

**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**

**SUMMARY PROOF OF EVIDENCE (PPF 9)**

**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**

**Planning Inspectorate ref: APP/D1265/W/23/3327692**



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## **1. Introduction**

- 1.1 My name is William Filmer-Sankey and I lead the conservation team at Alan Baxter Ltd. I am a Member of the Chartered Institute of Archaeologists. I have more than 30 years' experience of managing change in the historic environment.
- 1.2 Following the refusal of Powerfuel Limited's planning application, I was asked to provide Expert Witness Evidence in support of the appeal and felt professionally able to do so.
- 1.3 My Proof addresses the impact on the setting of a number of heritage assets which are affected by the Appeal Scheme, as well as the impacts of the Heritage Mitigation Strategy. It concludes that the impact of the ERF on the setting of the heritage assets is at the lowest end of less than substantial harm, while the Heritage Mitigation Strategy offers heritage benefits which clearly outweigh the very minor harm.

## **2. Reason for refusal**

- 2.1 The third reason for the refusal of planning consent for the application was that the proposed development would cause a level of 'less than substantial' harm which was not considered to be outweighed by public benefits.

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

- 3.1 As set out in my main Proof, heritage impacts on heritage assets in this case derive from direct impact on fabric, impacts to their setting, and to the character and appearance of the Conservation Area. These may be caused by the proposed use of the ERF, or by visual or traffic related impacts, and – in the case of direct impacts – by the entirely beneficial proposals of the Heritage Mitigation Strategy.

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

- 4.1 I set out in my main Proof the relevant legislation and guidance I have followed, noting that E Battery is on the Historic England's Heritage at Risk Register.

#### **5. Summary history of Portland Harbour**

- 5.1 As set out in my main Proof and Appendix WFS-1, the history of Portland, as a harbour and quarry dates back to the Prehistoric and Roman periods.
- 5.2 Its history since then has been one of continuous development and change, with works to secure a safer anchorage (the breakwaters), the development of port facilities to accommodate and service both Royal Navy and civilian vessels, associated defences (particularly the Verne Citadel and East Weare Camp) and civilian settlement (Castletown) covering the 16<sup>th</sup> to the 21<sup>st</sup> century. On the hill above, quarrying and the construction of the Verne Citadel and military activity on the East Weare have had a significant impact on the profile of the Isle of Portland when seen from the north.
- 5.3 East Weare Camp (which is the focus of the Heritage Mitigation Strategy) contains a series of artillery batteries and support facilities which are designated heritage assets. Begun in 1859, the batteries were decommissioned in the late 19<sup>th</sup>/early 20<sup>th</sup> centuries and subsequently became seriously overgrown.
- 5.4 The site of the ERF itself has been a creosoting plant (with chimney), a railway yard, timber yard, hospital for infectious diseases and a torpedo workshop; the majority of these uses were directly connected to the port.

#### **6. Heritage Assets: Assessment of Significance**

- 6.1 In my main Proof, I set out the heritage assets potentially affected by the Appeal Scheme and how they reflect Portland's important military, maritime and industrial past (Appendix WFS-3).

What is striking about them, individually and as a group, is that (with one minor exception), they are all directly linked to the long history of the harbour. In a very real sense, they bear collective witness to the constant process of change which has produced today's Port. Individually, they mark key moments in that process of development.

### **Assessing significance**

6.2 I also set out in detail how I have assessed the levels of significance of these heritage assets, which I have divided into five groups: structures associated with Portland Port, the Verne Citadel, East Weare Camp, Castletown and the Wider Context. I also discuss the contribution made by the setting of the heritage assets to their significance, and their overall Group value.

6.3 On setting, I conclude that it is one of constant – and often very significant – change over time. The heritage assets are all directly connected to these different periods of change, which they reflect, individually and as a group. The evolving activity, and the structures that go with it, are an integral part of their setting.

6.4 I conclude that the overall Group value of these interconnected assets is of high significance.

### **7. Heritage Impact Assessment**

7.1 In my main Proof, I start by examining the potential impacts of the Appeal on the setting of the identified heritage assets. I take a precautionary approach, on the basis that the ERF and its stack will be an addition to the port of a larger height and massing than the majority of existing or historic structures (even if smaller than some of the current ships using the Port).

7.2 I conclude that no harm is caused by the proposed use of the ERF to generate power for the port and its ships, which is in the long tradition of facilities for the fuelling of ships.

7.3 I conclude that there is harm at the very lowest range of less than substantial harm to the setting of a number of designated heritage assets, caused by visual impact (based on the TOR Zone of Theoretical Visibility calculations: Appendix WFS-4).

- 7.5 I conclude that there is harm at the very lowest range of less than substantial harm to the setting of a number of designated heritage assets, caused by the potential increase in vehicle movements in their immediate vicinity.
- 7.6 I conclude that there is no harm to the small number of non-designated heritage assets within the Port.
- 7.7 I conclude that the Heritage Mitigation Strategy offers very significant heritage benefits, in the removal of E Battery from the Heritage at Risk Register and the provision of a new permissive path and interpretation boards.
- 7.8 For a summary of my conclusions on harm and benefit for each asset, please refer to the attached table.
- 7.9 I conclude that there is no impact on Group value. 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 relationships will be lost and they will continue to be appreciated in the context of a modern, fully-functioning port.

## **8. The Heritage Balance**

- 8.1 In my main Proof, I conclude by setting out my professional view on the balance between harm and specifically heritage benefits, as set out in the NPPF.
- 8.2 In relation to the assets covered by the Heritage Mitigation Strategy, I conclude that the heritage benefits to the assets outweigh the very minor level of less than substantial harm, so that (in line with guidance from the Courts in the Bramshill case) there is a net heritage gain, and therefore no need to apply NPPF paragraph 202. Even if paragraph 202 is applied, the heritage benefits clearly outweigh the harm, without the need for non-heritage related public benefits.

- 8.3 In relation to the other designated heritage assets, I apply NPPF paragraph 202 to conclude that the very minor levels of heritage harm to individual assets are outweighed by the heritage benefits of the Heritage Mitigation Strategy, so that the necessary test is passed, again without the need for non-heritage related public benefits.
- 8.4 In summary, I conclude that 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.



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

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**Reviewed by**  
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