

**TOWN AND COUNTRY PLANNING ACT (1990)**  
**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**  
**TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)**  
**RULES 2000**

**6 November 2023**

**PROOF OF EVIDENCE (PPF7)**

**OF**

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**EXPERT WITNESS FOR CULTURAL HERITAGE**

**INQUIRY IN RELATION TO THE APPLICATION FOR AN ENERGY RECOVERY FACILITY**

**AT PORTLAND PORT**

**Local Planning Authority ref: WP/20/00692/DCC**

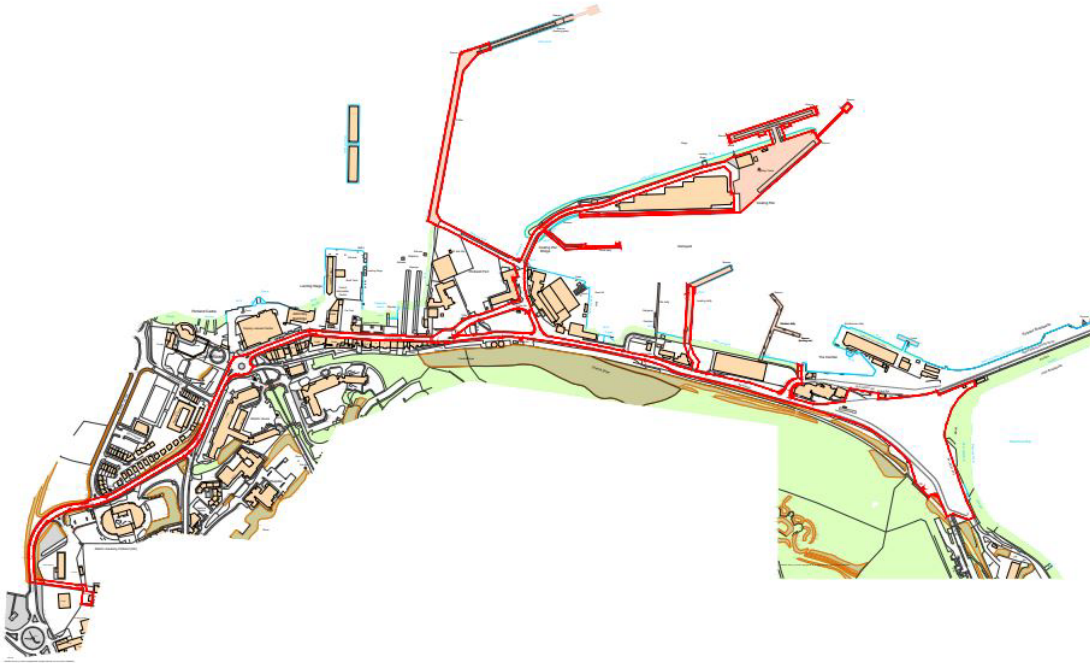
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## 1. Introduction

- 1.1 My name is William Filmer-Sankey. I am one of two Strategic Directors of Alan Baxter Ltd, and I am responsible for leading the firm's work in conservation and urbanism. I hold the degrees Master of Arts in History and Doctor of Philosophy in Archaeology and I am a Member of the Chartered Institute of Archaeologists.
- 1.2 I have been professionally involved in managing change to the historic environment for more than 30 years. Prior to joining Alan Baxter in 2000, I was the Director of the Victorian Society, the national amenity society for the conservation of Victorian and Edwardian buildings. Prior to that I was an archaeologist. I was elected Fellow of the Society of Antiquaries in 1997.
- 1.3 I have been professionally involved with the Powerfuel Portland Limited proposals since May 2023. Shortly after the refusal of the application, my firm was asked to give its professional opinion on the heritage reason for the refusal. On the basis of site visits by a colleague and myself, and having carefully examined the original application documents, we reached the view that the level of harm to some of the heritage assets in the vicinity of the Appeal Proposal was at the lower end of 'less than substantial harm' and that the benefits of the proposals in the Heritage Mitigation Strategy (albeit partially withdrawn prior to the determination of the application) had not been properly weighed in the balance, either by Dorset Council (hereafter, 'the Council') or by Historic England, and were sufficient to outweigh the harm identified.
- 1.4 I was then asked to provide Expert Witness Evidence in support of the appeal and felt professionally able to do so.
- 1.5 The Appeal Site focuses on a triangular parcel of land adjacent to the landward end of the Grade II listed breakwater within Portland Port. The site, as it is understood for planning purposes, also includes two adjacent piers (the Coaling and Q Piers) and jetties (the Dock and Loading Jetties) as well as the port access road to allow connection to the existing electricity sub-station.



**Fig. 1 Site Plan submitted with Application WP/20/00692/DCC**

- 1.6 In addition, the appeal includes commitments to further works beyond the red line boundary of the site which are to be secured by legal mechanisms. For the purposes of this proof of evidence, the works within the red line and the committed works provided by associated mechanisms are considered to be the Appeal Proposal as a whole.
- 1.7 As set out by others, the Appeal Site is not in itself a ‘heritage asset’. There are however a number of designated heritage assets (listed buildings and scheduled monuments) in the wider area, all of which – whether as port structures, the settlement of Castletown or as historic port defences – are directly connected to the history and operation of the port. The setting of a number of these structures is potentially affected by the Appeal Proposal and the understanding of the nature of that impact is the focus of this Proof. In addition, as the Heritage Mitigation Scheme involves works to one structure (the listed and scheduled E Battery) and better access to and appreciation of that structure and the group of heritage assets within which it sits. This Proof further considers the impact of the proposed works to its significance and setting and to the group value of military structures on East Weare. For clarity, the ancient

Portland word 'weare' is used throughout this Proof to denote the steep cliffs that fall from the cultivated land of the Isle into the sea on all sides.

- 1.8 Based on my analysis of the nature of the setting of the various heritage assets affected, and most particularly by the way that they reflect a 500 year history of continuous change and development of the Port and its associated infrastructure, my evidence will conclude that the individual and cumulative harm to the setting of the various heritage assets is so minor as to be negligible, while the heritage benefits of the works to E Battery and of other elements of the Heritage Mitigation Strategy are significant and, in themselves, well able to outweigh the very low level of less than substantial harm alone, without considering the other public benefits of the scheme set out in the evidence of other witnesses.
- 1.9 My Proof does not consider the impacts on the Jurassic Coast World Heritage Site; as a site designated as of outstanding universal value for its natural, rather than cultural, heritage. Nor does it cover the Heritage Coast. Effects in relation to both of these are covered by Mr Mason's evidence.
- 1.10 My evidence is structured as follows. In Section 2 I examine the heritage reason for refusal and the key consultee responses (from the Conservation Officer and Historic England) that informed the refusal. In section three, I summarise the Appeal proposals as they relate to the historic environment, with a summary of relevant legislation and policy in Section 4. In Sections 5 and 6, I summarise the history of the site and its Portland context, identify the relevant heritage assets and assess both their significance and – importantly – the contribution that setting makes to their significance. This is followed in Section 7 by an assessment of the impact of the Appeal Proposal on their significance in terms of potential harm, and of the Heritage Mitigation Strategy proposals, in terms of potential heritage benefit. Section 9 concludes with my professional assessment of the heritage planning balance.

1.11 This Proof draws extensively on a Heritage Statement, produced by my firm, Alan Baxter, which is included here at Appendix WFS-1. It sets out in greater detail the history of the port and wider area and analyses the significance of the assets which could be affected by the Appeal Scheme. I confirm that I agree with and adopt its contents.

1.12 Finally, and in accordance with Annex O of the Procedural Guide: Planning appeals (2021), I confirm that the evidence I have prepared for this appeal been prepared and given in accordance with the guidance of my professional institution and that the opinions expressed in it are my true and professional opinions.

## 2. Reason for refusal and key heritage consultee responses

2.1 The third reason for the refusal of planning consent for the Powerfuel Portland application was that:

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

2.2 It will be noted that the reason for refusal does not specify which heritage assets, or groups of assets, were considered to be harmed by the proposal, nor the cause of that harm. This has now been clarified in the Council's Statement of Case which contains a list of individual assets which will be impacted by *the scale and mass of the Appeal Proposals*. The Council's list is slightly different to that of the Rule 6 Parties. The table below sets this out.

### **Heritage assets affected by the Appeal Proposal, as set out by DCC and the Rule 6 Parties in their Statements of Case**

<b>Heritage Asset</b>	<b>Designation</b>	<b>DCC</b>	<b>Rule 6</b>
Portland Castle	Scheduled Monument and Grade I	Y	Y
Captain's House	Grade II*	Y	
Gateway and curtain wall to Portland Castle	Grade II*	Y	
Boundary stone	Grade II		
Mulberry Harbour Phoenix Caissons	Grade II	Y	Y
Royal Breakwater Hotel	Grade II		
No. 1 Castletown	Grade II	Y	Y
Dockyard Offices	Grade II	Y	Y
Inner and Outer Breakwaters	Grade II	Y	Y
E Battery	Scheduled Monument and Grade II	Y	Y



C Battery	Grade II	Y	Y
East Weare Camp	Grade II	Y	Y
A Battery	Grade II	Y	Y
Verne Citadel	Scheduled Monument	Y	Y
Verne Citadel North Entrance	Grade II*	Y	
Verne Citadel - railings at approach to N entrance	Grade II		
Underhill Conservation Area	CA	Y	Y
Sandsfoot Castle	Scheduled Monument and Grade II*		Y
Portland House and Belle Vue Road Conservation Area	Grade II and CA		

2.3 Plans showing designated built heritage assets in the wider setting and immediate context of the Appeal site are at Appendix WFS-3.

***Heritage Consultee responses, 2020-2023***

2.4 The proposals were the subject of thorough discussion and consultations between September 2020 and March 2023 with both the Council’s Senior Conservation Officer and with Historic England. The records to these consultations appear to show what might be described as a ‘hardening’ of the position of both bodies from January 2023, both in terms of their assessment of the level of (less than substantial) harm and in their assessment of the level of heritage benefit provided by the Heritage Mitigation Strategy. The full correspondence is to be found in Appendix WFS-2, but in summary:

2.5 On 5 November 2020, Historic England wrote to the Council. In the first place, it noted that advice on any potential impact on the Dorset and East Devon Coast World Heritage site was beyond its remit. On the built heritage impacts, the letter noted that *Historic England has concerns regarding the potential impact on both visual and associated relationship of the proposed development on several nationally important heritage assets [...].* No assessment of the level of harm, potential or actual, was given and it was left to the Council to establish if any heritage benefits could be achieved that would offset any harm.

- 2.6 Shortly afterwards, on 17 November 2020, the Council’s Senior Conservation Officer offered a detailed review of the proposals. Having reviewed the applicant’s ES and visited site, he found that there would be less than substantial harm to a number of designated heritage assets. He also drew attention to two non-designated heritage assets: the remaining tracks of the Breakwater Branch Railway – which he recommended should be retained – and the viaduct on the former Easton and Church Hope Railway (the setting of which he considered to be unaffected).
- 2.7 In considering the scale, massing and design of the proposed ERF, he concluded that *the proposed design is the result of a carefully thought out process of evaluation and we do not object in principle to the overarching design responses to the site*. Despite this, he retained concerns over the scale and its harmful impact on the various heritage assets, most particularly the Verne Citadel, E Battery and panoramic views over the harbour.
- 2.8 In order to mitigate the less than substantial harm to these few assets, the Officer suggested that a programme of specific heritage benefits should be offered. He suggested that some or all the following could be considered:
- Scrub clearance and repairs to E Battery, on the Heritage at Risk Register
  - Public access and/or interpretation to any or all of the East Weare Batteries
  - External/internal repairs to the derelict Dockyard Offices.
- 2.9 On the basis that some heritage mitigation was provided, the Conservation Officer’s November 2020 Note was able to conclude that *we support this application subject to conditions*.
- 2.10 As I understand it, following detailed discussions with the Conservation Officer and the Port, a Heritage Mitigation Strategy was submitted in August 2021 that outlined the steps that would be committed to, in order to deliver the first two points listed above: the works to E Battery and the provision of public access/interpretation.

- 2.11 On 25 August 2021, Historic England wrote to in response to the Heritage Mitigation Proposals. The letter reiterated that its concerns *relate to the scale and massing [of the ERF], including the dominance of an 80m high stack, that would visually compete with the Verne Citadel and dominate the heritage assets in the area*. It noted, however, that a programme of works [the Heritage Mitigation Strategy] ‘will help to offset any harm that may result from the proposal’.
- 2.12 On 15 October 2021, the Council’s Senior Conservation Officer commented on the Heritage Mitigation Strategy. He noted that the removal of E Battery from the Heritage at Risk Register would be a *highly significant outcome [...] Subject to further details, and taking into account the nature and extent of harm previously outlined [a reference here, presumably, to his November 2020 Note], we are broadly supportive of them as suitable mitigation*.
- 2.13 In commenting on the proposed footpath, he concluded that *The potential for an enhanced visual experience of these assets, including a Scheduled Monument of the ‘highest significance’, taken together with the new interpretation described above, is considered to be a significant cumulative public benefit arising from the proposals*. As before, the Officer was able to support *subject to conditions*.
- 2.14 On 11 February 2022, Historic England wrote again to say that its position remained as set out on 25 August 2021, and that there was no need to consult it again, unless there were material changes.
- 2.15 Despite the fact that no material changes were made, The Council appears at a meeting of 25 January 2023 to have requested a further consideration of the proposals by Historic England. This was provided in a letter of 1 February 2023. In contrast to previous letters, it stated – without any supporting evidence – that the proposal *will cause considerable harm to the significance of several [unspecified] heritage assets’*. Furthermore, the 3m [sic] high security-style fencing to the path (which had not been raised in their letter of 25 August) *would introduce harm* to the setting of the East Weare Camp and batteries, whilst Historic England

*remain unconvinced that the programme of repairs to E Battery could not be achieved by other means. In summary, and while still acknowledging the heritage benefit of the path and repairs to E Battery, this benefit is unlikely to offset the harm to this large group of nationally significant heritage assets.*

- 2.16 In a further letter (of 22 February 2023), Historic England appears to accept the need for a 2m high security fence and offered to discuss the proposals on site. (I understand from the Appellant that no one from Historic England has visited the Appeal Site or East Weare structures within the Port boundary.)
- 2.17 Despite its previous advice that the World Heritage Site was beyond its remit, it noted that ‘it concurs with the Jurassic Coast Trust’s assessment of the negative impact on the setting of the World Heritage Site’.
- 2.18 The change of the Council’s stand on the proposed Mitigation Strategy was set out in a Note (by a new Officer) on 22 February 2023. Rather than the *significant cumulative public benefit* of the October 2021 Note, this Note concludes that *the proposed mitigation will cause less than substantial harm to the heritage assets, with limited public benefit to outweigh them. The level of harm would be considerable.*
- 2.19 On 9 March, Historic England wrote for the final time, to give its view on further information on the Heritage Mitigation Strategy provided by the applicant. Whilst welcoming ‘*a programme of repairs to secure the long term future of the batteries, including the provision of a path we do have concerns regarding fencing the entire route as proposed and would be happy to discuss proposals on site.*’ The letter concluded with a reiteration of *concerns regarding the application on heritage grounds relating to the scale and massing of the waste recycling centre including dominance of an 80m high stack that would visually compete with the Verne Citadel and dominate the associative heritage assets within the area.*

- 2.17 In summary, the advice given to the applicant by the Council's Conservation Officer changed from an acceptance that the less than substantial harm could be outweighed by the benefits of the Heritage Mitigation Strategy to an assessment that the Mitigation Strategy is in itself harmful. During this time, there were no significant amendments to the proposals themselves which might have caused this change of approach.
- 2.18 Similarly, Historic England has shifted from a position of concern of potential harmful impacts on a range of heritage assets, to a suggestion that the harm would be 'considerable'. At the same time, the initial acceptance of the potential heritage benefits of the Heritage Mitigation Strategy has been downplayed.

### 3. Summary of the Appeal Proposal and its potential impacts on heritage assets

3.1 The proposed ERF development is set out in detail elsewhere. This section sets out briefly whence the heritage impacts of the proposals may derive. In summary, heritage impacts may result from:

- Direct impact on fabric – Confined to the Heritage Mitigation Strategy works to E Battery (the railway tracks of the Breakwater Branch Railway, an undesignated heritage asset, will remain in situ).
- Impacts on the setting of heritage assets, or on the character and appearance of the Underhill Conservation Area, caused by the location, scale, massing and design of the new ERF building and its associated stack. These impacts relate to:
  - The function and purpose of the ERF
  - Visual impact. This can be subdivided into:
    - Intervisibility: where the ERF building and/or stack are visible from a heritage asset. My conclusions on this are based on the Zones of theoretical visibility (ZTV) drawings of the proposed building and stack which are Figures 9.16 and 9.17 of the Environmental statement Addendum appendices 8.2; see Appendix WFS-4. For security and other reasons, it was not possible to visit heritage assets in HMP The Verne, the Coaling Shed, the Phoenix Caissons, the Outer Breakwater, Bincleaves Groyne and the Northern Breakwater in person. For my assessment of significance and of the impacts of the Appeal Proposals on their setting, I have relied on published material and – as above – the ZTV drawings.

- Wider visual context: where the ERF forms a visible component of a wider view of a heritage asset or group of assets.
- Impacts on the setting of heritage assets, or on the character and appearance of the Underhill Conservation Area by activities related to the operation of the ERF, such as the forecast increase in vehicle movements to and from the ERF.
- Impacts on the setting of heritage assets; or groups of assets or on the character and appearance of the Underhill Conservation Area, as a result of the related Heritage Mitigation Works.

3.2 Each of these is considered in greater detail in Section 5.6 below.

#### **4. Summary of relevant legislation and policy**

- 4.1 Relevant legislation and guidance is set out in detail in Section 5 of the Heritage Statement (Appendix WFS-1).

##### ***National legislation and guidance***

- 4.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the need for the Secretary of State to have ‘special regard to the desirability of preserving the building or its setting or any special features of special architectural or historic interest which it possesses’.
- 4.3 The National Planning Policy Framework (NPPF) sets out the tests that need to be applied in cases where harm to the heritage has to be weighed against heritage and wider public benefits. Since all parties are agreed that the harm in this case is ‘less than substantial’, it is paragraph 202 of the NPPF which sets out the test:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.*

##### ***Local policy and guidance***

- 4.4 The West Dorset, Weymouth and Portland Local Plan (October 2015) is the Council’s adopted local plan for this part of the county, previously forming part of the now defunct Weymouth and Portland Borough Council. Policy ENV4 Heritage Assets sets out the Council’s approach to assessing impacts to heritage assets and their settings, and to balance harm against benefit.
- 4.5 Policy 19 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019) applies similar principles to applications, such as this one, which relate to Waste proposals.



4.6 Policy Port/EN4 Local Heritage Assets of the Neighbourhood Plan for Portland 2017-2031 applies principles specific to the local context of Portland Port.

4.7 This is supported by the Appraisal for the Conservation Areas of Portland (as amended 2017) where page 13 includes a brief summary of the Castletown sub-area of the much larger Underhill Conservation Area.

### ***Historic England Guidance***

4.8 Historic England has produced a number of Good Practice and other Advice Notes which have informed my assessment and written work in relation to the Appeal Proposal. They include:

- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-making in the Historic Environment (2015; GPA2)
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017; GPA3)
- Historic England Advice Note 2: Making changes to Heritage Assets (February 2016)
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in the Historic Environment (2019)

4.9 As is best practice in heritage assessment, I have followed the above legislation, policy and guidance in identifying the heritage assets potentially affected by the scheme, setting out their significance, and the specific contribution to their significance made by their setting. Following this best practice, and considering the level of harm and the level of potential heritage benefits, I have reached a professional view on whether the tests set out in the relevant paragraphs of the NPPF have been met.

### ***Heritage at Risk Register***

- 4.10 There are five structures on Portland that are included in the Dorset Heritage at Risk Register (2022, Historic England). These include the scheduled monuments of E Battery at East Weare along with the Verne Citadel and the rifle range to the south-east of the weare (with the other two being a church at the nearby Grove and Rufus Castle). Sandsfoot Castle across the harbour is also on the Register.
- 4.11 The condition of E Battery is identified on the Register as generally unsatisfactory with major localised problems; the principal vulnerability is scrub/tree growth. The condition of East Weare Rifle Range is identified as extensive significant problems; the principal vulnerability again is scrub/tree growth.
- 4.12 The condition of E Battery was noted to be declining.
- 4.13 Historic England sets a high bar for a structure to be removed from the Heritage at Risk Register (HAR) requiring it to be both fully repaired and its future secured as follows:

*Buildings or structures are removed from the Register when they are fully repaired/consolidated, and their future secured through either occupation and use, or through the adoption of appropriate management (Selection Criteria for Inclusion in the Heritage at Risk Register, Historic England web page accessed September 2023).*

## **5. Summary of the Heritage Statement findings: history**

- 5.1 The following sections (5 – 6) are based on the Alan Baxter Heritage Statement (Appendix WFS-1), They summarise my understanding of the history and significance of Portland Port and its associated Heritage Assets, and my analysis of the contribution made by their specific Portland setting to that significance.

### ***The History of Portland Port and Harbour***

#### *Early history*

- 5.2 The history of human use of Portland dates back to the Mesolithic period. The Romans were the first to quarry its stone on a large scale.
- 5.3 The lea of the Isle of Portland and the long stretch of Chesil Beach provide a rare, naturally sheltered anchorage, long known as Portland Roads, on an otherwise exposed and dangerous stretch of coastline. This has long been taken advantage of by sailors and in 789, was the site of the first recorded Viking landing in England. To the north of Portland, the town of Weymouth (and surrounding settlements) flourished as ports for the wool and wine trade during the Medieval period.
- 5.3 The first major attempt to defend the Roads, and the shipping sheltering in it, from enemy attack was in 1539, when Henry VIII established an artillery fort at Portland Castle and an associated blockhouse at Sandsfoot Castle, both of which survive today.

#### *The 17<sup>th</sup> and 18<sup>th</sup> centuries – the rise of the quarries*

- 5.4 As well as providing a sheltered anchorage, the Isle of Portland was also the source of high quality building stone. Following its use for Inigo Jones' Banqueting House in Whitehall, it became the stone of choice for many major building projects, including Wren's new St Paul's

Cathedral. This transformed quarrying on the Isle into a major industrial enterprise. A new quay was developed near Portland Castle and, in 1826, an incline was built to bring stone down to Castletown from the quarries higher up. Harbour facilities were further improved to allow Royal Navy ships to berth safely. The incline was subsequently fitted with a cable-operated railway in 1849. The port and its associated settlement, Castletown, became the main port for the Isle.

#### *The transformation of Portland Harbour*

- 5.5 Proposals for the construction of a breakwater for the shelter of ships in the Roads from easterly winds were first made in 1794. It was not until 1843 however that a Royal Commission approved the construction of breakwaters at Portland. In parallel, to provide the necessary labour, the Government established a penal settlement, with the convicts used to quarry the stone and construct the breakwaters.
- 5.6 The Inner and Outer Breakwaters were designed by engineer James Rendel and built between 1849 and 1871, necessitating the construction of a railway from the Admiralty's quarries through the port to the breakwaters. Prince Albert's visit to lay the first stone of the inner breakwater is commemorated by a decorative inscription on its southern end. When completed, they enclosed 826 hectares and formed the largest man-made harbour in the world.
- 5.7 The works themselves became a major tourist attraction, and Castletown flourished with new piers for visitors, with the port connected to Weymouth by rail in 1864 for both passengers and exports of stone. A vast coaling shed was built on one pier to serve steam ships within the harbour as well as a creosoting plant with a tall stack to treat the breakwater piles, which stood close to the Appeal Site. The creosoting plant was replaced in 1901 by a short-lived hospital and mortuary, with its buildings subsequently used as torpedo workshops.

5.8 In parallel with the construction of the harbour, its defences were also being built although the pace of the arms race meant that almost all of these were reduced to obsolescence after only a few years. On the summit of the hill above, convict labour was used to construct the Verne Citadel, completed in 1884. Associated with the Verne, and controlled from it, were a series of batteries and other structures on the slope of the East Weare (see Section 5.2 below).

#### *Harbour of Refuge*

5.9 The new harbour was not formally a Royal Navy base, but was designated as a Harbour of Refuge, where Royal Navy ships could shelter and find support facilities. Portland became increasingly used by, and important to, the Royal Navy, including assembling the fleet on its way to the Crimea and for training, prior to joining the Channel Fleet.

5.10 Facilities for fuelling, first as steam replaced wind, then as oil replaced steam, were provided in the form of coaling sheds, and then from the first decade of the twentieth century, by a large number of oil tanks built on reclaimed land at the Mere, to the west of Castletown. In 1906, a large electricity sub-station was built, with a tall brick chimney; Portland's first electricity connection and indicative of the importance of the port.

5.11 With the development of torpedo technology in nearby Wyke Regis from 1866 onwards, Portland became the principal testing station for the new weapon, and the centre for training crews in the increasingly important skills of anti-submarine warfare. Torpedo destroyers were kept in 'pens' in a purpose-built jetty in the Castletown.

5.12 The development of torpedoes, submarines and the continuous development of gunnery led to further measures to upgrade the Harbour's defences. These included the Nothe Fort, completed in 1869, with artillery designed to combat ironclad warships and two further breakwaters, extending from and offshore to the mainland, (Bingleaves Groyne and the

Northern Breakwater, built 1894-1905) to complete the circuit of harbour walls. With this, Portland Harbour reached its maximum extent.

- 5.13 In 1912, King George V and others witnessed a Naval Review at Portland, with over 100 ships and 50 submarines waging a mock battle, and the first ever successful take-off of an aeroplane from a ship.

*The First World War and HMS Sarepta*

- 5.14 In August 1914, on the outbreak of war, 400 Royal Navy ships gathered at Portland Harbour, in a scene later described by Winston Churchill as *incomparably the greatest assemblage of naval power ever assembled*. However, Portland's vulnerability to German attack led to the majority of the fleet being moved to Scapa Flow. Nonetheless, 34 battleships and 13 cruisers remained based there to protect the south coast, along with a large fleet of vessels converted as minesweepers.
- 5.15 Given its existing role in anti-submarine and torpedo training, Portland was the obvious choice for the establishment in 1916 of the Royal Navy's first anti-submarine detection centre. Initially named HMS Sarpeta (but with many subsequent names), covert research carried out here would result in major advances in the technologies for combatting the threat of submarines from the First World War to the Cold War.

- 5.16 In 1923, Portland role as a vital naval base was recognised in its formal designation as HM Naval Base, Portland. In 1932, in an almost exact repetition of 20 years earlier, the King again witnessed a Naval Review at Portland with a backdrop of deteriorating relations with Germany. In the build up to war, Portland's role as a centre for anti-submarine training intensified.

*World War II – the biggest little port in the world*

- 5.17 Unlike with the previous war, great advances in both aerial and submarine warfare made Portland especially vulnerable to attack. The fleet was once again dispersed, but Portland with

its close proximity to the continent, strategic importance as a harbour and naval warfare facilities suffered from frequent and heavy air raids, more than any other place in the United Kingdom after London and Liverpool. The anti-aircraft ship HMS Foylebank was overcome and sunk in the harbour in 1940.

5.18 In May 1944 Portland-Weymouth was designated as the US Navy's Advanced Amphibious Base for Force O of D-Day. The landing slips, quays and protecting breakwaters made Portland Harbour ideal for embarking tanks and vehicles and vehicle loading was concentrated here with new concrete slips built into the harbour. On 5 June, Force O and Force U, which had been forced to take refuge in the harbour after a failed launch from Devon, left for Omaha and Juno Beaches. After the War, the US Army famously thanked Portland for being 'The biggest little port in the world'.

5.19 With its close proximity and hospitals, Portland Harbour was the repatriation point for many of the dead and wounded of D-Day. After the war, surrendered German U-Boats were sent to Portland for examination by the submarine research facility.

#### *Royal Naval Base Portland*

5.20 Naval activity, with a continuing focus on underwater detection, and a new focus on helicopters and nuclear incident training, returned to Portland after the War, although it would again become a base for converting deep sea trawlers to minesweepers during the Falklands War

5.21 In 1989 the Naval Base was revamped with new accommodation for personnel and an HQ for the harbourmaster. But the fall of the Berlin Wall led to a major reduction in the strength of the Royal Navy, leaving Portland surplus to requirements. In 1996, the Naval Base was formally closed, with responsibility for management handed to Portland Port, the current authority.

#### *The new millennium – Portland Port*

5.22 Portland Port has survived the scaling back of Royal Navy activity, becoming a major centre for the import animal feed and cement, the home of marine engineering companies and ships' fuel providers, and a successful cruise ship berth. It is a busy and continuously evolving harbour as it has been throughout its history.

### **The East Weare Batteries**

5.23 Among the most directly impacted heritage assets, in terms both of impact on setting and the potential benefits of the Heritage Mitigation Strategy, are the various structures on East Weare, most notably E Battery, the site of which is visible in the view north from the Jail House Café garden within the Verne Citadel. An understanding of the complex history and development of the structures on the weare is important to understand their significance.

5.24 The batteries, and 'East Weare Camp' (originally built as the Provost Establishment), were constructed as part of the overall defences of Portland Harbour, which were centred on the Verne Citadel. The first batteries were simple earthen structures, built in 1859. In 1862, four new, stone-built batteries (A – D) were built into the landward side earthen banks. Completed in 1864, they covered the harbour approaches.

5.25 Two further batteries (E and F) were planned to cover the harbour but only E Battery was finally completed c 1870. Other planned batteries were also never completed. All of the batteries were fitted with 9 inch rifle muzzle loading guns.

5.26 In the 1870s, East Weare Camp (originally known as the Provost Establishment) was built to accommodate the gunners as well as to provide a detention block for the wider garrison. It was eventually linked to the Verne by a sally port and communication tunnel. An associated rifle range would also be built to the south of the weare.

5.27 Reflecting the very rapid advance in gunnery technology, all the batteries were upgraded with new guns in 1886 and B and C Batteries again in 1890. By 1897, with the Harbour now



protected by the latest artillery in forts at the Nothe and on the new breakwaters, E Battery was decommissioned and its guns removed.

- 5.28 By 1909, all the remaining batteries (A – D) had ceased to be part of the coastal defence network. They were subsequently used for different military purposes, including the storage of ammunition and for much of the twentieth century, the NATO Disaster Relief Exercise (DISTEX) training programme although D-Battery appears to have been destroyed by bombing in the Second World War.
- 5.29 In 1973, E Battery was designated as a Scheduled Monument, as well as being listed Grade II. The other Batteries and East Weare Camp are all listed Grade II, but not scheduled possibly as they remained in use for the DISTEX exercises. With the batteries in only occasional ad hoc use, the weare became increasingly overgrown throughout this time and by the time of the formation of the new Portland Port authority in 1996, the batteries were overgrown.
- 5.30 Following the collapse of the roof of the former Provost Establishment known as East Weare Camp, a temporary structure has been erected over the remains of that building.

### **Summary History of the Appeal Site**

- 5.31 In terms of understanding the impact of the Appeal Proposal on the heritage assets, the ERF and its associated stack will be built on the triangular piece of land adjacent to the end of the Inner Breakwater. It is this piece of land that is referred to as the Appeal Site, notwithstanding the wider area covered by the red line of the Appeal Proposal.
- 5.32 As set out above, this area has been in continuous industrial use since at the least the middle of the 19<sup>th</sup> century and, possibly prior to that as a weare quarry. Most of these uses (railway yard, timber yard, creosoting plant, hospital for infectious diseases, torpedo workshop, stone crushing yard) have had a direct marine relationship with the Port and the sea.

## 6. Heritage Assets: Assessment of Significance

6.1 There is a large number of designated heritage assets in the general vicinity of the Appeal Site which, individually and as a group, reflect Portland's important military, maritime and industrial past; please refer to the Designations plans in Appendix WFS-3. This section sets out in greater detail the significance of these assets, individually and collectively, to set the scene for an analysis of the Appeal Proposal's impact on that significance; for further analysis of the significance of the heritage assets, see the Heritage Statement at Appendix WFS-1.

### Assessing significance

6.2 The concept of significance is at the heart of the planning process. It is the basis for judging the balance between 'harm' and 'benefit' to heritage assets (as set out in NPPF paras 199-203) and thus for deciding on the acceptability of applications which affect heritage assets.

6.3 Annex 2 of the NPPF defines significance as:

*The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*

6.4 Further helpful guidance on these types of heritage interest that make up significance are as follows:

- Archaeological interest: As defined in the Glossary to the NPPF, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence for past human activity worthy of expert investigation at some point.
- Architectural and Artistic interest: As defined in the Planning Practice Guide, there are interests in the design and general aesthetics of a place, whether from conscious design or fortuitously from the way the heritage asset has evolved. Architectural interest includes an interest in the art of science of the design, construction, craftsmanship and decoration of

buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.

- Historic interest: as defined in the Planning Practice Guide, this is an interest in past lives and events. Heritage assets can illustrate or be associated with them. Historic interest can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

6.5 Any assessment of overall significance is usually an amalgam of these different interests, and the balance between them will vary from one case to the next.

### **Assessing the significance of the Heritage Assets**

6.6 There is a range of ways to assess significance, varying from a fine grain analysis of the individual parts of a single asset to a higher level assessment of the significance of the asset as a whole. Since a number of the heritage assets are inaccessible for security and other reasons, and since the impacts of the Appeal Proposal will (with the one exception of the proposed works to remove E Battery from the Heritage at Risk Register) have no direct impact on the fabric of the heritage assets, but rather affect their setting, I have chosen the latter approach. I believe this to be an appropriate and proportionate approach to identifying significance.

6.7 As such I have used Historic England’s identification of relative significance at a national level (e.g. listings) as the basis, extended to take in non-national designations, such as Conservation Areas and Non-designated heritage assets:

<b>High significance</b>	<ul style="list-style-type: none"><li>• Grade I listed building</li><li>• Grade II* listed building or</li><li>• Scheduled Monuments</li></ul>
<b>Moderate significance</b>	<ul style="list-style-type: none"><li>• Grade II listed building and</li></ul>

	<ul style="list-style-type: none"> <li>• Conservation areas</li> </ul>
<b>Low significance</b>	<p>Non-designated heritage assets: Locally Listed buildings and positive contributors within a conservation area</p> <p>Also, undesignated buildings or structures that are identified to be of historic or architectural interest.</p>

6.8 In general terms, I have put the heritage assets under consideration into five groups based on their functional relationship to each other and to the port. The following table sets out these groups and levels of individual significance. In it, I have also summarised the interests which make up the significance of each asset, as direct quotes from official list entries where possible or summarised; these latter entries are in italics.

6.9 **Portland Port:** Various 19th and 20th century structures relating to the development and operation of the port, including its breakwaters:

<p>Dockyard Offices</p> <ul style="list-style-type: none"> <li>• Architectural interest: As a dockyard Engineer's Office dating from the 1840s it is an early example of its type; Including some architectural detailing and constructed using good quality Portland stone; despite considerable alteration it still retains its historic core and the changes to its layout are in line with a building that has been adapted regularly to its evolving use</li> <li>• Historic interest: As the focal point of the historic breakwater construction overseen by James Rendel and realised by John Coode, who designed the building for his own use and for the day-to-day running of the breakwater construction project over decades</li> <li>• Group value: As part of a complete naval base on considerable importance, specifically designed as a first safe anchorage for the replenishment of the navy's fleet of steam driven worship; Portland Harbour and the nearby coast of the Isle of Portland has a significant collection of designated assets associated with the military history of the</li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>
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<p>area, including Portland Castle (Grade I and Scheduled Monument) and the East Weare Defences.</p>	
<p>Breakwaters and Breakwater Forts, including the Coaling and Storehouse Jetties and the Coaling shed.</p> <ul style="list-style-type: none"> <li>• Architectural interest: The huge and impressive engineering feat of constructing the breakwaters; an innovative combination of Victorian architecture and hydraulic engineering in response to the problems of coaling the increasingly steam-driven navy of the time; Association with nationally significant engineers, JM Rendel, J Coode and EH Seward; The good degree of survival</li> <li>• Historic interest: As the first safe anchorage specifically designed to create a harbour of refuge to replenish the navy's fleet of steam-driven warships; The importance of the mid-C19 coaling shed in the history of the mechanised fuelling of ships; Fortification of the breakwaters in response to the 1859 Royal Commission on the Defence of the United Kingdom, a nationally important period of England's military history; Subsequent adaptation of the fortifications to keep pace with advancing military tactics and technology</li> <li>• Group value: as part of a largely complete naval base of considerable importance; With the Grade II listed late C19 Bingleaves Groyne and North-Eastern Breakwater to the north of the harbour</li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>
<p>Phoenix Caissons</p> <ul style="list-style-type: none"> <li>• Architectural interest: for the Mulberry Harbour design as an innovative construction created specifically for its critical role in the invasion of Normandy in 1944; The caissons survive largely unaltered</li> <li>• Historic interest: As part of the vital support and supply structure that helped secure an Allied victory in Operation Overlord of June 1944; The fabrication, deployment and installation of the Mulberry Harbour was a formidable task and testament to the ingenuity and heroism involved in the invasion of Normandy</li> <li>• Group value: As part of a complete naval base on considerable importance, specifically designed as a first safe anchorage for the replenishment of the navy's fleet of steam driven warship; Portland Harbour and the nearby</li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>

<p>coast of the Isle of Portland has a significant collection of designated assets associated with the military history of the area, including Portland Castle (Grade I and Scheduled Monument) and the East Weare Defences.</p>	
<p>Historic Rails and Viaduct</p> <ul style="list-style-type: none"> <li>• <i>Architectural interest: None</i></li> <li>• <i>Historic interest: As evidence for the once extensive transport infrastructure associated with the Port, now largely disappeared</i></li> <li>• <i>Group value: with the other designated Port structures, particularly the Dockyard Office, the Breakwaters, jetties and coaling shed</i></li> </ul>	<ul style="list-style-type: none"> <li>• Non-designated heritage assets</li> </ul>

6.10 **The Verne Citadel:** The primary defensive structure on Portland, with its origins in the 19th century and dramatically situated above the harbour. The site as a whole is scheduled, with many of its individual buildings separately listed, as well as two additional 20th century military structures. The site now houses HMP the Verne, a Category C prison. Whilst it is possible to access the Verne, and to visit the Jailhouse café, these are situated within the perimeter of the Verne, if not the perimeter of the active prison, on land owned by the Ministry of Justice. As such, whilst these are publicly accessible by permission there is not a public right of access.

<p>The Verne Citadel</p> <ul style="list-style-type: none"> <li>• <i>Architectural interest: A monumental and dominating complex, at the heart of the defence of the Portland Port; A good example of Victorian military engineering and architecture, associated with major ground works</i></li> <li>• <i>Historic interest: A fine example of the sheer scale of Victorian military engineering and planning; A critical component of the major C19 improvements to Portland Port's capacity and defences</i></li> <li>• <i>Group value: Most particularly with the other C19 defensive structures on East Weare, which were controlled from the</i></li> </ul>	<ul style="list-style-type: none"> <li>• Scheduled monument</li> </ul>
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<p><i>Verne; As part of a complete naval base on considerable importance, specifically designed as a first safe anchorage for the replenishment of the navy's fleet of steam driven worship; Portland Harbour and the nearby coast of the Isle of Portland has a significant collection of designated assets associated with the military history of the area</i></p>	
<p>The Verne Citadel, North Entrance</p> <ul style="list-style-type: none"> <li>• <i>Architectural interest: A highly visible architectural expression of the dominance of the Verne Citadel and the principal defensive structure overlooking the Port</i></li> <li>• <i>Historic interest: As a fine example of the scale of Victorian military engineering and architecture, as part of the wider Verne Citadel</i></li> <li>• <i>Group value: Specifically with the other designated components of the Verne; As part of a complete naval base on considerable importance, specifically designed as a first safe anchorage for the replenishment of the navy's fleet of steam driven worship; Portland Harbour and the nearby coast of the Isle of Portland has a significant collection of designated assets associated with the military history of the area</i></li> </ul>	<ul style="list-style-type: none"> <li>• Grade II* listed</li> </ul>
<p>Railings at approach to N Entrance</p> <ul style="list-style-type: none"> <li>• A well-maintained run of robust railing forming part of the original construction at The Verne. Included for group value.</li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>
<p>Various individual structures within the Verne</p> <ul style="list-style-type: none"> <li>• <i>Architectural interest: A series of structures designed and built as part of the Verne Citadel, in an architectural style characteristic of the Verne as a whole</i></li> <li>• <i>Historic interest: as integral components of the Verne Citadel</i></li> <li>• <i>Group value: Specifically, with the other designated elements of the Verne. Wider group value limited by lack of direct visual connection to the wider Port context.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>

6.11 **East Weare Camp:** a group of military structures, principally four surviving batteries but also an accommodation building (confusingly listed as East Weare Camp) and a rifle range, functionally

connected with the Verne Citadel and the defence of Portland Harbour from the 19<sup>th</sup> to 20<sup>th</sup> centuries.

6.12 The designations that relate to the East Weare structures are complex as a result of blurred boundaries between various different structures and works. This lack of clarity reflects a history of continuous adaptation and amalgamation of the hillside’s military features (for example A and B Batteries) to meet changing military priorities and evolving technologies. Compounding that is the fact that many of these structures have been out of use for some time or in partial use for various functions over the last century. Several are seriously overgrown and have been so for many decades. Our designations map (Appendix WFS-3) reflects our best understanding based on what is visible today and what records we have of their earlier form.

<p>A Battery</p> <ul style="list-style-type: none"> <li>• Architectural interest: As a good example of a battery dating from the 1860s, with some architectural detailing and use of good quality Portland stone; For the good degree of survival of historic fabric, and the legibility of its layout</li> <li>• Historic interest: As part of the C19 and earlier defences of East Weare, which played an important role in British naval history.</li> <li>• Group value: As part of a complete naval base on considerable importance, specifically designed as a first safe anchorage for the replenishment of the navy’s fleet of steam driven warship; Portland Harbour and the nearby coast of the Isle of Portland has a significant collection of designated assets associated with the military history of the area.</li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>
<p>B Battery</p> <ul style="list-style-type: none"> <li>• Architectural interest: as above</li> <li>• Historic interest: as above</li> <li>• Group value: as above</li> </ul>	<ul style="list-style-type: none"> <li>• Not listed in itself, but considered by me as part of the listing of A Battery</li> </ul>



<p>C Battery</p> <ul style="list-style-type: none"> <li>• Architectural interest: As a good example of a battery dating from the 1860s, with some architectural detailing and use of good quality Portland stone; For the good degree of survival of historic fabric, and the legibility of its layout</li> <li>• Historic interest: As part of the C19 and earlier defences of East Weare, which played an important role in British naval history.</li> <li>• Group value: As part of a complete naval base on considerable importance, specifically designed as a first safe anchorage for the replenishment of the navy's fleet of steam driven worship; Portland Harbour and the nearby coast of the Isle of Portland has a significant collection of designated assets associated with the military history of the area.</li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>
<p>E Battery</p> <ul style="list-style-type: none"> <li>• <i>Architectural interest: As a good example of a battery dating from the 1870s, with some architectural detailing and use of good quality Portland stone; For the good degree of survival of historic fabric, and the legibility of its layout</i></li> <li>• <i>Historic interest: As part of the C19 and earlier defences of East Weare, which played an important role in British naval history.</i></li> <li>• <i>Group value: As part of a complete naval base on considerable importance, specifically designed as a first safe anchorage for the replenishment of the navy's fleet of steam driven worship; Portland Harbour and the nearby coast of the Isle of Portland has a significant collection of designated assets associated with the military history of the area.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> <li>• Scheduled Monument</li> </ul>
<p>East Weare Camp (Former Provost's Establishment)</p> <ul style="list-style-type: none"> <li>• Architectural interest: As a rare C19 defensible barracks adopting an original design in response to its required function overlooking Portland Naval Base; Including some architectural detailing and constructed using good quality Portland stone; despite considerable dilapidation it still retains a legible layout and a substantial proportion of its principal structure</li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>

<ul style="list-style-type: none"> <li>• Historic interest: the C19 and earlier military defences at East Weare and the surrounding area have an important role in demonstrating British naval history as it developed, particularly in response to innovation brought about by the Industrial Revolution</li> <li>• Group value: As part of a complete naval base on considerable importance, specifically designed as a first safe anchorage for the replenishment of the navy's fleet of steam driven warship; Portland Harbour and the nearby coast of the Isle of Portland has a significant collection of designated assets associated with the military history of the area, including Portland Castle (Grade I and Scheduled Monument) and the Verne Citadel.</li> </ul>	
<p>East Weare Rifle Range (south of East Weare)</p> <ul style="list-style-type: none"> <li>• Architectural interest: survival – as a good and substantially intact example of a late C19/early C20 rifle range; Rarity – a significant example of an increasingly rare asset type</li> <li>• Historic interest: Potential – the site will contribute to our understanding of the operation of this particular rifle range and the provision of military training in this period more generally</li> <li>• Group value: forms part of a significant group of designated military structures on the Isle of Portland and contributes to our understanding of the military development of East Weare and its importance as a strategic location</li> </ul>	<ul style="list-style-type: none"> <li>• Scheduled Monument</li> </ul>

6.13 **Castletown:** the linear settlement between the weare and the harbour, which grew up from the 16th century onwards, initially around Henry VIII's Device Fort of Portland Castle, from which it took its name.

<p>No.1 Castletown</p> <ul style="list-style-type: none"> <li>• Architectural interest: For its accomplished, formal composition in the Gothic style, and the quality of its decorative detailing; Good survival of plan form and original fixtures and fittings</li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>
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<ul style="list-style-type: none"> <li>• Historic interest: For its role first as a customs house, and then as a police station, in the administration and security of the nationally important naval base at Portland; The carved royal monogram to the gable emphasises the port's relationship with Queen Victoria and Prince Albert, and their support of the scheme to create a harbour of refuge</li> <li>• Group value: as part of a largely complete naval base of considerable importance, specifically designed as the first safe anchorage for the replenishment of the navy's fleet of steam-driven warships</li> </ul>	
<p>Royal Breakwater Hotel</p> <ul style="list-style-type: none"> <li>• <i>Architectural interest: A rich composition characteristic of turn of century design, unaltered in its main frontage facing the harbour</i></li> <li>• <i>Historic interest: As an example of one of several hotels and inns which were built in the late C19 to serve the Dockyard</i></li> <li>• <i>Group value: As part of Castletown, a settlement that developed to support the activities within the port.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>
<p>Boundary stone, Castletown</p> <ul style="list-style-type: none"> <li>• <i>Architectural interest: minimal</i></li> <li>• <i>Historic interest: As one of a number of similar stones set up on the island by the military authorities</i></li> <li>• <i>Group value: as part of the Portland Fort complex and of the wider group of military structures on Portland</i></li> </ul>	<ul style="list-style-type: none"> <li>• Grade II listed</li> </ul>
<p>Portland Castle including Captain's House and Gateway/Curtain Walls</p> <ul style="list-style-type: none"> <li>• <i>Architectural interest: One of the best preserved and best known of Henry VIII's artillery forts; For its later history of adaption and alteration, for example the early C19 Captain's House and conversion of the Fort to residential use</i></li> <li>• <i>Historic interest: As a prime example of Henry VIII's maritime defence programme and the first formal fortification of Portland Roads; For its role in the English</i></li> </ul>	<ul style="list-style-type: none"> <li>• Castle Grade I listed ; Captain's House and gateway/curtain walls II*</li> <li>• Scheduled Monument</li> </ul>

<p><i>Civil War; For its subsequent history of development and alteration, including conversion for residential use</i></p> <ul style="list-style-type: none"> <li>• <i>Group value: Specifically, its relationship with Sandsfoot Castle on the northern side of the Roads. More generally, its association with the long history of the development of Portland Roads and Harbour</i></li> </ul>	
<p>Underhill Conservation Area</p> <ul style="list-style-type: none"> <li>• Architectural interest: as a sub-area of the wider Conservation Area, a legible Victorian harbourside development with some older structures, most notably Portland Castle; its highly linear nature, stretching along the main road leading to the Port</li> <li>• Historic interest: as a settlement which develops in tandem with the Port, reflecting the mix of buildings (customs house, hotels, etc.) which were built to service the changing ports needs.</li> <li>• Group value: a component of the wider historic settlements of Portland which are included within the Underhill Conservation Area; as an integral part of the complex of port, defences and settlement</li> </ul>	<ul style="list-style-type: none"> <li>• Conservation Area, covering a wide area beyond Castletown. Castletown includes a number of individual buildings identified as 'Important local buildings'</li> </ul>

6.14 **Wider context:** Heritage assets with historic connections to the evolving defences Portland Roads and Harbour, but at some distance from the core of today's port.

<p>Northern Breakwater and Bincleaves Groyne</p> <ul style="list-style-type: none"> <li>• Architectural interest: the huge and impressive engineering feat of constructing the breakwaters; A continuation of the design characteristics of the inner and outer breakwater; the overall survival and retention of features such as the early C20, cast-iron lighthouse which includes the lantern by Chance Brothers &amp; Co</li> <li>• Historic interest: For their construction in response to the rising fear of torpedo attack in the late C19 and early C20; The relationship with the manufacture and development of torpedoes at Portland Harbour and the incorporation of the short and long range torpedo firing range for testing; a rare survival of a First World War gun emplacement for the</li> </ul>	<p>Grade II listed</p>
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<p>QF 3-inch 20 cwt anti-aircraft gun on the north-eastern breakwater</p> <ul style="list-style-type: none"> <li>Group value: As part of a largely complete naval base of considerable importance. With the Grade II listed mid-C19 inner and outer breakwater to the south of the harbour</li> </ul>	
<p>Sandsfoot Castle</p> <ul style="list-style-type: none"> <li>Architectural interest: Sandsfoot Castle survives comparatively well as a ruined structure and associated earthwork remains. The blockhouse represents one of the most substantial examples of this type of fortification to survive in an unaltered state; Significant architectural features survive; Has attracted the interest of artists</li> <li><i>Historic interest: As a good example of Henry VIII's maritime defence programme and, with Portland Castle, the first formal fortification of Portland Roads</i></li> <li><i>Group value: Specifically, its relationship with Portland Castle on the northern side of the Roads. More generally, its association with the long history of the development of Portland Roads and Harbour</i></li> </ul>	<p>Grade II* listed</p> <p>Scheduled Monument</p>
<p>Nothe Fort</p> <ul style="list-style-type: none"> <li>Architectural interest: One of the best preserved of all the forts built between 1860-1870 as an integrated component of the fortifications of Portland Harbour; the long use and development of Nothe Fort until 1953 is reflected in the survival of wider associations, including the Victorian tramway and various 20<sup>th</sup> century features, such as anti-aircraft and searchlight batteries and observation posts</li> <li>Historic interest: as an outcome of the defensive programme resulting from the 1859 Royal Commission report on the defence of the United Kingdom; for its long history of later use and modification, up until 1953</li> <li>Group value: specifically with Bingleaves Groyne and the Northern Breakwater as the final components of the defence of Portland Harbour. More generally, as part of a largely complete naval base of considerable importance.</li> </ul>	<p>Grade II* listed</p> <p>Scheduled Monument</p>
<p>Portland House and Belle Vue Road Conservation Area</p>	<p>Grade II listed</p>

<ul style="list-style-type: none"> <li>• A complete and well-designed example of a 1930s villa style house by an eminent architectural partnership. Interior intact and complete with original features</li> <li>• <i>Group value: as part of the Belle Vue Road Conservation Area</i></li> </ul>	Conservation Area
<p>Belle Vue Road Conservation Area</p> <ul style="list-style-type: none"> <li>• An example of an area of very large houses built at the turn of the century in unusually large plots. The area is characterised by large individually designed Victorian and Edwardian brick built buildings, grass verges and high hedges and the area possesses a distinct character not present elsewhere in Weymouth.</li> <li>• <i>Group value: with Portland House, the only listed building in the Conservation Area</i></li> </ul>	Conservation Area

### **Group value**

6.16 In addition to their individual significance, the various assets have value and interest which is emphasised and amplified by the existence of related structures in their vicinity, as set out in the groups above. What is remarkable about these groups is that – with the sole example of Portland House and the Belle Vue Road Conservation Area, they are all directly related, both to each other and to the history and development of the port over some 500 years, as a safe anchorage for civil and naval shipping and for the export of Portland stone. This, and the fact that they include a number of Grade I and II\* buildings and Scheduled Monuments, gives them all an overall Group value of high Significance.

### **The contribution of the setting of the heritage assets on their significance**

6.17 Setting is defined by the NPPF as *the surroundings in which a heritage asset is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.* Historic England

has provided valuable guidance on identifying the contribution made by setting to the significance of heritage assets (Historic Environment Good Practice Advice Note 3: the Setting of Heritage Assets, 2017).

- 6.18 In seeking to understand the nature of the setting of the heritage assets around the Port, and potentially affected by the Appeal Proposal, the following extract from the Historic England note on setting is particularly relevant:

*Change over time*

*Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance but settings which have changed may also themselves enhance significance, for instance where townscape character has been shaped by cycles of change over the long term. Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structure(s).*

- 6.19 The overall setting of Portland Port is one of constant – and often very significant – change over time, most particularly from Henry VIII's first defences of Portland Roads, through the development of the Port, its commercial and naval use to its current use. The heritage assets are all directly connected to those different periods of change, which they reflect, individually and collectively. The evolving activity, and the structures that go with it, are an integral part of their setting. Further change, particularly if it is directly port-related and leads to a stronger, more active Port, need not be harmful *per se* but can contribute positively to overall setting.
- 6.20 Within this overall context of change and development, the heritage assets have an overall commonality of setting. Yet there are subtle differences in how these settings contribute to

their group and individual significance. These are explored in greater detail in the tables that follow, but in summary:

### **Portland Port**

- 6.21 The listed and other structures reflect – perhaps most directly of all – the changes that have taken place to sustain the port as working place, protecting, receiving and servicing a wide range of ships over some 500 years. An active, maritime context is a key part of their setting.

### **The Verne Citadel**

- 6.22 The Verne's principal purpose was to defend the port below it. In contrast to the low-lying batteries of East Weare, its uncompromising silhouette and looming presence over the Port in views from the north and the harbour emphasise this relationship and in themselves act as a deterrent. The Port below is thus both the Verne Citadel's *raison d'être* and the essential component of its setting. The relationship can be best appreciated in the long views across the harbour from the north, but also the view north from the Jail House Café garden.

### **The military structures of East Weare**

- 6.23 As with the Verne Citadel, these batteries and associated structures were built to defend the Port from attack. In a real sense, the presence of a vibrant port below is a testimony to their success over many years, and an active part of their setting. Visually, they are designed to be recessive in views from the sea, to hide their presence from potential enemies from the sea. Seen from above, their interrelationship of the batteries and East Weare Camp is clear.

### **Castletown**

- 6.24 Castletown owes its existence to the harbour at Portland; its history and the variety of heritage assets within it testify to the way in which the harbour and Port have directly influenced its current form. The Port, with its current (and future) activity are both its lifeblood and the core



of its setting. Whilst not within the Conservation Area, it has been a dominant influence on the character and appearance of this Castletown part of the bigger Underhill Conservation Area.

### **Wider Context**

- 6.25 The military structures around the wider harbour, including Sandsfoot Castle, the Nothe Fort and the 1906 breakwaters, are at some considerable distance from the Appeal Site and current active Port. Nevertheless, they all have as their purpose the securing of a safe anchorage and port, and in long views across the harbour, the activity in the Port is a key presence. The scale of change over time is demonstrated by the fact that, of all the heritage assets in those views, the only one unchanged since Henry VIII's time is Portland Castle. Even the outline of the Isle in views from the north has changed significantly as a result of quarrying for the construction of the breakwaters.
- 6.26 The same is true of the view from Portland House. Other than Portland House, the surrounding Belle Vue Road Conservation Area does not in general enjoy the same visual relationship with the Portland Harbour.

## 7. Heritage Impact Assessment

### Introduction

- 7.1 I have undertaken an assessment of the Appeal Proposal in relation to the likely effects on heritage assets located within its vicinity, using the criteria set out in paragraphs 199-203 of the NPPF (below) and my professional judgement to establish potential levels of harm and benefit. This in turn allows me to draw a conclusion as to a) the level and extent of harm, if any and b) to consider finally to consider whether the specific heritage benefits are in themselves sufficient to outweigh any harm identified.
- 7.2 Paragraphs 199-208 of the NPPF instruct us to consider the impacts of development on the significance of a heritage asset. Where there is harm to the significance of an asset, it is necessary first to determine whether that harm is substantial or less than substantial. Established case law provides further guidance that we should identify if that harm is at the upper or lower end of the scale of harm identified. Where there is harm to non-designated heritage assets, the terms 'substantial' and 'less than substantial' are not used and paragraph 203 instead directs us to take harm into account to reach a balanced judgement.
- 7.3 Since it is common ground among all parties that the level of harm to designated assets is judged to be 'less than substantial', it is paragraph 202 of the NPPF that needs to be addressed for designated assets:
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
- 7.4 In discussing benefits, it is accepted that a distinction can be drawn between general public benefits and specifically heritage related benefits. In assessing the benefits of the Appeal

Proposal (as set out in the Heritage Mitigation Strategy), I have confined myself to heritage-related benefits; the wider public benefits are set out by Mr Roberts.

7.5 In addition, as noted above, paragraph 203 sets out the test to be addressed for non-designated heritage assets:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

7.6 As set out in Section 3 above, it is my view that the heritage impacts can derive from the following:

- Impact on the setting of heritage assets, or the character and appearance of the Underhill Conservation Area, caused by the use of the Appeal Proposal as a source of power including for the port and ships within it.
- Visual impacts to the setting and group value of heritage assets. This category can be subdivided into two elements:
  - Intervisibility: where the ERF building or stack are directly visible from an asset. I have relied on the Zone of Theoretical Visibility model by TOR (Appendix WFS-4) to calculate this.
  - Wider visual context: where the ERF forms a visible component of a wider view of a heritage asset, or group of assets. An obvious example is the distant view from Sandsfoot Castle towards Portland. which includes Portland Castle and the Verne.

- Impacts on the setting of the heritage assets, or on the character and appearance of the conservation area caused by activities related to the ERF, in this case the potential increase in vehicle movements.
- Direct impacts to the fabric of heritage assets. In practice, these relate entirely to the works to clear the site of E Battery, as part of the Heritage Mitigation Strategy.
- Impacts on the setting of heritage assets; or groups of assets or on the character and appearance of the Underhill Conservation Area, as a result of the related Heritage Mitigation Works.

7.7 The following sections deal with each impact in turn.

7.8 My conclusions in terms of identified harm are not the same as those identified in the Environmental Statement. There are two reasons for this:

- We have followed a best-practice based methodology (as advocated, for example, in Historic England's *Advice Note 12: Statements of Heritage Significance: analysing significance in the heritage assets*) to identifying harm and measuring its extent, rather than the more inflexible matrix-based approach of Environment Impact Assessment;
- Given the great weight to be attached to the conservation of heritage assets in the NPPF (para 199-200), we have taken a precautionary approach to identifying potential for harm, on the basis that the ERF and its stack will be an addition to the port of a larger height and massing than the existing or historic structures (even if smaller than some of the current ships using the Port).

### **The impact of the function of the Appeal Proposal on heritage assets**

7.9 Ever since the establishment of the port, with the construction of the first breakwaters, the provision of facilities fuelling ships has been a key part of its function. The first coaling sheds were erected in 1864 (now listed Grade II), with others (since demolished) in 1907. With the

transition from steam to oil, tanks were erected on the Mere from the turn of the twentieth century. For the more general port use, an electricity generator with tall chimney was constructed not far from the Appeal Site in 1906.

7.10 As such, it is my view that the use of the site as a busy, industrial energy plant, with the ability directly to supply energy to berthed ships and port operations, would be appropriate and consistent with the historic industrial uses of the site which is adjacent to the original Coaling Shed. The industrial and maritime nature of such a use would also be appropriate to the many maritime and military structures that have formed part of the overall complex of activities across East Weare and Portland Port since at least the sixteenth century. That the activity is now the processing of waste for a sustainable energy source does not alter my conclusion – it remains an industrial landscape where a sense of industrial-scale and marine-related activity characterise most of the uses of the site. The new iteration of industrial/maritime activity would, in my view, be appropriate to the setting of all of the designated heritage assets in the near vicinity and those at a distance from the port, as the use reflects the long-standing industrial/maritime use of the port. There is of course an early 19<sup>th</sup> century precedent – the creosote plant – for a chimney on the appeal site.

7.11 The proposed use of the site to generate power to supply both the needs of the port and of visiting ships is entirely consistent with the historic function and character of the port. It is arguably a more appropriate use than its current, vacant state.

#### **The visual impact of the Appeal Proposal on the setting of heritage assets**

7.12 Taking the precautionary approach set out above, the following heritage assets have been identified as potentially experiencing a level of visual impact to their setting, whether because of intervisibility or in their wider visual context. Please refer to the Table on page 52 for a summary of individual impacts.

- 7.13 In assessing the level of harm to the setting of the individual assets, it is necessary first to consider the extent of visibility as, in crude terms, the more that the ERF building and stack are visible from an asset, or the more prominent that it is in the wider visual context, the greater the potential for harm to setting.
- 7.14 In terms of intervisibility, and based on the TOR ZTV (Appendix WFS-4), the Heritage Assets from which the ERF would be most visible are:
- The Dockyard Offices
  - The Inner and Outer Breakwaters
  - The northern edge only of the Verne Citadel Scheduled Monument
  - The Mulberry Harbour Phoenix Caissons
- 7.15 It would be distantly visible from:
- Sandsfoot Castle
  - Nothe Castle
  - Bincleaves Groyne and the Northern Breakwater
  - Portland House
- 7.16 It would be partially visible from:
- The extreme eastern end of the Underhill Conservation Area (Castletown)
  - No. 1 Castletown
  - E Battery
  - A/B and C Batteries and East Weare Camp
  - The Rifle Range

- Portland Castle Scheduled Monument, and Gateway and curtain wall

7.17 It would not be visible from:

- Portland Castle listed building and the Captain's House
- Royal Breakwater Hotel
- Verne Citadel North Entrance and associated railings
- The various listed buildings within the Verne Citadel
- The vast majority of the Underhill Conservation Area
- The Boundary stone

7.18 In terms of the wider visual context, most particularly long views from the north across the harbour, the key assets affected are:

- Portland Castle (including the Captain's House and the curtain wall/gateway)
- Sandsfoot Castle
- Nothe Fort
- Portland House
- The Verne Citadel (including the North Gate)
- The breakwaters and port structures
- The Castledown part of the Underhill Conservation Area
- The East Weare batteries and Camp

7.19 In assessing the level of 'harm' experienced to the settings of these assets individually, it is important to bear clearly in mind the contribution made by the current, active port to their setting. As set out above, the continuous process of change which has produced today's Port

and which is directly reflected in the assets themselves is the essence of their setting. Change has been part of the Port's history and must continue for its successful future. It is also worth noting that the setting of some heritage assets – notably Portland Castle – has been significantly and by no means positively impacted by some recent developments.

7.20 The ERF, as a specifically port-related development and – as set out above – the latest in a series of structures to enable the fuelling of ships, is a manifestation of the on-going process of change at Portland Port. Given this, the harm caused by its size and mass to the setting of the heritage assets is at the very lowest range of 'less than substantial'.

7.21 With regard to the non-designated heritage assets, those within the Conservation Area are included within the overall assessment of impact on the Conservation Area. Within the Port, the remains of railways and the viaduct are robust industrial structures, the settings of which will be clearly changed, but in no way harmed by the Appeal Proposal.

#### **The traffic-related impact of the Appeal Proposal on heritage assets**

7.22 It is predicted that the Appeal Proposal will generate some additional vehicle movements. A number of these will pass along Castletown to reach the port. Please refer to the Table on page 52 for a summary of individual impacts.

7.23 This would impact the following assets:

- That part of the Underhill Conservation Area which includes the road to the port through Castletown (including the buildings considered as Non-designated heritage assets)
- The Royal Breakwater Hotel
- No. 1 Castletown
- The Dockyard Offices



7.24 The various assets which collectively make up Portland Castle are some 45 metres from the road at this point, and screened by a wall and vegetation, so are considered not to be affected by the predicted additional movements.

7.25 In assessing the level of potential ‘harm’ experienced by these assets, it is important to remember that the port, and its traffic-related movements, are the *raison d’être* for all the assets. The volume of traffic is to a considerable extent a measure of the success of the port. So, while an increase in traffic on the road to the Port causes an element of harm to the Conservation Area and the setting of the individual heritage assets which line it, in this specific context of a port-related development, the impact would be at the very lowest range of ‘less than substantial harm’.

#### **Impact on group value**

7.26 The same conclusion can be reached in terms of the impact on this highly significant group value of the Heritage Assets. There will be no impact on the ability to view and understand them as a group, directly related to the activity of the Port. No key visual relationships will be lost and they will continue to be appreciated in the context of a modern, fully functioning port, which in itself pays tribute to their success in fulfilling their purpose.

7.27 The table at the end of this section summarises my assessment of the heritage harm and benefit for each asset.

#### **The impact of the Appeal Scheme’s Proposed Heritage Mitigation Strategy on heritage assets**

7.27 The sole impacts on the fabric of heritage assets derive from the proposals, as part of the wider Heritage Mitigation Strategy to carry out works to remove vegetation from and where necessary consolidate the structures of the listed and scheduled E Battery, which lies in a direct line between the Appeal Site and the Jail House café on the Verne. The intention is that the works – to be specified in detail in line with Historic England guidance – will enable E Battery to be

removed from the Heritage at Risk Register. A programme of on-going maintenance will be conditioned to keep it that way.

- 7.28 It is worth restating what a high bar is set by Historic England for the removal of a structure from the Heritage at Risk Register: *Buildings and structures are removed from the Register when they are fully repaired/consolidated, and their future secured through either occupation and use, or through the adoption of appropriate management.*
- 7.29 In addition to the works to remove E Battery from the Heritage at Risk Register, the Heritage Mitigation Strategy also proposes to create a permissive footpath through Port land, linking existing paths to the north (by the military cemetery) and the south (by the former Admiralty quarries). This will allow public access through East Weare for the first time since at least the early 19<sup>th</sup> century. In certain areas (where not obscured by scrub growth) it will offer new views across East Weare to the harbour and Weymouth beyond. There will be interpretation boards, to explain the various historic structures of East Weare, positioned along the new permissive path to enable people to see and understand the relationship between the batteries and East Weare camp, and the Verne above.
- 7.30 The path will need to have a 2m high fence along its length. This will not seriously affect the public's ability to see the views nor adversely affect the setting of the heritage assets.
- 7.31 Individually and cumulatively, these proposed works offer very significant, even substantial, heritage benefits. The removal of E Battery from the Heritage at Risk Register will not only ensure its long-term conservation but will also better reveal its significance. This will be most particularly the case from the Jail House café viewpoint, where the revealed form of E Battery will more than balance out any minor harm caused to the setting of the Verne by the view of the new ERF building.

7.32 The new public path and information boards, equally, will better reveal and help interpret the currently inaccessible military structures of East Weare and are in themselves a major benefit.

Potential impacts on heritage assets

Heritage Asset	Designation	Intervisibility	Wider visual context	Traffic	Summary of heritage harm/benefit
<b>Portland Port</b>					
Dockyard Offices	Grade II	Yes	Yes	Yes	Very minor impact to setting and from increased traffic, resulting in less than substantial harm to significance
Inner and Outer Breakwaters, including Coaling and Storehouse jetties and Coaling shed	Grade II	Yes	Yes	No	Very minor impact to setting, resulting in less than substantial harm to significance
Mulberry Harbour Phoenix Caissons	Grade II	Yes	Yes	No	Very minor impact to setting, resulting in less than substantial harm to significance
Embedded rails and railway viaduct	Non-designated	Yes	Yes	No	No harm in relation to overall significance
<b>Verne Citadel</b>					
Verne Citadel	SM	Yes (northern edge only)	Yes	No	Very minor impact to setting, resulting in less than substantial harm to significance
Verne Citadel North Entrance	Grade II*	No	Yes	No	Very minor impact to setting, resulting in less than substantial harm to significance
Verne Citadel - railings at approach to N entrance	Grade II	No	Yes	No	Negligible impact to setting, resulting in less than substantial harm to significance
Various buildings within the Verne Citadel	Grade II	No	No	No	No harm
<b>East Weare Camp</b>					
E Battery	SM	Yes	Yes	No	Overall benefit as very minor impact to setting outweighed by heritage benefit of removal from Heritage at Risk Register. Benefit to group value of East Weare structures.
E Battery	Grade II	Yes	Yes	No	Overall benefit as very minor impact to setting outweighed by heritage benefit of removal from Heritage at Risk Register. Benefit to group value of East Weare structures.
C Battery	Grade II	Yes	Yes	No	Overall benefit as very minor impact to setting outweighed by heritage benefit of new public views from proposed path. Benefit to group value of East Weare structures.
East Weare Camp	Grade II	Yes (just)	Yes	No	Overall benefit as very minor impact to setting outweighed by heritage benefit of new public views from proposed path. Benefit to group value of East Weare structures.
A Battery, including B Battery	Grade II	Yes (stack only)	Yes	No	Overall benefit as very minor impact to setting outweighed by heritage benefit of new public views from proposed path. Benefit to group value of East Weare structures.
Rifle range	SM	Yes (stack only)	No	No	Negligible impact to setting, resulting in less than substantial harm to significance, due to distance
<b>Castletown</b>					
1 Castletown	Grade II	Yes (stack only)	Yes	Yes	Very minor impact to setting and from increased traffic, resulting in less than substantial harm to significance
Royal Breakwater Hotel	Grade II	No	Yes	Yes	Very minor impact to setting and from increased traffic, resulting in less than substantial harm to significance
Boundary Stone	Grade II	No	No	No	No harm

Portland Castle	SM	Yes (stack only)	Yes	No	Very minor impact to setting, resulting in less than substantial harm to significance
Portland Castle	Grade I	No	Yes	No	Very minor impact to setting, resulting in less than substantial harm to significance
Captain's House	Grade II*	No	Yes	No	Very minor impact to setting, resulting in less than substantial harm to significance
Gateway and curtain wall to Portland Castle	Grade II*	Yes (stack only)	No	No	Very minor impact to setting, resulting in less than substantial harm to significance
Castletown sub-area of the Underhill Conservation Area	CA	Castletown only	Castletown only	Yes - Castletown road only	Very minor impact to setting and from increased traffic, resulting in less than substantial harm to significance
<b>Wider context</b>					
Sandsfoot Castle	SM	Yes, distantly	Yes, distantly	No	Negligible impact to setting, resulting in less than substantial harm to significance, due to distance
Sandsfoot Castle	Grade II*	Yes, distantly	Yes, distantly	No	Negligible impact to setting, resulting in less than substantial harm to significance, due to distance
Bincleaves Groyne and Northern Breakwater	Grade II	Yes, distantly	Yes, distantly	No	Negligible impact to setting, resulting in less than substantial harm to significance, due to distance
Nothe Fort	SM	Yes, distantly	Yes, distantly	No	Negligible impact to setting, resulting in less than substantial harm to significance, due to distance
Nothe Fort	Grade II*	Yes, distantly	Yes, distantly	No	Negligible impact to setting, resulting in less than substantial harm to significance, due to distance
Portland House (including that part of the Belle Vue Conservation Area)	Grade II, CA19	Yes, distantly	Yes, distantly	No	Negligible impact to setting, resulting in less than substantial harm to significance, due to distance

## **8. The Heritage Balance**

- 8.1 It remains to set out my professional view as to whether the less than substantial harm is outweighed by specifically heritage public benefits of the Appeal Scheme. The wider public benefits are covered by Mr Roberts.
- 8.2 The Court of Appeal, in the context of Bramshill, has provided guidance on how to assess the balance between harm to a heritage asset and benefits. There are two possible approaches:
- To carry out an 'internal heritage balancing' assessment, whereby the harm and benefit to a single asset can be weighed. If it is decided that the benefits outweigh the less than substantial harm, then the net result is a heritage benefit, so it is not necessary to engage with NPPF paragraph 202. I have applied this approach to those heritage assets which are affected by the Heritage Mitigation Strategy;
  - Where multiple assets are affected, as is the case here, the first step is to assess the degree of less than substantial harm. One then applies paragraph 202 to establish the balance between the degree of harm and the extent of public benefit to the totality of the heritage assets affected. I have applied this approach to all the other assets.
- 8.3 As set out above, I have adopted a precautionary approach to the identification of potential harm to heritage assets, focussing on the proposed use of the ERF, the visual impacts of the new ERF building and stack on their setting, and on the impact of increased traffic.
- 8.4 Our analysis concluded that, if harm is acknowledged, it lies at the very bottom of the scale of less than substantial harm. This applies both to the assets when viewed individually and also to their group value. It reflects the central role made by the ever-changing Port in the history of all the assets considered, and the way in which the activity within the Port is a fundamental aspect their individual and collective setting.

- 8.5 In carrying out the balancing act required by paragraph 202 of the NPPF, it is my clear professional conclusion that the very minor less than substantial harm to the designated heritage assets not covered by the Heritage Mitigation Strategy is clearly outweighed by the heritage benefits set out in the Heritage Mitigation Strategy.
- 8.6 Specifically in respect of those structures covered by the Heritage Mitigation Strategy (E Battery, A/B Battery and East Weare Camp), it is my professional conclusion that the significant heritage benefits to these individual structures enabled by the Heritage Mitigation Strategy – the removal of E Battery from the Buildings at Risk Register and the new path and interpretation boards clearly outweigh the very minor level of less than substantial harm to these assets. There is a net heritage gain, so that paragraph 202 of the NPPF does not need to be applied. Even if the Inspector did not agree with the application of an internal heritage balancing approach, the application of paragraph 202 of the NPPF would in my view reach the same conclusion.
- 8.7 Finally, for the Non-designated heritage assets within the Port, since no harm has been identified, it is not necessary to apply paragraph 203 of the NPPF.
- 8.8 In conclusion, therefore, the significant heritage public benefits of the Heritage Mitigation Plan clearly outweigh the very minor degree of less than substantial harm caused by the Appeal Proposal to the very important collection of heritage assets that tell the history and continual development of Portland Roads and Port.

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