THE HIGHWAYS ACT 1980
AND
THE ACQUISITION OF LAND ACT 1981

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

PROOF OF EVIDENCE OF

SIMON ARSCOTT BEng (Hons) CEng MICE

DORSET COUNCIL

10 June 2025

PLANNING INSPECTORATE AND PLANNING CASEWORK UNIT REFERENCE: DPI/D1265/25/6

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1 INTRODUCTION

Experience

1.1 I am Simon Arscott, Bridge & Structures Team Leader within the Highways and Engineering Department, Place Directorate in Dorset Council (**Council**).

1.2 I am a Chartered Civil Engineer with over 30 years experience of working on Bridges and Structures projects for local government highway authorities and for a private engineering consultancy. I graduated from Loughborough University of Technology in 1989 with a Bachelor of Engineering (Honours) degree in Civil Engineering and became a Chartered Engineer and Member of the Institution of Civil Engineers in 2003. I started my employment with Dorset Council, formally known as Dorset County Council in January 2006 as a Project Engineer.

My Involvement in the Dinah's Hollow Improvement Scheme

1.3 I have been involved in the Dinah's Hollow Improvement Scheme (which involves stabilisation of the slopes of the hollow and drainage improvements through the hollow) (**Scheme**) since its inception in 2014.

1.4 Between 2014 and 2020 I was the Project Engineer for the Scheme, responsible for the day-to-day co-ordination of the Scheme development. During this time my responsibilities included the following activities:

1.4.1 Liaison with a geotechnical consultant to ascertain the need and options stabilisation of the slopes on the Order Land and contractor to progress site investigation, feasibility work and detailed design for the Scheme.

1.4.2 Coordination of input from ecologists, arboriculturists, landscape architects to the Scheme.

1.4.3 Communication with landowners.

1.5 Following appointment as Team Leader of the Bridge and Structures team in April 2024 I became the budget holder for the Scheme, and I now manage another Engineer who coordinates the development of the Scheme on a day-to-day basis.

1.6 As the Local Highways Authority, the Council has a duty under Section 41 of the 1980 Act to maintain public highways (which includes the public highway known as the C13 at Dinah's Hollow). Within the Council, the responsibility for this sits with the Highways and Engineering Department (which my team forms part of).

1.7 The key priorities for my team which specialises in Bridge and Structures are:

1.7.1 Progressing projects in accordance with standards, regulations, procedures and best practice;

1.7.2 Ensuring projects are delivered safely, on time and to budget;

1.7.3 Maintaining safe and effective highway structures to serve the wider highway network and ensure they are safe for use and fit for purpose.

1.8 The delivery of the Scheme forms part of the structures team as following completion of the Scheme, the slopes at Dinah's Hollow will be geotechnical structures. The Scheme is a key priority as it is essential to ensure the safety of road users travelling on the C13 and to maintain the resilience of the surrounding network. In developing the Scheme there has been a particular emphasis on

ensuring that the environmental impact of the Scheme has been considered alongside the requirement to provide a safe engineering solution.

2 SCOPE OF EVIDENCE

2.1 I have prepared this proof of evidence in support of The Dorset Council (Dinah's Hollow Improvement Scheme) Compulsory Purchase Order 2024 (**CPO**) which was made on 6 December 2024.

2.2 The Council's purpose in making the CPO and seeking its confirmation, is to enable the compulsorily acquisition of land that is the subject of the CPO (**Order Land**). The Order Land comprises:

2.2.1 Plot 1 shown edged red and shaded pink and plot 7 shown edged red and shaded blue on the CPO Map (**West Site**); and

2.2.2 Plots 2, 4, 5 and 6 shown edged red and shaded pink and plot 3 shown edged red and shaded blue on the CPO Map (**East Site**).

2.3 The purpose of the CPO is to improve the section of existing C13 public highway known as Dinah's Hollow/ C13 and to afford it protection against landslide or other hazards of nature. The acquisition of the Order Land is essential for the delivery of the Scheme.

2.4 My evidence addresses the following issues:

2.4.1 background and necessity for the Scheme;

2.4.2 the alternatives to the Scheme considered by the Council;

2.4.3 why the Council has decided it is appropriate to use its CPO powers to support this Scheme;

2.4.4 how the Scheme will be funded; and

2.4.5 I will summarise the position regarding the objections to the CPO.

2.5 My evidence should be read alongside the Council's Statement of Case. I do not include in my evidence every matter covered in that document.

2.6 Annexed at Appendix 1 is a copy of the evidence prepared by Mr Daniel Alder MSc PhD MCIEEM CF pertaining to ecology matters relating to the Scheme.

3 THE SCHEME

3.1 The Scheme has been designed in consultation with specialist geotechnical engineers at WSP and other professionals over several years to afford the public highway known as the C13 at Dinah's Hollow, Melbury Abbas protection from landslide on the Order Land and to improve the safety of the public highway. The Scheme comprises the following key measures:

3.1.1 installation of soils 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;

3.1.2 a high tensile flexible facing system comprising steel wire mesh with associated nail plates, steel wire anchor ropes and fixings as required;

3.1.3 high containment kerb and a hard slope facia system with a combined typical height of 1.5m, running along the toe of the slopes;

3.1.4 openings will be created within the mesh for identified existing trees and for planting holes;

3.1.5 sections of the slope will be reprofiled;

3.1.6 supplementation 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

3.1.7 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.

3.2 As set out above, the new drainage to capture field run off at the top of the slope on the East Site will include an earth bund designed to blend with surrounding environment. Material excavated from creation of the lagoon is to be used in formation of the earth bund to retain local soil and minimise impact on the environment.

3.3 The proposed bund and lagoon on the East Site, has been included as part of the Scheme following the landslip in March 2016 (see 4.14 for further details) as overland runoff from the topography of the East Site was a probable cause of the landslip.

3.4 The need for the lagoon is two-fold:

3.4.1 to manage the accumulation of the surface water in the field. Without a lagoon the surface water runoff from the field will simply sit in the low point in the corner of the field. The lagoon and discharge pipes enable that

runoff to be managed. A flow control device will be required in a chamber at the outlet of the lagoon to control the rate of discharge from the lagoon to the highway drainage system; and

3.4.2 to trap sediment in the overland runoff and holding the water in place and filtering it through a proposed gravel or rockfill barrier.

3.5 If no measures to intercept the overland runoff are included in the proposed works, it is very likely that overland runoff will continue to pass over the edge of the field, on to the eastern side slope of the Hollow, in the larger rainfall events, and potentially result in further landslips. Measures to intercept and control the overland runoff are, therefore, considered necessary as part of the Scheme.

3.6 The Council's Cabinet decisions dated 6 October 2020 and 6 April 2021 approved proceeding with the recommended solution of soil nailing to stabilise the banks and noted that for full mitigation of the risk of landslip through Dinah's Hollow, work was needed on both sides of the highway.

3.7 As part of the Scheme, it is proposed that up to 80 of the existing trees on the Order Land will be removed (35 of which are in poor condition and would require removal due to their condition in any event), up to 38 to be coppiced and at least 100 to be retained, in order for the Scheme to take place. Upon commencement of the construction of the Scheme, the Council will involve the engineering, ecologist and arboricultural teams with the aim of reducing the number of trees to be removed or coppiced as far as practicable.

3.8 The Council will also implement an engineering and highways management plan for the Order Land which will include long term landscape and ecological

maintenance measures. These measures shall include monitoring the areas planted, establishing maintenance operations to ensure all new planting thrives such as weeding, re-firming plants, adjusting tree stakes/shelters, removing tree stakes once plants established, strimming grass bund, access track and lagoon areas every other year or as agreed, remedial pruning, replacement planting for dead, diseased or dying plants and the establishment of a 5-10-year or 15-20 year coppicing regime for the different species to be managed.

4 BACKGROUND AND NECESSITY FOR THE SCHEME

4.1 Proposals for an improvement of the C13 through stabilisation of the Order Land have been discussed by the Council for over ten years. The purpose of this section of the Proof of Evidence is to summarise the history of the Scheme in a chronological order and is based around information provided in the Statement of Case.

2012- 2014

4.2 In July 2012, a landslip at Beaminster Tunnel overwhelmed the head wall depositing a large quantity of soil on to the highway. The soil engulfed a car and killed 2 people. As a result, Dorset Highways team examined other slopes perceived to be at high risk of failure.

4.3 Brody Forbes, local geotechnical consultant, was instructed by the Council to assess the risk of landslip on the C13 at Dinah's Hollow (which has similar geotechnical properties to Beaminster Tunnel). Brody Forbes published its Stability Report in December 2013 (**Stability Report**). The Stability Report concluded that whilst the slopes at Dinah's Hollow have existed for many years

without evidence of major failure, changes could cause a major collapse, for example:

4.3.1 prolonged and intense rainfall possibility resulting from climate change;

4.3.2 changes in surface water area run-off;

4.3.3 vegetation condition; or

4.3.4 further under-cutting of the road by vehicles.

4.4 The Stability Report further concluded that the Council should carry out an engineering scheme to provide an adequate factor of safety for the passage of vehicles through Dinah's Hollow.

4.5 Brody Forbes placed Dinah's Hollow on high-risk alert and in April 2014 the C13 was closed due to models indicating that there was a risk of a landslide burying a small vehicle.

4.6 The Council commissioned Parsons Brinkerhoff to produce an Options Report following the geotechnical investigation and propose options for mitigating the risk of landslip from the Order Land onto the public highway which was published in November 2014 (**Options Report**).

4.7 The Options Report concluded that soil nailing the slopes was the preferred solution to stabilise the banks and ensure safety on the highway.

2015

4.8 On 13 May 2015 the Council's Cabinet considered a paper, 'C13 Road Closure Risk Comparison Analysis'. The paper discussed:

4.8.1 the problems caused by vehicles using unsuitable routes to circumnavigate the closure;

4.8.2 local pressure to reopen due to the length of time the road had been closed;

4.8.3 anecdotal reports of increased collisions on alternative routes;

4.8.4 damage to vehicles and property; and

4.8.5 damage to the fabric of the highways.

4.9 The Council's Cabinet resolved to re-open the C13 with temporary traffic management restricting traffic to alternate single lane running with plastic barriers directing vehicles down the centre of the carriageway.

4.10 On 10 June 2015 Audit and Scrutiny Committee confirmed the cabinet resolution and the C13 was re-opened in July 2015.

4.11 The Council instructed Nicholas Pearson Associates to conduct a Landscape and Visual Impact Assessment which was carried out in July 2015.

4.12 From July 2015 to December 2015 the Council continued work towards refining the design of the slope stabilisation. The Council also applied for TPO consent and EIA screening opinion in 2015, however, these have subsequently been refreshed and therefore I will not comment on these in this Proof.

4.13 In December 2015, the Scheme was temporarily placed on hold whilst the Council considered funding options for the Scheme. The suspension was conditional on the plastic barriers directing traffic to the centre of the carriageway

being replaced with more robust concrete barriers. This mitigation work was completed, and the road has remained open to date with these mitigation measures apart from a short period following landslips.

2016

4.14 On 9 March 2016, approximately 35 tonnes of soil slipped from the Order Land into the road and displaced concrete barriers (see photographs at Figure 9 and 10 of the Statement of Case). Clearly, if a vehicle had been travelling across the highway at the time of the slippage there could have been a serious accident.

4.15 WSP were instructed by Dorset Council to assess the landslip and their conclusions are set out in a memo dated 17 March 2016. The WSP Memo identified the trigger of the landslip being water run off the adjoining land and down the Order Land onto the road. The investigation recommended drainage works on the Order Land to intercept the water and remove it as a possible cause for future land slips.

2017-2020

4.16 Subsequently, the Council explored funding options for the Scheme and options for improvements to the surrounding road network. The Road Improvement Strategy (RIS2) consultation occurred Dec 2017 - Feb 2018. As part of the consultation response in February 2018, the Council made a request to the Department for Transport for a strategic study of routes north-south through Dorset (including A350 and C13) in the next Road Investment Strategy (RIS2) period 2020-25.

4.17 The central Government Budget for 2020 confirmed that funding for the study to explore the case for improvements to links between the M4 and the Dorset Coast will be provided. Nationally competitive funding bids could then be made for works from 2025 onwards, but with no guarantee of success. North-south route improvements are supported by BANES, Wiltshire, BCP Councils, the Local Enterprise Partnerships and the Western Gateway Sub-National Transport Body. However, the A350 has not been included by the Government in the Major Road Network (MRN) and is not on the Strategic Road Network (SRN). The potential for Government funding for the improvements at A350 and subsequently at C13/ Dinah's Hollow is reduced because it is not on the SRN or MRN.

4.18 As a result, no funding from central Government was approved for the Scheme or any highways improvements to the road network in the vicinity of the C13.

2020-2021

4.19 The Council's Cabinet decisions dated 6 October 2020 and 6 April 2021 approved proceeding with the recommended solution of soil nailing to stabilise the banks and noted that for full mitigation of the risk of landslip through Dinah's Hollow, work was needed on both sides of the highway.

2021

4.20 In October and November 2021, following heavy rain another three slips occurred from the East Side (see photograph at Figure 11 of the Statement of Case).

2022

4.21 The Council commissioned WSP to undertake a review of the Scheme design in April 2022 (**2022 Review**) to ensure the design remains adequate and is delivered to current best practice. As part of the review a site inspection took place on 8 April 2022 where it was noted that there was material accumulating between the toe of the slope and the concrete barrier on the East Site and fresh faces on the West Site which indicate recent failures of the slopes.

4.22 The 2022 Review report concluded that the Scheme's detailed design remains adequate and conforms to current design standards for slope stabilisation.

2023

4.23 In October 2023 a slip occurred at Dinah's Hollow from the West Site onto the public highway (behind the concrete barriers). The slip is illustrated in the photograph at Figure 12 of the Statement of Case.

2024 – 2025

4.24 The Council applied to local planning authority (**LPA**) for:

4.24.1 an Environmental Impact Assessment (**EIA**) screening opinion which was issued by the LPA on 29 August 2024 in respect of the Scheme (**EIA Screening Opinion**). The EIA Screening Opinion concluded that the Scheme would be unlikely to result in significant environmental impact and therefore an EIA is not required for the Scheme; and

4.24.2 consent for works to trees subject to a Tree Preservation Order (the trees covered by the Tree Preservation Order are shown on Figure 18 of the

Statement of Case) on 28 June 2024 (application reference: P/TRT/2024/03586). The local planning authority granted the application on 3 October 2024.

4.25 The Council has further progressed the Scheme's detailed design with up-to-date data and has undertaken various topographical surveys, survey of the exiting drainage system, core sampling of the existing highway, PAS128 survey of the existing underground apparatus. The Council engaged with their appointed partnering contractor under ECI (Early Contractor Involvement) to acquire necessary advice for buildability and budgeting purposes. Further, the Council has continued to liaise with the design team from WSP, ecologists, landscape architects and contractor to minimise the impact of the Scheme and construction phase.

5 NEED FOR THE SCHEME

5.1 Against the background set out above, this section of my Proof of Evidence explains the need to carry out the Scheme on the Order Land.

5.2 The current guidance commissioned by the Department of Transport 'Well-managed Highway Infrastructure' October 2016 Code of Practice ("**Code of Practice"**) states that *'Authorities should have records of relevant locations and should establish an inspection and maintenance regime based on a local risk assessment. In higher risk locations, or where ground conditions are difficult, specialist geotechnical advice should be obtained*.'

5.2.1 In accordance with the Code of Practice, the Council has sought specialist geotechnical advice which has confirmed that the slopes on the Order

Land are in a state of *'unreliable temporary stability*' and that there is a risk of:

5.2.1.1 a continued danger to users of the highway including the possibility that:

5.2.1.1.1 the banks on the Order Land may collapse leading to a vehicle being engulfed;

5.2.1.1.2 the banks on the Order Land collapsing and falling on a vehicle;

5.2.1.1.3 an over-turning tree falling onto a vehicle;

5.2.1.1.4 possibilities of road closures; and/ or

5.2.1.1.5 a negative impact on highway service delivery.

The importance of the C13

5.3 The C13 is a main route through Dorset used by a large proportion of the north-south traffic, including many HGVs as it is considered to be a better standard than the adjacent A350.

5.4 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:

5.4.1 problems for local residents and the travelling public;

5.4.2 pronounced traffic increases on many surrounding roads in the village and the A350, A357 and B3081; and

5.4.3 evidence indicating a potential increase in accidents on surrounding road due to increased traffic on the surrounding road network.

Risk of landslide on the Order Land

5.5 In accordance with the Code of Practice and its responsibilities as a Local Highways Authority, the Council maintains a risk register to identify significant risks within the Council. The risk of a landslide at Dinah's Hollow remains classified as a "medium" risk with consequences including:

5.5.1 serious injury;

5.5.2 death;

5.5.3 serious reputation damage for Dorset Council;

5.5.4 high financial costs;

5.5.5 potential legal action against Dorset Council;

5.5.6 road network not being fit for purpose;

5.5.7 negative publicity;

5.5.8 negative economic impact on the area; and

5.5.9 customer dissatisfaction.

5.6 The Code of Practice also notes *'the impact of embankment or cutting failure will generally be high in all situations*'.

5.7 The Government's UK Climate Change Risk Assessment 2022 evaluates the relevant Risk I5 (risks to transport networks from slope and embankment failure)

as medium to high – and highlights transport infrastructure network disruption as a 'very high' damage risk area owing to the associated risk of cascading failures. Its underpinning evidence base (produced by the Climate Change Committee) states that "*Increased incidence of high rainfall combined with preceding periods of desiccation and cracking are expected to lead to an increase in incidents of slope failure within the transport network*".

5.8 The Council's highways team conducts weekly visual inspection of Dinah's Hollow to identify whether any material has slipped from the Order Land and to ensure that the C13 highway is fit for use. As a result of such inspections, the Council has had to temporarily close the road on a number of occasions in recent years in order to clear material which has slipped from the Order Land onto the public highway (behind the temporary concrete barriers) with a vacuum excavator. Following completion of the Scheme, the Council would expect no material to slip from the Order Land.

5.9 There are no suitable viable or available alternatives to the Scheme (as I explain in more detail in section 6 below).

6 ALTERNATIVES TO THE SCHEME

6.1 The Options Report considered various alternative engineering solutions to the Scheme including:

6.1.1 Re-grading of the slope

6.1.2 Bioengineering

6.1.3 Vertical realignment

6.1.4 Use of other retaining structures

6.2 All of these options were dismissed due to various reasons including; adverse impact on ecology; it not being possible to quantify or guarantee the effectiveness; not addressing the slope instability; or being unsympathetic to the environment of Dinah's Hollow. All options would require the acquisition of at least some of the Order Land as they all involve works to the slopes on the Order Land and therefore none of the options would enable the works to be carried out solely within the existing public highway.

6.3 The Council commissioned WSP UK Ltd (WSP) to provide an updated review of the previously presented options in the 2014 Options Report and the review findings were published in a technical note dated 20 August 2024 (**2024 Technical Note**).

6.4 The 2024 Technical Note includes a helpful summary in Table 1 on page 1 and 2 (which is copied below) of some of the options considered.

Table 1 - Stabilisation Options Summary

Option	Solution	Comments
Slope re-grade	Discounted	- Significant land take, material removal and associated costs. - Unacceptable visual and ecological impact.
Retaining structures	Discounted	- Significant construction constraints on site. - High levels of cost. - Unacceptable visual and ecological impact.
Vertical realignment	Discounted	- Not considered suitable to contribute to slope stability improvements if used in isolation. - Site geometry may not be suitable for standard highways alignments. - Realignment of services and drainage would be required, with associated costs and disruption.

Option	Solution	Comments
Bio-engineering*	Discounted	- Limited to typically 1m below surface, and insufficient to resist deeper slip surfaces. - No reliable method to quantify or guarantee vegetation as a stabilisation measure, with particular reference to difficulties establishing certain plant species within the Hollow. - Cannot meet the design life requirements without significant maintenance and planning.
Soil nailing	Preferred	- Minimal removal of in-situ material and land take. - A proportion of existing vegetation can be retained. - Native vegetation can be re-introduced to maintain habitat diversity. - Lowest visual impact.

** further discussion is provided in the remaining sections of this techincal note*

6.5 The 2024 Technical Note also considered electrokinetic strengthening of the slopes at Dinah's Hollow. Electrokinetic strengthening of slopes utilises the process of electro-osmosis to transport water through fine grained soils with low hydraulic permeability.

6.6 Electrokinetic strengthening has been discounted as a viable alternative to the Scheme as the geology of the Order Land means it is not considered suitable to be treated using electrokinetic techniques.

6.7 The Council has been provided with a report independently commissioned by the Melbury Abbas & Cann Parish Council and prepared by Red Rock Geoscience Limited which includes 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**). The report found that:

6.7.1 slope instability within the hollow is active and will be ongoing; and

6.7.2 stresses that (emphasis added) *'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***'.

6.8 In accordance with the recommendations of the geotechnical expert advice, there are no viable alternatives to the Scheme.

7 ENVIORNMENTAL IMPACT

7.1 In designing the Scheme, Dorset Council has balanced the risks to road safety against the environmental impacts of the Scheme and concluded that the improvements in road safety outweigh any adverse environmental impacts of the Scheme.

7.2 The ecological impacts of the Scheme are considered in Mr Daniel Alder's statement at Appendix 1 and therefore I will not repeat the ecological impacts of the Scheme in this section.

7.3 Extensive discussions have taken place between the arboricultural, ecological and landscape officers within Dorset Council and the engineering consultants in order to provide a slope stabilisation scheme that minimises the amount of slope re-grading required and the consequent removal of the minimum number of trees to achieve the required result

7.4 The Council first instructed Nicholas Pearson Associates to conduct a Landscape and Visual Impact Assessment (**LVIA**) which was carried out in July 2015. As a result of changes in the scheme the Dorset Council recently instructed Mr Daniel Alder (Ecology and Conservation) and Tony Harris (Chartered Landscape Architect) to review the LVIA and ensure that all landscape and

ecological considerations are addressed and the findings are detailed in the Landscape and Ecology Report V2 (August 2024) (**Landscape and Ecology Report**).

7.5 The greatest impact from of the Scheme is from within the hollow which will likely have a Substantial Adverse effect immediately following the engineering works, tree felling and coppicing. However, this will reduce to Slight Adverse in the longer term primarily as the vegetation regenerates and to a lesser extent as the hard engineering features weather and 'blend in' over time. These are not significant in EIA terms. The EIA Screening Opinion (see 4.24.1 above) concluded that the proposed development will not result in significant landscape and visual impacts for the purposes of EIA considering the impact upon the National Landscape sensitive area restricted to the Hollow, the temporary nature of this impact, and the proposed landscape mitigation.

7.6 The Scheme includes a range of mitigation measures as recommended by the Landscape and Ecology Report:

7.6.1 retention of trees to maintain a wooded habitat;

7.6.2 retention of as many trees along the west and eastern slope crest lines;

7.6.3 key trees of landscape, ecological and amenity value retained on the upper slopes;

7.6.4 retention of existing topsoil and avoidance of introducing soils;

7.6.5 coppicing of appropriate trees and shrubs;

7.6.6 replanting through a range of whole sizes in the mesh reinforcing; and

7.6.7 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.

7.7 The Council will endeavour to use the Government's Biodiversity Metric to demonstrate that the Scheme delivers up to 10% Biodiversity Net Gain (**BNG**) in habitats. Demonstration of BNG is not a statutory requirement for the Scheme, as it does not require planning permission. The principles of the Biodiversity Metric mean that species specific mitigation, such as for Dormouse, can only be counted up to the point of 'no net loss'. This means that the up to 10% gain voluntarily delivered as part of the Scheme will be on top of the species-specific mitigation for dormouse, badgers, bats and any other protected species recorded within the Hollow. Dorset Council will endeavour to deliver the biodiversity gains on-site, or locally off-site, in accordance with the BNG hierarchy.

8 JUSTIFICATION FOR THE CPO

8.1 The purpose of the CPO is to enable the Scheme to be undertaken. If the CPO is not confirmed, the Council will be unable to carry out the Scheme as it will not have the necessary interests in land to proceed and, as a consequence, either there will be continuing issues with the operation of the highway network or the public will be at risk of using the C13.

8.2 The Council cannot deliver the highway protection from landslide without acquiring the Order Land, as the risk of landslide arises from the slopes forming part of the Order Land which is outside of the Council's ownership and control.

8.3 Whilst the Council very much considers acquiring the land under compulsory purchase to be a last resort, given the safety concerns, the Council could not wait for negotiations to break down before commencing formal CPO proceedings.

8.4 As a result, there is a very compelling case in the public interest to carry out the Scheme and for the CPO to be confirmed.

9 FUNDING

9.1 Having regard to the possible need to implement compulsory purchase powers in the event that not all of the property interests required to bring forward the Scheme could be secured by agreement, the Council's acquisition strategy for the Order Land has been informed by the Ministry of Housing, Communities and Local Government's Guidance on the Compulsory Purchase Process (**CPO Guidance**).

9.2 In particular, the following provisions of the CPO Guidance have directed the approach taken to ensure that the Scheme for which compulsory purchase powers are being sought is affordable within the context of the funding being provided by the Council.

9.3 Paragraph 14 of the CPO Guidance states:

9.3.1 "In preparing its justification, the acquiring authority should address:

9.3.1.1 sources of funding – the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for

which the land is required. If the scheme is not intended to be independently financially viable, or the details cannot be finalised until there is certainty that the necessary land will be required, the acquiring authority should provide an indication of how any potential shortfalls are intended to be met. This should include:

9.3.1.1.1 the degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme

9.3.1.1.2 the basis on which the contributions or underwriting is to be made

9.3.1.2 timing of that funding – funding should generally be available now or early in the process. Failing that, the confirming authority would expect funding to be available to complete the compulsory acquisition within the statutory period (see section 4 of the Compulsory Purchase Act 1965) following the operative date. In some circumstances it would be reasonable for an acquiring authority to acquire land with little prospect of the scheme being implemented for a number of years. For example, where funding is available to acquire the land for masterplanning purposes but the actual delivery of the underlying scheme is not immediate.

9.3.2 Evidence should also be provided to show that sufficient funding could be made available immediately to cope with any acquisition resulting from a blight notice."

9.4 On 6 October 2020, the Council's Cabinet approved £130k for delivering the drainage on the top of the East Site with recommendation for the full Scheme funding to be approved as part of the Capital Programme.

9.5 On 6 April 2021, the Council's Cabinet approved an overall budget for the Scheme of £4.493 million, allocated from Capital Programme Funds. This budget has been carried forward.

9.6 Since 2021, there have been significant inflationary cost increases within the construction industry and further work has been done to determine the current cost estimate for delivering the Scheme including but not limited to early contractor involvement, estimates of capital and operating costs and applying Optimism Bias as per Supplementary Green Book Guidance.

9.7 On 9 July 2024, Cabinet approved full funding (£8,000,000) for the Scheme with the additional funding of £3,507,000 to be from reprofiling the existing Highways Corporate Funding for financial years 2025/26 and 2026/27.

9.8 On 11 February 2025, the Full Council approved the Capital Strategy 2025 - 2028. The Capital Strategy includes a total of £4,299,000 (carry forward of the originally allocated budget in 2021) to the Dinah's Hollow project with the remaining balance of £3,507,000 to be funded as part of the £29,905,0000 allocated to Highways Corporate Funding (Executive Advisory Panel).

10 RESPONSE TO OBJECTIONS AND NEGOTIATIONS

10.1 The following objections were made to the CPO:

10.1.1 Roy Phillips and Lavina Phillips dated 10th January 2025 (statutory objector);

10.1.2 Maurice Flower & Son Ltd received by the DfT on 9th January 2025 (statutory objector); and

10.1.3 Brian Hughes dated 8th January 2025 (non-statutory objector).

10.2 The grounds of objection together with the Council's response to the objections are set out at Appendix 4 of the Statement of Case which I do not repeat here. However, I do not consider that any of the objections raised amount to a good reason not to confirm the CPO.

10.3 Following submission of the Statement of Case, the Council has received no further substantive correspondence from Mr Hughes (the non-statutory objector).

10.4 Negotiations have continued with the two statutory objectors, via the Council's appointed agents, Jones Lang LaSalle (JLL). as more particularly described in Mr John Davies' proof of evidence.

10.5 As part of the Council's 'diligent inquiry' into the various interests in the Order Land, prior to making the CPO, it was ascertained that there was an exception/ reservation of timber rights noted on the titles to the Order Land. The Council has instructed Carter Jonas to undertake negotiations for the acquisition of such rights, which are ongoing.

11 SUMMARY AND CONCLUSION

11.1 It is necessary to stabilise the banks on the Order Land and to afford the highway protection from landslide to improve the safety of the C13 highway.

11.2 The Scheme is the only viable method for stabilising the Order Land and there are no suitable alternatives.

11.3 The Council has fully approved the funding necessary for the Scheme and there are no impediments to it progressing following confirmation of the CPO.

11.4 In my opinion, the CPO and the carrying out of the Scheme is clearly in the public interest and there is a compelling case for the CPO to be confirmed.

11.5 None of the objections made to the CPO amount to a good reason not to confirm the CPO.

APPENDIX 1 - Evidence prepared by Mr Daniel Alder MSc PhD MCIEEM CF

APPENDIX 1

THE HIGHWAYS ACT 1980
AND
THE ACQUISITION OF LAND ACT 1981

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

STATEMENT OF DANIEL ALDER MCIEEM

10 June 2025

PLANNING INSPECTORATE AND PLANNING CASEWORK UNIT REFERENCE: DPI/D1265/25/6

Daniel Alder MCIEEM

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1 INTRODUCTION

Experience

1.1 I am Daniel Alder MCIEEM. I am an independent ecologist with more than 35 years' experience in nature conservation, ecology and countryside management. This work has included the operational management of a range of terrestrial habitats including broadleaf woodlands.

1.2 I have a Master of science degree in Countryside Management by Research (2008) from Manchester Metropolitan University. I have a Doctor of Philosophy, PhD (2023) Research Degree from Manchester Metropolitan University on the effects of different woodland management types on woodland structure, and the responses of different taxonomic groups (Birds, bats and woodland plants) to the resultant changes from varying levels of tree retention.

1.3 My research interests have focussed on the effects of land management on different species and I have peer-reviewed publications.

1.4 I hold protected species licences for Bats and Badgers and am an experienced and published ornithologist.

1.5 I am a full member of the Chartered Institute of Ecology and Environmental Management ("**CIEEM**"). My work has included 20 years experience as an ecological advisor to local authorities across a broad range of functions. This has included highway maintenance and infrastructure projects, countryside and estate management and property services.

1.6 I have been involved in the Dinah's Hollow Improvement Scheme ("**Scheme**") since its inception. My involvement stems from 2014-15 while I was employed by Dorset County Council, Natural Environment Team as a Senior Ecologist and my role was to coordinate a suite of protected and priority species and habitat surveys during that period.

1.7 Since 2017 I have been self-employed full time. In 2022 I was asked by Dorset Council Highways to undertake a similar role to that undertaken in 2014-15 in coordinating a range of ecological surveys as part of the current project at Dinah's Hollow. This work has involved acting as liaison with the landowners to ensure that surveys could be undertaken at mutually convenient time, and that surveys were carried out at the optimal times when species were likely to be detected following best practice guidance[1].

2 SCOPE OF EVIDENCE

2.1 I have prepared this evidence in respect of the proposed public inquiry in relation to The Dorset Council (Dinah's Hollow Improvement Scheme) Compulsory Purchase Order 2024 (the "**CPO**") of land on the east and west sides of Dinah's Hollow, Melbury Abbas ("**Order Land**") which was made on 6 December 2024.

2.2 My evidence addresses the following issues:

2.2.1 a summary of ecological work carried out in respect of the Scheme;

[1] CIEEM (2022) (Revised from 2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.3. Chartered Institute of Ecology and Environmental Management, Winchester.). (CIEEM

2.2.2 findings and ecological impact of the Scheme based on the surveys I have co-ordinated;

2.2.3 ecological mitigation measures; and

2.2.4 I will respond to the objections to the CPO where the points raised pertain to ecology issues.

2.3 My evidence should be read alongside the following reports:

2.3.1 Landscape and Visual Impact Assessment dated July 2015;

2.3.2 Interim Ecological Assessment V3 dated May 2024; and

2.3.3 Landscape and Ecology Report v2 dated August 2024.

3 WORK UNDERTAKEN TO DATE

3.1 A comprehensive suite of assessments and surveys have been carried out in relation to the Scheme in 2022 and 2023. This has been used to establish a set of guiding principles for mitigation based on likely impacts. It is not exhaustive yet provides understanding of the most important ecological interests (also known as receptors) found at the Order Land at Dinah's Hollow, and sets a firm foundation of knowledge on which a final set of detailed surveys will be undertaken.

Preliminary Ecological Assessment

3.2 I conducted the initial survey work during 2022 as a Preliminary Ecological Assessment following CIEEM best practice guidance[2], to establish what was already known about the ecology at Dinah's Hollow, and to identify what was required to be done to provide updated and more detailed surveys and assessments to inform the proposed engineering scheme.

Interim Ecological Assessment

3.3 An Interim Ecological Assessment was produced by myself and three other specialist ecologists during 2023 following the recommendations of the Preliminary Ecological Assessment which I conducted during 2022.

3.4 The aim of the Interim Ecological Assessment was to provide an updated (given the previous surveys were undertaken in 2014-15) and more detailed baseline of information on the presence or likely presence of protected and priority species and habitats to inform the design and methods for implementation of a project to undertake ground stabilisation works at Dinah's Hollow. It follows the approach set out in the then current guidelines for ecological impact assessment[3].

3.5 The objectives of the interim Ecological assessment were to:

[2] (CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition Chartered Institute of Ecology and Environmental Management, Winchester

[3] CIEEM 2018 Revised 2022 Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2. Chartered Institute of Ecology and Environmental Management, Winchester.

3.5.1 Identify protected and priority species interests and their relative locations/distributions and screen out those unlikely to be found at the Order Land.

3.5.2 Identify protected and priority habitats and those habitat features which may provide habitats for other species which may be protected and priority.

3.5.3 To recommend further surveys for protected and priority species which must be carried out within the appropriate season and for the required duration to ensure a reasonable assessment of presence/absence and impact assessment can be made.

3.5.4 To review and where appropriate, integrate data from tree and landscape assessments when considering effects, impacts and mitigation.

3.5.5 To undertake a desk-top study of ecological records from Dorset Environmental Records Centre (DERC) for the Hollow and up to 2km around the Order Land to consider its context and proximity to other protected landscapes, their character, habitats, and species.

3.5.6 To evaluate the potential zone of influence of the Scheme upon each of the habitats and species groups and consider any cumulative impacts from developments in addition to the Scheme.

3.5.7 To inform the background survey work required for this full ecological impact assessment ("**EcIA**") of the Scheme. This considers the impacts of the Scheme and evaluates the mitigation hierarchy against the impacts and proposes the necessary measures that must be adopted. Once the

final detailed Scheme design is available a full EcIA will be used to inform and influence the design and methods to mitigate harm to habitats and species identified above. This will follow the mitigation hierarchy to avoid by changing plans/work to avoid harm: Mitigate to reduce the impact to a level which does not affect a species/habitat e.g., by timing work to avoid sensitive periods or excluding species temporarily: Compensate to address any residual loss of habitat e.g., by creating like for like 1) on site as priority or 2) away from site replacement habitat when all measures to secure on site have been exhausted, which can be secured into the future. Enhancement which involves provision of additionality leading to a net gain for biodiversity e.g., additional habitat creation which is measurable.

3.5.8 To provide an indication, based on best practice and expert judgement, on the need for any further surveys and the timing of these following the current CIEEM guidelines[4].

Landscape and Ecology Report

3.6 An ecological assessment has been carried out to ensure the requirements of protected and priority species are considered during the entire process of the proposal. This follows best practice CIEEM guidance for ecological impact

[4] (CIEEM 2019. Advice note - on the lifespan of ecological reports & surveys. Chartered Institute of Ecology and Environmental Management, Winchester).

assessment[5]. It has been informed by the Interim Ecological Assessment and includes the Landscape and Visual Impact Assessment:

3.6.1 The landscape and main ecological impacts of the Scheme.

3.6.2 The landscape and ecological mitigation measures.

3.6.3 Habitat enhancement measures

3.6.4 Hard landscape detailing

3.7 This statement is concerned only with the Ecology section of the Landscape and Ecology Report. This summarises the rationale and key results of the ecological survey and assessment carried out at Dinah's Hollow during 2023 (taken from the Interim Ecological Assessment 2023, referenced above). The objectives of which were to establish a baseline of information on ecological interests (receptors), to identify those features of ecological value and those species afforded legal protection, and then undertake assessment of impacts from the proposed Scheme. It is not exhaustive; several of the ecological receptors require further consideration once the final timescale and detailed design of the Scheme is confirmed. This will include further surveys and assessments as recommended in the interim ecological report because certain species may change their distribution during the time elapsed, and due to any changes to the final Scheme design which may reduce or increase the potential impacts. Appendix 1 lists the relevant legislation, policy and survey standards.

[5] (CIEEM 2022 (Revised from 2018). Guidelines for Ecological Impact Assessment (EcIA), Chartered Institute for Ecology and Environmental Management, Winchester).

4 RESULTS, IMPACTS AND MITIGATIONS

4.1 This section highlights the habitats and species considered, the rationale for likely effects and the potential impacts of the Scheme upon these, based on the expert opinion of the ecologists who assessed each. Where this is unknown or subject to further assessment then this is stated.

Habitats: Lowland Mixed Deciduous Woodland

4.2 This is the main habitat category which most closely resembles the wooded slopes at Dinah's Hollow. It was assessed as not being ancient woodland and is not recorded on Natural England's Ancient Woodland inventory. Dinah's Hollow was also deemed not to meet with the criteria as Lowland Mixed Deciduous Woodland Priority Habitat (habitat of principal importance under the list published by the government pursuant to s41 Natural Environment and Rural Communities Act 2006) because it is too small in area.

4.3 The density and therefore shading of the existing tree cover means the extent of the ground flora is patchy which is exacerbated by soil slippage in the steeper slopes. The impacts to woodland plants are deemed to be low, and localised because not all of the wooded slopes of Dinah's Hollow will be affected by the Scheme. It may be beneficial to increase structural diversity because of increases in light following tree removal. The mitigation for the Scheme will include a range of planting and regeneration options which in combination will form a comprehensive re vegetation strategy. Added to this is the planned retention of key trees and areas of existing ground flora. Mitigation for tree loss will involve replacement 70- 85 native tree planting within the Scheme and the Council is negotiating with landowners to carry our further planting around the

Scheme, and coppicing to retain species which are most suited within the Scheme e.g., Hazel. Where there are localised losses of woodland plants identified, then relocation to a suitable receptor site will be undertaken.

Protected and Priority Species

Hazel Dormouse

4.4 The presence of this species was confirmed during survey. Mitigation prior to and during construction is required and will follow licensing requirements from Natural England. This is because there will be retention of most trees and continuity of woody growth to allow this species to move around the site.

4.5 The impacts identified for this species were;

4.5.1 Loss of habitat.

4.5.2 Potential fragmentation of habitats.

4.5.3 Potential risk of killing/injuring a dormouse.

4.6 When mitigation is not considered, the works will have a significant adverse impact on dormouse at a regional level.

4.7 Mitigation measures include methods of vegetation removal, timing of works and measures to have in place beforehand e.g., habitat enhancement. There is a general principle to retain a diversity of woody cover for this species including dense understorey shrubs e.g., Hazel, Hawthorn, Blackthorn, Honeysuckle, and ensure this is continuous to avoid fragmentation effects which could negatively impact upon the favourable conservation status of this species here. The long-

term enhancement of woodland and establishment of new woodland will be a minor benefit for dormice within the site and within the zone of influence.

Bats

Twelve species of Bats were identified using Dinah's Hollow in 2023. During the Interim survey of trees, no bat roosts were confirmed, although there were a number of trees identified which had potential roost features requiring further inspection and assessment. Further survey of trees subject to removal will be undertaken to establish whether a bat mitigation licence will be required. If a licence is required, then the Council will satisfy the 'three tests' set out in in Regulation 55 of the Habitats and Species Regulations 2017. Given the number of species identified at Dinah's Hollow, the site is locally important and may be regionally important.

4.8 The potential impacts to bats from the Scheme to bats include;

4.8.1 Loss of roost trees.

4.8.2 Potential risk of killing/injury.

4.8.3 Fragmentation of flightlines and navigating corridors.

4.9 Where active roosts are identified trees should be retained and where this is not possible a mitigation licence from Natural England will be necessary. Generally, replacement planting and coppicing will be essential for long term mitigation to ensure the woodland habitat remains suitable for the different bat species identified here. A varied woodland structure which includes some areas of open habitat within Dinah's Hollow will likely benefit bats. Further survey and

assessment for these species is ongoing and will inform the final impact assessment and mitigation.

Great Crested Newts

4.10 Dinah's Hollow sits within an amber zone for this species and relates to where the distribution of Great Crested Newts ("**GCN**") has been categorised into district zones relating to GCN occurrence and the level of impact development is likely to have on this species. As such the species may be affected by schemes because they are more likely to be encountered. There are no water bodies affected by this proposal however, it was important to assess whether there was a breeding place for GCN to inform the risk and impact assessment at Dinah's Hollow. Surveys of the nearest water body during 2023 were negative for this species although given the amber zone status for the area mitigation will be required. The main risk of impact will be killing/injury of GCN during the construction phase of the slope stabilisation

4.11 The 2023 survey recorded no GCN on the Order Land, however, there is a risk of encountering GCN because the Order Land sits within the Natural England's Amber Zone for GCN. The impacts to GCN using the wooded slopes is deemed to be low.[6] The proposed Scheme is unlikely to have any significant effect on any local GCN population and therefore will not have a negative impact on maintaining the favourable conservation status of this species within this locality. Further assessment for this species will be ongoing to ensure there has been no change in status since the survey of 2023, and will inform the final impact

[6] GCN Mitigation Guidelines. English Nature (2001). Great Crested Newt Mitigation Guidelines. English Nature, Peterborough. Online: https://cieem.net/resource/great-crested-newt-mitigation-guidelines/

assessment and mitigation. Mitigation will include measures to ensure suitable refugia are present prior to construction and that GCN can continue to move through the site. A suitably qualified ecologist is likely to oversee the works following the preparation of a final risk assessment and method statement covering the Scheme and details of the mitigations required.

Birds

4.12 A total of 45 species of birds were identified during surveys with 20 confirmed as breeding. Of the total 6 species were red-listed as Birds of Conservation Concern ("**BoCC**") and 10 were amber-listed BoCC. Notably, 3 red-listed species, Greenfinch, Spotted Flycatcher and Mistle thrush, and 7 amber-listed species, including Song thrush, Wren and Tawny Owl, are all likely to breed within the woodland of the slopes. There were no schedule 1 listed (Wildlife and Countryside Act 1981) bird species found breeding during the 2023 survey. A Buzzard was found nesting in one of the mature trees during survey of 2023. A total of 21 bird species identified have a strong association with breeding in woodland. The main risks to woodland breeding birds will be from the direct effects of vegetation removal during the Scheme construction phase. Surveys will be repeated to provide current information to inform mitigation.

4.13 Mitigation will involve the timing of vegetation removal to avoid the nesting bird season. Where significant raptor nesting trees are affected (e.g., Buzzard) by the Scheme, nesting platforms will be installed in alternative trees in advance of work beginning. A method statement will be prepared by a suitably qualified ecologist to cover all aspects of mitigation. This will include mitigation planting and the management of vegetation which will provide continuity of bird nesting habitat.

The opening up of the canopy will increase light and allow the localised growth of understorey vegetation which enhances the opportunities for several species including all of those of conservation concern.

Badgers

4.14 Badgers had previously active setts within Dinah's Hollow during 2015. The survey carried out during 2023 did not identify any active setts, and many holes were filled with leaf-litter or soil from collapsed tunnels. The main risk is associated with badgers re-opening a sett or establishing a new sett close to or within the Scheme construction area and include:

4.14.1 Risk of damage/disturbance to an active sett

4.14.2 Killing/injury of badgers in a sett

4.14.3 Obstruction of an active sett

4.15 Mitigation will be to undertake further surveys which will check the status of all the previously recorded setts prior to construction. The timing of which will allow sufficient lead-in time to undertake detailed mitigation which will include a requirement for obtaining a Natural England licence where an active sett is located within the construction area. Further assessment will be carried out by a suitably qualified ecologist.

Common Protected Reptiles and Amphibians:

4.16 Several common species in this group are likely to use the slopes although for reptiles this is currently limited due to lack of open sunlit areas. Consideration of common protected species has been given and will be built into method

statements for the work programme. Mitigation includes ecological supervision and creation of suitable habitat refuges; e.g., log piles.

5 GENERAL HABITAT MITIGATION MEAURES

5.1 The Scheme includes a range of general mitigation measures as recommended by the Landscape and Ecology Report. These include:

5.1.1 retention of trees to maintain a wooded habitat;

5.1.2 retention of as many trees along the west and eastern slope crest lines;

5.1.3 key trees of landscape, ecological and amenity value retained on the upper slopes;

5.1.4 retention of existing topsoil and avoidance of introducing soils;

5.1.5 coppicing of appropriate trees and shrubs;

5.1.6 replanting through a range of whole sizes in the mesh reinforcing; and

5.1.7 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.

5.2 These are a set of guiding principles which will be adopted to ensure suitable woodland habitat conditions persist. These are complementary to the species and habitat measures stated above. The mitigation for the Scheme will include a range of planting and regeneration options which in combination will form a comprehensive re-vegetation strategy.

6 RESPONSE TO OBJECTIONS

Flora and Fauna

6.1 Mr and Mrs Phillips note in their objection that "*vegetation provides important habitat for flora and fauna which will be irreparably damaged by the scheme'*. Furthermore, Mr Hughes explains in his objection that *'rare flora and fauna will also disappear'*.

6.2 At present the density of trees and shrubs means the ground flora is patchy and there are areas of bare un-vegetated ground that are vulnerable to slippage. As part of the mitigation measures noted at paragraph 5 above, there will be a planned retention of key trees and areas of existing ground flora.

6.3 The flora and fauna found at Dinah's Hollow is unlikely to be irreparably damaged as a result of this Scheme as long as proportionate mitigations are in place. There will be localised impacts which have been addressed for each of the species and habitats assessed, and will be informed through the up-to-date surveys and assessments. All such work has followed best practice guidance.

6.4 In the longer term (5-10 years) post-completion of the Scheme, the ground flora and coppiced trees will regenerate and the newly planted trees and shrubs will mature, which will all help to integrate the Scheme into its surrounding landscape.

6.5 The Scheme also includes a range of woodland habitat enhancement measures such as log and brushwood piles, bird and bat boxes, dormice boxes and standing and falling deadwood timber.

Ancient woodland

6.6 Mr and Mrs Phillips and Messrs Maurice Flower & Son Ltd state that the proposals impact an *'ancient woodland'.*

6.7 The Order Land is not designated as ancient woodland although there are species which indicate continuity of semi-natural vegetation cover and tree management including coppicing which occurred many decades ago.

7 SUMMARY AND CONCLUSION

7.1 The ecological impacts of the Scheme are localised and will be greatest within the construction phase where most sensitivities have been identified.

7.2 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. Mitigation will be delivered through a combination of required licensing, method statements which set out the procedures and timing of operations to avoid and mitigate harm to those species identified.

7.3 A priority mitigation measure is to retain and establish a mix of woodland structure which includes young growth/coppice and canopy trees which is known to benefit a wide range of woodland associated species.

7.4 Retention of tree canopy across the highway to act as a linking arboreal habitat for Dormouse and flightlines for bats will be important objectives

7.5 All landscape and ecological work will be finalised and detailed within a landscape and ecological mitigation report which the council has signed up to delivering as part of the Scheme.

7.6 None of the objections made to the CPO pertaining to ecology matters amount to a good reason not to confirm the CPO.

APPENDIX 1- RELEVANT LEGISLATION, POLICY AND SURVEY STANDARDS

[1] WCA (Wildlife & Countryside Act 1981 (as amended)

[2] EPS (European Protected Species) EPS are protected under the Conservation of Habitats and Species Regulations 2017

[3] Protection of Badgers Act 1992

[4] WCA schedule 1 disturbance of certain species of nesting birds

[5] NERC (Natural Environment & Rural Communities Act 2006) s41 species & habitats of principal Importance

[6] Priority Habitat (see JNCC 2011) Definition Statement Priority Habitat Definition Statement: Lowland Mixed Deciduous Woodland v1.2. [Unpublished guidance for the National Biodiversity Network Southwest England Pilot Project.]

NB: Several species afforded statutory protection referred to and several which are not, are listed under NERC (2006) as species of principal importance which is relevant to public bodies including local authorities to help them meet their 'biodiversity duty', to be aware of biodiversity conservation in their policy or decision making (NE & DEFRA 2022[1]). Where planning permission is required, biodiversity is a material consideration (NE & DEFRA 2022). The Biodiversity Duty applies regardless of any planning requirements and is strengthened under the Environment Act 2021.

[7] POTENTIAL HABITAT NETWORK

Position within the Dorset Local Nature Partnership Habitat Network relating to the above Biodiversity duty and local nature recovery. More information.

BIRDS OF CONSERVATION CONCERN

Birds of Conservation Concern 5 is a report compiled by the Birds of Conservation Concern partnership, a coalition of the UK's leading bird conservation and monitoring organisations, which comprises the British Trust for Ornithology (BTO), Game and Wildlife Conservation Trust, Joint Nature Conservation Committee (JNCC), Natural England, Northern Ireland Environment Agency, Natural Resources Wales, NatureScot, and the Royal Society for the Protection of Birds (RSPB). The partnership reviews the status of all regularly occurring birds in the UK, Channel Islands and Isle of Man.

NATIONAL PLANNING POLICY

National Planning Policy Framework 15. Conserving and enhancing the natural environment. Department for Levelling Up, Housing and Communities 2021

BRITISH STANDARDS

BS 42020: 2013 Biodiversity. Code of practice for planning and development
BS 8596: 2015 Surveying for bats in trees and Woodlands – Guide
BS 8683: 2021 Process for designing and implementing Biodiversity Net Gain.

CRANBORNE CHASE & WEST WILTSHIRE National Landscape
Landscape Character Assessment and AONB Management Plan