in addition to being considerably larger than the Appeal Proposal, their massing is also much more visible by virtue of orientation. Despite their very large size, the scale of the harbour and the receiving landscape in general is such that the ships nonetheless still do not appear out of place. I am aware that this is not always the case and that in many other Ports and Harbours, Cruise ships can appear very dominant and out of scale.
- 8.4.8 I consider that the regular presence of Cruise ships in Port is a material factor to be considered when evaluating the effects of a Appeal Proposal that appears in the same sector of views from the surrounding area. The Appeal Proposal will be an integral part of the operational port and will be seen alongside an existing assemblage of industrial and commercial elements which includes the coming and going of ships of a variety of sizes. The Appeal Proposal presents a limited change to what is a diverse and dynamic assemblage of elements within a working port.