

Section A Legal Compliance Matter 1 – Duty to Co-operate and Legal Issues

- 1 The Cranborne Chase Area of Outstanding Natural Beauty Partnership is of the view that the BDPWP is not legally compliant because it does not clearly and explicitly set out the status of Areas of Outstanding Natural Beauty and does not state that they are, along with National Parks, awarded the highest level of protection in relation to landscape and scenic beauty in NPPF paragraph 115.
- 2 For example, paragraph 2.6 of the BDPWP states

‘The New Forest National Park is situated to the eastern boundary of the Plan area. The Waste Plan Authority has a statutory responsibility to provide the highest level of protection in relation to landscape and scenic beauty of the National Park’.
- 3 The responsibility to provide the highest level of protection to Areas of Outstanding Natural Beauty is not stated. That omission gives any reader of the Plan the perception that only the National Park to the east, outside of the County Boundary, has to be given the highest level of landscape and scenic beauty protection. The effective downgrading of the Dorset and Cranborne Chase Areas of Outstanding Natural Beauty within the County of Dorset means the Plan is not legally compliant.
- 4 It is relevant to note that the Minister, Jake Berry MP, the Under Secretary of State for Housing, Communities, and Local Government, confirmed on the 9th January 2018 that

‘the Government are committed to retaining this protection (for National Parks and AONBs) and it will not be weakened through our planning reforms’ (Hansard Vol. 634).
- 5 The Cranborne Chase AONB Partnership is also of the view that the Plan fails in its legal compliance as it does not identify or set out the Council’s duty under Section 85 of the Countryside and Rights of way Act 2000. That section gives a general duty to public bodies and persons holding public office of

‘in exercising or performing any functions in relation to, or so as to effect, land in an Area of Outstanding Natural Beauty, relevant authorities shall have regard to the purposes of conserving and enhancing natural beauty of the Area of Outstanding Natural Beauty’.
- 6 This AONB Partnership is also **concerned** that despite the statements in Chapter 12, the Plan does not explicitly state that paragraph 116 of NPPF is quite clear that planning permission should be refused for major developments in AONBs and National Parks except in exceptional circumstances and where they can be demonstrated they are in the public interest. Without that explicit statement of the NPPF any reader could be forgiven for coming to the conclusion that gaining planning permission for a major waste handling and treatment facility in an AONB could be a simple matter.