

Town and Country Planning Act 1990

Appeal by Powerfuel Portland Limited

Site Address: Portland Port, Castletown, Portland, Dorset, DT5 1PP

Ref: APP/D1265/W/23/3327692

Statement by the Ramblers' Association: 14 December 2023

Thank you Sir.

My name is Janet Davis and I am the Countryside Secretary of Dorset Area of the Ramblers' Association (now usually referred to as the Ramblers). We have 1,382 members in Dorset and a national membership of over 102,000.

The Ramblers is a registered charity. We work to help everyone to enjoy the pleasures and benefits of walking, and to enhance and protect the places where people walk. As walkers we understand the importance of our environment for the health and wellbeing of all. We are committed to encouraging and supporting walking, protecting and expanding public rights of way and access land, and protecting the beauty of the countryside and other areas.

I will not repeat here the full representation made in our initial objection. In brief, the Ramblers objects to the proposed development of an energy recovery at Portland Port because it would have a severe detrimental impact on land which is located in close proximity to an internationally designated landscape—the World Heritage Jurassic Coast, would be visible from the Dorset AONB and the South West Coast Path/King Charles III England Coast Path, and would cause harm to the green infrastructure of Portland. In our view, these impacts have been understated by the applicants. The distinctive form of Portland can be seen and appreciated from numerous footpaths on the mainland, not least the

King Charles III England Coast Path, in an area that is of immense importance to the local tourist industry. The coming and going of cruise ship can be seen from as far afield as the South Dorset Ridgeway, an important and well-loved path within the Dorset AONB, so the bulk of the facility with its chimney will be similarly visible, from that path and others.

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

In September 2021, we made a further comment in response to the Powerfuel: Portland energy recovery facility consultation response summary document (August 2021). In section 17.10 of that document which deals with the impact of the proposal on the historic environment, the applicant stated that:

A framework heritage mitigation strategy has been submitted to Dorset Council ... These measures comprise a programme of works that will enable the East Weare E Battery scheduled monument and listed building grade II to be removed from the Historic England 'at risk register' and provision of a permissive public right of way, reconnecting existing rights of way, to facilitate public views and interpretation of the heritage features present

along the East Weare, and facilitating an around Portland walking route.

We responded that in our view it was disingenuous to suggest that the provision of a permissive footpath to facilitate the provision of a round Portland walking route could be described as mitigation for the proposed development.

The document “Updated access path strategy” dated August 2023 provided further detail of the proposed path and we would like to draw the attention of the inquiry to two key issues relating to its provision.

Firstly, it is proposed that the new link path be fenced to a height of 2m (approximately 6 feet 7 inches). Appendix B of the August 2023 paper depicts the proposed fencing and gate details and shows the height of a 2m fence in relation to walkers. Walkers do not relish walking between fences: part of the joy of walking our public rights of way is that they are not restricted on this way. Furthermore visibility from a fenced path is naturally restricted.

Secondly, the proposed path would be permissive (i.e. it would not be a public right of way). A permissive path can be closed at any time by owners of the land over which the path runs. This is freely admitted by the applicant (see paragraphs 3.5 to 3.7 of the August 2023 document). Another drawback is that, unlike public rights of way, permissive paths are not shown on Ordnance Survey maps as a matter of course and they are not subject to the normal requirements of a right of way in respect of maintenance.

It cannot be denied that the provision of the missing link in the Portland coastal path is being sought. The provision of a path at this location has been the subject of a lengthy campaign on Portland, and examination of

maps reveals that the definitive public right of way, Footpath S3/72 ends abruptly. On the ground it stops at a high fence. However, the pecked line of a non-definitive path indicates the physical continuation of the path. The most likely explanation for the termination of this path is that it was closed because of MOD occupation of the site, and its subsequent use by Portland port. The fact that there were already negotiations about re-opening this link indicates that it could be provided regardless of the present planning application.

The pleasure of walking relies on more than the simple provision of a path: it derives from numerous elements: the physical path on the ground, the immediate surroundings, the wider landscape shaped by the geology of the area, the history of the area and so on. The suggestion that the proposed permissive path would mitigate against the development is difficult to understand. There would be noise (around the clock we understand), there would be a high intensity aviation light on the top of the main chimney shining up the plume, and it appears that odours would be emitted at the same height as the lowest level of this proposed permissive path. The chimney itself, regardless of whether or not visible fumes were being emitted, would be visible from the Portland Royal Naval Cemetery, cared for by the Commonwealth War Graves Commission, and the tranquil resting place of the dead from two World Wars. The existing footpath S3/72 runs beside this sensitive site.

The impact of the energy recovery facility on the landscape, and on users of public rights of way, would not be lessened by the restoration of the link path.

We urge you, Sir, to follow Dorset Council's lead, dictated by the policies in the Local Plan and the Waste Plan, and to reject this application.

Janet Davis,
Countryside Secretary
Dorset Ramblers
December 2023

Conygar Lodge
Conygar
Broadmayne
Dorchester
Dorset
DT2 8LX