
Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State

Date: 14 July 2025

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

**THE DORSET COUNCIL (DINAH'S HOLLOW IMPROVEMENT SCHEME)
COMPULSORY PURCHASE ORDER 2024**

Inquiry held on 1 July 2025

Unaccompanied site visits held on 30 June and 1 July 2025

OFFICIAL

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LIST OF ABBREVIATIONS USED IN THIS REPORT

BNG	Biodiversity Net Gain
CPO	Compulsory Purchase Order
EIA	Environmental Impact Assessment
HGV	Heavy Goods Vehicle
km	Kilometre
m	Metre
MHCLG	Ministry of Housing Communities and Local Government

CASE DETAILS**THE DORSET COUNCIL (DINAH'S IMPROVEMENT SCHEME) COMPULSORY PURCHASE ORDER 2024**

- The Compulsory Purchase Order (CPO) has been made under sections 102, 239, 249 and 250 of the Highways Act 1980 and Parts 2 and 3 of the Acquisition of Land Act 1981.
- The Order was made on 10 December 2024.
- The Order 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.
- There was one objection to the Order outstanding at the close of the Inquiry.
- The documents submitted to the Inquiry are available at [Dinah's Hollow Compulsory Purchase Order - Dorset Council](#). The document references in this report (eg CD1) relate the Documents List on this website. Unfortunately this list is not numbered, but Appendix B of this report sets out a numbered list.

Summary of recommendation:

- I recommend that the Order is confirmed.
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1 INTRODUCTION

- 1.1 The Order has been made by Dorset Council, which is the local highway authority for the area in which Dinah's Hollow is located.
- 1.2 Dinah's Hollow is a narrow, steeply-sided, V-shaped cutting or valley through which the C13 highway runs. It is located about 3km south-east of the town of Shaftesbury and the C13 links Shaftesbury with Blandford Forum approximately 15km to the south. Since the erection of concrete barriers in 2015, as some protection against landslips, the highway is single lane through the Hollow, with traffic in either direction controlled by traffic lights.
- 1.3 The Order (CD1) and the associated map (CD2) provide for Dorset Council to:
 - Acquire the freehold of, and all interests (with the exception of mines and minerals) in, five plots of land (Plots 1, 2, 4, 5 and 6); and
 - Acquire one or more of the following rights over Plots 3 and 7:
 - to install, retain and maintain soil nails at a depth of not less than 0.5m below current surface level;
 - to lay, use, inspect, cleanse, maintain and replace drains and associated inspection chambers;
 - to erect temporary fencing; and

- to remove and replace an existing fence.
- 1.4 Together the acquisition of land and rights over land would enable Dorset Council to implement the Dinah's Hollow Improvement Scheme in order to stabilise the steeply sloping land either side of the highway to reduce the possibility of landslips.

Objections

- 1.5 Three objections to the Order were received by the Department for Transport, two of which were withdrawn prior to the Inquiry opening. The remaining objection from Brian Hughes (who does not have any legal interest in the land to be acquired) raises concern about:
- 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.

Compliance with statutory procedural requirements

- 1.6 At the Inquiry Dorset Council confirmed that it had complied with all relevant statutory requirements in making the Order and promoting its confirmation. I have no reason to believe that this is not the case.

Environmental Impact Assessment

- 1.7 Dorset Council issued a Screening Opinion (CD21) on 29 August 2024 confirming its view that the improvement scheme would be unlikely to result in significant environmental impacts and, thus, an Environmental Impact Assessment is not required. Based on all that I have read, heard and seen I have no reason to disagree with this opinion.

The report

- 1.8 The remainder of this report sets out the gist of the outstanding objector's and Dorset Council's cases in respect of the proposed Order and my conclusions and recommendation to the Secretary of State.

2 THE CASE FOR BRIAN HUGHES (OBJECTOR)

- 2.1 Brian Hughes' case is set out in full in his formal objection to the Order (OBJ/2) and his subsequent email submitted to the Inquiry (Appendix C1 of this report). In summary:

- i. Whilst titled as an "Improvement Scheme", in reality the Council are seeking insurance against the possibility of prosecution should there be injury or death.
- ii. Dinah's Hollow has a 1 in 8 gradient, five blind bends and narrow lanes. HGVs cannot safely pass large cars and there are frequent holdups involving Police attendance. The proposed improvements will solve none of these problems.
- iii. A previous Council created a "Woodland Protection Order" which highlights the significance of Dinah's Hollow as a special place. "Unsuitable for HGVs" signs were placed to protect it.
- iv. The submitted plans of the improvement scheme are misleading giving the impression of a landslip waiting to happen. They do not show the shrubs, bushes, young trees, saplings and seedlings which stabilise the banks both now and for the future. All of this will be ripped out, together with 80 mature, healthy trees, which will disturb an abundance of wildlife some of which is endangered. Rare flora and fauna will also disappear. Additionally the proposed soil nails and mesh will prevent regrowth of vegetation to stabilise the banks and the scheme proposes the use of Glyphosate, a weed killer banned in many countries, which could "wash off" into Sturkel stream.
- v. The lifespan of the improvement scheme is unclear – the Council has referred to both 120 and 60 years and the Council itself now appears to be less sure of the effectiveness of the mesh and nails scheme.
- vi. Dinah's Hollow is a significant part of the local landscape, within the Cranborne Chase and West Wiltshire Downs National Landscape. Dorset Council did not consult with the National Landscape or the Parish Council and many submissions put forward about the proposal have been ignored. The ecology report which was prepared should be submitted to the Inquiry.
- vii. The removal of the "Unsuitable for HGVs" sign and the promotion of the C13 as a southbound route for HGVs, instead of the parallel A350 has exacerbated the problems at Dinah's Hollow. Dorset Council has made inconsistent statements about the impact on the road and banks of vibration from HGVs.
- viii. There have been slippages at Dinah's Hollow, including the one in 2016. However, work had been carried out on the bank in the preceding days and had the concrete barriers been correctly assembled, more of the soil would have been retained and it would not have buried a car. In spite of numerous violent storms which have taken place in recent times, and significant damage which has been caused throughout Dorset, no complete collapse has occurred.

3 THE CASE FOR DORSET COUNCIL (THE ACQUIRING AUTHORITY)

Introduction

- 3.1 The C13 at Dinah's Hollow runs down a hill in a narrow, wooded, V-shaped cutting into the village of Melbury Abbas.
- 3.2 Brody Forbes, a local geotechnical consultant, was instructed in 2013 by the Council to assess the risk of landslip on the C13 at Dinah's Hollow and concluded that this location should be placed on high-risk alert (CD13). This

assessment was confirmed by Parsons Brinckerhoff (now WSP). If a major slip occurs there could be loss of life. Slope analysis calculations demonstrated the possibility of a landslide burying a small vehicle. This happened in July 2012 in Beaminster, Dorset where a car was engulfed by a land slip and two people died. The Council wants to ensure that this does not happen again.

- 3.3 The Council has reduced part of the C13 to one lane only at Dinah's Hollow and concrete barriers line both sides of the road to try to contain any slippages and traffic lights to control vehicles entering and leaving the one lane section. The current barriers would not contain a large landslide. They are a temporary measure until the bank stabilisation works are carried out. These traffic restrictions described above have been in place since 2015.
- 3.4 The banks have slipped on a number of occasions in the recent past. The most significant recorded landslide took place on 9 March 2016 when approximately 35 tonnes of soil slipped from the east bank into the hollow onto the road, displacing the concrete barriers and closing the road. More recently, in October and November 2021, following heavy rain another three slips occurred from the east bank. The first overspilled the concrete barriers. The second and third were contained behind the concrete barriers on the highway.
- 3.5 The proposed solution is to pin netting/mesh to the banks on each side of the road. The pins are 9 metre soil nails and are themselves fundamental to providing stability to the bank. This design was completed by WSP in 2015.
- 3.6 It should be noted that the scheme is only to stabilise the banks. It is not proposed to reinstate two way traffic in Dinah's Hollow or to change the traffic management measures that are currently in place. Even prior to the landslips, Dinah's Hollow was sufficiently narrow that there were problems with two way traffic, in particular with HGVs. The scheme, therefore, is purely about ensuring the safety of road users.
- 3.7 As highway authority the Council has a duty under Section 41 of the 1980 Highways Act to maintain public highways (CD5, p.1). Section 102 of the 1980 Act is a specific power of compulsory purchase to allow Highway Authorities to address hazards of nature including landslides (CD5, p.3). In light of the above, on 10 December 2024 the Council made The Dorset Council (Dinah's Hollow Improvement Scheme) Compulsory Purchase Order 2024 for the express purpose of preventing further landslides (CD1).
- 3.8 All statutory objections have now been withdrawn. All that remains is a non-statutory objection from Mr Hughes. Mr Hughes lives in Oxfordshire and has no legal interest in the CPO Land.

The Dinah's Hollow Improvement Scheme

- 3.9 The scheme comprises the following key measures:
 - Installation of soil nails (ranging from 5m to 9m in length) arranged in a diamond pattern, with a typical spacing of 2.4m horizontal and 1.2m vertical;
 - A high tensile flexible facing system comprising steel wire mesh with associated nail plates, steel wire anchor ropes and fixings as required;

- A high containment kerb and a hard slope fascia system with a combined typical height of 1.5m, running along the toe of the slopes;
- Improvement of the existing drainage with new highway drainage in the road comprising new road gullies and a new carrier drain extending to the upper part of the cutting; and
- Drainage to intercept overland runoff at the edge of the field at the top of the cutting, comprising an earth bund draining into a new lagoon to trap sediment.

Description of the Order Land

3.10 The Order land comprises two distinct parcels of land either side of the C13 at Dinah's Hollow:

- Plot 1 shown edged red and shaded pink and plot 7 shown edged red and shaded blue on the Order Map (CD2); and
- Plots 2, 4, 5 and 6 shown edged red and shaded pink and plot 3 shown edged red and shaded blue on the Order Map (CD2).

3.11 The western side is owned by Roy Phillips and Lavinia Phillips, owners and occupiers of Parhams Farm. The Council has now entered into an agreement to acquire the land owned by the Phillips. They withdrew their objection (by email dated 30 June 2025).

3.12 The eastern side is owned by Maurice Flower & Son Ltd who are owners of Higher Barn Farm, Cann Common. The Council has now entered into an agreement to acquire the land owned by Maurice Flower & Son Ltd and the company has withdrawn its objection (by letter dated 27 June 2025).

Compelling case

Need

3.13 The C13 is classified by the highway authority as a Main Distributor Route and is a busy route which was recorded as having an average daily traffic flow figure of 5,803 in 2023 near Dinah's Hollow. It forms part of an HGV advisory route and, as such, is well used by HGVs. The advisory route directs northbound traffic to use the A350 and southbound traffic to use the C13. This one-way system aims to alleviate congestion and improve safety by minimising potential conflicts between large vehicles in the narrow sections of the C13, particularly in Dinah's Hollow.

3.14 The importance of the C13 was demonstrated during its temporary closure in April 2014 due to safety concerns at Dinah's Hollow which resulted in problems for local residents and the travelling public and pronounced traffic increases on many surrounding roads both in the village and on the A350, A357 and B3081.

3.15 A number of geotechnical surveys and options reports have been obtained by the Council - Brody Forbes, December 2013 (CD13) ("the Stability Report"); Parsons Brinckerhoff, November 2014 (CD15) ("the Options Report"); and WSP, March 2016 and August 2024 (CD16 and CD17)). These reports

demonstrate that there is a continued risk of bank collapse and/or trees falling causing a danger to road users, including serious injury and death, road closure and consequent impact on the wider road network.

- 3.16 The Melbury Abbas & Cann Parish Council independently commissioned Red Rock Geoscience Limited to carry out a stability options appraisal for the slopes at Dinah's Hollow. Red Rock undertook a site inspection on 15 August 2024 and their findings were published in a report dated September 2024 ("the Red Rock Report") (CD23). The Red Rock Report concluded that slope instability within Dinah's Hollow is active and ongoing. It stressed that *"a risk has been identified to road users within Dinah's Hollow and therefore something needs to be done to mitigate this risk. There is not an option to do nothing."*

Alternatives

- 3.17 The scheme is for slope stabilisation in a particular location. There is no scope to consider alternative sites to deliver the scheme. All that can realistically be considered is alternative methods of stabilisation.
- 3.18 Traffic management has been suggested as an alternative to the scheme. However, that is to misunderstand its purpose which is to stabilise the banks. Traffic management, short of closure, is not an alternative. Closure is not an alternative for the reasons set out above in relation to the importance of the C13.
- 3.19 Parsons Brinckerhoff considered the following options in the Options Report:
- Re-grading of the slope: this would involve re-grading the slopes on the Order land to an acceptable reduced slope angle. This was discounted as it would involve removal of large volumes of material which would have detrimental effects on the aesthetics of Dinah's Hollow and the surrounding land and greater ecological and arboricultural harm. It was also the most expensive option presented in the Options Report.
 - Bioengineering: bioengineering is a technique that uses vegetation to improve slope stability through their root structures. This option was discounted as the effectiveness cannot be quantified or guaranteed.
 - Vertical realignment: under this option, the vertical alignment of the road at the lower end of Dinah's Hollow would be raised. However, this option would not address the instability of the slopes themselves and therefore was discounted as a viable option.
 - Use of other retaining structures: the Options Report considered using a sheet piled wall or bored pile wall to ensure that there was no unnecessary removal of material but this was considered problematic as it needed to be anchored back and was considered impractical. A single mass gravity retaining wall on each side of Dinah's Hollow or a U shaped box was also considered. However, this would require significant excavation on the Order land. This option was discounted as it would be unsympathetic to the environment at Dinah's Hollow.

- 3.20 The Options Report concluded by recommending that the preferred stabilisation option is to use soil nailing technologies and appropriate facing on the slopes on the Order land.
- 3.21 In any case, all of these options would require the acquisition of at least some of the Order land and, therefore, none of the options would enable the works to be carried out solely within the existing public highway.
- 3.22 WSP reviewed the options in 2024 (CD17) (as well as considering a further option – electrokinetic strengthening of the slopes – which was discounted as the geology of the Order land means it is not considered suitable for this technique). The review concluded that the proposed approach remains the most appropriate long-term solution to stabilise the slopes at Dinah's Hollow. This conclusion is further supported by the independently commissioned Red Rock Report.
- 3.23 This work demonstrates that there are no better alternative schemes that would undermine the compelling case in the public interest of the Dinah's Hollow Improvement Scheme.

Preliminary conclusion

- 3.24 For the reasons set out above, there is a compelling case in the public interest to put the Dinah's Hollow Improvement Scheme into effect.

Environmental considerations

- 3.25 The Council accepts that the impact of the scheme on the environment forms part of the public interest. However, it is notable that the scheme does not require planning permission, Parliament having granted planning permission through permitted development rights, and the scheme has been found not to have likely significant environmental effects making it EIA development. As such, it would be surprising in principle if the environmental impacts were to outweigh the need for the scheme and the lack of alternatives. In any case, the impacts are minimal and clearly do not impact the overall case for the Dinah's Hollow Improvement Scheme.

Landscape

- 3.26 The Landscape and Ecology Report (CD19) assessed the visual impact of the scheme from 14 viewpoints. These are addressed in Table 3 of the Council's Statement of Case. This shows that the greatest impacts are from within Dinah's Hollow itself. However, even here, the impacts will reduce to Slight Adverse in the longer term as the vegetation regenerates. These are not significant impacts in EIA terms. Other impacts from outside of Dinah's Hollow are lesser and will also reduce over time.

Ecology

- 3.27 The proof of evidence of Daniel Alder (Appendix 1 of Simon Arscott's Proof of Evidence) provides a detailed analysis of the ecological impacts of the scheme. He concludes that the ecological impacts are localised and will be greatest within the construction phase. Appropriate mitigation for the species and habitat interests at Dinah's Hollow is proposed as part of the scheme. The

Council's approach is considered an appropriate and proportionate application of the mitigation hierarchy.

- 3.28 The scheme includes a range of mitigation measures as recommended by the Landscape and Ecology Report, including: retention of trees to maintain a wooded habitat; retention of as many trees along the west and eastern slope crest lines; key trees of landscape, ecological and amenity value retained on the upper slopes; retention of existing topsoil and avoidance of introducing soils; coppicing of appropriate trees and shrubs; replanting through a range of hole sizes in the mesh reinforcing; and implementation of other planting associated with the eastern drainage works and in other agreed locations such as along the crest of the western slope where opportunities allow.

Biodiversity Net Gain

- 3.29 Although demonstration of Biodiversity Net Gain (BNG) is not a statutory requirement for the scheme as it does not require planning permission, the Council intend to provide a minimum 10% BNG in habitats. This is not formally secured by any legal mechanism and the Inspector and Secretary of State will have regard to this fact in considering the weight to be applied to this issue. However, as described by Simon Arscott, there have been constructive conversations with Maurice Flower & Sons Ltd about the acquisition of further land adjacent to the Order land for the provision of BNG. It would not have been appropriate to include that land in the Order land as there is no legal requirement to deliver BNG.

Human Rights

- 3.30 Even had agreement not been reached with the landowners, in the Council's submission no individual right which is affected by the Dinah's Hollow Improvement Scheme is of such importance or impacted to such an extent so as to outweigh the public benefits the scheme will deliver. Neither would the cumulative impact on private rights across the whole scheme be of such magnitude or severity as to outweigh the public benefits.
- 3.31 Any private losses would be mitigated by the fact that landowners, and those with the benefit of interests in land affected by the Order, would be entitled to compensation. For these reasons, any infringement of the Convention Rights would be proportionate and legitimate and in accordance with the law.

The intended use of the CPO land

- 3.32 The Council has a clear idea as to how it intends to use the land. All the land sought to be acquired is for the purposes of delivering the scheme. Table 1 of the Council's Statement of Case provides an explanation of how each plot in the CPO is intended to be used. The Council are keen to commence the scheme as soon as reasonably practicable to afford the existing public highway at Dinah's Hollow protection from landslide and to improve the safety of the public highway. The present intention is for construction to commence in January 2026 with an anticipated project completion in December 2026.

Funding

3.33 It is estimated that the cost of the scheme will be £8,000,000. This includes land acquisition costs, construction costs, fees and contingency. On 11 February 2025, the Full Council approved the Capital Strategy for the period 2025 to 2028. The Capital Strategy includes a total of £4,299,000 for the Dinah's Hollow Improvement Scheme. The remaining balance of £3,507,000 is to be funded as part of the £29,905,000 allocated to Highways Corporate Funding (Executive Advisory Panel). Funding is, therefore, available immediately.

Potential Impediments

Traffic orders (C13/Dinah's Hollow)

3.34 Throughout construction of the scheme Dorset Council (in its capacity as traffic authority for the area) intends to temporarily prohibit use of the C13 in the vicinity of the Order land by making a temporary traffic regulation order pursuant to section 14 of the Road Traffic Regulation Act 1984. Sections 14 and 15 allow the authority to issue a temporary traffic regulation order for 18 months. The anticipated length of construction is 12 months. Accordingly, there is no impediment.

Traffic orders (Footpath N59/24)

3.35 Plot 6 includes a public footpath. The Council (in its capacity as traffic authority for the area) intends to temporarily prohibit use of the public footpath through making of a further temporary traffic regulation order also under section 14 of the 1984 Act. Where footpaths are concerned, temporary closure is limited to six months (Section 15(1)). This period can be extended by the Secretary of State on request of the highway authority. The Council intends to make such a request. There would be no good reason for the Secretary of State not to agree to the request. The closure will have a very minor impact on users of the public rights of way given (see Council's Statement of Case, paragraph 2.2.6), the footpath does not appear to be well used. A temporary diversion is necessary as the footpath only connects with the C13 and connects with the part of that which will be closed for the duration of the works. As such, there is no need for a diversion. The public footpath will be re-instated following completion of the scheme. There is no basis on which to think that the order would not be made, in particular, as it is to enable public safety works.

Planning

3.36 As the scheme consists of works required for, or incidental to, the improvement of a highway on land adjoining the boundary of the highway, planning permission is deemed to be granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (Part 9 Class A of Schedule 2). As such there is no planning impediment to the scheme.

Trees

3.37 The Order land is subject to a Tree Preservation Order (reference: North Dorset (Dinah's Hollow, Melbury Abbas 38/2/05)). Dorset Council applied to

the local planning authority for consent for works to trees subject to a Tree Preservation Order on 28 June 2024. Consent was granted for the application on 3 October 2024 (CD24) and, as such, the Tree Preservation Order is not an impediment to the scheme.

Natural England Licences

3.38 It will be necessary to apply to Natural England to obtain a European Protected Species licence in relation to bats and dormice. In determining whether or not to grant a licence, Natural England must apply the three tests in Regulation 55 of the Habitats and Species Regulations 2017, namely: that the licence is for a purpose specified in Regulation 55 (2); that there is no satisfactory alternative; and that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

3.39 The scheme satisfies the three tests as follows:

- Regulation 55 (1)(e) provides that Natural England may grant a licence for the purposes of "preserving public health or public safety";
- As set out above, there is no satisfactory alternative to the scheme; and
- The scheme on its own is modest and could not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. Nonetheless, the Council will follow best practice guidance for the relevant protected species which will ensure this test is met. This would involve timing of the scheme to avoid the most sensitive periods for these species and incorporating a wide range of habitat mitigations which retain and also restore the important ecological resources required by these species as breeding and resting places. In the case of Dinah's Hollow this is to ensure continuity of native species woodland cover which will be managed sensitively during and following the scheme because of the presence of these species.

3.40 The Council does not foresee any reason that any required environmental licences would not be granted by Natural England and, therefore, does not consider that this will be an impediment to the delivery of the scheme.

Last Resort

3.41 The Council appointed Jones Lang LaSalle to negotiate with landowners on its behalf. John Davies's evidence sets out in detail the extensive engagement with landowners. Appendix 1 to his proof of evidence includes a log of negotiations with the owners of both the western and eastern sides.

3.42 Every effort has been made to acquire land and rights over land by agreement. This has been successful. Agreement has been reached with both Mr and Mrs Phillips, owners of the western side and Maurice Flower & Son Limited, owners of the eastern side. Both have now withdrawn their objections.

3.43 There is a further interest in the land. Each of the plots of the Order land lists Sir Richard Lindsay Glyn Bt as being an owner in respect of timber and mines

and minerals. The entry at A2 of the Title Register for the eastern parcel states that the mines and minerals and timber and trees are excepted by a conveyance dated 29 November 1919. Under the conveyance the vendor agreed to sell to the purchaser "subject to such exceptions and reservations as are hereinafter expressed." Paragraph 1 then provides:

- 3.44 *"EXCEPT AND RESERVING unto the Vendor and his successors in title under the Settlement their heirs and assigns the minerals timber and plantations powers and easements mentioned in the Second Third and Fourth Schedules hereto respectively".*
- 3.45 Timber and plantation are defined in clause 5 (b) as follows: *"'timber' shall mean all standing timber and other trees blazed and marked with numbers" and "'plantation' shall mean the copses and plantations which at the date of the auction sale of the premises hereby assured and other hereditaments held on the third and fourth days of July 1919 or now have lot numbers exhibited on them."*
- 3.46 The Council do not propose to acquire the minerals (CD8, p.38]. It is not at all clear that the reservation of the timber and plantations remains extant and the Council's view is that given lack of marked trees and the change in trees in the plantations since the date of the auction referred to above, the right is exhausted and of no value. The beneficiary of the right has not objected, which is a good indicator that the beneficiary recognises the same. Nonetheless, the Council has made an offer of payment to acquire the right. This offer was accepted on 30 June 2025.
- 3.47 As a result, all of the relevant rights are now subject to agreements to be acquired. The Council, however, ask that the Order still be confirmed. The Order land is not yet in the Council's ownership and should anything go wrong with any of the agreements, it would not be possible to carry out the scheme. As such, the case for compulsory purchase powers remains to ensure deliverability of the scheme.
- 3.48 In the circumstances, there clearly have been reasonable negotiations and that the use of compulsory purchase powers in this case is as a 'last resort'.

Remaining Objection

Brian Hughes [OBJ/2]

- 3.49 Brian Hughes lives in Oxfordshire. He does not have an interest in the Order land. He is not, therefore, a qualifying person under section 12 of the Acquisition of Land Act 1981 and his objection is not, in the statutory terms, a relevant representation under section 13 of that Act. His objection is addressed in detail in the Council's Statement of Case (pages 65-69). At a very high level, the objection amounts to general complaints about traffic in the area which are not sought to be addressed by the scheme and concerns as to whether or not local opinion as to the appropriate use of the C13 has been taken into account. Many of the points raised do not go to the relevant tests.

Conclusion

- 3.50 This is a simple but important scheme which is designed to ensure that there are no serious injuries or fatalities to users of Dinah's Hollow. The Council is under a duty as highway authority to maintain Dinah's Hollow and to prevent hazards to road users.
- 3.51 Although agreements have now been reached with the relevant holders of interests in the Order land, it has not yet been acquired and, if the Order is not confirmed, there will remain the risk that the Council will be unable to carry out the scheme. If that were to be so, there would be a risk to the public and or continued issues with the operation of the highway network if the C13 has to close due to further landslips.
- 3.52 For these reasons and those set out above, there is a compelling case in the public interest to ensure the Dinah's Hollow Improvement Scheme can go ahead. The scheme meets the remaining tests in the CPO Guidance and any interference with the rights of landowners would be, should the Orders be confirmed, in accordance with the law, necessary in the public interest and proportionate.
- 3.53 For all these reasons, we invite the Inspector to recommend to the Secretary of State that the Order be confirmed; and the Secretary of State, ultimately, to confirm the Order.

4 INSPECTOR'S CONCLUSIONS

- 4.1 In considering the Order I have had regard to the Guidance on the compulsory purchase process (MHCLG, January 2025), section 12.3 of which advises that a CPO should only be made where there is a compelling case in the public interest. References to earlier paragraphs in this report are shown thus: [3.7].

The scheme, the need for it and the alternatives considered

- 4.2 The Council has promoted the Order to enable it to acquire land and rights over land such that it can implement the Dinah's Hollow Improvement Scheme to stabilise the steep banks to either side of the C13 highway in order to prevent landslips [3.7]. There have been several landslips at this location in recent years and, although no deaths or injuries occurred, the landslide in 2012 at Beaminster in Dorset (which engulfed a car and killed two people) demonstrates the potential for serious injuries or deaths to arise from landslips on to roads [3.2].
- 4.3 Two geotechnical consultant reports (CD13 and CD15-CD17) identified that Dinah's Hollow should be placed on "high risk alert" in respect of a possible landslide and as a result the Council installed concrete barriers to either side of the road in an attempt to contain any landslide [3.2, 3.3]. However, in 2016 a landslide overwhelmed these barriers demonstrating their limitations. Whilst it has been argued that the barriers had not been correctly installed [2.1 (viii)], it appears to me that, notwithstanding the existing vegetation on the banks, without action to improve the stability of the banks, there will always remain a significant risk of a large landslide in this location overwhelming the barriers

and potentially engulfing a vehicle or vehicles on the road. That no complete collapse has occurred to date, does not mean that there is not a realistic potential for that to happen in the future if the banks are not stabilised [2.1 (viii)].

- 4.4 The scheme would involve the use of soil nails and mesh facing to stabilise the banks on both sides of the road, together with drainage works. There is no dispute that this work would require the Council to acquire the freehold of plots 1, 2, 4, 5 and 6 and rights over plots 3 and 7. A number of alternative means of stabilising the banks were assessed in detail, but all of these would also require acquisition of land, and the chosen soil nails/mesh scheme is convincingly demonstrated to be the best of these alternatives [3.19 – 3.23]. In the light of what I heard at the Inquiry I am not persuaded that the Council has significant concerns about the likely efficacy of the proposed soil nails and mesh facing. Furthermore, whether or not the scheme has a life span of 120 years or 60 years, I consider it is likely to be a long term solution to the current problem in this location [2.1 (v)].
- 4.5 It would not be feasible to permanently close the road because it provides essential access to Melbury Abbas. Moreover, seeking to reduce the volume of traffic on the road and/or banning its use by HGVs would not address the risk of landslip [3.18]. There is no convincing evidence to indicate that vibration from HGVs has caused or exacerbated the landslips which have occurred to date [2.1 (vii)]. The prevention of a landslip and its consequences is the aim of the scheme and, therefore, that the scheme would not improve traffic management in the area should not, in my judgement, be a reason not to confirm the Order [2.1 (ii)].
- 4.6 It has been argued that the Council's main motivation in promoting the scheme and Order is as insurance against the possibility of prosecution should there be injury or death [2.1 (i)]. However, based on what I have read and heard from the Council, I do not believe this to be the case. Moreover, even if it were to be the case, a by-product of that would be the prevention of death and serious injuries.

Likely environmental impacts

- 4.7 The scheme would involve the removal of trees (which are the subject of a preservation order) and other vegetation from the banks within a designated National Landscape, together with likely impacts on ecology. These effects are assessed in detail in the Landscape and Ecology Report (CD19), which has been put before the Inquiry. This convincingly indicates 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. Low-moderate adverse landscape impacts would be likely to be initially caused to viewpoints from outwith the Hollow itself, which themselves would be significantly mitigated over time with the regeneration of the vegetation [3.25-3.28]. There is no substantive evidence to support the assertion that the soil nails/mesh would prevent regrowth of the vegetation [2.1 (iv)].

- 4.8 I also concur with the conclusions of the statement of Daniel Alder (Appendix 1 of Simon Arscott's Proof of Evidence) that the ecological impacts of the scheme are likely to be localised and of most significance during the construction phase. Ecological mitigation is proposed as part of the scheme which is credibly shown to be appropriate having regard to the general mitigation hierarchy for ecology of Avoidance, Minimization, Restoration and Offsetting [3.27]. The Council also intends to seek to deliver Biodiversity Net Gain of at least 10% as part of the scheme [3.29]. Whilst the use of glyphosate cannot be discounted entirely [2.1 (iv)], the Council has indicated its intention to use an alternative if at all possible and if there is not an alternative it is intended to only be used along the line of the proposed permanent access track (page 62 of the Council's Statement of Case). Consequently, it appears to me that a significant problem of glyphosate run-off into the wider environment would be unlikely.
- 4.9 Because the scheme does not require planning permission [3.36], the environmental mitigation measures cannot be fully controlled in the same way as if they were the subject of conditions of a planning permission. However, work to remove or cut trees, is controlled by the Tree Preservation Order Tree Decision Notice [3.37] and a Licence from Natural England is likely to be necessary in respect of effects on bats and dormice [3.38 - 3.40].
- 4.10 Irrespective of whether or not they were directly consulted on the Dinah's Hollow Improvement scheme [2.1 (vi)], both Melbury Abbas and Cann Group Parish Council and the Cranborne Chase National Landscape are aware of the scheme and formally raised concerns about the potential landscape and ecological impacts of the Tree Preservation Order Tree Works application. The National Landscape also argued that there was nothing in the documents submitted with this application to demonstrate how the applicant would be complying with the duty of s85 of the Countryside and Rights of Way Act 2000 "*to seek to further the purposes of designation (conserving and enhancing natural beauty)*" (see Appendix C4 of this report). However, this duty is to **seek to** further the conservation and enhancement of the natural beauty within the National Landscape, not an **absolute requirement to deliver or achieve** such conservation/enhancement. Consequently, this aim needs to be balanced against the benefits of the scheme.

Possible impediments to the implementation of the scheme

- 4.11 The scheme is permitted development and, thus, planning permission is not required. However, consent has been granted for works to the trees which are the subject of a Tree Preservation Order. Traffic Regulation Orders will be required to temporarily prohibit use of the C13 and a nearby footpath during the construction works. In respect of the C13 the Council has the power to make this Order for a period of 18 months, which provides for a significant buffer over and above the anticipated 12 month construction period. In respect of the footpath the Council can, itself, make an Order for a period of 6 months, although the Secretary of State can be requested to extend this [3.34 - 3.35]. Given the reported limited usage of the footpath (Council's Statement of Case, paragraph 2.2.6), it seems to me unlikely that if the Secretary of State were to confirm the CPO that she would then be not minded to agree to

a request from the Council for an extension, beyond 6 months, of a Traffic Regulation Order to temporarily prohibit use of the footpath.

- 4.12 Licences from Natural England are likely to be required in respect of the scheme's effect on bats and dormice. However, having regard to the analysis of the relevant tests set out by the Council [3.38 – 3.40], I consider it to be unlikely that these licences would not be granted.
- 4.13 The evidence submitted to the Inquiry at my request (Appendix C2 of this Report) demonstrates that the estimated scheme cost of marginally over £8m (including land acquisition and a £727,000 contingency sum) is realistic. The Council has approved Capital Strategy funding of £4,299,000 for the scheme for the period 2025 – 2028 [3.33], in addition to which £194,000 has already been spent (Appendix C3 of this Report). The balance of £3,507,000 is to be funded as part of the £29,905,000 allocated to Highways Corporate Funding (Executive Advisory Panel) [3.33]. Consequently I am satisfied that funding is available to implement the scheme.
- 4.14 In the light of the above, I conclude that there are unlikely to be any impediments to the implementation of the scheme. Whilst agreement to acquire the Order land has now been reached, I concur with the Council that the Order is still necessary in case there is an unforeseen problem in implementing these agreements [3.47].

Overall Conclusion

- 4.15 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, is to my mind a very strong demonstration of the need for the Improvement Scheme and, thus, for the Order which is necessary to implement it. There are unlikely to be any impediments to the scheme's implementation.
- 4.16 The scheme would be likely to cause adverse effects on the landscape and ecology, although the most significant of these would be confined to Dinah's Hollow itself and would be likely to be ameliorated to a significant degree by mitigation measures, including the natural regeneration of vegetation over time.
- 4.17 I consider that, notwithstanding the statutory duty to seek to further the purpose of conserving and enhancing the National Landscape, the adverse landscape and ecological impacts of the scheme would be substantially outweighed by its benefit in minimising the future potential for a landslip at Dinah's Hollow and the possible consequences of that, including death or serious injury to road users. I therefore conclude 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.
- 4.18 In reaching this conclusion I have borne in mind the duty imposed on me in S149(1) of the Equality Act and, in particular, I note that the road safety benefits of the scheme would apply equally to people with protected characteristics as to those without them.

5. RECOMMENDATION

- 5.1 I recommend that the Dorset Council (Dinah's Hollow Improvement Scheme) Compulsory Purchase Order (2024) is confirmed.

Malcolm Rivett

INSPECTOR

APPENDIX A - APPEARANCES AT THE INQUIRY

For Dorset Council (the Acquiring Authority):

Mark Westmoreland Smith KC, who called:

- Simon Arscott (Bridges & Structures Team Leader, Dorset Council)
- John Davies (Director – Compulsory Purchase, Jones Lang LaSalle)

APPENDIX B – DOCUMENTS LIST

- 1 CPO (including CPO Schedule).
- 2 CPO map.
- 3 Statement of Reasons.
- 4 Extracts from the Acquisition of Land Act 1981.
- 5 Extracts from the Highways Act 1980.
- 6 Guidance on the Compulsory Purchase Process.
- 7 Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular 2/97.
- 8 Reports to and Cabinet resolution dated 13 May 2015.
- 9 Report to and Cabinet resolution dated 6 October 2020.
- 10 Report to and Cabinet resolution dated 6 April 2021.
- 11 Report to and Cabinet resolution to authorise CPO powers in principle dated 9 July 2024 (including Cabinet-Update Sheet).
- 12 Report to and delegated decision to make the CPO dated 6 December 2024.
- 13 Brody Forbes report dated December 2013.
- 14 'Well-managed Highway Infrastructure' October 2016 Code of Practice.
- 15 November 2014 Options Report.
- 16 WSP memo dated 17 March 2016.
- 17 WSP Technical Note dated 20 August 2024.
- 18 Landscape and Visual Impact Assessment dated July 2015.
- 19 Landscape and Ecology Report V2 dated August 2024.
- 20 Interim Ecological Assessment dated 23 May 2024
- 21 Environmental Impact Assessment screening opinion dated 29 August 2024.

- 22 Equality Impact Assessment dated 2 August 2024.
- 23 Red Rock Report dated September 2024.
- 24 Tree Decision Notice (Tree Works - TPO) dated 3 October 2024.
- 25 WSP HGV Vibration Impact Assessment dated 11 October 2024.
- 26 Arboricultural Impact Assessment and Arboricultural Method Statement dated 1 August 2024.
- 27 Capital Strategy 2025 -2028.

APPENDIX C – DOCUMENTS SUBMITTED AT THE INQUIRY**APPENDIX C1- Email from Brian Hughes**

Sent: 30 June 2025 23:04

Dear Sir,

I have just returned from a family holiday to find correspondence in the post requesting a reply by Tuesday, 17th. June, 2025. Unfortunately the correspondence arrived after I left and the date expired before I returned. I can understand the need to manage input to schedule the enquiry but could do no more than reply now.

Due to an injury to my foot I will be unable to attend and give evidence to the enquiry however I would point out that although requesting the order Dorset Council have still failed to provide their full plan including important drainage. Trees foliage and plants have drawn up water putting down roots to stabilise this ancient Holloway for centuries. Dorset Council outlined a plan to remove a huge quantity of this and spray the area with glyphosate weedkiller. They are still vague about using it when wash off could present a danger to the Sturkel Stream running at the southern end of Dinah's Hollow which feeds three ponds! The application for the order seems to be putting the cart before the horse. The original paperwork gave a life span for the scheme as 120 years. By the time of a recent meeting in Melbury Abbas Village Hall this had been reduced to 60 years. The system has had its failures and it would seem now that the Authority are less sure of the mesh and nail system themselves. Given the poor management of the road by successive county authorities I have little to no confidence in them. More work needs to be done. More vision and less dogma. The largest part of the input by the authority relates to procedural matters relating to Compulsory Purchase Orders and not the core issues. Their main focus has been on a slippage some 9 years ago with, in spite of some of the worst storms in living memory, nothing more recent to display. I have already outlined in my original input the part DC played in the problems.

With Regards,

Brian Hughes

APPENDIX C2 - Cost Estimate

The Inspector also requested a breakdown of the Council's budget for the Scheme (please see below breakdown). The Council are providing it in this summary form as elements are commercially sensitive (in particular, the Council has to go to tender on construction costs). The construction costs are based on an estimate by Heidelberg Materials UK (Formerly Hanson Contracting), who are an experienced construction firm with particular experience of highways projects and who have helped deliver programmes of capital work across Dorset's highway network. Heidelberg were instructed on an early contractor involvement basis in order to support the costs estimate in the Cabinet report on 9 July 2024 which sought the revised funding of the scheme. Through the tender process and detailed design, the Council will be seeking to reduce the costs. The construction estimate is a full estimate – intentionally so – and the Council anticipates the winning bid to come in under the estimate. Set out below in parenthesis after construction costs are the areas the estimate covers. This is done on a line by line basis but for the commercial reasons set out above, it is hoped that the below is sufficient.

Land and rights acquisition costs	£216,000
Fees (<i>including design; legal; land negotiations; environmental consultancy fees</i>)	£560,000
Construction estimate (<i>including preliminaries; site clearance; drainage works; earthworks; pavements, curbs, footways; traffic signs and road markings and soil nailing</i>)	£6,500,000
Contingency (10%)	£727,600
Total	£8,003,600

APPENDIX C3 - Dorset Council clarification concerning funding

A summary of the approved funding for the Scheme is set out below:

Source Funds approved

06/10/2020 Cabinet Report	£130,000
06/04/2021 Cabinet Report	£4,363,000
09/07/2024 Cabinet Report	£3,507,000
Total approved funding	£8,000,000

The reason that only £4,299,000 is shown in the Council's Capital strategy funding summary for 24/25 onwards is that by the time that this summary was produced, approximately £194,000 of the overall £8million budget had already been spent on fees (ie approximately £194,000 was spent on fees between 06/10/20 and date of publication of the capital strategy funding summary for 24/25 onwards).

This explains why the £4,299,000 and the £3,507,000 referred to in paragraph 40 of the closing statement do not add up to £8million (£4,299,000 + £3,507,000 + £194,000 = £8,000,000).

I trust this is sufficient to answer the Inspector's question but should he require anything further, please do not hesitate to contact me.

APPENDIX C4 - Section 9 of TPO Application Officer Report**9.0 Consultations**

The application was advertised by means of site notices displayed on 18th July 2024 with an expiry date of 8th August 2024.

All consultee responses can be viewed in full on the website.

Consultees**Melbury Abbas and Cann Group Parish Council – comments received**

The Parish Council Group objected to the application on a number of grounds including: impact on ecology (bats, dormice, great crested newts, trees, root protection areas and flora); impact on drainage; lack of visual impact assessment; the need to look at alternative options to the proposed soil mesh and soil nails, impact on cultural heritage of Melbury Abbas and; conflict with the Council's Climate Change and Environmental policies.

Representations from other parties have raised the following points in summary:

Representations received**Cranborne Chase National Landscape**

- The location is within the Cranborne Chase National Landscape and the amended section 85 duty of the Countryside and Rights of Way Act 2000 applies. There is nothing in the submitted document to demonstrate how the applicant is complying with the duty “to seek to further the purposes of designation (conserving and enhancing natural beauty)”. That duty also applies to the decision maker.
- Unaware that planning permission has been granted for the engineering works in a national landscape – back to front to be seeking approval for tree works to facilitate engineering works that do not have, and may not get, planning approval.
- Use of glyphosate will kill all plant life and impact woodland flora.
- The proposed works would impact on wildlife including bats, dormice and badgers.
- The proposed engineering work would impact adversely on the physical landscape, its appearance and the public perception of a nationally important landscape.