



# **Portland Energy Recovery Facility**

## **Appeal Against the Refusal of Planning Permission by Dorset Council**

**PINS Ref: APP/D1265/W/23/3327692**

**LPA Ref: WP/20/00692/DCC**

### **Landscape and Visual Effects**

### **PPF23: Rebuttal Proof of Evidence of Jon Mason**

Prepared for



**Powerfuel Portland Limited**

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**3460-01-Rebuttal Proof**



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

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

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

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Appended:

*Visual Assessment comparison table*

*Figure: ZTV overlay – 10km study area*

*Figure: ZTV Overlay – zoomed in*



## **1.0 REBUTTAL OF THE COUNCILS LANDSCAPE EVIDENCE**

### **1.1 Silo**

1.1.1 At paragraph 2.4 of Mr Williamson's evidence, he describes the concrete silo that is subject to an extant planning consent. This is the same silo that I describe in section 8.3 of my proof.

1.1.2 Mr Williamson states that the silo would form a new clearly visible element but considers that its visual prominence would be far less than that of the Appeal scheme on the basis that it is significantly smaller than the Appeal scheme in terms of scale, height and massing.

1.1.3 Whilst it is correct to say that the silo is physically smaller than the Appeal Proposal, the photomontages contained within my Appendix JM4 show clearly that the location of the silo within the port (further to the west) is such that it will in fact compete with the Appeal Proposal in terms of apparent scale when viewed from vantage points to the west and northwest.

1.1.4 Its prominence, and the degree of change it introduces to views will vary according to where it is seen from and from some key locations its prominence will be similar - or indeed greater. For example, it will be much closer and therefore more prominent from the Castletown area. It is thus certainly not the case that it will be far less prominent. It will be another large-scale industrial element seen amongst the many existing large fixed and transient industrial or maritime elements located within the working Port.

### **1.2 WHS**

1.2.1 In paragraph 3.15, Mr Williamson refers to the inscription document. No document is referenced but I believe that he is referring to the WHS Nomination document (CD 12.6). Mr Williamson quotes from the Preface to the document where reference is made to the coast being a 'special and beautiful place' and to the recognition of the important role of earth science interests within the coast's landscape, history and culture.



- 1.2.2 It is unclear as to what point is being made, but it appears that possibly this reference is an attempt to attach a cultural heritage element to the WHS designation. What this part of the preface is actually doing is recognising that the geology of the coast has contributed to history and culture of the coast. This is undeniable, but this does not mean that the WHS has a cultural heritage aspect. The WHS is a natural heritage designation.
- 1.2.3 In paragraph 3.19 Mr Williamson refers to Strategic Aim 5 in the Jurassic Coast Partnership Plan (CD12.9) and the use of the term 'protected landscape'. No additional protection should be inferred from this statement. The WHS, as explained in my evidence in Section 7.0, is protected by virtue of coinciding with the pre-existing AONB designation and the defined Heritage Coast.
- 1.2.4 These protections were considered to be adequate at the time of inscription and are explicitly why the WHS has no buffer zone. The Appeal Site is located in area outside of the WHS which falls outside the AONB and is not part of a defined Heritage Coast. The north coast of Portland was specifically excluded from the WHS because it is an operational Port.

### **1.3 Methodology and Professional Judgement**

- 1.3.1 In paragraph 4.1, Mr Williamson describes the LVIA assessment methodology and explains that he supports the approach taken, with specific emphasis given to the approach adopted to identification of significant effects.
- 1.3.2 Fundamental to landscape and visual assessment practice is that each practitioner should clearly describe a methodology so that the procedure followed is replicable and can be understood by a third party / lay person. Adopting another assessor's methodology is entirely legitimate but in doing so there still needs to be explanation of the alternative judgements made and why they have been made.
- 1.3.3 My concern is that this part of the process is not evidenced in Mr Williamson's proof. The proof seeks only to identify where he considers the LVIA judgement to be incorrect and say that the sensitivity or magnitude assessed should have been different.



- 1.3.4 For example, in 4.52 Mr Williamson indicates that the magnitude of effect on the SW Coast Path has been 'seriously underestimated'. The process of reaching the LVIA judgement of small / negligible magnitude of change is explained in the preceding text on pages 9-49 and 9-50, with descriptions of the size and scale of the proposals, their geographical extent, duration, reversibility and seasonal variations all contributing. Key factors are that where visible ERF will cause a minor alteration to a small proportion of the field of view and that for much of the SW Coast path route the Appeal site will either not be visible or would not be central to the focus of views.
- 1.3.5 In contrast Mr Williamson simply states that he considers that the magnitude should be moderate. No narrative explanation is provided to justify a higher magnitude. There is no reference to the assessment criteria in the methodology he has adopted as set out in paragraphs J2.61 to J2.65 of the LVIA methodology.
- 1.3.6 Returning to the fundamentals of LVIA methodology, it is impossible to understand the rationale behind the judgements that Mr Williamson has provided. He has stated that he considers the LVIA methodology is appropriate but has not followed it in making his own judgements and nor has he provided his own methodology or any narrative explanation. In effect, there is no assessment, simply an unexplained set of assertions that he considers some of the LVIA judgements to be wrong.
- 1.3.7 I have appended to this rebuttal proof a comparison table which sets out the findings of the LVIA visual assessment alongside Mr Williamsons judgements and my own. What this illustrates is that there is a clear deficit of analysis or narrative to explain the nature of change in views to which he is attributing significance. Simply saying that there is 'more' of a change than somebody else has identified without reasoning is not good practice.

## **1.4 ZTV's and Viewpoint Selection**

- 1.4.1 In 4.3 to 4.8 Mr Williamson is critical of the ZTV mapping provided as part of the LVIA. He considers that the original mapping was insufficiently clear to provide a firm basis for viewpoint selection and that later mapping was deficient in respect of its extents. He goes on to find it puzzling in respect of stack and building ZTV outputs and an apparent lack of differentiation between these.



- 1.4.2 The allegation seems to be that there are deficiencies in mapping that may have resulted in sub-optimal viewpoint selection and/or a lack of understanding on the part of the Council in terms of the extent of visibility which may have impacted the scope of the LVIA.
- 1.4.3 I do not accept these as being valid criticisms. First, having reviewed the ZTV output and the methodology that has been used to prepare the maps (ES Appendix J 2.19 onwards), I am satisfied that the work is soundly prepared and fit for purpose.
- 1.4.4 Appended to this rebuttal is the same output included in the LVIA but presented on a simpler base plan and with stack and building ZTVs overlaid one on top of the other. The ZTV has been prepared using a lidar generated digital surface model, with masking applied to rule out 'false positive' readings (such as where it might appear that there was visibility from the tops of tree canopies or the roofs of buildings). It is clear that the stack and building ZTVs are different in their extents.
- 1.4.5 Secondly, it needs to be pointed out that any ZTV should only be seen as a guide to assist the professional in their work. The ZTV is constructed using digital data and will be as accurate as the data input allows but can never be seen as absolute indicator of visibility, particularly when using surface model data which is effectively a 'snap-shot' record of the vegetation and buildings at the moment when the landscape was laser scanned.
- 1.4.6 When it comes to viewpoint selection a ZTV is used as a tool to narrow down the search for locations in the wider landscape where views will be possible. Both sets of professionals (the LVIA authors and the Dorset Council landscape officers) will have used the ZTV as one part of the approach taken to identifying viewpoints. Other factors would be reference to maps, site work and general familiarity with the area. I am entirely unconvinced that any alleged deficiencies of the ZTV would have led to the omission of viewpoints or any deficit in the LVIA. My evidence includes assessment of additional viewpoints because of the identification of concerns about effects from the west and northwest of the site. However, it is plain for anybody to see that Portland Harbour is clearly visible from these areas (Chesil beach, Hamm beach and the Rodwell Trail). As such it is very unlikely that any deficit of viewpoints from these areas is a result of misinterpretation of a ZTV.



- 1.4.7 As stated in paragraph 9.106 of the LVIA, viewpoints chosen and agreed with the Dorset Council and Dorset AONB officers '*provide a representative selection of views from locations where the site is visible and cover a range of receptors from varying directions and distances.*'
- 1.4.8 Viewpoints 8, 9 and 10 (Refer to ES Figure 9.16) provide what I would consider to be a representative selection of views from the northern edge of Portland Harbour / the southern edge of Weymouth. The crest of Chesil Beach is located approximately 500m from viewpoint 8. The greatest concentration of Weymouth properties with clear views across the harbour are located in the vicinity of the three viewpoints and therefore the nature of views from them can be inferred by reference to them.
- 1.4.9 The descriptive text in Table 9.2 includes detailed descriptions of the extents of the study area within which there are expected to be views. It provides evidence that the author recognised that there would be visibility from areas including the residential areas of Weymouth north of the harbour and from Chesil Beach.
- 1.4.10 At paragraph 4.16 Mr Williamson lists a number of viewpoints that he considers could have usefully been included for assessment to provide a more complete representation of 'worst-case' impacts. It isn't clear why he points this out but then provides no assessment of effects for any of them.
- 1.4.11 For four of the six locations (two of which are relatively close together on Chesil beach) I have provided an assessment in my proof. In respect of the final two, on Buxton Road and Redcliff View I disagree that visibility in these areas not being clearly apparent on the ZTVs would have led to their omission. It was clear to me from basic initial site work that there were glimpse views available across the harbour from some streets running southeast from Buxton Road and also from the residential area close to the Coastguard station. It is also clear that the LVIA does consider residential property in the Southlands area (which includes Buxton Road and Redcliff View) within the visual effects assessment at 9.128 (page 9-47).
- 1.4.12 The LVIA reaches a judgment that overall there would be slight adverse effects on residential areas of Weymouth. The LVIA explains that the receptor sensitivity is high and that the magnitude of effect would be negligible adverse on the basis of:





- a) 'very minor alterations to the composition of the views within the context of the port facilities over a negligible proportion of the overall views' and
- b) 'The ERF is likely to be viewed obliquely from a very small number of residential areas and streets and the proposals will not be central to the focus of views'.

1.4.13 This approach to assessment, which looks at visibility from Weymouth residential areas as an aggregated whole is not the approach that I would have taken, but the approach is explained in the assessment and is a legitimate approach to take.

1.4.14 In my proof I have taken the approach instead of identifying the properties where the clearest views are likely to be available and have assessed what I consider the effects to be on those residential properties. My conclusion was that there would be moderate adverse effects that would not be significant. Effects upon properties with more distant, partial or oblique views would be less than moderate. Where properties do not have a view there would be no effect, excepting that the occupants of those properties may experience views when travelling to or from their properties. In all cases the key point is that existing views include the working port, and that the nature of those views would not be materially altered by the introduction of the Appeal proposal.

1.4.15 Finally with respect to this point I note that photography has been included (Mr Williamson's Appendix 5) in order to illustrate the views from the suggested additional viewpoints. Caution should be exercised when viewing these images as they appear to have been taken using a mobile phone and are presented as small images on an A4 sheet. As such they do not accord with visualisation standards and could be misleading. The ES visuals and those appended to my proof accord with the relevant standards and should be preferred.

## **1.5 Landscape Character**

1.5.1 In respect of landscape character (paragraphs 4.24 and 4.25) I tend to agree that the 2013 LCA provides the more appropriate baseline for assessment and have provided an assessment of the two relevant character areas in my proof of evidence.

## **1.6 Visual effects on the WHS**



- 1.6.1 In paragraph 4.68 Mr Williamson indicates that he considers that there would be a moderate adverse and significant effect upon the Dorset and East Devon Coast WHS on the basis that there will be small to medium magnitude of effect on views from Chesil Beach which are 'only a relatively short distance from the site'.
- 1.6.2 I take issue with this analysis. First, a visual effect on one location within the WHS designation should not be taken as a proxy for the effect on the designation as a whole.
- 1.6.3 Secondly, as is the case throughout his evidence, no analysis is provided of the basis for the assessment finding, nor for the basis upon which the effect is found to be significant.
- 1.6.4 The reality, as set out in my proof, is that there are long established views from Chesil Beach which take in a broad panorama across the Isle of Portland and Portland Harbour. Within this panorama there is a complex array of built development, both rising up the north side of the Isle itself and at the harbour level, where there is a busy dynamic Port and in front of it a marina and an array of land based commercial developments.
- 1.6.5 The introduction of the Appeal Proposal will introduce change to this view, but it is change that it entirely consistent with what is expected and familiar. On this basis, in terms of whether such a change can be considered 'significant' such that it should influence a decision maker, my clear view is that it is not. Mr Williamson advances no counter view as to why this should be the case.
- 1.6.6 This is an important point, since at paragraph 4.88 Mr Williamson finds that the existence of significant landscape and visual effects on the WHS and its "setting", would bring about a conflict with the WHS Management Plan. Mr Williamson's analysis is incorrect.
- 1.6.7 Firstly there is no buffer zone or 'setting' to the WHS in itself. The AONB has a setting and is sensitive to harm caused by development outside of its boundaries – and where the AONB is harmed, so is the WHS. This was illustrated in the Navitus Bay case where there were significant adverse effects on the AONB which were considered to also harm the WHS. In this case there are no significant effects on the AONB.

1.6.8 What Mr Williamson describes is an effect on a part of the Heritage Coast that also coincides with the WHS along Chesil Beach. My view is that the effects on views from this part of the WHS are not significant in nature for the reasons set out above.

1.6.9 However, even if Mr Williamson's judgement on whether the effect on views from Chesil Beach were significant or not was to be preferred, it is illogical for the existence of that effect to be considered in conflict with the WHS management plan. It simply doesn't make sense that a change that is consistent with what might be expected to be seen within a working industrial port, would be considered to be harmful to a nominated property whose extents were defined explicitly to exclude that part of the 'setting' - for the very reason that it is a working Port.

## **1.7 Vapour Plumes visible from the AONB**

1.7.1 At paragraph 4.33 Mr Williamson confirms his agreement to the LVIA finding that there would be negligible effects on the Dorset AONB with effects being very small in magnitude due to distance. He qualifies this by saying that in the event that vapour plumes were more frequent in occurrence or the impacts found to be greater (by day or by night) then the level of effect on the AONB would need to be reviewed.

1.7.2 As set out in my proof, the frequency of plumes has been predicted using ADMS modelling based on five years of meteorological data. Durations cited in the ES and in my proof relate to daytime rather than night time and so I have sought confirmation as to the predicted frequency of plumes from Mr Othen who has provided a proof of evidence on air quality. Mr Othen has indicated that the predicted plume visibility at night is very low – approximately 29 hours over a period of 5 years. Further detail can be found in Mr Othen's rebuttal proof.



## 2.0 REBUTTAL OF RULE 6 PARTY EVIDENCE

### 2.1 Tranquillity

2.1.1 Section 4.0 of the Joint Rule 6 Party proof is entitled 'Tranquillity – a perceptual quality of the landscape'. The assertion is made that the Appeal Proposal would have an adverse impact on the tranquillity currently experienced on Portland. The assertion is focussed on the area of Verne Common that sits between the Verne Citadel and the Site and includes the Royal Naval Cemetery and public footpaths. There is also an argument made however about impacts in relation to the 'landscape at large, where protected by relevant designations and landscape planning policy'.

2.1.2 Reference is made to a number of source documents about what is a relatively new and emerging field of assessment. Perhaps the most useful source is Landscape Institute technical information note 01/2017 Tranquillity – An overview. This document provides a literature review and explains the concept of both absolute tranquillity and relative tranquillity. The following extract (paragraph 2.11) seems to me to be particularly helpful:

*A distinction is made between absolute tranquillity and relative tranquillity. When we refer to tranquillity in the UK, it is therefore almost always relative tranquillity that we are referring to, but in differing degrees. For instance, the tranquillity promoted by a summer sunrise on a calm day on top of a high mountain may be close to absolute, with almost no disturbance of any kind detracting from that state of mind. Yet the benefit to people of the relative tranquillity in an urban greenspace may be very high, despite intrusion from background traffic noise or the presence of many other people. Both sorts are important to recognise and value, but for different reasons, the commonality being the achievable state of mind rather than the environmental setting.*

2.1.3 Overall, the concept is that tranquillity increases with an absence of manmade environmental cues (visual, aural or other sensory) and that even in areas where there is a great amount of human activity and / or manmade elements are very prevalent, pockets of relatively high tranquillity exist and will be of value to the local population.



- 2.1.4 At paragraph 4.22 of the Rule 6 Party's proof, a table is included which summarises indicators and detractors in relation to tranquillity that have been drawn from a number of studies referenced in the proof. My observation on this table is that the environment of Portland has a balance of the characteristics from both sides of the table. It has clear and clearly expressed natural elements but also has very strongly expressed manifestations of human activity. Taken as a whole I would say that Portland can be described as being of low or very low tranquillity as a consequence of the long history of relatively intense human activity. This is evidenced by the profound changes to the landscape brought about by quarrying; by the relatively high degree of development present across the Isle in general and of course by virtue of the presence of the harbour (including the breakwaters and their construction using material sourced from the construction of the Verne citadel) and port. As described in my proof (p24), this assessment of tranquillity is corroborated by the CPRE tranquillity map which shades Portland in mainly orange – one category above the 'least tranquil' areas in England.
- 2.1.5 The Joint Rule 6 proof explains in paragraph 4.23 onwards the environmental qualities of the Verne undercliff that the author believes to be the most sensitive to potential harm to perceived tranquillity. In the context of Portland's general lack of tranquillity, this can only be 'relative' tranquillity. It is not disputed that this is a relatively tranquil area. However, as was evidenced on the Inspector's site visit undertaken on the 23rd November, when visiting this area one is aware that there a working Port a short distance away to the north (visible and audible) and that the area sits alongside a housing estate and sits below the man-modified landform of the Verne Citadel which is crowned by prominent radiocommunications infrastructure.
- 2.1.6 This is not to say that the Verne undercliff is not relatively tranquil. It is relatively tranquil and a place where nature can be appreciated and where contemplation can take place in the context of the well cared for cemetery. However, the key point is that this level of tranquillity exists despite the presence of the elements described and would continue to exist if the Appeal proposal is introduced.



- 2.1.7 At paragraph 4.31 the proof acknowledges that the sounds from the Port can be heard but do little to detract. It is also noted that many of the operational areas of the Port are screened by the dense vegetation.
- 2.1.8 The reality is that noise levels from the Appeal proposal will not be harmful to amenity, as is set out in Mr Roberts' proof. The majority of the Appeal proposal will be hidden from view from the majority of Verne undercliff, with the exception of the stack which will be partially visible from some locations.
- 2.1.9 As addressed in my proof, there will not be prominent illumination and there will be very infrequent plumes. As such, there will only be a small incremental change to tranquillity brought about by the Appeal proposal, principally brought about by the presence of the stack in some views.
- 2.1.10 Specific concern is also raised about the views along the coast of Portland looking south from the vicinity of Nicodemus Knob (footpath S3/81). Whilst the Appeal proposal will be more visible from this location, when framed in the context of tranquillity it should be noted that the undercliff area in this view is an area which has been much modified as it has served the needs of past generations for military and commercial purposes. This includes contemporary activity including the recent construction of the Glencore buildings (described in section 8.2 of my proof). As such, whilst there would be visual change, I do not consider that tranquillity would be materially affected.

