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Via Email Only

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 Ref:

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Date: 17 December 2025

Dear Mr O'Doherty,

THE DORSET COUNCIL (DINAH'S HOLLOW IMPROVEMENT SCHEME) COMPULSORY PURCHASE ORDER 2024 ("the Order")

SECRETARY OF STATE'S DECISION – ORDER TO BE CONFIRMED

1. I refer to your application, submitted on behalf of Dorset Council for confirmation of the above-named Order. The Secretary of State for Transport ("the Secretary of State") has decided to confirm the Order and this letter constitutes her decision to that effect.
2. The Order if confirmed by the Secretary of State would authorise Dorset Council to acquire the freehold of five parcels of land and to acquire various rights over two other parcels of land adjacent to Dinah's Hollow (Highway C13) in Dorset in order to implement an improvement scheme with the aim of stabilising the steeply-sloping land to either side of the road to reduce the possibility of landslips.

CONSIDERATIONS FOR DECISION

3. At the end of the statutory objection period, 2 statutory and 1 non-statutory objections had been received. It was decided that a Public Local Inquiry should be held for the purposes of hearing those objections. An Independent Inspector, Malcolm Rivett BA (Hons) MSc MRTPI, was appointed by the Secretary of State and the Inquiry was opened on Tuesday 01 July 2025 at The Exchange, Old Market Hill, Sturminster Newton, Dorset, DT10 1FH.

The Inspector reports that at the closing of the inquiry only 1 objection (non-statutory) remained, Mr Brian Hughes.

4. The Inspector considered all representations and objections about the Order during the Inquiry and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report. The Secretary of State has

given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *The Highways Act 1980* and the *Compulsory purchase process: guidance*, in reaching her decision on the Order, namely that:

- i. whether there is a compelling case in the public interest to justify conferring on the acquiring authority powers to compulsorily acquire and use land for the purposes of the scheme, including whether reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement;
- ii. whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to the Human Rights Act 1998);
- iii. the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- iv. sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order, and to implement the scheme; and
- v. there should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.

CONCLUSIONS

5. The Secretary of State has considered carefully all the objections to, and representations about the Order.

6. The main concerns raised by Mr Brian Hughes (objector) as set out by the Inspector at IR 1.5 were to the Order and associated improvement scheme not addressing problems associated with the gradient and alignment of the C13 at Dinah's Hollow or its use by HGVs; potential impacts of the improvement scheme on the landscape and ecology of the area; and the need for the improvement scheme bearing in mind the likelihood of a major landslide.

7. The Secretary of State notes the Council's comments at IR 3.32 regarding how they intend to use the land. The Secretary of State is satisfied that based on the evidence provided that there is a clear idea of how the land to be acquired will be used.

8. The Secretary of State notes the Inspectors conclusions at IR 4.5 that it would not be feasible to permanently close the road because it provides essential access to Melbury Abbas and that seeking to reduce the volume of traffic on the road and/or banning its use by HGVs would not address the risk of landslide. Furthermore, as the aim of the scheme is the prevention of a landslide and its consequences, the Secretary of State agrees with the Inspector that, the scheme not improving traffic management, should not be a reason to not confirm the Order.

9. The Secretary of State agrees with the Inspector's conclusions at IR 4.7 that whilst there would initially be a significant adverse effect on the landscape within Dinah's Hollow itself, this would reduce to a slight adverse effect in the longer term once the vegetation regenerates. There is no substantive evidence to support the assertion that the soil nails/mesh would prevent regrowth of the vegetation.

10. The Secretary of State acknowledges the Inspectors comments at IR 4.13 regarding funding and is satisfied that funding would be available to implement the scheme.

11. The Secretary of State agrees with the Inspectors comments at IR 4.14 and is satisfied there are no known legal or physical impediments to the implementation of the scheme. She notes that agreements to acquire the Order land has now been reached, however, she agrees that the Order is still necessary in case there is an unforeseen problem in implementing these agreements

12. The Secretary of State notes the Inspectors conclusions at IR 4.15 in relation to the history of landslips at Dinah's Hollow, and the potential for such an event in the future to cause death or serious injury to road users and is a strong demonstration of the need for the improvement scheme and, thus, for the Order, and there are unlikely to be any impediments to the scheme's implementation. Therefore, the Secretary of State agrees with the Inspector that the scheme is necessary.

13. The Secretary of State agrees with the Inspectors conclusions at IR 4.17 that there is a compelling case in the public interest for the Order and that the benefits which would arise from it are of such significance to justify any interference in the Human Rights of those with an interest in the land affected by it, having regard to the Human Rights Act.

14. The Secretary of State agrees with the Inspectors conclusions at IR 4.18 that the Equality Act and its Public Sector Equality Duty has been considered and, the road safety benefits of the scheme would apply equally to people with protected characteristics as to those without them.

15. Having considered all aspects of the matter the Secretary of State is satisfied that there are no compelling reasons brought forward which would justify not confirming the Order. Accordingly, the Secretary of State agrees with the Inspector's recommendations and has decided to confirm, 'The Dorset Council (Dinah's Hollow Improvement Scheme) Compulsory Purchase Order 2024'.

16. In confirming the Order, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Order and any related plans, diagrams, statements, or correspondence, as being factually correct. Confirmation is given on this basis.

17. Where not otherwise stated in this letter, the Secretary of State can be taken to agree with the findings, conclusions and recommendations set out in the Inspector's report and the reasons given for the Secretary of State's decision are those given by the Inspector in support of the conclusions and recommendations.

COMPENSATION

18. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

19. A copy of this letter, together with a copy of the Inspector's report, have been sent to those parties who appeared at the Inquiries, other interested parties, and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned.

20. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at [Dinah's Hollow Compulsory Purchase Order - Dorset Council](#), and at all other places used to deposit the Scheme and Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at the address shown on this letter within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report.

RIGHT OF CHALLENGE

21. Notice is to be published of confirmation of the Order. Any person who wishes to question the validity of the confirmed Order, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements in confirming them may, under the provision of section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Order has been confirmed. The High Court cannot entertain an application under section 23 before publication of the notice that the Secretary of State has confirmed the Order.

Yours sincerely



TIM BRIMELOW

Authorised by the Secretary of State for Transport
to sign in that behalf