

**DORSET COUNTY COUNCIL, BOURNEMOUTH BOROUGH COUNCIL  
AND BOROUGH OF POOLE MINERAL SITES PLAN (“the MSP”)**

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**HEARING STATEMENT on behalf of  
FROME RESIDENTS AGAINST MINERAL EXTRACTION**

**On the subject of: AS-19, AS-25 & AS-26**

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**RESPONSE TO INSPECTOR’S QUESTIONS<sup>1</sup>**

**AS-19: Woodsford Quarry Extension, Woodsford**

*133. Can the “Very significant adverse impacts” (Category A) identified in the Site Assessment on criteria C9–historic landscape, C11 – archaeology, and C13–surface waters be adequately mitigated?*

1. FRAME’s position, as explained in Dr Colcutt’s submissions, is that the impacts on criteria C9 and C11 cannot be adequately mitigated.
2. In respect of criterion C13, there is no basis in the SA for concluding that the impact on surface water can be adequately mitigated:
  - (a) The starting point of the proposed mitigation in the SA is that a hydrological assessment is “*required to determine possible impacts, on ground and surface waters, with appropriate mitigation to be implement*”. In short, there is no robust and credible basis for an assessment of the effectiveness of mitigation measures at this point in time.
  - (b) AS-19 benefits from an ancient land drainage system which drains in the River Frome SSSI and in turn into Poole Harbour (RAMSAR, SSI, SPA and SCA). The repeated focus on reduction of nitrates has established that there is a pathway in these terms. However, the impact on this pathway has not been assessed and thus it is impossible to discern whether mitigation measures will be adequate.

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<sup>1</sup> The responses below omit questions in respect of which FRAME advance no submissions.

- (c) No specific attention has been given to the levels of iron already present in streams in the vicinity or the use of chemical flocculants.

***134. Have all significant matters been properly taken into account in the SA and Site Assessment and, if not, what matters require further consideration?***

- 3. FRAME disputes that all significant matters have been properly taken into account. In particular:
  - (a) the assessment of the impact on bird species and protected species fails to recognise that European Nightjars, otters, water vole and bats are present with no robust and credible evidence as to the potential impact on these species;
  - (b) the surface water pathway detailed above (question 133) has not been assessed, leading to flawed conclusions on the impact of silt, sediment and other pollution arising from mineral extraction;
  - (c) the conclusions on groundwater are unsupported by any evidence, yet this aspect is scored positively rather than as an uncertainty;
  - (d) the assessment of the impact on Hurst Heath and its SNCI is flawed (particularly in relation to Heath Lobelia) and fails to take into account the methodology in the Dorset Heathlands Planning Framework 2015 - 2020 Supplementary Planning Document (Appendix E);
  - (e) inadequate consideration has been given to the impact on ancient woodland, hedgerows and veteran trees;
  - (f) the assessment of air quality is inconsistent with the Bournemouth Poole and Dorset Local Transport Plan 3 (2011 - 2016) (Appendix A) and fails to take into account the guidance from the Institute of Air Quality Management (May 2015) on 'Land Use Planning and Development Control' (Appendix F);
  - (g) the approach to the assessment of biodiversity is inconsistent with paragraph 117 of the NPPF;
  - (h) the conclusions on heritage are unsound for the reasons given by Dr Colcutt.

4. For the reasons above, the allocation of AS-19 is inconsistent with NPPF para. 109 and 110.

*135. Has the potential impact on "Sculpture by the Lakes", been taken into account? I understand that this is a cultural heritage site, which is also a Nature Improvement Area, adjacent to the allocation, and is an important arts venue for the county that relies on tranquil surroundings.*

5. FRAME submit that the assessment of the impact of AS-19 (and Cluster 4 more generally) on Sculpture by the Lakes is wholly inadequate. In particular, the assessment has failed to apply NPPF para. 123, failed to understand the central importance of tranquillity to the site's operation and thus failed to take into account the impact on the site in environmental, social and economic terms.

*136. The Historic Assessment (Context One) refers to numerous heritage assets within the vicinity. Does the Heritage Assessment adequately cover the potential impacts on the significance of all heritage assets?*

6. This is dealt with in Dr Colcutt's submission and is not repeated here.

*137. Should the DGs provide more direction on the mitigation measures required for the potential harm to these heritage assets and other category "A" impacts?*

7. This is dealt with in Dr Colcutt's submission and is not repeated here.

*138. Should more direction on the mitigation measures required to conserve historic features such as ancient trees and hedgerows be set out in the DGs as suggested by Historic England?*

8. This is dealt with in Dr Colcutt's submission and is not repeated here.

*139. Has the potential impact on the River Frome SSSI been adequately assessed?*

9. No - FRAME consider that the impact on the River Frome SSSI is inadequate, in particular:

- (a) the assessment fails to appreciate the surface water pathway detailed above (see question 133), in particular the manner in which local watercourses which traverse much of Cluster 4 drain into the River Frome and thus the potential impact of silt, sediment and chemical pollution from mineral extraction; and

(b) at best there is an unknown impact on several protected species for whom River Frome SSSI is an important habitat – FRAME submit that such uncertainty should have been recognised for its likely negative impact, rather than in neutral terms.

10. For the reasons above, the allocation of AS-19 is inconsistent with NPPF para. 109, 110 and 117.

*140. As suggested by Natural England, should more direction be given in the DGs on the range of potential public benefits, such as nitrogen reduction inputs to Poole Harbour, flood alleviation, biodiversity gain and recreational opportunities?*

11. FRAME submit that the preliminary issue in respect of these public benefits is whether or not any accurate assessment has been undertaken to evaluate whether such a benefit will in fact accrue on these sites. For example, FRAME have made repeated requests for the alleged benefit in nitrogen reduction to be quantified and/or explored and then put into evidence. No such evidence has been forthcoming. In the absence of such evidence, any direction in the DGs would be meaningless and/or lead to the inaccurate guidelines for future development.

*141. From the Site Assessment it appears that the Environment Agency originally objected on the basis that water voles and other protected species (otter) may be present in the watercourses within the site. Were any such species found and should more detailed mitigation measures be set out in the DGs for their protection?*

12. FRAME's position is that such species are present in the watercourses and that absent any robust and credible evidence it is impossible to discern whether mitigation measures will be effective. Nevertheless, it would be appropriate to set out more detailed mitigation measures in the DGs.

*142. Highways England indicates that the surrounding highway network is tortuous and narrow and there would probably be a strong highway objection if these local roads were to be used. Whilst the DGs say that access will be via the existing access, for effectiveness, should they make clear which roads must not be used? Should the need for a conveyor system back to the existing site facility be set out in the DGs?*

13. Yes – both of these matters should be set out in the DGs. Notwithstanding this, as set out elsewhere in this submission, FRAME contest that even designated roads are not suitable.

*143. The SFRA Appendix A Part 1 states that the site is partly within Flood Zones 2 and 3 but Part 2 states that it is entirely with Flood Zone 1. Could this be clarified? The Environment Agency's comments in the Site Assessment say it is partly in flood zones 2 and 3. Does the Sequential Test need to be carried out before allocation (paragraph 9.10)? If so, has this been done and with what outcome?*

*144. Is there a need for an exception test and, if so, has this been done and with what outcome?*

14. These questions are taken together.

15. FRAME understands that parts of the site is within Flood Zones 2 & 3 and is not aware of any sequential test and/or exception test being undertaken.

16. Further, given the impact of mineral extraction at these sites on groundwater and hydrology, flooding is an issue which should have been considered in detail.

*146. Are there any other details that should be added to the DGs, including issues raised by statutory consultees and other representors?*

17. FRAME submit that the following matters should be added to the DGs:

- (a) protection of hedgerows and veteran trees (including old parish boundaries);
- (b) enforcement of noise limits and the removal of noise at source in accordance with BS5228;
- (c) express reference to Sculpture by the Lakes; and
- (d) more detailed guidance on the preservation of the historic features on this site.

18. FRAME note the detail of NPPF para. 143 (in particular bullet points 6 and 7). None of this detail is present in the DGs. This requires modification.

**AS-25: Station Road, Moreton**

***147. Can the “Very significant adverse impact” (Category A) identified in the Site Assessment on criterion C13 –surface waters, and the SA identified Strong Negative Impact on the historic environment (ob.6) be adequately mitigated?***

19. FRAME submit that neither of these impacts can be adequately mitigated.
20. The historic environment is dealt with in Dr Colcutt’s submission and is not repeated here.
21. In respect of surface water, FRAME repeats its submissions under question 133.

***148. Should the DGs provide more direction on the mitigation measures required for these identified Category “A” effects and Strong Negative Impacts?***

22. Yes – however FRAME dispute:
  - (a) how accurate and effective such direction can be in the absence of a robust and credible evidence base; and
  - (b) whether the impacts can be adequately mitigated in any event.

***149. Have all significant matters been properly taken into account in these assessments and, if not, what matters require further consideration?***

23. FRAME submits that not all significant matters have been properly taken into account, in particular:
  - (a) the traffic between the two sites has not been assessed, in particular there has been no assessment of the volume of such traffic or the highways safety implications given the nature of the accesses as well as the speed and existing capacity of the B3390;
  - (b) the impact on existing settlements of dust, grime and other pollution has not been properly taken into account bearing in mind the prevailing westerly wind will shower Moreton village in dust and grime;
  - (c) the destruction of 2km of ancient hedgerows;

- (d) the watercourse which traverses the site and drains into the River Frome; and
- (e) the assessment of noise had omitted consideration of the impact from the grading of aggregate in AS-25 before it is hauled to AS-26 for processing, especially on Moreford Hall which cannot be screened.

24. See also the submission of Dr Colcutt on heritage.

25. For the reasons above, the allocation of AS-25 is inconsistent with NPPF para. 109, 110, 117 and 123.

***150. Has the impact on the nearby community been adequately assessed and, in particular, on "Employ My Ability", the college catering for people with learning disabilities?***

26. No, the impact on properties adjacent to Station Road has not been adequately assessed for noise, views, setting (some properties listed) or potential flooding. Equestrian centre and stables are within 400m and downwind of AS25.

27. The scheme being run in Moreton Gardens in the main Moreton Village takes young students with special educational needs and provides GCSE, BTEC and vocational courses and employment. They provide experience in catering, horticulture, retail and animal studies plus a range of in-house work experience. The gardens complex provides, gardens (village stream (from AS25) flows through before entering River Frome) plant nursery, campsite, cafe, and wedding reception venue. The gardens frequently host art events. The whole enterprise is dependent on the tourist trade (trading on Moreton Estate's setting and attractions).

***151. The Historic Assessment (Context One) refers to numerous heritage assets within the vicinity. Does this Heritage Assessment adequately cover the potential impacts on the significance of all heritage assets, including features and buildings associated with TE Lawrence?***

28. This is dealt with in Dr Colcutt's submission and is not repeated here.

***152. Can the potential harm to the significance of the Moreton Conservation Area and Listed Buildings adjacent to the site be adequately mitigated?***

29. This is dealt with in Dr Colcutt's submission and is not repeated here.

**153. Should more direction on mitigation of potential harm to heritage assets be given in the DGs?**

30. This is dealt with in Dr Colcutt's submission and is not repeated here.

**154. Should more direction on the mitigation measures required to conserve historic features such as ancient trees and hedgerows be set out in the DGs as suggested by Historic England?**

31. This is dealt with in Dr Colcutt's submission and is not repeated here.

**155. Has the potential impact on nature conservation/biodiversity been adequately addressed and in particular any potential effects on the River Frome SSSI?**

32. No – the assessment of potential impact on nature conservation/biodiversity has been deficient in respect of:

- (a) failure to recognise the clear relationship between the ancient land drainage system which drains into the River Frome SSI, which in turn drains into the RAMSAR designated Poole Harbour (also a SSSI, SPA and SAC);
- (b) the impact of silt, sediment and other pollution on the River Frome SSI, in particular the effect of silt on May-fly eggs and consequential effects on the food chain;
- (c) the proximity of Dorset Heathland (Tadnoll Heath and Winfrith Heath which lie east of the site at a distance of 950m and 1.5 km respectively);
- (d) Hurst Heath (which has an SCNI site within it and contains Heath Lobelia) and lies on the western edge of the site, traversing into AS-25 – the potential impact in this regard is also contrary to the Dorset Heathlands Planning Framework 2015 -2020 (Appendix E); and
- (e) the destruction of at least 2km of ancient hedges.

33. For the reasons above, the allocation of AS-25 is inconsistent with NPPF para. 109, 110, 117 and 123.

**156. Are any issues relating to bats, the River Frome SSSI and/or Poole harbour Ramsar site capable of mitigation to an acceptable level?**



34. FRAME submits that none of the issues are capable of mitigation to an acceptable level. Further, no evidence base has been advanced for testing the adequacy of such mitigation and FRAME is not aware of any effective proposals.

***157. Are there any other details that should be added to the DGs, including issues raised by statutory consultees and other representors?***

35. FRAME submits that the following matters should be added to the DGs:

- (a) protection of hedgerows and veteran trees (including old parish boundaries);
- (b) enforcement of noise limits and the removal of noise at source in accordance with BS5228;
- (c) protection of ancient land drains (including protection of properties from water ingress);
- (d) express reference to Employ My Ability; and
- (e) more detailed guidance on the preservation of the historic features on this site.

36. FRAME note the detail of NPPF para. 143 (in particular bullet points 6 and 7). None of this detail is present in the DGs. This requires modification.

**AS-26: Hurst Farm, Moreton**

***158. Can the "Very significant adverse impact" (Category A) identified in the Site Assessment on criteria C9 - historic landscape, C11 - archaeology, C13 - surface waters be adequately mitigated?***

37. FRAME submits that neither of these impacts can be adequately mitigated.

38. The historic environment is dealt with in Dr Colcutt's submission and is not repeated here.

39. In respect of surface water, FRAME repeats its submissions under question 133.

***159. Have all significant matters been properly taken into account in the Site Assessment and SA, and if not, what matters require further consideration?***

40. FRAME submits that not all significant matters have been properly taken into account, in particular:
- (a) the traffic between the two sites has not been assessed, in particular there has been no assessment of the volume of such traffic or the highways safety implications given the nature of the accesses as well as the speed and existing capacity of the B3390;
  - (b) the impacts on the settlement of Pallington have been omitted;
  - (c) the impact on Hurst Heath (and its SCNI); and
  - (d) the pathway between the ancient land drainage system and the River Frome SSSI.
41. See also the submission of Dr Colcutt on heritage.
42. For the reasons above, the allocation of AS-25 is inconsistent with NPPF para. 109, 110, 117 and 123.

***160. The Historic Assessment (Context One) refers to numerous heritage assets within the vicinity. Does this Heritage Assessment adequately cover the potential impacts to the significance of all heritage assets, including features and buildings associated with Thomas Hardy and TE Lawrence?***

43. This is dealt with in Dr Colcutt's submission and is not repeated here.

***161. Should the DGs provide more direction on the mitigation measures required for these heritage assets and other Category "A" impacts?***

44. So far as this question relates to heritage assets, it is dealt with in Dr Colcutt's submission and is not repeated here.
45. In respect of the other category "A" impacts, FRAME contest the assumption that such impacts can be adequately mitigated in this instance. However, if these allocations were to be confirmed, mitigation measures should be specified, in particular in relation to the Rive Frome SSSI.

**162. Should more direction on the mitigation measures required to conserve historic features such as ancient trees and hedgerows be set out in the DGs as suggested by Historic England?**

46. This is dealt with in Dr Colcutt's submission and is not repeated here.

**163. Has the potential impact on nature conservation/biodiversity been adequately addressed and in particular any potential effects on the River Frome SSSI?**

47. The assessment of this allocation suffers from the same deficiencies as AS-25 and the answer to question 155 is relied on here.

**164. As suggested by Natural England, should more direction be given in the DGs on the range of potential public benefits, such as nitrogen reduction inputs to Poole Harbour, flood alleviation, biodiversity gain and recreational opportunities?**

**165. The SFRA Appendix A Parts 1 and 2 indicates that the site lies partly within Flood Zones 2 and 3 and, therefore, the Sequential Test should be carried out before allocation (paragraph 9.10). Has this been done and with what outcome? (I note the comments in SFRA Appendix A on site AS-26 but this does not make clear whether the Sequential Test has been applied).**

**166. Has the Exception Test been carried out and, if so, with what result?**

48. The answers above in respect of questions 140, 143 and 144 are repeated here in respect of questions 164, 165 and 166 respectively.

**168. Are there any other details that should be added to the DGs, including issues raised by statutory consultees and other representors?**

49. FRAME submit that the following matters should be added to the DGs:

- (a) protection of Hurst Farm Dairy;
- (b) protection of ancient land drains (including protection of properties from water ingress);
- (c) protection of hedgerows and veteran trees (including old parish boundaries);
- (d) enforcement of noise limits and the removal of noise at source in accordance with BS5228;

- (e) more detailed guidance on the preservation of the historic features on this site.
50. FRAME note the detail of NPPF para. 143 (in particular bullet points 6 and 7). None of this detail is present in the DGs. This requires modification.

## **MODIFICATIONS TO THE PROPOSED ALLOCATIONS**

51. If the sites in Cluster 4 are not removed from the MSP, contrary to FRAME's primary submission, then FRAME submit that the allocations in Cluster 4 should be modified as follows. The modifications to AS-25 are the priority.

### **AS-25 Station Road, Moreton**

52. Move the northern boundary of the allocation away from Station Road, the Moreton Conservation Area and the stream feeding River Frome by at least 150 meters.
53. Move the western boundary away from Moreford Hall by at least 150 meters.
54. Move boundary away from Moreton Village hall and playing field by at least 150 meters.

### **AS-26 Hurst Farm**

55. Move the northern boundary away from River Frome entirely by at least 150m.
56. Move the northern boundary away from Sculpture by the Lakes.
57. Move the eastern boundary away from Hurst Cottages and Hurst Farm by at least 150m to protect Hurst Farm Dairy.

### **AS-19 Woodsford (North East Extension)**

58. Move the northern boundary away from River Frome entirely by at least 150m
59. Move the north eastern corner of the boundary away from Sculpture by the Lakes.